

Student teachers' understanding of the position of values and morality in human rights applications, promotion and education

CH Eloff



Orcid.org/0000-0002-2258-8728

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Supervisor: Prof W.J. van Vollenhoven

Co-supervisor: Dr Annamagriet de Wet

Assistant-supervisor: Prof Cornelia Roux

Graduation: May 2019

Student number: 12365408

DECLARATION

DECLARATION / VERKLARING

I the undersigned, hereby declare that the work contained in this dissertation / thesis is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

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ABSTRACT

Despite the existence of theory and a body of knowledge on the concept of 'human rights' that is based largely on national law, international law, human rights theories and human rights discourses, human rights remain a controversial subject within the disciplines of philosophy, law and education. In addition, higher education institutions may use different approaches in their programmes for pre-service teacher education which are based on a range of study disciplines. Consequently, student-teachers would be exposed to different understandings of rights (for example legal and moral rights), as well as different theoretical frameworks to human rights education. Therefore I argue that epistemologies and theories dealing with both legal and moral rights could facilitate human rights education and enhance a human rights literacy of student teachers.

The study conceptualised theory on approaches which are the most suitable for the teaching-learning of human rights in teacher education. This interdisciplinary study creates room for dialogue (a so-called 'dialogic space') in terms of Grounded Theory to conceptualise human rights education theory as part of teacher education. The question to be asked is: To what extent would student teachers' understanding of the position of values and morality in human rights contribute to theory on human rights education?

The study in hand is part of a NRF- funded *Human Rights Literacy Project (HRLit Project)* (2012-2018 (Roux, 2012)). While the HRLit Project concentrated on identified areas that may contribute to the development of a epistemology and ontology of human rights literacies, this PhD study explores student teachers' understanding of and position towards values and morality instilled in human rights. The PhD study was conducted in two phases. Phase 1 overlapped with and used secondary data from the first phase of the larger HRLit Project (2012-2014). The second phase of this study drawn on self-generated data, explored existing content or approaches towards the teaching and learning of human rights, and analysed current discourses or approaches on learning in teacher education.

The conceptualisation of grounded theory applicable to human rights education draws from the intra-section of those components of human rights education that may stimulate human rights application, promotion and education towards the realisation of human rights *in* and *through* education.

The following components are considered as essential for human rights application, promotion and education:

The legal rights approach encompasses the understanding of human rights as the inclusion of constitutional principles, legal principles and legal documents, procedures, rules and codes of conduct for learners and/or for teachers. *The value-based approach* involves the understanding of human rights which emphasizes morality, morals and values in human rights related situations.

The cognitive approach or student teachers' reasoning about human rights, refers to student teachers' reasoning about human rights and explores people's thought processes on human rights and human rights application.

The social and contextual awareness approach include student teachers' experiences of culture, or their awareness of society, which affect their reasoning of human rights.

The action approach signified the nature of the application or non-application of student teachers' knowledge of human rights and values and reflection and/or evaluation of people's actions on and in real life scenarios.

The researcher argues that all the above components could be vital for human rights education in teacher education in order to apply human rights in various human rights related situations in education. Human rights actions in human rights related situations could differ and urge the notion that student-teachers should be literate in human rights and human rights applications in schools. Looking at human rights applications only from one perspective would be short-sighted and could weaken the very essence of understanding human rights.

Key terms

human rights education; human rights application; human rights promotion; teacher education; legal rights approach; value-based approach; cognitive approach; social and contextual awareness approach; action approach.

OPSOMMING

Ondanks teorieë en 'n kenniskorpus oor die begrip 'menseregte' wat grootliks op nasionale en internasionale reg, asook op menseregteorieë en -diskoerse gebaseer word, bly menseregte 'n kontroversiële onderwerp binne verskeie vakterreine soos filosofie, die reg en onderwys. Daarbenewens mag hoër onderwysinstellings gebruik maak van 'n kombinasie van benaderings tot menseregte-onderrig in hul programme vir voorgraadse onderwysopleiding wat op verskillende vakterreine berus. Gevolglik word studente-onderwysers blootgestel aan verskeie perspektiewe op regte (byvoorbeeld wetlike en morele regte) asook verskillende teoretiese raamwerke vir menseregte-onderrig. As navorser argumenteer ek dat kennisleer en teorieë rakende wetlike sowel as morele regte daartoe kan bydra om menseregte-onderrig te fasiliteer en die menseregtegeletterdheid van studente-onderwysers te bevorder. Hierdie interdisiplinêre studie skep 'n 'ruimte vir dialoog' by wyse van die Begronde teorie-metode (*grounded theory*) om teorie rakende menseregte as deel van onderwyseropleiding te konseptualiseer. Die vraag wat gevra word, is: In watter mate sal studente-onderwysers se begrip van die posisie van moraliteit en waardes in die toepassing, onderrig en bevordering van menseregte-onderrig tot teorie oor menseregte-onderwys bydra?

Hierdie PhD studie vorm deel van 'n NRF befondsde projek *Human Rights Literacy Project (HRLit-Projek)* (2012-2018), (Roux 2012). Die groter navorsingsprojek konsentreer op geïdentifiseerde areas wat tot 'n epistemologie en ontologie van menseregtegeletterdheid bydra. Hierdie PhD-studie konsentreer op studente-onderwysers se begrip van waardes en moraliteit in menseregte. Die studie is in twee fases onderneem. Die eerste fase oorvleuel met Fase 1 (2012-2014) van die groter HRLit projek (2012-2018), waaruit die sekondêre data gekonstrueer is (opnamedata waaronder vraelyste en fokusgroepe). In fase een is deelnemende studente-onderwysers se begrip van en posisie teenoor moraliteit en waardes in die toepassing en bevordering van menseregte ondersoek, en daarmee saam hoe hierdie begrip(pe) tot die teorie van menseregte-onderrig kan bydra. Die tweede fase van hierdie studie berus op selfgegenereerde data wat bestaande inhoude en benaderinge ten opsigte van leer en onderrig van menseregte ondersoek, en huidige diskoerse of benaderinge tot leer in onderwysersopleiding analiseer.

Die konseptualisering van die begrondingsteorie (*grounded theory*) oor menseregte-onderwys volg uit die interseksionaliteit (intra-aksie) tussen die komponente wat die toepassing, bevordering en onderrig van menseregte op so 'n wyse kan stimuleer dat menseregte *in* en *deur* die onderwys verwesenlik kan word.

Die volgende komponente word as noodsaaklik beskou vir menseregte-toepassing, -bevordering en –onderwys:

Die *wetlike-reg-benadering* wat die verstaan van menseregte as die insluiting van grondwetlike beginsels, regsbeginsele en regsdokumente, prosedures, reëls en gedragskodes vir leerders en/of onderwysers behels. Die *waarde-gebaseerde benadering* wat die verstaan van menseregte en die beklemtoning van moraliteit, morele beginsels en waardes in menseregte-gebaseerde situasies ondervang.

Die *kognitiewe benadering* verwys na student-onderwysers se beredenering oor menseregte en ondersoek mense se gedagte-prosesse ten opsigte van menseregte en menseregte-toepassings. Die *sosiaal-en-kontekstuele-bewussyn-benadering* verwys na die manier waarop student-onderwysers kultuur of hul bewustheid van hul samelewing ervaar wat gevolglik hul beredenering oor menseregte beïnvloed.

Die *aksie-benadering* verwys na die aard van die toepassing of nie-toepassing van studente-onderwysers se kennis van menseregte en waardes en hul refleksie en/of evaluering van of op mense se aksies in scenario's of lewenswerklike voorbeelde.

Die navorser voer aan dat al bogenoemde komponente noodsaaklik is vir menseregte-onderrig in onderwysopleiding met die doel om menseregte vanuit verskillende menseregte-gebaseerde situasies in onderwys te kan toepas. Menseregte aksies verskil in verskillende situasies en dit is noodsaak dat studente-onderwysers geletterd behoort te wees in menseregte en menseregte-toepassings in skole. Dit sou kortsigtig wees om die toepassing van menseregte slegs vanuit 'n enkele perspektief te beskou en kan die essensie van die verstaan en begrip van menseregte nie ondervang word nie.

Sleuteltermes

menseregte-onderwys; menseregte-toepassing; menseregte-bevordering; onderwyseropleiding; wetlike reg-benadering; waarde-gebaseerde benadering; kognitiewe benadering; sosiaal-kontekstuele bewussyn-benadering; optrede-benadering

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CHAPTER 1:

ORIENTATION TO THE STUDY

1.1 Introduction

Human rights continue to be a controversial subject within the disciplines of philosophy, law and education (Donnelly, 2013:18; Dembour, 2010:2; Valen-Sendstad, 2010:167). This is despite the existence of theory and a body of knowledge that are both largely based on national and international law (Freeman, 2011:8), human rights theories and discourses. Since higher education institutions (irrespective of their origin) base their human rights education on a combination of philosophical, legal and social theoretical frameworks, a controversy about human rights can by implication have an impact on the manner in which higher education institutions prepare student teachers to teach, facilitate, apply and promote human rights.

Irrespective of the curriculum, teaching-learning remains an important means at a teacher's disposal to promote human rights at school. The fact of the matter, though, is that in addition to performing their facilitation and teaching-learning roles, teachers are called upon to promote the concept of 'human rights' by demonstrating its practical application and integration into their actions and conduct within the education setting. Furthermore, they are expected to make use of whatever means at their disposal to bring human rights to the attention of learners and to help ensure that these rights are realised within the context of education.

In view of teachers' position and role, they might hold the key to promoting human rights in and through education, and hence they ought to be well equipped to perform this task. This logic notwithstanding, Roux and Becker (2015:1) as well as Keet (2012:1) argue that an intrinsic knowledge and a rigorous discourse are still lacking with regard to the 'philosophical, ontological and epistemological underpinnings of human rights education in teacher education'. As observed by Keet (2010:25), Bayaga and Louw (2011:208), Louw (2009:1) and Rauch (2005:9), this situation is exacerbated by education in South Africa suffering from a "moral and values crisis". Adding to the scenario sketched here, the candidate's teaching responsibilities and participation in a research project at a South African tertiary institution have led to her reflection on approaches that universities follow to facilitate student teachers' knowledge regarding human rights.

Embedded in Education Law, this study will explore student teachers' understanding of the position that morality and values hold in human rights education, facilitation, application and promotion. This will be done in an attempt to ascertain how such an understanding can contribute to theory on the sustainable integration of human rights into teacher education.

1.2 Problem statement

Despite the legal protection of human rights afforded by the South African Constitution and other relevant legislation, as well as the promotion of human rights in the school curriculum, human rights violations persist in South African schools. Learners suffer human rights violations at the hand of teachers (Coetzee & Mienie, 2013:87; Bhana, 2012:355; De Wet & Oosthuizen, 2010:200; Human Rights Watch, 2001), because of the way schools are structured, or as a result of the policies and practices schools adhere to (Burton & Leochut, 2012:31; Teegeer, 2015:237; Engelbrecht, Nel, Smit & Van Deventer, 2015:521). This problem is exacerbated by the fact that school children seemingly lack an understanding of human rights and the values that underpin those rights (De Wet & Van Vollenhoven, 2014:79, Du Preez, Simmonds & Roux, 2012:92).

Rights violations in education can have either a physical or an emotional effect on learners, or both. Examples of physical acts range from harassment by fellow school children or of school children and teachers, to educational processes such as corporal punishment. An example of a human rights violation with an emotional effect may be the marginalisation of someone's culture due to restrictions imposed on mother tongue usage or indoctrination (McCowan, 2012:71). According to Keet (2010:24), the myriad of reports on drug and alcohol abuse, acts of physical and sexual violence perpetrated not only against but also by children, abuse of women and children, corruption, discrimination, intolerance, intergenerational conflict and structural inequalities constitute the manifestation of a moral crisis – a sentiment echoed by Bayaga and Louw (2011:201). Rauch (2005:9) makes a similar argument and emphasises the violation of human rights by people who shirk their basic duty and obligation to the state and fellow citizens. According to the author this action is typical behaviour that reflects on society's issues with morality and human rights values.

Since human rights violations also occur in schools, the implication is that schools are obliged to take (legal) action to ensure that the rights contained in the Bill of Rights in the Constitution of South Africa are respected, protected, promoted and fulfilled (SA, 1996a: Section 7(2), Chapter 2). Often, when such violations occur in schools, they are dealt with by way of submissions to school governing bodies, tribunals, courts of law and/or the South African Human Rights Commission.

On the subject of education, case law reveals that over the past 24 years the Constitutional Court has not only heard several cases dealing with the violation of learners' human rights, but also instances where educators' human rights have been infringed upon. The following are examples of cases related to democratic values and learners' rights that appeared before the Constitutional Court:

(a) The right to equality:

In Head of Department, Department of Education, Free State Province v Welkom High School and Others 2014 (2) SA 228 (CC), two schools have drawn up rigid pregnancy policies that have not only considered the best interest of the child (section 28), but violate the learners' constitutional right to equality. According to Khampepe, the school differentiate between the learners which is prohibited in section 9(3) of the Constitution. The school's policies also violated pregnant learners' right to education by 'requiring them to repeat up to an entire year of schooling' *Head of Department, Department of Education, Free State Province v Welkom High School and Others 2014 (2) SA 228 (CC)*.

In Matukane v Laerskool Potgietersrus, [1997] JOL 102 (T), the court had to decide whether the school's refusal to admit black learners could be perceived as unfair discrimination. The school, a former Model C school that provided parallel medium tuition in Afrikaans and English, claimed that it was full and that the Christian Afrikaans culture would be destroyed if learners from another culture would be admitted. The school could not show that there was unfair discrimination and therefore the applicants' application succeeded with costs.

(b) The right to freedom of expression:

In *MEC for Education: KwaZulu-Natal and Others v Pillay, 2008 (1) SA 474(CC)* the question is asked what is the position of religious and cultural expression in schools as well as how are cultural and religious rights protected in schools (Langa in *MEC for Education: KwaZulu-Natal and Others v Pillay, 2008 (1) SA 474(CC)*). Mrs Pillay went to the Equality court when the principal and the School Governing Body decided that the school would not allow her daughter, Sunali, to wear a golden nose stud which is part of their cultural practice. The case was also referred to the Equality Court and High Court who declared the schools' decision null and void due to unfair discrimination before it was heard in the Constitutional Court¹. The Constitutional Court emphasised equality with regards to the protection of cultural rights in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act for future case law.

(c) The right to freedom of religion, belief and opinion:

The Court in *Christian Education SA v Minister of Education, [2000] JOL 7320 (CC)* had to answer the question whether Section 10 of the South African Schools Act on the prohibition of corporal punishment in schools, 'violate parents' rights in independent schools who, "in line with their

¹ The Pillay case is discussed in detail in par. 4.8.

religious convictions, had consented to its use". Not only did the judge discuss proportionality analysis and religious rights from individual (section 15) and collective perspectives, but also indicated how corporal punishment could violate a child's human dignity by using case law.

In Organisasie vir Godsdienste-Onderrig en Demokrasie v Laerskool Randhart and Others (29847/2014) [2017] ZAGPJHC 160, the applicant, a voluntary association, took six public schools, three of them primary schools and three secondary schools to court. In its motion, the relief claimed were divided into two sets of prayers. Prayer 1 and its subparagraphs are for declarations, and prayer 2 and its subparagraphs are for seventy-one final interdicts. The declarations are sought not only against the six respondent schools, but against "any public school", as defined in terms of the South African Schools Act 84 of 1996. The six main declarations seek to have declared as a breach of the National Religion Policy and as unconstitutional a range of defined propositions, including promoting only one religion in favour of others; associating itself with any particular religion; requiring of a learner to disclose (to the school) adherence to any particular religion; and permitting religious observances during school programs on the basis that a learner may elect to opt out. The declaration that was made by the Court held that a school violates section 7 of the South African Schools Act if it (i) promotes or allows its staff to "adhere to only one or predominantly only one religion to the exclusion of others; and (ii) to hold out that it promotes the interests of any one religion in favour of others"².

(d) The right to human dignity:

Two men who were accused in *State v Makwanyane S. vs Makwanyane* (1995 (3) SA 391 (CC)) of four counts of murder appealed in the matter of to the Appellate Division of the Supreme Court. The Appellate Division dismissed the appeals and ordered that the accused should receive 'the heaviest sentence permissible according to law'. The accused men's counsel were invited to appear before the Appellate Division to argue whether the death penalty as a sentence for murder was consistent with the Interim South African Constitution. He contended that the provision was in conflict with the sections 9 and 11(2) of the Interim Constitution. The two rights in question were the right to life and the right to dignity. The Court held that the carrying out of the death sentence destroyed life and annihilated human dignity. Although the case were directed on criminals the courts ruling on the right to life and dignity is applicable to disciplinary issues in education³.

Although the matter of *State v Williams* (7) BCLR 861 (CC) is about juvenile whipping as part of

² The *Organisasie vir Godsdienste-Onderrig en Demokrasie v Laerskool Randhart and Others* (29847/2014) [2017] ZAGPJHC 160 is discussed in Chapter 4.

³ The *Makwanyane* case is discussed in detail in Chapter 4.

an accused' conviction, the case was influential in the ruling on corporal punishment in schools (*Christian Education SA v Minister of Education*, [2000] JOL 7320 (CC)). In this case judge Langa had to decide whether the sentence of juvenile whipping, in accordance to the provisions of section 294 of the Criminal Procedure Act, is consistent with the provisions of the Constitution. Five different cases in which six juveniles were convicted by different magistrates and sentenced to receive a "moderate correction" of a number of strokes with a light cane' were consolidated in the case of *S v Williams*. Langa indicated that the use "culture of authority which legitimate[d] the use of violence [was] inconsistent with the values for which the Constitution stands". Langa also referred to how 'the deliberate infliction of pain and the institutionalised nature of the procedure involved' violated the subject's human dignity. In his ruling, Judge Langa declared firstly certain provisions of the Criminal Procedure Act No. 51 of 1977 to be invalid and of no force and effect. Secondly it is ordered that with effect from the date of this order, no sentences which include whipping shall be carried out.

Another public platform – the South African Human Rights Commission (hereafter SAHRC) – has also been engaged in addressing matters related to human rights and values (Keet, 2010:1-21). This example of the interconnectedness between values and rights pertains to the SAHRC's first series of dialogue sessions that dealt with Constitutional values – a human rights discourse that, according to Keet (2010:29), was steered by the courts. Questions asked during this discourse focused on rights-related values and the potential role that courts could play in the promotion of the democratic values entrenched in the Constitution. This discourse played out as an illustration of how discourses on rights are interwoven with discussions on values and how this interconnectedness in turn relates to an understanding of human rights within different social contexts.

Nieuwenhuis (2007:6) argues that both the promotion of human rights in and through education and the emphasis on human rights values can be viewed as part of the "social reproduction" function of education. Simmonds (2014:143-144) also alludes to the relation between human rights and social practices in which human rights literacy boils down to "how humans act, re-act and inter-act on abstract human rights documents within specific socio-cultural contexts".

To facilitate the realisation of human rights – and to promote constitutional values in a democratic South African society – the South African Department of Education included human rights in the school curriculum (DoE, 1997). This resulted in human rights education being linked to the Constitution, and teaching-learning and/or awareness campaigns being informed by notions such as citizenship education (Davids & Waghid, 2016:35; Davids & Waghid, 2012:21) and constitutional and democratic values (De Wet & Van Vollenhoven, 2014:71; Malherbe, 2008:44). At the same time, policy documents such as the Manifesto on Values, Democracy and Education

[hereafter the Manifesto] (DoE, 2001) drew from the Constitution (SA, 1996a) when it emphasised the relationship between values and human rights by introducing ten “fundamental values” into South African basic education (DoE, 2001).

These values include “democracy, social justice and equity, equality, non-racism and non-sexism, an open society, accountability (responsibility), the rule of law, respect, reconciliation and *Ubuntu*” (DoE, 2001)⁴. The aim of the Manifesto was to instil a sense of values in learners with the intention “to help young people achieve higher levels of moral judgement” (DoE, 2001); these ten fundamental values were consequently included in the formal curriculum for the subject area ‘Life Orientation’ under the topic ‘human rights education’.

To complement human rights education in the formal curriculum, and particularly to emphasise responsibility as a fundamental value, the Department of Basic Education published the Bill of Responsibilities in 2008 and reiterated the importance of this bill by launching a special campaign in March 2011. During this campaign, the department in question referred to the Bill of Responsibilities (DoBE, 2008) in its curriculum and assessment policy for life skills in the intermediate phase as “a guide for learners and schools [that] outlines the responsibilities that correspond with the rights found in the Bill of Rights” (DoBE, 2011). In short, the bill called for people to “appreciate that the rights enshrined in the Constitution of the Republic of South Africa are inseparable from [their] duties and responsibilities to others” (DoBE, 2008). These sentiments reflect the values of interconnectedness, respect and accountability as iterated in the Manifesto (DoE, 2011).

The role of teachers in respect of human rights promotion – be it through teaching-learning, application, or by other means – is supported by legal and policy documents. The Norms and Standards for Educators (SA, 2000), endorsed in terms of the National Education Policy Act (27 of 1996) (SA, 1996b), assign responsibilities to the teacher which include amongst other roles, the “Community, Citizenship and Pastoral Role”. In terms of this role, the teacher should facilitate the development of a ‘sense of respect and responsibility towards others, inspire learners to uphold the Constitution, and promote democratic and founding values and practices in schools and society’. The South African Council for Educators’ code of professional ethics (SACE, 2000)

⁴ In the context of the South African Constitution, ‘founding values’ refer to those values on which the Republic of South Africa has been founded in terms of section 1 of the Constitution (SA, 1996a). The preamble to the Constitution also alludes to values such as reconciliation, diversity and social justice. In turn, the Manifesto (DoE, 2001) introduced ten ‘fundamental values’ inspired by the values mentioned in the preamble to and in section 1 of the Constitution. Notably, the Manifesto added a further four values to those derived from the Constitution, namely equity (based on equality and social justice), accountability (responsibility), respect (based on human dignity) and Ubuntu (an African notion that values consists of interconnectedness, humanity and compassion).

emphasises the responsibilities of teachers with regard to the promotion of a human rights culture. In terms of section 2.2 of this code, an educator should “acknowledge, uphold and promote basic human rights, as embodied in the Constitution of South Africa” (SACE, 2000). Section 3.3 furthermore provides that teachers should “strive to enable learners to develop a set of values consistent with the fundamental rights contained in the Constitution” (SACE, 2000).

The Curriculum and Assessment Policy Statement (CAPS) for Life Skills in the intermediate phase (DoBE, 2011) covers principles and practices pertaining to human rights, inclusivity and environmental and social justice, and states that these principles and practices – as defined in the Constitution (SA, 1996a) – must be infused in the curriculum.

Despite the examples of policies and documents mentioned above, De Wet and Van Vollenhoven (2014:86) argue that a school should strive to cultivate a culture of human rights that has compassion and the best interests of learners at its core. Mubangizi (2012:3) makes a similar point and adds that a human rights culture boils down to people's understanding of their rights and duties within a wider community – a culture that finds expression as a lived awareness of the human rights principles endorsed by the Universal Declaration of Human Rights (UN, 1948) and South Africa's Constitution (SA, 1996a).

Schools can certainly not be held solely responsible for instilling and upholding a culture of human rights and human rights values. Yet, if a human rights culture is to be promoted, student teachers must understand and take up their responsibilities (as articulated in the legislation and policies referred to above) to not only uphold human rights and implement them in their day-to-day actions, but to also instil human rights and human rights values in learners. For this reason, Davids and Waghid (2016:2) contend that higher education institutions, as a space where student teachers are initiated, should accept a measure of responsibility for what they teach their students with regard to human rights. Along the lines of this understanding, Magendzo (2005:140) argues that it is important for lecturers to prepare their students to “exercise and defend [their] own and others' rights within the education context”.

Higher education institutions follow different approaches in their programmes for pre-service teacher education, based on an array of study disciplines. Consequently, discourses on the subject of human rights might be classified under disciplines that have a bearing on the conflict between legal and moral rights (Ci, 2005:248), the origin of human rights, the justification of human rights and the legal aspects of using a rights-based approach in education (McCowen, 2012:68) (to mention but a few). In fact, Simmonds (2013:17) argues that instruction in this regard could be called anything from “Democracy Education, Civic Education, Citizenship Education, Political Education, Moral Education, Multicultural Education [to] Anti-racism Education”.

Higher education institutions (such as the institution with which the researcher is associated) approach the teaching-learning of human rights from an Education Law approach or a Human Rights Education⁵ (HRE) approach. The study in hand will focus mainly on Education Law and Human Rights Education (HRE)⁶, including their contrasting frameworks. Emphasis will be placed on how these frameworks could influence student teachers' understanding of the position of values and morality in human rights education, application and promotion. Concerning human rights as a topic in Education Law and HRE, both approaches are perceived to be separate fields that address human rights and/or human rights education to some degree (De Wet, 2014:3). Whereas Education Law focuses on legal literacy for educators and education leaders (Mawdsley & Visser, 2007:158), HRE focuses on the teaching-learning of human rights (Simmonds, 2013:14) to respond to societal challenges (Spren & Monaghan, 2017:293; Becker, 2017:51; Keet, 2007:54).

Presently, both HRE and Education Law play a role in the human rights education offered to student teachers at South African higher education institutions. For example, on the researcher's own campus (where she works), the teacher education curriculum addresses human rights mainly in two subjects: Life Orientation and, to a much greater extent, Education Law. Although a similar approach is followed by other South African universities, there are quite a number of institutions where the teaching-learning of human rights is based in educational domains such as Citizenship Education, HRE and Social Justice, and Moral Education. In this sense, HRE is applicable to many subject fields in terms of human rights, but it does not have an official home and cannot be associated with an established field (Simmonds, 2013: 18). As this study will reveal though, exposure to both HRE and Education Law has a direct bearing on how the student teacher will exercise his/her community, citizenship and pastoral role in practice, as well as how he/she will fulfil a subject specialist role that pertains to the promotion and infusion of human rights as required by the Norms and Standard for Educators (DBE, 2000).

Due to its emphasis on teaching about human rights in legal documents, HRE has been critiqued for being declarationist and behaviour prescriptive, and for not allowing discourse on and critique against human rights (Keet, 2012:7). In essence, the critique against HRE is that it focuses mainly

⁵ To prevent confusion, this thesis uses the concept 'human rights education', written in lowercase, to refer to the processes of teaching-learning of human rights, a process/processes that can be associated with any discipline. Human Rights Education (HRE) with capital letters will only be used when the researcher specifically refers to the disciplinary field.

⁶ Many approaches towards the facilitation of human rights can be found in the available literature (Simmonds, 2013). Data emerged about approaches associated with multicultural education, citizenship education, moral education and critical approaches to human rights education. These approaches are included in the discussion that is presented as part of the literature review (see Chapter 3).

on knowledge on the subject of human rights, particularly human rights declarations and human rights as a legal concept (Donnelly, 2013:36; Bajaj, 2011:488; Sliwinski, 2005:221). As a result, the pedagogical value of human rights education becomes limited (Keet, 2012:7). The same critique can however be levelled at Education Law, where human rights education focuses on human rights as legally enforceable regulations, drawing from national and international human rights law as well as other legislation enacted to support the fulfilment of the rights in the Bill of Rights. In order to move away from 'declarationist approaches', Keet (2012:20) proposes the Critical Human Rights Education approach where discourse and critique fulfil a transformative role in human rights education. This sentiment is echoed by the likes of Roux, Becker, Du Preez, De Wet, Van Vollenhoven and Simmonds who emphasise the lack of rigorous discourse and advocate human rights literacy as a means for transformative emancipation in teacher education (Zembylas, Lesta, Charalambous and Charalambous (2016:138; Keet, 2015:59; Becker, De Wet & Van Vollenhoven, 2015:1; Roux & Becker, 2015:1; Simmonds, 2014:143).

The researcher believes that theories such as Human Rights Literacies (Roux, 2012) and Critical Human Rights Education (CHRE) (Keet, 2015), as well as other human rights discourses, could influence human rights content and outcomes within higher education curricula. This, in turn, could affect student teachers' understanding of human rights facilitation, education, application and promotion in general, and the position of values and morality within human rights implementation in particular. Despite this, one should not lose sight of the human rights and values debates – debates that were spurred on by the moral decline, poor discipline and prevalence of human rights violations in South African schools (Nieuwenhuis, 2007:8). Especially the values debate within education evolved into an interwoven discourse on values education as well as a legal discourse. Combined with the prevalence of human rights violations in education as alluded to earlier (Keet, 2010:25), this may well indicate that a gap exists with regard to how morality and values are positioned in human rights education, promotion and application.

Given the status quo outlined above, one could ask which approach/approaches would be most suitable for the teaching-learning of human rights in teacher education, and whether student teachers who have completed their pre-service teacher education will indeed be adequately prepared to facilitate, apply and promote human rights. This study takes cognisance of the intertwined discourse on human rights, morality and values as voiced by Keet (2010:25) and explores the implications of this discourse within the higher education context when preparing student teachers for human rights education, application and promotion.

1.3 Research question and aims

Despite the fact that Education Law and HRE approaches are rooted in different and (often) contrasting epistemologies and theories, both could contribute to theory on human rights education to facilitate human rights literacy in student teachers. Viljoen indicates that an interdisciplinary approach to human rights education would start a conversation between particular disciplines that allows *inter alia* the channelling of insights and the development of common understandings (Viljoen, 2011:225). Interdisciplinary in nature, this study aims to create a 'dialogical space' – as per Waghid's (2002:95) understanding of the deliberation schooling theory – and to employ grounded theory as a means to develop theory on appropriate approaches towards and practices for instilling human rights in student teachers.

In essence, this study aims to answer the following question so as to conceptualise theory on human rights education as part of teacher education:

To what extent would student teachers' understanding of the position of values and morality in human rights applications contribute to theory on human rights education?

1.4 Purpose of the research

By exploring current student teachers' perspectives on human rights and their understanding of the position of morality and values in human rights education, application and promotion, this study set out to find suitable approaches towards the teaching-learning of human rights at higher education institutions and intends to (in the long run) conceptualise theory.

Currently, higher education institutions adopt a whole array of different approaches towards the teaching-learning of human rights. However, it has yet to be ascertained how these varying and, at times, contrasting approaches influence student teachers' understanding of human rights, as well as whether any of these (or a combination thereof) have a bearing on student teachers' success in/failure at applying/promoting human rights.

Given its interdisciplinary nature, the current study wants to contribute towards transformative actions that could result in the conceptualisation of suitable practices aimed at influencing not only directions in the human rights education of student teachers, but also applications and benchmark-responsible strategies. Furthermore, theory stemming from this study should contribute towards a better understanding and realisation of social justice by means of promoting human rights in and through teacher education.

Next follows an outline of the study's conceptual framework, accompanied by an explanation of key concepts applicable to the research focus and research question. The two main approaches

towards human rights education in teacher education identified for this study are also discussed in more detail.

1.5 Conceptual framework

To aid understanding of the conceptual framework, the text to follow will attempt to define the concepts related to human rights education in teacher education. To begin with, the concept 'human rights' will be conceptualised since it is key to understanding human rights education. Of equal importance is conceptualising human rights education within the main two approaches identified for this study namely Education Law and HRE. Likewise, since the concepts 'values', 'morality' and 'morals' feature prominently in the research question asked, every attempt will be made to arrive at an acceptable understanding of these concepts too.

1.5.1 Human rights

As illustrated in Herbert's study on the philosophical history of rights (2002: xii), 'human rights' can range from any right a person can claim as being prescriptive, an entitlement, a liberty, a privilege, an option, an aspiration or a guarantee – some authors even go as far as defining human rights as a crying need. Generally, though, human rights can simply be defined as claims that are derived from legal and/or moral entitlement (Donnelly, 2013:12; Freeman, 2011:7; Campbell, 2006:88).

Irrespective of whether legal and/or moral rules apply, Ci (2005:248) holds that "a human right [must be] perceived as a moral right that ought to be a legal right because the subject of the purported right is a human being – but is not yet a universal, legal right being".

Despite Ci's objections, human rights to this day are associated with "standard[s] of rightness" (Freeman, 2011:6) based on the United Nation's (UN, 1987) conceptualisation of rights as an unequivocal element of human nature. Furthermore, there is consensus that rights can be utilised to realise a person's spiritual, material, social and general well-being and that, for this reason, human rights ought to be understood as those rights aimed at protecting the inherent worth and dignity of every human.

Clearly, arriving at a clear-cut definition of the concept 'human rights' will be no simple affair, especially since the likes of Alexy (2012:10) point out that the philosophical, legal and moral perspective must be taken into account. Furthermore, if the intention is to explore student teachers' understanding of the position of morality and values in human rights education, application and promotion, both the concepts legal and moral rights will have to be analysed.

To begin with, rights within a legal framework are, in general, enforceable legal claims that warrant protection by means of legal mechanisms such as remedies and/or sanctions (Smit, 2013:45). Rights have steadily evolved into legal rights when legal documents such as the Universal Declaration of Human Rights (1948) were followed by the international covenant on civil and political rights (1966), the international covenant on economic, social and cultural rights (1966) and (locally) the South African Bill of Rights (1996). All of these sought to protect and enforce the humane values associated with human rights (Johnson, Pete & Du Plessis, 2001:30). Nowadays, the protection and enforcement of what is regarded as humane values are indirectly applied in the interpretation of human rights legislation such as the Bill of Rights in the South African Constitution, and whenever common law and legislation are applied. Thus, the general concept of human rights is that a right is a legally enforceable interest that warrants protection by means of a legal remedy or sanction. From a legal perspective, rights that matter are rights that are protected and for which, if violated, there is some remedy. Such remedy could bring compensation or restoration to the rights holder, and result in censure, liability or punishment to the right(s) violator (Campbell, 2006:88).

Some human rights are formulated as absolute negative obligations that are meant to prevent the infringement of another's right(s). Such a right creates a legal relationship between subjects, as regulated by law, or between the bearer of a right and the object of a right (Smit, 2013:45). This implies that the rights bearer is entitled to enforce his/her rights if he/she so chooses. Yet, proponents of legalised human rights agree that human rights application should include legal processes that allow both interpersonal relationships and state organs to function (Rossouw, 2013:288) by providing practical, case-by-case solutions for conflicting claims in courts or other forums (Meckled-Garcia & Çali, 2006:3). Human rights applications that emphasise the legalisation of human rights are perceived to be "unable to address the multiple social, historical, and political issues that arise when a human rights based approach is implemented" (Donnelly, 2013:2, 15, 60-62). Researchers that support the same point of view (e.g. Gearty, 2006:69) describe the translation of constitutional instruments and of the power of human rights on the legal terrain as the "crises to legalism".

When viewed from a moral perspective, 'moral' human rights (as opposed to 'legal' human rights) can be regarded as those human rights that are morally justifiable – in other words, rights that place a justifiable constraint on how to act (Jones, 2013:269; Fieser, 2000:222). These rights can be applied to make moral claims in cases where one's rights have been violated (Feinberg & Shafer-Landau, 2013:689). They differ from legal rights in the sense that moral rights do not create political associations, as would be the case with legal rights (Fieser, 2000:222). Moral rights are also associated with claims one can make for simply being human.

This distinction between 'legal' and 'moral' human rights has given rise to several arguments among both those who actively promote human rights and scholars who study the field. For starters, Gearty (2006:62-63) argues that human rights owe their origin to notions such as compassion and prevention of cruelty – notions that were then translated into a set of universal ethical commitments that mostly took the form of international declarations, conventions and treaties, all of which were subsequently repackaged in contemporary human rights theory. The discourse centres around whether moral rights ought to become legal rights and, if so, which. This constitutes a conundrum likely to be complicated by Ci's (2005:248) view that if moral rights were to be the only requirement for enforcing human rights, taking legal action would most likely be compromised.

Seemingly, human rights discourses attempt to overcome the difference in conceptualisation by distinguishing between human rights as *moral or natural rights* and human rights as *legal positive rights*. The fact that rights are often viewed as either a legal concept based on legal force (Sen, 2004:343) or as a moral concept that offers "moral and political motivation" (Sen, 2004:321) has a bearing on human rights education. If human rights education is to be the teaching-learning of human rights law, human rights would probably be understood as a legal concept. On the other hand, human rights education with a moral pedagogy would rather view human rights as a moral and/or ethical code or claim. The researcher argues that one should not necessarily subscribe to one or the other perspective but rather use human rights from both understandings (one as a moral guide and one as an enforcing instrument). In the paragraphs to follow, the disciplines Education Law and HRE will be conceptualised, as well as how these disciplines' approaches to and conceptualisation of human rights might differ.

1.5.2 Education Law

Emerging from educationists' need for specialised knowledge on legal matters regarding schools (Russo & Stewart, 2001:18), Education Law as an international phenomenon is associated with the education of both legal and education practitioners. In teacher education, education law and policy could be included in Comparative Education, Policy Studies, Education Law, Special Education, Human Rights Education, Democracy Education, Citizenship Education and especially Education Management and Leadership. In South Africa, Education Law developed into a discipline on the understanding that all school personnel should acquire a broad-based understanding of the law to recognise and deal appropriately with problems as and when they arise (Russo & Stewart, 2001:19). Owing to South Africa's history of social injustices, Education Law has gained particular importance "in the wake of the new constitutional dispensation and transformation in education" (Malherbe, 2008:1).

Education Law in South Africa was first offered during the 1970s by some South African universities as a theme in Comparative Education / Education Systems, but has subsequently developed into “a well-recognised subject in graduate programmes for educational management and administration” (Oosthuizen & Beckmann, 1998:63). Since 1995, Education Law courses have been included in undergraduate and postgraduate education programmes aimed at equipping student teachers with knowledge of and the ability to interpret and apply law stemming from common law and case law in education contexts (NWU, 2012:112).

In the literature, specifically South African literature, Education Law is based on the perspectives held by an array of Education Law scholars. Some, like Malherbe (2008:35), define Education Law as the law that relates to education. Accordingly, public law relationships in education, as well as the interpretation, application and enforcement of law by way of disciplinary hearings, expulsions and court proceedings are emphasised. Scholars like Oosthuizen (2009:11) define Education Law as a discipline aimed at providing a framework for harmonious relationships among stakeholders in education. Along a similar vein, various scholars associate Education Law with an array of theories. Maile (2005:50) associates Education Law with legislation and jurisprudence theories, while Coetzee (2008:183) associates it with the function of law in society and holds that Education Law maintains and restores legal balance in the education setting. Coetzee (2008:183) goes as far as stating that every action in the classroom has a legal basis stemming from the order and harmony that must be maintained between the respective stakeholders, i.e. learners, principals, teachers, other staff members, education authorities and parents. Squelch (1997:385) highlights this focus when she says that Education Law seeks to apply law to education, especially in relation to how law regulates relationships. In her opinion, it facilitates and regulates behaviour, creates harmony and order, and protect the rights of individuals and groups involved in education. Closely related to the idea of maintaining and restoring legal balance, order and harmony, the foundation of Education Law is known as *geborgenheit*. As conceptualised by Oosthuizen (2009:16), the term is used by Education Law to refer to an environment of physical and psychological security.

Based on the essence of the above definitions by Oosthuizen, Malherbe, Maile, Coetzee and Squelch, there are two accepted interpretations of Education Law: *education law as a body of law*⁷ and *Education Law as a discipline*. Some scholars such as Malherbe (2008:35), Joubert and Prinsloo (2009:2) and Stewart (1996:111) favour the first interpretation, namely that education law is a body of law (legislation, common law and case law) that influences education. The second

⁷ The interpretation of ‘education law as a body of law’ is written in lower case to distinguish it from Education Law as a discipline, written in capital letters – the latter being the researcher’s preferred interpretation.

interpretation depicts Education Law as a discipline and a separate field that aims to develop, first and foremost, a collection of legal material within education that is subsequently translated into practical guidelines within schools. These practical guidelines are perceived as outputs that consumers (i.e. school managers and educators) can apply within schools (Beckmann, 2007:207). This interpretation of Education Law is supported by Mawdsley and Cumming (2008:7, as well as by Oosthuizen (2009:3). De Wet (2014:33), however, holds that Education Law is not only about translating law for application by 'consumers'. She prefers defining Education Law as "[t]he field of study which is concerned with understanding and influencing relations in the sphere of interactions between law and education, with the goal to encourage social progress and change in, for and through education". According to this understanding, the legal and educational aspects of the discipline are intertwined with and interdependent upon one another as "two sides of a coin" (De Wet, 2014:33). This interpretation relates notions such as justice, legal balance, harmony and *geborgenheit* to the structuring and restructuring of relations within education in order to make social progress. Majeke (1999:55) supports the relational factor within Education Law and argues that since it is the outcome of social processes, law is social by nature.

In teacher education in South Africa, Education Law introduces human rights education from a legal perspective. Accordingly, the conceptualisation of human rights corresponds with *legal positive rights* and is often linked with democracy or constitutionalism. As such, human rights education in Education Law emphasises the legalisation of human rights and draws from the Constitution (SA, 1996a) and other legislation to promote its implementation and legal enforceability, thus highlighting both the vertical and horizontal applications of human rights within the South African legal system.

For the purposes of the current study, the researcher will draw from De Wet's definition of Education Law (2014:7), which combines the elements of social relations and the promotion and realisation of human rights with legal rights, justice and harmony in an educational environment. The last element in particular – the promotion and realisation of human rights – also relates to the definition of HRE contained in the United Nations' declaration on human rights education and training (UN, 2010), which emphasises the building and promotion of a universal culture of human rights (par. 1.5.3).

1.5.3 Human rights education

Within this study, human rights education involves any process of teaching-learning human rights and also includes methods, facilitation strategies, knowledge constructions and theory used to

prepare student teachers for human rights education, application and promotion⁸. The broad practice of teaching-learning human rights history, theory and law is understood as not necessarily being grounded solely in the discipline HRE. Such conceptualisation takes cognisance of the fact that both Education Law and HRE (among many other disciplines) engage in human rights education, albeit from different approaches (Bajaj, 2017:1). To follow is a conceptualisation of HRE as a discipline

HRE was defined by the United Nations as “training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes” (UN, 2010). Article 2(1) of the United Nations’ declaration on human rights education and training (UN, 2010) elaborates as follows:

Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding, and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights.

