

## 8 Bibliography

# 8.1 Books and chapters in books

- Barlow D and Durand M *Abnormal Psychology: An Integrative Approach* 5<sup>th</sup> ed (2011) Wadsworth Publishing Belmont California
- Batley M "Restorative Justice in the South African Context" in Maepa T (ed) Beyond Retribution Prospects for Restorative Justice in South Africa (2005) Institute for Security Studies (ISS) Pretoria South Africa 21-32
- Bekker C, Rautenbach C and Goolam N (eds) *Inleiding tot Regspluralisme in Suid- Afrika* 2<sup>nd</sup> ed (2006) Lexisnexis Durban
- Bosman-Sadie H and Corrie L *A Practical Approach to the Children's Act* (2010) Lexisnexis South Africa
- Burchell J Principles of Criminal Law 3<sup>rd</sup> ed (2006) Juta Claremont
- Burrill A A Law Dictionary and Glossary: Containing Full Definitions of the Principal Terms of the Common and Civil Law: Compiled on the Basis of Spelman's Glossary, and Adapted to the Jurisprudence of the United States, Volume 2 2<sup>nd</sup> ed (1987) F.B Rothman
- Boezaart T (ed) Child Law in South Africa (2009) Juta Claremont
- Boezaart T "Child Law, the Child and South African Private Law" in Boezaart T (ed)

  Child Law in South Africa (2009) Juta Landsdowne 3-37
- Bray E "Law, Education, and the Learner" in Boezaart T (ed) *Child Law in South Africa* (2009) Juta Landsdowne 456-474
- Cheadle M, Davis D and Haysom N South African Constitutional Law: The Bill of Rights (2002) Butterworths Durban



- Concise Oxford English Dictionary 11th ed, revised 2008 Oxford University Press
- Currie I and De Waal J *The New Constitutional and Administrative Law* Volume One 2001 Juta Landsdowne
- Currie I and De Waal J The Bill of Rights Handbook 5th ed (2006) Juta Cape Town
- Davel C and Skelton A (eds) Commentary on the Children's Act (2010) Juta Claremont
- Davel C "General principles" in Davel and Skelton (eds) *Commentary on the Children's Act* (2010) Juta Claremont 2-1 2-27
- De Jong M "Child focused mediation" in Boezaart (ed) *Child Law in South Africa* (2009) Juta Claremont 112-131
- Dieltiens V, Chaka T and Mbokazi S "Changing school practice: The role of democratic school governance" in Malcolm C, Motala E, Motala S et al (ed)

  Democracy, Human Rights and Social Justice in Education (2007) CEPD

  Johannesburg 12-21
- Dugard J International Law 3<sup>rd</sup>ed (2007) Juta Landsdowne
- Du Toit C "Legal Representation of Children" in Boezaart (ed) *Child Law in South Africa* (2009) Juta Claremont 93-110
- Gallinetti J "Child Justice in South Africa: The Realisation of the Rights of Children Accused of Crime" in Boezaart T (ed) *Child Law in South Africa* (2009) Juta Claremont 635-664
- Gallinetti J *Getting to know the Child Justice Act* (2009)Child Justice Alliance c/o The Children's Rights Project, Community Law Centre, University of the Western Cape



- Hodgkin R and Newell P *Implementation Handbook for the Convention on the Rights* of the Child 3<sup>rd</sup> ed (2007) UNICEF Switzerland
- Joubert R "School Discipline" in Boezaart (ed) *Child Law in South Africa* (2009) 502-520
- Kgobe P and Mbokazi S "The impact of school and community partnerships on addressing violence in schools" in Malcolm C, Motala E, Motala S et al (ed) Democracy, Human Rights and Social Justice in Education (2007) CEPD Johannesburg 61-64
- Louw D (ed) *Suid-Afrikaanse Handboek van Abnormale Gedrag* 1<sup>st</sup>ed (1990) Southern Johannesburg
- Maepa T (ed) Beyond Retribution Prospects for Restorative Justice in South Africa (2005) Institute for Security Studies (ISS) Pretoria South Africa
- Mahery P "The United Nations Convention on the Rights of the Child: Maintaining its Value in International and South African Child Law" in Boezaart (ed) *Child Law in South Africa* (2009) Juta Claremont 309-330
- Malherbe R "The impact of constitutional rights on education" in Boezaart (ed) *Child Law in South Africa* (2009) Juta Claremont 420-455
- Malherbe R "Education Rights" in Boezaart (ed) *Child Law in South Africa* (2009)

