



Commission
for Gender
Equality

The silent screams: exploring the drivers
of statutory rape, child marriage, and the
sexual exploitation of girls



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FOREWORD

South Africa's constitutional democracy is founded on the promise of dignity, equality, and freedom for all, with particular emphasis on the protection of children from abuse, neglect, and exploitation. Yet, despite a progressive legal framework and international commitments, the lived realities of many girls across the country reveal a disquieting contradiction between constitutional ideals and everyday experience. Child marriage, statutory rape, and the sexual exploitation of girls persist, cutting across rural and urban spaces, cultural and religious contexts, and socio-economic divides. These violations continue not at the margins of society but within families, schools, communities, and institutions meant to protect children.

It is within this context that the Commission for Gender Equality (CGE) undertook this study on the drivers of statutory rape, child marriage, and the sexual exploitation of girls in South Africa. Conducted across the Eastern Cape, Northern Cape, Free State, and Mpumalanga, the research responds to growing national concern about adolescent pregnancies, age-disparate sexual relationships, coerced unions, and the persistent normalisation of adult sexual access to girls. The study builds on the CGE's previous work on learner pregnancy, sexual violence in schools, and the broader gender-based violence and femicide (GBVF) crisis, while deliberately centring girls as rights-bearing subjects within systems that frequently silence, blame, or commodify them.

The findings presented in this report disturb any assumption that these forms of harm are rare, culturally exceptional, or the result of individual moral failure. Instead, the evidence demonstrates that child marriage, statutory rape, and sexual exploitation are structurally produced through the interaction of poverty, gender inequality, patriarchal authority, socio-cultural norms, and institutional weakness. Across all four provinces, girls' vulnerability emerges not as an accident of circumstance, but as something systematically organised within households, communities, and state systems that repeatedly fail to intervene decisively.

A particularly striking insight from the study is the profound gap between awareness and practice. Quantitative findings show high levels of recognition among men and parents/guardians that child marriage is harmful and that girls under 18 should not be married. Many respondents demonstrated sound legal awareness regarding the age of consent and children's rights. Yet the qualitative evidence reveals a very different reality on the ground, where age-disparate and transactional relationships involving adolescent girls are widely known, openly visible, and often tolerated, especially where economic provision is involved. This disjuncture reveals that legal knowledge and moral opposition, in the absence of structural support and accountability, are insufficient to disrupt entrenched patterns of exploitation.

The study further reveals how deeply compromised the notion of consent becomes within contexts of structural inequality. Girls' compliance in sexual or marital relationships is frequently shaped by material deprivation, family expectations, and male authority, rather than by free and informed choice. Consent, in these settings, is not an individual act but a negotiated outcome produced within unequal power relations. This finding is significant, as it challenges narratives that frame exploitation as "choice", "love", or "culture", and instead locates exploitation firmly within conditions of constrained agency and survival.

Economic vulnerability emerges as the most consistent driver across all provinces. Poverty, unemployment, household fragility, and limited access to services repeatedly push girls into relationships that function as informal survival strategies for themselves and their families. Material provision for example, money, food, clothing, school transport, or digital connectivity becomes a mechanism through which power is exercised and control is secured. In this context, girls' bodies are routinely positioned as buffers against economic insecurity, absorbing risks created by broader structural failures. This reality demands that responses to statutory rape and child marriage move beyond criminalisation alone to confront the underlying political economy that sustains exploitation.

Equally central to the findings is the role of patriarchy and gendered socialisation. Men's narratives across communities consistently point to masculinities grounded in control, entitlement, and perceptions that girls are more compliant and easier to influence. These gender norms are reinforced within families, cultural practices, religious teachings, and peer networks. While the study does not essentialise culture or religion as inherently harmful, it shows how these frameworks can be instrumentalised under conditions of poverty and inequality to legitimise practices that violate girls' rights. This nuance is crucial as it allows for culturally responsive interventions that confront patriarchy without collapsing into simplistic or stigmatising explanations.

The research also highlights the erosion of community based protective systems. Although harm is widely recognised, communities frequently adopt bystander positions, weakened by fear, economic dependency, and declining collective accountability. The growing role of digital spaces further compounds these risks, as online platforms increasingly serve as sites of grooming and coercion that outpace parental supervision, community awareness, and institutional response. At the same time, the findings show that caregivers and community members often have strong protective instincts, suggesting that silence is less about apathy and more about constraint.

Perhaps most troubling are the institutional failures documented across sectors. While many parents and guardians expressed willingness to report abuse, actual reporting is undermined by stigma, fear of retaliation, economic dependence on perpetrators, mistrust of authorities, and limited access to services. These barriers are not gender neutral because women caregivers, in particular, bear disproportionate burdens of unpaid care work, transport costs, and negotiation with institutions, reinforcing a feminisation of protection failure. The persistence of these barriers underscores the urgent need for coordinated, gender-responsive, survivor centred state responses.

This study is grounded in feminist and rightsbased theoretical frameworks that illuminate how power operates across social, economic, and institutional levels. The study applies feminist theory, a framework that reveals through the findings that statutory rape, child marriage, and sexual exploitation are not anomalies, but predictable outcomes of systems that regulate girls' bodies and futures while protecting male dominance.

The CGE presents this report not as an indictment of communities alone, but as a call to collective responsibility. The evidence clearly demonstrates that meaningful change cannot be achieved through awareness campaigns or legal reform in isolation. What is required is an integrated response that combines poverty alleviation, gender transformative norm change, robust child protection systems, digital safeguarding, and institutional accountability. Such an approach aligns directly with South Africa's constitutional obligations and international commitments, and with the CGE's mandate to monitor, investigate, and promote gender equality.

It is our hope that this report will inform policy reform, strengthen accountability, and contribute to sustained dialogue and action across government, civil society, traditional and religious leadership, and communities. Most importantly, this report is intended to affirm that girls are not disposable, negotiable, or collateral to social and economic hardship, but individuals whose dignity, autonomy, and safety are non-negotiable. Protecting girls from exploitation is not only a legal imperative; it is a measure of our collective commitment to a just and equal society.

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ACRONYMS

AFU	Asset Forfeiture Unit
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CGE	Commission for Gender Equality
CRC	Convention on the Rights of the Child
CSO / NGO	Civil Society Organisation / Non-Governmental Organisation
DBE	Department of Basic Education
DCS	Department of Community Safety
DHA	Department of Home Affairs
DHET	Department of Higher Education and Training
DOJCD	Department of Justice and Constitutional Development
DSAC	Department of Sport, Arts and Culture
DSD	Department of Social Development
DWYPD	Department of Women, Youth and Persons with Disabilities
DoH	Department of Health
FCS	Family Violence, Child Protection and Sexual Offences Unit
GBV	Gender-Based Violence
IPV	Intimate Partner Violence
NCPS	National Council for Persons with Disabilities
NPA	National Prosecuting Authority
SAPS	South African Police Service
SOP	Standard Operating Procedure
SRHR	Sexual And Reproductive Health And Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
VAWC	Violence Against Women And Children
WHO	World Health Organization

DEFINITIONS

This section aims to clarify the key terms and concepts used throughout the study, taking a comprehensive approach that examines how legislative frameworks intertwine with scholarly definitions. Understanding these definitions in the context of this research is crucial, as the terms form the basis for interpreting the subsequent analysis and findings.

- **Abduction** refers to the unlawful removal, detention, or enticement of a person, often with the intent to compel them into marriage, sexual exploitation, or both. In contexts of child marriage, abduction frequently involves the kidnapping of a minor, typically a girl, for a forced or unconsented union (Olaborode & Lumina, 2017). Under South African law, the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 criminalises the trafficking and sexual exploitation of children, including actions resembling abduction for marriage.
- **Age of consent framework:** The legal meaning of statutory rape depends on the ages of the parties involved:

Age of child	Legal position
Under 12 years	A child can never consent to any sexual act. Any sexual penetration or sexual violation constitutes statutory rape or sexual assault, irrespective of circumstances.
12–15 years	Consent is only recognised between children within this age group. If the other person is 16 or older, the act constitutes statutory rape/sexual violation.
16–17 years	Consent is legally valid only if the age difference is not more than two years. If the older person exceeds this threshold, the offence becomes statutory rape/sexual exploitation.
18 years and older	Full legal capacity to consent to sexual activity.

- **Age of consent**, according to South African legislation, the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, is set at 16 years, and sexual acts with children under this age constitute statutory rape or statutory sexual assault, depending on the circumstances (Republic of South Africa, 2007). The Act further provides that no child under 12 is capable of consenting to sexual activity under any circumstance. The legal meaning of statutory rape depends on the ages of the parties involved:
- **Child** is defined by the United Nations Convention on the Rights of the Child as any person under the age of 18, unless the age of majority is attained earlier under national legislation (United Nations [UN], 1989). In South Africa, a child is legally defined as any person under the age of 18, as stipulated in Section 28(3) of the Constitution of the Republic of South Africa, 1996, and reinforced by Section 1 of the Children's Act of 2005 (Republic of South Africa, 2005, 1996). The Constitution further provides that every child has a right to have their best interests considered paramount in every matter concerning them (Republic of South Africa, 1996; United Nations [UN], 1989).

- **Child marriages**, under the South African Constitution, involve a union where one or both parties are under 18 years, which is the age defining a child in Section 28(3), and is framed as a form of exploitation, abuse, or degrading treatment prohibited by Section 28(1)(d), with the child's best interests paramount per Section 28(2) (Constitution of the Republic of South Africa, 1996, Section 28). This protection intersects with related legislation like the Children's Act 38 of 2005 (Section 1), which bans engagement or marriage of children below legal minimums, though customary marriages under the Recognition of Customary Marriages Act allow exceptions with parental consent if in the child's best interests, creating tension with constitutional safeguards (Children's Act 38 of 2005).
- **Rape** is defined as non-consensual sexual intercourse or penetration, which may occur through physical force, coercion, manipulation, or when the victim is incapable of giving consent due to age, intoxication, unconsciousness, or mental incapacity (UN Women, 2019). Rape under Section 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 is defined as any act of sexual penetration without consent, regardless of the gender of either party, and includes oral, anal, or vaginal penetration with any object or body part (Republic of South Africa, 2007). The Act emphasises that consent must be given freely, voluntarily, and with full capacity to choose, and it explicitly criminalises coercion, deception, and abuse of power in sexual encounters.
- **Sexual exploitation** is the actual or attempted abuse of a position of vulnerability, power imbalance, or trust for sexual purposes, often for the benefit of the perpetrator, whether monetary, social, or political (UNDP, 2017). Sexual exploitation encompasses a range of harmful practices, including commercial sexual exploitation, where sexual acts are exchanged for money, goods, or services; child pornography, which involves the production, distribution, or possession of sexually explicit images of minors; and sexual slavery, where individuals are controlled and exploited for sexual purposes through force or coercion (UNDP, 2017). Similarly, under South African law, sexual exploitation of children refers to a broad range of criminal acts in which a child is used, induced, coerced, groomed, or benefited from for sexual purposes, whether physical sexual contact occurs. The primary legal basis is the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, read together with the Children's Act 38 of 2005 and relevant constitutional provisions.
- **Statutory rape** refers to sexual activity with a person who is below the legal age of consent. Legally, such activity is considered non-consensual regardless of the minor's apparent willingness or consent, as the law presumes that minors are unable to provide informed consent due to their age (Levesque, 2016). It is typically treated as a strict liability offence, meaning that the perpetrator's intent or knowledge of the victim's age is not a defence. In South African legislation, statutory rape refers to sexual penetration or sexual violation involving a child who is legally incapable of consenting, regardless of whether the child appears to have agreed to the sexual act. This concept is governed primarily by the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, as amended.

1 INTRODUCTION

Statistics South Africa (Stats SA) has persistently reported alarmingly high rates of pregnancies among girls aged 10-19, with live births recorded in the public health sector at 132,280 in 2022/23, 98,351 in 2023/24, and 117,195 in 2024/25. Despite significant media coverage and public discourse surrounding these figures, very limited discussion has taken place regarding the circumstances leading to these pregnancies.

In 2025, the Human Sciences Research Council (HSRC) conducted a study using descriptive statistics and the Pearson chi-square test of Independence to assess the prevalence of statutory rape. The HSRC applied Global Moran's I to explore spatial patterns and Local Moran's I to identify hotspots of statutory rape. The study revealed that of 7,058,458 recorded births over the past two decades, 21,396 were identified as resulting from statutory rape. Provinces with the highest levels of statutory rape-driven births were Mpumalanga (0.6%, $p < 0.001$), KwaZulu-Natal (0.5%), and Limpopo (0.4%). It is understood that these figures only reflect officially recorded live births and do not account for abortions, whether legal or illegal, home births, and other forms of undetected and unreported incidents of statutory rape.

In South Africa, girls are affected by child marriages, age-disparate relationships, rape, and various forms of sexual exploitation. Their voices are often silenced by entrenched socio-cultural norms, difficult economic conditions, and inadequate state responses to the plight of GBV and Femicide (GBVF). Traditional practices such as ukuthwala, funelani nganeno, ukuganiselwa/ukunganiselana, go shobedisa, and go thiba difate continue unabated in provinces such as KwaZulu-Natal, Eastern Cape, Mpumalanga, Free State, Northwest, Northern Cape, and Gauteng. Prevalent mostly in rural communities, these practices often involve the abduction of girls for forced marriages, sometimes with family consent (Rudwick & Posel, 2014). Ukuganiselwa (or ukunganiselana) is a cultural practice that forces widows, who may be adolescents or minors, to marry male relatives of their deceased husbands, a practice still present in Eastern Cape and KwaZulu-Natal (SAFLII, 2015). These customs endure under the guise of cultural preservation, leading to coerced child marriages and systemic denial of agency, education, and dignity for girls, perpetuated by tradition and structural barriers to justice and support.

A range of social phenomena reflect the intricate dynamics surrounding age-disparate relationships, particularly the concepts of sugar daddies, blessers, mavuso, and older sexual partners (Hoss & Blokland, 2018). These arrangements often involve girls engaging in intergenerational relationships, creating a complex paradox that intertwines agency, consent, grooming, and the potential for sexual exploitation. The vulnerability of girls, combined with the life experience of adult men, raises significant moral and legal concerns; however, these practices continue unabated.

It is important to note that, according to South African law, the age of sexual consent is set at 16 (Sexual Offences and Related Matters Amendment Act 32 of 2007); however, these relationships often occur regardless, fuelled by contexts marked by poverty, unemployment, and structural inequality. Such socio-economic factors intersect with socio-cultural norms and instances of GBV, complicating the dynamics of power and exploitation within these relationships (Mchunu & Bhana, 2025).

Research shows that sexual exploitation of girls in South African society is largely normalised, sustaining an environment in which the criminality of sexual violence is either minimised or excused. This culture is perpetuated through everyday language, victim-blaming attitudes, social media narratives, and institutional behaviours that shift accountability away from perpetrators, particularly men (Durham, 2021). Girls who experience sexual exploitation or early pregnancy are often stigmatised, silenced, or forced to leave school, while the abusers continue their lives unchallenged (Durham, 2021; CGE, 2023). In some cases, the very structures meant to protect children, such as schools, churches, and police services, fail to intervene or are themselves complicit in abuse and cover-ups (Royal, 2019).

Gaps in education, healthcare, and psychosocial support services for affected minors are compounded by the justice system's struggle to adopt survivor-centred, trauma-informed practices (UCT Children's Institute et al., 2023; Van der Burgh, 2024; Pillay & Kramers-Olen, 2023). Myths surrounding sexual violence, particularly in courtrooms, continue to perpetuate impunity, reinforcing abusive relationships or the very child marriage that survivors are trying to escape. As such, legal reform alone has proven to be insufficient.

This report is, therefore, based on a study that explored the multifaceted drivers of statutory rape, child marriages, and the sexual exploitation of girls in South Africa. The study specifically examined the dynamics within the Eastern Cape, Mpumalanga, Free State, and the Northern Cape provinces. The research aimed to uncover the underlying social, economic, cultural, legal, and institutional factors that contribute to these issues. The report was guided by the overarching goal of generating comprehensive, evidence-based knowledge on the various manifestations of child marriages and statutory rape, providing valuable insights for policymakers, community leaders, and advocacy groups striving to combat these urgent societal challenges.

The CGE also conducted this study to contribute towards bridging the knowledge and policy gap between formal legal protections and culturally embedded practices that normalise the sexual exploitation of girls. The study responds to the limited empirical research on how tradition, religion, and socio-economic pressures intersect to undermine the rights and agency of girls, particularly within customary and religious settings where harmful practices are protected under the guise of cultural preservation.

The study builds upon a 2023 CGE research report on learner pregnancy and the school drop-out of adolescents due to pregnancy and motherhood, as well as the CGE's investigative work, public hearings, and accountability sessions on teenage pregnancy (Northern Cape), sexual violence in schools (Limpopo), and sexual violence and the sexual exploitation of girls (Mpumalanga). The study aims to offer a research-informed lens into underreported dynamics such as coerced religious unions involving girls, child marriages, age-disparate sexual relationships, and various forms of child sexual exploitation.

1.1 Research aims

This study sought to explore the multifaceted drivers of statutory rape, child marriage, and the sexual exploitation of girls in South Africa. It specifically examined the dynamics within the provinces of the Eastern Cape, Mpumalanga, the Free State, and the Northern Cape.

The research aimed to identify the social, economic, cultural, and institutional factors that contribute to issues of child marriage, statutory rape, and the sexual exploitation of girls. It focused on generating comprehensive, evidence-based knowledge about the various forms these issues take. The insights generated from the research are intended to be valuable for policymakers, community leaders, and advocacy groups working to address these urgent societal challenges.

1.2 Objectives

The objectives of the study were as follows:

- To examine the role of societal factors, such as social norms, cultural traditions, religious beliefs, and community attitudes, in shaping child marriage, statutory rape, and sexual violence against girls.
- To explore and assess current efforts of various institutional and legal mechanisms aimed at addressing statutory rape, child marriage, and the sexual exploitation of girls, analysing the application of laws, enforcement practices, and support systems available to girls and families in these situations.
- To quantitatively evaluate men's knowledge, attitudes, and perceptions related to statutory rape, child marriage, and the sexual exploitation of girls, and to identify the socio-demographic, cultural, and contextual factors that influence these perceptions.
- To statistically examine parents' knowledge, attitudes, and perceptions of statutory rape, child marriage, and the sexual exploitation of girls, and to evaluate the roles and protective practices of parents in preventing these forms of abuse.

2 PROBLEM STATEMENT

Despite South Africa's progressive constitutional, legislative, and international commitments to protect children's rights, statutory rape, child marriage, and the sexual exploitation of girls remain pervasive and systemically normalised. This persistence reflects a profound gap between legal frameworks, particularly the Children's Act 38 of 2005, the Maputo Protocol, and Sustainable Development Goal (SDG) 5.3, among other relevant legislative frameworks, and lived realities shaped by entrenched patriarchy, gender inequality, cultural legitimacy, and institutional failures (Mtshali, 2022).

South Africa's Children's Act affirms that the child's best interests are paramount and recognises children as rights-bearing subjects entitled to dignity, bodily integrity, and protection from abuse. However, this legal recognition of bodily autonomy and evolving agency coexists uneasily with social realities in which children, especially adolescent girls, are positioned as sexually available, morally responsible, or complicit in their own exploitation (Levesque, 2016). This tension is exacerbated by developmental vulnerability, given that while adolescents may exercise limited agency in forming relationships, their cognitive, emotional, and social immaturity, shaped by power asymmetries, economic dependence, and gendered socialisation, renders them incapable of providing legally valid or ethically meaningful consent to sexual relations with adults (Levesque, 2016; Mathews & Berry, 2024). Furthermore, while the law correctly recognises this imbalance, society often does not.

Statutory rape in South Africa is therefore not merely an offence of age but a manifestation of GBVF, rooted in patriarchal systems that eroticise female youth, normalise male sexual entitlement, and obscure coercion under narratives of love, culture, or survival (Mshweshwe, 2020; Govender, 2023). Adult men's sexual access to girls is routinely legitimised through cultural practices, religious sanction, economic exchange, and popular discourse, while male predatory behaviour is de-emphasised or absolved. This produces a moral inversion in which girls are scrutinised for "consent", behaviour, or dress, while adult men's actions remain structurally excused (Mshweshwe, 2020; Govender, 2023; Durham, 2021; Gqola, 2015).

The Maputo Protocol explicitly prohibits child marriage and mandates state action to eliminate harmful practices, recognising that early and forced unions constitute violations of bodily autonomy, equality, and freedom from violence (African Union, 2003). Yet, in practice, harmful cultural and religious practices, such as ukuthwala and spiritually sanctioned child unions, continue to operate with limited state intervention, particularly in rural and impoverished contexts. Informal and unregistered unions further undermine accountability, rendering exploitation invisible in official data and weakening legal recourse. As acknowledged in South Africa's SDG Country Reports, these dynamics place the country off-track in meeting SDG 5.3, which requires the elimination of child, early, and forced marriage (Stats SA, 2023; UNICEF, 2023; CGE, 2025).

Crucially, statutory rape is insufficiently treated as a core component of GBVF frameworks. While GBVF policy discourse often centres on intimate partner violence and adult women, the systematic sexual abuse of girls by adult men remains conceptually siloed, as a moral transgression, cultural issue, or isolated criminal act, rather than recognised as a continuum of patriarchal violence (Jewkes et al., 2015; Mathews & Berry, 2024). This fragmentation obscures how early sexual exploitation conditions girls' lifelong exposure to violence: early pregnancy, school dropout, economic dependency, psychological trauma, and heightened vulnerability to further abuse (CGE, 2023).

Institutional responses exacerbate these failures. Child protection, justice, health, and education systems frequently prioritise institutional reputational management, cultural accommodation, or procedural formalism over survivor-centred, trauma-informed accountability (CGE, 2023; Duby et al., 2025). Schools lack effective mechanisms to support pregnant learners who are survivors of sexual violence, while policing and prosecutorial delays normalise impunity (CGE, 2023). Media representations further distort power dynamics by romanticising age-disparate relationships under euphemisms such as 'blessers', masking predation as aspiration (Durham, 2021).

The problem, therefore, is not an absence of law, but a crisis of enforcement, interpretation, and political will within a patriarchal social order that continues to tolerate the sexual exploitation of girls (Gqola, 2015). Until statutory rape is fully situated within South Africa's GBVF framework, as a structural, gendered form of violence linked to male dominance, economic inequality, and cultural legitimacy, legal protections will remain performative, and girls' constitutional rights to bodily autonomy, dignity, and safety will be systematically violated in plain sight (Govender, 2023).

This study, therefore, responds to this gap by interrogating the social, cultural, economic, legislative, and institutional drivers that enable statutory rape, child marriage, and broader sexual exploitation of girls, re-centring girls as rights-bearing beings whose vulnerability is produced not by their agency, but by patriarchal systems that prey upon it.

The study is also premised on Section 187 of the Constitution, which mandates the CGE to contribute to the strengthening and deepening of constitutional democracy in South Africa by promoting, protecting, developing, and attaining gender equality. Section 187(2) of the Constitution gives the CGE, as regulated by national legislation, the power to perform its functions, including the power to monitor, investigate, research, lobby, advise, and report to Parliament or other authorities on issues concerning gender equality.

3. LEGISLATIVE FRAMEWORKS

3.1 International frameworks

3.1.1 *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*

CEDAW, ratified by South Africa in 1995, is a key international treaty promoting gender equality and the elimination of discrimination against women and girls. CEDAW obliges states to adopt measures to end GBV, including rape and sexual exploitation. Article 5 specifically mandates the transformation of social and cultural norms that perpetuate gender inequality, making CEDAW particularly relevant in addressing child marriages and the systemic normalisation of sexual violence against women and girls (United Nations, 1979).

3.1.2 *Beijing Platform for Action (BPA)*

The BPA, adopted at the Fourth World Conference on Women in 1995, is a comprehensive global policy framework aimed at advancing gender equality and women's empowerment (United Nations, 1995). BPA outlines 12 crucial areas of concern, including violence against women, the girl child, and the effects of armed conflict on women and girls. The BPA explicitly calls for the elimination of all forms of violence against women and girls, including sexual abuse and exploitation, and urges states to develop laws, policies, and practices to protect and promote the rights of women and children (United Nations, 1995).

The BPA's focus on the girl child directly aligns with the challenges facing South African girls, who are disproportionately affected by sexual violence, as highlighted in recent research (Mathews & Berry, 2024; Govender, 2023). The platform urges governments to enforce laws that criminalise GBV and to establish effective prevention and support mechanisms. Moreover, the BPA stresses the importance of addressing socio-cultural and structural inequalities that sustain violence.

3.2 United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC, ratified by South Africa in 1995, affirms the right of every child to protection from all forms of sexual abuse and exploitation (Article 34). It mandates legal, educational, and social measures to prevent abuse and support recovery for victims. The Convention's holistic approach, centring on children's rights to dignity, safety, participation, and justice, serves as a foundation for policies aimed at dismantling statutory rape, child marriages, and the sexual exploitation of children (United Nations, 1989).

Regional frameworks

3.2.1 *African Charter on the Rights and Welfare of the Child (ACRWC)*

Ratified by South Africa in 2000, the ACRWC addresses child rights from an African perspective, specifically condemning child marriage and harmful traditional practices. The charter places a strong emphasis on protection from abuse, exploitation, and neglect. In tackling child marriages, the ACRWC underscores the state's duty to confront socio-cultural justifications for child sexual abuse and to create protective environments for children at risk (Organisation of African Unity, 1990).

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

The Maputo Protocol, adopted in 2003 and ratified by South Africa in 2005, is a key African human rights instrument specifically focused on the rights of women and girls. It obliges states to eliminate harmful practices such as child marriage, sexual exploitation, and female genital mutilation (Article 5), and calls for legal and policy measures to protect women and girls from all forms of GBV, including sexual abuse (African Union, 2003).

In the context of child marriages and sexual exploitation of minors, the Protocol reinforces the need for intersectional protections, acknowledging how gender, age, and cultural practices intersect to increase vulnerability. It also mandates access to justice and comprehensive support for survivors, making it a powerful tool for advocacy and legal accountability in child protection work.

Domestic frameworks

3.2.2 *White Paper on Marriages*

The White Paper on Marriages in South Africa, approved by Cabinet in March 2022, presents a transformative legal framework intended to consolidate and reform the country's fragmented marriage laws. Its primary aim is to create a single marriage statute that reflects the values of the South African Constitution, particularly equality, dignity, and non-discrimination, while also recognising the diversity of religious, cultural, and sexual identities in the country (Presidency, 2022; Department of Home Affairs, 2021).

The White Paper proposes the repeal of existing legislation, namely the Marriage Act of 1961, the Recognition of Customary Marriages Act of 1998, and the Civil Union Act of 2006. The White Paper aims to replace them with a comprehensive legal framework that governs all forms of marriage under a single unified law (Department of Home Affairs, 2022). One of the most significant aspects of the White Paper is its commitment to eradicating child marriage. Under current laws, a problematic area is that minors, especially girls, can marry under certain conditions with parental consent. The proposed changes would raise the legal marriage age to 18 for all persons without exception, aligning South African marriage law with international human rights standards and addressing the intersection between early marriage and child abuse (Motsoaledi, 2021).

This is particularly relevant given that child marriage is often a form of GBV, where girls are placed in vulnerable positions that expose them to physical, emotional, and sexual abuse (Mathews & Berry, 2024). By outlawing child marriage, the White Paper directly contributes to broader efforts aimed at protecting children, especially girls, from exploitation and trauma.

In addition, the White Paper promotes gender equality by ensuring that all marriages, regardless of religious, cultural, or sexual background, are governed by the same rights and obligations. This challenges patriarchal norms embedded in many traditional and religious practices that often subordinate women within marital relationships (Mshweshwe, 2020). The proposed legal framework also includes provisions to designate a wider range of marriage officers, including religious and traditional leaders, while ensuring that such designations align with constitutional principles (FOR SA, 2022). This ensures that customary practices do not override the legal rights of women and children, which is essential in a country where deeply entrenched cultural norms continue to enable GBV.

The White Paper is therefore directly relevant to ongoing discussions about child protection and the prevention of GBV in South Africa. This policy not only addresses systemic legal inequalities but also acknowledges the historical and cultural factors that perpetuate violence within families and communities. As part of the broader social transformation agenda, the White Paper reinforces the constitutional imperative to protect the rights and dignity of all individuals, especially vulnerable populations such as women, adolescents and children.

3.2.3 Marriage Act 25 of 1961

Current laws under the Recognition of Customary Marriages Act 120 of 1998 (RCMA) and the Marriage Act 25 of 1961 allow minors (under 18) to marry with parental or ministerial consent, dropping the age to 15 for girls in some cases. This conflicts with the Children's Act 38 of 2005, which sets 18 as the minimum marriage age, creating loopholes through customs like ukuthwala (forced abduction for marriage) among certain tribes and communities in South Africa. The continued presence of this older piece of legislation in the legal framework contributes to ambiguity around the legal age of marriage and consent. In the context of child marriages, this Act reflects outdated norms that may still influence practices in certain communities, legitimising early sexual relationships and weakening legal protections for minors (South African Government, 1961).

3.2.4 Children's Act 38 of 2005

This is the primary statute for child protection in South Africa. It sets the minimum legal age for marriage at 18 and prohibits child trafficking, sexual abuse, and exploitation. It introduces the principle of the "best interests of the child" as paramount in all matters concerning children. However, the persistence of underreporting, stigma, and inadequate enforcement weakens its practical impact on statutory rape, child marriages, and the sexual exploitation of children. Many children, particularly girls, still face systemic barriers to accessing justice and support services (South African Government, 2005).

3.2.5 Recognition of Customary Marriages Act 120 of 1998

While this Act requires both parties in a customary marriage to be at least 18 years old and to consent freely, customary practices that involve child betrothals or marriages still occur in some communities. This highlights a tension between cultural traditions and constitutional protections. In the context of child marriages and child sexual exploitation, such customary practices can blur the line between cultural rites and human rights violations (South African Government, 1998).

Trio of Gender-Based Violence (GBV) Acts (2021)

The following three amendment Acts were passed as part of South Africa's legislative response to the national crisis of GBV:

3.2.5.1 Criminal and Related Matters Amendment Act

This Act strengthens bail and sentencing conditions for perpetrators of GBV and sexual offences. It enhances victim protection by ensuring that courts consider past behaviour and the likelihood of reoffending. For minors, this provision is crucial as it aims to help reduce repeat offences against vulnerable victims and reinforce accountability in cases of sexual exploitation. It also addresses long-standing concerns about perpetrators being released on bail despite the severity of their crimes (South African Government, 2022a).

3.2.5.2 Domestic Violence Amendment Act

This Act broadens the scope of what constitutes domestic violence and includes protections for children exposed to or directly harmed by domestic abuse. It introduces new categories of abuse, such as spiritual and elder abuse, and significantly enhances the role of the police and courts in intervening early. For minors who are victims of incest, familial sexual abuse, or neglect, the Act provides stronger grounds for protective orders and facilitates easier access to support services (South African Government, 2022b).

3.2.5.3 Criminal Law (Sexual Offences and Related Matters) Amendment Act

This amendment expands the National Register for Sex Offenders to include more categories of offenders and victims, including children. It improves procedures for reporting and prosecuting sexual offences, aiming to create a more child-sensitive legal process (South African Government, 2022c).

Together, these Acts are a direct effort to dismantle child marriages, promote victim-centred justice, and address long-standing legal and systemic failures that have allowed the sexual exploitation of minors to persist.

4. THEORETICAL FRAMEWORK AND LITERATURE REVIEW

4.1 THEORETICAL FRAMEWORK

4.1.1 *Feminist and rights-based analysis framework*

The persistent prevalence of statutory rape, child marriage, and the sexual exploitation of girls in South Africa is not merely a failure of criminal law enforcement but a manifestation of deeply entrenched patriarchal systems that regulate girls' bodies, sexuality, and labour. Feminist theory, particularly feminist legal theory, African feminism, and intersectional feminism, provides crucial tools for understanding why these harms persist despite progressive legal frameworks and how they are structurally embedded within gendered power relations.

4.1.2 *Feminist legal theory: Consent, power, and the illusion of choice*

Feminist legal scholars have long challenged liberal legal notions of consent that abstract individual choice from social power relations. As scholars such as Catharine MacKinnon (1989) argue, consent in patriarchal societies is often constructed within conditions of inequality, coercion, and dependency, rendering formal "choice" meaningless for those without power.

In the context of statutory rape, this critique is particularly salient. Adolescent girls may appear to exercise agency, but their 'choices' are shaped by age hierarchies, economic precarity, gendered socialisation, and male sexual entitlement. South African law recognises this imbalance through the doctrine of strict liability in statutory rape provisions, correctly presuming that minors lack the capacity to consent to sexual activity with adults.

However, social and institutional discourses frequently undermine this legal principle by framing girls as willing participants, seductors, or beneficiaries of transactional relationships. Feminist legal theory exposes the contradiction that girls are simultaneously denied full citizenship and burdened with adult sexual responsibility. This double standard reflects what Smart (1989) identifies as the gendered moralisation of female sexuality, where girls are blamed for male violence while the structural conditions enabling predatory masculinity remain unquestioned.

