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COLLEGE OF LAW AND MANAGEMENT

COMBATING SUBSTANCE ABUSE AMONGST LEARNERS IN SOUTH AFRICAN SCHOOLS

By

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Abstract

Substance abuse amongst learners in schools seems to play a big role in destroying the dreams and future of learners. This study aims at looking at the causes that may lead to substance abuse and the effects it has on the learners, families, community and the country as a whole. The learners have families, they belong to certain communities and form part of the country. This is the reason why the researcher decided to broaden the study to include all other people that might have an impact and who are also affected by this plague of substance abuse amongst learners.

The causes of substance abuse that are outlined in this study includes loneliness, rejection peer pressure, stress, exposure via modelling, environmental surroundings and socialisation and family conflict. Peer pressure and stress are very dominant causes towards substance abuse. However, the fact that learners come from different families with different family background and financial status is stressful that other learners end up being exposed to peer pressure while trying to make friends.

This however leads to unplanned sexual activity, an increase in sexually transmitted diseases, depression, cancer, suicide, personality disorders, and homicides. It contributes to a number of school dropouts, unemployment, crime, and poverty. These effects have an impact in all citizens from learners, their families, the communities and the country at large.

This study further looks at the available legislation in combating substance and drug abuse amongst learners in South African schools. The legislations are available but the research specifically on learners abusing substances has not been explored, hindering the researcher to get as much facts as possible. However, the legal framework set out the rules and regulations of substance abuse. The researcher identified that the problem is with implementing the available legislations resulting to substance abuse issues not being adequately addressed. Different legislations such as the African Charter on the Rights and Welfare of the Child, United Nations Convention on Rights of the Child, The National Drug Master Plan, Constitution of South Africa, Children's Act, South African Schools Act and other legislation were looked at in comparison with other countries legislations to identify the gap.

Professionals have roles and responsibilities in assisting the learners affected by substance abuse, their parent and families. A comparison between South Africa and the United State of America for strategies that proved to be effective in combating substance abuse was done. This can assist in answering the research question as to what can be done to assist the learners and families who are affected by substance abuse.

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ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
CDA	Central Drug Authority
CRC	United Nations Convention on Rights of the Child
DSD	Department of Social Development
GYTS	Global South African Youth Tobacco Survey
IMC	Inter-Ministerial Committee
NIDA	National Institute of Drug Abuse
NDMP	National Drug Master Plan
OTC	Over the counter
PTSAA	Prevention of and Treatment for Substance Abuse Act
SACENDU	South African Community Epidemiology Network on Drug Use
SASA	South African Schools Act
UNIDCP	United Nations International Drug Control Programme

CHAPTER 1

INTRODUCTION

South Africa is one of many countries with a widespread problem of substance abuse amongst learners. Substance abuse I defined as “long-term, pathological use of alcohol or drugs, categorized by daily intoxication, inability to reduce consumption, and impairment in social or professional functioning; broadly, alcohol or drug addiction”¹. This problem cannot be isolated from the other problems the country handles and it seems to be contributing to many of the social ills in this country. Moreover, the exposure of learners to substance abuse seems to affect the learner’s brain, resulting in the emotional, mental and physical breakdown of the learner². This hinders the learner’s ability to fully participate in school, often resulting in school dropout, crime, children on the street, family conflicts and other social ills.³

This research is driven by the researcher’s desire to make sense of the impact that various social conditions, in particular substance abuse, has on learners – in particular the school dropout rate. This alerted the researcher’s attention as to how these issues can be addressed and their main causes. This desire to examine the impact was further strengthened while the researcher was involved in conducting programmes on substance abuse with teenagers. The experience motivated this investigation in the reasons for substance abuse, along with an analysis of the implementation which governs the regulation and use of drugs; with the hope that the gap between the two could be closed through literature. However, it must be noted that literature and legislation are part of a larger perspective on the issue of substance abuse and does not include enough space to mediate the various individual factors at play.

Background and outline of research problem

The engagement of learners in substance abuse has always been a great concern worldwide. The main concerns are the short-term and long-term effects. One cannot deny that the abuse of

¹ <https://www.dictionary.com/browse/substance-abuse> accessed on 26 September 2021

² National Institute of Drug Abuse ‘Drug Facts’ (2019) available at <https://d14rmgtrwzf5a.cloudfront.net/sites/default/files/drugfacts-methamphetamine.pdf> accessed on 7 June 2020.

³ Mothibi K. Substance Abuse Amongst High School Learners in Rural Communities (2014) available at <http://www.hrpub.org/download/20140701/UJP1-19402145.pdf> accessed on 16 July 2020.

substances may lead to poor health and have negative social consequences. Research conducted on this indicates that substance abuse results in unplanned sexual activity, an increase in sexually transmitted diseases, depression, cancer, suicide, personality disorders, and homicides. It also contributes to a number of school dropouts, unemployment, crime, and poverty, which has a negative impact on the users, their families and communities, and ultimately the economy of the country. In this study, the researcher intends to look at the legal aspects of the issues of substance abuse in schools.

Transactional realities have to be considered when dealing with the issue of substance abuse. Ecosystem perspectives, which focus on the person and their environment, could be the best approach in combating substance abuse. The ecosystem perspective focuses on the geographical context of a person, namely the residence, neighbours, workplace, resources, and drug availability⁴. It also looks at an individual and the socio-economic role they play within the community. Further, it examines the relationship between the individual and all the surrounding resources, such as access to transport for outpatient rehabilitation processes⁵.

This perspective looks at all the conditions around the person and the role they play in their daily life. This will assist the researcher to identify the factors that might have both positive and negative effects in the rehabilitation process of the individual. Individualising the case will assist in looking at the multiple interrelating factors that may be the cause for substance abuse within their specific geographical area. The interventions will be drawn pursuant to the findings.

Preliminary literature review

The Prevention of and Treatment for Substance Abuse Act (PTSA)⁶ defines substance abuse as “chemical, psychoactive substances that are prone to be abused, including tobacco, alcohol, over the counter drugs and prescription drugs”. This demonstrates that not all drugs are illicit and that prescribed drugs, which exist to treat health conditions, can end up being abused. Over the counter medicines (OTC), when mixed with alcohol, are reported to have negative health

⁴ Galvani S “ Social work and substance use: Ecological perspectives on workforce development, Drugs: Education, Prevention and Policy”, 24:6, 469-476, DOI: (2017) available at [10.1080/09687637.2017.1282421](https://doi.org/10.1080/09687637.2017.1282421) accessed on 16 July 2020.

⁵ Ibid.

⁶Act 70 of 2008.

consequences similar to those of illicit drugs⁷. People who are reported to be misusing OTC medicines are more likely to be using illicit drugs such as marijuana, ecstasy, cocaine, and non-medical use of prescription analgesics, stimulants, anxiolytics, and sedatives⁸. The misuse of OTC medication as a polysubstance puts a lot of young adults' health in danger.⁹ Meyer and Viljoen¹⁰ define illegal substances as, “chemicals that have no direct medical indication within the body”. The authors state that, when ingested, the harmful effect of these drugs and substances cannot be controlled within the body. The National Drug Master Plan (NDMP),¹¹ together with the Prevention of and Treatment for Substance Abuse Act,¹² sets out the measures and strategies to be used in order to combat substance abuse. The proposed interventions include reducing demand, harm, and supply. The question remains if these proposed interventions are adequate enough to alleviate the epidemic of drug and substance abuse.

The people affected the most are the children who attend school. According to the Constitution of the Republic South Africa,¹³ every child has a right to education; it recognises the child's best interest, which is of paramount importance in every matter affecting the child. The engagement of children in substances affects their schooling progress. According to the Government notice number 1040 of the South African Schools Act (SASA)¹⁴ (hereafter “The Schools Act”), “all schools are drug free zones”. This means that no substances or drugs are allowed on the schools' premises and that no one is allowed to be on the school premises under the influence of drugs. The Schools Act, as amended, further simplifies this by making provisions for this government notice. The Schools Act states that a learner is obliged to comply with the school's code of conduct. According to section 8 (2) of the Schools Act, “the principal or his or her delegate may, at random, search any group of learners or the property of the group of learners, for any dangerous objects or illegal drugs, if a reasonable suspicion has been established”¹⁵. However, this is subject to 8A(3), which states that relevant factors should

⁷ Benotsch EG, Koester S, Martin AM, Cejka A, Luckman D, Jeffers AJ. Intentional misuse of over-the-counter medications, mental health, and polysubstance use in young adults. *J Community Health*. (2014) Available at 39(4):688-695. doi:10.1007/s10900-013-9811-9 accessed on 16 July 2020.

⁸ Supra note 18.

⁹ Ibid.

¹⁰ Center for Substance Abuse Treatment. Substance Abuse Treatment: Addressing the Specific Needs of Women. Treatment Improvement Protocol (TIP) Series 51. HHS Publication No. (SMA) 09-4426. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2009.

¹¹ Howell. S and K Couzyn, K. “*The South African National Drug Master Plan 2013–2017*” (2013).

¹² Ibid.

¹³ Act 108 of 1996: s28, 29.

¹⁴ Act 84 of 1996.

¹⁵ Section 8A (2) Act 84 of 1996.

be considered, such as the best interest of the learner, the safety and health of the learner, or any other learner at the school, reasonable evidence of illegal activity, and all relevant evidence received. This drug search should be done in a reasonable and proportional manner and may only be conducted by the principal or a designated staff member of the same gender as the learner if it involves a body search. This should be done privately, including one witness of the same gender to protect the learner's right to privacy¹⁶. The Schools Act¹⁷ states that all learners must abide by the school procedures and the code of conduct. If learners need to be searched, and, it complies with the school policies, and is done in a proper manner, with no violation of rights taking place, then the search can proceed. The Schools Act¹⁸, after prohibiting the use of substances and illicit drugs on school premises, further provides for those who have problems with drug addiction by giving assistance from the school counsellors. It must be noted though, that teachers are not trained to provide counselling.

While it may be possible for the Department of Basic Education to add counselling to the training of teachers or employ counsellors at public schools. According to the Schools Act¹⁹, this is covered in Basic School Education (BSE) under life orientation where learners are taught about the implication of substance abuse and life-oriented issues. However, life orientation is not sufficient to cover or eradicate substance abuse in schools. Employing a social worker who is trained in substance abuse at each and every school, can help in eradication. Teachers cannot dedicate their teaching time to assisting learners who abuse substances.

Social workers are trained in providing substance abuse programs and awareness at schools and communities at large. There are also organisations such as SANCA who specifically deal with all issues of substance abuse, from early intervention up to addiction. Departments such as the Department of Health and South African Police Stations also have programs related to substance abuse that they render to schools and communities. The Children's Act²⁰ looks at early interventions and prevention through programmes that can assist the children to be aware of the impact of drugs and substance abuse. A drug-free school environment is in the best interest of the learner to ensure that the right to education is enjoyed without any external interventions and disturbances. It is of the researcher's opinion that the first step before

¹⁶ Supra note 11.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Act 38 of 2005.

attempting to introduce new strategies, is to try to ensure the correct and effective implementation of the existing ones, and to work on them before identifying problem areas and then improving on them.

According to Takalani, Tshitangano and Tosin²¹, “the figures published by the South African Police Service (SAPS) show that drug abuse accounts for 60% of all crime in the country”²². The country needs to pay more attention to this issue so that other social ills will be combated as well. Per Mothibi, alcohol is the most abused substance in South Africa and a major cause of crime, violence and moral decay²³. This study states that between 65 to 70 % of violent crime reported in Cape Town in 2014 was related to alcohol abuse. In the study, it was discovered that 60 % of learners started using drugs at the age of 11²⁴. The crimes that were reported to be committed by learners include robbery, housebreaking, rape, theft, vandalism and assault. Thirty % of learners were reported to have committed crime due to substance abuse²⁵. According to the findings by the United Nations International Drug Control Programme (UNDCP, 2005)²⁶, substance abuse contributes to unplanned sexual activity and increased sexually transmitted diseases, depression, cancer, suicide, personality disorder, and homicides.²⁷ Dealing appropriately with this issue will assist in solving other social and economic problems.

It is important to understand the aims and objectives of the international and national legislations such as the National Drug Master Plan 2013–2017²⁸. The National Drug Master Plan is a five-year plan that was formulated by the Central Drug Authority (hereafter referred to as ‘CDA’)²⁹ in terms of the Prevention and Treatment of Drug Dependency Act³⁰ as amended, as well as the Prevention of and Treatment for Substance Abuse Act³¹ as amended (hereafter referred to as ‘PTSAA’). The vision of the NDMP 2013–2017³² is of a country that is free of substance abuse. The Inter-Ministerial Committee (IMC) on Alcohol and Substance

²¹ Supra note 1.

²² Supra note 1.

²³ Supra note 2.

²⁴ Ibid.

²⁵ Ibid.

²⁶ South African HIV Clinicians Society ‘Our Issues, Our Drugs, Our Patients’. Third biennial conference (2016) available at E/cn.7/2016/L.12/Rev.1 accessed on 05 July 2020.

²⁷ United Nations International Drug Control Programme (UNDCP), 2005.

²⁸ National Drug Master Plan. Department of Social Development (2013–2017). (2013).

²⁹ Ibid.

³⁰ Act 70 of 2008.

³¹ Supra note 4.

³² Supra note 24.

Abuse has done its research. The findings were that the use of alcohol and illicit drugs affects everyone in this country, either directly or indirectly.

Children enter the adolescent stage as they transition from childhood into adulthood. They become vulnerable as they attempt to establish their own identity as well as new ways of dealing with problems.³³ Thus, this is a very critical stage where one may end up being trapped in substance abuse. It is stated that a number of populations that have been studied show the same sequence of drug use progression from alcohol to cigarettes and later to marijuana and other illicit drugs.³⁴ This indicates that this problem can be detected at an early stage when the learners start to drink alcohol. Thus, early intervention is required before they progress to the next level of substance abuse.

A study from Takalani et al.,³⁵ indicated that the majority of the learners started using substances between the ages of 15 and 20. Male learners made up the majority, 63%³⁶, of learners who were using substances while 50%³⁷ of those who tried to stop but failed were female. There was a mere one percent difference between male and female learners when it came to not having any family members who were substance abusers. That stood in contrast to a previously held thought that learners were modelling behaviour as seen in their families; rather peer pressure appears to be a significant part of the problem. The majority of the students attested that those substances could easily be obtained in their communities or villages³⁸. Correctional facilities reported that children under 18 years constitute 21% of substance use offenders³⁹ compared to 79% of adults. This raises the question around the future of these children. Especially, when we consider that 46% of offenders who indicated substance use were reported to be school dropouts⁴⁰; indicating a relationship between substance abuse, crime and school dropout. Section 29(1) of the Constitution of the Republic of South Africa

³³ Supra note 2.

³⁴ Kandel, D. B. (Ed.). (2002). *Stages and pathways of drug involvement: Examining the Gateway Hypothesis*. Cambridge University Press. (2002) Available at <https://doi.org/10.1017/CBO9780511499777> accessed on 16 July 2020.

³⁵ Takalani, G., Tshitangano, O.H. & Tosin. *Substance use amongst secondary school students in a rural setting in South Africa: Prevalence and possible contributing factors*. (2016).

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ South African HIV Clinicians Society 'Our Issues, Our Drugs, Our Patients' . Third biennial conference (2016) available at <file:///G:/2020%20readings/David%20Bayever%20-%20Substance%20use.pdf> accessed on 11 July 2020.

⁴⁰ Ibid.

states that everyone has a right to basic education⁴¹. It seems that the learners abuse this right, yet they cannot be deprived of it. According to the Better Health Channel, when one's central nervous system is affected by drugs, it changes the way they think, feel and behave⁴². It is of no doubt that when a learner is under the influence of substances, they do not act normally, their behaviour might affect the people around them and they are not in control of their actions and thoughts⁴³.

