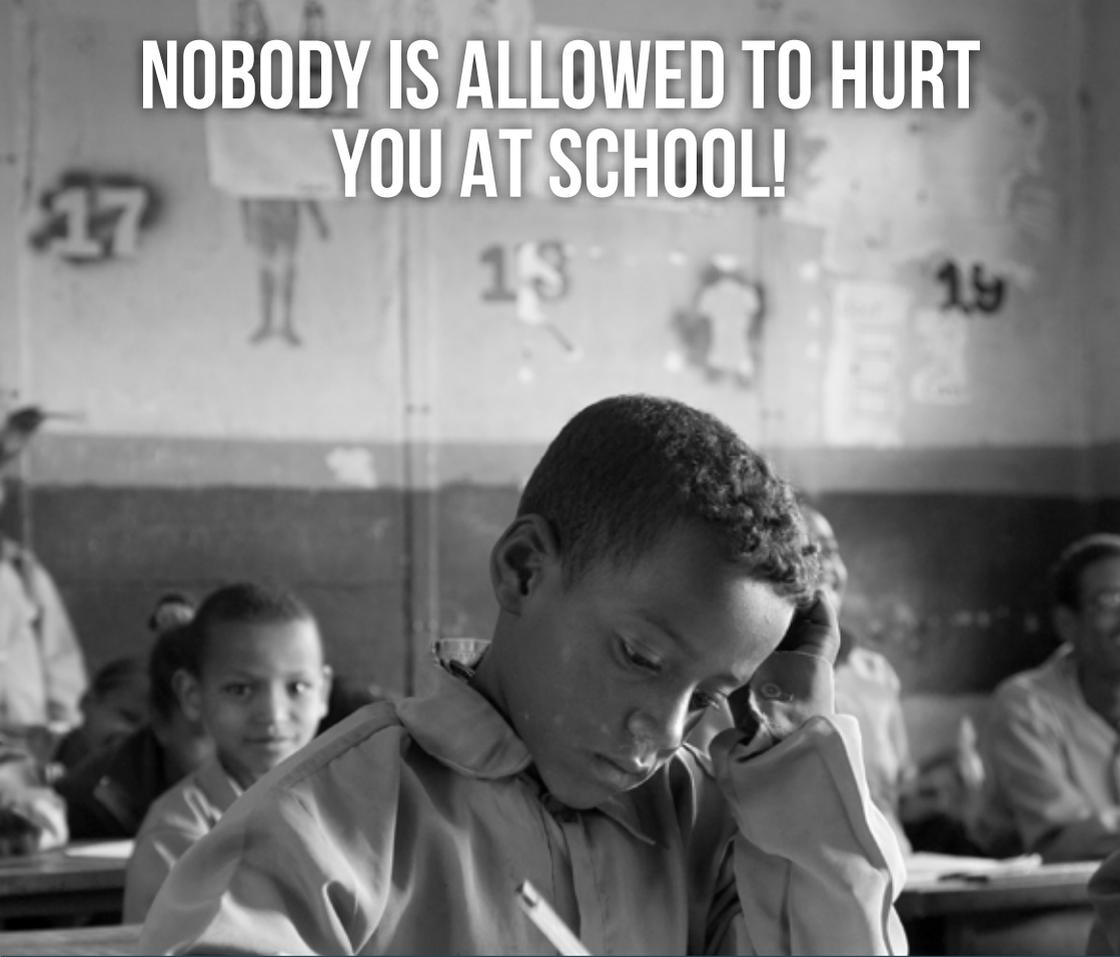


CORPORAL PUNISHMENT IS AGAINST THE LAW

**NOBODY IS ALLOWED TO HURT
YOU AT SCHOOL!**



This pamphlet sets out the law and your rights, and what you can do if you or your child has been a victim of corporal punishment at school.

What is corporal punishment? Corporal Punishment is any act of punishing or disciplining a learner that causes the learner any physical pain or injury and, in some instances, psychological harm.