4.1.3 *African feminist theory: Patriarchy, culture, and the regulation of girlhood*

African feminist scholars caution against analyses that attribute child marriage and sexual exploitation solely to "culture" without interrogating the patriarchal power structures that shape cultural practices (Tamale, 2020; Oyewùmí, 1997). Practices such as ukuthwala or spiritually sanctioned child unions are not static traditions but living, gendered institutions that have been reshaped under conditions of poverty, social inequality, and weakened state accountability.

Within many African contexts, girlhood occupies a precarious social position whereby girls are valued as future wives, sources of bridewealth, or vehicles for familial survival, rather than as autonomous rights holders. African feminist thought highlights how patriarchy operates relationally through families, churches, traditional authorities, and communities to discipline girls' sexuality while protecting male power (Tamale, 2020). The sexual exploitation of girls thus becomes normalised through moral narratives of respectability, obedience, and sacrifice, even as it causes profound physical and psychological harm.

The African Commission's human rights framework directly challenges these norms by asserting that culture and religion cannot justify violations of the bodily integrity of girls. The Maputo Protocol and the African Charter on the Rights and Welfare of the Child centre girls as subjects of rights, not merely as objects of cultural negotiation. Feminist engagement with these instruments underscores that ending child marriage and statutory rape requires not cultural erasure, but the dismantling of patriarchal authority that masquerades as tradition.

4.1.4 Intersectionality: Girls at the nexus of age, gender, and poverty

Intersectional feminism, articulated by Crenshaw (1989), is essential for understanding why statutory rape and sexual exploitation disproportionately affect poor, rural, and marginalised girls in South Africa. Girls experience violence at the intersection of age, gender, class, and geography, with poverty intensifying their vulnerability to exploitation. Economic desperation often pushes families to condone or facilitate relationships with adult men, reframing coercion as survival (Richter et al., 2014).

Yet intersectionality also reveals how institutional systems reproduce harm. Poor girls are less likely to access justice, psychosocial care, or educational continuation after sexual abuse. Schools, police, and health services frequently respond in ways that silence survivors, prioritise institutional reputation, or defer to cultural authority (Duby et al., 2025). Institutional responses constitute structural violence, where harm is produced not solely by perpetrators but by systems that fail to protect those most at risk (Galtung, 1969; Farmer, 2004).

4.1.5 Statutory rape as GBV and femicide (GBVF)

A crucial feminist intervention is the repositioning of statutory rape within the broader framework of genderbased violence and femicide. Feminist violence scholars emphasise that GBVF is a continuum, encompassing not only physical assault but also sexual exploitation, reproductive coercion, and the social conditions that render such violence possible (Kelly, 1988; Jewkes et al., 2015).

In South Africa, statutory rape is often analytically separated from GBVF policy frameworks, which tend to focus on adult intimate partner violence. This fragmentation obscures how early sexual exploitation conditions girls' lifelong exposure to violence, early pregnancy, school dropout, economic dependency, increased risk of abusive relationships, and longterm mental health consequences (Mathews & Berry, 2024). Feminist theory insists that sexual violence against girls is not preparatory or peripheral, but that it is constitutive of patriarchal violence. By framing statutory rape as GBVF, feminist analysis demands a shift from moralistic or cultural explanations toward male accountability and structural transformation. In addition, feminist analysis emphasises due diligence, which holds states responsible through ensuring criminalisation of violence is adequate, while holding the state responsible for not actively preventing violence and dismantling the conditions that sustain it.

4.1.6 Centring girls' rights: Bodily autonomy and evolving agency

Central to feminist and humanrights analysis is the concept of bodily autonomy. The Maputo Protocol, the ACRWC, and South Africa's Children's Act affirm that girls have inherent dignity and the right to bodily integrity. At the same time, feminist scholars caution against simplistic invocations of agency that ignore developmental realities, emphasising that adolescents' agency is evolving and not absolute; therefore, it must be supported and protected, not exploited.

A rights-based feminist approach, therefore, rejects two extremes: portraying girls as powerless victims or as autonomous actors fully responsible for their sexual exploitation. Instead, it recognises that agency exercised under constraint is not true freedom, and that protecting girls' rights requires creating conditions in which bodily autonomy can be meaningfully realised through education, economic security, social support, and robust accountability mechanisms for adult men and enabling institutions.

5 LITERATURE REVIEW

5.1 Statutory rape, age of consent, and bodily autonomy

Statutory rape occupies a complex and often contested position within sexual violence literature, particularly in contexts marked by intersecting inequalities of age, gender, class, and power. In South Africa, police data recorded over 500 statutory rape cases between 2024 and early 2025, while a national study identified 21,396 births linked to statutory rape between 2003 and 2023 (Masuku et al., 2025; South African Police Service [SAPS], 2025). These figures are widely acknowledged to represent only a fraction of actual experiences due to pervasive underreporting, inconsistent classification, and the systematic masking of statutory rape within broader categories of sexual offences.

The absence of a centralised, disaggregated data system results in statutory rape being subsumed under general sexual offence statistics, limiting evidence-based policymaking and targeted prevention strategies (Parliament of South Africa, 2025). This disconnect exemplifies a broader “paper rights” problem, where formal protections exist but are insufficiently realised in practice, eroding trust in state institutions and limiting survivors' willingness to seek redress (ECPAT International, 2019). This statistical invisibility reflects not only administrative weaknesses but also deeper social and legal ambiguities surrounding adolescent consent and bodily autonomy.

At the centre of these ambiguities lies the tension between legal definitions of consent and the lived realities of adolescents' sexual and relational experiences. South African law presumes that girls and boys below the age of consent cannot legally agree to sexual activity with adults, reflecting a protective intent grounded in safeguarding bodily autonomy. However, scholars caution that when statutory rape is reduced solely to questions of age, without attention to power asymmetries, coercion, and social context, it risks obscuring the structural conditions under which “consent” is produced or foreclosed (Gavey, 2018; Moffett, 2006). In many cases, apparent consent occurs within profoundly unequal social relations shaped by poverty, gender norms, age-disparate partnerships, and material dependency, rendering adolescents' agency constrained rather than freely exercised.

The sugar daddy or blesser relationships phenomenon has emerged as a prominent site through which statutory rape, constrained consent, and adolescent bodily autonomy are negotiated and obscured in South Africa. These relationships, typically involving older, economically powerful men and girls or young women, are frequently framed in public discourse as consensual, aspirational, or transactional partnerships. However, South African public health scholarship consistently demonstrates that such framings mask profound power asymmetries rooted in age, gender, and material inequality (Jewkes et al., 2012; Leclerc-Madlala, 2008).

Empirical studies indicate that age-disparate relationships are widespread among adolescent girls and young women in South Africa, particularly in contexts of poverty, unemployment, and limited educational or social mobility (Harrison et al., 2015; Shisana et al., 2014). While some young women articulate these relationships as strategic choices aimed at securing financial support, social status, or consumptive goods, researchers caution against interpreting these narratives as evidence of unfettered agency. Instead, such choices are made within structurally constrained environments in which economic deprivation, gendered expectations of provision, and limited opportunities systematically narrow the range of viable alternatives (Kaufman & Stavrou, 2004; Moffett, 20).

The concept of blessers, popularised in South African media and youth cultures, further complicates understandings of consent and exploitation. Unlike earlier representations of sugar daddies as purely transactional, blesser relationships are often discursively framed as mutually beneficial, emotionally intimate, and aspirational, particularly through social media imagery that normalises luxury consumption as a marker of success (Rikhotso et al., 2023). This reframing obscures the extent to which these relationships frequently involve minors or adolescents, rendering them legally incompatible with consent and, in many cases, constitutive of statutory rape under South African law.

From a legal and ethical perspective, the framing of these relationships as consensual overlooks the foundational principle that consent cannot be meaningfully exercised in conditions of significant power imbalance. South African studies highlight how material provision often operates as a mechanism of coercion, creating expectations of sexual availability and compliance while foreclosing the possibility of refusal without severe social or economic consequences (Jewkes & Morrell, 2018). This dynamic is particularly acute for adolescents, whose developmental stage, dependency, and legal status further compromise their capacity to negotiate sexual encounters on equal terms.

Health and HIV research have been especially instrumental in exposing the risks associated with sugar daddy and blesser relationships. Age-disparate partnerships have been consistently linked to increased vulnerability to HIV infection, unintended pregnancy, and other adverse sexual and reproductive health outcomes among adolescent girls (Jewkes et al., 2012; Shisana, et al., 2014). South Africa records over 130,000 births annually among girls aged 10–19. Older male partners are more likely to have higher HIV prevalence, greater decision-making power over condom use, and multiple concurrent partners, undermining young women's control over their bodies and sexual health. These risks persist even where relationships are socially sanctioned or perceived as desirable.

Crucially, the normalisation of sugar daddy and blesser relationships contributes to the broader invisibility of statutory rape within institutional and community responses to sexual violence. When sexual relationships between minors and adult men are framed as transactional or aspirational, they are less likely to be reported, investigated, or prosecuted, reinforcing a culture of impunity (Leclerc-Madlala, 2008; Parliament of South Africa, 2025). This normalisation is further reinforced by gendered social norms that valorise masculine provision and feminine compliance, positioning girls as responsible for navigating exploitative dynamics rather than recognising structural coercion (Bhana et al., 2019).

Scholars warn that policy and prevention efforts that focus narrowly on “behaviour change” among girls risk reproducing victim-blaming narratives and obscuring the political economy of sexual exploitation (Moffett, 2006; Tamale, 2011). By contrast, a crucial lens foregrounds how sugar daddy and blesser relationships are sustained by intersecting regimes of poverty, patriarchal gender relations, consumer capitalism, and weak enforcement of child protection laws. Within this framework, adolescents’ expressions of agency must be understood as negotiated and constrained, rather than as evidence of genuine sexual autonomy.

In this sense, sugar daddy and blesser relationships function as socially legitimised sites of sexual exploitation that blur the boundaries between consent, coercion, and criminality. The acceptance of sugar daddies and blessers within communities, institutions, and popular culture undermines the protective intent of statutory rape legislation and weakens collective accountability (Rikhotso et al., 2023).

Stigma, fear of disclosure, and the normalisation of age-disparate sexual relationships further complicate access to healthcare and justice for survivors. Adolescents frequently internalise blame or perceive their experiences as socially sanctioned, particularly where material exchange or emotional attachment is involved (Willan et al., 2024; Rikhotso et al., 2023). Research shows that these dynamics challenge simplistic victim–perpetrator binaries, without negating the fundamental reality that adolescents’ bodily autonomy is systematically undermined by unequal power relations (Bhana et al., 2019). As a result, statutory rape becomes socially tolerated, institutionally minimised, and politically deprioritised.

Institutional responses to statutory rape in South Africa further reflect this ambivalence. Parliamentary findings indicate that statutory rape occurs across schools, households, and communities, often involving authority figures or significantly older partners; yet, cases are frequently reclassified or informally resolved, weakening accountability (Parliament of South Africa, 2025). Overburdened social services, fragmented referral systems, and inadequate child protection capacity dilute the urgency of intervention and contribute to a cycle of silence and impunity (Centre for Human Rights, 2016). Spatial inequalities further entrench these challenges. Rural and peri-urban areas often face limited access to justice, health services, and social support, alongside stronger adherence to traditional norms that normalise early sexual initiation and unequal gender relations (Bhana et al., 2019).

Over time, the cumulative effects of statistical invisibility, institutional neglect, and constrained bodily autonomy contribute to intergenerational poverty, skewed dependency ratios, and restricted socio-economic mobility. In this sense, statutory rape is not merely a subset of sexual violence, but a crucial, yet persistently under-recognised, driver of structural inequality in South Africa, with resonance across the African continent and globally (Moffett, 2006; Willan et al., 2024).

It is important to recognise that girls do not exclusively marry adult men, as peer marriages also occur, though often under different dynamics. When girls marry peers defined as young men of a similar age, the relationships may still be shaped by economic deprivation, limited educational opportunity, and entrenched gender expectations that circumscribe girls’ autonomy and decision-making (Bhana & Pattman, 2015). Whether married to a peer or married to adult men, the outcomes for girls often converge around disrupted schooling, early childbearing, and constrained future prospects.

5.1.1 *Child marriage, cultural norms, and religious scripts*

The latest data in South Africa indicate that approximately 4% of women aged 20–24 were married before age 18, a prevalence that is higher in rural areas and among disadvantaged populations. Official records from 2021 show that at least 207 children under 18 were legally married, with the majority being girls (Child Marriage Data Portal, 2024; Statistics South Africa, 2023).

Child marriage is deeply embedded in patriarchal traditions, religious interpretations, and family dynamics that collectively diminish the autonomy of girls and normalise their sexual exploitation in the country (Gqola, 2015). Harmful practices such as ukuthwala (bride abduction), funelani nganeno, go shobedisa, and ukanganiselana disguise coercion as tradition, enabling the sexual exploitation of minors under the pretext of cultural preservation. Although South Africa's Marriage Act sets 18 as the minimum age for civil marriage, customary unions and informal arrangements continue to facilitate child marriages, particularly in rural provinces where poverty, gender inequality, and social pressure intersect (Statistics South Africa, 2021; CGE, 2023; UNICEF, 2023).

Girls who are subjected to early or forced marriage often face significant barriers to their education, leading to economic dependency on adult partners. This situation considerably increases their vulnerability to sexual exploitation, intimate partner violence, early pregnancy, and HIV infection (UNICEF, 2023; UNFPA, 2022). The HSRC's (2024) Sixth South African National HIV Prevalence, Incidence, Behaviour, and Communication Survey (SABSSM VI, 2022 data released 2023–2024) found that HIV prevalence was 6.9% among adolescent girls and young women (AGYW) aged 15–24, compared to 3.5% for boys and young men in the same group. HSRC analyses further show that prevalence among young women increases markedly with age, from approximately 5–6% in those aged 15–19 years to around 8% among those aged 20–24 years, remaining consistently higher than that of young men.

Furthermore, the detrimental effects of child marriage extend beyond individual health and safety; they encompass a profound loss of bodily autonomy and the silencing of victims while normalising sexual abuse under the guise of cultural acceptance. Early and forced marriages also perpetuate intergenerational cycles of poverty and gender inequality by disrupting girls' educational pathways and restricting their future access to formal labour markets.

Literature further demonstrates that such marriages are frequently embedded within patriarchal systems that position girls as subordinate to male authority, thereby constraining their decision-making power over their own bodies, sexuality, and reproductive health (Javed et al., 2021; Walker, 2012). In this context, the coercive nature of these unions is often obscured by cultural, traditional, or economic justifications, making it difficult for victims to seek redress or support. Consequently, child marriage operates not only as a harmful practice but also as a structural mechanism that sustains gendered power imbalances and legitimises violence against girls.

In addition, early and forced marriage significantly increases the burden of unpaid care and domestic work placed on girls, further reinforcing their marginalisation. Once married, girls are typically expected to assume adult roles prematurely, including childcare, household management, and caregiving responsibilities for extended family members. This disproportionate allocation of unpaid labour limits their opportunities for education, skills development, and economic independence, effectively locking them into cycles of dependency and poverty.

According to the International Labour Organization (ILO, 2018) and UN Women (2020), girls and women already perform most unpaid care work globally, and child marriage exacerbates this inequality by shifting these responsibilities onto girls at a formative stage of their lives. The intersection of early marriage and unpaid care work not only restricts girls' life chances but also sustains broader socio-economic systems that undervalue and invisibilise reproductive labour. Addressing child marriage, therefore, requires a holistic approach that recognises its links to gendered labour divisions, economic exclusion, and structural inequality.

Patriarchal values, deeply embedded in social and cultural structures, allow environments that both enable and conceal child marriages. Societies rooted in patriarchy prioritise male dominance and reinforce gender roles in which women are systematically subordinated. These power dynamics are not abstract constructs; they manifest in family and community settings, privileging men's authority, decision-making, and social status while relegating women to submissive, domestic roles (Orth, 2018; Connell, 1987). In such contexts, the imperative to protect family reputation often outweighs concern for victims, resulting in widespread silence and a reluctance to report abuse.

Community norms further discourage victims from seeking help, as disclosure can lead to social ostracism, retaliation, or the perception that survivors are the source of familial or communal shame. The cumulative result is a pervasive stigma that protects perpetrators while silencing and isolating their victims, especially when abuse occurs within the family or among close relations (Koski et al., 2017).

At the individual level, socialisation processes play an important role in normalising sexual aggression among men and instilling compliance and silence in women. Boys are often raised within families and broader social systems that equate masculinity with control, dominance, or sexual entitlement, while girls are conditioned to prioritise modesty and obedience at the expense of their own safety (Ajiboye, 2021; Blue Knot, 2023).

Compounding these challenges, law enforcement and judicial systems, despite progressive legal reforms, frequently perpetuate victim-blaming, allocate resources inadequately, and demonstrate gaps in policy implementation, collectively undermining prevention efforts and emboldening perpetrators (Royal, 2019; The Independent, 2020). Legal instruments such as the Children's Act 38 of 2005 and the Criminal Law (Sexual Offences and Related Matters) Amendment Act define and prohibit statutory rape, child marriage, and related abuses; yet, they cannot, on their own, address the social and symbolic legitimisation of sexual violence that exists within communities (Department of Justice and Constitutional Development, 2007; Department of Social Development, 2005).

This practice of child marriage extends beyond South Africa and finds parallels in countries such as Malawi, Kenya, and Uganda, where traditional and religious practices continue to facilitate the abuse of girls. In Malawi, the kusasa fumbi ritual subjects girls to non-consensual 'sexual cleansing' by adult men after initiation rites (Anele, 2020). In Kenya, widow cleansing and bride-price practices often place women and girls in sexually vulnerable positions, especially in rural areas where patriarchal interpretations of custom remain dominant (Mutiso & Wanjiku, 2022). In Uganda, child marriages and coercive sexual unions are perpetuated by community elders and religious figures under the guise of protecting family honour or avoiding economic burden (UNICEF, 2022).

While statutory frameworks in all three countries define and prohibit such practices, child marriage continues to thrive through a combination of institutional inaction, community silence, and entrenched belief systems. These cross-border manifestations highlight a regional pattern where tradition and patriarchy intersect, and legal protections for girls often carry little practical weight in day-to-day realities.

5.1.2 Political economy, poverty, and the economisation of girls' bodies in South Africa

South Africa's contemporary crisis of child sexual exploitation cannot be disentangled from the country's prolonged economic stagnation, extreme unemployment, and gendered poverty. The South African economy has experienced sluggish growth for over a decade, failing to absorb new labour market entrants, particularly women and young people. As of 2024, the official unemployment rate ranged from 32% to 33.5%, while the expanded unemployment rate exceeded 41% (Statistics South Africa, 2024). Young people remain disproportionately impacted, with approximately 3.6 million youth aged 15–24 not being in employment, education, or training (NEET). Young African women, in particular, experience the highest rates of unemployment and economic exclusion (Statistics South Africa, 2024). This structural economic marginalisation creates conditions in which households increasingly rely on informal, precarious, and often harmful survival strategies.

Within this context, the sexual exploitation of girls becomes embedded within broader household economies and communal norms of survival. Scholars argue that when formal economic systems fail, the burden of social reproduction frequently shifts onto women and girls, whose bodies and labour become sites for compensating economic shortfalls (Jewkes & Morrell, 2018; Moffett, 2006). In South Africa, this has manifested in multiple, overlapping practices that normalise the exchange of the bodies of girls for material gain, including sex trades along trucking routes, transactional sexual cultures such as mavuso, and familial complicity in child sexual abuse.

One of the most well-documented forms of sexual exploitation linked to economic distress is the sex trade involving girls and young women along major transport corridors. Studies along national highways, particularly the N3 route, demonstrate a persistent sex economy involving long-distance truck drivers and young female sex workers, many of whom enter sex work as minors due to poverty, orphanhood, or family pressure (Makhakhe et al., 2017; Ramjee & Gouws, 2002). Extreme power asymmetries, coercion, and significant health risks, including elevated HIV prevalence, characterise these exchanges. Although often framed as 'sex work', research shows that the distinction between voluntary participation and exploitation is deeply blurred when entry is driven by economic desperation and familial survival imperatives rather than meaningful choice.

A 2009 statistical brief from the Children's Institute at the University of Cape Town, using Statistics South Africa's 2006 General Household Survey (GHS), estimated that 0.67% of South African children lived in child-headed households (CHH), equating to approximately 122,000 children of 18.2 million. In 2006, about 90% of child-headed households were located in Limpopo, KwaZulu-Natal, and the Eastern Cape.

At a community level, transactional sexual practices, such as mavuso (money given to a woman or girl after sexual intimacy), further normalise the economisation of girls' bodies. While defenders of mavuso frame it as cultural appreciation or informal support, crucial scholarship and investigative reporting reveal that mavuso frequently involves adolescents and girls, occurring in contexts such as taverns, townships, and informal social gatherings (IOL, 2016; Rafadi, 2025). Mavuso operates as a socially sanctioned exchange that disguises sexual exploitation under the language of generosity and reciprocity.

Crucially, mavuso socialises girls into the expectation that sexual interaction must yield financial return, reinforcing the notion that their bodies are economic assets rather than a part of their autonomous selves.

This expectation is often reinforced within families themselves. Qualitative research on child sexual abuse in South Africa highlights how economic dependency on male partners or breadwinners can lead some mothers or caregivers to ignore, minimise, or even facilitate sexual abuse of their children to maintain financial security or relational stability (Ward et al., 2018; Mabetshe et al., 2022). Where male partners provide rent, food, or income in contexts of widespread unemployment, disclosure of abuse is frequently perceived as a threat to household survival. This dynamic transforms silence into a survival strategy and positions girls' bodies as collateral within intimate economies of dependence.

South Africa's national poverty lines (Stats SA, 2024) use a cost-of-basic-needs approach: the Food Poverty Line (FPL) at R796 per person per month, the Lower-Bound Poverty Line (LBPL) at R1,109, and the Upper-Bound Poverty Line (UBPL) at R1,634 (May 2024 prices). These lines measure household consumption, with LBPL adding non-food spending for FPL-level households, and UBPL reflecting broader basic needs. Stats SA's Poverty Trends report (December 2025, based on the Income & Expenditure Survey 2022/23) shows that 37.9% of the population lives below the LBPL (R1,300 in 2023 prices), down 19.6 points since 2006; women and girls make up 53.6% of the poor. Female-headed households face higher rates, often exceeding 50% UBPL poverty in rural provinces, driven by larger sizes and lower per capita income. Provinces like the Eastern Cape and Limpopo host 60% of the poor.

In terms of child poverty, UNICEF's (2024) analysis showed that 62% of South African children were in multidimensional poverty, rising to 88% in rural areas versus 41% in urban areas, with female-headed households more prone to hunger (Stats SA Marginalised Groups Indicator 2024 notes 16.3% child hunger nationally). Furthermore, gender-disaggregated data illustrated that women and children were most affected, though child-specific gender gaps were minimal. The Child Support Grant aids about 13 million children; however, gaps persist. Black/African children bear 73.6% poverty rates.

Cultural norms further entrench these practices. In many communities, girls are socialised to "bring something back" after spending time with a sexual partner, reinforcing the idea that sexual relationships are incomplete without material exchange (Kaufman & Stavrou, 2004). This logic collapses the boundary between intimacy and income generation, particularly for girls who lack other avenues for contributing to household economies. Over time, these norms

cultivate a moral economy in which the exchange of girls' bodies is rendered intelligible, expected, and even valorised. The practice of lobola, as already alluded to, also intersects uneasily with these dynamics. While lobola holds important cultural significance related to kinship, legitimacy, and social belonging, scholars note that its increasing monetisation has intensified perceptions of women and girls as commodities with exchange value (Parker, 2015; Sennott et al., 2020).

In economically precarious contexts, families may view daughters as future sources of financial relief, whether through marriage negotiations or transactional relationships that mimic lobola logics without formal marriage. This instrumentalisation is not universal nor inherent to lobola itself, but emerges at the intersection of patriarchal norms, poverty, and capitalist commodification (Togarasei & Chitando, 2021). Taken together, these dynamics help explain why the economisation of young girls' bodies becomes both pervasive and resilient in South Africa. Structural unemployment hollows out legitimate livelihood pathways; gendered expectations assign economic responsibility to girls' sexuality; and cultural practices, stripped of their original relational meanings, become tools for justifying exploitation. In this environment, statutory rape, child prostitution, and familial complicity are not anomalies but predictable outcomes of systemic economic failure and weak child protection enforcement.

5.1.3 Legal and policy frameworks: Gaps between laws and reality

South Africa is internationally recognised for its progressive constitutional and legislative framework aimed at protecting the rights of children and eliminating sexual violence. Key among these are the Constitution of South Africa (1996), the Children's Act 38 of 2005, and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (as amended by Act 13 of 2021), all of which articulate strong protections against child sexual abuse, exploitation, and statutory rape.

These laws uphold the best interests of the child, criminalise coerced sexual activity involving minors, and promote accountability for perpetrators (Department of Justice, 2021). However, while these frameworks are robust on paper, their implementation is often undermined by systemic gaps, cultural resistance, and institutional shortcomings, particularly in rural and marginalised communities (Mokomane & Richter, 2020; CGE, 2023).

One of the most pressing concerns is the inadequate implementation and enforcement of these laws. Despite the legal age of marriage being 18, many traditional communities continue to facilitate and endorse child marriages under the guise of cultural preservation. These unions are often not registered with the state, making them invisible to legal and child protection systems (Stats SA, 2023). Law enforcement agencies and local justice systems frequently lack the training and resources to respond effectively to such violations. The CGE (2023) has noted that many police officers and prosecutors are unfamiliar with child protection laws or remain influenced by patriarchal and cultural biases, leading to weak investigations and poor conviction rates for offences such as statutory rape and coerced child marriage.

South Africa's dual legal system, which recognises both statutory and customary law, often creates conflicts in legal interpretation and application. While intended to promote cultural inclusion, this framework creates ambiguity where customary practices such as ukuthwala or go shobedisa are used to justify child marriages that violate statutory protections (Mtshali, 2022).

It is important to note that literature underscores that ukuthwala historically involved a symbolic or actual removal of a young woman by a suitor's family to initiate marriage negotiations, typically with the consent of both families and eventual payment of lobola (bridewealth) (Nkosi & Buthelezi, 2014). Defenders of ukuthwala argue that it is a legitimate cultural institution intended to affirm family alliances and uphold customary marriage pathways, rather than an inherently exploitative act (Rice, 2018). They contend that abuses arise not from the practice itself but from the distortion of its intent by individuals seeking to evade social and legal accountability.

However, extensive literature shows that in contemporary practice, ukuthwala is frequently manipulated to facilitate forced marriage, sexual exploitation, and rape of minors without genuine consent (Matshidze et al., 2017; Nkosi & Buthelezi, 2014). Such misuse constitutes a gross violation of human rights, often resulting in long-term psychological harm, educational discontinuity, and economic marginalisation for girls.

In addition to the well-documented practice of ukuthwala, other cultural practices that are cited in South African discourse include funelani nganeno and vat en sit, reflecting the complex ways in which tradition intersects with gendered power and vulnerability. Funelani nganeno is referenced in official human rights reviews as a distorted form of bride abduction linked to child marriage, which, although illegal, persists in some communities as a misappropriation of customary practices (South African Human Rights Commission, 2026).

Other culturally sanctioned practices, such as ukuganiselana among the Nguni and go thiba difate among the Bapedi, further illustrate how arranged unions can intersect with power imbalances to disadvantage girls. Ukuganiselana involves marriage negotiations initiated by the parents without the girl's informed consent and is particularly prevalent in socially stratified families where marriage is both an economic and status transaction (Mtshali, 2014). Go thiba difate, historically practised among Bapedi royalty and adopted more broadly in some communities, entails betrothal during infancy, often without the girl's involvement or consent (Mtshali, 2014). Both underscore how cultural scripts around marriage can offload agency from the girl onto elders, reinforcing patriarchal authority and limiting autonomy.

Religious interpretations also play a role in maintaining these practices, where patriarchal readings of scripture are used to justify early marriage and female submissiveness. Some religious leaders defend early marriage on the grounds of preserving moral purity or aligning with divine design for family structures, despite evidence that such practices place girls at heightened risk of exploitation, pregnancy, and abuse (Jewkes et al., 2015). These religious defences often blur the distinction between spiritual belief and cultural norm, making intervention more complex.

Similarly, vat en sit (cohabitation common in some African communities where a couple lives together without formal marriage or payment of lobola) has drawn scholarly and theological attention for its perceived threat to formalised marriage structures and the erosion of marriage legitimacy (Baloyi, 2016). Critics of vat en sit argue that such unions can undermine family authority and lead to precarious situations for women and girls, particularly when relationships lack recognised social or legal support (Baloyi, 2016). Importantly, these practices occur against the backdrop of the persistence of intergenerational relationships and child marriage.

Furthermore, traditional leaders, who often hold considerable power in local governance structures, may prioritise customary dispute resolution over formal legal processes. In many cases, sexual abuse and child marriage are resolved through informal arrangements, including forced unions or financial compensation, which bypass legal accountability and deny survivors access to justice (Leach, 2015).

The judicial process itself can further deter victims from seeking justice. Courtrooms often lack trauma-informed procedures, and child victims are subjected to aggressive cross-examinations that undermine their credibility and reinforce harmful myths about sexual violence (Mathews, Martin, & Coetzee, 2016). These courtroom dynamics perpetuate the notion that girls are complicit in their victimisation, particularly when a teenage pregnancy is interpreted as evidence of consensual sex, despite the age disparity between victims and perpetrators. As Royal (2019) argues, many magistrates still operate within a rape myth framework, often failing to distinguish between coercion and consent in cases involving minors.

A significant challenge lies in the fragmented delivery of services across state departments. The lack of coordination between the Departments of Social Development, Health, Education, and Justice frequently results in cases 'falling through the cracks'. Survivors are often unable to access integrated support systems that include healthcare, psychosocial assistance, and legal aid (Mathews et al., 2016). Within schools, which should function as protective environments, clear protocols for reporting or responding to abuse are frequently absent. Educators often lack training to identify grooming behaviours or may avoid reporting cases due to fear of community backlash or concern regarding the school's reputation (Commission for Gender Equality [CGE], 2023).

The issue is further complicated by the unregistered or delayed registration of child marriages, which often escape state detection. According to Statistics South Africa (2023), many early marriages, particularly in rural areas, are not officially recorded and may only be registered once the girl turns 18. This enables perpetrators to evade prosecution, as legal documentation may misrepresent the girl's age at the time of marriage or pregnancy. Late birth registration further impedes efforts to monitor trends and prosecute statutory rape.

Notwithstanding regional commitments under instruments such as the Maputo Protocol and the African Charter on the Rights and Welfare of the Child, implementation remains weak. Article 6 of the Maputo Protocol and Article 21(2) of the African Charter mandate the prohibition of child marriage and the establishment of 18 as the minimum age of marriage (Mbaku, 2020). Despite legal prohibitions against child marriage, enforcement of these laws is frequently weak or absent at the local level, particularly in provinces such as the Eastern Cape, KwaZulu-Natal, and Limpopo. In these regions, deeply entrenched patriarchal values and customary law practices continue to dominate social norms and governance structures (Javed et al., 2021; UNICEF, 2024). Similar trends have been observed in countries like Tanzania and Ghana, where child marriage persists despite legal prohibitions due to cultural permissiveness and a lack of enforcement (Abeid et al., 2014; Amoah et al., 2021).

Preventative efforts, such as the implementation of Comprehensive Sexuality Education (CSE), have encountered challenges in both rollout and community acceptance, particularly within the South African schooling system and in rural and socially conservative communities. In South Africa, Comprehensive Sexuality Education is implemented through the Life Orientation curriculum by the Department of Basic Education; however, its delivery has been uneven due to inadequate teacher training, limited resources, and inconsistent monitoring across provinces (Department of Basic Education, 2019).

Resistance has also emerged from parents, religious groups, and community leaders who argue that Comprehensive Sexuality Education conflicts with cultural or moral values, especially in provinces such as KwaZulu-Natal and the Eastern Cape, where traditional norms strongly influence perceptions of sexuality and childhood (Bhana et al., 2019). In some instances, misinformation about the idea that the curriculum content promotes early sexual activity has led to protests and delays in implementation, further limiting its effectiveness as a preventative tool against teenage pregnancy, child marriage, and sexual exploitation. These challenges are compounded in rural and under-resourced areas, where schools may lack the institutional support to deliver the curriculum effectively, and where broader socio-economic inequalities shape young people's access to accurate sexual and reproductive health information (Mkhwananzi, 2025). As a result, while Comprehensive Sexuality Education remains a crucial intervention within national policy frameworks, its impact is uneven, reflecting broader tensions between public health objectives, cultural beliefs, and systemic capacity constraints (Mkhwananzi, 2025).

Conservative religious and cultural opposition has stalled or diluted these programmes, including the availability of healthcare facilities in schools, particularly in rural and traditional areas (UNESCO, 2020; CGE, 2023). In 2023, a study conducted by the CGE revealed that some schools in the rural areas of the Eastern Cape were unable to continue their partnerships with the Department of Health for mobile health clinics due to backlash from parents. Thus, without sustained, gender-transformative education that challenges patriarchal norms and promotes crucial understandings of consent and power dynamics, legal reform alone is insufficient. As Hamid (2021) and Durham (2021) argue, meaningful transformation requires simultaneous legal, educational, and cultural interventions.

