

**THE COMPLIANCE OF SELECTED SCHOOLS IN SWAZILAND WITH
LAW AND POLICY ON CORPORAL PUNISHMENT**

by

ELMON JABULANE SHONGWE

Submitted in accordance with the requirements
for the degree

MASTER OF EDUCATION

in the subject

EDUCATION MANAGEMENT

at the

UNIVERSITY OF SOUTH AFRICA

SUPERVISOR: PROF. S.A. COETZEE

DECEMBER 2013

ABBREVIATIONS AND ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
CRC	United Nations Convention on the Rights of the Child
HRL	Human Rights Law
OAU	Organisation of the African Union
SBIS	Swaziland Broadcasting and Information Services
SWAAGA	Swaziland Action Against Abuse
UN	United Nations

ACKNOWLEDGEMENTS

I thank the Lord for helping me to be able to finish this work.

I sincerely thank my supervisor, Prof. Susanna Coetzee, for her commitment in giving me guidance and thoughtful criticism throughout my studies. Her constant encouragement made me persevere.

I extend my heartfelt gratitude to my family, and in particular to my wife, Thabsile, for understanding my busy schedule, and also for the support she has given me.

I would like to thank the principals of the participating schools, for allowing me to conduct the study at their schools, and for supporting me in collecting the data. My appreciation is extended to the teachers and learners who participated in the study, because without their input this study would not have been possible.

I also extend my greatest appreciation to the Ministry of Education in Swaziland, for permitting me to conduct the study in the schools.

I would like to thank UNISA, for all the support and opportunities afforded me, which include a bursary, and training workshops.

I want to also extent my appreciation to the staff at UNISA, Pretoria campus. Thank you especially, Busi Ramasodi, for your help and patience when I requested reading material.

DECLARATION

I, the undersigned, Elmon Jabulane Shongwe, hereby declare that this study is my own work, and that it has not been submitted for a degree at any other university or institution. All the sources I used or quoted have been acknowledged by means of complete references.

Signature Shongwe

Date 17-12-2013

ABSTRACT

The researcher aimed to investigate the laws and policies regulating the use of corporal punishment in Swaziland schools by benchmarking these against HRL, and to investigate the non-compliance of selected schools in the Hhohho and Manzini regions with these legal prescripts. This was done in the two participating schools in the study.

The study employed the qualitative approach, using two cases to source the information from the participants. Interviews and questionnaires were used to collect the data from the participants. The principals and their deputies were interviewed, whilst the teachers and learners responded to questionnaires.

The literature review revealed that the teachers tend not to adhere to the prescripts in respect of the abuse of corporal punishment. The literature review focusing on the Swaziland situation brought to light that the teachers go beyond the legal prescripts when administering corporal punishment.

The results indicated that in Swaziland corporal punishment is legal while, according to the Human Rights Law, it is a crime. The study indicated that teachers do not adhere to the legal prescripts on corporal punishment. Of the ten requirements for corporal punishment, the teachers complied fully with only two. It was also found that the teachers were not conversant with the legal prescripts. Some of the requirements did not seem viable to them to comply with.

The researcher recommended that the Swaziland Constitution be aligned with the Human Rights Law, and that principals monitor the abuse of corporal punishment.

Key words

Corporal punishment, education management, legal prescript, Hhohho and Manzini regions, human rights law and school principal.

TABLE OF CONTENTS

ABBREVIATIONS AND ACRONYMS	ii
ACKNOWLEDGEMENTS	iii
ABSTRACT	v
Key words	vi
Chapter 1: Overview of the study	1
1.1 Introduction	1
1.2 Background to the study	1
1.3 Motivation for the study	2
1.4 Statement of the problem	3
1.4.1 Challenging the legal prescripts on corporal punishment	3
1.4.2 Corporal punishment as common practice	5
1.4.3 The schools' deviation from the legal prescripts	7
1.4.4 The reasons why it is difficult to propose solutions	9
1.5 The aim and objectives of the study	10
1.5.1 The aim of the study	10
1.5.2 The objectives of the study	11
1.6 The significance of the study.....	11
1.7 Delimitation of the study.....	12
1.7.1 Conceptual analysis	12
1.7.1.1 Corporal punishment.....	12
1.7.1.2 Education management	13
1.7.1.3 Legal prescript.....	13
1.7.1.4 Human Rights Law (HRL)	13
1.7.1.5 The Hhohho and Manzini regions.....	14
1.7.1.6 School principal.....	14
1.7.2 Scope of the study.....	14
1.7.3 Chapter division.....	15
1.8 Methodological account	15
1.8.1 The research approach.....	16
1.8.2 The research design.....	16

1.8.3	Population and sampling	16
1.8.4	The research methods.....	17
1.8.4.1	Data-collection methods.....	17
1.8.4.2	Data-analysis and methods of interpretation	19
1.8.5	Ethical considerations.....	19
1.9	Conclusion	20
Chapter 2:	The literature review.....	21
2.1	Introduction	21
2.2	Perspectives on corporal punishment	22
2.2.1	The religious perspective.....	22
2.2.2	The cultural perspective.....	24
2.2.3	The human rights perspective	27
2.2.4	The psychological perspective.....	31
2.2.5	The criminological perspective	33
2.3	Finding solutions to corporal punishment abuse	34
2.3.1	Campaigns in the world against corporal punishment	34
2.3.2	Dealing with the belief in corporal punishment	36
2.3.3	Corporal punishment and the legal debates	37
2.3.4	Corporal punishment and children’s rights.....	40
2.3.5	Alternatives to corporal punishment	40
2.4	Conclusion	41
Chapter 3:	Methodological account.....	43
3.1	The research approach	43
3.2	The research design	44
3.3	Population and sampling	46
3.4	The research methods	48
3.4.1	Data-collection methods	49
3.4.1.1	The literature study.....	49
3.4.1.2	Semi-structured interviews	50
3.4.1.3	The questionnaire.....	54
3.4.2	The pilot study	60
3.4.3	Trustworthiness	61
3.4.4	Data-analysis and methods of interpretation	62
3.5	Limitations of the study	63

3.6	Ethical considerations	64
3.7	Conclusion	66
Chapter 4:	Data analysis and presentation of the findings	67
4.1	Introduction	67
4.2	The presentation of the data	67
4.2.1	Literature study on Swaziland’s laws and policies on corporal punishment	68
4.2.2	Literature study on HRL on corporal punishment	72
4.2.2.1	Human Rights Law on corporal punishment in schools.....	72
4.2.3	Case study: School A	75
4.2.3.1	The reasons for administering corporal punishment.....	75
4.2.3.2	The extent of the school’s non-compliance with the laws and policies	77
4.2.3.3	The reasons for the school’s non-compliance with the legal prescripts.	87
4.2.3.4	Views on Human Rights Law.....	91
4.2.3.5	Future projections in respect of corporal punishment.....	91
4.2.4	Case study: School B	94
4.2.4.1	Introduction	94
4.2.4.2	The reasons for administering corporal punishment.....	94
4.2.4.3	The non-compliance of School B with Swaziland’s policy	96
4.2.4.4	The reasons for the school’s non-compliance with the legal prescripts.	102
4.2.4.5	Views on Human Rights Law.....	107
4.2.4.6	Future projections in respect of corporal punishment.....	108
4.2.5	Similarities and differences between the two schools.....	110
4.2.5.1	Similarities in the two schools.....	111
4.2.5.2	Differences between the two schools	112
4.3	Conclusion	112
Chapter 5:	Conclusions and recommendations	114
5.1	Introduction	114
5.2	Summary of the findings	114
5.2.1	Summary of the findings linked to law	114
5.2.1.1	Conclusions on Swaziland’s law.....	114

5.2.1.2	Discrepancies between Swaziland’s law and HRL	115
5.2.2	Summary of the findings related to use of corporal punishment	116
5.2.2.1	The reasons for using corporal punishment	116
5.2.2.2	The extent of the non-compliance with the legal prescripts	117
5.2.2.3	The reasons for the non-compliance with the legal prescripts.....	119
5.3	Recommendations	122
5.4	Suggestions for further research	124
5.5	Conclusion	125
BIBLIOGRAPHY		127
LIST OF APPENDICES		139
APPENDIX 2		141
APPENDIX 3		142
APPENDIX 4		144
APPENDIX 5		145
APPENDIX 6		147
APPENDIX 7		148
APPENDIX 8		150
APPENDIX 9		152
APPENDIX 10		154
APPENDIX 11		155
APPENDIX 12		156
APPENDIX 13		158
APPENDIX 14		159
APPENDIX 15		160

Chapter 1: Overview of the study

1.1 Introduction

By means of this study the researcher aimed to ascertain whether the school principals and the teachers of selected schools in Swaziland comply with the legal prescripts when administering corporal punishment.

In this chapter the background to the study will be presented, as well as the researcher's motivation to carry out this particular study. The research problem and sub-problems will be identified, the main aim of the study will be articulated, and the specific objectives indicated. Finally, the significance of the study will be stated, and the research methodology will be explained.

1.2 Background to the study

Corporal punishment has become an area of concern among governments and educationists globally. This can be attributed to the attitudes of teachers and learners towards corporal punishment in the schools. Corporal punishment is seen as an inhibitor of learning, and its prohibition is being advocated (Simiyu 2003:1). Theories in the literature suggest that corporal punishment adds no value to learning (Olver 2012:2).

Corporal punishment is one of the disciplinary measures used in Swaziland schools. Most schools in Swaziland use this form of punishment, mainly because it does not take up much of the teachers' time. However, corporal punishment is proving to be a problem in some high schools in Swaziland. Often the media publishes articles on the incorrect administration thereof (Nhleko 2008:7; Ndlela 2011:5; Shabangu 2010:11). An example is the case of a Mathematics teacher in one of the high schools in Swaziland who has been reported to have beaten learners with his fists, and kicking them. This incident was cited as one of the learners' complaints when they engaged in a class boycott (Maziya 2011(a):13).

This research focuses on the compliance of selected high schools with the law and order policies on corporal punishment in Swaziland.

1.3 Motivation for the study

Three major factors motivated the researcher to undertake this study.

As a teacher at two different high schools, the researcher observed how corporal punishment was administered in those schools. In both schools the teachers and the school principals administered corporal punishment indiscriminately and, in most instances, this was done without consideration of the laws and policies on corporal punishment. This motivated the researcher to study the extent to which legal prescripts are adhered to when corporal punishment is administered in the selected schools.

It would appear that this problem is not confined to only these two schools.

The second reason emanated from the complaints in the media that schools administered corporal punishment beyond their legal authority (Makhubu 2011:12; Ndlangamandla 2008:7; SBIS Current Events Programme 2011). Organisations such as Save the Children Sweden and Swaziland Action Against Abuse (SWAAGA), have advocated for children's rights and the abolishment of corporal punishment in Swaziland. These organisations also criticised the manner in which schools administer corporal punishment, and in particular the fact that they do not adhere to the legal procedures (Swaziland & United Nations 2001). This confirms the researcher's observation that the non-adherence to legal prescripts is indeed a serious problem in Swaziland schools.

The third reason stemmed from the information obtained from the module on Education and Law (ONB454-J) at the University of South Africa. This module discusses sensitive cases of corporal punishment where the principals and teachers act beyond their legal authority. It inspired the researcher to investigate the non-compliance with the legal prescripts by the principals and teachers in Swaziland schools.

1.4 Statement of the problem

The researcher identified the main problem as the non-compliance of Swaziland schools with the legal prescriptions that regulate corporal punishment, and the fact that the law of Swaziland is not in line with Human Rights Law (HRL), which is a cause for concern. In light of this, the problem may be indicated as

- the non-compliance of Swaziland's law and policy with the United Nations Convention on the Rights of the Child (CRC) (United Nations 1989) and the African Charter on the Rights and Welfare of the Child (ACRWC) (Organisation of African Union 1999) with regard to the use of corporal punishment in schools;
- the non-compliance of schools with the legal prescripts that regulate the administering of corporal punishment;
- a justification for the non-compliance with the legal prescripts regulating the use of corporal punishment in the schools; and
- the challenges faced by the Ministry of Education in curbing the use of corporal punishment in the schools.

These aspects will now be discussed in detail.

1.4.1 Challenging the legal prescripts on corporal punishment

Corporal punishment is allowed in Swaziland schools, and the administration thereof is regulated by the Constitution of the Kingdom of Swaziland, Act 001 of 2005 (hereafter referred to as the Swaziland Constitution), the Education Act 9 of 1982 (hereafter referred to as the Education Act), the Education Rules of 1977 (hereafter referred to as Education Rules) and A Guide to School Regulations and Procedures of 1988 (hereafter referred to as A Guide to School Regulations and Procedures). The discussion of these legal documents is benchmarked against selected HRL instruments and the newly adopted Children's Protection and Welfare Act 6 of 2012.

The Swaziland Constitution (Swaziland 2005, s 29(2)) stipulates that...a child shall not be subjected to abuse or torture or other cruel inhumane and degrading treatment or punishment subject to lawful and moderate chastisement for purposes of correction

In the light of this provision of protection against inhuman treatment guaranteed to everyone, including children in section 18, it may seem as if corporal punishment, generally regarded as cruel, inhumane and degrading punishment and at variance with the protection of human dignity (United Nations CRC 2006, par. 18 & 22; also see Coetzee 2010:484), is incompatible with the Swaziland Constitution. However, the Swaziland Constitution (Swaziland 2005, s 29) itself makes the provision that corporal punishment may be administered as moderate chastisement for the purposes of correction. Effect is given to this constitutional provision in the Education Act, which further legalises the use of corporal punishment in schools (Swaziland 1982, s 11).

Since the legal prescripts regulating corporal punishment in schools is the crux of this research, it is essential to assess them. This will be done in Chapter 4 (section 4.2.1). Furthermore, identifying the prescripts enabled the researcher to determine which of them the teachers in the selected schools tend to ignore most. That, in turn, allowed the researcher to consider whether there is a relation between those prescripts and the reasons offered by the teachers for their non-compliance with them. Ultimately it also informed the recommendations on how to improve the teachers' compliance with these legal prescripts.

Swaziland's law and policy on the use of corporal punishment in the schools are contrary to Article 19(1) of the CRC (2006), which commands state parties to

...take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment while in the care of parents, legal guardians or any person who has care of the child (United Nations CRC 2006, par. 19)

Article 16(1) of the ACRWC (Organisation of African Union 1999) also requires that

...member countries take legislative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment; especially physical abuse.

The situation in Swaziland, and also developments in other countries of the world, is discussed in more detail in Chapter 2 (section 2.3). All this information raised the question, namely to what extent do the legal prescripts for administering corporal punishment in Swaziland schools fail to comply with the requirements of the CRC and the ACRWC on corporal punishment in schools, and how can these discrepancies be addressed?

1.4.2 Corporal punishment as common practice

The physical abuse of children occurs on a regular basis in Swaziland schools. A survey by Save the Children (2005) examined the experiences of children aged 6-18 years from Swaziland's four regions over a two-week period, in relation to corporal punishment (Flacherty, Donald & Flacherty 2005:6). The study revealed that 28% of the participating children had been hit by the hand, and 59% had been beaten with an object, mostly sticks, and chalkboard dusters. This survey indicated that the teachers tend to ignore the prescribed procedures regulating the administering of corporal punishment to learners. A 2008/9 report by the Teaching Service Commission (2008/9:3), which is responsible for employing teachers, gave an account of 10 allegations against teachers for administering corporal punishment outside the legal prescripts. The situation did not improve with time. A press statement by UNICEF (Gulaid 2011:4) indicated that 828 children were physically abused during the months of January to June 2011. In the same statement it was reported that physical violence against children was the leading form of violence at both schools and homes.

Concern in respect of the use of corporal punishment in schools has surfaced in speeches by the Minister of Education, in the media, during meetings of school principals and in court cases, hence the need to investigate the legal prescripts regulating the administering thereof, and the implementation of these prescripts in Swaziland schools.

The Ministry of Education in Swaziland has indicated its concern over the way that corporal punishment is administered in the schools. In August 2010 the Minister of Education on SBIS told of an incident where a teacher from a school in the focus

area of this study beat a learner 23 times (SBIS 23 February 2011). The Minister warned the teachers to adhere to the legally prescribed procedures when administering corporal punishment. In another instance, the Minister of Education condemned an act by a group of teachers who administered more than ten strokes to the learners for failing a test (SBIS 22 March 2011). In a meeting with school principals, the Director of Education warned the schools to administer corporal punishment to learners in line with the legal regulations, because the parents may sue the government if their children are injured when being punished. The Director of Education further stated that the government would no longer take the responsibility for lawsuits instituted by the parents if a teacher does not follow the proper legal procedures in administering corporal punishment (Dlamini 2011(a):4). It should, however, be noted that the government does not have the discretion to decide whether it will accept liability or not. The parents will be able to hold the government vicariously liable.

The Times of Swaziland (Nhleko 2008:14) published a story of a high school principal who slapped a Form 5 learner for refusing to take punishment. This is contrary to the Education Act (cf. ch. 4, section 4.2.1) which specifies that a learner should be beaten with a stick on the buttocks. In another instance, a deputy-principal of a school beat a learner all over his body with a stick and also punched him with his fists to such an extent that the learner had to go to hospital to receive treatment (Sukati 2010:12).

Several incidents resulted in legal action. In one incident, a deputy-principal used his fists on and kicked a female learner. The learner incurred such serious injuries that the case was reported to the police (Mkhonta 2008:11). The matter was eventually settled out of court. A learner in one of the schools in the focus area lost an eye when a teacher hit her with a branch of a tree. This case ended up in the High Court, where the judge ruled in favour of the learner and awarded him monetary compensation (*Mkhonta Dumisani Phineas v Swaziland Government*, case no. 1148/97 par. 4). When the judge pronounced his verdict he indicated that the learner had lost her eye, would have to undergo another operation, and would have to cope with an artificial eye for the rest of her life. The judge also stated that the learner suffered psychologically after being left with only one eye, which inevitably affected

her self-esteem and might affect her marriage prospects. The judge advised all teachers in Swaziland to comply with the Education Rules of 1977 even though they may not be very practical to comply with.

A learner's right hand was temporarily paralysed after receiving 14 strokes (Ndlela 2010:4). This was not an exceptional incident in the particular school, because the clinic in the area confirmed that learners frequently come for treatment after having been beaten by their teachers. In another instance, a principal beat the learners for their parents' failure to pay the school fees. The Minister of Education condemned the act by the principal, because obviously, the learners could not be held responsible for paying the school fees (Simelane 2011:3). Moaholi (2010:7) also referred to an incident where the learners were beaten more than 20 strokes during morning assembly, in the presence of the other learners, by the teachers who claimed that the learners were in love relationships.

These incidents give evidence to the fact that schools do not follow the legal procedures when administering corporal punishment, as set out in the Swaziland Constitution, the Education Act, Education Rules and A Guide to Schools Regulations and Procedures by the Ministry of Education (cf. ch. 1, section 1.4.1). In the light of the extent of this problem, and the high incidence of cases of corporal punishment that has been administered in an unlawful manner that have been reported, the researcher decided to investigate the extent of this problem in a number of selected schools.

1.4.3 The schools' deviation from the legal prescripts

In this section the researcher discusses the reasons for the deviation from the legal prescripts by the principals and the teachers.

On grounds of the fact that the Swaziland Constitution allows corporal punishment, the teachers tend to use it because it provides an 'easy way out'. They do not even consider other disciplinary measures. Some teachers make use of corporal punishment because it is a quick measure, and easier than using time-out, than reasoning and critical thinking to teach behavioural skills (Mattdidthat 2009:2).

Schools with many learners are more likely to use corporal punishment as a shortcut to deal with discipline. The high teacher-learner ratios often cause a deviation from the correct legal processes in managing corporal punishment, because the teacher is constantly under pressure (Hendrikz 1986:141).

Although many cases exist where corporal punishment was administered in an unlawful manner, only in a few cases the principals or teachers were held accountable for their actions by the Ministry of Education. The lack of the enforcement of the law by the Ministry of Education causes principals and teachers to continue to go beyond their legal authority in administering corporal punishment (Rooney 2011:3).

Another reason why the teachers appear to continue to use corporal punishment in an unlawful manner is because the principals apparently condone it. The conception that a principal has about corporal punishment seems to create an environment in the school that either promotes or discourages its use. The principal's view appears to influence the rest of the teachers in the school (Durojaiye 1988:106).

It would also appear that teachers sometimes administer corporal punishment as a result of stress caused by personal problems. A study in Britain found that teachers are often caught up with their own needs, such as settling into a community, family and marriage issues, and the need to upgrade their education to catch up with changing times (May 1981:98). This means that if the learners misbehave at school and the teacher has personal problems, he/she is likely to vent his/her frustration by administering corporal punishment, even if it is uncalled for.

The Biblical dictum 'spare the rod and spoil the child' is used as justification for administering punishment in the schools (The Bible, Proverbs 13:24). Sometimes teachers do not adhere to the legal procedures when they administer corporal punishment in the name of the Bible.

Having observed these deviations from the legal prescripts, the researcher concluded that the underlying reasons for these problems should be identified and

further researched. Without identifying the underlying reasons, it would be almost impossible to propose suitable solutions.

1.4.4 The reasons why it is difficult to propose solutions

It is important that possible solutions are sought to address the defiance of the schools when administering corporal punishment. The problem, however, is that the solutions have to be tailor-made for Swaziland as an African country. Finding practicable solutions is problematic.

The first factor hampering the finding of a practical solution is the inconsistencies in Swaziland's law and policies. Swaziland is a democracy with a supreme Constitution which protects and promotes fundamental rights, but the same Constitution also permits the use of corporal punishment in the schools. To complicate matters further, Swaziland ratified, and is therefore bound by the CRC and the ACRWC, in terms of which corporal punishment is to be prohibited by the member states, because it is regarded as an infringement of various human rights (United Nations 2013; African Union 2013).

The second factor that militates against finding a workable solution is the so-called 'legacy of corporal punishment', which refers to the fact that corporal punishment is common practice, and the preferred disciplinary measure in Swaziland schools. The reasons for this have to be researched in order to determine how this practice can best be changed in future. Solutions to breaking such a well-established custom will be proposed in the chapter dealing with findings and recommendations. At the same time the effective management of corporal punishment in schools, introducing a positive disciplinary approach (which is most suitable for promoting human rights) and alternative disciplinary measures have to be considered.

The third stumbling block is the fact that the parents appear to condone corporal punishment. This may be due to their upbringing and cultural customs. Changing cultural customs is notoriously difficult, as change is often perceived as a threat. However, not changing the customs could result in this problem being perpetuated in future generations. The researcher formulated recommendations in this regard,

including how society and the schools could promote humane punishment where needed, while adhering to human rights, and facilitating a positive approach to discipline among all concerned.

It is within this context that the researcher looked for solutions to the problems by aiming at answering the question:

How can the selected schools' compliance with law and policy on corporal punishment be improved?

This research question can be broken down into the following sub-questions:

- What are the legal prescripts for administering corporal punishment in Swaziland schools, and to what extent do they comply with the requirements of the CRC and ACRWC on corporal punishment in schools?
- With which of the legal prescriptions regulating the use of corporal punishment in schools do the selected schools not comply?
- What reasons do the selected schools offer for instances of non-compliance with law and policy on corporal punishment in Swaziland schools?
- What recommendations can be made to improve the compliance of the selected high schools with law and policy on corporal punishment, and to bring Swaziland's law and policy more in line with the CRC and ACRWC?

The aim and objectives of the study, which will be stated in the next section, flow from the above-mentioned research question and sub-questions.

1.5 The aim and objectives of the study

Here the researcher will focus on the aim and specific objectives of the study.

1.5.1 The aim of the study

The researcher aims to explore the laws and policies regulating the use of corporal punishment in Swaziland schools by benchmarking these against HRL, and to

investigate the compliance of selected schools in the Hhohho and Manzini districts with these legal prescriptions.

1.5.2 The objectives of the study

The specific objectives of the study are:

- to assess the laws and policies on corporal punishment in Swaziland schools;
- to determine the compliance of Swaziland's laws and policies on corporal punishment with the CRC and ACRWC;
- to investigate the extent of the non-compliance of the selected schools with the legal prescriptions on the administering of corporal punishment in the schools;
- to do research on the reasons for the non-compliance with the legal prescripts by the selected high schools; and
- to make recommendations on how to improve the compliance with the laws and policies on corporal punishment, as well as the compliance of Swaziland's laws and policies with the CRC and ACRWC.

1.6 The significance of the study

The study aims to create awareness of how the selected schools manage the administration of corporal punishment. The fact that this is a case study, it is required that there should be some benefits for the participating schools. Participation by the selected schools automatically requires them to assess the manner in which they administer corporal punishment against the legal prescripts and their individual policies.

The study also wishes to present possible solutions to the selected schools on how they can administer corporal punishment in keeping with the laws and policies. However, the researcher took this a step further by also raising the awareness in the selected schools of the fact that corporal punishment is inhumane and that alternative disciplinary measures can be used. To do that, the researcher arranged a meeting with the teachers involved in the study, and discussed the outcomes of the

research report with them. This alerted the teachers of the selected schools as to how far away from the legal prescripts, and what were the possible solutions.

The researcher likewise arranged a meeting with the Director of Education in Swaziland to present the research findings to him, and to alert the Ministry of Education on malpractices pertaining to corporal punishment by some schools in Swaziland. However, the identity of the schools was kept secret. During this meeting, the researcher emphasised the need for the Ministry of Education to extend this research and to carry out a survey on how corporal punishment is administered in all four the regions of Swaziland. The Ministry was encouraged to consider the abolishment of the use of corporal punishment in the schools.

1.7 Delimitation of the study

In the next section the researcher will analyse the important concepts, demarcate the scope of the study, and indicate the chapter divisions.

1.7.1 Conceptual analysis

This section presents the definitions of the terms and phrases that appear throughout the dissertation. These include **corporal punishment, education management, legal prescript, Hhohho and Manzini regions, human rights law** and **school principal**.

1.7.1.1 Corporal punishment

Corporal punishment refers to the physical punishment of someone by hitting him/her (Macmillan English Dictionary 2007 s.v. 'corporal punishment'). **Corporal punishment** is not defined in the education-specific laws and policies of Swaziland. The researcher thus looked at HRL for a definition and, after considering the definitions of both the CRC and ACRWC, accepted the definition of the CRC Committee as the working definition for this study.

CRC General Comment No.8 (United Nations CRC 2006, Part III par. 11) defines *corporal punishment* as

...punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (smacking, slapping, spanking) children with the hand or with an implement - whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding, or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). In the view of the committee, corporal punishment is invariably degrading. In addition, there are other non-physical punishments that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child

1.7.1.2 Education management

Education management is an interactive, interrelated process used by educationists who manage teaching and learning in schools (Van Deventer, Kruger, Van der Merwe, Prinsloo & Steyn 2003:65). On another note, Van Niekerk and Botha (2002:70) define **education management** as a process of working with and through individuals, groups and other resources, whether learners, teachers, the administrative staff, the parents, or other stakeholders, to accomplish educational goals or outcomes. The researcher adopted the latter definition in this study.

1.7.1.3 Legal prescript

The word **legal** relates to law and **prescript** means stating what should happen or what someone should do (Macmillan English Dictionary 2007, s.v. 'prescription'). In this study, **legal prescript** refers to the laws and policies that regulate the use of corporal punishment in schools in Swaziland.

1.7.1.4 Human Rights Law (HRL)

The researcher considers the CRC and ACRWC as instruments of HRL in this study. These two instruments respectively specifically address the rights of the child internationally and regionally.

1.7.1.5 The Hhohho and Manzini regions

Hhohho and Manzini are two districts in Swaziland where the cities Mbabane and Manzini are located (Dladla, Dlamini & Mabuza 2005:6). The area between the two cities is semi-urban, and extends from the Hhohho to the Manzini regions. This semi-urban area is selected as the focus area for this study.

1.7.1.6 School principal

This is the head teacher and manager of a school. The principal is responsible for the day-to-day running of the school, as well as for enforcing the overall policy within the framework as encompassed in 'A Guide to School Regulations and Procedures' (1988, par. 1).

1.7.2 Scope of the study

This research focuses on two high schools in the Hhohho and Manzini regions in Swaziland. These schools were selected because of the high incidence of reported cases of corporal punishment that has been administered in an unlawful manner in these schools. They were thus most suitable for extracting data on the reasons for their non-compliance with policies on corporal punishment.