Given its diverse characteristics, any attempt to conceptualise HRE is bound to be challenging. The objective of HRE entails the promotion and provision of human rights education and/or training for schools, higher education institutions, civil servants, law enforcement officials and the military.⁹ Tibbitts refers to HRE programmes that could be used in a formal setting (teaching-learning of human rights in schools and higher education institutions) and informal settings (community-based programmes). Recent conceptualisations of HRE suggest the inclusion of the facilitation of human rights in different contexts. Human rights application within different contexts could include the public domain such as the government, or human rights application in the private domain such as in homes, schools or communities (Bajaj, 2017:6; Tibbitts, 2017:73).

Drawing on the promise of grassroots-level efforts to increase human rights awareness, Amnesty International (2006:2-3) defines the goal of HRE as building a culture of respect for and action in the defence and promotion of human rights for all. Complementing the document issued by Amnesty International, the office of the United Nations’ high commissioner for human rights formulated a *Plan of action* for the World Programme for HRE (UNESCO, 2006). This plan promotes a dualistic approach towards HRE by focusing on human rights *in* education and human rights *through* education. Bajaj, Cislighi and Mackie (2016:6) explain this concept as follows:

⁸ See footnote 2, Chapter 1.

⁹ Note that this study is limited to teaching-learning human rights in pre-service teacher-education programmes only.

“Human rights education designs learning processes to educate *about* basic rights, *through* methods instantiating human rights, and *for* the broadening of respect for the dignity of all people.” HRE as a discipline originated virtually in tandem with the Universal Declaration of Human Rights (UDHR) and was followed by legislation written at the World Conference in Vienna in 1993, at which time the United Nations officially declared a decade devoted to human rights education (Sliwinski, 2005:221). Within this timeframe, and supported by various governmental and nongovernmental human rights centres (Sliwinski, 2005:221), HRE was established as a discipline with its own internationally produced curriculum and methodology. HRE is characterised by factors such as “teaching about and for human rights, education as a human right in itself, human rights in education, and the education and training of professionals”. Human Rights Education programmes also deal with human rights issues and educational and social work aspects pertaining to the rights of the child (Lenhart & Savolainen, 2002:145). Within this discipline, the UDHR is not only the authority on which many other declarations, principles, guidelines, resolutions, recommendations, covenants, conventions and protocols are based, it also represents, for many HRE practitioners, a central curricular and pedagogical text on which they base their teaching-learning (Keet, 2015:51). To this day, international law and treaties stemming from the UDHR are used as a point of departure for “education *about* human rights, education *through* human rights and education *for* human rights” (Bajaj, 2011:8). As a result, it could be said that HRE, as a discipline, is intended to contribute to the dissemination of the UDHR and to facilitate the creation of a culture of human rights with the intention to “influence political and social behaviour” (Mihir, 2004:5).

Given the historic background of human rights education Keet (2007:7) contends that the modern concept of human rights “sets the hubristic trend of human rights universals calling for their own legitimacy to be entrenched by HRE”. In spite of this contention, UNESCO (2012:12) still holds that human rights education not only provides knowledge about human rights and the mechanisms that protect these rights, but also develops the skills needed to promote, defend and apply human rights in everyday life.

Three dimensions of HRE have been emphasised in the second phase (2010-2014), of the world programme for human rights education that is applicable for the PhD-study since it emphasise the aim of HRE, namely the teaching-learning of 1) knowledge and skills; 2) values, attitudes and behaviour; and 3) action (UNESCO, 2012:12). Knowledge and skills focus on learning about human rights and mechanisms, as well as acquiring skills for their practical application on a daily basis. The values, attitudes and behaviour dimension focuses on the development of values and the reinforcement of those attitudes and behaviours that uphold human rights. Action as a dimension entails defending and promoting human rights (UNESCO, 2012:12).

Of particular interest for this study are the values that student teachers hold, and the position of such values in human rights application, promotion and education. Thus, with due regard for the values/human rights discourse, the concept 'values' and the distinction between morality and morals are discussed next.

1.5.4 Values

The word 'value' derives from the Latin word *valere* and is defined as "that which he/she regards as worth striving or living for and which the individual sees as worthwhile" (Nieuwenhuis, 2004:57). Llepholletse (2008:18-25) expands this definition and adds that values could include moral values, authority values, self-values, legal values, social values, political values and national values.

Irrespective of the definition though, the term 'value' originated in the marketplace where, in the world of economics, a value is the price one would pay for something he/she wants (Benson, 2008:5). From a human rights perspective, values may either refer to caring about something such as a belief (Nieuwenhuis, 2004:57) or to rationalising a value because doing so would constitute an expression or an act of personal judgement (Benson, 2008:6). Values encompass the whole person and, consequently, underpin actions and manifest in actions. For example, values could compel a person to act in a manner consistent with what he/she values in a moment when confronted with a reality that must be responded to. However, Rhodes and Roux (2003:25) argue that a value is more than a mere belief: "[It] constitutes a worthiness of a norm or a principle embedded in a person, a group (normally referred to as a culture group) a religion or a belief system." Adding to this argument, Reis-Monteiro (2014:21) remarks that values can actually be classified either as a function (where a value would be instrumental in realising yet another function), or as instances (where values in themselves function as a means to an end, i.e. taking action). Perhaps Solomons (2009:53) summarised the issue pertaining to values most succinctly by distinguishing between personal/individual values and common values. The former are those values that are positive or desirable for the person/individual, whereas common values are those that are indicative of positive societal values and relate to the notion of the common good of society.

Rather than simply referring to 'values' in the broadest sense of the word, scholars such as Du Preez and Roux (2010:15) prefer to use the concept 'human rights values' when reflecting on human rights. Human rights values could be described as those derived from human rights principles promoted by a specific culture. As such, human rights values can be characterised as both universal values that are based on the UDHR (UN, 1948) and on cultural values applied in a specific local context (Du Preez, 2008:50) or on a global level (Du Preez & Roux, 2010:16).

Within a South African context, it should again be noted that human rights values such as “democracy, social justice and equity, equality, non-racism and non-sexism, an open society, accountability (responsibility), rule of law, respect, reconciliation and *Ubuntu*” all appear in the Department of Education’s Manifesto on values, education and democracy (DoE, 2001) – a document that is regarded as fundamental in HRE. Whilst simultaneously affecting the conduct and actions of student teachers (and teachers) in the case of human rights violations, promoting human rights values may also enhance student teachers’ own values, beliefs and attitudes so that they, too, can uphold their human rights.

Yet another conceptualisation of values is relevant to this study, particularly in the Education Law approach, namely democratic values. Democratic values refer to those values perceived as desirable for citizens in an open, democratic society (Subba, 2014:37). In South Africa, democratic values serve to emphasise the differences between the current and previous dispensations and have a profound effect on the functioning of courts and the traditional division of state powers. More importantly, democratic values are strongly associated with human rights, in particular with equality, freedom, human dignity and voting rights (Kroeze, 2005:349). Many of the democratic values and human rights values – such as dignity, equality and freedom – overlap, and advocates for democracy often claim that democracy and human rights are inseparable. The South African Constitution labels its Bill of Rights a cornerstone of democracy, while defining human dignity, equality and freedom as democratic values (SA, 1996a: Section 7). These values are also enforceable rights and freedoms, as stated in Sections 9 and 10 of the Constitution (SA, 1996a). In sum, human rights, human rights education and morality in relation to values are emphasised both in Education Law (par. 1.5.2) and in the Human Rights Education approach to human rights education (par. 1.5.3).

1.5.5 Morality and morals

Morality, a concept is derived from the Latin *moralitas* that means ‘manner’, ‘character’ or ‘proper behaviour’ (Barrow, 2007:43), has a bearing on the practical application of moral problems. Supposedly, morality is a source of normative reasons as to why we should act, think or feel one way rather than another (Luco, 2014:362). For Akbari and Tajik (2012:43), morality in an education environment encompasses

...personal, private values and beliefs which play a crucial role in teaching but are not controlled by external organizations; they are, however, affected by strong social forces like religion and politics and will turn into actions that affect others.

As a social phenomenon, morality is classified according to a descriptive as well as a normative framework (Chiu, 2016:3). ‘Morality’ in the ‘descriptive framework’ refers to a code of conduct

actually recognised by an individual or a group. In contrast, 'morality' in the 'normative sense' refers to "a code of conduct that, given specified conditions, would be put forward by all rational persons" (Gert, 2012).

Morality draws from theories within moral philosophy that describe how actions could be judged as right or wrong, and thereby guides the behaviour and relations between human beings and gives sense to their individual and collective lives (Barrow, 2007:43; Wall, 2005:6). Within a community for example as a collective sphere, this implies that morality is expressed through the actions of the people in terms of the degree to which they live according to the rules that they themselves set (Nieuwenhuis, 2007:18).

One of the branches of Ethics, namely Normative Ethics, determines conditions for actions to be either right or wrong (Feinberg & Shafer-Landau, 2013:689). Three schools of thought within morality reside within the framework of Normative Ethics. They are known as 1) the consequentialist school of thought, which reasons that the probable results and consequence of one's actions constitute moral actions; 2) the deontological school of thought, which believes morality is to do one's duty; and 3) virtue ethics, a school of thought that describes morality as virtuous traits essential for flourishing or leading a successful life (Feinberg & Shafer-Landau, 2013:689; Law, 2007:104; Haste & Abrahams, 2008:377).

Of particular interest in this study is deontological theorists' focus on duties and their contention that to be moral, precise rules of conduct must be followed, regardless of the consequences of the good or bad stemming from one's actions (Donnelly, 2013:61; Gert, 2010:68). Examples of these precise rules include 'thou shalt not kill' and 'thou shalt not steal'.

Given that human actions possess moral worth to the extent that human actions are commanded by duty for its own sake, some of these rules have also been included as legal rights that are non-negotiable claims. Having a right means not being prevented from possessing that right. Furthermore, others have a duty to allow the person who has the right to exercise that right, which implies that claims can be made if one is not allowed one's rights (Law, 2007:104, 168). In literature that covers both moral and legal rights, mention is also made of duties – the distinction being that moral rights are not enforceable, as the case would be with legal rights. For this reason, student teachers ought to be prepared as to when and to what extent one can take action to defend one's own values, attitudes and beliefs, whilst at the same time respecting the legal rights of the other person.

Morals derive from the Latin '*mores*', meaning customs, and are described by the likes of Lusenga (2010:17) as those standards that may constitute appropriate human behaviour. Of interest here,

though, is Webster's (2017) five possible meanings that can be ascribed to the concept moral or morals, namely: 1) 'relating to principles of right and wrong in behaviour' (for example having moral judgements); 2) 'conforming to a standard of right behaviour'; 3) 'sanctioned by or operative on one's conscience or ethical judgment' (as would, for example, be the case in having a *moral obligation*); and 4) 'being capable of right and wrong action', in other words being able to act as a *moral agent*. However, it is the fifth meaning – 'expressing or teaching a conception of right behaviour' by means of for example 'a *moral poem*' – that has a direct bearing on this study.

Nieuwenhuis (2007:243) contends that, in practice, one ought to be able to judge the goodness or badness of human action and character and to conform to the standards of what is considered to be right or just behaviour, in other words that which can be regarded as virtuous. Given that morals are negotiated and mediated within the social system, Potgieter (2010:395) acknowledges that morals and morality can also be used to term others as either being moral or immoral. This state of affairs is exacerbated by the fact that each generation has to re-discover, re-invent and re-define its own set of morals in an endeavour to find a way to make their co-existence more just, fair, ethical and equitable.

Based on the discussion of the relationship between morality and human rights presented in this study, morality will refer to student teachers' understanding of right or wrong actions, which involves studying their conceptions of human rights and/or values within certain contexts and relationships. The basic characteristics of all three theories will be used to contribute to theory for human rights education, application and promotion at higher education institutions.

The next paragraph examines the strategies employed in this study for determining theory on human rights education, application and promotion at higher education institutions.

1.6 Research strategies

For the purposes of this research, this researcher conducted a grounded theory study¹⁰ A brief outline of the research strategies adopted follows below.

According to Glaser (1998:23), grounded theory as a method comprises "the generation of emergent conceptualizations into integrated patterns, denoted by categories and their properties". By using grounded theory as research design – a design that focuses on concepts aimed at

¹⁰ Since the process followed in the grounded theory method has unique elements regarding data generation and data analysis, the second chapter of this study will serve as an extension of Chapter 1 and focus in more detail on the specific elements of the grounded theory process within a research theoretical framework.

generating an inductive theory about a substantive area by using a systematically applied set of methods such as simultaneous data collection and analysis – this study set out to explore new avenues. In the current case, the study aimed at generating theory for the preparation of student teachers regarding human rights education, promotion and application.

Grounded theory differs from other empirical methods in terms of the order of the research process. In this instance, the research process begins with simultaneously generating and analysing data, writing memos and constantly comparing codes, concepts and categories to reach data saturation, and it culminates in the conceptualisation of theory (Figure 6-1). As such, the aim of this method is not to verify data per se, but rather to conceptualise theory grounded in data.

1.7 Synopsis

The departure point of chapter 1 was that human rights violations of learners and educators still occur in South African schools despite legal protection which exists in legal statutes and policies on the one hand and human rights promotion in the teaching-learning of human rights in the curriculum on the other. It was argued that the realization of human rights in education depends on the establishment of a human rights culture in schools. Yet it is not only the teachers' responsibility to apply and promote human rights, but also the role of higher education institutions in the preparation of student teachers of human rights application in their everyday lives. Higher education institutions follow different approaches in their programmes for pre-service teacher education, based on an array of study disciplines. Moreover, there exist many human rights discourses that may influence student-teachers' understanding of morality and values in human rights application, promotion and education. The study focus mainly on Education Law and Human Rights Education (HRE), including their contrasting frameworks. Despite the fact that approaches differ in epistemologies and theories, both could contribute to theory on human rights education to facilitate human rights literacy in student teachers. Interdisciplinary in nature, this study aims to create a 'dialogical space' and utilizes grounded theory as a means to develop theory on appropriate approaches towards and practices for instilling human rights in student teachers.

The structure of the thesis are as follows:

Chapter 2 presents a detailed explication of the design, methods and processes, followed by the literature study in chapters 3 and 4 that explore the human rights and human right education discourses (chapter 3) and the legal perspectives of human rights. In chapter 5 an extensive discussion follows on the Grounded Theory Method process and the findings that emerged within

the study. The thesis end with the conceptulaisation of the theory, 'Human rights education, application and promotion as part of teacher education' and what implication it might have in teacher education.

CHAPTER 2: THE RESEARCH METHOD AND PROCESS

2.1 Introduction

As outlined in Chapter 1, this study aims to find approaches that would adequately prepare pre-service teachers for their roles as educators tasked with the entrenchment of human rights. The contention is that theory stemming from this study will result in a better understanding and realisation of human rights education, application and promotion in general. With this objective in mind, this researcher opted to use a grounded theory method (GTM).

Whereas Chapter 1 sketched the current situation in which higher education institutions offer human rights teaching-learning to pre-service teachers and also posed the research question, Chapter 2 intends to outline the research strategy and processes followed during this study. Moreover, the researcher will motivate her position regarding the chosen research design as well as the research methodologies she opted for.

To begin with, the conceptualisation/origins of grounded theory as a research method will be discussed, as well as the critique offered against this methodology. This is followed by a general description of the processes involved in GTM and culminates in a description of the methods employed to sample, collect and analyse data in this study. By way of conclusion, this chapter will address the question as to whether data collected in this study can be regarded as trustworthy and whether any issues regarding ethics can be raised.

2.2 The origins of the grounded theory method

As critique against the traditions of sociological theory, grounded theory was developed in the 1960s in an attempt to address the perceived gap between theory and empirical traditions at the time (Gibson, 2007:437). Founders Barney Glaser and Anselm Strauss argued that the classic sociological theories did not make provision for all new areas in social life and hence Urquhart (2013:5) contended that both quantitative and qualitative data are needed to generate social theory. In essence, Glaser and Strauss proposed that the gap between theory and research be limited by developing sociological theory during the process of doing research (Gibson, 2007:437). To this end, grounded theory is partly rooted in symbolic interactionism and partly in statistically orientated positivism. Influenced by Strauss (Alvesson & Sköldberg, 2009:53-56) and encompassing elements of pragmatism, qualitative methods, sensitising concepts and social action, symbolic interactionism dictates that meaning be “negotiated and understood through interactions with others in social processes” (Starks & Trinidad, 2007:1373).

Grounded theory has over the past half century developed into and gained recognition as a full-fledged method, approach and methodology. Today, grounded theory is used to develop theories that explain codes of conduct in human interaction and social behaviour in various contexts (El Hussein, Hirst, Salyers & Osuji, 2014:1; Denzin & Lincoln, 2008:301; Starks & Trinidad, 2007:1373). In keeping with the grounded theory tradition, social processes are studied in real environments, such as education institutions. Denzin (2008:458) describes this phenomenon as “making the world visible”, a key commitment of the grounded theory approach. To this end, grounded theory methods utilise theoretical sampling, saturation, situational mapping, coding and categorisation as processes to make social interactions and social experiences visible.

Grounded theory methods can follow one of three approaches, namely the classic Glaserian grounded theory, the Straussian grounded theory or the constructivist grounded theory approach (Breckenridge, Jones, Elliott & Nicol, 2012:64). Mills, Bonner and Francis (2006:26) argue that these approaches can be placed on a methodological spiral that reflects their epistemological underpinnings.

Next, the salient points of the debate pertaining to the ontological and epistemological differences between these approaches will be discussed.

2.2.1 Approaches to grounded theory

The first approach, classic grounded theory, originated from a study Glaser conducted during 1967 focusing on patients’ own awareness of dying in hospitals (Glaser & Strauss, 1967). Even though Strauss and Glaser jointly developed grounded theory, Evans (2013:144) suggests that Glaser probably lent the objective element to grounded theory. To this day, the features of the classic paradigm are based on Glaser’s positivistic approach, which indicates that the “neutral researcher can generate a *true theory* that explains a *reality*” (Hallberg, 2006:147) and that this theory seemingly can emerge from data without effort from the researcher (Glaser, 2002:6). Nevertheless, it ought to be added that classical grounded theory demands theoretical sensitivity and openness to emergence, without any pre-conception, as essential attributes in researchers.

Further to his role in the initial conception of grounded theory in the 1960s, Strauss joined forces with Corbin in the 1990s to develop yet another approach to grounded theory. Today, the result of this collaboration is referred to as Straussian grounded theory. In the book titled *Basics of qualitative research: grounded theory procedures and techniques* published by Strauss and Corbin in 1990, the authors are far more prescriptive in as far as the analytical process is concerned, compared to the position the founders originally held in the 1960s (El Hussein *et al.*, 2014:6). Besides emphasising the researcher’s role in a study, Strauss and Corbin identified

certain steps that should be followed when analysing data before a grounded theory can be conceptualised. Apart from adding the participant's voice to the data analysis process, this work is of particular interest because it expresses the authors' belief that "reality cannot actually be known, but is always interpreted" and that "doing analysis is in fact making interpretations" (Strauss & Corbin, 1990:22, 59). Later, Hallberg (2006:145) expanded on the controversy surrounding the subjective approach by stating that this approach can be regarded as "a research process whereby the generated theory is a *created reality*, constructed through a transactional process involving the researcher and the data"

Fuelled by the original founders' contrasting ontological and epistemological assumptions, Strauss and Corbin's book resulted in creating a rift in as far as the understanding and application of grounded theory was concerned. In short, the discourse pertaining to the methodological appropriateness of grounded theory, the Glaserian vs. the Straussian approach (El Hussein *et al.*, 2014:7; Evans, 2013:37) and the objectivist ¹¹/constructivist debate (Breckenridge, Jones & Elliot, 2012:32) caused tension among researchers, with the consequence that several questions were raised about grounded theory as a method per se and what ought to be regarded as its proper application. Moreover, this debate among those in support of grounded theory led to yet another approach, namely the constructivist approach, which caused even more confusion among scholars (El Hussein *et al.*, 2014:11). Constructivists base their argument for this approach on the controversy that even though grounded theory is based on the utilisation of interpretivist and constructionist tools, the resultant theory nevertheless stems from positivism/objectivism. Subsequently, Kathy Charmaz entered the fray in the 2000s in an attempt to bridge this gap in the debate. Today, Charmaz is recognised as key in having developed the constructivist grounded theory approach, an approach that took its cues from the interpretative tradition, yet succeeded in bridging the gap between a positivist and postmodernist approach to grounded research. Despite the debate surrounding grounded theory method, the available literature acknowledges that the classic, constructivist and feminist strands of this approach can be applied with reasonable success. One provision, though, is that grounded theory theorists should identify both their approach and their research position from the outset in order to avoid any possible bias in their research methodology.

2.2.2 Aims and objectives of grounded theory

In their seminal work, Glaser and Strauss (1967) defined grounded theory as "the discovery of theory from data", a definition Strauss and Corbin (1990:23) later expanded upon: [A] Grounded

¹¹ When describing classic grounded theory methodology, some researchers prefer referring to this approach as 'objectivist' rather than 'classic'.

Theory is one that is inductively derived from the study of the phenomenon it represents. That is, it is discovered, developed and provisionally verified through systematic data generation and analysis of data pertaining to that phenomenon. Therefore, data generation, analysis and theory stand in reciprocal relationship to one another. The objectives of grounded theory are, firstly, to describe and explain the phenomenon of the study and, secondly, to develop theory by means of systematic and inductive processes for generating and analysing data (Strauss & Corbin, 1990:23). Morse (2001:2) describes grounded theory *inter alia* as a process leading to identifiable stages and phases, and states that its abstract form “makes the synthesis of descriptive data readily apparent through its concepts and relational statements”. In this sense, grounded theory differs from other research methods as its original aim is to build a middle-range theory that does not only present a final theory, but also provides a plausible relation when discussing the codes and concepts that emerged (Urquhart, 2013:6).

From the literature it emerged that several views are held on the purpose of grounded theory. Those of Glaser (1967) and Evans (2013) refer to grounded theory as a methodology, while Morse (2001), Stark and Trinidad (2007) describe grounded theory as a research method. As a result of the rift caused by the founders, there are also those who refer to the variants of grounded theory as ‘approaches’, while other researchers allude to it as the GTM (grounded theory method) that is primarily used within qualitative research designs (Urquhart, 2013:4).

It is necessary to first form a concept of grounded theory because it is both a methodology and a method. In general, a methodology refers to the best strategy to be used for a specific study. According to Scotland (2012:9), methodology is concerned with the why, what, from where, when and how data is collected and analysed. Methodology is thus associated with a philosophical and theoretical framework regarding one’s perspective on human behaviour and the procedures used to obtain knowledge. Glaser (1992:16), one of the founders of grounded theory, defined grounded theory as “a general methodology of analysis linked with data generation that uses a systematically applied set of methods to generate an inductive theory about a substantive area”. He went on to claim that grounded theory is “the generation of emergent conceptualizations into patterns, which are denoted by categories and their properties” (Glaser, 1998:23). This statement can also be applied to a method, which can be defined as a technique for generating and analysing data.

The researcher employed the classic GTM and refers to grounded theory as a method rather than a methodology. This implies that the emphasis in the current study will be on the process rather than on the epistemological underpinning of classic grounded theory. For the purposes of this study, GTM thus implies a research process that involves “a systematic, inductive comparative method and comparative approach for conducting inquiry for the purpose of constructing theory

(Bryant and Charmaz, 2007:1). According to the authors data is generated and analysed simultaneously, thus informing and streamlining one another (Bryant and Charmaz, 2007:1). The process enables the researcher to go back and forth between data -generation and- analysis and consequently enhances adds to a more theoretical analysis.

A key characteristic of classic grounded theory is the emphasis on the fact that the theory is grounded in data. Given that a preliminary study of the literature could have a profound impact on the emergence of codes, concepts and categories, the controversy surrounding the place and function of literature reviews in grounded theory studies will be discussed next.

2.2.3 The role and function of literature reviews in grounded theory

The perceived function of a literature review in grounded theory is that a study of the literature should be used as data in the analysis process and *not* for the purpose of constructing a theoretical framework to guide the research (Ramalho, Adams, Huggard & Hoare, 2015:3). Although the reasons may vary, researchers are advised to limit their reading prior to data exploration in grounded theory (Glaser & Strauss, 1967:31). The intention is to allow theory to emerge from new data and not primarily from existing data or theory. Consequently, researchers must attempt to enter the field and encounter the data without the bias imposed by a preconceived theoretical lens. Furthermore, researchers are required to set aside or suspend knowledge and experience in an attempt to approach the data without preconceptions. Evans (2013:48) nevertheless argues that novice researchers who do not acquire a substantive knowledge of the field prior to data collection may become confused. Schreiber and Stern (2001:56) also challenge this position by comparing the arguments put forward by Glaser and by Strauss and Corbin respectively on the role that a literature review fulfils in guarding against potential biases that could be a threat to the rigour of the study (Glaser, 1998). A number of researchers also support the notion of preliminary reading before data collection because, in their opinion, one should ascertain whether a study similar to the one proposed has been conducted before, whether there are gaps in the literature, and whether and why a grounded theory approach is needed. A literature review is also essential for contemporary researchers who need academic approval, funding and ethical consent before they may proceed with a study (Walls & Parahoo & Fleming, 2010:10). As a pragmatic solution to the disputed differences between classic grounded theory, Straussian grounded theory and constructivist grounded theory, Bryant (2013:46) posits that many issues can be put aside if the researcher remembers the core objective of research:

The epistemological issues that separate different strands, or branches of the GTM family, can then be set to one side provided that people's research writings do not seek to make strong epistemological claims: the ultimate criterion of good research should be that it makes a difference.

Bryant (2007) concurs that it is imperative that researchers (specifically novice researchers) employing GTM must grasp the inherent complexity of the “family of methods claiming the GTM mantle”. Understanding the characteristics of the variants of GTM would aid in making informed choices when attempting a GTM study (Bryant, 2007:11). In addition, Birks and Mills (2011:59) advise novice grounded theorists to declare their own baseline approach towards GTM in order to work conscientiously towards the development of theoretical sensitivity, validity and trustworthiness.

To this end, the researcher declares that the interdisciplinary grounded theory study in hand will firstly employ the classic GTM approach with an underlying critical paradigm in its endeavour to explore student teachers’ perceptions on the position of morality and values in human rights education application. Although a plethora of human rights studies have been conducted from different perspectives and within various disciplines, not a single interdisciplinary study could be found that deals with values, legal perspectives and human rights education and that approaches the study from a GTM perspective. Secondly, the researcher’s intention has been to conceptualise theory on the teaching-learning of human rights in teacher education so as to contribute to transformative action in human rights application.

2.3 Underlying research paradigm

The discussion above indicated how grounded theory has been influenced by different paradigms – from positivist to interpretivist to constructivist. Denzin (2007:454), however, holds that it is a general method that can be used within any paradigm.

In this study, classic GTM will be employed within the broader critical/ideological paradigm. One of the distinctive purposes and structures of the critical paradigm entails the construction of social theories that comprise an explanation of and critique on actual social realities that stem from informed, ethical concerns about society and its developing forms (Becker, 2013:5; Alvesson & Skoldberg, 2009:144; Gibson, 2007:440). Concepts associated with critical theory include justice in society in relation to a transformative agenda for institutions, groups and individuals who are involved in social issues (Mackenzie & Knipe, 2006:2). According to Ponterotto (2005:129), such a transformative agenda is usually realised by disrupting and challenging the status quo.

Within the critical/ideological paradigm, the researcher is strongly influenced by the tradition of critical legal studies, particularly as an Education Law scholar. Rooted in the broader critical paradigm, critical legal studies view society in general as characterised by inequality and oppression, and offer a legal discourse that critiques the potential oppressive and liberating roles of law in the social institution of society (Neacsu, 2000:2). One example would be human rights

law that could perpetuate inequality by underpinning and maintaining the status quo. Scholars of critical legal studies therefore take a critical position towards the social (legal) system and attempt to rectify social injustices (Neacsu, 2000:2) by revealing and challenging law's role in underpinning injustice and exploitation in a society and suggesting how law could be improved to contribute to social justice (Johnson, Pete & Du Plessis, 2001:246).

At the same time, as an educationist, the researcher has been influenced by the tradition of critical theory as defined by Aliakbari and Faraji (2011:77). They define critical theory as

the idea of a just society in which people have political, economic, and cultural control of their lives. Thinkers of critical theory believe that these goals are satisfied only through emancipating oppressed people which empowers them and enables them to transform their life conditions.

In this instance, the objective of critical theory is to create awareness of human rights so as to reject violence and discrimination against the oppressed. Critical approaches in teacher education that aim to provide awareness are known as critical pedagogy. Johnson (2010:79) and Gor (2005) refer to critical pedagogy as an approach that disrupts and challenges the status quo in teacher education with the aim to effect structural social change and/or transformation in social justice. Johnson indicates that critical pedagogy provides opportunities so that the oppressed may begin to reflect upon their socio-economic circumstances and take action to improve the status quo (Johnson, 2010:79). According to Heyns (2006:17), an example of critical pedagogy in human rights education at higher education institutions would be Human Rights Education for transformative action that follows a 'struggle approach'. In support of the argument for transformation in human rights education, Becker, De Wet and Van Vollenhoven (2015:19) maintain that higher education institutions should "facilitate human rights literacy as understandings of dignity, equality and freedom as both rights (legal claims) and values (normative relations) within horizontal and vertical applications within the South African socio-political and economic context". Not only knowledge of human rights would be facilitated in human rights education courses, but also processes regarding "power relations, poverty and marginalisation on vertical and horizontal levels, and the consequences they have for equality, dignity and freedom". In essence, focusing on student teachers' implementation of their understanding of dignity, equality and freedom in rights-based education (Becker *et al.*, 2015:1-12) will aid not only the processes of facilitating human rights literacy in teacher-training, but also those of teaching-learning.

In this study, the researcher questions the current thinking around student teachers' understanding of values and morality in human rights education, promotion and application. True to the critical theory tradition, the researcher is concerned with human rights application in higher

education institutions and critically explores the influence that the human rights content of some of the higher education institutions' B.Ed. programmes has on their students.

2.4 Research processes

The current study drew on data from the first phase of a research project titled Human rights literacies: A quest for meaning (2012-2014; 2015-2018) (Roux & Du Preez, 2013). Funded by the National Research Foundation, this human rights literacy project (hereafter referred to as the HRLit Project), aimed to explore the ontology of human rights literacies and the development of improved transformative curricula and teaching-learning approaches (Roux & Du Preez, 2013). In the larger project, a rhizomatic design informed by grounded theory methodologies was followed. Both qualitative and quantitative empirical data was collected from first-year and fourth-year students enrolled for pre-service full-time B.Ed. programmes at six university campuses. Within the larger HRLit research project (2012-2018), this PhD study focused on data generated with fourth-year pre-service student teachers in the first phase of the project (2012-2014). In addition to the data from the HRLit Project, this study also drew on self-generated data in the course of the PhD study itself. Thus, the study combined secondary data from the HRLit Project with self-generated data which will be explained in detail in par. 2.4.1).¹² Moreover, all the research processes followed in the PhD will be discussed next, and special attention will be given to grounded theory application.

One of the essential elements of GTM is that data generation and analysis happen simultaneously, a process that is depicted in Figure 2-1. In this figure, the spiral represents the process of data generation by means of various strategies, while the upward arrow to the right of the spiral represents the crystallisation of data to inform the emerging theory. The process involves identification of categories (represented by the ovals inside the arrow) as they emerge from the different stages of data generation or, put differently, from the respective data generation strategies. As categories emerge, they contribute towards the development of new theory, as data is allowed to crystallise into the emerging theory. The curving arrow at the bottom indicates the reciprocal relationship between data generation, analysis/crystallisation and theory development (Strauss & Corbin, 1990:23).

¹² In par. 2.4.1 a detailed description is well as a figure (Figure 2.2) is given on how the secondary data and self-generated data was collected and analysed during the three phases of the research process. The three phases consist of the initial phase, the developmental phase and the theoretical phase.

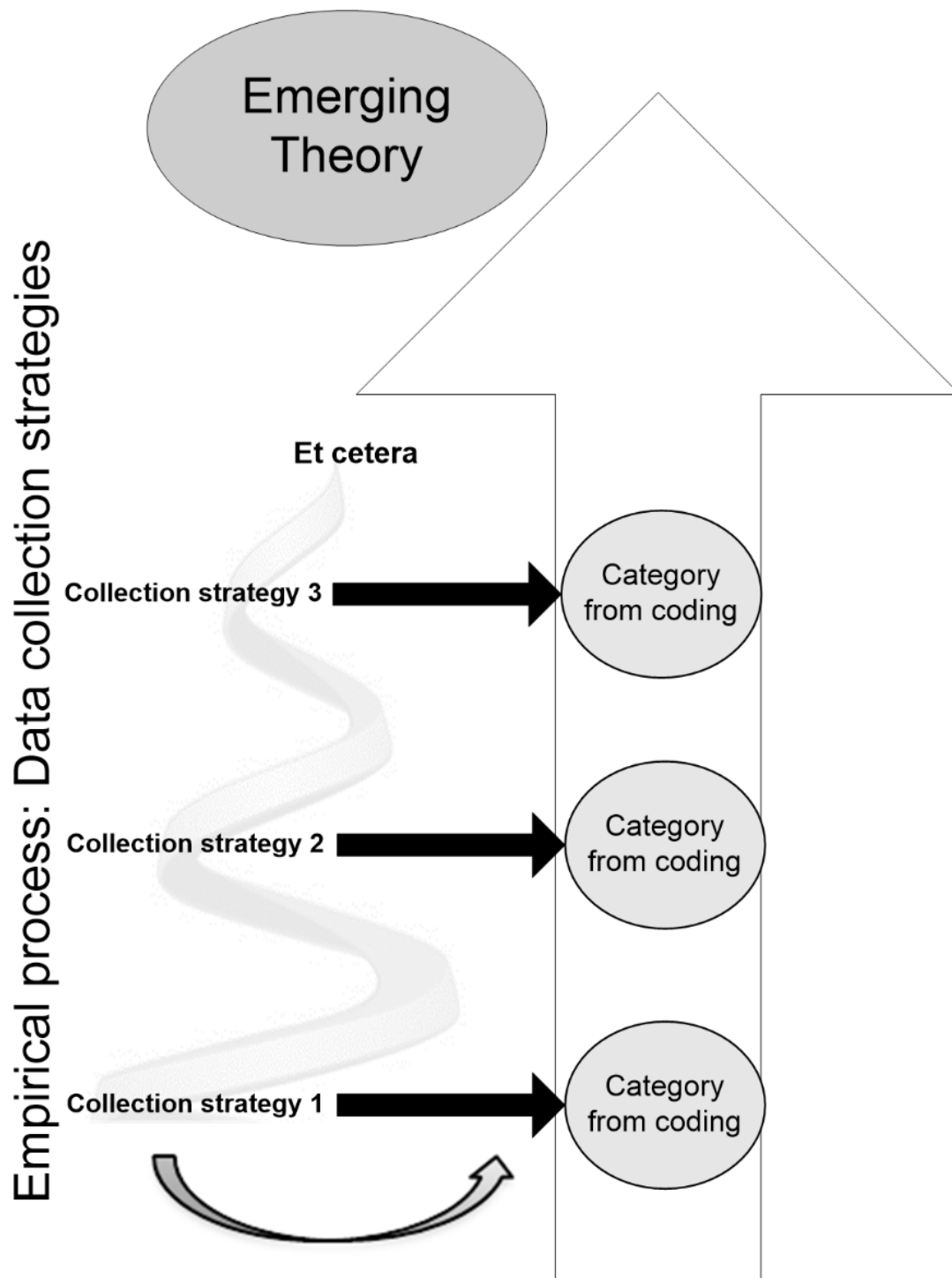


Figure 2-1: The grounded theory process

In the paragraphs that follow, the research processes performed in this PhD study will be explained in detail, as well as how it fits in with the larger HRLit Project (2012-2014). First, the sampling strategies will be discussed, followed by an outline of data collection strategies. Thereafter, an outline of the data analysis will be provided along with aspects such as validity, trustworthiness and ethical issues. Although the respective elements will be discussed under

separate headings, the reader should keep in mind that the GTM, as described above, did not necessarily involve a linear process.

2.4.1 Sampling

Sampling refers to the process of selecting a portion of the target population(s) in various contexts to learn from the sample subjects (Zulu, 2015:571; Lumadi, 2015:224). In the case of qualitative research, most studies use a purposive sample – in other words, a sample is intentionally selected according to the requirements of the study as identified by an initial analysis of interviews (Morse, 2007:235; Coyne, 1997:629). The sample size in qualitative research studies is determined by aspects such as the scope of the study, the nature of the topic, the quality of the data and the study design (Starks & Trinidad, 2007:1374; Morse, 2007:229).

Based on the GTM, though, two phases of sampling are relevant to this PhD study. The first phase, the initial phase, overlapped with the survey used in the initial phase of the HRLit Project (Roux & Du Preez, 2013, Addendum A). The second, the developmental phase, involved focus group discussions of the data derived from the HRLit Project (2012-2014) (Addendum B), supplemented by self-generated data derived from interviews with lecturers, an analysis of the prescribed study material and observations of selected modules being lectured.

Here it ought to be kept in mind that to develop categories, the GTM prescribes that the process involving theoretical sampling must be preceded by a description of the purposive sampling methods adhered to in a study.

2.4.1.1 Purposive sampling processes

In this study, the purposive sampling involved two phases: some of the data was generated during the initial phase of the HRLit Project (2012-2014) (Roux & Du Preez, 2013), while self-generated data emerged as part of the PhD study during the developing phase. Data from the HRLit Project was used as secondary data in this PhD study (Smith, 2008:7)¹³ during both the initial and the

¹³ The two phases of the HRLit Project could be characterised as the national (2012-2014) and international (2015-2016) phases respectively. The following articles have been published from the first phase of the HRLit Project:
Becker, A. 2017. Moral responsibility and speaking to the dark side of human rights. *South African Journal of Higher Education*, 31(6): 45-60.
Becker, A. 2015. The (im)possibilities for teaching-learning freedom. *South African Journal of Higher Education*, 26(5): 70-84.
Becker, A., De Wet, A. & Parker, G. 2014. Moving towards understanding One An-Other: Cornelia Roux on religion, culture and human rights. *Journal for the Study of Religion*, 27(1): 234-266.
Becker, A., De Wet, A. & Van Vollenhoven, W. 2015. Human rights literacy: moving towards rights-based education and transformative action through understandings of dignity, equality and freedom. *South African Journal of Education*, 35(2): 1-12.

developing phase of sampling. This included raw data stemming from the survey conducted among fourth-year students of the HRLit Project (2012-2014) on, included in the first phase of sampling in this PhD (Roux & Du Preez, 2013; Becker, De Wet & Parker, 2014). During the developing phase of the PhD, data stemming from the HRLit Project's focus group discussions (FGD_RSA₂₀₁₃) with fourth-year participants on Site 1 and 5 was employed. The focus group data was complemented by data generated from the study material of a sample of the selected modules, as well as from interviews conducted with and observations of lecturers at the selected sites. Data generated from the sample of selected modules' study material (S₁Mo), interviews (LI) and class observations (CO) made up the primary data of this PhD study. Figure 2-2 depicts the sampling process.

In this study, the purposive sampling involved two phases: some of the data was generated during the initial phase of the HRLit Project (2012-2014) (Roux & Du Preez, 2013), while self-generated data emerged as part of the PhD study during the developing phase. Data from the HRLit Project was used as secondary data in this PhD study (Smith, 2008:7), while data from the first phase of the HRLit Project (2012-2014) used during both the initial and the developing phase of sampling. This included raw data stemming from the survey conducted among fourth-year students at Site 1 and Site 5 of the HRLit Project (2012-2014) (Roux & Du Preez, 2013; Becker, De Wet & Parker, 2014). During the developing phase, data stemming from the HRLit Project's focus group discussions (FGD₂₀₁₃_RSA) with fourth-year participants was employed. The focus group data was complemented by data generated from the study material of a sample of the selected modules, as well as from interviews conducted with and observations of lecturers at the selected

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- Becker, A. & Du Preez, P. 2016. Ideological illusions, human rights and the right to education: the (in)exclusion of the poor in post-apartheid education. *Journal of Education*, (64): 55-76.
- De Wet, A. 2017. Human rights and sexuality – reimagining the language of equality towards transformation in and through education. *South African Journal of Higher Education*, 31(6): 113-132.
- De Wet, A., Rothman, J. & Simmonds, S. 2016. Human rights: protecting sexual minorities or reinforcing the boundaries of 'the closet'? *South African Review of Sociology*, 47(3): 85-109.
- Du Preez, P. & Becker, A. 2016. Ontologies and possibilities of human rights: Exploring dissensus to facilitate reconciliation in post-conflict education contexts. *Perspectives in Education*, 34(3): 1-14.
- Roux, C. 2017. Human Rights Literacies and students' paradoxical understandings of tolerance and respect. *South African Journal of Higher Education*, 31(6): 61-78.
- Roux, C. & Becker, A. 2015. Human rights literacies: Quest for meaning. The European Wergeland Centre, Publications Editions of the Council of Europe. Norway: Oslo. <http://theewc.org/statement/human.rights.literacy.the.quest.for.meaning/> & <http://hrlit.org/publications>
- Roux, C. & Becker, A. 2016. Humanising Higher Education in South Africa through dialogue as praxis. *Educational Research for Social Change*, 5(1): 131-143. (ersc.nmmu.ac.za) ISSN:2221-4070.
- Roux, C. & Du Preez, P. 2013. Human rights literacy: a quest for meaning. HRLIT Blog. Retrieved from <http://hrlit.org/documents>
- Roux, C. 2012. Research proposal: Human Rights Literacy: quest for meaning. <http://hrlit.org/documents>
- Simmonds, S. 2014. Mapping the curriculum-making landscape of Religion Education from a Human Rights Education Perspective. *Journal for the Study of Religion*, 27(1):129-153.

sites. Data generated from the sample of selected modules' study material (s_{1M0}), interviews (LI) and class observations (CO) made up the primary data of this PhD study. Figure 2-2 depicts the sampling process.