6 METHODOLOGY

6.1 Research design

The study employed a mixed-methods approach, combining quantitative and qualitative methods to provide a broader, more complex understanding of the research problem (Almeida, 2018). In mixed-methods studies, researcher(s) collect, analyse, and integrate both qualitative and quantitative data in a single study (Creswell & Clark, 2011; Sharma et al., 2023). Sharma et al. (2023) further assert that the purpose of this methodology is to enrich study findings and to explore complex research problems that cannot be addressed by one method alone.

This approach was adopted for the present study to deepen the investigation and address the research aim and objectives, as well as to leverage the strengths of both qualitative and quantitative methodologies.

The study used an embedded or nested design, a mixed-methods approach in which one type of data (quantitative or qualitative) serves as the primary role, while a secondary, supporting method provides additional context or insights (Fetters et al., 2020). This approach allows for either simultaneous or sequential data collection and is often employed to enhance a main study with supplementary, smaller-scale data (Kroll & Neri, 2009). In this study, the dominant method was qualitative, while the secondary method was quantitative. Furthermore, data collection occurred concurrently. Methods of data collection included surveys, focus group discussions, group interviews, and one-on-one interviews.

6.2 Data collection

This study adopted a mixed-methods research design that combined quantitative and qualitative approaches. This allowed the CGE researchers to triangulate findings, enhance validity and reliability, and generate richer insights than any single method could alone (Creswell & Plano Clark, 2018; Zohrabi, 2013).

For the qualitative component, the study used a combination of one-on-one interviews, focus group discussions, and group interviews with different participant categories. One-on-one interviews were conducted with subject experts and members of civil society organisations, while group interviews, with two to four participants per sitting, were conducted with key informants such as traditional leaders, religious leaders, and government department officials. Unlike larger focus groups, smaller group interviews allow for deeper exploration of perspectives while still enabling interaction and collective reflection (Guest et al., 2017).

This approach is particularly useful for sensitive topics, such as in the case of this study, as it balances the intimacy of one-on-one interviews with the richness of group dynamics, ensuring that participants feel comfortable sharing their views without being overshadowed or silenced by larger numbers (Guest et al., 2017; Krueger & Casey, 2015).

Focus group discussions were held with a participant cohort of community members. The group discussions were divided in terms of gender and encompassed various community role players, such as parents or guardians, the elderly, educators, social workers, police officers, community leaders, traditional healers, unemployed youth, and victims and survivors of various forms of violence against women and girls, or GBV and femicide.

The focus group discussions provided valuable insights into the complex ways in which community norms, access to service delivery, and cultural interpretations intertwine to influence the perception and experiences of the issues of statutory rape, child marriages, and the sexual

The purpose of the men's survey was to explore male perceptions, experiences, and roles in the normalisation or rejection of child marriage and sexual exploitation. This component sought to examine how men understand, justify, or challenge such practices within their social and cultural contexts. In contrast, the parents and guardians survey aimed to understand perceptions, attitudes, and levels of awareness regarding child marriage, sexual exploitation, and related cultural or religious practices. This allowed for insight into the broader social environment and normative frameworks that may influence or sustain such practices.

A quantitative approach was appropriate for generating measurable data and identifying patterns, trends, and relationships across the two groups (Creswell & Creswell, 2018). The relatively balanced distribution between the men's group (n=37) and the parents and guardians group (n=33) supported comparative descriptive analysis and facilitated cross-group interpretation of findings. The data were analysed using descriptive and, where appropriate, inferential statistical techniques to identify key patterns within and between the groups.

While quantitative methods enhance objectivity and enable systematic comparison, the modest sample size means that the findings are best interpreted as indicative of trends within the study context rather than statistically generalisable to a wider population (Bryman, 2016; Field, 2018; Hair et al., 2019). To address this and enrich the analysis, the quantitative findings were complemented with qualitative data, in line with mixed-methods research principles, enabling deeper contextual understanding and interpretation of the results.

6.3 Sampling

According to Makwana et al. (2023, p. 762), sampling is "a process of choosing a sample of a population from an individual or large group informed by research aims and objectives". Similarly, Verma et al. (2017) describe sampling as the technique of selecting a suitable subset or representative sample of a population to determine the parameters or characteristics of the whole.

In mixed-methods research, sampling involves the deliberate selection of both quantitative and qualitative participants to address different yet complementary components of a research question (Creswell & Plano Clark, 2018).

For the quantitative component, this study employed probability sampling, specifically simple random sampling. This is the most fundamental form of probability sampling, in which every member of the target population has an equal and independent chance of being selected (Lohr, 2019; Teddlie & Yu, 2007). Applying simple random sampling to the distribution of structured surveys across participants in selected provinces enhanced the representativeness of the data, reduced selection bias, and thereby strengthened the validity of statistical findings on attitudes, perceptions, and norms relating to statutory rape, child marriage, and the sexual exploitation of girls. The participant groups sampled for the surveys were men aged 18 and older, and parents and guardians of girls.

The qualitative component, on the other hand, relied on non-probability purposive sampling, in which participants are intentionally chosen because they have specific characteristics, experiences, or knowledge that align with the study's objectives (Palinkas et al., 2015). This approach was particularly relevant to sensitive topics such as child marriage and the sexual exploitation of girls, where it is crucial to access participants who can provide rich, contextually grounded insights. Purposive sampling was used to include traditional leaders who are custodians of cultural practices, religious leaders, community members, subject experts, civil society organisations (CSOs), non-governmental organisations (NGOs), and key governmental departments.

Table 1: Participants of the study

Provinces	Government Departments (National & Provincial)	Civil society/ NGOs	Traditional leaders	Religious leaders	Total participants in focus groups	Total
Free State	NPA-2 DSD-2	3	-	5	60	72
Mpumalanga	DCS-2 NPA-2 SAPS-2	1	-	4	53	64
Northern Cape	NPA-2 DOH-4		6	4	93	109
Eastern Cape	DSD-3 DCS-1 DOH-1 NPA-3	3	1	-	81	93
Total	24	7	7	13	287	338

In addition to the table above, the study included interviews with three subject experts who are scholars, alongside engagements with representatives from the South African Council of Churches (SACC) and the Muslim Council, as shown in the table below:

Subject experts	SACC	Muslim council	Total
3	18	2	23

These figures bring the total number of participants in the qualitative component of the study to 361.

Furthermore, it is worth noting that, in terms of focus group discussions held with participants in provinces, six focus group discussions were conducted in each province across at least two to three districts to ensure a comprehensive and contextually grounded provincial reflection of the study.

Table 2: Research sites and participating civil society organisations and non-governmental organisations

Province/ Category	Communities/Districts	CSOs/NGOs
Mpumalanga	Bushbuckridge (Ehlanzeni District) Standerton (Gert Sibande District) KwaMhlanga (Nkangala District)	Sonke Gender Justice
Free State	Botshabelo (Mangaung District) Welkom (Lejweleputswa District)	Setshabelo Family and Child Services Banna Buang Foundation
Eastern Cape	Butterworth Sokapase Village (Amathole District) Matatiele – Cedarville (Alfred Nzo District) Mthatha (OR Tambo District)	Sonke Gender Justice African Solutions to African Problems (ASAP)
Northern Cape	Platfontein (Francis Baard District) Hopetown (Pixley kaSeme District) Kuruman (John Taolo Gaetsewe District)	-
National		Tears Foundation Childline

The quantitative component of this mixed-methods study used structured survey questionnaires administered to two distinct participant groups: men and parents and guardians in the four provinces of the study. The men's survey comprised 37 participants, while the parents and guardians survey included 33, resulting in an overall sample of 70 respondents. This segmentation enabled the study to capture diverse, yet complementary, perspectives on the issues under investigation.

To reiterate, while quantitative methods enhance objectivity and facilitate systematic comparison, the modest sample size indicates that the findings should be regarded as indicative of trends within the study context rather than statistically generalisable to a broader population (Bryman, 2016; Field, 2018; Hair et al., 2019). To address this limitation and enrich the analysis, the qualitative data were used to complement the quantitative findings, in line with mixed-methods research principles. This approach allowed for a deeper contextual understanding and interpretation of the results.

6.4 Recruitment strategy

This project engaged a broad range of stakeholders, including traditional leaders, religious leaders, parents and guardians, government officials, civil society actors, community members, and subject-matter experts. The recruitment process was carried out with assistance from various sources, including provincial offices of the CGE and numerous civil society organisations and non-governmental organisations dedicated to social development. To ensure appropriate subject experts were brought in, the researchers conducted thorough investigations and carefully aligned selections with the specific scope and objectives of the research project.

Furthermore, Traditional Leadership Councils and Provincial Houses of Traditional Leaders played a pivotal role in the process. Formal letters of request were submitted to them, ensuring that all necessary protocols were followed. Additionally, local traditional councils were directly engaged, selected for their cultural significance and the prevalence of customary practices within their regions. This approach emphasised the importance of respecting local traditions.

The research team also engaged with several key government stakeholders. Letters of engagement were sent through the national offices and the provincial heads of departments in the relevant provinces of the study. One-on-one and group interviews were conducted in the stakeholders' respective offices, and for some departments, officials were interviewed virtually via Microsoft Teams. The stakeholders included the South African Police Service (SAPS), the National Prosecuting Authority (NPA), the Department of Basic Education (DBE), the Department of Health (DoH), the Department of Social Development (DSD), and the Department of Community Safety (DCS).

To enhance survey participation, the provincial offices of the CGE took proactive steps by disseminating survey links through the various platforms used by their stakeholders. This effort was made possible by the strong collaboration with a diverse array of stakeholders, particularly civil society organisations, which actively supported the initiative. Additionally, the Communications Unit of the CGE contributed significantly by ensuring the survey tools reached a broader audience through CGE internal media channels.

6.5 Data analysis

Regarding data analysis, audio-recorded engagements were transcribed. The transcripts were analysed thematically using the approach outlined by Braun and Clarke (2023), which provides a systematic and flexible method for identifying patterns within qualitative data. The analysis followed the six-phase thematic analysis process.

First, the researcher engaged in data familiarisation by repeatedly reading the transcripts and noting initial observations. Second, initial codes were generated using a combination of inductive (data-driven) and deductive (theory-informed) approaches to capture salient features of the data. Third, these codes were then organised into potential themes, reflecting broader patterns of meaning. Fourth, the themes were reviewed and refined to ensure coherence within themes and clear distinctions between them. Fifth, each theme was defined and named, with careful consideration given to its relevance to the research objectives. Finally, the analysis was produced and reported, integrating the themes into a coherent narrative supported by illustrative data extracts. This rigorous process enabled the identification of recurring themes, contextual factors, and meaningful insights across the dataset (Braun & Clarke, 2023).

The quantitative component of the study consisted of structured online surveys administered to men and to parents and guardians. Data were analysed using descriptive and inferential statistical techniques to examine patterns, relationships, and group differences across the sample. Initially, data cleaning and screening were conducted to identify missing values, inconsistencies, and outliers, thereby ensuring data quality and reliability (Alan Bryman, 2016). Thereafter, descriptive statistics, including frequencies, percentages, and cross-tabulations, were used to summarise demographic characteristics and key variables such as attitudes, perceptions, and reported behaviours (Louis Cohen et al., 2018).

The analysis also accounted for the presence of multiple-response questions, where respondents could select more than one option. In such cases, percentages were calculated based on the total number of respondents rather than the total number of responses, so aggregated percentages may exceed 100%. This approach is widely accepted in survey research as it more accurately reflects the distribution of responses across categories (Louis Cohen et al., 2018). Findings were then interpreted in relation to the study objectives. The results are presented using tables, charts, graphs, and narrative summaries to enhance clarity and support evidence-based conclusions.

6.6 Ethical considerations

The CGE abides by the ethical standards of research. Central to this are the key ethical principles that the CGE adheres to, including the following:

- Respect and protection
- Transparency
- Scientific professionalism
- Accountability

CGE researchers are guided by a strong commitment to ethical standards in all research activities involving individuals, communities, and other social groups. These ethical principles include, but are not limited to, informed consent, voluntary participation, confidentiality, anonymity, and the right to withdraw from the study at any stage without consequence (Resnik, 2020). CGE researchers are expected to uphold universally accepted professional research standards and ensure that the rights, dignity, and well-being of all participants are protected throughout the research process (Israel & Hay, 2006).

In conducting research that engages directly with people and communities, CGE researchers are required to act with integrity, transparency, and accountability. This includes providing clear information about the research's purpose, how the data will be used, and ensuring that participation does not cause harm or distress (Tracy, 2010). Special attention is given to respecting cultural norms and power dynamics within communities, particularly when working with vulnerable or marginalised groups. By adhering to these ethical commitments, the CGE ensures that its research is not only methodologically sound but also socially responsible and respectful of human rights (Orb, Eisenhauer, & Wynaden, 2001).

6.6.1 Informed consent

Each prospective participant was provided with comprehensive, transparent information about various aspects of the study. This included a thorough explanation of the research aims and objectives, a detailed outline of the procedures they would undergo, an honest assessment of any potential risks, and a clear description of the anticipated benefits of their participation. This approach ensured that individuals were fully informed before deciding to take part in the study.

6.6.2 Voluntary participation

Participation in the study was entirely voluntary, ensuring that no individual felt pressured, manipulated, or coerced into taking part. The researchers involved in this study underwent thorough training to recognise signs of hesitation or distress among potential participants, enabling them to respond compassionately and appropriately.

While community leaders and gatekeepers were consulted to facilitate access, they played no role in undermining or overriding an individual's right to consent. Each participant made a deliberate, informed, and voluntary decision to engage in the study, fully aware of what their participation entailed. Furthermore, participants were required to sign consent forms covering both their involvement in the study and the audio recording of the interviews.

Nominations for officials within government departments were organised through the heads of various provincial departments and the director-generals at the national level. The CGE Act 39 of 1996 grants the CGE the authority to seek information and mandates that all state entities and government bodies comply with these requests. Despite this power, the researchers approached their interactions with government officials with a strong sense of sensitivity, respect, and integrity, ensuring that their engagements fostered a collaborative atmosphere.

6.6.3 Confidentiality and anonymity

Maintaining confidentiality and anonymity is crucial in research. Therefore, no real names, addresses, or identifying details were included in any publication or report. Participants were assigned pseudonyms, and all data were securely stored on encrypted, password-protected systems. Any third parties involved, such as translators or transcribers, signed confidentiality agreements. These measures ensured that participants were protected from any social, emotional, or physical harm that could arise from the disclosure of their identities.

6.6.4 Beneficence

The study was designed to protect participants from harm while generating knowledge that leads to meaningful change. Interviews and engagements were conducted with care and sensitivity. When necessary, participants were referred to psychosocial services for additional support. The study aimed to maximise benefits and minimise harm by strengthening policies, legal systems, and support networks that protect minors from sexual exploitation. This approach prioritised the well-being of participants and promoted justice at both individual and systemic levels.

6.6.5 Trustworthiness, validity, and credibility of the study

6.6.5.1 Trustworthiness of the study (qualitative component)

In this study, trustworthiness was applied specifically to the qualitative component to ensure the rigour, depth, and integrity of findings. Trustworthiness was guided by the four widely accepted criteria: credibility, transferability, dependability, and confirmability (Nowell et al., 2017).

Credibility was established through prolonged engagement with participants and the research context. This enabled the researchers to build rapport and gain a nuanced understanding of sensitive issues, including practices such as ukuthwala and transactional relationships. Triangulation further strengthened credibility by drawing on multiple data sources, including focus group discussions with community members (grouped by gender), key informant interviews with traditional leaders, religious leaders, social workers, members of CSOs and NGOs, subject experts, and government department officials.

This multi-perspective approach allowed for cross-verification of findings and reduced the likelihood of partial or biased interpretations.

Transferability was addressed through purposive sampling, which ensured the inclusion of participants with direct experience or knowledge of the phenomena under study.

Furthermore, detailed contextual descriptions of the socio-cultural and economic environment were provided, enabling readers to assess the applicability of the findings to similar contexts.

Dependability was ensured through consistent, well-documented research procedures. Standardised interview guides and focus group protocols were applied across sites, and the research process was carefully documented to allow for transparency and potential replication. An audit trail capturing methodological decisions, field notes, and analytical steps was maintained throughout the study.

Confirmability was strengthened by grounding findings in participants' accounts rather than the researcher's assumptions. Reflexivity was practised throughout, with the researchers crucially reflecting on their positionality and potential influence on data collection and interpretation. Supporting evidence, including verbatim quotations from participants, was used to substantiate key themes and interpretations (Nowell et al., 2017; Gunawan et al., 2021).

6.6.5.2 *Validity and credibility (quantitative component)*

Validity and credibility were addressed in the quantitative component to ensure that the data accurately measured and reflected patterns across the study sites.

Content validity was established through the development and pre-testing of structured questionnaires. The instruments were reviewed to ensure that questions were clear, culturally appropriate, and aligned with the study objectives, particularly in capturing sensitive issues such as statutory rape, child marriage, and sexual exploitation of girls. Feedback from pilot testing informed revisions, improving the clarity and relevance of the tool.

Construct validity was established by operationalising key concepts such as consent, coercion, and exploitation in ways that reflect both legal definitions and lived realities in the South African context. This helped ensure that the data collected meaningfully represented the phenomena under investigation.

Statistical conclusion validity was strengthened by appropriate sampling techniques, including simple random sampling, which enhanced the representativeness of the sample. The application of descriptive statistics (e.g., frequencies and percentages) and inferential analyses enabled the identification of patterns, relationships, and trends across provinces. These methods ensured that conclusions drawn from the data were based on robust and systematic analysis (Creswell & Plano Clark, 2018).

Reliability, closely linked to quantitative credibility, was supported by the consistent administration of questionnaires and the use of standardised data-collection procedures across all study sites. This reduced measurement error and ensured consistency in responses.

6.7 LIMITATIONS & CONSTRAINTS

Typically, studies have limitations and constraints. In studies of this nature focusing on statutory rape, child marriages, and the sexual exploitation of girls, the participation of key government departments is not merely complementary but foundational to the integrity, reliability, and comprehensiveness of the data. For example, departments such as the Department of Home Affairs play a crucial role in registering live births, which are essential for establishing baseline demographic trends, verifying age-related data, and identifying discrepancies across sectors. Similarly, departments such as Health, Education, Social Development, and the SAPS are custodians of administrative, service-delivery, and case-management data that collectively illuminate patterns of vulnerability, reporting, intervention, and protection.

The participation and contributions of these government departments and entities enable triangulation of data, strengthen evidence-based analysis, and ensure that findings reflect the realities of affected children across multiple systems. The absence or non-cooperation of these stakeholders, therefore, creates significant gaps, limits cross-sectoral verification, and constrains the study's ability to present a fully integrated and empirically robust account of statutory rape, child marriage, and sexual exploitation of girls in South Africa.

Departments and institutions that did not comply despite formal requests and follow-ups are as follows:

- Department of Home Affairs
- Northern Cape and Free State Provincial Houses of Traditional Leadership.
- Free State, Eastern Cape, and Mpumalanga Provincial Departments of Health, Free State, Eastern Cape, and Mpumalanga Provincial Departments of Basic Education
- Northern Cape and Mpumalanga Provincial Departments of Social Development
- National, Free State, Northern Cape, and Eastern Cape SAPS.

Regarding study constraints, surveys were administered exclusively in English, which limited accessibility for non-English speakers. The distribution of surveys also relied primarily on digital platforms, such as email and WhatsApp, inadvertently excluding participants who lacked access to essential technological resources, including smartphones and affordable data. This challenge was compounded by digital illiteracy and limited technological infrastructure, thereby constraining equitable participation in the study and severely reducing the sample size.

Finally, another limitation was the confinement of the research to four specific provinces: the Eastern Cape, Mpumalanga, Northern Cape, and Free State, even though the subject affects girls across South Africa in intricate and multifaceted ways. This geographical limitation, however, was necessitated by institutional resource constraints. It is important to note that the selection of the four provinces was intentional, aiming to include areas that have been the focus of previous studies, particularly Mpumalanga and the Eastern Cape, while also venturing into provinces often overlooked in research, such as the Northern Cape and Free State. This approach was designed to capture and illuminate the rich and diverse dynamics of the issues across various contexts within the country.

7 FINDINGS OF THE STUDY: PART A – QUALITATIVE FINDINGS

7.1 Northern Cape

7.1.1 Socioeconomic, cultural, and religious constructions of consent, sexuality, and girlhood

The study's findings reveal that in the rural and semi-rural communities of Kuruman, Platfontein, and Hopetown in the Northern Cape, issues of consent, sexuality, and girlhood are shaped by a complex mix of socio-cultural, traditional, religious, and economic factors. These contexts are characterised by high levels of poverty, limited formal employment, and strong kinship structures. Although South African law clearly establishes the age of consent at 16 and the minimum age for marriage at 18, these legal standards are often overridden by local norms that define childhood and adulthood differently.

Based on data from the focus group discussions, within these communities, a child's status is not determined solely by age but by social recognition, which is largely controlled by adult elders, families, and traditional authorities. Children are expected to comply with decisions made on their behalf, reflecting a broader norm in which they are 'seen and not heard'. This limits their capacity for agency and meaningful consent, particularly in decisions related to sexuality and marriage. Puberty, especially menarche, is widely regarded as the key marker of transition into adulthood, often reclassifying girls as socially ready for relationships and marriage despite their legal status as minors (Jewkes et al., 2015; UNICEF, 2020).

A participant in a focus group discussion comprising women in Kuruman highlighted:

"In our communities, the transition into adulthood is not determined by a number in a legal document but by what the body shows and what the elders recognise. Once a girl begins menstruation, she is no longer seen as a child in the traditional sense. She is expected to take on responsibilities, including relationships and even marriage, because that has always been done, long before these laws existed. The law may say 18, but the community follows what has always been practised and respected" (FGD, women Kuruman, 5 December 2026)

This divergence between statutory law and lived realities is not merely cultural but is sustained through the convergence of economic hardship, social norms, and religious beliefs. Participants consistently described how poverty shapes and reinforces these practices. In households facing severe financial strain, relationships between girls and adult men are often mediated through material exchange, including money, food, or other forms of support. Similarly, the practice of lobola was described as a crucial economic mechanism through which families secure resources, sometimes incentivising early marriage.

These dynamics illustrate how culture is not static but adaptive, intersecting with economic survival strategies (Mathews et al., 2018). Religious narratives further legitimise these arrangements by framing them as morally or divinely sanctioned, thereby creating a powerful triad in which culture, religion, and poverty collectively constrain girls' autonomy.

The Northern Cape continues to face significant socio-economic challenges despite performing marginally better than some provinces regarding unemployment. The provincial unemployment rate stood at approximately 27.1% in the fourth quarter of 2025, reflecting persistent labour market pressure, albeit lower than in several other provinces (Statistics South Africa, 2026). Employment is largely concentrated in mining, agriculture, and the public sector, which provides limited stability but results in a narrow, vulnerable economic base highly exposed to commodity price fluctuations and seasonal work, constraining inclusive, sustained employment growth.

Poverty remains severe, particularly in rural areas, where over 60% of households experience multidimensional poverty, driven by weak access to formal employment and heavy reliance on social grants and informal survival strategies (Statistics South Africa, 2024). These conditions are underpinned by structural underdevelopment and spatial inequality, with economic activity clustered in a few centres, leaving large rural areas excluded from meaningful economic participation (South African Human Rights Commission, 2022).

While strong kinship and extended family networks provide informal social protection and caregiving in the absence of adequate formal support, they also contribute to high dependency ratios, placing increased pressure on limited income earners and reinforcing cycles of vulnerability and multidimensional poverty in the province (Statistics South Africa, 2024; South African Human Rights Commission, 2022).

Authority structures within families, religious institutions, and traditional systems further limit girls' autonomy and reinforce silence.

A traditional leader in Kuruman explained:

"The child belongs to the family. Adults decide what is right. She cannot refuse without disrespecting her elders" (Traditional leader, Kuruman, 6 December 2025).

This framing of children as subjects of adult authority undermines the legal principle of individual consent and reinforces compliance. Religious perspectives similarly shift the focus away from criminal accountability toward moral regulation and family honour.

Participants highlighted that this convergence produces a context in which consent is deeply compromised. While some accounts suggested that girls may appear to agree to relationships or marriages, such consent is shaped by structural conditions, including economic dependency, social pressure, and limited awareness. Girls, in particular, may interpret attention or material provision from adult men as care or opportunity, reflecting a form of constrained or transactional compliance rather than genuine autonomy (Hallman, 2017). In this sense, what is framed as consent is often better understood as survival within unequal power relations, as illustrated below by a direct quote from one of the religious leaders interviewed in the study:

"What is called consent in these situations is not real consent; it is survival" (FGD, religious leaders, Hopetown, 4 December 2026)

These arrangements are inherently exploitative, as they transfer the burden of economic survival onto girls. Participants, particularly women, crucially reflected on this dynamic, questioning why adult men and families do not assume these burdens themselves if such practices are justified as necessary or beneficial. This exposes the gendered nature of exploitation, where girls' bodies are positioned as sites of exchange, while adult men retain power and benefit from these arrangements. Such practices are further reinforced by patriarchal norms that normalise male entitlement and female compliance (Jewkes et al., 2015).

Child marriage, particularly involving girls aged 14–16, illustrates this intersection of economic, cultural, and religious forces. These marriages are often negotiated by families and elders, with minimal input from the girl herself, and are justified through a combination of economic necessity, cultural continuity, and moral framing. A male participant articulated this perspective:

“When families decide that a girl will be married, it is not a discussion; it is a decision. Elders negotiate, agreements are made, and the girl is expected to comply. Even if she is afraid or does not understand what is happening, she cannot refuse because it would be seen as disrespecting the family and the culture” (FGD, men, Platfontein, 2 December 2026).

Another participant similarly stated:

“Sometimes families are struggling so much that marrying off a daughter becomes a way to survive. The money or cattle from lobola can support the household, so the girl becomes part of that solution, even if she is not ready” (FGD, women, Kuruman, 5 December 2026).

Although these unions are sometimes framed as consensual, the findings reveal that consent is frequently coerced, constrained, or absent. This raises crucial tensions with South African law, which prohibits child marriage and criminalises sexual activity with minors. However, participants' accounts suggest that customary practices and social acceptance often override legal frameworks in practice.

A participant in Hopetown reflected this misunderstanding:

“We think she agreed, but we never see it as a crime. She smiles, we think it is fine” (FGD, men, Hopetown, 4 December 2025).

Similarly, a participant who experienced sexual exploitation at a young age shared:

“I did not know it was illegal. I thought he liked me. No one told me I had rights, neither did I know anything about the consenting age for sex” (FGD, women Platfontein, 3 December 2025).

Her account reflects a broader pattern of limited awareness regarding legal protections and consent among girls in marginalised contexts.

In reflecting further on her experience, the participant indicated that she was approximately 14 years old at the time, having only recently begun menstruating, an event that, within her community, was often interpreted as a marker of readiness for marriage or sexual

relationships. She also noted uncertainty about her exact age, as she did not have a birth certificate or identity document, suggesting that she may have been even younger. Her narrative highlights how such experiences were normalised during her upbringing, with little to no community resistance or dialogue challenging these practices.

It was only later, through increased exposure to information via media and broader social awareness, that she came to recognise her experience as one of exploitation.

These reflections highlight both the naivety of minors and the broader community's limited understanding of statutory rape, where the legal inability of a child to consent is not widely recognised.

While ongoing legislative reforms, such as the proposed Marriage Bill, aim to harmonise and regulate all forms of marriage, including customary and religious unions, their effectiveness remains uncertain in contexts where local norms challenge the legitimacy of state law. This highlights the need to crucially problematise not only the gaps in legal enforcement but also the social acceptance of practices that contravene statutory protections (Mamdani, 2016).

Religious institutions play a dual role in this landscape, simultaneously offering moral guidance and, at times, reinforcing harmful norms. Participants described how teachings around purity, obedience, and morality disproportionately regulate girls' behaviour while often shielding male perpetrators from accountability. A religious leader in Platfontein noted: "When a girl falls pregnant, our focus is on repentance and family honour, not on calling the police. This is a sin to correct, not a crime to punish" (*Religious leader, Platfontein, 12 December 2025*).

In such cases, pregnancy often triggers social responses that prioritise restoring honour over protecting the child, as another traditional leader explained: "If a child is pregnant, the community expects a union to restore honour. Law or age is secondary" (*Traditional leader, Platfontein, 11 December 2025*).

These dynamics contribute to a broader environment in which statutory rape is minimised, misunderstood, or reinterpreted through cultural and moral lenses. Institutional gaps further exacerbate this. A Department of Health official highlighted a crucial reporting challenge, explaining that statutory rape is not always distinctly categorised in practice:

"In our reporting systems, statutory rape often falls under general sexual violence. It is not always explicitly outlined, which creates gaps in how cases are tracked and addressed" (NC DOH interview, Northern Cape, 2 December 2025).

This lack of specificity weakens accountability mechanisms and allows perpetrators to evade appropriate legal consequences, particularly in cases involving minors, where age should be the determining factor.

Another participant shared:

"There are still people who believe that being with a virgin girl can cure illnesses or bring spiritual strength. These beliefs are not always openly discussed, but they exist, and they are dangerous because they make girls targets. The child is not seen as a person but as something that can be used for someone else's benefit" (FGD, religious leaders, Hopetown, 4 December 2026).

Underlying these patterns are deeply entrenched patriarchal norms that structure gender roles and expectations from an early age. Girls are socialised into obedience, silence, and respect for authority, while boys are often encouraged to assert dominance and sexual entitlement, reinforcing harmful double standards (Jewkes et al., 2010; Morrell et al., 2012). This point is illustrated by the direct quote below:

"Girls grow up being told to respect, to obey, and to keep quiet, especially in the presence of men and elders. At the same time, boys are encouraged to be strong, to lead, and sometimes even to assert themselves in ways that normalise aggression. These messages are repeated in the home, in the community, and even in religious spaces" (FGD, women, Platfontein, 2 December 2026).

Another participant stated:

"Boys are often praised for having multiple partners, as if it proves their masculinity. Girls, on the other hand, are judged harshly for the same behaviour. This double standard creates a situation where boys feel entitled, and girls feel they have to accept whatever comes their way" (FGD, men, Hopetown, 4 December 2026).

Overall, the findings demonstrate that consent, sexuality, and girlhood in these communities are shaped by a deeply embedded system of intersecting cultural, religious, and economic forces that constrain girls' autonomy and normalise exploitation.

Traditional marriage payments, particularly lobola, operate as both a cultural practice and an economic driver of child exploitation. Participants described how financial incentives often prompt families to marry off daughters prematurely, prioritising material gain over girls' education, well-being, or agency.

A subject expert interviewed echoed similar sentiments to the religious and traditional leaders in Platfontein, acknowledging that the tension between cultural preservation and child protection, the subject expert pointed out:

"Lobola is a cultural practice, but when misused, it creates avenues for coercion and early marriage. Families think they are preserving tradition, but the girl's rights are ignored" (Interview, subject expert, 16 February 2026).

A subject expert emphasised that these intersecting economic and patriarchal pressures heighten girls' vulnerability:

"The combination of poverty, male dominance, and financial incentives turns early marriage into both a socially sanctioned and economically motivated form of exploitation. Girls' consent is rarely considered, and statutory protections are often ignored" (Interview, subject expert, 16 February 2026).

This aligns with Mamdani (2016) and UNICEF (2020), highlighting how the moral and economic rationalisation of lobola and dowry systems can conflict with children's rights, creating enduring pathways for exploitation.

7.1.2 Manifestations of statutory rape and other forms of sexual exploitation of girls

Findings across Kuruman, Platfontein, and Hopetown reveal that statutory rape and the sexual exploitation of girls are not primarily understood as legal violations, but rather as socially embedded practices shaped by poverty, cultural norms, and entrenched gendered power relations. Participants in these communities consistently described how relationships between adolescent girls and adult men are normalised within conditions of economic precarity, where survival needs override legal protections. In such contexts, transactional sexual relationships are often framed as necessary coping mechanisms rather than exploitative acts.

A participant in Kuruman expressed this starkly:

"We don't choose these men; hunger chooses for us. When there is no food, a man with money becomes the answer" (FGD, women, Kuruman, 5 December 2025).

Similarly, a woman in Platfontein explained:

"If he can pay school fees, no one asks how old he is. The family sees him as help, not a threat" (FGD, women, Platfontein, 3 December 2025).

A subject expert further noted:

"Age-disparate relationships expose girls to coercion, HIV risk, and interruption of schooling. Families often justify these arrangements as a financial necessity, but they are effectively surrendering the girl's autonomy to an older man's control" (Interview, subject expert, 16 February 2026).

These findings demonstrate how statutory protections are undermined in practice, as economic dependence and patriarchal norms reshape exploitation into perceived opportunity (Jewkes et al., 2015; UNICEF, 2020).

