Report of the Public Hearing on School-based Violence
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Abbreviations and Acronyms

AIDS		Acquired Immune Deficiency Syndrome
CASE		Community Actions towards a Safe Environment
CCTV	C	losed-Circuit Television
CELP	I	nter-University Centre for Education Law, Education Leadership and Education Policy
CIE		Catholic Institute of Education
CJCP		Centre for Justice and Crime Prevention
Constitution		Constitution of the Republic of South Africa Act 108 of 1996
DBSA		Development Bank of Southern Africa
DoE		Department of Education
GFSA		Gun Free South Africa
HIV		Human Immunodeficiency Virus
HOOC		Hands Off Our Children
LGBT		Lesbian, Gay, Bisexual and Transgendered
NAPTOSA		National Professional Teachers' Organisation of South Africa
NGO		Non-governmental Organisation
PDCS	P	rovincial Department of Community Safety
RAPCAN		Resources Aimed at the Prevention of Child Abuse and Neglect
SABC		South African Broadcasting Corporation
SAHRC		South African Human Rights Commission
SAPS		South African Police Service
SASA		South African Schools Act 84 of 1996
SADTU		South African Democratic Teachers' Union
SGB		School Governing Body
SMART		Substance Misuse: Advocacy, Research and Training
Soul City IHDC		Soul City Institute for Health and Development Communication
The Act		South African Human Rights Commission Act 54 of 1994
TVEP		Thohoyandou Victim Empowerment Programme
UN		United Nations
UNISA		University of South Africa
WCED		Western Cape Education Department
IHDC		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. Glenda Wildschutt, 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.[1]

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.[2]

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.[3] Knives, weapons and handguns appear to be more readily used than before.[4]

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.[5]

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[6] – the testimony at the Public Hearing was still particularly disconcerting, given that schools should ideally be regarded as places of safety for children.[7]

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.[8] 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.[9] 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[10] to their needs for growth and achievement.

Chapter 1

INTRODUCTION

The right to basic education is a central facilitative right and its realisation is key to the enjoyment of other rights. The State has the duty to respect, protect, promote and fulfil these rights.[11] The Bill of Rights not only provides rights but also responsibilities that rest with the State to ensure the realisation of these rights. One aspect of the right to basic education includes the rights of learners and educators to learn and teach in a safe environment, free from all forms of violence. Numerous other provisions contained in the South African Constitution protect the rights of learners to study in a safe environment which is free from all forms of violence. Learners have the right to, among others: environment free from racial and gender discrimination (section 9(3)); human dignity (section 10); life (section 11); freedom and security of person (section 12); protection from maltreatment, neglect and abuse or degradation (section 28(d); and basic education (section 29). These rights are or have the potential of being infringed by both the perpetuation of school-based violence as well as the tangible threat thereof.

Children often spend more time in the care of educators in educational settings than with any other role-player outside of their homes. Schools are therefore an important place where children need protection from violence. Education authorities have a duty to provide a safe environment that supports and promotes children's dignity and development.[12]

Unfortunately, for many children educational settings expose them to violence, and may even teach them how to be violent. The public perception of violence in schools has been coloured by the media's focus on extreme violent events involving shooting and kidnapping of schoolchildren.

Violence perpetrated by educators and other school staff includes corporal punishment, cruel and humiliating forms of psychological punishment, sexual and gender-based violence and bullying. Violence in schools in the form of playground fighting and bullying among learners also occurs. In some communities, aggressive behaviour, including fighting, is perceived as a minor disciplinary problem not requiring too much attention. Bullying is frequently associated with discrimination against students from poor families, racially marginalised groups, or those with particular personal characteristics (e.g. appearance, or a physical or mental disability). Bullying is most commonly verbal, but physical violence may also occur. Schools are also affected by events in the wider community, such as the prevalence of gang culture, gang-related criminal activity and the use and abuse of drugs.[13]

Sexual and gender-based violence also occurs in educational settings with most incidences targeted against girls by male educators and class-mates. There are also increased reports of violence being targeted against lesbian, gay, bisexual and trans-gendered young people.
Sexual and gender-based violence can be exacerbated by the government's failure to enact and implement laws that provide students with explicit protection from discrimination.[14]

The environment and climate necessary for effective teaching and learning is increasingly undermined by a culture of school-based violence – and this is becoming a matter of national concern.[15] This also impacts negatively upon the right to basic education which ought to be available, accessible, acceptable and adaptable. The right to basic education gets infringed if it takes place in an environment that is not free from all forms of violence.[16]

Recent initiatives by some provincial departments to curb school-based violence have met with criticism on the basis that some of these measures would, if implemented, infringe on the very rights the Bill of Rights aims to protect.[17]

The Commission decided to hold a Public Hearing (Hearing) on school-based violence and encouraged participation from all relevant government departments, national and provincial, members of the public and any other interested parties.

1.1   LEGISLATIVE MANDATE OF THE COMMISSION

The Commission is one of the independent constitutional bodies supporting democracy and established in terms of Chapter 9 of the Constitution of the Republic of South Africa 108 of 1996 (the Constitution). It derives its mandate from the Constitution and from the Human Rights Commission Act 54 of 94 (the Act).

The Commission is mandated by section 184(1) of the Constitution to:
- a)   Promote respect for human rights and culture of human rights;
- b)   Promote the protection, development and attainment of human rights; and
- c)   Monitor and assess the observance of human rights in South Africa.

The Commission has powers in terms of section 184(2) of the Constitution, read together with section 9 of the Act, to:
- a)   Investigate and report on the observance of human rights; and
- b)   Take steps to secure appropriate redress where human rights have been violated.

The Act confers further powers, duties and functions on the Commission. These include the power to conduct an investigation into any alleged violation of human rights; to call any person to appear before it and produce all articles and documents in his or her possession or under his or her control which may be necessary in connection with such investigation; and to ask any person who appears before it to give evidence under oath or affirmation.

1.2   PURPOSE OF THE PUBLIC HEARING

The Commission has received many complaints concerning school-based violence and has thus found it necessary to hold a Hearing. The purpose of the Hearing was to create a framework within which to explore the phenomenon and evaluate the issues pertaining to school-based violence, and to contribute to the current dialogue. In achieving its purpose, the Hearing allowed participants to share their concerns and ideas, and to gauge the extent of school-based violence. The Hearing further provided a public accountability mechanism and an educational opportunity to all who attended.

1.3   TERMS OF REFERENCE FOR THE PUBLIC HEARING

The Hearing sought to understand the manifestation and impact of violence in schools within a human rights framework in order to make recommendations that seek to address the problem. The Hearing focused on the legislative and policy framework that addresses safety in schools, and also initiatives taken by the government and civil society to address school-based violence.

As stated at the outset, school-based violence is of national concern and therefore all interested parties were invited to participate in the initiative. The Hearing was held in the Western Cape, since this province experiences a high level of violent crime that flows over into schools. Also, in the province, there are well-established programmes that address school-based violence. Time and resource constraints unfortunately do not always allow the Commission to hold hearings in every province. In addition, there were initiatives such as the round-tables and meetings held in other provinces to further encourage as broad as possible participation in the process.

This report attempts to synthesise what was presented to the Commission by way of both written and oral submissions. The Commission received an overwhelming response to its call for submissions, and many excellent and comprehensive submissions were received from a variety of stakeholders. It is anticipated that this report will be a further aid to all stakeholders, and will assist positively and constructively to reduce the levels of school-based violence in our country.

In realising the purpose of the Hearing, consideration was given to:
a)   The extent to which the human rights of learners and educators are impacted upon by school-based violence;
b)   The nature and extent of violence in schools;
c)   The role of the community and other structures in dealing with the incidence of violence against learners;
d)   The psychosocial consequences of school-based violence for both learners and their communities;
e)   The causes of school-based violence and contributing factors thereto;
f)   The role and responsibility of various government structures in addressing the incidence of school-based violence;
g)   The reasonable responsibility of educators in ensuring school safety;
h)   The impact of violence on educators, learners and communities;
i)   Assess the extent of inter-departmental co-operation in ensuring the safety of learners;
j)   The prevalence of gender-based violence against female learners; and
k)   The success or shortcomings of initiatives taken by the national and/or provincial departments in addressing the systematic problems threatening the safety of learners.

1.4   METHODOLOGY AND RULES OF PROCESS

The Hearing provided a platform that contributed to the dialogue on school-based violence. As such, the hearing also afforded those who did not make formal written submissions the opportunity to express themselves on the issue.

The Hearing was conducted in terms of the rules of procedure promulgated in terms of section 9(6) of the Act. In terms of the rules, the Commission called for submissions from the government departments, the public and other interested parties. Provision was made for the Legal Services Programme of the Commission to assist parties to formulate their submissions.

On 1 September 2006, the call for submissions was published in the Government Gazette (No. 29154, Notice 1148 of 2006). The closing date was 12 September 2006. However, the Head of the Legal Services Programme exercised the discretion to consider late submissions. The Hearing was held at the Cape Town Civic Centre, Cape Town, on 28 and 29 September 2006.

A panel nominated by the chairperson of the Commission presided over the Hearing. The panel consisted of the Commission's chairperson Mr Jody Kollapen, who also chaired the proceedings, and his deputy, Dr Zonke Majodina and Ms Glenda Wildschut, an independent expert.

Whilst the Terms of Reference provided the Commission with powers to require or even to subpoena persons or institutions to submit written responses and appear before the panel, it was not necessary to use these powers. Testimony at the Hearing was not given under oath or affirmation. Rather, the aim was to create an environment for an open and frank discussion on school-based violence in the spirit that all parties were commonly and genuinely committed to achieving a safe school environment for learners and educators.

1.5   STRUCTURE OF THE REPORT

Chapter 2 of the report seeks to identify the different types and forms of school-based violence and its impact on those who are affected. Chapter 3 seeks to identify factors that contribute towards school-based violence. Chapter 4 outlines and discusses the many programmes and responses that currently exist to address school-based violence. Finally, Chapter 5 sets out recommendations by the panel.

Chapter 2

SCHOOL-BASED VIOLENCE IN SOUTH AFRICA

2.1 **INTRODUCTION**

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.

Bullying, gender-based violence, accidental violence, discrimination and violence, sexual violence and harassment, physical violence and psychological violence, describe some of the most prevalent forms that were identified during the Public Hearing. Some educators suggested that the nature of these types of school conflicts has not really changed. Rather, learners now seem more willing and able to employ physically aggressive methods to resolve conflicts.[18] Knives, weapons and handguns appear to be more readily used than before.[19]

> **Box 2.A – The school is a common site of crime**
> In the case of assaults against learners, as well as theft of property, the school was the single most common site reported for these crimes. More than one quarter (26%) of those assaulted reported that this had occurred at school while more than half (52.4%) of those who reported theft had their property stolen while at school.[20] Robberies are also deemed to be serious crimes, and school was the second most common site of reported cases of robberies, with 13.7% of the incidents taking place at school.[21]

The impact of school-based violence can go beyond the physical harm that arises from violent incidents. Its effects can be 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, even an increase in suicide rates among learners who are unable to deal with violence, and who feel vulnerable.[22]

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. Many schools have become places in which violence has become the norm, rather than an exception. While the majority of schools may indeed appear to be safe places – with only 25% of schools actually reporting violence[23] – testimony at the Public Hearing was still particularly disconcerting, given that schools should ideally be regarded as places that are safe for children.[24]

> **Box 2.B – The most common forms of victimisation for learners**
> According to statistics from the Red Cross Children's Hospital, in Rondebosch, Cape Town, in the Western Cape, the most common forms of violence for which learners are admitted and treated are:
> - Assault with a fist or an object;
> - Assault with sharp objects such as knives and pangas;
> - Rape and sexual assault;
> - Bite wounds and injuries related to the use of firearms.[25]

Box 2.C – Young people are twice as more likely to be victims of crime
A national study undertaken by the Centre for Justice and Crime Prevention (CJCP) in 2005/2006 explored the victimisation of young people at schools. The CJCP stated that victimisation of children has been excluded from victimisation studies conducted to supplement the official crime statistics depicting the extent and nature of crime in South Africa. The National Youth Victimisation Study particularly addressed this gap in data.[26]

The study interviewed more than 4 500 young people aged between the ages of 12 and 22 nationally. Just over two fifths (41.4%) of the young people interviewed had been victims of some form of crime in the year preceding the study. While the most common crime experienced was theft of personal property, assault constituted the second most common crime, with 16.5% of the young people being assaulted in the twelve-month period under review. One tenth (9.4%) of those interviewed were victims of robbery. Both these crimes are classified as violent and usually result in injuries to the person. Another 4.2% of interviewees were victims of sexual assault. According to the CJCP, these figures correspond with international trends, which suggest that young people are twice as more likely to be victims of crime than adults.[27]