The focus is on the use of corporal punishment, the prescribed legal procedures regulating the use of it, and on creating awareness of the legal prescripts of corporal punishment.

The participants in the study are the school principals, the deputy-principals, the guidance and counselling teachers, four teachers who use corporal punishment as a disciplinary measure, and 15 learners from each class taught by the selected teachers from each selected school. These participants were selected because it was anticipated that they would be, what McMillan and Schumacher (2006:126) call 'information rich'. They are regarded as *information-rich* because (a) the school principal is legally authorised to administer corporal punishment and is responsible for the day-to-day running of the school; (b) the guidance and counselling teacher always handles learners who report cases of abuse regarding corporal punishment;

(c) the teachers are those who illegally administer corporal punishment during lessons; and (d) the learners are the ones who are subjected to corporal punishment.

1.7.3 Chapter division

The report comprises five chapters. The first chapter deals with an overview of the study, and includes the background to the study, the motivation for the study, the problem statement, the aim and objectives of the study, the significance of the study, the delimitation of the study, and methodological account.

In Chapter 4 the researcher concentrates on the literature study, as well as the theoretical background to the study. In this chapter solutions in respect of the use of corporal punishment are discussed.

In Chapter 3 the methods used in this research are discussed. The research design, research methods, data-collection and data-analysis are discussed.

In Chapter 4 the findings are presented.

In Chapter 5 the findings are analysed, conclusions reached, and recommendations made.

1.8 Methodological account

In this section the researcher addresses the following topics, namely the research approach, research design, population and sampling, the research methods, which include the collection and analysis of the data, and interpretation methods. This section is concluded with an account of how the researcher has ensured that the study complies with the requirements of ethical research.

1.8.1 The research approach

The two research approaches used in educational research are the qualitative and the quantitative approaches. In this study the qualitative approach was employed to investigate the administering of corporal punishment in the selected schools. Qualitative research allows for insight into the perceptions, attitudes and feelings of the participants (Blauw 1998:35). This method enabled the researcher to gain insight into the perceptions, attitudes and beliefs of the participants in respect of the legal prescripts regulating the use of corporal punishment in schools. Thereby the researcher ascertained the common practices in administering corporal punishment, and the reasons for the teachers' non-compliance with the legal prescripts. The researcher sought to understand why the teachers in the selected schools administer corporal punishment the way they do. The researcher also investigated the reasons why the teachers deviate from what is prescribed by law and in the policies. To improve reliability, Stake (2013:124) suggests that researchers following a qualitative approach should use a wide range of data-collection methods. For this purpose the researcher made use of literature study, qualitative questionnaires and semi-structured interviews.

1.8.2 The research design

Considering the nature of the research problem to be studied, the multiple case study was used as a research design. Yin (2003:151) indicates that a multiple case study design "...uses the logic of replication, in which the inquirer replicates the procedures for each case". Central to this study are the selected schools that administer corporal punishment, since the problem was examined in a number of schools, and in detail. Therefore the choice of a multiple case study design was the most appropriate one for this study. The vast information enabled the researcher to identify facts on corporal punishment in the selected schools that, however, may not be generalised to all schools.

1.8.3 Population and sampling

There are seven schools, with mixed gender learners, in the area where the study was conducted. Two schools that were deemed suitable were selected. The principal, deputy-principal, guidance and counselling teacher, four teachers and one

class of each participating teacher of the two schools were selected. The two schools were deemed to be information-rich, because some of the incidents of the non-compliance with the procedures of corporal punishment occurred there. The sampled schools are also close to one another, which saved the researcher time and money. The researcher is also known to most of the staff members, including the principals of the two schools. The fact that the researcher is familiar to many of the participating staff members created an atmosphere of trust, as a complete stranger could have been perceived as a threat. As stated above, the sample consisted of four teachers at each school, who confirmed that they administer corporal punishment. The researcher selected four different classes, namely one of each participating teacher in the school. These included learners in form 1, form 3, form 4, and form 5, and can thus be deemed to be representative of each school, involving classes from the lower, middle and higher forms.

1.8.4 The research methods

In this section the methods for the data-collection and analysis, and the interpretation are discussed.

1.8.4.1 Data-collection methods

The researcher made use of a literature study, interviews and questionnaires to collect the data.

For the purposes of this study the researcher regards literature *study* as distinctive from literature *review*, e.g. *literature study* being a data-collection method and *literature review* the process of reviewing the literature available on the specific subject with the aim of determining what research has already been done, and what has already been reported on the topic.

A review of the literature was done in respect of the various perspectives on corporal punishment and the manner how other countries went about abolishing corporal punishment in their schools. Literature review is a powerful tool in gaining an insight into the research topic when conducting qualitative research (Kelly 2004:316).

Literature study was undertaken by studying the laws and policies of Swaziland regulating the use of corporal punishment in the schools, as well as books and official school documents, to gain insight into the prevailing prescripts for corporal punishment in schools. These included, specifically, the Swaziland Constitution, the Education Act, 'A Guide to Schools Regulations and Procedures' of 1988 and Education Rules of 1977, as well as the relevant articles of the CRC and ACRWC. Consulting these sources gave the researcher the framework against which the data that were collected were interpreted, the conclusions drawn and the recommendations made. Content analysis of the documents was used to determine the gap between Swaziland's laws and policies and the HRL, including CRC and ACRWC.

Semi-structured one-on-one interviews were conducted with the two school principals and two deputy-principals. The semi-structured interviews were beneficial because, as De Vos and Delpont (2005:305) indicate, they allow the researcher to obtain information that was not solicited by means of other data-collection methods (in this case, questionnaires).

The interviews elicited what the participants know about the legal prescripts regulating the use of corporal punishment in the schools, the common practices that exist with regard to the use of corporal punishment in the selected schools, and the reasons why teachers do not comply with these prescripts. The first part of the interviews was based on how corporal punishment had been administered in the past four months (January to April). The number of days in every school term does not exceed two and a half months, which forced the researcher to confine the data-collection period to two months (May and June 2013).

The questionnaires were administered to the teachers, the learners and the guidance and the counselling teacher, so that the data collected by means of the interviews could be validated and interpreted. The advantage of a questionnaire is that it requests the same information from different people, which caters for credibility and dependability. Furthermore, in questionnaires there are more

responses and a greater diversity for the same questions (McMillan & Schumacher 2006:398).

1.8.4.2 Data-analysis and methods of interpretation

McMillan and Schumacher (2006:461) indicate, “Qualitative analysis is a relative systematic process of selecting, categorising and interpreting”. Therefore, the researcher followed a systematic process by first making summaries of the interviews and the data collected by means of the questionnaires, and noting the major themes. The information collected was then coded into conceptual categories, and then analysed.

The data collected by means of the literature study, the interviews and the questionnaires were interpreted against the legal prescripts regulating the use of corporal punishment in schools in order to formulate the findings and to draw conclusions in line with the research objectives.

1.8.5 Ethical considerations

This study had the potential of making those abusing corporal punishment uneasy, because they could feel exposed. The researcher assured the principals and teachers that their identities would not be revealed. During the interviews the principals and the deputy-principals were not asked to indicate their names, and the teachers were asked not to write their names on the questionnaires.

The researcher obtained ethical clearance from the Ethical Clearance Committee of the College of Education at the University of South of South Africa (Appendix 14). The researcher further obtained permission to conduct the study from the Director of Education in Swaziland in a written letter that was handed to the principals. In addition, the proposed participants in the study were given letters requesting their written consent for their participation. In the case of under-aged learners, their parents’ written consent for their participation was also obtained. For this purpose the researcher designed a form to be signed by both the parents of the participating learners, and the participating learners themselves, seeking their consent to

participate in the research study. Care was taken to explain the content of the letters to the learners in a language that they could understand.

The matter of consent is discussed in more detail in Chapter 3. The letters and forms used to obtain the permission and consent are included in Appendices 1-13.

The researcher also tried to create a friendly relationship with the gate-keepers of the selected schools. This probably helped the rest of the participants to take part freely and willingly in this study. The researcher spent a day with the participants prior to conducting the interviews to explain the process to them in an effort to create mutual trust, and to ensure them of the anonymity of their identities in respect of the information they would provide (McMillan & Schumacher 2006:198).

For the purpose of anonymity, pseudonyms were used for both the schools and the participants. The names of the schools and the participants were only revealed to the Director of Education, because she had to write to the two schools to ask for their permission for the researcher to conduct the research.

The ethical considerations are discussed in more detail later (cf. ch. 3, section 3.5).

1.9 Conclusion

In this chapter the researcher described the background to the study, and stated the research objectives in the context of the schools' compliance with the laws and policies on corporal punishment.

The objectives of the study are further explored in the subsequent chapters, using the qualitative approach.

Chapter 2: The literature review

2.1 Introduction

In this chapter an exposition of the literature review is presented. It contains an overview of the theory and practice pertaining to corporal punishment. The literature review provides the theoretical framework as well as the findings by other researchers on topics related to this study. A literature review is useful because the information is readily available, stable and easily accessible (Johnson & Reynolds 2012:205). Johnson and Reynolds (2012:205) state that an important feature of human environments is the messages that people encode in various forms, such as in written documents that include textbooks, official records and computer printouts of school data, as well as the published data used in the review of literature. Neuman and Wehlage (1995:305) point out that, "Literature review enables researchers to understand the context of situations or settings to be open-ended and inductive, to see things that might otherwise be unconsciously missed, to discover situations, and to move beyond perception-based data". The literature provided the researcher with information on the topic and led him to the conclusion that other researchers have also been interested in it.

To put this study and the evaluation of the compliance of Swaziland's laws and policies on the use of corporal punishment in schools with HRL into perspective, the researcher identified, and will briefly discuss the major perspectives on the use of corporal punishment. These perspectives underlie the reasons why teachers use and, more often than not, abuse corporal punishment. Since the human rights perspective shaped the researcher's interpretation and evaluation of Swaziland's laws and policies, more emphasis will be placed on this perspective. The researcher also investigated the literature to determine how other countries succeeded in having the use of corporal punishment abolished in their schools, in getting their countries to comply with their obligations under HRL, in ensuring adherence to laws and policies, and in introducing the educators to more positive alternatives to corporal punishment.

2.2 Perspectives on corporal punishment

Different perspectives exist that inform the interpretation of corporal punishment within the community of Swaziland. The religious, cultural and human rights perspectives are the most prevalent ones. This discussion will, however, not be confined to these three perspectives only; it will also include the psychological and criminological perspectives on the use of corporal punishment. Consequently, the focus will be on how these perspectives influence the interpretation of corporal punishment and the laws of the country.

2.2.1 The religious perspective

The religious groups in Swaziland advocate both for and against corporal punishment. There are three major Christian organisations in Swaziland to which all the Christian churches are affiliated, namely the Swaziland Council of Churches, the Swaziland Conference of Churches and the Swaziland League of Churches. However, not all these organisations have been engaged in promoting the prohibition of corporal punishment (United States Department of State 2011:2). The United States Department of State (2011:2) indicates, “The strong support for the use of corporal punishment by religious groups is a major obstacle to change in most countries”. The researcher has chosen to confine himself to Christian beliefs and customs in the discussion, even though the Swaziland Constitution provides for freedom of religion. The other religious affiliations appear to be insignificant in terms of numbers for this study. The other religions represent only approximately 3% of the Swaziland population (African Safari Travel 2011:1).

Many Christian groups not only support the use of physical violence to control or teach children, but actively advocate that it has be administered to the children as a measure of correcting their misbehaviour. For example, it has been noted that among some of the radical forms of Christianity, it is believed that children come into the world sinful, and their sins have to be systematically eradicated by the use of corporal punishment (The African Child Policy Forum 2008:11). Protestant Fundamentalists interpret certain passages of the Bible as literal statements of support for corporal punishment and believe that these statements are to be

accepted as instructions from God that must not be challenged (Anon 2003:12). It is further argued that children in church-related education and orthodox Christian schools are most likely to be subjected to corporal punishment (Anon 2003:12). The support for corporal punishment by the church makes it difficult to change the people's mind-set against corporal punishment.

Ellison and Sherkat (1993:1) state, "The belief in the literal truth of the Bible contributes to the tendency of some Christians to support corporal punishment and to perceive it as a command from God". Some of the Bible verses in the Old Testament that advocate the use of corporal punishment, claim that if you beat a child with a rod, he will not die, but you will save his soul (The Bible, Proverbs 3:11-12; 13:24; 19:18; 20:30; 22:15; 23:13-14).

Since most people in Swaziland believe that the Bible contains the command from God, it has an influence on their understanding of corporal punishment. The Christian pro-advocates have indicated that the use of corporal punishment in the upbringing of children is essential to their faith, and that parents delegate to the schools the authority to train the children in line with the prescriptions contained in the Bible. Most schools in Swaziland pray and preach the principles of the Bible to the learners and teachers during morning assembly.

It is said that

...some theologians criticise the translation and common interpretation of ancient texts such as those contained in the Old Testament of the Christian Bible, and recognise the necessity of modern, rights-based interpretations of these texts, similar to the interpretation of the role and place of women in the family and society (The African Child Policy Forum 2008:11)

Seen in this light, justifying the corporal punishment of children through Biblical texts is in conflict with the human rights approach, because it constitutes an infringement of the child's rights.

Although the Old Testament of the Bible supports the use of corporal punishment, some people believe that the New Testament is against corporal punishment. There are no words by Jesus recommending the use of corporal punishment on children, or subjugating them (Swan 2004:2). The Bible states that children should honour their

parents, and it also mentions that parents should not anger or discourage their children (The Bible, Ephesians 6:2-4, Colossians 3:20). Anti-corporal punishment advocates have expressed the view that

...some religious groups have made corporal punishment a ritual in which the parent becomes emotionally detached and irresponsible on the assumption that the Bible is God's command (Swan 2004:5)

The people who advocate corporal punishment can be criticised that they rarely talk about the views of Jesus in respect of children (Churches' Network for Non-violence 2011:37). Swan (2004:5) refers to studies that found that people who literally believe the entire Bible have more unrealistic expectations of children and less empathy toward the children's needs than non-literalist Christians.

The love for children may lead us to desist from administering corporal punishment to children. Children can be disciplined without violence that instils fear and misery (Archbishop Tutu, in The African Policy Forum 2008:11). He suggests that church communities work together with other organisations to promote the ending of all forms of violence against children. In a meeting attended by delegates from non-governmental organisations in Southern Africa, the participants advocated the abolishment of corporal punishment by resolving the following (Waterhouse 2006:3), namely

- there must be strategies to address and respond to the religious lobby in favour of the corporal punishment of children;
- different religious communities under the umbrella of peace must call for the governments to prohibit all forms of violence against children, including corporal punishment. They should also be committed to work actively in their communities to change the attitudes and practices that perpetuate violence, including corporal punishment.

2.2.2 The cultural perspective

People's cultural perspectives influence their mind-sets with regard to corporal punishment. Thus, the researcher has chosen to include a discussion of this perspective.

Most cultures claim that the use of physical discipline is an appropriate way to raise a child (Gamer 2011:2). This can be taken further to the extent that it is imperative to involve traditional leaders who would take a stand on the issue of corporal

punishment and, while nonetheless promoting traditional systems, support non-violent and positive discipline for children (Waterhouse 2006:5). Waterhouse (2006:5) refers to historical studies that have shown that using physical punishment as a form of control was introduced into African societies during the colonial period and has since then seemed to have become a part of the African culture. Swaziland has held onto this method of discipline, both at school and at home, even after four decades of independence from Britain.

In communities where corporal punishment is used in the home, there is little follow-up with schools and the parents therefore seem to approve of the use of corporal punishment at school (Gamer 2011:3). The fact that parents condone the use of corporal punishment, leads the teachers to administer it as they please, and without fear that the parents will take action when they overstep their boundaries. The traditional mind-set that corporal punishment helps the learners to study and behave well, and assists the teachers in maintaining authority in class, is not true; instead according to Wasef (2011:14), violence against learners triggers more violence among them, creates a grudge against the teachers and the school, and causes the learners to challenge the teachers.

It is difficult for individuals to discard certain cultural norms that have been acquired because culture affects both cognition and conduct (Renteln 2010:256). Some teachers depend heavily on corporal punishment to maintain discipline in the schools because of their cultural background. To many teachers, corporal punishment is the only way of maintaining discipline, because they have not been adequately trained to deal with disciplinary issues (Abdel Aziz 2005:15). The teachers believe that corporal punishment is the most effective way to discipline the learners, and that the parents authorise its use by the teachers (Mweru 2010:254). Corporal punishment is a cultural practice as well as a lawful practice in Swaziland. As indicated in the section (Swaziland 1997, par. 11; Swaziland Constitution 2005, s 29(2); Swaziland 1982, s 11) on Swaziland's laws and policies regulating corporal punishment in schools (cf. ch. 2, section 2.3.4), corporal punishment is legal in Swaziland. It is evident that the teachers are not equipped to discipline the learners by any means other than by corporal punishment (Moussa & Al Ayesh, in Wasef 2011:15).

According to Swaziland's culture, corporal punishment may be administered on a misbehaving child. However, ACRWC, Article 1, indicates that "...any custom, tradition, and cultural or religious practice that is inconsistent with the rights, duties and obligations of the Charter should be discouraged to the extent of the inconsistency" (OAU 1999). This indicates that the cultural and moral values of the Swazi people are in conflict with the ACRWC, and this anomaly needs to be revised.

Most of the traditional people in Swaziland are of the view that the best way to raise a child is by means of the use of corporal punishment. For example, during a Swazi cultural ceremony for maidens (12-21 years of age) held at the Royal Palace in Swaziland, the overseer of the ceremony beat the princess and her friends attending the ceremony with a stick for misbehaving (Mthethwa 2005:2). The headman of the Royal Palace supported the overseer's action, saying it was his responsibility to punish the maidens, or anyone who intended to disrupt the function (Mthethwa 2005:3). A brother of the Swazi King also agreed that it was appropriate to use corporal punishment (Mthethwa 2005:3). These two traditional leaders are very influential in the lives of the Swazi people, and their support of corporal punishment impacts on the society's view of corporal punishment. Renteln (2010:256) made mention of ordinary Swazi people who criticised the overseer's actions, because his actions constitutes a violation of the children's rights. Comments of this nature demonstrate the fact that some Swazis understand the issues pertaining to human rights with regard to corporal punishment.

Since corporal punishment is an accepted practice for most Swazis, to minimise its use will remain difficult. Adults hold the belief that they are successful because they were beaten as children and, as a result, they hope that beating their children will yield the same effect (Flacherty, et al. 2005:23). The teachers also believe that since they were beaten by their teachers, they have to do the same to the learners. Yet, there are many examples of people who succeeded without being beaten. The parents and the teachers who are accustomed to beating children for misbehaving believe that it is the only way to discipline a child (Franks 2009:9). Some non-governmental organisations have advocated for positive methods of discipline so that corporal punishment may become socially unacceptable. This is difficult for the teachers who are used to corporal punishment as a traditional disciplinary measure.

Hundred and seventeen countries, amongst others South Africa, have banned the use of corporal punishment in schools, although schools still administer it (Global Initiative to End Corporal Punishment of Children 2012:3). Morrell (2011:2) found that

...the absence of alternatives, the legacy of authoritarian education practices and the belief that corporal punishment is necessary for orderly education to take place, are some of the reasons that have been raised to justify continued corporal punishment in Durban schools, even after its ban.

The Swaziland government may want to take note of the power of cultural influences and how it could hamper the implementation of law and policy prohibiting corporal punishment in schools.

It is clear from the above discussion that culture and tradition have an influence on the way people interpret the use of corporal punishment.

The next section will concentrate on the human rights perspective.

2.2.3 The human rights perspective

The government has the responsibility to protect the rights of all the people, including the learners. Section 61(c) of the Swaziland Constitution indicates that since the government has ratified the CRC, it implies that the Swaziland government should move towards complying with it. The CRC Committee called for the elimination of laws allowing for reasonable or moderate chastisement as a method of correcting behaviour. The first step in banning corporal punishment is to abolish all the laws allowing reasonable chastisement, or other equivalent punishments (Franks 2009:10). The legal banning of corporal punishment promotes the respect of the child's rights in a school. The respect for someone's human rights is important to his/her existence. According to Coetzee (2010:482), the teachers in South Africa (and one can add, all countries which have ratified HRL instruments) have the mandate to respect a person's human rights as prescribed by HRL. Until now, Swaziland schools have had little or no respect for children's rights with regard to corporal punishment, despite the fact that observing children's rights inculcates the recognition of human rights in future generations. Good behaviour from learners is a

result of the good behaviour modelled by the teachers themselves. Positive discipline is advocated in schools because it instils a sense of responsibility in every individual. It is believed that children learn more through co-operation and by rewards than by conflict and punishment (Coetzee 2010:480).

In light of HRL, corporal punishment should not form part of the disciplinary methods in schools, because it is regarded as abuse. Coetzee (2010:478) states that,

Educators are agents of change and they have a mandate to change schools and classrooms into places where human rights are respected and taken into consideration when discretionary powers are exercised.

The teachers are therefore responsible for ensuring that their learners' human rights are respected in the schools by adopting a positive approach to discipline.

The use of alternative methods of disciplining a child to corporal punishment may do away with the need to rely on corporal punishment, since it is held to be against the law the Human Rights Law. Swaziland has not yet incorporated positive discipline in its cultural practices, which leads to the Swazi people continuing to implement corporal punishment. The advocacy strategy on positive disciplinary principles that respect children's rights should be incorporated into the cultural practices to deal with the resistance to change based on cultural practices (Waterhouse 2006:4). It is obvious that the clause that legalises corporal punishment in the Swaziland Constitution allows the teachers and the parents to administer corporal punishment without considering alternative measures. Alternative methods of disciplining learners other than by means of corporal punishment are the ones that uphold and promote the children's rights. It is believed that following a positive disciplinary approach at classroom level can address the problem of corporal punishment (Porteus, Vally & Ruth 2001:29).

Pro-corporal punishment advocates believe that corporal punishment should be used properly in a guided manner because they believe that this kind of punishment affords the child the right to behave properly, so that he or she may do well later in life (Miller 1980:55).

They hold the view that corporal punishment is proper when

- it conforms with the statutory enactments;
- it is for the purpose of correction without malice;
- the learner knows where he/she has erred, and is thus aware of the reason for the punishment;
- it is not cruel or excessive, and leaves no permanent physical mark or injury;
- it is suited to the age and sex of the learner;
- it is administered in the learner-teacher relationship; and
- it is used as a last resort.

Anti-corporal punishment advocates, such as Salam (2011), Guepet (in Wasef 2011) and Chiang (2009) emphasise the important role of the principal, the need to communicate and involve the parents in disciplinary matters, and the importance of promoting the children's rights relating to discipline, in deterring the use of corporal punishment. Salam (2011:4) argues that a principal who is inconsistent by being too lenient with some learners or too strict with others, could actually cause misbehaviour and trigger violence among the learners. Guepet (in Wasef 2011:14) contends that the principals who communicate with and involve the parents in disciplinary matters have less need for corporal punishment than those who do not incorporate the parents in learner discipline. The principals can discourage the use of corporal punishment by observing and promoting the children's rights in relation to discipline in their schools (Chiang 2009:8). The above authors support the notion that a school well-managed by the principal avoids the use of corporal punishment. The Ministry of Education is seemingly starting to move in the right direction, because it is encouraging the principals to empower the teachers with the skills to discipline learners without using corporal punishment (Dlamini 2010:4).

The efforts of the advocates of corporal punishment must encourage the prohibition of humiliating punishment, along with physical punishment. Corporal punishment instils fear in a person, and retards progress because children tend to be reluctant in expressing themselves freely (Nkonde, in Mulenga 2007:2).

In order to afford children equal protection against cruel, humiliating and degrading punishment, corporal punishment must be banned from all spheres of the children's lives, as the CRC and ACRWC require. All children have rights, as is indicated in HRL instruments such as the CRC and ACRWC. The teachers who administer corporal punishment ignore the fact that children are autonomous and have just as much rights as adults do. Swaziland's report to the Committee on the Rights of the Child pointed out that the learners in the schools should be allowed to have debates with other learners to express their views on matters affecting them and the social, economic and environmental problems relating to them. Swaziland should be seen living up to its words to adhere to both CRC and ACRWC (Swaziland 2006, par. 173).

Those who are against corporal punishment believe that the learners should develop self-discipline rather than rely on the teachers to instil a change of behaviour by the use of a stick.

The ACRWC (OAU 1999)

- called on countries in all continents for a clear prohibition of all forms of corporal punishment, coupled with education campaigns on positive discipline to support parents, teachers and others;
- urged States Parties to prohibit all forms of violence against children, in all settings;
- viewed corporal punishment as invariably degrading, and also recognised that there are other non-physical forms of punishment, which are also cruel and degrading and thus incompatible with the Convention. These include punishment which belittles, humiliates, degrades, threatens, scares or ridicules the child.

Some African countries such as Botswana, Lesotho and Swaziland have persistently allowed corporal punishment, both at school and in the home, despite the call to have it outlawed by the CRC and ACRWC. The African Child Policy Forum (2008:1) reported to the African Committee of Experts as follows:

Most of the African countries permit the use of corporal punishment at home and schools despite various calls made by United Nations Committee on the Rights of the Child as well as the recent United Nations Study on Violence Against Children calling for an outright ban of all forms of corporal and humiliating punishment of children, as this amounts to a violation of the children's human rights to physical integrity, human dignity, equality and their right to be protected from all forms of violence. The Rights of the Child Committee has further stressed that both legislative and educational measures are needed to change the attitudes and practice. The ACRWC has made

provisions that are intended to ensure the right to the respect for the dignity and physical integrity of the African child.

Beating learners to a point of injury or death is unacceptable (Global Initiative to End all Corporal Punishment of Children 2008:4). It is further argued that such punishment does not promote respect for human dignity, and results in humiliation, serious injury, or even death. This practice continues unchallenged in Swaziland, since the learners are afraid to report teachers for such abuse, mostly because their parents are in favour of the teachers using corporal punishment (Mthetwa 2005:3).

In South Africa many cases of the physical abuse of children arose from situations where corporal punishment was administered (Franks 2009:10). This is also true in Swaziland, because different reports in the Swaziland media reveal that teachers abuse learners while using corporal punishment. The Swaziland Constitution and the Education Act, as well as the Education Rules, do not indicate the meaning of *moderate chastisement*, as indicated in section 4.2.1 of this study. This is why it is difficult to measure whether the corporal punishment used by teachers constitute moderate chastisement.

As stated earlier in the introduction, there is also a psychological perspective on corporal punishment, which will be dealt with in the next section.

2.2.4 The psychological perspective

As in the case of the religious perspective, the psychological perspective is used to both defend and criticise the use of corporal punishment by pro-corporal and anti-corporal punishment advocates respectively.

The pro-corporal punishment advocates hold the view that corporal punishment is used for the good of the learner (Churches' Network for Non-violence 2011:20). Psychologists believe that given the background of the learners, the failure by the teacher to use corporal punishment in aggravated situations may reinforce the learner's negative perception of the teacher, the school and society (Miller 1980:200). In this case, then, corporal punishment is used as a means to control the

behaviour of the learners since they are perceived as incapable of doing well without being punished.

The anti-corporal punishment advocates argue that corporal punishment negatively affects the relationships between the teachers and the learners. It is argued that physical punishment erodes the bonds between teachers and learners (Primary Prevention Committee of the Health Coalition on Violence 2003:7). Those include a decrease in internalisation, the quality of parent-child relationships, and mental health. In The Harvard Mental Health Letter (in Cicognani 2005:5) it is stated that studies show that children who are spanked have less trusting and affectionate relationships with their parents, and feel less remorse about their misbehaviour, as opposed to being sorry that they were caught.

Corporal punishment may cause emotional distress in learners, which should not be underestimated (Ander 2002:10). Physical punishment causes fear, anxiety, humiliation, and even anger in learners (Ander 2002:10; The Primary Prevention Committee of the Health Coalition on Violence 2003:7). Corporal punishment reinforces rebellion, resistance, revenge and resentment (UNICEF Asian Report 2001:14). The use of corporal punishment may yield child aggression, delinquency, anti-social behaviour, the risk of becoming a victim of child abuse, adult aggression, adult criminal and anti-social behaviour, or the risk of becoming an abuser him or herself (Owen 2005:87).