According to UNODC study of 1998 it is stated that while illicit drug consumption affects communities, it does however, have short term economic gain for the country via trade⁴⁴. The study also reports that a profit is made through trading with other countries in which that profit contributes to the economy of the distributing country⁴⁵. To clearly understand the aforementioned, it is important to understand how illicit drugs are divided. The 1998 study divided illicit drugs into three different categories. Firstly, there are the ones that are produced from natural plant products (opium, morphine and heroin), secondly, there are the synthetically produced drugs (the amphetamines) and thirdly, there are the psychoactive pharmaceutical drugs which are allowed for legal use, but they are sometimes used in manners which result in them becoming an illicit product, for example over the counter medication⁴⁶. The sale of cigarettes and alcohol contributes a lot to the growth of a country's economy. The banning of both commodities had a heavy impact on the country's economy during level 5 of lockdown; on the other hand, there was an indication of less crime and fewer road accidents were noted.

The purpose of this study is to: identify and evaluate strategies and policies in place to address the issues of substance abuse. Assess how the available strategies and policies are monitored to ensure that they are implemented correctly. Propose and adopt new strategies and policies that are proven to be effective by looking at measures that have had success in other countries.

⁴¹ The Constitution of the Republic of South Africa (1996) available at <file:///G:/SAConstitution-web-eng.pdf> accessed on 11 July 2020.

⁴² Better Health Channel "How drugs affect your body" available at <https://www.betterhealth.vic.gov.au/health/HealthyLiving/How-drugs-affect-your-body?viewAsPdf=true> accessed on 15 July 2020.

⁴³ Ibid.

⁴⁴ UNODC, Economic and Social Consequences Of Drug Abuse And Illicit Trafficking (1998) available at https://www.unodc.org/pdf/technical_series_1998-01-01_1.pdf accessed on 14 July 2020.

⁴⁵ Ibid.

⁴⁶ Ibid.

And to assess what can be done to assist the parents and families of learners who abuse substances in public schools.

Research questions and methodology

The core research questions of this work are:

Do the available strategies and policies adequately address the issues of substance abuse?

What are the main reasons why learners resort to substance abuse?

What can be done to assist the parents and families of learners who abuse substances?

In order to answer the research questions, the objectives of the study include looking at the possible reasons behind learner exposure to substance abuse, and to explore the legislative measures by government to combat the issue of substance abuse. This will be achieved through library and desk research. Data will be collected through literature material researched from academic books, articles, cases, research reports, and news on the issues of substance abuse.

Structure of dissertation

Chapter 1 introduces the basic research design, objective of the research, methodology, research questions and purpose. Chapter 2 discusses the use of substances by learners in South Africa. In the third chapter the effects of substances on learners, their families and communities, as well as the country are examined. Chapter 4 looks at the strategies and policies in place to combat the issue of substance abuse in public schools. While the final chapter considers what can be done to battle this epidemic. It presents the conclusion and recommendations from researcher's experience and literature drawn from this research.

CHAPTER 2

THE USAGE OF DRUGS AND SUBSTANCES BY LEARNERS IN SOUTH AFRICA

Substance abuse amongst learners is one of the biggest problems that South Africa faces. Many social ills are associated with substance abuse. Several studies point out that tobacco and alcohol are the substances that most learners experiment with⁴⁷ as they are often easily accessible and socially accepted. However, they may lead to the uptake of other substances. The Department of Education⁴⁸ believes that prevention at an early stage during the uptake of tobacco and alcohol can prevent the uptake of harder, usually illicit, drugs. “Schools, if considered holistically, are environments where children not only acquire knowledge but also where they learn how to know, to be, to do and to live together”⁴⁹. Although children learn how to know, to be, to do and to live together at school, this has both negative and positive influences on children. Some children learn to use drugs and substances at school, as part of knowing, doing and living together. In a study conducted in high schools based in rural areas, it was discovered that among the participants, 60% of learners started abusing substances at the age of 11⁵⁰.

SACENDU reported that 25% of people under 20 abuse alcohol⁵¹, an age at which most people are still learners. Among school going youth, alcohol use appears to increase with age for both males and females⁵². Rungani (2012) established that 58% of learners in Grahamstown High Schools in the Eastern Cape Province use alcohol and 22% of them use cigarettes⁵³. This study

⁴⁷ World Health Organisation ‘Education sector responses to the use of alcohol, tobacco and drugs’ United Nations Office of Drugs and Crime available at https://www.unodc.org/documents/drug-prevention-and-treatment/UNODC_UNESCO_WHO_GoodPolicyAndPracticeInHealthEducation.pdf accessed on 5 June 2020 p8.

⁴⁸ Ibid.

⁴⁹ UNESCO, ‘Stopping Violence in Schools: What Works?’. Report from the expert meeting [online], 2007, p 7. Available at http://portal.unesco.org/education/en/ev.phpURL_ID=36830&URL_DO=DO_TOPIC&URL_SECTION=201.html. Accessed on 5 June 2020.

⁵⁰ Mothibi K. Substance Abuse Amongst High School Learners in Rural Communities (2014) available at <http://www.hrpub.org/download/20140701/UJP1-19402145.pdf> accessed on 16 July 2020.

⁵¹ South African HIV Clinicians Society ‘Our Issues, Our Drugs, Our Patients. Third biennial conference (2016) available at E/cn.7/2016/L.12/Rev.1 accessed on 05 July 2020.

⁵² Ibid.

⁵³ Manu I E , Maluleke X. T. ‘Learners Substance Abuse at School in Selected High Schools in East London of South Africa, (2017) available at https://www.researchgate.net/publication/321194650_Learners'_Substance_Abuse_at_School_in_Selected_High_Schools_in_East_London_of_South_Africa/link/5a145697aca27273c9eaf636/download accessed on 16 July 2020.

constituted of 941 learners – in grades 10 to 12, between the ages of 11 and 18 - from seven different government high schools in rural communities. Within that group 30.95% of male and 23.81% of female learners used alcohol prior to the study with the exception of marijuana, which was abused mostly by female learners.⁵⁴

Statistical use of drugs and substances in schools

According to Reddy et al.,⁵⁵ almost 7% of learners smoked cigarettes for the first time before the age of 10. A 10-year-old is likely still attending primary school. If the child starts using drugs, there is little doubt that by the time they go to high school they would have moved on to stronger drugs.⁵⁶ Smoking rates have been unclear from 2002 to 2008, since the Global South African Youth Tobacco Survey (GYTS) showed a decline from 23% in 1999 to 18.5% in 2002⁵⁷. The statistics from the survey conducted by the YRBS between 2002 and 2008 remained unchanged at 21%. The Western Cape Province was reported to have the highest percentage of learners smoking at 37%. Coloured learners were at 36% followed by white learners at 34%, and black learners at 18%⁵⁸. The statistics point out that there have been no drastic changes in the past years regarding smoking rates. The statistics also elaborate that drug usage varies according to racial and gender groups.⁵⁹ According to the Department of Basic Education's statistics published in 2013, based on learners from grade 8 to 11 in the Western Cape in 2008, alcohol is the most used substance with a total of 49.6% of usage amongst all learners. Male learners were reported to have a higher percentage for all drug and substance usage, which includes cigarettes, cannabis, inhalants, mandrax, cocaine, and heroin.

A number of learners start using alcohol at the age of 13 years.⁶⁰ Male learners are reported to have higher percentages of alcohol use than female learners. Drug and substance use differs

⁵⁴ Ibid.

⁵⁵ D Swart, P Reddy, RAC Ruiter, H de Vries 'Cigarette use among male and female grade 8–10 students of different ethnicity in South African schools' (2003) 12: 1 *Tobacco Control* pp1-5.

⁵⁶ Help Guide 'Drug use and addiction' available at <https://www.helpguide.org/articles/addictions/drug-abuse-and-addiction.htm> accessed on 5 June 2020.

⁵⁷ Ibid.

⁵⁸ Reddy, S.P., James, S., Sewpaul, R., Koopman, F., Funani, N.I., & Sifunda, S et al. *Umthente Uhlaba Usamila – The 2nd South African Youth Risk Behaviour Survey*. (2008). DoH. (Online) Available at: <http://www.mrc.ac.za/healthpromotion/yrbs>. Accessed 23/06/16.

⁵⁹ N Harker, R Kader, B Myers, N Fakier, C Parry, A.J. Flisher, K Peltzer, S Ramlagan and A Davids 'Substance abuse trends in the Western Cape: A review of studies conducted since 2000' HRSC Research outputs.

⁶⁰ Supra note 21.

according to geographical areas, racial groups, and population. According to the South African Epidemiology Network on Drug Use (SACENDU)⁶¹, males tend to have a higher percentage of abusing illicit drugs while females mostly abuse over the counter and prescription medicines such as codeine products and sleeping pills⁶². In rural areas, it is culturally and socially acceptable for males, especially the youth over the age of 18, to use substances openly, since the law allows them to consume alcohol and buy cigarettes⁶³. Both male and female learners account for the 17 % of learners abusing substances at the age of 19 years. Of all the learners who abuse substances, 77% of the learners are male⁶⁴. Aside from exposure via modelling, environmental surroundings and socialisation, family conflict also plays a role in substance abuse. Family conflict plays a significant role in substance abuse as learners try to escape feelings of guilt, worthlessness and depression ⁶⁵ caused by family conflict.

Drug and substance availability

Zulu⁶⁶ argues that in most disadvantaged communities, it is likely that alcohol and drugs are consumed within school premises. The availability of drugs and substances within those premises leads to learner consumption. In many disadvantaged communities (particularly within rural areas), enforcement of policies is not easy. In a study conducted by Mothibi⁶⁷, it was discovered that 23% of drugs were purchased at school, while 30% were purchased in the learners communities. The statistics also reveal that 30% of drug suppliers are from the community, including relatives while 23% are accessed at school, sold by their peers and friends⁶⁸. These statistics prove that communities play a big role in exposing learners to substance abuse. There is little doubt that even those drugs that are sold on school premises are supplied by older members of the community. A drug free community will not have learners or children abusing substances since they would not be easily accessible or available. Shifting the focus from learners to community members, might assist in dealing with this substantial problem as learners are just the recipients.

⁶¹ Supra note 4.

⁶² Supra note 14.

⁶³ Supra note 3.

⁶⁴ Supra note 3.

⁶⁵ Supra note 3.

⁶⁶ Zulu, B.M., Urbani, G., Van Der Merwe, A & Van Der Walt, J.L. *Violence as an impediment to a culture of teaching and learning in some South African schools.* (2004). 24 (2), 170–175.I

⁶⁷ Ibid.

⁶⁸ Ibid.

The United Nations Drug Report of 2014⁶⁹ stated that the consumption of drugs in South Africa is “twice the global average and second to none in Africa.”⁷⁰ African countries account for the highest levels of cannabis production in the world, 25% of the global supply, with South Africa having a market value of 413 million in a population comprising 47 432 000⁷¹. When compared to other countries like Egypt, Ivory Coast, Kenya, Morocco and Nigeria, South Africa was found to have the highest market value⁷². Zinyama 2019, states that in South Africa, out of 100 people, every 15 people have a drug problem, which puts South Africa in the top 10 for narcotics and alcohol abuse in the world. The drugs that are mostly abused in South Africa are cannabis, methamphetamine, heroin and cocaine and they contribute to over 86% of treated cases of drug abuse according to the 2012 statistics⁷³. These percentages are very high, clearly indicating that South Africa is in deep crisis.

Approximately 270 991 South African citizens are drug abusers according to a 2010 report⁷⁴. Cannabis is rated as the third most used drug in South Africa.⁷⁵ In a survey on drug and substance abuse conducted in the Western Cape amongst grade 8 to 10 learners, male learners were found to have higher rates of cannabis usage than female learners and reported to be abusing cannabis before the age of 13. Burnhams⁷⁶ argues that between 2002 and 2011, learners had access to drugs on school premises, others came to school under the influence of drugs and substances, and sometimes drugs were sold or given to learners on school premises. This is a contributing factor as to why children consume these drugs and substances - because they are accessible at school. According to a 1998 Substance Abuse Report,⁷⁷ South Africa consumes five billion litres of alcohol per year. Learners contribute to these statistics as they comprise a large number of alcohol users compared to those over the age of 18⁷⁸.

⁶⁹ United Nation Drug Report (2014).

⁷⁰ United Office On Drug and Crime. World Drug Report (2014)

⁷¹ South African HIV Clinicians Society ‘Our Issues, Our Drugs, Our Patients’. Third biennial conference (2016).

⁷² Ibid.

⁷³ Zinyama, H. Drug abuse amongst youth: *Drug abuse in the Pinetown area*, (2019)

⁷⁴ Supra note 30.

⁷⁵ Morojele, N., Myers, B., Townsend, L., Lombard, C., Plüddemann, A., Carney, T., ... Nkosi, S. (2013). Survey on Substance Use, Risk Behaviour and Mental Health among grade 8-10 Learners in Western Cape Provincial Schools, 2011. Cape Town: South African Medical Research Council.

⁷⁶ Burnhams, N.H. *Statistical Trends in Substance Use in South Africa with a Focus on Young People*. (2016).

⁷⁷ South Africa’s Substance Abuse Report (1998)

⁷⁸ Ibid.

Causes of drug and substance abuse

Mothibi, found that 87% of learners abused substances due to peer pressure, 73% was because of stress, 73% was due to loneliness and rejection, 70% was as a result of family problems, 67% for poor performance and 63% due to a lack of parental control⁷⁹. This study highlights peer pressure as one of the main causes for substance abuse. This researcher believes that since peers can have such a strong influence on each other, using them to bring about changes in their peers who are abusing substances might have a positive outcome.

Peer pressure

The Centre for Substance Abuse Treatment⁸⁰ found that 88.9% of youth who used substances over a long period of time were likely to have a friend or peer who also did. Peer pressure is considered a dominant factor that introduces most learners to drug and substance abuse partially because they want to be identified with a certain group and status. The National Institute of Drug abuse also points out peer pressure as one of the leading factors in substance abuse⁸¹. One cannot deny the implications and the role of peer pressure, however in this study they believe that no matter how heavy the peer pressure is, substance abuse can be prevented if the adolescent comes from a healthy family structure⁸². Every family has their own norms and values which they believe in. If the family is able to instil their norms and values, children are able to respect them and behave accordingly. Family structures play a big role in the upbringing of the child, but it is not guaranteed that all children would adapt to the structure.

Dealing with stress

Some learners relate their drug abuse to the loss of their parents. Due to inheriting adult responsibilities at a young age, learners turn to substance abuse as a way of dealing with the

⁷⁹ Supra note 3.

⁸⁰ Center for Substance Abuse Treatment ‘Substance Abuse Treatment and Family Therapy’ in Rockville (MD): Substance Abuse and Mental Health Services Administration Chapter 2 Impact of Substance Abuse on Families available at <https://www.ncbi.nlm.nih.gov/books/NBK64258/> accessed on 7 June 2020.

⁸¹ National Institute of Drug Abuse ‘Drug Facts’ (2019) available at <https://d14rmgrwzf5a.cloudfront.net/sites/default/files/drugfacts-methamphetamine.pdf> accessed on 7 June 2020.

⁸² Center for Substance Abuse Treatment. Substance Abuse Treatment and Family Therapy. Rockville (MD): Substance Abuse and Mental Health Services Administration (US), (Treatment Improvement Protocol (TIP) Series, No. 39.) (2004) Available at: <https://www.ncbi.nlm.nih.gov/books/NBK64265/> accessed on 25 July 2020.

stress of managing a home. The learners who dropped out of school and decided to live on the streets mentioned that some of their stressors were family problems due to divorce, the death of their biological parents, unfair treatment by relatives, or neglect by parents in not meeting their school needs.⁸³ They resorted to substance abuse to suppress their stresses. Learners may abuse drugs to relieve the stress associated with poverty, chronic social strain and other difficult events⁸⁴. Some chronic social strains include HIV/AIDS and TB since in some poor communities there is often less access to support systems, healthcare and community organizations⁸⁵. In order for them to cope with these stressful events, they use drugs to suppress their vulnerability.