2.2.1   Bullying

Bullying is possibly the most common and well-known manifestation of school-based violence. However, the levels and intensity of bullying actions appear to have increased with time.[28] Bullying refers to both repetitive physical and non-physical acts. Physical bullying includes pushing, hitting, kicking, biting, spitting, intentional damage to property, theft and even extortion. Non-physical bullying includes teasing, name-calling, whispering campaigns, exclusion and threats of harm.[29] Bullying can also be malign or non-malign. Malign bullying is that which occurs when the perpetrator has the intention to cause harm to another. Non-malign bullying is unintentional.[30]

What is bullying?
Bullying can be physical, verbal or psychological aggression that occurs repeatedly and is marked by an imbalance of power, intent to harm, threat of further aggression, and the creation of terror in the victim.[31]

Bullying tends to occur in unsupervised areas of the school or at times when educators are not with learners. Research indicates that learners perceive school toilets as the least safe areas, as are grounds and playing fields. Some learners view the principal's office and classrooms as unsafe.[32]

Learners at risk of being victims of bullying are identified as those who have low self-esteem; are shy or non-assertive; have difficulty reading social signals; tend to cry or over-react when teased; or, have no friends. Those learners who were once victims of bullying sometimes become bullies to avoid being bullied themselves[33] The Child Accident and Prevention Foundation has been informed by many learners that if they refuse to be a bully at school, they are labelled as cowards, and this aggravates their social insecurity further.[34] Learners who are bullies often come from dysfunctional homes. They are often exposed to domestic violence, and come from a background with little or inconsistent parental discipline. They know of no rules, and hardly receive parental supervision.[35]

During the Public Hearing it was pointed out that bullying can be a precursor to aggression and, if not addressed early, may lead to more serious acts of violence in the future.[36]

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Box 2.D – Violence can include non-criminal acts of violence

The CJCP indicated that—in addition to the criminal activity that takes place on school grounds—non-criminal acts of violence against children also impact on the rights to education and a safe environment. This includes bullying, teasing, and taunting, all of which generate fear, insecurity and trauma. Many young South Africans (16.8%) report that they fear travelling to and from school, with female learners comprising a little more than half of this number (51.3%). Learners from Limpopo (24.2%), North-West (20.6%) and the Western Cape (18.5%), were significantly more likely to report being afraid when travelling to and from school. Learners in rural areas are often more likely to be victims because they travel long distances on foot and are therefore more exposed.[37]

The study further indicated that 1 in 10 of the participants indicated that there is a particular area in school they are afraid of. Of these, about half (49.3%) indicated the toilet as the most feared area. Other areas included open grounds (16%), playing or sporting areas (10.7%) and the principal's office (11.5%).[38]

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2.2.2   Sexual violence and sexual harassment

The Constitutional Court has stated that sexual violence, and the threat of it happening, is at the core of women's subordination in society, and that it was the single greatest threat to women's self determination.[39] Unfortunately, too many young men use unwelcome conduct and violence in their relationships with young women. These young women become victims of young men calling them names, fondling their breasts, touching their buttocks, physically assaulting them and even raping them.

Community Action towards a Safe Environment (CASE) raised the concern that violence had become part of children's identities, and described observing children playing such games as "hit me, hit me" and "rape me, rape me". This involves a game in which children run after each other. When they reach the person they want to catch, they pretend to rape them.[40] This game demonstrates the extent and level to which brutalisation of the youth has reached, and how endemic sexual violence has become in South Africa.

Teenagers are trying to conform to the norm of being sexually active. Young female learners are particularly vulnerable, and very often are not in a position to negotiate consensual sex or the use of contraception. Teenage pregnancies are a great concern and account for a third of all births in South Africa today.[41] Given the high Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome (HIV/AIDS) infection rate in South Africa, teenage pregnancies take the added dimension of potentially being infected with the virus and the infant being born HIV positive. There has been some controversy around the granting of maternity leave to female learners – some argue that maternity leave may be perceived as a privilege that may encourage schoolgirls to fall pregnant.

Although counteracted by recent research commissioned by the Department of Social Development, the popular view is that female learners fall pregnant in order to access child support grants as a way of alleviating poverty.[42]

2.2.3   Accidental violence

On average, more than six thousand children between the ages of 1 and 14 die as a result of unintentional injuries each year. Accidental violence within the school setting includes learners causing i njury to o ther l earners without an apparent i ntention to do so. The probability that a child growing u p in South Africa will be admitted to a hospital with an injury is approximately 25 times higher than that of a child growing up elsewhere in the world.[45]

The Public Hearing heard that some children are exposed to guns and weapons at a young age.[46] There are even i nstances where learners bring guns onto the school premises. The Catholic I nstitute o f Education (CIE) gave various examples i n which learners had b rought guns from home t hat accidentally went o ff and i njured f ellow learners. A number of significant factors concerning accidental violence were highlighted, and these include:[47]

- Many i ncidents of school-based v iolence a re unintentional, and i n certain instances learners play with guns that go off accidentally. Children underestimate the potential lethal consequences of possessing a gun.
- Guns that are found in the possession of learners usually come from their home and belong to a family member.
- Learners bring guns t o schools to show o ff and r eceive a ttention from fellow-learners.
- Fellow learners are usually aware that t he gun i s on t he school p remises. Sometimes l earners fail t o report the presence o f a gun to school authorities mistakenly thinking it is a fake or a toy gun. Peer pressure also accounts for the lack of reporting of the presence of a weapon on the school premises.
- Male students are overwhelmingly the perpetrators o f shooting incidences i n schools.

2.2.4   Discrimination and violence

Learners may suffer harassment on the grounds of race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture and language.[50] In particular, the Public Hearing did not receive many submissions that addressed violence that was perpetrated with accompanying racial discrimination. There have, however, been a number of such incidences that have received media attention[51]. The Public Hearing was informed that xenophobia contributes towards some incidences of violence in South African schools, particularly those schools that attract non-national learners. In these schools, discrimination on the grounds of ethnic, racial or social origin may well be a contributing factor to the violence.

Some lesbian and gay learners experience discrimination and violence at school. OUT LGBT Wellbeing, an organisation working towards the promotion of lesbian, gay, bisexual and transgender (LGBT) peoples' sexual and mental health and the related rights, referred to a research conducted in Gauteng, KwaZulu-Natal and the Western Cape, which showed that gay and lesbian youths experienced high levels of prejudice and discrimination resulting in exclusion, marginalisation and victimisation.
Heterosexism and homophobia fuel much of this discrimination. This, in turn, influences how societies understand sexual identity and social roles. This can lead to negative perceptions of the LGBT youths whose gender behaviour is consequently deemed unacceptable by some.

The fear of being discriminated against could be as debilitating as discrimination itself. In order to prevent discrimination, learners may remove themselves from social situations where there is an anticipated possibility that they will be discriminated against. In some instances, this may result in the LGBT learner dropping out of school.[52] It was also indicated that a direct link exists between discrimination against the LGBT youths and the negative impact this has on their well-being and self esteem.[53]

Box 2.G – The hate crime of corrective rape
There is a growing phenomenon of corrective rape. This refers to an instance where a male learner rapes a lesbian learner in the belief that after such a sexual attack the learner will no longer be a lesbian.[54]

OUT has been involved with pilot programmes that aim to create a more enabling environment for the LGBT youths within the school environment. These programmes include the distribution of relevant materials and sensitisation training for life orientation educators. Within the school environment there is a clear need to place the LGBT issues within a human rights framework and to engage religious values.[55]

2.2.5   Psychological violence

Psychological violence is an umbrella term that encompasses bullying, harassment, victimisation, abusive threats and intimidation. It can have a discriminatory basis, and can occur in a number of educational settings, both between educators and learners and between learners and fellow learners. Although a single incident can suffice, psychological violence often consists of repeated, unwelcome, unreciprocated and imposed action that may have a devastating effect on the victim.[56]

Psychological bullying of learners by educators was highlighted as occurring when a learner is made to feel excluded, vulnerable or distressed by an educator in the classroom. This type of bullying can have long-lasting effects on the performance and willingness of a learner to actively participate in the classroom. It may also result in a learner displaying provocative and disruptive behaviour in the classroom.

Physical and psychological school-based violence may overlap. Whilst the acts and effects of physical violence are often more easily recognisable, psychological violence leaves no physical scars or evidence. Yet it can have a devastating long-term impact on a learner. It was argued that whilst the presence of physical violence in schools has always been recognised, the presence of psychological violence is underestimated and consequently receives less attention than it ought to.[57]

2.3   VIOLENCE BY LEARNERS AGAINST EDUCATORS

The Western Cape Education Department (WCED) stated that there are minimal incidents of violence perpetrated by learners against educators. On the other hand, the South African Democratic Teachers' Union (SADTU) stated that a number of their members' resignations could be directly attributed to psychological violence and physical assault perpetrated against them by learners.[58]

SADTU, in preparing their submission, requested its members to forward incidents of violence perpetrated by learners against educators in their respective schools. (The results of this request will be discussed more fully in chapter 3). The incidents included:
• 	Educators being physically attacked by learners.
• 	Incidents of psychological violence against educators such as: learners acting disrespectfully; learners swearing at and taunting educators; learners ignoring or disrupting classes; and learners bullying educators.
• 	Some incidents had discriminatory racist and sexist undertones.

Box 2.H – Educators are subjected to verbal violence
According to NAPTOSA, educators are exposed to verbal violence perpetrated by both learners and their parents daily.[59] An educator made the following statement:

"*Swearing has become the home language to many learners. Learners swear at educators, parents and helpers. They experience the same at home, the lack of respect through bad language. Even the lift club drivers swear at educators for keeping learners late. This affects the moral of educators, making them very despondent. Some educators are pushed to the limit through sheer frustration and retaliate by screaming and shouting. Some even stay absent by taking their sick leave.*"

Continuous verbal abuse is the breeding ground for physical abuse and such an environment is not conducive to teaching and learning.[60]

SADTU sent in submissions from various schools throughout the country, painting the picture of educators also being the victims of school-based violence. An educator from the North-West Province attached a letter a learner wrote to his educator:

"*You don't know how sick you make me, you make me f…… (sic) sick to my stomach every time I think of you I puke…*"

SADTU has put forward reasons why it believes educators have become the victims of violence in their classrooms. The reasons include:

- Lack of discipline being maintained in the homes of learners by their parents.[61]
- Although SADTU did not substantiate or give reasons why schools with higher numbers of female educators were more susceptible to disciplinary problems, it however held that a higher percentage of male educators yielded fewer disciplinary problems.
- An over-emphasis of human rights of learners as opposed to their reciprocal responsibilities towards others.[62]

> **Box 2.I – Educators are victims of physical violence**
> An educator from Gauteng reported an incident in which a learner with both a chair and table physically attacked him. The educator had repeatedly asked the learner to leave a classroom because the learner did not belong there and was being disruptive during a class examination. The learner refused and instead assaulted the educator, who was severely injured.
>
> Other instances were reported in which learners snuck out of hostels to get intoxicated and subsequently returned swearing at and assaulting educators.

2.4 VIOLENCE BY EDUCATORS AGAINST LEARNERS

2.4.1 Sexual violence and sexual harassment

The Employment of Educators Act states that it is a dismissible disciplinary offence for an educator to engage in sexual relations with or sexually assault a learner. [63] An area of serious concern raised during the Public Hearing was that of an educator accused of sexual assault or rape who remained teaching the alleged victim pending disciplinary measures being taken, and the outcome of a criminal investigation and prosecution.[64] In September 2006, the Commission approached the High Court to obtain an order against the Gauteng Provincial Department of Education to ensure that the Department used its disciplinary procedures, as set out in the South African Schools Act (SASA)[65], against an educator who had been accused of sexually assaulting a learner. The Commission argued that the fundamental rights of learners are not respected when victims of sexual violence are forced into situations of ongoing trauma or secondary victimisation due to the alleged educator-perpetrator being present in the same classroom.

During the Public Hearing, a number of concerns were raised regarding the under-reporting of sexual offences that occur within the school environment, and in particular those cases in which the perpetrator is an educator. A learner from Mount View High School in Hanover Park made the following statement:

"*We have lost respect for our teachers as they abuse us in so many ways that we occasionally retaliate. The teachers are not there as parental figures we are meant to learn from, but rather they are people who are there to misguide us.*"[66]

Thohoyandou Victim Empowerment Programme (TVEP) referred to "sexually transmitted marks" in their submission (nicknamed "STMs"). This refers to circumstances in which girl learners voluntarily engage in sexual acts with educators as an inducement to receiving good grades. Of even more concern was a study conducted by TVEP that found that 26% of learners were of the opinion that forced sexual intercourse did not necessarily constitute rape. This finding raises pertinent questions as to what in the perception of a girl learner constitutes sexual assault. Consequently the accuracy of statistics that relate to sexual

assault incidents can also be questioned. (Further statistics from TVEPs database will be discussed in chapter 3).