Another participant, a woman who formed part of the focus group discussions, shared:

"If a man is known in the community, if he provides food or money, or if he helps the family, then people do not question his behaviour. Even if the girl is suffering, she cannot speak out because she knows that her family depends on him. Reporting him would mean losing that support, and sometimes even being blamed for bringing trouble" (FGD, women, Hopetown, 4 December 2026).

Another participant explained:

"When a child is looking after siblings, and there is no money, she will do what she can to survive. It is not a choice; it is desperation. The child has to provide food, pay rent, and take care of younger siblings" (FGD, men, Platfontein, 3 December 2025).

Another participant added:

“Children in these households are exploited because they are alone, with no adult protection. They are often manipulated by older men who promise help but then demand sexual compliance” (FGD, men, Hopetown, 4 December 2025).

These findings are consistent with the literature suggesting that child-headed households represent an additional layer of vulnerability, where the absence of adult caregivers forces minors, particularly girls, into roles as economic providers and caregivers. In such contexts, survival pressures often lead to engagement in exploitative relationships (Hallman et al., 2007; Cluver et al., 2013).

An NPA official highlighted the implications of reporting:

“Underreporting is severe in child-headed households because survival priorities overshadow protection. Children are often afraid to disclose abuse because there is no safety net or adult support” (Interview, NPA, 3 December 2025).

The findings demonstrate that sexual exploitation in these communities is deeply embedded within a political economy of survival, where poverty, family structure, gender norms, and institutional gaps converge to produce systemic vulnerability. The absence of stable parental support, particularly father figures, alongside economic deprivation and weak social protection systems, creates conditions in which exploitation is normalised and sustained.

These accounts illustrate how poverty and gender inequality converge to obscure statutory rape, reframing exploitative relationships as provision and support. Within this framework, age – central to statutory rape law – is effectively deprioritised, as communities place greater emphasis on economic survival and perceived maturity. Consequently, consent becomes deeply compromised. While some participants suggested that girls may appear to agree to such relationships, this consent is shaped by structural constraints, including economic dependency, social pressure, and limited awareness of legal rights. Statutory rape and sexual exploitation persist because laws are poorly enforced, communities misunderstand legal protections, traditional authority structures control children, and poverty creates coercive conditions.

Participants also highlighted the role of mobility and geography in facilitating exploitation, particularly along the N12 corridor.

A participant in Hopetown described how girls are lured into exploitative situations:

“Girls are promised small jobs or food by truck drivers. Some leave home thinking it is work, but they end up in sex for money. Families often hear about it too late” (FGD, women, Hopetown, 4 December 2025).

Another participant, discussing the same issue, pointed out:

“Some of the girls themselves recruit other girls because most truck drivers prefer girls from poor, naive backgrounds. They use their own situations to lure others with promises of money. Sadly, they are paid between R100 and R500, and many end up dropping out of school after encountering this” (FGD, women, Hopetown, 5 December 2025).

Most truck drivers are young, typically aged 21, and often spend long periods away from home. According to participants in Hopetown, truck drivers have become a menace to their community. Some exploit this mobility to target girls, taking advantage of the fact that they have no personal ties with them. They are familiar with the locations where trucks park and where drivers take breaks, often operating in isolated, dark areas without cameras or law enforcement oversight.

Participants noted the isolated areas where truck drivers target girls make it easier for them to commit these acts without facing immediate consequences, and that some of these drivers even maintain part-time relationships with minors. In some cases, these encounters are casually justified as fetching items for minors, such as groceries from grocery stores. When the girls become pregnant, the drivers frequently disappear and do not take responsibility.

A male participant in Kuruman critically reflected on the exploitative nature of these dynamics:

“Why do adults not offer themselves instead? It is easier to take from a child. They know the child cannot refuse” (FGD, men, Kuruman, 5 December 2025).

These insights expose how power imbalances, age, and vulnerability intersect, positioning minors as easy targets for exploitation. Participants further described how perpetrators use grooming strategies that combine material provision, emotional manipulation, and social authority to secure compliance.

A participant in Hopetown noted:

“Some girls are told, ‘I can help you finish school or get a job if you are close to me.’ Once they agree, it becomes exploitation” (FGD, women, Hopetown, 4 December 2025).

Similarly, another participant in Platfontein explained:

“Men use charm, gifts, and authority to manipulate girls. Many think it is love, but it is control and abuse” (FGD, women, Platfontein, 3 December 2025).

These practices blur the line between consent and coercion, particularly for girls who may lack the maturity to recognise exploitation. Such dynamics are reinforced by patriarchal norms that normalise male entitlement and female submission (Jewkes et al., 2010; Mkhwanazi et al., 2024).

These norms create an environment where refusal is delegitimised, and coercion is normalised. The practice of *vat en sit* (cohabitation that typically follows a sexual relationship or pregnancy, often with the tacit or explicit approval of their families) further illustrates how statutory rape can become absorbed into social practice. While sometimes framed as a pragmatic or culturally accepted response to premarital pregnancy, research shows that such arrangements can obscure and reinforce gendered power imbalances (Posel & Rudwick, 2014; Bhana, 2016).

Participants further highlighted that within some Coloured and Afrikaans-speaking communities, vat en sit is a known and normalised social practice. It is often perceived to restore dignity or manage social expectations following a sexual relationship, particularly when a girl becomes pregnant. However, accounts from the field suggest that the practice also involves minors and may operate in ways that limit girls' autonomy. Participants highlighted that in areas such as Orania, the practice is perceived as more prevalent but difficult to challenge due to the community's insularity and limited external intervention.

Participants further echoed that, importantly, vat en sit does not always involve mutual or equal decision-making. They also noted instances where young boys, facing reprimand for impregnating a minor girl, relocate to the girl's household, where they are accepted as de facto sons-in-law with minimal questioning. In other cases, more commonly affecting girls, the responsibility is shifted onto the girl, who may be encouraged or compelled by parents or guardians to leave her home and reside with the boy's family. Once there, she is often expected to assume makoti (daughter-in-law) duties, including domestic responsibilities, while attempting to continue schooling. For many, however, this transition contributes to school dropout and long-term socio-economic vulnerability.

Institutional responses often limit reporting, weakening accountability and reinforcing cycles of exploitation. A subject expert observed:

"Even when cases are reported, families often settle quietly. Police may not follow up because it is seen as a 'family matter'; also, such issues are dealt with in a family way, where the victims' parents approach the perpetrators' families to negotiate or vice versa" (Interview, subject expert, 4 December 2025).

Family structures and parental dynamics further shape these vulnerabilities. Participants across sites reported a prevalence of female-headed households, extended family arrangements, and instances of parental absence, particularly fathers'. This absence was not only economic but also emotional, contributing to a sense of abandonment among girls. Participants in focus groups highlighted how this gap can create a desire for care, validation, and protection, which adult men exploit.

A growing body of research supports the link between father absence, weakened emotional support systems, and increased vulnerability among adolescent girls, particularly in contexts similar to South Africa. Studies show that father absence is often not only physical but also emotional, and this can significantly affect girls' psychosocial development. For example, research conducted in South African contexts found that adolescents experiencing father absence frequently report feelings of abandonment, low self-esteem, and emotional insecurity, which in turn shape their relationship expectations of and vulnerability to adult male partners (Mgqamfana & Bazana, 2020).

Similarly, qualitative findings from South African youth studies indicate that father absence can contribute to psychological distress, identity struggles, and increased exposure to risky sexual relationships, including transactional or sugar daddy relationships, as girls seek emotional validation and financial or social security (Mkhwanazi et al., 2024).

Further supporting this, a qualitative study of young men and women in South African informal settlements highlights that father absence is often experienced as both economic and emotional deprivation, with participants describing how the lack of paternal presence leads to exclusion from family networks, reduced emotional guidance, and feelings of social marginalisation (Mkhwanazi et al., 2024). Importantly, the study notes that in such contexts, adolescents often navigate “care gaps” by turning to alternative relationships for support, which can increase susceptibility to exploitative or transactional relationships with older partners (Mkhwanazi et al., 2024).

The findings align with broader developmental research showing that absent or emotionally unavailable fathers can indirectly increase adolescent girls' vulnerability by weakening protective emotional bonds and increasing exposure to insecure attachment patterns, particularly in socio-economically constrained environments where alternative support systems are limited. A participant reflected:

“Some girls are looking for love or a father figure because their fathers are not present. When an older man shows attention, they feel valued, but they do not realise they are being manipulated, lured, or enticed” (FGD, men, Hopetown, 4 December 2025).

In such contexts, exploitation is not only material but also emotional, as perpetrators position themselves as providers and protectors, reinforcing dependency. This reflects broader findings that family instability and absent parental figures increase vulnerability to coercion and exploitation (Jewkes et al., 2015; UNICEF, 2020).

Emerging risks associated with digital technologies further complicate this landscape. A religious leader explained:

“Children are communicating with people we do not know through phones. [...] Girls think they are chatting with a friend or lover, but they are being groomed” (FGD, religious leaders, 6 March 2026).

Another participant in Hopetown added:

“Social media makes girls think love and gifts are connected. They are easily manipulated” (FGD, women, Hopetown, 4 December 2025).

These online interactions intersect offline vulnerabilities, amplifying risks for minors (Livingstone et al., 2017; UNICEF, 2020). The cumulative impact of these dynamics is profound.

A participant in Kuruman, who was a victim when they were younger, described the emotional toll:

“People look at me as if I chose it. I feel trapped. There is no one to protect me” (FGD, women, Kuruman, 5 December 2025).

The findings demonstrate that statutory rape and sexual exploitation are sustained by an interconnected system in which age is deprioritised, consent is misunderstood, and social norms, economic necessity, and institutional gaps undermine legal protections. The misclassification of statutory rape within broader sexual violence reporting frameworks, combined with practices such as *vat en sit*, further weakens accountability and enables perpetrators to evade justice.

7.1.3 Institutional responses, legal gaps, and barriers to justice

Findings from the Northern Cape reveal not only systemic institutional strain but also a deeply felt frustration among participants who experience the protection system as distant, inconsistent, and, at times, indifferent to children's realities. While South Africa's legislative framework is widely regarded as progressive, participants repeatedly returned to the disjuncture between what the law promises and what communities experience in practice. This gap was not described in abstract terms, but through lived encounters with institutions that are slow, fragmented, and often inaccessible.

As one subject expert reflected:

"The law is there, yes, and on paper it looks strong, but when you try to use it, you realise it is not working the way it should. Cases take too long, there is no urgency, and families lose hope along the way. People start to feel like the system is not built for them, especially in rural areas, and while everything is delayed, children remain exposed to the same dangers every day" (Interview, subject expert, 2026).

This articulation captures what the literature identifies as an implementation gap, where legal protections are undermined by weak institutional capacity and uneven enforcement (Artz et al., 2012; Mathews et al., 2018).

Barriers to access further intensify vulnerabilities, particularly in geographically isolated areas such as Hopetown. Participants described the physical and emotional toll of engaging with distant and under-resourced services, highlighting how structural inequalities shape justice outcomes.

A participant shared:

"Sometimes you must travel very far, more than 100 kilometres, just to reach a police station or clinic, and by the time you get there, you are already tired and stressed. Then you find long queues, or you are told to come back another day, or the person who is supposed to help is not there. It feels like the system is pushing you away, and many people just give up before they even get help" (FGD, women, Hopetown, 2025).

Another Platfontein participant echoed this concern:

"Services are too far, too few, and not always equipped to deal with trauma. Instead of receiving care, children sometimes feel judged or dismissed, and this discourages others from coming forward" (FGD, women, Platfontein, 2025).

These accounts align with evidence on fragmented service delivery and the limited availability of psychosocial support in South Africa (Coovadia et al., 2009; Seedat et al., 2009). Taken together, these narratives reveal a system that is present but not fully functional, with laws in place but unevenly applied; institutions available but not always accessible; and communities that both rely on and work around formal mechanisms.

Such accounts also align with broader evidence on rural service disparities, where distance and resource constraints significantly limit access to justice and care (Coovadia et al., 2009). These logistical barriers are not neutral; they actively discourage reporting and delay intervention, allowing harm to persist.

Within this context, underreporting emerges as a rational, albeit troubling, response to both institutional inefficiency and socio-economic pressure. Participants spoke candidly about the difficult choices families face when the perpetrator is also an economic provider. In Platfontein, a participant explained:

“Many families know what is happening, but they do not report because the person involved is the one putting food on the table. If you report, you risk losing that support, and then the whole household suffers. Even when cases are opened, the process is so long and demanding that families feel forced to withdraw, especially when the community starts saying you must forgive and move on” (FGD, women, Platfontein, 2025).

This reflects the intersection of poverty, gender inequality, and violence described in the literature, where silence is often shaped by survival imperatives rather than by ignorance or acceptance (Jewkes et al., 2010). Yet, participants also expressed discomfort with this reality, acknowledging that such decisions, while understandable, perpetuate cycles of exploitation. The justice process itself was frequently described as re-traumatising, particularly for children who are required to repeatedly recount their experiences.

A subject expert noted:

“Children are asked to tell their story again, to different people, in different places, and each time it brings back trauma. There is very little emotional support, and the system does not seem to recognise how difficult this is for a child. After some time, you see them withdrawing, not because the case is not important, but because the process becomes too painful to continue” (Personal communication, subject expert, 16 February 2026).

Such sentiments highlight the inadequacy of trauma-informed approaches within institutional responses, a gap widely documented in South African research on violence and mental health (Seedat et al., 2009; CGE, 2016). While the country has adopted important frameworks such as the Victims Charter, which aims to address secondary victimisation, and one-stop centres like Thuthuzela Care Centres and Victim Empowerment Centres, these state responses do not appear to fully reach those who need them.

In the Northern Cape, there are only five Thuthuzela Care Centres, a number that is insufficient given the province's vast geographical size, as it is the largest province by land area. The CGE has raised concerns about the unequal allocation of resources to Thuthuzela Care Centres and Victim Friendly Rooms in police stations, illustrating that while some of these facilities are in good condition, others are in a dilapidated state and lack adequate resources (CGE, 2016).

The consequence is a justice system that inadvertently discourages participation, particularly among the most vulnerable. Simultaneously, participants pointed to the role of alternative justice systems in both filling and, therefore, complicating these gaps. Traditional and faith-based mechanisms were described as more accessible and culturally resonant, yet also as spaces where accountability can be compromised.

A religious leader stated:

“In many cases, the church tries to handle these matters internally because there is a fear of scandal or damaging the reputation of the institution. The child and the family are encouraged to forgive, and there is pressure to resolve things quietly. But this means that serious issues are not reported, and the person responsible is not held accountable in a formal way” (FGD, religious leaders, 6 March 2026).

Similarly, a community member in Platfontein observed:

“Traditional leaders sometimes step in and settle cases between families, especially when there is lobola involved or when people want to avoid conflict. But these agreements do not always protect the child, and sometimes it feels like the matter is being closed without real justice being done” (FGD, women, Platfontein, 3 December 2025).

While legal pluralism is a recognised feature of South African society (Rautenbach, 2013), these findings underscore the tension between cultural practices and constitutional protections, particularly in relation to children's rights (Bennett, 2012). The absence of adequate support services further entrenches these systemic challenges, leaving children without the care necessary for recovery and protection. Participants consistently described a lack of accessible, coordinated, and trauma-sensitive services, particularly in rural areas.

A participant in Kuruman explained:

“Even when a child speaks out, there is often no follow-up, no counselling, and no safe place to go. Social workers are stretched, clinics are overwhelmed, and sometimes there is simply no one available to provide the support the child needs. It feels like the system responds to the report, but not to the child behind the report” (FGD, men, Kuruman, 4 December 2025).

The insights shared by participants indicated that they are not rejecting the legal framework but rather highlighting its disconnection from lived realities. The contradictions they describe between law and practice, protection and survival, and formal justice and community resolution point to the need for a more integrated, context-responsive approach. Without clearer legal harmonisation, strengthened institutional capacity, and accessible, child-centred services, the gaps identified in these findings may continue to shape outcomes, leaving children insufficiently protected within a system that struggles to translate principles into practice.

This sense of systemic failure is compounded by confusion in everyday decision-making. Participants described what appeared to be inconsistencies across legal frameworks, feeling that this creates uncertainty not only for professionals but mainly for parents trying to protect their children. Rather than enabling action, participants felt that the law often produces hesitation.

A parent in Kuruman explained:

“We are told children can consent at a certain age, but then, when it comes to medical help or reporting, the rules seem different. Even teachers and social workers are not always sure what to do, and you can see they are afraid of making mistakes. In the end, nothing happens quickly, and the child is left in a situation that everyone knows is wrong, but no one is confident enough to act on” (FGD, women, Kuruman, 4 December 2025).

When probed further, the participant explained that she was referring to aspects of the law that allow children as young as 12 to access contraceptives without parental consent. She inferred from this provision that it implies children can consent to sexual activity at any age. The participant also alluded to an inadequate understanding of the law and similar confusion among officials responsible for implementing laws and policies. Rautenbach (2013) refers to this as structural incoherence within the legal framework, where overlapping provisions create ambiguity in practice, stating that the result is not simply administrative confusion but inconsistent protection, where some children are over-regulated while others remain invisible to the system.

These sentiments stem from the idea that South African law presents a well-documented legal and ethical paradox in that children may independently access contraception from the age of 12, while the general age of consent to sexual activity remains 16. In terms of Section 134 of the Children's Act 38 of 2005, children aged 12 and older have the right to obtain condoms and other contraceptives without parental consent, premised on the principles of evolving capacity, bodily autonomy, and the constitutional obligation to ensure access to healthcare, particularly in a context of high rates of adolescent pregnancy and HIV infection. By contrast, however, the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 sets 16 as the age of consent, criminalising most sexual activity involving children under this age.

There is, however, a progressive school of thought that suggests the resulting tension reflects a deliberate legislative compromise rather than a contradiction. In this view, the state acknowledges that adolescents may be sexually active and therefore requires access to preventative health services, while simultaneously maintaining a protective criminal law framework that seeks to deter adult predation and unequal power relations. This dual approach has been defended by courts and scholars as a balancing of public health imperatives with child protection goals, even though it continues to generate moral, legal, and policy debates over coherence, agency, and the best interests of the child.

The findings further illustrated that stigma and social sanctioning discourage disclosure and protect perpetrators. Victims and their families often face gossip, blame, and social exclusion, while institutional responses may replicate these harms. A participant offered this insight:

“When a child speaks out, it does not end with the report. The family becomes the subject of gossip; people start talking, questioning the upbringing of the child, and sometimes even blaming the parents. The girl herself may be labelled as problematic or promiscuous. In many cases, families decide it is better to keep quiet than to face that kind of scrutiny” (FGD, men, Hopetown, 4 December 2026).

Another participant stated:

“Some minors come to our clinics or facilities seeking help, but they leave without receiving services. When asked why, they explain that the nurse at the front office is judgmental and often calls them names when they seek contraceptives, sexual health advice, or treatment for sexually transmitted infections. A child recounted that the nurse said, ‘You young kids, all you do is sleep around and chase boys instead of studying’, even though the child had come to the clinic after being raped by a stepfather” (Interview, DOH, 3 December 2026).

7.2 Free State

7.2.1 Socioeconomic, cultural, and religious constructions of consent, sexuality, and girlhood

The data for the Free State province were collected primarily in township settings, which are spaces historically shaped by apartheid spatial planning and contemporary socio-economic marginalisation. These contexts are characterised by high unemployment, limited access to youth-centred social services, widespread alcohol availability, and dense social surveillance. Recent labour market data indicate that the Free State continues to experience severe unemployment challenges. According to Statistics South Africa's (2026) Quarterly Labour Force Survey (QLFS), the province recorded an unemployment rate of approximately 37.2% in the fourth quarter of 2025. This places the Free State among the provinces with the highest levels of unemployment in South Africa. The persistently elevated rate is largely attributed to structural weaknesses in the provincial economy, including the long-term decline of key employment-generating sectors such as mining and agriculture.

In addition, limited industrial diversification and slow economic transformation have constrained the province's capacity to absorb new entrants into the labour market. Consequently, the mismatch between labour supply and demand continues to intensify, contributing to entrenched unemployment and socio-economic vulnerability.

Participants repeatedly emphasised that consent, sexuality, and girlhood are constructed not only through inherited “tradition” but also through everyday township life, where economic precarity, informal social norms, and uneven power relations intersect (Jewkes et al., 2015).

Participants across men's focus group discussions frequently expressed the view that age-disparate and intergenerational relationships are not novel phenomena, but rather long-standing practices deeply embedded in local histories. Several men asserted that “our grandparents did this”, thereby framing such relationships as culturally entrenched and socially sanctioned. Participants explained that they were socialised into the belief that a man must be older than his female partner, irrespective of the age gap. This perspective aligns with research demonstrating how masculinity in South Africa is historically tied to seniority, authority, and economic provision, while femininity is associated with youth, dependence, and obedience (Ratele, 2017; Young et al., 2024).

A participant noted:

“Girls are told to respect men, to obey their elders. They learn from a young age that saying no is disobedience, [...] so when it comes to men, they are already conditioned to accept what is given to them, even if it makes them uncomfortable” (FGD, women, Welkom, 29 January 2026).

However, these views were contested within discussions. Some participants crucially argued that culture is selectively invoked to protect men's interests, often obscuring harm to girls. Culture was described as being “used” or “exploited”, rather than practised in its fuller ethical sense. Similar critiques have been raised by analysts of rape culture in South Africa, who demonstrate how patriarchal interpretations of tradition frequently naturalise male sexual entitlement while simultaneously limiting girls' sexual agency (Olofinbiyi & Sambo, 2025; Jewkes & Morrell, 2010).

Although some participants were generally aware that the legal age of consent in South Africa is 16, legal definitions were frequently rejected or relativised. The age of 16, and even 18, was described by many participants as “too young”, with some asserting that even 21 and 25 years are too early for sex and marriage. Participants articulated:

“Age matters, even a 25-year-old is too young, [...] especially if the man is older” (FGD, men, Botshabelo, 28 January 2026).

Rather than invoking rights-based legal frameworks, participants relied on moral, cultural, or religious conceptions of maturity and social readiness. This abandonment of legal framings illustrates a persistent disconnect between statutory law and lived social norms, particularly within marginalised communities (Adekola et al., 2025). While participants appeared to “protect” girls discursively by arguing that they are too young for sex, this framing paradoxically coexisted with the tolerance of age-disparate relationships, especially when men claimed an intention to marry the girl. A participant stated:

“Intergenerational relationships are only acceptable if the man intends to marry the girl; if not, it is wrong” (FGD, men, Welkom, 29 January 2026).

Marriage was repeatedly presented as a factor that could legitimise sexual relationships with minors, reinforcing findings that marriage is often positioned as a cultural workaround to statutory rape (Bhamjee et al., 2025).

Participants emphasised that harmful practices cannot be attributed solely to traditional culture. Instead, contemporary social norms, particularly those shaped by social media, were said to normalise intergenerational relationships. Girls were described as aspiring to the lifestyles of influencers and celebrities who are significantly older, wealthy, and hyper-visible online. Access to smartphones and social media was perceived to blur boundaries around age, adulthood, and sexuality, thereby encouraging the premature adultification of girlhood (Livingstone & Third, 2017).

Participants also spoke controversially about girls' perceived complicity, noting that adolescent social networks can reinforce compliance and risk exposure.

A participant pointed out:

"Girls see friends getting gifts, help from men, and think they have to do the same. It is peer pressure but also economic pressure" (FGD, women, Botshabelo, 26 January 2026).

While these narratives risk veering into victim-blaming, they are analytically significant in showing how peer cultures and aspirational femininities can reinforce harmful dynamics. Research on transactional and intergenerational relationships cautions that apparent choice or agency among girls must be understood within contexts of constrained options and unequal power (Hunter, 2010; Magnani et al., 2024).

A dominant theme across the Free State discussions was the normalisation of male provider relationships, captured through the phrase "Indoda must", which is a cultural injunction that a man must provide materially for his female partner. Participants described how masculinity is measured through economic provision, while femininity is rewarded through access to consumption and status. In communities marked by poverty and unemployment, this dynamic was seen as particularly influential in sustaining age-disparate relationships.

These findings align with extensive literature on transactional sex and provider masculinity in South Africa, which shows how material exchange becomes a central logic through which intimacy, sexuality, and consent are negotiated (Hunter, 2010; Young et al., 2024). In such contexts, consent becomes blurred, as material dependency limits girls' ability to refuse sexual advances without social or economic cost.

Participants highlighted the widespread culture of alcohol consumption as a major enabling factor. Despite the legal drinking age of 18, girls were reportedly allowed into local taverns and pubs. Participants described girls as instrumental in attracting male patrons, thereby increasing alcohol sales. This practice was described as part of a "contemporary culture", illustrating how economic incentives, alcohol, and sexual exploitation converge in township spaces.

Empirical research consistently shows that taverns serve as high-risk environments where alcohol, age-disparate relationships, and sexual violence intersect (Morojele et al., 2016; DUBY et al., 2025). The presence of girls in these spaces reflects weak law enforcement and community-level complicity, further entrenching statutory rape as socially tolerated.

Religious leaders expressed divergent views. Some older religious leaders endorsed child marriage as culturally or biblically acceptable, while younger leaders described it as taboo. Despite these differences, there was broad agreement that statutory rape is rarely discussed in churches. Instead, girls were often blamed for their behaviour, dress, or "temptation", reinforcing moral surveillance of female sexuality rather than accountability for male perpetrators.

Religious leaders reflected critically during discussions, acknowledging that they often function as bystanders, some citing the fear of community backlash or personal harm as reasons for not exposing men involved in sexual relationships with minors. This fear was concretely illustrated by a male participant in Welkom who reported being constructively dismissed from his job as a teacher after exposing colleagues who preyed on schoolgirls. His experience mirrors broader findings that whistleblowers face severe social and institutional penalties (Adekola et al., 2025).

Religious leaders also blamed “too much freedom” in democracy, expressing uncertainty about when and how to intervene in children’s lives. This framing externalised responsibility to democratic culture and individualism while obscuring institutional failures within religious spaces. Studies of faith-based settings in South Africa show similar patterns of silence, victim-blaming, and fear that ultimately perpetuate sexual abuse (Olofinbiyi & Sambo, 2025).

Some participants attributed child marriage practices to African foreign nationals, suggesting that such behaviours were “imported”. These claims functioned to externalise blame and protect local masculinities from scrutiny. Such narratives resonate with broader xenophobic discourses in South Africa, where social problems are often displaced onto migrant communities rather than addressed as systemic issues (Misago, 2017).

Beyond structural explanations rooted in culture, religion, and poverty, participants, particularly men, explicitly named patriarchy as a central driver of age-disparate and intergenerational sexual relationships in the Free State. Several men described patriarchy as “embedded in the fabric of society”, arguing that the patriarchy systematically privileges men while rendering women and girls exploitable. Unlike more euphemistic explanations elsewhere in the discussions, this section of the dialogue was notably candid and self-reflexive, with some men openly acknowledging men’s deliberate abuse of power.

In one focus group, male participants stated unequivocally:

“Men know right from wrong but exploit situations because they know they can get away with it” (FDG, men, Botshabelo, 28 January 2026).

There was a broad consensus that patriarchy benefits men materially, socially, and sexually, creating conditions in which accountability is minimal, especially when violations involve girls from impoverished township communities. These admissions resonate strongly with studies that locate sexual violence not in deviant individuals but in gendered systems that normalise male dominance and entitlement (Jewkes & Morrell, 2010; Olofinbiyi & Sambo, 2025).

Participants further invoked biological determinism to justify men’s sexual behaviour, arguing that men are “designed” to always desire sex, while women, particularly long-term partners or wives, were described as becoming resistant, emotionally demanding, or sexually withholding over time.

Within this framing, men rationalised seeking sexual access elsewhere, specifically targeting girls, whom they characterised as naïve, compliant, and emotionally undemanding. Girls were preferred because they were perceived as less likely to challenge men, less likely to provoke domestic conflict, and easier to impress with minimal resources.

These narratives align with longstanding constructions of masculinity in South Africa, where men’s sexual multiplicity is historically tolerated or celebrated, while women’s sexuality is tightly policed (Ratele, 2017; Hunter, 2010). Participants explicitly stated that having multiple partners is culturally accepted for men, and that even when polygamy is not formally recognised, informal sexual access to multiple young partners is socially excusable. Crucially, the legitimacy of these practices was rarely questioned when girls were involved and were materially rewarded or intoxicated, suggesting a widespread erosion of meaningful consent.

Material and substance-based inducements, such as fast food, alcohol, or entry into tavern spaces, were consistently cited as strategies through which girls were made vulnerable. Participants acknowledged that girls were often incentivised with alcohol and subsequently taken advantage of, yet these acts were described as part of everyday life rather than recognised as sexual exploitation or statutory rape. This mirrors empirical findings indicating that alcohol-fuelled transactional encounters in township settings significantly heighten girls' vulnerability to sexual violence while shielding men from scrutiny (Morojele et al., 2016; Duby et al., 2025).

While framed by participants as normal, inevitable, or culturally permissible, these accounts bear the hallmarks of predatory and paedophilic behaviour. The targeting of children based on perceived ease of control, emotional acquiescence, and sexual availability reflects core elements of rape culture, specifically the objectification of girls' bodies, the trivialisation of consent, and the systematic insulation of men from accountability (Jewkes, Flood, & Lang, 2015). The reduction of girls to bodies that are "easier to deal with" and "cheaper to maintain" underscores how patriarchy intersects with poverty to strip girlhood of dignity and protection.

Importantly, these discussions reveal that statutory rape persists not only because of silence or ignorance, but because some men consciously exploit patriarchal power, aware of legal prohibitions yet confident in social impunity. This challenges dominant narratives that attribute statutory rape primarily to cultural misunderstanding or generational lag, instead highlighting deliberate, rationalised choices made within unequal gender hierarchies.

Taken together, these findings from the Free State province demonstrate that statutory rape is sustained through a dense and mutually reinforcing system of patriarchy, economic inequality, cultural rationalisation, religious silence, and contemporary social norms. Consent is not understood as a child's legal or ethical right, but as a negotiable outcome shaped by male desire, material exchange, and gendered power. While culture and religion are often invoked to explain these practices, participants' own admissions reveal that patriarchal entitlement and impunity are central mechanisms through which men knowingly exploit women and girls.

The findings further underscore that girlhood emerges as a deeply precarious position, simultaneously sexualised, blamed, economically instrumentalised, and denied autonomy. Modern influences such as social media, alcohol-centred township leisure spaces, and aspirational consumer culture further erode protective boundaries, accelerating the normalisation of age-disparate relationships. Religious and community institutions, constrained by fear, moral conservatism, and patriarchal loyalties, frequently default to silence or victim-blaming, reinforcing rape culture rather than confronting it.

Ultimately, these findings illustrate that statutory rape in the communities visited in the Free State is not an aberration but a predictable outcome of everyday gendered practices and beliefs.

7.2.2 Manifestations of statutory rape and other forms of sexual exploitation of girls

Participants consistently identified statutory rape as manifesting through age-disparate sexual relationships, often structured around financial exchange and material provision. These relationships were commonly described as involving adult men and adolescent girls, with poverty cited as a primary driver. In many cases, girls were understood to enter such

relationships to meet basic needs, particularly where households were female-headed, child-headed, or experiencing severe economic distress. A participant shared:

"She has to feed her siblings, make sure they go to school, and keep the household running. When a man offers money, she cannot refuse because her family depends on her. Even if she feels uncomfortable or afraid, she accepts because there is no alternative. There is no parent to guide her, no one to protect her from these situations. The man knows her situation and uses it to his advantage. She sacrifices herself so that her siblings can survive" (FGD, men, Welkom, 29 January 2026).

This insight demonstrates how child-headed households compound vulnerability, placing girls at the intersection of survival, caregiving, and coercion, while social protection systems fail to intervene effectively.

Another participant explained:

"Her parents are struggling. They tell her, 'find a way to help at home,' but they cannot guide her. She turns to older men because there is no other option. Sometimes her parents know, but they remain silent because the money helps the household survive. The child carries adult responsibilities, sacrificing her safety and dignity for her family" (FGD, men, Botshabelo, 26 January 2026).

However, participants also complicated purely economic explanations. Some reported that statutory rape also manifested where girls sought luxury goods and consumption markers, such as designer clothing, smartphones, or social status, beyond what parents could afford. This reflects broader scholarship on transactional sex, which cautions against framing girls solely as passive victims of poverty, while still recognising the structural constraints shaping their choices (Bhana & Pattman, 2011; Leclerc-Madlala, 2008). Again, these dynamics sit within unequal gendered power relations, where men's economic advantage enables coercion even where relationships appear consensual.

Age emerged as one of the most contested dimensions of statutory rape in discussions. Participants debated scenarios such as a 15-year-old girl with an 18-year-old man, or a 16-year-old girl with a 21-year-old man, with divergent views on whether such relationships constituted abuse. While some framed these relationships as "peer-based" or consensual, others viewed them as inherently predatory. Officials from the NPA clarified that statutory rape cases are not prosecuted on age alone, despite the legal principle that all persons under 18 are children in need of protection. In line with the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, they noted that prosecutors assess multiple factors, including power imbalance, coercion, and evidence of grooming (South Africa, 2007). This reflects jurisprudence following *Teddy Bear Clinic v Minister of Justice* (2013), which emphasised protection alongside proportionality when dealing with adolescent sexual behaviour.