  Juta Claremont 399-419
- Malcolm C, Motala E, Motala S et al (eds) *Democracy, Human Rights and Social Justice in Education* (2007) CEPD Johannesburg
- Mash E and Wolfe D *Abnormal Child Psychology* 5<sup>th</sup> ed (2012) Wadsworth Publishing Belmont California



- Neethling J and Potgieter J *Visser Deliktereg* 5<sup>th</sup>ed (2006) Lexisnexis Durban
- Neethling J and Potgieter *Neethling-Potgieter-Visser Law of Delict* 6<sup>th</sup> ed (2010) Lexisnexis Durban
- Ngidi R "Upholding the Best Interests of the Child in South African Customary Law" in Boezaart (ed) *Child Law in South Africa* (2009) Juta Claremont 225 242
- Nupen C "Mediation" in Pretorius P (ed) *Dispute Resolution* (2008) Juta Cape Town 39-51
- O'Donnell D Child protection: A handbook for parliamentarians (2004) UNICEF
- Oosthuizen I (ed) Introduction to Education Law (2011) Van Schaik Pretoria
- Oosthuizen I "Security as a *sine qua non* for education" in Oostuizen (ed) *Introduction to Education Law* (2011) Van Schaik Pretoria 1-14
- Oosthuizen "International law, legislation and common law as sources of education law" in Oosthuizen (ed) *Introduction to Education Law* (2011) Van Schaik Pretoria 43-59
- Oosthuizen I et al "The teacher's duty of care" in Oosthuized (ed) Introducton to Education Law (2011) Van Schaik Pretoria 91-108
- Pretorius P (ed) Dispute Resolution (2008) Juta Cape town
- Pretorius C *Psychosocial Predictors of Substance Abuse Among Adolescents* (2002)

  University of the Free State
- Skelton A and Proudlock P "Interpretation, objects, application and implementation of the Children's Act" in Davel C and Skelton A *Commentary on the Children's Act*(2010 )Juta Claremont 1-1 1-34



Skelton A "Parental Responsibilities and Rights" in Boezaart (ed) *Child Law in South Africa* (2009) Juta Claremont 62-91

Snyman C Criminal Law 5<sup>th</sup> ed (2007) LexisNexis South Africa

Snyman C Strafreg 5de uitg (2006) LexisNexis Durban

Srivastava et al Introduction to Australian Law (1996) North Ryde: LBC Information Services New South Wales

Theron A "Gedragsversteurings by kinders en adolessente" in Louw (ed) Suid-Afrikaanse Handboek van Abnormale Gedrag (1990) Southern Johannesburg 415-446

Trilingual Legal Dictionary 3<sup>rd</sup>ed, 6<sup>th</sup> print (2005) Juta en Kie Bpk

Tutu D *No Future Without Forgiveness* (2000) Doublebay Religious Publishing Group

Van der Merwe A "Children as Victims and Witnesses" in Boezaart (ed) *Child Law in South Africa* (2009) 563-584

Van Niekerk G "Regspluralisme" in Bekker C, Rautenbach C and Goolam N (ed)
Inleiding tot Regspluralisme in Suid-Afrika 2nded (2006) Lexisnexis Durban 514

Viljoen F "The African Charter on the Rights and Welfare of the Child" in Boezaart (ed) Child Law in South Africa (2009) Juta Claremont 331-350

Visser P "Some Thoughts on Aspects of Delictual Liability in Relation to Public Schools in South Africa" (2004) *IJELP Special Conference Edition* 

Wicks-Nelson R and Israel A *Abnormal Child and Adolescent Psychology* 7<sup>th</sup> ed (2008) Pearson South Africa



#### 8.2 Case Law

Brown v Board of Education (1954) 347 US 483

Danielle Antonie v Governing Body, The Settler High School and Head Western Cape Education Department 2002 (4) SA 738 (C)

De Lange v Smuts 1998 (3) SA 785 (CC)