Adolescents who have been subjected to harsh corporal punishment often suffer from depression and distress (UNICEF Asian Report 2001:14). The experience of corporal punishment in schools is a traumatic one for children, and the symptoms experienced as a result are comparable to symptoms of post-traumatic stress disorder (Hyman 1997:2). It is also argued that corporal punishment decreases the learners' motivation, and increases anxiety (Strauss 2009:4).

Very often learners who experience the psychological abuse of corporal punishment tend to suffer from sleep disturbances, including the appearance or re-appearance of bedwetting, nightmares, sleep-walking, and fear of falling asleep in a darkened room (Hyman 1997:3).

Corporal punishment may affect the cognitive development, which eventually impacts on the academic achievement of the learners (Strauss 2009:4). It is believed that there is a relationship between academic achievement and success later in adult life. It indicates that corporal punishment early in life influences the cognitive development or internalisation (Owen 2005:87). The continuous use of corporal punishment promotes the absenteeism of learners from school because they experience the school environment as unsafe (Harvard Mental Health Letter, in Cicognani 2005:5).

2.2.5 The criminological perspective

Societies that respect the premise of HRL that beating learners in the name of corporal punishment is a crime, would likely support the notion that such cases should be prosecuted in a court of law as assault (Niolon 2010:4). So few studies accurately differentiate between abusive and non-abusive corporal punishment, for example between an open-handed smack on the butt or hand, and a closed fist to the face or chest, that it is hard to draw conclusions about merely spanking as opposed to abuse (Niolon 2010:4). However, the HRL classifies both an open-hand smack on the butt and a closed fist to the face or chest as abuse. UNICEF's Asian Report (2001:15) makes mention of both minor and severe injuries that resulted from corporal punishment, such as bruises, swelling, large cuts, broken fingers and even death. In the same Report reference is made to learners who committed suicide because of the frequency of corporal punishment. This confirms that the use of corporal punishment in any community that upholds the rights of people should be criminalised. It is obvious that, according to the HRL, corporal punishment is assault, infringes on the child's human dignity and physical integrity.

It is unfortunate that the Constitution of Swaziland legalises corporal punishment, which is regarded as a crime by the HRL. However, teachers who do not adhere to the corporal punishment procedures that are stipulated in the Education Act could still be prosecuted for assault. One could argue that schools that prohibit corporal punishment in their school policies are eradicating the crime against children.

2.3 Finding solutions to corporal punishment abuse

It may be possible to find solutions towards corporal punishment abuse from the way both former colonial countries and other African countries did, which could pave the way for Swaziland to move towards the abolishment of corporal punishment in schools to comply with HRL.

Swaziland obtained her independence from England about four decades ago. Despite that, there are still signs of the education system adopted from England. The researcher deliberates on corporal punishment in overseas and African countries in the next discussion, to portray the corporal punishment situation in different countries. In this section the researcher discusses how overseas countries, including England and some African countries, mapped their way towards the abolition of corporal punishment. This discussion serves merely to highlight the situation regarding corporal punishment in a number of countries without going into too much detail, and will focus on how these countries comply with the stipulations in HRL. The researcher is of the opinion that these ideas can be of great use in respect of the situation in Swaziland. In the data presentation in Chapter 4, corporal punishment challenges faced by Swaziland will be discussed with a view to address them.

2.3.1 Campaigns in the world against corporal punishment

It is critical to maintain the pressure on the governments to fulfil their international commitments to eradicate child abuse (Waterhouse 2006:4). The campaigns by various local and international organisations for the abolishment of corporal punishment proved to be important.

Different organisations in the United Kingdom launched campaigns against the use of corporal punishment. In England, organisations such as the National Union of School Students, the National Union of Teachers and several local authorities who are predominantly controlled by the labour movement, participated in these campaigns (Farrell 2010:7). These campaigns aimed at promoting the rights of children to be protected against all forms of physical violence as guaranteed in

Article 19 of the CRC, mounted pressure on the government and those who were in favour of corporal punishment (Farrell 2010:7).

Similarly, in Kenya, corporal punishment was abolished in 2001 after various local organisations, the media and international organisations campaigned for its prohibition (McIvor 2005:15). Currently, there are organisations in Swaziland that advocate against corporal punishment, among them the Swaziland Action Against Abuse, and Save the Children. These non-governmental organisations may be able to influence the public opinion in favour of banning corporal punishment in Swaziland, and putting pressure on the government of Swaziland to comply with the CRC and ACRWC.

Different workshops held in the African region revealed that corporal punishment is administered outside the legal scope by a number of teachers in African schools. The reports from the participants indicated that in some countries corporal punishment was allowed in the schools, and where it was permitted, it was regulated. Swaziland is among the countries where corporal punishment is legal in schools. The participants in the workshops indicated that there existed a widespread practice of the humiliating and degrading forms of punishment of children, both in schools and within the family settings (cf. ch. 4, section 4.2.2.1). It also transpired that it was still commonly practised by the teachers, and regulations were not being observed or enforced in the schools, as is the case in Swaziland schools. There appears to be a lack of appropriate sanction against defaulting teachers by the school management. Country representatives of African countries who participated in these workshops indicated that, in spite of the fact that the legal status in respect of corporal punishment in these countries differed, the practice was relatively consistent in the homes, schools and places of care for children in all these countries (cf. ch. 4, section 4.2.2.1).

The lack of information on the content of the legal reform, a lack of awareness-raising and support programmes to assist teachers in developing alternative methods of discipline, and continued support by teachers of the use of corporal punishment in schools seem to be the cause of corporal punishment abuse (Shaukat

2013:3). He (2013:3) states that workshops in the African region have recommended that corporal punishment should be abolished. It was recommended that opportunities for advocacy and reform in those countries represented include participation in on-going law reform processes regarding children's legislation in Mozambique, Swaziland and South Africa, as well as building coalitions for advocacy and working with opposition parties and key government departments in some countries. The need to engage in capacity-building within schools to improve classroom management and positive discipline, especially in South Africa and Swaziland, was also emphasised.

2.3.2 Dealing with the belief in corporal punishment

Some countries abroad have abolished corporal punishment. In 2007 New Zealand, Venezuela and Uruguay joined the countries that prohibited corporal punishment, while Costa Rica passed a law in 2008 to ban corporal punishment (The African Child Policy Forum 2008:5). Countries such as Kenya and Southern Sudan abolished corporal punishment in 2010 (African Union 2013). These countries may be exemplary for Swaziland in the procedures they followed when banning corporal punishment. In Swaziland the Ministry of Education installed a toll-free number at its offices for learners to report abuse, both physically and sexually, which demonstrates that the Swaziland authorities are aware that corporal punishment is a problem that needs to be addressed.

It is undisputed that there are religious and cultural obstacles to the abolition of corporal punishment in African countries (Waterhouse 2006:1). The religious leaders are not only to be engaged as participants in advocacy strategies, but they are also the targets of these strategies. Maintaining the support of traditional leaders is imperative to the advocacy of the prohibition of corporal punishment (Waterhouse 2006:1). As mentioned previously, in Swaziland there are three major religious organisations, namely the Swaziland Council of Churches, the Swaziland League of Churches and the Swaziland Conference of Churches, which are stakeholders that may be involved in the advocacy against the corporal punishment of children.

In some African countries corporal punishment has been abolished in schools, although it is still legal at home in all the African countries, for example Botswana and Kenya (African Union 2013). In some former British colonies in Africa, such as Swaziland, Zimbabwe and Botswana corporal punishment is still legal in schools. This would appear to confirm why the people of Swaziland are also resistant to abolish the use of corporal punishment in schools, if there are some British colonies that still recognise the use of corporal punishment. It is imperative that Swaziland takes into account the decision that has been taken by the countries that abolished corporal punishment.

If the majority of the people in a country condemn the use of corporal punishment as a form of correcting behaviour, it becomes easier to outlaw it. In the United Kingdom studies revealed that most parents do not recognise corporal punishment as a proper way to discipline children (Bunting, Webb & Healy 2010:363). Apart from the United Kingdom, Canadian and Swedish parents do not view physical punishment as an optimum method of managing children's behaviour, which creates a good climate for the enforcement of the law prohibiting corporal punishment, as indicated by Bunting et al. (2010:363).

2.3.3 Corporal punishment and the legal debates

As mentioned earlier, Swaziland still accommodates corporal punishment in its laws and policies. This infringes on the rights of children as autonomous people, and not the possessions of adults (cf. ch. 4, section 4.2.2). The first step in abolishing corporal punishment is banning it in the public sphere (Hammarburg 2006:10). The review of existing legislation to ensure effective prohibition of all corporal punishment is imperative. Countries that have prohibited corporal punishment first prohibited it in the public sphere of a child's life such as at school (The African Child Policy Forum 2008:5).

England abolished corporal punishment in schools after a lengthy parliamentary debate and several court cases (Crocker & Pete 2009:224). In England people were at first resistant to the abolishment because it seemed to be the only method they knew to maintain discipline (Farrell 2010:11), as is the case currently in Swaziland.

Some Christian private schools in England fought against the banning of corporal punishment, but without success (Waterhouse 2006:3). Corporal punishment ban was brought about by an incident, such as the case of a boy who was killed by a school master (Waterhouse 2006:3). These events mobilised the public opinion, namely to call for the abolishment of corporal punishment.

The prohibition and criminalisation of corporal punishment, however, did not go uncontested in England. Ever since corporal punishment has been abolished in Britain, some parents who felt that discipline deteriorated, are sending their children to secondary schools in the African or Caribbean countries, where corporal punishment is still legal in the schools (Farrell 2010:10). There is a tendency to ascribe, after corporal punishment is prohibited in schools, all disciplinary problems and poor academic performance to its prohibition (Davis 2003:4). Swaziland faces a similar challenge in dealing with the mind-set of its people to comply with HRL with regard to corporal punishment. However, Sw2be (2011:2) states that experts and politicians in Britain strongly believe that the abolition of corporal punishment is the correct decision, because it is in line with the HRL.

Sweden was the first country to explicitly outlaw corporal punishment, both in public institutions and at home (Durrant 1996:55; McIvor 2005:15). The reason for its banning was, namely, to give the children the same protection as the adults in cases of assault (Durrant 1996:56). It is different in Swaziland because corporal punishment is not regarded as assault when administered in terms of the law (Swaziland 2005, s 29(2), Swaziland 1977, par. 11). This is why most learners do not report cases where corporal punishment is administered outside the legal scope in Swaziland.

Criminalising the use of corporal punishment makes it easier to protect children's rights. Since the British government has enacted law that criminalised corporal punishment, the parents can take teachers who beat the learners to court (Farrell 2010:5). In the case *R v Secretary for England Employment* (case no. 24678/04 par. 8), the judge ruled in favour of the state, arguing that the law is against the use of corporal punishment because the use, as such, is prohibited; the child and his/her

parents do not have to prove that the corporal punishment was excessive. A case of this kind provides the scenario that portrays the protection of children's rights if corporal punishment is criminalised.

- The African countries that took the giant step to abolish the use of corporal punishment in schools in the past years cited that they wanted to be in line with HRL. South Africa, like Kenya and Southern Sudan, aligned the abolishment of corporal punishment with the HRL. South Africa outlawed corporal punishment in schools by means of the South African Schools Act, 84 of 1996, and the Children's Act, 38 of 2005, and cited the following reasons (South Africa 1996 & 2005): South Africa is a signatory to the CRC, which compels it to pass laws and take social, educational and administrative 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.
- The ACRWC commits its member countries to the same measures and adds that they take steps to ensure that a child who is subjected to school or parental discipline shall be treated with humanity and respect of the inherent dignity of the child.
- Section 12 of the South African Constitution states that everyone has the right not to be treated or punished in a cruel, inhuman or degrading way.

In Southern Sudan the Child Act no.10 was promulgated in 2009 which prohibits corporal punishment in all settings, including in the family and public institutions (Franks 2009:10).

The Kenyan government aimed at complying with the CRC and ACRWC, which signed and ratified by the Kenyan government (Mweru 2010:255). Swaziland signed and ratified the CRC and the ACRWC (cf. ch. 1, section 1.4.4), which means that the Swaziland government should be in a process of complying with these two HRL instruments. It is unfortunate that even the Children Protection and Welfare Act, 6 of 2012 (Swaziland 2012) does not prohibit the use of corporal punishment (cf. ch. 5, section 5.2.1.2).

2.3.4 Corporal punishment and children's rights

Dealing with the prohibition of corporal punishment in Swaziland is a challenge when people still believe in using it for disciplinary purposes, both in the schools and at home. Organisations in some countries of the world have proposed ways to deal with corporal punishment in order to comply with HRL. The Inter-American Commission's report on the corporal punishment of children and adolescents (Robertson 2009:4) advocates that the States should prohibit and eliminate all forms of the corporal punishment of children, and that specific actions be taken to ensure the realisation and protection of children's and adolescents' human rights. The States have the obligation to prohibit the use of corporal punishment as a way of disciplining children and adolescents in public institutions. The States were to create a mechanism for punishing and preventing acts of violence against children and adolescents. The Inter-American Commission Report (Robertson 2009:7) recommends the following guidelines to abolish corporal punishment, namely

- repealing the provisions that explicitly authorise the corporal punishment of children under the age of 18 years;
- the adoption of provisions that explicitly prohibit corporal punishment;
- educate adults caring for children on the rights of children, the protection mechanisms available and non-violent disciplinary measures.

The argument above maps a route towards the banning of corporal punishment in different countries of the world, including in Swaziland. The abolition of corporal punishment ensures that human rights are respected.

Effective enforcement of the law to deal with corporal punishment is imperative.

2.3.5 Alternatives to corporal punishment

The training of teachers on alternatives to corporal punishment is vital if the abolishment of it is to work (cf. ch. 2, section 2.3). The South African Department of Basic Education devoted its effort to train teachers on alternatives to corporal punishment, since the teachers were complaining that their government did not train them on how to deal with discipline in schools after having abolished corporal punishment (Crocker & Pete 2009:238). When corporal punishment was prohibited in schools in South Africa by means of the Schools Act 84 of 1996, the teachers

faced challenges in maintaining discipline, because they depended on corporal punishment to maintain discipline (Cicognani 2005:11). Similarly, teachers in Swaziland also rely heavily on corporal punishment and are thus not comfortable with the proposed abolishment of corporal punishment by non-governmental organisations.

It means that for corporal punishment to be phased out, it is also important to consider the same is done at home, because if the children receive corporal punishment at home it would be difficult for the teachers to control the learners' behaviour without corporal punishment. This measure will ensure the successful prohibition of corporal punishment in schools (Morrell 2001:10).

Still on the point of alternatives to corporal punishment, workshops and seminars should be held on how to deal with learners' misbehaviour without using corporal punishment. Research undertaken by Barnen (2002:2) in Ethiopia showed that more than 90% of the participant learners were punished by their teachers by means of corporal punishment. Although 70% of the teachers were aware of the negative effects of corporal punishment, 50% of the teachers involved in the research did not believe in the effectiveness of corporal punishment, and 80% indicated their eagerness to attend workshops on alternative disciplinary measures. In view of the prohibition of corporal punishment in Ethiopia, workshops to attend to these matters were organised over a period of three years, and a follow-up study was undertaken to assess the impact they had. It was found that the level of corporal punishment had drastically declined in the schools.

This section briefly outlined how countries abroad, especially in England and some African countries that abolished corporal punishment, mapped their way towards the banning of corporal punishment in compliance with the HRL.

2.4 Conclusion

The information discussed in this chapter shed some light on how corporal punishment is interpreted by society in general and, more importantly, the people of Swaziland, specifically. This information was researched to illustrate how it affects

the way in which the values of the society influence the use of corporal punishment in Swaziland schools. The different notions on corporal punishment were discussed with regard to HRL. The researcher briefly discussed corporal punishment in different countries of the world, and how these countries mapped their way towards complying with HRL on corporal punishment.

In the next chapter the researcher will discuss the methods used to conduct the study.

Chapter 3: Methodological account

The methodological account includes discussions on the research approach and design, sampling and population, the data-collection methods, the analysis, and the interpretation of the data.

3.1 The research approach

As mentioned before, there are two major research approaches, namely the quantitative and the qualitative approach. In this study the qualitative approach was used. To ensure a clear understanding of this approach, the researcher briefly explained its characteristics.

Qualitative research allows the researcher to study a group of individuals who have had similar experiences but who may not be interacting with one another (Hansraj 2007:39). The qualitative approach was judged to be appropriate for this study, since the participating teachers and learners who were not necessarily interacting with one another, indicated that they experienced the same problems in respect of corporal punishment.

Daniel (2011:10) points out that qualitative research

- encourages individuals to expand their responses when given topic not initially deliberated. Moreover, it stimulates individual experiences by creating pictures to express feelings and emotions;
- not only help provide explanations of complex phenomena, but are also beneficial in evolving or creating conceptual bases or theories, and in recommending hypotheses to explain the phenomena;
- provides detail information in regards to data analysis, which provide unbiased and reliable information;
- experiments also are beneficial for analyzing the results obtained after a series of experiments;
- structure is designed with the aim of finalizing scientific findings through a systematic order, and is standard across all scientific disciplines.

The teachers had the opportunity to give their views on how children's rights can be observed and promoted, and how disciplinary measures other than corporal

punishment may be used, without compromising the standard of discipline in the schools. In this study contextualisation was important because the researcher studied the participants' day-to-day lives in respect of corporal punishment, in each school.

In a qualitative study, a researcher is allowed the flexibility to explore unanticipated topics of importance as they are discovered (Madrigal & McClain 2012:5). This was ideal in this study because the interviewees were encouraged to use the siSwati language to express themselves where necessary. Some of the participants could come up with valuable information that was not provided for by a specific question which was not originally included in the pilot study, but was later added when it became clear that it may have an impact on the study (cf. ch. 3, section 3.4.2).

Qualitative research attempts to capture the sense of what occurred by providing descriptions that are sufficiently detailed to transport readers to the investigation that took place (Malan 2001:34). The researcher described everything that transpired during the collection of the data.

After having discussed the research approach to be used in this study, it is imperative that the researcher discusses the research design next.

3.2 The research design

A multiple case study design was employed in this study where two schools were chosen as the cases.

Stake (2013:5) indicates that,

In multi-case study research, the single case is of interest because it belongs to a particular collection of cases. The individual cases share a common characteristic or condition. The cases in the collection are somehow categorically bound together.

Miles and Huberman (1994:89) point out the following in respect of multiple case studies:

This type of study involved collecting and analysing data from several cases and may be distinguished from the single case study that may have sub-units or sub-cases

embedded within (such as students within a school). By looking at a range of similar and contrasting cases, we can strengthen the precision, the validity and the stability of the findings.

Case studies allow the researcher to probe beneath the surface of the situation into the meaning of the situation being studied (Zach 2006:2). Yin (2012:182) defines a *study* as a careful study of some unit that attempts to determine what factors led to its success or failure. This study attempted to determine the reasons that led to the non-compliance with laws and policies regulating the use of corporal punishment by the teachers.

Stake (2013:10) says:

Case study issues reflect complex, situated, problematic relationships. They pull attention both to ordinary experience and also to the disciplines of knowledge (e.g., sociology, economics, ethics, and literary criticism). Departing greatly from designs of experiments and tests of hypotheses, qualitative case researchers focus on relationships connecting ordinary practice in natural habitats to a few factors and concerns of the academic disciplines.

This study focused on the contemporary phenomenon of corporal punishment in selected schools.

The multiple case study design was used in this study because the researcher wanted to compare the cases from the two schools. Thus, what was done in one school was replicated in the other school. Since the researcher wanted to come up with valid, comparable data, he decided to select two schools from the same area. The inclusion of the two schools in the study allowed the researcher to compare the cases to formulate valid conclusions. The day-to-day life in each selected school, with regard to corporal punishment, was investigated in its natural setting, i.e. the researcher did not tamper with the manner in which the participating learners lived their day-to-day lives. Maree and Pietersen (2007:265) say, "The key to comparative design is the ability to allow distinguishing characteristics of two or more cases to act as the springboard for theoretical reflections about contrasting findings".

A point of criticism that is brought against case studies is the degree to which bias, either of the participants or of the researcher, could influence the findings and

conclusions (Zach 2006:2). The use of the multiple case study design assisted in dealing with the possible biases of either the researcher or the participants. This was the reason why the researcher used two cases; if there were any biasness in the one case, the other case would take care of that. Certain behavioural patterns shown in one school would be compared to behaviour patterns portrayed in the other school. In the case of the interviewees, the principals of the two schools were interviewed by using the same questions. This criticism may also be the reason why Yin (2012:224) state that a case study design requires that various data-collection techniques be used. To comply with this requirement, the researcher included literature study, interviews and questionnaires to gain a deeper understanding of corporal punishment in the selected schools.

3.3 Population and sampling

Before we continue with this the terms population and sampling must be clear to the reader. Garson (2012:5) says:

Sampling is choosing which subjects to measure in a research project. Usually the subjects are people, but subjects could also be objects, organisations, cities, or even nations.

Population, also called universe, is a set of people or entities to which findings are to be generalised (Garson 2012:5).

As indicated earlier, a multiple case study design was used in the two schools selected for this study. Purposeful sampling, as the preferred sampling technique in qualitative research, was used for the selection. In purposeful sampling the researcher handpicks the cases to be included in the study based on their typicality (Katrina 2012:9). Maree and Pietersen (2007:165) point out that "...purposeful sampling allows for variation and enables particular choices to be made relative to a particular research situation." The two schools selected were deemed suitable because they could provide the richness of information required. Furthermore, they are both situated in the Manzini and Hhohho region, regions where the abuse of corporal punishment is reported to take place on a regular basis. Although the researcher was not teaching in any of the two schools at the time of the study, a large number of the teachers in these schools knew him, including the two principals and two deputy principals. There used to be regular contact between the researcher

and the teachers of the schools participating in the study, because the researcher would frequently visit these schools to assess student teachers who do their teaching practice in these schools. This made it easy to create trusting relationships with the participants. Due to the sensitive nature of the research, a complete stranger could have been perceived as a threat.

Four teachers who admitted to administering corporal punishment and one guidance and counselling teacher were sampled in each school. The school principals were involved in identifying the teachers who administer corporal punishment, since they were aware of these actions as leaders of the selected schools. Sampling the teachers who administer corporal punishment was an advantage because it allowed the researcher to answer the research questions, namely what is the extent of the non-compliance of the selected schools with the legal prescripts regulating the use of corporal punishment in the schools; and, what are the reasons for the non-compliance with the legal prescripts regulating the use of corporal punishment in the schools? Since the teachers are the ones administering corporal punishment, they are in a better position than any other person to explain how they go about it. The teachers also answered the question that required their opinion on the abolition of corporal punishment in schools as prescribed by the HRL. The teachers further came up with recommendations on alternatives to corporal punishment. Teachers of both genders were selected to determine whether gender was a variable with regard to the non-compliance with the laws and policies on corporal punishment in schools.

Since the guidance and counselling teacher was in a good position to have information on learners who reported on the excessive use of corporal punishment, he/she was included in the study. He/she was requested to give information on the nature of the cases of corporal punishment that were reported to his/her office by the learners. He/she was also requested to present his or her opinion on corporal punishment.

Ten learners in the class of each participating teacher were sampled. The sampling was done in classes of the lower and the higher levels to determine whether the manner in which corporal punishment is administered changes as learners became older. The learners also assisted in answering the question, namely what is the

extent of the non-compliance of the selected schools with the legal prescripts regulating the use of corporal punishment in schools? The information gathered from the learners served to validate the information obtained from the teachers. The learners gave their opinions pertaining to the HRL required prohibition of corporal punishment in schools. The learners further responded to the research question enquiring about acceptable alternatives to corporal punishment.

The principals and the deputy-principals of the selected schools were included as participants in the study. The principals and the deputy-principals are responsible for the management of the schools, and the principal is the one authorised by the Education Rules (Swaziland 1977, par. 11) to administer corporal punishment. The deputy-principal is responsible for maintaining discipline among the learners, which implies that at times he finds himself having to administer corporal punishment, especially when acting as principal in the absence of the principal.

The fact that the learners are the ones receiving corporal punishment increased the possibility that they would be able to provide accurate information. Sampling the teachers and the learners was beneficial in that the information from the interviews and questionnaires could be compared to ensure validity. This is known as *data-collection triangulation* (Maree & Pietersen 2007:221). The learners were also of mixed gender, in order to ascertain whether gender is a variable with regard to the non-compliance of the teachers with the legal prescripts on the administering of corporal punishment in the schools.

Since the two selected schools were from the same community, it was assumed that the learners have very similar home backgrounds, and exhibit the same patterns of behaviour at school.

3.4 The research methods

This section focuses on the methods that were used in conducting the study.

The researcher will discuss the methods of data-collection and data-analysis under this heading.

3.4.1 Data-collection methods

A literature study, semi-structured interviews and qualitative questionnaires were used to collect the data. These methods will be further explained in the following sections.

3.4.1.1 The literature study

The researcher used the information from the literature study (cf. ch. 4, section 4.2.2), together with the data collected during the fieldwork to formulate the findings, to draw conclusions and to make recommendations on the non-compliance of selected Swaziland schools with the laws and policies on corporal punishment. Advantages of the written record (Johnson & Reynolds 2012:205):

- It allows access to subjects that may be difficult or impossible to research through direct, personal contact.
- The raw data are usually non-reactive.
- Sometimes the record has existed long enough to permit analyses of political phenomena over time.
- The written record often allows us to increase the sample size above what would be possible through either interviews or direct observation.
- The low cost, since costs are borne by the record keepers, not the researchers.

The researcher considered the following documents, namely CRC, ACRWC, the Swaziland Constitution, the Education Act, Education Rules, A Guide to School Regulations and Procedures and the local School Rules and Regulations. These documents assisted the researcher to move beyond perception-based data, as it was deemed to be a suitable technique to use in this study, because the documents assisted the researcher in comparing the data collected from the participants, and what was happening in the school. The researcher requested to see the corporal punishment record-book of each school to verify if the punishments were recorded. The information gathered by the other data-collection methods, i.e. the interviews and the questionnaires, was compared with the data obtained from the literature study.

3.4.1.2 Semi-structured interviews

An *interview* is defined as an exchange of views between two or more people on a topic of mutual interest (Brynard & Hanekom 2006:2370). The interview-method of collecting data stems from the belief that the perspectives of the participants are meaningful, and that they affect the success of the study. An interview is selected for any study where interpersonal contact is important and where opportunities for the follow-up of interesting comments are desired (Frechtling & Sharp 1997:189). Interviews have the potential of yielding much information regarding the participants' beliefs, feelings, attitudes, behaviour, and the reasons for their actions (Silverman, in Leedy & Ormrod 2001:159). Furthermore, Creswell (2003:14) points out that, "Interviews enable participants to discuss their interpretations of the world in which they live and to express how they regard situations from their own points of view." Interviews can be divided into two types, namely *standardised or structured* interviews, and *non-standardised or non-structured* interviews (Henning, Van Rensburg & Smith 2004:50). In this study the participants were asked to share their own interpretations of the situations at hand on corporal punishment.

One-on-one interviews, which are derived from the non-structured type of interview, were employed in this study. This method of interviewing was preferred seeing that, as Charmaz (2006:679) states, it is suitable for collecting the desired data because it allows the participants to freely express their views and perceptions and to explain the reasons behind their actions. McMillan and Schumacher (2006:440) also indicate that,

In-depth interviews are open-response questions to obtain data of the participants' meanings on how individuals perceive the world and how they explain or make sense of the important events in their lives.

Both the principals and the deputy-principals were probed on the answers they gave during the interviews.

Open-ended questions were used with the principals and the deputy principals of the two schools. The interviews were beneficial because it was possible to determine the emotions and values attached to the participants' answers.

An interview is advantageous in that it is flexible, adaptable, it is able to probe, includes non-verbal behaviour, and has a high response rate (Charmaz 2006:689). During the data-collection, the researcher managed to conduct interviews with all the principals and the deputy-principals of the participating schools, and was able to ask for clarification on different issues they mentioned, wherever the researcher felt more information was required about the participants' views (questions 8, 11, 12, 13 and 15).

McNamara (1999:110) listed the following requirements for interview questions, namely

- the questions should be as neutral as possible;
- only one question should be asked at a time; and
- the questions should be worded clearly.

The researcher considered the above requirements when constructing the interview questions. He wanted to ascertain the extent to which the teachers deviate from the legal prescripts on corporal punishment; therefore the interview questions soliciting such information were carefully constructed.