Despite these legal nuances, participants demonstrated difficulty distinguishing between consensual adolescent experimentation, statutory offences, and rape, often using these terms interchangeably. This conceptual blurring underscored the need for clearer public education on differentiated forms of sexual violence.

Statutory rape was repeatedly described as manifesting through teacher-learner sexual relationships, with participants reporting patterns where multiple girls were knowingly involved with the same male teacher. These relationships were widely condemned, given the institutional authority and trust vested in teachers.

One male participant in Welkom disclosed that he had previously been dismissed for engaging in a sexual relationship with a minor learner, despite repeated warnings from colleagues. This account reflects research showing that schools can become sites of sexual exploitation, where silence, complicity, or weak reporting mechanisms allow abuse to persist (Bhana et al., 2010; CGE, 2023).

Such relationships exemplify grooming, where authority figures normalise sexual access to children through manipulation and gradual boundary erosion, which is conduct explicitly recognised as criminal under South African law (South Africa, 2007).

Women affiliated with a sex work organisation reported that girls were actively recruited into sex work, noting that minors often earned more than older women due to client demand. This disclosure highlights extreme forms of commercial sexual exploitation of children, recognised internationally as a violation of children's rights, regardless of perceived agency (UNICEF, 2017). Religious leaders responding to these accounts condemned sex work as immoral and exploitative, rejecting calls for its recognition as legitimate labour. This moral framing reflects longstanding tensions between rights-based and protectionist approaches to sex work, particularly where minors are involved (Scoular, 2015). While sex work involving adults remains debated, the exploitation of minors is unequivocally criminal under South African and international law.

Religious leaders acknowledged officiating marriages involving girls with parental consent, describing the ethical difficulty of refusing such requests without being accused of discrimination. While culturally and religiously sanctioned, these marriages raise serious concerns under child protection frameworks, particularly where consent is mediated through patriarchal authority rather than the child's best interests (Haberland et al., 2015).

Participants identified scholar transport drivers as perpetrators of statutory rape, with one driver acknowledging that several colleagues had been caught engaging in sexual relationships with schoolgirls. This finding aligns with evidence that perpetrators often exploit proximity and access, rather than fitting a specific demographic profile. Similarly, statutory rape and sexual violence were reported within familial contexts, including abuse by stepfathers, uncles, and grandfathers. Importantly, participants emphasised that perpetrators cut across age, race, class, and economic status, challenging stereotypes that locate sexual violence only among marginalised groups. Some male participants expressed moral distress, describing feelings of collective guilt due to friendships with men known to engage in such behaviours.

Men's responses to witnessing statutory rape varied significantly by context. In Botshabelo, most men reported disengagement, expressing reluctance to intervene even where girls were visibly vulnerable. In contrast, men in Welkom described calling out peers through men's forums and community dialogues, which were viewed as powerful mechanisms for challenging harmful masculinities.

However, participants also noted the erosion of these forums due to political interference and corruption, including the use of falsified attendance registers to secure funding. This undermines the sustainability and credibility of gender-transformative work with men (Dworkin et al., 2013).

Institutional responses, legal gaps, and barriers to justice

Participants highlighted the human consequences of systemic failures in addressing statutory rape and broader sexual exploitation of girls, describing situations where lived realities contradict the law's protective intent. A focus group participant from Botshabelo captured this disconnect as follows:

"The police sometimes do not take complaints seriously, especially if it involves someone with money or influence. They tell the girl to go home, to wait, or that nothing can be done. The child leaves feeling rejected, humiliated, and unprotected. When the law says protect her, the reality is very different. Institutions exist, but they fail her" (FGD, women, Botshabelo, 26 January 2026)

There was a shared sentiment among the participants that men could essentially "buy" their way into freedom. Additionally, they noted that in some families, a man with strong financial resources would be viewed as a legitimate partner, whereas an unemployed or struggling man might be perceived as a predator. Participants described instances in which parents, particularly mothers, would intervene in situations reported by schools, expressing a preference for having teachers as sons-in-law. A subject expert said:

"Sometimes influential families or community leaders interfere, intimidate, or bribe officials. Cases are delayed or quietly dismissed. The girl is left unprotected, and perpetrators escape accountability. Institutional failure is not only procedural but sometimes political" (Interview, subject expert, 5 March 2026)

Several participants emphasised that delays in reporting and investigation exacerbate harm. An official from the NPA noted that investigative backlogs, coupled with procedural inefficiencies, often prolong cases, leaving victims in limbo. A subject expert in Welkom stated:

"A girl may report a case, but it can take months before the police act, and years before it reaches court. In that time, evidence is lost, witnesses become unavailable, and the girl may face repeated intimidation. The law provides timelines, but the system cannot deliver them. It is like promising protection that never arrives" (FGD, men, Welkom, 29 January 2026)

The findings strongly suggest that administrative inefficiencies within justice and child protection systems significantly exacerbate the vulnerability of girls, creating barriers that extend beyond the immediate act of abuse. Delays in case processing, uncoordinated inter-agency communication, and inconsistent enforcement of laws undermine the credibility of institutions meant to safeguard children. When survivors encounter apathetic or overburdened officials, their trust in the justice system diminishes, often leading them to remain silent rather than pursue legal remedies. This erosion of confidence not only discourages reporting but also reinforces cycles of abuse, as perpetrators perceive a low

risk of accountability (Vetten, 2015).

Participants described weak coordination between institutions, resulting in fragmented responses. Social workers, police, and prosecutors often operate in silos, with limited communication or shared protocols. A civil society organisation (CSO) worker in Botshabelo explained:

“The child is bounced between the police, the court, and social services. Each says the other is responsible, and no one provides the holistic support she needs. By the time she gets assistance, she may have disengaged from the process. Institutions are legally mandated, but practically, they are disconnected. The girl’s experience is of being lost in a system that doesn’t care” (Interview, CSO, Botshabelo, 26 January 2026).

The effectiveness of child protection systems is heavily influenced by institutional design and the degree of collaboration between agencies, including the police, social development offices, and legal services (CGE, 2017). In the Free State, however, these structures often operate in silos, with limited communication and coordination between departments. This fragmentation undermines timely responses to cases of sexual exploitation and statutory rape, leaving survivors without the comprehensive support they need. When agencies fail to work in tandem, crucial steps such as investigation, psychosocial support, and legal follow-up are delayed or neglected entirely.

The administrative inefficiencies within the DSD in the Free State reflect a broader systemic breakdown in human capacity, technological readiness, and data governance, particularly in relation to sensitive issues such as child protection and sexual exploitation of minors. The department continues to struggle with insufficient training for officials, frequent technical system failures, unreliable network connectivity in rural areas, and the persistence of manual data processes that are not fully integrated into digital systems, resulting in significant backlogs and incomplete reporting of Form 22¹ data. These challenges are further compounded by resistance to new technologies among some staff members and inadequate change management when new systems are introduced, which together weaken the accuracy and completeness of administrative records.

As a result, crucial data on statutory rape and teenage pregnancies are often underreported or missing, limiting the department’s ability to respond effectively with evidence-based interventions. This situation reflects a disconnect between policy intentions and operational capacity on the ground, where inefficiencies in capturing and transmitting data directly distort provincial and national statistics. Ultimately, these gaps undermine the credibility of official reporting and hinder coordinated responses across departments responsible for safeguarding vulnerable children.

“These challenges result in delays and gaps in capturing Form 22 data, with many records remaining in hard copy and not reflected in digital systems” (Interview, DSD, Free State, 29 January 2025).

¹ Form 22 is the official, legally required document used to report the abuse, deliberate neglect, or suspected abuse of a child. Reporting can be anonymous. Ideally, these details of the child should be put on the form: name, date of birth, school, and current living situation. The form is accessible here: <https://knowledgehub.health.gov.za/system/files/2024-10/Form%2022-Reporting%20of%20Abuse%20or%20deliberate%20neglect%20of%20child.pdf>

Participants further noted that, while legal frameworks are comprehensive on paper, they often fail in practice due to inconsistencies, loopholes, and poor enforcement. An NPA official observed:

"The law criminalises sexual exploitation, but interpretations vary. In some cases, families or communities exert pressure not to prosecute. Courts may dismiss evidence due to procedural technicalities. The law is clear, but its enforcement is inconsistent, leaving children unprotected and perpetrators unaccountable" (Interview, NPA, Free State, 28 January 2026).

FGD participants in Welkom emphasised the challenges of reporting sexual abuse, citing fear of retaliation, stigma, and mistrust of authorities. A participant explained:

"If you tell the police, everyone in the community will know. People will say it is your fault or that you wanted it. Sometimes the abuser is known or respected, and no one wants to help. You feel trapped, scared, and alone. Even when the law is on your side, people make you feel like it doesn't matter" (FGD, women, Welkom, 29 January 2026).

This situation demonstrates that social pressures and community expectations do not operate in isolation but intersect with weaknesses within institutional systems, creating a layered environment of vulnerability for survivors. Girls who experience sexual exploitation often face moral judgment, gossip, and victim-blaming from family members, neighbours, and peers, which compounds the fear of coming forward. When these social risks are combined with slow, fragmented, or dismissive institutional responses, seeking legal recourse becomes not only daunting but psychologically taxing. Victims must navigate the dual burden of potential social ostracism and systemic neglect, which can lead to withdrawal from formal justice processes altogether. The result is a chilling effect, where silence becomes a survival strategy, leaving perpetrators unchallenged and reinforcing cycles of abuse (Haffejee & Moosa, 2020).

Participants highlighted that resource constraints in social services severely limit protection and rehabilitation efforts. Social workers in Botshabelo described overwhelming caseloads and inadequate funding. A participant said:

"We have too many cases and too few staff. We cannot provide individual attention or follow-up. Children fall through the cracks, sometimes repeatedly. The law mandates care, but resources cannot meet the demand. It is tragic because we know we are failing them" (FGD, men, Botshabelo, 26 January 2026).

This shows that structural underfunding directly undermines the effectiveness of child protection frameworks, necessitating urgent policy attention. It was also noted that there is limited accessibility of legal services, particularly for rural and marginalised communities. FGD respondents in Botshabelo mentioned that court processes are geographically and financially inaccessible. A subject expert remarked:

"Girls must travel long distances for court appearances. Transport is expensive, and parents cannot afford it. Delays are frequent, and missing a date can result in the case being postponed or dismissed. Access to justice is theoretically universal but practically inaccessible for the most vulnerable" (Interview, DSD, Free State, 28 January 2026).

The physical and financial barriers to justice are deeply intertwined with socio-economic inequality. In some cases, families or local leaders discourage legal action, fearing stigma or loss of social standing.

An FGD participant explained:

“If the abuser is influential, the community may pressure the girl to withdraw the case. Institutions may bow to these pressures or fail to protect her from intimidation. Justice is not blind when power dynamics are involved” (FGD, women, Botshabelo, 26 January 2026)

This underscores that legal protections alone cannot overcome entrenched power relations and that social accountability mechanisms are essential for effective enforcement. Several participants noted that judicial processes often re-traumatised victims. An NPA official explained:

“Court procedures require repeated recounting of abuse, sometimes in the presence of the perpetrator. The girl may face aggressive cross-examination, blame, and humiliation. This process discourages reporting and erodes trust in justice. The law protects her in principle, but the courtroom experience can feel like punishment” (Interview, NPA, Free State, 30 January 2026)

Furthermore, regarding secondary victimisation, participants described how police also sometimes re-traumatise survivors. A participant said:

“The police question her endlessly, doubt her story, and at times even mock or blame her. This makes her afraid to speak again. The very system designed to protect her compounds her trauma” (FGD, women, Botshabelo, 26 January 2026)

These narratives align with research showing that institutional cultures can reproduce harm, discouraging engagement with justice (Vetten, 2015).

In addition, participants highlighted weak follow-up mechanisms as a persistent problem. Even when perpetrators are arrested or prosecuted, there is little post-trial support for victims. A CSO worker in Welkom noted:

“Once the case ends, the girl is left to navigate her life alone. No counselling, no social support, no monitoring of safety. Institutions do not track outcomes or provide long-term care. The law stops at prosecution, but harm continues” (FGD, women, Welkom, 29 January 2026)

Psychosocial support, including counselling and mental health services, is crucial to help victims process their experiences and rebuild a sense of safety and agency. Equally important is community reintegration, which addresses stigma, victim-blaming, and social marginalisation, allowing children to resume education, social participation, and daily life with dignity. However, these services appeared inadequate in the province.

This challenge was noted not only for its post-care support but also for the broader issue of limited protection for girls by social services, which posed a potential risk of exposure to sexual exploitation. A participant expressed:

"No social worker comes, no one checks on the household [child-headed household], and there is no support. She must manage everything alone, like an adult. When men approach her, she has no guidance or protection. The system fails her completely, leaving her exposed and vulnerable to repeated abuse" (FGD, men, Welkom, 29 January 2026)

The testimony highlights the structural fractures in child protection systems in reaching those most in need, mirroring findings by Philpott (2019) on service gaps for marginalised children. Legal and institutional barriers compound the problem. Participants emphasised that inconsistent age thresholds, procedural ambiguities, and limited awareness among both communities and social workers undermine statutory protections. A participant noted:

"The law exists, but it is confusing. Different rules for different ages. Families and officials are unsure what applies. The abuser exploits this confusion to escape accountability, while the girl continues to suffer" (FGD, men, Welkom, 29 January 2026).

An official from the NPA stated:

"Some officers are diligent, others dismissive. Some courts interpret the law stringently, others leniently. There is no uniform standard. Girls experience protection inconsistently, depending on who handles their case" (Interview, NPA, Free State, 30 January 2026).

FGD participants emphasised that reporting is complicated by fear of retribution from perpetrators or families. A participant in Botshabelo described:

"Girls fear that their families will be harmed, that the abuser will come after them, or that the community will turn against them. Even if the law protects them, enforcement is slow, and fear dominates. Silence becomes the only survival strategy" (FGD, men, Botshabelo, 26 January 2026).

Participants also noted that coordination between the NPA and social services is inconsistent, creating gaps in both protection and prosecution. An NPA official stated:

"Social services cannot immediately provide safe housing or follow-up. The girl is left exposed. Communication is irregular, and protocols are not standardised. Laws exist, but practice is fragmented, and children pay the price" (Interview, NPA, Free State, 30 January 2026).

Several participants highlighted barriers arising from inadequate knowledge of the law. Girls, parents, and even some frontline workers are unclear about rights, procedures, and obligations.

A participant in Welkom noted:

“People don’t know what counts as statutory rape, what the reporting steps are, or what protections exist. Misconceptions lead to delayed reporting, withdrawal of cases, and acceptance of exploitation as normal” (FGD, women, Welkom, 29 January 2026).

Officials from the NPA highlighted the department's efforts to conduct community outreach and awareness campaigns aimed at educating communities about various forms of GBV and femicide (GBVF), including sexual abuse. They advocated for the effectiveness of such programmes in reshaping social norms. However, officials stressed the urgent need for stronger collaborations with the DSD.

When asked for statistics on prosecutions related to statutory rape, officials explained that these cases are not categorised as statutory rape but are instead classified under broader sexual offences. Officials also mentioned the need for additional resources within the department, particularly for data capturers who would be responsible for making the necessary classifications. The officials stated that the department currently lacks the capacity to capture sexual offences in their various categories effectively.

Compounding challenges in state responses is the scarcity of essential protective infrastructure, including shelters, safe spaces, and trauma-informed care centres. Participants in both Botshabelo and Welkom noted that there are limited shelters for survivors. These shelters serve as temporary interventions, but they are often overcrowded, as many survivors and victims have nowhere else to go.

Participants emphasised the intergenerational consequences of systemic failures. An FGD participant noted:

“When justice fails, children learn that exploitation is tolerated, that institutions cannot protect them, and that abuse goes unpunished. This perpetuates cycles of harm, normalises abuse, and weakens social trust. Policy must address not just individual cases but systemic resilience” (FGD, religious leader, Welkom, 29 January 2026).

The perception of the failure of justice underscores that institutional failures extend beyond individual cases, shaping community norms and perpetuating cycles of abuse. The perception highlights how systemic weaknesses erode trust in justice mechanisms and normalise exploitation.

In terms of alternative justice, representatives of the Muslim Councils emphasised that their understanding of safeguarding and moral responsibility is grounded in religious teachings that strongly prohibit zina (fornication) and any actions that may lead to sexual misconduct, which they framed as essential for protecting dignity, family structure, and the well-being of minors. They brought attention to the fact that these teachings are not only punitive in moral terms but also preventative, aiming to reduce exposure to situations that may result in exploitation or harm, particularly where children are involved. In this context, they highlighted that community responses are shaped by both religious obligation and concern for social order, especially in environments where trust in formal justice systems is perceived to be weak or inconsistent (Interview, Muslim Council, 5 March 2026).

Participants explained that in Islamic fiqh (jurisprudence), zinā (الزنا) refers to unlawful sexual intercourse outside a valid marriage. It is considered a major sin and a serious moral and legal offence in Islamic law. The Qur'an prohibits zina explicitly: "Do not go near zina. Indeed, it is an abomination and an evil path" (Qur'an 17:32). Classical jurists understood zina primarily as consensual illicit sexual relations between adults capable of consent.

Importantly, zina presupposes consent and legal capacity. Where consent is absent or legally invalid, Islamic jurists historically treated the act differently from zina, even though later legal codifications in some states blurred this distinction.

In classical Islamic law, punishments for zina (consensual sexual intercourse outside a valid marriage) are differentiated according to the marital status of the offender: unmarried persons found guilty of fornication are subject to 100 lashes, as prescribed in Qur'an 24:2, but only where the act was consensual, both parties had full legal capacity, and the offence was proven through exceptionally strict evidentiary standards; married persons convicted of adultery face death by rajm (stoning) under the classical juristic view, a punishment derived not from the Qur'an but from hadith literature and early ijmāʿ (scholarly consensus), historically justified on the basis that marriage provides a lawful sexual outlet, making adultery a serious breach of moral and social order. The latter was used as justification for early marriages.

7.3 Eastern Cape

7.3.2 Socioeconomic, cultural, and religious constructions of consent, sexuality, and girlhood

Similar to the Northern Cape and Free State provinces, findings from the Eastern Cape demonstrate that legal definitions of consent are frequently mediated, reinterpreted, or undermined by socio-cultural, economic, and normative frameworks that shape how sexuality and girlhood are understood at the community level. In these contexts, consent is less an individual legal construct and more a socially negotiated outcome embedded within gender norms, familial authority, and survival strategies.

A central finding is that constructions of girlhood remain closely tied to expectations of obedience, economic contribution, and sexual regulation. Patriarchal norms in the communities visited for this study position girls as subordinate within both household and community structures, limiting their autonomy in decisions relating to their bodies and relationships.

A Department of Community Safety and Transport (DCTS) official in Mthatha captured this dynamic:

"Women are seen as either doing domestic chores or for sex, [...] hence you would see a lot of cases of sexual exploitation of girls" (Personal communication, DCTS official, Mthatha, 26 November 2025).

This perception reflects deeply embedded gender ideologies that normalise male entitlement and frame girls as objects of utility, thereby shaping the conditions under which consent is understood and exercised (Boterere & Maimela, 2023). Family and kinship systems play a significant role in mediating girls' sexuality and decision-making. Evidence from the Eastern Cape indicates that parents and guardians are often directly involved in negotiating or influencing relationships involving girls.

As noted by an NPA official:

“In some rural areas, parents are always involved, [...] They [parents] arrange that this elderly person should marry this child irrespective of the age” (Personal communication, NPA official, Eastern Cape, 2 December 2025).

Cultural and traditional practices further reinforce prevailing constructions of consent and sexuality. The persistence of ukuthwala in the province, although widely contested, continues to shape how relationships involving girls are framed and, in some instances, justified.

Evidence from the field suggests that contrary to assertions that contemporary forms of ukuthwala are consensual and no longer involve coercion or the abduction of children, lived experiences point to the continued presence of force, social pressure, and, at times, familial complicity. In addition, emerging or “modernised” variations of the practice, often characterised by informal or negotiated arrangements, may obscure underlying coercion, making it difficult to clearly distinguish genuine consent from compliance. These dynamics are crucial for understanding the practice in its current 2026 context, as the dynamics highlight a disconnect between its cultural defence and its implementation in practice.

Accordingly, arguments advocating for the preservation of ukuthwala on the basis that it no longer places minors at risk require careful re-examination, particularly in light of evidence indicating that vulnerable girls may still be exposed to harm under its guise (Bennett, 2010). For example, A participant in a women’s focus group discussion in Mthatha described how such arrangements occur:

“A girl would be sent to the river on the pretence of fetching water [...] and never come back; she would meet her prospective partner, [...] after which the girl and the man would live together” (FGD, women, Mthatha, 27 November 2025).

This account demonstrates how coercion and deception are embedded within socially recognisable practices, blurring the boundaries between cultural expression and abuse. While interventions by government and civil society have sought to address such practices, their persistence reflects the resilience of cultural norms in contexts of limited economic opportunity and institutional reach (ECSECC, 2025; UNICEF, 2022).

Moral and religious frameworks, although less explicitly articulated in the field data, also contribute to the regulation of girls’ sexuality. Literature indicates that dominant moral discourses often emphasise female purity, chastity, and obedience, positioning early marriage as a mechanism for controlling sexuality and preventing premarital relationships (Dadras et al., 2023; Munte, 2025). These narratives prioritise family honour and social conformity, often at the expense of girls’ autonomy. While participants did not directly frame their experiences in religious terms, the influence of moral expectations is evident in community responses to cases of sexual exploitation.

As an NPA official noted, complainants are often “reluctant to proceed [...] and [...] fight [...] for the cases not to proceed” (Personal communication, NPA official, Eastern Cape, 2 December 2025), suggesting that social and moral pressures discourage disclosure and reinforce silence.

Such moral constructions can obscure the coercive nature of early unions, reframing them as socially desirable or protective arrangements rather than recognising their exploitative dimensions (Plan International, 2023).

Economic conditions intersect significantly with these socio-cultural norms, shaping how consent is negotiated and understood. The Eastern Cape remains one of the poorest provinces in South Africa, with unemployment rates reaching approximately 41.9% in the third quarter of 2025 (Statistics South Africa, 2025). In this context of widespread economic precarity, relationships involving material provision become normalised as part of household survival strategies.

Participant accounts illustrate how economic dependence influences decision-making. In a focus group discussion conducted in Cedarville, Matatiele, a participant described the local context:

“Cedarville is a small town plagued with high unemployment, there is a culture of alcohol abuse and a lack of services, and the town does not have a local clinic” (FGD, men, Cedarville, 3 February 2026).

This account highlights how spatial marginalisation, weak service delivery, and socio-economic deprivation intersect to produce environments in which girls are particularly vulnerable to exploitation.

As a DSD official narrated, early unions are sometimes directly linked to economic motives, with families pursuing marriage arrangements because “they want an income. [...] When a girl is being married [...] lobola will be paid” (Personal communication, DSD official, Eastern Cape, 3 February 2026).

This illustrates how cultural practices such as lobola become embedded within economic survival strategies, functioning as mechanisms of household liquidity in contexts of financial distress (ECSECC, 2025). These comments by the DSD official suggest that the commercialisation of lobola can reinforce gender inequalities and incentivise marriages involving minors, particularly in economically distressed households (Boterere & Maimela, 2023; Ngema, 2013). Studies support this claim, stating that under conditions of high unemployment, lobola may function as a form of income generation or financial relief, further constraining girls’ autonomy and reinforcing familial complicity in exploitative arrangements (Statistics South Africa, 2025; UNFPA, 2022).

Household structure and survival pressures also play a crucial role in shaping vulnerability. While not all affected households are formally child-headed, the findings indicate that many girls assume significant economic and caregiving responsibilities in contexts of parental absence, migration, or unemployment.

An NPA official noted that although many victims “come from proper homes, structural pressures associated with household fragility remain significant” (Personal communication, NPA official, Eastern Cape, 2 December 2025).

The Eastern Cape has a high proportion of female-headed households and widespread reliance on social grants, indicating persistent economic strain (Eastern Cape Provincial Government, 2025). In such contexts, girls may engage in relationships with adult men as a means of securing resources for themselves or their families, reflecting broader patterns of adolescent survival strategies in low-income settings (Myers et al., 2021).

An NPA official explained that cases are often withdrawn because “the child depends on this person for maintenance” (Interview, NPA official, Eastern Cape, , 2 December 2025).

This reframes exploitative relationships as sources of economic support, complicating perceptions of victimisation. Literature similarly demonstrates that in resource-constrained settings, economic survival imperatives frequently override rights-based considerations, reinforcing the acceptance of unequal and exploitative relationships (UNFPA, 2022; ECSECC, 2025).

Within these intersecting dynamics, grooming, coercion, and manipulation are normalised and embedded within everyday social interactions. Perpetrators often establish trust or dependency through emotional engagement or material support, gradually reducing girls' ability to refuse or exit relationships (Coetzee, 2023). Evidence from participants highlights how such processes are socially embedded and sometimes facilitated through familiar routines.

The findings further indicate that girls' apparent “compliance” should be understood as constrained agency rather than genuine consent. Socialisation processes that emphasise obedience, combined with economic dependence and fear of social sanctions, significantly limit girls' capacity to assert their rights.

Participant insights reinforce this dynamic, with an NPA official observing that “complainants are often unwilling to pursue cases and may actively resist prosecution due to dependence on perpetrators and fear of social consequences” (Personal communication, NPA official, Eastern Cape, 2 December 2025).

Stigma, fear of blame, and concern for family reputation significantly discourage girls from resisting or disclosing coercion and abuse, reinforcing entrenched patterns of silence (Wechsberg et al., 2024). Girls who speak out risk being labelled disobedient, promiscuous, or responsible for their abuse, as victim-blaming attitudes shift accountability away from perpetrators. At the same time, fears of bringing shame to the family or damaging its social standing often pressure victims and relatives to suppress incidents, with some families prioritising social relations or cultural expectations over child protection, leaving many cases unreported and unaddressed (Wechsberg et al., 2024). In this context, consent becomes a negotiated and compromised construct, shaped more by structural inequalities than by individual choice.

Community-level sanctions play a crucial role in maintaining these dynamics. Reporting or resisting exploitative relationships may result in social exclusion, reputational harm, or conflict within families, making silence a rational and often necessary response. As reflected in participant accounts, families may actively intervene to prevent cases from proceeding, reinforcing community norms that prioritise cohesion over accountability. These pressures are compounded by perceptions of weak institutional support, which reduce the perceived benefits of reporting and reinforce reliance on informal or private resolutions (HSRC, 2026; DWYPD & DoJ, 2020).

The findings demonstrate that constructions of consent, sexuality, and girlhood in the Eastern Cape are shaped by a complex interplay of patriarchal norms, cultural practices, moral frameworks, and economic constraints. Participant accounts highlight how these forces operate in everyday life, constraining girls' autonomy and normalising exploitative relationships.

7.3.2 *Manifestations of statutory rape and other forms of sexual exploitation of girls*

The findings from the Eastern Cape indicate that statutory rape constitutes the most prevalent and visible form of sexual exploitation affecting girls, while also intersecting with a broader continuum of exploitative practices. These manifestations are not isolated but are embedded within the socio-cultural and economic contexts outlined in the earlier theme, reflecting systemic patterns of vulnerability.

Across the study sites of Mthatha, Cedarville in Matatiele, and Butterworth, statutory rape was consistently identified by stakeholders as the dominant offence encountered by the criminal justice system.

An NPA official noted that “most of the cases involving children are cases of statutory rape. [...] These young children are sexually abused by these elderly men” (Personal communication, NPA official, Eastern Cape, 2 December 2025).

The cases are frequently characterised by significant age disparities, with adult men targeting school girls in rural communities. As further observed by the same official, “school-going girls are targets for older men in rural localities, with most of these cases emanating from Mzongwana and neighbouring areas” (Personal communication, NPA official, Eastern Cape, 2 December 2025).

A crucial feature of statutory rape in this context is delayed detection. Many cases only come to the attention of authorities when girls present at health facilities with pregnancies.

As highlighted by an NPA official, cases are often identified “when the child is pregnant; however, no recourse is taken, or it is not reported at the time as statutory rape” (Personal communication, NPA official, Eastern Cape, 2 December 2025).

This pattern reflects gaps in early reporting mechanisms and aligns with broader evidence indicating that adolescent pregnancy often serves as a proxy indicator of sexual exploitation (HSRC, 2026; Children’s Institute, 2025).

Transactional sex emerges as a significant manifestation of sexual exploitation. In contexts of high poverty and unemployment, relationships involving the exchange of money, gifts, or basic necessities for sexual access are common (Jewkes, Morrell, & Christofides, 2009; Luke, 2005). These arrangements blur the boundaries between consent and coercion, particularly where girls rely on such relationships for survival. Literature indicates that transactional sex is a key driver of vulnerability among adolescent girls, reinforcing unequal power relations and limiting their ability to negotiate safe or consensual interactions (Carney et al., 2024).

Child marriage (including practices linked to ukuthwala) represents another crucial manifestation of exploitation. These unions often follow or coincide with sexual violation, effectively institutionalising abuse within socially recognised relationships. As such, child marriage operates both as a consequence and a mechanism of sexual exploitation, reinforcing cycles of vulnerability and limiting girls’ access to education and economic opportunities (Plan International, 2023).

Grooming and coercion further underpin these manifestations. Perpetrators frequently employ strategies of emotional manipulation, promises of marriage, or material provision to establish control over victims. These processes reduce the likelihood of resistance and contribute to the normalisation of exploitative relationships (Coetzee, 2023).

Increasingly, such tactics are also observed in digital contexts, where online platforms are used to initiate contact and build trust with potential victims (UNICEF, 2022; Bolhuis, 2025). Digital connectivity is reshaping the political economy of exploitation by expanding the reach of perpetrators beyond immediate geographic contexts (UNICEF, 2021; ECPAT International, 2020). Evidence indicates that adolescents are increasingly contacted through platforms such as WhatsApp, Facebook, and Instagram, where perpetrators initiate relationships that may later transition into offline exploitation (UNICEF, 2021). Emerging evidence also suggests that digital platforms are beginning to influence constructions of consent and sexuality among adolescents. Although not yet dominant, participants pointed to specific localities where online grooming is becoming more visible (ECPAT International, 2020).

An NPA official noted that “areas such as Mount Ayliff are increasingly associated with ‘stories’ of online luring and manipulation” (Personal communication, NPA official, Eastern Cape, 2 December 2025).

National data suggests that between 7–9% of children aged 12–17 in South Africa have experienced some form of online sexual exploitation or grooming (UNICEF, 2022). These interactions often involve promises of financial or material support, linking digital engagement to underlying economic vulnerabilities (ChildFund, 2024). In rural areas with limited digital literacy and reduced parental oversight, girls may be less able to identify or respond to these risks, further increasing their susceptibility to exploitation (Bolhuis, 2025). Family complicity and informal resolution mechanisms also play a significant role in sustaining exploitation, as already illustrated. In some instances, families may discourage reporting or negotiate private settlements due to economic dependence on perpetrators.

This reflects broader structural conditions in which poverty and unemployment shape responses to exploitation, often prioritising short-term economic stability over legal accountability (ECSECC, 2025).

7.3.3 Institutional responses, legal gaps, and barriers to justice

The findings from the Eastern Cape province indicate persistent challenges related to the reporting, underreporting, and withdrawal of cases involving child marriages and the sexual exploitation of women and girls.

According to an NPA official interviewed, “[complainants] are reluctant to proceed [...] and [they] fight [...] for the cases not to proceed”, further noting that “many cases only come to the state’s attention when the child is pregnant and presents at health facilities” (Interview, NPA official, Eastern Cape, 2 December 2025).

Low reporting by complainants highlights the key points of attrition in the justice process, from initial disclosure to trial, reflecting both social and structural barriers to reporting. National evidence underscores similar patterns of low reporting and late detection, including low reporting of digitally facilitated exploitation that often remains hidden or is disclosed long after initial harm (UNICEF, 2022). Public health indicators in the province mirror these concerns, with analyses identifying districts with high burdens of adolescent births, a marker

often indicative of statutory rape and requiring effective referral pathways from health to justice services (HSRC, 2026).

Underreporting and case withdrawals are frequently shaped by household, economic, and social constraints, as well as the lack of mobile services, onsite experts, and transport to write examinations, provide statements, and appear in court.

These moral-economic considerations are recognised in the National Strategic Plan on GBVF, which advocates for survivor-centred justice, rapid linkages from health to police, and integrated psychosocial and economic supports to reduce pressures to withdraw cases (DWYPD & DoJ, 2020). Data from pregnancy of minors reported in the province further confirms that high caseloads often fail to translate into prosecutions, underscoring the need to strengthen reporting norms and victim-sensitive case management (SABC News, 2025).

Service availability remains unevenly distributed, particularly in deep rural and border areas, constraining consistent access to justice. An NPA official described the Maluti/Matatiele-Lesotho corridor as a high-risk environment, where “perpetrators [...] run away and go back to Lesotho”, complicating case continuity (Interview, NPA official, Eastern Cape, 2 December 2025).