Deutschmann and Another; Shelton v Commissioner for the South African Revenue Service 2000 (6) BCLR 571 (E)

Dowling v Diocesan College and others 1999 (3) SA 847 (CPD)

Gauteng Provincial Legislature In re: Gauteng School Bill of 1995 1996 (3) SA 165 (CC)

Government of the Republic of South Africa and Others v Grootboom and Others 2000 (11) BCLR 1169 (CC)

"H" v State of New South Wales [2009] NSWDC 193

High School Vryburg and the Governing Body of High School Vryburg v The Department of Education of the North West Province(CA 185/99) 1999

Howells v S (1999) 2 All SA 233 (C)

Jaensch v Coffey(1984) 155 CLR 549

Jacobs v Chairman, Governing Body, Rhodes High School and others 2011 (1) SA 160 (WCC)



Jones v Santam Bpk 1965 2 SA (A) 554

Knouwds v Administrateur, Kaap1981 (1) SA 544 (C)

Le Roux v Dey2011 (3) SA 274 (CC); 2011 (6) BCLR 577 (CC); BCLR 446 (CC)

Minister of Welfare and Population Development v Fitzpatrick 2000 (3) SA 422 (CC)

Oyston v St Patrick's College [2011] NSWSC 269

Road Accident Fund v Russell (656/98) [2000] ZASCA 66; 2001 (2) SA 34 (SCA); [2001] 1 All SA 160 (A) (24 November 2000)

Rusere v The Jesuit Fathers 1970 (4) SA 537 (R)

S v Dyk 1969 (1) SA 601 (C)

S v Haileka (CA92/2006) [2006] NAHC 62

S v Makwanyane and Another 1995 (3) SA 391 (CC)

S v Pietersen 1983 (4) SA 904 (E)

S v Williams and Others 1995 (7) BCLR 861 (CC)

S v Z en Vierander Sake1999 (1) SACR 427 (E)

Technofin Leasing & Finance (Pty) Ltd v Framesby High School 2005 6 SA 87 (SECLD)

The Premier of the Western Cape Province v Loots(214/2010) [2011] ZASCA 32

### 8.3 Conference Papers



### 8.3.1 Published

- Anon "The Violent Nature of Crime in South Africa" a paper compiled by The Centre for the Study of Violence and Reconciliation for the Justice, Crime Prevention and Security Cluster 25 June 2007
- Anon "Youth Policy Round Table 6: Crime and Violence" Round table held on 13

  March 2008 by the Human Sciences Research Council at the Reserve Bank

  Pretoria
- Moore K, Jones N and Broadbent E "School Violence in OECD countries" paper commissioned by Plan for the Learn Without Fear global campaign May 2008
- Wilson F "Gender based violence in South African schools" paper presented at a Symposium honouring Francoise Caillods

### 8.3.2 Unpublished papers

Leeming M "Common Law within three federations" 2007 unpublished paper submitted at the International Association of Constitutional Law Conference June 2007 Athens

## 8.4 Dissertations and Theses

- Grové B Framework for the Implementation of Euthanasia in South Africa (LLM dissertation 2007 UP)
- Lenthall D Bystander Behaviour as an Influence on Bullying in High Schools (Dcom thesis 2003 Deakin University)
- Mollo N A legal perspective on the establishment of anti-bullying policies in public schools (M Ed dissertation 2009 UP)



Skelton A The influence of the theory and practice of restorative justice in South

Africa with special reference to child justice (LLD thesis 2005 UP)

Swanepoel M Law, Psychiatry and Psychology: A Selection of Constitutional, Medico-Legal and Liability Issues (LLD thesis 2009 UNISA)

### 8.5 International Instruments

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights 1988

African Charter on the Rights and Welfare of the Child 1999

African Charter on Human and People's Rights 1981

American Declaration on the Rights and Duties of Man 1948

Charter of the United Nations 1945

Convention on the Elimination of All forms of Discrimination 1966

Convention on the Elimination of All forms of Discrimination against Women 1979

Declaration on the Promotion Among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples 1965

European Convention on Human Rights 1950

International Covenant on Civil and Political Rights 1966

United Nations Convention on the Rights of the Child 1989

United Nations Convention on the Rights of the Child General Comment No8 (2006)



