

## ERP BOOKLETS IN THIS SERIES

1. **HIV/AIDS: THE RIGHTS OF LEARNERS AND EDUCATORS**
2. **SEXUAL VIOLENCE: THE RIGHTS OF LEARNERS AND EDUCATORS**
3. **THE EDUCATION RIGHTS OF REFUGEES, ASYLUM SEEKERS AND MIGRANTS**
4. **LANGUAGE RIGHTS AND SCHOOLS**
5. **RELIGION AND SCHOOLS**
6. **DISABILITY: THE RIGHTS OF LEARNERS**
7. **SCHOOL GOVERNING BODIES: RIGHTS AND RESPONSIBILITIES**
8. **THE COST OF SCHOOLING: YOUR RIGHTS**
9. **ADMISSION POLICY: YOUR RIGHTS**
10. **THE RIGHTS OF ADULT LEARNERS**
11.  **CORPORAL PUNISHMENT AND BULLYING: THE RIGHTS OF LEARNERS**
12. **EARLY CHILDHOOD DEVELOPMENT AND EDUCATION RIGHTS**
13. **THE RIGHT TO EDUCATION AND PROTECTION FROM DISCRIMINATION**

These booklets are dedicated to the millions of young people who are brutalised by the socio-economic and socio-cultural cruelties of life. Unfortunately, young people are also brutalised by those who are meant to provide healing in our country, at home and in school.

These booklets are also dedicated to those educators in formal and informal institutions, and organic intellectuals in social movements and unions, who see their own knowledge as a gift of trust from the people, who see the learning process as a mutual experience, who encourage the building of self-discipline and hard work through their own example, and whose greatest happiness comes from seeing those with whom they have been exploring and changing the world around them, go on to share the process with others.

This booklet is dedicated to Thandiwe Duma who in 1998 was assaulted so brutally by her teacher that her arm had to be amputated. At the time, Thandiwe was seven. Her 'crime' - not being able to translate an isiZulu word into English. It is also dedicated to the memory of Thuthukani Zuma (16) who died of his injuries shortly after being beaten by his teacher last year - for coming late to school!

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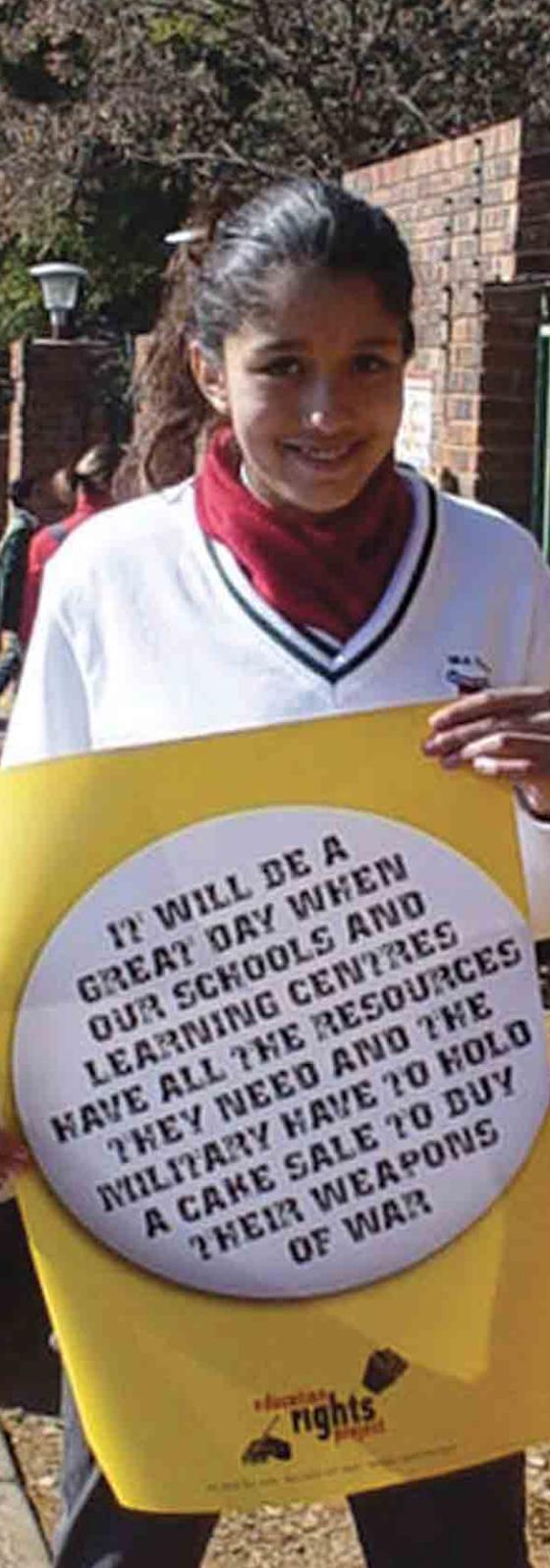
# CORPORAL PUNISHMENT AND BULLYING