The WCED indicated that on average it receives between one and four cases a month against educators for sexual assault and/or harassment of learners. Few of these cases are found to be of no merit. Very often, disciplinary procedures are not followed through and educators resign upon being formally charged. In some instances learners, or their parents, withdraw the charges.[67] The WCED acknowledged that the unit, which deals with disciplinary investigations, could be better resourced to handle such allegations. Despite this challenge, there are strict processes in place that are adhered to.[68]

Box 2.J – Under-reporting and a lack of monitoring of school-based violence
In South Africa, crime-reporting rates are low. These rates are lower among the youth than the adults. Young people tend to report crimes to their parents and not to the authorities. In many instances, parents do not report crimes to the police or appropriate authorities. When parents neglect to inform the school authorities of the incidents, the scope of the problem remains unknown to these authorities.[69] Fellow-learners or educators often commit these types and forms of violence. The perpetrator is often known to the victim, which complicates the matter even further.

The CJCP study demonstrated that many incidents of violent and non-violent crimes were unrecorded by school management and the police, therefore resulting in an inaccurate reflection of the extent of violence. A consequence of this is the under-emphasis on support and counselling being offered to young traumatised victims.[70]

2.4.2   Physical assault

South Africa's legislature and judiciary have rejected corporal punishment within public life. In June 1995, the Constitutional Court[71] abolished corporal punishment on the grounds that it violates a child's human dignity. Three years later, the Court upheld section 10 of SASA, which prohibits corporal punishment as a form of discipline.[72]

Meanwhile, a considerable number of educators still administer corporal punishment in the classroom. Often, educators argue that they resort to corporal punishment because they are unaware of other disciplinary methods that can be used more effectively. In some instances educators even receive parents' consent to use corporal punishment. Within this context, the Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN) told the Public Hearing that learners who were recipients of corporal punishment or other forms of humiliating treatment were more likely to exhibit behavioural problems, including bullying and disobedience. There is therefore an obvious disincentive to use corporal punishment when it appears to aggravate disciplinary issues.[73] Still, alternatives are a challenge, and both parents and educators need to be encouraged to understand other forms of behavioural management.

Training programmes on human rights and values were presented during the Public Hearing. It was suggested that such programmes should be implemented in order to assist educators in seeking alternative behavioural management solutions in their classrooms. However, parental involvement and responsibility in supporting educators was also highlighted as being critical to rooting out the negative effects of corporal punishment. There is a need for consistency in the disciplinary model at home and at school for discipline to be effective. In order to address this issue, the NGO Child-line contended that the Children's Amendment Bill would provide an opportunity to reconsider the use of corporal punishment in the home. Prohibiting corporal punishment in the home

would require support and awareness-raising processes about appropriate forms of discipline that are violence-free. Thus parental education programmes should not only focus on the negative impact of physical violence on learners, but also on the effects of other forms of violence, such as verbal and psychological violence. Child-line is currently in the process of developing a manual for parents on positive discipline, which should be available in the near future.[74]

> **Box 2.K – Corporal punishment is still occurring in South African schools**
> Although corporal punishment is prohibited in South Africa within the school environment, it is still reported as having occurred in more than half of the schools (51.4%), with the Eastern Cape (65.3%), Mpumalanga (64.1%) and Limpopo (55.7%) reporting the highest incidences.[75]

A recent study[76] indicated that 58% of educators are in favour of the reinstatement of corporal punishment, while 28% conceded to still using corporal punishment. The CJCP study reported that 51% of learners indicated that they had been caned or spanked at school.[77] According to RAPCAN, educators and schools are failing to report the use of corporal punishment and are becoming complicit in the use of violence against children.[78]

During 2006, the WCED received 94 cases of which 54 were finalised by September 2006. Typical examples of cases included instances of educators attacking learners with canes or sticks, slapping them, flinging objects at them and even locking learners in small spaces as a form of punishment. The WCED stated that it has a 90% success rate in proving these cases. In most cases where the assaults were minor, the educators received fines together with a final written warning. In such instances the WCED also advises parents that they may bring civl charges against the educators.[79]

2.5 VIOLENCE BY EXTERNAL PERSONS AGAINST LEARNERS AND EDUCATORS

2.5.1 Assaults and robberies

The high levels of crime in South Africa spill over into playgrounds and classrooms.[80] Learners and educators residing in high-crime areas are at continuous risk of being victims of crime as they travel to and from school as well as on school property. Such crime may take the form of an assault, theft, robberies and hijackings.

> **Box 2.L – Being at school is more dangerous than being anywhere else**
> The Red Cross Children's Hospital says that child violence injury death rates in South Africa are 60% higher than the global average. According to the hospital's statistics, of the 4,474 children treated in nine years at the facility, 441 were assaulted at school. This figure constitutes approximately 10% of the total number of injuries. Yet keeping in mind that children under the age of 12 spend less than 7% of their time at school, it would appear that being at school is more dangerous for children than being elsewhere.[81]

2.5.2 Attacks on school facilities and vandalism

A large number of schools in the Western Cape have been vandalised with graffiti, the breaking of windows and fences and burglaries. Damage caused by vandalism in one school in the North-West Province was estimated at R6 million.[82] Various participants at the Public Hearing commented that even where fences are erected at schools to increase safety and security the fences are difficult to maintain due to vandalism.

Vandalism not only indicate a lack of respect for the property of others, but also for the institution of education itself.[83] Anger and bitterness towards anyone who is successful and has accumulated material wealth was identified as a motive for vandalism and the destruction of property.[84]

2.6.1   Impact of school-based violence on learners

There are both short and long-term consequences for the victims of school-based violence. Physically, the victimised learners bear the trauma of attacks soon after they have occurred. How long the wounds, scars, or pains persist depends on the severity of the violence the learner has suffered. However, this will affect the learner's ability to participate comfortably in learning environment and may sometimes prevent them from participating or coming to school.

There is also a psychological impact on learners in both the short and long run. It includes a range of symptoms: depression; poor self-esteem; feelings of isolation; being frightened; being humiliated by their experiences; and/or developing an aversion to school. Learners who have been the victims of repeated incidents of school-based violence may succumb to aggressive patterns of behaviour in response to their experiences, and in some instances may themselves resort to becoming the perpetrators of violence. It was further contended that in extreme cases, violence against learners might result in mental health problems in adulthood, including schizophrenia.[85]

Learners who have been the victims of school-based violence experience some of the following common learning problems:[86]
•   Limited concentration span;
•   Serious numeracy and literacy problems;
•   Inability to handle class assignments;
•   Poor performance in the classroom, control tests and examinations;
•   High absentee and dropout rates;
•   Being unmotivated to succeed in school and life in general.

School violence can lead to serious consequences. The recent National Youth Risk Behaviour Survey conducted by the Medical Research Council indicated that 4% of boys' and 3.5% of girls' deaths between 10 and 14 were as a result of suicide. It was also found that 35% of children experienced feelings of overwhelming sadness, while 33% of them indicated that they had considered suicide and 23% had actually planned some form of suicide.[87]

2.2.2   Impact of school-based violence on educators

In the Western Cape gangsterism is rife in and around many schools. Consequently, learners and educators are exposed to gang violence, including gang members shooting at each other.[88] In CASE's submission, a psychologist gave her perspective on teaching in an environment of gang violence. A number of educators and school staff have been referred to her as a result of traumatic experiences they were exposed to in their workplace. They presented with several symptoms of chronic post-traumatic stress due to gang violence. As a result of their exposure to several traumatic incidents, a number of changes in their mood, thoughts and behaviour were reported. Symptoms of post-traumatic stress such as feeling hyper-aroused, re-living the event and avoidance, were presented.[89] All this impacts negatively on the educators ability to teach as they feel trapped or confined in the school environment. This adds to constant

negative feelings towards their employment. These negative feelings may cause educators to lose interest and to become detached to the extent that they are unable to relate to their learners. Their self-confidence and self-esteem are reduced, making it difficult to accomplish their task. The educators often report feeling disempowered within the classroom setting.[90]

Constant stress caused by school-based violence can result in educators becoming depressed and this may sometimes result in violent behaviour being displayed towards learners. The educators have expressed feelings of hopelessness and often feel exasperated by a sense that they are not heard or supported by the relevant authorities. School-based violence can also affect the personal lives of educators, with some, for example, resorting to alcoholism and other forms of substance abuse.[91]

Chapter 3

FACTORS CONTRIBUTING TO SCHOOL-BASED VIOLENCE

3.1 INTRODUCTION

During the Public Hearing, various f actors contributing to school-based v iolence were identified. Of t hese factors, some f ocused on the effect o f the immediate school environment upon l earners, while o thers looked more broadly at t he linkages between community issues and school-based violence. The list of factors included: the impact of poverty on the community; the presence of gangsterism; drug and alcohol abuse in the community; conditions in the home environment; the social de-sensitisation of youth to a culture o f violence; d iscipline models in school and unclear management roles; unattractive school environments; and, t he educators' misconceptions r egarding t he human rights of l earners. The list was not exhaustive, neither were the named f actors mutually exclusive.

3.2 APPROACHES

Several submissions i ndicated t hat t he i ssue o f school-based v iolence cannot be separated from the communities that schools serve, and cautioned against v iewing schools as an 'island', as opposed to a wider social phenomenon largely impacted on by racial, gender, and economic inequalities. The Public Hearing considered t he value o f these t wo approaches to how schools relate t o their communities. The first approach emphasised the 'school as an island' while the second approach emphasised the "school as the centre of community life.'

3.2.1 The school as an island

The 'school as an island' model gives little recognition to the broader community's impact on the school environment, focusing exclusively on the dynamics within the school itself. There was little support for this approach in the Public Hearing. An approach that schools are "not islands", but are part and parcel of the community, received support. Thus, the community environment impacts directly on schools.[92]

According to the Soul City Institute for Health and Development Communication (IHDC), the 'school a s an i sland' approach i s problematic as it situates t he phenomenon o f school-based violence within the school itself, rather than viewing it as symptomatic of a wider social dynamic. Ultimately, however, it is not the violence within schools that leads to overall social disintegration. Violence within schools is instead a symptom of the overall social dysfunction of the community within which the school is situated.[93]

3.2.2 The school as the centre of community life

A school is often a mirror image of the community and the families it services.[94]
Schools therefore cannot address v iolence in isolation. Rather they r equire community involvement. In a discussion on the role t hat communities and o ther structures p lay in dealing with the incidence of school-based violence, the National Professional Teachers' Organization of South Africa (NAPTOSA) identified the vital role that communities play in supporting local school efforts to maintain good behaviour and respect in the classroom. Furthermore, communities can assist in protecting learners from exposure to gangsterism and drug and alcohol usage.

In 2000, the Department of Education issued its Call to Action: Mobilising Citizens to build a South African Education and Training System for the 21st Century (also known as the (Tirisano Plan). This plan relied on the approach that schools must become centres of community life.[95] In keeping with this approach, Soul City IHDC proposed that schools should be at the centre of the government's service delivery obligations to the community. The needs of vulnerable children should be met through the government's community channels.

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Box 3.A – Arguments in favour of the 'centre of community life' approach[96]
- Working within existing policy or legislative frameworks avoids the tendency to throw new policy or legislation at every issue, resulting in policy fatigue, implementor frustration, and the diffusion of capacity and resources.
- A community-based approach assists in the creation of tangible forms of co-operative governance between various tiers – sectors and government departments with service delivery obligations to children (e.g. the Department of Social Development's delivery of child support grants, the Department of Health's delivery of HIV/AIDS prevention and treatment programmes, food parcels, and other services and the Department of Home Affairs' delivery of identity documents).
- Such an approach draws upon and mobilises existing community structures as resources.

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With the 'schools as the centre of community life' approach, school-based violence is understood as a multi-faceted social phenomenon in which community support and responsibility for schools become key to curbing violence. When schools are regarded as part of their communities, the responsibility for ensuring school safety and in turn, combating community violence more broadly, calls for the active participation of diverse stakeholders, not only the education sector. Examples were given during the Public Hearing of communities who took responsibility for their schools and were consequently able to curb vandalism of property – and burglaries.[97]

If schools are at the centre of community life, they have the potential to impact on the social climate of their communities by interacting with them and providing social services and skills training programmes to parents and families. The Development Bank of Southern Africa (DBSA) has, however, warned about the danger of the 'school as centre of community' approach. The bank argued that this approach may lead to educators being overburdened if resources necessary to carry out the approach effectively were not provided.[98] However, the need for a multi-faceted response and intervention was echoed by government and non-governmental organisations throughout the Public Hearing. This approach is also repeated in the Safe Schools slogan—'We cannot do it alone'.