United Nations, Educational, Scientific and Cultural Organisation Convention against Discrimination in Education 1960

United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990

United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") 1985

United Nations World Declaration on Education for All 1990

The Universal Declaration of Human Rights 1948

### 8.6 Internet sources

Duty of Care for Students Policy accessed from <a href="http://www.det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/duty-of-care-for-students.en?oid=au.edu.wa.det.cms.contenttypes.Policy-id-3783072#Policy</a>
<a href="mailto:Statement">Statement</a>

European Foundation for the Improvement of Living and Working Conditions "Violence, bullying and harassment in the workplace" 2007 accessed from <a href="https://www.eurofound.europa.eu">www.eurofound.europa.eu</a> 3

Govender R and Dlamini K "Bullying: the monster in the dark" accessed from <a href="http://www.cepd.org.za/">http://www.cepd.org.za/</a>

Holzer P and Lamont A "Corporal punishment: key issues" 2010 *National Child Protection Clearinghouse resource sheet* accessed from <a href="http://www.aifs.gov.au/nch/pubs/sheets/rs19/rs19.pdf">http://www.aifs.gov.au/nch/pubs/sheets/rs19/rs19.pdf</a>

Kalman I "The 'perfect' anti-bully law" 2009 *Psychology Today* accessed from <a href="http://www.psychologytoday.com/blog/the-bully-witch-hunt/200903/the-perfect-anti-bully-law">http://www.psychologytoday.com/blog/the-bully-witch-hunt/200903/the-perfect-anti-bully-law</a>

Pengelley N and Milne S "Researching Australian Law" accessed from <a href="http://www.llrx.com/features/researchingaustralianlaw.htm">http://www.llrx.com/features/researchingaustralianlaw.htm</a>

Verma R "Disciplinary procedures" accessed from http://www.lawhandbook.org.au/handbook/ch06s03s04.php



http://www.thefreedictionary.com

http://www.justice.govt.nz

http://www.olweus.org

http://www.bullyonline.org

http://www.bullyingstatistics.org

http://dictionary.reference.com

http://www.jaredstory.com

http://www.sace.org.za

http://dictionary.findlaw.com

http://timfieldfoundation.org

http://www.dfat.gov.au

http://common-phobias.com/didaskaleino/phobia.htm

http://www.netplaces.com/dealing-with-bullies/what-is-bullying/history-of-bullying.htm

http://www.hazelden.org/

targetedindividualscanada.wordpress.com/2011/03/14/definitions/

education.scholastic.co.uk/content/6030

http://dictionary.reference.com/browse/culpable

http://www.nicro.org.za/interventions/programmes/

http://www.idasa.org/media/uploads/outputs/files/Parliament,%20the%20Budget%20

and%20Poverty%20in%20South%20Africa%20-

%20A%20Shift%20in%Power.pdf#page=14

http://0-onlinelibrary.wiley.com.innopac.up.ac.za/doi/10.1111/1468-

2397.00183/abstract accessed on 2012-09-25

http://www.unicef.org/southafrica/media 10381.html

http://www.justice.gov.za

http://www.canadianlawsite.ca/goodsamaritan.htm

http://psychology.about.com/od/socialpsychology/a/bystandereffect.htm

http://www.anti-bullyingalliance.org.uk/pdf/Bystanders and Bullying.pdf

http://www.education.gov.za

http://www.anti-bullyingalliancetoolkit.org.uk

http://www.cpa.ca

http://www.bullypolice.org

http://www.leg.state.fl.us/statutes/index.cfm?App mode=Display Statute&Search St

ring=&URL=1000-1099/1006/Sections/1006.147.html



http://www.youtube.com/watch?v=-5wJxZEnRII;

http://www.youtube.com/watch?v=2enaoFrEE9s&feature=related;

http://www.youtube.com/watch?v=rv1KejSGYCE;

http://www.youtube.com/watch?v=gD9OUas5pDs;

http://www.youtube.com/watch?v=F7WIIPVA-A4&feature=relmfu

http://australia.gov.au/about-australia/our-government

http://www.decd.sa.gov.au/speced2/files/links/Draft for web Anti bullyin.pdf

http://www.stjohnscollege.co.za/prepBoysPolicyBully.php

http://www.stmaryschool.co.za/admitAntiBullying.php

http://www.saflii.org.za

#### 8.7 Journals

Berger E "The right to education under the South African Constitution" 2003

Columbia Law Review 614-661

Boezaart C and De Bruin D "Section 14 of the Children's Act 38 of 2005 and the child's capacity to litigate" 2011 *De Jure* 416-438