## The Rights of Learners



Education Rights for  
Learners, Parents  
and Educators

book  
**11**



# Corporal Punishment and Bullying:

## The Rights of Learners

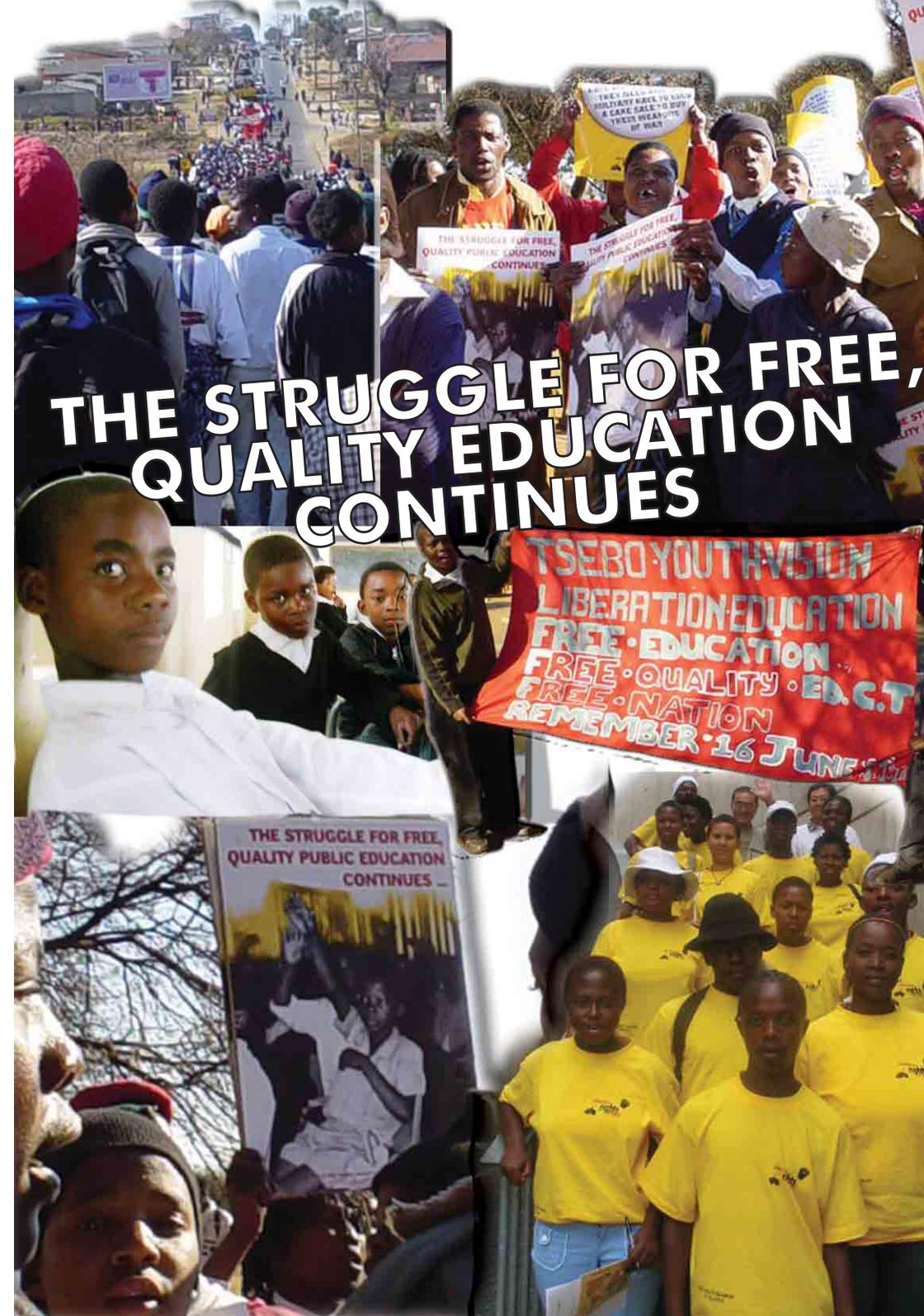
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We have attempted to ensure that the information in these booklets is accurate up to the time of publication-June 2005. Policies, laws and regulations change. Please contact the ERP for regular updates. All of these booklets are being translated into isiZulu, Sesotho and Afrikaans. The edition on migrant and refugee rights will be translated into French and Portuguese as well. Non-profit organisations are welcome to reproduce them. Suggestions for improvements are appreciated. Please acknowledge the Education Rights Project if you intend using this material.

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# THE STRUGGLE FOR FREE, QUALITY EDUCATION CONTINUES

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## INTRODUCTION

Hundreds of thousands of young people in our country were legally beaten every year in homes, schools and in prisons. Although this practice is no longer legal in schools, prisons or foster homes, it nonetheless continues. Over the past two years the Education Rights Project has received many reports of the physical and emotional abuse of learners. In some extreme cases learners have been disabled and even killed as a result of physical punishment. Others have dropped-out of school because of humiliating forms of punishment.

While some educators have found creative non-violent ways to approach classroom discipline, others struggle to find effective solutions. Some educators and parents believe that learners have too many rights and that they have become less respectful and more disruptive because of the ending of physical punishment.

Besides the physical punishment given to learners by educators and parents, some learners also bully. This booklet therefore examines the physical and emotional or psychological abuse of learners as well as the problem of bullying.

This booklet explains why physical and humiliating punishment negatively affects discipline, teaching, and learning. We believe that discipline is possible without force and violence.



## WHAT IS CORPORAL PUNISHMENT?

### **Physical Punishment**

This is a deliberate act that causes pain or physical discomfort in order to punish someone. Corporal or physical punishment can take many forms, including hitting with a hand or an object (such as a cane, belt, whip, shoe or ruler) slapping, kicking, shaking, burning, pinching or pulling hair; forcing someone to stand in an uncomfortable and undignified position; denying or restricting someone's use of the toilet; denying meals, drink, heat and shelter as a form of punishment; forcing someone to do excessive exercise.

These forms of punishment very often leave learners with bruises and cuts, in some case they suffer broken bones, knocked-out teeth and internal injuries. Every year in our schools some children are left permanently disfigured, disabled or even dead.