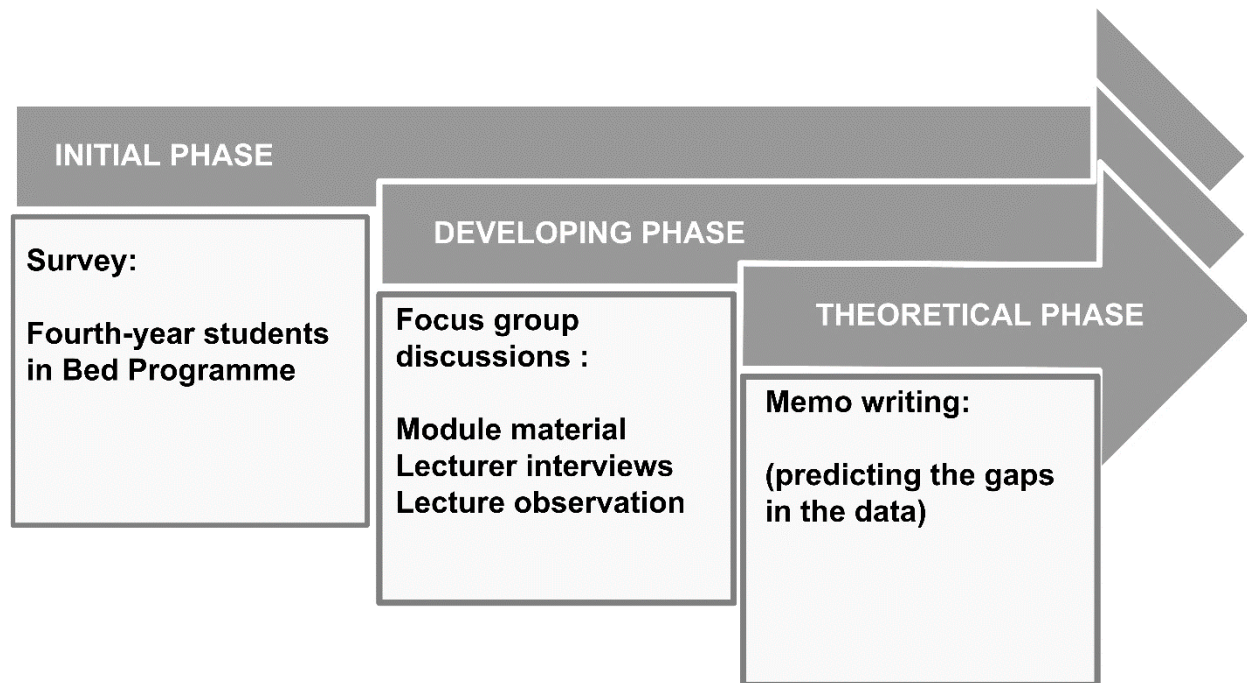


Figure 2-2: The sampling of secondary data and self-generated data in the different phases of the research process

- Sampling during initial phase

In the HRLit Project (2012-2014, 2015-2016) (Roux & Du Preez, 2013), data was collected by means of three different methodological processes – a walk-about, a survey and small focus group discussions. A purposive sample was used of students who attended class on seven university campuses (sites) and whom the research team deemed best suited to attain the project's objectives. According to Becker *et al.* (2014:244), the following criteria were used to select the seven¹⁴ sites:

- Representative of a diverse student population with regard to linguistic, religious, ethnic and cultural factors;

¹⁴ Site 7 withdrew from the comprehensive HRLit Project (2012-2014) after the walk-about (Roux, Bekker & De Wet, 2016:11). However, since this site offers a human rights module in the B.Ed. programme and was subsequently approached by the researcher, its agreement for data gathering and participation in this PhD study was obtained (13 June 2014).

- Representative of both rural and cosmopolitan areas typical of the area in which the site is located;
- Representative of both traditional universities and universities of technology.

In addition, care was taken to ensure that only those institutions, technikons and/or colleges that had been subjected to mergers with other universities when South Africa's higher education system was restructured between 2001 and 2007 were included in the sample.

Whereas a total of 1086 participants in the HRLit survey (RSA 2013) completed the survey, the sample comprised of first-year students (n= 551 first years) and fourth-year students (n= 535 fourth years) attending the seven sites, only the survey data of the fourth-year students from Site 1 and Site 5 was analysed for the purposes of this PhD study as well as the focus group discussions of two of the six sites. The researcher acknowledges that the programmes of higher education institutions aimed at the teaching-learning of human rights may differ with regard to their definition of human rights and the study-year level at which human rights content is taught. However, she is confident that the 535 fourth-year participants included in the HRLit survey (RSA 2013) represent adequate diversity with regard to age, gender, language and religion. Table 2-1 below broadly outlines the demographics of this sample.

Table 2-1: Demographics of fourth-year participants who participated in HRLit survey (RSA 2013)

Languages spoken at home		Gender (biological)		Gender/sexual orientation	Religion
Afrikaans:	49.91%	Female:	76.07%	Heterosexual:59.55%	Christianity: 89.95
isiZulu:	26.92%	Male:	23.74%	Other: 26.09%	Hinduism: 2.95%
English:	23.36%	Other:	0.19%	Trans-gender: 8.6%	Other: 2.67%
SiSwati:	5.98%			Bisexual: 4.16%	Islam: 2.40%
Setswana:	4.30%			Lesbian: 0.95%	Non-religious: 2.12%
isiXhosa:	2.24%			Gay: 0.66%	African religion: none
Xitsonga:	2.24%				Buddhism: none
Sesotho:	2.06%				Judaism: none
Sepedi:	1.68%				
Other:	1.50%				
isiNdebele:	1.12%				
Tshivenda and Sign Language:	0.00%				

- Sampling during developing phase

In the HRLit Project (2012-2014, 2015-2018), the six sites that eventually participated in the project only four sites offered human rights modules as part of their B.Ed. programmes, namely Sites 1, 4, 5 and 6. Of these, Site 1 and Site 5 were selected for the purposes of this Ph.D. study as they offered two and three different human rights modules respectively.¹⁵ Furthermore, the researcher added Site 7 since this site offers a module on democracy and human rights in its B.Ed. programme.

Snowball-sampling was used in terms of the focusgroup discussions in the HRLit Project (2012-2014). (Roux, Becker & De Wet, 2016:20). Typical of snowball sampling (Laher & Botha, 2012:92), students who indicated their willingness during the survey to participate in the focus groups, were invited to participate in focus groups and, in turn invite other BEd students from their year groups to voluntarily join the discussions. A total of 68 (n=68) students participated, of whom 29 (n=focusgroup of first years = 29/68) were first-year and 39 (n=focusgroup of fourth years = 39/68) were fourth-year students. Data from two of the resultant focus group discussions was selected for this PhD study in accordance with the sites identified above (i.e. Site 1 and 5). Since Site 7 withdrew from the HRLit Project, no focus group data was available for this site (footnote 14, par 2.4.1.1).

Given that the teaching and promotion of human rights are influenced by external factors, the developing phase of this study also involved analysing the content of modules related to human rights offered as part of the B.Ed. programme at the selected sites.¹⁶ Furthermore, sampling during this phase encompassed interviews with and observations of those who were engaged in the preparation of student teachers for human rights application in education on the various campuses.

Although some of the lecturers included in this sample (seven in total) taught the subject areas Education Law and Life Orientation, others offered lectures in related fields going under titles such as Moral Education, Democracy, and Education Management and Leadership. Table 2-3 illustrates the personal details of the participating lecturers.

¹⁵ Sites 4, 5 and 6 all fall under the same institution. However, Site 4 was excluded because the researcher is a lecturer in one of the modules concerned, and ethical protocol therefore necessitated its exclusion. Site 6 was also excluded since, at the time, one of the modules was presented from a different disciplinary field than the other two modules.

¹⁶ Refer to courses in higher education with human rights content.

Table 2-2: Demography and profile of the lecturers who participated in the study

Site	Age category in years	Gender	Highest qualifications	Experience	Current position
s1p1	30-40	Female	M. Ed. (working on PhD)	Previous position: Teacher assistant during B.Ed. (Hons.)	Post-graduate student Part-time lecturer First year in teaching Life Orientation
s1p2	46-50	Female	PhD	Previous position: Teacher	Lecturer (13 years)
s5p1	40-50	Female	M.Ed. (in progress on PhD)	Previous position: Teacher	Lecturer (8 years)
s5p2	30-35	Female	PhD	Previous position: Teacher, school psychologist	Lecturer (4 years)
s5p3	40-45	Female	MPhil	Current position: Lecturer	Lecturer (8 years)
s7p1	30-40	Male	M.Ed. (in progress on PhD)	Previous position: Student	First year as lecturer
s7p2	50-60	Female	PhD	Previous position: Lecturer	Lecturer (more than 10 years)

Table 2-3 below serves as a reference to the data collection strategies adopted in this study during the respective sampling phases referred to above, with an indication of how data chunks and verbatim quotes are referenced in this thesis.

Table 2-3: Reference to the respective data collection strategies

Data collection strategy	Reference style
Survey 2013	S ₂₀₁₃ _RSA Reference to the 2013 survey(questionnaire) that was conducted as part of the HRLit Project (2012-2014). RSA indicates the responses of South Africa.

Data collection strategy	Reference style
Survey responses	SQ31Comment118_RSA ₂₀₁₃ For open-ended responses to HRLit Survey 2013, with the Question number indicated.
Focus group 2013	FGD _{s5y4m1_101} _RSA ₂₀₁₃ The “FGD” indicates responses from the South African focus group discussions held as part of the HRLit Project in 2013. The “s” refers to the site from where the reference originates. The “y” indicates the year group of the student participant. The “m” indicates the first or second meeting held for the focus group discussions: <i>Meeting 1</i> focused more on participants’ general perspectives on human rights, while four scenarios were discussed in <i>Meeting 2</i> . The number e.g. “101” refers to the line in which the direct quote can be found in the transcription. RSA indicates the responses of South Africa.
Lecturer interviews	LI _{s1p1_101} “LI” refers to the lecturer interviews and “s” indicates the site where the data was collected. “p1” refers to the participant from whom the data was collected.
Class observation	CO _{s1p1} The letters “CO” refer to class observation as a strategy and “s1” to the site from where the data was collected. “p” indicates the lecturer participant who was observed.
Module	s _{1Mo1} “s1” refers to the site, while “Mo” indicates the module that is quoted.

Theoretical sampling is discussed in the next paragraph, followed by an analysis of the theoretical sampling within the study.

2.4.1.2 Theoretical sampling

Literature on grounded theory indicates that the purposive sample may develop into a theoretical sample, as categories develop during the data analysis process (Birks & Mills, 2011:70). Theoretical sampling is mainly associated with grounded theory elements such as constant comparison and theoretical saturation and is regarded as a variation of purposive sampling (otherwise defined as a “purposive selection of a sample according to the developing categories of the emerging theory”) (Coyne, 1997:629). The process is best described as “analysis-driven purposive sampling”, because decisions are made on analytical grounds as to from where the next sample ought to be obtained so that theory can develop based on emerging concepts (Urquhart, 2013:194; Coyne, 1997:629). Consequently, when engaging in this process, the researcher actively seeks “people, events, or information to illuminate and define the boundaries and relevance of the categories” (Bryant & Charmaz, 2007:611).

Data stemming from the HRLit survey (2013) indicates that although both student teachers and lecturers tend to view human rights from a legal perspective, several other factors also affect their understanding of human rights promotion and application. In particular, student teachers' and lecturers' perceptions of values, and their awareness of the social factors that have an impact on the realisation or fulfilment of human rights, seemingly played a role in human rights education, application and promotion. This phenomenon calls for a deeper exploration of these factors.

Having clarified the criteria for sample selection in the initial, developing and theoretical phase, the strategies followed during the data generation process will be discussed next.

2.4.2 Data generation

The data generation involves the strategies a researcher would adopt in an attempt to explain human interaction in diverse contexts. Of note here is that Denzin and Lincoln openly admit that researchers' approach towards data generation is often influenced by their own personal framework and preconceived personal ideas, and this often results in a specified "set of questions which are explored from their preferred methods (Denzin *et al.*, 2008:14). In contrast, the grounded theory researcher aims to "offer a conceptual explanation of [a] latent pattern of behaviour that holds significance to the social setting under study" (Holton, 2007:269).

One of the characteristics of classic grounded theory is that the researcher distances him/herself from the participant. In a critical grounded theory study however, the main focus would be on the interaction and the dialectical relationship between researcher and participant. To this end, Ponterotto (2005:130) holds that the aim of grounded theory studies is to work towards egalitarian and democratic change, whilst simultaneously empowering the participants. In the case of this PhD study, though, the intention was not necessarily to emancipate participants. Rather, the objective here was to generate theory that would ultimately contribute to social justice.

Data generation in the current study commenced as soon as a site had been selected. Data was generated in two phases:

- Secondary data from the HRLit Project (2012-2014), that was used in this PhD study included the survey of the fourth-year participants (Roux & Du Preez, 2013). In the context of the current study, this data is regarded as 'initial phase' data (Table 2-4).
- The developing phase in this PhD study used both secondary and primary data. Secondary data was drawn from the HRLit Project's focus group discussions (Addendum B), whereas primary data extended to self-generated data from human rights modules (Table 2-4).

Strategies to obtain data included the administration of a self-constructed questionnaire (Addendum C); focus group discussions (Addendum B1); lecturer interviews with open-ended questions (Addendum D); document analysis (selected modules' prescribed material); and observations (Addendum G1).

Table 2-4 provides an overview of the data generation process and includes information on the data collection strategy, sites used and the sample.

Table 2-4: Overview of the data generation process

#	Strategy	Sites used	Sample	Detail
1	Survey ²⁰¹³ (SQ_RSA ₂₀₁₃) Addendum C1	Data stemming from Sites 1 to 6 as per HRLit Project	The fourth-year students N=530	Survey questions used: Q12, 13, 22, 36, 37, 46, 47, 64, 66, 71, 73 and 74.
2	FocusGroupDiscussion ₂₀₁₃ Addendum B	Data stemming from Sites 1 and 5 as per HRLit Project	n=7	The focus group discussions were divided into Meeting 1 and 2. Each of the meetings had a different aim and strategy.
3	Modules selected for analysis	Sites 1, 5 and 7	n=7	s1 _{M0} 1 LO210 Life Orientation s1 _{M0} 2 Education studies 420 Education studies s5 _{M0} 1 EDCC 411: Introduction to Education Law s5 _{M0} 2 LORE 321: Lewensoriëntering: Burgerschap en Fisieke opvoeding s5 _{M0} 3 WVOS 121

#	Strategy	Sites used	Sample	Detail
				Understanding the world s7 _{Mo} 1 <i>EFD 122</i> : Democracy, human rights and education s7 _{Mo} 2 EJI 122 Klaskamerbestuur en verwante juridiese aspekte, ¹⁷
4	Modules selected for class observation (Addendum E)	Sites 1, 5 and 7	LO 210, ES 420, EDCC 411, LORE 211, WVOS 321, EFD 122, EJI	The titles of the modules are as provided in the yearbook.
		Site 1	Lecturer 1 Lecturer 2	Site 1 forms part of data collected in HRLit Project.
5	Lecturers selected for interviews (Addendum D)	Site 5	Lecturer 1 Lecturer 2 Lecturer 3	Site 5 forms part of data collected in HRLit Project.
		Site 7	Lecturer 1 Lecturer 2	Site 7 forms part of self-generated data.

Even though data generation and data analysis in this study are discussed under separate headings, it must be reiterated that these procedures always happen simultaneously in GTM. In the paragraphs to follow, the data collection strategies followed during both the initial and developing phase will be outlined in greater detail.

2.4.2.1 HRLit survey (SQ_RSA₂₀₁₃)

The initial data collection phase drew on the survey data collected as part of the HRLit Project (2012-2014). This initial probing was directed at student teachers' understanding of human rights in general and its application in their everyday lives. The 2013 survey comprised 74 closed and open-ended questions that reflected the main five pre-determined issues identified to explore the

¹⁷ Translation: Classroom management and related juridical aspects

notion of human rights literacies. For the purposes of the current study, only the responses relating to 'human rights understanding' were used – particularly those linked to students' understanding of the position of morality and values in human rights application, promotion and protection. Twelve out of the 74 questions of the 2013 survey were relevant to this study.¹⁸ These questions, comprising both quantitative and qualitative data, ranged from multiple-choice questions to open-ended questions and optional comment boxes (Becker *et al.*, 2014:234; RSA 2013:s1y4m2; RSA2013:s5y4).

Some of the themes covered by these questions dealt with the conceptualisation of human rights, morality as a characteristic of the HRE approach, values as a characteristic of the Education Law approach, legal aspects and documents as a characteristic of the Education Law approach, and human rights education within educational institutions.

The data collection strategies of the developing phase consisted of the focus group data (FGD₂₀₁₃) generated in the HRLit Project (Addendum B) as well as data that was generated by the researcher for the purpose of this study¹⁹ (Addendum D, and Addendum E). The self-generated data was collected by means of three different strategies namely interviews with lecturers, class observation of participating lecturers within the chosen modules, and an analysis of the selected modules' study material as offered at the chosen sites (Table 2-4). The three strategies are discussed in detail below.

2.4.2.2 HRLit focus group discussions (RSA 2013)

As part of the HRLit Project (Roux & Du Preez, 2013), small focus group discussions were conducted at six sites (par. 2.4.2.1) with a view to validating data gathered from the walk-about and survey, and re-evaluating literature, ontologies and epistemologies (Roux & Du Preez, 2013). In addition, dialogue was stimulated to probe student teachers' understanding of human rights in real-life situations, in other words as experienced in society in general and at their specific higher education institution (Becker *et al.*, 2014:234; RSA 2013; s1y4m2; RSA2013: s5y4).

The focus group discussions comprised two sessions during which data were collected (Addendum C). In some instances, these sessions were conducted as two separate meetings. The first session served as a general discussion on human rights and was initiated by asking the focus group whether human rights exist. During this session, which lasted up to an hour, the research team kept the discussion flowing naturally by probing the group about some pre-

¹⁸ Questions included in the HRLit survey (RSA₂₀₁₃) and again used for the PhD study are Q12, 13, 22, 36, 37, 46, 47 64, 66, 71, 73 and 74 (Addendum C).

¹⁹ Data generated by the researcher would hereafter be referred to as self-generated data.

identified issues included in the focus group discussion schedule (Roux, Becker & De Wet, 2016: 21; Becker *et al.*, 2014:251, Roux & Du Preez, 2013) (Addendum B).

During the second meeting, the focus group discussions (FGD₂₀₁₃) centred around five pre-determined fictional scenarios prepared by the HRLit research team (2012) (Roux *et al.*, 2016: 21; Becker *et al.*, 2014:251, Roux & Du Preez, 2013). The purpose of these scenarios was to probe how students would react to situations that relate to diverse socio-cultural, gender and religious contexts as well as possible human rights violations within an educational context (Becker *et al.*, 2014:250-251). The scenarios prompted student participants to share their own experiences and thoughts on the scenarios covering five pre-determined issues, namely “socio-cultural contexts, morals and values, curriculum development, social justice and gender” (Roux & Du Preez, 2013:3). Focus group discussions enabled student teachers to respond to scenarios based on their understandings of human rights, revealing their position on values and morality in human rights application. In some instances, the first and the second session took place consecutively, while in others, the second session was held at a different time (Roux *et al.*, 2016: 21; Becker *et al.*, 2014; Roux & Du Preez, 2013).

2.4.2.3 Lecturer interviews (2014)

As part of the original/primary data generated in the developing phase of this PhD study, interviews were held with selected lecturers (2014). The selection of lecturer participants for interviews depended on the sites and the modules that were chosen. Most of the sites that offered modules that included human rights content were used, irrespective of whether the content’s main focus was human rights or whether the latter served only as a theme in a study unit. The lecturers responsible for the modules selected for the study were invited to participate in the interviews. Seven lecturers from Sites 1 and 5 (Phase 1 of the HRLit Project) as well as Site 7 took part in the interviews (par. 2.4.1.1).

Lecturer interviews consisted of semi-structured and face-to-face interviews (par. 2.4.1.1, Addendum D). The aim of the interviews with lecturers at the respective institutions was firstly to ascertain how they understood human rights. The second aim was to establish how the lecturers approached the process of instilling human rights in their teaching-learning of the human rights modules²⁰ for which they were responsible (Addendum D1). Although the research question focused on student teachers’ understanding of human rights application, it was important to

²⁰ Refers to modules in higher education with human rights content

include their lecturers so as to shed light on the relationship between the perspectives of student teachers and lecturers' views on their study material and teaching-learning practices.

Data generation by way of lecturer interviews (2014) commenced with the researcher determining which modules with human rights content were presented at the selected sites as well as in which semester they were presented. (The latter posed a considerable challenge to the researcher since she was only able to interview/observe lecturers when a specific module was actually being offered.) Having selected the modules, the researcher first contacted the faculty dean of the selected higher education institution, either by email or telephonically (Addendum G2). The dean then delegated the request by e-mail to the relevant programme coordinator on each site to ask permission for conducting the study in the B.Ed. programme (Addendum G2). In some cases, such as at Site 1 and Site 5, the researcher was given permission to talk directly to the lecturers responsible for the particular module. In the case of Site 7, additional ethical clearance for conducting studies at the university was required (Addendum F2).

Initial contact could only be made with lecturers of human rights modules after permission had been obtained from the institutions (Addendum F1, Addendum F2). Once a lecturer agreed to participate (Addendum G2), a time for the interview was scheduled to suit the schedule of the participant and, particularly, to coincide with the observation of lectures. Depending on the lecturer's availability, interviews took place either before or after the observation and took the form of a semi-structured, face-to-face interview that was video/audio recorded. Loosely based on the findings of the HRLit Project (2012-2014), the lecturers had to answer certain questions on the relationship between human rights and the module. Among the questions they had to answer were "Do you agree with human rights?" and "Do student teachers understand the importance of human rights education?" (Becker *et al.*, 2014:250).

2.4.2.4 Class observation (2014-2015)

In a grounded theory study, the researcher has both a participatory role and an observational role (Creswell, 2009:177). According to Gray (2009:369), observation enables the researcher to evaluate the participant's actions in practice. Although the researcher arranged for observing one contact session involving each of the seven participating lecturers and their students, only five observations materialised (Addendum E). Two of the seven lecturer-participants' class sessions could not be observed because one took maternity leave (s5p2) and another's schedule was disrupted due to student protests (s1p2). Details of classes observed are provided in Table 2-5.

Table 2-5: Overview of class observation

Site	Lecturer	Module	Date	Content covered	Number of students in class
Site 1	s1p1	LO 210	April 2014	The role of the Universal Declaration of Human Rights Practical application of rights in the classroom	± 50-100
Site 1	s1P ₂	ES 420	April 2014	Class not observed due to student protests Content would have covered rights, particularism and universalism.	n/a
Site 5	s5p1	EDCC 411	March 2014	Introduction to Education Law: Constitutional values Overview of human rights in SA Constitution	± 100-200
Site 5	s5p2	LORE 211	March 2014	Class not observed due to lecturer's maternity leave. Content would have covered human rights, the Universal Declaration of Human Rights and practical daily examples of human rights application.	n/a
Site 5	s5p3	WVOS 321	March 2014	Overview of the history of applicable rights	± 100-200
Site 7	s7p1	EFD 122	Sept 2014	Overview of rights in SA Constitution	± 50-100
Site 7	s7p2	EJI 112	Sept 2014	Sources of Education Law Application of human rights in schools	± 50-100

The researcher made use of the overt observation approach, in other words she observed the lectures and the nonverbal behaviour of pre-service teachers while they learnt about human rights in the respective modules. The participants were aware of being observed and video-recorded. Before each class started, permission letters were handed out to comply with ethical requirements (Addendum G1). As part of the ethical agreement, the researcher undertook to use video

recordings for research purposes only and to respect the student teachers' privacy and confidentiality.

During the lecture, the researcher drafted observation memos on the lesson structure, interaction between lecturer and students, as well as student engagement, and these were subsequently used in the analysis process (Addendum E1).

2.4.2.5 Analysis of prescribed study material

Prescribed study material used by the various participating lecturers for human rights modules and human-rights-content modules in teacher-training programmes served as primary data for this PhD study.

Seven modules with human rights content were analysed in the study. Of these, three modules included aspects of the Education Law discipline. The first module was an Education Law course with *geborgenheit* (Oosthuizen, 2015: 6) as framework and structured in accordance with the three sources of Education Law, namely legislation, common law and case law (s5_{Mo}1). The second module's framework was based on democracy (s7_{Mo}1), and the third module focused on the principles of education management (s7_{Mo}2). The four remaining modules leaned towards the frameworks of Education Theory, Life Orientation and Philosophy, and covered general education theory (s1_{Mo}2), moral education (s1_{Mo}1), citizenship education (s5_{Mo}2) and philosophy (s5_{Mo}3) respectively.

Table 2-6 summarises the information on the study material of the modules used in this research. Sites 1 and 7 offered two modules on human rights and human rights content, while Site 5 had three modules concerning human rights. The instrument used for data analysis was content analysis.

Table 2-6: Human rights focus of modules' study material covered in this PhD study

Module reference	Site number	Framework	Discipline/Field	Lecturer	Type of material received
s1 _{Mo} 1	Site 1	Moral Education	Life Orientation	s1 _P 1	Study guide
s1 _{Mo} 2	Site 1	Professionalism	Education Theory	s1 _P 2	Study guide with reading material

Module reference	Site number	Framework	Discipline/Field	Lecturer	Type of material received
s5 _{Mo} 1	Site 5	Education Law (<i>geborgenheit</i> and professionalism)	Education Law	s5 _P 1	Study guide
s5 _{Mo} 2	Site 5	Life Orientation	Life Orientation	s5 _P 2	Study guide
s5 _{Mo} 3	Site 5	Philosophy	Philosophy	s5 _P 3	Study guide
s7 _{Mo} 1	Site 7	Democracy	Democracy	s7 _P 1	Study guide
s7 _{Mo} 2	Site 7	Education Law (critical thinking, pragmatism, lifelong learning)	Education Management	s7 _P 2	Study guide

The researcher obtained the material either via e-mail (as in the case of s1_{Mo}2) or directly from the lecturer participant (Participant 1: Site 1; Participant 3: Site 5; Participants 1 and 2: Site 7). Given that Site 5 falls under the same educational institution as the researcher, the study material was obtained electronically.²¹

2.5 Data analysis

On the subject of data analysis within grounded theory, Eagan (2002:285) remarks that this is, in effect, little more than a continuation of the data generation process. In short, within grounded theory, methods utilised to analyse data involve the conceptual abstraction (also known as coding) of data and its reintegration into theory (Holton, 2007:265). Since Holton (2007:266) holds that coding is the foundation of grounded theory, this section aims to elucidate coding as a process in data analysis and describes the stages of analysis involving codes, categories and theory.

When following the GTM, coding takes place on different levels during the respective stages of data generation. These levels include substantive coding (where the researcher works directly with the data by means of fracturing) and theoretical coding (where theoretical sampling and selective coding are used so that concepts may emerge). In accordance with Glaser's approach to the GTM (par. 2.2), the understanding is also that the researcher must constantly sort memos to remain in touch with the data. As the resultant analysis progresses, descriptive concepts will

²¹ Although the researcher did not work at Site 5, the material was available on eFundi, the university's teaching management system that serves Sites 4, 5 and 6 of the institution (more information in footnote 5 in this chapter).

gradually be replaced by abstract categories. Consequently, constant comparisons will ensure that information stemming from data gathered during the initial phase will effectively be integrated with emerging conceptual code categories – the outcome being that those emergent concepts can be crystallised as theory.

The paragraphs to follow deal in greater detail with the phases of coding, the coding process and the conceptualisation of concepts as emerging theory.

2.5.1.1 The phases of coding

According to Hallberg (2006:144-166), a grounded theory researcher has the option to select one of two phases of coding: The classic approach that makes use of open coding, selective coding and theoretical coding; or the Strauss/Corbin approach that makes use of open coding, axial coding and selective coding. Of interest here are the varying approaches of these two schools of thought with regard to 'selective coding' (par. 2.5.1.2).

This researcher opted to make use of open coding, selective coding and theoretical coding as defined by Glaser – a process to be explained in detail next.

2.5.1.2 Open coding

Kelle (2007:615) contests that open coding holds the key to the core processes involved in classic grounded theory, since it has a direct bearing on conceptual abstraction and the reintegration of concepts into theory. Birks and Mills (2011:93) define open coding as an active process that draws from the substantive area of investigation, the researcher's knowledge and existing literature, which ends when a core category has been located (Birks *et al.*, 2006:29). In short, when applying the grounded theory method, open coding boils down to an analytical process that allows for the identification of concepts, as well as the discovery of those concepts' properties and dimensions as substantiated by data.

Working from these premises, data is broken down into segments (fragmented) and thoroughly examined and compared (Strauss & Corbin, 1990). Usually, such a close examination of the outcome will result in each phenomenon being named and categorised. Perhaps of greatest significance here is the fact that open coding holds the key to ensuring that the direction of this study will not be derailed simply because future avenues have been shut down – an argument fully supported by Urquhart (2013:23-24) who contests that as a foundational step, open coding means that any future probing must and should not be abandoned.

In this study, the process of open coding involved examining and accepting the data without a preconceived scope of limitations (Jones & Alony, 2011:10). Initially, open coding was used to

fragment data into segments and to then label those segments as conceptual categories. Admittedly, line-by-line coding also helped to gradually build theory and enabled the researcher to familiarise herself with the data.

2.5.1.3 Selective coding

At the stage in this study where no new open codes emerged and certain themes became apparent from the data, selective coding commenced as the second type of coding. Following on open coding based on the Glaserian grounded theory method, selective coding in its basic form refers to identifying and describing the central phenomenon or “core category” (Starks & Trinidad, 2007:1376; Strauss & Corbin, 1990). In essence, this entails the elimination of codes that are irrelevant to the core variables of the study and the selection and integration of categories.

Line-by-line coding allows for numerous categories to come to the fore, which can then be grouped together to help with the abstraction of the data (Urquhart, 2013:24). The researcher distinguished these groupings as concepts involving a higher form of coding. With the findings of the first level giving direction to the next (Jones & Alony, 2011:7), the selective coding process started by reflecting on the code and its relevance to the study, and involved making use of constant comparison and memo writing. This selection strategy led to the development of core categories that were subsequently analysed with the aid of theoretical coding (Jones & Alony, 2011:7).

2.5.1.4 Theoretical coding

Urquhart (2013:26, 50) refers to theories as constructs and relationships and therefore defines theoretical coding as the process of ascertaining the relation between codes. This relation between codes is, in turn, influenced by relationships with other categories, ideas about relationships as derived from literature, and theoretical codes. Even though this study followed the classic GTM where data should emerge by means of a natural conceptualisation process (par. 2.5.3), the researcher opted to ask questions in the initial phase involving the naming of concepts, categories and their properties. Included as a method in their coding paradigm, Strauss and Corbin (1990:124) hold that asking these questions will enable the researcher to “relate categories to sub-categories along the lines of their properties and dimensions”. In the original form of the paradigm, data is re-organised according to the following aspects: conditions, contexts, interactions, strategies and consequences. Some of these aspects have also been identified in Glaser’s eighteen coding ‘families’ (Urquhart, 2013:27).

2.5.2 The coding process

This process encompasses the naming and developing of codes, concepts and categories, as well as comparing and writing memos²² about the latter. Figure 2-3 depicts coding as a process that involves the continuous development of codes into concepts and concepts into categories – ultimately culminating in the conceptualisation of theory. Following a detailed discussion of the phases of coding, a closer look is now taken at how codes, concepts and categories were derived from the data.

Concept development involves describing and clarifying the analytical rationale for the research process. In this regard, it is custom to repeat some analytical activities up to the point where the researcher is satisfied that it would be appropriate to conclude the analytical section of the study. Once this point has been reached, the naming of categories and their properties follows and elaborated upon by dividing incidents under the categories compared to the precise division of the data. As the simultaneous generation and analysis of data continue, incidents are compared to one another in order to develop categories, with the result that data generation and analysis become more focused. At this stage, clarification of the concepts being developed becomes the researcher's main focus.

The transformation of data into theory by means of data analysis entails the activity of constant comparison of codes, concepts and categories (Strubing, 2007:589). By continuously studying and comparing two or more sets of data, researchers manage to detect aspects of a certain code, concept or category from a new perspective (Star, 2007:81). Constant comparison, a phrase coined by Glaser and Strauss, supports the notion of ongoing analysis in research (Bryant & Charmaz, 2007:43) and provides the researcher with a definitive framework when developing data to create theory. Covan (2007:59) explains that although the founders deemed comparison to be an instrument to establish facts and verify theories, they did not regard the verification of data as important as the generation and discovery of new theories.

²² A required tool for GTM known as the essential intermediate step between data collection and the writing of draft papers (Bryant & Charmaz, 2007:608). GTM researchers would use memos to analyse data and develop their codes for the emergence of categories. The tool's function is to increase the abstraction of their ideas.

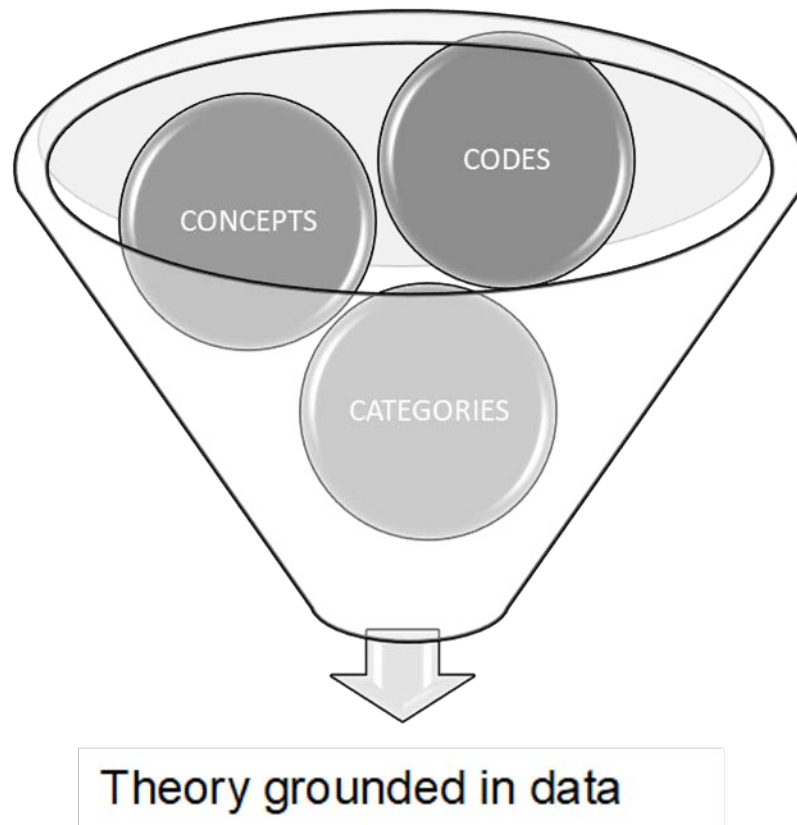


Figure 2-3: Aspects of the grounded theory analysis process

2.6 Validity and trustworthiness

The process of generating valid and reliable knowledge in an ethical manner is an important aspect of research (Merriam & Tisdell, 2016:237). Aspects that affect the credibility of research have to do with the relationship between the researched and reality (internal validity), the extent to which research findings can be replicated (reliability) (Merriam & Tisdell, 2016:250), as well as the degree to which the findings of one study can be applied to another (external validity/transferability) (Merriam & Tisdell, 2016:253). Validity in its traditional form is not regarded as important in grounded theory. Rather, a study based on grounded theory may characteristically be evaluated according to fit, relevance, workability and modifiability (Glaser & Strauss, 1967:237-250; Glaser, 1978:4-6).

- *Fit*: This concept describes the degree to which concepts fit the incidents they are representing. The criteria are met when the data is not forced by existing literature. To this, Stern and Porr (2011:75) add that fit also extends to the application of constant comparison of codes.

- *Relevance*: A grounded theory is relevant when a core concern or process emerged from the data. The theory's conceptual grounding in the data ensures its relevance in education (Holton, 2008).
- *Workability*: A theory works when it explains how the problem is being solved despite the variation (Stern & Porr, 2011:76).
- *Modifiability*: A modifiable theory implies that the theory can be altered when inconsistencies in the data were found by way of constant comparison (Stern & Porr, 2011:76).
- In addition to the above, the current study opted to add *reflexivity* as a means to support trustworthiness. Reflexivity (especially *self-reflection*) is a method that is nowadays regarded as central to the discourse on contemporary research.

2.6.1 Reflexivity

Reflexivity in research refers to a process where the researcher constantly reflects critically on his/her thoughts and actions, as well as the reasons for those; this implies that the researcher often confronts and challenges his/her own assumptions (Drake, 2015:103). The process encompasses a critical observation of the researcher's own research experience, decisions and interpretations that "[bring] the researcher into the process" (Charmaz, 2006:611). To this end, he/she is expected to clearly document his/her assumptions and values during every stage of the research process (Okeke & Van Wyk, 2015:219). In grounded theory, memos are used during data collection and data analysis for this purpose. In this study, every attempt was made to keep the researcher's memos current and to ensure that data derived from them would aid analysis, in keeping with Glaser's prescriptions for data consistency and trustworthiness.

2.7 Ethical issues

The aims of ethical research include protecting participants from harm, establishing trust among them, guarding against misconduct and impropriety that may reflect on the researcher and/or the institution, promoting the integrity of the research and the coordinators at the participating institutions, and coping with any difficulties that may arise during the study (Drake, 2015:98). In research, ethics has a bearing on aspects such as informed consent, deception of subjects and/or participants, and the violation of privacy, anonymity and/or confidentiality.

Practical implications for achieving the aims of the current study included providing the potential participants with detailed information regarding the aims, risks, advantages and conditions of the study. Secondly, the potential participants had to be allowed to decide about participation or non-

participation at any given time during the course of the project. Thirdly, the participants had to be ensured of their anonymity and be reassured that their data would be kept safe and private. Finally, participants had to be guaranteed that their information would not be used outside the project (Thulesius, 2010).

To this end, the researcher included a detailed description of the project in the consent form submitted prior to the scheduled meeting, so that this information could be disseminated (Addendum J and Addendum J1). The contact details of the persons responsible (the mentors and the leader of the HRLit Project) were included to deal with any queries or complaints. Before the potential participants were asked to sign the consent form on the day of the observations, everything was explained again. The participants were assured of their choice to participate or to opt out, that their privacy would be respected and that their information would not be abused.

As is the case with all research studies, secondary data analysis necessitates that attention be given to ethical concerns, particularly with regard to issues such as copyright, informed consent, confidentiality and ownership of data. These issues are also of importance when handling data stemming from a project (Andrews, Higgins, Andrews & Lalor, 2012:15). Given that the researcher was a member of the research group responsible for the HRLit Project (2012-2014) (par. 2.4), she had to obtain written permission from the project leader to use the primary HRLit Project as secondary data for this PhD study (Addendum J1). Interpretations of the secondary HRLit data (2012-2014) supported and/or broadened the primary data collection for this PhD research conducted in 2014. The permission specified which data would be used and for what purpose.

From the above it is clear how the GTM will ensure the emergence of data that had been collected and analysed before a literature study was done. The following chapters (Chapters 3 and 4) will analyse the literature study on the development of human rights, HRE and teacher education (Chapter 3) and give a legal perspective on human rights (Chapter 4).

CHAPTER 3:

DISCOURSES ON HUMAN RIGHTS AND HUMAN RIGHTS EDUCATION AS PART OF TEACHER EDUCATION

3.1 Introduction

Chapter 1 provided some background to the study and indicated the relevance for exploring the contribution of student teachers' understanding of the position of values and morality in human rights application, promotion and education as part of teacher education (par. 1.3). The preferred research methodology, Grounded Theory method (GTM) was explained extensively in Chapter 2. The aim of Chapter 2 was to indicate that, although the chapters follow in the same sequence as other research studies, the researcher followed the procedures required from a classic GTM. In the Classic Grounded Theory study, the empirical study is conducted before a literature study is undertaken.

The aim of Chapter 3 is to analyse the various theoretical nuances that may influence approaches to the teaching-learning of human rights in teacher education. Since human rights education is informed by human rights discourses, this chapter will present elements that manifest in human rights discourses. The first element is human rights as a concept and the development of human rights over time (par. 3.2). The second element is the relationship between human rights on the one hand and morality and values on the other, as all are conceptualised within a philosophical framework (par. 3.3). This is followed by theoretical frameworks on human rights and how they relate to the different approaches towards human rights education in teacher education (par. 3.5).

3.2 Conceptualisation and development of human rights

In the literature, rights come across in various forms and with different functions. Words that are nowadays used to describe human rights include prescriptions, claims, guarantees (Fagan, 2017); entitlements (Jones, 2013:267); aspirations and crying needs. According to Herbert (2002:ix), conceptualisations such as "natural rights, God-given rights, fundamental rights, and *prima facie* rights, and rights given to humans independent of their varying social circumstances and degrees of merit are identified in literature".

Other ways of conceptualising rights include legal, civil, and political rights (Freedman & Keevy, 2012:288). In the conventional tradition of human rights, rights have been classified as three generations that indicate the historical development of rights. First-generation rights are civil and political rights and are seen as more justiciable (enforceable) than other rights. First-generation rights include the right to freedom of conscience and religion, freedom of expression and fair

judicial process (Freedman & Keevy, 2012:288). Second-generation rights are social and economic rights that include the right to education, to work, to eat, and housing (Freedman *et al.*, 2012:288). Third-generation rights are collective in nature and are perceived as aspirational (Freedman *et al.*, 2012:288). Langlois (2012:558) indicates that human rights enable people to claim opportunities where they are “treated with value and as equals”. The rights to development, peace, and a healthy environment fall in this third generation of rights.

Civil and political rights (as first-generation rights) are for example mostly concerned with guaranteeing individuals the autonomy to freely pursue personal and political choices without interference from the state or other powerful parties (De Vos, 2008:12). The political dimension of human rights underlines three perspectives on the political functions or set of functions aiming at human rights application and promotion. According to Tasioulas (2013:8), the first perspective on political functions involves “primary obligations associated with human rights that exclusively bind states or coercive political institutions”. The second perspective concern “benchmarks that states must reach if their laws are to be legitimate” (Tasioulas, 2013:8). That would mean that states should impose moral obligations of obedience on their presumed subjects as laws. The third perspective recognises human rights as triggers for international intervention or concern in the case of grave and/or extensive violations. De Vos (2009:14) qualifies the effect of advocacy for human rights from a political perspective as follows:

While they [rights] can constitute a force for emancipation, they can also give rise to a means of obstructing or co-opting progressive political demands. Thus, rights emerge both as a means of protection against arbitrary use and abuse by sovereign and social power and as a mode of securing and naturalising dominant social powers relating to race, class, gender, sexual orientation and others.