Bray E "Codes of conduct in public schools: a legal perspective" 2005 South African

Journal of Education 133-138

Brunstein Klomek A, Marrocco F et al "Bullying, Depression, and Suicidality in Adolescents" 2007 American Academy of Child and Adolescent Psychiatry 40-49

Brunstein Klomek A, Sourander A *et al* "Childhood Bullying Behaviors as a Risk for Suicide Attempts and Completed Suicides: a Population-Based Birth Cohort Study" 2009 *American Academy of Child and Adolescent Psychiatry* 254-261

Butler D "Liability for bullying at schools in Australia: Lessons still to be learnt" 2006

Education Law Journal 243-254



- Carstens P "Medical negligence as a causative factor in South African criminal law: novus actus interveniens or mere misadventure?" 2007 South African Journal of Criminal Justice 192-211
- Davel C "The standard of care applicable to educators: the reasonable educator" 2003 *De Jure* 405-414
- De Wet C "The voices of victims and witnesses of school bullying" 2005 *Koers* 705-725
- De Wet C "The nature and extent of bullying in Free State secondary Schools" 2005

  South African Journal of Education 82-88
- De Wet C "Free State educators' experiences and recognition of bullying at schools" 2006 South African Journal of Education 61-73
- De Wet C "Educators' perceptions on bullying prevention strategies" 2007 *South African Journal of Education* 191-208
- De Wet C "Victims of educator-targeted bullying: a qualitative study" 2010 *South*\*\*African Journal of Education 189-201
- Errante A "Comparative Perspectives on Childhood and Community Violence" 1997

  \*\*American Journal of Education 355-400
- Fuchs E "Children's Rights and Global Civil Society" 2007 Comparative Education,

  Special Issue (34): Global Governance, Social Policy and Multilateral

  Education 393-412
- Glover D, Cartwright N, Gough G et al "The Introduction of Anti-bullying Policies: Do policies help in the management of change?" 1998 School Leadership & Management 89-105



- Greenya J "Bullying: are schools doing enough to solve the problem?" 2005 CQ

  Researcher 101-123
- Harel-Fisch Y, Walsh S, Fogel-Grinvald H *et al* "Negative school perceptions and involvement in school bullying: A universal relationship across 40 countries" 2010 *Journal of Adolescence* 1-14
- Hargovan H "Evaluating restorative justice: working out 'what works'" 2011 *Acta Criminologica* 67-82
- Heaton J "An individualised, contextualised and child-centred determination of the child's best interests, and the implications of such an approach in the South African context" 2009 *Journal for Juridical Science* 1-18
- Hyman I and Snook P "Dangerous Schools and What You Can Do about Them" 2000 *The Phi Delta Kappan* 488-501
- Joubert R, De Waal E and Rossouw JP "Discipline: Impact on access to equal educational opportunities 2004 *Perspectives in Education* 77-87
- Joubert R "Policy-making by public school governing bodies: law and practice in Gauteng" 2008 *Acta Academica* 230-255
- Joubert R "South Africa's approach to school safety: can it succeed?" 2007 *Journal* of Education 107-124
- Khoza V "Schools: Safe Havens or Sites of Violence?" 2002 Agenda 75-80
- Kim Y "Bullying and Suicide. A review" 2008 International Journal of Adolescent Medicine and Health 133-154.
- Kirschenbaum A "The Bystander's Duty to Rescue in Jewish Law" 1980 *The Journal of Religious Ethics* 204-226



- Korbin J "Children, childhoods, and violence" 2003 *Annual Review of Anthropology* 431-446
- Kydd J "Preventing Child Maltreatment: An Integrated, Multisectoral Approach" 2003