### **Humiliating or Degrading Punishment**

Some educators have replaced physical punishment with methods of degrading or humiliating punishment. This takes different forms such as verbal abuse, ridicule, isolation, or ignoring learners. For example, ERP members were told that an educator in an overcrowded classroom in Katlehong came up with the following form of punishment: She made a young boy take off his underpants, put them on his head, and walk around the school while other learners were encouraged to say bad thing about the boy. Another educator forced a learner to wear a sign that read 'I am bad' throughout the day.

These strategies, based on humiliation and the removal of self-respect are not effective alternatives to physical punishment. Some young people who are stripped of their self-respect and self-esteem become violent, others become sad and withdrawn.

The following views of older female learners shows how humiliation, shame and the loss of confidence partly lead to them leaving school:

“

*I used to fight with my teacher. She was not treating me like other students. She used to beat me and said to me, when I grow up I am going to be a witch. She used to write bad things in my books and she used to say to me, “you stupid girl, I am not going to mark your books and I hate you, you are ugly.*

*...My maths teacher was not treating me in a nice way. The treatment was not OK. She used to say to me, ‘I am a stupid girl’, I am going to fail at the end of the year.*

*[The worst thing that happened at school was a] teacher who accused me of liking/loving men. She is always on my case and always invites others to be on my case too.*

*They said I am a slow learner, they said I should go to a mental handicapped school.*

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### **WHAT IS THE DIFFERENCE BETWEEN PUNISHMENT AND DISCIPLINE?**

Many mistakenly equate ‘punishment’ with ‘discipline’. Disciplined behaviour means ways of behaving that show respect and responsibility. Self-discipline means achieving disciplined behaviour through one’s own efforts rather than through external monitoring or force. Punishment does not promote self-discipline. It only stops misbehaviour for that moment. Punishment may fulfill a short-term goal, but actually interferes with the accomplishment of the long-term goal of self-control.

The following table allows you to think of differences between punishment and discipline:

## Corporal Punishment and Bullying

Punishment	Discipline
Emphasises what a child should not do	Emphasises what a child should do
Is a one time occurrence	Is an ongoing process
Insists on obedience	Sets an example to follow
Undermines independence	Leads to self control
Is an adult release and about their power. It is also often about displaced anger. This is when adults are angry about something else but take their anger out on children.	Helps children change
Is negative	Is positive
Makes children behave	Accepts child's need to assert self
Thinks for child	Encourages child's ability to think
Defeats self esteem	Encourages self-esteem
Condemns misbehaviour	Encourages self disciplined behaviour

## 4 **WHAT IS BULLYING?**

Bullying is a deliberate act of aggression or manipulation by one or more people against another person or people. It is an abuse of power by those carrying out the bullying. In this sense it is not any different from corporal or psychological punishment. While educators can also bully it is usually spoken of in instances between learners.

Bullying can be non-physical or physical. Non-physical or verbal bullying could include name calling, racist remarks, sexually abusive or racially abusive language, threats of violence, taking someone's lunch or things, abusive telephone calls or letters, and spreading spiteful or malicious rumours.

Bullying can also be non-verbal including rude hand and facial signals and purposefully excluding or isolating someone. Often the

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targets of the bully are those learners who are different from others, children who, for example, are overweight, children with disabilities and young people with a different sexual orientation. A learner who is bullying may say that he or she is 'only teasing'. The table below shows the difference between 'teasing' and 'bullying':

Teasing	Bullying
Being made fun of in a good-humoured way.	Teasing can get worse and become bullying.
Usually done by somebody who cares.	Bullying is one-sided (the same person is always being made fun of).
Everyone has a turn to tease (self/others).	Bullies want to show how powerful they are by hurting others, by taking their things or making them do things they don't want to do.
If the 'victim' is upset or hurt, the feelings don't last and the teasers will stop, as they did not mean to hurt the other.	Bullies don't stop.

### Case 1

Thabo, 14 years old is average in many ways: average in height, weight and average academically. He is different though in the way he talks and moves. Many of Thabo's fellow learners think he is gay. Thabo has been bullied since he started high school and is often beaten up. He does not fight back. Some of the educators treat him as if he brings his victimisation on himself.

One day, Thabo was reading when two boys came to him. One of the boys pinched him hard. Thabo pulled away. The boy then patted him on the head and said, "ag shame, cry baby, sorry mummy isn't here to blow your moffie nose." The other boy laughs. They then take Thabo's book and start making remarks like, "What are you reading, you fag?" they then push him around while other learners look on without doing anything.

## Corporal Punishment and Bullying

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### COMMENT

The school does not stop the behaviour of these learners. Educators notice the harassment Thabo faces and some directly, while others indirectly encourage the behaviour. There is clearly a sense of *homophobia*\* in this school. This school is not a safe place for Thabo.

### Case 2

Fatima is 12 years old. She is creative and intelligent but is quiet and withdrawn. Her school is in a middle class area. Many of her fellow learners' parents can afford buying their children brand name clothes, cell-phones and electronic gadgets. Fatima's parents cannot afford these things.

One day, she is sitting in the playground by herself. Four girls from her class led by a popular girl Amina come up to her, "You can't sit here this is our area," Amina says. They push Fatima aside, purposely ignoring her as they do so and start to chalk in hopscotch squares.

"Can I play?" asks Fatima. "No, you dress funny and are too ugly to play with us," replies Amina in a sweet voice. She seems to be joking and all the girls, including Fatima, giggle.

Amina invites Fatima to watch a video at Anna's house after school. Fatima is not sure but wants to be accepted. At Anna's house the door is not opened but Fatima sees the curtain moving. Her heart sinks and she walks home. She receives a phone call and the voice at the other end says, "Weirdo, un-cool freak" and then hangs up.