The interview questions covered the following themes:

- the teachers' knowledge of legal prescripts on corporal punishment;
- how the teachers perceive corporal punishment;
- recommendations on corporal punishment; and
- the manner that the teachers administer corporal punishment.

Prior to the interviews, the researcher notified the participants to ensure that they were available on the day of the interviews. The researcher requested the participants' consent to conduct and record the interviews. He kept in touch with the participants until the day of the interviews. The interviews were conducted one-on-one in a quiet place to create a climate conducive to the participant presenting all he/she had in mind. The participants were asked to use English during the interviews, however, they were allowed to use some siSwati phrases or words where they felt phrasing in English could compromise the meaning that they intended.

Since the interviews were recorded, the responses were transcribed verbatim for analysis purposes.

The interviews were piloted with a principal and a vice-principal of a school not involved in the study, to enable adjustments where there appeared to be ambiguity. The pilot interviews further assisted in determining whether the questions that were formulated would allow the researcher to extract relevant and sufficient data that could be used to answer the research questions.

Even though the strengths of interviews have been stated earlier, interviews also have weaknesses. Interviews are time-consuming. The researcher also had to make appointments with each of the participants before the interviews so that they could schedule sufficient time for the interviews.

Interviews compromise anonymity because the researcher is aware of the person who responds (McMillan & Schumacher 2006:199). During the interviews the researcher assured the participants that whatever was discussed, their identities would remain anonymous.

Another weakness of an interview is when a researcher decides to ask leading questions that guide the participants to what the researcher wants to hear, instead of suppressing his biasness. However, the researcher constructed the questions prior to the interviews and only probed where the information was not clear. Probing is a technique that one uses in an interview to get additional information. It is used to gather more clarification after a response to an open-ended question (Bryman 2012:223). The technique helps the interviewer to source out the precise information required to answer the research sub-questions.

The interviews were designed in such a way that they covered the sub-questions of the study pertaining to children's rights, the non-compliance of schools with the laws and policies on corporal punishment, and recommendations on what can be done to improve compliance with the CRC and ACRWC. The interview questions also determined how the two principals of the participating schools understood the concept "moderate chastisement".

The following semi-structured interview schedule was used for the interviews with the principals and the vice-principals:

THE INTERVIEWS WITH THE PRINCIPALS AND THE DEPUTY-PRINCIPALS

A. Demographic information

1. Gender: a) Male b) Female
2. Age: a) 22-30 b) 31-40 c) 41-50 d) 51-60
3. Teaching experience
4. Highest education qualifications

B. How corporal punishment is administered and the reasons for deviating

1. **from the laws and policies**1. Which laws and policies would you say regulate the way corporal punishment should be administered in schools?
2. Do you have any policy in your school that regulates the use of corporal punishment?
3. If you have your own school policy on corporal punishment, do you think it is in line with Swaziland's law and government policy?
4. Do you personally prefer corporal punishment as a disciplinary measure, and if so, why?
5. How often do you talk about corporal punishment during your staff meetings?
6. What do you regard as moderate chastisement or beating?
7. Please describe an instance(s) where you have used excessive force when administering corporal punishment.
8. Please explain any instance where any of your teachers used excessive force when administering corporal punishment?
9. How did you find out about the instance in 8?
10. How did you handle the case you mentioned in 8?
11. Government regulations require that learners must be in a physically fit condition to receive corporal punishment. When do you regard a learner as physically fit to receive corporal punishment?

12. What type of instrument or object do you use when administering corporal punishment?
13. Do you keep records of the instances where you have administered corporal punishment?

C. Human Rights Law and recommendations

14. Human Rights Law, such as the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, prohibits the use of corporal punishment on children. Are you in favour of this Law?
15. Give reasons for your answer in 14.
16. What would you suggest as alternatives to corporal punishment if it was banned in schools?

3.4.1.3 The questionnaire

In this study questionnaires were used to collect the data from the teachers, the guidance and counselling teachers, and the learners participating in this study. McMillan and Schumacher (2006:270) state that questionnaires can consist of statements or questions, but in all the cases the participants have to respond to something written for specific purposes. Questionnaires elicit the reactions, beliefs and attitudes of the participants (Trochim 2006:120).

Considering the nature and aim of the study, as described in Chapter 1, questionnaires are considered most appropriate for the study. Since the teachers and learners represented the larger number of the participants, it would have been time-consuming to interview them all, and hence questionnaires were deemed the most appropriate instruments for collecting the data. The questionnaires were more appropriate for the learners because the researcher wanted them to be on their own when answering the questions to ensure that they gave honest responses. The questionnaires were structured in such a way that three objectives of the study were covered.

- The objectives included investigating the extent of the non-compliance of the selected schools with the legal prescripts on the administering of corporal punishment in schools;
- investigating the reasons for the non-compliance with the legal prescripts by the selected high schools; and
- making recommendations on how to improve the compliance with the laws and policies on corporal punishment, as well as compliance of Swaziland's law and policy with the CRC and ACRWC.

These qualitative questionnaires facilitated the analysis of the data collected by means of the interviews. The categories in the questionnaires for the learners included personal information, and how the teachers administered the corporal punishment. The questions were open-ended to allow the participants to freely express their views.

Using questionnaires to collect data have both strengths and weaknesses. A questionnaire is relatively economical, asks all the participants the same questions and can ensure anonymity (Trochim 2006:1; McMillan & Schumacher 2006:286). These were indeed the advantages, also in this study. The strength of a questionnaire is that the participants are free to be truthful because they believe no one will link them with the answers they give. The learners might not wish to reveal the information because they might think that they may get into trouble for giving their real opinions (Australian Institute of Aboriginal and Torres Strait Islander Studies 2012:7). It was thus essential to inform the learners of the reason for collecting the information, and how the results could be to their benefit. To attain honest responses from the learners, they were ensured that their responses would be kept confidential, and that if their response is negative, this is just as useful as a more positive opinion (Australian Institute of Aboriginal and Torres Strait Islander Studies 2012:8). The learners provided information-rich answers as they were aware that the researcher could not identify them.

As stated earlier, a questionnaire has its weaknesses. The inability to probe and clarify the information given is a weakness (Van Teijlingen & Hundley 2001:1). The

researcher had to read and clarify the questions in the questionnaire to the learners and the teachers before they could respond.

In the questionnaire for the participating teachers the researcher requested demographic information to determine whether and how these variables relate to the teachers' use or abuse of corporal punishment.

The following questionnaires were answered by the teachers, the learners, and the guidance and counselling teachers.

THE TEACHERS' QUESTIONNAIRE

As I explained in the information letter (Appendix 5), the purpose of the study is to determine the extent to which schools fail to comply with the laws and policies on corporal punishment in Swaziland. The information you give will be kept anonymous, as only the researcher will be able to identify the source of the information. Answer the questions honestly and in as much detail as possible in the spaces provided.

To ensure anonymity, you are requested not to identify yourself, e.g. by writing your name on the questionnaire.

Demographic/personal information

1. Gender: a) Male b) Female
2. Age: a) 22-30 b) 31-40 c) 41-50 d) 51-60
3. Teaching experience
4. Highest education qualifications

The non-compliance with the laws and policies regulating corporal punishment in the schools and the reasons for the non-compliance

1. Which law and policy documents contain prescriptions on how you may use corporal punishment?
2. Who has the authority to administer corporal punishment?
3. How many strokes may a teacher administer when using corporal punishment?

4. If, at some point, you administer more strokes than deemed necessary, what reason would you give for that?
5. What type of instrument may be used to administer corporal punishment?
6. Why would you use any other instrument besides the one you mentioned in number 4?
7. For which type of transgressions may corporal punishment be used?
8. Male teachers are not allowed to administer corporal punishment to girls, according to government policy. Do you adhere to that?
9. What reason would you give for your answer in 8?
10. What is the requirement with regard to the place where a learner may receive corporal punishment, i.e. the principal's office?
11. Do you always adhere to the requirement in 10? Give your reasons.
12. On which body part may corporal punishment be administered?
13. Have you ever administered corporal punishment on any other than the lawfully prescribed body part? Give reasons.
14. Do school prefects have permission to administer corporal punishment?
15. Do you record all instances where you used corporal punishment? Give reasons for your response.
16. A learner may only receive corporal punishment if he or she is in a physically fit condition to do so. In your view, when is a learner physically fit to receive corporal punishment?
17. Is there an instance where you have failed to determine whether a learner was physically fit before administering corporal punishment? If so, what reason would you give for that?
18. Briefly explain why you use corporal punishment as a form of punishment in your class.
19. Do the parents approve of the use of corporal punishment?
20. Have you ever used corporal punishment without complying with the prescribed legal requirements?
21. Please describe such an instance.
22. What do you regard as 'moderate chastisement or beating'?

Human Rights Law and recommendations on corporal punishment

23. Have you ever used any form of punishment other than corporal punishment?

24. If 'yes' in 23, mention the forms of punishment you used.
25. What was the reason for using an alternative to corporal punishment you mentioned in 24?
26. How often do you talk about corporal punishment during your staff meetings?
27. Human Rights Law, such as the 'Convention on the Rights of the Child' and the 'African Charter on the Rights and Welfare of the Child', prohibits corporal punishment. Do you agree with this law?
28. Give reasons for your answer in 27.
29. What alternative disciplinary measures to corporal punishment would you recommend?

THE LEARNERS' QUESTIONNAIRE

As I have explained in the information letter (Appendix 8), the purpose of the study is to determine the extent to which schools fail to comply with the laws and policies on corporal punishment in Swaziland. The information you give will be kept anonymous (secret), and I will be the only one who would be able to link your questionnaire and answers to you. Answer the questions truthfully and write as much as you can.

To ensure anonymity, you are requested not to identify yourself, e.g. by writing your name on the questionnaire

Demographic information

1. Gender: a) Male b) Female
2. Age: a) 12-16 years b) 17-23 years
3. In which class (form) are you?

The administration of corporal punishment

1. How many strokes do you usually receive when you receive corporal punishment?
2. What type of object do your teachers use to administer corporal punishment?
3. On which part of your body do the teachers hit you?
4. How many times have you received corporal punishment in the past four weeks?

5. Do male teachers administer corporal punishment to girls?
6. Does the principal ensure that you are physically in a fit condition to receive corporal punishment?
7. Do the teachers always administer corporal punishment in the presence of the principal?
8. Do your teachers administer corporal punishment in front of the other learners?
9. Explain a situation where you think any of your teachers beat you in an unacceptable manner.
10. Briefly describe a situation that you have witnessed in the past four weeks where you think any of your teachers beat a learner(s) in an unacceptable manner.
11. Did anybody ever explain to you when and how corporal punishment may be used?
12. For which offences do the teachers administer corporal punishment?

Recommendations

13. You have a right not to be hurt. There is a law called the Human Rights Law that does not allow your principal and/or teachers to use corporal punishment. What is your opinion in this regard?
14. Do you think the use of corporal punishment in the schools is acceptable?
15. Give reasons for your answer in 14.
16. How would you prefer your teachers to punish you?
17. Do your parents approve of your teachers using corporal punishment?

THE GUIDANCE AND COUNSELLING TEACHER'S QUESTIONNAIRE

As I have explained in the information letter (Appendix 12), the purpose of the study is to determine the extent to which the schools fail to comply with the laws and policies on corporal punishment in Swaziland. The information you give will be kept anonymous, as only the researcher will be able to identify the source of the information. Answer the questions honestly and in as much detail as possible in the spaces provided.

To ensure anonymity you are requested not to identify yourself, e.g. by writing your name on the questionnaire.

Demographic/personal information

1. Age: a) 22-30 b) 31-40 c) 41-50 d) 51-60
3. Years' experience as a counsellor
4. Highest qualification(s) relevant to your position as counsellor

The non-compliance with the legal prescripts regulating corporal punishment in the schools and the reasons for the non-compliance

1. Is corporal punishment administered by the teachers in the school?
2. As far as you know, who normally administers corporal punishment in your school?
3. Do the learners come to report cases of physical abuse by the teachers to you?
4. How often do learners report cases dealing with corporal punishment to you?
5. Please briefly describe three cases dealing with the unlawful or excessive administering of corporal punishment that you have handled.
6. What do you normally advise learners to do if the physical abuse is of a serious nature?
7. If you speak to the teachers against whom allegations are brought that they administer corporal punishment in an unlawful manner, what excuses/defences do they offer?

Recommendations on corporal punishment

8. Assessing the nature of cases normally brought to you by the learners, would you be in favour of the banning of corporal punishment in the schools?
9. Give the reason(s) for the answer you gave to question 8.

3.4.2 The pilot study

It is recommended that a researcher should conduct a pilot test of the questionnaire and interview schedules before the actual research study is done (McMillan &

Schumacher 2006:287). This should be done so that the researcher can adjust the questions to ensure that the questionnaires or interview schedules yield the data that address the sub-questions of the study (Van Teijlingen & Hundley 2001:1).

This researcher piloted the interview schedules with the principals and the questionnaires with the learners and teachers of schools that were not involved in the study. This pilot study caused the researcher to rephrase some of the questions in the data-collecting instruments, especially in the principals' and vice-principals' instruments. In the principals' and deputy-principals' instrument question 6, the phrase "or beating" was added, because some of the participants did not understand the concept "chastisement". In the same instrument, the phrase "or object" was added after the word "instrument" in question 12, because the participants could not understand the context of the word "instrument". The last question in the same instrument was rephrased completely, because the participants in the pilot study merely responded that there are no other effective disciplinary methods that can work besides corporal punishment. The last question was phrased as: "What would you suggest as alternatives to corporal punishment if it was banned in the schools?"

In the pilot study the participants were requested to give their responses in English when interviewed, but the researcher discovered that some of the information did not come out clearly because of the language barrier. The researcher therefore allowed the interviewees in the main study to express some of the points in their first language, namely siSwati.

3.4.3 Trustworthiness

It is important that a study elicits trust in anyone who reads it. In order to promote trust, the researcher will discuss *trustworthiness* in this section.

LaBanca (2010:1) states that *trustworthiness* can be defined as a demonstration that the evidence of the results reported in a study is sound, and that the argument that is made based on the results, is strong. Shenton (2004:63) says that it is the researcher's responsibility to follow comparable models for ensuring trustworthiness

in a qualitative inquiry. Credibility and dependability are important concepts to create trustworthiness in qualitative research.

Morrow (2005:252) state that, “Credibility is the internal consistency where the core is how we ensure rigor in the research process and how we communicate we have done so”. The questions that were asked during the interviews and in the questionnaires covered the objectives of the study. The use of four classes from each school ensured the credibility of the study, and so is the use of the triangulation of the data-collection methods.

Shenton (2004:178) says “Dependability is an assessment of the quality of the integrated processes of data-collection, data-analysis, and theory generation”. As mentioned before, the researcher used two cases (schools) to compare the data. The questions that were asked during the interviews and in the questionnaires were the same in both cases, and served to determine the consistency of the answers obtained. The multiple cases ensured that the study was confirmable, since one case could confirm the results of the other. Furthermore, the data collected could be deemed dependable because of the involvement of various sub-cases, such as the school administration, the teachers and the learners in the study. The researcher collected data from the principals, the deputy-principals, the teachers and the learners to provide for the triangulation of the data collection. The various participants assisted in obtaining balanced facts on the practice of corporal punishment in each school.

3.4.4 Data-analysis and methods of interpretation

Zikmund (2003:72) states that the analysis of the data generally begins with writing up the data that emerges from the literature study, the interviews and the questionnaires. The researcher analysed the data that were collected in line with the objectives of the study to ensure that the study addressed the research questions.

The researcher used the information extracted from the questionnaires, documents and interviews to encode the themes for analysis, according to their similarities. The data collected by means of the interviews and questionnaires (from the teachers)

were checked against that collected from the learners to ensure that the results were valid.

The data obtained from the participants were used against the legal prescript to determine whether the teachers were adhering to the law. This was done because the teachers are expected to adhere to the law of the country when administering corporal punishment. The different policies of the participating schools were also matched against the legal prescripts on corporal punishment to determine whether they complied therewith. This was done to determine the extent to which the participating schools comply with the legal prescript. If the policies of the selected schools do not comply with the legal prescript, the way teachers adhere to the legal prescript may be compromised. Since Swaziland ratified the international HRL law, the legal prescripts in Swaziland was matched against it.

This gave a clear picture of the information obtained, and culminated in the presentation of the data. The analysis of the data was used to shed light on the extent to which schools fail to comply with the laws and policies on corporal punishment in Swaziland. The HRL and Swaziland's government laws and policies pertaining to corporal punishment were compared with the schools' practices to investigate their compliance with the laws and policies.

3.5 Limitations of the study

Every research study has its limitations (Hofstee 2008:87). The limitations indicate how you were restricted in your ability to investigate your research statement (Hofstee 2008:87). It is important that the researcher should state how he or she dealt with the limitations. The limitations of this study are discussed in the paragraphs that follow.

The study time could have been prolonged for another six months but because of the break-up of the schools for the term, it was not possible. The extended time may have given a much bigger picture on the administering of corporal punishment in the selected schools.

The language barrier played a role in the researcher not being able to retrieve information from the learners, especially from those at the lower levels. Some learners could not elaborate on what they wanted to say because some of the things that took place were difficult for them to translate into English from siSwati. The researcher encouraged the learners to write in siSwati some of the expressions that they could not say in English.

The researcher found it difficult to phrase some questions in a way that would make the teachers feel at ease to answer honestly. Some of the teachers tended to play it safe and offered answers that they thought were expected from them. The researcher himself collected the data from the teachers, and he assured them of the confidentiality of their answers.

Finally, the findings reflect the two selected schools in a particular context and time, and cannot be generalised to all the schools in Swaziland.

3.6 Ethical considerations

As the study deals with human beings, it is imperative for the researcher to consider the ethical and legal responsibilities of conducting the study. Australian Institute of Aboriginal and Torres Strait Islander Studies (2012:8) believes that *ethics* is a set of principles that the researcher and participants agree upon to guide their conduct during the study. McMillan and Schumacher (2006:199) state that *ethics* is considered to deal with beliefs about what is right or wrong, good or bad, and appropriate or inappropriate. Non-adherence to acceptable standards yields harmful or potentially harmful effects to all involved in the study (Nziyane 2009:51). This means that the researcher had to adhere to acceptable standards of ethical conduct in conducting the study. He had to obtain ethical clearance from the Ethical Clearance Committee of the University of South Africa (Appendix 14).

The researcher wrote letters to the Director of Education and the principals of the participating schools requesting their permission to conduct the study. He requested the principals and deputy-principals to sign the consent forms that the interviews may to be recorded.

Although corporal punishment is legal in Swaziland, the manner in which it is administered in some schools constitutes a criminal offence. This could lead to some teachers being reluctant to give information, and hence the researcher had to meet all the teachers who were involved in the study to create a good relationship with them prior to the data-collection. The researcher also constructed the questions in such a way that sensitive issues were addressed with care while not compromising on the quality of the information. Consent forms were handed to the participating teachers (Appendix 6), whereby the researcher assured them of the anonymity and confidentiality of their identities with regard to the information collected.

The researcher wrote letters to the learners and the parents requesting their consent to take part in the study (Appendices 8 and 9). The learners under the age of 18 years required their parents' consent for their participation in the study. The learners also signed the consent forms showing their willingness to take part in the study. The situation had the potential of causing the learners to be economical with their information if they thought their teachers might know what they wrote. The researcher indicated that they were not to write their names on the questionnaires, and whatever information collected from the participants would be kept confidential, and would not be used for any purpose other than the completion of the study.

The letters of information to all the participants explained that participation in the study was voluntary, and that anyone was free to withdraw at any time during the course of the study. The participants were also assured of their right to access the findings of the study. The researcher promised to provide a copy of the findings to the schools after the completion of the study.

The researcher ensured to avoid plagiarism by running the dissertation through the 'turn-it-in programme'. This is a programme that indicates whether your written work is to be found in another work by other authors. The researcher received a positive report, and the few instances of possible plagiarised content indicated were addressed (Appendix 15).

3.7 Conclusion

In this chapter the methods used in conducting the study were explained. It was also crucial to portray how the population-sampling was done, and to indicate its justification to ensure the validity of the study. The data-analysis was explained to portray how the researcher arrived at the conclusion of this study. The researcher finally deliberated on ethical considerations.

Chapter 4 will focus on the presentation and the analysis of the data.

Chapter 4: Data analysis and presentation of the findings

4.1 Introduction

The methods used to collect the data were discussed in Chapter 3.

This chapter contains the presentation of the data as collected from the literature study and the fieldwork. Since two cases were studied, the report for each case will be presented separately.

As stated previously (cf. ch. 1, section 1.5.2), the objectives of the study were:

- to assess the laws and policies on corporal punishment in Swaziland schools;
- to determine the compliance of Swaziland's laws and policies on corporal punishment with CRC and ACRWC;
- to investigate the extent of the non-compliance of the selected schools with the legal prescripts on the administering of corporal punishment in the schools;
- to investigate the reasons for the non-compliance with the legal prescripts by the selected high schools;
- to make recommendations on how to improve the compliance with the laws and policies on corporal punishment, as well as the compliance of Swaziland's laws and policies with the CRC and ACRWC.

4.2 The presentation of the data

The data will be presented in this section according to the objectives of the study. The researcher will present a detailed discussion of Swaziland's laws and policies regulating the use of corporal punishment in the schools (collected by means of the literature study) as a way of addressing the first two objectives of the study. The researcher will present the data collected from School A, and thereafter the data from School B, which will address the last three objectives of the study.

4.2.1 Literature study on Swaziland's laws and policies on corporal punishment

The Swaziland Constitution (Swaziland 2005) is the supreme law of Swaziland and all the other laws have to comply with it. The Swaziland Constitution (2005, s 29(2)) states that,

A child shall not be subjected to abuse or torture or other cruel, inhuman and degrading punishment subject to lawful and moderate chastisement for the purpose of correction

The words, "...subject to lawful and moderate chastisement for the purpose of correction" indicate that corporal punishment is legal in Swaziland. It can therefore be concluded that the Swaziland Constitution allows corporal punishment in the education system within the boundaries set by the Swaziland Constitution, and that any provisions for such punishment should be informed and guided by the Swaziland Constitution. If corporal punishment exceeds what is stipulated by the Education Act (Swaziland 1982, s 1 1), it exceeds the boundaries of moderate chastisement, which violates the constitutional rights of the child.

As required by the Swaziland Constitution, punishment should constitute 'moderate chastisement'. The question that arises is, namely what constitutes *moderate chastisement*? In terms of the Education Act (Swaziland 1982) as quoted below, it would appear that four strokes in the case of boys and girls below the age of sixteen, and six strokes in the case of boys and girls aged sixteen and older, are deemed 'moderate'. However, it is difficult to measure *moderate* chastisement because it will probably have different meanings in different schools. What could be regarded as *moderate* in a particular school will be dependent on the principal's discretion (Swaziland 1982, s 11). Furthermore, four strokes by a small female may be quite different to four strokes administered by a bigger male teacher. This could be the reason why learners find it hard to report teachers who excessively administer corporal punishment, because they are not able to determine whether the punishment is moderate or not. The CRC and ACRWC both prohibit 'moderate' or 'reasonable' chastisement (UN Committee 2006; African Union 1999).

The Education Act (Swaziland 1982, s 11), the Education Rules 1977 and 'A Guide to School Regulations and Procedures' were consulted in order to regulate the administering of corporal punishment in Swaziland schools, and to ensure that it will be used moderately and only for the purpose of correction as prescribed by the Swaziland Constitution.

The Education Rules (Swaziland 1977, par. 11) lay down the following rules with regard to the use of corporal punishment in schools:

- corporal punishment may be administered to boys and girls;
- corporal punishment must be administered by the principal or a member of staff specifically so authorised by the principal;
- corporal punishment to girls may only be administered by a female teacher in the presence of the principal;
- corporal punishment shall not be given in public;
- no cane or stick exceeding two and half feet in length, and half an inch in diameter, shall be used for the infliction of corporal punishment;
- all corporal punishment shall be administered on the buttocks and not on other parts of the body;
- the principals shall ensure that the pupils are in a physically fit condition to receive corporal punishment before resorting thereto;
- corporal punishment shall not exceed four strokes in the case of boys and girls under sixteen years of age and, six strokes in the case of boys and girls sixteen years of age and above;
- every instance of corporal punishment shall be recorded forthwith in a punishment book, the entry specifying the name of the learner, the date and the nature of the offence and the number of the strokes administered; and
- prefects or monitors shall not inflict corporal punishment.

The 'Education Rules' (Swaziland 1977, par. 10) further establishes that there should be a Disciplinary Committee in each school, consisting of the principal, the deputy-principal, the chairperson of the School Committee, a member of the School Committee appointed by the School Committee, and the Regional Education Officer or a representative, who will act as chairperson of the disciplinary committee. The

Disciplinary Committee is to handle disciplinary cases of a serious nature that are referred to the Committee by the principal. The corporal punishment rules set out in 'A Guide to School Regulations and Procedures' must be strictly adhered to by the Committee (Swaziland 1988, par. 1). It follows that the members of such a disciplinary committee should be familiar with all the rules and regulations regarding disciplinary actions, and should ensure that these rules and regulations are applied fairly and consistently. The rules and the consequences of breaking them should be clearly specified and communicated to the staff members, the learners and the parents by means of newsletters, learner assemblies and in individual school handbooks (Gaustad 2009:2). It is important that the school principals ensure that such provisions are clear to all the people affected, and they should further ensure adherence to the provisions.

'A Guide to School Regulations and Procedures' (Swaziland 1988, par. 22) stipulates that schools must draw up school rules which must, *inter alia*, comply with the following requirements:

- the school rules must not conflict with statutory requirements and must be approved by the Regional Education Officer;
- the list of the school rules must be given to all the learners and their parents and a condition of entry to the school is that the learners and their parents will abide by the rules; and
- the school rules must be displayed in a conspicuous place in the school.

'A Guide to School Regulations and Procedures', which is a subset of the Education Act (Swaziland 1988, par.12), recommends that the principal should contact the parents or the guardians of the learners who are difficult to discipline. The schools should manage all the appropriate processes of the implementation of government policy, circulars and guidelines provided by the Ministry of Education (Van Niekerk & Botha 2002:126). The school principal is responsible for the overall operation of a school (Kerr 2009:4). Since he or she is accountable for all the activities that take place in the school, he/she has to ensure that corporal punishment is administered in terms of the relevant laws and policies. It is obvious, then, that the principal is the key person in the management of a school.

It is an important task to determine if the right not to be punished in a cruel and degrading manner is adhered to by the one administering the corporal punishment. The teacher is obviously not competent enough to determine whether the punishment is cruel and degrading because he or she is not an expert in the field of law (Kleynhans 2011:60). Moderate chastisement should be done after considering the different factors that are in line with the human rights, which include fairness and equity. The South African court in *Du Preez v Conradie and Another* 1990 (4) SA 46 (B) par. 6, indicated that for moderate chastisement to be justified, the punishment should be fair and equitable.

The procedures in the Education Act detail what the law regards as fair and equitable corporal punishment. In countries where corporal punishment is allowed, as in the case of Swaziland, the victims have had it difficult in taking the teachers to court, because it is not easy to determine what will constitute 'moderate chastisement'. In Namibia the parents are also free to chastise their children. Even in the rare case where a child may choose to pursue criminal charges of assault against a parent who used corporal punishment against him or her, the Namibian common law provides the parent with the defence of 'reasonable chastisement', meaning that the parent could defeat the charge of assault by showing that the physical punishment fell into this category. This is the reason why it is not viable to legally prescribe *moderate chastisement* in schools with the hope that the teachers will comply with the law in this respect.

The Children's Protection and Welfare Act (Swaziland 2012), in its opening sentence states:

This is an Act to extend the provisions of section 29 of the Constitution and other international instruments, protocols, standards and rules on protection and welfare of children, the care, protection and maintenance of children; and to provide for matters incidental thereto.

The Act thus seeks to protect the child from any form of torture, and cites the international instruments that regulate the child's protection and welfare, and these include the 'United Nations Convention on the Rights of the Child' and the 'African Charter on the Rights and Welfare of the Child', which Swaziland has ratified.

