



**NO! to alcohol in our schools!**



Southern African  
Alcohol Policy Alliance

**SAAPA** South Africa

# SAAPA SA Oral Submission

Parliamentary Portfolio Committee on Basic Education  
22 November 2022

# SAAPA SA

- We are the Southern African Alcohol Policy Alliance in SA (SAAPA SA), a non-sectarian, secular, non-governmental, non-profit civil society organisation working for an **alcohol-safer South Africa**. We approach the issue of alcohol harm from a **public health and human rights perspective** and would like to see government, inter alia, implement the country's **Liquor Policy of 2016 and pass the Liquor Amendment Bill of 2016** which aims to give effect to the Policy. We would also like to see the **general public empowered to have a meaningful say over when, where and how alcohol is sold and consumed in their communities**.
- We are the South African chapter of a regional Southern Africa alliance and collectively are members of the Global Alcohol Policy Alliance (GAPA) which has member alliances across the world. SAAPA SA has a **network of 96 Alliance Partners**, comprising NGOs and community-based organisations in a variety of sectors – women, GBV, children, education, violence, development, poverty, health and other social justice sectors. Our Alliance Partners are located in **all provinces** across the country and represent the interests of hundreds of thousands of beneficiaries.

# A learner speaks

- Their experience of alcohol
- What alcohol in schools will mean for them

# A parent speaks

- No consultation with parents about the proposal
- Ignores the lived reality of communities where alcohol is freely available around schools and how that impacts on safety of learners and learning

# Past and proposed legislation

- Unless authorised by the principal for legitimate educational purposes, no person may bring a **dangerous object** or **illegal drug** onto school premises or have such object or drug in his or her possession on school premises or during any school activity.  
*8A. (1) of the Education Laws Amendment Act (31 of 2007) – first instance of prohibition of items on school premises*
- Unless authorised by the principal for legitimate educational purposes, no person may bring **liquor**, a **dangerous object** [or], an **illegal drug** or a **prohibited substance** onto school premises or have such liquor, dangerous object [or], illegal drug or prohibited substance in his or her possession on school premises or during any school activity.  
*7 (1) of the Basic Education Laws Amendment Bill, 2015 – addition of liquor and prohibited substances*
- Unless authorised by the principal for legitimate educational purposes, no person may bring a **dangerous object** or a **drug** onto school premises or have such dangerous object or drug in his or her possession on school premises or during any school activity.  
No person may bring **liquor** onto public school premises, or have liquor in his or her possession, or consume or sell liquor on public school premises, or during any public school activity.  
*8 (1) & (2) of the Basic Education Laws Amendment Bill, 2021 – all drugs, except for alcohol, are treated as one, which alcohol/liquor – itself a drug – is treated separately.*
- This is followed by clauses which, ‘notwithstanding’ 8 (2), actually allow **liquor** on school premises and school functions

# Provinces – what are their positions?

- **Eastern Cape Liquor Act (10 of 2003)** – specific obligations on outlets applying for a licence for premises within **100m** of a school.
- **Free State Liquor and Gambling Act (6 of 2010)** prohibits the use of alcohol by school-going children.
- **Gauteng Liquor Act of 2003** – premises within **500m** or more of a school shouldn't have liquor licences.
- **KwaZulu Natal Liquor Licensing Act (6 of 2010)** – discourages licensed premises within **500m** of schools.
- **Limpopo Liquor (5 of 2009)** – no licensed premises within the prescribed distance from a school. Regulations reiterate – no licences within **500m** of a school.
- **Mpumalanga Liquor Licensing Act (5 of 2006)** – granting of licences must consider the public interest, with due regard to the proximity of the premises concerned to, inter alia, educational institutions.
- **North West Provincial Liquor Policy White Paper of 2014** – only allow licensed premises within **one kilometre of a school in a rural area and 500m in an urban area.**
- **Northern Cape Liquor Act (2 of 2008)** – the Liquor Board must consider 'the location of the proposed premises in regard to its proximity to an institution of learning ....'.
- **OUTLIER:** Western Cape liquor legislation says awarding of a liquor licence must not prejudice learners below the age of 18 at an educational institute; the province's Alcohol Harm Reduction Policy calls for 'restrictions on the awarding of licences for the sale of alcohol, based on proximity to ... institutions such as schools ....'; but the **WC Education Amendment Bill allows alcohol at schools for fund-raising purposes as of Nov 2018.**
- **CONCLUSION:** there is recognition across provinces that alcohol should be kept away from schools – even in the Western Cape, despite the changes to the WC education law in November 2018.