Some of those who advocate for human rights from a political perspective may well combine the above three perspectives on the political dimension of human rights (Tasioulas, 2013:8) in teacher education. The relation between the politics of human rights and human rights education is depicted in the case of South Africa where human rights became the official language of transition of law, politics and life in South Africa. This paved the way for “transformative legislation in each and every social sector, including higher education and higher education governance” (Keet, Nel & Sattarzadeh, 2017). These authors mention how students from post-1994 experienced adopted rights-based policies in higher education institutions, which could be characterised as control (Keet *et al.*, 2017:4).

Some scholars like Donnelly (2013), Freeman (2011) and Campbell (2006) define human rights as just claims and entitlements that derive from legal and/or moral rules of individuals and groups which can justifiably affect other people and organisations. Wenar (2011) identifies a realm of

rights that provides reasons for a person's conduct. Reasons (according to Wenar) include 'elements' such as a privilege, claim, power, and/or immunity, all of which are known as 'the Hohfeldian incidents' created by Wesley Hohfeld (1879–1918).

Literature on human rights may include the conceptualisation of either moral rights (Jones, 2013; Ci, 2005:248) or legal rights (Dugard, 2016; Smit, 2013), and sometimes both (Nickel, 2017; Fagan, 2017; Sen, 2012). Regarding moral rights, it could be stated that human rights originate from a moral base and therefore their legitimacy is necessarily dependent upon the legitimacy of the concept of moral rights (Fagan, 2017). Legal rights, however, are generally conceptualised as the relationship between legal subjects (a person, a school, a company or a state) as regulated by law and the relationship between the legal subject as the bearer of the right and the object of the right (e.g. real property, material things, personality right, etc.) (Smit, 2013:45). The advocacy of human rights also depends on universal legal recognition. According to Fagan (2017), universal legal recognition was one of the "fundamental goals of the opponents of apartheid". Moral rights and legal rights could explain behaviour of individuals and school bodies in the school environment. Since some of the South African higher education institutions presents human rights education within either or both legal and moral rights approaches in their curricula (par. 1.2), moral and legal rights will be contextualised in human rights application and promotion in education.

Legal rights are found within existing legal codes and enjoy the recognition and protection of the law (Fagan, 2017). If rights were considered from a legal framework, they are conceptualised as rights only as far as they are legalised, that is, when human rights are codified in domestic laws through "treaties, statutes, or the constitution" (Arosemena, 2014:266). Legal rights are conceptualised as "legal entitlements that someone is entitled to claim for him- or herself, or on behalf of someone else and can be based on the Constitution, legislation or the common law" (Bellengère, Swanepoel & Karels, 2012:218). Legal rights are often enforced with the aim to control the behaviour of persons or bodies who seek to violate the rights of another (Donnelly, 2013:8).

In a legal framework, rights can also be classified as rights regarding a person, rights regarding an 'object' (rights in rem, from the Roman word 'res', which means 'object') or 'thing', and liberty rights (Hage, 2014:48). In Private Law, rights are grouped in real rights (relating to physical and material things); personality rights (rights that are elements of a person's personality); intellectual property rights (intellectual things that have been created by a person), and personal rights (rights to a performance, which are also known as a claim) (Kleyn *et al.*, 2010:112; Malherbe, 2008:52).

- Real rights involve for example everything that is related to ownership and property law. Personal rights or creditor rights are focusing on the performances of another person. An

example of personal rights (according to Kleyn *et al.*, 2010:112) is the right of the buyer and the seller of a bicycle, or the rights of the employer and the employee.

- Intellectual property rights refer to the legal subject's rights regarding intellectual property such as copyright.
- Personality rights are the rights that a legal subject can have, for example his good name and privacy.

Practically speaking, legal rights are “a complex cluster of legal liberties, claims, powers and immunities. The process of applying one's legal right in, for example a court of law, involves three parties in the legal proceedings: the first party who possesses the right, second parties against whom the right holds, third parties who might intervene to aid the possessor of the rights or the violator or relevant official who plays a role in the legal system” (Wenar, 2011). Campbell (2006:88) states that

[a]ny adequate analysis of a legal right must distinguish the several roles of the individual citizens living under the law (the roles of the first, second, and third parties) and of the officials (policemen, prosecutors, judges, jurymen, legislators and administrators) whose activities transform from a 'paper right' into a real functioning legal right.

Legal rights are thus associated with legal mechanisms and processes that might be implemented when a person's right has been infringed and he/she turns to the court or other forums to enforce the right. The purpose of such legal processes is the correction of unlawful or wrongful disturbance of rights. Other legal proceedings would focus on the obligations and duties and other legal relationships (Bellengère *et al.*, 2012:218). In a case of human rights violation, a court is obliged to award a legal remedy to correct the violation of the right (Bellengère *et al.*, 2012:218). Remedies may include the invalidation of an unconstitutional statute, a declaration of rights, an interdict to instruct a party to do something or to stop an action, and finally, the rewarding of damages (Kleyn *et al.*, 2010:241). In the matter of the United States court case, *Ex parte Milligan* 71 U.S. 2, the Supreme Court Justice at the time highlighted the protective role of human rights law when he said the following:

By the protection of the law, human rights are secured; withdraw that protection and they are at the mercy of wicked rulers or the clamour of an excited people (Ex parte Milligan 71 U.S. 2).

According to this view, human rights can only protect when they are legal. It should, however, be noted that legal systems may be underpinned by values and that legislation may have been written with a moral purpose. Sen (2012:3) argues that many acts of legislation and legal conventions “were inspired by a belief in some pre-existing rights of all human beings”.

Another conceptualisation views rights as moral claims or rights defined as “a justified constraint upon how other people might act” (Fieser, 2000:222). A right or claim that has moral foundations could be vindicated as an entitlement and could be motivated from moral or political reasons (Jones, 2013; Sen, 2012). Philosophers differentiate moral rights from legal rights in as far as legal rights are created by political institutions (Fieser, 2000:222). Moral rights could either be described as conventional rights that ought to exist (irrespective of whether they actually exist), or as actual existing conventional rights that are morally justified (Jones, 2013:267). The status of moral rights is defined by McCowan as “...[u]niversal rights [*that*] are primarily moral rather than legal rights, although they have official status through non-binding declarations such as the UDHR, and in some cases (such as in the United Nations Convention on the Rights of the Child [CRC]) they are turned into legally binding treaties” McCowan (2010:510-511).

Local policy documents could also infuse moral rights in education. The Manifesto (DoE, 2001), for example, introduced an “infusion of a human rights culture along with set of negotiable rights-based values” as a means to promote human rights as a value system (Du Preez, Simmonds & Roux, 2012:85). Yet, these authors argue that moral rights in human rights education do not always receive adequate attention (Du Preez *et al.*, 2012:85). For them, human rights in education is not only an epistemology, but a moral belief that requires an education context in which human rights are approached as “a complex ethical process that depends on a community of interlocutors that are willing to engage in communicative action” (Du Preez *et al.*, 2012:85). In the context of education, Ruiz (2004:272) also refers to the moral relationship and Levinas’ theory on ‘the Other’ (1991) that constitutes educational action. “It also obliges us to approach moral education from the primacy of the ‘Other’”. It is the other, concrete person, not an abstract subject, but the one who makes us moral subjects when we are responsible for them”. In another analysis of Levinas’ concept of the Other against the background of responsibility, Buddeberg (2018:150) argues that the encounter with the Other requires a person to justify individual actions and account for the Other “for her right to be”. In the same vein regarding moral responsibility and human rights application, Becker (2017:45) argues that human rights are perceived for some as partly exclusive:

For student teachers, doing-the-right-thing could result in the tentative inclusion of the Other in spaces reserved for the subject of human rights. By acting responsible, the self invites or allows the Other to be included in the outer skirts of the human rights circle.

Tentative inclusion or allowing the Other near the human rights circle for the reason of doing the right thing, does not mean that the Other’s human rights are respected.

From a liberal point of view, (human) rights can secondly serve as instruments to defend peoples' freedoms against the power of the state, or against other citizens who deny a person's freedom (Law, 2007:168). Freeman (2011:67) concurs with the liberal viewpoint and argues that human rights are those rights that protect human interests in the case of abuse of political power.

Human rights are moreover defined as those rights that transcend, and are protected against, the exercise of political power (Van der Vyver, 2005:187). In this view, human rights only include those rights and freedoms that are considered essential for "the individual as a human being and as a citizen within the social structures of the body politic" (Van der Vyver, 2005:187). If Van der Vyver's perspective of rights "within the social structures of the body politic" is adopted, the social and political dimensions of rights are significant for teacher education. These two dimensions of human rights are emphasised in democracies where the struggle for human rights focuses on the attainment of social and economic rights (Fernandez, 2009). De Vos (2008:12) defines social and economic rights as a means to "guarantee for an autonomous space within which the individual may pursue his or her social and economic well-being" with the State's support. In some cases, there exists an overlapping between civil and political rights, and social and economic rights. Civil and political rights will often operate to protect economic and social interests, while social and economic rights will serve to protect interests related to the personal and political choices of an individual. The different rights also operate in support of one another, since the realisation of one right might be dependent on the realisation of another. The nature and application of the political and social dimension of human rights may be included in modules underlined by specialised fields directed to teach students how to fulfil the role of being a citizen. Examples of such modules in teacher education include citizenship education.

Against this background, it could be argued that rights have different functions and meanings in legal, philosophical and moral frameworks. Rights can also manifest in legal and moral rights, depending on the situation. In an educational context, learners would apply their rights as part of a moral approach (in the case of the articulation of their moral beliefs) and/or in the application of legal rights (in the case where learners' rights are violated and could consequently be claimed in or enforced by a court, forum or tribunal). Later in this chapter, the application of rights will be discussed from a legal approach (par. 3.7.2.1) and from a moral approach (par. 3.7.2.2).

3.2.1 The development of human rights

From the previous paragraph it is evident that there is by no means only a single definition of human rights. From a historical point of view, it should be mentioned that the concept also had different meanings in different time periods. Lauren (2008:92) posits that human rights application in history could be characterised by common factors in different time periods. In most time

periods, an elected few in a traditional, hierarchical, authoritarian regime expected unconditional obedience from their subjects. Human bondage, slavery, prejudice, torture, racial discrimination, abuse due to gender and persecution due to religious beliefs, political beliefs, nationality, language or ethnicity were the order of the day (Lauren, 2008:92).

The understanding of rights was initially based on self-preservation and later on resistance to the abuse of power (specifically socio-economic power), while the philosophies on equality, liberty and justice were viewed as the foundations for a positive society. A positive society would posit laws that all people should follow (Donnelly, 2013:81; Freeman, 2011:17). An explanation of how natural rights have changed from their objective character (that which is right) to their subjective character (personal entitlements) will follow. Natural rights refer to the sub-class of moral rights that humans have because of their nature (Wenar, 2011).

Natural rights first manifested in Ancient Greece and Rome as objective rights, otherwise defined as 'that which are right'. Objective rights entailed rights and liberties that include seeking safety, providing for one's well-being, and obtaining and using anything that may be conceived as useful in securing one's preservation. Human rights thus depended on natural law and the capacity of every individual to reason and pursue the 'good life' (Wall, 2005:114; Ishay, 2004:7). Ironically, Greek philosophy emphasised human flourishing and the idea of equality of human beings within a context of inequality between (for example) the elite and the slaves, adults and children, men and women (Herbert, 2002:200).

Objective, natural rights have transformed gradually into subjective rights, which can be described as personal entitlements of individuals within the relationship between people and the monarchs and later the nation states. This was the case in medieval times (476 AD to 1000 AD) when it was believed that rights were bestowed on the monarchs by a higher power, such as God. The only power that other individuals possessed, was whatever the monarchs would grant them (O'Byrne, 2003:29). Particular rights that were emphasised were property rights, the right to life, and liberty (Freeman, 2011:202).

Natural rights that were perceived as non-subjective rights in the 17th century were seen as human rights that derived from nature and not from government or laws. Moreover, the legitimacy of the government depended on the respect given to these rights. The focus was on how the State treated its subjects in modern societies. Events that have defined natural rights were characterised as emergent capitalism on the one hand and opposition to absolute monarchy on the other. These aspects resulted in revolutions such as the English Civil War (1640-1649) and the Glorious Revolution (1688-1690).

John Locke (1632-1704) fused the subjective rights perspective (personal entitlements) and the objective rights and/or civil rights perspective of modern times (Freeman, 2011:22). His political philosophy follows Hobbes' contract theory and is based on averting from the state of nature in the politics in his time to a more equal balance between the subject and the ruler in a modern society (Johnson *et al.*, 2001:40; Warburton, 1998:93). Locke devised a social compact between subject and rulers that agreed that every individual, including the ruler, is subject to the law. Rights of subjects may be enforced against the ruler in the form of revolt against the government if the ruler has broken the compact (Law, 2007:283; Johnson *et al.*, 2001:41).

In the 18th century, the concept of natural rights wilted because of the rise of secular ideas on rights, a break from religion, economic growth, and political tension between individuals and the state. An attitude of confidence among scientists and philosophers in human reason prevailed to "solve intellectual and practical problems for the betterment of mankind" (Wall, 2005:231). This attitude also changed the dominating religious perception within natural rights and adhered to the notion that rights derive from reason. Immanuel Kant (1724-1804), one of the most prominent philosophers of the time, maintained that "natural law was based on reason and rights and obligations. Moreover, natural law had the authority over over people who made positive law" (Freeman, 2011:27).

The human rights discourse expanded in the 18th century due to economic development, the consolidation of the nation state, and the emergence of a revolutionary middle class that honed human rights throughout social upheavals such as the American and French Revolutions (Ishay, 2004:69). The American Revolution (1775-1784) and the French Revolution (1798-1799) changed the way in which human rights were perceived, as was demonstrated by the Declarations after the Revolution. The claim of American Independence was not based on traditional rights but "the separate and equal station to which the Laws of nature and Nature's God bestows on them" (Donnelly, 2013:88). The Declaration of the Rights of Man and Citizen was adopted after the French Revolution (1787-99) and listed 17 individual and collective rights, *inter alia* life, liberty, property, security and resistance to oppression (Arp, 2013:441). Its first three articles state that "men are born equal and remain free and equal in rights" and that "the purpose of all political association is the preservation of the natural and imprescriptible rights of man" and that the principle of sovereignty rests essentially in the nation (Donnelly, 2013:89).

Before the 19th century, both knowledge of the world and social progress were dictated by science and rationality (Law, 2007:40). In the 19th century (also known as the Industrial Age) human rights thinking was influenced by the socio-economic developments of the time. The period was characterised by a succession of political events where "workers rose to demand economic and political power, liberal nationalists strove for independence, serfs and slaves struggled to free

themselves from bondage, and suffragettes demanded rights for women" (Ishay, 2004:119). Social inequality framed the nineteenth century human rights debate that consequently led to the decline of natural (and individual) rights and the rise of utilitarianism. The conservatives argued that rights were too egalitarian and too revolutionary. The counter-argument indicated that the application of natural rights leads to inequality of wealth (Freeman, 2011:32). Consequently, the concept of rights was expanded to include not only individual and civil (first-generation) rights, but also social (second-generation) rights. Viewed from a political perspective, utilitarian arguments aimed to support or refute governmental policies and actions, and economists applied utilitarian principles in developing methods for maximum prosperity (Theoharis, 2013:439). Karl Marx, one of the Socialist voices of the time, promoted a materialist concept of rights receptive to economic forces, historical change and conflicting class interests. A focus on the common good or greater good led to the development of society. Human rights issues such as racial discrimination, slavery and colonialism are examples of how people employed human rights in acting for the common good.

The human rights discourse was also influenced by the legal discourse between natural law and other approaches such as multicultural education (par. 3.4.3), citizenship education (par. 3.4.5) and HRE (par. 3.4.6), which could be justified within a dominant scientific worldview of that time. Rising trends that opposed natural law included legal positivism, codification, utilitarianism, and Marxism, which represented the current tough-minded, scientific perspectives" (Arosomena, 2014:261). Legal positivism refers to "a school of thought that believes that a law's validity depends on the question whether it was enacted or determined by an appropriate authority regardless of its moral desirability" (Humby *et al.*, 2012:397). Legal positivism remained dominant throughout the nineteenth through the mid-twentieth centuries. Bentham (Johnson *et al.*, 2001) made a distinction between "the law as it is" and "the law as it ought to be", and separated positive law ("is") from morality ('ought'). Austin acknowledged that positive law (defined as "law as is") is underpinned by morality and ethics, but maintained that jurisprudence should not be distracted thereby (Johnson *et al.*, 2001:69).

Human rights development during the 20th century is not characterised so much by new philosophical directions, but rather by the two world wars (Mubangizi, 2013:7). Philosophical discourses that played a role in human rights conceptualisation were *inter alia* positivism, analytical philosophy, Marxism and post-modernism. Between the years 1930 to 1940 people started to doubt positivism because of ethical and moral questions in reaction to the Great Depression, the rise of Fascism and World War II. After World War II, an awareness of global human rights developed owing to ethical and moral questions, and in reaction to Hitler's abuse of law and making human dignity a universal concern (Arosemena, 2014:264). As people tried to

make sense of the Nazi atrocities after World War II, agreement followed that some rights should be enjoyed by all people and these rights should be protected. Prior to the Second World War, it was the choice and the task of each country to decide how it would protect its people's human rights. Human rights could be part of the national law of states and were safeguarded in national constitutions (Hage, 2014:19). The national constitutions enabled human rights to be enforced by a court of law. The scope of human rights was meant to protect citizens against exploitation by their own national states, and was determined by national judges on a case-by-case basis. After World War II, the first global human rights declaration – the Universal Declaration of Human Rights (UDHR) – was drafted and accepted in 1948. Christie (2004:5) states that these rights were declared and realised by means of negotiations among multilateral organisations that indicated how people should be regarded and treated – both at national and international level.

Following the UDHR (1948), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), were drafted in 1966 (Arosemena, 2014:264). The prominence of the UDHR and the active involvement of the United Nations in international affairs brought about a renewal of human rights as a concept that relates to natural law (Campbell, 2006:9). Donnelly (2013:24) goes as far as to categorise human rights in the Universal Declaration Model in acknowledgement of the role that the UDHR played in 1948. In his opinion, human rights encompass the “minimum set of goods, services, opportunities, and protections that are widely recognised today as essential prerequisites for a life of human dignity and a particular set of practices to realise those goods, services, opportunities and protections” (Donnelly, 2013:17).

Contemporary understandings of human rights have been influenced by how thinking about human rights has developed over time, as well as by the diverse understandings of the meaning of human rights (par. 3.3). In an attempt to come to terms with such different views of understanding, Dembour (2010) analysed scholarly contributions on human rights to clarify the positions from which human rights arguments were made. She explored the relation between an individual's position on human rights and its effect on reaching agreement on human rights issues. She arrived at “four schools of thought” that categorised human rights understandings as belonging to the *natural*, *deliberative*, *protest* or *discourse school* (Dembour, 2010:2). However, seeing that the four schools are not rigid in nature, Dembour argued that they ought to be viewed as fluid. Characteristics of human rights that have been explored and explained according to the four schools of thought include the position of human rights law, the foundation of human rights, the realisation of human rights and the overall position of human rights.

These schools of thought give an indication of how human rights understandings or conceptualisations are influenced by a person's perspective. In the following paragraphs each school will be discussed in short.

The natural school declares "human rights as given", because one is human (Dembour, 2010:2). Human rights are perceived as entitlements based on nature, which makes human rights universal. The natural school is mainly perceived as the foundation of human rights which are based on the substantial philosophy about human rights. Proponents of this school such as Donnelly (1996:1), Gewirth (1996:9) and Perry (1998:13) want to convince people about human rights by means of "solid argumentation, and by employing reason, logic, experiences and different types of constructions to make sense of human rights" (Valen-Sendstad, 2010:31-32). In the natural school, scholars are positive about the imprinting of human rights within positive law. Normally, positive law refers to rules that are codified into a written form (Nieuwenhuis, 2007:244). In this way human rights are universal and enforceable.

For deliberative scholars, human rights exist solely because of a societal agreement (Dembour, 2010:3). Normative dialogue, also associated with discourse or reasoning, is perceived as a main characteristic of this school. Valen-Sendstad (2010:70) also emphasises that dialogue is based on rational and formal argumentations. The deliberative school understands human rights as values that are agreed upon and included in documents such as a constitution or a bill of rights, and followers view constitutional law as instrumental in the expression of those human rights values that have been agreed upon (Dembour, 2010:3). According to Valen-Sendstad (2010:70), the deliberate school concerns itself with identifying current normative issues of society and defending common grounds of parties. Although the notion of universal human rights is seen as an ideal, it is expected that reaching such ideal would take time. Deliberative scholars recognise the implications of the ideal, such as the need for rights to be recognised globally and the understanding of rights as "the best possible legal and political standards that can rule society" (Dembour, 2010:3.) Researchers such as Dembour and Valen-Senstad place the following scholars in the school because of their arguments on human rights: Habermas (1996:126-128); Rawls (1996:150); Ingram (2004:11) and Campbell (1996:xvii). In addition, Dembour emphasises that this school "stresses the limits of human rights, which include the notion that human rights are for politicians and not relevant to the whole of moral and social human life" (Dembour, 2010:12).

Followers of the protest school understand human rights as fought for in attempts to redress injustice. According to this school, human rights are employed to "articulate rightful claims made by or on behalf of the poor, the unprivileged and the oppressed". The concepts 'empowerment' and 'transformation' conceptualise the essence of the protest school. Valen-Sendstad (2010:127)

argues that people whose human rights are violated should be educated and empowered by means of human rights so that their circumstances can change and transformation in society can take place. To be empowered is to “be enabled to claim one’s rights, to understand why and how they are violated, as well as to comprehend how to change the situation” (Valen-Sendstad, 2010:156). The researcher “advocates relentlessly for human rights in social struggles”, seeing that the struggles are recurrent. Scholars categorised in this school by Dembour include Upendra Baxi (2006:xiv), Douzinas (2007:196). Although these scholars envisage the expansion of human rights law, they critique human rights law as favouring the elite.

The discourse school is described as the school with the most distinctive approach to human rights, since its main focus is discourse on human rights, which is characterised by a mixture of scepticism and support, and often starts with critique. The discourse school in the persons of Mutua (2002:ix-x) and Brown (2004:451, 453) supports a perception of “human rights that are talked about”, not necessarily based on a conviction that human rights are given or that they could contribute to solve the world’s injustices. The *discourse school* supporters recognise the power of human rights language, although they are not convinced that only human rights exist. Furthermore, they are neither convinced that “human rights are given, nor that they constitute the right answer to the ills of the world”, but they do recognise the power of human rights language and also accept “that the human rights discourse, as the prominent political ethical discourse of our time, occasionally yields positive results” (Dembour, 2010:3). Yet, a perception and often a wish exist that “superior projects of emancipation could be imagined and put into practice”.

Dembour’s four schools of thought (2010) illustrate the different perspectives of human rights (whether experts in Law, Education, Philosophy and Political Studies) conceptualisation. The implication of scholars’ position on human rights entails the effect that their understanding of human rights values, law, foundations, applications and realisation will have on human rights application, promotion and education. The current study takes the different understandings of human rights into account and, consequently, does not allude to a single definition of human rights. Dembour’s schools of thought illustrate that human rights, and the position of values and morality in their application, are complex and have different meanings for different people. With this in mind, morality theories are explored in the next section.

3.3 An overview of theories of morality rights

In order to look at different theories of morality, it is necessary to first define the concept of morality.

3.3.1 Conceptualising morality

Morality as a guideline for behaviour entails morals. Morals and ethics are terms that are etymologically synonymous with Latin (*mos*) and Greek (*ethos*, *êthos*) respectively. Both concepts refer to 'right' or 'wrong' conduct, 'custom' or 'way of being'. The concept 'morals' is derived from the Latin word *mores*, meaning customs. Morals are standards of behaviour concerned with how we live our lives. These standards refer to "habits of conduct regarding what may constitute appropriate human behaviour" (Lusenga, 2010:17-18). Morals determine the nature of values that are perceived as goals for human life, such as compassion, happiness and justice. In every society, moral values command obligations and interdictions, often supported by myths (Reis-Monteiro, 2014:20). Sen (2004:323) indicates the value of human rights as the inclusion of internal variations to human rights, without losing the agreed substance of corresponding freedoms and obligations, as well as the commitment to reflect on the importance of human rights. In this section, recognition will be given to the diversity of theories of morality relating to human rights.

Morality has been defined as the differentiation between intentions, decisions and actions that are distinguished as proper and those that are improper. The fundamental principle of morality is the aim to do good and avoid evil (Oderberg, 2000:35). In its descriptive sense, the concept morality describes and explains morality as personal or cultural values, codes of conduct or social mores of a society that is accepted by an individual (Chiu, 2016:3). Luco (2014:362) argues that although morality's purpose is to be a source of normative reasons as to why should act, think, or feel as one does, there exists some controversy about what exactly morality demands of people. It suggests that a descriptive definition of morality that identifies authoritative moral requirements may benefit the issue.

Morality provides guidelines on how to live and act to get *along* with others or to attain individual self-realisation (Wren, 2008:11). Morality can also function as a psychological state and mode of character development and realisation, enabling mutually beneficial social cooperation between two or more parties (Luco, 2014:361) and achieve self-realisation (Wren, 2008:11). Within the education context, morality is perceived as a set of individual judgements and beliefs of what is good and bad, and right and wrong. These sets of judgements are made on daily basis in the form of moral dilemmas with the given facts. The interpretation of moral issues can happen by evaluating the course of action in a timely manner. This mostly happens when the desirable course of action is not clear and there is time to decide. The second moral process is called 'habitual morality' and happens without preceding reflection. Choices on actions are made intuitively. These choices are also influenced partly by a person's experiences with his/her family and peer groups and partly by the norms of their society (Colby, 2008:391). Both processes have

an impact on human rights application. Colby states that the ability to think clearly on moral issues is important for people in a personal as well as in a civic and political capacity, since it mostly focuses on the balancing of rights and the welfare of others (Colby, 2008:393). Her statement could specifically be applied to the preparation of -student teachers, as they will in turn affect their learners' moral development.

Some authors, for example Olen, Van Camp and Barry (2008) make a distinction between individual morality and social morality. Individual morality refers to values that help individuals make moral decisions on how to act. It does not connote objective claims of right or wrong, but only refers to that which is considered right or wrong. Examples of these values include fairness, the proper human good and religious values (Olen *et al.*, 2008:8-12). Social morality refers to actions that are made collectively in the interest of a nation's social morality. In the case of social morality, decisions are made to make and uphold the law. Underlying principles of social morality include social justice, rights application, equality, the common good, pluralism and freedom (Olen *et al.*, 2008:14-21). If the actions and the decisions made in the interest of the nation do not acknowledge the inherent dignity and worth of every human being (Freedman *et al.*, 2012:285), human rights are violated. Perry (2007:5) identifies the relation between morality and human rights by referring to the morality of rights. The morality of rights derives from the International Bill of Rights, which claims the following:

- Every (born) human being has inherent dignity.
- The notion of inherent dignity implies a normative responsibility to live one's life in accordance to the fact of inherent dignity and moreover to respect the inherent dignity of every person (Perry, 2007:5).

In Perry's (2007) argument, this fundamental imperative is the normative grounding of human rights and implies both a vertical and horizontal approach to responsibilities. In this sense, responsibilities could also be moral responsibilities, which refer to "responsibility for an Other" (Becker, 2017:47).

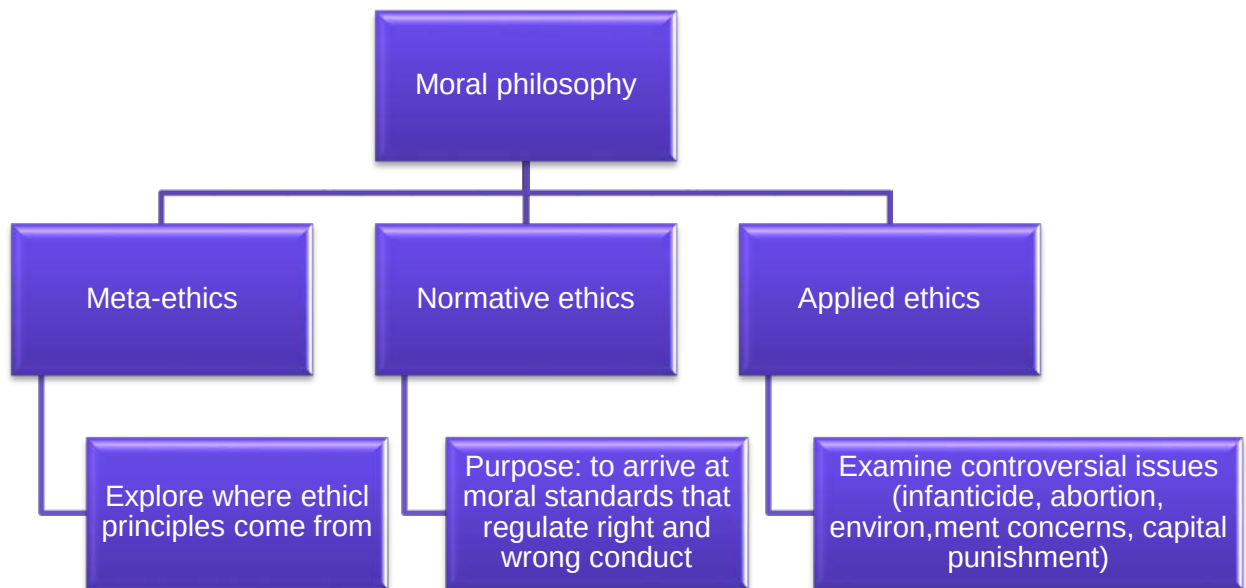
3.3.2 Theories of morality

During teacher preparation in higher education institutions, students may be exposed to elements of moral philosophy in their course to enable them to think critically and reflectively about right or wrong, good and bad (Law, 2007:101). Moral philosophy could be divided into three branches: meta-ethics, normative and applied ethics. Meta-ethics, which addresses the most general moral questions, focuses on whether normative theories can be justified or be true (Reis-Monteiro,

2014:22; Feinberg & Shafer-Landau, 2013:688). Theories of morality in meta-ethics include moral relativism, moral realism, God and reality, egoism, altruism and reasoning.

Normative ethics is also a discipline that might be presented in student teachers' courses. Normative ethics not only determines the moral standards that guide human conduct, but also determines right and wrong conduct on which actions could be evaluated. A central question is whether there is a fundamental universal moral principle in situations (Reis-Monteiro, 2014:27). Normative theories can either involve a single principle used to judge another's actions, such as 'The Golden Rule' (meaning, do unto others what you would want others to do to you), or a set of good habits or foundational principles such as the right to life, liberty or happiness. Theories of morality that combine principles and strategy include virtue theory, social contract theory, hedonistic and utilitarian theories and feminist ethical theories. Normative ethics is the branch of philosophy that refers to "the universal guide that all rational individuals would put forward for governing the behaviour of all moral agents" (Gert, 2010). In its normative sense (which rather considers what humans ought to be than what we are), 'morality' refers to whatever is *actually* right or wrong (Wall, 2005:14). In this case it may be independent of the values or mores held by any specific people or culture.

Within the framework of normative ethics, three main branches of ethics are studied: virtue ethics, deontological ethics and consequentialism. Virtue ethics is one of the three main normative ethics theories in the history of Western Philosophy. The other two are consequentialist ethics and deontological ethics. Virtue ethics is the oldest form of ethics that exists in diverse cultures. It focuses on what sort of people we should strive to be, emphasising personal perfection. It also highlights the importance of the moral character to be developed mainly by moral education (Reis-Monteiro, 2014:30).



(Adapted from Fieser, 2000)

Figure 3-1: Branches of Moral Philosophy

(a) Deontological ethics

Deontological ethics (or action-based ethical systems) adhere to a set of established rules and normative ethical systems that determine the advantages of actions. Deontological ethics is described as action based because they focus entirely upon action. The deontological school of ethics may direct the person to do the right thing, regardless of the consequences (Donlevy & Walker, 2011:23).

(b) Consequentialist Ethics

Consequentialist ethics, also known as teleological ethics, use the observable results, consequences or behaviours as the primary criterion by which to assess moral actions. Assessing of morals in a consequentialist manner may imply a cost-benefit analysis for balancing both the good and bad consequences of an action (Reis-Monteiro, 2014:31). Its simplest form is utilitarianism, which means that the morality of behaviours depends upon its utility for general wellbeing. The maxim that the right act is the act that produces the greatest happiness for the greatest number, summarises the classic utilitarian moral theory. Consequentialism is perceived as incompatible with human rights. The general criterion for the rightness or wrongness of actions is whether they maximise good consequences. Oderberg (2000:66, 69) argues that attaining the maximising of goodness is incompatible with human rights, because rights prohibit certain kinds of acts, no matter the consequences.

According to Fieser (2009), the last branch of moral philosophy is applied ethics, which may combine either meta-ethics and/or normative ethics to solve real-life situations such as euthanasia, suicide, abortion or capital punishment. He emphasises the principles that are most commonly appealed to in applied ethical discussions and that derive from both consequentialist and duty-based approaches. These principles include personal or social benefit (which are consequentialist based), the principle of benevolence, and the principles of honesty, rights and lawfulness (which are duty based) (Fieser, 2009).

In his thesis on the morality of rights, Perry (2007:35) illustrates the relationship between morality and the law of human rights in situations such as abortion and capital punishment. In his argument, he combines a legal perspective and human rights with morality and emphasises people's responsibility in respect of human rights:

We who affirm the morality of human rights, because we affirm it, should press our elected representatives. To enact and enforce laws and policies aimed at preventing human beings from violating human beings or otherwise causing unwarranted suffering; and not to rely on any law or policy that violates (or would violate) human beings or otherwise causes unwarranted human suffering.

One method that could be used to act on Perry's suggestion is to apply principles underlying consequentialist and deontological theories of morality in the teaching-learning of human rights. If, however, people are not exposed to theories of morality through formal or informal education, they might not have the knowledge or the skills to deal with different approaches towards the application, promotion and education of human rights in their everyday life. For this reason, par. 3.4 will explore human rights in teacher education.

Furthermore, in teacher education the teaching-learning of human rights both within morality (discussed in this chapter) and human rights from a legal perspective (discussed in Chapter 4) is needed. Student teachers should be made aware of morality and specifically of values as standard or a code of conduct, as well as of the application and promotion of human rights to restore the balance of right and wrong, and good and evil in the education environment. Education and moral processes could for example be integrated with human rights in teacher education to contribute towards the prevention of human rights violations, as well as equip student teachers with skills in human rights application and promotion (Kirchslaeger, 2017:111). The researcher would therefore argue that the teaching –learning of human rights from a moral and the legal perspective of human rights application is realisable. An example to the integration of two perspectives is teaching about the morality of sexual violations and the explanation of the legal procedures that is required for sexual harassment or abuse.

The application of human rights in various education theories in teacher education will be discussed next.

3.4 Human rights and teacher education

Teacher education involves policies and procedures, and provides prospective teachers with the specific knowledge, skills and dispositions that are required to perform their tasks effectively in the classroom, the school, and in the wider community (Butin, 2005:218).

Legislation such as the National Qualifications Framework Act (67/2008) also guide teacher education institutions with regard to what knowledge student teachers should have in the order to facilitate, apply, promote and teach human rights. According to the Revised Policy on the Minimum Requirements for Teacher Education Qualifications in South Africa (DHET, 2015), a teaching programme at a higher education institution should include five types of knowledge that student teachers should master. One of the knowledge types²³ applicable to human rights education is situational learning, which refers to learning about education context and learning environments, as well as the prevailing policy, political and organisational contexts. Student teachers should understand the “complex and differentiated nature of the South African society and learn how to confront the diverse challenges such as HIV/AIDS, poverty and the effects of apartheid, dealing with diversity, promoting inclusivity and environmental sustainability” (DHET, 2015:11). In this context, knowledge on human rights could help student teachers to apply their rights in various situations.

Concerning human rights education, the United Nations explains the teaching and learning processes with regard to human rights as follows (Tibbitts, 2014:130)

- Education **about** human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;
- Education **through** human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;
- Education **for** human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.

²³ The other four knowledge types that a student-teacher must master are disciplinary learning, pedagogical learning, practical learning, and fundamental learning.

The teaching for human rights furthermore entails a covert or hidden approach towards teaching-learning in teacher education (Simmonds, 2010:19), specifically in respect of *Education through human rights* and *Education for human rights*. Jacobs (2003:119) alludes to the hidden curriculum as “the values, habits, and beliefs that are imparted to students through the ways schools are structured and through the routines of school life” (Bigelow, 1999:243). Oosthuizen (2015:12) also refers to the covert and overt approach when he describes education as a “social science of which morals, religion, feelings, emotions and values manifest in the covert and hidden curricula and are the basic tools for social relations”. Teacher education should employ both overt and covert approaches to enhance the student teacher’s teaching and learning experience in a specific module.

Furthermore, it was mentioned in Chapter 1 (par.1.2) that human rights education courses are integrated into various disciplines which draw from their own conceptual framework. In each course, human rights would be conceptualised according to the conceptual framework of the particular discipline. Tibbitts (2014:129) justifiably cautions that educators may be confused at times about how HRE differs from citizenship education, intercultural education or peace education. Student teachers’ confusion might then affect the way in which they promote, apply and teach about, through and for human rights.

The paragraphs to follow will therefore briefly explain the essence of the different approaches in education, as well as conceptualise human rights in the particular conceptual framework. These are: Legal education for educators (par. 3.4.1); Moral education (par. 3.4.2); Multicultural education (par. 3.4.3); Intercultural education (par. 3.4.4); Citizenship Education (par. 3.4.5) and HRE (par. 3.4.6). Since the variety of approaches may affect human rights application promotion and education, it might be beneficial for student teachers to learn more about all these approaches during their study.

3.4.1 Legal education for teachers

The legal approach is rooted in law which is characterised by a body of rules governing human conduct. It is also recognised as binding by society and enforced by public state authorities. Law is prescriptive in nature in the sense that it prescribes orderly conduct by means of legal rules that can be enforced through punishing unacceptable behaviour or rewarding behaviour that society deems acceptable (Humby *et al.*, 2012:2). Legal rules that consist of properly passed legislation and proper judicial precedent (Froneman, 2005:4) are distinguished from other rules by the notion that legal rules are normally enforced by collective means and in particular, by organs of the state. The enforcement of legal rules takes place by means of legal sanctions that include incarceration, fines, and compensation for damage (Hage, 2014:2).

Against the backdrop of the characteristics of Law as a discipline, one could argue that student teachers would employ legal reasoning when they are confronted with human rights issues. One of the tasks of legal reasoning is to demonstrate that, where a society has rules, they are applied accurately and faithfully (McCormick, 2011:20). Legal reasoning consists of both formal reasoning and substantive reasoning. Formal reasoning relies primarily on the authoritative origin of a legal rule, whilst substantive legal reasoning concerns itself also with the underlying justification for the rule. Decision makers need to answer the questions whether a decision is just or whether it serves a good goal for society (Froneman, 2005:4). Formal reasoning prevents the decision maker from going beyond an authoritative rule, and it is objective and neutral in its application. Substantive legal reasoning leaves too much scope for subjectivity, where the decision maker makes evaluative choices between competing political and social alternatives (Froneman, 2005:7). Tan (2007:17) maintains that students in legal education are taught “the values associated with thinking like a lawyer” and links legal reasoning to a reasoning that is objective and special – in contrast to controversial moral reasoning, which is subjective and which they soon learn to banish emotionality from their legal thinking.

A legal approach to the teaching and learning of human rights includes legal principles and legislation that are studied in relation to education. Legal principles such as rights and obligations, the rule of law, and rights and remedies in accordance with human rights application are present in legal reasoning. One of the acknowledged sub-disciplines or fields of Law – Education Law – also makes use of legal principles and applies it in the educational context. The dominant perception of Education Law as a field emphasises legal sources such as legislation, common law, case law (Malherbe, 2008) or legal rules (Mawdsley & Visser, 2007:154) that relate to or affect education. Squelch (1997:385) considers the relation between law and education as the use of legal principles to:

- facilitate and regulate learner conduct;
- establish harmony in the relationships between various role players;
- determine the responsibilities of role players; and
- protect the individual rights and the rights of the role players in education.

Education Law is a discipline of which the main focus is the relationship between law and the educational environment (De Wet, 2014). In the literature, specifically in South Africa, Education Law is defined in two different ways. Some scholars, like Malherbe (2008:35), define Education Law as the law that relates to education. Accordingly, emphasis is placed on the public law relationships in education, as well as on the interpretation, application and enforcement of law in

the education environment in the form of disciplinary hearings, expulsions and court proceedings. Others, like Oosthuizen (2009:11), define Education Law as a discipline aimed at providing a framework for harmonious relationships among stakeholders in education.

According to De Wet and Simmonds (2017), human rights actions involve the individual or collective actions, reactions and interactions of humans when they use, reformulate, verify, claim, defend, amend, recognise, critique, reject, resist, deconstruct, engage with, fight for or apply (their own) human rights. These actions could be categorised as legal actions, actions from states or institutions, or – in the context of higher education – collective actions of students with transformative action as their aim. These three actions will be explored next.

Legal actions refer to a form of litigation or sustained court action that could be used to defend human rights violations and/or affect social change. Justice Cameron, a human rights lawyer, argues that anti-apartheid legal activism simultaneously played an important role in slowing the implementation and relieving the injustices of Apartheid laws. More importantly, together with the honest and principled judges who refused pro-apartheid rulings whenever they could, legal activism opened a way to a better legal system – one where the law seeks to secure justice and equality, and not their opposite (Cameron, 2014:58).

In the new South African Constitutional dispensation, however, the efficacy of legal action with regard to human rights application and promotion is questioned. Kok asks the question whether law is able to transform society and refers to the Constitutional Court's decision in *Government of the Republic of South Africa v Grootboom*. Three years after the court's decision, the national government put in place an emergency housing programme that has to date not been adequately implemented (Kok, 2010:82-83). The author concludes as follows:

Law seems to be the quickest and cheapest way of changing a society and that is why governments too readily turn to the law when it wishes to dispose of a social ill. In this belief governments are often probably mistaken (Kok, 2010:83).