Racial groups

Different geographical areas also play a big role in learners' exposure to drug abuse. Substance abuse is less prevalent in the rural areas than in the townships. This is due to different racial groups who are found in communities with different characteristics, size, density and heterogeneity, physical environment, social organisation and structure of the community⁸⁶. Learners growing under all these circumstances have to succumb to the culture of their community which is why one finds that drug abuse statistics vary according to age, racial groups, religion, location and culture. van Heerden et al noted that demographic and socio-economic factors are implicated in drug abuse since Coloureds were found to be 3.9 times more likely to have tried alcohol, 5.3 times more likely to be smokers and 8.4 times more likely to have used 'other drugs' compared with Blacks. Whites used more alcohol, tobacco, cannabis and other drugs compared to Blacks⁸⁷. Clearly showing that substance abuse varies across different racial groups and geographical areas.

Parenting skills

⁸³ Supra note 28.

⁸⁴ UNODC, Economic And Social Consequences Of Drug Abuse And Illicit Trafficking (1998) available at https://www.unodc.org/pdf/technical_series_1998-01-01_1.pdf accessed on 14 July 2020.

⁸⁵ Ibid.

⁸⁶ van Heerden, M. S., Grimsrud, A. T., Seedat, S., Myer, L., Williams, D. R., & Stein, D. J. Patterns of substance use in South Africa: results from the South African Stress and Health study. *South African Medical Journal = Suid-Afrikaanse Tydskrif vir Geneeskunde*, 99(5 Pt 2), 358–366.(2009) available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3203645/pdf/nihms327598.pdf> accessed on 26 July 2020.

⁸⁷ Ibid.

Brook⁸⁸ and Onya⁸⁹ argue that the quality of time spent with children determines whether the child will consume drugs and substances. According to Brook, “spending time with children enhances their feeling of self-worth and may also minimise their use of alcohol and drugs.” Brook says furthermore that the absence of a nurturing home environment drives children to seek out peers to feel recognised and accepted.⁹⁰ Factors such as peer pressure, physical and sexual abuse, early exposure to drugs, stress, and parental guidance can greatly affect a person’s likelihood of drug use and addiction⁹¹. It is of this researcher’s opinion that since many parents work, it may be difficult to find enough time to spend with their children. As a result, exposure to substance abuse due to peer pressure and all above mentioned factors may lead to drug abuse and addiction.

Spending time with parents at home minimises the time spent with peers and friends, thus, reducing possible bad influences. In Peltzer and Ramlagan’s⁹² study conducted in the Western Cape, a strong link between risky drinking behaviours and a lack of parental and peer support, school truancy, and mental distress, was identified. Peltzer⁹³ points to role models as playing a huge role in substance abuse. As stated, youth tend to imitate the behaviours of their parents, guardians, and role models. Thus, this shows that parents themselves play a big role in perpetuating the problem of drug and substance abuse. Brook et al.⁹⁴ argue that youth who have role models who are using drugs and substances will consider using them as acceptable. If learners’ role models are successful in life while using drugs, they will think that it can work for them as well. Genetic and environmental factors interact with critical developmental stages in a person’s life to affect addiction risks⁹⁵. Indicating that early exposure due to the environment and genetics may affect the development of a learner. This can affect the learner in the way they view things and the way they perceive life.

⁸⁸Brook, S., Morojele, N.K., Pahl, K., & Brook, D.W. *Predictors of drug use among South African adolescents*. (2006). 38(1): 26–34.

⁸⁹Onya, E.H. *A qualitative study of home-brewed alcohol use among adolescents in Mankweng District, Limpopo Province, South Africa*. (2005). 291–307.

⁹⁰National Academies of Sciences, Engineering, and Medicine ‘Parenting Matters: Supporting Parents of Children Ages 0-8’ (2016) *Washington, DC: The National Academies Press* available at https://www.ncbi.nlm.nih.gov/books/NBK402024/pdf/Bookshelf_NBK402024.pdf accessed on 7 June 2020.

⁹¹Supra at note 38.

⁹²N.Harker, R.Kader, B.Myers, N.Fakier, C.Parry, A.J.Flisher, K.Peltzer, S.Ramlagan, A.Davids ‘Substance abuse trends in the Western Cape: a review of studies conducted since 2000’ (2008) Human Science Research Council available at <http://www.hsrc.ac.za/en/research-outputs/view/3676> accessed on 7 June 2020.

⁹³Ibid.

⁹⁴Brook, S., Morojele, N.K., Pahl, K. & Brook, D.W. *Predictors of drug use among South African adolescents*. (2006). 38(1): 26–34.

⁹⁵Supra at note 38.

Growing up in an environment where substance abuse is perceived as normal and abused in front of the children, exposes children to harm. It sometimes leads them to take on parental responsibilities by looking after their offspring when their parents are under the influence of substances. In a study by Zinyama, participants reported that their parents were not concerned with them going into taverns but advised them not to come back late⁹⁶. In the study, the adolescents reported that they started substance abuse because most of the time they were left alone at home, since their parents were always busy or away due to their demanding jobs⁹⁷. The adolescents reported that a poor relationship and lack of support from their parents, placed them at risk of abusing drugs such as alcohol, marijuana and tobacco⁹⁸. In the afore mentioned studies, more blame is shifted to parents. However, learners also have a role to play in their developmental stages. The learners were reported to start abusing substances at the age of 11. It appears that many studies are focused on the learners while ignoring the parents – the studies mentioned focused on the views of the learners. This indicates a need to examine the views of parents as they play a significant role in what could lead to the uptake of substance abuse by learners.

Vulnerability

Some youth turn to substance abuse due to vulnerability, which includes poverty, and unemployment⁹⁹. Child-headed families also expose adolescents to substance abuse due to loneliness and lack of guidance, they tend to rely on their peers for support. In order for them to deal with stressful situations and their vulnerability, they resort to substance abuse to suppress their stress. Mohasoa¹⁰⁰ further states that youth also abuse substances because they are overwhelmed by challenges in their lives, families, and society as a whole¹⁰¹. Even though resorting to substance abuse is not the only option, depression due to the abovementioned

⁹⁶ Mahasoa I, Mokoena S. Factors Contributing To Substance (Drug) Abuse Among Male Adolescents In South African Public Secondary Schools: International Journal of Social Sciences and Humanity Studies (2017) available at <https://dergipark.org.tr/en/download/article-file/440384> accessed on 25 July 2020.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Mohasoa, I.P. *Substance abuse among male adolescents. Unpublished MA dissertation.* (2010).

¹⁰⁰ Ibid.

¹⁰¹ Center for Substance Abuse Treatment. Substance Abuse Treatment: Addressing the Specific Needs of Women. Treatment Improvement Protocol (TIP) Series 51. HHS Publication No. (SMA) 09-4426. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2009.

situations may lead to substance abuse in order to deal with their current situation. Zinyama¹⁰² states that substance abuse is linked to depression, violent behaviour and various forms of crime, including many accidental and premeditated injuries. This might be due to the fact that people abusing substances are extremely dependent on them and cannot live without them. Some drugs are very toxic and affect the neurons which end up reducing pleasure for the learner who is abusing drugs. This leads to a person feeling flat, lifeless, and depressed, depriving them of enjoying things that once brought pleasure to their lives¹⁰³. The fact that they end up not enjoying what they use to enjoy illustrates the ways in which substances compromise their happiness and channel it to a particular way of living.

Experimenting

Most learners do not see cannabis (marijuana, dagga) as a dangerous drug. Learners need to know the impact and risks of cannabis in order for them to stay away from it.¹⁰⁴ If one cannot provide evidence of the consequences of abusing drugs, then it will be hard to convince learners to stay away from them. Some of these drugs are said to be used as part of treating and handling certain illnesses, such as cancer and anxiety, which is one of the reasons why learners perceive cannabis as safe. Cannabis is said to have neurotoxic effects, preventing the normal functioning of the brain, thus affecting the memory and a sense of reasoning¹⁰⁵. Drug abuse has both short and long term effects. The short term includes lack of tolerance and unable to derive pleasure from things they used to enjoy, like food, sex, or social activities¹⁰⁶. Some of the brain effects of drug abuse are on learning, judgment, decision-making, stress, memory and change in behaviour¹⁰⁷. Cannabis is said to lead to unprotected sex, increasing the risk of HIV infection¹⁰⁸. However, this information is often not enough to present to the learners as some

¹⁰² Supra note 28.

¹⁰³ The National Institute on Drug Abuse Blog Team. O. Brain and Addiction (2019) Available at <https://teens.drugabuse.gov/drug-facts/brain-and-addiction> accessed on July 24, 2020.

¹⁰⁴ Nkowane M.A., Rocha-Silva L., Saxena S., Mbatia J., Ndubani P., Weir-Smith G. 'Psychoactive Substance Use among Young People: Findings of a Multi-Center Study in Three African Countries' (2004) *Contemporary Drug Problems* available at <https://doi.org/10.1177/009145090403100207> accessed on 7 June 2020.

¹⁰⁵ Morin, J.G., Afzali, M.H., Bourque, J., Stewart, S.H., Séguin, J.R., O'Leary-Barrett, M., & Conrod, P.J.A. Population-Based Analysis of the Relationship between Substance Use and Adolescent Cognitive Development (2018). *The American Journal of Psychiatry*, 176(2), 98-106.

¹⁰⁶ National Institute of Drug Abuse 'Drug Facts' (2019) available at <https://d14rmgtrwzf5a.cloudfront.net/sites/default/files/drugfacts-methamphetamine.pdf> accessed on 7 June 2020.

¹⁰⁷ Ibid.

¹⁰⁸ Supra note 30.

believe in trying things out themselves and sometimes just for fun. So, some learners end up abusing substances as a result of experimenting and having fun with their friends.

Exposure

Learners are exposed to drugs and substances in school as well as at home or within their communities. Within the communities, there are taverns and liquor shops where these substances are sold. Thus, if adult family members consume alcohol and abuse drugs, it is likely that children will think that it is acceptable and do the same. Researchers such as Ramsoomar,¹⁰⁹ Steinman and Zimmerman,¹¹⁰ and Wegner¹¹¹ relate alcohol and drug abuse to genetic predisposition, age, alcohol knowledge, low self-esteem, impulsivity, sensation seeking, low religious involvement, depressive symptoms, boredom, poor sense of well-being, and school dropout. Most of the above mentioned are interrelated. Growing up in a family where substance abuse is perceived as normal can lead to curiosity, resulting in experimentation. Gmeiner and Mabusela,¹¹² Rocha-Silva,¹¹³ and Terblanche,¹¹⁴ relate drugs and substance abuse to the lack of parental involvement in the child's life, which includes negative communication skills, inability to discipline, and lack of closeness between the child and parents, limiting communication. Therefore, they tend to trust their peers more than their parents, because peers are always there to listen and are more understanding than parents.

Substance and drug abuse in South Africa is indeed a problem that everyone is aware of, and which contributes to many social ills, delinquent behaviours, crime, and sometimes death. Statistics prove that there is gender-based variance in terms of drug and substance abuse.¹¹⁵ Males were found to have a higher percentage of substance abuse than females. The causes of substance abuse are very important in this study in that through them, interventions can be developed in order to address each cause.

¹⁰⁹ Ramsoomar, L. *Risk and Protection: Alcohol Use Among Urban Youth Within The Birth to Twenty (Bt20) Cohort*. (2015).

¹¹⁰ Steinman, K.J. & Zimmerman, M.A. *Religious activity and risk behavior among African American adolescents: Concurrent and developmental effects*. (2004). 33(3/4), 151–161.

¹¹¹ Wegner, L., Flisher, A.J., Chibokvu, P., Lombard, C. & King, G. *Leisure boredom and high school dropout in Cape Town, South Africa*. (2008). 31(3): 421-431.

¹¹² Gmeiner, A. & Mabusela, H. *The experience of parents with drug addicted teenagers*. (1997). 40(1), 43–50.

¹¹³ Rocha-Silva, L. *The nature and extent of drug use and the prevalence of related problems in South Africa*. (1998).

¹¹⁴ Terblanche, S.S. *Drug abuse amongst high school pupils*. (1999). 35 (2), 161–178.

¹¹⁵ Supra note 21.

CHAPTER 3:

THE EFFECTS OF DRUGS AND SUBSTANCE ABUSE

This chapter serves as the core of this research. It presents the social, educational, economical, psychological, clinical and spiritual impact of substance abuse, from the individual sphere to the country at large. Drawing from the previous chapter which outlines the causes of substance abuse, it is evident that everyone in this country has a role to play in curbing this pandemic of substance abuse since it affects everyone. According to media reports, as seen on parent24, about 60% of crimes committed are due to alcohol abuse and 80% of male youth deaths are related to alcohol¹¹⁶. These statistics alone prove the unbearable effects of substance abuse. The main aim of this chapter is to look at the effects of substance abuse on South African learners. In the previous chapter, we explored the main causes of substance abuse where the focus was mainly on the personal or individual drive towards substance abuse. In this chapter, our main focus is on the implications, now that we know what drives the youth towards substance abuse. One cannot shy away from the fact that each and every person within the family is affected differently by substance abuse due to different causes such as poverty, legal problems and emotional distress¹¹⁷.

Background

The effects of substance abuse are both direct and indirect. Learners serve as the primary focus for this research. Understanding how they are affected by this pandemic can assist us in finding a means of dealing with it in an effective way that also addresses the causes. However, the families of the learners are also affected, either by the effects of drugs and substances. This goes beyond the family to the community and the country at large. This is because the child belongs to their family, the community they live in, and the country they belong to¹¹⁸. Some researchers believe that some of the effects of drug and substance abuse in learners are evident

¹¹⁶ <https://www.parent24.com/Family/Health/80-of-sas-male-youth-deaths-are-alcohol-related-and-drug-consumption-is-twice-the-world-norm-20180626> accessed on 2 August 2020

¹¹⁷ Lander L, Howsare J, Byrne M. 'The impact of substance use disorders on families and children: from theory to practice'. *Soc Work Public Health*. 2013;28(3-4):194-205. Available at doi:10.1080/19371918.2013.759005 accessed on 1 August 2020.

¹¹⁸ The United Nations Convention On The Rights Of The Child 1989

in school dropout, teenage pregnancy, and HIV/AIDS¹¹⁹. However, the effects may be gender based, in that the effects are different between females and males¹²⁰. For instance, a male learner may drop out of school because of drug or substance dependency, whereas a female learner may fall pregnant while under the influence of drugs and contract HIV/AIDS at the same time. Family dysfunction, such as more conflict and less cohesion, were more frequently identified in girls abusing substances than in boys¹²¹.

According to parent24, the effects of substance abuse vary, depending on how addicted the individual is¹²². Some of the effects that were outlined include depression, anxiety, paranoia, impulsive behaviour, poor judgement, risky sexual behaviour exposing them to HIV/AIDS and other sexual transmitted diseases, neurological disorder, chronic memory disorder, mental disorder, and damage to the liver, heart, kidney and lungs¹²³. According to the Department of Basic Education,¹²⁴ “substance abuse imposes social, health and economic costs on individuals, families, society and the economy at large.” They also argue that the effects at an individual level involve depression, violent behaviour, crime, accidents, and intentional injuries.

Risky behaviours associated with drug and substance abuse

Drug and substance abuse is associated with risky behaviours that may lead to depression, suicide, personal disorders, injuries, and unplanned sexual activity as outlined above¹²⁵. These affect the individual, family, school, community, and the nation at large. The consequences are that the individual’s life may be ruined, causing the family to spend money to take care of the affected individual. This has a knock-on effect in that the school loses the learner, and the country utilises resources to help the individual who might not benefit the country when their lives go back to normal. Viljoen and Meyer¹²⁶ say that 40 % of teen suicide and accidental deaths are estimated to be linked to substance abuse. This may be due to the reasons listed above. Moreover, these statistics prove that serious attention needs to be given to this

¹¹⁹ Mchunu G., Peltzer K., Tutshana B., Seutlwadi L. ‘Adolescent pregnancy and associated factors in South African youth’ (2012) 12:4 *African Health Science* pp 426-434.

