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JOINT MEDIA STATEMENT:

Children's Institute, represented by Equal Education Law Centre, is applying to enter as amicus in a matter concerning the lenient sanctions applied to educators who use corporal punishment

Today (16 March 2022), the Children's Institute, represented by the Equal Education Law Centre ("EELC"), will be making arguments to enter as a friend of the court in the matter between *Centre for Child Law and Others and South African Council of Educators and Others* NGHC Case No 61630/2020 ("Centre for Child Law matter").

The Centre for Child Law matter, which will be heard on 25 and 26 April 2022, concerns the shockingly lenient sanctions that the South African Council of Educators ("SACE") applied to educators who were found guilty of assaulting learners. The two unrelated instances which were placed before the court in the Centre for Child Law matter concerned educators who committed serious and grievous assaults against children aged 7 and 10 years old respectively. The 7-year-old child was hospitalized after being beaten with a PVC pipe that led to a serious head injury. The 10-year-old child was slapped and beaten to the extent that she bled from her ears and has long-term hearing concerns. Children are by their nature inherently vulnerable and have the right to be protected from harm and to learn in a safe environment. This makes the assaults all the more egregious.

After finding the educators guilty, SACE imposed sentences in accordance with their Mandatory Sanctions document. The sanctions imposed included the educators' removal from the roll of educators which was suspended for 10 years* and a fine – a shockingly lenient and inadequate sentence considering the extent of the children's injuries. The sentences, being suspended, have allowed the educators to return to the classroom as long as they are not found guilty of another misconduct. They also return to the classroom without any rehabilitation to address their violent behaviour, and without any further training on how to appropriately discipline children. They will be able to remain in contact with vulnerable young children.

The Centre for Child Law matter thus attempts to address the handing down of lenient sentences by requesting that SACE's Mandatory Sanctions document is revised to give SACE's disciplinary committees the option to impose rehabilitative and corrective sanctions, such as anger management and training on non-violent child discipline techniques.

The Children's Institute has filed an application to enter this matter as a friend of the court to assist the court by bringing important submissions and evidence to its attention. This includes evidence on the ongoing and widespread use of corporal punishment, and evidence on the effects of corporal punishment psychologically, developmentally and cognitively – for instance, children who experience or even witness corporal punishment in the classroom can have difficulty concentrating, difficulty with learning, and perform less well at school. It can even lead to school dropout.

There is no excuse for assaulting children as there is an abundance of alternative methods of discipline that are proven to work. This includes programmes such as Peace Discipline which is available in South Africa and which teaches non-violent discipline skills for teachers.

Corporal punishment is still widespread in South African schools, with children routinely facing it in the classroom and with profoundly negative impacts on their lives. One of the major reasons that children continue to experience assault in the classroom is the fact that educators are not trained in the use of alternative strategies and alternative forms of discipline in the classroom. The Children's Institute will present evidence to the court on why revising SACE's Mandatory Sanctions document to rehabilitate teachers is so important, what works and where educators can find training on the skills, they need to maintain discipline in the classroom, ultimately keeping themselves and children safe.

**a suspended sentence is a sentence which is only actually imposed and carried out if the person convicted commits another offence within a certain time period*

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