Positive, indirect uses of law include the legitimising of values and publicity. Du Preez and Becker (2016) refer to this kind of human rights action as dissensus or “decisions and actions of humans related to an inherent (non)-existence of human rights within the framework of written human rights. Within the intersecting spaces of the ideals of abstract rights and the non-existence thereof in social reality, humans choose to use their rights” (Du Preez & Becker, 2016:5). Actions that could be used as an alternative to litigation are acts that can be classified under legal resistance. Heyns (2006:17) promotes the “struggle approach to human rights” which emphasised ‘struggle’ as the other side of the coin of ‘legitimate resistance’. Legitimate resistance must be the only option left for protecting human rights after all reasonable measures have been considered for

protecting human rights (Heyns, 2006:15). Ways to resist in a legitimate way include activism, advocacy, sustained efforts and continued reinforcement through education, as well as personal example. Protest marches could also be seen as a form of 'struggle' in which the human rights status of a particular interest could be asserted and supported (Heyns, 2006:32-33). The Bill of Rights as part of the Constitution (SA, 1996), contains provisions that allow advocacy and protests at higher education institutions. The right to association in South Africa is normally associated with political activities such as demonstrations, protest and picketing, and are used by people who perceive "that their demands are not given serious consideration by the state" (Woolman, 2013:377).

The next approach that involves some elements of human rights, is moral education.

3.4.2 Moral education

Moral education is based on the education and facilitation of morality that focuses on individual and social relations among human beings (par. 3.4.2). Individual relations relate to an individual's moral beliefs. The relation of morals within society is conceptualised as 'strong social forces influenced by religion and politics that could consequently shape individuals' morality.

At the same time, a person's inner beliefs are converted into actions that may affect others (Akbari & Tajik, 2012:42). Human action serves certain ends that ideally represent the planned end result. The implication is that humans make a decision to act before they take an action. From a philosophical perspective, action is described as an activity performed by an agent directed towards a goal (Wilson & Shpall, 2016). In literature, there is a struggle to reconcile parallel branches in morality, including theory on: "virtuous traits and good habits, moral emotions, or 'good' reasoning. Haste and Abrahams (2008:377) relate psychological processes such as reasoning to "be the machine for the moral person". According to Howel, (2009:517), the moral person or moral agency of a person is described by the following capabilities: moral discernment; moral judgements; moral responsiveness; and moral actions. Moral discernment is the recognition of right and wrong. Moral responsiveness is the ability to feel moral emotions. Moral judgement is the ability to weigh conflicting moral claims and make reasoned choices in specific circumstances. Moral actions are "putting one's convictions into practice All of these capabilities consist of moral reasoning as a thought process. Moral reasoning is defined as individual or collective practical reasoning about what – morally – one ought to do. In philosophy, two aspects are explored, namely how people recognise and react to moral considerations and making moral decisions based on reasoning (Richardson, 2013). In respect of human rights application, Tasioulas (2013:2) argues that human rights are to be identified by the use of natural reason, in other words principally ordinary, truth-oriented moral reasoning. The capabilities of the moral

person that are developed through moral reasoning would be reflected in his/her human rights application. Therefore, moral reasoning should be facilitated with the requirement that teachers should apply valid reasoning in their explanation and contextualisation of moral problems in their subject matter (Noddings, 2010:394).

Moral education is part of society and primarily focuses on the instilling of values that society upholds as norms. In the light of the facilitation of human rights, moral education consists of either structures within educational institutions (formal structures) or informal structures outside schools and educational systems. While most initiatives are typically bound within formal educational systems and within countries, other initiatives attempt to improve the human condition through international educational programmes with no base anchored in any specific school or country (Print, Ugarte, Naval & Mihr, 2008:117). In this sense, moral education is directly concerned with developing morally aware and responsible people, which is consequently linked with education **about** and **for** human rights.

3.4.3 Multicultural education

Multicultural education is a concept and a deliberate process designed firstly to teach learners to recognise, accept and appreciate differences in culture, ethnicity, social class, sexual orientation, religion, special needs, and gender. Secondly, multicultural education aims to instil in learners “a sense of responsibility and a commitment to work toward the democratic ideals of justice, equality and democracy” (Manning & Baruth, 2009:5). Based on multiculturalism, multicultural education highlights equality as a value and focuses on culture, gender, ethnicity race and language in education. Banks, who first defined the concepts related to multicultural education within a diverse environment, conceptualises multicultural education as the expectations of multicultural literacy, the inclusion of how to understand and apply knowledge in diverse contexts. For Banks (2004:298), “knowledge should be used to guide action that will create a humane and just world”. Multicultural education is a standard term for defining the pluralist education type in which all children can receive education under equal conditions (Acar Çiftçi & Gürol, 2015). Multicultural education as a teaching process emphasises the intrinsic aspects of culture and its influence on teaching and learning processes (Manning & Baruth, 2009:7). The concept recognises the belief that to obtain what one is entitled to requires a fair system and an equal chance to acquire social and academic skills. It acknowledged firstly that certain historical facts and events must be taught, and secondly that an adequate understanding of present conditions as well as general human behaviour comes about with knowledge of historical facts (Manning & Baruth, 2009:7). Multicultural education is depicted as any form of education that incorporates the histories, texts, values, beliefs and perspectives of people from different backgrounds and should be seen as an attempt to improve education for all students (Diaz, 2009:526). The general consensus in the

conceptualisation of multicultural education entails revising mainstream curriculum to include diverse perspectives in education (Diaz, 2009:526). Multicultural literacy involves the skills and abilities to practise multicultural education in culturally diverse classes and to implement school reform programmes that will provide student teachers with the necessary skills, knowledge and values to function within their mainstream culture, as well as within and across other cultures (Lemmer, Meier & Van Wyk, 2012:1).

Another form of multicultural education, known as critical multicultural education, critiques the conservative approach. Critical multicultural education theory expands the educational programme and instruction focused on by liberal multiculturalism and emphasises the need for a structural change (Acar Çiftçi & Gürol, 2015:3). Educators are required to help students when they critique any injustice and help them to formulate possible forms of action to change the world and make it more democratic (Lemmer *et al.*, 2012:1).

3.4.4 Intercultural education

Intercultural education focuses on the promotion and development of interaction among school children of diverse backgrounds and on the sharing of knowledge of different cultural, religious and linguistic traditions present in schools and societies. The aims of intercultural education include contributing to democracy, protecting human rights and fundamental freedoms, better mutual understanding and cooperation, freedom and security (Mlinarević, Nemet & Bushati, 2015:9).

Some parts of England and Sweden use the concept intercultural education instead of multicultural education since the concept is perceived as outdated and seen to add no new meaning to public discourse on equity. Other countries such as Greece and Italy use the term 'intercultural education'. For scholars in these two countries intercultural education denotes "valuable communication and a rigorous attempt" to understand issues such as diversity in changing contexts (Bhatti, Gaine, Gobbo & Leeman, 2007:x). In contrast with this phenomenon, countries such as the Netherlands adopted citizenship education as a preferred framework in their curriculum. For the Netherlands, the ideal of teaching about a multicultural society is outdated and consequently citizenship for integration replaced the use of intercultural education (Bhatti *et al.*, 2007:ix). Issues in relation to intercultural that are explored include reasons for changing societies, such as "dislocation and relocation of individuals and families due to world-wide inconsistency in work opportunities and/or the possibility of survival" (Gobbo, 2007:75). In intercultural education, learners should be able to get answers for the conditions in which they live.

In the next paragraph, the features of citizenship education and its relation to human rights will be discussed.

3.4.5 Citizenship education

Citizenship education is a vast field that includes a wide range of philosophical, political and ideological perspectives, and of pedagogical approaches, goals and practices, which also include human rights (Schugurensky & Myers, 2003:1). Citizenship education is defined as any educational experience that promotes the growth of individuals with regard to their civic capacities. The civic realm that consists of the world of political and community work requires particular kinds of knowledge, skills and dispositions of student teachers (Knight-Abowits, 2009:129; Schugurensky & Myers, 2003). The main purpose of citizenship education is the development of good democratic citizens (Schugurensky & Myers, 2003). To achieve this purpose, learners should be prepared to live and function in increasingly multicultural, democratic societies. Democracy is primarily a way of life that is fundamentally concerned with equity, justice, critical thought, and decision making. In addition, being a citizen is more than having legal status with rights and responsibilities (Molina-Girón, 2016:142). Citizenship rights are underpinned on the notion of a political community, based on political and legal understandings of the individual (Kiwari, 2005:37). In a study on citizenship education in Bahrain, Eid (2014:4) alludes to the requirements of being a citizen as “factual and conceptual knowledge from domains such as government, politics, rights, responsibilities, community issues” for making thoughtful, informed decisions about matter that are important for their lives – both now and in the future.

In contrast, Johnson and Morris (2010) argue that citizenship and civics education in nation-states have changed from primarily developing the state and building a common identity towards promoting forms of global citizenship and multiculturalism. Citizenship education should also promote a common set of shared values such as tolerance, human rights and democracy. In this way, learners and students would be prepared to live together in diverse societies. In some contexts, citizenship education is also expected to contribute to the promotion of social justice, social reconstruction and democracy (Johnson & Morris, 2010:77-78).

The current requirements for citizenship, namely multiculturalism and the promotion of social values, social justice and social reconstruction, could be realised through adopting Banks’s perspective on the different types of citizens. For Banks (2008:136), there does not exist one kind of citizen. His theory includes a conceptualisation of four types of citizens: the legal citizen; the minimal citizen; the active citizen, and the transformative citizen. The legal citizen and the minimal citizen fall in the conservative orientation of citizenship education. Whereas the legal citizen has rights and obligations but does not participate in the political system, the minimal citizen votes in

local and national elections on conventional candidates and conventional issues. The active citizen is still conventional, but will take action beyond voting to actualise existing laws and conventions. The transformative citizen falls in the progressive category described by Schugurensky and Myers (2003) and could be described as post-conventional. The transformative citizen takes action to actualise values and moral principles beyond those of conventional authority.

The teaching process focuses on the development of knowledge and understanding of citizenship related to human rights values and how to deal with human rights application in times of crisis. Aims of citizenship education include “the development of appropriate ways of thought, judgement and action, acquiring and consolidating a culture of consciousness that allows the maintenance of social cohesion in the knowledge base, respect, acceptance, tolerance of cultural differences” (Sounoglou & Michalopoulou, 2017:55). The teaching-learning of citizenship education is partly based on a democratic, political approach, since it is rooted in particular conceptions of democracy and citizenship. To be effective, citizenship education “ought to be responsive to social and cultural diversity”. A citizenship education that embraces democratic politics and affirms social and cultural diversity is rooted in particular conceptions of democracy and citizenship (Molina-Girón, 2016:142).

The implementation of citizenship education entails educational policies, curriculum development and pedagogical strategies where the purpose for citizenship education is expressed in different ways. As an educational field, citizenship education has conservative and progressive orientations. Citizenship education can be used as a tool for maintaining the status quo, but also for empowering individuals and groups to struggle for emancipatory change (Schugurensky & Myers, 2003). With empowerment and transformation in mind, democratic citizenship education in South Africa emerged “with the potential to enhance forms of democratic engagement and belonging in most liberal democracies, including South Africa” (Waghid, 2015:254). Democratic citizenship is grounded in the following considerations:

Firstly, to encourage people not to repeat the racist, repressive and authoritarian apartheid past; secondly, to engender public deliberation to ensure that all people are engaged with, situated in, and connected to the democratic aspirations of others; and thirdly, to recognise the rights and responsibility of all citizens to uphold the rule of law, to develop respect for one another as persons through our human interdependence (ubuntu), and to contribute towards building an equitable and just society on the basis of reconciliation and mutual recognition of the other.

Another form of citizenship education that prevails in current literature (Molina-Girón, 2016:142; Johnson *et al.*, 2010; Banks, 2008) also refers to a critical multicultural citizenship education. “It embraces democratic politics while also affirming diversity, and lays the foundations for a more

equitable society". In a critical approach, students learn about power and public decision making; the unequal distribution of resources and its effect on different individuals and groups; reasons for permitting inequalities like racism to persist. This foundation is essential in the development of learners' civic agency and their commitment needs to address challenges that may persist in a democracy (Molina-Girón, 2016:142).

In the next section, HRE and its relationship with human rights application, promotion and education will be discussed.

3.4.6 Human Rights Education (HRE)

HRE involves teaching and learning processes to educate basic rights and broaden respect for the dignity and freedom of all people(s) (Bajaj, 2017:1). The approach is deeply rooted in the ideals of the UDHR for the "fostering of a world-wide human rights culture" (Tibbitts, 2017:69). HRE was defined by the United Nations (UN, 2010) as "training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes" (UN, 1997). Article 2(1) of the United Nations Declaration on Human Rights Education and Training (UN, 2010) elaborates as follows:

Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights.

The concept of human rights education within HRE contexts is defined as "the diffusion of knowledge on people's individual and collective rights and responsibilities in relation to their society – locally, nationally and internationally" (Gereluck, 2009:427). This approach comprises components such as content and processes related to the teaching of human rights, cognitive content, values and skills, and action-orientated components (Bajaj, 2017:3). Mihr (2015:535) describes HRE as a "concept based on acknowledgement, awareness, empathy, empowerment, and the actions of people to change a current situation in accordance with human rights values, norms and standards".

Human Rights Education models are based on location, ideology and desired outcomes (Bajaj, 2011:488). One of the models developed for the teaching-learning of human rights in formal and informal settings that is recognised as the basis for subsequent models and critique on HRE, is the Tibbitts model (2017, 2002). For this reason, the Tibbitts model is used to describe the

essence of HRE. This model also resonates with the different perspectives of the teaching-learning of human rights that are explored in this study.

Tibbitts (2002:165, 2017:82) identifies three models used to teach human rights to various audiences. Bajaj, Cislighi and Mackie (2011:14) summarise the Tibbitts model of HRE as follows: the 'Values and Awareness model', which contains information on the content of human rights documents; the 'Accountability model', which focuses on the legal-political approach; and the 'Activism Transformation model' (Tibbitts, 2017:90), which entails the psychological-social approach to human rights education (Bajaj *et al.*, 2011:14).

The first model, the values and awareness model, is originally a philosophical-historical approach used in schooling and public awareness campaigns. Primary methods used to reach the aim draw learners' attention to human rights-related lessons within citizenship, history and social science, and law-related education classes. The model aims to develop respect for human rights and to create a human rights awareness that is based on the Universal Declaration and other essential documents.

In contrast, the Accountability model (as the second model of HRE) follows a legal-political approach and is used for students already within professional roles such as lawyers, human rights advocates, civil servants and journalists. The students learn about procedures for monitoring human rights, court cases, codes of ethics, dealing with the media, and public awareness within the context of the problematic relationship between the individual and the State and/or authorities. The aim of the curriculum is to incorporate knowledge on legal norms and human rights application into their profession so as to contribute to social change.

The third model – the Transformational model – is driven by a psychological-sociological approach used for the healing and transformation of students from vulnerable populations, victims of abuse and trauma, and/or post-conflict societies. In order to empower the individual or the whole community, self-reflection on human rights abuses and its prevention is used.

In the revised Tibbitts model (2017), components of each of the above-mentioned models that were added include an integration of a critical stance, application of human rights norms; voluntary/involuntary participation, learner outcomes in relation to agency and transformation, and teaching and learning strategy (Tibbitts, 2017).

Although there is an indication of a trend regarding a critical approach in the Tibbitts model, the critique of scholars such as Print Ugarte, Naval & Mihr, (2008), Zembylas and Bozalek. (2014:30) and Keet (2012, 2014, 2015) on the HRE movement's emphasis on the UDHR (1948) and/or the World Programme of Human Rights Education (UN:2012:3) are of interest for the purpose of the

study. They also critique current human rights discourses that “demonstrate an inadequate conceptual framework of knowledge and a lack of rigorous discourses on the philosophical, ontological, and epistemological underpinnings of human rights education in teacher education”. Keet (2015:59) proposes the approach known as Critical Human Rights Education, which he defines as a pedagogical formation that “stands in a critical relationship with human rights universals; perpetually revisits the receivable categories of human rights praxes; third, advances a social-justice oriented human rights practice; and fourth, emphasises human critiques to enrich human rights understanding”.

3.4.7 Critical approaches to human rights education

The main premises of the critical approach to human rights education can be summarised as the understanding of the world as a pre-requisite for social change. The concept of imbalances of power relationships serves as a point of departure.

According to Zembylas, Lesta, Charalambous and Charalambous (2016:138), the approach is informed by reflection and action to transform the world and provide opportunities for confronting human rights violations on multiple levels and in different contexts. After reflection on human rights violations, agents may act because of their experiences and attitudes regarding injustice (Allen, 2016:80). The underlying philosophy and political notion behind reflection on injustices is based on Honneth’s theory of recognition (2007), which refers predominantly to the act of acknowledging or respecting another being. In this sense, a person would ‘recognise’ someone’s status, achievements or rights. Questions concerning recognition revolve around the status of groups. The question regarding recognition of a particular group and the possibility for the group to be recognised as a group or a collection of individuals is also explored.

Another question would include the granting of specific rights or respect apply to the group group itself or the individual members belonging to that group. According to McQueen (2017), Honneth’s answer to the questions might be a general reply pertaining to individual rights and recognition. A practical example of action due to personal experiences regarding injustice is former Justice Cameron’s description of the previous dispensation in South Africa. He referred to the “existence of two different legal systems during the Apartheid era, one for White South Africans and one for Black South Africans” (Cameron, 2014:59). Van der Merwe (2012:99) states that white colonists and black indigenous people in South Africa were subject to an elaborate hierarchical order, modified by European legal traditions of Roman-Dutch and English law that applied to white South Africans, while unwritten (“native customary”) laws and a tiered system of courts applied to the indigenous people of South Africa. The Native Administration Act (Act no 38 of 1927) promoted a

modernised version of 'indirect rule' for South Africa, alongside laws that assigned land, employment and education on a racial basis and enforced social segregation.

When the Nationalist Party came to power in 1948, apartheid laws derived from a political policy of racial segregation were written (Van der Merwe, 2012:99; Kleyn *et al.*, 2010:34). These laws restricted the provision of labour and limited freedom of movement on a racial basis. Labour and freedom of movement were determined by a racial caste system that included the following categories: white (of European descent); African (black); coloured (of mixed racial heritage); and Indian (descended from South Asian immigrants) (Msimang, 2018:29). In his recollection, Justice Cameron mentions how human rights were violated by the laws that existed at the time, for instance the Population Registration Act (Act No 30 of 1950), which contained the requirements for the categorisation of the racial caste system, and the Group Areas Act (Act No 41 of 1950), which determined where people might live in accordance with their racial category (Reagen, 2008:203). For Cameron, the legal system treated white South Africans more favourably than their black fellow citizens and therefore did not meet the standards of rule of law and respect for individual rights. A small number of judges and lawyers protested against unequal treatment in this regard (Cameron, 2014:59). Within the context of higher education, students can also become activists during their study years when they become disillusioned with social problems such as wealth inequality; covert and blatant acts of discrimination; and intolerance of racial and ethnic groups, women, students with disabilities, and persons with a different sexual orientation (Quaye, 2007). When little positive social change is experienced, the outcome may be cynicism or action. Human rights activism in particular can be conceptualised as "collective action undertaken to influence the behaviour of governments so that laws, policies and practices are consistent with human rights standards" (Tibbitts, 2017:72-73). The efforts of today's student activists can, according to Quaye (2007), be based on critical hope. Critical hope is anchored in the belief that by challenging inequitable behaviours, people (in this case students) can work to improve their circumstances and those of their current and future peers. Lecturers and educators who employ the critical approach perceive that education is misused by the "ruling elite" to sustain oppression along the lines of race, gender, ethnicity and sexual orientation (Al-Daraweesh & Snauwaert, 2013:389). The general view of critical pedagogy is that it is political in nature, because proponents believe social interactions are inherently political (McArthur, 2010:304). Other conceptions of critical pedagogy include firstly knowledge as a product that is historically shaped and dominated by those who have power. Secondly, critical pedagogy aims to liberate people, which includes empowering them in their social interactions. This could happen through education, a transformative activity that creates empowering conditions for social justice and democracy (Acar Çiftçi & Gürol, 2015:4). These empowering conditions include embracing public spaces such as higher education institutions to engage with the broader society in a creative and

transformative dialectic (McArthur, 2010:302). Student teacher programmes that consist of a rights-based approach and aim for human rights literacy and human rights application could well facilitate transformative action towards an open and democratic society (Becker, De Wet & Van Vollenhoven, 2015:2).

Currently, the social activist tradition in education calls for an awareness of the creation of a more just and equitable society in terms of race, gender, and socio-economic class (Provenzo, 2009:14-15). Examples of the critical approaches towards human rights education include the critical hermeneutical approach, critical race theory and critical feminist approaches. The first approach – the ‘critical hermeneutical’ approach – acknowledges the value of learners becoming aware of human rights as a global concept, and stresses that it is equally “important for learners to explore how human rights are locally conceptualised and embraced” with a view to human rights application, promotion and education.

Provenzo (2009:14-15) indicates that the teacher’s role of being more pro-active in social change constitutes a recurring theme in the social foundations of the education field. Provenzo refers to Giroux who argued that teachers need to function as ‘transformative intellectuals’ who combine reflection and action in their endeavours to transmit the necessary skills and knowledge for addressing injustices. Teachers furthermore need to be critical actors who are committed to developing a world free of oppression and exploitation. Magendzo (2005:140) refers to the educator as a ‘subject of rights’ who has a basic knowledge of the fundamental rights of people and who will promote and defend his/her own rights and the rights of others. The educator as a ‘subject of rights’ also has a basic knowledge of the institutions of the community whose role it is to protect peoples’ rights and assist in the case of human rights violations. One of the aims of educators is to help students become transformative and well-developed citizens (Banks, 2008:137).

In teacher education, engagement such as dialogue (McArthur, 2010:304; Johnson, 2004:146) and action are important characteristics of critical pedagogy (McArthur, 2010:304). The use of dialogue in human rights education can contribute to the transformation of current dialogue and/or the realities of student teachers who “seek greater fairness or justice from within a society that is itself unjust” (McArthur, 2011:579; Johnson, 2004:146-147). A central aim of critical pedagogy, then, is “to engage teachers and students in a critical, dialectical examination of how power relations operate in schools and society, and create or sustain hegemonic structures; and, to equip teachers and students with the language of critique and the rhetoric of empowerment to become transformative agents who recognize, challenge, and transform injustice and inequitable social structures” (Zembylas, 2013:177-178). For McArthur (2011:579), the on-going challenge that critical theorists face is how a person can “seek greater fairness or justice from within a

society that is itself unjust". These opportunities, as part of the curriculum, may lead to the understanding of unjust systems and practices in everyday life (Coysh, 2014:110-111).

3.5 Synopsis

The initial aim of this study was to focus on the two disciplines that are presented at the researcher's higher education institution, namely Education Law (or legal education for teachers as it is called in this chapter), and HRE. The two approaches are based on contrasting frameworks that could influence student teachers' understanding of the position of values in human rights education, application and promotion (par 1.2). Whereas Education Law focuses on legal literacy for educators and education leaders (Mawdsley & Visser, 2007:158), HRE focuses on the teaching-learning of human rights with the intention to respond to challenges in society (Keet, 2007:54). After the analysis of data and an extensive literature study, other approaches to the teaching-learning of human rights in teacher education emerged.

Chapter 1 already introduced the argument that higher education institutions may employ a multitude of different approaches based on various study disciplines in the teaching-learning of human rights. Chapter 3 proceeded to explore the following approaches in relation to human rights: legal education for teachers; citizenship education; moral education; multicultural and intercultural education (Simmonds, 2013:17); HRE; and critical approaches in teacher education. Consequently, discourses on the subject of human rights can be classified under those disciplines that have a bearing on the conflict between legal and moral rights (Ci, 2005:248) (par. 3.2) and the origin of rights (par. 3.2.1). In addition, the political and social domains featured in some of the approaches to human rights education leads to the application of human rights in the form of legal action, activism and protest. Since the overall aim of this study is to conceptualise theory that could contribute to the teaching-learning of human rights in teacher education, each of the approaches explored societal responsibilities in teacher education.

The next chapter contains a discussion on legal perspectives regarding human rights, which could be perceived as an extension of the legal-moral rights debate.

CHAPTER 4:

LEGAL PERSPECTIVES ON HUMAN RIGHTS

4.1 Introduction

In Chapter 3, human rights discourses and discourses in human rights education were explored in order to understand the role that different perspectives of human rights play in the teaching-learning of human rights in teacher education.

Chapter 4 deals with the juridical approach to human rights as a human rights discourse regarding human rights and human rights application. The following elements of human rights will be explored: a general outline of human rights in law in the South African context (par. 4.2); human rights in jurisprudence (par. 4.3); human rights in international law (par. 4.4); Constitutional law (par. 4.5); the incorporation of human rights in legal instruments and in the body of knowledge of law, including legislation that protects and promotes human rights (par. 4.6); common law (par. 4.7); and the role of the judiciary in promoting and protecting human rights (par. 4.8).

4.2 Human rights in law

One conceptualisation of rules in law indicates that the basis of legal perspectives on human rights departs from the principle of law as rules and as principles (Hage, 2014:50; Malherbe, 2008:10). The law is comprised of 'authorative rules' that regulate relationships and are used to maintain order and peace within society. Authorative rules indicate which institutions within society have the authority to develop prescriptive norms and subsequently expect people to comply with the rules. In his description of "law as a system of rights", Chalabi (2014:124) refers to the symbiotic relationship between rights and rules, which are used by the Legislature in the application of rights.

The legitimacy of the rules depends on the law that was mandated and accepted by the majority of people, for example the constitution of a country. A constitution is normally accompanied by safeguards relating to the substantive content of the law, such as rights articulated in the constitution (Kotzé, Du Plessis & Barnard-Naude, 2012:122). The legal rules should be expressed and made available to society. The sources in which the legal rules are expressed and used, both in the Law and Education Law fields, are legislation, case law and common law. The epistemological roots of the mentioned sources form the basis of the legal body of knowledge in South African law (Ogúnrónbí, 1998:11).

Critique against human rights and human rights application includes the emphasis on the legalism of human rights in research and consequently pays less attention to the contribution of the body of knowledge in other specialised fields (Freeman, 2011:7; Keet, 2010). Yet proponents of law in education (such as Rossouw, 2013:309) contend that law serves as a remedial tool to rectify the deficiencies in the education system. Deficiencies in education were contextualised in Chapter 1 as drug and alcohol abuse, acts of physical and sexual violence, women and children abuse, corruption, discrimination, intolerance, intergenerational conflict and structural inequalities (par. 1.2). Rauch (2005:9) argues that people who shirk their basic duties and obligations to the state and others commit a form of human rights violation. Thus, educational institutions could apply legal remedies to correct human rights violations. By teaching student teachers how to deal with human rights violations from a legal perspective, they would be made more aware of their own responsibilities towards their learners.

In the paragraphs to follow, human rights will be explored from a legal framework as the dominant discourse in human rights. The discussion will aim to contextualise human rights in teacher education into a legal framework and transfer it to an education environment.

4.3 Human rights in jurisprudence

The discourse of rights in the legal discipline is influenced by jurisprudence. Jurisprudence is also known as legal philosophy. Legal philosophy is a branch of philosophy that deals with philosophical questions about law and whether human rights would still exist if they were not included in legislation or treaties (Hage, 2014:313). Legal philosophy centres on normative questions, for example how to deal with the decision-making procedure in a court case, or conceptual questions such as the nature of law and how legal norms differ from customs and moral norms (Hage, 2014:313). The most obvious variants of legal thought are the Natural Law approach and the Positivist approach which will now be explained.

The first variant of legal thought is natural law. The natural law approach is an approach with a moral dimension where laws are recognised as valid if they comply with universal principles of morality (Humby *et al.*, 2012:398). Kleyn and Viljoen (2010:11) add that the law is not only what it is promulgated, but what “ought to be”. Ogúnrónbí (1998) defines natural law as “a higher law to which all man-made laws should conform, [that] requires that the human person should be treated as a rational being who is capable of distinguishing between right and wrong”. Kleyn and Viljoen (2010) and Demiray (2015) identify the basic tenets of the natural law theory according to the perspective on legal moralism. First, there is a ‘higher law’ above positive (human) law. Secondly, this higher law, which can be labelled as moral law, arises from certain ‘self-evident’ standards that exist independently of their recognition by human subjects (moral realism). Thirdly,

the higher law is related to reason and can be seen as universal and obligatory, although this does not mean that all subjects have equal access to it. Fourthly, although it is not the case that all positive laws have been or should be deduced from natural law, their reason for existing is that they are instrumental to the realisation and/or promotion of a substantial vision of ethical life, which is perceived as legal moralism (Demiray, 2015:808).

From the viewpoint of the natural law theories, natural law (morality) has an obligatory force (normativity) for anyone capable of knowing the law. The reason for the obligatory force is that the “grasping of basic goods” is comparable to the knowledge that their “attainment would lead to human fulfilment, flourishing, and well-being”. In his argument dealing with natural law and obligatory force, Demiray (2015:810) argues that moral knowledge is practical knowledge that provides direction for human practice such as human rights law. Thus, one may argue that if a person happens to have a vision of human flourishing, the person is naturally predisposed to respect and promote it, both in the self and in others (Demiray, 2015: 810). In his argument, the law’s position from a natural law perspective is perceived as a remedy when the spontaneous normative force of ethics has failed. Law is then an instrument “to impose moral value on recalcitrant elements of social reality”. The assumption is thus that one can impose moral value through the force of legal obligation, because moral value is justified “by its force of attraction” (Demiray, 2015:811).

The second variant of legal thought is legal positivism. Positivism is defined as law that resides within positive law, which is valid legal rules identified by persons or bodies who were assigned the power to lay down the rules (Hage, 2014:3016). In the positivist approach, laws are recognised as valid if they have been enacted by the legislature, regardless of whether they are fair and just (Hage, 2014:3016). Law from this approach is described as “everything that is set down in statute books, in rules and in court decisions” (Kleyn & Viljoen, 2010:10). Demiray (2015:811) describes this corrective function of law as a remedy when the spontaneous normative force of ethics has failed.

Another discourse within positivism is whether law entails an obligation or whether law is obligatory (the so-called “enforcement by sanction”) (Demiray, 2015:811). Priel (2008:405) explained Hart’s theory as follows: “As soon as rules and statutes are obligatory, people are obliged to follow the law: an obligation can count as legal only if it is issued by a law, and a law can only exist within a legal system”. Based on Hart’s theory, for a legal obligation to exist, a number of minimal conditions must be reached. Priel (2008) illustrated his thesis on legal obligation by using the capital letter L to refer to legal system and the capital letter F to refer to facts that are obtained. The outcome of the obtainment of facts (referred to in the third statement),

refers to the legal system which may issue obligations to adhere to a valid rule (Priel, 2008:405). Priel have illustrated his thesis as follows:

- Legal system (L) exists.
- There exists a valid (primary) rule in L that imposes an obligation if a certain set of facts (F) is obtained.
- Since F (Facts) is obtain the particular rule is valid

The position of obligations within a legal system is also described by Priel (2008:405) when he, Priel, summarises Harts's view regarding the conditions under which a legal system operates in the form of a formula:

- 1.1 There is a certain (social) rule of recognition in a particular society.
- 1.2 There are other secondary rules recognised by the rule of recognition.
- 1.3 There are certain primary rules recognised by the rule of recognition.
- 1.4 The rules of the systems are generally obeyed (although not necessarily accepted).

With regard to social rules and legal norms, the following were indicated (Priel, 2008: 406):

- 1.1.1 There exists a social rule specifying how to identify legal norms.
- 1.1.2 The rule specified in 1.1.1 is accepted by legal officials.
- 1.2.1. There exist power-conferring norms specifying how the rules in 1.3 are to be changed and adjudicated.
- 1.2.2 The norms specified in 1.2.1 are accepted by legal officials.

The next set of statements included in Priel's formula indicates the relation between the role of social rules in the identification and application of legal norms by legal officials.

- 1.3.1 There exist certain prescriptions that are identified by the rule in 1.1.1.
- 1.3.2 The prescriptions specified in 1.3.1 are accepted by the legal officials.

Priel conclude his argument that the legal system demands that legal rules be obeyed (statement 1.4), and only requires acceptance of the primary rules by legal officials (statement 1.3.2). Priel 's argument refers to two scenarios:

The first scenario illustrate that primary rules are in fact accepted, and obeyed because they are accepted.

The second scenario shows when rules are not accepted but are obeyed because of fear of sanction.

One may argue that the application of the last scenario within the educational setting would involve people would focus rather on rules than human rights.

Concerning moral values, three theses are associated with positivism: The first draws from "reductive analysis of legal statements according to which they are non-normative and particular descriptive statements" (Ogúnrońbí, 1998:12). The second thesis states that there is no relation between law and moral values, while the third posits that the content of law "does not resort to any moral arguments" (Ogúnrońbí, 1998:12). The general critique against the legal positivist approach is directed at the notion that the only rights are those that are legally enforceable. Ideally, human rights should be enforceable, although it is not necessarily so (Freeman, 2011:11).

The difference between law and morality includes different points of view on the judgement of action: Morality evaluates the degree of behaviour, from good to bad. Within law, "a particular act is either permitted or not, without such grey areas" (Hage, 2014:3). The separation-of-law-and-morality doctrine contends that the content of law is influenced by legislation (Hage, 2014:319).

Bentham conceptualises the 'is/ought' distinction (law/morality) that consequently influenced the practice and teaching of law in South Africa in the 19th and 20th century. Practitioners of law only concern themselves with "what law is", while the legislator should determine what "law ought to be" (Johnson *et al.*, 2001:66). In legal jurisprudence, Hart (1955:79) advocates for a separation of legal and moral, and writes that 'right' as a concept "belongs to that branch of morality which is specifically concerned to determine when one person's freedom may be limited by another". In his seminal work, *The Concept of Law* (1955), Hart states that the study of law crosses the boundaries between the social sciences and humanities, depending on one's view of research into its objectives and effects.

As opposed to Legal Positivism, the Natural Law theory accepts the notion that there is a kind of law of which the content can be derived from human nature by means of reasoning. Within the second wave of Natural Law (after the Second World War), theorists were more concerned with

human rights than with the Natural Law approach from the ancient times. Until the eighteenth century, one of the central concerns in jurisprudence was the ideal form of justice and the imperfect reality of laws within a given society (Johnson, 2001:5).

The division between the two schools of thought on the separation of law and morality has led to the development of other legal philosophies, such as the Critical Legal Studies (CLS) movement, realist movements, feminists' law and others that have been termed the 'critical theories of law'. For example, the Critical Legal Studies movement emphasises the political nature of law, where law is not separate or above power in society, but part of it (Kleyn & Viljoen, 2010:307). Schiek (2016) conceptualises Critical Legal Studies in collaboration with a liberal political project as the exploitation of the tension between positive law and justice in a legal order. Within a legal order, there exists the accepted doctrine of positive law (*lex*), consisting of legislation that supports the societal status quo. In conjunction, the legal order has a perspective of law as justice (*ius*). According to Schiek (2016:25), law as justice means that law may generate justice for all parts of the population. Within the Critical Theory paradigm, authors have changed their philosophical questions by asking whether law is able to transform society (Kok, 2010:61).

Whatever the correct jurisprudential characterisation of the law turns out to be, and however one likes to think of law, it is a completely central social institution. Legal policy incorporates the practical manifestation of thinking from almost every social science and humanity, for example politics, philosophy, history, economics and education (Prinsloo, 2009:174). The value of jurisprudence in legal education has been the subject of considerable debate among law schools. The debate ranges from the disjunction between theory and practice to the teaching thereof. Critique on jurisprudence comprises "theoretical scholarship produced by academics as being of little use for judges, administrators, legislators and practitioners" (Tan, 2009:14). Tan's argument regarding the value of jurisprudence indicates that self-examination through jurisprudence acts as counterbalance for the moral transformation of the law student, which results from two forces in legal education: first, doctrinal education and legal reasoning; and second, the ideal of advocacy and the perception of the requirement of client interest. In the context of human rights in education, Tan's argument will be relevant for the study. Student teachers should understand when to follow rules and when advocacy for one's rights is needed in certain situations.

The above paragraph discussed the relevance of legal theory and human rights education. Next, the relation between human rights and international law will be explored, because international law as the legalistic approach to human rights is acknowledged as the dominant discourse regarding human rights education, application and promotion.

4.4 Human rights and international law

In human rights discourses, human rights have been referred to as international, and in some cases as regional and national legal rights (Donnelly, 2013:11). International law is defined as the body of law which were created collectively by many countries to regulate international matters (Humby *et al.*, 2012). Within the disciplinary field of international law, human rights is regarded as a sub-discipline of international law (Grant, 2014:97). Human rights, very broadly defined, encompass international human rights (IHR), i.e. the rules that emerged though treaties concluded after 1945, guaranteeing rights to all people within states (Grant, 2014:97). Human rights are those rights that states have accepted as binding on them (Grant, 2014:1). An example of a legal document that directs international rights are the UDHR that are used as a point of departure for education for the realisation of “education about human rights, education through human rights and education for human rights” (Bajaj, 2011:8).

Currently, the legalisation of human rights is found in both domestic laws and international laws (Chalabi, 2013:118) but are realised in different ways because of the differences between International law (the law of the State) and municipal or domestic law (the law applicable in each state) (Grant, 2014:1). Distinctive features of the domestic legal system for example includes having constitutions and legislatures that is mandated to enact on laws in its own state whereas international law is based on the binding of treaties (Grant, 2014:1). On that aspect, Chalabi (2013:117) argues that the legalisation of human rights is used as a tactic to increase the legitimacy of states in the international arena. Legal systems of states will for example adopt a similar set of rights in their domestic laws as in international laws, for example the right to education. Some authoritarians also claim that their legal system is based on a human rights framework. However, Chalabi argues that ‘human rights’ in domestic laws and what is set forth as ‘human rights’ in international human rights instruments differ from each other. Since this discourse takes place in human rights education in the context of moral and legal rights, human rights and international law will be discussed below.

International law (sometimes called ‘public international law’), deals with the legal relations between states (Kamminga, 2014:241.). International law consists of general and particular rules that bind the relations between states (Dugard, 2011:1). International law is that body of legal principles and rules governing the activities of states and of other entities subject to them. A traditional definition of international law would have suggested that it governs the relations between different states, with no reference to other entities that might be subject to its principles and rules. The emergence of rights and duties of international organisations, particularly the United Nations, and of individuals – particularly in the area of human rights – has led to an expansion of the definition to include these entities. But international law always has been (and

remains) primarily a system of law among states (Grant, 2014:1). The binding relations between states are the result of their consenting to collective agreements. Treaties and customs as the principal sources of international law are characterised as consensual, Grant (2014:2) emphasises that consent on any matter is perceived as instrumental in the making of treaties and is additionally implied in custom. Collective agreements vary from international declarations, conventions and/or treaties between various countries, and jurisdiction beyond the borders of a single country (Oosthuizen (ed.), 2015:25). Today one of the principal aims of international law is the protection of the individual against his/her own government, which differs greatly from before 1945. Until 1945, international law aimed at promoting the welfare of individuals, minorities and undeveloped peoples. States were prohibited to intervene in the domestic affairs of other states, such as in the case of Germany in 1939 (Dugard, 2011:321). Put differently, the concern for fundamental human rights only originated in international law after the Second World War (Freeman, 2011:5; Malherbe, 2008:10).

International law establishes norms that states regard as binding on them in their dealings with one another (Grant, 2014:2). In the case of international human rights law, scholars such as Mubangizi (2013) and Viljoen (2011) conceptualise international human rights law as human rights treaties. Other documents and related institutional processes at the global level (under the auspices of the United Nations and the African Union) and with a focus on universal rights led to the adoption of international instruments for the protection of internationally recognised human rights. These collective agreements in the form of international declarations, conventions and/or treaties are based on the consent of various countries and they have jurisdiction within the borders of a single country (Oosthuizen, 2015:25). Human rights treaties are perceived as the most important source of international human rights law. A treaty binds a participating state in the process of negotiating, signing and ratifying the treaty. Under human rights treaties, a ratifying state's overarching obligation is to "give effect to the rights provided for in each of the treaties" (Viljoen, 2011:214). Viljoen clarifies the application of human rights treaties as making international law part of national law, establishing national institutions and processes to provide for specific channels of responsibility, and accepting international norms to change conduct (Viljoen, 2011:214).

A principal rationale of international human rights law is to provide "a normative beacon of commonly agreed standards of humanity and dignity that all states should respect" (Viljoen, 2011:209). In 1946, the Commission on Human Rights, established by the United Nations, was "tasked to draft the International Bill of Rights, consisting of a declaration (the UDHR, 1948) and multi-lateral treaties" (Dugard, 2011:325). As Dugard points out, the Universal Declaration of Human Rights (UDHR) is not legally binding on states, but it guides the political organs of the

United Nations in their interpretation and application of the human rights clauses in the UN Charter (Dugard, 2011:325).

In addition, the UDHR managed to inspire the drafting of future human rights treaties. As the UN reports (OHCHR, 2012), most states have ratified international human rights treaties such as the following: the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social, and Cultural Rights (ICESCR); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Rights of the Child (CRC); and the Convention on the Rights of Persons with Disabilities (CRPD. Hage (2014:244) emphasises the universality of human rights by referring to the United Nations treaties in which human rights, codified in binding form, were widely ratified and accepted by nation states.

For a member state to assist other states and hold them accountable to these standards, an effective structure should be in place. The fundamental question from the outset has been how to ensure compliance by states with the standards contained in international human rights conventions. The basic method of monitoring the obligations assumed by states involves regular reports by these states as to the implementation of their obligations contained in the relevant treaty, in particular the extent to which their law and practice conform to these obligations. These reports are then examined by some independent (and usually expert) committee appointed under the relevant treaty, which ultimately issues some concluding observations. The cycle of periodic reports, examination and concluding observations is part of the process of constructive dialogue, whereby states are prompted and encouraged to conform their law and practice to the international standards they have accepted.

However, Kamminga (2014:256) highlights the limited power of international law in the enforcement of international conventions and treaties. What international law most clearly lacks, is the authority to enforce its rules through the standard mechanism available in municipal law, namely courts (Grant, 2014:3). The international legal system still lacks institutions such as a centralised legislator, judiciary and enforcement system similar to that for domestic and regional European laws. Municipal legal systems typically have legislatures charged with enacting laws. No such international legislature exists. The closest to an international legislature is the UN General Assembly, but it has no power to enact laws that are binding on all states. Municipal legal systems typically have a system of courts with jurisdiction over disputes that arise from the population and within the territory of each state. There is an International Court of Justice, but its limited function implies that it does not have compulsory jurisdiction over states or automatic jurisdiction over disputes between states.