¹²⁰ NIDA. Sex and Gender Differences in Substance Use (2020) available at <https://www.drugabuse.gov/publications/research-reports/substance-use-in-women/sex-gender-differences-in-substance-use> accessed on 1 August 2020

¹²¹ Supra note 9.

¹²² <https://www.parent24.com/Family/Health/80-of-sas-male-youth-deaths-are-alcohol-related-and-drug-consumption-is-twice-the-world-norm-20180626> accessed on 2 August 2020

¹²³ Ibid.

¹²⁴ Department of Basic Education (2013). National strategy for the prevention and management of alcohol and drug use amongst learners in schools.

¹²⁵ Supra note 6.

¹²⁶ Supra note 2.

pandemic, while raising question as to what the country is doing now that the problem has been identified.

According to Viljoen and Meyer, “it takes an adolescent 5 to 15 months to become addicted to drugs and 5 to 15 weeks for the pre-adolescent to become addicted to drugs”.¹²⁷ This means that the younger you are, the more prone you are to addiction. Precautions such as early intervention programs thus need to be taken at an early stage before the child engages in drug and substance abuse. Alcohol and drug abuse compromise the quality of teaching and learning, as well as the safety of learning spaces. This pandemic shifts the focus of teachers from teaching to attending to cases of drugs and substances. Even though this is covered in the life orientation syllabus, it is not sufficient in addressing the problem. Most researchers point out that substance abuse is related to violent behaviours¹²⁸. Learners and teachers are all at risk when experiencing violence from these users. Disciplining learners is also problematic for teachers, because they may be confronted by the users, while they are under the influence of drugs, in front of other learners, thus creating an unhealthy learning environment.

The Department of Basic Education¹²⁹ declared health problems, mental and social ills, which include depression, injuries, road accidents, crime, violence, and risky sexual behaviours that may lead to HIV infections, STIs, and unplanned pregnancy, as the effects of substance abuse. Sutherland and Shepherd¹³⁰ mentioned academic difficulties, absenteeism, heart disease, cancer, respiratory disease, and schizophrenia as some of the effects of substance abuse. Those who inject drugs are at high risk of contracting HIV and hepatitis through the sharing of needles. If one looks at academic difficulties jointly with absenteeism there is a strong link because there is nothing that motivates the learners to be at school if there is minimal progress which consequently leads them to be absent from school. According to Perry et al.,¹³¹ 45% of people in Canada under the age of 20 years who were arrested in 2004 tested positive for substance use. This proves the impact that substances have on young people. Gilvary¹³² also argues that adolescent substance users within the larger community are often involved in

¹²⁷ Supra note 2.

¹²⁸ Addiction Campuses Editorial Team ‘The Connection Between Addiction And Violence’ May 18, 2018 Addiction Campuses available at <https://www.addictioncampuses.com/blog/addiction-violence/> accessed on 7 June 2020.

¹²⁹ Supra note 21.

¹³⁰ Sutherland I., and Shepard J., ‘Social dimensions of adolescent substance use’ (2001) 96:3 *Addiction* available at <https://10.1080/0965214002005419> accessed on 7 June 2020.

¹³¹ Ibid.

¹³² Ibid.

delinquent behaviours and illegal activities. This shows the relationship between substance abuse and crime.

Reddy et al.¹³³ mentioned that, in South Africa, it is reported that 16% of learners consume alcohol before sex and 14% of learners use drugs before they have sex. This shows that learners abusing alcohol are more likely to be sexually active than those who do not. In a study conducted by Chauke et al.¹³⁴, it was found that 35.5% male and 29.7% female students drank alcohol. Brown et al.¹³⁵ stated that alcohol has the potential to influence adolescents to engage in risky sexual behaviour such as having multiple sex partners, which makes them more vulnerable to sexually transmitted infections, unintended pregnancy, and sexual violence. King et al.¹³⁶ stated that, in Cape Town, alcohol use amongst students was found to be a significant predictor for sexual abuse victimisation. Multiple sexual partners and unprotected sex is one of the effects of drugs and substance use by learners.¹³⁷ Bad decision making, and less reasoning are some of the effects of drugs and substance abuse that were also identified.¹³⁸ Shisana et al.¹³⁹ reported that the South African National HIV Survey of 2005 found that individuals who use substances for leisure purposes had the highest percentage of numerous sexual partners. Other people may take advantage of those individuals under the influence of drugs and substances¹⁴⁰. Kalichman¹⁴¹ found that the psychopharmacological effects of drugs boost the sexual activity of drug users, making them vulnerable to risky sexual behaviours.

According to the WHO,¹⁴² smoking increases the risk of death from lung and other cancers, heart disease, stroke, and chronic respiratory disease, while also contributing to more than 60 types of disease and injury. The researcher identified that the effects are different from the individuals who abused alcohol to those who smoked or used drugs. Alcohol abusers are exposed to risky sexual behaviours while drugs have more effects that endanger the user's

¹³³ Supra note 18,

¹³⁴ Supra note 80.

¹³⁵ Brown SA, McGue M, Maggs J, et al. 'A developmental perspective on alcohol and youth 16 to 20 year of age.' *Paediatrics* 2008;121(4):290–310. <http://dx.doi.org/10.1542/peds.2007-2243D>.

¹³⁶ Ibid.

¹³⁷ Supra note 94.

¹³⁸ NIDA. 2020, May 29. 'Drug Misuse and Addiction'. Available at <https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/drug-misuse-addiction> accessed on 5 July 2020.

¹³⁹ Ibid.

¹⁴⁰ Supra note 80.

¹⁴¹ Kalichman, S., Simbayi, L., Cain, D., Cherry, C., Henda, N. & Cloete, A. 'Methamphetamine use and sexual risks for HIV infection in Cape Town', *South Africa. Journal of Substance Use*. (2006) 11(4):291–300.

¹⁴² Ibid.

health and physical wellbeing. According to a study by Pluddemann,¹⁴³ high school children in Cape Town demonstrated that methamphetamine use was mostly associated with aggressive behaviour, higher mental health risk, and depression. When under the influence, learners are uncontrollable and bully other learners. Further in a study conducted between 1999 and 2001 by Pluddemann et al.¹⁴⁴ and Perry et al.,¹⁴⁵ “two thirds of patients admitted to trauma units with injuries from Cape Town, Port Elizabeth and Durban had blood alcohol levels above the legal limit.” They further stated that people younger than 20 years, which constituted 29 to 32% out of 139 patients, were found to have positive breath alcohol levels.

Perry et al.¹⁴⁶ and the UN¹⁴⁷ argue that there is a strong link between crime and substance use. Seedat et al.¹⁴⁸ link alcohol and drug use with homicide, intimate partner violence, rape, and child abuse. Bouchery¹⁴⁹ mentions social exclusion, welfare dependency, poverty, and marginalisation as additional effects of drugs and substance abuse. According to Chauke, Van Der Heever, and Hoque,¹⁵⁰ alcohol deprives adolescents of their normal growth and development. Gilvary¹⁵¹ argues that “within the family environment, adolescents who abuse substances often experience poor parent–child communication, poor parental supervision and discipline and interpersonal conflict with their parents and siblings. In this way the whole family become affected because of the substance abuser’s attitudes towards them”. According to Peltzer and Ramlagan,¹⁵² risky drinking behaviours, lack of parental and peer support, school absenteeism, and mental distress were found to be related factors in the Western Cape. Most researchers point out that drugs and substances have a negative effect on the cognitive and self-management strategies of an individual. Learners skip the stage of being a child and behaving like a child instead, they act like adults. As mentioned above, drugs have different effects and affect everyone directly or indirectly. At a community level, drug and substance abuse increases rates of crime, violence, and corruption, which affect community cohesion. This

¹⁴³Plüddemann, A., Flisher, A.J., McKetin, R., Parry, C.D. & Lombard, C.J. (2010). ‘A prospective study of methamphetamine use as a predictor of high school non-attendance in Cape Town, South Africa’. (2006) <http://www.ncbi.nlm.nih.gov/pmc/articles> (Accessed 19/4/18)

¹⁴⁴ Ibid.

¹⁴⁵ Supra note 18.

¹⁴⁶ Ibid.

¹⁴⁷ United Nations. (2004). Conducting effective substance abuse prevention work among the youth in South Africa. Guidelines. Pretoria: UNODC.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Supra note 80.

¹⁵¹ Supra note 75.

¹⁵²Peltzer, K. & Ramlagan, S. ‘Alcohol use trends in South Africa’. *Journal of Social Science*. (2009). 18(1), 1–12.

affects the way people interact and goes as far as to interrupt community norms and beliefs. These are the indirect effects of drugs at community level.

Ecosystem perspective

It is of the researcher's opinion that the ecosystem perspective would effectively address the issue of drug abuse in South Africa. This perspective is mostly used in social work to find the connection between the person and the environment through improving the quality of communication in different ecological systems¹⁵³. As it is based on the theory that an individual can only be understood in the context of their environment such as the physical, family, spiritual, social, political and societal environment¹⁵⁴ it gives the needed importance to community level factors. This perspective helps practitioners to look at the individual with all the contributing factors within the environment before any intervention such as assessment, planning and intervention procedures¹⁵⁵. This perspective comprises of four systems: the microsystem, mesosystem, exosystem and macrosystem ¹⁵⁶.

Microsystem

The microsystem looks at the immediate relationship between the individual, the family they live with and the school they go to ¹⁵⁷. Looking at the individual in collaboration with family structure, home background and the history of the school they go to may assist in understanding the nature of influences that might be the leading causes of substance abuse and the effect they have on that particular person. This proves that there are many contributors to substance abuse and also other related factors that are within the person's environment that propel a person's involvement in drug abuse. Therefore, when dealing with this issue, it is important to look at the learners and their immediate associates and environment in determining the factors that

¹⁵³ Ahmed S R, Amer M M. & Killawi A.'The ecosystems perspective in social work: Implications for culturally competent practice with American Muslims', *Journal of Religion & Spirituality in Social Work: Social Thought*, 36:1-2, 48-72, (2017) available at DOI: [10.1080/15426432.2017.1311245](https://doi.org/10.1080/15426432.2017.1311245) accessed on 10 August 2020.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Eriksson M, Ghazinour M and Hammarström A. 'Different uses of Bronfenbrenner's ecological theory in public mental health research: what is their value for guiding public mental health policy and practice?'(2018) available at <https://link.springer.com/content/pdf/10.1057/s41285-018-0065-6.pdf> accessed on 10 August 2020.

¹⁵⁷ Eriksson M, Ghazinour M and Hammarström A. 'Different uses of Bronfenbrenner's ecological theory in public mental health research: what is their value for guiding public mental health policy and practice?' repetition?(2018) available at <https://link.springer.com/content/pdf/10.1057/s41285-018-0065-6.pdf> accessed on 10 August 2020.

might lead to substance abuse. In a study conducted by Chauke et al.,¹⁵⁸ it was proven that alcohol leads to absenteeism from school and males are reported to be more prone to this at 6.7% compared to females at 3.3%. This study also indicates that females have a higher percentage of embarrassment caused by drinking while males have a higher percentage of failure to do homework after alcohol consumption and to study for tests. Flisher¹⁵⁹ relates drug usage to poor performance at school, absenteeism, and repetition of grades. All these researchers have similar findings of substance abuse having negative effects on school attendance and performance amongst South African learners.

Mesosystem

The mesosystem looks at the relationship between the major settings where the individual lives, such as the relationship between home and school, home and peer-groups¹⁶⁰. As previously mentioned, some parents use drugs and substances, which results in their children using them too. If the learner's friends are using drugs as well, it is likely that they will join them in doing so. Thus, more negative influences lead to bad decisions, which are the effects of drug and substance abuse mentioned above. So, the mesosystem looks further than the home environment, extending to the interaction with friends at school and within the community.

Exosystem

The exosystem focuses on broader social structures, the institutions within society such as the libraries, clinics, and taverns¹⁶¹. The accessibility and availability of illegal drugs and substances is covered in this system. However, the tax regime reduces the accessibility and availability through increasing tax prices. Anderson,¹⁶² confirms that increasing tax reduces the consumption of tobacco and alcohol products. The price increment means less affordability. Accessibility and availability of drugs and illicit substances are usually one of the reasons that lead to consumption. In the second chapter, it was stated that most learners ended up using

¹⁵⁸ Chauke T.M., van der Heever H., Hoque M.E. 'Alcohol use amongst learners in rural high school in South Africa' (2015) 7:1 *Afr J Prm Health Care Fam Med* available at <http://dx.doi.org/10.4102/phcfm.v7i1.755> accessed on 7 June 2020 pp 755-710.

¹⁵⁹ Flisher, A.J., Parry, C.D.H., Evans, J., Muller, M. & Lombard, C. *Substance use by adolescents in Cape Town*. (2003).

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Anderson, P., Bruijn, A.D., Angus, K., Gordon, R. & Hastings, G. *Impact of alcohol advertising and media exposure on adolescent alcohol use: A systematic review of longitudinal studies*. *Alcohol and Alcoholism*. (2009). 44 (3), 229–243.

drugs and substances because they were accessible and available in their community. Essentially, this system can assist through looking at the available resources around the individual and their influence in exposing the individual to substance abuse. Finding the resources will assist in developing intervention strategies that will directly talk to the distributors in how they can assist the community in combating substance abuse amongst South African learners.

When drugs and substances are easily available and accessible, drug abuse becomes socially acceptable. According to Tshitangano and Tosini,¹⁶³ different studies indicate that substance abuse amongst adolescents may lead to “poor health and negative social consequences such as unintentional injuries, cancer, homicides and suicides, depression, personality disorder, unplanned sexual activity and increased sexually transmitted diseases.” Cannabis is said to be the substance that most learners are addicted to; the effects include poor attention span, memory loss, learning loss, poor performance, permanent cognitive impairment, lack of motivation, immunosuppression, cardiac and lung complications. It also results in psychiatric disorders, such as schizophrenia, depression, anxiety, and affects interpersonal relationships, work performance, and financial management¹⁶⁴.

Macrosystem

The macrosystem looks at the norms and rituals of a specific society such as laws and regulations, the guidelines of the community, whether documented or undocumented, and the role they play in the life of an individual¹⁶⁵. Every community has their own norms and rituals which are different from other communities. They may not be written down, but have been there for years and passed on through socialisation or inherited. If one grows up in a community that has no opposition to drug usage, that practice makes it normal for learners growing up to end up abusing drugs because it is done freely in their communities and is socially acceptable. However, drug abuse effects are evident socially, physically, economically and emotionally, which is why it is important to look at each and every effect and the impact they have on the individual, family and entire country.

Social effects of drugs and substance abuse

¹⁶³ Supra note 9.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

In most cases, when the use of drugs or substances emanate from the home and is seen as acceptable, the effects will be manifested at school. That is why learners become rebellious and engage in bullying at school while expecting to be understood and having their behaviour accepted¹⁶⁶. The Children's Act¹⁶⁷ emphasises the protection of children from exposure or subjection to behaviour that may emotionally or psychologically harm them. Substance and drug usage has an impact on a child's emotional, social and psychological behaviour.¹⁶⁸ This affects the child's basic right to education because the use of these drugs and substances affects the child's academic performance and the way they interact with one another and their teachers at school. A logistic regression model was used on 822 learners between the ages of 16 and 18 years, where Magidson et al.¹⁶⁹ discovered that substance use is strongly associated with violence and sexual activity for both genders. According to Zulu,¹⁷⁰ substance abuse leads to school violence and non-conducive learning or teaching environments. Flisher¹⁷¹ and Reddy¹⁷² argue that delinquent behaviours such as violence, bullying, assault and carrying weapons at school, are also associated with substance abuse.

Health effects of substance abuse

Pluddemann¹⁷³ states that substance abuse is associated with risky sexual behaviour and found that the school going youth who were using methamphetamines were more likely to have offending behaviour and engaged in sexual practices more than those who had not used this drug. This could be a reason why some learners fall pregnant while still attending school and

¹⁶⁶ Xena C. 'Exploration of School-Based Substance-Abuse Prevention Programmes in the Cape' (2017) available at <http://hdl.handle.net/11394/5701> accessed on 7 August 2020

¹⁶⁷ Supra note 50.