### COMMENT

Although not physically abused, Fatima is still a victim of bullying. It is manipulative, controlling and cruel, and could have as negative an effect on Fatima as the previous case had on Thabo.

Bullying should be taken seriously as it makes the learner depressed, anxious and fearful. Schoolwork of those who are bullied will suffer and a climate of oppression will be created in the whole school. Bullying could also lead to dropping out and can also in serious cases contribute to suicide.

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\* Words in italics are explained in a word list at the end of this booklet.

Bullies also need help. A school policy on bullying needs to be created with learners, educators and parents. This should be made a part of the school code of conduct. Very often those who are bullied are afraid to speak out.

**At the end of this booklet there is a useful questionnaire to help in understanding the kind and the extent of bullying in your school. This is important so that the school can plan suitable policies and programmes. This survey could give the school information about who bullies, where it happens, when and how often as well as the types of bullying. The questionnaire is a guide and you could adapt it to suit the conditions at your school. After the questionnaire there is also a model school anti-bullying policy for staff.**

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### HOW IS CORPORAL PUNISHMENT LINKED TO OUR HISTORY?

Corporal punishment has been practiced in South Africa for centuries. The history of slavery, colonialism and apartheid is also the history of the whip, the lash and the sjambok.

During the apartheid years, corporal punishment was used widely in classrooms. Whipping was also the most common form of punishment handed down by the legal system for young offenders. Every year, until 1994, an average of 40,000 young people were whipped in our country.

The apartheid education system was based on a violent, anti-democratic and *authoritarian philosophy*. Young black South Africans were not considered capable of becoming critical and responsible citizens. Instead, they were 'educated' to become obedient 'low-wage' workers and servants in a racist capitalist system. White children were also 'educated' to become masters and owners instead of critical thinkers.

During the apartheid years the system of 'Bantu Education' and 'Christian National Education' was designed to support apartheid by schooling children to become passive citizens who would accept authority unquestioningly.

## Corporal Punishment and Bullying

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Educators were encouraged to use the cane during this period as a way of keeping control and dealing with those who stepped out of line. Beating children was simply taken for granted in a society so familiar with violence. Over time, many educators and parents came to believe deeply in the usefulness of corporal punishment. Along the way, the practice of corporal punishment became deeply woven into the fabric of our society.

The abolition of corporal punishment in our schools was one of the demands of the student organisations that emerged after the 1976 student uprising. At the same time, international thinking about corporal punishment began to change. Increasingly, research showed a direct link between corporal violence and levels of violence in society.

### **6** WHY DOES CORPORAL PUNISHMENT CONTINUE TO BE PRACTICED IN OUR CLASSROOMS?

Factors such as poverty, unemployment and inequality contribute to the legacy of violence, which spills over into the school.

We live in a violent society, built on a violent past. Violence reaches the core of our society. Violence has been built into relations of power (male-female, boss-worker, teacher-learner). When children are punished at home, when classrooms are large, educators few and over-worked, and when there are few support services, making disciplined classroom life possible without corporal punishment, is a big challenge for many educators.

Still, the foundations of a culture of human rights and democratic participation can be established at school level.

#### **Learning Obstacles and Social Challenges**

Corporal punishment often hides the 'heart of the problem'. Those who have studied children's behaviour in school conclude that the majority of disciplinary problems are rooted in practical issues related to the circumstances faced by children. These include problems at home, learning difficulties, victimisation and *trauma* as well as problems with teaching methods.

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The following box lists some of these issues:

- Poverty in the home leading to stress and tension
- Family conflicts between parents. Issues of death, divorce and child abuse
- Violence in the community and fear for personal safety in the home and on the way to and from the school
- Racism, sexism, ageism and other forms of discrimination
- Inability to cope with the physical and emotional changes of *adolescence*
- Peer pressure
- Feelings of alienation and isolation
- Inadequately prepared teachers
- Under-resourced schools in neglected conditions
- Unmet special learning needs

Evidence suggests that learners from poorer communities are more often the targets of corporal punishment than those who come from richer homes.

The most common reasons given by educators for the use of corporal punishment are:

1. Not doing homework,
2. Lack of punctuality and coming late to school, and
3. Disruptive behaviour, unruliness and not concentrating in class.

Punishing these learners instead of uncovering the reasons for seemingly ill-disciplined behaviour is not a solution. Working out strategies together with the learners to cope with these difficulties is a sensible way to encourage self-discipline through understanding the problems young people have to confront. The common links between these issues and underlying social problems are often clear as suggested in the opposite table:

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Common Problem	Likely Cause
<b>Not doing Homework</b>	Stressful home environment. Overcrowding and noise in the home. Lack of electricity and other facilities. Some children have to take on 'adult' responsibilities such as raising other children; working to generate income for the household. All of this undermines children's ability to find the time and space for schoolwork.
<b>Lack of Punctuality. Coming late to school</b>	<p>Irregular public transport. The cost of transport is one of the biggest costs of schooling and often stops learners from coming to school. Some young children have to look after their <i>siblings</i> because there are either no adult parent figures, or because the parents are migrant workers, have to leave very early for work or are sick.</p> <p>Hundreds of thousands of children in our country have lost their parents because of HIV/AIDS. The pressure of caring for young children in the morning results in some learners being late for school.</p>
<b>Not concentrating in class</b>	This might be because of problems related to hearing, vision, language, teaching methods or even hunger. Disruptive behaviour is also often a clue to emotional difficulties a child might have.



## WHAT DOES THE LAW SAY ABOUT CORPORAL PUNISHMENT?

Since 1994, there have been several laws passed that outlaw the physical and *psychological abuse* of young people. The first case after 1994 involved the constitutionality of whipping as a sentence imposed by criminal courts. Constitutional Court Judge, Pius Langa, before finding on the matter, reviewed international cases.

