

**COMBATING BULLYING IN SCHOOLS: A SOUTH AFRICAN LEGAL
PERSPECTIVE**

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Dedication

I dedicate this dissertation to my parents – thank you for your unwavering faith in me.

I love you.

Acknowledgements

First and foremost, I thank God for giving me the strength and ability to complete this dissertation. I can do all things through Him who gives me strength.

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List of abbreviations

ACRWC: African Charter on the Rights and Welfare of the Child

APD: Antisocial Personality Disorder

CD: Conduct Disorder

CRC: United Nations Convention on the Rights of the Child

ETB: Educator Targeted Bullying

ODD: Oppositional Defiant Disorder

OBPP: Olweus Bullying Prevention Programme

SACE: South African Council of Educators

SASA: South African Schools Act 84 of 1996

WHO: World Health Organisation

Summary

This study holistically examines the *status quo* of learner-on-learner bullying in South African schools. An exposition is given pertaining to *inter alia* constitutional law, common law, statutory provisions and case law. Since bullying is a global problem, a legal comparative study is necessary in order to place the phenomenon of bullying into context. Concepts such as bystander behaviour, bullycide and restorative justice feature prominently in this dissertation. Important findings include the necessity of drafting of anti-bullying legislation as well as the inception of bullycide as a statutory crime. Furthermore, restorative justice processes are critically important to not only rehabilitate and reintegrate the bully, but also to vindicate the victim in a way that protects and promotes the rights of all parties involved. Recommendations are made with regard to the importance of a national anti-bullying policy to be implemented in conjunction with existing codes of conduct.

Keywords: Bullying, bullycide, restorative justice, anti-bullying policy, victim, bully, bystander behaviour, *ubuntu*

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