¹⁶⁸ Lander L., Howsare J., Bryne M 'The Impact of Substance Use Disorders on Families and Children: From Theory to Practice' (2013) 28 *Soc Work Public Health* pp 194-205.

¹⁶⁹ Magidson, J.F., Dietrich, J., Otjombe, K.N., Sikkema, K.J. *Psychosocial correlates of alcohol and other substance use among low-income adolescents in peri-urban Johannesburg, South Africa: A focus on gender differences J Health Psychology*. (2016).

¹⁷⁰ Zulu, B.M., Urbani, G., Van Der Merwe, A. & Van Der Walt, J.L. *Violence as an impediment to a culture of teaching and learning in some South African schools*. (2004). 24(2), 170–175.I.

¹⁷¹ Flisher, A.J., Parry, C.D.H., Evans, J., Muller, M., & Lombard, C. *Substance use by adolescents in Cape Town*. (2003).

¹⁷² Reddy, S.P., Sewpaul, R., Koopman, F., Funani, N.I. & Sifunda, S. et al. 'Umthente Uhlaba Usamila – The 2nd South African Youth Risk Behaviour Survey 2008'. (2010).available at <http://www.mrc.ac.za/healthpromotion/yrbs> accessed on 19 April 2018

¹⁷³ Plüddemann, A.J., Flisher, R., McKetin, Parry, C.D. & Lombard, C.J. 'A prospective study of methamphetamine use as a predictor of high school non-attendance in Cape Town, South Africa'. (2010). Available at <http://www.ncbi.nlm.nih.gov/pmc/articles> accessed 19 April 2018.

is also associated with consequences such as HIV/AIDS. The young mother will have to drop out of school in order to care for and support the child. The consequences are far-reaching for the young mother in terms of not just her school career, but in accessing other opportunities. Substance abuse seems to have a negative effect both on the abuser and the people close to them. This is because when under the influence, they practise unsafe sex, resulting in unplanned teenage pregnancy, or sometimes both pregnancy and HIV/AIDS, forcing school dropout. Melissa et al.¹⁷⁴ mentioned that methamphetamines are reported to affect learners' mental and physical well-being as well as limiting future opportunities through school dropout rates. Methamphetamine is a powerful, highly addictive stimulant that affects the central nervous system¹⁷⁵. According to the National Institute on Drug Abuse¹⁷⁶, methamphetamines are described as "a stimulant drug which is a white, bitter-tasting powder or a pill."¹⁷⁷ It is also known as chalk, crank, crystal, ice, meth, and speed. This drug has both short and long-term effects with physical and mental effects on the learner's brain. Some of the short-term effects includes increased wakefulness and physical activity, decreased appetite, faster breathing, rapid and or irregular heartbeat, and increased blood pressure and body temperature¹⁷⁸.

Physical effects of drug abuse

A 2019 study outlined the following physical effects of substance abuse namely: speedy weight loss or gain, poor cleanliness and carelessness with grooming, repeated nosebleeds, shakes or tremors, red blushed cheeks, bruises or other mysterious injuries and drowsiness or fatigue¹⁷⁹. The long-term effects includes extreme weight loss, addiction, severe dental problems, intense itching, leading to skin sores from scratching, anxiety, changes in brain structure and function, confusion, memory loss, sleeping problems, violent behaviour, paranoia and hallucinations¹⁸⁰. If a learner consumes methamphetamines, there is a likelihood that they will suffer from a lack

¹⁷⁴ Melissa, H.W., Meade, S.C. & Stephen, K.J., MacFarlane, C., Karmel, W., Choi, D.S., Pieter, D., Kalichman, S.C. and Sikkema, K.J. 'The Impact of methamphetamine ("tik") on a peri-urban community in Cape Town, South Africa', *International Journal of Drug Policy*. (2014) 25(2): 219–225.

¹⁷⁵ 'National Institute of Drug Abuse 'Drug Facts' (2019) available at <https://d14rmgtrwzf5a.cloudfront.net/sites/default/files/drugfacts-methamphetamine.pdf> accessed on 7 June 2020.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ Supra note 74.

¹⁷⁹ 'Saayman M. Violence and drugs in our schools' (2019) available at <https://comarochronicle.co.za/180962/violence-drugs-schools/> accessed on 8 August 2020

¹⁸⁰ Ibid.

of concentration and participation in class¹⁸¹. The main issue for these learners is where to obtain money to buy more drugs, which sometimes leads to school dropout and crime¹⁸².

Ladikos et al.¹⁸³ argue that substances have physiological effects; sedatives, hypnotics, and opiates like heroin all serve to depress the central nervous system. On the other hand, drugs such as cocaine, amphetamines, and phencyclidine stimulate the central nervous system which leads to disorientation, coma, and death.¹⁸⁴ Bukstein and Van Hasselt¹⁸⁵ argue that substance abuse may influence the fine motor and gross motor skills, and that overdose can lead to death. This shows that drug use is one of the greatest problems in South Africa that is not given adequate attention. Its association with so many social ills and other problems that stem from it show that it has a lot of negative effects in the country. Greater focus on the effects of drug abuse may make us aware of the problems we are facing due to this pandemic and give us direction in how to address those problems. Finding a means of preventing abuse may reduce the usage, which will have a great impact on the school life of learners and enable them to fully enjoy their right to education.

Economic effects of drugs and substance abuse

Morojele¹⁸⁶ believes that poor academic performance and low academic aspirations are related to drug and substance use. Drug abuse shifts the learners' focus from school work to how they will attain their next fix. Therefore, balancing schoolwork with drug and substance use is very difficult. Drug abuse will definitely affect the child's academic performance as well as the child's behaviour at home. The above-mentioned facts highlight why learners drop out of school. According to the study, approximately 60% of learners in South Africa drop out of school before they reach grade 12¹⁸⁷. Only 52% of learners reach grade 12 at an appropriate

¹⁸¹ Ibid.

¹⁸² 'United Nations Office of Drug and Crimes. Conducting Effective Substance Abuse Prevention Work Among the Youth in South Africa (2004)' available at www.unodc.org.za accessed on 8 August 2020

¹⁸³ Ibid.

¹⁸⁴ Tanner, J. 'Physiological effects of alcohol consumption' (2018) *Brain Blogger* available at <http://www.brainblogger.com/2008/09/12/physiological-effects-of-alcohol-consumption/> accessed on 05 July 2020.

¹⁸⁵ Ibid.

¹⁸⁶ Supra note 26.

¹⁸⁷ Weybright EH, Caldwell LL, Xie HJ, Wegner L, Smith EA. 'Predicting secondary school dropout among South African adolescents: A survival analysis approach'. *S Afr J Educ.* 2017;37(2):1353. Available at doi:10.15700/saje. v37n2a1353 accessed on 2 August 2020

age¹⁸⁸. This study links school dropout with risky behaviours including the use of tobacco, alcohol, marijuana, and other drugs. This study further breaks down the statistics of school dropout in grade 9, namely 6.5%, 11.5% in grade 10 while 11.8% dropped out in grade 11¹⁸⁹. This study shows that half per 100 learners enrolled in grade 1 will drop out before completing grade 12, leaving approximately 40% writing their final exam, at the expected age, and finding that only 12% qualify for higher education at tertiary level¹⁹⁰.

The effects of drugs and substance abuse at a community level include low levels of energy and productivity for the people affected¹⁹¹. The National Drug Master Plan points to substance abuse as the main contributor to crime, poverty, reduced productivity, unemployment, dysfunctional family life, political unsteadiness, the acceleration of chronic diseases, such as AIDS and TB, injury and premature death¹⁹². This includes learners who may have had promising futures. However, this problem should not only be looked at on a community and individual level, but on a national level as well.

Children's rights

The Convention on the Right of the Child (CRC), article 28 ensures the free and compulsory right to basic education for children¹⁹³. The African Charter on the Rights and Welfare of the Child article 11 ensures equal access to education so as to develop their personalities, and their mental and physical abilities, extending to moral cultural and traditional values¹⁹⁴. The right to basic education is covered in section 29 of The Constitution of South Africa.¹⁹⁵ It imposes on the state the obligation to promote and provide an education system that is responsive to the needs of the country. The Children's Act chapter 1 states parental responsibilities in providing for the child's social, physical and intellectual needs and emphasises the importance of the best interest of the child.¹⁹⁶ All the aforementioned legislation makes it clear how important education is and how to ensure that this right is not denied to any South African child.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ Peltzer, K., Ramlagan, S., Johnson, B. D., & Phaswana-Mafuya, N. 'Illicit drug use and treatment in South Africa: a review. *Substance use & misuse*', (2010) 45(13), 2221–2243. Available at <https://doi.org/10.3109/10826084.2010.481594> accessed on 26 July 2020

¹⁹² Ibid.

¹⁹³ Convention on the Rights of the Child 1989.

¹⁹⁴ African Charter on the Rights and Welfare of the Child 1990.

¹⁹⁵ Constitution of South Africa 1996.

¹⁹⁶ Children's Act 38 of 2005.

It is important that when dealing with this pandemic of substance abuse to also recognise children's rights and ensure that none of their rights are violated. Earlier in this study it was mentioned that drugs are also accessible at school. However, there is no law that allows this, rather school policies prohibits drugs from being used or sold on the school premises¹⁹⁷. Thus it becomes a balancing act of not depriving learners from accessing education while finding a way to handle this problem which deprives the child from fully participating in school. It makes the implementation of school policies in the correct way, that much more important. This is to avoid access to drugs on school premises and ensure that other learners are not exposed to drugs which might distract them from focusing on their schoolwork. Teachers, parents and other professionals must work hand in hand to ensure that learners are protected from the abuse of drugs. Each and every person needs to play a role in order to win this battle. The Drug Master Plan 2013 has a list of professional roles which they have to play in combatting the pandemic of substance abuse. It is important that that we look at them and see if they are effective enough to fight this plague.

The role of professionals in combating substance abuse and effects of drug policies in different countries compared to South Africa

All professionals should fulfil their professional roles and responsibilities in terms of curbing the pandemic of substance abuse repetition. The effects of drug abuse affect us all, irrespective of whether one is related to the person addicted or not. This is why it is this researcher's opinion that each and every one has to take part in fighting against drugs and substance abuse. Creating a community that is against substance abuse is of paramount importance because substance abusers belong to a community. This will be accomplished through the conduction of community outreach programs addressing the effects of substance abuse. Stakeholders from non-governmental organisations, government departments and faith-based organisations must conduct these prevention programs both in schools and in communities as outlined in the National Drug Master Plan¹⁹⁸. However, adopting intervention strategies from other countries that were proven to be effective can assist in combating substance abuse amongst South African learners.

¹⁹⁷ South African Schools Act 1996

¹⁹⁸ National Drug Master Plan 2013-2017.

Combating substance abuse in America

In a study conducted in North America, it was discovered that early interventions for adolescents who are using alcohol and other drugs (AOD) are generally effective in decreasing frequency and quantity of AOD use as well as decreasing risky behaviours.¹⁹⁹ This was reached through promoting school connectedness during the middle school years and interventions to advance classroom socialization for youth with violent and disturbing behaviours.²⁰⁰ The school used screening to identify learners who use alcohol and other drugs and those who are at risk and refer them for further relevant intervention, which includes brief intervention and referral to treatment centres.²⁰¹ These strategies seemed to be effective in preventing learners from advancing to more dangerous drugs. Most of their intervention includes the learner's participation in the fight against substance abuse. Encouraging children to take responsibility and participate in matters affecting them may have impressive outcomes and mould the learner to be able to make wise decisions about substance abuse. The United States study discovered that at a policy level, increasing alcohol prices reduces alcohol misuse and other alcohol related problems such as car accidents²⁰². This study proposed universal intervention through policies by adopting a minimum legal drinking age (MLDA).²⁰³ The study believed that universal interventions have greater impacts on reducing drug abuse than the intervention based on certain individuals. Reviewing the policies now and then is important to close the gaps. Also the age restrictions should be reviewed and at least the drugs should not be sold to persons under the age of 21; that might reduce early involvement in drug abuse.

Teachers need to ensure that learners receive education of a high quality, emphasised in all South African legislation, even in the constitution.²⁰⁴ Drug abuse, however, hinders the teacher from teaching effectively especially, while there are unresolved issues affecting the learning progress of the whole class. However, they can convince and refer the learners who are abusing

¹⁹⁹ Benningfield M.M, Riggs P, Stephan S H. 'The Role of Schools in Substance Use Prevention and Intervention' (2015) available at [10.1016/j.chc.2014.12.004](https://doi.org/10.1016/j.chc.2014.12.004) accessed on 11 October 2020.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Substance Abuse and Mental Health Services Administration (US); Office of the Surgeon General (US). Facing Addiction in America: The Surgeon General's Report on Alcohol, Drugs, and Health [Internet]. Washington (DC): US Department of Health and Human Services; 2016 Nov. CHAPTER 3, PREVENTION PROGRAMS AND POLICIES. Available at <https://www.ncbi.nlm.nih.gov/books/NBK424850/> accessed on 13 October 2020.

²⁰³ Ibid.

²⁰⁴ The Constitution of the Republic of South Africa. (1996).

drugs, for professional help²⁰⁵. Counselling sessions only work if the learner is ready so if it fails it is not the fault of the teacher or the school²⁰⁶. One of the studies emphasises that teachers should avoid forcing children to change their behaviour because it makes them more resistant, but rather assist them to be able to make their own decisions²⁰⁷. This study also emphasised the importance of teachers in knowing their limitations and strength before any interventions are implemented, bearing in mind the rights of a learner regarding time, confidentiality and consent²⁰⁸. This will be further illustrated under the roles of department of education since it falls more under the roles of department of education.

The role of the Provincial Substance Abuse Forums

According to the Prevention of and Treatment for Substance Abuse Act (70 of 2008), all provinces should have a substance abuse forum²⁰⁹. These forums should be made up of stakeholders which form part of the Department of Education, community action, legislation, law enforcement, policymaking, research and treatment, the business community and any other body interested in addressing substance abuse²¹⁰. The funding for direct and indirect functions in dealing with substance abuse should come from the provincial department responsible for social development²¹¹. The role of this committee includes: the establishment of the local drug action committee, compile and submit an incorporated Provincial Drug Master Plan for the province concerned, submit reports and contributions in accordance with the CDA programme, send schedules to the CDA to feed the CDA's quarterly and annual reports, and assist the CDA in carrying out its functions at a provincial level²¹². Another responsibility of the forum is to set up the executive committee that will work on the following portfolios which are: demand reduction, supply reduction, harm reduction, research and development, communication, monitoring and evaluation²¹³.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Act (70 of 2008).

²¹⁰ Ibid.

²¹¹ Ibid.

²¹² Ibid.

²¹³ Ibid.

Local Drug Action Committees

The role and responsibilities of the Local Drug Action Committee as outlined in the National Drug Master Plan, is to compile an effective action plan in fighting against substance abuse in the municipality in collaboration with the provincial and local government²¹⁴. It is also to ensure that the action plan is in line with the significance and objectives of the Integrated Mini Drug Master Plan and aligned with other policies of government departments. The implementation of the action plan forms part of their role. Finally, they compile and present reports to their Provincial Substance Abuse forum concerning engagements, improvement, complications and other related matters in relation to the outcomes²¹⁵.

The role of the Department of Social Development in combating substance abuse

This department is the principal department in the fight against substance abuse and provides technical and financial support to the CDA and its Secretariat.²¹⁶ Some of the responsibilities include: the development of generic policy on substance abuse with the following strategic objective development of a comprehensive legal and policy framework for service delivery on substance abuse, the development and transformation of programmes related to prevention, early intervention and treatment for substance abuse, to facilitate the capacity building and training of provincial stakeholders, the monitoring and evaluation of the implementation of substance abuse programs and policies, the development of minimum norms and standards for service delivery in the field of substance abuse and also to collaborate with the Department of Health to provide treatment centres at community and tertiary levels²¹⁷.