# Schools as safe havens

- During **hearings for the Children's Amendment Bill**, communities in Northern Cape and elsewhere expressed concern about proximity of alcohol to schools and wanted action to be taken to reduce the risks to learners and educators
- Learners – individuals and in groups – are calling for schools to be alcohol-free safe havens; many are already dealing with the challenges of alcohol harm in their homes and communities – they don't want those challenges in schools as well
- **A learner of 17 approached a SAAPA SA stand in Krugersdorp to tell us that she 'wishes she had spoken to us before she got drunk and pregnant'** She is brave, she is clear, she is working hard to get her matric, but she has a struggle ahead of her, a struggle she didn't have to face.

# Existing policies on alcohol in schools

- The adverse impact that drugs (inclusive of alcohol) can have on learners is documented in the DBE and UNICEF Guide to Drug Testing in South African Schools as follows:

*“Experimentation is a natural part of development, but unfortunately casual drug use can lead to many problems, not least becoming dependent. In schools, drug use has been linked to academic difficulties, absenteeism, and dropping out, which can have important implications for a learner’s access to quality education. It is also associated with a host of high-risk behaviours, such as unprotected sex, crime and violence, traffic accidents, and mental and physical health problems”*

*“It is our duty as families, schools and communities to ensure that schools remain **safe and alcohol and drug free zones** to enable quality teaching and learning. We must build strong health promotion programmes that can prevent learners from using drugs in the first place. This is the best outcome for everyone.”*

*Department of Basic Education. (2013). Guide to Drug Testing in South African Schools. Pretoria Government Printer. Pp 7 and 15*

# Existing policies on alcohol in schools

- The Constitutional Court in *S v Lawrence*, when discussing the affidavit of an expert in this area, accepted that “*the control of the availability of alcohol is a recognised means of combating the adverse effects of alcohol consumption*” and provides a rational basis for doing so.  
*S v Lawrence, S v Negal; S v Solberg [1997] ZACC 11; 1997 (10) BCLR 1348; 1997 (4) SA 1176 at paras 69 and 70.*
- The ‘**Management of Drug Abuse by Learners in Public and Independent Schools and Further Education and Training Institutions**’ speaks of the need for clear and consistent messaging on the illegality of possessing or using alcohol in South Africa’s schools.  
*Department of Education (2002). The National Policy on the Management of Drug Abuse by Learners in Public and Independent Schools and Further Education and Training Institutions. Government Gazette. (Vol. 450. No. 24172). 5.*
- The national policy of insulating schools from the presence of alcohol is made law in section 4(4)(a) of the **Regulations for the Safety Measures at Public Schools**. This section forbids educators, parents or learners or anyone else from possessing or consuming alcohol during a school activity. And section 4(2)(e) states that no inebriated person may enter school premises.  
*Department of Education (2001). The Regulations for Safety Measures at Public Schools. Government Gazette. (Vol. 436. No. 22754.) Amended by Department of Education (2006). (Vol. 497. No. 8582)*

# What is the basis for our law-making?

- According to the World Health Organisation (WHO) Global Report on Alcohol and Health (2018), **only 31% of South Africans aged 15 and above actually drink alcohol**. The rest are people who have never used alcohol or those who have stopped drinking and never restarted. This means that 69% of people aged 15 above (plus those below 15) in South Africa don't drink alcohol. This surely then means that a comparable percentage of parents with children in school don't drink.