In 1995 he found that judicial whipping not only violated the constitutional right to respect and personal dignity but that it is a violation of international law as well. He said that corporal punishment

*"is a practice which debases everyone involved in it...so close to the 21st century, juvenile whipping is cruel, it is inhuman and it is degrading. No compelling interest has been proved which can justify the practice. Nor has it been shown to be a significantly effective deterrent. Its effect is likely to be coarsening and degrading rather than rehabilitative."*

In 2000, an organisation called Christian Education SA, representing close to 200 private schools took the case in support of corporal punishment to the High Court. Their view was that corporal punishment is necessary for their religion. They argued that many biblical texts spell out the 'corrective' role of corporal punishment.

Well-known tracts from the Book of Proverbs, especially, were quoted in support of the view, such as: "Spare the rod and spoil the child." The court found no religious grounds for the belief that educators have the right to use corporal punishment. Also, the judge, quoting from an example from Deuteronomy\* found that Christians themselves do not consider all the biblical guidelines on punishment to be part of modern day religious practice. Fortunately, guidelines that recommend stoning children to death

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\*'...then his father and his mother shall take hold of him and bring him out to the elders of his city to the gate of his city. And they shall say to the elders of his city, "This son of ours is stubborn and rebellious; he will not obey our voice...Then all the men of his city shall stone him to death with stones.'"

## Corporal Punishment and Bullying

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are not part of religious practice in South Africa, regardless of the faith you believe in.

### Laws banning Corporal Punishment

- **The National Education Policy Act (1996)** states: “No person shall administer corporal punishment, or subject a student to psychological or physical abuse at any educational institution.”
- **The South African Schools Act (1996)** reads:
  1. No person may administer corporal punishment at a school to a learner.
  2. Any person who contravenes this is guilty of an offence, and liable on conviction to a sentence which could be imposed for assault.
- **The Abolition of Corporal Punishment Act 33 of 1997** repealed all legislation that authorised the imposition of corporal punishment by courts, including courts convened by traditional leaders.
- **The Regulations Promulgated under the Child Care Act 74 of 1983 were amended during 1998** to prohibit corporal punishment of children in the residential care system including children in children's homes, schools of industry and reform schools. The regulations also prohibit foster parents from using physical punishment upon children in their care.

South Africa is also a signatory to various **international laws and conventions**:

- **Article 19, Section 1 of the Convention on the Rights of the Child** pledges to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse”. In relation to school discipline, it affirms, “school discipline is administered in a manner consistent with the child's human dignity and in conformity with the spirit of the Convention...The Committee on the Rights of the Child,

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monitoring the implementation, also reiterates that corporal punishment in any form is a violation of the Convention" (Article 28, Section 7).

- **Article 16 of the African Charter on the Rights and Welfare of the Child** states: "State parties shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, while in the care of a parent, legal guardian or school authority or any other person who has care of the child."
- **Article 11.5 of the African Charter** also addresses the issue: "State parties to the present Charter shall take all appropriate measures to ensure that a child who is subjected to school or parental discipline shall be treated with humanity and with respect for the inherent dignity of the child and in conformity with the present Charter."
- **In 1982 the United Nations** amended its definition of 'torture' prohibited under various covenants by adding "the prohibition [of torture] must extend to corporal punishment, including excessive *chastisement* as an educational or disciplinary measure."

## 8 COMMON ARGUMENTS JUSTIFYING CORPORAL PUNISHMENT\*

1. "Corporal punishment is part of our culture, religion and traditions."

People are entitled to freedom of religion only insofar as the practice of their religion does not infringe on human rights.

Sayings which affirm peaceful solutions and kindly forms of bringing-up children can be found in equal measure to *punitive* sayings in all religious scriptures, and in every faith there will be prominent leaders who condemn all violence against children. For

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\* This section is adapted from *Alternatives to Corporal Punishment: Growing Discipline and Respect in Our Classrooms* and *Hitting People is Wrong – And Children are People Too*. Details for these booklets are on pp.20-21.

## Corporal Punishment and Bullying

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example, reference to the 'rod' in the biblical saying, "Spare the rod and spoil the child" is interpreted by some, based on the original language and use of the term, to mean the rod of measurement, as in measuring the examples of good behaviour by the parent, and not as a rod for beating the child. A traditional and popular isiZulu saying is self-explanatory – "You don't build a family with a stick."

We need to accept that there are a number of discriminatory practices that might hide behind culture and religion. These practices could include the oppression of women and the beating of children. In some schools, initiation ceremonies are a tradition. New learners are expected to tolerate humiliating behaviour and bullying as part of their *socialisation* into the authoritarian discipline of the school.

While a full discussion of 'culture' is beyond the scope of this booklet, history has shown that culture is not frozen in time. It changes through history and reflects the human values that grow through time.

### 2. **"I was hit when I was a child – it did me no harm. If it were not for my parents and teachers physically punishing me, I would not be here today."**

There are many examples of individuals who were not hit as children who later became great successes, as well as even more examples of individuals who were hit who fail to fulfill their potential in later life. Corporal punishment does not affect everyone in the same way. Some people are more *resilient* and others more sensitive. For those who are more sensitive research has shown that corporal punishment causes long-term emotional scars. It could also lead to bullying behaviour because it sends out the message that it is acceptable to hurt others. Corporal punishment is also directly linked to future violent behaviour. But, like all areas of human behaviour, it does not cause this in all people.

While corporal punishment was used regularly in our country, societal attitudes change. In countries where corporal punishment has been stopped through changes in the law and suitable public education there is no evidence to show that disruption of schools or homes by unruly children has increased.