However, it is also clear that should be regarded as an extension of section 29 of the Swaziland Constitution, which implies that the section will not be amended to bring it in line with the HRL (Swaziland 2005). As already mentioned (cf. ch. 2, section 2.2.3), the CRC and ACRWC call for the abolishment of all provisions of ‘moderate chastisement’ (Also see the discussion in this regard below). It is surprising that the Children’s Protection and Welfare Act (Swaziland 2011, s 14(1)) does not canvass for the abolishment of corporal punishment, but merely states that,

A child has a right to be protected from torture or other cruel, inhumane or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical, psychological, emotional and mental well-being of a child.

Without arguing whether corporal punishment should be administered or not, the fairness of the prescribed punishment, as indicated above may require consideration. It can be argued that teachers can only fully comply with the legal prescripts if they understand them. This begs the question of how informed the teachers are and whether they are sufficiently trained in this regard.

4.2.2 Literature study on HRL on corporal punishment

The researcher will discuss HRL on corporal punishment, CRC, ACRWC and the discrepancies between Swaziland’s national law and HRL in the next sub-sections.

4.2.2.1 Human Rights Law on corporal punishment in schools

As indicated in the problem statement earlier (cf. ch. 1, section 1.4), corporal punishment poses a problem in Swaziland schools. There is an outcry that it should be abolished because it infringes on the children’s rights (Ndlela 2011:5).

Section 61(c) of the Swaziland Constitution stipulates that “...the government shall promote respect for international law, treaty obligations and the settlement of international disputes by peaceful means” (Swaziland 2005). This section of the Constitution is in contravention of the HRL instruments that Swaziland ratified. According to UNICEF (2010), “Ratification is an act by which a state signifies an agreement to legally comply by the terms of a particular treaty”. Swaziland has

signed and ratified the CRC and ACRWC (United Nations 2013; African Union 2013).

a) The United Nations Convention on the Rights of the Child

Children have the right to legal protection against corporal punishment, in terms of the CRC Committee (United Nations 2006, par. 30(3)). Article 28(2) of the CRC states that the methods of school discipline should be consistent with the child's human dignity and in conformity with the present Convention (United Nations 1989). The CRC Committee has consistently interpreted this article as requiring the prohibition of corporal punishment in schools (United Nations CRC Committee 2006). Furthermore, Article 19(1) of the CRC requires that

...member States shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse and negligent treatment while in the care of parents, legal guardians or any person who has care of the child.

It is also worth noting that the United Nations CRC Committee (2006, par. 2, 19, 26, 28 and 37) addresses the rights of the child, which include the protection of the child from all forms of violence such as corporal punishment. Some of the highlighted factors are contained in the General Comment No. 8, namely

- the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment;
- the interpretation of the child's best interests must be consistent with the rights of the child, including the obligation to protect children from all forms of violence, and requirements to give due weight to the child's views; and
- it cannot be used to justify practices, including corporal punishment and other forms of violence and cruel or degrading punishment, which conflict with the child's human dignity and right to physical integrity.

CRC General Comment No.8 (United Nations CRC Committee 2006, par. 13) explains that while corporal punishment is rejected, discipline is recognised as fundamentally important for a healthy childhood:

In rejecting any justification of violence and humiliation as forms of punishment for children, the committee is not in any sense rejecting the positive concept of discipline.

The CRC Committee protects the rights of the child from all forms of violence, as discussed above.

The CRC General Comment no. 13 (United Nations 2011, par. 12) states,

The committee acknowledges and welcomes the numerous initiatives developed by governments and others to prevent and respond to violence against children. In spite of these efforts, existing initiatives that are in place are generally insufficient. Legal frameworks in a majority of States still fail to prohibit all forms of violence against children, and where laws are in place, their enforcement is often inadequate.

The CRC Committee on the Rights of the Child interprets *the best interests of the child* that it should be consistent with the prescriptions of the Convention, which includes the obligation to protect the child from all forms of cruel punishment or violence.

b) The African Charter on the Rights and Welfare of the Child

Article 4(1) of the ACRWC (African Union 1999) states that *the best interests of the child* shall be the primary consideration in all actions concerning the child undertaken by any person or authority. The ACRWC was signed and ratified by the member states of the Organisation of African Unions, including Swaziland (OAU 1999). These states are expected to comply with the ACRWC. Article 1 of ACRWC states that,

Member states of this organisation who are party to the present Charter shall recognise the rights, freedoms and duties enshrined in this Charter and undertake the necessary steps, in accordance with their constitutional processes and with the provisions of the Charter, to adopt such legislative or other measures as may be necessary to give effect to the provisions of this Charter

It means that Swaziland should make an effort to comply with this treaty, including the provisions dealing with corporal punishment (Swaziland Constitution 2005, section 29(2)).

Article 1(3) of the ACRWC (OAU 1999) proclaims that "...any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the present Charter shall, to the extent of such inconsistency, be discouraged". Some traditions in Africa, including those of the Swazi people, view corporal punishment as a way of installing discipline in children (cf. ch. 2, section 2.2.2).

4.2.3 Case study: School A

The data presented here were collected from the participants in School A. Both the principal and the deputy-principal of School A were interviewed. Both hold Bachelor of Education degrees. The principal (male) and the deputy-principal (female) had eleven and five years' experience in their positions respectively. Four teachers responded to the questionnaires, comprising of three males and one female, with their teaching experiences ranging from twelve to twenty years. Two teachers hold Secondary Teachers Diplomas, while the other two hold Bachelor of Education degrees. The guidance and counselling teacher, who holds the Bachelor of Education and Certificate in counselling, responded to questionnaires. No relation could be established between their responses and their teaching qualifications and experiences. Forty learners responded to the questionnaires.

4.2.3.1 The reasons for administering corporal punishment

The reasons for administering corporal punishment by teachers will be discussed below.

- **The teachers use corporal punishment because they believe that it is quick to administer**

This is what the principal had to say, when he was asked why he prefers corporal punishment:

OK, the advantages corporal punishment have are that, one, it is quick to administer, two, it doesn't delay the teaching activity, three, it is in line with the way we were brought up.

The deputy-principal also believed that corporal punishment is the easiest and quickest way of correcting misbehaviour without interrupting the learning of the child. She said as follows when asked why she preferred corporal punishment:

Eh--, I do prefer it, although it is not the best, because it is fast, you can just administer it; the child can quickly go back to the class, in comparison to other types of punishment, like giving the child manual work, which will keep the child away from class.

This belief that corporal punishment is the easiest and quickest way of dealing with misbehaviour also came to the fore during the literature view (cf. ch. 2, section 2.3).

- **The teachers use corporal punishment because the parents support it**

When questioned on the approval of corporal punishment by the parents, all the teachers responded that the parents would prefer their children to be punished in this way. One teacher, however, remarked that some parents do not approve of it. The principal also stated that the parents approve of the use of corporal punishment by the teachers. The fact that the parents support the use of corporal punishment, gives the teachers the courage to opt for it. The principal replied as follows when asked why he preferred corporal punishment, "...if I administer it I know the parents will support me as long as I don't exceed the limit". The literature review confirmed that if the parents use corporal punishment as a disciplinary measure they will also allow, and even prefer, the teachers to use it at school (cf. ch. 2, section 2.2.2).

- **The teachers use corporal punishment because the children from child-headed homes need 'guidance'**

Three teachers felt that if corporal punishment was banned, those learners who were not brought up by their parents would not be able to cope with life. One teacher said, "Spanking is necessary for children to be good citizens". The deputy-principal had this to say when asked why she is not in favour of the abolishment of corporal punishment,

Eh, I'm not in favour because many of our children come from child-headed homes so that you may find that most of the values they are supposed to acquire from their parents, they do not have, so they rely on us to teach them.

The literature review, however, does not indicate that corporal punishment inculcates moral values in children who are orphaned.

- **The teachers administer corporal punishment because the Bible teaches us that children should be raised by using a rod**

One teacher's response indicated that her reason for administering corporal punishment is informed by the religious perspective that corporal punishment is a command from God. She stated that it is important that corporal punishment is administered because the Bible instructs people to use a rod on their children as they grow up. The literature review also brought to light that radical forms of Christianity support the belief that children come into the world sinful, and that the

sin has to be systematically eradicated by the use of corporal punishment (cf. ch. 2, section 2.2.1).

4.2.3.2 The extent of the school's non-compliance with the laws and policies

The objective of this study was to investigate the extent of the selected schools' non-compliance with the legal prescripts on the administering of corporal punishment. As indicated in chapter 4, section 4.2.1, the Education Rules lay down the procedures with regard to the use of corporal punishment in schools.

The data on the above-mentioned objective was collected from all the participants (i.e., the principals, deputy-principals, teachers and learners). The questions that were asked from the learners were not specifically on what was done by the teachers who participated in the study, but were based on all the teachers who administer corporal punishment in the school. The learners' responses were thus indicative of all the teachers who administer corporal punishment in their school. To determine whether the non-compliance can be ascribed to ignorance of the legal prescripts on corporal punishment, the researcher first collected data on the participants' knowledge of these prescripts.

- **Corporal punishment is regulated in the schools by the Education Rules of 1977, which are also stated in 'A Guide to School Regulations and Procedures'**

The principal indicated his knowledge that corporal punishment is regulated by the Education Rules, but his knowledge of the content was not accurate. When he was asked about an instrument that regulates the administering of corporal punishment, he said,

Ja, I can't remember well, but it's under the rules and regulations, which says that a girl must be punished by a female teacher under the supervision of the principal and a boy has to be punished by a male teacher still with the authority of the principal.

The principal further stated that they have their own school policy that regulates the use of corporal punishment, which complies with government regulations. However, on inspecting the school policy, no reference to corporal punishment could be found.

The only clause dealing with punishment is included in the declaration that the learners' sign with regard to abiding by the school rules (School A 2013: 3), which reads as follows:

I understand that I may be punished or suspended or even expelled from school if I break any of the provisions contained in my declaration to which I hereby append my signature.

The deputy-principal only knew that there was a legal document on corporal punishment, but she was not aware of the name of the document that regulates the use of corporal punishment in the schools. When asked about the document regulating the use of corporal punishment in schools, she had this to say, "There is a government law that regulates corporal punishment but I cannot remember it precisely, but there is one on corporal punishment". She also stated that they have their own school policy that regulates the administering of corporal punishment and that complies with government law.

The teachers were asked about an instrument used to regulate corporal punishment in Swaziland schools. Two teachers stated that the document, School Rules and Regulations, was the instrument that was used. The other two teachers could not respond to this question, and it is not clear whether they could not respond because they did not know. None of the teachers mentioned the school policy pertaining to corporal punishment.

- **Corporal punishment must be administered by the principal or a member of the staff specifically authorised by him or her**

The principal indicated that he was aware that corporal punishment ought to be administered under his supervision only, in terms of the policy. The guidance and counselling teacher responded that any teacher who wanted to make use of corporal punishment was allowed to do so in the school. All four the teachers indicated that the principal was the one with the authority to administer corporal punishment, but they admitted that they too administered corporal punishment. This illustrates that the teachers' failure to abide by this rule was not through ignorance, but by choice.

Due to the fact that the learners were not knowledgeable in respect of government policy on corporal punishment, the guidance and counselling teacher stated that the

learners did not frequently report cases of the excessive administering of corporal punishment to her office.

The learners were not asked any questions in this regard, because the researcher was unsure whether the teachers had informed the learners in respect of who had the authority to administer corporal punishment in a school.

- **The corporal punishment of girls may only be administered by a female teacher in the presence of the principal**

The principal stated that the corporal punishment of girls have to be administered by female teachers. He further said that corporal punishment should be administered to boys by male teachers, which is not accurate, because the Education Rules do not specify the gender of a teacher allowed to administer corporal punishment to boys.

All three the male teachers were found to be administering corporal punishment to both boys and girls. One teacher mentioned that he sometimes adhered to the regulation, but not at all times. Another male teacher stated that he did not observe the regulation at all. All the learners replied that the male teachers administer corporal punishment to the girl learners. Two learners elaborated on this fact by saying that the male teachers administer corporal punishment to girl learners, but not as hard as to boys. Another two learners indicated that although some do, not all the male teachers administer corporal punishment to the girl learners.

- **Corporal punishment shall not be given in public**

All the teachers responded that the corporal punishment of a learner was to be done in a private place, and not in public. This indicates that the teachers are aware of the fact that the learners are not supposed to be punished in public. One teacher even stated that the learner should be punished away from the public to limit the risk of emotional stress. The researcher mentioned earlier that the Swaziland Constitution (2005, s 29(2)) states that a child should not be subjected to inhumane and degrading punishment. Administering corporal punishment in the presence of other learners is degrading to a learner. Although the teachers indicated knowing that a learner should receive corporal punishment in a private place, two said that they

sometimes did not adhere to this ruling, and the other two said they always punished the offenders in front of others.

Thirty-two of the forty learners said the teachers administered corporal punishment in front of other learners, two admitted that it sometimes happened, and four said that some teachers administered corporal punishment privately. Two of the learners did not respond to this question. Punishing learners in the presence of other learners indicates that the teachers do not respect the dignity of the learners, because it is degrading to the learners, as was indicated earlier (cf. ch. 2, section 2.2.3).

- **No cane or stick exceeding two and half feet in length, and half an inch in diameter, shall be used for the infliction of corporal punishment**

In terms of the type of stick that may be used to administer corporal punishment, the principal mentioned that he was not aware of the ruling. This is how he responded when asked about the measurements of the stick, “It is difficult to say how big the stick is because we send someone to find a stick.” This indicates that the principal did not adhere to the policy on the type of stick that may be used in administering corporal punishment.

The deputy-principal also mentioned that she was ignorant of the legal measurements of the stick to be used to mete out corporal punishment. She stated, “We normally use a stick which is the correct government measurement. I’m not sure of the centimetres, but it must not be a big stick.”

All four the teachers were aware of the fact that a stick was to be used in administering corporal punishment, but no one could come up with the correct measurement of such a stick. One teacher, who committed himself to describing the type of a stick, said, “...a stick that is not longer than seventy-five centimetres”. Another teacher admitted that at some point he did not adhere to this requirement, but he did not identify the type of object he used.

The learners mentioned that the teachers used various objects to administer corporal punishment. The teachers, in turn, only mentioned a stick as the object for inflicting punishment. The objects used by the teachers to administer corporal punishment, as

mentioned by the learners, included wooden sticks, wooden planks, “big” sticks, the palms of the hands, “unreasonable woods”, hosepipes and chalkboard dusters. The principal agreed that some of the objects mentioned by the learners were used by some teachers, saying that he heard that some teachers used chalkboard dusters to punish the learners. He said,

We have received allegations that some teachers are using chalkboard dusters and I discourage that very, very much; you can't do that to a student. It is tantamount to assault.

In support of this comment, one of the girl learners stated, “A male teacher threw a chalkboard duster to my head, and I was dizzy the whole day, which spoilt my day.” The guidance and counselling teacher also concurred with the principal in her response that some teachers used chalkboard dusters to beat the learners. One learner actually said, “They beat me ten strokes with a pipe, and I could not sit that day.”

In the light of what all the participants said on how corporal punishment was administered in the school, it is obvious that teachers make use of objects to administer corporal punishment that are against the government policy.

- **All corporal punishment shall be administered on the buttocks and not on any other parts of the body**

The teachers indicated their knowledge of the fact that corporal punishment should be administered on the buttocks only, but two teachers also regarded the administering of corporal punishment on the hands as acceptable. One teacher mentioned that the learners sometimes prefer to receive corporal punishment on their hands. All the teachers admitted that they would sometimes hit the learners on parts of the body other than the buttocks.

The learners had a different opinion on the body parts where teachers administer corporal punishment. They indicated that the teachers administer corporal punishment not only on the buttocks and the hands, but also on the learners' backsides, heads, cheeks, and fingers. A learner said, “In the winter some teachers use a chalkboard duster to beat us on the fingers”. The principal confirmed that he

was aware of this practice. Five learners indicated that some teachers also choke the learners with their neckties.

As it was stated that corporal punishment should be administered on the buttocks only, what was mentioned by the learners, teachers, the deputy-principal and the principal revealed that the teachers did not observe this rule.

- **The principals shall ensure that the pupils are in a physically fit condition to receive corporal punishment before resorting thereto**

Regarding the learners' physical fitness to receive corporal punishment, it transpired that there were no means to determine that. The principal mentioned that they relied on their observational skills to ascertain whether a learner was physically fit to receive corporal punishment, because there were not any doctors or nurses readily available to verify whether the child is physically fit enough to receive corporal punishment. When asked when he regards a learner to be physically fit to receive corporal punishment, the principal said,

Eh, it is when you look at him/her and don't see any problem. The learner can also tell you he or she is not well and some refuse to be punished when they have come from the hospital where they received an injection. When the girls are menstruating they tell us, and we observe that, because we know that it can be very bad if you punish that particular person. Otherwise, we don't have a doctor or nurse, so there is no way we can verify objectively that, indeed, the learner is fit; we rely on our observational skills.

The deputy-principal concurred with the principal that there was no way they could objectively verify a learner's physical fitness to receive corporal punishment. She stated,

We assume that almost all or most of the children are fit to receive corporal punishment unless the parent helps by alerting us of certain illnesses the child has, and then the school requires a letter from a doctor. We then know the child is not fit, otherwise we assume they are all fit.

The principal and the deputy-principal said they relied on their intuition to determine whether a learner was physically fit enough to receive punishment, because they do not have a medical expert to do that at the school; hence, they fail at times to comply with the legal prescripts.

On the same issue of a learner being physically fit to receive corporal punishment, one teacher said, "The learner would always pretend not to be fit because of the pain." Another teacher stated, "A learner is fit to receive corporal punishment when he is reasonably healthy, mentally stable, has no physical deformity and is not so hungry as to lose concentration." And even another said, "When the child is not sick." All three the teachers, except one, replied that they always determined whether a learner is physically fit to receive corporal punishment before administering it. Though the three teachers stated that they have never failed to comply with this legal requirement, one could not rely on what they said, because they based it on their own judgement, and not objectively. One teacher admitted that he once failed to identify a learner who was not physically fit. All the teachers based their judgement on their observations; there was no medical objectivity.

Twenty-six learners indicated that the principal never established whether they were physically fit to receive corporal punishment beforehand. Fourteen indicated that the principal only sometimes established whether they were physically fit to receive corporal punishment before administering it. Two learners did not respond to this question. One learner stated, "The teachers beat us even when we are sick or feeling cold". Another one said, "I came to the class late because I had a runny stomach, and I received five strokes from my teacher." From these statements it is clear that the teachers' observations are not sufficient to ensure that the learners are physically fit to receive corporal punishment.

- **Corporal punishment shall not exceed four strokes in the case of boys and girls under sixteen years of age, and six strokes in the case of boys and girls sixteen years of age and above**

The principal stated that the learners should be given four light strokes, but he never mentioned the link between the number of strokes and the age of the learners. The deputy-principal pointed out that a learner should be given a minimum of three strokes and a maximum of five. She also did not mention that the age of the learner influences the number of strokes the learner may receive. This indicates that both the principal and the deputy-principal were not aware of the correct number of strokes that may be given to the learners, and that the number of strokes is linked to

the age of the learner. The principal stated that at some point he would give more strokes than what was prescribed in the government policy, especially if the learners were guilty of serious misconduct. He confessed,

Ja, I'm sometimes tempted, if a student has misbehaved, I put them in what I call John Vorster Square, and this is a prison that was used by the Afrikaner government to deal with ANC activists in South Africa. So, when I take a student there, it won't be for less than twenty strokes. So, I always feel guilty because I know what happens to the physical body of the students. However, it is only done by me in this school; I don't feel good about it, that's why I use it sparingly

The principal also referred to a case where a learner's leg had been amputated, and who claimed that it was due to the corporal punishment he received from the (previous) deputy-principal. The principal said,

If I remember something, a certain boy alleged that he was beaten by my deputy and his leg was amputated. Unfortunately the matter was not reported to us. There was no way we could accept it, but the parent still alleges, up to today, that we are responsible for the leg developing blisters, which resulted in the leg being amputated. When the matter was followed up by the Ministry of Education through the REO's office, the boy went away and only came back after two years to make the claim. They said that the school has to pay twenty thousand Emalangenani (This is a Swaziland currency). I said that we don't have money to settle legal issues; it is only the Ministry that does that. When the boy went to the Ministry, the Ministry said that they were going to deal with papers. Unfortunately the boy used a medical aid in somebody else's name. The name on the doctor's file was not the same as the one at the school. Had the case been pursued, I don't know what would have happened! If it was true that the boy was caned by one of the teachers of the school, corporal punishment can be very serious.

The principal further affirmed that some teachers exceed the limit when administering corporal punishment. When the principal was asked to recall an incident where his teachers exceeded the legal limit, this is what he had to say,

Umm..., it happens quite often, because we have a problem, some teachers exceed the limit. I get complaints from the parents that the teachers have exceeded the limit when administering corporal punishment

The deputy-principal revealed that she would sometimes exceed the legal maximum herself. She stated that if a learner was punished several times without any change in behaviour, she would then go beyond the legally prescribed limit. This is what she had to say, "That happens when you have punished the child several times and you discover that it does not seem to be working and then, next time, you use excessive force". The guidance and counselling teacher concurred with the deputy-principal by stating that some of the learners were beaten on the buttocks so intensely that they ended up bleeding. This is a sign that excessive force was used during the

administering of corporal punishment. It was obvious that some teachers in the school exceeded the number of strokes that is stipulated in the government policy, as both the principal and deputy-principal corroborated that they would administer corporal punishment beyond the limit at times. Again, the guidance and counselling teacher reiterated that learners are sometimes beaten more than ten strokes.

The teachers did not know the number of strokes a learner may receive. This became evident when they were asked to state the number of strokes that may be administered to learners in terms of the government policy. Two teachers mentioned three strokes were to be administered to the learners. One teacher stated that a learner should not be beaten more than four strokes at junior secondary school and not more than six at high school. Except for this teacher, none of the other three teachers who answered this question indicated that they were aware that the number of strokes is dependent on the age of the learner. This showed that they were not aware that corporal punishment is linked to the age of a learner. One teacher did not respond to this question.

The teachers did not give a clear explanation of what they regard as 'moderate chastisement'. One teacher stated, "Strokes (1-3 strokes) with a bit of explanation on likely favourable results in the long term". This indicates that it was not a consideration for them when administering corporal punishment. This in turn, translates into them not adhering to the children's constitutional right not to be subjected to torture or other cruel, inhuman, degrading punishment, because section 29(2) of the Constitution implies that if punishment is not 'moderate chastisement' it will constitute "...cruel, inhuman and degrading punishment" (Swaziland 2005).

Twenty-four of the forty learners indicated that some of the teachers administered more than the legally stipulated number of strokes, namely more than four strokes for learners under sixteen years of age and under, and six strokes for learners sixteen years of age and above. Sixteen learners had received the correct number of strokes relevant to their age, according to the government policy. Twenty-six of the learners stated that the teachers sometimes gave them thirty strokes.

One learner stated, “We ate at a wrong place during lunch and the teacher beat us with a guava stick until we could not sit because of the pain.” Another learner said, “The teacher beat me ten strokes with a stick.” And even another said, “When we entered the classroom during lunch, the door banged behind us and the teacher beat us until we lost count, which was close to twenty strokes”. No one among the participating teachers mentioned such incidents, which may be because these incidents involved the non-participant teachers, or the participant teachers were too afraid to come clean. Considering what was stated by the principal, the deputy-principal, the guidance teacher, the teachers and the learners, one can conclude that the teachers indeed exceeded the number of strokes stipulated in the government policy, and used excessive force when administering corporal punishment.

- **Every instance of corporal punishment shall be recorded forthwith in a punishment book, the entry specifying the name of the learner, the date and nature of the offence and the number of strokes administered**

When the principal was asked if he recorded all the instances of corporal punishment, he said, “I must be frank, we don’t.” Although the deputy-principal stated that she recorded instances of corporal punishment, it was clear that not *all* the cases were logged, since she only acknowledged logging ‘the majority’ of cases. She said, “Yes I do, I have a diary, where I log the majority of cases that come to the office, by way of writing down the names of the students when they come for punishment.” The schools should have a specific book to record all the instances when corporal punishment is administered. This school did not have such a record book.

All the teachers admitted that they did not record the instances when they administered corporal punishment. One could conclude that it was only the deputy-principal who recorded instances of corporal punishment (and then also only some cases, and not in the prescribed log book); the rest of the teachers, including the principal, did not.

- **Prefects or monitors shall not inflict corporal punishment**

Even though the principal and the deputy-principal were not asked this question, the teachers and the learners indicated that they knew that the school prefects are not supposed to administer corporal punishment, and that the prefects were indeed not administering corporal punishment at the school.

- **Corporal punishment must constitute ‘moderate chastisement’**

Twenty one learners mentioned that some of the teachers made them remove their clothes before receiving corporal punishment. The guidance and counselling teacher confirmed this practice. One learner stated that the teachers would instruct them to take off their trousers and they would be left standing in only their underwear before the teacher administers corporal punishment. Another learner said, “My teacher instructed me to take off the skirt I was wearing before he beat me with a stick, and I had only my underwear on.” Forcing learners to strip is humiliating and degrading and a contravention of the prescriptions of the Swaziland Constitution, the Children’s Protection and Welfare Act and HRL. The Constitution (2005, s 29(2)) guarantees the children their rights not to be subjected to abuse or torture or other cruel, inhuman and degrading treatment or punishment. This is even more so if a girl is ordered to strip in front of a male teacher, or a learner is forced to strip in front of the other learners. The Constitution is the supreme law, which means that corporal punishment must be administered in a manner consistent with the children’s rights contained in the Constitution.

4.2.3.3 The reasons for the school’s non-compliance with the legal prescripts

This section focuses on the reasons the participants gave for not adhering to the legal prescripts. The principal, the deputy-principal, the guidance and counselling teacher and four teachers gave different reasons why corporal punishment was being administered outside the legal prescripts. Some of the reasons were deduced by the researcher from the responses of the participants and the documents of the school containing the necessary information.

- **The abuse of corporal punishment by the teachers is not addressed, and is thus accepted as being condoned**

Two teachers stated that they did not talk about corporal punishment during their staff meetings. One teacher said they no longer talk about corporal punishment in the staff meetings, but they used to do so in the past. One teacher said they talk about corporal punishment once in a while during the staff meetings. The fact that the school did not talk about the use of corporal punishment in their staff meetings even when the principal was aware that some teachers punish excessively, is worrisome. The reason may be that the principal himself does not adhere to the legal prescripts (section 4.3.2); it would thus be difficult for him to realise when teachers are abusing corporal punishment.

- **The teachers believe that the learners should be given corporal punishment in severity equal to the seriousness of the offence**

The principal highlighted that when the learners committed a serious offence, he would sometimes give no less than twenty strokes. In his case the reason for non-compliance with the legal prescript was that serious offences attract severe corporal punishment. Two teachers mentioned that they would administer corporal punishment beyond the legal stipulated number of strokes if they felt that the gravity of the offence warranted it. Thus, in this school the number of strokes administered tallied with the seriousness of the offence, regardless of the legal prescript.

- **The teachers said they used excessive force if the learners do not respond to light punishment**

The deputy-principal indicated that she would use excessive force when meting out corporal punishment if the learner does not seem to be responding to lighter corporal punishment.

One teacher stated that he would administer more strokes than the legally stipulated number if the learner committed a succession of unrelated punishable offences for which the school principal or his assistant instructed him to administer the punishment even within an hour, or on the same day.

- **The teachers say they use illegitimate objects to administer corporal punishment in self-defence**

One teacher maintained that he would use any instrument when administering corporal punishment other than the one specified in the legal prescript if the learner responded so seriously that it would threaten his life.

- **The teachers say the learners' conduct pushes them to overstep the legal boundaries**

One teacher responded that he administered corporal punishment outside the legal scope on one learner because of the learner's silly and degrading misconduct, which included demeaning heckling.

- **The male teachers administer corporal punishment to the female learners in the same manner as to the male learners, because they believe the learners should be treated equally, despite their gender**

One male teacher affirmed that he administered corporal punishment to girls, since the same government that requires girls to be punished by female teachers also teaches the gospel of equality, equal treatment and the need to avoid intrusive considerations of gender in our day-to-day modern life. Another male teacher indicated that the reason that he would administer corporal punishment to girls is if they committed the same offences as the boys.

- **Male teachers do not request the assistance of female teachers when administering corporal punishment to girls if there is no female teacher available**

One teacher said that he administered corporal punishment to girls if there was no female teacher to help. This shows that the teacher avoids any inconvenience that may be caused while still waiting for the female teacher to assist.