*<https://apps.who.int/iris/rest/bitstreams/1151838/retrieve>*

- Are we crafting policy, laws and regulations to satisfy a minority of people in the country?
- Why are we putting our children at risk by encouraging the selling alcohol as a quick and profitable way of getting the funds necessary to run their schools?
- Why are they not getting enough funds from government? From corporates? From donor organisations?
- Are we going to see situations where people who would normally, for religious reasons, have nothing to do with alcohol, are forced to compromise their principles just to get the money to give their children a reasonably adequate education?
- What about parents and teachers who know the risks who are forced to expose their learners to those risks just so they can run their school better?

# South African Child Gauge 2021/2022\*

Alcohol use in adolescence is an example of the need to coordinate policy across different sectors:

- The prevalence of alcohol use climbs significantly during adolescence, with a number of adverse outcomes related to mental health, sexual risk taking, and injuries. In responding, policies need to not only support interventions that address individual adolescents' drinking behaviour, but also address the commercial determinants of alcohol consumption. For example, aggressive marketing of alcohol by the industry requires urgent regulation and change.<sup>71</sup> The Western Cape Alcohol-Related Harms Reduction White Paper<sup>72</sup> is an example of a multi-pronged policy, including a range of interventions to reduce alcohol related harms (see Case 6).

\* [http://www.ci.uct.ac.za/sites/default/files/image\\_tool/images/367/Child\\_Gauge/2022/Child%20Gauge%202021\\_110822.pdf](http://www.ci.uct.ac.za/sites/default/files/image_tool/images/367/Child_Gauge/2022/Child%20Gauge%202021_110822.pdf)

71. Siegfried N, Parry C. Do alcohol control policies work? An umbrella review and quality assessment of systematic reviews of alcohol control interventions (2006 - 2017). PLoS One. 2019;14(4):e0214865.

72. Department of the Premier. Western Cape Alcohol-related Harms Reduction Policy White Paper. Western Cape Government. 2017. [[https://www.westerncape.gov.za/text/2017/September/white\\_paper\\_alcohol-related\\_harms\\_reduction.pdf](https://www.westerncape.gov.za/text/2017/September/white_paper_alcohol-related_harms_reduction.pdf)]

# South African Child Gauge 2021/2022

From Case 6:

- In South Africa, a 2011 national survey of learners in Grades 8 – 11 found that 37% of males and 28% of females reported drinking in the past 30 days, with an alarming 30% of male and 20% of female learners reporting binge drinking during the same period.<sup>81</sup> Direct and indirect consequences of drinking among children and adolescents in South Africa include rape, interpersonal violence, absenteeism, school failure, unwanted pregnancies, sexually transmitted infections, HIV, and foetal alcohol spectrum disorders (FASD).<sup>82</sup>

81. Reddy S, James S, Sewpaul R, Sifunda S, Ellahebokus A, Kambaran NS, Omardien RG. *Umthente uhlaba usamila: The 3rd South African national youth risk behaviour survey 2011*. 2013. [<https://repository.hsra.ac.za/handle/20.500.11910/2487>]

82. Manu E, Maluleke XT, Douglas M. Knowledge of high school learners regarding substance use within high school premises in the Buffalo Flats of East London, Eastern Cape Province, South Africa. *Journal of Child & Adolescent Substance Abuse*. 2017;26(1):1-10.

# We must end 'normalising' the use of alcohol

- The WHO Global Strategy to reduce the harmful use of alcohol (2010) promotes three 'best buys' to reduce alcohol consumption and alcohol harm – reducing alcohol availability, increasing the cost of alcohol, and limiting or banning alcohol advertising.

*<https://apps.who.int/iris/rest/bitstreams/52824/retrieve>*

- Alcohol is already 'normalised' through advertising, availability, poor adult modelling and peer pressure.
- Having alcohol available at schools is going to 'normalise' its use even further – children will be led to believe that events, celebrations, sport and social gatherings must be accompanied by alcohol, preparing them for a life of drinking from the age of 18 or even before.