  Health and Human Rights 34-63
- Mahdavi J and Smith P "The Operation of a Bully Court and Perceptions of its Success" 2002 School *Psychology International* 327-341
- Marais P and Meier C "Disruptive behaviour in the Foundation Phase of schooling" 2010 South African Journal of Education 41-57
- Memzur B "The African Children's Charter versus the UN Convention on the Rights of the Child: A zero-sum game?" 2008 SAPR/PL1-29
- Mestry R, Van der Merwe M and Squelch J "Bystander behaviour of school children observing bullying" 2006 SAeDUC-JOURNAL 46-59
- Naong M "The impact of the abolition of corporal punishment on teacher morale: 1994-2004" 2007 South African Journal of Education 283-300
- Naudé B, Prinsloo J and Ladikos A "Restorative mediation practices" 2003 *Acta Criminologica* 10-22
- Neser J, Ladikos A *et al* "Bullying in schools: An exploratory study" 2004 *CARSA* 5-18
- Nussbaum B "Ubuntu: Reflections of a South African on our common humanity" 2003 Reflections 21-26
- Prinsloo I "How safe are South African schools?" 2005 South African Journal of Education 2005 5-10



- Prinsloo S "Sexual harassment and violence in South African schools" 2006 South

  African Journal of Education 305-318
- Reyneke M "Dignity: the missing building block in South African schools?" 2010

  Journal for Juridical Science 71-105
- Rigby K and Johnson B "Expressed readiness of Australian schoolchildren to act as bystanders in support of children who are being bullied" 2006 Educational Psychology 425-440
- Robinson J "Children's rights in the South African Constitution" 2009 *Potchefstroom Electronic Law Journal* 5-25
- Sherman L and Strang H "Crime and reconciliation: experimental criminology and the future of restorative justice" 2009 *Acta Criminologica* 1-14
- Schomer H and Drake B "Physical activity and mental health" 2001 *International* sports medicine journal 1-9
- Skelton A "Face to face: Sachs on restorative justice" 2010 SAPL 141-163
- Slee P and Ford D "Bullying is a serious issue it is a crime!" 1999 *Australia & New Zealand Journal of Law & Education* 23-39
- Sloth-Nielsen J and Gallinetti J "Just say sorry?' Ubuntu, Africanisation and the child justice system in the Child Justice Act 75 of 2008" 2011 *PER* 63-90
- Smit E "School violence: Tough problems demand smart answers" 2007 South

  African Professional Society on the Abuse of Children 53-59
- Smit M "The bully/victim problem in schools" 2003 Acta Criminologica 81-88
- Steyn B and Roux S "Aggression and psychological well-being of adolescent tae kwon do participants in comparison with hockey participants and a non-sport



- group" 2009 African Journal for Physical, Health Education, Recreation and Dance 32-43
- Terblanche B and Davel C "Safety measures and the rights of learners" 2004 *De Jure* 85-96
- Townsend L, Flisher A, Chikobvu P et al "The relationship between bullying behaviours and high school dropout in Cape Town, South Africa" 2008 South African Journal of Psychology 21-32
- Twemlow S, Sacco Fet al "A clinical and interactionist perspective on the bully-victim-bystander relationship" 1996 Bulletin of the Menninger Clinic 296-313
- Urbas G "The age of criminal responsibility" 2000 Australian Institute of Criminology trends and issues in crime and criminal justice181-200
- Van Biljon D, Strydom C and Vermeulen A "The influence of a diversion programme on the psycho-social functioning of youth in conflict with the law in the North West province" 2011 *Acta Criminologica* 75-93
- Van der Westhuizen C and Maree J "Student teachers' perceptions of violence in primary schools" 2010 *Acta Criminologica* 1-18
- Van Jaarsveld L "Violence in schools: A security problem?" 2008 *Acta Criminologica* 175-188
- Visser P "Education Law Liability of State for Contractual Damages Payable by Public School Section 60(1) of South African Schools Act 84 of 1996" 2006 THRHR 185- 190
- Wakefield L "Is the Act working for children? The first year of implementation of the Child Justice Act" 2011 SA Crime Quarterly No 38 45-50



Walker S "The requirements for criminal capacity in section 11(1) of the new Child Justice Act, 2008: a step in the wrong direction?" 2011 SACJ 33-41

Wolke D, Woods S, Bloomfield L *et al* "The association between direct and relational bullying and behaviour problems among primary school children" 2000 *Journal for Child Psychology and Psychiatry* 989-1002