The roles and responsibilities of the Department of Education

The provision of the best quality of education is the first priority of the government. The Department of Education has adopted a range of plans in dealing with substance abuse. These plans include the long-term vision called Schooling 2025 and Goal 25 of the Action Plan, which is called "Use the school as a location to promote access amongst children to the full range of

²¹⁴ Ibid.

²¹⁵ Ibid.

²¹⁶ Ibid.

²¹⁷ Ibid.

public health and poverty reduction interventions". However, these plans should be aligned with The South African Schools Act (84 of 1996)²¹⁸. In addressing the issue of substance abuse in schools, different policies were established, including the Drug Abuse Policy Framework (2002) as well as the National Guidelines for the Management and Prevention of Drug Use and Abuse in all Public Schools. These policies are aimed at preventing and managing substance abuse in schools and following early intervention by using a restorative justice approach.²¹⁹

Substance abuse is covered in the life orientation learning area, life skills programme and the Curriculum Assessment and Policy Statement, which are still fairly new. This programme aims at promoting behaviour change by providing learners with relevant knowledge on the use and abuse of drugs, changing attitudes towards drug use, enhancing self-esteem, and teaching learners decision-making skills as well as the skills to resist peer pressure.²²⁰ The Department of Education adopted a framework called Care and Support for Teaching and Learning (CSTL) which aims at the realisation of the right to education for children in all spheres of life through making schools centres of learning, care and support. Health promotion is one of the important elements of the CSTL. Substance abuse is said to be covered under this element²²¹

The Good Behaviour Game and Classroom-Centered Intervention

This intervention is used in United States of America for learners in lower grades with high level of aggression and has proved to lower the rate of alcohol and other drug abuse when learners reach age 19 to 21 years. It is reached through a classroom behaviour management program that rewards children for acting appropriately during instructional times through a team-based award system. This has a long-term effect however this intervention is effective and boosts the self-esteem and confidence of learners; it is also said to have a positive impact on reducing substance dependency. This method can be tried in South African schools for prevention purposes.

Teamwork and group work should be encouraged at school level so that learners can have more time to engage with each other and encourage peer learning and support. Teachers can also use short stories, poems, and dramas on social ills as topics for the learners. This will

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Ibid.

expose them to research and the sharing of information with a group of people while learners themselves drive prevention of substance and drug abuse

Interventions for Adolescents Aged 10 to 18

This is the other intervention which proved to be successful in the United State of America which is a school-based program that shared a focus on building social, emotional, cognitive, and substance refusal skills and gave children accurate information on rates and amounts of peer substance use. This intervention had measurable effects in preventing initiation and escalation of drug abuse. School programs had a positive impact in delaying the early use of substances and drugs. Family based programs also proved to be effective in reducing substance abuse in United States through enhancing parenting skills, nurturing, setting limits, and communicating.

Internet-based Programs

The United State of Americas Internet-based Programs showed a positive effect in preventing substance use in US. This was reached through the nine internet sessions which lasted for 45 minutes per session. The aim was to improve communication, establish family rules, and manage conflict and were designed specifically for mothers and daughters. This intervention is very relevant to the current era since internet and social media play a huge role in the lives of the youth. Adopting such strategies that use social media and the internet, guarantees that it is going reach a lot of learners since this forms part of their daily life.

The role and responsibilities of the Department of Health in combating substance abuse in learners

The responsibility of this department is mainly to reduce drug demand and the harm caused by psychoactive drugs, including alcohol and tobacco, through the development of legislation and policy guidelines for early identification and treatment²²². It works in collaboration with other departments such as the Departments of Basic Education, Higher Education and Training, and Social Development in supporting treatment centres through advising on detoxification programmes ²²³. They appoint and support health workers, provide capacity building and supervision.

Nurse-Family Partnership

²²² Ibid.

²²³ Ibid.

In United State of America trained professional nurses visit at-risk, first-time mothers during pregnancy to provide them with ongoing support and education to improve outcomes of pregnancy, infant health and development while strengthening parenting skills²²⁴. This intervention is very important in that parenting skills are installed before the child is even born so that when they are born parents know exactly how to raise them and protect them from substance abuse, using the information they received during pregnancy.

The role of arts and culture in combating substance abuse

To better understand the importance of arts and culture in combating substance abuse, it is important to define these terms. According to Filicko and Lafferty, art is creative work with a form of beauty which includes genres like painting, sculpture, architecture, drama and drawing. Culture is defined as “training and results of refining of the mind, thoughts, taste and manners”²²⁵. When these terms are combined there is little doubt that they keep both mind and body busy. Earlier in this work reference was made to the indication that some learners turn to substance abuse due to boredom. So, arts and culture could be the best solution to substance abuse in that if learners can be introduced or exposed more to arts and culture, their mind would be occupied with creativity and the showcasing of talent. This department has a very important role to play. It uses arts to provide alternative development among the youth and learners, as part of the prevention of substance abuse.²²⁶ This researcher believes that this is one of the departments with a very important role, but which has not been given much attention. However, some people understand and discover their talents through engaging in arts and culture. It is of this researcher’s opinion that this department be more visible in communities to assist in the combating of substance abuse through equipping and helping learners to find their talents at an early age. This will help learners to discover their talents and choose their career paths with regards to what they are good at. This will also have a strong impact on building up their self-esteem.

The role of the South African Police (SAPS) in dealing with the issue of substance abuse

²²⁴ Ibid.

²²⁵ Filicko T, Lafferty S .’Defining the Arts and Cultural Universe: Lessons from the Profiles Project’, *The Journal of Arts Management, Law, and Society*, 32:3, 185-205, DOI (2002) available at [10.1080/10632920209596974](https://doi.org/10.1080/10632920209596974) accessed on 9 August 2020.

²²⁶ Ibid.

The roles and responsibilities of police include rendering educational programmes on the prevention of drug abuse such as the Ke Moja drug advice programme²²⁷. The interventions include: research to develop and apply new techniques of dealing with drug abuse, applying current policy on early intervention in and prevention and treatment of drug abuse, societal re-integration of drug users and dependents,²²⁸ and developing policy to deal with aspects such as prevention and aftercare using the models of prevention and aftercare developed by the National Department of Social Development.²²⁹ SAPS should also increase the knowledge base of communities to enable them to make meaningful contributions to drug-related policy and organise protests against the location of facilities that could negatively affect the fight against drugs. This includes, for example, the placing and licensing of taverns close to schools and the identification of drug suppliers and unethical public officials.²³⁰ They should also change forms of communication to limit the exposure of susceptible persons to advertisements and programmes that inspire the use of dependence-forming substances.²³¹ SAPS, together with other departmental stakeholder, have a responsibility to combat drug abuse through interacting programs. Their roles include the development and application of social policy to address the needs of the community in combating drug use and abuse.²³² Drug abuse affects everyone in the country. The money that is spent on building rehabilitation centres, and the money paid for the professionals rendering rehabilitation and reintegration services could rather be spent on developing more resources that will uplift the economy of the country and create more job opportunities to alleviate poverty in South Africa.

²²⁷ Ibid.

²²⁸ Ibid.

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ Ibid.

²³² Ibid.

CHAPTER 4

THE LEGAL AND REGULATORY FRAMEWORK FOR COMBATING SUBSTANCE ABUSE

In the previous chapters we explored the possible causes of drug abuse amongst learners in South African schools. The effects of substance abuse were outlined, proving the dangers of drug abuse among our learners in their learning journey and in the country at large. Each and every country has legislation that governs the country. The Constitution of South Africa is the supreme law of the land in that all other laws in South Africa emanate from it.²³³ In this chapter, the researcher will be exploring the role of legislation in combatting substance abuse in South African schools. International treaties such as the United Nations Convention on the Rights of the Child (UNCRC),²³⁴ the African Charter on the Rights and Welfare of the Child (ACRWC)²³⁵ as well as the African Youth Charter (AYC).²³⁶ The issue of drug abuse is covered by international and national policies, national legislation and educational policies, which include a number of Acts, guidelines and frameworks. In this chapter we will look at each and every piece of legislation relating to substance abuse and the role each one plays in combatting this pandemic at school level or at school going age level in South Africa.

When one looks at international policies, like the UNCRC ²³⁷, ACRWC ²³⁸ as well as the AYC²³⁹, one can see that provisions are made, and guidelines set out on how to protect children from drug abuse. The researcher will look at the following laws and the role they play or should be playing in combatting substance abuse in South African schools; The Convention on Narcotics Drugs, The Convention on Psychotropic Substances of 1971, Child Justice Act 75 of 2008, The Children's Act 38 of 2005, The Prevention of and Treatment for Substance Abuse Act 70 of 2008, The National Drug Master Plan (NDMP), Policy Guidelines for Youth and Adolescent Health, National School Health Policy and Implementation Guidelines, The Government Notice 1040 of the South African Schools Act 84 of 1996.

²³³ The South African Constitution (1996).

²³⁴ United Nations Convention on the Rights of the Child (UNCRC). (1989).

²³⁵ African Charter on the Rights and Welfare of the Child (ACRWC). (1990).

²³⁶ African Youth Charter (AYC).

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

The United Nations Convention on the Right of the child (CRC)

Article 33 of the United Nations Convention on the Rights of the Child , as well as the African Charter on the Right and Welfare of the Child (ACRWC) , states that “State Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.” The United Nations Convention on the Right of the Child emphasises the fact that the rights of children should not be violated. The CRC acknowledges that drug use may have a different effect on different age groups, racial groups, stages of development, as well as in different environments. This implies that different approaches should be used to address this pandemic. Children need to be approached and addressed in a language and strategy that will accommodate them so as to understand the implications of substance abuse. Due to cultural values, norms and geographical environments, one cannot use similar strategies. Stakeholders need to do research on how to present themselves and deliver information to different communities of different racial groups in an acceptable and effective way.

The CRC also emphasises the fact that it is the role of the state parties to ensure that children are not deprived of access to health facilities and rehabilitation services. However, the CRC also recognises the fact that the one-size-fits-all strategy does not work in the case of substance abuse, and due to the rapid growth and introduction of new drugs, state parties should ensure that research is ongoing to stay up to date and provide relevant prevention interventions at an early stage while new drugs are still emerging, so as to prevent the spread.

African Charter on the Rights and Welfare of the Child (ACRWC)

Article 8 of the ACRWC²⁴⁰ states that “every child has a right to privacy”. The Cambridge English dictionary²⁴¹ defines privacy as “someone's right to keep their personal matters and relationships secret”. The ACRWC also states that “every child has a right to education, to develop his or her personality, talents, mental and physical abilities to their fullest potential

²⁴⁰ Ibid.

²⁴¹ The Cambridge English dictionary available at <https://dictionary.cambridge.org/dictionary/english/privacy> accessed on 29 August 2020.

²⁴²”. When one takes an in-depth look at the above- mentioned rights of the child as stipulated by the ACRWC,²⁴³ more often than not, drugs are not used openly at school. Instead, those who use them do it secretly and not in front of their teachers thus learners believe that since they use drugs privately, it forms part of their right to privacy. The legislation affects the school’s code of conduct in that it minimises immediate interventions that are able to deal with drug abuse in schools.

This researcher believes that it is not easy for teachers to fully control the usage of drugs and substances at schools only through school policies and the code of conduct. This is because children are protected by the law ²⁴⁴ and a teacher cannot intervene immediately when they suspect the use of drugs. Instead, they have to follow policy procedures ²⁴⁵, which prolongs the process and allows the smuggling of the suspected drugs. The teacher should ensure that they are not interfering with the rights of the child. For example, if a teacher suspects that there were drugs in their class and decided to start searching through the learners’ belongings, they would be interfering with the children’s right to privacy, even though the aim of searching would be to get evidence and help or discipline those who deserve such intervention. Moreover, the discipline should not affect the right of learners to education or to develop their personality, talents, mental and physical abilities to their fullest potential. This adds another complicating factor in determining what punishment should be given to learners who are substance abusers while not infringing on their rights beyond any acceptable limits. This limits teachers in trying to intervene and fight drug abuse in schools. Their role is based on developing skills and knowledge but not changing the learners’ behaviour, instead they are expected to influence those behaviours²⁴⁶ .

Article 17 of the ACRWC²⁴⁷ states that “every child accused or found guilty of having broken the law should receive special treatment, and no child who is imprisoned should be tortured or otherwise mistreated.” Most crimes committed by children are reported to be as a result of drug abuse. However, the Child Justice Act protects children from undergoing the normal criminal procedure; it rather follows the child justice procedure which includes diversion and restorative

²⁴² Ibid.

²⁴³ Ibid.

²⁴⁴ Supra note 197.

²⁴⁵ United Nations Office on Drugs and Crime Vienna. Schools school-based education for drug abuse prevention (2004) available at https://www.unodc.org/pdf/youthnet/handbook_school_english.pdf accessed on 6 October 2020.

²⁴⁶ Ibid.

²⁴⁷ Supra note 93.

justice measures.²⁴⁸ These measures sometimes are not punitive enough to enlighten the child about the damage they have caused when committing certain crimes such as rape and robbery. This poses great concern as to how to punish and redirect our children who are in conflict with the law. A child remains a child, no matter what crime he or she has committed; they should be afforded all children's rights. The legislation has ensured that children remain a priority, and, no matter what happens, the right to education remains a priority. Rehabilitation institutions are made available to children who have problems with drugs, so as to combat the use of drugs in schools. However, there are centres that have higher fees than others, depending on their geographical location and services rendered.

There are seven centres listed as the best in South Africa namely: Twin Rivers Rehab, Bethesda Addiction Treatment Centre, Houghton House, The Heaven, Stepping Stones Rehab Centre, Oasis Recovery Centre, and Rustenburg Addiction Care.²⁴⁹ These are top luxurious centres in South Africa with all relevant professionals and activities however their fees are prohibitively high, limiting access to all but a few. The South African National Council on Alcoholism and Drug Dependence (SANCA)²⁵⁰ is a non-government organisation with 29 branches all over the country and represented in every province. This organisation provides prevention and treatment services for alcohol and drug dependency²⁵¹. It works with different government department such as the departments of social development, health, education, justice, faith-based organisations, community-based organisations and the South African Police.²⁵² It is funded by more than eight donors, the Department of Social Development and the National Lottery distribution trust fund, being the major funders.²⁵³ SANCA is available and accessible for all South African citizens since their fees are affordable for everyone; an assessment is done before admission to ensure that everyone is charged affordable fees.

In the ACRWC,²⁵⁴ Article 20 also states that “parents or another person responsible for the child should always act in the best interest of the child”. This shows that the child is the priority. Punishing a child to correct behaviour may violate other rights of the child such as human dignity and bodily integrity²⁵⁵. Something that must be considered as there are spaces where

²⁴⁸ Child Justice Act 75 of 2008.

²⁴⁹ <https://luxuryrehab.com/south-africa/#browse-all> accessed on 6 October 2020.

²⁵⁰ <https://www.saferspaces.org.za/organisation/entry/sanca-national> accessed on 6 October 2020.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ Ibid..

²⁵⁵ Veriava F, Power T. ‘Chapter 19 Corporal Punishment’ (2017) available at <https://section27.org.za/wp-content/uploads/2017/02/Chapter-19.pdf> accessed on 7 October 2020.

corporal punishment is considered as a necessary tool for discipline. The United Nations Committee on the Rights of the Child defines corporal punishment as punishment that uses physical force to cause pain and discomfort. It includes kicking, hitting, throwing objects on the learner, burning, pinching and forcing children to stay in positions that are uncomfortable.²⁵⁶ The use of corporal punishment is highly controversial since there are those who believe that it is essential to discipline children; they assert that corporal punishment assists learners in becoming hard workers, and eliminates ill-discipline and misbehaviours, while lack of it results in violent behaviour by learners.²⁵⁷ However, there are others who believe that corporal punishment should be banned because of its psychological, physical and emotional effect on learners.²⁵⁸ They believe that it propels violence and results in mental breakdown, low self-esteem, anti-social behaviour, poor school performance, and hatred between teacher and learner, creating uncomfortable learning which may result in school dropout²⁵⁹.

