

# Report of the Public Hearing on School-based Violence

## Table of contents

ABBREVIATIONS AND ACRONYMS	iii
Foreword	iv
<b>EXECUTIVE SUMMARY</b>	<b>v</b>
<b>Chapter 1 INTRODUCTION</b>	<b>01</b>
1.1 LEGISLATIVE MANDATE OF THE SAHRC	02
1.2 PURPOSE OF THE PUBLIC HEARING	
1.3 TERMS OF REFERENCE FOR THE PUBLIC HEARING	
1.4 METHODOLOGY AND RULES OF PROCESS	03
1.5 STRUCTURE OF THE REPORT	04
<b>Chapter 2 SCHOOL-BASED VIOLENCE IN SOUTH AFRICA</b>	<b>05</b>
2.1 INTRODUCTION	05
2.2 VIOLENCE BY LEARNERS AGAINST LEARNERS	06
2.2.1 BULLYING	
2.2.2 SEXUAL VIOLENCE AND SEXUAL HARASSMENT	07
2.2.3 ACCIDENTAL VIOLENCE	08
2.2.4 DISCRIMINATION AND VIOLENCE	09
2.2.5 PSYCHOLOGICAL VIOLENCE	
2.3 VIOLENCE BY LEARNERS AGAINST EDUCATORS	10
2.4 VIOLENCE BY EDUCATORS AGAINST LEARNERS	11
2.4.1 SEXUAL VIOLENCE AND SEXUAL HARASSMENT	
2.4.2 PHYSICAL ASSAULT	12
2.5 VIOLENCE BY EXTERNAL PERSONS AGAINST LEARNERS AND EDUCATORS	13
2.5.1 ASSAULTS AND ROBBERIES	
2.5.2 ATTACKS ON SCHOOL FACILITIES AND VANDALISM	
2.6 THE IMPACT OF SCHOOL-BASED VIOLENCE	14
2.6.1 IMPACT OF SCHOOL-BASED VIOLENCE ON LEARNERS	
2.6.2 IMPACT OF SCHOOL-BASED VIOLENCE ON EDUCATORS	
<b>Chapter 3 FACTORS CONTRIBUTING TO SCHOOL-BASED VIOLENCE</b>	<b>16</b>
3.1 INTRODUCTION	16
3.2 APPROACHES	
3.2.1 THE SCHOOL AS AN ISLAND	
3.2.2 THE SCHOOL AS THE CENTRE OF COMMUNITY LIFE	
3.3 FACTORS IN THE COMMUNITY THAT CONTRIBUTE TOWARDS SCHOOL-BASED VIOLENCE	17
3.3.1 POVERTY	
3.3.2 GANGSTERISM AND DRUG AND ALCOHOL ABUSE	18
3.3.3 CONDITIONS IN THE HOME ENVIRONMENT	19
3.3.4 DESENSITISATION TO VIOLENCE AND INCREASED AGGRESSION	20
3.4 FACTORS WITHIN SCHOOLS THAT CONTRIBUTE TOWARDS SCHOOL-BASED VIOLENCE	21
3.4.1 DISCIPLINE MODELS IN SCHOOLS AND UNCLEAR MANAGEMENT ROLES	
3.4.2 UNATTRACTIVE SCHOOL ENVIRONMENTS	22
3.4.3 MISPERCEPTIONS REGARDING HUMAN RIGHTS OF LEARNERS	