Wakefield L "Is the Act working for children? The first year of implementation of the Child Justice Act" 2011 SA Crime Quarterly No 38 45-50

Woods S and Wolke D "Does the content of anti-bullying policies inform us about the prevalence of direct and relational bullying behaviour in primary schools?" 2003 Educational Psychology 381-401

## 8.8 Legislation

### 8.8.1 International legislation

Argentine Penal Code

Bail Act 1992

Building Respectful and Safe Schools: A resource for School Communities 2010

Bullying, Harassment and Violence Policy 2009

Bullying: Preventing and Responding to Student Bullying in Schools Policy 2011

Cap 212 Offences Against the Person Ordinance 362 of 1997

Care and Protection of Children Act 2007

Charter of Human Rights and Responsibilities Act 2006

Children and Young Persons (Care and Protection) Act 157 of 1998

Child Wellbeing and Safety Act 83 of 2005

Children and Young People Act 2008

Child Protection Act 1999

Children's Protection Act 1993

Children, Youth and Families Act 2005

Children, Young Persons and their Families Act 1997

Children and Community Services Act 2004



Children and Young People Act 2008

Children and Young Persons (Care and Protection) Act 1998

Countering Bullying, Harassment and Violence in ACT Public Schools Policy 2007

Education Act 2004

Education Act 8 of 1990

Education Act of 2007

Education (General Provisions) Act 2006

Education Act 1972

Education and Training Reform Act 2006

Education Act 1994

Family and Community Services Act 1972

Human Rights and Equal Opportunity Commission Act 1986

Jeffrey Johnston Stand Up for All Students Act2012

Juvenile Justice Act 1992

Legislation Act 2001

National Safe Schools Framework 2011

NSW Anti-Discrimination Act 1977

Schools Authority Act1976

School Education Act 1999

Sex Discrimination Act 1984

Supportive and Disciplined School Environment Policy 2012

Quebec Charter of Human Rights and Freedoms of 1975

Youth Justice Act 2005

Young Offenders Act 1993

Young Offenders Act 1994

Young Offenders Act 1997

## 8.8.2 National legislation

Children's Act 38 of 2005

Child Justice Act 75 of 2008

Constitution of the Republic of South Africa, 1996

Education Laws Amendment Act 31 of 2007

Employment of Educators Act 76 of 1998



Government Gazette Vol.433, No. 22512 of July 2001

Government Notice 18900 of 1998-05-15

Government Notice 22754 of 2001-12-10

Government Notice 24165 of 2002-13-12

Intimidation Act 72 of 1982

National Education Policy Act 27 of 1996

Protection from Harassment Act 17 of 2011

South African Schools Act 84 of 1996

South African Schools Act 84 of 1996, Devices to be used for Drug Testing and the procedure to be followed. Annexure B: Guidelines for random search and seizure and Drug Testing at Schools.

Service Charter for victims of crime in South Africa

## 8.8.3 Provincial legislation

Western Cape Provincial School Education Act 12 of 1997

Provincial Notice 156 of 2001: Regulations regarding the discipline of learners at public schools

General Notice 6903 of 2000: Misconduct of learners at public schools and disciplinary proceedings

General Notice 32 of 1999: Regulations relating to behaviour by learners in public schools which may constitute serious misconduct, the disciplinary procedures to be followed an provisions of due process safe-guarding the interests of the learner and any other party involved in disciplinary proceedings

## 8.9 Newspapers

Chicago Sun-Times 2000-10-15/16 (collection of articles bound in a single volume pertaining to school shootings) 1-19

Citizen 12 June 2007 "Mom in court to stop school bully"

Daily News "Suicide stats 'alarming' constitutes third largest cause of unnatural deaths in SA" 6 September 2011



Die Beeld 4 September 2011 "Meisie hang haar nadat sy glo by skoolgeboelie is"; Die Beeld30 Mei 2012 "Bfn se 666-nes"; Die Beeld4 Junie 2012 "Kleuter glo by crèche geslaan";

Die Rapport 3 Julie 2011 "Ma begin veldtog om skool boelies te stuit"

IOL News 10 February 2012 "Bullying on the increase"

Mail and Guardian "SA 'too much' for its children" 14 October 2011.