3. **“Schools need corporal punishment as a last resort against difficult children - a deterrent to discourage bad behaviour and encourage good work.”**

This view claims that while corporal punishment may not be good for 'normal' children, it is a necessary strategy for 'difficult children'. The problem with this argument is that the very children who make you 'tear your hair out' are the ones who show the worst long-term impact from corporal punishment. Quite often these children's disruptive behaviour is a sign of other serious problems, perhaps at home. While corporal punishment is seen as a 'quick fix' it does not get to the root of the problem and does not solve it for all time.

It does not work as a deterrent – most often the same children are beaten for the same offences over and over again. Some learners even boast about it – wearing it as a badge of courage among their peers. Learners focus on the beating not the reasons behind the beating. Educators who are committed to run classrooms with non-violent and child centred approaches to classroom discipline have the fewest problems over time.

4. **“Corporal Punishment is a minor issue compared to issues of survival and many fundamental rights of children that are violated all the time.”**

In our country where millions of children suffer for lack of enough food, shelter, medical care and education, even those most concerned with children's rights may argue that corporal punishment is a relatively minor problem that should wait for later to be sorted out. The point is that the ending of corporal punishment should be struggled for together with the struggle to achieve other equally important rights. Just as challenging violence against women has been a central part of their struggle for equality, so it is with children. Challenging corporal punishment is important to improving their position as people and asserting their rights to participation as well as protection.

## Corporal Punishment and Bullying

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5. **“There is a big difference between a cruel beating and corporal punishment used in a controlled way by a parent or a principal. This is not dangerous, causes little pain and cannot be called abuse. It is a way of instilling respect.”**

Under apartheid, corporal punishment was 'regulated' in terms of who should use the punishment, the number of 'cuts' boys and girls were given, the kind of cane that should be used, what *misdemeanour* justified corporal punishment and where it should be given. These regulations were seldom followed. More importantly, the punishment was not effective – the same children were beaten for the same offences over and over again.

For educators it discouraged the search for alternative means of discipline and became a crutch to depend on. For learners corporal punishment sent out the signal that violence is an acceptable way to express dissatisfaction and a legitimate way of resolving disagreements. It also tended to develop aggressive hostility as opposed to self-discipline. Respect is nurtured when pupils appreciate that educators have skills and knowledge that they can learn from or have qualities they can admire or *emulate*. The ability to frighten or bully scarcely instills respect. Corporal punishment also reduces the ability of vulnerable children to concentrate, undermines their self-confidence and causes a general dislike or fear of schooling.

There is a view that psychological ill treatment in the form of humiliation, insults and intimidation may even be more harmful in the long term than a swift smack. Yet those who physically ill-treat learners are predictably also mistreating them psychologically. There is no doubt that psychological abuse is highly undesirable. The point is not to substitute one for the other. In any case 'minor' corporal punishment can cause unexpected injury and 'mild' punishment may have to increase because it is so ineffective. The little smack thus becomes spanking which then becomes beating. Hitting children is dangerous because children are fragile. Ruptured ear-drums, damaged eyes, brain damage, amputated limbs and even death have been recorded in our country over the past eleven years. Parents found guilty of serious assault often explain that the ill-treatment of their child began as 'mild' beating.

# nine ARE THERE ALTERNATIVES TO CORPORAL PUNISHMENT?

The majority of educators in our country have found ways of encouraging self-discipline amongst learners without resorting to either physical or psychological punishment. There are a number of books and guides, which provide many practical ideas, methods and techniques for parents and educators who are searching for useful alternatives to corporal punishment. We have listed some of these books and manuals at the end of this booklet. If you have difficulty in obtaining these books please contact the ERP.

Efforts to transform discipline in classrooms can be most effective if the whole school is involved. One of the ways of getting the whole school involved in developing a better system for discipline is through a process of adopting a code of conduct

### **What is the purpose of a school Code Of Conduct?**

A schools code of conduct is a commitment by learners, educators, and parents to a set of rules whose primary purpose is to create a safe, supportive and productive schooling environment.

### **Who makes a school Code Of Conduct?**

The responsibility to create a school code of conduct rests with a School Governing Body (SGB). Since this is such an important document that will affect everyone in the school, the law requires that the SGB specifically consult with educators, parents and **learners** when drawing up a code of conduct.

Most codes of conduct talk mostly about what learners must or must not do. It is obvious that if learners are expected to follow certain rules or to behave in a certain way, they must be part of designing such rules.

## Corporal Punishment and Bullying

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### What laws must a school Code of Conduct follow?

A school code of conduct cannot be in opposition/contradiction to the country's Constitution. This means that, for example, a school code of conduct cannot unfairly discriminate on the basis of gender, colour or religion.

All the actions of the school at all times - towards learners, parents, or educators - must respect the Constitutional principles of protecting **human dignity**, **equality** and **freedom**.

A school code of conduct cannot be in opposition to provincial and national laws, regulations and guidelines. This means, for example, a school **cannot** decide that it will practice corporal punishment.

### Breaking of the school Code of Conduct

It is important that schools make available to all learners the school's code of conduct. Learners cannot be expected to follow rules that they have not seen, discussed and agreed to.

It is a good idea for every school to begin the year by revisiting the school's Code of Conduct in order to inform learners about it, and get their views and their agreement to follow the Code of Conduct.

The school code of conduct must spell out what is an offence and what corrective action will be taken. This ensures that disciplinary action against learners is transparent and fair. Everyone will know what actions will be taken against them for certain offences.

Serious offences that may warrant suspension and expulsion are determined and published in the government gazette by a Member of Executive Council (MEC) responsible for education.