The Court does not have the power to decide disputes that involve non-state actors. It can only settle a dispute if the states concerned have decided to accept the Court's jurisdiction. States can also withdraw from the Court's jurisdiction, for example, if they object to the Court's rulings (Kamminga, 2014:256).

International law has gradually extended its original definition since the early years of the 20th century when more states appeared on the international arena, and international law has developed to embrace areas previously regarded as within the exclusive purview of states. That extension has also been vertical in the sense that a substantial corpus of international law is now intended to affect individuals within states (Grant, 2014:3).

States such as South-Africa have also been influenced by the global activity through the United Nations and a human rights regime in Africa (Grant, 2014:101). In South Africa, human rights treaties also influenced the Bill of Rights in the South African Constitution. The Interim Bill of Rights (1993) and later the final Constitution (Mubangizi, 2013:47) are perceived as the most significant changes in the approach of South African Law. Section 231 of the 1996 Constitution (SA, 1996) provides firstly that an international agreement is binding on the state only after it has been approved by the National Assembly and the National Council of Provinces. Secondly, an international agreement can become part of domestic law after it has been subjected to a parliamentary process. Section 231(4) (SA, 1996) requires Parliament to incorporate treaties into law, in addition of the ratification of the international agreement.

In terms of section 39(1)(b) of the Constitution, the Bill of Rights obliges the court to consider international law when interpreting the Constitution (SA, 1996). Mubangizi (2013:52) goes as far as to describe it as an interpretational tool for South African courts. Section 233 of the Constitution provides that every court must consider international law when interpreting any legislation [author's emphasis]. Judicial verdicts that have included international law are *S. vs Makwanyane 1995 (3) SA 391 (CC)*; *Government of the Republic of South Africa v Grootboom 2001 (1) SA 46 (CC)*; *Bhe v Magistrate, Khayalitsha and Others 2005 (1) SA 850 (CC)*; and *S v M (3) SA 232 (CC)*. In the case of *S v M [2008] (3) SA 232 (CC)*, the constitutionality of certain provisions of the Criminal Law (Sexual Offences and Related Matters) Amendment Act was investigated. The United Nations Convention on the Rights of the Child and the African Charter on the Rights and the Welfare of the Child were used to consider whether the protection given to child complainants in criminal proceedings involving sexual offences is consistent with section 28(2) of the Constitution. Despite the few court cases that have implemented international law, it is Mubangizi's view (2013:50) that in reality the process of transforming human rights treaties into domestic law does not happen fast enough – not as the Constitution envisaged it!

In view of the fact that, traditionally, constitutional law also deals with human rights (Hage, 2014:38), the following paragraph explores the relation between human rights and constitutional law.

4.5 Constitutional law

In paragraph 4.4, the position of human rights in a country's legal system was discussed from an international law perspective. In this paragraph an analysis is made of another branch of public law that also includes human rights, namely constitutional law. Constitutional law can be described as the use of a constitution's normative principles that unpack the nature of the state, as well as organs and bodies of the state to determine the relations between the individual and the state (Du Plessis & Kotzé, 2012:154; Devenish, 2005:2). In this sense, constitutional law deals with the constitution that sets out the nature and the relationship of the state and its constituent organs and bodies. Characteristics of constitutional law include the division of government powers, the functioning of democracy, the creation of legislation, and the relationship between central and local government agents (Hage, 2014:38). Some legal systems make use of a constitution that ensures that the state has enough power to govern, but that also restricts power to ensure that it does not violate the law or the human rights of its citizens (Currie & De Waal, 2013:8). In South Africa, the state has extensive duties under our Constitution. Section 8(1) of the Constitution provides that "the Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state". Section 7(2) of the Constitution further provides that the state must respect, protect, promote and fulfil the rights in the Bill of Rights in Chapter 2 of the Constitution (Humby *et al.*, 2012:393).

The notion of the responsibility of the state and individuals correlates with section 8 of the Constitution (SA: 1996), namely that each right has a correlating responsibility or duty. Scholars such as McConnachie, Skelton and McConnachie (2017:15), Smit (2013:58) and Joubert (2009:72) argue that for every right there exists a correlating duty. This means that if a person possesses a right, then someone else is legally required to either do something that would respect the other person's rights, or to avoid doing something that would violate that person's rights. In the ruling of matter of *S v Makwanyane 1995 (3) SA 391 (CC)*, Justice Sachs remarked as follows:

When reviewing the past, the framers of our Constitution rejected not only the laws and practices that imposed domination and kept people apart, but those that prevented free discourse and rational debate, and those that brutalised us as people and diminished our respect for life.

This implies that the state may not abuse its powers in such a way that it violates the fundamental human rights of its citizens and people in the country (Section 2 of the Constitution) (SA, 1996). The limitation of power will not be effective without, for example, the law-related principle of

constitutional supremacy. Constitutional supremacy requires that constitutional rules and provisions to be binding on all branches of state. Any law or conduct that is not in accordance with the constitution will therefore not have the force of law (Currie & De Waal, 2013:9). One of the significant implications of having a constitution is that a government should derive its powers from the written constitution and that its powers should be limited to those powers that are set out in the constitution.

Implications of constitutionalism for human rights should be interpreted in a particular political and historical context (Devenish, 2005:202). In South Africa, before 1994, human rights could not have been protected by the courts. Parliament had the authority to make laws that could not be challenged by any person, institution or court. There was also not equal representation with regarding to the writing and re-writing of laws. Parliament only represented the white minority, while the black majority was governed by the executive (Currie & De Waal, 2013:3). With the new constitutional order after 1994, the doctrine of parliamentary supremacy was replaced with the doctrine of constitutional supremacy. The Bill of Rights, described as the cornerstone of democracy, was included in the South African Constitution to safeguard human rights in the country by means of rule of law. For this reason, constitutional law is regarded as the cornerstone of the South African legal system (Devenish, 2005:3). This legal system based on constitutional values and principles should also be integrated in education. The following paragraphs (par. 4.5.1-4.5.6) will explain how the Bill of Rights should be applied in an educational context.

4.5.1 Application of the Bill of Rights

The Bill of Rights provides legal rules regarding individual conduct or acceptable conduct for juristic persons such as schools with regard to human rights application. These guidelines are necessary for teacher education because educators should be prepared to not only respect the human rights of all role players, but also to fulfil their duty to promote and realise others' rights (Oosthuizen, 2015:47). To understand the application of the Bill of Rights in education, the following questions should be asked (Mubangizi, 2013:64).

- When and how does it apply?
- To whom does it apply?
- Who is bound to it?

- *Who are the beneficiaries or who is protected?*

In terms of the application of the South African Constitution, human rights are recorded in Section 7 of the Bill of Rights, which provides the following:

- (1) This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.
- (2) The state must respect, protect, promote and fulfil the rights in the Bill of Rights.
- (3) The rights in the Bill of Rights are subject to the limitations contained or referred to in section 36, or elsewhere in the Bill.

Section 7 firstly determines the position of the democratic values and human rights in the Constitution. In addition, the obligations of the state are provided in Section 7(2). Nieuwenhuis (2007:89) conceptualises the duties by relating them to the right to education. The state is prohibited to act in ways that will deny people their rights, for example drafting a law that would unfairly discriminate against learners. The duty to protect human rights is defined as the protection of individuals from interference by third parties or private companies in exercising their right to education. The state's duty to promote human rights requires action from the state to inform people of their right to education. Lastly, the state is obligated to take measures to advance education (Nieuwenhuis, 2007:89).

Section 7 of the Constitution enhances the ambit of constitutional law by means of indirect application (horizontal application between individuals) and direct application (vertical application between citizens and the state) in almost every branch of the law (Devenish, 2005:3). The application of the Constitution is stipulated in section 7 and 8 of the Constitution.

The Constitution provides for the application of the Bill of Rights (Section 8, SA: 1996):

- (1) The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.
- (2) A provision of the Bill of Rights binds a natural or a juristic person if, and to the extent that, it is applicable, taking into account the nature of the right and the nature of any duty imposed by that right.

- (3) When applying a provision of the Bill of Rights to a natural or juristic person in terms of subsection 2, a court-
 - (a) in order to give effect to a right in the Bill, must apply, or if necessary, develop the common law to the extent that legislation does not give effect to the right; and
 - (b) may develop rules of the common law to limit the right, provided that the limitation is in accordance with section 36(1).
- (4) A juristic person is entitled to the rights in the Bill of Rights to the extent required by nature of the rights and the nature of the juristic person.

The Constitution establishes an 'objective normative value system', a set of values that must be respected whenever the common law or legislation is developed and applied. Two approaches are used in the application of the Bill of Rights in legal disputes: the direct application and the indirect application. The purpose of the direct application is to determine whether there is, on a proper interpretation of the law and the Bill of Rights in the Constitution, any inconsistency between the two. In this regard, Currie *et al.* (2013:67) note that the Bill of Rights can only be indirectly applied to the law. This is because conduct – whether state conduct or private conduct – is either valid or invalid and cannot be 'interpreted' or 'developed' to avoid any inconsistency with the Constitution. In the case of direct application, the following elements should be present in the dispute: (a) right of a beneficiary of the Bill of Rights that has been infringed by (b) a person or entity on whom the Bill of Rights has imposed the duty not to infringe the right (c) during the operation of the Bill of Rights and (d) in the national territory (Currie & De Waal, 2013:31). The direct application applies when the Bill of Rights is directly applicable in legal disputes. It also generates a constitutional remedy because it aims to expose any inconsistency between the Constitution and law or conduct. The direct application overrides ordinary law and any conduct that is inconsistent with the constitutional principles.

In contrast, the indirect application of the Bill of Rights in the Constitution is used when the Bill of Rights does not apply directly to a dispute. This would happen if one or more of the elements are not present in a legal dispute before the direct application of the Bill of Rights is employed. The purpose of the indirect application is to determine whether the ordinary rules of law promote the values of the Bill of Rights in the Constitution. If the values are not promoted, the Bill of Rights is used to develop the rules and remedies of the ordinary law to avoid any inconsistency between the ordinary law and the Bill of Rights (Humby *et al.*, 2012:396). The indirect application to the

Constitution (sources) refers to the second application to the Constitution and also informs the legal approach to human rights and human rights education in teacher education in the study.

Indirect application implies that the Constitution does not bind actors (Currie & De Waal, 2013:56-57). Instead, the influence of the Constitution is mediated through statutory or common law sources. It is recommended that before the direct application of the Bill of Rights in the Constitution is used in legal disputes, the dispute should be decided in terms of “existing principles or rules of ordinary law, properly interpreted or developed with reference to the values contained in the Bill of Rights” (Currie & De Waal, 2013:56-57). In the case of statutory law, “a court must first attempt to interpret legislation in relation to the Bill of Rights before declaring that the legislation is in conflict with the Constitution or invalid. In common law, the principle provides for the court’s routine practice of developing the common law in relation to the Constitution” (Currie & De Waal, 2013:56-57).

In light of the educational context and the fact that student teachers need to know about how to apply and promote human rights in accordance with legislation applicable to education, the indirect application of the Bill of Rights in the Constitution is preferable for the teaching-learning of human rights.

4.5.2 Enforcement and access to courts

The purpose of law is not only one of regulating specific relationships with order and harmony in mind. The law must also restore balances through the process of justice. The South African Constitution enables every South African natural person (Section 8 SA, 1996) to take action when they feel that their rights are infringed. In an educational context, it may be in the form of human rights violation or the action taken that develops into a dispute. According to Serfontein and De Waal (2013), the *ubi ius ibi remedium* principle in South African law entails a legal remedy existing for every right. The implication of a legal remedy involves the existence of an authority that acts as the natural guardian of individual rights and as the administrator of justice who may grant a remedy whenever a right is infringed (Serfontein & De Waal, 2013:55). Malherbe (2008:21) describes the process as that the wrongdoer may be charged and punished through due process, or that the injured party may approach the authorities or the courts for assistance.

According to section 34 of the Constitution, every person can utilise the courts to get compensation for the infringement of their rights.

“Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, by another independent and impartial tribunal or forum”.

The implication of having the right of access to a court is to know which type of court, tribunal or forum to use.

Section 34 of the Constitution guarantees three distinct rights of a person involved in a dispute that could be resolved in a court of law: the right to access to a court or another tribunal or forum; the right to expect the court or tribunal to be impartial and independent; and the right to due process, namely that the legal dispute will be decided in a fair and public manner (Iles, 2013:710). Impartiality of the court implies that an individual is entitled to a court's impartial functioning in a legal dispute. According to the rule against bias or partiality, the presiding judge should be able to voluntarily recuse himself/herself if a reasonable fear exists that he/she could deliver a judgement other than judgement that would have been ruled in accordance with the law (Rautenbach-Malherbe, 2012:461).

Section 38 of the Constitution (SA,1996) expands the notion of *locus standi* in relation to the rights in the Bill of Rights. A natural person can act in his/her own interest or can use someone to present his/her case (section 38(a) and (b)). Section 38(c) provides that members of interest groups or a class of persons, as well as associations acting in the interest of its members, have access to courts. Anyone acting in the public interest may go to court and state their case. Although every person has a right to enforce his/her rights and is entitled to compensation for the infringement of such rights, the principles of *locus standi* (standing) and justiciability influence one's right of access to courts. The inclusion of section 38 of the Constitution is essential to ensure that human rights are accessible to all South Africans.

Access to courts are not the only remedy for enforcing human rights. The South African Constitution provides for six independent "state institutions supporting constitutional democracy" in Chapter 9 of the Constitution (Murray, 2006:122). These Chapter 9 institutions are the Public Protector; the South African Human Rights Commission (HRC); the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (the CRL Commission); the Commission for Gender Equality (CGE); the Auditor-General; and the Electoral Commission. The independent nature of these institutions is highlighted in the first section of Chapter 9 (SA, 1996, section 181(2), (3) and (4)):

- (1) These institutions are independent, and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice.

- (2) Other organs of state, through legislative and other measures, must assist and protect these institutions to ensure the independence, impartiality, dignity and effectiveness of these institutions.
- (3) No person or organ of state may interfere with the functioning of these institutions.

The six institutions share two roles, that of monitoring government and that of contributing to the transformation of South African society (Murray, 2006:125). The institutions would also be used as a remedy for human rights violations, specifically the South African Human Rights Commission (HRC), the CRL Commission, and the Commission for Gender Equality (Murray, 2006:128).

4.5.3 Interpretation of the Bill of Rights in the Constitution

Section 39(1) of the Constitution indicates that a court, tribunal or forum must in general consider the promotion of values that underlie an open and democratic society (SA, 1996):

[w]hen interpreting the Bill of Rights, a court, tribunal or forum (a) must promote the values that underlie an open and democratic society based on human dignity, equality and freedom; (b) must consider international law; and (c) may consider foreign law.

Section 39(2) specifically states that the spirit, the purport of the law and the objectives of the Bill of Rights should be promoted when interpreting any legislation or developing common law.

Section 39(1)(a) makes it is clear that particular values (human dignity, equality and freedom) play a decisive role in the interpretation and application of the law. Although they are not synonymous with rights and have the same functions as rights, democratic values are relevant in the interpretation of other provisions in the Constitution (Oosthuizen, 2015:47). Bray (2004:39) distinguishes between founding values, constitutional values and the fundamental human rights written in the Bill of Rights in the Constitution.

The founding values include human dignity, the achievement of equality and the advancement of human rights and freedoms, non-racialism and non-sexism, supremacy of the Constitution and the rule of law, universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness (Section 1(a)(d) of the Constitution, SA, 1996). The role of founding values was also confirmed in *United Democratic Movement v President of the Republic of South Africa* 1 2002 11 BCLR 1179 (CC). In this case, the Court held that the values in Section 1 of the Constitution inform the interpretation of the Constitution and other law, and set positive standards with which all law must comply in order to be valid.

In the case of constitutional values, the purposes are recorded so as to create the illusion of objectivity in for example litigation to constrain judicial subjectivity, or to determine or constrain state action in litigation (Kroeze, 2001:272). In most of the early court cases, the constitutional values were also seen as instruments to develop, give content to or provide coherence to entrenched fundamental rights, but in cases after 1998, rights came to be seen as giving content to values and as a means of protecting these values, instead of the other way around. Human dignity, equality and freedom (hereafter referred to as democratic values) are affirmed in Sections 7, 36 and 39 of the Constitution, emphasising the necessity of these values for an open and democratic society (Pillay, 2014:38). The values indicate the common aspirations of a nation's future and at the same time provides the context in which fundamental rights function and also how they can be limited. The values and rights are linked to one another in terms of their protection and realisation, and dignity, equality and freedom are therefore entrenched as enforceable rights in the Bill of Rights (De Wet & Van Vollenhoven, 2014:74). From a South African perspective, democratic values serve a twofold purpose: to compare the current constitutional dispensation with the earlier, unacceptable dispensation, and to indicate some kind of a connection with human rights, specifically equality, freedom, human dignity and voting rights (Kroeze, 2005:349).

The values of human dignity, equality and freedom are grounded not only in the law-making process, but also on moral, social and ethical grounds, which are "interwoven with the law and underpinned by legal principles" (Bray, 2004:39). According to Bray, the entrenchment of the values in the supreme Constitution demonstrates that the people and law makers have accepted the supremacy of (for example) the best interest of the child in relation to these values and declared themselves bound by them for the lawful exercise of their powers in terms of the Constitution (Bray, 2004:39). The ruling in the case of *S v Makwanyane* 1995 (3) SA 391 (CC) illustrates Bray's argument.

All constitutions seek to articulate, with differing degrees of intensity and detail, the shared aspirations of a nation; the values which bind its people, and which discipline its government and its national institutions; the basic premises upon which judicial, legislative and executive power is to be wielded; the constitutional limits and the conditions upon which that power is to be exercised; the national ethos which defines and regulates that exercise; and the moral and ethical direction which that nation has identified for its future.

Malherbe (2008) indicates that although law is perceived as an instrument used to regulate society, it is more often the law makers' values that will influence court decisions. Therefore, it would be prudent for student teachers to understand the democratic values underpinning the Bill of Rights in the Constitution in order to apply and, in some cases, enforce the right to human dignity, equality and freedom when human rights violations occur. In the paragraphs that follow, the

values of and rights to human dignity, equality and freedom will be discussed. In the case of freedom, the researcher acknowledges that the value 'freedom' involves the following freedom rights: freedom and security of a person (section 12); religion, belief and opinion (section 15); expression (section 16); assembly, demonstration and petition (section 17); association (section 18); language and culture (sections 30 and 31) (SA, 1996). However, in this study, only sections 12, 15 and 16 of the Constitution were used to describe freedom as a value and right with the assistance of court reports where the violations of these rights are reported (*S v Williams* and *Christian Education South Africa v Minister of Education* 2000 (4) SA 757 (CC), *MEC for Education, KwaZulu-Natal v Pillay* 2008 (1) SA 474 (CC)).

4.5.3.1 Human dignity

Dignity, as one of the founding values of the Constitution (SA, 1996), plays an important role in the limitation of rights, and in the interpretation of other rights and values (Reynecke, 2011:130). Human dignity is also an enforceable right. Section 10 in Chapter 2 of the Constitution states: "Everyone has the inherent dignity and the right to have their dignity respected and protected" (SA, 1996).

Human dignity relates to a person's inner human quality, self-worth and self-esteem. When someone's dignity is violated, it affects his/her self-esteem and self-respect as well as humiliates and scars the person's inner being of human-ness (Bray, 2004:37). The law attaches a special place of pride to human dignity as a democratic value and a right in its fundamental rights' arsenal. Human dignity is a right that is universally recognised and protected as a core fundamental right (Currie & De Waal, 2013:250; Van der Vyver, 2005:195; Bray, 2004:40). Van der Vyver explains that human dignity is the first fundamental right that is mentioned in the South African Constitution alongside equality and freedom. In the case of *Dawood v. Minister of Home Affairs, 2000 (3) S.A.L.R. 936 (CC)*, the Constitutional Court explained the role of dignity as follows:

The value of dignity in our Constitutional framework cannot be doubted. The Constitution asserts dignity to contradict our past in which human dignity for black South Africans was routinely and cruelly denied. It asserts it too to inform the future, to invest in our democracy respect for the intrinsic worth of all human beings.

Human dignity therefore informs constitutional adjudication and interpretation at a range of levels. It is a value that informs the interpretation of many (possibly all) other rights. The Constitutional Court related equality to the equal worth of all human beings and in *S v Makwanyane* 1995 (3) SA 391 (CC) elevated human dignity above all other rights and values. In the same judgement, the African value of Ubuntu was also mentioned. Since the judgement, literature has increasingly

indicated that Ubuntu is related to the democratic values of human dignity and equality (Himonga, Taylor & Pope, 2013:381).

With regard to human dignity as a value, lecturers should not only teach student teachers to respect people in accordance with the explicit curriculum, but also demonstrate respect towards student teachers in their dealings with them as part of the hidden curriculum. Student teachers might be made aware of the inherent dignity of each child. In the court case *Centre for Child Law v Minister for Justice and Constitutional Development 2009 4 SA 222 (CC)*, the judge remarked the following:

What must be stressed here is that every child is unique and has his or her own individual dignity, special needs and interests. And a child has a right to be treated with dignity and compassion. This means that the child must 'be treated in a caring and sensitive manner. This requires taking into account [the child's] personal situation, and immediate needs, age, gender, disability and level of maturity'. In short, 'every child should be treated as an individual with his or her own individual needs, wishes and feelings'.

In this sense, the value of human dignity could also refer to the notion of having certain rights because one is a human being (Perry, 2007:5). Human dignity is furthermore related to equality, which will be discussed next.

4.5.3.2 Equality

Equality as a concept has been described as a “deep, controversial, social ideal” that basically means “that people who are similarly situated should be treated the same” (Ngcukaitobi, 2013:210). Equality is manifested as formal equality or substantial equality. Formal equality refers to the sameness of treatment with no consideration to actual, social and economic differences between groups and individuals in a certain context (Joubert, 2009:50). Application of formal equality assumes that, as long as there is consistency in treatment, there will be no discrimination. The requirement for formal equality requires no further examination of the particular circumstances or context of the individual or group and, consequently, of “the content and the potential discriminatory impact of the law and/or policy under review” (Smith, 2014:612). In education, formal equality implies that the same curriculum should be taught to all children (Joubert, 2009:50; Ngcukaitobi in Currie & De Waal, 2013:213).

In contrast, substantive equality focuses on the equality of outcome and examines actual social and economic differences between groups and individuals (Ngcukaitobi, 2013:213). This happens through laws or policies that do not reinforce the subordination of groups who are already suffering social, political or economic disadvantage, but rather aim to “require laws to treat people as

substantive equals, recognising and accommodating peoples' differences" (Smith, 2014:612). Substantive equality is thus concerned with eradicating barriers that exclude certain groups from participation in the workplace, or celebrating their different cultures and practices (Smith, 2014:612). One can argue that if learners with disabilities follow the same education programme as other learners, they may receive an education that does not suit their specific needs. Joubert (2013:50) emphasises that the misunderstanding of the concept of equality in schools may lead to conflict.

In legal terms, equality is described as one of the founding values in the Constitution that should inform the application of other rights in the Constitution. According to the authors, equality is also a "guaranteed and justiciable right" (Liebenberg & Goldblatt, 2007:341). Malherbe (2007:130) argues that equality cannot be pursued in isolation from human dignity and freedom, and that equality as a value could never mean 'uniformity', but rather 'of equal worth':

People must be free to be themselves in order for everybody's dignity and equal worth to be respected and upheld. People should never be made to feel unwanted or second-class, which was the real injustice of apartheid.

For these reasons, Smith (2014:615) argues that the equality clause incorporates a substantive notion of equality as it recognises the need to provide redress for past disadvantages. Section 9 of the Constitution (SA, 1996) states the following:

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.
- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

- (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

Fair and unfair discrimination are introduced with the reference to “full and equal enjoyment of all rights and freedoms”. According to section 9(2) of the Constitution, the promotion of equality includes legislative and other means that will protect or advance persons or categories of persons, disadvantaged by unfair discrimination (SA, 1996). In this context, section 9(2) makes provision for affirmative action (Ngcukaitobi, 2013:215). The right to equality also prohibits unfair discrimination as a result of unequal treatment based on the grounds listed in Section 9(3). In *Prinsloo v Van der Linde 1997 (3) SA 1012 (CC)*, the court determined the meaning of ‘unfair discrimination’ as prohibited by section 9(3) as follows: “In our view, unfair discrimination principally means treating persons differently in a way which impairs their fundamental dignity as human beings, who are inherently equal in dignity.” The grounds for unfair discrimination are race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth (SA, 1996). Unfair discrimination on a horizontal level, based on the same listed grounds, is explained in Section 9(4).

Initially, the drafter’s purpose was to set a general limitation to the equality clause, but following the case of *Harksen v Lane NO 1998 (1) SA 300 (CC)*, the Constitutional Court introduced the stages of inquiry to determine the violation of the equality clause. The approach comprises the answering of the following two questions: (1) Does the action under examination differentiate between persons or categories of persons? (2) Can this differentiation be perceived as unfair discrimination? Rautenbach (2012:242) indicates that it must be determined whether the action amounts to discrimination on a specific ground as provided by Section 9(3), or whether the action is based on a characteristic that has the potential to affect fundamental rights. If both questions are answered in the affirmative, the discrimination in the action can be seen as unfair. The *Welkom* case (*Head of Department, Department of Education, Free State Province v Welkom High School and Others 2014 (2) SA 228 (CC)*) (discussed in par. 4.8) illustrates how the infringement of section 9(3) of the Constitution by school governing bodies may result in legal action. The Constitutional Court referred to the importance of considering learners’ rights in the application of policy:

It is inconceivable that a school can be properly governed without any policies. Given the deeply divisive policies of our recent past, especially those relative to education or school(s), it must be readily appreciated that the business of formulating school policy which affects different learners differently on account of sex, race, language or culture is a very delicate matter. The adoption of appropriate school policy on pregnant female learners is a huge task which should be performed with a great deal of sensitivity, responsibility, transparency and accountability. It is particularly so

since human rights are at stake whenever decisions based on such a sexist policy have to be taken and implemented.

Since the application of the two-stage approach, legislation has been promulgated to promote the right to equality in the form of the Promotion of Equality and Prevention of Discrimination Act, Act No. 4 of 2000 (hereafter the Equality Act). The purpose of the Act is to “eradicate social and economic inequalities, especially those that are systemic in nature, which were generated in our history by colonialism, apartheid and patriarchy, and which brought pain and suffering to the great majority of the people” (preamble of the Act, (SA, 2000)). In the Act, unfair discrimination is defined and criteria are provided to be analysed by a court to decide whether a respondent has proven that the discrimination was fair.

One of the first three cases that used the Equality Act in an Equality Court was the matter of MEC KwaZulu-Natal v Pillay 2008 in which a mother secured a place for her daughter at Durban Girls High school in 2002 and signed a declaration that she understood the Code of Conduct for learners in the school. In the same year, the mother approached the school's governing body for permission for her daughter to wear a nose stud as part of their Indian tradition. The school refused the application since it was against the Code of Conduct for learners. The mother applied for relief at the Equality Court, which found that the discrimination was not unfair. It was only in their appeal to the Constitutional Court that the case was decided on the right to equality.

The South African Equality Courts have not had many opportunities to resolve a direct clash between the right to religious freedom and the right not to be unfairly discriminated against. Yet Kok (2017:25) is of the opinion that courts, and specifically Equality Courts, could make a contribution “in cases of significant doubt, or where there are equally persuasive reasons on both sides, the Equality Court should give preference to the outcome that will facilitate the creation of a more egalitarian society, or a more caring society”.

In view of Section 9 of the Constitution and the possibilities of applying the Equality Act, it could thus be argued that possible misunderstanding (Joubert, 2009:50) of the paragraph on equality by student teachers, teachers in the profession and educator officials can be eradicated by cultivating knowledge of Section 9 of the Constitution, and knowledge and skills of the Equality Act in human rights education.

4.5.3.3 Freedom

The literature indicates that freedom is related to the concept of rights and human rights. The theory of Gewirth (principle of generic consistency) for example determines that all purposive agents must claim rights to their freedom and well-being. These rights are correlative with a strict

'ought' –judgement that others ought not to interfere with his/her freedom and well-being against his/her own will (Brown, 2004:88).

From a legal perspective and specifically in the South African Constitution, freedom as a value is encapsulated by the following freedom rights: freedom and security of a person (section 12); religion, belief and opinion (section 15); expression (section 16); assembly, demonstration and petition (section 17); association (section 18); language and culture (sections 30 and 31). The preamble to the UDHR (UN, 1948) states that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Only if equality and dignity are achieved, will individuals and groups be able to claim their freedoms. The realisation of freedom is necessary to achieve dignity and equality. Dignity, equality and freedom (as rights and values) work reciprocally and are linked to one another in the sense that the protection of each is essential for the realisation of the other.

Some of the facets of freedom as provided in the Constitution (physical freedom; freedom of religion, belief and opinion; freedom of expression) are discussed below as they relate to education and according to applicable case law.

(a) Right to freedom and security of the person

The concept of personal freedom in a legal framework is defined in section 12 of the South African Constitution (SA, 1996), which refers to the right to freedom and security of the person. Security of the person includes the right to bodily and psychological integrity (Currie & De Waal, 2013:270). The main purpose of section 12(1) is the physical protection of the person, and it clearly states cases that warrant freedom. In Section 12 (SA, 1996), the right to freedom of security of the person includes the right:

- (a) not to be deprived of freedom arbitrarily or without just cause;
- (b) not to be detained without trial;
- (c) to be free from all forms of violence from either public or private sources;
- (d) not to be tortured in any way, and
- (e) not to be treated or punished in a cruel, inhuman or degrading way

Section 12(1)(e) is relevant in the educational context with regard to learner discipline, specifically with corporal punishment. Two court cases that are relevant are *S v Williams* and *Christian*

Education South Africa v Minister of Education 2000 (4) SA 757 (CC). In *S v Williams* the court's ruling was that juvenile whipping is cruel and inhuman due to the dehumanising nature of the infliction. After the judgement, Parliament adopted the Abolition of Corporal Punishment Act 33 of 1997. The Act repealed all remaining statutory provisions concerning corporal punishment by the court of law or a court of traditional healers (Currie *et al.*, 2013:285). Corporal punishment in schools was also abolished in section 10 of the South African Schools Act. In 2000, Christian Education of South Africa, representing 196 independent Christian schools, challenged the prohibition of corporal punishment in schools by the South African Schools Act of 1996. The organisation contended that this prohibition violates the right of parents of its pupils to freedom of religion and that it interferes with the right to establish independent schools, the right to participate in the cultural life of their choice, the right to enjoy their culture and to practise their religion. These contentions were rejected by Liebenberg in the Eastern Cape High Court. The Court recognised the right to religious freedom but held that any exemption of section 10, even on religious grounds, would disturb the symbolic, moral and pedagogical purpose of the measure and would undermine the State's duty to protect people from violence (Joubert, 2012:53).

Section 12(2) of the Constitution (SA, 1996) expands on the notion of protecting the right to bodily and psychological integrity, which includes the right

- (a) to make decisions concerning reproduction;
- (b) to security in and control in, and control over their body; and
- (c) not to be subjected to medical or scientific experiments without their informed consent.

Although the concept is narrowly defined in section 12, a wider scope of freedom includes the integration of other provisions in the Bill of Rights, such as privacy; the freedoms of expression, assembly, demonstration, association and movement; and freedom of conscience, religion and others. A further distinction of freedom in a legal framework refers to the substantive and procedural elements of freedom. The elements are explained by O' Regan J in the matter of *S v Coetzee 1997 (3) SA 527 (CC)* as follows:

[there are] two different aspects of freedom: the first is concerned particularly with the reasons for which the state may deprive someone of freedom [substantive component]; the second is concerned with the manner whereby a person is deprived of freedom [procedural component] ...[O]ur Constitution recognises that both aspects are important in a democracy: the state may not deprive its citizens of liberty for reasons that are not acceptable, nor when it deprives its citizens of freedom for acceptable reasons, may it do so in a manner which is procedurally unfair.

According to this jurisprudence, student teachers should understand that although one has the right to physical freedom, the state may limit one's freedom if it is reasonable. Reasonable causes for detainment should be based on the founding values in section 1 of the Constitution and gathered from the provisions of the Constitution as a whole (ruling of Ackerman in *S v Coetzee*).

Section 12 of the Constitution deals only with physical security with reference to choice regarding one's body. The facets of freedom to be explored next allude to personal choice in the case of religion, belief and opinion.

(b) Freedom of religion, belief and opinion

Religious freedom can be defined from an individual or collective perspective. Based on case law, freedom of religion includes the freedom to a belief, to express it in public and embrace that belief by means of worship, practice, teaching and dissemination (Eastman, 2013:314). In South Africa, this right extends also to non-religious beliefs and worldviews. The South African Constitution (Section 15, SA, 1996) provides the following:

- (1) Everyone has the right to freedom of conscience, religion, thought, belief and opinion.
- (2) Religious observances may be conducted at state or state-aided institutions, provided that:
 - (a) those observances follow rules made by the appropriate public authorities;
 - (b) they are conducted on an equitable basis;
 - (c) attendance at them is free and voluntarily.

In *MEC for Education, KwaZulu-Natal v Pillay 2008 (1) SA 474 (CC)*, the following was explained with regard to freedom and participation in voluntarily religion and cultural practices:

Freedom is one of the underlying values of the Constitution of our Bill of Rights and courts must interpret rights to promote the underlying values of 'human dignity', 'equality' and 'freedom'. The values are mutually exclusive but enhance and enforce each other... A necessary element of freedom and of dignity of any individual is an 'entitlement to respect for the unique set of ends that the individual pursues'. One of those ends is the voluntary religion and cultural practices in which we participate. That we chose voluntarily rather than through a feeling of obligation only enhances the significances of a practice to our autonomy, our identity and our dignity. ..

This judgment does not only refer to constitutional values, but also alludes to respect for religious and cultural practices. In the case of *Organisasie vir Godsdiensle-Onderrig en Demokrasie v Randhart (2014) and others 29847/2014 GHCI*, the High Court ruled as follows:

In the circumstances we issue the following order: (a) It is declared that it offends s.7 of the Schools Act, 84 of 1996 for a public school – (i) to promote or allow its staff to promote that it, as a public school, adheres to only one or predominantly only one religion to the exclusion of others; and (ii) to hold out that it promotes the interests of any one religion in favour of others. (b) The remainder of the relief claimed is refused. (c) There is no order as to costs.

The practice of the right to religion between individuals and religious institutions or the practice of religion in various institutions should also be considered in the teaching-learning of human rights, since it may infringe other rights, such as the equal treatment of religion in institutions.

(c) Freedom of expression

In the definition of the freedom of expression, all forms of "outward and non-verbal actions in the case where a person may speak, seek, hear, read or wear" are included (Van Vollenhoven, 2016). Section 16 in the Constitution (SA, 1996) that deals with the right to freedom of expression provides the following:

(1) 16(1) Everyone has the right to freedom of expression, which includes

- (a) freedom of the press and other media;
- (b) freedom to receive or impart information or ideas;
- (c) freedom of artistic creativity;
- (d) academic freedom and freedom of scientific research.

(5) The right in subsection (1) does not extend to

- (a) propaganda for war;
- (b) incitement of imminent violence;

advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

The section consists of a general provision with regard to the freedom of expression (Section 16(1)) and provides protection by placing certain expressions outside the scope of the right.

Expressions not included in the protection of section 16(1) are: propaganda for war; incitement of imminent violence and certain forms of hate speech. Currie and De Waal emphasise the balancing of rights against the reasons for the limitation, which would require an assessment of competing principles that would influence a person's determination of allocating weight to the right in this inquiry (Currie & De Waal, 2013:339). In the case where there are conflicting rights, the following guideline was offered by Justice Yacoob in the determination of the right that should be limited in *Le Roux and others v Dey*:

With us the right to freedom of expression cannot be said automatically to trump the right to human dignity. The right to dignity is at least as worthy of protection as the right to freedom of expression. How these two rights are to be balanced, in principle and in any particular set of circumstances, is not a question that can or should be addressed here. What is clear though and must be stated, is that freedom of expression does not enjoy superior status in our law. But it must be remembered that some attacks on human dignity are more serious than others: the violation of dignity in the context of the violation of other constitutional rights would ordinarily be regarded as more serious than otherwise.

The importance of the democratic values (human dignity, equality and freedom) is reiterated in section 39, which determines how the Bill of Rights should be interpreted. Section 39(1)(a) states that, "when interpreting the Bill of Rights, a court, a tribunal or forum must promote the values that underlie an open and democratic society based on human dignity, equality and freedom" (SA, 1996). Devenish (2005:169) warns that this legal system presupposes a level of understanding of human rights for people who may be illiterate. "The legitimacy of the Constitution will depend on the extent of accessibility to courts which may, amongst other things, require the promotion of a rights culture among citizens". Yet Pillay (2014:160) claims that teachers lack an in-depth knowledge and understanding of values, which has implications on their teaching. Secondly, teachers often wrongly believe that learners have more rights than teachers.

In the next paragraph, the limitation of rights in the case of human rights violations is explored.

4.5.3.4 Limitation of rights

One of the distinguishing characteristics of the South African Constitution is that a general provision for the limitation of human rights is included in the Bill of Rights. Such a limitation clause is not always part of the constitutions of other countries (Wing, 2008:78). The limitation clause can be perceived as an evaluation test for limiting human rights, which makes it more accessible for the reasonable man to comprehend.

The limitation of rights is explained in Section 36 of the Constitution:

- (1) 36. (1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including:
- (a) the nature of the right;
 - (b) the importance of the purpose of the limitation;
 - (c) the nature and extent of the limitation;
 - (d) the relation between the limitation and purpose;
 - (e) less restrictive means to achieve the same purpose.
- (6) Except as provided in subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.

In terms of section 36 of the Constitution, a right may only be restricted if it is found to be reasonable in an open democratic society, based on the constitutional values. The standard test to determine what is reasonable in an open democratic society, is called the proportionality test. In *S v Makwanyane (1995 (3) SA 391 (CC))* the test is explained as the balancing of competing rights in a conflict situation. The qualifiers as depicted in section 36 of the Constitution means that there is no absolute human right and that determining legal limitations are depending on specific scenarios. Principles can be established, but the application of those principles to particular circumstances can only be done on a case-by-case basis. The limitation of constitutional rights for a purpose that is reasonable and necessary in a democratic society involves the weighing up of competing values, and ultimately an assessment based on proportionality. The balancing process involves the consideration of the nature of the right; the importance of the limitation of the right; the nature and the extent of the limitation; the relation between the limitation and its purpose, and less restrictive means to achieve the purpose (section 36(1)(a-e) of the Constitution (SA, 1996). When a court has to decide on the limitation of rights, it is the custom to make use of a two-stage analysis (Devenish, 2005:183). Firstly, it has to be determined whether a right has been infringed. Secondly, the respondent has to demonstrate whether the limitation of the right is valid according to the principles of section 36. However, in *Christian Education South Africa v Minister of Education 2000 (4) SA 757 (CC)*, the court directly applied Section 36 without determining whether a right has been infringed. On this point, Currie (2000:48) states that the balancing process by means of the limitation clause cannot be carried out if there is only a hypothetical human rights violation on the one scale.

In the matter of *De Reuck v Director of Public Prosecutions Witwatersrand Local Division 2003* (3) SA 389 (W), Epstein linked the limitation of rights to the balancing process by stating the following:

I reiterate that the rights contained in the Bill of Rights are not absolute. Rights have to be exercised with due regard and respect for the rights of others. Organised society can operate only on the basis of rights being exercised harmoniously with the rights of others. Of course, the rights exercised by an individual may come into conflict with the rights exercised by another and, where rights come into conflict, a balancing process is required.

In summation of the paragraph, it should be borne in mind that the history of human rights has included various applications of human rights (par. 3.2 and par. 3.3). Moreover, the legalisation of human rights after the Second World War contributed to possible collaboration between nation states with regard to human rights issues (par 3.3). The legal systems of some countries such as South Africa provide rules and regulations in their constitutions (par. 3.5.3). The South African Constitution consists not only of rules and regulations to regulate the relationships between the State and the individual (vertical application) and the relationship between natural persons (horizontal application). The inclusion of the Bill of Rights in the Constitution also affirms the rights of all people in the country in respect of the values of human dignity, equality and freedom (section 7(1) of the Constitution). In addition, the Bill of Rights places a positive duty on the State to respect, promote and fulfil the rights in the Bill of Rights (section 7(2) of the Constitution). The Bill of Rights furthermore includes legal remedies when a person's right of access to courts or any tribunal or forum in order to enforce his/her rights is violated. For students to understand the position of values and morality in human rights applications, they need to know about the legalisation of human rights and human rights law. Moreover, student teachers need to understand how rights are balanced with one another as well as with duties.

In the next section the role of legislation in education and its relation to human rights is explored.

4.6 Legislation that protects and promotes human rights

Legislation involves a process of creating, changing or eliminating rules (Hage, 2014:28). The process involves the writing and promulgating of legal rules by the legislative authority of a state or province (Hage, 2014:28). Both international law instruments and national legislation will be discussed.

With regard to the writing and promulgating of rules by a state, one of the aims of international law after the Second World War was the protection of human rights (Dugard, 2016:320). After 1996 with the adoption of the South African Constitution, Section 39(1) of the Constitution enabled South African courts to include international law in their judgements. Section 39(1)(b)

provides the following: “When interpreting the Bill of Rights, a court, tribunal or forum must consider international law” (SA, 1996). Section 233 of the Constitution complements section 39 (SA,1996) in its provision for courts to prefer any reasonable interpretation of the legislation that is consistent with international law. In the case of *S v Makwanyane and Another*, the Court held that “public international law may be used as an interpretational tool for the South African Constitution”:

International agreements, and international customary law accordingly provide a framework within which the Bill of Rights could be evaluated and understood. Since 1996, South Africa has signed six international law instruments. Examples of international law that South African courts now use are the International Covenant on Civil and Political Rights (UN,1966); the Declaration on the Elimination of All Forms of Racial Discrimination (UN, 1965); the Declaration on the Elimination of All Forms of Violence against Women (UN, 1979); the Convention on the Rights of the Child (CRC) (UN,1989); the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment; and the Genocide Convention (Table 4-1).