Border management reporting confirms persistent vulnerabilities, including high interception numbers at ports of entry, highlighting the importance of coordinated cross-border case management and risk-sensitive bail decisions (Channel Africa, 2025; The Citizen, 2025). Cross-border mobility and porous borders with Lesotho, therefore, exacerbate enforcement challenges, allowing perpetrators to evade prosecution, while weak capacity and unevenly distributed services in rural areas constrain access to justice and victim support.

The Sexual Offences Act (Republic of South Africa, 2007) provides a robust statutory framework covering rape, sexual assault, grooming, and exploitation, and imposes reporting duties. However, implementation gaps compromise protection in the Eastern Cape.

As an NPA official highlighted:

“The intersection of bail practices and cross-border risk: prosecutors may oppose bail on flight-risk grounds for non-resident accused, but courts sometimes grant bail, after which suspects abscond across the border – an enforcement rather than a doctrinal failure” (Interview, NPA official, Eastern Cape, 2 December 2025).

While formal diversion to customary or religious fora was not a dominant pattern in the interviews and focus groups, familial “settlements” that bypass statutory justice persist.

A DSD official further explained:

“As DSD, they had sustained dialogues with traditional authorities and parents to reinforce that child marriage constitutes abuse and is unlawful” (Interview, DSD, Eastern Cape, 3 February 2026).

Research shows that traditional leaders can be effective gatekeepers when proactively engaged through community dialogues, referral support, and alignment with statutory child protection mechanisms (Population Council, 2010; UNODC, 2023). Accordingly, programmatic emphasis should focus on co-creation with traditional authorities (e.g., memoranda of understanding, joint campaign calendars, agreed sanctions) rather than bypassing customary structures, thereby preventing informal arrangements that displace girls' rights.

Capacity constraints further limit service coverage and intensity. As a DSD official noted:

"The challenge is huge and the budget is limited. [...] We cannot reach everyone at the same time" (Interview, DSD Eastern Cape, 3 February 2026).

Based on these insights, it appears that the National Strategic Plan on GBVF prescribes survivor-centred interventions, such as victim-friendly rooms, integrated post-rape care, real-time referrals from health facilities, and multisectoral coordination, all aimed at reducing attrition and secondary trauma. However, these may face challenges of implementation due to the capacity and resource limitations stated by participants (DWYPD & DoJ, 2020).

Institutional challenges exacerbate the persistence of statutory rape and related forms of exploitation. Delays in detection, case withdrawals, and difficulties in prosecution undermine the effectiveness of the justice system and contribute to low conviction rates. These challenges, coupled with perceptions of limited protection for victims, discourage reporting and reinforce cycles of abuse (HSRC, 2026; DWYPD & DoJ, 2020).

7.4 Mpumalanga

Socioeconomic, cultural, and religious constructions of consent, sexuality, and girlhood

Findings from Mpumalanga, particularly in Bushbuckridge, KwaMhlanga, and Standerton, demonstrate that understandings of consent are deeply embedded within socio-cultural norms, economic precarity, and community-based moral frameworks. Consent is rarely articulated as an individualised, autonomous decision; rather, it is understood as a relational and negotiated construct, mediated by family authority, gendered expectations, and material exchange. As a result, relationships between girls and adult men are frequently normalised, even in contexts where statutory frameworks clearly define such relationships as unlawful, thereby complicating the distinction between consent, coercion, and exploitation (Munte, 2025; Plan International, 2023).

Data revealed significant contestation around the role of funelani nganeno in shaping relationships between girls and adult men. While some participants, particularly men, invoked funelani nganeno to explain early unions and pregnancies, women participating in focus group discussions challenged this interpretation. Women argued that funelani nganeno is a cultural practice involving two consenting adults, negotiated within culturally recognised marital processes, and should not be conflated with contemporary practices where children are given to significantly older men.

According to women participants, modern instances of girls being paired with adult men are driven primarily by financial motivations, rather than cultural obligation. This distinction is analytically important, as it suggests a shift from culturally regulated marital practices to economically coerced sexual relationships, reflecting broader processes of socio-economic

erosion. Women's narratives, therefore, complicate dominant explanations that attribute statutory rape primarily to "harmful cultural practices", highlighting instead how poverty reconfigures and instrumentalises culture (Boterere & Maimela, 2023; Ngema, 2013).

At the same time, some male participants in Bushbuckridge continued to frame early unions through culturally legitimising narratives, which should not be negated. A participant stated:

"Yes, these practices are here, when a girl turns 16. [...] I impregnated a girl who was 16 years old and then the family spoke to me and the girl moved in with me" (FGD, men, Bushbuckridge, 12 February 2026).

A subject expert further reinforced this view by linking puberty to marital readiness:

"It is allowed [...] that when a child becomes of puberty, then we can think that they are ready to be someone's wife" (Interview, subject expert, 4 March 2026).

These narratives reveal how girls' bodies are constructed as communal property, with sexual maturity interpreted as social consent, thereby legitimising early marriage despite statutory prohibitions. The persistence of these views reflects the embedding of early marriage within intertwined cultural and economic systems, including lobola, that prioritise family interests over girls' autonomy (Ngema, 2013).

In Bushbuckridge, women's focus group discussions further implicated female initiation practices in shaping sexual vulnerability and exposing girls to statutory rape. Participants argued that initiation into womanhood marked a symbolic transition that shifted community and male perceptions of girls as sexually available. According to participants, girls returned from initiation "unruly", disregarding parental authority and prioritising sexual relationships, an interpretation that places moral blame on the girls themselves rather than on the structural conditions surrounding them.

One woman disclosed her own traumatic experience of initiation, describing exposure to "scary things" she felt unable to articulate publicly. She indicated that teachings focused heavily on pleasing men sexually, stating that if given another chance, she would refuse to participate in the ritual. In contrast, another participant minimised the significance of initiation, asserting that "nothing really happens there" yet simultaneously refused to elaborate on her experience. These contradictory accounts point to a culture of secrecy surrounding initiation practices, which women participants widely regarded as unacceptable.

The secrecy associated with initiation rituals limits accountability and forecloses crucial interrogation of how such spaces may reproduce gendered power relations and sexual compliance. Literature has long argued that rites of passage for girls often function as mechanisms for disciplining female sexuality in ways that serve patriarchal interests, under the guise of cultural preservation (UNFPA, 2022).

Religious and moral discourses also shape gendered power relations in the research sites visited for the study. Participants in a women's focus group discussion held in Standerton reported that, while child marriage is not perceived as a common practice, isolated instances were identified within the context of the Shembe Church. These accounts suggest that, although not systemic, child marriage persists in certain religious settings, often occurring in fragmented and less visible ways. The limited number of cases cited nonetheless raises concerns about the continued vulnerability of girls in faith-based contexts where religious authority and cultural norms may intersect to constrain reporting and accountability.

In KwaMhlanga, some male participants invoked religious beliefs to reinforce patriarchal authority. A male participant stated:

"When you talk about God or UNkulunkulu, who is God? It's a man. So nowadays as men we are not respected" (FGD, men, KwaMhlanga, 10 February 2026).

This statement reveals how religious and cosmological constructions of gender that men mobilise frame claims of declining male authority within households and communities. By invoking Nkulunkulu (God) as inherently male, the participant draws on both Christian and African traditional spiritual imaginaries to naturalise male dominance and position it as divinely sanctioned rather than socially produced. In this framing, respect for men is not merely a cultural preference but a moral and spiritual obligation, rooted in the perceived gender of supreme authority itself.

The quotation illustrates how patriarchal power is legitimised through religion, where masculinity is associated with leadership, discipline, and control, while femininity and girlhood are tacitly positioned as subordinate. By asserting that "God is a man", the participant reinforces a hierarchy in which challenges to male authority, whether from women, children, or legal institutions, are interpreted as a broader moral decline rather than as shifts towards gender equality or rights-based protections.

The latter part of the statement, "nowadays as men we are not respected", signals a perception of masculinities in crisis. This sense of lost respect can be read as a reaction to changing gender norms, legal frameworks, and accountability mechanisms that constrain previously unquestioned male authority. In the KwaMhlanga context, this sentiment emerges alongside frustrations surrounding child protection laws, sexual consent regulations, and state interventions that limit men's control over daughters, partners, and household decisions.

Importantly, the participant's framing implies that respect is owed by default rather than earned. This is often true in many African cultures and religious beliefs. Respect is frequently conceptualised as obedience and deference, particularly from women and girls, rather than as reciprocal recognition. When such deference is absent, such as when girls assert bodily autonomy or when statutory protections challenge men's authority, it is interpreted as disrespect. This reveals a tension between entrenched patriarchal expectations and evolving sociolegal norms surrounding gender and child rights.

Moreover, the statement echoes a broader discursive pattern in which men position themselves as victims of social change, even in contexts where structural power remains largely gendered in their favour. This narrative of marginalisation obscures the realities of girls' vulnerability and shifts attention away from the material, economic, and institutional drivers of exploitation documented across the research sites.

Nonetheless, in every province examined in the study, these sentiments surfaced, with men expressing a profound sense of disconnection from their families and communities. They articulated concerns about the challenges posed by democracy, feeling that it has contributed to a crisis of identity. This situation, they claimed, has led to an apparent lack of initiative to redefine their traditional roles, leaving them feeling adrift and susceptible to unhealthy habits and influences.

Participants in a women's focus group in Standerton described economic reward from male partners as an age-old expectation, reinforced intergenerationally. Mothers were said to question daughters who lacked cosmetics or toiletries while in relationships, and it was considered taboo for a girl to return hungry after spending time with a male partner. Focus group participants agreed that it was unacceptable for a male partner not to provide some form of incentive, stating that they too would not agree to be romantically involved with a man who does not provide any form of incentive. Across sites, parents reportedly did not question unemployed schoolgirls returning home with takeaways and expensive clothing; such displays were often expected.

More troublingly, some women in Standerton disclosed that caregivers occasionally offered children to adult men to fund alcohol or drug dependencies. A participant, who was a recovering drug addict and former sex worker, explained that girls were entering sex work due to their desirability, as men viewed older women as "damaged goods". These findings align with evidence that economic desperation, substance abuse, and the gendered valuation of youth intersect to produce conditions ripe for exploitation (Wechsberg et al., 2024).

Participants across sites expressed consensus that the social fabric of communities has been eroded, with Ubuntu perceived as largely absent. Old men preying on girls young enough to be their daughters was widely condemned; however, communities were described as complicit bystanders, who were aware of right and wrong but unwilling or unable to intervene.

Participants across sites, particularly in KwaMhlanga, attributed the prevalence of social ills, such as intergenerational relationships, statutory rape, and broader sexual offences, to the perceived removal of religion, specifically Christianity, from schools. Participants expressed the view that the exclusion of prayer and Christian teachings created a moral vacuum, which they believed exposed children to harmful influences. A participant became visibly emotional while discussing this issue, emphasising that "children need prayer", and framing spirituality as essential to moral guidance and protection.

In these discussions, participants placed greater emphasis on spiritual interventions than on legislative frameworks, law enforcement, or institutional accountability. Prayer was frequently positioned as a primary solution, with participants, mainly women, asserting that spiritual revival would "heal and unite South Africa" and restore moral order within families and communities. The perceived erosion of religious instruction was thus constructed as a causal factor in social breakdown, including sexual violence against children.

Although not explicitly reflected in the Free State section of the report, similar views were articulated by religious leaders consulted in Mpumalanga, who cited Christian scripture and argued that centring God in all aspects of community life would eliminate all social ills. In this framing, sexual violence is understood primarily as a manifestation of spiritual decay rather than as a consequence of structural inequality, poverty, patriarchal power, or weak enforcement mechanisms.

These narratives reveal how religion is mobilised as a moral explanatory framework for sexual harm, positioning spiritual absence, rather than socio-economic conditions or gendered power relations as the root cause of exploitation. This perspective shifts responsibility away from perpetrators, institutions, and structural drivers, placing emphasis instead on individual and collective moral failure. Statutory rape, in this worldview, is not fundamentally a crime of power and coercion but a symptom of declining religious discipline.

The privileging of prayer over policy, however, also reflects a deep mistrust or disillusionment with the state, particularly its ability to protect children through legislation and enforcement. In contexts of persistent poverty, unemployment, and institutional failure, spiritual solutions may offer participants a sense of agency and hope where formal systems have proven ineffective. However, this reliance on faith-based explanations risks obscuring how entrenched patriarchy, economic vulnerability, and social norms enable sexual exploitation, even within highly religious communities.

These findings, therefore, suggest a tension between rights-based approaches to child protection and faith-based moral frameworks. While spirituality plays a significant role in shaping community values, an overreliance on religious explanations may undermine advocacy for stronger legal enforcement, accountability, and structural reform. Understanding how religion is invoked to explain and address statutory rape is, however, crucial for designing interventions that are socially resonant yet do not reinforce silence, stigma, or impunity.

7.4.1 *Manifestations of statutory rape and other forms of sexual exploitation of girls*

Across the Mpumalanga sites, statutory rape was described as taking multiple and socially normalised forms, including relationships framed as ‘consensual’ between girls and adult men. Participants frequently distinguished between extreme age gaps and relationships involving men perceived as “young enough”, such as 21-year-old men engaging sexually with adolescent girls. This framing obscures the legal and ethical realities of consent, reflecting a broader tendency to interpret consent through social acceptability rather than statutory definition. Such narratives reveal how age, masculinity, and perceived maturity are mobilised to legitimise sexual relationships that remain exploitative under the law.

Economic vulnerability emerged as a central driver of child marriage and sexual exploitation in Standerton, Bushbuckridge, and KwaMhlanga. High levels of poverty and unemployment create conditions in which transactional sexual relationships function as survival strategies for adolescent girls and, in some cases, their families. A participant in Standerton reflected:

“Here girls in our community love money. The girls see these older women getting all these fancy things [...] and they envy them, not knowing these are wrong role models” (FGD, men, Standerton, 11 February 2026).

This account highlights how material aspirations, shaped by visible consumption and local role models, influence girls’ perceptions of acceptable relationships, rather than being understood as exploitation, transactional relationships in this instance are framed as aspirational pathways to material security.

In KwaMhlanga, a participant described how girls and women openly discussed scheduled sexual encounters with adult men:

“You'd hear them say ‘I have a tender today’” (FGD, women, KwaMhlanga, 10 February 2026).

The term “tender” referred to meeting a male sexual partner, often significantly older, who provided financial compensation. Participants explained that an acceptable amount was colloquially referred to as “All Star”, meaning approximately R1,500, equivalent to a pair of Converse sneakers. Alarming, participants further indicated that if a man refused to pay, women and girls would open cases of sexual violence that were later withdrawn once payment was made. Participants stated that police were aware of these practices but failed to intervene, highlighting systemic failures in protection and accountability.

Participants and subject experts further emphasised how mobility, urbanisation, and environmental stressors exacerbate vulnerability to sexual exploitation. Rapid urbanisation and migration were said to weaken traditional family and community protection systems, creating fragmented social environments in which children are more easily exploited. A subject expert explained:

“Urbanisation separates families and creates ‘a very weak system where children can get exploited’ amidst overcrowding, informal housing, and unstable livelihoods” (Interview, subject expert, 4 March 2026).

This aligns with broader research demonstrating that girls in mobile or migratory households face heightened exposure to abuse due to disrupted caregiving structures and reduced community oversight (UNICEF, 2022). Environmental stressors and livelihood insecurity further compound these risks by intensifying economic dependence and narrowing viable alternatives for survival.

While child-headed households were not reported as a dominant pattern in Mpumalanga, extreme poverty was shown to compel girls to assume adult responsibilities prematurely, increasing susceptibility to predatory relationships. As one expert noted:

“Survival economies in child-headed households increase exposure to predatory actors and transactional dependencies. In parallel, the monetisation of marriage via lobola can commodify girls and incentivise early unions” (Interview, subject expert, 4 March 2026).

Cultural practices such as lobola and funelani nganeno remain influential in structuring early marriage negotiations. Even when contested, as women participants argued, funelani nganeno involves consenting adults. Early negotiations can create social pressure for compliance, especially during periods of acute financial stress. Literature confirms that when marriage becomes monetised, poverty and patriarchy intersect to reinforce gendered hierarchies and constrain girls' educational and personal aspirations (Boterere & Maimela, 2023; Ngema, 2013).

Male participants openly acknowledged that material provision functions as a means of securing compliance:

“If you want a girl to agree [to a sexual relationship], you must give her something [...] even food or clothes, [...] then she will listen” (FGD, men, KwaMhlanga, 10 February 2026).

Such statements underscore how the expectation of material reward, frequently reinforced by family and community acceptance, blurs the boundary between choice and coercion. These dynamics reflect entrenched power asymmetries between adult men and adolescent girls, where economic dependence undermines agency and renders refusal costly or impossible (Banounin et al., 2023; UNFPA, 2022).

Digital platforms have emerged as significant facilitators of sexual exploitation. For instance, a woman shared an experience from her adolescence of adult men contacting her via WhatsApp, Facebook, and Instagram. Offers of financial assistance served as entry points to abuse. The participant from Standerton recounted:

“He added me on WhatsApp. [...] He told me he could help me with transport and clothes [...] then he asked me to meet him alone. [...] I didn’t know what to do” (FGD, women, Standerton, 14 February 2026).

These accounts illustrate how digital spaces extend existing patterns of grooming and exploitation, often outpacing community awareness and institutional protection mechanisms.

Finally, substance abuse emerged as a significant driver of statutory rape. Alcohol and drug use among young people was attributed to curiosity, peer influence, and as coping mechanisms in contexts of poverty, abandonment, father absence, and poor service delivery. Participants in KwaMhlanga physically showed researchers areas used as drug “dungeons”, noting that drug use cut across class and profession, reinforcing the structural nature of this risk.

7.4.2 Institutional responses, legal gaps, and barriers to justice

Findings from Mpumalanga, consistent with those from the other three provinces, suggest systemic institutional failures, legal gaps, and socio-cultural barriers that significantly impede access to justice for victims of sexual exploitation and early marriage. These challenges operate across multiple levels (in the community, service delivery, and the criminal justice system) and collectively sustain impunity for perpetrators while deepening girls’ vulnerability.

Underreporting emerged as a pervasive challenge shaped by stigma, fear of social exclusion, family pressures, and the normalisation of early unions within communities. NPA officials emphasised the central role of Thuthuzela Care Centres (TCCs). An official stated:

“[TCCs] are our best practice models in terms of dealing with sexual offences” (Interview, NPA, Mpumalanga, 2 March 2026).

However, cases rarely originate from direct disclosure. Instead, sexual exploitation is often identified indirectly through the health system, particularly during assessments of teenage pregnancy. As one official explained:

“When we’re looking at teenage pregnancies, [...] a lot of that has to do with sexual exploitation of children” (Interview, NPA, Mpumalanga, 2 March 2026).

This reliance on secondary detection reflects a reactive rather than preventative approach to sexual violence and aligns with broader South African research showing that adolescent victims often only come into contact with justice pathways through pregnancy-related health services (UNICEF, 2022; HSRC, 2026; Jewkes et al., 2019). Such delays reduce evidentiary strength, increase case attrition, and heighten the risk of retraumatisation.

Furthermore, economic vulnerability further undermines reporting and prosecution. NPA officials noted that families sometimes actively obstruct justice processes because:

“The families receive money. [...] They don’t want to open cases” (Interview, NPA, Mpumalanga, 2 March 2026).

Such findings underscore how poverty transforms sexual exploitation into a negotiated survival strategy, where short-term economic relief outweighs long-term legal accountability. The literature consistently shows that family-mediated settlements and financial compensation are common in contexts of deprivation, eroding formal justice mechanisms and reinforcing gendered power hierarchies, as argued elsewhere in this report (UNFPA, 2022; Banounin et al., 2023). An official also shared:

“Between us wanting them to go to the TCC and cases being opened, they disappear” (Interview, NPA, Mpumalanga, 2 March 2026).

This statement by an NPA official highlights a crucial point of attrition in the justice continuum for survivors of sexual exploitation and statutory rape. The disappearance of victims before cases can be formally opened reflects not individual reluctance alone, but a convergence of structural vulnerability, social pressure, and institutional weakness that systematically undermines access to justice.

First, the quotation underscores the fragility of the window between identification and formal legal intervention. While Thuthuzela Care Centres are designed as integrated, victim-centred entry points into the criminal justice system, the process still requires survivors to navigate multiple steps: medical examination, police reporting, and prosecutorial follow-up. For minors, these steps are often mediated by caregivers or family members, many of whom may have competing interests. Literature shows that delays or complexity during this early stage significantly increase the likelihood of withdrawal or disengagement, especially among child survivors (Artz et al., 2016; UNICEF, 2022).

Second, the disappearance of victims must be understood within the contexts of economic dependency and family complicity. As highlighted elsewhere in the findings, families may receive financial compensation from perpetrators or fear the loss of economic support if a case proceeds. In such circumstances, removing the child from the justice pathway (by relocating them, sending them to relatives, or facilitating cross-border movement) becomes a strategic choice to preserve household stability (UNFPA, 2022; Banounin et al., 2023).

Third, mobility and cross-border movement play a decisive role. Mpumalanga's proximity to Mozambique and Eswatini creates conditions in which children can be moved rapidly and informally, effectively severing their traceability for law enforcement. Once removed from the jurisdiction, cases collapse due to the absence of complainants and a lack of cross-border cooperation mechanisms. An official stated:

"Most people [...] relocate very quickly. [...] The child is pushed to Mozambique or Swaziland" (Interview, NPA, Mpumalanga, 2 March 2026).

UNODC (2023) and IOM (2021) document how weak civil registration systems, porous borders, and informal migration networks are routinely exploited to evade accountability in cases of child exploitation.

Fourth, fear, stigma, and the anticipation of social consequences also contribute to victim withdrawal. Children may face retaliation, blame, or ostracisation, particularly where perpetrators are community members, relatives, or key economic actors. Studies consistently show that survivors, especially adolescents, often disengage from legal processes when protection mechanisms such as safe housing, psychosocial support, and long-term accompaniment are insufficient (Jewkes et al., 2019; HSRC, 2026).

Finally, the quotation exposes the limitations of institutional capacity. When safe houses are unavailable, transport is unreliable, or medico-legal documentation is delayed, victims are often returned to unsafe environments while cases are pending. This not only heightens the risk of re-victimisation but also increases the likelihood that families will remove the child from the process altogether. Attrition in sexual offence cases is therefore not an accidental outcome, but a predictable consequence of systemic gaps in survivor protection and follow-up (Department of Women, Youth and Persons with Disabilities [DWYPD] & Department of Justice [DoJ], 2020; Artz et al., 2016).

Cultural norms and practices continue to interfere with statutory child protection frameworks. Families sometimes resist engagement with the justice system on the basis of lobola:

"Lobola was already paid. [...] They were coming to join their husbands" (Interview, NPA, Mpumalanga, 2 March 2026).

Community-based dispute resolution and familial negotiations frequently prioritise social cohesion, family honour, and economic exchange over children's rights.

A subject expert captured this dynamic succinctly:

"Customary and faith forums may prioritise family reputation and 'harmony' over girls' rights, [...] community elites can determine that abuse 'shouldn't be told [...], and that will remain like that. This sustains impunity and displaces statutory remedies" (Interview, subject expert, 4 March 2026).

Empirical research similarly demonstrates that when customary authority and statutory law operate in tension, community norms often prevail, particularly in rural contexts, weakening enforcement of child protection legislation (Population Council, 2010; DWYPD & DoJ, 2020; Khadiagala, 2021).

Infrastructural limitations further constrain access to justice. NPA officials highlighted a crucial shortage of safe houses:

“We are lacking safe houses that can accommodate most of the minors” (NPA Mpumalanga, 2 March 2026).

Participants and officials identified statutory complexities as further barriers. The NPA highlighted challenges with age-of-consent provisions:

“These 12 years and older but younger than 16, [...] makes it very difficult [...] especially when they say, ‘I told him I’m 16’” (NPA Mpumalanga, 2 March 2026).

Officials also noted the absence of mandatory minimum sentencing in certain cases:

“The Act does not provide for a minimum sentence. [...] The discretion is with the magistrate” (Interview, NPA, Mpumalanga, 2 March 2026).

Such legal ambiguities weaken deterrence and result in inconsistent judicial outcomes, a concern echoed in national assessments of sexual offence prosecutions in South Africa (DWYPD & DoJ, 2020; Artz et al., 2014).

NGO workers in Bushbuckridge highlighted procedural failures around Form 22 forms, which are essential for medico-legal reporting of statutory rape. NGOs reported that cases, particularly those involving pregnancy, were frequently referred; yet, healthcare facilities claimed the forms were unavailable. Such administrative failures effectively stall prosecutions, shield perpetrators, and undermine survivor confidence in state institutions. Similar gaps have been identified nationally as key contributors to attrition in sexual offence cases (UNFPA, 2022; HSRC, 2026).

Additionally, despite the glaring need for transparency, reporting by healthcare practitioners remains infrequent. Often, children and adolescents are viewed merely as clinical patients rather than as individuals with rights and voices of their own. In an unrelated meeting, a senior official from the national Department of Health revealed a troubling trend: healthcare workers are reluctant to report cases to the police due to overwhelming work pressures and the burdensome expectation that they serve as court witnesses. This, she said, emanates from the belief that this responsibility detracts from their focus on essential tasks that contribute significantly to their performance metrics or KPIs.

Moreover, the official noted that there is further hesitance among healthcare workers stemming from external pressures. Families frequently intervene, perceiving such matters as deeply personal issues that should remain private. This is especially true in situations where they believe their child was engaged in a consensual relationship. In such cases, families worry about potential legal consequences for the adult male partner, feeling that he would be unfairly targeted. This complex web of pressures ultimately stifles the reporting of crucial cases, leaving vulnerable children and adolescents without the protection and advocacy they desperately need.

In South Africa, the Children's Act 38 of 2005 sets out clear responsibilities regarding the reporting of child abuse and neglect. While the Act distinguishes between mandatory reporters and the general public, it affirms that every adult has a responsibility to act when a child is at risk. Section 110(1) of the Act imposes a legal obligation on specified professionals to report child abuse or deliberate neglect. If these persons, on reasonable grounds, conclude that a child has been abused (physical injury, sexual abuse, or deliberate neglect), they must report it in the prescribed manner (Form 22) to a designated child protection organisation, the provincial Department of Social Development, or a police official.

Professionals listed include (among others):

- Teachers
- Social workers and social service professionals
- Medical practitioners, nurses, psychologists
- Legal practitioners
- Ministers of religion and religious leaders
- Police and correctional officials
- Traditional leaders and traditional health practitioners
- Staff or volunteers at child and youth care centres, shelters, or drop-in centres.

Furthermore, the Act states that failure by a mandated reporter to report can have legal consequences, including professional and statutory sanctions. Yet, at the research sites covered in this study, such sanctions had yet to be realised.

The Act also establishes a duty and right for every adult to report, as stipulated in Section 110(2), thereby recognising the role of all adults, not only professionals. The Act states, "Any person who on reasonable grounds believes that a child is in need of care and protection may report that belief". This provision empowers and encourages any adult who reasonably suspects abuse or neglect to report it. Reports can be made to the same authorities: Social Development, a child protection organisation, or the SAPS. Moreover, the law does not require proof; it only requires a reasonable belief. Although this provision is framed as a "may report", it reflects a strong societal and moral responsibility placed on all adults to protect children.

As such, professionals and community members who are aware of statutory rape and child exploitation, particularly involving girls in the context of this study, become complicit in these crimes when they fail to take action. Despite this, legal consequences for such inaction are rare. This issue is especially prevalent in families that tacitly endorse these relationships by refusing to report incidents or by actively obstructing legal proceedings.

Taken together, the Mpumalanga findings demonstrate that institutional weaknesses, socio-cultural norms, economic pressures, and legal ambiguities intersect to systematically obstruct justice for minors. Rather than functioning as isolated barriers, these factors reinforce one another, producing a cumulative disadvantage that leaves girls unprotected and perpetrators largely unaccountable. These patterns mirror national and regional evidence on the structural challenges of prosecuting sexual exploitation and early marriage in resource-constrained and highly mobile contexts (Department of Women, Youth, and Persons with Disabilities [DWYPD] & Department of Justice [DoJ], 2020; United Nations Office on Drugs and Crime [UNODC], 2023).

8 FINDINGS OF THE STUDY: PART B – QUANTITATIVE RESULTS

8.1 Introduction to quantitative results

This section presents the findings from two online surveys conducted across the Eastern Cape, Northern Cape, Mpumalanga, and Free State, targeting men and parents or guardians. Both surveys were broadly designed to explore perceptions, knowledge, attitudes, and lived experiences relating to child marriage and the sexual exploitation of girls. A total of 70 participants completed the surveys, comprising 37 male participants and 33 participants who completed the parents and guardians survey.

The men's survey was structured around key thematic areas: attitudes and beliefs regarding child marriage and sexual exploitation; understanding and awareness of social norms; accountability and legal awareness; community involvement and responsibility; education and support needs; and personal involvement in cultural practices. The purpose was to explore male perceptions, experiences, and roles in the normalisation or rejection of child marriage and sexual exploitation.

The parents and guardians survey was structured around the key thematic areas of knowledge and perceptions of child marriage and sexual exploitation, as well as legal, consent, and enforcement awareness. The purpose was to understand perceptions, attitudes, and awareness of child marriage, sexual exploitation, and related cultural or religious practices.

The decision to administer two separate surveys, one targeting men and the other parents and guardians, was both methodological and conceptual. Gendered power relations, social roles, and intergenerational dynamics shape child marriage and the sexual exploitation of girls. Men are often positioned within patriarchal systems as key actors in the perpetuation, negotiation, or rejection of practices such as child marriage, whether as decision-makers, partners, or community influencers. As such, isolating men as a distinct respondent group allowed for a focused examination of masculinities, norms of control and authority, and the extent to which men recognise and challenge harmful practices (Connell, 2005; UNICEF, 2021).

In contrast, parents and guardians occupy a different, but equally crucial, position as primary caregivers and gatekeepers responsible for the protection, upbringing, and socialisation of children. A combination of cultural expectations, economic pressures, and concerns about safety, marriageability, and social status often shapes their perceptions. By engaging this group separately, the study was able to capture how decisions affecting girls are negotiated within households and justified within familial and community contexts. Research shows that family-level decision-making plays a central role in the persistence of child marriage, often influenced by poverty, social norms, and perceived protection strategies (Javed et al., 2021; UNICEF, 2021).

The findings are presented using descriptive statistics, derived from bar graphs, and supported by thematic analysis. A gender lens was applied throughout to interpret how socio-cultural norms, economic conditions, and institutional systems shape understandings of consent, sexuality, protection, and girlhood.

It is important to note that some of the bar graph totals do not add up to 100%. This is because several survey questions allowed multiple responses, allowing participants to select more than one applicable option. In such cases, percentages are calculated based on the total number of respondents rather than the total number of responses, resulting in cumulative percentages exceeding 100%. This is a standard and widely accepted practice in survey research, particularly when capturing complex attitudes, overlapping experiences, or multidimensional social phenomena (Bryman, 2016; Dillman et al., 2014). Allowing multiple responses provides a more nuanced understanding of participants' perspectives, especially in studies addressing sensitive and socially embedded issues such as child marriage and sexual exploitation, where motivations and beliefs are rarely singular or mutually exclusive.

8.2 Demographic and socio-cultural profile of respondents (men's survey)

Table 1 presents the consolidated demographic and socio-cultural profile of respondents from the men's survey (n=37). The demographic composition of respondents provides important contextual grounding for interpreting the survey findings. Understanding who participated in the study, including their age, marital status, geographic location, and socio-cultural background, is essential for situating their responses within broader social structures and lived realities. These characteristics shape how individuals perceive, interpret, and respond to issues related to child marriage and the sexual exploitation of girls.

Table 3: Demographics of Men's Survey

Demographic variable	Category	Percentage (%)
Age distribution	18–24	10.8
	25–34	13.5
	35–44	43.2
	45–54	18.9
	55+	13.5
Marital status	Single	56.8
	Married	29.7
	Divorced	5.4
	Widowed	2.7
	Separated	2.7
Cultural/religious background	Traditional union	2.7
	Christianity	56.8
	African traditional/Indigenous beliefs	32.4
	Mixed cultural or interfaith background	8.1
	Other	2.7
	Islam	0.0
	Hinduism	0.0
	Buddhism	0.0
	Judaism	0.0
	Secular/non-religious/atheist/agnostic	0.0

The demographic profile of the male respondents indicates that the sample is largely composed of mature adult men, with the highest concentrations in the 35–44 (43.2%) and 45–54 (18.9%) age categories. Together, these groups represent the majority of participants and are typically associated with heightened social authority, economic participation, and household or community decision-making power. This positioning is significant, as men within these age brackets are often key actors in shaping, reinforcing, or challenging gender norms, including those related to child marriage and the sexual exploitation of girls. The inclusion of younger and older age groups adds some intergenerational diversity, although the overall profile remains weighted towards middle-aged respondents.