# Risk of leaving parents and educators to decide

- South Africa has challenges with alcohol consumption
  - Extensive research by the SA Medical Research Council and many others shows that South African drinkers are amongst the highest consumers of alcohol in the world.
  - 60% of those who drink are binge drinkers.
  - We have one of the highest drink driving rates in the world.
  - Our Foetal Alcohol Spectrum Diseases (FASD) levels are the highest in the world.
  - As we know from the period of COVID-19, drinking contributes significantly to trauma incidents in the country, including GBV.
- The BELA Bill envisages parents and educators taking decisions on alcohol use at schools and being responsible for protecting children from alcohol harm – but many parents and educators are amongst those for whom alcohol use is ‘normal’ and who are themselves problem drinkers. Can they be trusted to make the right decisions and to ensure that children are not put at risk?

# Conclusion

- Children need to be protected.
- Science, experience, reality and the lived experience of our people all point inexorably in the direction of one undeniable truth:

**Alcohol has no place in our schools!**

# Supported by SAAPA SA's 96 Alliance Partners

African Child Foundation | Agang Bokamoso | Albinism Society of South Africa | Albert Luthuli Human Rights Advice Centre | Amandla Development | Blood River Advice Office | Bohlabela | Bokamoso Based Organization | Callas Foundation | Centre for Research and Development | Children's Institute | Childsafe South Africa | Chiweni Advice Office | Coastal Resource Centre | Creative Skills NPO | Dockda | Ethembeni | Ficksburg Community Advice Centre | Florida South Ratepayers Association | Food4Thought | Fullfill the dream | Gateway Health Institute | goGoGogo | GunFree SA | Healthy Living Alliance | Helping Hands | Hennenman Empowerment Forum | Hope of Glory Community Project | Iketsetseng Advice Centre | Ikhwezi Women's Support Centre | Ingomusolethu Centre | Jersey Farm Advice Centre | Kensington Residents & Ratepayers Ass | Kgomano | Kgubetswana Advice Centre | Khulisa Social Solutions | Khayelitsha Health Forum | Kitso ke Lesedi | Maelamo Foundation | Malvern Empowerment Forum | Mamadi Advice Center | Mandelaville Crisis Committee | Maokeng Advice And Resource Centre | Masithethe Counselling Services | Matlala Advice Office | Metsimaholo Advice Office | National LGBTI Health Campaigns | National Council Against Smoking | National LGBTI Health Campaigns | Observatory Civic Association | One in Nine | Operation Phakama | Paediatrics, UCT | People Opposed to Women Abuse | Phronesis Youth Development | Reach Out Community Projects | Realistic Organization | Phakama Youth Club | Remotheo Foundation | Rock of Ages Development Agency | South African Depression and Anxiety Group | Sakhile Sanqoba Zest4Life | Rural Doctors Association of Southern Africa | Salt Lake Residents Action Group | Salt River Residents Association | Sanca Western Cape | Seapoint Fresnaye Bantry Bay RRA | Senzokuhle Multipurpose Centre | Sibanye LGBT | Siyazakha HIV/Support Centre | Skeem Foundation | Smoking & Alcohol Harms Alleviation & Rehabilitation Association | Sonke Gender Justice | Sophiatown Community Psychological Services | Soul City Institute for Social Justice | South Africans Against Drinking and Driving | Standerton Victim Empowerment & Advice Centre | Soweto HIV Counsellors Association | SylvesterMashilo Foundation | Teddy Bear Foundation for Abused Children | The Great People of South Africa | Tears of Hope | Tiangmaatla | Tipfuxeni Community Counselling Center | Tlholong Legal Advice Centre | Treatment Action Campaign | Tears Foundation | Tshireletso Advice Centre | Tshireletso Victim Empowerment Centre | Tswelelang | Ubuntu Legal Advice and Development Centre | Voice of the Voiceless | Yeoville Bellevue Ratepayers Association | Youth Empowerment Emporium | Zamdela Advice Centre |