- **The teachers administer corporal punishment on any part of the body if the learner does not want to follow the teacher’s disciplinary instructions**

One teacher declared that he had administered corporal punishment on other parts of the body other than the buttocks because the learner was stubbornly disruptive and refused to follow his disciplinary instructions. Another teacher said that he normally went beyond the legal policy when punishing learners if they refused to accept the punishment. The third teacher, who indicated that he beat the learners on any part of the body other than the buttocks, did not explain why.

- **The teachers administer corporal punishment in public because they believe it serves as a deterrent**

One teacher said, “Sometimes it saves time and it teaches the larger flock even better to be exposed to deterrence and so, improves discipline at stroke (i.e., through one incident).” Another teacher wrote, “If the offence was done in class, it must be sorted out there.”

- **The teachers do not record all the instances of corporal punishment because they feel it is too time-consuming**

On the issue of recording all the instances of corporal punishment, one teacher stated that there were usually time-constraints, and he preferred spending more time on learners’ academic work.

- **The teachers feel that they lack the support systems to ensure the physical fitness of the offenders to receive corporal punishment**

The principal stated that the school does not have a health practitioner to objectively determine whether a learner is physically fit to receive corporal punishment.

- **The teachers sometimes fail to determine whether a learner is fit to receive corporal punishment because the parents and principals do not inform them about the learners who are sick**

Regarding determining whether a learner is physically fit to receive corporal punishment, one teacher stated that he once happened to administer corporal

punishment to a learner who was sick, but about which the administration had not alerted him.

4.2.3.4 Views on Human Rights Law

The principal, the deputy-principal and the teachers were asked to express their views on human rights and the use of corporal punishment.

The principal felt that the children should be understood to be human beings, and should be treated accordingly. The principal had earlier pointed out that corporal punishment could be very bad. He further made these remarks:

Ja, my belief is that a student is a human being; you can talk to him/her; that is where everything starts. The teacher is a professional; he/she knows the disciplinary measures. When you address the students, they understand.

The participants were not expected to be conversant with the HRL on issues of corporal punishment. The researcher updated them on some provisions of the HRL that deal with corporal punishment, and requested their opinions on these provisions. The teachers aired their opinions on the prohibition of corporal punishment by the CRC. One teacher stated, "This direct transplant of European law may not, and does not fit hand in glove in the African context." Another teacher said, "The alternative to corporal punishment is time-consuming". The third one mentioned, "Corporal punishment should be administered with guidance on the number of strokes." The last teacher stated, "Swazi children need to be given corporal punishment once in a while; failure to do so can render the schools ungovernable."

4.2.3.5 Future projections in respect of corporal punishment

This discussion will focus on the way forward on the use of corporal punishment, as suggested by the participants. The principal believed that corporal punishment should be retained in the schools because that is the way they raise children in an African context. The principal had this to say when asked if he would be in favour of banning corporal punishment in the schools,

Not at all; to me these are ways and means to destroy our children. We know this Western world is anti-corporal punishment; it is the reason why, during the early

civilisation in Britain, for instance, children were actually killed. It wasn't corporal punishment, it was physical. The teachers were boxing the students, they decided to ban it, and we have not had those exceptional cases that were severe. So, I'm not in favour of a law banning corporal punishment

The principal's response complies with the literature as discussed earlier that some cultural beliefs promote the use of corporal punishment as a proper way of raising children (cf. ch. 2, section 2.2.2).

Although the principal indicated that corporal punishment should be continued, he contradicted himself during the course of the interview by saying that corporal punishment should be abolished as a long-term solution, since some teachers abuse it. The principal made the following remarks,

Ja, my belief is that a student is a human being; you can talk to him/her that is where everything starts. The teacher is a professional; he/she knows the disciplinary measures. When you address students; they understand. I'm saying that teachers must use those ways before they go for corporal punishment. For instance, if I can give an example, if the students refuse to sweep, you can ask them to sweep the whole week, it won't be nice to them. One, it detains them, two, it's inconvenient because there is dust when they move the furniture around; rather than using corporal punishment. I would prefer that you talk to the person and use the other options before you come to corporal punishment. If the children do not have parents they are not brought up the way we were. Then it is very dangerous to use corporal punishment. First of all, the government must first orient the society and the society must transform. There may be corporal punishment at school, but if at home there isn't any, it may not serve the purpose of assault. If we can be educated as teachers, parents and police officers because this is happening even in police stations all over the country. If we can talk about this thing, so that we get the advantages and disadvantages of it. You can't punish a six months or 2 year old. What are you doing; but they do it, why? (*As he was getting emotional*) I would advocate that in the long run corporal punishment be banned because some people abuse it.

His closing sentence illustrates that as a lasting solution, corporal punishment should be banned because some people abuse it.

The deputy-principal stated the following, when asked if she would be in favour of banning corporal punishment in the schools,

Eh..., I'm not in favour, because some of our children come from child-headed homes, so you may find that most of the values they should acquire from their parents, they do not have; so, they rely on us to teach them. I believe that if you spare the rod, you are spoiling the child. There have been talks about positive punishment but someone still has to explain to me what it is all about. But before that, corporal punishment should be in place. I think corporal punishment is the best.

The deputy-principal's response illustrated that her comments were in line with the Bible, namely that if you spare the rod, you spoil the child, as stated earlier (cf. ch. 2, section 2.4.1). It also links with what the principal stated, namely that he also believed that an African child should be raised by using corporal punishment. Although she was not in favour of banning corporal punishment, her mentioning positive discipline indicates that she was inclined to explore it further.

Similarly, the guidance and counselling teacher also referred to the Biblical obligation (cf. ch. 2, section 2.4.1) when asked if she would support the banning of corporal punishment in Swaziland. She said she would not, and said,

Corporal punishment is good if handled legally. The Biblical perspective is that warning and spanking go together for the children to be good citizens. Also, the teachers have not been taught or trained in other ways of punishing wayward behaviour.

One teacher said it should not be banned but should be adapted to the modern world. Three of the teachers felt that corporal punishment should be continued. One did not give reasons for continuing with corporal punishment, while the other one said, "Biblically, a young mind may sometimes need more of a spanking, which is an African tradition." He further mentioned that corporal punishment is quick, does not deny the child the important chance to do his core business, and the pain is often temporary but effective. The third teacher pointed out that the other forms of disciplinary measures also punish the teacher. The fourth teacher stated that corporal punishment is better than sending the learner out of the classroom because then the learner misses the lessons.

On the request to suggest alternative disciplinary measures in case corporal punishment was to be banned in schools, the teachers responded as follows:

- not any that I can think of as less evil, time-saving and effective than corporal punishment if administered well and at critical moments, to achieve the maximum correction;
- detaining learners and making them clean the school may be a solution;
- retaining the learners during their free time may be implemented;
- manual work may be used to good effect.

The teachers indicated that they have tried alternative forms of punishment. These include, tongue-lashing, collecting papers on the school premises, cleaning the

school premises, detaining them after school, and having them leave the class during lessons. One teacher wrote that he used other forms of punishment because the learner was hard-hearted and so corporal punishment would not be an effective deterrent under the circumstances. Another teacher said he used alternative forms of punishment when the learner had received corporal punishment several times without a change in behaviour.

4.2.4 Case study: School B

As in the case study on School A, the researcher organised the findings using the stated objectives.

4.2.4.1 Introduction

The data presented here were collected from the principal, the deputy-principal, two male teachers, two female teachers, the guidance and counselling teacher, as well as from forty learners. The forty learners were from Forms 1, 3, 4 and 5, because the principal informed the researcher that corporal punishment was used uniformly across all the forms in their school. All the participants who were sampled responded to the questionnaires. The principal, who is a male, holds a Bachelor of Education-degree, while the female deputy-principal holds a Master's Degree in Education. Three teachers held Bachelor of Education-degrees and one was in possession of a Secondary Teachers Diploma. The guidance and counselling teacher held a Bachelor's degree. The teachers' experience ranged from two to ten years. The guidance and counselling teacher was also involved in answering the questionnaires. Although the learners were sampled from classes that were taught by the participating teachers, their responses were based on corporal punishment that was meted out by any teacher in the school, because they did not know which teachers were participating in the study.

4.2.4.2 The reasons for administering corporal punishment

The reasons that were identified for using corporal punishment as a disciplinary measure in this school were, as in the case of School A, studied in order to make recommendations on the way forward in respect of corporal punishment.

The teachers pointed out the following reasons for opting to use corporal punishment rather than other disciplinary measures. Some of these reasons were identified by the researcher from the responses of the learners and from the relevant documents.

- **The teachers use corporal punishment because they believe it is a quick way of fixing misbehaviour**

The principal stated that corporal punishment is a quick way to correct misbehaviour. When asked if he preferred corporal punishment to other disciplinary measures, he responded as follows:

Eh, sometimes I prefer it because it is not time-consuming, and the learners do not respond to any other form of punishment in terms of behaviour (*laughing*). Ja, as I said, in most cases, time is not on our side, so, the quick way of dealing with unbecoming behaviour is corporal punishment.

- **The teachers believe they have to make use of corporal punishment because they have to deal with large numbers of learners**

The principal believed that corporal punishment is an appropriate disciplinary measure that instantly corrects a learner's misconduct. When asked why he preferred corporal punishment, he said,

The learners should be given corporal punishment, especially the ones we are working with. We deal with a large number, and with this type of punishment, the learners respond positively. You can notice an immediate change in behaviour, even though the learners tend to develop negative attitudes toward the school that makes use of corporal punishment.

The deputy-principal also indicated that she is in favour of corporal punishment. She, however, mentioned that she had not used corporal punishment for the best part of her teaching career, and only started doing so when she came to this school, where her inclination towards corporal punishment was changed. When asked why corporal punishment is an appropriate disciplinary measure, she stated,

We deal with large numbers in the classrooms, and to have control is by means of the threat of a stick, because they will walk over you. There are teachers who insist that their caning is soft; the learners do not take them seriously.

- **The teachers administer corporal punishment because the parents support its use**

All the teachers stated that the parents approve of the use of corporal punishment. From the literature review it also became evident that the teachers relied heavily on corporal punishment because they enjoy the support of the parents (cf. ch. 2, section 2.2.2). The teachers were of the opinion that the learners of the community are raised by a stick, as a result they are more inclined to comply with instructions if there is the threat of a stick. The learners also concurred with the teachers that their parents support the use of corporal punishment.

- **The teachers use corporal punishment because they believe that children from child-headed homes need the ‘guidance’**

Both the principal and the deputy-principal concurred that the use of a stick is of more value, especially with the learners who are raised in child-headed families, because such learners need proper guidance. They both believed that the teachers then take over the role of the parents and use corporal punishment as parents do, to show the learners the right path. The deputy-principal said,

Some of these children are not raised by their biological parents. A child who was brought up by both parents stands a better chance of not being beaten. I would say it's the parenting and upbringing.

The guidance and counselling teacher mentioned that some teachers would say "...a Swazi child is accustomed to beating". This is in covenant with literature (cf ch. 2, section 2.2.2) that most cultures believe that corporal punishment is an appropriate way of bringing up a child.

4.2.4.3 The non-compliance of School B with Swaziland's policy

The discussion under this heading focuses on situations where the teachers failed to comply with the law as stated in the Education Rules (Swaziland 1977, par. 11). Since the rules were mentioned in section 4.2.1, they will not be repeated here. The data will be presented in accordance with the study objectives, as was done in the case study on School A.

- **Corporal punishment is regulated in schools by the Education Rules of 1977, which are also stated in ‘A Guide to School Regulations and Procedures’**

In the recorded interview the principal admitted that corporal punishment was administered in the school. The deputy-principal also concurred with the principal that corporal punishment was used in the school as a disciplinary measure. The principal stated that he did not know which law regulates the use of corporal punishment in Swaziland schools, but he was aware of the fact that there is a law of that nature. This was how he responded when asked to state an instrument regulating the use of corporal punishment in schools, “From the government? That I may not ..., even though I may not cite any section but what I know is that corporal punishment is allowed.” He further stated that they have their own school policy on corporal punishment. Though the school has a policy on disciplinary measures, it does not have details on the procedures to be followed before a teacher administers corporal punishment.

When asked about the difference between the government’s and the school’s policy on corporal punishment, he mentioned that their school policy allowed every teacher to administer corporal punishment. He said,

In fact, with ours, we encourage teachers to administer corporal punishment whenever they feel the learner deserves it, while government’s policy, you have to call someone else to do it for you.

Their own school policy does not state ‘caning’ under disciplinary techniques that may be used by teachers in enforcing discipline. Their school policy gives a teacher the authority to mete out corporal punishment; it states that the teacher will ensure the fair and equitable implementation of discipline policy among their learners (School B: 2).

The information the principal had on an instrument used to regulate corporal punishment indicated that he was not sure of his information because he did not know it. The deputy-principal was aware that the Rules and Regulations Document was an instrument that governed the use of corporal punishment in Swaziland schools. Two teachers admitted, by merely stating “I don’t know”, that they were

unaware of laws and policies regulating the use of corporal punishment in Swaziland schools.

- **Corporal punishment has to be administered by the principal or a member of staff specifically so authorised by the principal**

The principal indicated that he was aware of the fact that corporal punishment should be administered under his authority. He said, “In fact, it is only the principal that is authorised to administer corporal punishment and female learners should be punished by female teachers.”

The deputy-principal knew that the principal was the one authorised to administer corporal punishment. When the deputy-principal was asked about the difference between the government’s policy and their own school policy, she said that the government regulations say corporal punishment should be administered by the principal.

All the teachers who responded pointed out that they administer corporal punishment on their own, but they indicated that they were aware of the fact that corporal punishment was to be administered by the principal. The guidance and counselling teacher concurred with the teachers that corporal punishment should be administered by the principal and all the teachers in the school. All the learners agreed that the teachers used corporal punishment when they felt the learners deserved it. The school, without a doubt, did not comply with the rule that corporal punishment should be administered by the principal. It is worth noting that their school policy did not touch on who was to administer the corporal punishment.

- **Corporal punishment to girls may only be administered by a female teacher in the presence of the principal**

The principal acknowledged that according to the policy, corporal punishment should be administered by female teachers to girls in the presence of the principal. Although he was aware of the fact that corporal punishment should be administered by female teachers to girls, he said the corporal punishment policy of his school allowed every teacher to administer corporal punishment to both boys and girls. Both the teachers

and the learners responded that corporal punishment was used by male teachers on both male and female learners. This showed that their 'unwritten' policy was not in line with the policy; obviously, the school was not adhering to this rule.

- **Corporal punishment shall not be given in public**

The deputy-principal stated that corporal punishment in their school is administered by all the teachers who believed that it is helpful in the classrooms. All the teachers were aware that corporal punishment was to be meted out in a private place, but all of them confirmed the deputy-principal's statement that they do not adhere to that rule.

Although all the learners also agreed that their teachers meted out corporal punishment in front of other learners, 11 indicated that there were instances where teachers have beaten them privately. They stated that whether they receive corporal punishment in public or privately depended on the nature of the offence, however, they did not elaborate on that. Five learners said that sometimes the teachers made humiliating comments while beating them in front of other learners. This indicated that the school did not observe the requirement that corporal punishment should be meted out in a private place.

- **No cane or stick exceeding two and half feet in length, and half an inch in diameter, shall be used for the infliction of corporal punishment**

The principal admitted that they used sticks that do not comply with the measurement requirement. He estimated that he uses a stick of about half a metre in length, but could not state the diameter. When asked about the size of the stick, he said,

Eh, we use a normal stick. Although I'm poor in Mathematics, but it is about half a metre and not a big stick in thickness.

It is obvious that the sticks used by the teachers in administering corporal punishment do not comply with the legal policy if the principal is not sure of the correct measurement of a legally-prescribed stick. The principal admitted that whenever he did not possess of the correct stick, he would use anything he came across. He said,

Yes, it's possible because if you want to punish a learner but you don't find an appropriate stick, you just pick anything you can use. I must say though, it is the responsibility of the teacher to weigh the size of the stick and the amount of force to apply when administering corporal punishment so that the learner does not get injured.

The deputy-principal indicated that she used a stick that was within the legal measurements of the government. The interviewer also had the opportunity to see several sticks that were on the deputy-principal's table, which were in fact in compliance with the legal measurement requirements.

All the teachers pointed out that a stick was to be used in administering corporal punishment. One teacher admitted that she would sometimes use chalkboard dusters to beat the learners. As in the case of School A, the learners offered a different view, and mentioned different objects used by the teachers in administering corporal punishment. These objects included sticks, pipes, chalkboard dusters and a wire. One learner, when asked, "What type of object do the teachers use to administer corporal punishment?" responded as follows, "They use big sticks, but there is one teacher who uses a wire". Such responses indicate that some teachers adhere to the prescriptions in respect of the object to administer corporal punishment, while others do not.

- **Corporal punishment shall be administered on the buttocks only and not on any other parts of the body**

When he was asked to give an instance where a teacher used excessive force to administer corporal punishment, the principal mentioned that one of his teachers slapped a learner on the ears using both hands. He condemned the act by the teacher because it constitutes violence against the learner. He said,

Yes, eh_, I can remember an instance where a teacher... I don't know whether I should call it corporal punishment or violence against the learner ... he slapped the learner with both hands on the ears and it was so terrible.

The guidance and counselling teacher cited two incidents where the learners were punished outside the legal prescripts. On one occasion, she stated, a learner was beaten all over his body with a pipe by a teacher. In a second instance, the learner

was made to bend her knees as if she was sitting on a chair for an extended period of time, until she collapsed.

One teacher mentioned both the buttocks and the hand as parts of the body where corporal punishment may be administered. One teacher admitted that she used a chalkboard duster to hit a child on the fingers. Twenty-three learners also confirmed that sometimes the teachers used chalkboard dusters to mete out corporal punishment on the fingers. It is thus evident that the teachers at this school every so often do not adhere to the rule that corporal punishment was to be administered on the buttocks only.

- **The principals shall ensure that the pupils are in a physically fit condition to receive corporal punishment before resorting thereto**

When the principal was asked whether he ensured that the learners who had received corporal punishment were in a physical fit condition, he said,

Ja, that's a difficult question. We don't, as long as we see that the learner is well, we administer corporal punishment; not unless a medical condition has been brought to our attention by the parent.

The deputy-principal pointed out that they used their discretion to determine whether a learner was fit to receive corporal punishment, which was exactly what was said by the principal. She said:

For me, eeh, those that are physically fit to receive corporal punishment are those that have not reported anything on their medical condition. If the learner did not inform me that he/she was not well, I think that learner can be given corporal punishment.

All the teachers who responded believed that a learner was physically fit to receive corporal punishment when he or she does not show any signs of sickness. Sixteen learners mentioned that the teachers would beat them even if they were sick, especially with diseases that could not easily be detected through mere observation. This indicated that no objective way was used to determine whether a learner was in a physically fit condition to receive corporal punishment.

- **Corporal punishment shall not exceed four strokes in the case of boys and girls under sixteen years of age and six strokes in a case of boys and girls sixteen years of age and above**

The principal stated that, at some point, he applied excessive force when meting out corporal punishment. He cited an instance where he went beyond the legal number of strokes,

Just recently, I had a case of a destitute learner. This learner was always giving our mathematics teacher a problem. I felt the learner was not good, I found myself using excessive force and giving him more strokes than those stipulated in the government policy.

The deputy-principal pointed out that she never experienced any instance that had to do with using excessive force when administering corporal punishment. She did confess though, that she was not aware of the maximum strokes specified in the government policy. She mentioned,

I haven't come across such an instance. As the policy of our school says you may not touch a learner unless you foresee any injury, because that may be regarded as sexual harassment.

Twelve learners pointed out that the teachers sometimes administered up to 30 strokes.

4.2.4.4 The reasons for the school's non-compliance with the legal prescripts

In section 4.4.3 it was indicated that corporal punishment in the school was administered outside the legal scope. The reasons for not complying with the legal policy, as stated by the participants and identified by the researcher, will be presented in this section.

The principal, the deputy-principal, the guidance and counselling teacher and the four teachers gave reasons for administering corporal punishment outside the legal policy. What is worth noting was that the deputy-principal did not believe in or used corporal punishment before she came to the specific school; she started using it in this school. This is how she commented about her corporal punishment background,

In the previous ten years, I have not been using corporal punishment, but when I came here to this environment with a new background and new clientele altogether that uses a system that was different, I found that it was not working.

This might have affected the manner in which she understood the use of corporal punishment.

From the failure of the teachers to follow the legal procedures it is clear that the law pertaining to corporal punishment is poorly enforced in the school, and also, does not provide sufficient protection to children.

The reasons for the non-compliance with the government policy are discussed below.

- **The teachers do not fully comply with the legal prescripts because they are not conversant with the contents of the legal prescripts on corporal punishment**

The fact that the teachers are not conversant with the contents of the legal prescripts on corporal punishment was found to be one of the major reasons why they were using corporal punishment outside the legal prescripts. The principal was not clear on the law that regulates the use of corporal punishment. He was, however, aware of the fact that corporal punishment was legal in Swaziland, and this fact appears to have made it easier for him to deviate from the correct corporal punishment procedures. As stated earlier (cf. ch. 2, section 4.4.3), three of the four teachers stated that they were not aware of any law or policy that regulated the use of corporal punishment. It is obvious that whatever they did when meting out corporal punishment was based on their discretion, which could lead to deviations from the correct procedures.

When the learners were asked if the school explained to them how corporal punishment should be administered, they indicated that they did not have any information in this regard. Only two learners indicated they received some explanations from the teachers on corporal punishment procedures; the rest of the participants did not know.

- **The male teachers do not request the assistance of the female teachers to punish the female learners because they feel it is too time-consuming**

One teacher responded that it would be time-consuming for a male teacher to move up and down looking for a female teacher whenever he wanted to punish girl learners. Another teacher said, “Our work environment does not make allowance for that (no provision in the school), and it is time-consuming.” One male teacher, giving the reasons for meting out corporal punishment to girls, said “... would also lead to behaviour problems among the girls as they would know that male teachers don’t mete out corporal punishment to them.”

- **The teachers make use of corporal punishment because they believe it brings about respect for them**

The principal pointed out that their own school policy allows the teachers to administer corporal punishment without reporting to the principal. He said this is done so that the learners may respect and take all the teachers seriously, which shows that the principal regards fear of punishment as respect. This was how he responded,

Ja, in fact, with us, we encourage the teachers to administer corporal punishment whenever they feel the learner deserves it, while with the government’s policy, you have to call someone else. In the end the learner will not take anything from the teacher he made the offence. This may also create hatred among the learners towards the teacher who may be requested to administer corporal punishment on behalf of another teacher.

- **The teachers fail to adhere to the legal number of strokes because their school policy does not specify the number of strokes; hence, they are not clear about the number of strokes that may be administered legally**

The deputy-principal also stated that their policy did not specify the number of strokes that may be administered to the learners. This was confirmed when the researcher studied the school policy. Their school policy only stated that learners could be subjected to being caned if they misbehaved (School B: 3).

- **The teachers administer corporal punishment in public because they believe it serves as a deterrent**

Although the government policy does not allow corporal punishment in public, the deputy-principal pointed out that they administer corporal punishment in front of other learners to give potential offenders a lesson.

One teacher said it was going to be too time-consuming and send out a wrong message if they were to administer corporal punishment in private. Two teachers felt that there was no place in the school that could be reserved for corporal punishment to be meted out. The deputy-principal also indicated that there was no private area that could be demarcated for this purpose.

- **The teachers do not record all the instances of corporal punishment because they feel it is unnecessary**

All the teachers felt that it is not necessary to record all the instances of corporal punishment. When the deputy-principal was asked whether they recorded all the instances of corporal punishment, she responded as follows,

We would run out of paper. We deal with large numbers in the classrooms, and to have control is by means of the threat of a stick, otherwise they will walk over you.

- **The teachers fail to properly comply with the assessment whether a learner is physically fit to receive corporal punishment because the parents fail to inform them of any ill-health or medical condition the learner may have**

It transpired that the teachers sometimes fail to identify a learner that is not fit to receive corporal punishment if the parent does not notify them about the learner's ill-health. The deputy-principal stated that as teachers they also depend on the parents to notify them about a learner's ill-health. The deputy-principal said,

We assume that almost all or most of the children are fit to receive corporal punishment unless the parent helps by alerting us of certain illnesses the child has, which the school requires a letter from a doctor to the school. We then know the child is not fit. Otherwise we assume he or she is fit

- **In the absence of any health practitioner, the teachers always use their own discretion to determine whether a learner is physically fit to receive corporal punishment**

The teachers felt that it is not supposed to be expected from them to act as health experts in identifying that the learners are not physically fit to receive corporal punishment. One teacher said, “I don’t know the symptoms of all the diseases.” Another teacher responded as follows,

We are not trained to be able to tell by merely looking at the child, so unless there’s proof – a doctor’s report or the principal’s report, I administer punishment. Otherwise the learners could use it as an excuse.

This demonstrates the gap within the government policy, because the government did not make provision for a health worker to assist the teachers in identifying learners who are physically unfit to receive corporal punishment. The teachers cannot take the learners to health centres for an examination each time they want to mete out corporal punishment.

- **The teachers use corporal punishment because they believe it is quick, and there is more time for teaching and learning**

The teachers felt that corporal punishment is the easiest way of conducting discipline in the teaching and learning process, which is why this school decided to decentralise the use of corporal punishment to all the teachers, although it was against the government’s policy.

- **The teachers use corporal punishment because they believe it installs respect for the teachers**

The principal stated that if corporal punishment is decentralised to all teachers, the learners would take every teacher serious, and would follow the instructions given by the teacher. The principal also felt that if one specific teacher was to administer all the corporal punishment it would result in the learners hating him/her.

- **The teachers exceed the prescribed limit when they administer corporal punishment in anger**

One teacher specifically tended to exceed the limit when administering corporal punishment when he was angry. Another mentioned that she would give more strokes than the stipulated number when she was angry.

- **The teachers do not adhere to the prescription in respect of the size of the stick if the correct size stick is not available at the time**

The fact that corporal punishment was allowed legally, cause the teachers to make use of a wrong size stick whenever they wanted to administer corporal punishment in the absence of the correct size. The principal confirmed this by saying that if he does not find a stick of an appropriate size he would use any stick available.

- **Some teachers do not adhere to prescript regarding the recording of all the instances of corporal punishment, and the school has no punishment book because they feel it is not necessary**

All the teachers admitted that they did not record the instances of corporal punishment as per the legal policy requirement because they did not see the reason for doing it. They responded as follows,

- I don't have a record book for that.
- I don't record, because, where would I record it, and what for? If I have to, then it doesn't have to be for corporal punishment, since all the methods serve the same purpose (discipline).
- I don't record it because there are too many learners and there is not enough time.

- **The teachers would abuse corporal punishment because the parents approve of its use**

The fact that corporal punishment was supported by most parents (section 4.4.3) could lead the teachers to abuse it. Whenever a teacher has to administer corporal punishment, he/she does not take all precautions because he/she knew that everyone would understand that corporal punishment was necessary. All the teachers collaborated that the parents support the use of corporal punishment.

4.2.4.5 Views on Human Rights Law

Since the CRC prohibits the use of corporal punishment on children, the teachers were also asked for their opinions in this respect. All the teachers were against the HRL prohibiting the use of corporal punishment.

The principal was told that the HRL prohibits the use of corporal punishment, and was asked to express his opinion. He said, “Ja, I personally beg to differ. The learners should be given corporal punishment especially the ones we are working with”. The principal stated this emphatically, illustrating his belief that the learners deserved to be beaten in cases of misbehaviour.

The deputy-principal also believed that children should be given corporal punishment whenever they did wrong because that was how they too were raised. When asked for her opinion in the light of the HRL prohibiting the use of corporal punishment, she said,

For me corporal punishment should be used with restraint; it should not be used to cause injury. We should not injure the learner, but we are chastising the learner. You start by spanking the child when he/she is young and there are times to use a cane so that he/she knows that you have authority over him/her.

She further stated that if a child is raised by means of a stick one cannot suddenly change the form of discipline. She said that it is not about what the HRL says, but it depends on the child before you. She indicated,

I will give you an example, in a Form 4 class I can talk to them and they will understand; in that case there is no reason for corporal punishment. If I go to a Form 2 class, they won't understand, and I must use a stick. The use of a stick depends on the learners before you.