<b>Chapter 4 CURRENT INITIATIVES TO COMBAT SCHOOL-BASED VIOLENCE</b>	
<b>4.1 INTRODUCTION</b>	<b>23</b>
<b>4.2 INITIATIVES BY THE GOVERNEMENT</b>	
4.2.1 WESTERN CAPE DEPARTMENT OF EDUCATION	
4.2.2 SOUTH AFRICAN POLICE SERVICE	<b>24</b>
<b>4.3 INITIATIVES FROM OTHER ROLE PLAYERS</b>	<b>28</b>
4.3.1 SUPPORT SERVICES	
4.3.2 ADVOCACY	<b>29</b>
4.3.3 EDUCATION AND AWARENESS	<b>30</b>
4.3.4 RESEARCH, ANALYSIS AND TRAINING	
<b>Chapter 5 RECOMMENDATIONS</b>	
<b>5.1 INTRODUCTION</b>	<b>32</b>
<b>5.2 MAKING THE SCHOOL ENVIRONMENT A SAFE PLACE</b>	
<b>5.2.1 PREVENTION STRATEGIES</b>	
(I) CREATE SAFE PHYSICAL SPACES	
(II) CAREFULLY UTILISE SCREENING AND SECURITY MEASURES	<b>33</b>
(III) REDUCE OVERCROWDING	
(IV) TRANSFORM UNATTRACTIVE LEARNING ENVIRONMENTS	<b>34</b>
(V) ENSURE SAFE LEARNER TRANSPORT	
<b>5.2.2 REPORTING AND CARE FOR VICTIMS</b>	<b>35</b>
(VI) CREATE ACCESSIBLE AND CHILD-FRIENDLY REPORTING SYSTEMS	
(VII) PROVIDE ACCESSIBLE AND CHILD-FRIENDLY TREATMENT SERVICES	
<b>5.3 TRAINING AND SUPPORTING EDUCATORS TO DEAL WITH VIOLENCE</b>	<b>36</b>
<b>5.3.1 EDUCATOR TRAINING</b>	
(VIII) ENHANCE THE CAPACITY OF EDUCATORS TO DEAL WITH VIOLENT CONFLICTS	
(IX) TRAIN EDUCATORS TO USE NON-VIOLENT TEACHING AND DISCIPLINARY MEASURES	
<b>5.3.2 EDUCATOR SUPPORT</b>	<b>37</b>
(X) PROVIDE REPORTING MECHANISMS FOR EDUCATORS AT RISK OF VIOLENCE	
(XI) PROVIDE COUNSELLING AND EXTRA STAFF SUPPORT FOR EDUCATORS WHO ARE VICTIMS OR AT-RISK	
<b>5.4 ADVANCING A CULTURE OF PEACE THROUGH A CURRICULUM OF NON-VIOLENCE</b>	
(XII) PROMOTE NON-VIOLENT VALUES AND AWARENESS RISING	
<b>5.5 INCREASING THE INVOLVEMENT OF PARENTS, SGB'S, AND COMMUNITIES</b>	
<b>5.5.1 PARENTS AND CARETAKERS OF LEARNERS</b>	
(XIII) INVOLVE PARENTS AND CARETAKERS IN THE IMPLEMENTATION OF THE SCHOOL SAFETY PLAN	
(XIV) MAKE SPECIAL PROVISION FOR LEARNERS LIVING IN CHILD-HEADED HOUSEHOLDS	<b>38</b>
<b>5.5.2 SGBs</b>	
(XV) INVOLVE SGB'S IN THE DRAFTING OF INTERNAL POLICIES REGARDING SAFETY AND SECURITY	
(XVI) PROMOTE SCHOOL-COMMUNITY PARTNERSHIPS	
<b>5.6 RESEARCHING AND MONITORING TRENDS OF VIOLENCE IN SOUTH AFRICA'S SCHOOLS</b>	
(XVII) DEVELOP A NATIONWIDE DATA COLLECTION OF SCHOOL-BASED VIOLENCE	
(XVIII) DEVELOP NATIONAL AND LOCAL RESEARCH AGENDAS ON SCHOOL VIOLENCE	
<b>5.7 CHANGING LAW AND POLICY</b>	<b>39</b>
<b>5.7.1 LOCAL SCHOOLS</b>	
(XIX) DEVELOP LOCAL SCHOOL CODES OF CONDUCT	
<b>5.7.2 THE DEPARTMENT OF EDUCATION AND PARLIAMENTARY LEGISLATION</b>	
(XX) FINALISE AND IMPLEMENT THE EDUCATION LAWS AMENDMENT BILL	
(XXI) FINALISE AND/OR IMPLEMENT THE CHILDREN'S ACT, AMENDMENT BILL, CHILD JUSTICE BILL, THE SEXUAL OFFENCES ACT, AND THE PREVENTION OF AND TREATMENT OF SUBSTANCE ABUSE BILL	

## Abbreviations and Acronyms

<b>AIDS</b>		Acquired Immune Deficiency Syndrome
<b>CASE</b>		Community Actions towards a Safe Environment
<b>CCTV</b>	C	losed-Circuit Television
<b>CELP</b>	I	nter-University Centre for Education Law, Education Leadership and Education Policy
<b>CIE</b>		Catholic Institute of Education
<b>CJCP</b>		Centre for Justice and Crime Prevention
<b>Constitution</b>		Constitution of the Republic of South Africa Act 108 of 1996
<b>DBSA</b>		Development Bank of Southern Africa
<b>DoE</b>		Department of Education
<b>GFSA</b>		Gun Free South Africa
<b>HIV</b>		Human Immunodeficiency Virus
<b>HOOC</b>		Hands Off Our Children
<b>LGBT</b>		Lesbian, Gay, Bisexual and Transgendered
<b>NAPTOSA</b>		National Professional Teachers' Organisation of South Africa
<b>NGO</b>		Non-governmental Organisation
<b>PDCS</b>	P	rovincial Department of Community Safety
<b>RAPCAN</b>		Resources Aimed at the Prevention of Child Abuse and Neglect
<b>SABC</b>		South African Broadcasting Corporation
<b>SAHRC</b>		South African Human Rights Commission
<b>SAPS</b>		South African Police Service
<b>SASA</b>		South African Schools Act 84 of 1996
<b>SADTU</b>		South African Democratic Teachers' Union
<b>SGB</b>		School Governing Body
<b>SMART</b>		Substance Misuse: Advocacy, Research and Training
<b>Soul City IHDC</b>		Soul City Institute for Health and Development Communication
<b>The Act</b>		South African Human Rights Commission Act 54 of 1994
<b>TVEP</b>		Thohoyandou Victim Empowerment Programme
<b>UN</b>		United Nations
<b>UNISA</b>		University of South Africa
<b>WCED</b>		Western Cape Education Department
<b>IHDC</b>		Institute for Health and Development Communication