### **The right to representation**

If a serious offence is thought to have been committed, that learner has a right to be represented by a lawyer, a learner representative, a trusted educator, parent or any other member of the community that the learner has confidence in.

### **Suspension from school**

It may become necessary to suspend a learner from school for a serious offence such as sexual harassment or violence. A suspension is meant to be a corrective measure rather than a punitive one.

However, a school cannot suspend a learner for **more than one week** at a time. The school must take into account the right of that learner to an education. This might mean making class and homework available to the learner while on suspension.

### **Expulsion from school**

After a properly organised disciplinary hearing, where a learner concerned had representation, the school may decide to expel the learner for a very serious offence.

If the school is thinking of expelling a learner, it must inform the Head of Department in the Provincial Department of Education.

If the learner who is expelled from school is subject to compulsory school attendance – is between the age of 7 and 15 (grade 1 to 9) – the Head of Department in the province must make an alternative school arrangement.

# 010 HELPFUL BOOKS AND WEBSITES ON ALTERNATIVES TO CORPORAL PUNISHMENT AND BULLYING

The following books and websites provide useful information and practical alternatives to physical and degrading forms of punishment:

*All Children Can Learn: A South African Handbook on Teaching Children with Learning Difficulties.* Winkler G, Modise M and Dawber A. 1998. Francolin Publishers Ltd.

*Alternatives to Corporal Punishment: Growing Discipline and Respect in our Classrooms.* Porteus K, Vally S and Ruth T. 2001. Heinemann.

*Discipline in Schools: Discipline in a Culture of Human Rights.* Brenda Sonn. 1999. Via Africa.

*Education for Democracy: Be a Change Agent in your School.* Teachers' Trust, South African Human Rights Commission and the South African Democratic Teachers' Union. 2000. Teachers' Trust.

*Protecting Your School from Violence and Crime: Guidelines for Principals and School Governing Bodies.* Independent Projects Trust.

*The Anti-Bullying Handbook.* Sullivan K. 2000. Oxford University Press. (Case studies and questionnaire adapted from this book).

The following guidelines can be obtained free of charge from the Department of Education offices:

*Ngizo Ku Shaya Wena!* A series of guidebooks for educators on discipline in schools. Vally S and Porteus K. 2000. Department of Education.

*Alternatives to Corporal Punishment, the Learning Experience: A Practical Guide for Educators.* 2000. Department of Education.

### Useful Websites

[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)

[www.disciplinehelp.com](http://www.disciplinehelp.com)

[www.parentingweb.com](http://www.parentingweb.com)

[www.indigenet.unisa.edu.au/bullying/guide.html](http://www.indigenet.unisa.edu.au/bullying/guide.html)

[www.caper.com.au/peacepack.htm](http://www.caper.com.au/peacepack.htm)

[www.bullybeware.com](http://www.bullybeware.com)

## Education Rights Project

### Other Useful Material

*Hitting Children is Wrong. A Plea to End Corporal Punishment in South Africa.* 2002. Save the Children Sweden.

*Hitting People is Wrong- and Children Are People Too. A Practical Handbook for Organisations and Institutions Challenging Corporal Punishment.* 2003. Global Initiative to End All Corporal Punishment of Children and Save the Children Sweden.

*Article 19* is a dedicated journal highlighting issues related to all forms of corporal punishment of children. It seeks to promote positive forms of discipline and the abolition of corporal punishment to ensure the realisation of children's rights to dignity and physical integrity. It is published every four months by the Children's Rights Project at the Community Law Centre, University of the Western Cape. Copies can be obtained by contacting Jacqui Gallinetti or Daksha Kassan at (021) 959 2950 or by sending an email to [jgallinetti@uwc.ac.za](mailto:jgallinetti@uwc.ac.za) or [dkassan@uwc.ac.za](mailto:dkassan@uwc.ac.za)

*Ending Corporal Punishment of Children in South Africa.* 2005. Save the Children Sweden



### USEFUL ORGANISATIONS

National Organisations	Services Rendered	Telephone number
Agisanang Domestic Abuse Prevention & Training	Telephonic and face to face counselling as well as group therapy.	(011) 786-6608 or 885-3305
Centre for the Study of Violence & Reconciliation	Face to face counselling and emergency crisis counselling. Training programmes dealing with violence.	(011) 403-5650
Child Line	Provides telephonic counselling and clinical services to children and their families and also short-term intervention therapy. Toll-free number.	0800 055555
Child Protection Unit	Division of South African Police Services specialist unit.	(012) 393-2359/ 62/63

## Corporal Punishment and Bullying

Legal Resources Centre (LRC) - National	Public interest law centre, general legal advice.	(011) 403-0902
Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN)	Advice, training, resources and counselling on child abuse.	(021) 448 9034
South African Human Rights Commission	Deals with all cases involving human rights abuse.	National Office: (011) 484-8300
S A National Council for Child & Family Care	The co-ordinating body for 177 affiliated child welfare societies, organisations and community outreach projects.	(011) 492-2950
Save the Children Sweden	Fights for children's rights. Influences public opinion on physical and humiliating punishment and supports children at risk throughout the world.	(012) 341-1186

### The Department of Education Contact Details

Province	Telephone Number
Eastern Cape	(040) 608-4230
Free State	(051) 404-4911/8434
Gauteng	(011) 355-0597
Kwazulu-Natal	(031) 274-4013
Limpopo	(015) 290-7600/7661
Mpumalanga	(013) 766-5300
National	(012) 312-5420/5465/5377/5428
Northern Cape	(053) 839-6500
North West	(018) 387-3424/5
Safe Schools Call Centre	0800 45 46 47
Western Cape	(021) 467-2577

# 121 MODEL QUESTIONNAIRE ABOUT SCHOOL BULLYING\*

This school takes bullying very seriously and we wish to know how much bullying is taking place in the school. Bullying can be hitting, kicking, or the use of force in any way. It can be teasing, making rude gestures, name calling or leaving you out. Bullying means to hurt, either physically or psychologically so that you feel very bad.