The guidance and counselling teacher felt that corporal punishment should be prohibited in schools because it instils fear of and hatred for the school in the child. She said, “Corporal punishment does not correct behaviour but instils fear in the child and might develop anger, hatred and violence in the child.”

4.2.4.6 Future projections in respect of corporal punishment

All the participant teachers except the guidance and counselling teacher felt that corporal punishment should not be prohibited in the schools. The deputy-principal said that the present law on corporal punishment in Swaziland was good enough. She furthermore stated that even if there was a law prohibiting it, it would not help anyone, because if the children were not brought up properly at home they deserve to be beaten. This is what she had to say when she was asked how Swaziland's law can be made compatible with the HRL, since Swaziland ratified this law:

For me, honestly, it's not about the law but it's about the upbringing of the child; instances exist of poor parenting. Some of these children are not raised by their biological parents. A child who was brought up by both parents stands a better chance of not being beaten. I would say it's all about parenting and upbringing. The law can assist, but the damage is done at home. The law that we presently have is fine, because it allows corporal punishment within certain limits.

The principal felt that there was no way that Swaziland's law could be made compatible with the HRL, because children should be given corporal punishment in order to raise them properly. When asked how it could be ensured that Swaziland's law complied with the HRL, the principal said:

There is no way we can marry the two laws. We cannot make our law comply with the HRL because we have to use corporal punishment; we have to, (*emphasising*) because we cannot cope without corporal punishment

His response and gestures indicated that he strongly believed in the use of corporal punishment. He felt that there was no other effective disciplinary measure.

The interviewer further requested both the principal and the deputy-principal to come up with alternatives to corporal punishment, if corporal punishment was to be banned in Swaziland schools. The principal recommended positive discipline, where the teacher would have to engage the learner in such a way that the learner would know that whatever misconduct he/she did, it would affect him/her adversely. He said,

It may be positive discipline. I think you would have to engage that learner; say, he/she displayed unbecoming behaviour, you can discuss it with him/her on how such behaviour would adversely affect him/her. You can also give the learner manual work, though it may present some challenges. At my school we don't have teachers' houses; they use transport back home. It would be tiresome to them to stay after school to monitor the offenders. The learners also make use of public transport to go home; delaying them after school may expose them to danger such as rape, robbery and others.

This indicates that although the principal suggested possible alternatives to corporal punishment, he cited the challenges that may be faced by the school. The deputy-principal persisted that prohibiting corporal punishment would be detrimental to the upbringing of the learners.

On the other hand, 28 learners pointed out that corporal punishment should be banned in schools. The learners proposed the following reasons why corporal punishment should be banned, namely

- it causes fear, and the learners fail to concentrate;
- corporal punishment results in the learners dropping out of school;
- at times the teachers injure a learner while administering corporal punishment;
- some teachers use corporal punishment to vent their anger;
- the learners feel they are old enough to reason with the teachers when they have done something wrong;
- a number of teachers do not use corporal punishment equitably;
- the learners feel degraded because the teachers beat them in front of other learners;
- certain teachers use dangerous objects to beat the learners with;
- corporal punishment causes stress in the learners;
- it hardens the learners' minds in respect of complying with the law;
- the learners would develop good relationships with the teachers if they knew they would not be beaten;
- the learners develop hatred towards the teachers who beat them, and threaten to deal with the teachers outside the school premises.

There were 12 learners who felt that corporal punishment should be continued. They advanced the following reasons, namely to

- prevent the lack of respect for the teachers by the learners;
- force the learners to do their homework;
- make the learners respect the rules of the school; and
- make the learners aware that if they step out of line something bad will happen to them.

It is thus evident that most of the participant learners in this school want corporal punishment banned.

4.2.5 Similarities and differences between the two schools

In the next section the researcher focuses on the similarities and differences between the two schools.

4.2.5.1 Similarities in the two schools

The study showed that there are more similarities than differences in the two schools in the way the teachers administer corporal punishment.

- The teachers indicated that they are not conversant with the legal prescripts that regulate the use of corporal punishment. This was one of the reasons why they deviated from the legally prescribed policies.
- In both schools the principals are in favour of corporal punishment, and they allow the teachers to make use of it. This also encourages the teachers to use corporal punishment as they please, because they know they enjoy the support of the principal.
- The reasons for administering corporal punishment proffered by the teachers of both schools seem to be similar (cf. ch. 4, sections 4.3.1 & 4.4.2).

In both schools the male teachers administer corporal punishment to the female learners, though the legal prescript is against such a practice. One teacher from each school believed that both boys and girls should be treated equally; hence there is no need to request the female teachers to assist the male teachers in respect of the female learners.

- Both the teachers and the learners of Schools A and B indicated that the teachers administer corporal punishment in public because they believed that it serves as a deterrent.
- The teachers and the learners of both schools indicated that the teachers administer corporal punishment not only on the buttocks as prescribed, but also on other parts of the body.
- In both schools the principals did not ensure that a learner is physically fit to receive corporal punishment before punishing the child.
- It was ascertained that in both schools the teachers do not record all the instances of corporal punishment in a record book, except for the deputy principal of School A who would record it in her diary, which was not the correct way, because the legal policy requires that the recording be done in the school's punishment book.

- In both schools the prefects were not allowed to administer corporal punishment, which was in compliance with the law. This was the only policy requirement that was fully adhered to in both the schools.

In both the schools the majority of the participant learners supported the prohibition of corporal punishment.

4.2.5.2 Differences between the two schools

This section focuses on the way the two schools differ in dealing with corporal punishment.

- In School A more cases of the abuse of corporal punishment were reported as compared to in School B. In School A the principal indicated that there was an instance where it was alleged that his previous deputy-principal administered corporal punishment on a learner to such an extent that the learner had to have his leg amputated. Such instances were never mentioned in School B.
- In School A there were more incidents of learners being beaten on illegal parts of the body as compared to in school B. This means that there was more deviation from this rule by the teachers in school A than in School B.
- In School A corporal punishment was accompanied by undignified, humiliating practices, while these practices were not mentioned by the participants of School B. The learners in School A at times were made to strip off their clothes, being punished while wearing their underwear only. This was never found in School B.
- In School B a teacher hit a learner with both hands on both ears, while in school A such a practice was never mentioned.

4.3 Conclusion

Since the participants were willing to take part in the study the data-collection was a success. The results of the two cases were presented in this chapter. Each case was treated independently and the different themes from the data were presented and analysed.

From these findings it was evident that corporal punishment is a challenge in Swaziland. It emerged from the findings that the Swaziland education laws and policies do not comply with international HRL, and that teachers in the selected schools do not comply with the policies governing the administration of corporal punishment. Possible solutions in dealing with corporal punishment in Swaziland were raised by the participants, and were also deduced from the findings.

In the next chapter the researcher will indicate the conclusions he reached in respect of the two cases in order to make recommendations.

Chapter 5: Conclusions and recommendations

5.1 Introduction

This chapter comprises of the summary of the findings that were presented in the previous chapter, conclusions in respect of the findings, recommendations, and suggestions for further research. All these will be done in accordance with the research objectives.

Having different participants enriched the data that were collected because the data collected from the various participants could be compared. For example, if the teachers were economical with information, it could be complemented by the data collected from the learners, and vice versa.

5.2 Summary of the findings

This section will focus on a summary of the findings obtained from the relevant documents and from the participants. The summary of the findings will be presented according to the objectives of the study (cf. ch. 1, section 1.5.2).

5.2.1 Summary of the findings linked to law

This section will focus on the first and second objectives.

5.2.1.1 Conclusions on Swaziland's law

The first research objective was to assess Swaziland's law on corporal punishment. This section will respond to that.

As mentioned earlier, the Swaziland Constitution allows 'moderate chastisement' for purposes of correction. The Constitution contains no details on what constitutes 'moderate chastisement'. The Education Act (cf. ch. 4, section 4.2.1) gives effect to section 29 of the Constitution, and states the procedures to be followed when administering corporal punishment so as to ensure moderate chastisement. Unfortunately, the recently adopted Children's Protection and Welfare Act does not

expressly prohibit the use of corporal punishment, despite the purpose of the Act being stated as

... to extend the provisions of section 29 of the Constitution and other international instruments, protocols, standards and rules on the protection and the welfare of children, the care, protection and maintenance of children ...

It can be concluded that corporal punishment remains legal in Swaziland, regardless of the criticism by the HRL that the country is using a disciplinary method that is cruel and violent, and that violates several of the children's rights (cf. ch. 4, section 4.2.2).

5.2.1.2 Discrepancies between Swaziland's law and HRL

The second objective was to determine the compliance of Swaziland's laws and policies with the CRC and ACRWC. It was noted that there was a gap between the HRL and the Swaziland Constitution. The HRL prohibits corporal punishment, while the Swaziland Constitution legalises it. The Education Act, A Guide to School Regulations and Procedures, and the Education Rules are the legal documents that regulate the use of corporal punishment in Swaziland. All these local legal documents are in agreement with the Swaziland Constitution, namely that corporal punishment is allowed in schools.

As discussed in the previous section, Swaziland has prescribed the way corporal punishment should be administered. However, the CRC general comment stresses that States party to the Convention should abolish corporal punishment from their laws, because no amount of violence against children is justifiable, since it is not in the best interests of the child (United Nations 2006). The best interests of the child are a HRL standard that Swaziland must uphold and in fact, undertook to uphold (as is evident from the Act's purpose cited above).

Since Swaziland ratified both the CRC and ACRWC, legalising corporal punishment is contravening these two human rights instruments. The CRC Committee, as stated earlier (cf. ch. 2, section 2.3.4), urged Swaziland to amend its Constitution to criminalise corporal punishment in all the settings, but the Swaziland Constitution has not been amended to comply with the CRC. It was noted that the Swaziland

government does not indicate its political willingness to undergo serious reforms in enacting a law that prohibits the use of corporal punishment in all spheres of life (cf. ch. 2, section 2.3.4). It can therefore be concluded that the Swaziland legal prescripts on corporal punishment is not in harmony with HRL, and this situation will not change in the foreseeable future. It is evident that the Swaziland Constitution should prohibit the use of corporal punishment.

5.2.2 Summary of the findings related to use of corporal punishment

The findings in this section will address the third and fourth objectives, namely to investigate the extent of the non-compliance of the selected schools with the legal prescripts on the administering of corporal punishment in the schools.

The first sub-section will focus on the reasons stated by the teachers for using corporal punishment.

5.2.2.1 The reasons for using corporal punishment

The principals and the teacher participants from the two participating schools raised similar reasons for making use of corporal punishment (cf. ch. 4, section 4.3.1 & 4.4.2). The teachers from both schools gave the following reasons for administering corporal punishment, namely

- **Corporal punishment is quick to administer**

In both schools the teachers who participated in the study felt that corporal punishment is the quickest way to correct the learners' misbehaviour (cf. ch. 4, section 4.2.4.2).

- **The parents support the use of corporal punishment**

The teachers tend to abuse corporal punishment because the parents support its use. This also results in the principals relaxing, or even neglecting the monitoring of the use of corporal punishment.

- **Children from child-headed homes need the ‘guidance’**

The teachers believe that corporal punishment can be a substitute for parents’ guidance in the case of those learners who do not have parents.

- **The teachers have to deal with a large number of learners**

The teachers believe they cannot manage discipline in the schools without the use of corporal punishment because they have to deal with large numbers of learners. They further stated that the problem of the large numbers of learners in the schools is difficult to solve, because of a shortage of schools.

- **Since the learners are raised by means of a stick, you cannot replace it in their lives**

As it was stated in the literature review (cf. ch. 2, section 2.2.4), namely that the teachers believe that corporal punishment is a disciplinary measure used by parents as a Swazi way of life, this study came to the same conclusion (cf. ch. 2, section 2.2.1), namely that there is a belief linked to Christianity that the Bible advocates that children should be raised by using a stick.

It can be concluded that the abolishment of corporal punishment in the laws and policies of the country would be the solution because the reasons for the use of corporal punishment by teachers would be out of place.

5.2.2.2 The extent of the non-compliance with the legal prescripts

The discussion in this section focuses on the third objective, which deals with the extent to which the teachers fail to comply with the legal prescripts on corporal punishment.

It was indicated that most of the rules prescribed in the legal policy were not adhered to by the teachers when meting out corporal punishment. The principals and deputy-principals of both schools agreed that when they administered corporal punishment, at some point they would go beyond the restrictions/boundaries stipulated in the legal policy. The learners also confirmed that the teachers, at some point, did not adhere to all the legal prescripts when administering corporal punishment. Of the ten

legal requirements regulating the use of corporal punishment in schools, only two were adhered to in full by the teachers of both the participating schools. Those are,

- corporal punishment may be administered to boys and girls; and
- all corporal punishment shall be administered on the buttocks and not on other parts of the body.

This means that in 80% of the cases the two schools deviated from the legal prescriptions.

From the findings in chapter four it was evident that corporal punishment was a challenge in the selected schools. The researcher based his conclusions on how teachers failed to adhere to the legal prescript in the selected schools. The table below shows how the teachers contravene specific legal prescripts on the use of corporal punishment in schools.

Legal requirement	Conclusion
Corporal punishment must be administered by the principal or a member of staff specifically so authorised by the principal.	In both schools the teachers were allowed to use corporal punishment in the absence of the principal.
Corporal punishment to girls may only be administered by a female teacher in the presence of the principal.	The male teachers administered corporal punishment to the girls.
Corporal punishment shall not be given in public.	The teachers administered corporal punishment in the presence of the other learners.
No cane or stick exceeding two and half feet in length, and half an inch in diameter, shall be used for the infliction of corporal punishment.	The teachers now and again used non-legally prescribed objects to administer corporal punishment.
All corporal punishment shall be administered on the buttocks only and not on any other parts of the body.	The teachers did not always administer corporal punishment on the buttocks only.

Corporal punishment shall not exceed four strokes in a case of boys and girls under sixteen years of age, and six strokes in a case of boys and girls sixteen years of age and above.	The teachers failed to adhere to the legally prescribed number of strokes.
Every instance of corporal punishment shall be recorded in a punishment book, the entry specifying the name of the learner, the date and the nature of offence and the number of strokes administered.	The teachers neglected to record all the instances of corporal punishment.
The principal shall ensure that the pupils are in a physically fit condition to receive corporal punishment before resorting thereto.	The teachers would administer corporal punishment without the principals monitoring the learners' physical fitness to receive corporal punishment.

5.2.2.3 The reasons for the non-compliance with the legal prescripts

In the previous section the researcher indicated the findings on whether the teachers comply with the legal prescripts on the use of corporal punishment in the schools, and concluded that the teachers in the participating schools did not comply with all the legal prescripts.

In this section the researcher considers the next objective, namely to determine the reasons why the teachers did not comply with these legal prescripts. The discussion will also point out the similarities and differences between the reasons they offered.

The reasons that were identified for the non-compliance of the teachers are stated below.

- **The teachers are allowed the liberty of administering corporal punishment**

Since the schools allow all the teachers to use corporal punishment in the absence of the principal, the teachers tend to administer corporal punishment as they please. The teachers thus often deviate from the legal prescript, since the principals of both schools strongly believe in corporal punishment. This supports the literature review that indicated that the teachers, due to cultural influences, depend heavily on corporal punishment, and see it as the only way of maintaining discipline and gaining respect (cf. ch. 2, section 2.2.2).

- **The girls who commit similar offences as the boys receive corporal punishment in the same manner as the boys by male teachers, in order to ensure equal treatment**

The male teachers argued that they mete out corporal punishment to female learners because they are ensuring equal treatment. This is perpetrated by the fact that the principals were in support of the male teachers administering corporal punishment to female learners. The argument by the male teachers did not link with what was found in the literature review, because the literature does not indicate that male teachers would use corporal punishment on boys and girls as a means of ensuring equality between the sexes (cf. ch. 4, section 4.2.3.3).

- **Administering corporal punishment in the presence of the other learners serves as a deterrent**

The teachers believed that beating learners in front of others acts as a deterrent, in order that the other learners would not commit a similar offence.

- **Arrogant learners cause the teachers to use illegal objects when administering punishment**

The teachers argued that they used illegal objects other than the stipulated one if the learners are arrogant and do not want to comply with instructions. In such a situation the teachers would use any object they can get hold of in self-defence.

- **Anger causes the teachers to use corporal punishment**

Since both the teachers and the learners stated that the teachers sometimes mete out corporal punishment out of anger, one can conclude that the teachers at times use corporal punishment to appease their anger.

- **More serious offences should attract more strokes**

The teachers stated that they gave the learners more strokes when they committed a serious offence, or persistently repeated the same offence they had been punished for previously without showing any remorse.

- **Recording instances of corporal punishment is too time-consuming**

The non-compliance with the requirement to record instances where corporal punishment was administered was explained as it being too time-consuming, and that the time should rather be used in teaching. The researcher realised that the teachers were used to corporal punishment in as much that they felt that recording all the instances was a waste of time. The teachers felt there was no reason for recording all the instances of corporal punishment, and nothing in this respect could be found in the literature.

- **The teachers fail to ensure the physical fitness of the offenders to receive corporal punishment because they are not medical experts**

The teachers shifted the blame of failing to objectively determine whether a learner was physically fit to receive corporal punishment on the government, seeing that they were not experts in those fields.

One could conclude that the teachers failed to determine whether a learner was physically fit to receive corporal punishment when the learner did not portray any external signs of not being in good health. This demonstrates that the government's policy is not viable in not providing the schools with expert workers to determine whether a learner was fit to receive corporal punishment.

- **The use of corporal punishment is not monitored by the principals**

Most of the activities surrounding corporal punishment in both schools were the same and the teachers' convictions on corporal punishment were also the same. When assessing the reasons for the teachers to deviate from the legal prescripts, the researcher noticed that there was no mechanism that monitors the proper use of corporal punishment by the teachers in the schools, especially if the principal is in favour of corporal punishment. This indicates that it is not viable to legalise corporal punishment with the hope that if is regulated by law, the teachers will comply with all the prescriptions.

5.3 Recommendations

After considering the findings and drawing conclusions, the researcher formulated recommendations, which are based on the objectives of the study. The recommendations are outlined below.

The first recommendation is in respect of the first and second objectives of the study, which are linked to the laws of the country on corporal punishment, and their compliance with the HRL.

- **The government should align the Swaziland Constitution with HRL by banning corporal punishment in the schools**

It was highlighted (cf. ch. 5, section 5.2.1.2) that the Swaziland law allows the use of corporal punishment, which is not in harmony with HRL; therefore, it is recommended that the Swaziland government considers aligning its Constitution and any other Acts that deal with corporal punishment with the CRC by criminalising corporal punishment.

It was mentioned earlier that some countries banned the use of corporal punishment by criminalising it (cf. ch. 2, section 2.3); it is recommended that Swaziland should also do the same. This would ensure that Swaziland complies with its obligation to scrap all laws and policies in conflict with the CRC and ACRWC attracted by its ratification of these instruments.

The study indicated that the teachers are not conversant with the laws and policies that regulate the use of corporal punishment in schools (cf. ch. 4, section 4.2.3.2). The principals should encourage the teachers to familiarise themselves with the legal prescripts on corporal punishment.

- **The principals should monitor the meting out of corporal punishment by the teachers in their schools**

In the light of the abuse of corporal punishment by the teachers, the researcher recommends that the Ministry of Education provides the schools with a punishment book so that the principals are forced to record all instances of corporal punishment, which may be part of the records, open for inspection by the officials of the Ministry of Education. It would be a good idea to make provision for the offending learner to sign in confirmation that the inscription was a correct version of what had happened.

- **The schools should promote the use of alternatives to corporal punishment in their school policies**

As it was stated (cf. ch. 2, section 2.2.3) that the rights of the children should be respected, it is imperative that the use of corporal punishment is discouraged by the principals in their schools. This should be done through their school policies, since it was found that their policies did not prohibit the use of corporal punishment.

- **It is necessary that the Ministry of Education launches campaigns against corporal punishment in the Swaziland community**

Campaigns against corporal punishment may include workshops for teachers on positive discipline. This is also one of the solutions that were identified in the literature review (cf. ch. 2, section 2.3.1).

The literature review also brought to light the notion that to find a solution to the problems surrounding the infliction of corporal punishment, the parents should be invited to participate and become involved in disciplinary matters at school. It also became evident that it will not be possible to get corporal punishment banned from schools while it is still widely accepted in the community and practiced by the majority of the parents (cf. ch. 2, section 2.3.1). The researcher thus recommends

that civic society organisations, including the media and religious communities, be mobilised to assist in raising the parents' awareness of the negative effects of corporal punishment on the children, and the need to remove all manifestations of corporal punishment from the schools and the homes.

The researcher further recommends that the parents be informed of the right course of action to report abuse, and the various types of claims they may have, should a teacher administer corporal punishment outside the legal prescripts. Advocating a more positive approach to discipline to the parents is essential. Parents' evenings could be held where it could be explained to the parents that also their children have rights that have to be respected.

- **The government should provide the schools with health workers to objectively ensure that the learners are physically fit to receive corporal punishment**

As the situation now stands, it is not viable for the learners to receive corporal punishment in a physically fit condition because the government has not provided the workers with the expertise for that purpose in the schools. The researcher recommends that the government should provide the schools with people in the know to make an objective and informed judgement on the learners' fitness to receive corporal punishment.

5.4 Suggestions for further research

A broader quantitative research with similar but quantifiable objectives, conducted throughout the four regions of the country, is needed to determine whether the findings of this research can be generalised.

It is disturbing that the principals and the deputy-principals of both the schools strongly believe in corporal punishment. More in-depth research, focusing on the effect of the principal's view on discipline, (and his or her leadership style), and on the way corporal punishment is administered, could be beneficial.

It will be interesting to investigate whether schools with a positive approach to discipline have, indeed more disciplinary problems than the schools where corporal punishment is used.

It was surprising that a number of the learners believed that the teachers should continue to use corporal punishment. The reasons behind such an attitude should be investigated. Linking this kind of research to the learners' perceptions that also they have rights could be crucial to understanding why the learners do not report incidents of abuse which results from corporal punishment.

It would be a worthwhile exercise to conduct a study on the relationship between the belief in corporal punishment and ignorance about positive discipline by teachers. A research study on the importance and the role of principals as policymakers at school level is necessary. Finally, it is necessary to investigate whether schools should have a disciplinary policy, and if so, are there any legal requirements for the adoption of such a policy?

5.5 Conclusion

The study aimed to answer the question, "How can the selected schools' compliance with law and policy on corporal punishment be improved?" It was found that the principal should monitor the use of corporal punishment, and that corporal punishment be abolished in the schools, in order to comply with the prescriptions of HRL. This study reviewed the literature on corporal punishment, and further studied what the HRL and Swaziland's laws say about corporal punishment.

The researcher collected data from the participants from two schools to be able to formulate recommendations on the use of corporal punishment. The study indicated that if corporal punishment is legalised, (but isn't it legal in Swaziland?) it would not be easy to regulate its use, even if there are legal prescripts regulating it. It is recommended that corporal punishment be outlawed from both the school and the home in order to comply with CRC and ACRWC, which was ratified by the country.

The study was based on case studies from only two schools in the same area. It is therefore not proper to generalise the findings to all the schools in Swaziland. The researcher suggests that a quantitative study that will include more schools in all the regions of the country, be conducted, so that the findings can be generalised to the whole of Swaziland.

BIBLIOGRAPHY

- Abdel Aziz, S. 2005. Discipline in school. *National Criminal Magazine*, 2:34-39.
- African Safari Travel. 2011. *Religions of Swaziland* (online version available at <http://www.go2africa.com/swaziland/african-safari-guide/swaziland-religion>) (accessed on 7 December 2013).
- African Union. List of countries which have signed, ratified/acceded to the African Charter on the Rights and the Welfare of the Child (as on 21 February 2013) (online available at http://www.au.int/en/sites/default/files/Welfare%20of%20the%20Child_0.pdf) (accessed on 7 December 2013).
- Ander, A. 2002. Issues of corporal punishment: re-examined. *Journal of Instructional Psychology*, 29:57-66.
- Anon, B. 2003. Protestant fundamentalism and support of corporal punishment. (Online version available at <http://www.nospank.net/irreg.htm>)(accessed on 21 March 2014).
- Australian Institute of Aboriginal and Torres Strait Islander Studies. 2012. *Guidelines for ethical research in Australian indigenous studies*. Australia: Australian Institute of Aboriginal and Torres Strait Islander Studies.
- Barnen, R. 2002. *Spare the rod. Raise a healthy child*. Addis Ababa: Global initiative to end corporal punishment of children.
- Blauw, W.A. 1998. *Strategic planning the implantation of learning and teaching in a school*. Stellenbosch: University of Stellenbosch.
- Bryman A. 2012. *Social research methods*. 4th edition. New York: Oxford University Press.
- Brynard, P.A. & Hanekom, S. 2006. *Introduction to research in management-related fields*. 2nd edition. Pretoria: Van Schaik.

- Bunting, L. Webb, M. & Healy, J. 2010. In two minds? Parents' attitudes towards physical punishment in the UK. *Children and Society*, 24:259-370.
- Charmaz, K. 2006. *Constructing grounded theory: A practice guide through qualitative analysis*. London: Sage.
- Chiang, Y. 2009. *Taiwan's ban on corporal punishment - teachers' perceptions of impact and meanings*. 3rd edition. Taiwan: Proquest.
- Churches' network for non-violence. 2011. *Ending corporal punishment of children: A handbook for working with and within religious communities*. United Kingdom: Save the children Sweden.
- Cicognani, L. 2005. *To punish or to discipline? Teachers' attitudes towards abolition of corporal punishment*. Johannesburg: University of the Witwatersrand.
- Coetzee, S.A. 2010. Discipline in Nigerian schools within a human rights framework. *African Human Rights Law Journal*, 10(2):478-501.
- Cresswell, J. 2003. *Research design: qualitative and quantitative and mixed methods approaches*. 3rd edition. Thousand Oaks: Sage.
- Crocker, A. & Pete, S. 2009. *Cutting the cane: A comparative analysis of the struggle to banish corporal punishment from schools in Britain and South Africa (part 2)*. Durban: University of KwaZulu-Natal.
- Daniel, H. 2011. *Benefits of qualitative research*. (Online version available at <http://benefitof.net/benefits-of-qualitative-research/>)(accessed on 21 March 2014)
- Davis, L. 2003. *Case going to House of Lords*. Liverpool: Liverpool Daily Post, November 2003.
- De Vos, A.S. & Delport, C.S.L. 2005. *Research at grassroots: for the social sciences and human services professions*. 3rd edition. Pretoria: Van Schaik.
- Dladla, A., Dlamini, S. & Mabuza, G. 2005. *Social studies atlas for Swaziland*. Manzini: Macmillan Swaziland.

- Dlamini, J. 2011(a). Principal arrested for strangling pupil. *Times of Swaziland*, 30 March 2011:8.
- Dlamini, W. 2010. Stop corporal punishment to avoid lawsuits. *Times of Swaziland*, 11 May:4.
- Dlamini, W. 2011(b). Mhlatane reported to UN. *Times of Swaziland*, 26 September 2009:2.
- Du Preez versus Conradie and Another* 1990 (4) SA 46 (B).
- Durojaiye, M.O.A. 1988. *A new introduction to educational psychology*. London: Evans Brothers.
- Durrant, J.E. 1996. The Swedish ban on corporal punishment: Its history and effects. *Family Violence Against Children: A Challenge for Society*, 9:19-25.
- Ellison, C.G. & Sherkat, D.E. 1993. *Conservative Protestant and support for corporal punishment*. Austin: American Sociological Review.
- Farrell, C. 2010. *Corporal punishment in schools* (online version available at <http://www.corpun.com/counuks.htm>) (accessed on 7 December 2013).
- Flacherty, G., Donald, D. & Flacherty, A. 2005. *Children's experiences of corporal punishment in Swaziland*. Pretoria: Save the children Sweden.
- Franks, C. 2009. African perspectives: A legal ban alone will not be enough to stop corporal punishment *Article 19*, 5(2):8-18 (online version available at <http://reference.sabinet.co.za/document/EJC21051> (accessed on 07 December 2013).
- Frechtling, J. & Sharp, L. 1997. *User-friendly for mixed methods evaluations*. Arlington, Virginia: National Sciences Foundations.
- Gall, M., Borg, W. & Gall, J. 1996. *Education research: An introduction*. 6th edition. Whole Plain New York: Longman.