## Foreword

Our Constitution is a document which we all proclaim with great pride. In its preamble it commits South Africa to the creation of a society based on democratic values, social justice and fundamental human rights. It also contains the imperative that we should improve the quality of life of all our citizens and free the potential of each person.

The task of freeing the potential of each person is what will determine how our democracy unfolds. In the 14 short years of this young democracy we have had to deal with formidable obstacles in the path of attaining the vision of the Constitution. One of these obstacles has been the transformation of our education system. The right to basic education is a central right that unlocks access to many other rights and it determines whether or not we are able to free the potential of each person.

The South African Human Rights Commission (Commission) convened hearings on the right to basic education in 2005 and published a report on the matter in 2006. The conclusion was drawn that, with some exceptions, the outputs and the quality of education that South African learners were receiving depended on where they were situated. Another determining factor, namely violence and abuse in our schools, was identified as a key issue, which needed urgent attention. Following a number of highly publicised incidents of violence in schools, the Commission decided to convene public hearings on school-based violence.

A major concern is whether or not we are able to create environments within our schools that are conducive to teaching and learning. The violence that is playing itself out in our schools is not simply violence in the form of bullying; it has escalated into serious levels resulting in fatalities. Providing and receiving quality education in a state of fear will never be possible. Locating the education system in a milieu of violence results in immediate challenges and problems we need to confront. The Commission, as a constitutional body charged with protecting and promoting human rights, including the right to basic education, is concerned about the ability of our society, of the education system and of the learners, to deal with and to overcome these obstacles.

This Report synthesises the views that were expressed during the Public Hearing. It provides recommendations that seek to assist role-players to grapple further with the issues that impede the full enjoyment of attaining the right to basic education free from all forms of violence or fear thereof.

I would like to take this opportunity to thank everyone who participated in and contributed to the Public Hearing. In particular I would like to thank my fellow panellists, Dr Zonke Majodina, Deputy Chairperson of the Commission, and Ms. G lenda W ildschutt, an independent expert.

Special thanks to the Legal Services Programme, headed by Adv Kaya Zweni for overseeing this project, engaging the public and handling all the necessary administrative tasks. Thanks to Judith Cohen, Head of Parliamentary Programme for overseeing the preparation and writing of this report; her team of writers: Monique Davis; Hein Lubbe; Thomas Mariadison and Maya Simmons.

Jody Kollapen  
Chairperson

## EXECUTIVE SUMMARY

### INTRODUCTION

The emergence of trends that suggest that the environment necessary for effective teaching and learning is increasingly being undermined by a growing culture of school-based violence has become a matter of national concern in recent years.<sup>1</sup>

The Bill of Rights contains provisions to protect the rights of both learners to learn and educators to teach in a safe environment free from all forms of violence. These rights are or have the potential of being infringed by the perpetuation of school-based violence or the tangible threat thereof.

The Commission has received many complaints in this regard and has therefore found it necessary to explore by way of a Public Hearing the nature, extent and impact of school-based violence on the right to basic education of which the realisation is key to the enjoyment of other rights. Current programmes, projects, other initiatives to curb school-based violence and responses thereto were also explored with the view to make recommendations where necessary.

Chapter 2 of the report seeks to identify the different types and forms of school-based violence, and further investigates the extent and impact school-based violence has on the provisions in the Bill of Rights pertaining to the rights of learners and educators to a safe schooling environment free from all forms of violence. Chapter 3 aims at exploring the different causes of school-based violence. Chapter 4 evaluates the current initiatives, programmes and responses thereto and Chapter 5 contains the recommendations of the panel.