This is an anonymous questionnaire. This means that you can answer the questions but don't have to let us know who you are. There is a blank space for your name, however, so if you are having a problem with bullying you may wish to put your name in so that we can help you to sort it out. If you do this, it will be kept confidential. We will not give any information to anyone or do anything without your agreement.

Name: \_\_\_\_\_  
(give your name only if you wish)

1. Are you a boy or girl?

<b>boy</b>		<b>girl</b>	
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2. How old are you? \_\_\_\_\_

3. Which grade are you in? \_\_\_\_\_

4. Since I have been at school, I have been bullied (tick one of the following boxes):

<input type="checkbox"/> <b>never</b>	<input type="checkbox"/> <b>once in a while</b>	<input type="checkbox"/> <b>about once a week</b>	<input type="checkbox"/> <b>more than once a week</b>
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5. I have been bullied in the following ways (write yes or no for each category)

- Hitting (punching, kicking, shoving)
- A knife or a gun or some kind of weapon was used on me
- Mean teasing
- Purposely left out of things
- Had my things damaged or stolen
- Was horribly sworn at
- Had offensive sexual suggestions made to me
- Had a nasty racial remark made to me

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\* Adapted from *The Anti-Bullying Handbook*, details on p.20.

## Corporal Punishment and Bullying

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- Received nasty (poisonous) letter/s
- Someone said nasty things to make others dislike me
- Had untrue and mean gossip about me
- I was threatened
- Had rude gestures or mean faces made at me
- Anything else (write it in here) \_\_\_\_\_

6. Since I have been at school, I have bullied someone (tick one of the following boxes):

- never**     **once in a while**     **about once a week**     **more than once a week**

7. I have bullied someone in the following ways (repeat same list as 5. above)

8. Since I have been at school, I have seen bullying take place (tick one of the following boxes):

- never**     **once in a while**     **about once a week**     **more than once a week**

9. I have watched or have heard about the following types of bullying (answer to the same list as 5. above)

10. Tick all the places where you have been bullied or have seen bullying take place:

- In the playground
- In the corridors
- In the classroom
- In the toilets
- On the way to school
- On the way home from school
- On the bus/train/taxi
- Anywhere else? \_\_\_\_\_

11. Where are the 'danger spots' where most bullying takes place? Please list these:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

# thirteen MODEL HIGH SCHOOL BULLYING POLICY

## Rationale

\_\_\_\_\_ (Name of School) \_\_\_\_\_ High School actively seeks to provide a learning environment that is safe from intimidation.

## Purpose

To outline strategies for staff to help students to prevent social, emotional and physical intimidation.

## Guidelines

- Staff should treat any report of bullying seriously.
- Staff should first listen to the student or students, and make such enquiries as may be necessary to clarify exactly what has been happening.
- The student(s) should be assured that they have acted correctly in reporting the bullying.
- The staff member should make a written summary of the information and pass it on to the grade teacher, deputy principal or principal as appropriate.
- The staff member should attempt to give advice on how to deal with any repeat incidents that may happen before the intimidation can be dealt with.
- Follow-up should be discussed with the student. It is important that the staff member checks a week or so later with both the student and the person to whom the information was sent.
- In cases of serious intimidation, parents/guardian of both (all) students are to be contacted.
- An anti-bullying programme should be run with each class.

# 14 WORD LIST

<b>homophobia</b>	dislike of those sexually attracted to their own sex ; dislike of homosexuals/gays/lesbians
<b>authoritarian</b>	a system of principles which favours unquestioning obedience to authority
<b>psychological punishment</b>	punishment through humiliation, or insults which relate to the mind or emotions as opposed to physical or corporal punishment
<b>trauma</b>	in this case, emotional shock caused, for example, when you lose someone you love or when you have been abused
<b>adolescence</b>	a period in your life between childhood and adulthood
<b>siblings</b>	brothers and sisters who have the same parents
<b>chastisement</b>	punishment
<b>peers</b>	those of your own status. As a student, your 'peers' are other students.
<b>punitive</b>	inflicting or tending to inflict punishment
<b>socialisation</b>	a process through which society and its institutions (the family, the media, schools, religion) contributes to the development of a person's ideas, values and action
<b>resilient</b>	in this case, said of a person who recovers quickly from being punished or hurt
<b>misdemeanour</b>	breaking a rule is called a misdemeanour; an offence or misdeed
<b>emulate</b>	someone who tries to equal, imitate or copy another one's behaviour

**fifteen** QUOTES

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*The worst thing seems to be for a school principal to work with methods of fear, force and artificial authority. Such treatment destroys the healthy feelings, the integrity and self-confidence of pupils.*

Albert Einstein

*Corporal punishment is a practice which debases everyone involved in it... juvenile whipping is cruel, it is inhuman and it is degrading. No compelling interest has been proved which can justify the practice. Nor has it been shown to be a significantly effective deterrent... Its effect is likely to be coarsening and degrading rather than rehabilitative.*

Constitutional Court judge, Justice Langa, 1995

*The joy of teaching-learning should accompany teachers and students in their constant yearning for joy and knowledge. [We] dream of a school that is in reality democratic, that attends, for this very reason, to the interests of underprivileged children.*

Paolo Freire, *Pedagogy of the City*

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