- Being **hit with a cane** over your hands, or on any part of your body;
- Being **struck** on the knuckles or hands with a **black board duster**;
- Being hit on any part of your body with objects such as **hosepipes, sticks, brooms, belts**, etc.;
- Being **punched** by an educator;
- Being **slapped** across the face, or hit anywhere else on the body by an educator;
- Being **physically harassed** by an educator such as being thrown on the floor, or against walls, or being pushed or pulled;
- Being **kicked** anywhere on your body by an educator;
- Being given **“lashes”** on the buttocks;
- Being **violently shaken**;
- Being **poked** or **pinched**;
- Having your **ears pulled**;
- Being **denied meals, drinks, heat or shelter**;
- Being **denied the use of the toilet**;
- Being **forced** to do **exercise**;
- Being **threatened**;
- Being **verbally abused** with insults, swearing or name calling.



This is not a closed list, and harm done by an educator to a learner, so as to discipline or punish a learner, is corporal punishment. This type of harm is often inflicted on a learner if they arrive late for school, miss a day at school, “back chat” a teacher, behave badly in class, or don’t do their homework. However, corporal punishment is against the law! No learner may be disciplined or punished in this way, no matter what the circumstances in school.

WHAT DOES THE LAW SAY ABOUT CORPORAL PUNISHMENT?

Children have the right to be free from all forms of violence, to enjoy their education, and not to be treated or punished in a cruel, inhuman, and degrading way. Various international and national laws give effect to this:

- The United Nations “Convention on the Rights of the Child” requires South Africa to adopt laws on negligent treatment or exploitation, so as to protect the child from all forms of physical and mental violence, injury, abuse and neglect;



- The African Charter on the Rights and Welfare of the Child further requires South Africa to take steps that will 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”;
- The prohibition of corporal punishment in schools has been in place since 1996 with the passage of the South African Schools Act 84 of 1996. The Act states that:
 1. No person may administer corporal punishment at a school to a learner; and
 2. Any person who administers corporal punishment is guilty of an offence, and is liable on conviction to a sentence which could be imposed for assault.
- Also, the National Education Policy Act (1996) states that no person “shall administer corporal punishment or subject a student to psychological or physical abuse at any educational institution”.

WHAT TO DO IF YOU ARE A VICTIM OF CORPORAL PUNISHMENT?

Firstly, it is important to understand that corporal punishment is illegal. No learner should be made to feel like they “deserved” the punishment, or that this is normal practice.

A learner must report the incident to a parent, guardian, or any teacher. A person can do any or all of the following:

1. Report the incident to the school principal so that the principal can investigate. The principal should report the educator to the Department of Education, so that the Department can institute disciplinary proceedings against the educator. Take note that if the Principal does not investigate the matter further, learners or their parents can report the incident themselves to the Department of Education’s District Office. They can also escalate the matter further themselves to the provincial offices of the Department of Education.
2. Report the incident to the Child Protection Unit of the South African Police Services and lay criminal charges against the educator with the police.
3. If a teacher was responsible for the corporal punishment, report the teacher to the South African Council of Educators, SACE. (The process for a SACE report is described on the next page)
4. See a doctor, who can verify the injuries and keep a record of them. It may also be important to take photos of any injuries and write down what happened and how you were injured, along with the names of any fellow learners who witnessed the incident, so that you have a written record.

Corporal punishment affects the very core of a child and can be very destructive to their future engagements with the education system. It is the responsibility of those concerned with the well-being of children to be vigilant to ensure the reduction and ultimate eradication of corporal punishment.



IMPORTANT NUMBERS:

- SAPS Crime Stop: 08600 10 111
- SAPS SMS Crime Line: 32211
- Department of Social Development 24-hour Command Centre: 0800 428 428 (toll-free) – callers can speak to a social worker for assistance and counselling

HOW TO REPORT A TEACHER TO SACE

- Your complaint to SACE should be in writing and signed by you or your representative. Include as much detail and supporting evidence in your complaint as you can.
- Unless you want to lodge an anonymous complaint, you should include your name, mail delivery address and contact telephone numbers. If you are representing a victim, the name of the victim must also be included.
- If you want to remain anonymous, you must still include the name of the person(s) against whom the complaint is lodged and the name of the school involved.
- You can send your letter of complaint to the Chief Executive Officer, South African Council for Educators (SACE), Private Bag X 127, Centurion 0046. Your complaint may also be emailed to ethics@sace.org.za. A sample of a complaint letter is available at: www.sace.org.za.

For assistance contact the Equal Education Law Centre
021 461 1421 or info@eelawcentre.org.za
www.eelawcentre.org.za