News 24 10 September 2009 "Sword killer gets 20 years"; News 24 22 February 2012 "Girl stripped to panties at school"; Parent 24 22 February 2012 "Bullying, stripping and suicide"; News 24 3 March 2012 "Jhb pupils revolt after murder"; Health 24 5 March 2012 "Bullying linked to suicidal thoughts"; News 24 3 May 2012 "Headmaster sues parent for libel"; News 24 7 May 2012 "Teen sex rife in Eastern Cape schools"; News 24 10 May 2012 "Schoolboy 'raped' on rugby tour"; News 24 24 May 2012 "Satanic rituals reported at CT school"; News 24 8 June 2012 "Mute girl, 14, raped at school"; News 24 5 June 2012 "Principal, teacher, suspended for assault".

The Big Issue South Africa "SA's suicide rates 'alarming'" 6 September 2011

The Star 7 February 2007 "Parents sue government over daughter's death-leap, blame bullying letters"; The Star 10 February 2007 "Hi-Tech bullying: cell phones used for "abuse""; The Star 9 February 2012 "Girl's bullying ordeal"; The Star 23 May 2012 "School guard with a history of rape"

The Times 12 June 2007 "Mom in court to 'stop bully"

Volksblad 4 September 2012 "Hoofde neem boelies onder oë"

### 8.10 Reports

Anon "Child abuse and neglect by parents and other caregivers" *World Report on Violence and Health* 59-86

Anon "New forms of bullying and violence: Cyberbullying, Happy Slapping and Other New Trends" International Online conference report May 2006

Community Agency for Social Enquiry and Joint Education Trust "Learner absenteeism in the South African schooling system" report compiled for the Department of Education December 2007



- Carroll-Lind J "School safety: An inquiry into the safety of students at school" Report compiled for the Office of the Children's Commissioner (New Zealand)

  March 2009
- Morrison B "Bullying and Victimization in Schools: a Restorative Justice Approach" 2002 Report compiled on behalf of the Australian Institute of Criminology 1-6
- Oliver C and Candappa M "Tackling Bullying: Listening to the Views of Children and Young People" Research Report 400 compiled for the Thomas Coram Research Unit, Institute of Education, University of London March 2003
- Vossekuil B, Fein R, Reddy M et al "The final report and findings of the safe school initiative: Implications for the prevention of school attacks in the United States" Report compiled on behalf of the United States Secret Service and United States Department of Education May 2002
- Youth Research Unit "Nature, extent and impact of bullying among secondary school learners in Gauteng" A research report compiled on behalf of the Bureau of Market Research University of Pretoria 2012

#### 8.11 Other

- Anon "Bullying: What educators can do about it" Guide compiled by Penn State College of Agricultural Sciences 2002
- Anon "Just what is "School Violence?" 2002 News Brief from the Centre for the Prevention of School Violence; North Carolina
- Anon "Violence and stress in education workplaces" 2007 Sector notes from the Sectoral Activities Programme



- Anon "Stats 2003: Selected School Violence Research Findings From 2003 resources" 2003 North Carolina Department of Juvenile Justice and Delinquency Prevention Centre for the Prevention of School Violence
- Farrington D, Ttofi M School-Based Programs to Reduce Bullying and Victimization Campbell Systematic Reviews 2009:6
- Maxwell G and Carroll-Lind J "Impact of Bullying on Children" Office of the Commissioner for Children Occasional Paper no6 October 1997
- McEvoy A "Teachers who bully students: patterns and policy implications" Wittenberg University 2005
- O'Moore M "A guiding framework for policy approaches to school bullying and violence" *Trinity College Dublin*
- Roper M "Kids first: approaching school safety" *Crime Prevention Partnerships* 67-80
- Sampson R "Bullying in Schools" 2009 Problem-Oriented Guide for Police compiled on behalf of the U.S Department of Justice
- Smith P "Definition, Types and Prevalence of School Bullying and Violence" Unit for School and Family Studies University of London Powerpoint presentation
- Tsugawa T "Continuum of behaviours" 2010 Vermont Human Rights Commission
- Waterhouse S "The impact of changing criminal justice responses to child victims of sexual abuse" 2008 *Criminal Justice Initiative Occasional* Paper 1-52