Regarding national law, legislation is broadly defined by Section 2 of the Interpretation Act (SA, 1957) as any statute, proclamation, ordinance or other measure that has the authority of legislation. Legislation is thus both a source of origin and a binding source of law (Kotzé *et al.* in Humby *et al.*, 2012:126). According to Roos, Oosthuizen and Smit (2009:79-124), legislation is classified in terms of original (or primary) legislation and subordinate (or delegated) legislation.

4.6.1 Original legislation

Since 1994, the new education laws have aimed to transform the discriminatory education system into a democratic system. The Constitution also provides a framework for cooperation between the national, provincial and local spheres of government and organs of state by introducing co-operative principles to regulate the relationships between national and provincial authorities as well as between government authorities and public schools (section 41(1), (3) and (4) of the Constitution, SA, 1996). Section 195 of the Constitution (SA, 1996) refers to basic values and principles for public administration as professional ethics, transparency and accountability, impartial and equitable provision of services and proper representation in public administration. The role of values will be explored all the various forms of legislation.

4.6.2 Subordinate legislation

Subordinate legislation is subject to original parliamentary (or provincial law) which “confers the competence for the promulgation of subordinate or delegated legislation” (Roos *et al.*, 2015:105). Parliamentary legislation is usually in the form of guidelines. The senior executive officer, for

example a minister or a member of the Executive Council, then has delegated powers to add more detail to original laws by means of subordinate laws. Forms of subordinate laws include regulations and proclamations (Roos *et al.*, 2015:105). Human rights are also accentuated in various legislative provisions. Significant provisions for the realisation of human rights are briefly outlined below.

Table 4-1: Legislative and policy framework for human rights application and promotion in education

INTERNATIONAL LAW	
–	Convention on the Rights of the Child (CRC) (UN,1989)
–	Universal Declaration of Rights (UN, 1948)
–	International Covenant on Civil and Political Rights (UN,1966)
–	Convention on the Rights of Persons with Disabilities (UN, 2006)
–	Declaration on the Elimination of All Forms of Racial Discrimination (UN, 1965)
–	Declaration on the Elimination of All Forms of Violence against Women (UN, 1979)
–	African Charter on the Rights and Welfare of the Child (AU,1999)
–	Protocol on the African Charter on the Rights of Women in Africa (AU, 2003)
CONSTITUTION	
The Constitution of the Republic of South Africa	
NATIONAL EDUCATION LEGISLATION AND POLICY	
NATIONAL EDUCATION POLICY ACT	
–	Relevant National Policy to human rights issues in education
–	Norms and standards for educators (DBE, 2000)
–	National policy on school admission
–	National policy on religion
–	National policy on culture
SOUTH AFRICAN SCHOOLS ACT (hereafter the Schools Act)	
–	Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (DBE, 1998) (hereafter Guidelines of a Code of Conduct)
–	Regulations for Safety Measures at Public Schools (DBE, 2001) (hereafter Safety Regulations)
–	Regulations to Prohibit Initiation Practices at Schools (DBE, 2002) (hereafter Initiation Regulations)
–	Regulations for Safety Measures at Independent Schools (DBE, 2004)
–	National Guidelines regarding School Uniforms (DBE, 2006)
–	Devices to be used and Procedure to be followed for Drug Testing (DBE, 2008)
–	Regulations regarding Minimum Norms and Standards for Public School and Infrastructure (DBE, 2013) (hereafter School Infrastructure Regulations)
EMPLOYMENT OF EDUCATORS ACT (SA, 1998)	
–	Schedule 2: Disciplinary Code and Procedures for Educators

SOUTH AFRICAN COUNCIL FOR EDUCATORS ACT

(SA, 2000) (hereafter the SACE Act)

- SACE Code of Professional Ethics for Educators issued in terms of the SACE Act

OTHER GUIDELINES AND POLICY ISSUED BY THE DEPARTMENT OF BASIC EDUCATION

- Guidelines for the Prevention and Management of Sexual Violence and Harassment in Schools (DBE, 2008) (hereafter the Sexual Violence Guide)
- Strategy for Racial Integration (DBE, 2006) (hereafter Racial Strategy)
- Implementation Guidelines: Safe and Caring Child-Friendly Schools in South Africa, jointly issued with UNICEF (SA, 2008) (hereafter Safe School Guidelines)

GENERAL LEGISLATION

- Labour Relations Act (SA, 1997)
- Promotion of Equality and Prevention of Unfair Discrimination Act (SA, 2000) (hereafter Equality Act)
- Promotion of Administrative Justice Act (SA, 2000)
- Children's Act (SA, 2005)
- Criminal Law Act (SA, 2007)
- Child justice Act (SA, 2008)
- Protection from Harassment Act (SA, 2011) (hereafter Harassment Act)
- Prevention and Combating of Trafficking in Persons Act (SA, 2013) (hereafter Human Trafficking Act)

National legislation is issued by Parliament and promulgated as legislation. Oosthuizen and De Wet (2015:71) emphasise that some authors include proclamations, ordinances and regulations in their conceptualisation of legislation. Following is an analysis of national education legislation with its applicable policies.

4.6.2.1 National Education Policy Act

The aim of this Act is to enable the Minister of Education to determine national policy on education in schools in terms of certain principles. Examples of the principles include those found in the South African Constitution (Roos *et al.*, 2009:60). The law provides for the Minister to determine, implement and monitor education policy in accordance with a set of directives. The directives are provided for in section 4(1) of the Act where human rights are advanced and protected in the following instances:

4 (1) The policy contemplated in section-3 shall be directed toward-

- (a) the advancement and protection of the fundamental rights of every person guaranteed in terms of Chapter 3 of the Constitution, and in terms of international conventions ratified by Parliament, and in particular the right

- (i) of every person to be protected against unfair discrimination within or by an education department, or education institution on any ground whatsoever;
- (ii) of every person to basic education and equal access to education institutions;
- (iii) of a parent or guardian in respect of the education of his or her child or ward;
- (iv) of every child in respect of his or her education;
- (v) of every student to be instructed in the language of his or her choice where this is reasonably practicable;
- (vi) of every person to the freedoms of conscience, religion, thought, belief, opinion, expression and association within education institutions;
- (vii) of every person to establish, where practicable, education institutions based on a common language, culture or religion, as long as there is no discrimination on the ground of race;
- (viii) of every person to use the language and participate in the cultural life of his or her choice within an education institution.

According to Section 4(b), a national education policy should be directed to “enable the education system to the full personal development of each student, and to the moral, social, cultural, political and economic development of the nation at large” (SA, 1996). Furthermore, the education system should play a role in advancing democracy and human rights in schools. Consultative bodies should also be established to consult prior to determining of policy, introducing education legislation to Parliament or making regulations (Barrie, 1995:17). Section 5 of the National Education Policy Act enables the Minister to publish national policy on education based on the directives mentioned in section 4.

In the following paragraphs policy that is directed to human rights application and promotion will be discussed briefly.

4.6.2.2 Norms and Standards for Educators

In accordance with sections 3(4)(f) and (l) of the National Education Policy Act, 1996 (Act No. 27 of 1996), the Minister of Education must determine the norms and standards of educators as national policy. The Norms and Standards for Educators (SA, 2000) is directed at educators and other role players, including those who provide professional educational services at any public school, further education and training institution or departmental office. The policy describes the

roles, their associated set of applied competences (norms) and qualifications (standards) for the development of educators. These norms and standards provide a basis for providers to develop programmes and qualifications that will be recognised by the Department of Education for purposes of employment. An additional requirement identifies the need for continued research to inform the policy. Although the policy emphasises the aims of the Department of Education, the roles and applied competences of educators, it could be an instrumental tool in teacher education. It is not meant as criterion for evaluation of the competence of educators, but should be integrated in teaching-learning and inform the exit level of student teachers from the programme.

The list of roles and their associated competences below are meant to serve as a description of what it means to be a competent educator. “This is not meant to be a checklist against which one assesses whether a person is competent or not”. The roles and competences must be integrated into the learning programme and should inform the exit level outcomes of a qualification and their associated assessment criteria. Ultimately, the qualification should reflect an applied and integrated competence. The demonstrated ability to integrate theory and practice in teaching must be assessed within all educator qualifications. Human rights have been referenced in the descriptors of the seven roles with their associated competences. Three of the seven roles that could be implemented in a learning program of a Higher Education institution include the Leader, administrator and manager role), the Community, citizenship and pastoral role; and the Learning area/subject/discipline/phase specialist role.

The policy provides that “the notion of applied competence is the cornerstone of the policy”. Applied competence consists of three interconnected forms of competence: practical competence, foundational competence and reflexive competence.

Practical competence is the demonstrated ability, in an authentic context, to consider a range of possibilities for action, to make considered decisions about which possibility to follow, and to perform the chosen action.

Foundational competence indicates that the student demonstrates an understanding of the knowledge and thinking that underlie the action taken.

Reflexive competence indicates that the student demonstrates ability to integrate or connect performances and decision making with understanding and with an ability to adapt to change unforeseen circumstances and to explain the reasons behind these adaptations.

The inclusion of the Norms and Standards for Educators in the curriculum would not only provide knowledge on the required roles of educators, but would also promote understanding of human rights and human rights application in the school environment among student teachers.

4.6.2.3 National Policy on Religion and Education

One of the published examples of National Policy in Education, is the National Policy on Religion and Education (SA, 2003) which focuses on the role of religion in education. Values (section 11 of the policy, SA, 2003) – in particular constitutional values such as citizenship, human rights, equality, freedom from discrimination and freedom of conscience, religion, thought, belief and opinion – were identified as the basic values involved in the relationship between religion and education in a democratic society. Public schools are compelled to promote the core values of a democratic society.

4.6.2.4 The South African Schools Act

The South African Schools Act, No. 84 of 1996, is seen as the most important piece of legislation in terms of the governance of schools. The Act provides for access, quality and democratic governance in the school system (Smit, 2013:40). In its preamble, the main aim is the provision of education that focuses on the organisation, governance and funding of schools. It sets out a legal framework that distributes the powers and the obligations of the different stakeholders in education. Joubert (2015:29) emphasises that “all stakeholders in education must accept their responsibilities concerning the organisation, governance and funding of schools”. The value of equal treatment and opportunities in a democratic education system is also highlighted in the preamble of the Act. According to Joubert, other essential principles visible in the Act are inter alia “establishing a human rights culture to advance the democratic transformation”.

Values such as respect for and protection and advancement of various cultures and languages are also highlighted in the Act.

4.6.2.5 Guidelines for the School Governing Body in adopting a code of conduct for learners

The South African Schools Act obligates the governing body of every school to adopt a code of conduct for learners, following consultation with relevant stakeholders (Section 8, SA, 1998). In accordance with Section 8 of the Schools Act, the policy document for adopting a code of conduct for learners, Guidelines for the School Governing Body (hereafter called Guidelines), aims to provide guidelines for consideration by governing bodies of public schools to ensure that there is order and discipline in the school (item 1.2 of Guidelines, SA, 1998). The Guidelines for adopting a code of conduct emphasise inter alia that a code of conduct should set a standard of moral behaviour (item 1.9 of Guidelines) and equip learners with the expertise, knowledge and skills they would be expected to acquire as worthy and responsible citizens (item 1.4 of Guidelines, SA, 1998). Item 1.3 of Guidelines highlights human rights when it states that the code of conduct must

be subject to the Constitution and reflect constitutional democracy, human rights and transparent communications – all of which underpin South African society. Mestry and Khumalo (2012:98) specifically refer to human dignity, equality and freedom when they describe a code of conduct as a subordinate legislation that reflects the democratic principles of the Constitution.

4.6.2.6 South African Council for Educators Act (SA, 2000)

The South African Council for Educators Act, Act No. 31 of 2000, which repealed Chapter 6 of the Employment of Educators Act of 1998, was promulgated in August 2000. The aim of the Act was to ensure continuing existence of the South African Council for Educators Act (Act 31, 2000) and provide for matters such as the registration and development of educators, as well as setting, maintaining and protecting ethical and professional standards for educators by means of the functioning of South African Council for Educators (SACE) (Oosthuizen, 2009:249).

SACE is the statutory professional body for educators at schools, further education institutions and adult learning centres in South Africa. Its statutory responsibility includes the registration, development and maintenance of ethical and professional standards for educators.

4.6.2.7 The Code of Professional Ethics of the South African Council for Educators

SACE's Code of Professional Ethics is structured according to the following aspects: conduct in general, and the educator's conduct with regard to the learner, the parent, his/her colleagues, the employer, the community and the profession. Section 2.3 of the act states that "educators who are registered, acknowledge, uphold and promote basic human rights as embodied in the Constitution".

Regarding the proposed conduct between the educator and the learners, the Code of Professional Ethics does not only indicate that an educator should respect the dignity, beliefs and constitutional rights of the learners (item 3.1), but it also strives to enable learners to develop a set of values that are consistent with the fundamental rights of the Constitution (Item 3.3). The Code enables the school to take disciplinary action against educators who have breached the ethical code of conduct. Prinsloo and Joubert (2008:171) state that professional conduct is about professional ethics, as well as about respect for and sensitivity of all stakeholders' human rights.

4.6.2.8 The Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000

This Act, also known as the Equality Act, is a form of national legislation envisaged by Section 9(4) of the South African Constitution. The general aim of the Act is the "eradication of social and economic inequalities, especially those that are systemic in nature, which were generated in our

history by colonialism, apartheid and patriarchy, and which brought pain and suffering to the great majority of the people” (preamble of the Act, SA, 2000).

In the Act, discrimination is defined as “any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly (a) imposes burdens, obligations or disadvantage on; or (b) withholds benefits, opportunities or advantages from, any person on one or more of the prohibited grounds” (SA, 2000). To reach its aim, the following objectives are provided in the Act: prohibiting unfair discrimination by the state and by other persons; providing remedies for the victims of unfair discrimination, and promoting the achievement of substantive equality (Currie & De Waal, 2013:244).

Kok (2017:31) describes Section 14 of the Equality Act (SA, 2000) as the heart of the Act’s prohibition of unfair discrimination, which states the following:

- (1) It is not unfair discrimination to take measures designed to protect or advance persons or categories of persons disadvantaged by unfair discrimination or the members of such groups or categories of persons.
- (2) In determining whether the respondent has proved that the discrimination is fair, the following must be taken into account:
 - (a) The context;
 - (b) the factors referred to in subsection (3);
 - (c) whether the discrimination reasonably and justifiably differentiates between persons according to objectively determinable criteria, intrinsic to the activity concerned.
- (3) The factors referred to in subsection (2)(b) include the following:
 - (a) Whether the discrimination impairs or is likely to impair human dignity;
 - (b) the impact or likely impact of the discrimination on the complainant;
 - (c) the position of the complainant in society and whether he or she suffers from patterns of disadvantage or belongs to a group that suffers from such patterns of disadvantage;
 - (d) the nature and extent of the discrimination;

- (e) whether the discrimination is systemic in nature;
- (f) whether the discrimination has a legitimate purpose;
- (g) whether and to what extent the discrimination achieves its purpose;
- (h) whether there are less restrictive and less disadvantageous means to achieve the purpose;
- (i) whether and to what extent the respondent has taken such steps as being reasonable in the circumstances to—
 - i) address the disadvantage which arises from or is related to one or more of the prohibited grounds; or
 - ii) accommodate diversity.

Although the Equality Act has been criticised for its “uncertainty and incoherence in some places” (Ngcukaitobi in Currie & De Waal, 2013:245), it is still acknowledged that courts should base their decision on the substantive provisions of this Act and make use of its procedures against equality infringements.

4.6.2.9 The Children’s Act, No. 38 of 2005

The Children’s Act aims *inter alia* to give effect to some of the constitutional rights of children, determine principles relating to the care and protection of children and create certain new offences relating to children (Roos *et al.*, 2015:95). According to Section b(2)(a) of the Children’s Act, all proceedings, actions or decisions in a matter concerning a child must respect, protect and promote and fulfil the child’s rights as set out in the Bill of Rights of the Constitution. The rights to dignity and equality provided in the Constitution (SA, 1996) are enshrined in the Constitution. According to Du Plessis (in Joubert, 2009:196), the Act correlates with the inclusion of constitutional rights such as human dignity (section 10), equality (section 9), the best interest of the child (section 28), as well as international trends.

4.6.2.10 The Child Justice Act, 75 of 2008

The Child Justice Act that came into operation in 2010 reflects the new constitutional imperatives regarding children’s rights, as well as international standards for the regulation of children in conflict with the law (Reynecke, 2016:3). According to Reynecke (2016:3), current legislation creates the impression that children should first come into conflict with the law before legislation explicitly focuses on the best interests of those who misbehave or act in a socially unacceptable

way. The Act focuses on restorative justice in the insurance of child justice. In contrast, Du Plessis (2009:197) argues that the Act “seeks to regulate a legislative framework for children who come into conflict with the law”, as well as to uphold a child’s constitutional rights. The Child Justice Act aims to establish a criminal justice process for children accused of committing offences that protects the rights of children as entrenched in the Constitution and provided for in international instruments. The clause describing the objectives of the Act focuses on the promotion of Ubuntu in the child justice system through fostering children’s sense of dignity and worth, and reinforcing their respect for the human rights of others. It also stresses the importance of restorative justice concepts such as accountability, reconciliation, and the involvement of victims, families and communities (Skelton & Tshehla, 2008).

4.7 Common law

Common law in South Africa originates from the 17th and 18th century Dutch-Roman law and was influenced by English law (Humby & Kotzé, 2012:144). Common law principles are defined as general principles that derive from the “rich tradition of Roman Law and its use in Western Europe, specifically in the Netherlands” (Kleyn & Viljoen, 2010:80). Common law could also be described as the unwritten laws that are not included in legislation (Malherbe, 2008:59). Examples of common law include the perception that murder, robbery and rape are crimes; that a buyer must pay the agreed price; and that compensation must be paid for damages caused unlawfully (Kleyn & Viljoen, 2010:80). According to Kleyn and Viljoen (2010:81) English Law influenced South African common law by means of precedent in the past.

In South Africa, common law as a historical source of South African modern law is used as the tool to interpret constitutional provisions dealing with the exercise of public power (Oosthuizen, 2009:128). Common law could be described as an instrument that extends the law by “safeguarding a natural person’s individual independence” (Serfontein & De Waal, 2014:1594). Examples of the common law doctrine include the Ultra Vires doctrine, rules of natural justice, reasonableness and due consideration (Oosthuizen, 2009:131-145). The Constitution extends fundamental human rights to human rights application within private relationships (Section 8(2) of the Constitution SA, 1996), and describes the court’s function in the expansion of common law regarding relationships (Section 8(3) of the Constitution SA, 1996). The development of common law may be compelled by changing social conditions, values and the contemporary needs of society (Humby & Kotzé, 2012:144). Within the educational context, common law principles such as fairness and reasonableness are explained by introducing the concepts in loco parentis, negligence and the rules of natural justice to teacher-students (Joubert, 2009:21; Malherbe, 2008:59). Common law also recognised African fundamental values such as Ubuntu that informs the regulation of African interpersonal relations and dispute resolution, an inherent characteristic

of customary law (Himonga *et al.*, 2013:373). The African-related concept of Ubuntu (par. 4.7.1) regularly emerges in judiciary hearings and court cases – ever since 1995 until the present – such as *S v Makwanyane* 1995 3 SA 391 (CC) and *Port Elizabeth Municipality v Various Occupiers* 2005 1 SA 217 (Himonga *et al.*, 2013:370). In *S v Makwanyane*, Ubuntu was defined as follows:

It recognises a person's status as a human being, entitled to unconditioned respect, dignity and value and acceptance from the members of the community such person happens to be part of. It also entails the converse however. The person has a corresponding duty to give the same respect, dignity, value and acceptance to each member of the community. More importantly, it regulates the exercise of rights by the emphasis it lays on sharing and co-responsibility and the mutual enjoyment of rights by all

4.7.1 Customary rules and indigenous law

Other sources of law include customary law used in the old Germanic Law, also defined as generally unwritten law. These are fixed practices in accordance with which people live because they regard them as law (Kleyn & Viljoen, 2010:87). The uncoded sources of Law include customs that are recognised as a specific act or form that a society performs, which may over time become a customary rule declared by a court of law. In modern law, custom does not play such an informative role as a source of law.

Indigenous law, also a form of unwritten customary law that has been passed on orally from generation to generation, originated from the African people in South Africa who still observe, enforce and comply with these rules. It is a communal or group-orientated system that differs on a tribal and territorial basis (Kleyn & Viljoen, 2010:36). Indigenous law is characterised by its regulation of relationship between individuals, and not the relationship between the individual and the state. Characteristics of indigenous law may also become law through customary law (Kotzé *et al.*, 2012:145). Courts are required by the Constitution to follow indigenous law where applicable. It is also required that indigenous law must always be in line with the Constitution. The implication is that when a provision of indigenous law is in conflict with the Constitution, there is a strong chance that it will be declared unconstitutional. In this way, indigenous law is being adapted systematically by Parliament and the courts to comply with the Constitution (Malherbe, 2008:5). For example, Section 39(2) of the Constitution gives the right to traditional communities to develop their own law. In the case of *Schilubana and others v Nwamitwa and Others* 2009 2 SA 66 (CC) the Constitutional Court indicated that section 211(2) requires the court to respect the right of traditional communities to develop their own law.

4.8 The role of the judiciary in promoting and protecting human rights

A mechanism that has already been mentioned in paragraphs 3.5.3 and 3.5.4 and that is used to enforce human rights, is case law. It consists of court decisions by the higher or superior courts (Malherbe, 2008:59) and is used to determine how human rights are interpreted and applied by the courts in a specific case.

In accordance with section 166 of the Constitution (SA, 1996), the judiciary order is structured in the following manner:

The Constitutional Court is the highest court regarding constitutional matters. The function of the court is to deal with constitutional matters and repeal invalid orders made by higher courts or the Supreme Court of Appeal. In contrast with the Constitutional court, the Supreme Court of Appeal is the highest court but does not deal with constitutional matters. Next in line are the higher courts, which include the Labour Court and the divorce court. Any case that falls out of the jurisdiction of the district court is heard in the higher court. District courts deal with all criminal cases (except treason) as well as civil cases. Finally, the Court of Small Claims has the jurisdiction to deal with civil matters where costs are less than R12 000.

Regarding education and the law, court decisions in the higher court inform schools and the Department of Basic Education on how legal norms and standards are interpreted and applied by the courts in a specific case (Malherbe, 2008:59). In such a case, the court would ascertain the validity of the claim and provide a suitable remedy by testing legal rules against the Bill of Rights. The manner in which legal rules are interpreted should promote the spirit, purport and objectives of the Bill of Rights. Justice Froneman remarked as follows in the matter of *Matiso v The Commanding Officer, Port Elizabeth Prison* (1994(3) BCLR 80 (SE)):

The purpose now is to test the legislation and administrative action against the values and the principles of the Constitution. This purpose necessarily has an impact on the manner in which both the Constitution itself and a particular piece of legislation said to be in conflict which it should be interpreted.

One of the functions of the courts is to protect human rights, and consequently case law plays an important role in building a culture of human rights (Mubangizi, 2012:7). The courts play the role of building a human rights culture through their law-making powers of interpreting legislation, and developing the rules of the common law. Section 39(2) of the Constitution gives guidance to the courts when it states: "When interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights" (SA, 1996). The role of the courts in protecting rights was described by the then

Chief Justice of the Constitutional Court in the judgement of *State v Makwanyane and Another* (1995) as follows:

The very reason for establishing the new legal order, and for vesting the power of judicial review of all legislation in the courts, was to protect the rights of minorities and others who cannot protect their rights adequately through the democratic process. Those who are entitled to claim this protection include the social outcasts and marginalised people of our society.

Courts defend and enforce human rights, and the Constitutional Court was set up as one of the many mechanisms for driving human rights discourses and implementation in South Africa. The court is viewed as “the ultimate guardian of the Constitution with powers to enforce constitutional provisions, including those in the Bill of Rights” (De Wet, 2017)²⁴.

Within legal proceedings, a court of law considers human rights infringement and applies the Bill of Rights as an objective set of values whenever legislation and common law are interpreted, developed or applied. In the matter of *Hyundai Motor Distributors v Smit NO 2000 (2) SA 934 (T)*, it was held that judicial officers should, where possible, interpret court cases in ways that give effect to the Constitution's fundamental values. Consistent with this, when the constitutionality of legislation is at issue, judicial officers are under a duty to examine the objects and purport of an Act and to read the provisions of the legislation, as far as is possible, in conformity with the Constitution. In the ruling of *State v M (S v M 2008)*, Judge Ngcobo stated the following:

Where possible, legislation must be read in a manner that gives effect to the values of our constitutional democracy. These values include human dignity, equality and freedom. Thus, where legislation is capable of more than one plausible construction, the one which brings the legislation within constitutional bounds must be preferred.

In other judgements of the Constitutional Court and the Supreme Court of Appeal, the interpretation of the language of the constitutional text was interpreted from a generous, purposive and contextual approach (Currie & De Waal, 2013:135). Whereas a generous interpretation would prefer rights and oppose their restrictions, the purposive interpretation would unravel the core values of human dignity, equality and freedom, and provide the best support to protect those values. The final interpretation, the contextual interpretation, considers the meaning of the words in the context in which they are used to determine their purpose. Here the context can be used in

²⁴ De Wet, A. 2017. SAELA 2017: Education towards realizing HR for marginalized learners in and through education. Paper delivered at the SAELA conference at Stone Henge.

a wide sense, which includes the historical and political context or the narrow sense that considers the textual context of the Constitution (Currie & De Waal, 2013:140-143).

Regarding the consideration of constitutional values in a judgement, Kentridge AJ emphasised the value of the text in *S v Zuma* (*S v Zuma* 1995(2) SA 642 (CC)):

While we must always be conscious of the values underlying the Constitution, it is nonetheless our task to interpret a written instrument. I am well aware of the fallacy of supposing the general language must have a single 'objective meaning'. Nor is it easy to avoid the influence of one's personal, intellectual and moral preconceptions. But it cannot be too strongly stressed that the Constitution does not mean whatever we might wish it mean. We must heed Lord Wilberforce's reminder that even a constitution is a legal instrument, the language of which must be respected. If the language used by the lawgiver is ignored in favour of a general resort to 'values', the result is not interpretation but divination... I would say that a constitution embodying fundamental principles should as far as its language permits, be given a broad construction.

The basic idea of human rights entails that everyone is entitled to rights as long as the other person's rights are respected. Rights may be limited in order to protect the democratic rights of every person in the interest of social concerns such as public order, safety, and health (Currie & De Waal, 2005:163). For this reason, the majority of human rights are restricted by an inherent duty to respect the same right of others. In the case of legal disputes where they are directly applied, ordinary laws override any conduct that is inconsistent with the Bill of Rights, which generates its own remedies if one's rights are infringed. In some cases, a court is obligated to balance the legal interests of two or more parties that claim protection of their rights (Humby & Kotzé, 2012:134). Examples of court cases that dealt with public order, safety, health and housing include the following:

- Cases regarding safety

One example of a court case related to safety is *Rail Commuters Action Group and Others v Transnet LTD /t/a Metrorail and Others* 2005 (2) SA 359 (CC). The legal question in this case was whether Metrorail and the South African Rail Commuter Corporation Ltd (the respondents) were obligated to ensure the safety of rail commuters. The applicants, Rail Commuters Action Group was a voluntary association group who represented the interests of rail commuters in the Western Cape among others. The applicants were affected by violent crimes committed on Metrorail. They approached the Constitutional Court for leave of appeal against a finding of the Supreme Court of Appeal. They argued that there was a positive obligation on Metrorail and the Commuter Corporation to protect rail commuters in stations and on trains. The respondents, however, argued that the obligation rested on the South African Police Service. The Court held

that at times constitutional rights such as the right to dignity, life and freedom and security of the person inflict positive obligations, which the state and all its organs must respect and fulfil.

- Cases regarding health

Minister of Health and Others v Treatment Action Campaign and Others (No 2) 2002 (5) SA 721 (CC) provides an example of a case concerning health. Although evidence in a particular case may show that there is a minimum core of a particular service that should be taken into consideration in determining whether measures adopted by the state are reasonable, the socio-economic rights of the Constitution should not be construed as entitling everyone to demand that the minimum core be provided to them. All that is possible, and all that can be expected from the state, is that it acts reasonably to provide access to the socio-economic rights identified in sections 26 and 27 on a progressive basis. Sections 27(1) and 27(2) must be read together as defining the scope of the positive rights that everyone has, and the corresponding obligations on the state to respect, promote and fulfil such rights.

- Cases regarding housing

Government of RSA and Others v Grootboom and Others 2001 (1) SA 46 (CC) provides an example of how the court might deal with the issue of housing. The respondents were evicted from their informal homes on private land that was set aside for formal low-costing housing by the metropolitan council. They applied for an order requiring the government to provide them adequate shelter or housing until they obtained permanent accommodation. In this case the state's obligations under section 26 of the Constitution are emphasised, which gives everyone the right of access to adequate housing, and section 28(1)(c), which affords children the right to shelter. The questions concerning the case includes the enforceability of social and economic rights. The Court noted that the Constitution compels the state to act positively to improve the predicament of people living in deplorable conditions throughout the country. The state must provide access to housing, health care, sufficient food and water, and social security to those unable to support themselves and their dependents. The Court stressed that all rights in the Bill of Rights are interrelated and commonly supporting. Human dignity, freedom and equality are denied to those without food, clothing or shelter. The state must also foster conditions that enable citizens to gain access to land on an equitable basis, but this does not oblige the state to go beyond its available resources or to realise these rights immediately. Nevertheless, the state must give effect to these rights and, in appropriate circumstances, the courts can and must enforce these obligations. The question is always whether the measures taken by the state to realise the rights afforded by section 26 are reasonable.

The Court emphasised that neither section 26 nor section 28(1)(c) gave any of the respondents the right to claim shelter immediately and issued a declaratory order requiring the state to devise and implement a programme that includes measures to provide relief for those desperate people who had not been catered for.

Other court cases that has bearing to other socio-economic rights has established general guidelines to the rights of the marginalised that are relevant to education. In an educational context, not all human rights infringements are dealt with in a court of law, but through the principal who should “arrange a fair hearing by a small disciplinary hearing” (tribunal) (section 13(2) of the *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners*) (SA 1998). The use of the words “tribunal or disciplinary committee” points strongly to the committee’s being bound by section 39(1)(a) and (2) of the Constitution (Alston & van Staden & Pretorius, 2005:149).

Apart from disciplinary issues, the potential exists for schools to be part of a legal dispute on the “grounds of disputes between parties, differences and polarisation on the grounds of race and equality” (Beckmann & Prinsloo, 2015:1). In South Africa, human rights issues that have developed into precedent court cases since 1994 include the following:

- Corporal punishment based on religious reasons:

Corporal punishment in schools were dealt with by the court in *Christian Education South Africa v Minister of Education* 2000 (4) SA 757(CC). In this case, the question was asked whether the Constitution violated parents’ rights of learners in independent schools when they prohibit corporal punishment in the school. The applicant, Christian Education South Africa (CESA), who represented 196 independent schools, argued that Section 10 of the South African Schools Act is invalid because it violates parents’ right to punish their children in accordance with their religion.

The Court held that the state had two interests in the matter: the protection of the principle of equality, and the protection of children from degradation and indignity. For the Court, corporal punishment could be classified as both degrading and a form of indignity.

- Freedom of expression

Freedom of expression was addressed, among other rights, in *MEC for Education KwaZulu-Natal v Pillay* 2008 (1) SA 474 (CC). A parent, Mrs Pillay request the School Governing Body to exempt her daughter, Sunali, from the code of conduct and allow her to wear a gold nose ring stud which is prevalent of her South Indian family traditions and culture. The School Governing Body refused the application and made a decision of not allowing learners to wear nose studs. Mrs Pillay

consequently took the matter to the Equality Court for relief. The Supreme Court of Appeal declared that the school's conduct was both unfair and discriminatory, based on the Promotion of Equality and Prevention of Discrimination Act.

The case in the Constitutional Court was based on equality. Whereas Pillay argued for the 'reasonable accommodation principle', the school argued that allowing learners like Pillay to wear jewellery at school will have a negative impact on learner discipline. In its unanimous decision, the Court held that the school's conduct and its decision of refusing Sunali's request, was prima facie discriminatory on the grounds of religion and culture, according to Section 6 of the Equality Act. In addition, the school's refusal to take steps to reasonably accommodate the needs of people on the basis of race, gender or disability was also perceived as unfair discrimination.

- The right to education²⁵

The right to education in *Head of Department, Department of Education, Free State Province v Welkom High School and Others 2014 (2) SA 228 (CC)* deals partly with the provision of education and partly with equality of treatment. This matter concerned an appeal to the Constitutional Court regarding the powers of a head of a provincial department of Education (HOD) to instruct a principal of a public school to act in contravention of a policy accepted by the governing body of that school. Policies at Welkom School and Harmony School provided for the exclusion of pregnant learners from school for certain time periods. The HOD instructed the principals of the schools to re-admit two learners who had been excluded from school in terms of these policies. The schools applied successfully to the Free State High Court for an interdict to prohibit the HOD from interfering in the implementation of their policies. The Court however judged that the requirement on all other learners to report to school authorities when they suspected that a fellow learner was pregnant, constituted a violation of the human dignity and privacy of pregnant learners. One of Justice Khampepe's orders included ordering the schools to review their policies and align them with the Constitution, and to engage meaningfully with the HOD in the process.

Numerous court cases on human rights issues such as language in schools should also be mentioned, but they have not been transcribed due to the given space in the thesis. The question that should be asked is whether litigation on human rights should take place. Beckmann and Prinsloo (2015:8) point out that case law has "improved or raised awareness of constitutional issues and defined certain values" although they are concerned "that some fundamental social

²⁵ Other court cases that deal with freedom of expression are: *A v. Governing Body, The Settlers High School and Others* (3791/00) [2002] ZAWCHC 4 (8 February 2002); *Le Roux and Others v. Dey* (CCT 45/10) [2011] ZACC 4; 2011 (3) SA 274 (CC); 2011 (6) BCLR 577 (CC); BCLR 446 (CC) (8 March 2011)

issues or human rights issues have not been litigated or resolved to a significant degree". According to the authors, decisions of the Constitutional Court should focus more on the constitutional values that are infringed in the school situation.

4.9 Synopsis

Chapter 3 focused on the legal nature of human rights to introduce the legal discourse in human rights education. From a legal perspective (Chapter 4), human rights can be used in a preventative fashion (legal principles that guide and regulate relationships by means of human rights) and in a reactive fashion (legal rules and procedures that should be followed in either a disciplinary action or a dispute between two parties). The aim of Chapter 4 was to analyse the juridical perspective on human rights and to discuss human rights application so that student teachers could use it in their careers.

Human rights application from a juridical approach relies on a secure knowledge of the Constitution, legislation, common law and case law. In teacher education, this would mean that student teachers should know the legal rules and principles to aid in their application of human rights from a legal perspective.

The next chapter deals with the presentation of empirical findings and discusses data in relation to the legal approach to human rights.

CHAPTER 5:

GROUNDED THEORY ANALYSIS OF THE DATA

5.1 Introduction

The study in hand aims to explore how student teachers' understanding of the position of values and morality in human rights applications may contribute to theory on human rights education. To reach this aim, the empirical data generated in this study (par. 2.2.2) was analysed according to the Grounded Theory Method (GTM) (Urquhart, 2013:6; Bryant & Charmaz, 2007:1; Glaser, 1998:23). Chapter 5 presents and discusses the empirical findings.

Whereas one core category normally emerges from the initial categories in GTM (Jones & Alony, 2011:7; Birks *et al.*, 2006:29) data from the six data collection strategies in this PhD study (par. 2.4.2) was merged into five categories that intra-sect with one another.

The reader is reminded that although this chapter follows on the two chapters that presented the theoretical and legal frameworks for understanding human rights in teacher education, data generation and analysis actually preceded the literature study. This is in keeping with the classic GTM, which requires data collection and analysis to precede the compilation of theoretical frameworks or literature reviews so that findings emerging from GTM studies would be grounded in the data only and not in a theoretical framework (par. 2.2). Consequently, Chapter 5 as presented here, was an attempt to allow the data to emerge and to explain the phenomena without undue influence or bias caused by theoretical perspectives. The reader is reminded that the study combined secondary data from the HRLit Project with self-generated data (Figure 2-2, par. 2.4.1). The data was analysed together as a dataset by applying the GTM of analysis. In this chapter, reported data is referenced as indicated in Table 2-1 (par. 2.4.1).

5.2 Emerging theory: From concepts to initial categories

Open coding of qualitative data enabled the emerging of concepts that represent words and/or phrases used by participants in the data (par. 2.4.1). Twelve concepts emerged from the purposive sampling of participants' responses to qualitative questions as contained in the survey (Table 2-1; par. 2.5.2): 1) morals, values and morality; 2) a human rights knowledge construct; 3) human rights and gender issues; 4) human rights and culture; 5) perspectives of lived experiences; 6) relational aspects of human rights; 7) legal concepts and documents; 8) rights and responsibilities; 9) a human rights teaching process; 10) human rights application; 11) reflection; and 12) the role of the educator. These concepts were further abstracted and merged

following on a rigorous process of constant comparison of codes with other codes, codes with categories, and categories with other categories (Table 5-1; par. 2.5.2).

In particular, Table 5-1 illustrates how the initial twelve concepts were named as they emerged from the coding process, how they were renamed, collapsed or grouped as refined concepts, and how categories gradually emerged as a result of the process of constant comparison. The first and second columns provide examples of the initial data excerpts with the original codes that emerged from the data. The third column lists the initial twelve concepts that emerged from the codes. The fourth and sixth columns demonstrate the status of the concepts after re-coding (par. 2.5) and constant comparison (par. 2.4.1). Refined concepts emerged after re-coding data from the purposive sample as well as coding data from the theoretical sample. The resultant nine concepts are listed in the third column of Table 5-1. The final column lists initial categories that emerged from the process of constant comparison.