3.3   FACTORS IN THE COMMUNITY THAT CONTRIBUTE TOWARDS SCHOOL-BASED VIOLENCE

During the Public Hearing, a number of factors that stem from within communities were identified as contributing towards increasing the risk of a child's exposure to violence. These factors include: socio-economic status, parental involvement and safety in the community.

3.3.1 Poverty

In the Commission's 2006 Public Hearing Report on the Right to Basic Education, poverty was identified as a key issue that impacts negatively on the realisation of the right to basic education.[99] Poverty has a disempowering effect on children and plays a significant role in

the cultivation of violent means to gain power.[100] Poverty inhibits the ability to escape a cycle of exclusion and destitution, and it can also be an obstacle to accessing essential social services if these are not readily available within communities. These social services include counselling services, treatment and rehabilitation for drug, alcohol or other substance abuse, and training and skills development courses. The ability to access social services is vital to overcoming the barriers created by poverty.

Poverty can determine the learners' ability to concentrate in classrooms, whether they attend (or participate)school and whether they participate in the classroom. The stresses caused by the poor socio-economic backgrounds of learners become an external factor to the schooling environment that can have a direct effect on the learners' educational outcomes. An educator in the North West Province discovered that:

"*…learners absent themselves from school on days when dustbins are collected in town, so that they will be able to scavenge the dumping site.*" [101]

Similarly, a child speaker from Molo Songolo shared the following experience:

"*Here are some children that come in the morning… from far-off places to school without anything to eat in the morning and they have to travel by bus, by train, by whichever means, and to concentrate on an empty stomach… (it) is very difficult.*" [102]

Poverty has a disempowering effect on children and plays a significant role in the cultivation of violent means to gain power.[103]

The lack of social capital significantly perpetuates the inequalities that exist between rich and poor communities. The DBSA explained that social capital is largely responsible for the difference in learner outcomes between affluent and indigent schools. In its oral submission to the Public Hearing, the DBSA identified several factors that impact significantly on learners' performance. Such factors may result in children from poorer communities being sent to school with impaired social capital. These impairments ensure that poor communities are locked into cycles of marginalisation and exclusion.[104]

Box 3.B – The impact of social capital on performance in school[105]
The differing advantages of social capital are some of the strongest reasons for the disparate outcomes between children from poor and affluent backgrounds. The following impact heavily on children's behaviour and performance in the classroom:
- Living conditions in the home. This includes whether learners receive electricity, adequate space to study, and proper nutrition. This also includes whether learners are exposed to domestic violence in the home;
- School transport;
- The impact of HIV and AIDS. This includes consideration of orphans of HIV infected parents in child-headed households, and HIV infected learners themselves;
- Parental support. This includes consideration of the education level or literacy of parents, their ability to assist with schoolwork and the existence of learning materials in the home;
- Prevalence of gangs and organised crime syndicates in learners' communities.

3.3.2   Gangsterism, drug and alcohol abuse

Schools are not isolated from gang violence in the surrounding communities. In some instances, schools have become a fertile recruitment ground for gangs.[106] Learners in

these schools believe that being a member of a gang is 'cool.' This belief is further supported by the fact that even learners between the ages of 14 and 17 years are deemed powerful in their communities because of their affiliation to notorious gangs. Learners who do not have physical strength can rely on belonging to gangs to build a reputation for themselves in their communities and schools. Gang association can often be the difference between being the victim and being the perpetrator of violence. Social dysfunction that affirms the power and status of criminals in communities all add to South Africa's notorious culture of violence.

In 2003, the Cape Argus reported that gangs on the Western Cape's Cape Flats had a work-force of approximately 120 000 members. According to this report, gangs invest millions of rand in legitimate businesses. As a result, the criminal economy has had the effect of filling needs created by poverty. Criminal gang activities extend to hiring consultants and accountants to invest 'ill-gotten' cash. Added to this, gangs are known to have fostered a culture of corruption among police and government officials.[107]

Gangs often have a violent culture and are associated with the drug and alcohol trade.[108] Pervasive drug and gang activities are closely related to school-based violence.[109] The violence in schools is further compounded by the easy access and availability of drugs and dangerous weapons to the learners.[110]

Box 3.C – A high school principal's experience
"*This year, during the second term, we experienced an increase in gang violence, as gangs waged battles for gang turf with at least eight gangsters being killed in a short space of time. Our learners were highly traumatised and teachers hardly attended school for those two weeks subsequent to the incident. Tension was very high in the area, which created feelings of insecurity, fear and anxiety among our learners and many parents were reluctant to send their children to school, as they feared for their safety.*"[111]

3.3.3   Conditions in the home environment

Learners who grow up with violence in the home are more likely to display violent behaviour in school. Violence in schools reflects how commonplace violence has become in the broader society and the home.[112] Learners stated that many homes in townships and informal settlements were unsafe places. Furthermore, in some instances where sexual abuse occurred in their home, girls found it difficult to approach their mothers whom they felt did not always listen to them, or did not take further steps to prevent abuse, including sexual abuse.[113]

Box 3.D – Parental responses to sexual abuse
An interview by the Soul City IHDC of a Gauteng township girl between the ages of 11 and 12 elicited the following statement:

"*Questions: What about home? Who helps you?*

Answer: My mother. Some mothers are not helpful when you tell them that something bad has happened to you such as when your step father touches you, you will not feel alright, when you tell your mother she will tell you not to tell anybody because he is the breadwinner and what would we do if he left us? When your mother deserts you like that, you don't know whom to turn to."[114]

Another learner shared the following experience:

"*Okay, one day I had an incident with one of my teachers. I went to my mother. I spoke to her. She went to school to approach the teacher about it, but what they did, they turned the whole thing and they blamed me … they changed it and they make it that the child is wrong and then the parent can do nothing because all the teachers are just blaming the child because of the background where the child comes from. That is what happened in my case when I had a problem …*"[115]

The WCED indicated that 50% of their learners come from single parent families.[116] In addition to this, many parents work long hours and are not home in the morning when children leave for school, and have very little contact with their children when they return from work in the evening. Even where parents are unemployed, and are at home, families still appear to have very little contact time. One of the results can be that some children enter into serious relationships and become sexually active at much younger ages as they search for greater stability in their lives.[117] Also, children tend to socialise in smaller groups and this puts them at greater risk of forming gangs or cliques for a common identity.

Education Minister Naledi Pandor has recently called on parents to take greater responsibility for the behaviour of their children, especially in relation to how they behave towards others and on issues of discipline at home. Pandor urged parents to ensure that their children did not carry knives and guns when they leave home for school.[118]

Educators may have a socialising role on learners in their formative years in what constitutes acceptable behaviour, but once they leave the school premises, it would appear that other forces and influences come into play. This confuses the child, as acceptable behaviour at school appears to be in conflict with a set of behaviour at home and community.[119]

Finally, literacy among adults in the family setting was seen as an important factor contributing to the effective support parents and caregivers can give to their children's education, which in the end must serve as investment, contributing to the breaking of the cycle of poverty.[120]

3.3.4 De-sensitisation to violence and increased aggression

There are indications of increasing levels of intolerance amongst children and a worrying readiness to resolve conflicts through violence.[121] It was indicated that the slightest provocation could lead to one learner assaulting a fellow-learner. Other learners who witness these assaults often encourage this behaviour. Recently, there has been an increase in the number of learners bringing sharp objects to school in order to protect themselves.

There is generally an inability and a lack of skills among South African children to deal with conflict. This results in children resorting to violence. Furthermore, many children are de-sensitised by their surroundings in which television programmes, movies and video games, freely expose them to violence. Over-exposure to media, even non-violent media, can make children more aggressive due to the fact that children who watch television or play video games, spend less time interacting with other children, and thereby learn fewer social skills.[122]

The National Council of the Society for the Prevention of Cruelty to Animals (SPCA) submitted that the society's treatment of animals is inseparable from its treatment of people, and that a strong correlation exists between childhood cruelty to animals, child abuse and domestic violence, as well as future anti-social and aggressive behaviour. It is essential to understand that to stop violence among adults, and break the cycle of domestic abuse, violence must be stopped at schools and replaced with respect for all life, human and animal, as well as a nurturing spirit for the environment.[123]

3.4   FACTORS WITHIN SCHOOLS THAT CONTRIBUTE TOWARDS SCHOOL BASED VIOLENCE

A few distinct factors within the school environment were highlighted during the Public Hearing as impacting on a learner's behaviour, psychological state, and the quality of a learner's interactions with educators and fellow learners in the classroom.

3.4.1   Discipline models in schools and unclear management roles

Classroom discipline is necessary in order to ensure that the state's obligation to provide basic education is discharged. In the past, South African schools were founded on autocratic-authoritarian discipline models. Still today, many schools are authoritarian in terms of their discipline models.[124] There is a need for the transformation of discipline models in schools in South Africa to models that reflect and promote constitutional values of equality, dignity and respect for others. This can be achieved by allowing learners to make choices, and by creating caring communities within their classrooms. Discipline and values need not be dealt with in isolation of each other as values are easier to impart if there are set boundaries.[125]

The Inter-university Centre for Education Law Education Leadership and Education Policy (CELP) defines discipline as positive behaviour management aimed at promoting appropriate behaviour and developing self-discipline and self-control among learners.[126]

The SASA provides that principals are responsible for the professional management of their schools.[127] The Act was criticised for not defining management in a manner that outlines the levels of accountability that would assist in creating a functional learning environment.[128] The Stigting vir Bemagtiging deur Afrikaans argued for changes to SASA's regulations, such as:
•   Obliging principals to identify threats or weaknesses that threaten the smooth functioning of schools, and to develop strategies to overcome them.
•   Clearly defining the role of the principal, specifically at an operational level.
•   Requiring principals to implement risk management strategies at schools.

CELP asserted that it is one of the basic responsibilities of the Department of Education to provide a safe physical and emotionally supportive environment for learners. Educators should be able to respond to current social and educational challenges, especially those regarding violence, drug abuse, poverty, abuse of women and children and HIV and AIDS. For the most part, educators are not trained in dealing with the social realities facing their learners, and are not provided with adequate training or support to do so in conjunction with delivering on the core curriculum.

During the Public Hearing, it was asserted that learners are generally unsupervised on the playground, while educators are in the tea-room during break times. Even when there are educators on duty, there are insufficient numbers to monitor the learners on school grounds.[129] There was a general sense that leaving learners unsupervised and vulnerable was not conducive towards promoting a disciplined environment.

3.4.2 Unattractive school environment

Unattractive physical surroundings can be linked to learners' self-image and overall confidence. As such, the school environment itself was cited as a key contributing factor to school-based violence.

Research conducted on youth risk behaviour has indicated that small environmental changes can make a difference in how young learners play and interact with others. Some classrooms do not provide sufficient space to accommodate children who are forced to share desks or literally climb over one another to manoeuvre through a classroom. Such overcrowding – often involving 50 to 60 learners sharing the same space – can contribute to school-based violence by increasing hostile and negative feelings between learners and undermining discipline. The resulting atmosphere is not conducive to learning and also increases health and safety risks.[130]

3.4.3 Misconceptions regarding human rights of learners

The perception that children are bearers and recipients of rights without a responsibility to respect the rights of others was a common theme of the Public Hearing. It has sometimes led to educators and school management being reluctant to take legitimate disciplinary action due to the fear of infringing the learners' rights. Such hesitation further results in perceptions that rules and procedures are not consistently applied, and that there is a general reluctance in the education system to act decisively against learners who are perpetrators of violence.

> **Box 3.E – Understanding respect for others' rights**
> "When people are asked about the founding principles of the Constitution they usually come up with freedom and equality. When they are asked what freedom means to them, 50% say "I am free to do what I like". When more are asked about equality, they just say that everyone is equal and they never really go beyond that. When other rights are discussed, people often say, 'I cannot expect the children to clean the classroom because they have a right not to, you know, be treated as slaves', and 'They have freedom of movement so they can walk around in the school and classroom as they wish.'"[131]

CELP stated that educators and learners find it difficult to deal with discipline because they also are not aware of the content of rights.[132] Educators find it difficult to understand the balancing of rights and responsibilities.[133] It was suggested that there was a need to hold workshops to address these perceptions, and deepen the understanding of learners' and educators' rights and responsibilities.[134]

Chapter 4

CURRENT INITIATIVES TO COMBAT SCHOOL-BASED VIOLENCE

4.1   INTRODUCTION

There are many initiatives, including programmes and projects, run by the government and the NGOs that are aimed at curbing school-based violence. The WCED has been particularly proactive in implementing internal measures in partnering with civil society so as to take a broad-based approach to combat this complex phenomenon.[135] This chapter will showcase some of these as examples of how to address the complex issue of violence in schools. The examples do not intend to exclude other noteworthy and equally valuable projects.