### SCHOOL-BASED VIOLENCE IN SOUTH AFRICA

In South Africa, school-based violence is multi-dimensional and takes on various forms. How it manifests itself often depends on the context in which it arises, such as whether the violence is perpetrated by learners against fellow learners, by educators against learners, by learners against educators or by external persons against both learners and educators.<sup>2</sup>

Bullying, gender-based violence, accidental violence, discrimination and violence, sexual assault or harassment, physical violence and psychological violence, describe some of the most prevalent forms that were identified during the Public Hearing. Educators proffered that the nature of these types of school conflicts has not really changed, but instead learners now seem more willing and able to employ physically aggressive methods to resolve them.<sup>3</sup> Knives, weapons and handguns appear to be more readily used than before.<sup>4</sup>

Yet the impact of school-based violence goes beyond the physical harm that arises from violent incidents. Instead, its effects are expressed in a range of defective learner behaviour such as high absentee rates, poor learning performance and achievement, high truancy rates, high dropout rates and, as some studies indicate, an increase in suicide rates among learners who are not able to deal with violence and who feel unprotected.<sup>5</sup>

The reality that the Hearing depicted was one of a national school system in which many learners are under constant threat of violence at school, even from educators and principals. Educators themselves feel threatened by their students and, consequently,

an exception. While the majority of schools may indeed appear to be safe places – with only 25% of schools actually reporting violence<sup>6</sup> – the testimony at the Public Hearing was still particularly disconcerting, given that schools should ideally be regarded as places of safety for children.<sup>7</sup>

## **FACTORS CONTRIBUTING TO SCHOOL-BASED VIOLENCE**

Various factors contributing to school-based violence were identified during the Public Hearing. Some focused on the effect of the immediate school environment upon learners, while others looked more broadly at linkages between community issues and school-based violence. The list of factors included: discipline models in school and unclear management roles; unattractive school environments; educators' misconceptions regarding the human rights of learners; the impact of community poverty; the presence of gangsterism and drug and alcohol abuse in the community; conditions in the home environment; and the social de-sensitisation of youth to a culture of violence. The list was not exhaustive, neither were these factors mutually exclusive.

## **CURRENT PROGRAMMES AND RESPONSES**

There exist numerous programmes, projects and other initiatives launched by both the government and non-governmental structures that aim to curb school-based violence. The Western Cape Education Department (WCED) has been particularly proactive in implementing internal measures and in partnering with civil society to take a multi-dimensional approach to this multi-dimensional phenomenon.<sup>8</sup> Chapter 4 will look at a few of the initiatives within the WCED model as examples of how other jurisdictions can think creatively and comprehensively about addressing the difficult and multi-faceted issues of violence in schools.

Additionally, this chapter will review a few independent organisations that have adopted unique strategies. The list is brief, but not intended to exclude other noteworthy and equally valuable projects. Rather, it is merely intended to give an idea of programmes and initiatives that are in place, and the successes they enjoy to date.

Perhaps what may appear absent here is a discussion of the outcomes of crime prevention and attitudinal or behaviour modification programmes that take place through learner seminars, corrective discipline, assertive and positive discipline, conflict resolution and mediation training, and the establishment of peer mediators on school premises.<sup>9</sup> These types of responses have also demonstrated success, and should be considered in tandem with the types of programme designs mentioned in the report.

## **RECOMMENDATIONS**

Young people cannot effectively enjoy the right to education in conditions that jeopardise their own freedom and security of person. In order to protect the fundamental rights of learners, the Department of Education must be proactive in making schools safer places. As a nation, we must employ all the necessary means to prevent violence from occurring within school grounds, while at the same time making reporting mechanisms easily accessible to learners, parents and educators.

Still, it is clear that school-based violence is not solely situated within the 'school as an island.' Rather, the violence that occurs in schools can only be effectively eliminated by addressing community-based factors and employing the assistance and involvement of community-based stakeholders. The task of improving the quality of the school environment and fostering a culture of peace and non-violence should reside with the entire community, including learners' parents, families and caretakers. School Governing Bodies (SGBs), professional bodies, trade unions, research institutions, employers, and non-governmental and community-based organisations, should also be involved.

The Public Hearing revealed the presence of a culture of violence and abuse that was jeopardising the minds and bodies of South Africa's future leaders and citizens. It is imperative that both the Department of Education (DoE) and the wider community engage in a collaborative endeavour to continue to monitor, address, treat and ultimately prevent all forms of violence within schools. The Safe Schools Programme and other interventions are promising signs that such collaboration is possible. But such interventions have yet to be expanded to include all of South Africa's public schools. The need is widespread.

It is important that the DoE and its subsidiary schools develop strategic plans that can be tailored to the local needs, and – just as critically – to resource those plans fully and immediately. Only then will South Africa's children be able to enjoy the real fruits of an education system that is available, accessible, acceptable and adaptable<sup>10</sup> to their needs for growth and achievement.