- Gamer, R. 2011. *Parents back corporal punishment in schools*. United Kingdom: The Independent.
- Garson, G. D. 2012. *Sampling*. North Carolina: G. David and Statistical Associates Publishing
- Gaustad, T. 2009. *School management*. Unpublished handbook.
- Global Initiative to End All Corporal Punishment of Children. 2008. *The nature and extent of corporal-prevalence and attitudinal research in East and Southern Africa*. East Southern Africa Global Initiative to end all corporal punishment of children.
- Global Initiative to End Corporal Punishment of Children 2012. *Ending legalised violence against children: Global report 2012*. (online version available at www.endcorporalpunishment.org/pages/pdfs/.../globalReport2012.pdf/) (accessed on 17 November 2013).
- Gulaid, J. 2011. Inyandzaleyo brief violence surveillance system, Swaziland. *Swazi Observer*, 23 August: 4.
- Hammarburg, T. 2006. *Children and corporal punishment: 'The right not be hit, also a children's right'*. Europe: Commissioner for Human Rights, Council of Europe.
- Hansraj, I. 2007. *The financial management role of principals in section 21 schools South Durban, KwaZulu-Natal*. Masters dissertation, University of South Africa, Gauteng Province, South Africa.
- Hendrikz, E. 1986. *Introduction to educational psychology*. London: McMillan.
- Henning, E., Van Rensburg, W. & Smith, B. 2004. *Finding your way in qualitative research*. Van Schaik: Pretoria.
- Hergenhahn, B.R. (ed.). 1982. *An introduction to theories of learning*. 2nd edition. United States: Prentice Hall.

- Hofstee, E. 2006. *Constructing a good dissertation*. Johannesburg: epe.
- Hyman, I. 1997. *The case against spanking: How to discipline your child without hitting*. United States of America: Wiley.
- Johnson, J. and Reynolds, H. 2014. *Political research methods*. Delaware: Sage.
- Katrina, A. 2012. *Educational psychology*. Nigeria: Korbs Publications.
- Kelly, L.M. 2004. Why induction matters. *Journal of Teachers' Education*, 55(5): 438-448.
- Kerr, T. 2009. *The role of the principal*. (online version available at http://www.gorockets.org/index.php?option=com_content&view=article (accessed on 7 December 2013)).
- Kleynhans, D. 2011. *Considering the constitutionality of the common law defence of "reasonable chastisement"*. Pretoria: University of Pretoria.
- LaBanca, F. 2010. *Trustworthiness in qualitative research*. United States: North America Press.
- Leedy, P.D. & Ormrod, J.E. (eds.). 2001. *Practical research - Planning and design*. 7th edition. New Jersey: Pearson Education.
- Lincoln, Y. S. & Guba, G. 1985. *Naturalistic inquiry*. Beverley Hills, CA: Sage.
- MacMillan English Dictionary. S.v. '*corporal punishment*', '*prescript*'. 2nd edition. London: Macmillan.
- Madrigal, D. and McClain, B. 2012. *Strengths and weaknesses of quantitative and qualitative research*. United States: UX matters.
- Makhubu, B. 2011. MDS teacher bangs pupils on walls, desk. *Swazi News*, 28 May: 12.
- Malan, B. 2001. *Excellence through outcomes*. Pretoria: Kagiso.

- Maree, K. & Pietersen, J. 2007. Sampling. In Maree, K. (ed.). 2007. *First Steps in Research*, 6:171-181.
- Mattdidthat, K. 2009. *Did corporal punishment save a struggling school*. (online version, available at <http://www.metafilter.com/81224/Did-corporal-punishment-save-a-struggling-school?>) (accessed on 16 December 2013).
- May, P. 1981. *Which way to teach?* England: Inter-Varsity Press.
- Maziya, S. 2010. Teacher allegedly kicked pupil suspended. *Times of Swaziland*, 2 August: 13.
- Maziya, S. 2011(a). Mathematics teacher uses fists and kicks to punish pupils. *Times of Swaziland*, 15 February: 13.
- Maziya, S. 2011(b). Teacher punches, kicked pupil for being late. *Times of Swaziland*, 30 June: 6.
- McIvor, G. 2005. *Ending physical and humiliating punishment against children*. Addis Ababa: Save the children Sweden.
- McMillan, J.H. & Schumacher, S. 2006. *Research in education a conceptual introduction*. 6th edition. United States: Longman.
- McNamara, C. 1999. *General guidelines for conducting interviews* (online version available at <http://managementhelp.org/businessresearch/interviews.htm> (accessed on 7 December 2013).
- Miller, C. 1980. *Should corporal punishment be abolished in elementary school?* *Instructor: March*. London: Longman.
- Mkhonta Dumsani Phineas v Swaziland Government Swaziland High Court Case no. 1148/97.1997.*
- Mkhonta, S. 2008. Pupil reports violent teacher to police. *Swazi Observer*, 7 November: 11.
- Mkhonta, S. 2011. Sex orgy girl sjamboked. *Swazi Observer*, 26 July: 5.

- Moahloli, Z. 2010. 30 Primary school pupils whipped for relationship. *Times of Swaziland*, 26 May: 7.
- Morrell, R. 2011. Corporal punishment in South African Schools: A neglected explanation for its persistence. *South African Journal of Education*, 21(4):16-23.
- Morrow, S. 2005. Quality and trustworthiness in qualitative research in counselling psychology. *Journal of counselling psychology 2005*, vol. 52, No. 2, 250-260.
- Mthethwa, T. 2005. Maverick Swazi princess gets licking for party. *Times of Swaziland*, 12 September: 3.
- Mulenga, J. (ed.). 2007. *Ending corporal punishment of children*. University of the Western Cape: Community Law Centre.
- Mweru, M. 2010. Why are Kenyan teachers still using corporal punishment eight years after a ban on corporal punishment? *Child Abuse Review*, 19: 248-258 (56) (online version available at www.interscience.wiley.com)D01:10.1002/car.1121) (accessed on 20 August 2013).
- Ndlangamandla, N. 2008. Pupils report violent teacher to police. *Swazi Observer*, 7 November: 11.
- Ndlela, M. 2010. Pupil temporarily paralysed after getting 14 strokes. *Times of Swaziland*, 1 October: 4.
- Ndlela, M. 2011. Stop corporal punishment in schools in Swaziland-UN. *Times of Swaziland*, 11 October: 5.
- Neuman, F. & Wehlage, G. 1995. *Successful school restructuring* (online available at www.nap.edu/openbook10309074401/htm) (accessed on 16 December 2013).
- Nhleko, S. 2008. Principal slaps female pupil. *Times of Swaziland*, 15 August: 14.

- Niolon, R. 2010. *Corporal punishment on children - What does it accomplish?* United States: North America Press.
- Nziyane, L.N. 2009. *Attaining a system of quality teaching and learning through effective evaluation in selected schools in Limpopo Province.* Unpublished master's dissertation, University of South Africa, Pretoria, Gauteng Province, South Africa.
- Olver, K. 2012. *Why shouldn't you spank your kids?* United States: World of psychology.
- OAU Doc. CAB/LEG/24.9/49(1990), entered into force Nov.29, 1999.
- Owen, S.S. 2005. *The relationship between social, capital and corporal punishment in schools: Theoretical inquiry.* USA: Sage.
- Porteus, K., Vally, S. & Ruth, T. 2001. *Alternatives to corporal punishment: growing discipline and respect in our classrooms.* United Kingdom: Heinemann.
- Primary Prevention Committee of the Health Coalition on Violence. 2003. *A review of the research on corporal punishment.* Children's Hospitals and Clinics; Minneapolis/St Paul Minnesota. USA: St Paul.
- R v Secretary for England Employment* case no. 24678/04 par. 8. 2004.
- Renteln, A.D. 2010. *Corporal punishment and cultural defense.* Spring: Duke University:
- Robertson, B. 2009. *Latest International developments in relation to children and adolescents corporal punishment. The report on corporal punishment and human rights of children and adolescents* (online version available at <http://www.cdh.org/ninez/castigocorporal2009/castigocorporal.toc.htm>) (accessed on 10 November 2013).
- Rooney, R. 2011. *Children, corporal punishment. Save the Children Fund* (online version available at <http://www.swazimedia.blogspot.com/2011/02/school-floggings-out-of-control.html>) (accessed on 16 December 2013).

- Salam, R. 2011. *The decline of corporal punishment as a metaphor*. United States: *National review on-line*. (online version available at www.nationalreview.com/.../decline-corporal-punishment-metaphor.) (accessed on 16 December 2013).
- SBIS Current Events Programme. 2011. Swaziland Broadcasting Information and Services. *Teachers' conduct*, 23 February 2011.
- SBIS Current Events Programme. 2011. Swaziland Broadcasting Information and Services. *Discussion on teachers' malpractice*. 22 March 2011.
- Shabangu, S. 2010. Teachers who beat pupils are primitive. *Swazi Observer*, 21 September: 11.
- Shaukat, A. 2013. *Corporal punishment: Most kids need to be beaten, teachers and parents believe*. Pakistan: The Express Tribune.
- Shenton, A.K. 2004. Strategies in ensuring trustworthiness in qualitative research projects. *Education for Information*. IOS Press 22:63-75.
- Simelane, T. 2011. We are whipped for owing school fees. *Times of Swaziland*, 15 July: 3.
- Simiyu, C. N. 2003. *Attitudes of teachers and pupils toward use of corporal punishment in Nakuru municipal primary schools, Kenya*. Durban: University of KwaZulu–Natal.
- South Africa (Republic of). 2005. Children's Act, 38 of 2005. Pretoria: Government Printers.
- South Africa (Republic of). 1996. South African Schools Act, 84 of 1996. Pretoria: Government Printers.
- Stake, R. 2013. *Multiple case study analysis*. New York: Guilford Press.
- Strauss, M. 2009. *Children who are spanked have lower IQs, new research finds*. United States: Physorg.

- Sukati, S. 2010. St Marks' deputy, form II pupil in assault mess. *Times of Swaziland*, 25 October: 5.
- Swan, R. 2004. Religious attitudes on corporal punishment. *Child believes in children equally and opposes religious exemptions child healthy child is recognised by the IRS as a 501(c):3*.
- Sw2be. 2011. *Corporal punishment in schools - a necessity?* Britain: British Children's Social Work.
- Swaziland & United Nations. 2001. *United Nations Global Conferences*. Mbabane: United Nations Team.
- Swaziland Ministry of Education. 1977. *Education Rules of 1977*. Mbabane: Mbabane Apollo Services.
- Swaziland Ministry of Education. 1988. *A Guide to School Regulations and Procedures*. Mbabane: Mbabane Apollo Services.
- Swaziland. 1982. *Education Act, 9 of 1982*. Mbabane: Mbabane Apollo Services.
- Swaziland. 2011. *Children's Protection and Welfare, Bill 6 of 2011*. Mbabane: Government Printers.
- Swaziland. 2005. *Constitution of the Kingdom of Swaziland, Act 001 of 2005*. Mbabane: Government Printers.
- Swaziland. 2006. *Swaziland Initial Report: Information Submitted to the Committee*. Geneva: United Nations.
- Teaching Service Commission. 2009. *Teaching Service Commission Report*. Swaziland. Unpublished.
- The African Child Policy Forum. 2008. *Ending corporal punishment and other forms of humiliating punishment in children*. Geneva: African Child Policy Forum.
- The Holy Bible. 1983. S.v. 'Colossians', 'Ephesians', 'Proverbs'. United States of America: The Gideons International.

- The Primary Prevention Committee of the Health Coalition on Violence. 2008. *Ending corporal punishment and other forms of humiliating punishment in children*. Geneva: African Child Policy Forum.
- Trochim, W.M.K. 2006. *Qualitative validity*. Web centre for social research methods (online version available at www.socialresearchmethods.net/kb/qualval.php) (accessed on 12 November 2013).
- UNICEF. 2001. Asian Report: *Corporal punishment in schools in South Asia*. Nepal: UNICEF Regional Office for South Asia.
- United Nations CRC Committee. 2006. *General Comment 8 UN Doc CRC/C/GC/8*. Adopted during the forty-second session in Geneva, 15 May to 2 June (online version available at <http://www.unhcr.org/refworld/docid/460bc7772.html>) (accessed on 16 December 2013).
- United Nations. 1989. *Convention on the Rights of the Child (CRC) 28 ILM 1448, 1577 UNTS 3* (20 November 1989).
- United Nations. *United Nations Treaty Collections: The Status of the Convention on the Rights of the Child as on 19 July 2013* (online version available at http://treaties.un.org/untc/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=I-V-11&chapter=4&lang=en) (accessed on 16 December 2013).
- United States Department of State. 2011. *International Religious Freedom Report*. United States Bureau of Democracy: Human Rights and Labour.
- Van Deventer, I., Kruger, A.G., Van der Merwe, H.M., Prinsloo, I.J. & Steyn, C.F. 2003. *An educator's guide to school management skills*. Pretoria: Van Schaik.
- Van Niekerk, E.J. & Botha, R.J. 2002. *Foundations and points of departure of educational management: study guide for ONB451-F*. Pretoria: University of South Africa.
- Van Teijlingen, E. & Hundley, V. 2001. *Social research update*. United Kingdom: University of Surrey.

Wasef, N.H. (ed.). 2011. *Corporal punishment in schools*. Cairo: The American University in Cairo: School of Global Affairs and Public Policy.

Waterhouse, S. 2006. *Ending corporal punishment in all spheres*. International and Youth Care Network (online version available at <http://www.cyc-net.org/cyc-online/cycol-0610-waterhouse.html>) (accessed on 19 July 2010).

Yin, R. 2012. *Applications of case study research*. 3rd edition. London: Sage.

Zach, L. 2006. Using a multiple case studies design to investigate information seeking behaviour of arts administrators. *Library Trends*, 55: 4-21.

Zikmund, P. 2003. *Descriptive research*. London: Sage.

LIST OF APPENDICES

APPENDIX 1

PRINCIPAL'S PERMISSION TO CONDUCT RESEARCH AT THE SCHOOL

The compliance of selected schools in Swaziland with law and policy on corporal punishment

P. O. Box 6010
Manzini
Swaziland

Dear Principal

My name is Elmon J. Shongwe. I am presently studying towards a Master of Education (MEd) degree in Education Management at the University of South Africa. My study focuses on the compliance of selected schools in Swaziland with the law and policy on corporal punishment.

I am requesting for permission to conduct a research study on the topic of my dissertation shown in the above paragraph. I picked your school to partake in this study because it administers corporal punishment and you might find this study informative as to the extent to which corporal punishment is administered in conflict with prescribed legal procedures in your school and alternative disciplinary measures that teachers would consider/or are using. I would like to conduct a recorded interview with you as the principal and deputy principal of your school. The interview will take 30 to 45 minutes. I would also request permission for four teachers and forty learners to answer questionnaires. The questionnaire will take about 45 minutes complete. If you agree, all participants will be asked questions on the administering of corporal punishment.

I would also like to see your own school's punishment book to confirm that you have one. I will further request for your school rules to determine whether those rules are in line with the law. I undertake not to divulge the information from these documents

to anyone outside your school, or anybody in the school who may not be entitled to insight therein.

I intend to protect the anonymity and the confidentiality of your school as well as that of all participants. Although the participation of your school in this research project is very important to me, it is voluntary. Should your school wish to withdraw at any stage, or withdraw any unprocessed data you have supplied during the course of the study, will be free to do so.

If you agree that your school may participate, please indicate that you have read and understood this information letter by signing the accompanying permission form and return it to me. If you also agree that I make an interview with you as the principal of your school, please sign the consent form apart from the one you signed on behalf of the school.

Should you require any further information, do not hesitate to contact me.

Mr Elmon J. Shongwe

elmonshongwe@yahoo.com

Cell: +268 76134921

APPENDIX 2

PRINCIPAL'S PERMISSION TO CONDUCT RESEARCH AT THE SCHOOL

The compliance of selected schools in Swaziland with law and policy on corporal punishment

Researcher: Mr Elmon J. Shongwe

Supervisor: Prof Susanna A. Coetzee

I agree that the school can participate in the project named above. The details of the research purpose have been explained to me. An information letter has been given to me to keep.

I consent to the following: (Tick to indicate your selection)

Participation of school:

Yes No

The possible future use of the findings to inform government:

Yes No

Principal signature

Date

Researcher

Date

APPENDIX 3

INFORMATION LETTER FOR PARTICIPANT PRINCIPAL

The compliance of selected schools in Swaziland with law and policy on corporal punishment

P. O. Box 6010
Manzini
Swaziland

Dear Principal/Deputy principal

My name is Elmon J. Shongwe. I am presently studying towards a Master of Education (MEd) degree in Education Management at the University of South Africa. My study focuses on the compliance of selected schools in Swaziland with law and policy on corporal punishment.

The Director of Education has given me permission to send you this letter to invite you to participate in this research project. Once you have read the letter, you can decide whether you want to participate or not. Should you agree to participate, I will request to have a recorded interview with you on corporal punishment.

I will protect your identity and your responses will be kept confidential. Your name and contact details will be kept in a separate file from any data that you supply. In any publication emerging from this research, you will be referred to by a pseudonym. I will remove any references to personal information that might allow someone to identify you. Once the research has been completed, the findings will be presented in published dissertation.

Please know that your participation in this research project is voluntary. Should you wish to withdraw at any stage, or withdraw any unprocessed data you have supplied during the course of the study, you will be free to do so.

If you would like to participate, please indicate that you have read and understood this information by signing the accompanying consent form and return it to me.

Should you require any further information, do not hesitate to contact me.

Mr Elmon J. Shongwe

elmonshongwe@yahoo.com

(+268 76134921)

APPENDIX 4

CONSENT FORM FOR PRINCIPAL AND DEPUTY PRINCIPAL

The compliance of selected schools in Swaziland with law and policy on corporal punishment

Iam aware of the data collection processes in the research project as stated in the letter.

I consent to the following: (Tick to indicate your selection)

Being interviewed at some point during the study

Yes or No

The tape recording of my interview with the researcher

Yes or No

.....

Signature of participant

.....

Date

.....

Signature of researcher

.....

Date

APPENDIX 5

INFORMATION LETTER FOR PARTICIPANT TEACHERS

The compliance of selected schools in Swaziland with law and policy on corporal punishment

P. O. Box 6010
Manzini
Swaziland

Dear Teacher

My name is Elmon J. Shongwe. I am presently studying towards a Master of Education (MEd) degree in Education Management at the University of South Africa. My study focuses on the compliance of selected schools in Swaziland with law and policy on corporal punishment.

Your Principal has given me permission to send you this letter to invite you to participate in this research project. Once you have read the letter, you can decide whether you want to participate or not. Should you agree to participate, I will require you to answer a questionnaire on corporal punishment.

I will protect your identity and your responses will be kept confidential. Your name and contact details will be kept in a separate file from any data that you supply. In any publication emerging from this research, you will be referred to by a pseudonym. I will remove any references to personal information that might allow someone to identify you. Once the research has been completed, the findings will be presented in published dissertation.

Please know that your participation in this research project is voluntary. Should you wish to withdraw at any stage, or withdraw any unprocessed data you have supplied during the course of the study, you will be free to do so.

If you would like to participate, please indicate that you have read and understood this information by signing the accompanying consent form and return it to me.

Should you require any further information, do not hesitate to contact me.

Mr Elmon J. Shongwe

elmonshongwe@yahoo.com

(+268 76134921)

APPENDIX 6

CONSENT FORM FOR PARTICIPANT TEACHERS

The compliance of selected schools in Swaziland with law and policy on corporal punishment

Researcher: Mr Elmon J. Shongwe

Supervisor: Prof Susanna A. Coetzee

I agree to participate in the project named above. The details of the research purpose have been explained to me. An information letter has been given to me to keep.

I give consent to the following: (Tick to indicate your selection)

My participation:

Yes No

The possible future use of the findings to inform government:

Yes No

Teacher signature

Date

Researcher

Date

APPENDIX 7

DIRECTOR OF EDUCATION'S PERMISSION TO CONDUCT RESEARCH AT THE SCHOOLS

The compliance of selected schools in Swaziland with law and policy on corporal punishment

P. O. Box 601
Manzini
Swaziland

Director of Education
Ministry of Education
P.O. Box 39
Mbabane

Dear Madam

My name is Elmon J. Shongwe. I am presently studying towards a Master of Education (MEd) degree in Education Management at the University of South Africa. My study focuses on the compliance of selected schools in Swaziland with law and policy on corporal punishment.

I am requesting permission to work with one school in Hhohho Region and another one in Manzini Region in this study. If you allow the schools to participate, they would be asked on issues pertaining to the compliance of schools with the law and policy on corporal punishment in Swaziland.

The principals and deputy principals of the two schools will be interviewed on how they administer corporal punishment and their opinion on corporal punishment. Four teachers will be asked to answer questionnaires on how they administer corporal punishment and their opinion on corporal punishment. Guidance and counselling teacher will be asked to respond to questionnaires on corporal punishment cases that are reported to him/her by learners. Learners will be asked to answer

questionnaires on how their teachers administer corporal punishment on them. I would also like to see the school punishment books and school rules that are given to learners when they come to the schools for the first time. I undertake not to divulge the information from these documents to anyone outside the schools, or anybody in the schools who may not be entitled to insight therein.

I intend to protect the participants' anonymity and confidentiality. The schools' names and contact details will be kept in a separate file from any data that is supplied. I will be the only person able to link the data to the participants. In any publication emerging from this research, the participants will be referred to by pseudonyms. The findings will be presented in published dissertation.

The participation of these institutions in this research project is of the utmost importance. Should they, however, wish to withdraw at any stage, or withdraw any unprocessed data they have supplied, they will be free to do so.

Should you require any further information, do not hesitate to contact me. Thank you in advance.

Mr Elmon J. Shongwe

elmonshongwe@yahoo.com

(+268) 76134921

APPENDIX 8

INFORMATION LETTER FOR PARTICIPANT LEARNER

The compliance of selected schools in Swaziland with law and policy on corporal punishment

P. O. Box 6010
Manzini
Swaziland

Dear Learner

My name is Elmon J. Shongwe. I am presently studying towards a Master of Education (MEd) degree in Education Management at the University of South Africa. My study focuses on the compliance of selected schools in Swaziland with law and policy on corporal punishment.

I have obtained permission from the Director of Education and the Principal of your school to send you this letter to invite you to participate in this research project. Once you have read the letter, you can decide whether you want to participate or not. Should you agree to participate, I will require you to complete a questionnaire on corporal punishment.

You will be provided with counselling by the school councillor before partaking in the research study to ensure that you are ready. If necessary, the school councillor will also be available to give guidance after you have participated in the study.

I will protect your identity and your responses will be kept confidential. Your name and contact details will be kept in a separate file from any data that you supply. In any publication emerging from this research, you will be referred to by a pseudonym (false name). I will remove any references to personal information that might allow someone to identify you. The findings will be presented in published dissertation.

Please know that your participation in this research project is voluntary. Should you wish to withdraw at any stage, or withdraw any unprocessed data you have supplied during the course of the study, you will be free to do so.

If you would like to participate, please indicate that you have read and understood this information by signing the accompanying assent form as a learner, and return it to me. Should you require any further information, do not hesitate to contact me.

Mr Elmon J. Shongwe

elmonshongwe@yahoo.com

(+268 76134921)

APPENDIX 9

INFORMATION LETTER FOR PARTICIPANT'S PARENT

The compliance of selected schools in Swaziland with law and policy on corporal punishment

P. O. Box 6010
Manzini
Swaziland

Dear Parent

My name is Elmon J. Shongwe. I am presently studying towards a Master of Education (MEd) degree in Education Management at the University of South Africa. My study focuses on the compliance of selected schools in Swaziland with law and policy on corporal punishment.

I have obtained permission from the Director of Education and the school principal to send you this letter to invite your child to participate in this research project. Once you have read the letter, you can decide whether you want your child to participate or not. If you agree, I will require the child to complete a questionnaire on corporal punishment.

I will protect your child's identity and responses will be kept confidential. Your child's name and contact details will be kept in a separate file from any data that he or she will supply. In any publication emerging from this research, your child will be referred to by a pseudonym (false name). I will remove any references to personal information that might allow someone to identify your child. The findings will be presented in published dissertation.

Please know that your child's participation in this research project is voluntary. Should you wish to withdraw your child at any stage, or withdraw any unprocessed data your child has supplied, you will be free to do so.

If you would like your child to participate, please indicate that you have read and understood this information by signing the accompanying consent form as a parent and return it to me. Should you require any further information, do not hesitate to contact me.

Mr Elmon J. Shongwe

elmonshongwe@yahoo.com

+268 76134912

APPENDIX 10

CONSENT FORM FOR PARENT’S LEARNERS PARTICIPATING IN THE STUDY

The compliance of selected schools in Swaziland with law and policy on corporal punishment

Iam aware of the data collection processes in the research project as stated in the information letter.

I give consent to the following: (Tick to indicate your selection)

My child to answer a questionnaire during the study

Yes or No

.....
Signature of parent

.....
Date

.....
Signature of researcher

.....
Date

APPENDIX 11

LEARNER'S ASSENT FORM FOR PARTICIPATING IN THE STUDY

The compliance of selected schools in Swaziland with law and policy on corporal punishment

Iam aware of the data collection processes in the research project as stated in the information letter.

I assent to answer a questionnaire during the study: (Tick to indicate your selection)

Yes or No

.....

Signature of participant

.....

Date

.....

Signature of researcher

.....

Date

APPENDIX 12

INFORMATION LETTER FOR GUIDANCE AND COUNSELLING TEACHER

The compliance of selected schools in Swaziland with law and policy on corporal punishment

P. O. Box 6010
Manzini
Swaziland

Dear Guidance and Counselling Teacher

My name is Elmon J. Shongwe. I am presently studying towards a Master of Education (MEd) degree in Education Management at the University of South Africa. My study focuses on the compliance of selected schools in Swaziland with law and policy on corporal punishment.

Your principal has given me permission to send you this letter to invite you to participate in this research project. Once you have read the letter, you can decide whether you want to participate or not. Should you agree to participate, I will require you to answer a questionnaire on corporal punishment.

I will protect your identity and your responses will be kept confidential. Your name and contact details will be kept in a separate file from any data that you supply. In any publication emerging from this research, you will be referred to by a pseudonym. I will remove any references to personal information that might allow someone to identify you. Once the research has been completed; the findings will be presented in published dissertation.

Please know that your participation in this research project is voluntary. Should you wish to withdraw at any stage, or withdraw any unprocessed data you have supplied during the course of the study, you will be free to do so.

If you would like to participate, please indicate that you have read and understood this information by signing the accompanying consent form and return it to me.

Should you require any further information, do not hesitate to contact me.

Mr Elmon J. Shongwe

elmonshongwe@yahoo.com

(+268 76134921)

APPENDIX 13

**CONSENT FORM FOR PARTICIPANT GUIDANCE AND COUNSELLING
TEACHER**

**The compliance of selected schools in Swaziland with law and policy on
corporal punishment**

Researcher: Mr Elmon J. Shongwe

Supervisor: Prof Susanna A. Coetzee

I agree to participate
in the project named above. The details of the research purpose have been
explained to me. An information letter has been given to me to keep.

I give consent to the following: (Tick to indicate your selection)

My participation:

Yes No

The possible future use of the findings to inform government:

Yes No

Teacher signature

Date

Researcher

Date

APPENDIX 14



Research Ethics Clearance Certificate

This is to certify that the application for ethical clearance submitted by

EJ Shongwe [33351813]

for a M Ed study entitled

**The compliance of selected schools in Swaziland with law and
policy on corporal punishment**

has met the ethical requirements as specified by the University of South Africa
College of Education Research Ethics Committee. This certificate is valid for two
years from the date of issue.

A handwritten signature in black ink, appearing to read 'CS le Roux'.

Prof CS le Roux
CEDU REC (Chairperson)

lrouxcs@unisa.ac.za

Reference number: 2013 MAR/33351813/CSLR

26 March 2013

APPENDIX 15



Plagiarism: Confirmation notice

Candidate: Mr EJ Shongwe (3335 181 3)

To whom it may concern

I hereby confirm that Mr EJ Shongwe (3335 181 3) dissertation was run through the Turn-it-in programme to determine whether he had plagiarised. He received an overall positive report. Only a few instances of possible plagiarised content were indicated and he addressed those.


Prof SA Coetzee

Department Educational Leadership and Management

012 361 0392 (office)

Coetzsa1@unisa.ac.za