It is difficult to asses the outcomes of crime prevention and attitudinal or behaviour modification initiatives that take place through among others: learner seminars; the use of corrective, assertive and positive discipline techniques; conflict resolution and mediation training; and the establishment of peer mediators on school premises.[136] One significant problem identified in terms of evaluating the success of the project, is the difficulty in gathering information and statistics from the schools.

4.2   INITIATIVES BY THE GOVERNMENT

4.2.1   Western Cape Department of Education (WCED)

In 2006, the WCED introduced the new National Curriculum Statement, which is intended to be more relevant to the needs of South Africans, particularly the youth. At the Public Hearing, it was submitted that the National Curriculum Statement has potential to help youngsters deal with issues such as drugs, peer pressure, racism, gender-bias, bullying and other forms of violence. The educational outcomes, in Life Orientation, provide life skills to learners. These educational outcomes provide a tool-kit for change. However, it has been questioned whether educators are equipped to implement this tool-kit. It was submitted that a sustained and ongoing educator development programme would be implemented. This will assist educators to achieve outcomes to provide educators with practical skills to manage learners more effectively in the classroom. Linked to this, is the ongoing support to school-based management teams and School Governing Bodies (SGBs) to ensure adherence to the code of conduct at school level.[137]

The Safe Schools Project

In 1997, the WCED launched the Safe Schools Project (Safe Schools). The objective of Safe Schools is to provide a comprehensive approach to promoting health and safety among learners through the prevention, reduction and control of violence and injury at schools.[138]

The Safe Schools Project instituted a three-prong strategy for creating a school environment that is conducive to teaching and learning. It consists of:
1. Changing the physical landscape of each school to create a safe environment;
2. Instituting behavioural and attitudinal training programmes for learners, educators and parents; and
3. Developing a community-based system approach to solving school issues.[139]

Key areas for intervention

To ensure a safe learning and teaching environment Safe Schools understands that a three-prong strategy is insufficient. Thus, the Safe Schools Project focuses on implementing changes that will provide sustainable solutions. The Safe Schools Project has identified seven key areas for intervention to address school-based violence. These are:

1. Job creation;
2. The stabilisation of crime through law enforcement and the criminal justice system;
3. The provision of basic necessities such as adequate food and shelter;
4. The promotion of well-being through the provision of health services, social services, faith-based services and NGO services;
5. The provision of extra-curricular after-school activities such as sport and recreation;
6. The creation of cultural organisations and the provision of libraries; and
7. The provision of education programmes including safety education in schools, adult education and training and early childhood development.[140]

One of the first interventions made by the Safe Schools Project in schools was the installation of alarm systems linked to armed response services. Schools that installed the alarms were provided with a subsidy to cover the costs. Safe Schools Project has also advised each school to schedule additional patrols of the armed response service units to ensure greater visibility and vigilance.[141]

Other intervention initiatives include performing risk analysis of schools; promoting after-school and holiday programmes; arranging trauma debriefing and counselling for victims and their families; training on issues such as self-defence, sexual abuse, conflict resolution, and behaviour improvement; establishing parent watch programmes to monitor toilets; establish a call centre (discussed further below); and encouraging the implementation of community-based partnerships aimed at developing community-oriented solutions.

Overall, the Safe Schools Project strives to be proactive in the fight against school-based violence by determining effective and best practice strategies, and encouraging their implementation across the Western Cape.[142] The National Professional Teachers' Organisation of South Africa (NAPTOSA) submitted that the Safe Schools Project is a successful initiative, but raised concerns about its sustainability.[143]

Safe Schools Call Centre

The Safe Schools Call Centre (Call Centre) was established as part of the Safe Schools intervention strategy. Educators, learners and parents can call the toll-free number to report crime including: violence; physical and sexual abuse; alcohol and drug abuse; vandalism; and incidents of corruption in schools. Moreover, schools are obliged to report all burglaries and incidents of vandalism to the Call Centre.[144]

In 2003, the Call Centre recorded 1,561 crime incidents ranging from abuse, burglary, vandalism, and gang violence. In the year 2004 it had risen slightly to 1,958. In 2005, 2,778 incidents were recorded, and for 2006, up until 31 March that year, 1,038 incidents were recorded. Approximately two-thirds of all incidents recorded were from metropolitan schools.[145]

Through the Victim Empowerment programme, the Call Centre also provides support and management services to learners and educators. The Call Centre's staff members are able to provide initial counselling for callers who need help. If further assistance is required, callers are referred to experts. Other services provided by the Call Centre include: trauma counselling; arranging random SAPS and City Police patrols around the schools and their surrounding areas; as well as, requesting the patrol services of armed response companies.[146] The Call Centre also provides information on issues affecting the lives of learners such as: HIV/AIDS; alcohol and drug abuse; and abortion.

Hands Off Our Children Campaign

In March 2002, the Hands Off Our Children (HOOC) campaign was launched to address the problem of child abuse in the Western Cape. The HOOC acknowledges that child abuse is a complex matter, and therefore works with various groups within the community to raise awareness about child abuse, develop prevention strategies and provide assistance to child abuse victims. Prevention and education programmes are held at schools, faith-based organisations and other community forums.[147]

The HOOC's strategy to raise awareness, support victims and prevent child abuse, consists of:
1. Implementing an intensive, educational crime prevention campaign;
2. Organising a parental guidance programme;
3. Establishing a victim support programme; and
4. Developing a cross-disciplinary training programme for those who manage child abuse cases.[148]

Drug abuse management policy

In 2002, the Department of Education released its National Policy on the Management of Drug Abuse by Learners in Public and Independent Schools and Further Education and Training Institution.[149] The central focus of the policy is the prevention, intervention and management of drug abuse incidents. The policy is to assist schools in the development and operation of their own policy on drug use and abuse by learners through the employment of a multi-disciplinary process. The policy is an important mechanism for combating school violence. Drug abuse can be a contributing factor to incidents of school violence.

Choose 2 Live Project: Drugs & Gangs Reduction Project

The Choose 2 Live project strives to reduce drug abuse and curb gangsterism among young people using a 4-step process. The 4 steps are:
1. To promote awareness on the risks and dangers of drug abuse and gangsterism;
2. To provide alternative programmes to gangsterism in communities where youth are at risk, and encourages youth to participate in the programmes;
3. To strengthen communities by providing community-based drug treatment initiatives that prepare communities to fight against drug abuse; and
4. To create partnerships with law enforcement organisations, such as the South African Police Service (SAPS), in order to counteract the demand for drugs and participation in gangs.[150]

Bambanani Safer Schools Programme

In September 2005, the WCED in partnership with the Department of Community Safety launched the Bambanani Safer School Programme (BSSP). As a starting point, the WCED and the Department of Community Safety identified high-risk schools that needed additional human resources to combat crime. The BSSP then deployed 180 Bambanani Volunteers to 45 priority schools to assist with security monitoring. Bambanani Volunteers are trained in first aid and conflict resolution.[151]

The School Safety Committees (Safety Committee) are tasked with the responsibilities of: conducting safety audits; advising with regard to selection and implementation strategies; and conducting audits of safety and security service providers.[152] When the Safety Committee first evaluated the BSSP, they found it to have a positive impact. Based on the effectiveness of BSSP, the programme was expanded in 2006 to include 500 Bambanani Volunteers at 100 priority schools, supplying these schools with five volunteers each.[153] However in the evaluation, some challenges for BSSP were identified. Some of the identified challenges included: provocation of the Bambanani Volunteers by learners; low morale among Bambanani Volunteers; and incidents of Bambanani Volunteers shouting at learners.[154]

Upgrading of security

In 2006, the Minister of Education identified high risk schools in each province for a project that would upgrade current security measures. The security measures included improved walls and fencing and Closed-Circuit Television (CCTV) cameras. It was also indicated that legislation that allows for random body searches and drug testing would be considered.

The Safe Schools Project provided high risk schools with security infrastructure, ranging from remote control gates with CCTV cameras, intercom systems for evacuation and safety drills, safety gates, burglar bars, maintenance on broken fences and barbed wire. The provision of the infrastructure was based on the needs identified by the school's Safety Committee and verified through a risk analysis by the Safe Schools Coordinators. While the schools awaited the repair of their security infrastructures, temporary emergency security was provided to ensure learner safety.[155]

Learner Support Officers

The Learner Support Officers inititative was created with the assistance of the WCED and the Department of Community Safety. The goal of the initiative to introduce Learner Support Officers in the school environment is to promote the development of a safer environment by reducing truancy, dropout and absenteeism rates, while promoting crime prevention in rural and urban schools.[156] Through the intervention of Learner Support Officers, it is hoped that schools will become supportive environments that will allow learners to reach their full potential, becoming productive citizens and catalysts for positive change.[157]

The Learner Support Officers strive to implement strategies that equip learners to resist the pressure to join gangs. They also teach learners how to resolve conflicts peacefully. The Learner Leadership programmes were identified as a potential method to create role models who could become examples to other learners. A Provincial Representative Council for Learners has launched training peer counsellors in 140 high schools as part of an extended HIV and AIDS programme.[158]

In June 2001, the WCED in collaboration with the SAPS launched a workbook manual entitled "Signposts for Safe Schools". It is intended to assist educators in preventing and managing negative conduct in schools. The manual, among others, encourages the creation of school safety committees, which work closely with the police service. Schools are also encouraged to adopt-a-cop and invite police personnel to assist schools in creating safe environments.[159]

4.2.2. South African Police Service

The SAPS has programmes geared towards preventing crimes against children and increasing school safety. Some of the programmes employed by SAPS include Captain Crime Stop, Adopt-a-Cop, the Youth Against Crime Club, and Child Protection Week.[160] Other programmes include open day visits to police stations, sports days for schools organised by the SAPS and awareness presentations by police experts. Additionally, the SAPS makes an effort to maintain a presence at the schools by providing monitors for break time and by speaking out against bullying and violence during school assemblies.[161]

The Captain Crime Stop programme is an educational and awareness programme focusing on créches, pre-primary and primary schools. The cartoon-type hero visits the school; demonstrates acts of heroism and teaches the children a lesson in safety and security. However, it was noted during the hearing that this programme is not working as effectively as anticipated.[162]

The Adopt-a-Cop programme focuses on learners aged 13 years and above. A local police official, trained specifically for the position, is allocated to each school. This police official is required to visit the school regularly and assist school leadership in identifying and solving issues related to crime and school violence.[163] The Adopt-a-Cop programme also strives to increase awareness of crime in the school and the surrounding community. The overall goal of the programme is to establish and build relationships of trust between learners and the SAPS, thereby increasing and strengthening communication between the learners and the SAPS.[164]

The WCED indicated that there are regular patrols conducted by the SAPS on pre-identified schools. There are also regular searches, including the use of police dogs, when searching for illegal substances. It was further indicated that a revised Adopt-a-Cop Programme is being considered.[165]

Specialised Education Support Services

The Directorate of Specialised Education Support Services launched the Specialised Education Support Services project to assist the Education Management and Development Centres (EMDC) of the WCED to combat the expulsion of learners from WCED schools. Through the implementation of developmental and diversion programmes, the project strives to provide remedial intervention and support to learners at risk of suspension and expulsion.[166]

The programmes include four areas of training: response ability pathways; mapping the future; drug information; and drug counselling. After the training, co-coordinators were nominated and the implementation of preventive programmes began. The programme indirectly aims at reducing school-based violence by trying to combat the major causes of expulsion, namely assault/violence with and without a weapon; drugs-dealing and distribution or drug possession and use; and theft/fraud.[167]

Protecting our Property (POP)

The POP programme was created to combat vandalism of school property which has become a significant problem at some schools. It is important to prevent vandalism as it can result in learners experiencing feelings of hurt and/or fear. Further, the money spent on curbing vandalism could be spent more constructively to improve school facilities, purchase school supplies, or to implement other programmes and projects.[168]

POP incorporates a variety of strategies to help protect the schools from vandalism. The project has created neighbourhood watch programmes using human resources including police, parents, and learners and has created a vandalism hotline. In addition, POP works to create projects for graffiti artists to use their talents in non-destructive ways and to raise awareness about the criminal consequences of vandalism in an effort to curb vandalism.[169]

4.3   INITIATIVES FROM OTHER ROLE PLAYERS

4.3.1 Support services

a   )   Child-line

Child-line is a NGO that works to protect children from all forms of violence and to create a culture of children's rights in South Africa. As part of its programmes, Child-line has established a national toll free number. [170] The national toll free line receives on average between 60 000 and 90 000 calls a month. Many of the calls received relate to violence experienced at schools.