The ACRWC²⁶⁰ also states that the government should stop any social and cultural practice that affects the welfare and dignity of the child. The search and seizure, as covered in the Schools Act, may affect the welfare and dignity of the child if the right procedure is not followed to protect the right to privacy of the child. However, considering the right to privacy of the child before the drug search may result in the loss of evidence if drug use is suspected. Article 28 states that “children should be protected from the use of narcotics and illicit use of psychotropic substances .²⁶¹ According to the Cambridge dictionary, a narcotic is “a type of drug that causes sleep and that is used medically to reduce the strength of pain, and that in some form is also used illegally.”²⁶² According to the World Health Organization²⁶³, “psychoactive substances are substances that, when taken in or administered into one's system, affect mental processes, e.g. cognition. In this instance, punishment is essential to protect these children before they upgrade to stronger drugs. The South African Schools Act allows alternative punishments at school such as suspension and expulsion if the learner is found committing serious misconduct at school, including drug abuse.²⁶⁴

²⁵⁶ Ibid.

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ Ibid.

²⁶⁰ Supra note 93.

²⁶¹ Ibid.

²⁶² Cambridge Dictionary.

²⁶³ Supra note 16.

²⁶⁴ South African Schools Act 84 of 1996.

Constitution of the Republic of South Africa

Chapter 2 of the Constitution of South Africa²⁶⁵ says that children have a right to basic education, life, privacy, to bodily and psychological integrity, and the right to access basic healthcare and social services. All these rights are directly and indirectly violated when the learner is found to be abusing substances in school. However, it is the school's responsibility after identifying a drug abuse problem to assist the learner with further intervention, including rehabilitation.

In the case of *AB and Another v Pridwin Preparatory School and Others* [2020] ZACC 12, it should be noted that this private school has a contract with the parents. In dealing with the case of AB after AB was found to be misbehaving and interfering negatively with the school procedures, clause 9.3 of the parent contract was used in the court case against AB²⁶⁶. During the court proceedings, it was discovered that the parent contract was not in line with section 28 and 29 of the constitution and that it violated children's constitutional rights to basic education and a right to participate in matters affecting them²⁶⁷. As much as the school is a not a public school and not subsidised by the state, the child remains a child and should be afforded all the constitutional and children's rights. Moreover, there is no South African law above the constitution of South Africa²⁶⁸. The outcomes of this case violated the rights of AB from beginning to end since AB do not form part of any misconduct. However, all the decisions made by the school impacted them, regardless of non-participation in any dispute with the school. This shows the importance of considering legislation and researching the topic well before developing any policies. As much as the constitution protects the rights of children, it makes it hard for state parties to do their part while simultaneously protecting children's rights. All government parties are working hard to implement legislation, but implementation is difficult, because one has to put the right of the child first while implementing other policies that also aim at protecting the child.

The Prevention of and Treatment for Substance Abuse Act 70 of 2008

²⁶⁵ Supra note 49.

²⁶⁶ *AB and Another v Pridwin Preparatory School and Others* [2020] ZACC 12.

²⁶⁷ Ibid.

²⁶⁸ The Constitution of South Africa 1996.

The Prevention of and Treatment for Substance Abuse Act²⁶⁹ aims to provide a comprehensive response in combating substance abuse in South Africa. It focuses on the harm and demands reduction through early intervention treatment and prevention. It focuses more on the children and youth who are at treatment centres. Thus, this legislation provides for the establishment and registration of such centres, as well as the regulation of norms and standards both at in- and outpatient centres. This Act outlines the role of the Central Drug Authority (CDA). The CDA is the body that oversees and monitors the implementation of the National Drug Master Plan.²⁷⁰ The CDA plays the greatest part in combating drugs and substance abuse. Its work includes the coordination of strategic projects, encouraging government departments and private institutions to compile plans, and ensuring the development of effective strategies for prevention, early intervention, reintegration, and aftercare services. The prevention of HIV infection and other medical consequences related to substance abuse, are also covered. South Africa has established delegates or teams to monitor and adopt effective measures in combating substance abuse in the country. This includes the Inter-Ministerial Committee (IMC), the Task Team on Combating Alcohol and Drug Abuse (TTCADA), as well as the aforementioned Central Drug Authority (CDA).

The Government Notice 1040 of the South African Schools Act 84 of 1996

The Government Notice 1040 of the South African Schools Act²⁷¹ prohibits learners from using drugs and coming to school with or under the influence of drugs. It declares schools as drug-free zones. This means that any learner found under the influence of these will face the stipulated consequences, which include exclusion. However, how can one expel a child who has substance dependency and who, at the same time, is afforded the right to education by the constitution and international laws such as the CRC and ACRWC? Section 36 of the South African constitution allows limitation of certain rights based on the purpose and importance of limitation if it is justifiable and reasonable to do so. Moreover, rules may be developed in common law to limit the right, provided that the limitation is in accordance with section 36(1). One cannot deny the fact that there are policies in place for combating substance abuse in schools. They are powerful in writing and, when implemented correctly, can have a great impact. Now it is time for South Africa to commit itself to implementing and monitoring

²⁶⁹ Supra note 14.

²⁷⁰ National Drug Master Plan. Department of Social Development (2013–2017). (2013).

²⁷¹ Act 84 of 1996.

policies while conducting research to close arising gaps. There is no doubt that there will always be gaps in dealing with this issue, because the distribution rate is very high and different drugs and substances need to be addressed differently as listed below.

Firstly, schools are drug free zones. Secondly, if school is a drug free zone, measures should be put in place to ensure that no drugs are found on the school premise through enforcing strict security. Thirdly, no matter how strict the security is, children will always find ways of smuggling drugs onto school premises. Fourth, in such instances, policies should be established, and contracts signed by parents and children regarding the types of punishment to be used if children are found to be breaking any school policy or regulation. Drug testing in schools must be executed as part of a planned intervention or relapse prevention programme within an environment that is safe. The environment should protect personal rights relating to privacy, dignity, and bodily integrity regarding the school policy, medical/treatment procedures, and ethical guidelines²⁷². Critically analysing the above and looking at the school as a learning environment with the learning equipment and structure, makes it difficult to comply with the learners' right to privacy while conducting a drug search or testing.

The South African Schools Act 84 of 1996 accepts that random drug searching, seizure and testing can interrupt the learner's basic rights.²⁷³ Section 14 of the South African constitution provides the right to privacy which includes privacy for the following: person or home searched, their property searched, their belongings seized or the privacy of their communication invaded.²⁷⁴ The constitution, in section 36,²⁷⁵ also states that this right, like any other rights, may be limited if it is considered reasonable and justifiable by society.²⁷⁶ However, the nature of this right should be considered as well as the importance of the reason for limitation. This allows teachers, who suspect that there are drugs on the school premises, to conduct the drug search as stipulated in the legislation. However, there should be something justifiable to limit other rights concerning the punishment of the child. A random search can be done if there is a fair and reasonable suspicion. However, a drug search cannot be done immediately because of the right to privacy, which has to be considered.

²⁷²Joubert R , Sughrue J , Alexander D M. 'Search and seizure of learners in schools in a constitutional democracy: A comparative analysis between South Africa and the United States' (2013) available at <http://www.scielo.org.za/pdf/dejure/v46n1/08.pdf> accessed on 29 august 2020.

²⁷³ Ibid.

²⁷⁴ Supra note 7.

²⁷⁵ Ibid.

²⁷⁶ Ibid.

In conclusion, it is of this researcher's opinion that when formulating legislation and frameworks, it is important to accommodate all people across different geographical areas. This is because some legislation is very hard to implement in other areas due to the standard of living and the norms of the society. Also, the fact that teachers, as the secondary care givers of children, need to be given more rights aligned to the children's rights to ensure full intervention, not only educational intervention. All school policies and guidelines should emanate from the available legislation and speak to each other to eliminate contradictions during the implementation process.

Child Justice Act 75 of 2008

Crime among learners or children is mostly associated with drug abuse. The Child Justice Act²⁷⁷ protects children between the ages of 10 to 18 years from undergoing the same criminal procedures as adults through the introduction of diversion and substance abuse treatment programs. This assists the reintegration of the offender and the stigma attached to crime. According to the case of *Du Plooy v The State* (940/13) [2014] ZASCA 200 (28 November 2014)²⁷⁸, the appellant was 17 years old when he killed his adoptive parents while under the influence of drugs; the court had to consider his age before sentencing him. Eventually he entered prevention and rehabilitative programmes.

The legal system needs to consider the factors that led to the crime as well as the fact that the offender was a minor. The best interest of the child is always of paramount importance; however, the justice system cannot be interrupted. So, in this case, the child had to be sentenced while receiving the necessary intervention by a multidisciplinary team due to the serious crime he committed. This case showed that the justice system sometimes fails the other parties due to the sentence that the appellant was given. It is not enough to address the damage caused to the family and the community. According to the Child Justice Act, a child under 14 years is more unlikely to have a criminal capacity²⁷⁹. In this case the child was 17, which means that he had criminal capacity and deserved to receive a punishment equivalent to the crime he committed.

²⁷⁷ Act 75 of 2008.

²⁷⁸ *Du Plooy v The State* (940/13) [2014] ZASCA 200 (28 November 2014).

²⁷⁹ *Ibid.*

The Children's Act 38 of 2005

The Children's Act²⁸⁰ demands the protection of children from being exposed, or subjected, to behaviour that may harm the child psychologically or emotionally. Education or knowledge alone cannot protect the child from exposure, since children like to experiment. When children are at school, they are exposed to other children who are exposed to drugs and substances. This exposure may subject the other children to harmful behaviour which may be substance abuse. Teachers deliver information to children trying to protect them, believing that knowledge is power in that learners are going to be able to protect themselves from harmful exposure through the information they have. Section 150 (1)(d) of the Children's Act²⁸¹ makes provision for schools to refer a child to a rehabilitation centre if the child is addicted to substances and is without any support to obtain treatment for such dependency, regardless of the addiction. It commands the school to ensure that the child is referred to relevant professionals such as social workers, nurses and other relevant agencies dealing with rehabilitation, such as SANCA.

The African Youth Charter

The African Youth Charter²⁸² promotes the right to education of a good quality in order to embrace the needs of young people. It also emphasises the life skills to be included to the school curriculum, covering HIV/AIDS and substance abuse prevention. It also promotes the rehabilitation of young people affected by drugs. Article 10 of the charter encourages the development of the youth socially, economically, politically and culturally, which includes access to education and information democratically so as to acquire skills and confidence to participate in youth programs.²⁸³ The charter aims at empowering youth to fully participate in the matters affecting them and to be involved in programs that aim at developing them. In this case, the African Youth Charter can assist in rolling out substance abuse programs aiming at reaching the youth.

The Convention on Narcotic Drugs

²⁸⁰ Act 38 of 2005.

²⁸¹ Ibid.

²⁸² Ibid.

²⁸³ Ibid.

The Convention on Narcotic Drugs²⁸⁴ aims at discouraging drug trafficking and distribution, especially those obtained from plant material, such as cannabis, opium and cocoa leaves. This convention urges all convention parties to prevent the use of drugs, identify as early as possible those who are affected and provide treatment and rehabilitation to the vulnerable groups, so as to prevent further drug abuse.

The Convention on Psychotropic Substances of 1971

The Convention on Psychotropic Substances²⁸⁵ is aimed at controlling the use and distribution of psychoactive substances, such as amphetamines, psychedelics, and benzodiazepines. This convention limits the use and distribution of psychoactive substances to medical and scientific purposes. The reduction of substance distribution can minimise usage. This convention regulates the import and export of substances from one country to another. They have the power to decline certain imports or exports. Substances are divided into different schedules depending on how strong they are. The movements of these substances are monitored by laws, legislation, permits and licenses.

The National Drug Master Plan (NDMP)

The National Drug Master Plan,²⁸⁶ which is a five-year plan for early intervention and prevention of substance abuse, provides strategies that include harm reduction, supply reduction, and demand reduction. It allows the participation of all government departments to form part of fighting this pandemic. This plan was drafted in accordance with the Prevention and Treatment of Drug Dependency Act 20 of 1992. The CDA formed part of the administration of this Act.

The NDMP aims at reducing demand to drug and substance users through education, introducing more restrictions in terms of age and accessibility, as well as ensuring that consuming drugs is culturally undesirable. They also believe that reducing the quantity of available substances on the market can reduce supply. They believe that through treatment,

²⁸⁴ The Convention on Narcotic drugs.

²⁸⁵ The Convention on Psychotropic Substances. (1971).

²⁸⁶ Ibid.

aftercare services, and re-integration of substance abusers with their communities, harm can be reduced. The NDMP shows that it has succeeded in implementing policies that restrict the availability, accessibility, and affordability of alcohol ²⁸⁷. Each department has a role to play in the plan to achieve the above-mentioned aim of combating drug and substance abuse. Through taxation, reduction of available taverns, and minimisation of purchasing hours and days, the availability and accessibility of alcohol has been reduced. However, this does not apply to learners, as most of them are underage, and it is only based on alcohol, which it is not the main problem in schools.

The NDMP²⁸⁸ also indicates that South Africa has no research to support what they have implemented for schools, family and community through programs. Thus, one cannot expect to find any effects of programs implemented, because there is no proof of. The failure of programs is caused by the lack or poor implementation, since the policies are available. In a meeting held by Members of Parliament on 11 March 2015, the participants commented that one of the reasons why the implementation of the NDMP is not feasible is due to the lack of resources²⁸⁹. In response to this, the CDA stated that a lack of resources should not be listed as a possible challenge because, a plan should be developed to speak to the lack of resources.²⁹⁰ All the plans should be coupled with the budget for implementation. This makes it difficult and sometimes impossible to implement programs that need funding because there will be lack of important resources, thus hindering the positive outcomes of the program. This results in belief that the programs are not effective.

Policy Guidelines for Youth and Adolescent Health

The Policy Guidelines for Youth and Adolescent Health (PGYAH) of 2001 aims at responding to health problems and ensuring prevention amongst the youth ²⁹¹. Substance abuse forms part of the eight health priorities. Schools are identified in order to facilitate health promotion through incorporating health education into the curriculum.

²⁸⁷ Ibid.

²⁸⁸ Ibid.

²⁸⁹ Minutes of meeting held by the Parliamentary Meeting Group on National Drug Master Plan 2013-2017: Central Drug Authority on its implementation & impact assessment of previous plan held on 11 March 2015 available at <https://pmg.org.za/committee-meeting/20481/> accessed on 05 July 2020.

²⁹⁰ Ibid.

²⁹¹ Policy Guidelines for Youth and Adolescent Health 2001.

National School Health Policy and Implementation Guidelines

The National School Health Policy²⁹² and Implementation Guidelines (NSHPIG)²⁹³ aim at providing access to health services and health education, and this should be covered by the Department of Basic Education by including it in the subjects of life orientation and life skills.

²⁹² National School Health Policy and Implementation Guidelines.

²⁹³ Ibid.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

This chapter serves to suggest the resolutions, recommendations, and conclusion about what can be done to combat the epidemic of drug and substance abuse amongst learners in South African schools. The above chapters prove the seriousness of this pandemic for the individual, family, community and the country at large. The physical, psychological, social and economic effects of substance abuse amongst learners have been explored. The above mentioned makes it vital to draw some of the strategies from other countries that have proved to be effective in combatting substance abuse. According to Arteaga et al²⁹⁴, and UNODC²⁹⁵ “self-confidence, taking responsibility, participation in discussions, concentration on work, having high self-esteem, and getting along well with others” has been found to be protective against developing substance dependence. Achieving those elements might reduce the number of learners developing substance dependence. This could be achieved in schools if teachers can create a conducive environment for every learner where they can fully participate in discussions. Full participation means that the child will have the responsibility to collect information, prepare themselves and present their work. There is little doubt that it will boost their self-esteem and confidence while eliminating substance dependence.