In terms of marital status, more than half of the respondents identified as single (56.8%), followed by married men (29.7%), with smaller proportions reporting divorced, widowed, separated, or traditional union statuses. This distribution is analytically important because it suggests that many respondents are not currently embedded in formal marital structures, which may influence their perceptions of marriage, gender roles, and familial responsibility. However, the presence of married and previously married respondents ensures that the data set still captures lived relational and household experiences that inform attitudes toward family formation and social norms.

Culturally and religiously, the men's sample is largely shaped by Christianity (56.8%) and African traditional/Indigenous belief systems (32.4%), with a smaller proportion identifying with mixed or interfaith backgrounds (8.1%) and a minimal "other" category (2.7%). These dominant belief systems are particularly significant, as both often play an influential role in shaping norms around gender relations, marriage practices, family honour, and the social construction of girlhood. The absence of respondents identifying with Islam, Hinduism, Buddhism, Judaism, or secular worldviews suggests limited representation of religious diversity beyond the dominant cultural frameworks, which may also shape how gender and marriage norms are interpreted within the dataset.

Educationally, the sample shows that most of the men participating in the survey are highly qualified: 86% (n=32) report tertiary education, and only 14% (n=5) report secondary education.

8.3 Attitudes toward child marriage

An overwhelming majority of respondents reported that they do not believe a girl under the age of 18 is ready for marriage or a long-term union. This dominant position may reflect a high awareness of children's rights and legal standards among men.

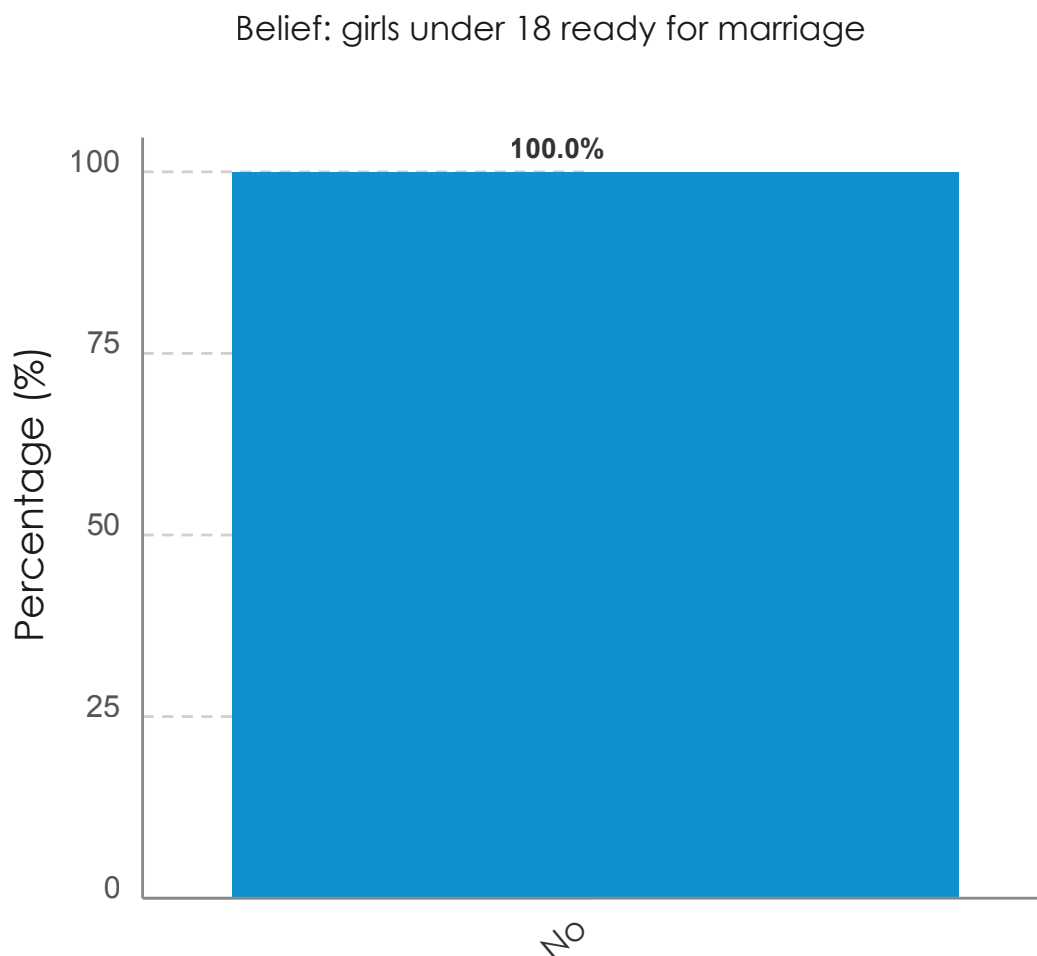


Figure 1: Belief that girls under 18 are ready for marriage

This finding may indicate a crucial disconnect between knowledge and lived practice: while men may oppose child marriage at a normative level, patriarchal power relations may still enable or excuse harmful behaviour in practice.

8.4 Gendered drivers of sexual exploitation

The drivers of child marriage and exploitation require careful interpretation because the response categories reflect overlapping rather than mutually exclusive causes. The high proportion associated with poverty indicates that economic vulnerability remains the dominant structural factor, but the presence of cultural beliefs, religious expectations, and business arrangements complicates the narrative. This suggests that families may be making decisions within intersecting systems of economic pressure and social obligation.

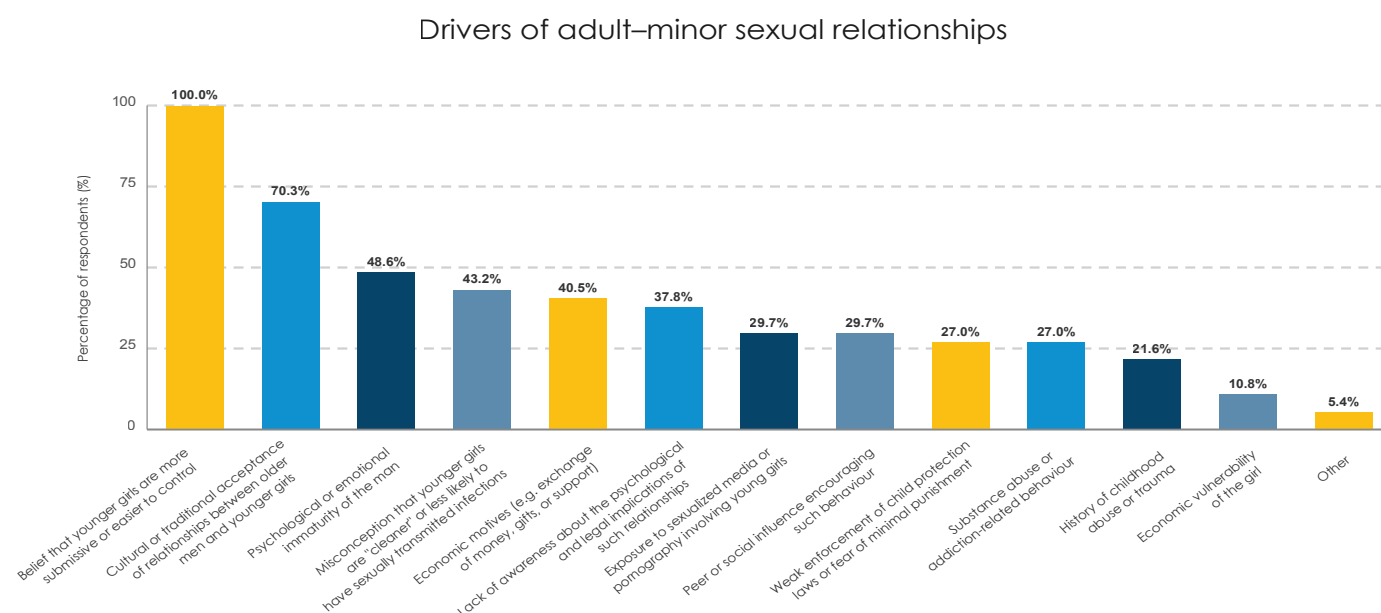


Figure 2: Drivers of sexual relationships between adult men and minor girls

The graph could be read as evidence of layered causality, where poverty interacts with gender norms, family expectations, and community beliefs to sustain risk. This complexity is crucial because it moves the analysis beyond simplistic explanations and foregrounds the structural nature of exploitation. The most frequently cited drivers of adult men engaging in sexual relationships with girls include control and dominance over girls (70.3%, 18 participants); cultural acceptance of age-gap relationships (48.6%, five participants); psychological immaturity of men (43.2%, four participants), and economic motives (40.5%, one participant). These drivers highlight masculinities rooted in entitlement, economic power, and the belief that girls are submissive or controllable.

8.5 Consent and power

The bar graph on legal awareness reflects strong recognition that minors cannot consent (86.5%, 32 responses); however, this finding must be analysed against broader results. While the bar graph suggests high levels of awareness, uncertainty among a minority of respondents (51.4%, 19 responses) indicates that legal literacy is uneven.

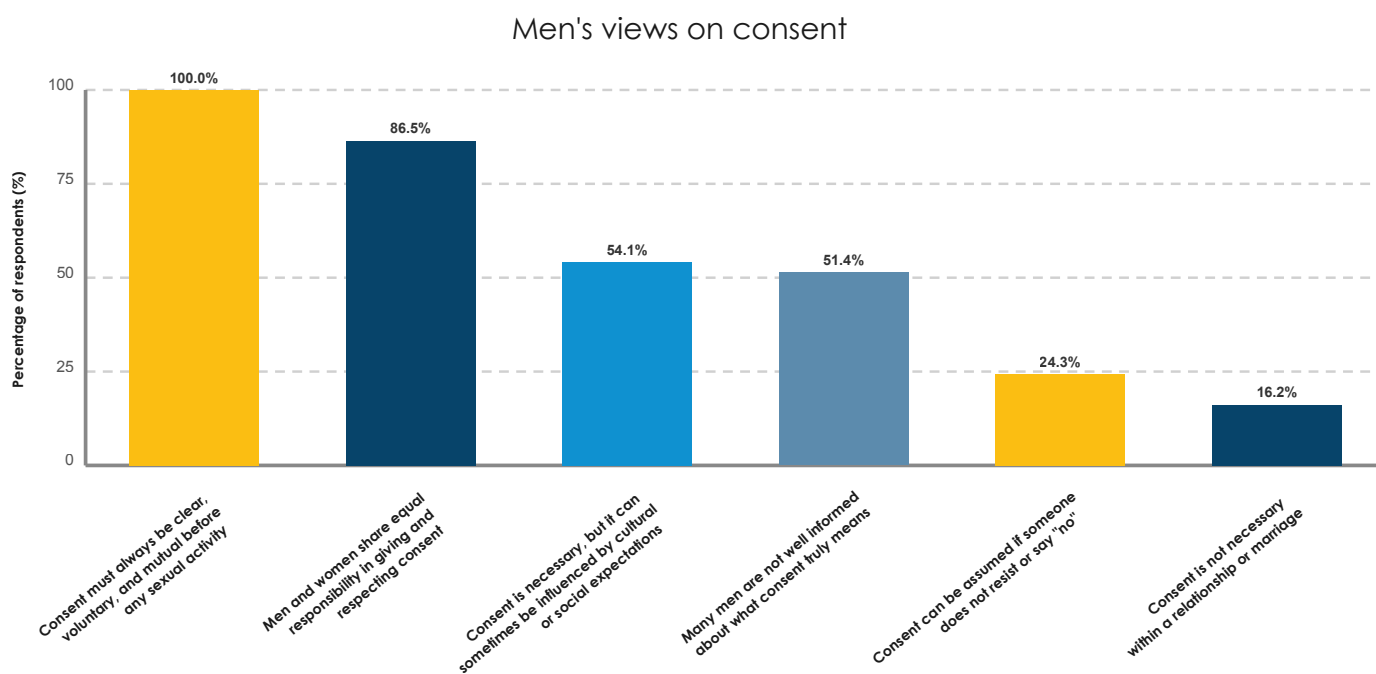


Figure 3: Men's views on consent

More importantly, the findings reveal that legal knowledge may not necessarily translate into practical protection. This introduces an important complexity between awareness and enforcement, where respondents may know the law but still operate within communities where harmful practices are normalised, underreported, or socially concealed. The chart, therefore, supports the argument that knowledge is necessary but insufficient without stronger institutional and community accountability.

While most men affirm that consent must be clear, voluntary, and mutual, a significant minority (24.3%, 9 respondents) agree or partially agrees with statements suggesting that social or cultural expectations may influence consent. This reflects how gender and age power asymmetries distort the concept of consent in relationships involving minors.

Overall, the findings from the men's survey reveal a tension between stated opposition to child marriage and the persistence of gendered power relations that normalise male authority over the bodies and choices of girls in everyday life. Poverty and transactional relationships intensify girls' vulnerability, while masculinities centred on control and provision sustain risk.

8.6 Demographic and socio-cultural profile of respondents (parents and guardians survey)

Table 2 shows the consolidated demographic profile of respondents from the parents and guardians survey (N=100).

Table 4: Demographics of parents/guardians survey

Demographic	Category	Percentage (%)
Age distribution	18–24	3.0
	25–34	18.2
	35–44	36.4
	45–54	30.3
	54–64	12.1
Gender	Female	57.6
	Male	39.4
	Non-binary	0.0
Marital status	Single	51.5
	Married	30.3
	Divorced	12.1
	Widowed	6.1

The majority of parents and guardians fall within the 35–54 age category, indicating that respondents are primarily adults in active caregiving, parenting, and household decision-making roles. This life stage is particularly significant, as it positions respondents as key socialising agents responsible for shaping children's values, behaviours, and understandings of gender, relationships, and protection.

Culturally and religiously, the sample is largely shaped by Christianity (63.6%, 24 participants) and African traditional/Indigenous belief systems (36.4%, eight participants). Educational attainment among respondents is relatively high, with the majority reporting tertiary education (approximately 86%, 27 participants) and a smaller proportion indicating secondary education (approximately 14%, five participants). These patterns remain resilient even in contexts of increased educational attainment, particularly where patriarchal values are institutionally embedded or culturally reinforced.

8.7 Gendered drivers of child marriage at the household level

Parents and guardians identified poverty (75.8%, 25 participants), transactional arrangements (51.5%, 17 participants), family cultural norms (48.5%, 16 participants), family relationships (30.3%, 10 participants), and religious affiliation (33.3%, 11 participants) as key reasons families may agree to or arrange marriages involving girls.

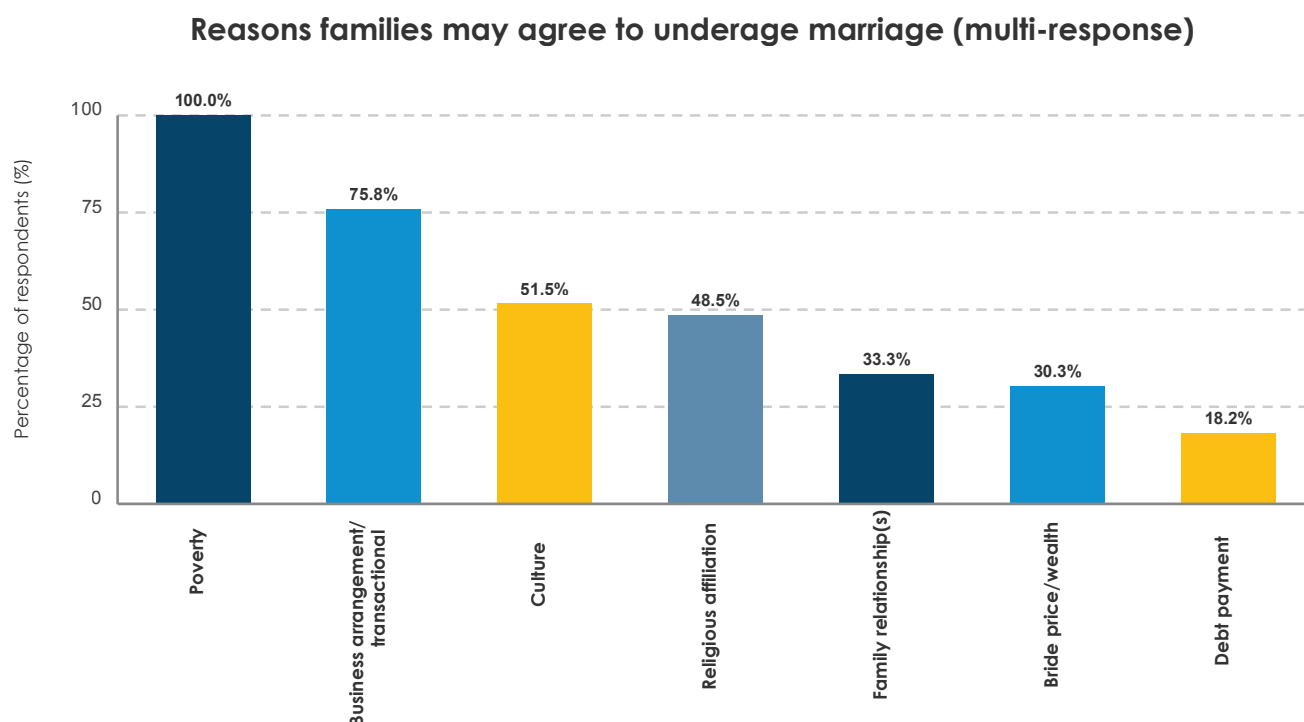


Figure 4: Reasons families marry girls to adult men

The data reflect a strongly gendered pattern in which economic hardship is the dominant force shaping decisions that expose girls to early unions. Poverty and transactional pressures indicate that households under financial stress may view relationships involving girls as coping or survival strategies. This effectively transfers economic risk from the household to the girl child, reinforcing structural inequality. The multi-response pattern shows that child marriage is rarely driven by a single factor, but rather by overlapping economic, cultural, and relational pressures. Cultural norms can normalise or rationalise these practices, further entrenching gender inequality. Family relationships also play a role, suggesting that decisions may be embedded in household dynamics rather than solely through external coercion. In some cases, respondents believed that debt and financial dependency increase vulnerability, linking girls' bodies to household economic survival.

8.8 Normative beliefs and harm recognition

A strong majority of respondents agree that child marriage is harmful to girls, indicating widespread normative recognition of harm. Despite this awareness, some respondents remain uncertain or neutral, illustrating how cultural and religious norms can still complicate protective action.

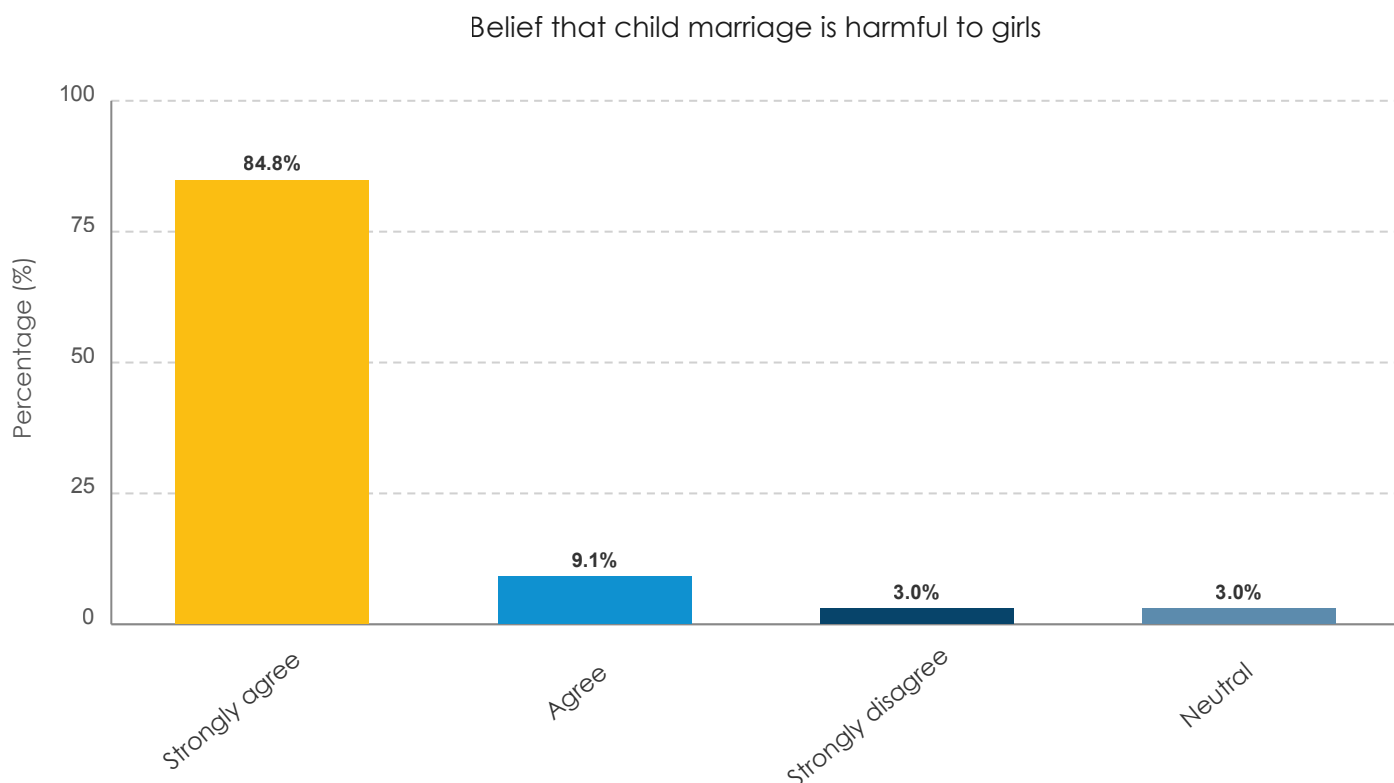


Figure 5: Belief that child marriage is harmful to girls

8.9 Protection, reporting, and accountability

An overwhelming majority of parents and guardians indicate a willingness to report the sexual exploitation of a child. This suggests strong protective intent and alignment with legal norms. However, gender analysis emphasises that structural barriers, such as fear of repercussions, stigma, and limited institutional trust, may still constrain actual reporting, particularly in close-knit communities.

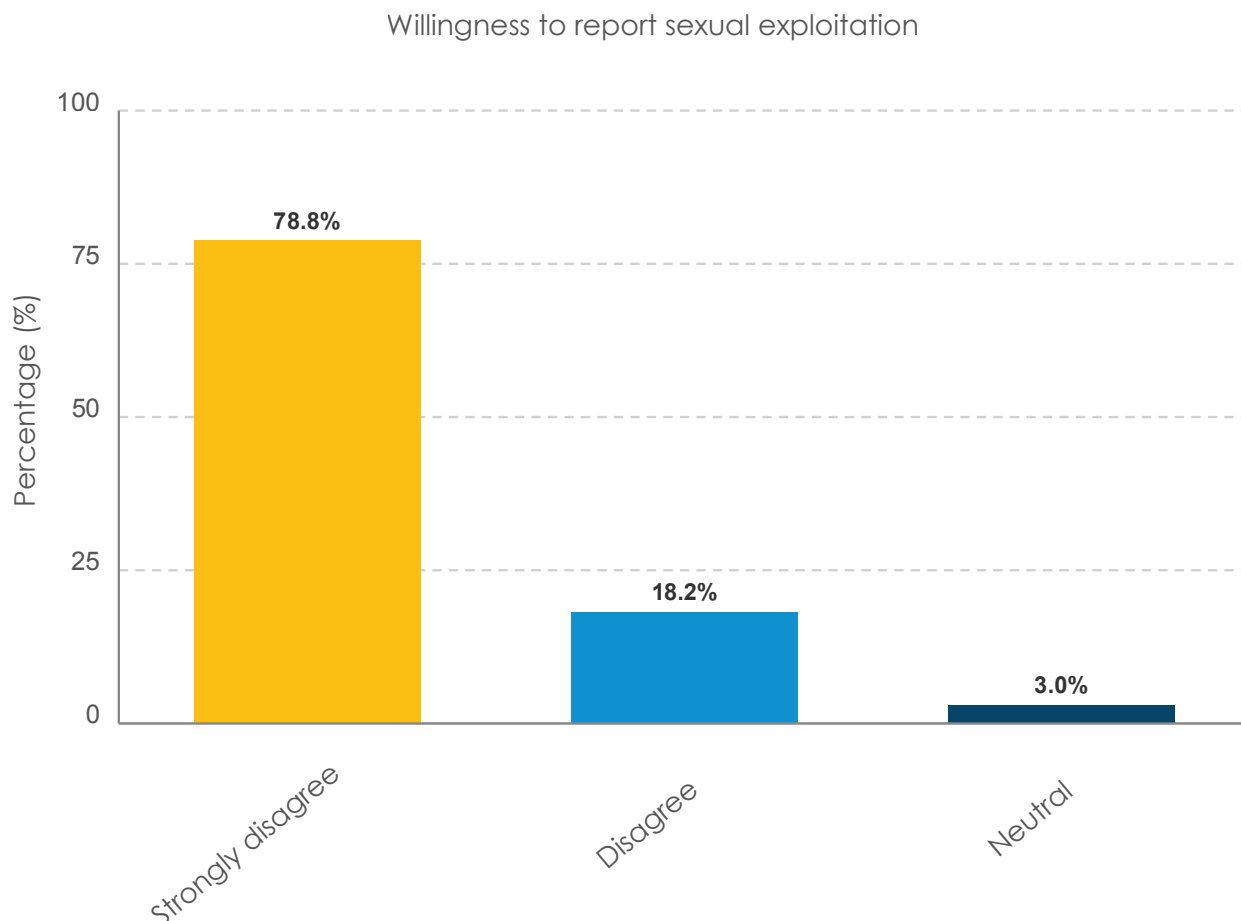


Figure 6: Willingness to report sexual exploitation

8.10 Norms, awareness, and harm recognition

Most participants were unaware of any traditional practices involving children under 18 years old. Specifically, 72.7% (24 respondents) indicated that they were not aware of any such practices. In comparison, 15.2% (five respondents) stated that they were aware, and 12.1% (four respondents) responded with “maybe”.

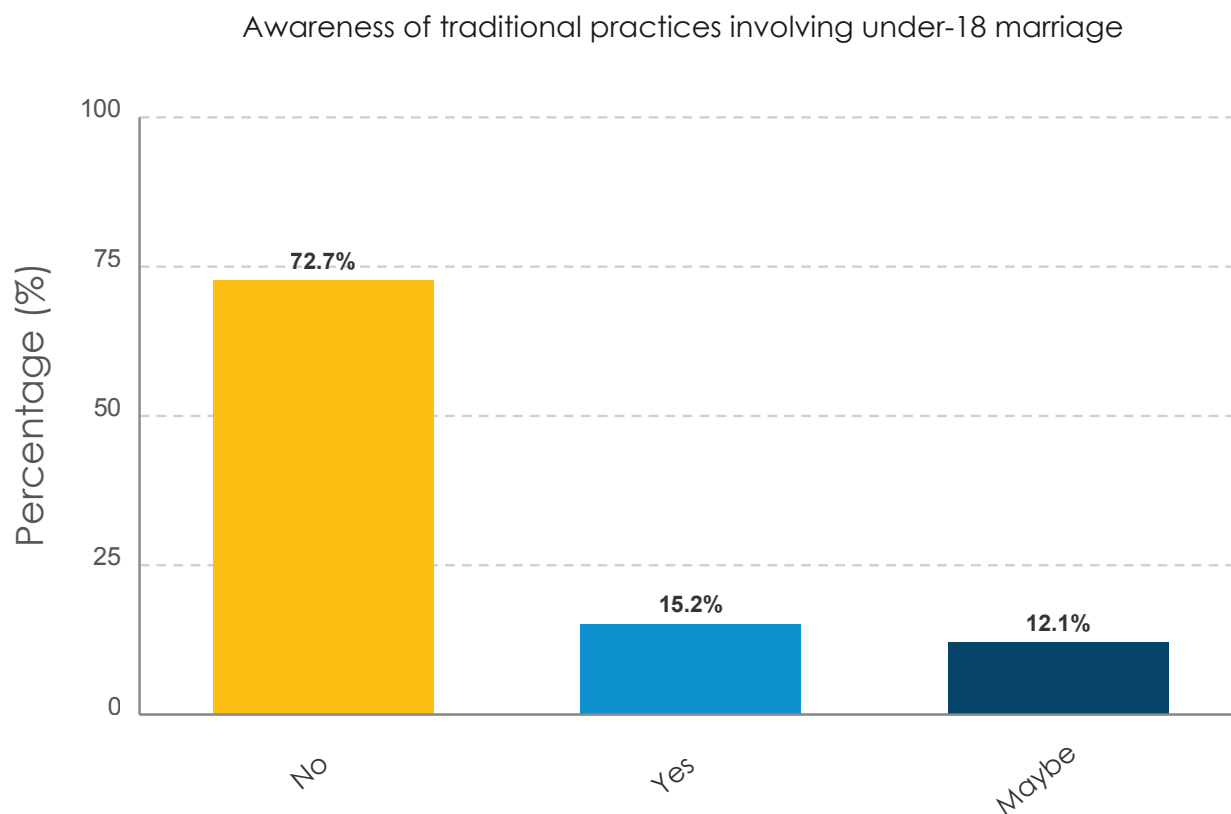


Figure 7: Awareness of traditional practices involving marriage under-18

8.11 Belief that child marriage is harmful to girls

The bar chart shows overwhelmingly strong recognition that child marriage is harmful to girls, with 84.8% (33 respondents) strongly agreeing, and a further 9.1% (1 respondent) agreeing. This indicates near-universal awareness of its negative consequences within the sample population. Only a very small minority express strong disagreement (3.0%, 6 participants) or neutrality (3.0%, 18 participants), suggesting limited denial or uncertainty regarding the issue.

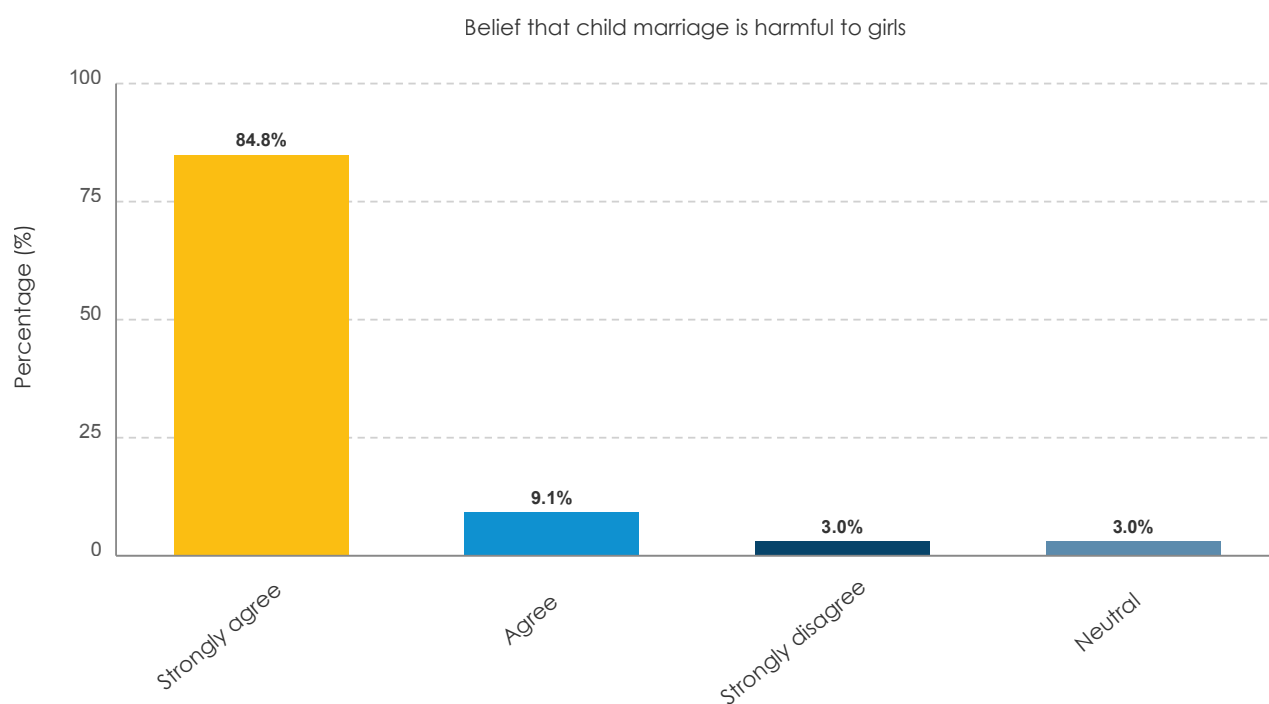


Figure 8: Belief that child marriage is harmful to girls

It can be surmised that the high level of consensus reflects shifting social norms that increasingly prioritise the protection and rights of girls. However, the presence of any disagreement or neutrality points to persistent pockets of normative ambiguity, where cultural or contextual factors may still influence perceptions. The gap between strong agreement and actual practice remains crucial, as awareness alone does not always translate into behavioural change or prevention. Structural inequalities and household pressures may still override stated beliefs. Overall, the findings suggest a strong normative alignment against child marriage, but with residual attitudinal resistance that requires targeted engagement.