Child-line provides programmes to a number of schools to address rights and responsibilities, crime prevention and education on child abuse.[171] Further, Child-line is in the process of developing a Behavioural Manual.

b   )   Thohoyandou Victim Empowerment Programme (TVEP)

The Thohoyandou Victim Empowerment Programme (TVEP) is an NGO that provides a service to victims of sexual assault and gender-based violence. Through its two 24-hour trauma centres, located in hospitals based in Tshilidzini and Vhufuli, it provides one-stop holistic services to victims of sexual assault. Every sexual assault victim in the Thohoyandou Policing District receives this service from one of the TVEP trauma centres.[172]

In 2002, TVEP began a rights-based "Break the Silence" campaign targeted towards learners. As part of the campaign to break the silence around sexual violence, TVEP focuses on educating learners on topics such as domestic violence, sexual assault and child abuse. TVEP stated that it had been unable to gain the support of the WCED for their programmes and is therefore unable to access learners during school hours. Thus, its campaigns are held after school in big groups. This prevents TVEP from structuring its campaign to smaller groups based on age and grade which would be a more effective means of reaching learners.[173]

4.3.2 Advocacy

a) Gun Free South Africa

The Gun Free South Africa (GFSA) is an NGO committed to reducing the proliferation of guns in South Africa. The GFSA is a strong advocate for declaring all schools "Gun Free Zones" using the firearm free zone (FFZ) model set out in the Firearms Control Act.[174] The Gun Free Zones Project aims to increase peace and to create a safe environment. This will contribute towards learners attending school without fear of violence, and the creation of an environment conducive to learning.[175]

The GFSA proposes the following five step plan to achieve its goal of firearm free schools:
1. Holding discussions aimed at reaching a consensus;
2. Meeting with stakeholders to develop policy and elect safety teams;
3. Adopting the policy developed by the stakeholders and having the Minister declare the school a FFZ;
4. Implementing of the policy; and
5. Maintaining the policy and a buy-in from stakeholders.[176]

b) LGBT Wellness (OUT)

The OUT Lesbian, Gay, Bi-Sexual and Trans-Gendered (LGBT) Wellness (OUT), is an NGO that advocates for the promotion of the LGBT peoples' sexual and mental health and their related rights. In relation to school violence, OUT is involved in policy development and training programmes to curb and prevent violence against the LGBT learners. OUT researches and reports on the experience of the LGBT learners, including the prevalence of hate crimes against the LGBT learners, incidents of corrective rape, high levels of homophobia and the disconnection between the constitutional and legislative framework that guarantees rights and the reality on the ground. OUT noted that discrimination against the LGBT learners has resulted in high drop-out rates. OUT also noted that discrimination negatively impacts individual learners' well-being, and this often leads to reports of suicide and substance abuse.[177]

OUT collaborate with the Education Department and other organisations to respond to the needs of individuals. It serves as a watch-dog to ensure that the LGBT learners enjoy their rights which are enshrined in the Bill of Rights and other relevant legislation.[178]

c) Soul City Institute for Health and Development Communication

The Soul City IHDC is an NGO that advocates for social change and health promotion. Soul City focuses on issues such as: HIV and AIDS; poverty and violence; endemic socio-political violence; and child vulnerability.[179] Soul City works from the position that good health is not merely related to the absence of illness. Rather, good health is a product of a range of actions which include the building of an enabling environment, advocacy for health public policy, community action, developing personal skills and reorienting health services towards the health promotion approach.[180] Soul City IHDC views schools as the centres of communities, and not as an island, thus it advocates for community involvement in the fight against school violence. Soul City IHDC uses the power of the mass media to promote its message. For example, Soul City incorporates child abuse messages in its television and radio materials.[181]

4.3.3 Education and Awareness

a) South African Broadcasting Corporation (SABC)

The South African national broadcaster, the SABC, runs several entertainment based educational programmes aimed at children such as Soul Buddyz and Takalane Sesame. Soul Buddyz is a multi-media project, which includes a television series broadcasted on SABC1. The target audience of this programme is children between the ages of 8 and 12. The show covers the lives of a group of children from all walks of life who meet after school in a park. During each episode, critical issues faced by children are dealt with in this programme, empowering them to deal with such issues in a positive manner.[182] Takalane Sesame is a programme targeted towards younger children.

Apart from educational programmes such as Soul Buddyz and Takalane Sesame, a new programme called "Each One, Teach One" has been introduced. This programme aims to discuss pressing issues related to education. On each episode, experts are invited to share their knowledge, and parents and learners are given the opportunity to call in and share their experiences and views.[183]

4.3.4 Research, analysis and training

a) Inter-University Centre for Education Law, Educational Leadership and Education Policy (CELP)

CELP was established in 1997 with a mission of conducting research and providing non-formal training in an effort to empower educators with valuable information about new legislation and policies. CELP was developed in response to an increased awareness that many educators were unaware of new legislation and policies that affected them.[184] CELP adopted the slogan "Making a meaningful contribution to transformation in education", based on its mission of promoting knowledge of education in law and striving to make a meaningful contribution to transformation in education. To achieve its objectives, the Centre conducts scientific research, makes recommendations and provides information and training on education management and education law and policy.[185]

With regards to school violence, CELP advocates for the empowerment of school managers. CELP's research indicates that the emphasis on equality and freedom in our new dispensation has resulted in learners and educators finding it challenging to deal with issues of obedience and authority. There are a number of misconceptions regarding freedom. Learners have the perception that they cannot be told where they can and cannot go due to our culture of rights which also places an emphasis on the freedom of movement. Where such perceptions exist, educators and managers attempting to exercise authority over students are paralysed. CELP proposes training educators on how to interpret the Constitution and other relevant legislation. CELP believes such training will empower educators with knowledge and confidence to exercise authority over their classrooms and schools, and demand obedience from learners while creating an environment suitable for learning.[186]

b) The University of South Africa Centre

The University of South Africa's (UNISA) Institute for Social and Health Services and the MRC-UNISA Crime, Violence and Injury Lead Programme, have completed significant research on school violence in South Africa. The university has created guidelines for developing safe school plans.[187]

The guidelines outline ten key steps, summarised as follows:
1. Conduct an overall school safety assessment;
2. Create a code of conduct for learners and educators;
3. Develop training tailored to meet the needs of learners and educators;
4. Actively involve learners in school safety planning;
5. Create opportunities for and solicit parental involvement;
6. Create safety zones by providing a variety of after-school activities for learners;
7. Create safety promotion and crisis management teams comprised of learners, educators, parents, and community emergency health workers;
8. Develop community partnerships and obtain broader community involvement;
9. Re-design schools to eliminate dangerous areas and to minimise trouble spots; and
10. Multi-disciplinary collaboration to formulate, adopt, and implement policy.[188]

UNISA's philosophy is that through collective ownership, responsibility and self-reliance, communities can succeed in reducing the incidence and prevalence of violence and unintentional injury within their community.[189] UNISA supports the Safe Schools project as a first step towards creating safe communities and pockets of safety for the youth within communities..[190]

c) Substance Misuse: Advocacy, Research and Training

Substance Misuse: Advocacy, Research & Training is an NGO that advocates the view that current drug awareness programmes do not work and messages such as "Just Say No" are too simplistic and have little impact. The following shortcomings have been identified with the current anti-drug campaigns:[191]

- When learners realise that they have a drug abuse problem, they often fall into a vacuum because they are unable to access adequate medical treatment;
- Anti-drug campaigns aimed at learners can open them up to domestic abuse when their parents are substance abusers themselves and attempt to educate them about the effects of drugs;
- Learners may also suffer secondary trauma in instances where they are knowledgeable about the negative effects of substance abuse and its consequences if there are substance abusers in their homes; and
- The campaigns fail to address the issue of abuse of 'over the counter' medications.[192]

SMART advocates for the use of only specialised counsellors in drug prevention programmes, to prevent causing learners and educators additional harm. SMART believes drug abuse should be considered a health issue instead of a moral one. Thus the emphasis should not be on searching learners or educators for drugs and punishing them, but on making sure they are protected. To effectively protect the rights of substance abusers, SMART advocates that provisions should be made to ensure that there is an effective, affordable and accessible treatment available with standards set by a qualified agency.[193]

Chapter 5

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 (DoE) must be proactive in making schools to be 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 alike.

It is clear that school-based violence is not solely situated within the 'school as an island.' Addressing community-based factors and employing the assistance and involvement of learners and community-based stakeholders can effectively eliminate the violence that occurs in schools. The task of improving the quality of school environment and fostering a culture of peace and non-violence should involve the participation of learners and the entire community, including learners' caretakers and families, SGBs, professional bodies, trade unions, research institutions, employers, and non-governmental and community-based organisations.

It was clear from the Public Hearing that a culture of violence and abuse was having negative effects on the future citizens of the country. It is imperative that both the DoE and the wider community engage in collaborative endeavours 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. However, 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 modified to suit 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.[194]

5.2.1 Prevention strategies

(i) Create safe physical spaces

1. Victimisation of learners in schools frequently occurs because school buildings themselves are not clean and safe or completely free from the negative influences of the community. Toilets, hallways and empty classrooms, have become places where girl and boy children are cornered and assaulted, sometimes by a group of attackers. These known target areas should be monitored constantly.

2. The DoE should assist individual schools in identifying and assessing these vulnerable areas. The Department should consider possible reconfiguration of toilets and other vulnerable areas to improve monitoring processes.

3. When developing monitoring plans, the DoE should pay particular consideration to the types of attacks that both learners and school staff are exposed to, including gang violence and sexual violence against girl children that may occur in toilets and empty classrooms. The DoE should develop protocols for monitoring schemes and should structure them in a manner that is gender-sensitive. For example, girls' toilets should be monitored only by female staff members who are properly trained to do so.

(ii) Carefully utilise screening and security measures

4. The presence of weapons immediately compromises the safety of everyone in the school. The noticeable rise in incidents that involve guns, knives and other cutting devices, mean that learners and even individuals from the surrounding community can perpetrate devastating forms of violence with impunity. The DoE should carefully consider the implementation of security devices, including metal detectors and fences, as screening mechanisms for entrances to the school premises.

5. There is a need to proceed with caution when limiting the rights of learners. Security devices must be implemented in a manner that is not degrading or humiliating to learners. The measures must also be gender-sensitive and age-appropriate. Body searches must be avoided to the fullest extent possible, and the dignity of the learner's person must be preserved during the implementation of all screening measures. The DoE must be explicit in creating protocols that expressly limit the extent of searches and specify that the manner in which they are conducted must conform to constitutional principles.

6. Educators should not be burdened with carrying out 'police functions.' It may be acceptable for school officials to randomly search a learner's possessions, and request that they turn out their clothing pockets or remove their outer clothing such as blazers and jerseys. However, police or security officials should carry out any search beyond that realm.

7. The DoE should set forth guidelines for the integration of police and security forces into the school environment. The DoE and local schools should also coordinate with local police or independent security teams to delegate roles and responsibilities.

8. The practical utility of screening measures must be weighed against the detrimental effects of creating an atmosphere of mistrust and excessive policing, keeping in mind that the ultimate goal is to create an environment in which the learners themselves feel welcome, wanted, and encouraged to learn.

(iii) Reduce overcrowding

9. Overcrowding in classrooms causes competition among children for physical space and resources; such a dynamic may exacerbate or even create hostility among learners. The DoE must ensure that learners are accommodated in classrooms where there is adequate space to learn, move and interact safely with fellow classmates.

10. Large classes make the maintenance of order and discipline a far more difficult task for educators. Educator-to-student ratios should reflect class sizes that are manageable both in terms of discipline and providing adequate attention and instruction to all the students.

11. The DoE should develop a system of monitoring classroom sizes and, particularly, overcrowded classrooms and schools. The DoE should be able to track how it is meeting the needs for these classrooms and schools that suffer under the stresses of being under-resourced.

(iv) Transform unattractive learning environments

12. Schools should be designed and arranged to make the environment attractive and conducive to learning.

13. The DoE should create a framework document that lays out the ideal scenario for a school environment that is beautiful, clean and safe. The framework document should provide tangible suggestions for beautifying the school environment, such as the presence and maintenance of litter bins, the use of school walls as learner art spaces and the regular cleaning of schools spaces by staff and learners.