Drug abuse and religion

Francis et al.²⁹⁶ argue that religious involvement is also associated with less substance usage. This was demonstrated in a study conducted in Western Cape Province among 20 227 learners from 240 public schools in the age cohort of 10 to 23 years.²⁹⁷ The purpose of the study was to find the connection between drug use, religious involvement and risky sexual behaviours. It

²⁹⁴ Arteaga I, Chen CC, Reynolds AJ. ‘Childhood Predictors of Adult Substance Abuse’ (2010) available at [doi:10.1016/j.chilyouth.2010.04.025](https://doi.org/10.1016/j.chilyouth.2010.04.025) accessed on 13 October 2020.

²⁹⁵ United Nations Office on Drugs and Crime. Prevention of Drug Use and Treatment of Drug Use Disorders in Rural Settings (2017) available at https://www.unodc.org/documents/17-01904_Rural_treatment_ebook.pdf accessed on 13 October 2020

²⁹⁶ Francis J.M, Myers B, Nkosi S , Williams P.P, Carney T, Lombard C, Nel E, Morojele N. ‘The prevalence of religiosity and association between religiosity and alcohol use, other drug use, and risky sexual behaviours among grade 8-10 learners in Western Cape, South Africa’ (2019) available at <https://doi.org/10.1371/journal.pone.0211322> accessed on 13 October 2020.

²⁹⁷ Francis JM, Myers B, Nkosi S, Petersen Williams P, Carney T, Lombard C, et al. The prevalence of religiosity and association between religiosity and alcohol use, other drug use, and risky sexual behaviours among grade 8-10 learners in Western Cape, South Africa (2019) available at <https://doi.org/10.1371/journal.pone.021132> accessed on 10 October 2020.

was discovered that religious involvement was associated with low alcohol and other drug use compared with those who were not religiously involved.²⁹⁸ Religiosity was also related to less risky sexual behaviours among learners in the Western Cape.²⁹⁹ Encouraging religious involvement among learners can have a positive impact in dealing with the drug abuse problem and prevent learners from engaging in risky sexual behaviour as it is related to substance abuse. A drug abuse problem cannot be viewed and dealt with in isolation but needs to be considered in a broader sense. Drugs not only affect the person who uses it but goes beyond the user to the people around them, including peers, family, school, community, and the entire country. This is a crisis that directly and indirectly affects all South Africans due to the implications associated with it.

Comparing the effects of drug policies in different countries

In response to drug abuse problems, the countries used the War on Drugs (WOD) policy aiming at prohibiting drugs. They used military and police intervention to reduce manufacturing, illegal trade, and drug use - this was first used by the American Federal Government.³⁰⁰ With this policy, strict programs and actions such as imprisonment and the death penalty, were considered for buying, selling, and using drugs in the countries³⁰¹. This policy proved not to be effective enough in dealing with abuse and relapse reduction³⁰². On the other hand, this research shows that the transmission of HIV through drug injection has become a huge problem and that a new policy had to be adopted to address this it³⁰³. Harm reduction (HR) was then adopted to address this problem. This method was also criticised in that it encourages people to use more drugs³⁰⁴. HR strategies included needle and syringe programs (NSP), supervised injection facility (SIF), overdose prevention policies, and opioid substitution treatment (OST)³⁰⁵.

The study used five countries that have used either the WOD policy or the HR policy - Germany, China, Iran, Malaysia and Netherlands³⁰⁶. China and Malaysia were selected from

²⁹⁸ Ibid.

²⁹⁹ Ibid.

³⁰⁰ Mehroolhassani MH, Yazdi-Feyzabadi V, Hajebi A, Mirzaei S. 'Cross-country Comparison of Treatment Policies Facing the Drug Abuse in Five Selected Countries'. *Addict Health*(2019)11(2):81-92.available at doi:10.22122/ahj.v11i2.233 accessed on 13 October 2020.

³⁰¹ Ibid.

³⁰² Ibid.

³⁰³ Ibid.

³⁰⁴ Ibid.

³⁰⁵ Ibid.

³⁰⁶ Ibid.

the WOD group, and the Netherlands and Germany were from the HR group.³⁰⁷ Iran was one of the countries compared with these countries to investigate drug abuse policies in different countries.³⁰⁸ During the comparisons, political, economic, and social aspects were explored for all five participating countries.³⁰⁹ The findings of the study were that countries with better political, economic, and social status followed HR policy³¹⁰ - the Netherlands and Germany.³¹¹ The findings also show that hospital treatments in Germany are well resourced, resulting in a minimal death rate.³¹² The Netherlands also has a minimal death rate compared to other countries.³¹³ This shows the effectiveness of the HR policy that was used by these countries in drug abuse management. Germany and the Netherlands, when compared to other countries, had better economic rank, highest total health expenditure and high income³¹⁴ which is why the HR policy they used was more effective because they were able to finance substance abuse treatment services. This study shows that no matter how effective the policy may be, its effect will always vary from country to country, depending on the social, economic and political status of the country.

The use of integrated community prevention intervention

A study by Johnson et al outlined five elements that had practical and potential effectiveness in reducing substance abuse in the Alaskan community³¹⁵. These were the following,

1. Community readiness - they believed that community can effectively respond in reducing a substance abuse problem³¹⁶.
2. Rules and Regulations - restrictions on the availability of the legal, most abused products in homes, retail stores, and schools³¹⁷.

³⁰⁷ Ibid.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

³¹⁰ Ibid.

³¹¹ Ibid.

³¹² Ibid.

³¹³ Ibid.

³¹⁴ Ibid.

³¹⁵ Johnson K, Holder H, Ogilvie K, et al. 'A community prevention intervention to reduce youth from inhaling and ingesting harmful legal products' (2007) available at [doi:10.2190/DE.37.3.b](https://doi.org/10.2190/DE.37.3.b) accessed on 11 October 2020.

³¹⁶ Ibid.

³¹⁷ Ibid.

3. Anti-drug Norms- the level of concern among retailers, families, and school officials about the use of inhalants and other harmful legal products in the community and support for local action in preventing use ³¹⁸.
4. Social Influence – are social pressures from peers, parents, and community which increase or decrease use of harmful legal products. It also prioritised parental roles and responsibilities to promote good relationships and prevent peer pressure. ³¹⁹
5. Cultural Identity- refers to a sense of belonging based on a set of attitudes, beliefs, and actions that are shared among people and that help to define them as a cohesive group³²⁰.

This was an integrated community prevention intervention which included community mobilisation, environmental intervention in retail shops, home, and school, as well as classroom education. ³²¹ It focused on demand and supply by the reduction of drugs. ³²² This intervention increased community involvement; this was to stimulate the implementation of environmental tactics so as to decrease the availability of the most abused legal products, and to increase cognitive and behavioural skills among students. ³²³ All community members, retailers, teachers, and parents had a role to play following designed strategies of intervention. They owned this intervention as a community and piloted it, which had positive effects. Adopting a strategy that involves all community members can have a positive outcome. This will assist in that everyone will have a role to play in fighting against substance abuse rather than shifting all the responsibilities to schools. Community involvement will assist in identifying early signs of substance abuse in learners before they are addicted. Parents also need to be involved in every matter that may assist in the upbringing of the child, so that they can also take part in the prevention of drug and substance abuse. The shows that integrated community intervention can have a great impact on combating drug and substance abuse

Combating substance abuse is going to be a long process and needs more commitment and distribution of duties that will be monitored regularly to check the progress and identify the

³¹⁸ Ibid.

³¹⁹ Ibid.

³²⁰ Ibid.

³²¹ Ibid.

³²² Ibid.

³²³ Ibid.

gaps. The substance abuse board, as stated in the Schools Act, needs to dedicate more time and assist in the regulation and implementation of the law.

Challenges in implementing effective substance abuse programs

According to a 2017 study it was discovered that most of the developing countries have 1% of their total budget allocated for dealing with mental health and substance use disorders, thereby strictly limiting prevention activities.³²⁴ The budget for substance abuse interventions should be able to meet all intervention needs and talk to all programs designed for the prevention and treatment of substance abuse.

This study states that supply reduction approaches have often been criticised as they create illegal black market for drugs, thereby pushing users toward criminality.³²⁵ The government believes that adopting a strategy such as increasing taxation on drugs, especially alcohol, and restriction on advertising drugs such as tobacco might be the most cost-effective way to reduce consumption.³²⁶ The findings of this study, based on low- and middle-income countries (LMIC), were that the majority of countries have low budget allocation for health care, lack of trained professionals to provide services, and poor understanding of the extent and patterns of substance use.³²⁷ The quantity and quality of care provided, and the resource allocation also remains a major challenge in prevention of substance abuse.³²⁸ This study also proposes integrative treatment of substance use in community settings which should be built into the primary care mandate of the country health policies. This is because the authors believe that LMICs are currently going through policy shifts by supporting deinstitutionalisation and decentralisation of health.³²⁹

Social media in reducing substance abuse

³²⁴ Koushik D, Swati K. G. 'Prevention strategies for substance use disorders in low-resource settings' (2017) available at [10.4103/ijsp.ijsp_41_17](https://doi.org/10.4103/ijsp.ijsp_41_17) accessed on 11 October 2020.

³²⁵ Ibid.

³²⁶ Ibid.

³²⁷ Ibid.

³²⁸ Ibid.

³²⁹ Ibid.

Awareness-raising activities such as posters and rallies or a fundraiser for a local treatment service are effective means of spreading the message.³³⁰ Social media sites such as Facebook, Twitter and YouTube also present a good avenue for conveying views on drug abuse through posting videos created during activities and programs that were successful in preventing drug abuse. Videos are valuable resources available for young people to use in preventing drug abuse in their lives, families and communities.³³¹ One cannot deny the fact that substance abuse destroys the country at large and this calls for integrated interventions.³³² In this regard, all government sectors, private sectors, non-profit organisations, non-government organisations, and faith-based organisations need to work together to fight this plague. It is of no doubt that all these sectors are linked but it is of the researcher's opinion that they are not doing justice to themselves and the country.

Early intervention, prevention, and awareness campaigns are in place, but they need to be first updated and then implemented correctly and evaluated regularly to ensure that they reach the desired outcome and speak to the current situation. They also need to be monitored for review purposes. Each and every grade in school needs to have an anti-drug and substance abuse forum, where all the issues of drugs and substances can be explored. Teachers need to form part of the committee to give relevant information and referrals. Tuckshop owners that operate within the community are also encouraged to form part of the committee due to the role they play in the selling of alcohol and tobacco to underage children. It is the researcher's recommendation that the national budget needs to make more provision for early intervention, prevention, parental programmes, family programmes, as well as community programmes. This can be done with the substance abuse allocated budget because it also aims at combating drug abuse. It should be included in the National Drug Master Plan.³³³

Rehabilitation is essential for those who are currently addicted to drugs. However, it is important to ensure that it does not get to that stage so that there will be no need for rehabilitation centres. Instead, a family and community that are well informed will assist with the rehabilitation process for the drug abuser in their homes and communities. Taking the learner away from the environment where they obtain and abuse drugs to a rehabilitation centre

³³⁰ United Nations Office On Drugs and Crime. 'UNODC Youth Initiative Discussion guide' (2012) available at https://www.unodc.org/documents/drug-prevention-and-treatment/discussion_guide_final_2012_04.pdf accessed on 11 October 2020.

³³¹ Ibid.

³³² Ibid.

³³³ National Drug Master Plan 2013-2017.

where none of this is available, and then expecting that when they return to the same environment, they will not be tempted may be one of the biggest errors that may lead to relapsing. According to the United Nations on Drugs and Crime, health interventions need to reach people, either by being provided at their homes, schools, and workplaces, or by encouraging them to visit health facilities. This is to reduce the costs and barriers that deprive people from accessing services.³³⁴ Rehabilitation services should be rendered at the residence of the learner e.g., at school or at home. Removing the learner from their school and home and the environment where they receive drugs and substances does not guarantee that the learner will not relapse after they are released from the rehabilitation institution and brought back to the same school, family, and community.

It is this researcher's view that learners should be rehabilitated where they are, so that parents, teachers, families, and communities can also play an effective role in helping them through the rehabilitation process. This also helps young learners or peers who look up to the person who is undergoing treatment. That person becomes a living testimony that change is possible. If one knows the addict from when they started using drugs to the time, they became addicted, and then witnesses the rehabilitation process, one would likely learn that it is not worth it and would stop or avoid drugs without requiring any professional assistance.

According to Meghdadpour et al.,³³⁵ family supervision, monitoring, and communication can reduce the chance of a male youth abusing substances by 23% and the chance of using illegal drugs by 38%. This forms part of the researcher's recommendations. It is considered as a useful tool to at least minimise the risks of substance abuse, because combating this social ill cannot happen in a short space of time. However, all intervention should include communication, supervision, and monitoring, in order to be effective. It is important to understand that a drug that may be used for health reasons can also be abused. In this case, combating abuse is difficult, because there are legal, useful drugs that might be essential to someone's survival. In this regard, the important thing is to ensure that those types of drugs are not easily accessible and must be administered to children under the supervision of their guardians. The American Academy of Paediatrics³³⁶ believes that drug education at school can minimise cases of

³³⁴ United Nations on Drugs and Crime. Guidance for Community-Based Treatment and Care Services for People Affected by Drug Use and Dependence in Southeast Asia (2009) available at https://www.unodc.org/documents/drug-treatment/UNODC_cbt_x_guidance_EN.pdf accessed on 14 October 2020.

³³⁵ Ibid.

³³⁶ National Institute on Drug Abuse. 'Preventing Drug use among children and adolescents' (2003) available at https://www.drugabuse.gov/sites/default/files/preventingdruguse_2.pdf accessed on 14 October 2020.

substance abuse. They believe that young people spend most of their hours at school and have developed a relationship with their teachers which is different to their relationship with their parents. Therefore, it would be easier to reach them and their parents through organising after-class lessons about drugs and substance abuse.

To conclude, regardless of anything, substance abuse can be combated in South African schools if the government were to take a similar initiative that has been taken for covid-19 and involve every citizen of South Africa in fighting this social pandemic. All the afore mentioned recommendations can be used as guidelines for effective interventions. Drug abuse is constantly interfering with our daily lives. It is very painful and hard to understand why this pandemic is not given the attention it deserves because it is slowly destroying every citizen of the country and compromises important human rights and freedom. There is no place that one feels safe because of drug implications. It is the researcher's belief that the day we all stand together and fight this plague, South Africa will be a better and safer place for us all.

Proverbs 22:6 says: Train up a child in the way it should go and when he is old he will not depart from it ³³⁷.

³³⁷ KJV Bible, Proverbs 22:6.

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Appendix A

For more information regarding rehabilitation in South Africa contact the following Drug Alcohol and Addiction Helplines South Africa Rehab, and Drug Support:

Al-Anon Family Groups, for more information : www.alanon.org.za

Alcoholics Anonymous, for more information: <https://www.aasouthafrica.org.za>

Childline South Africa, Website: www.childline.org.za

24-hour toll-free helpline: 08000 55 555

Child Welfare South Africa, Website: www.childwelfaresa.org.za or National: (011) 452-4110

Narcotics Anonymous SA, for more information : www.na.org.za

SA National Council on Alcoholism and Drug Dependence (SANCA), for more information: <https://www.sancanational.info/> alternatively phone: 011 892 3829/ 076 535 1701

Appendix B

Research topic: Combating substance abuse amongst learners in South African schools

Name of supervisor/module co-ordinator...Dr Brigitte Clark.....

I, Nozipho Babra Ngubane, hereby acknowledge that I have read and understood the University of KwaZulu-Natal's document entitled *Research Policy V: Research Ethics*. I have acquainted myself with the contents of Appendix A of that document, the University's Code of Conduct for Research, and I undertake to comply with its requirements. I declare that my research is confined to a literature review, or similar research methods that do not raise any ethical concerns, and do not involve human / animal participants, and therefore does not require formal ethical clearance.

Signature:

Date: 26-09-2021

Student Number: 207504697