8.12 Protection, reporting, and digital safety

The two bar graphs below indicate strong protective intent: 78.8% (26 respondents) stated they would report sexual exploitation of girls, 18.2% (6 respondents) indicated they would not, and 3% (1 respondent) remained neutral.

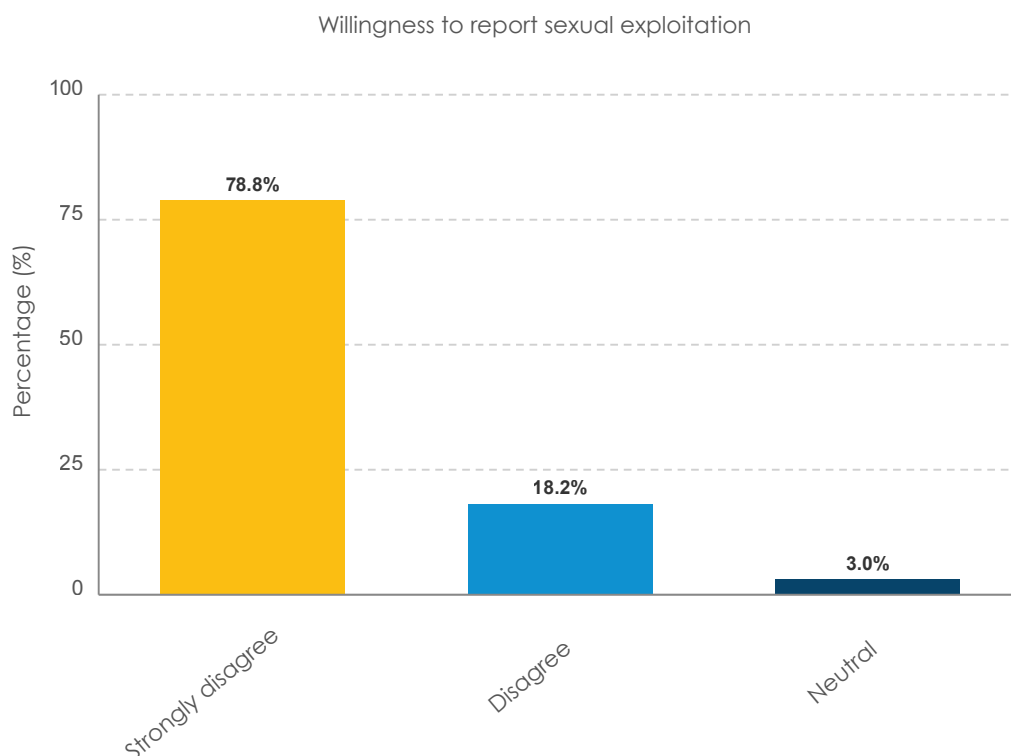


Figure 9: Willingness to report sexual exploitation

Within digital supervision, practices vary widely, leading to differing levels of exposure to online risks. Figure 10 indicates that 42.4% (14 respondents) sometimes monitored their girl child's online activities, while another 42.4% (14 respondents) reported consistently monitoring. Additionally, 15.2% (5 respondents) stated that they did not monitor their child's activities at all.

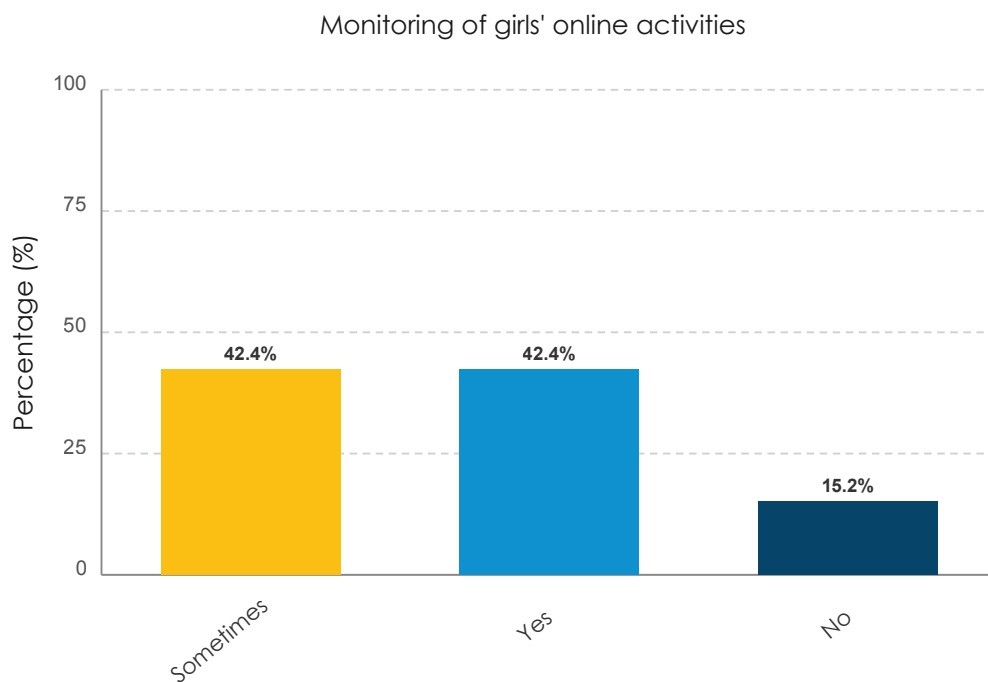


Figure 10: Monitoring of girls' online activities

The data presented in Figure 10 is crucial given that online spaces increasingly constitute sites of grooming and exploitation. This figure should therefore be analysed not only as evidence of protective intent but also as an indicator of disparities in the capacity to implement digital safeguarding practices within the study's context.

8.13 Barriers to protection

Figure 11 indicates that 51.1% (17 respondents) did not experience any difficulties in protecting their children. Conversely, 21.2% (7 respondents) felt that their work limited their time to safeguard their children. Another 21.2% (7 respondents) reported challenges in discussing difficult topics with their children. Furthermore, 15.2% (5 respondents) believed they lacked relevant information to share, while 12.1% (4 respondents) faced obstacles in accessing support services that could assist them. Lastly, 9.1% (3 respondents) identified cultural and communal norms as barriers to protecting their children.

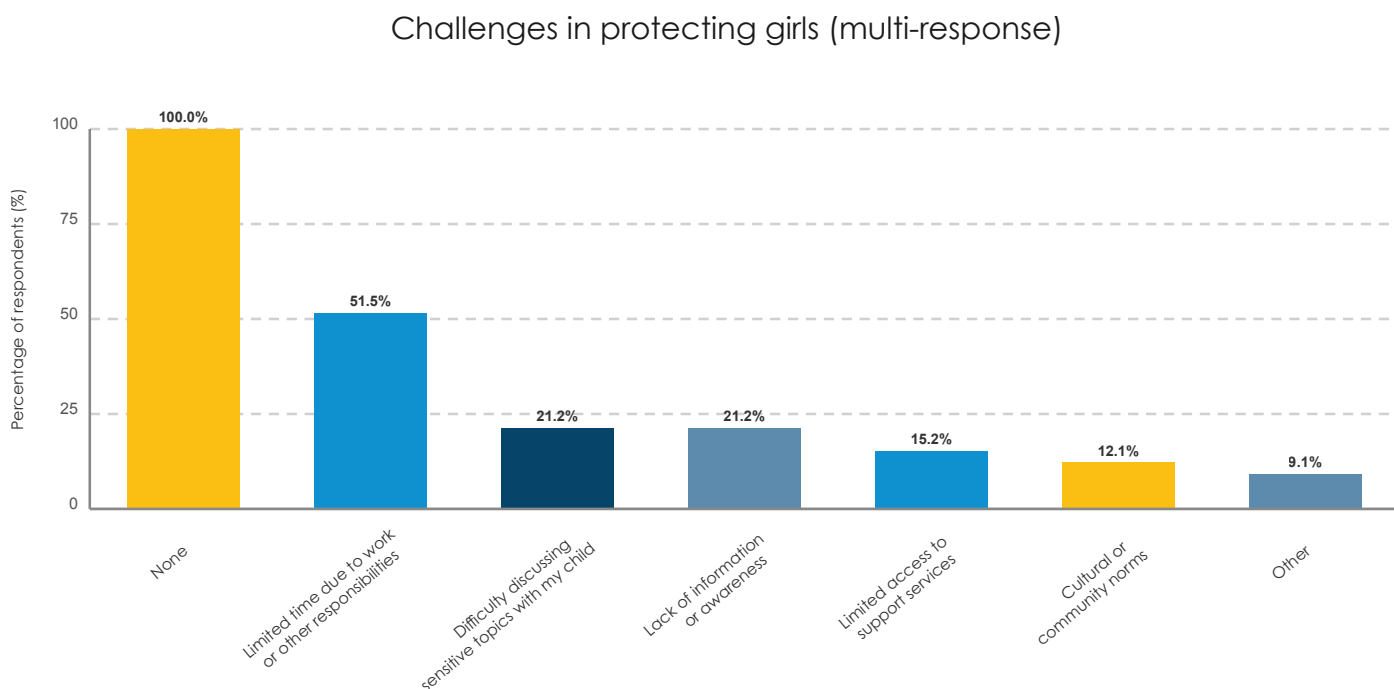


Figure 11: Challenges in protecting girls

Overall, the findings from the parents and guardians survey highlight a nuanced and complex dynamic regarding gender issues within the context of child marriage and sexual exploitation. Although there is significant awareness among respondents about the detrimental effects of child marriage and the exploitation of girls, persistent economic challenges and deeply rooted patriarchal norms within households continue to pose considerable risks to girls. These factors not only undermine efforts to protect girls but also perpetuate cycles of vulnerability, making it essential to address both the economic and cultural dimensions of this issue to effectively safeguard the rights and futures of girls in the community.

9 OVERVIEW OF FINDINGS

The findings from the Eastern Cape, Northern Cape, Free State, and Mpumalanga reveal that child marriage, statutory rape, and the sexual exploitation of girls are deeply embedded within a complex matrix of structural inequality, gendered power relations, socio-cultural norms, and institutional weakness. Drawing on both qualitative evidence from community engagements and quantitative survey findings from men and parents or guardians, the study demonstrates that girls' vulnerability is not the product of isolated incidents but is systematically produced through the convergence of poverty, patriarchal authority, intergenerational socialisation, and fragile protection systems. Across all provinces, exploitation emerges as a structurally embedded social phenomenon rather than merely a legal or moral deviation.

A central finding across both data strands is the tension between normative awareness and lived social practice. Quantitatively, an overwhelming majority of respondents in both surveys expressed strong opposition to child marriage and recognised its harmful effects on girls. Most men indicated that girls under 18 are not ready for marriage, while parents and guardians overwhelmingly agreed that child marriage is harmful. However, the qualitative findings complicate this apparent consensus. Across all provinces, communities continue to normalise relationships between adolescent girls and adult men, particularly where such relationships provide economic support. This divergence between what respondents say ought to happen and what is tolerated in practice suggests that awareness alone has not translated into substantive behavioural or structural change.

The integrated findings further reveal that unequal power relations and structural dependency deeply compromise consent. While survey respondents generally demonstrated high legal awareness that minors cannot consent, both qualitative and quantitative data show that the concept of consent remains socially distorted within contexts of age, gender, and economic asymmetry. In practice, girls' compliance is frequently shaped by material need, family expectations, and male authority. The qualitative findings consistently demonstrate that consent is understood less as an autonomous decision and more as a negotiated and relational construct mediated by adults, caregivers, community norms, and household survival imperatives. This fundamentally blurs the boundary between consent, coercion, and exploitation.

Economic vulnerability emerges as the most consistent and powerful cross-cutting driver across all provinces and across both data sources. Survey findings from both men and parents/guardians strongly identified poverty, transactional arrangements, and economic dependency as key drivers of child marriage, statutory rape, and broader forms of sexual exploitation of girls. These quantitative patterns are strongly corroborated by the qualitative evidence, which repeatedly shows that age-disparate sexual or romantic relationships often function as survival strategies for girls and their families. Material provisions (money, food, school transport, clothing, toiletries, and visible status goods) frequently serve as mechanisms of control, grooming, and coercion. In this context, girls are often positioned as economic buffers within household survival strategies, effectively transferring structural risk onto their bodies and futures.

The findings also demonstrate that patriarchal gender norms remain central to the reproduction of risk. Quantitative findings from the men's survey highlight drivers such as control, dominance, entitlement, and beliefs that girls are easier to influence. These findings align closely with qualitative narratives across the four provinces, in which male authority is repeatedly constructed as natural, culturally sanctioned, and, in some cases, divinely endorsed. Men's perceptions of declining authority, often framed as a crisis of masculinity, further reveal tensions between entrenched patriarchal expectations and evolving legal and rights-based protections for girls. The data, therefore, suggests that exploitation is sustained not only by economic vulnerability but also by deeply embedded masculinities rooted in control, provision, and authority.

At the household level, the parents and guardians survey provides important evidence on how risk is reproduced through family-level decision-making and intergenerational norms. Respondents identified poverty, family relationships, cultural expectations, and transactional arrangements as primary reasons families may agree to or facilitate child marriage. These findings resonate strongly with the qualitative evidence from all provinces, which shows that decisions affecting girls are frequently negotiated within households under conditions of economic stress, social pressure, and concerns about family survival. In many cases, girls' bodies become sites through which families manage economic insecurity, social reputation, and relational obligations.

The study also reveals the important role of cultural and religious frameworks in mediating vulnerability and protection. Across both qualitative and quantitative findings, cultural beliefs, traditional practices, and religious norms continue to shape understandings of marriageability, sexuality, and gender roles. However, the evidence suggests that these frameworks do not operate in isolation. Rather, culture and religion intersect with poverty and patriarchy to normalise practices that place girls at risk. The data therefore challenge simplistic narratives that locate child marriage solely within "harmful cultural practices", instead demonstrating how economic hardship increasingly instrumentalises culture and reshapes traditional norms in ways that sustain exploitation.

A further significant finding concerns the normalisation of exploitative relationships within everyday community life. Across provinces, community members frequently described intergenerational and transactional relationships as visible, known, and socially tolerated, even when widely recognised as harmful. Quantitative findings reveal high levels of harm recognition; yet, qualitative data show that communities often remain passive or complicit bystanders. This disjuncture reflects a broader erosion of collective accountability, social cohesion, and protective community norms.

The weakening of community-based protective systems, including collective care and interventions, contributes to the persistence of exploitative practices. The integrated findings also foreground the growing significance of digital spaces as contemporary sites of risk and protection. The parents and guardians survey highlights variation in monitoring girls' online activities, suggesting uneven digital safeguarding capacity across households. These findings align with qualitative accounts of adult men using platforms such as WhatsApp, Facebook, and Instagram to initiate contact with adolescent girls through offers of financial assistance and emotional support. The convergence of online grooming and offline transactional dynamics illustrates how exploitation increasingly operates across both physical and digital environments, often outpacing community awareness and institutional response.

Institutionally, the findings point to serious systemic failures in prevention, reporting, and access to justice. While quantitative data indicate strong stated willingness among parents and guardians to report abuse, the qualitative findings reveal significant barriers that undermine actual reporting behaviour. Fear of retaliation, family pressure, stigma, economic dependency, distrust in authorities, and limited access to services frequently prevent cases from entering formal protection systems. This gap between reported willingness and actual reporting reflects both social desirability effects within survey responses and the structural realities that constrain protective action in practice.

The evidence further reveals that barriers to protection are profoundly gendered. Women caregivers, in particular, face disproportionate burdens associated with unpaid care work, income generation, transport constraints, and limited access to information and services. These structural burdens weaken household-level protective capacity and contribute to the feminisation of protection failure, where women and girls bear the greatest burden of risk and response. The findings, therefore, underscore the need for gender-responsive service delivery models that acknowledge the unequal distribution of caregiving labour and socio-economic vulnerability.

Taken together, the findings demonstrate that statutory rape, child marriage, and the sexual exploitation of girls across the four provinces are produced through the intersection of poverty, patriarchal authority, socio-cultural norms, weakened community accountability, digital exposure, and institutional incapacity. The mixed-methods evidence reveals a persistent gap between awareness and practice, legal knowledge and enforcement, and protective intent and structural ability. These findings strongly suggest that effective prevention requires an integrated response that combines economic strengthening, gender-transformative norm change, digital safeguarding, community accountability, and robust institutional enforcement mechanisms.

In summary, the study shows that girls' vulnerability is not incidental but structurally organised within broader systems of inequality and social power. Interventions must therefore move beyond narrow legal or awareness-based approaches and instead address the underlying political economy, normative structures, and institutional conditions that continue to sustain exploitation across provinces.

10 CONCLUSION

This study set out to examine the socio-economic, cultural, institutional, and gendered drivers of statutory rape, child marriage, and the sexual exploitation of girls across the Northern Cape, Free State, Eastern Cape, and Mpumalanga. The evidence demonstrates unequivocally that these are not isolated or incidental harms, but systemic manifestations of structural inequality and deeply embedded patriarchal power relations.

In relation to the study's objectives, the findings confirm that poverty, unemployment, household fragility, and socio-economic precarity remain the most significant drivers of vulnerability, frequently compelling families and girls into exploitative arrangements as survival mechanisms. Across all four provinces, economic deprivation intersects with age, gender, and social position, creating contexts in which adult-minor relationships are normalised, materially incentivised, and often socially tolerated. The study, therefore, affirms that statutory rape and the sexual exploitation of girls must be understood not simply as criminal acts at the individual perpetrator level, but as outcomes produced through broader social, economic, and political systems that continue to constrain girls' autonomy and life trajectories.

In meeting its objective of interrogating the socio-cultural and normative dimensions that sustain these practices, the study further demonstrates that cultural and religious frameworks continue to play a significant role in shaping community understandings of consent, sexuality, and girlhood. While many traditional and faith-based norms are increasingly contested, practices such as lobola-linked unions, early marriage negotiations, transactional relationships, and culturally sanctioned age-disparate relationships continue to legitimise exploitation in ways that blur the boundaries between consent, coercion, and survival.

These dynamics are reinforced through gender socialisation processes in which girls are often taught obedience, silence, and relational duty, while boys and men are socialised into forms of masculinity associated with control, provision, and sexual entitlement. Importantly, the study does not essentialise culture as inherently harmful; rather, it demonstrates how culture, when mediated by poverty and patriarchy, can be instrumentalised to sustain harmful practices. This nuanced understanding is crucial to the study's contribution, as it moves beyond reductive explanations and foregrounds the layered, context-specific ways in which exploitation is socially reproduced.

The theoretical frameworks underpinning the study significantly deepen this analysis. Through a feminist lens, the findings reveal how gendered power asymmetries, intersecting with age, class, geography, and institutional exclusion, systematically undermine the agency and bodily autonomy of girls. Feminist theory is particularly useful in exposing how exploitation is embedded within broader systems of male dominance and social control over the sexuality and futures of girls.

The study concludes that meaningful prevention and protection cannot be achieved solely through legal reform. While awareness of the harms of child marriage and statutory rape is relatively high among men, parents, and caregivers, the persistence of these practices reveals a crucial gap between legal knowledge, social norms, and institutional efficacy. Encouragingly, the research also identifies strong protective instincts within communities, including a willingness to report abuse, supervise digital spaces, and discuss risks with children, indicating that communities are not resistant to change but are often constrained by structural limitations and inadequate state support.

Finally, the study concludes that sustainable solutions must be integrated, rights-based, and gender-transformative, addressing poverty alleviation, institutional accountability, psychosocial support, community norm change, digital safety, and survivor-centred justice mechanisms. In this regard, the study makes a clear contribution to scholarship and policy by demonstrating that the prevention of statutory rape, child marriage, and sexual exploitation in South Africa requires not only the protection of girls but also the transformation of the structural conditions that continue to render them vulnerable.

11 RECOMMENDATIONS OF THE STUDY

11.1 Parliament of the Republic of South Africa: Closing legal pathways to child marriage

Parliament bears primary responsibility for addressing the structural contradictions in South Africa's marriage regime that continue to enable child marriage despite constitutional prohibitions. The study demonstrates that fragmented marriage laws create legal ambiguity that communities and families exploit to retroactively legitimise statutory rape through marriage, particularly under customary and religious justifications.

Parliament must therefore finalise and enact a single, unified Marriage Act that establishes 18 years as the absolute minimum age of marriage without exception, and that criminalises the facilitation of child marriage by parents, guardians, religious leaders, and traditional authorities.

Failure to repeal all consent-based exceptions entrenches a system in which sexual violations are converted into socially sanctioned unions, directly undermining Section 28 of the Constitution and South Africa's obligations under the Maputo Protocol and the African Charter on the Rights and Welfare of the Child. Legislative harmonisation is not a symbolic reform but a necessary intervention to eliminate marriage as a legal escape route from criminal accountability.

Action

Prioritise the finalisation of the enactment of the proposed Marriage Bill that:

- Sets 18 years as the minimum age of marriage without exception (including customary and religious marriages)
- Criminalises the facilitation of child marriage by parents, guardians, religious leaders, and traditional authorities.

SMART indicators

- Prioritise the finalisation of the enactment of the bill
- All child marriage consent provisions repealed
- DSS reporting on prosecutions for facilitation of child marriage.

Monitoring

- Annual Portfolio Committee on Home Affairs oversight hearings
- CGE statutory monitoring report to Parliament.

11.1.1 National Treasury: Resourcing child protection beyond rhetoric

National Treasury

Beyond law reform, the National Treasury must exercise its budgetary authority to correct the persistent under-funding of statutory rape and child-sex-crime responses. The findings show that poor resourcing enables case withdrawals, delays, and survivor disengagement, particularly in rural and economically marginalised provinces. National Treasury must allocate adequate funding for statutory rape prosecution, survivor support services, and expansion of Thuthuzela Care Centres, with explicit budget lines linked to reporting obligations.

Action

Increase budget allocation dedicated to:

- Prosecuting statutory rape.
- Survivor centred child protection services.
- Expansion of Thuthuzela Care Centres' national footprint.

SMART indicators

- Dedicated line item in 2027/28 national budget.

Monitoring

- Auditor General performance audits
- Parliamentary SCOPA reviews

Parliament

In line with an earlier recommendation made by the CGE in the report titled *The State of Thuthuzela Care Centres in the Eastern Cape in 2025*, Parliament must initiate and legislate the TCC Blueprint to ensure accountability and oversight across all Thuthuzela Care Centres and to eliminate ambiguity and lack of cooperation from some of the key role players within the centres.

Action

- To enact legislation regulating Thuthuzela Care Centres.
- Amend Section 170A of the Criminal Procedure Act to make use of the intermediaries compulsory where a witness is under the age of 18.

11.2 Department of Justice and Constitutional Development: Making statutory rape legally visible

The Department of Justice and Constitutional Development must address the institutional erasure of statutory rape within criminal justice administration. The study confirms that the subsuming of statutory rape under general sexual offences obscures the age-based power dynamics central to the offence and prevents meaningful policy and prosecutorial analysis.

The department must therefore create a distinct statutory rape classification across SAPS, NPA, and court recording systems, with mandatory disaggregation by age, age gap, province, and case outcome. Additionally, the department must issue binding directives requiring trauma-informed court procedures for all child survivors, including the compulsory use of intermediaries and closed courts. Without these measures, the justice system continues to retraumatise children while masking the scale of adult predation through administrative practices.

Action 1

Amend SAPS, NPA, and Court statistical systems to:

- Compile specific statistics relating to matters falling within each provision of Chapter 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.
- Implementation of an integrated tracking system across all justice stakeholders disaggregated by minor's age, age gap between the minor and perpetrator, province, and outcome.

SMART indicators

- Revised crime coding system operational by June 2027
- Annual public statutory rape prosecution report issued

Monitoring

- DOJ performance agreements
- CGE compliance monitoring under S187 of the Constitution

Action 2

- Parliament to prioritise the amendment of the Criminal Procedure Act

SMART indicators

- Prioritisation of the compulsory use of intermediaries
- 100% of child rape witnesses use intermediaries

Monitoring

- Judicial Inspectorate reviews
- High Court appeal trend analysis

11.3 National Prosecuting Authority (NPA): Treating statutory rape as gender-based violence

The NPA plays a decisive role in determining whether statutory rape is treated as an enforceable crime or a negotiable social wrong. Evidence from this study indicates that prosecutorial delays, inconsistent prioritisation, and tolerance of case withdrawals reinforce impunity.

Prosecutorial discretion must be exercised in a manner that centres the best interests of the child, rather than accommodating familial pressure, economic dependency, or cultural mediation. Where the NPA fails to assert this role, it tacitly validates the displacement of criminal justice by informal settlement.

Action 1: Classify statutory rape explicitly as GBVF

- Dedicated prosecutors
- Expedited case timelines (maximum 12 months to finalisation)

SMART indicators

- Dedicated GBVF Child Offences Units in all provinces by 2027
- 30% reduction in case withdrawal rates within 24 months

Monitoring

- Quarterly prosecution dashboards
- Parliamentary Justice Committee oversight

11.4 South African Police Service: Enforcing the non-negotiability of child protection

The South African Police Service (SAPS) is a crucial frontline actor whose current practices undermine the protective aims of child protection law. This study documents routine deferral by police officers to families, traditional authorities, and economic considerations, resulting in the informal settlement of statutory rape cases. SAPS must, therefore, issue a National Instruction prohibiting the informal resolution of statutory rape and all sexual offences involving minors, coupled with disciplinary consequences for non-compliance. In addition, all members of the Family Violence, Child Protection and Sexual Offences Units must undergo mandatory annual training on age-of-consent law and grooming dynamics. The persistence of discretionary policing in these cases amounts to institutional complicity in child sexual exploitation.

Action 1: Issue a National Instruction

- Prohibit family negotiations
- Prohibit withdrawal of cases due to lobola, compensation, or marriage promises

SMART indicators

- Instruction issued by December 2026
- Internal disciplinary actions for non-compliance are tracked annually

Monitoring

- Independent Police Investigative Directorate (IPID)
- CGE systemic investigations

Action 2: Annual compulsory training

- Focus on the strict liability nature of statutory rape
- Focus on grooming, coercion, and constrained consent

SMART indicators

- 100% Family Violence, Child Protection and Sexual Offences (FCS) Unit personnel trained annually from 2027 onward

Monitoring

- Parliamentary Police Committee

11.5 Department of Basic Education: Disrupting sexual violence through schools

Schools remain one of the earliest sites where statutory rape reveals itself; however, this study confirms consistent institutional failure to act. The Department of Basic Education (DBE) must therefore mandate compulsory reporting of all learner pregnancies involving girls under 16 to SAPS and DSD, without reliance on parental consent or discretion. Furthermore, the department must enforce zero-tolerance consequences for educator-learner sexual relationships, including automatic dismissal and criminal referral. Comprehensive sexuality education (CSE) must be strengthened to explicitly address power, age-disparity, grooming, and digital exploitation, aligned with feminist and rights-based principles rather than moralistic framing. Without decisive action, schools continue to function as spaces of silence rather than protection.

Action 1: Mandatory reporting

- Mandatory SAPS/DSD referral for every learner pregnancy under 16
- Zero tolerance for teacher-learner sexual relationships

SMART indicators

- 100% of under-16 pregnancies reported by 2027
- Annual educator misconduct publication

Monitoring

- Parliamentary Basic Education Committee

Action 2: Revise Life Orientation

- Must address age-gap power relations
- Must address grooming
- Must address digital exploitation

Action 2: Theory alignment

- Feminist legal theory (consent and power)
- Ecological Systems Theory

SMART indicators

- Revised curriculum implemented nationally by 2028

Monitoring

- Parliamentary Basic Education Committee

11.6 Department of Health: Ending clinical neutrality in criminal harm

Healthcare facilities are often the first institutions to encounter evidence of statutory rape, particularly through adolescent pregnancy and post-rape care. The study shows that clinical neutrality and fear of court appearances contribute to widespread non-reporting by health professionals. The Department of Health must enforce mandatory statutory rape reporting through Form 22 for all pregnancies under the age of 16, supported by monitoring audits and professional accountability mechanisms. Health professionals must be trained to understand that failure to report is not a procedural lapse but a statutory violation with direct consequences for child safety.

Action 1: Paper trails

- Automatic Form 22 completion for all pregnancies under 16
- Audit trails for noncompliance

SMART indicators

- 100% compliance by 2027

Monitoring

- Facility-level inspections
- Professional council reporting
- Parliamentary Health Committee

11.7 Department of Social Development: Preventing poverty-driven case withdrawal

The Department of Social Development must address the structural conditions that compel families to withdraw cases against perpetrators who are also economic providers. The study confirms that silence is often a survival strategy in the absence of material support. DSD must therefore expand emergency social assistance, psychosocial services, and safe accommodation for child survivors, particularly in high-risk rural districts. Social protection is not ancillary to justice, but a prerequisite for enabling families and children to sustain engagement with the criminal justice system.

Action 1: Provide support for social workers

- Recruit additional social workers in hotspot districts
- Provide emergency economic support to families to reduce pressure to withdraw cases

SMART indicators

- Social worker case ratio reduced by 2028
- Emergency household support will be rolled out in all four study provinces and others by 2027

Monitoring

- Parliamentary Social Development Committee

Action 2: Consequences for officials

- Actively sanction professionals (teachers, nurses, religious leaders, traditional leaders) who fail to report child rape and marriage under Section 110.

SMART indicators

- Annual reporting compliance audits

Monitoring

- Parliamentary Social Development Committee

11.8 Department of Home Affairs: Preventing the administrative normalisation of child marriage

The Department of Home Affairs occupies a decisive yet under-scrutinised position in sustaining or disrupting child marriage and the sexual exploitation of girls. While criminal justice institutions engage only after harm has occurred, DHA's civil registration functions determine whether unlawful unions are retrospectively legitimised and rendered legally invisible. The study shows that unregistered marriages involving minors, customary unions concluded below 18, and delayed registration of marriages or births enable perpetrators to evade accountability by sanitising statutory rape through bureaucratic recognition once the girl reaches adulthood.

This administrative normalisation directly undermines constitutional protections by converting criminal violations into lawful civil statuses. The Department of Home Affairs must therefore prohibit the registration of any marriage where one or both parties were under the age of 18 at the time the union was concluded, including retrospective registrations, and must implement mandatory digital age-verification protocols linked to the National Population Register for all marriage registrations.

In addition, the Department of Home Affairs must flag and report suspected child marriages identified through birth and marriage registration patterns to SAPS and the Department of Social Development, in line with mandatory reporting obligations. Without these measures, the department's administrative systems continue to function as post-facto shields for

perpetrators, collapsing the distinction between illegal sexual access to children and lawful marital status. In this respect, failure by the department to act decisively constitutes not a technical oversight, but an institutional contribution to the concealment and reproduction of child sexual exploitation.

Action 1: Age verification

- Prohibit registration of unions where one party was under 18 at inception
- Crossverify ages with the birth registry

SMART indicators

- Digital ageverification system operational by 2027

Monitoring

- Parliamentary Home Affairs Committee

11.9 Traditional and religious leaders: Accountability within constitutional bounds

Traditional and religious authorities remain influential mediators in cases involving minors, yet the study demonstrates that these forums frequently prioritise family honour and institutional reputation over children's rights. The state must therefore require formal accountability agreements that affirm statutory rape and child marriage as crimes, coupled with mandatory referral obligations and consequences for non-compliance.

Action 1: Accountability and consequences for traditional and religious leaders

- Traditional Leaders to have buy-in and sign MOUs recognising child marriage and statutory rape as crimes
- Immediate referral obligation to SAPS/DSD

SMART indicators

- Memoranda of understanding signed in all study districts by March 2027
- Monitoring the Parliamentary Traditional Affairs Committee
- National House of Traditional Leaders



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NOTES:

This image shows a full page of blank, lined paper. It features approximately 20 evenly spaced horizontal blue lines across its entire width. The background is a solid off-white color, typical of standard notebook or legal pad paper. There are no margins, text, or other markings present.



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CONTACT US:



General Enquiries - info@cge.org.za



Media Enquiries- media@cge.org.za



Legal Complaints: Gender - Enquiries@cge.org.za

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HEAD OFFICE

2 Kotze Street, Women's Jail,
East Wing Constitution Hill
Braamfontein, 2017
Tel: +27 11 403 7182



GAUTENG

267 Lillian Ngoyi Street
Praetor Forum Pretoria, 0001
Tel: +27 12 341 6090



EASTERN CAPE

3-33 Phillip Frame Road
Waverly Office Park, Chiselhurst
East London, 5247
Tel: +27 43 722 3489



LIMPOPO

Cnr Grobler & Schoeman
Street 106 Library
Gardens Square, 1st Floor
Polokwane, 0700
Tel: +27 15 291 3070



KWAZULU-NATAL

40 Dr A.B Xuma Road
Commercial City, Suite 1219
Durban, 4000
Tel: +27 31 305 2105



FREE STATE

49 Charlotte Maxeke Street
Fedsure Building, 2nd Floor
Bloemfontein, 9300
Tel: +27 51 430 9348



NORTHERN CAPE

143 Du Toitspan Road
NPO Building
Kimberley, 8300
Tel: +27 53 832 0477



NORTH-WEST

38 Molopo Road
Mahikeng, 2745
Tel: +27 18 381 1505