14. Schools should be properly maintained in order to promote the maximum health and safety of learners and educators. Proper upkeep of the school premises should be taught to all members of the school community. This will instil in learners an important sense of institutional pride, self-respect, and self-esteem, and ultimately serve as a foundation for creating a culture of peace, harmony and cooperation in schools.

(v) Ensure safe learner transport

15. While strictly not occurring on school grounds, incidents that occur as learners make their way to school may have a severe impact on their sense of safety and security in school. These may also impact on their ability to focus on learning. The DoE schools must maintain a record of the areas and distances from which individual students are travelling and develop a plan to facilitate safe travel to school for each student.

16. The DoE must expand the learner transport scheme to facilitate transport for learners travelling from neighbourhoods with known high crime rates or over long distances in rural areas. Children should not be discouraged from enjoying their right to education because they are afraid of what might happen to them on the way to school.

17. Students must be educated on best practices for safe transport and must be taught methods of avoiding potentially dangerous scenarios on the way to school, such as travelling in groups or with an adult caretaker.

18. Bus transport must also be monitored to ensure that learners are not victimised by fellow learners, community members or transport staff, while travelling to and from school.

5.2.2   Reporting and care for victims

(vi)   Create accessible and child-friendly reporting systems

19.   If learners have suffered violence within the school environment, they may have difficulties seeking assistance due to feelings of shame, fear, or intimidation. The learners may also be unable to approach school authorities when the method of reporting is unknown, or if the perpetrator is a school staff member or school official. Discreet, accessible, and gender-sensitive reporting processes must be available to learners who may have suffered from a range of violent attacks, from gang violence to sexual violence.

20.   The DoE should engage in consultation and research to develop guidelines for appropriate reporting procedures that truly take into account the difficulties that young learners have when faced with reporting incidents of violence. The DoE should assess the current effectiveness of reporting mechanisms and develop training protocols for rolling out new reporting procedures. New reporting mechanisms are an important priority and the Commission encourages the DoE to roll out new procedures as soon as possible.

21.   Reporting processes must be well advertised among learners and must ensure that learners have multiple channels by which to report violence.

22.   Learners must be assured that such reports will remain confidential to the maximum extent legally possible.

(vii)   Provide accessible and child-friendly treatment services

23.   The trauma that victims of violence experience can be debilitating and can affect a learner's entire academic career. The children who are victims of violence need counselling immediately, especially in the case of victims of sexual assault. The intervention time span should be as sufficient as possible to help them recover a sense of dignity and security.

24.   Counselling services should also be employed in a preventive function for learners who exhibit violent behaviour. Therapeutic interventions can be used as a method of identifying and perhaps treating root causes of violence that learners may experience in the school, home or community.

25.   Schools should have counselling staff that is available and on-site full time during school hours to address emergency trauma situations.

26.   The DOE should train such counsellors to deal with school-based violence, sexual violence and conflict resolution.

27.   Counsellors must be prepared to address the special needs of victims who are infected with HIV/AIDS or have subsequently been infected due to sexual assault.

28.   Counsellors should be present in adequate numbers to deal with the size and frequency of incidents that occur at schools.

29.   There is a need to increase the number of full-time educational psychologists at schools across the country to assist educators and learners to deal with problems of violence.

30.   Because school violence can occur across a range of severity and scale, it is important that the DoE organise counsellors, school psychologists and social workers to be part of an integrated crisis management team to deal with isolated incidents and large-scale or highly traumatic occurrences that can affect the student population.

5.3 Training and Supporting Educators to Deal with Violence

5.3.1 Educator training

(viii)   Enhance the capacity of educators to deal with violent conflicts

31.   It is essential to train educators to deal with violent conflicts. The DoE should provide training to educators and other school staff that focus on managing interpersonal conflicts within the classroom setting and a host of other scenarios that may arise at schools.

32.   Training should not only focus on augmenting each individual educator's ability to respond to violence in the school setting, but also establish known roles, complementary functions, and a teamwork-oriented approach for the school staff as a whole.

33.   The training should be embodied in a DoE manual that explains proper procedures for dealing with common situations in which violence has occurred to learners, educators or other school personnel.

34.   The training and training materials should also help prepare educators to deal with differences in the manner in which girls and boys experience violence at school, with special attention paid to the unique indicators of sexual violence.

(ix)   Train educators to use non-violent teaching and disciplinary measures

35.   Although corporal punishment has been prohibited, it is still in use. There is a need for the DoE to provide ongoing training to educators in the use of non-violent teaching and discipline.

36.   'Alternative' disciplinary methods must become the norm while educators are made aware of the illegality and repercussions of resorting to violent disciplinary tactics. The DoE should continue to provide best practices as alternatives to corporal punishment .

37.   Educators must also receive comprehensive and mandatory training on acceptable forms of interactions with learners. In order to adequately protect our girl and boy children, the DoE must prioritise educator training that effectively emphasises to educators the parameters in which they must operate when interacting with learners and the types of relationships that are inappropriate or illegal.

5.3.2 Educator support

(x) Provide reporting mechanisms for educators who at are at risk of violence

38. Educators may also be victims of violence in the school setting. When the DoE is made aware that an educator is subjected to violence in the school premises, it has a responsibility to monitor the situation and take action. The DoE should provide reporting mechanisms for educators who feel they are at risk of violence from learners, other school staff or individuals from outside the school.

39. Such reporting mechanisms must be discreet and gender-sensitive.

(xi) Provide counselling and extra staff support for educators who are victims or at risk.

40. After experiencing violence in the school, educators may be in need of counselling and staff support to help manage particularly problematic scenarios. The DoE should assist schools to utilise a team approach to engage with problem scenarios in classrooms and ensure that educators feel safe and supported by other school staff.

5.4 Advancing a Culture of Peace through a Curriculum of Non-Violence

(xii) Promote non-violent values and awareness-raising

41. A rights-based life skills programme should be nationally implemented within the existing DoE curriculum that includes peace education, citizenship education, anti-bullying, human rights education, anger management, conflict resolution and mediation. [195]

42. Life skills training should have an emphasis on child rights and responsibilities that go with them and positive values. It should serve as a means of preventing and dealing with violence and harassment, including sexual harassment, and should address entrenched gender biases.[196]

43. Life skills training should give strong consideration to the implications of HIV and AIDS upon learners who are sexually assaulted or who suffer violence and stigmatisation because they or their family members are infected.

5.5 Increasing the Involvement of Parents, SGBs, and Communities

5.5.1 Parents and caretakers of learners

(xiii) Involve parents and caretakers in the implementation of the school safety plan

44. Parents and caretakers of learners must be brought into the actual implementation of a safety and security plan. This includes a range of possible points of intervention, including the utilisation of parents as school monitors or trained counsellors. Parents who assume these important roles should be trained and acknowledged for their work.

45. Equally important is that parents must be part and parcel of whatever interventions are required for their child, regardless of whether the child is the victim or perpetrator of violence.

(xiv)   Make special provision for learners living in child-headed households

46.   Learners living in child-headed households are particularly vulnerable. It is necessary to clearly set out what protocols must be followed when such children are victimised, or perpetrate violence, or undergo security screening. Such protocols must ensure that the rights of these most vulnerable learners are protected from exploitation, and that additional support is provided to help offset the absence of adult caretakers.

5.5.2   The SGBs

(xv)   Involve the SGBs in the drafting of internal policies regarding safety and security

47.   The SGBs should play an important role in the drafting of school safety and security policies. The SGBs should contribute their intimate knowledge of the community and community dynamics towards crafting security policies. In addition, the SGBs should be mindful of local issues related to violence as well as showing sensitivity to the local culture.

(xvi)   Promote school-community partnerships

48.   By entering into partnerships with community-based groups, schools can more effectively address the violence that permeates schools from the outside. Local police departments, health services, social services, faith-based groups, community recreation groups and cultural groups, can all become valuable allies in addressing conflicts that occur in and around schools. This partnership can also address particular issues of individual students who may need to be diverted away from potentially negative or violent situations.[197]

5.6   RESEARCHING AND MONITORING TRENDS OF VIOLENCE IN SOUTH AFRICA'S SCHOOLS

(xvii) Develop a nationwide data collection of school-based violence

49.   In order to effectively craft strategies to deal with the most common forms of school-based violence, the DoE must be able to track patterns of violence in regional districts and individual schools. At a minimum, such information should disaggregate both victims and perpetrators of violence by age and sex, and further categorise the types of offences that occur with greatest regularity.[198] Ultimately, statistical data can be a highly effective tool to identify how school-based violence occurs, and where and when it is most likely to take place, and what demographics are affected more severely by various types of violent offences.

(xviii) Develop national and local research agendas on school violence

50.   At both the national and local level, the DoE should conduct research to make visible the scale and scope of the experiences of girls and boys of different ages related to violence. Provinces, local school districts and local schools, should be assisted with research that allows administrators and staff to target school safety strategies towards reinforcing protective factors and minimizing risk factors for students and school personnel.

5.7.1 Local Schools

(xix) Develop local school codes of conduct

51.   Local schools must develop clear codes of conduct that reflect human rights principles. The codes of conduct should cover a full range of prohibited violent activities, including but not limited to sexual harassment, assault, gang violence and bullying.

52.   While the DoE can certainly assist in the development of school codes of conduct by providing a model code, it is important to get input from learners, educators, parents and SGBs.

53.   Codes of conduct should be displayed prominently in schools, and all educators and learners must be given training to ensure they understand the contents

5.7.2 The Department of Education and Parliamentary Legislation

(xx) Finalise and implement the Education Laws Amendment Bill 2007

54.   The Education Laws Amendment Bill provides an important opportunity to ensure that the Department of Education and its policies take a more comprehensive approach to the realities of school violence currently plaguing South Africa's schools. The draft legislation should be prioritised and should ensure that the rights and dignity of learners and educators are protected.

(xxi) Finalise and/or implement the Children's Act, Children's Act Amendment Bill, Child Justice Bill, the Sexual Offences Act, and the Prevention of and Treatment of Substance Abuse Bill

55.   Broader preventative strategies need to be put into place since the problem of school violence goes beyond the jurisdiction and mandate of the Department of Education. There is an urgent need for the Children's Act, the Children's Act Amendment Bill, the Child Justice Bill, the Sexual Offences Act and the Prevention of and Treatment of Substance Abuse Bill, to be finalised and/or implemented in order to have a comprehensive legislative framework in place to address these various aspects of school-based violence. Other government departments such as the Department of Health, the Department of Social Development and the Department of Transport, should also be sensitised to their responsibilities relating to school-based violence.

Participants at the Public Hearings

Day 1, 28 September 2006

1. Basson W, Western Cape Provincial Department of Community Safety
2. Bloch G, Development Bank of South Africa, DBSA
3. Burton P, Centre for Justice and Crime Prevention, CJCP
4. Daniels, Parent
5. Dlamini T, Soul City IHDC
6. Fourie J, Free State Department of Education
7. Gallie M, South African Council for Educators, SACE
8. Herman, National Professional Teachers' Organisation of South Africa, NAP TOSA
9. Kekene N, South African Council for Educators SACE
10. Khan F, Centre for Justice and Crime Prevention
11. Khosa D, Manager: Youth Violence Prevention Programme, Centre for the Study o f Violence and Reconciliation CSVR
12. Mfeki A, Treatment Action Campaign, TAC
13. Ngadi M, South African Police Service, Social Crime Prevention
14. Roussell K, Catholic Institute of Education, CIE
15. Routledge J, Papama Initiatives Western Cape
16. Roux, South African Democratic Teachers' Union SADTU
17. Van de Rheede C, Stigting vir Bemagtiging deur Afrikaans
18. Van Niekerk J, Childline

Day 2, 29 September 2006

1. Benjamin L, Clinical Psychologist, Community Actions towards a Safer Environment, CASE
2. Benjamin A, principal, Mount View High School
3. Chohan F, Chair, Justice and Constitutional Development Portfolio Committee, National Assembly, Parliament
4. Dugmore C, MEC Education, Western Cape
5. Fisher S, Substance Misuse: Advocacy, Research and Training (SMART)
6. Galvaan R, Occupational Therapist and Lecturer, University of Cape Town
7. Joubert R, University of Pretoria, Department of Education and Management T raining
8. Judge M, OUT LGBT Wellness
9. Molo Songololo, Group of learners from various schools in WC
10. Ramagoshi, M Department of Education
11. Samuels P, SAPS, Cape Town
12. Solomon M, Children's Resource Centre
13. Steenkamp, I, Department of Safety and Liaison
14. Swartz R, Western Cape Department of Education
15. Van As, S, University of Cape Town, Child Accident Prevention Foundation
16. Philander,C Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
17. Viljoen CT, North-West University Potchefstroom Campus

Notes

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2. DBSA, Oral submission, Transcription of Public Hearing, 28 September 2006,136
3. Swartz R, Oral submission, Transcription of Public Hearing, 29 September 2006,24
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16. SAHRC, Terms of Reference of Public Hearing on School-based violence, 2
17. See note 3, 24
18. Ibid 24
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20. Ibid
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22. Ibid 24 & 28
23. See note 7, 7−8
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25. See note 7, 3
26. Ibid
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28. See note 29, 2
29. Ibid, 6
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61 Also highlighted by Roussel K, Oral submission, Transcription of Public Hearing, 28 September 2006, 140-1 and See note 36, 62

62 Employment of Educators Act 76/98, Sections 17 (1) (b) & (c)

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65 Molo Songololo, Oral submission, Transcription of Public Hearing, 29 September 2006, 77

66 WCED, Written Submission, "Report: Violence in School in the Western Cape," 2006,19

67 See note 3, 38

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71 Christian Education of South Africa v Minister of Education 1998 12 BCLR 1449 (CC); 1999 9 ; CLR 951 (SE) and 2000 10 BCLR 1051 (CC). Government Gazette Notice No. 776 of 1998,

" Guidelines for the consideration of Governing Bodies in adopting a Code of Conduct for Learners", states again that corporal punishment has been abolished.

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76 Ibid

77 Ibid 4

78 See note 67, 3

79 Ibid

80 See note 25, 88 - 89

81 Ramogoshi, Oral submission, Transcription of Public Hearing, 29 September 2006, 45

82 See note 67, 4

83 Ibid, 3

84 See note 29, 10

85 Mountain View High, oral submission, Transcription of Public Hearing, 29 September 2006, 69

86 Galvaan R, "School based violence: the need for early intervention and prevention," p2; and see note 40, 115

87 CASE, written submission, 1 and Kirsten, Dr. Tiaan GJC, Written Submission, "Submission to the South African Human Rights Commission: Public hearing on school-based violence," 3

88 Ibid

89 See, Kirsten note 88

90 Ibid

91 See note 86, 68

92 See note 50, 8

93 See note 47, CIE, 9

94 See note 93, 16

95 Ibid 17

96 Ibid 16

In June 2001, the WCED in collaboration with the SAPS launched a workbook manual entitled "Signposts for Safe Schools". It is intended to assist educators in preventing and managing negative conduct in schools. The manual, among others, encourages the creation of school safety committees, which work closely with the police service. Schools are also encouraged to adopt-a-cop and invite police personnel to assist schools in creating safe environments.[159]

4.2.2. South African Police Service

The SAPS has programmes geared towards preventing crimes against children and increasing school safety. Some of the programmes employed by SAPS include Captain Crime Stop, Adopt-a-Cop, the Youth Against Crime Club, and Child Protection Week.[160] Other programmes include open day visits to police stations, sports days for schools organised by the SAPS and awareness presentations by police experts. Additionally, the SAPS makes an effort to maintain a presence at the schools by providing monitors for break time and by speaking out against bullying and violence during school assemblies.[161]

The Captain Crime Stop programme is an educational and awareness programme focusing on crèches, pre-primary and primary schools. The cartoon-type hero visits the school; demonstrates acts of heroism and teaches the children a lesson in safety and security. However, it was noted during the hearing that this programme is not working as effectively as anticipated.[162]

The Adopt-a-Cop programme focuses on learners aged 13 years and above. A local police official, trained specifically for the position, is allocated to each school. This police official is required to visit the school regularly and assist school leadership in identifying and solving issues related to crime and school violence.[163] The Adopt-a-Cop programme also strives to increase awareness of crime in the school and the surrounding community. The overall goal of the programme is to establish and build relationships of trust between learners and the SAPS, thereby increasing and strengthening communication between the learners and the SAPS.[164]

The WCED indicated that there are regular patrols conducted by the SAPS on pre-identified schools. There are also regular searches, including the use of police dogs, when searching for illegal substances. It was further indicated that a revised Adopt-a-Cop Programme is being considered.[165]

Specialised Education Support Services

The Directorate of Specialised Education Support Services launched the Specialised Education Support Services project to assist the Education Management and Development Centres (EMDC) of the WCED to combat the expulsion of learners from WCED schools. Through the implementation of developmental and diversion programmes, the project strives to provide remedial intervention and support to learners at risk of suspension and expulsion.[166]

The programmes include four areas of training: response ability pathways; mapping the future; drug information; and drug counselling. After the training, co-coordinators were nominated and the implementation of preventive programmes began. The programme indirectly aims at reducing school-based violence by trying to combat the major causes of expulsion, namely assault/violence with and without a weapon; drugs-dealing and distribution or drug possession and use; and theft/fraud.[167]

Protecting our Property (POP)

The POP programme was created to combat vandalism of school property which has become a significant problem at some schools. It is important to prevent vandalism as it can result in learners experiencing feelings of hurt and/or fear. Further, the money spent on curbing vandalism could be spent more constructively to improve school facilities, purchase school supplies, or to implement other programmes and projects.[168]

POP incorporates a variety of strategies to help protect the schools from vandalism. The project has created neighbourhood watch programmes using human resources including police, parents, and learners and has created a vandalism hotline. In addition, POP works to create projects for graffiti artists to use their talents in non-destructive ways and to raise awareness about the criminal consequences of vandalism in an effort to curb vandalism.[169]

4.3 INITIATIVES FROM OTHER ROLE PLAYERS

4.3.1 Support services

a) Child-line

Child-line is a NGO that works to protect children from all forms of violence and to create a culture of children's rights in South Africa. As part of its programmes, Child-line has established a national toll free number. [170] The national toll free line receives on average between 60 000 and 90 000 calls a month. Many of the calls received relate to violence experienced at schools.

Child-line provides programmes to a number of schools to address rights and responsibilities, crime prevention and education on child abuse.[171] Further, Child-line is in the process of developing a Behavioural Manual.

b) Thohoyandou Victim Empowerment Programme (TVEP)

The Thohoyandou Victim Empowerment Programme (TVEP) is an NGO that provides a service to victims of sexual assault and gender-based violence. Through its two 24-hour trauma centres, located in hospitals based in Tshilidzini and Vhufuli, it provides one-stop holistic services to victims of sexual assault. Every sexual assault victim in the Thohoyandou Policing District receives this service from one of the TVEP trauma centres.[172]

In 2002, TVEP began a rights-based "Break the Silence" campaign targeted towards learners. As part of the campaign to break the silence around sexual violence, TVEP focuses on educating learners on topics such as domestic violence, sexual assault and child abuse. TVEP stated that it had been unable to gain the support of the WCED for their programmes and is therefore unable to access learners during school hours. Thus, its campaigns are held after school in big groups. This prevents TVEP from structuring its campaign to smaller groups based on age and grade which would be a more effective means of reaching learners.[173]

[97]   See note 2, 135

[98]   SAHRC, "Report on the Public Hearing on the Right to Basic Education" 2006, 19-22

[99]   See note 47, CIE, 5

[100]   Legae, T , Written Submission, 3

[101]   See note 66, 82

[102]   See note 47, CIE, 5

[103]   See note 2, 137

[104]   Ibid, 136

[105]   Mount View High, Oral submission, Transcription of Public Hearing, 29 September 2006, 68

[106]   "Gangland (Pty) Ltd," Newspaper, Cape Argus, 4 August, 2003

[107]   See note 88, 1C

[108]   WCED, Oral submission, Transcription of Public Hearing, 29 September 2006, 25

[109]   PDCS, Oral submission, Transcription of Public Hearing, 28 September 2006,10

[110]   Mount View High, Oral submission, Transcription of Public Hearing, 29 September 2006, 68

[111]   See note 36, 54

[112]   See note 93, 10

[113]   Ibid 11

[114]   See note 66, 84
    lines 9-16.

[115]   See note 66, 6

[116]   CIE, Oral submission, Transcription of Public Hearing, 28 September 2006, 143 -146

[117]   "Make sure they have not smoked tik," Newspaper, Cape Times, 11 October, 2006

[118]   NAPTOSA, Written submission, "Submission by NAPTOSA: Public Hearing on School-Based
    iolence," 2006, 2

[119]   See note 67, 6

[120]   Swarts R, Oral submission, Transcription of Public Hearing, 29 September 2006, 24

[121]   "Less TV, less aggression", Internet news site, News24, 16 January, 2001

[122]   National Council of SPCA's, Written Submission, 2006, 2

[123]   See note 117,140

[124]   See note 2, 134

[125]   CELP, Written submission,2006, 2

[126]   South African Schools Act, 84/96, Section 16(3).

[127]   Stigtiging vir Bemagtiging deur Afrikaans, Written Submission, 2006

[128]   See note 129, 59

[129]   See note 119, 3

[130]   University of Pretoria Department of Education and Management Training and CELP, Oral
    ubmission, Transcription of Public Hearing, 29 September 2006, 25

[131]   Ibid, 125

[132]   Ibid

[133]   Ibid

[134]   Taken from WCED, MEC Dugmore, Media Release, May 30, 2006, also see Note 109

[135]   Ibid Dugmore

[136]   See note 109, 19

[137]   South Africa HealthInfo Report available at www.afrihealth.net/violence/safeschool.htm.

[138]   See note 67

[139]   Ibid

[140]   Ibid

[141]   Institutional Management and Governance Planning and Safe Schools, Shepard, D, Written
    Submission, "Safe Communities-Safe Schools", 2006

[142]   See note 119, 4

[143]   See note 67

[144]   http://www.capegateway.gov.za/afr/pubs/speeches/2006/Sep/143631

[145]   See note 67

[146]   Hands Of Our Children, available at http://www.capegateway.gov.za/eng/directories/
    ervices/11459/103208.

[147]   Hands Of Our Children, available at
    ttp://www.capegateway.gov.za/eng/directories/services/11459/103208.

[148]   Government Gazette, Notice 3427/2002.

[149]   http://www.capegateway.gov.za/Text/2007/3/safety_news__july_06.pdf.

[150]   See note 67

[151]   Dugmore, C, "Address to the Cape Town Press Club", 5 September 2006

[152]   See note 67

[153]   See note 66, 83
    lines 9–11.

[154]   See note 67

155   Legislative Debate on School Safety, available at
     www.gateway.gov.za/afr/pubs/speeches/2006/Sep/14361.
156   See note 67
157   See note 156
158   Speech at launch of Tiisa Thuto Schools project by Minister of Education, N Pandor, 29 July 2006
159   SAPS, Written submission, 2006, 2−3
160   See note 67
161   See note 109
162   School Safety & Learner Transport Unit, available at http://www.nwpg.gov.za/education/Ss_lt
/   adopt_a_cop.asp.
163   See note 109
164   Ibid 31
165   See note 167
166   Ibid
167   Ibid
168   Ibid
169   Ibid
170   See note 129, 53−54
171   Thohoyandu Victim Empowerment Programme, Written Submission, "Submissions on School
     Based Violence by the TVEP to the SAHRC", 14 September 2006
172   Ibid
173   Firearms Control Act 60/2000, Chapter 20, Section 140.
174   GFSA, written submission, "Submission to the South African Human Rights Commission Public
     Hearings on School- Based Violence," 2006, 1−4
175   Ibid
176   OUT, Judge, M, Oral submission, Transcription of Public Hearing, 28 September 2006.
177   Ibid
178   "Soul City: A Strategy for Small Screen Education", available at
h   ttp://www.saiia.org.za/modules.php?op=modload&name=News&file=article&sid=724.
179   See note 93, 4
180   See http://www.saspcan.org.za/soulcity.htm.
181   See Soul Buddyz Series, available at http://www.soulcity.org.za/programmes/the-soul-buddyz-
     series/soul-buddyz-series.
182   See note 1
183   See note 131
184   CELP, available at http://www.celp.co.za/index.htm.
185   See note 131
186   UNISA, Written submission, "Report - Public Hearing on School-Based Violence", 2006
187   Ibid
188   Ibid
189   Unisa Online Safe Schools Programme, available at http://www.unisa.ac.za/default.asp?Cmd=
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190   SMART, Oral submission, Transcription of Public Hearing, 29 September 2006, 114
191   Ibid
192   Ibid
193   See note 10, Tomasevski,
194   UNICEF, Piheiro, P S, "World Report on Violence Against Children," October 2006,155
195   Ibid
196 I   bid
197   Ibid