Table 5-1: Concepts and initial categories as they emerged

Examples: Verbatim excerpts (non-English quotes included)	Examples: Codes after open coding	Examples: Codes after re-coding	Initial concepts	Status	Refined concepts	Status	Initial categories
Legal concepts and documents → Human rights as legal							
"We look at each instrument on its own. We look at the UDHR and we go through particular articles, the pre-ambles especially, because the pre-ambles will tell you particularly why that instrument was developed".	Comparing legal documents critically	Critical analysis of legal documents Knowledge and conduct	Legal concepts and documents	Legal concepts and documents [renamed to refine the concept]	Legal documents	Grouped with HR and responsibilities and human rights in relationships under the category <u>HR as legal</u>	Human rights as legal
"And then I look at the communalities and the differences and why they believe that particular or certain articles are specific or vague right?".	Relationship between knowledge of law and conduct in the school	Legal knowledge and school conduct	Legal concepts and documents	Legal concepts and documents [renamed to refine the concept]	Legal documents	Grouped with HR and responsibilities and human rights in relationships under the category <u>HR as legal</u>	Human rights as legal
HR and responsibilities → HR as legal							
"This is the problem... the cause of that is that sometimes people focus more on their rights and forget about others...the responsibilities".	Sometimes people are focusing more on rights than responsibilities	Forgetting about responsibilities	HR as responsibilities	HR and responsibilities were split between HR as legal and HR as values	HR as legal	Grouped with <i>HR knowledge</i> and <i>HR as legal</i> in initial category <u>HR as legal</u>	HR as legal

Examples: Verbatim excerpts (non-English quotes included)	Examples: Codes after open coding	Examples: Codes after re-coding	Initial concepts	Status	Refined concepts	Status	Initial categories
"So, that's what the Constitution guarantee, those rights and at the same time puts those boundaries and yes as long as you don't infringe on the rights of others".	Constitution guarantees rights without infringement	Rights and boundaries in Constitution	HR as responsibilities	HR and responsibilities were split between HR as legal and HR as values	HR as legal	Grouped with HR knowledge and HR as legal in initial category HR as legal	HR as legal
"With human rights there are rules and responsibilities." "So hoe meer mens praat van jou regte, hoe meer moet mens besef dat jy het ook 'n verantwoordelikheid".	HR have rules and responsibilities	HR = rules and responsibilities	HR as responsibilities	HR and responsibilities were split between HR as legal and HR as values	HR as legal	Grouped with HR knowledge and HR as legal in initial category HR as legal	HR as legal
Morality, morals, values → HR as values							
"Morals play a vital role in ensuring that the people live with one another in harmony where everyone respects each other".	The role of morals Respect as a value	The role of morals Respect as a value	Morality, morals, values	Concept renamed given that it emerged as an initial category	HR as values	Despite the fact that the concept has been renamed, references to morality and morals were included throughout	HR as values
"Without knowing what is right or wrong, one can't prescribe a way to act or treat other people".	Knowing right from wrong = prescribing behaviour	Need for knowing right and wrong	Morality, morals, values	Concept renamed given that it emerged as an initial category	HR as values	Despite the fact that the concept has been renamed, references to morality and morals were included throughout	HR as values

Morality, morals, values → HR as values							
"To provide a structure or code for moral basis to guide how we should treat each other".	Providing moral code in treating others	Moral code for treating others	Morality, morals, values	Concept renamed given that it emerged as an initial category	HR as values	Despite the fact that the concept has been renamed, references to morality and morals were included throughout	HR as values
"The rights which people have to be treated as human beings".	Being treated as a human being	Being treated as a human being	Morality, morals, values	Concept renamed given that it emerged as an initial category	HR as values	Despite the fact that the concept has been renamed, references to morality and morals were included throughout	HR as values
Knowledge of human rights construct → Reasoning							
"Freedom and having to do my own decisions without being judged".	Specific values Decision making, consequences	Specific values Decision making without being judged	Knowledge of the human rights construct	Renamed as a refined concept: <i>Human rights knowledge</i>	Human rights knowledge	Changed to the initial category <u>Reasoning</u>	Reasoning

Knowledge of human rights construct → Reasoning							
“If you don’t respect my rights I will go to the police station and lay a charge against you”.	Protection from police Respecting rights and police protection	Protection of rights	Knowledge of the human rights construct	Renamed as a refined concept: <i>Human rights knowledge</i>	Human rights knowledge	Renamed <u>Reasoning</u> as it became an initial category	Reasoning
“Ek dink juis dat hulle arm gemeenskappe is hulle juis bewus van hulle regte en dat hulle meer hul gemeenskap wil ophelp”.	Poor people most likely more aware of HR; will uplift their communities	Poor people more aware of HR Poor people inclined to uplift community	Knowledge of the human rights construct	Renamed as a refined concept: <i>Human rights knowledge</i>	Human rights knowledge	Changed to the initial category <u>Reasoning</u>	Reasoning
Reflection and human rights → Social awareness							
“How often we know our rights, but can we really access them?”.	Knowing about rights versus accessing rights Reflecting: Being human	Accessing rights Reflecting: Being human	Reflection	Renamed as refined concept Integrated with the initial category <i>Social awareness</i>	Reflection	Eliminated as a concept of <i>Social awareness</i> during the finalisation of the initial category	Not applicable

Reflection and human rights → Social awareness							
“What comes to mind is the right to be human and enjoy a life that is not discriminative and that allows me to express and feeling or thoughts that I might have without being discriminated against”.	Life without discrimination Expression without being discriminated against	Expression without discrimination	Reflection	Renamed as refined concept Integrated with the initial category <i>Social awareness</i>	Reflection	Eliminated as a concept of <i>Social awareness</i> during the finalisation of the initial category	Not applicable
“It's shocking to realise how little I actually know about the physical law of human rights. However, my morals and religion causes me to never be harmful towards another human being. Just because something is written and cast in stone, doesn't mean it will change the way people see things. At the end of the day, you can only INFLUENCE other people. The only person you can change is yourself”.	Reflecting on knowledge of physical law of human rights Reflecting on human rights and people's action	Reflecting on human rights and people's action	Reflection	Renamed as refined concept Integrated with the initial category <i>Social awareness</i>	Reflection	Eliminated as a concept of <i>Social awareness</i> during the finalisation of the initial category	Not applicable

Human rights and gender → Social awareness							
“I think HR help in such a way that people, men cannot treat us as equals and you know most of the times men know they should not beat women because we have rights. And then there are those who don't know”.	Men know not to beat women because we have rights And then there are those who don't know	Beating of women and rights Not knowing	Human rights and gender	Merged with <i>HR and culture</i> and named <i>Gender and culture</i> as refined concept	Gender and culture	Grouped with <i>HR and culture</i> in the initial category <u>Social awareness</u> After finalising the categories <u>Social awareness</u> and <u>HR action</u> , the concept was integrated with the category <u>HR action</u>	Not applicable
“Byvoorbeeld as 'n vrou 'n werk kry bo 'n man, maar die vrou is nie so goed soos die man nie. Wat is vir die kind die beste?”	Discussing affirmative action and educator employment in schools	Affirmative action and educator employment in schools	Gender and culture	Merged with <i>HR and gender</i> and named <i>Gender and culture</i> as refined concept	Social awareness	Grouped with <i>Human rights in relationships</i> and <i>Strong opinionated reaction</i> in the initial category <u>Social awareness</u>	Social awareness
Human rights and culture → Social awareness							
“HR relates to <i>Ubuntu</i> like. It is much more African because you would not let another African suffer while you are there and you are able to help them”.	HR related to <i>Ubuntu</i> You would not let another African suffer	HR and <i>Ubuntu</i> an African concept	HR and culture	Merged with <i>HR and gender</i> and named <i>Gender and culture</i> as refined concept	Social awareness	Grouped with Human rights in relationships and Strong opinionated reaction in the initial category Social awareness Concept regrouped with the category HR action	Not applicable

Human rights and culture → Social awareness							
"Respect in the family v respect those outside family".	Respect for family versus respect for outsiders	Respect for family	HR and culture	Merged with <i>HR and gender</i> and named <i>Gender and culture</i> as refined concept	Social awareness	Grouped with Human rights in relationships and Strong opinionated reaction in the initial category Social awareness Concept regrouped with the category HR action	Social awareness
"When we are in the school we should go with the school code of conduct and the school code of conduct should be in line with the interest of the community because the school doesn't exist in isolation".	Cultural practices and code of conduct	Cultural practices and code of conduct	HR and culture	Merged with <i>HR and gender</i> and named <i>Gender and culture</i> as refined concept	Social awareness	Grouped with Human rights in relationships and Strong opinionated reaction in the initial category Social awareness Concept regrouped with the category HR action	Social awareness
Lived experiences → Social awareness							
"Since I am poor someone will violate my rights. Where I grew up if someone violate my human rights I would not have had the means to bring that person to book. But if someone has money, if they are rich they would be able to get lawyers and bring me to book if I violate their rights".			Lived experience	Renamed concept since it included participants' reaction	Strong opinionated reaction	Grouped with <i>Gender and culture</i> and <i>Human rights in relationships</i> under the category <u>Social awareness</u>	Social awareness

“When I came to this campus I have been to the workplace and I can describe myself as a mature student. So the Constitution states that everyone has a right to education and I was not discriminated against because of my age. They did not say I cannot come into this institution because I was over the age of the most people here”.	Indiscriminate admission of adult students		Lived experience	Renamed concept since it included participants' reaction	Strong opinionated reaction	Grouped with <i>Gender and culture</i> and <i>Human rights in relationships</i> under the category <u>Social awareness</u>	Social awareness
“And applies to everyone but the way that the rights are outlined and how things are actually done, it is completely different. I mean if education is for all and no child must be deprived of education why do we have hobos and people suffering from poverty who are chased away from school because they don't have go to school? -just a thought”.							
Human rights application → Human rights action							
“Yes, the human rights were designed to rectify the imbalances of the past, but I strongly believe that we are past that stage now and we don't need to be dependant (sic) on the rights a lot to feel safe and apart of the country”.	Designed to rectify imbalances of the past No need for depending on rights	Designed to rectify imbalances of the past No need for depending on rights	Human rights application	Renamed as refined concept: <i>Doing human rights</i>	Doing human rights	Renamed as it became an initial category ↓ Grouped with <i>Strategies</i> and <i>Role of an educator</i> and integrated in the initial category <u>Human rights action</u>	HR action

	Dealing with intimidating learners during practical teaching		Human rights application	Renamed as refined concept: <i>Doing human rights</i>	Doing human rights	Renamed as it became an initial category ↓ Grouped with <i>Strategies</i> and <i>Role of an educator</i> and integrated in the initial category <u>Human rights action</u>	HR action
	Some people are not aware of their rights; hence they cannot stand their ground in most cases	Ignorance and HR action					
The role of an educator → Human rights action							
"Sometimes teacher's belief become a barrier to learning".	Lecturer's own political view as influence	Lecturer's own political view as influence	The role of an educator	The role of the educator was refined and renamed <i>Teaching-learning human rights</i>	Teaching-learning of human rights	Grouped with <i>Strategies</i> and <i>Human rights application</i> to become initial category <u>Human rights action</u>	Human rights action
	Conflict arising from teaching about HR issues when it's against your own convictions	Conflict: Teaching HR when against own convictions	The role of an educator	The role of the educator was refined and renamed <i>Teaching-learning human rights</i>	Teaching-learning of human rights	Grouped with <i>Strategies</i> and <i>Human rights application</i> to become initial category <u>Human rights action</u>	Human rights action

“If I refrain from speaking about sexuality that means that I will have to find an alternative which means I will have to find a teacher who will come in and teach that particular concept or subject and I will come in and teach something else in his class just to avoid conflict”.	Avoiding class conflict when teaching about all sexual orientations (Scenario 2)	Class conflict and sensitive HR issues	The role of an educator	The role of the educator was refined and renamed <i>Teaching-learning human rights</i>	Teaching-learning of human rights	Grouped with <i>Strategies</i> and <i>Human rights application</i> to become initial category <u>Human rights action</u>	Human rights action
Strategies → Human rights action							
“ HR teaching strategy: asking rights and responsibility involved in scenario from both sides”.	Scenario on rights and responsibility		Strategies	Renamed as refined concept Teaching-learning human rights strategies	Teaching-learning human rights	Renamed as refined concept <i>Human rights action</i> ↓ Grouped with the concept <i>Role of the educator</i> and <i>Human rights application</i> to become initial category <u>Human rights action</u>	Human rights action
“What should people be taught in HR: Teaching others to be respectful HR Leaving your prejudices/ biases behind, being without judging, without having favours/opinions Avoiding talk of HR issues in classroom”.							

Concepts evolved through constant comparison between codes and concepts within the trajectory of the research question, which enabled the researcher to eliminate irrelevant codes and formulate initial categories relevant to the subject in question. A definition for each category and its related concept(s) were formulated to support the elimination of codes and to enhance the trustworthiness of the study. Figure 5-1 depicts how initial categories emerged (the blue circles) from the codes and concepts. The arrows indicate the continuous and simultaneous process of constant comparison in the data analysis and cyclical process (Figure 2-1). Following on the process of merging/abstracting concepts (Table 5-1), five initial categories emerged that were relevant to the research question as depicted in Figure 5-1.

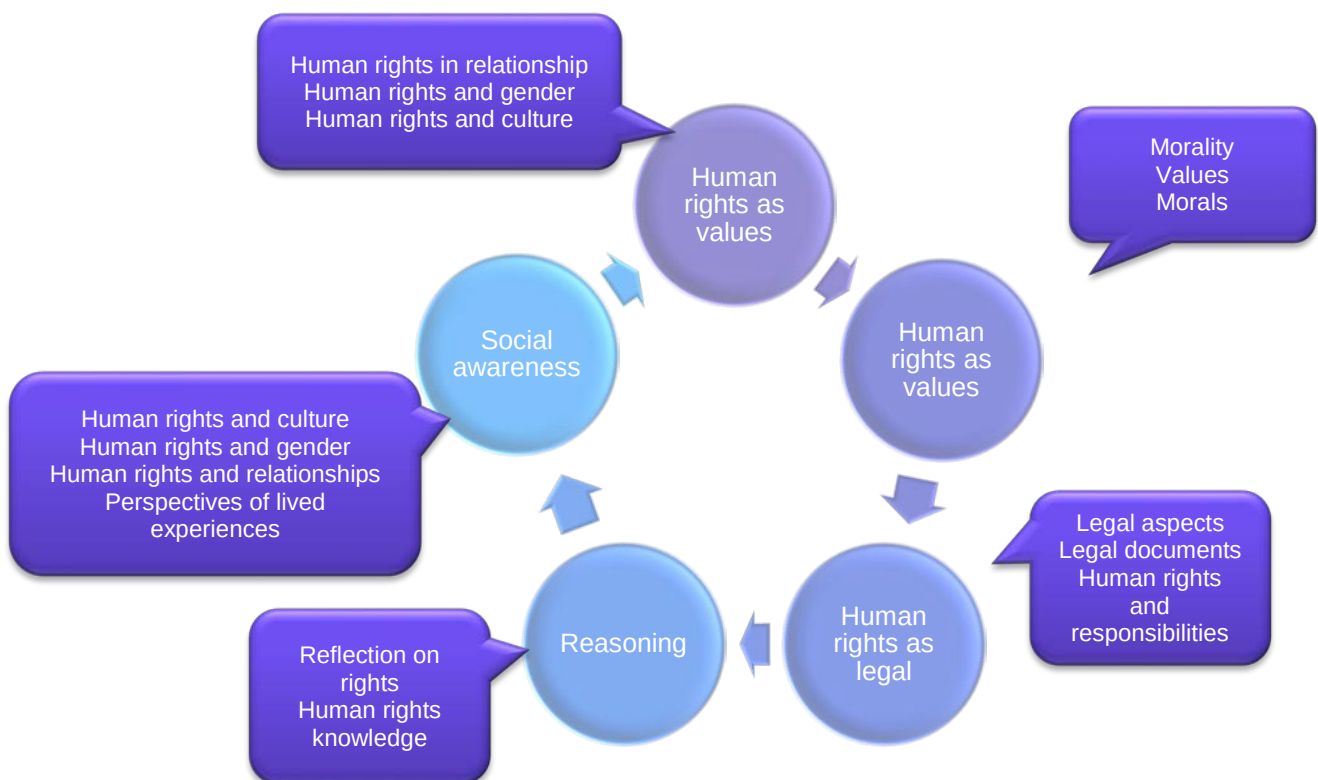


Figure 5-1: Categories emerging from concepts

The paragraphs to follow present each category by discussing its properties, and they are illustrated by means of references to the data. The referencing style used for data excerpts has been explained in Table 2-2.

5.3 Initial categories

The initial categories, with their accompanying properties, will now be discussed to identify the building blocks for the final theory.

5.3.1 Initial category 1: HR as legal

The initial category HR as legal is defined as the conceptualisation of human rights from a legal knowledge base as became evident from the data. Participants in the study seemed to draw on legal conceptualisations of human rights, knowledge of human rights instruments such as the Bill of Rights in the Constitution, and an understanding of the legally enforceable responsibilities that accompany rights. This category emerged from codes and concepts that include references to constitutional principles, legal principles and legal documents, as well as procedures, rules and codes of conduct (for learners and/or for teachers). The category was informed by a total of 179 codes (Table 5-1 for examples).

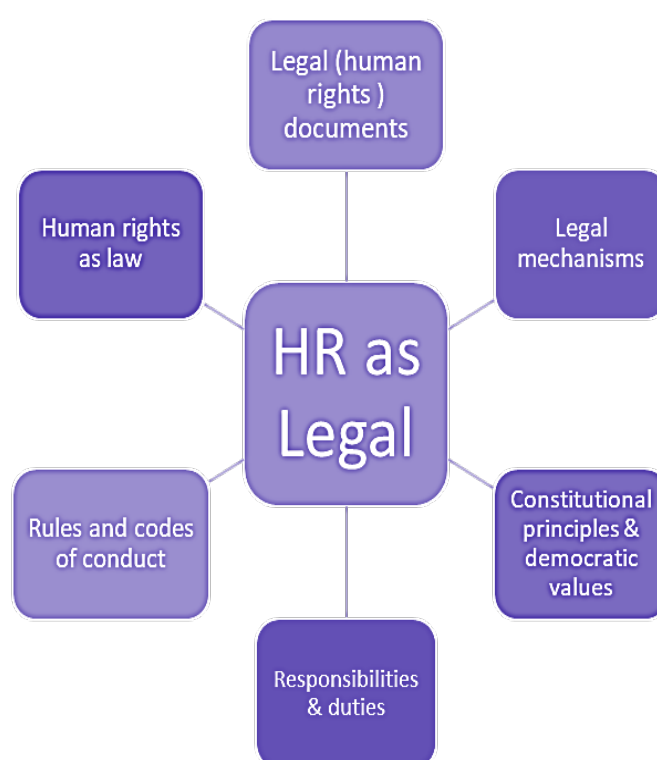


Figure 5-2: Properties emerging from Initial category 1

The category depicted in Figure 5-2 demonstrates the properties and elements of the initial concept, namely a legal conceptualisation of human rights, as evident from the data. The first property, *Human rights as law*, presents a legal understanding of human rights. The second property, *Legal (human rights) documents*, presents participants' application of all legal documents, such as legislation and policies that have a bearing on human rights. The third property, *Legal mechanisms*, presents components that enable a process or a system to achieve an intended result. Forms of legal mechanisms include courts, tribunals and forums that promote human rights and/or enforce the law, as well as human rights documents, legislation, common law principles, court cases and disciplinary actions. The fourth property, *Constitutional and*

democratic principles, presents student teachers' perceptions of constitutional principles and democratic values that focus specifically on human dignity, equality and freedom – also known as the cornerstones of democracy (Section 7 of the Constitution, SA, 1996a). The fifth property, *Responsibility and duties*, presents student teachers' use of responsibility together with rights as described in Section 8(2) of the Constitution (SA, 1996a). The final property, *Rules and codes of conduct*, represents student teachers' perceptions of rules and a code of conduct that is defined as a legal instrument that provides individual protection of human rights by means of law.

Next follows a discussion of all the properties related to the categories found in the data. The properties are presented as characteristics of the concept.

5.3.1.1 Human rights as law

Data revealed that student teachers' understanding of human rights encompasses a legal understanding (par. 1.2; par. 1.5.2; par. 4.3; par. 4.5.1 and par. 4.5.3), a phenomenon that can be substantiated when participants' responses to Question 13 of the survey are considered. In this question (SQ13_RSA₂₀₁₃), participants were asked to select 10 words from a list of 45 which they associated most with human rights.²⁶ Fifteen words or phrases were chosen by more than 150 participants, and 'legal' did not feature among the top 15 words/phrases. Four of the 15 top-ranking words related to legal aspects, while 11 did not. Although less than half of the top 10 words and/or phrases were legal, data indicates that some participants had a legal understanding of human rights. The words with a legal connotation were 'children's rights' (n= 316/526, SQ13_RSA₂₀₁₃); 'women's rights' (n= 260/526, SQ13_RSA₂₀₁₃); 'law' (n= 196/526, SQ13_RSA₂₀₁₃) and 'Constitution' (n= 159 /526). Words and/or phrases denoting other legal aspects or perspectives that were ranked lower were 'legal' (n= 123/526, SQ13_RSA₂₀₁₃); 'rules' (n= 118/526, SQ13_RSA₂₀₁₃); 'laws' (n= 196/526, SQ13_RSA₂₀₁₃); 'code of conduct' (n= 118/526, SQ13_RSA₂₀₁₃) and 'courts' (n= 38/526). Although the words and/or phrases associated with a legal perspective were not apparent within the top 15 concepts related to human rights, there were student teachers who used legal-based words in relation to human rights. This indicates the presence of a legal understanding of human rights among at least some students.

When survey participants were asked to choose any number of options or aspects that concern human rights education (SQ69_RSA₂₀₁₃), less than half (n= 225/512) selected 'legal

²⁶ The words and phrases in Question 13 included the following: against my culture; against my religion; caring; children's rights; code of conduct; Constitution; controversial; courts; dignity; education; employment; entitlement; equality; expression; fairness; forgiveness; freedom; humanism; law; legal; liberal; morality; not realistic; oppression, police; protection; responsibility; rules; social justice; treating others well; women's rights.

understanding' as an aspect of human rights education. Most student teachers, for example, rather chose aspects such as 'knowledge of human rights' (n= 383/512); 'respecting human dignity' (n= 375/512); 'responsibility' (n= 366/512); 'understanding how human rights affect me' (n= 306/512) and 'promoting gender equality' than legal understanding. One possible explanation could be that the study material in the modules s_{1Mo1} , s_{1Mo2} and s_{5Mo3} deals with all of these aspects. In addition, strategies such as reflection, which is used in modules s_{1Mo1} and s_{5Mo3} , might have motivated participants to choose the option 'understanding how human rights affect me' rather than 'legal understanding' of human rights.

Focus group data also demonstrated legal understandings of human rights. Data related to or referencing words or phrases such as 'Constitution' (n = 10); 'Bill of Rights' (n = 7); 'law' (n= 29); 'policy' (n= 6); 'code of conduct' (n= 17) and even 'expulsion' (n =10) (FGD_5y4m2_RSA2013) all allude to human rights as law or as a legal concept. Students' use of these concepts or words when discussing human rights (S_{2013} , Addendum C and Focus Group Discussions (FGDs), Addendum B) and the scenarios (FGDs, Addendum B1) signifies that they associate human rights with a legal system. Nevertheless, whereas the survey afforded participants the opportunity to choose between a number of words as listed under Question 13, the choice of words by students in the focus groups signifies their own interpretation of the application of human rights ($SQ13\_RSA_{2013}$).

A number of lecturer participants also conceptualised human rights from a legal perspective. Three of the seven selected lecturers (Participant LI_{S1P5} , Participant LI_{S7P1} and Participant LI_{S7P2}) conceptualised human rights as legal, particularly against the background of the modules for which they were responsible. The modules presented by Participant LI_{S5P1} , 'Introduction to Education Law' and Participant LI_{S7P2} , 'Klaskamerbestuur en verwante juridiese aspekte',²⁷ are grounded in Education Law principles but differ in approach. Roughly translated, the rationale of the remaining Module (s_{7Mo2}), a module on democracy, would read as follows:

*Understanding the school as an organisation, and classroom management in particular, as a system that must be managed effectively in a legally correct manner in order to establish a harmonious environment that will promote teaching and learning.*²⁸

From the above, it is evident that student teachers are expected to understand legal principles (par. 4.5.3) as well as how these principles ought to be applied in the school to promote teaching

²⁷ Translated as: Classroom management and related juridical concepts

²⁸ Original: 'n Begrip van die skool as organisasie en die klaskamerbestuur in die besonder as 'n stelsel wat effektief op wetlike korrekte wyse bestuur moet word ten einde 'n harmonieuse omgewing te skep wat bevorderlik vir leer en onderrig sal wees.

and learning (par. 4.5.1 and par. 4.6.2.2). The lecturers involved considered human rights as part of a legal system, and they conveyed this legal conceptualisation in their modules.

A further question (Question 12) was posed to elicit an open-ended response: “What comes to mind when you hear the words ‘human rights’?” (S₂₀₁₃Q12_RSA). In their (verbatim-quoted) responses²⁹, some participants related human rights to the law:

“What you may or may not do according to the law”
(SQ12Comment118_RSA₂₀₁₃).

“[T]he rules and regulations that one have to follow”
(SQ12Comment43_RSA₂₀₁₃).

These responses indicate that human rights are associated with rules or regulations, which could indicate a legal conceptualisation of human rights (par. 4.2 and par. 4.6). Another participant wrote, “We are all equal before the Law” (SQ12Comment256_RSA₂₀₁₃), a phrase that happens to appear in Section 9(1) of the Constitution (SA, 1996a). In this case, equality is linked to the law, in particular the Constitution.

Other participants categorised types of rights that are related to law. Rights were identified as civil rights, political rights and social rights (SQ12Comment467_RSA₂₀₁₃). For example, one response to Question 12 reads, “human rights are equal democratic, social, civil and political rights for all” (SQ12Comment465_RSA₂₀₁₃), to which the respondent added:

“[W]e all are equal and therefore should be treated the same, irrespective of our diversified race groups, gender, sexual orientation, cultures, political beliefs, religious affiliations, and so forth”.

The relevance of this remark is that it mirrors the words of Section 9 of the Constitution (SA, 1996a). One could argue that the equality clause in Section 9 of the Constitution is an important and well-known right, and that its frequent use by participants demonstrates legal knowledge and conceptualisation.

Next follows a discussion on the next property, namely *Legal (human rights) documents*.

5.3.1.2 Legal (human rights) documents

In addition to those instances reported above, legal conceptualisation is also demonstrated by data where participants (a) identified specific documents and/or acts to explain human rights or serve as a basis for their application of human rights and (b) referenced legislation. Here,

²⁹ All responses from participants have been quoted verbatim.

participants' reference to legal documents and mechanisms when they talk about human rights reveals that human rights are viewed, understood and applied from a legal perspective (par. 1.5.2). A legal conceptualisation of human rights relies strongly on legal documents. The latter were described as "a document that defines how people should be treated and that helps a nation accordingly" (sic) (SQ12Comment449_RSA2013).

Three of the seven modules shared a common factor called 'legal references' in terms of human rights application. The outcomes of the other modules originated from various disciplines such as Life Orientation, Philosophy of Education, Life Orientation and Education Theory, but included some references to human rights in their curricula and in particular references to human rights with legal references.

One of the outcomes of Module s_{1Mo2} , a course in Education Theory that covers human rights, professionalism and the teaching profession, illustrates reliance on legal documents to conceptualise and apply human rights:

By the end of the module it is expected that students will have gained an understanding of human rights, various human rights documents, including the South African Constitution, and the implications they have for education and the teaching profession.

Module s_{5Mo1} , which focuses on classroom management, also refers to the interplay between policy and legislation, and how student teachers should apply it in the school:

When you leave the university and stand in the teaching practice you will often be confronted with situations for which you need to seek an answer in legislation. Further you will come across policy, rules, regulations and codes of conduct – all of which are legal documents. You will need the ability to correctly read and interpret these documents and legislation in general.

Although both modules integrate legal documents in their content on human rights, there is a difference in approach towards the implementation of legal documents in human rights application. In Module s_{1Mo2} , students are enabled to interpret the implications of the use of legal documents, while in module s_{5Mo1} they are taught to interpret legislation and apply it when dealing with a situation in the school.

Legal documents other than the Constitution that were perceived as important documents shaping human rights, included the Universal Declaration of Human Rights ($n=1$ SQ36_RSA2013), the Freedom Charter ($n=30$, SQ36_RSA2013), the South African Schools Act ($n=39$, SQ36_RSA2013), the SACE Code of Conduct ($n=1$, SQ36_RSA2013) and the Labour Relations Act ($n=SQ36Comment208\_RSA2013$). The data revealed that both legislation and policy were emphasised in modules s_{5Mo1} and s_{7Mo2} . Module s_{1Mo2} also focused on legislation such as the

South African Schools Act, but concentrated more on international law in the form of the UDHR and the African Charter, as well as on the *Manifesto* as local policy.

When student teacher participants were asked to name three documents that shaped human rights in South Africa (S₂₀₁₃Q36_RSA), most referred to either the Constitution (n= 280, S₂₀₁₃Q36_RSA) or the Bill of Rights (n= 192, S₂₀₁₃Q36_RSA). Legal documents other than the Constitution that were perceived as important included national education-specific legislation such as the South African Schools Act (n = 35, S₂₀₁₃Q36_RSA), international law such as the Universal Declaration of Human Rights (n =5, S₂₀₁₃Q36_RSA) and the Freedom Charter (n = 30, S₂₀₁₃Q36_RSA), as well as labour law such as the Labour Relations Act (n=9, S₂₀₁₃Q36_RSA), Employment Equity Act (n=6, S₂₀₁₃Q36_RSA) and Employment of Educators Act (n=2, S₂₀₁₃Q36_RSA). In addition, bodies that monitor human rights, such as the South African Council for Educators (n=5, S₂₀₁₃Q36_RSA) and the South African Human Rights Commission (n=5, S₂₀₁₃Q36_RSA), were mentioned in Question 36. One participant also referred to SACE's Code of Professional Ethics for Educators (n=1, S₂₀₁₃Q36_RSA), while others mentioned codes of conduct, a form of subordinate legislation in South African schools (n = 22, S₂₀₁₃Q36_RSA).

In the same survey question (SQ36_RSA₂₀₁₃), 383 participants (n= 383/523) could name all three legal documents as required. A possible explanation could be the content of the respective courses presented at the selected sites. As stated above, modules s₅M₀1 and s₇M₀2 emphasise legislation and policy, whereas module s₁M₀2 focuses on legislation such as the South African Schools Act, international law in the form of the UDHR and the African Charter, and local legal documents such as the *Manifesto*. The three modules focus on Education Law, democracy and human rights and classroom management from a juridical perspective. All three mention legislation and could influence students' legal conceptualisation of human rights, in particular their association of rights with legal documents.

Some of the same legal documents were referred to by lecturer-participants during the lecturer interviews. Not only did participants refer to national and international law, but they also referred to education-specific legislation such as the South African Schools Act. Lecturer LI_{S1P2} specifically discussed the importance of having knowledge of the South African Schools Act when she talked about human rights issues:

"The prospective teachers need to have a fair amount of knowledge in terms of the South African Schools Act. They can do... have to deal with corporal punishment and also the issues of teenage pregnancy. So all these issues, homosexuality, we deal with issues such as rape and the cause and impact these issues have in basic education could cause low performance, school dropout so it is really interesting for me with are the core for what we are doing here" (LI_{S1P2}_74-76).

In her discussion of the need for human rights education, this lecturer-participant emphasised student teachers' knowledge of the Schools Act on the one hand and the fact that student teachers need to know how to deal with human rights issues on the other hand. This implies that both an understanding of legal documents and knowledge of human rights application would be beneficial for student teachers.

Participant LI_{5P1} did not only use legal documents in her course but emphasised the role that it could play in the daily organisation of the school. She referred to the Schools Act as a guideline for the drafting of school rules (LI_{5P1}_60-64):

"Kom ons vat die Skolewet: As ek nie weet van menseregte nie en wat die kinders se regte en wat my regte en verantwoordelikhede (en dieselfde met die kinders) is nie, kan ek 'n stel klasreëls opstel wat totaal geheel en al kinders se regte en menseregte skend. En daardeur kan ek vir myself baie probleme op die hals haal".³⁰

Participant LI_{5P1} argued that the use of a legal document alone without knowing about human rights may have negative consequences for the student teacher. Another legal document that Participant LI_{5P1} used is the South African Council of Education's (SACE) Code of Professional Ethics for Educators to teach the students how to act professionally and within a legal framework.

While the lecturers frequently referred to legal documents during the interviews, student teachers who participated in focus group and scenario discussions, did not refer to legal documents besides a school's code of conduct for learners. From the data, it is evident that the majority of students mentioned the Constitution or Bill of Rights. Students enrolled in the modules _{s1M01} and _{s1M02} also made reference of the UDHR as an example of international law, the Freedom Charter as regional law and the *Manifesto* as local law – given that they had been exposed to these documents as part of their course content. This may imply that other laws are not included in the modules and that the student teachers are exposed to the Constitution more than to any other law.

5.3.1.3 Legal mechanisms

A legal mechanism can be defined as the components and associated energy and information flows that enable a process or a system to achieve an intended result (Blacks' Law Dictionary, 2017). Within the field of human rights, legal mechanisms are associated with international law and the enforcement of human rights. However, for the purposes of this study, the researcher

³⁰ Translation: Let's take the Schools Act: If I do not know of human rights and the children's rights and what my rights and responsibilities (the same with children) are, I can compile a set of classroom rules that totally violate all the children's rights and human rights. And in so doing, I can create a lot of problems for myself.

also included Section 39 of the Constitution (SA, 1996a), which provides for courts, tribunals and forums that promote human rights and/or enforce the law. The data also contained different forms of legal mechanisms such as human rights documents, legislation, common law principles, court cases and disciplinary actions. Most of the references emerged from the focus group discussions on human rights in general and/or in specific scenarios on various human rights issues and violations. For example, one of the study participants referred to the procedures after a person had been unlawfully treated:

“The rights of you as a person and what can be done when unlawfully treated and the protection of the person as a human” (SQ12Comment33_RSA2013).

Another student teacher considered enforcement of the law as the logical outcome of any human rights violation:

“If not taken into consideration law may be enforced because human rights are not meant to be abused by you or another person” (SQ12Comment365_RSA2013).

Participants referred to a lesser extent to legal mechanisms such as litigation during the scenario discussion in the focus groups. During these discussions, participants referred to the court's decision in the Welkom case (Head of Department, Department of Education, Free State Province v Welkom High School and Others, 2014 (2) SA 228 (CC)) where the court had to decide in the matter of schools that had unconstitutional and discriminatory pregnancy policies. One of the student participants was a learner at school when a similar case happened involving a Muslim girl (FGD_S1Y4M2_101-102_RSA2013).

The South African Human Rights Commission was also mentioned as a legal mechanism although it was incorrectly identified as the Women Rights Commission (FGD_S5Y4M1_6-7 RSA2013). Student teacher participants did not refer to any further legal mechanisms in the focus groups, in contrast to lecturer participants (specifically Participant LI51P2) who made reference to the United Nations (UN), the Organisation for African Unity (OAU) and even the South African Council of Educators (SACE).

Legal mechanisms that schools use in the application of human rights include disciplinary action against serious learner misconduct. Rules and procedures on learner misconduct are recorded in legal documents such as the South African Schools Act (SA: 1996c) as well as the Guidelines for the Code of Conduct for Learners (SA, 1998). Although legal documents were not mentioned in the focus group discussions per se, there were participants who expressed a legal understanding of rules and procedures in disciplinary action (FGD_S1Y4M2_192-203_RSA2013):

"[W]e can say the school was right, the school was wrong. But looking at the procedure of expelling the boy. The procedure was wrong. I don't see parents coming in. Inviting parties to discuss this matter. That's where the problem arises. If there is a child in school, it is not the school alone who takes the decisions. The parents need to be involved. Even the procedure needs to be explained".

This participant added that the decision made by the school was unfair and that other forms of punishment should have been considered. Since the outcome of their decision would be recorded, it would be difficult for the learner to apply to another school. He concluded his argument by adding:

"You are not only punishing me for just for a few day, then you are punishing me for the rest of my life, which is a violation of my human rights".

This quote seems to imply that student teachers believe learners' human rights are violated when schools expel them.

Next follows a discussion of the fourth property in the category *Human rights as legal*.

5.3.1.4 Constitutional principles and democratic values

Participants' references to constitutional principles and democratic values may also reflect a legal conceptualisation of human rights. Among the top 15 words and/or phrases used in Question 13, the rights of 'equality' (n= 363/526, S₂₀₁₃Q13_RSA), 'freedom' (n= 365/526, S₂₀₁₃Q13_RSA) and 'human dignity' (n=192/526, S₂₀₁₃Q13_RSA) were identified as principles in the Constitution that are described as 'democratic values' in Section 7 (SA, 1996a). Since the three values appear as rights in the Constitution, they could be enforced in a tribunal or court of law. When all three values were used together by the participants, they were interpreted as democratic values.

One of the participants referred for example to the "3 values not to be ignored" (SQ12Comment10_RSA₂₀₁₃) and probably implied the democratic values that, from a legal perspective, support the Constitution and Bill of Rights as the basis for the conceptualisation and application of human rights.

Although the modules referenced included democratic values, few students referred to them as democratic values. Although the student teachers did not refer to all three democratic values per se, they identified one value at a time, as stated in Section 7, for example freedom (n= 30, SQ12_RSA₂₀₁₃) or equality (n= 18, SQ12_RSA₂₀₁₃). The concepts freedom and equality (n= 7, SQ12_RSA₂₀₁₃) or freedom together with democracy (n= 9, SQ12_RSA₂₀₁₃) were also mentioned. Student teacher participants described various forms of freedom in the survey, namely 'freedom of expression', 'freedom of choice', 'freedom to do what you want legally' (SQ12Comment

512_RSA₂₀₁₃), or 'freedom to every individual to participate in anything without boundaries (SQ12Comment284_RSA₂₀₁₃)'. Human dignity (n= 204, SQ12_RSA₂₀₁₃) or 'dignity' from a values-based knowledge base (n=10, SQ12_RSA₂₀₁₃; n=192 SQ13_RSA₂₀₁₃, n=1, n=3, SQ47_RSA₂₀₁₃; n=373, SQ69_RSA₂₀₁₃) was not used as often as freedom and equality in the survey.

Furthermore, some of the student teachers demonstrated legal understanding by weighing two different rights known as democratic values. The weighing of values/rights against role-players' human dignity and freedom of speech was explored during the scenario discussion³¹ in the focus groups. One of the participants (FGD_S1Y4M2_502-503_RSA₂₀₁₃) asked the following question in the discussion of Scenario 4:

PARTICIPANT: I think we forget one thing. The girl was not punished for what she wrote. She was punished because of what she did with what she wrote. She took the letter and go and publish it

PARTICIPANT:...which I personally don't understand why she had to do that.

PARTICIPANT: ...for the school...

PARTICIPANT: It should have ended with her writing the assignment

RESEARCHER C: That's a good point. She went on and violated the dignity of the teacher with the publication

PARTICIPANT:... and the school...

PARTICIPANT: So now if I know something about someone in higher places and what not I must keep quiet because I am violating dignity. Now what happens to my freedom of speech because I have a right to be heard?"

Weighing of rights and democratic values indicated that student teachers reflected on the application of human rights against the background of these values.

Various descriptions of human rights and the Constitution offered by the lecturers and in the study material of some of the selected modules included references to democratic values. Two of the seven lecturer participants referred to the democratic values indirectly. One lecturer (LI_{S1P2}_309-315) responded as follows to the question: "Which strategies [do you] use to develop certain competencies in the students?" (Addendum E):

"Whatever competencies that is ideal I suppose is to get them to a position where one would be able to identify in themselves what, and I think the Manifesto is very important there in that some type of democratic processes in their classrooms, non-discriminatory practices, non-sexist practices, equality,

³¹ Scenario 4: Concerning the learner who wrote about the misconduct of a teacher in her school newspaper.

appreciating their tolerance, there's dignity and we should get to the level of acquisition of that knowledge to be able to implement it and I suppose work on themselves and then the reflection and introspection".

In the above quote, the lecturer referred to the legal document, the *Manifesto*, which involves the development of constitutional values and two of the democratic values – human dignity and equality.

*"Een van die belangrikste goed vir die studente om te leer, is dat alles is gebaseer op ons Grondwet. Hoe hulle hul gedra, dit wat hulle aan leerders oordra, hoe hulle optree en wat die wet van hulle vereis"*³².

Although the lecturer participants' reference to democratic values is not as obvious in their facilitation of human rights, there were lecturer participants that highlighted the importance of democratic values in human rights education. Lecturer LI_{S5P1} indicated that all the pieces of legislation included in the module are based on the Constitution and constitutional values. The conceptualisation of human rights as embodied in constitutional or democratic values could influence student teachers' legal understanding of human rights (LI_{S5P1}_45 – 47). With the goal of realising legal understanding of human rights among students, the lecturer included activities involving questions on the democratic values identified in the Constitution (Addendum G, CO_{S5P1}).

Although none of the lecturers referred to democratic values directly, two of the seven modules included democratic values in their outcomes. Module _{S7M01}, a module on human rights and democracy, defined the module as the promotion of

a critical, dedicated and ethical attitude regarding the development of values and accountability, promote respect for the Constitution and democratic values and practices in schools and the community and to communicate recognition of respect for differences in others.

The three values were also referred to in module _{S5M03}, in which human rights were explained as a legal construct which in some cases are associated with the intrinsic values of human rights:

A human right, however, is not and can never be an end in itself. Although human rights are legal constructs, it is intrinsically a normative concept. It is a quest to normatively structure togetherness. The intrinsic values to all human rights are freedom, dignity and equality in togetherness.

³² Translation: "One of the most important things for students to learn is that everything is based on our Constitution. How they conduct themselves, the things that they convey to learners, how they act and what the law requires from them."

The reference to human rights as both legal and involving intrinsic values should be noted, since the module is not in essence a module based on a legal framework but on Philosophy of Education. It alludes to the fact that a module could integrate legal principles with values.

5.3.1.5 Rules and code of conduct

In addition to conceptualising human rights as legal documents, the participants furthermore interpreted human rights as individual protection by means of law, for instance national legislation and the school's code of conduct. In response to Question 12 (SQ12_RSA₂₀₁₃), law was also mentioned as protection against human rights violations:

"[T]o me human rights would be the rules and laws that protect us as individuals"
(SQ12Comment478_RSA₂₀₁₃).

"My Human Rights are the laws laid down by our government that protect me"
(SQ12Comment104_RSA₂₀₁₃).

In this sense, laws and rules were not seen as constrictive but rather as instruments to protect people, probably against human rights violations. Student teacher participants demonstrated a legal understanding in their references to rules and a school's code of conduct. Informed by the concept 'human rights and relationships' (Table 5-1), such understanding indicated how human rights can influence the relationships between role-players in education. In the survey, student teachers associated human rights for example with "the manner in which the people should be treated amongst themselves and by the what [they] should or shouldn't get" (SQ12Comment356_RSA₂₀₁₃). One of the student teachers associated human rights with rules and a code of conduct that prescribes behaviour (SQ74Comment47_RSA₂₀₁₃):

"Human rights are basically a set of rules that details what we can or can't do to others without punishment, simply that will not stop people killing others. Therefore I believe human rights should only apply to those who deserve them. That way the majority of the country should feel content and those who infringe others can and preferably be severely punished even by death".

In this remark, the above student teacher associated those who deserve a human right and associated corrective measures, even the death penalty, with the enforcement of human rights. This participant's notion of rules and enforcement of rights through sanctions indicates an awareness of legal rights. Human rights are viewed as a code of conduct that must be adhered to, and transgression of that code must be severely punished so that the 'majority' may enjoy protection of their rights.

In contrast, other participants focused more on the relational side of human rights than on reactive measures for dealing with human rights (par. 4.2). Lecturer LI_{57P1} indicated the importance of relationships in human rights when he remarked that "[h]uman rights per definition is relational.

It's always determining you into relations with someone else etc" (LI_{S7P1}_136-137). The perspective is also found in the Constitution (section 8(3) of the Constitution, SA, 1996) (par. 1.5.1; par. 4.7). In an educational environment, rules are used to regulate relationships between learners and educators so as to balance their often-conflicting human rights (par. 4.5.2).

During the scenario discussion, the relationships between various role-players as well as the rules and procedures that should regulate these relationships were explored. Participants were most concerned with whether a school acted reasonably towards learners in the various circumstances, and they focused more on the schools' than on learners' actions. Legal conceptualisation was reflected in student teacher participants' discussions of the role of the school, as they suggested legal procedures to be followed as well as determining the reasonability of administrative action instituted against the learners in the scenarios. Student teachers were very aware of the rules (procedures and rules of natural justice), as well as of the codes of conduct to which learners had to adhere. In their discussion, the function of rules and legal procedures in school matters (such as expulsion) was illustrated (FGD__{S1Y4M2}_21-26_RSA₂₀₁₃):

"[W]e need to look at the rules of the school. What does the school say in relation to absence from school and is his reason valid enough for him to be absent and the school must have a valid reason for expelling him? I don't think they would take such a severe step towards the boy if they don't feel strongly about it".

This student felt that a decision made by the school should be measured according to the rules of the school. A school's action against absenteeism, as in the case of Scenario 3, could be validated based on the rules of the school.

Student teachers also referred to common law principles such as the *audi alteram partem* principle (hearing the other side) when they considered the reasonability of school rules:

"Now there is a very important reasonability within this subject that I learned because it says that you can have a set of rules but you need to be reasonable according to circumstance. Now you cannot apply the same rule and say this is the rule. You are living with people; you are serving the community. Now when circumstances happen in a society you need to hear the other person" (FGD__{S1Y4M2}_87-88_RSA₂₀₁₃).

Not only is it significant that this is the only verbalised reference to one of the modules, but also that it refers to rules, due process and reasonability in one case study. This reference, as well as references to case law, illustrates the legal conceptualisation of human rights by participants.

Some of the student teacher participants referred to rules and a code of conduct in their responses to scenarios. In the case of dealing with teenage pregnancy, for example (Scenario 3), participants rather concentrated on rules that relate to human rights. Participants felt that both the

boy and the girl in the scenario (Addendum B1, scenario number 3) should be allowed to go back to school to enjoy their right to education. The question regarding having children when one is in school, as well as the relation between the right to education and one's responsibilities (FGD_s5y4M2_473-478_RSA₂₀₁₃) also arose in the discussion. One of the arguments on this topic went as follows:

"If they say it is their right to be at the school and they come and say they want to have babies at school, they have to take the responsibility of being at school and acting like a learner. Because if a learner is a person who comes to school follows the school rules then they come and say they want to have baby's they are contradicting themselves".

The above argument may reflect student teachers' belief that role-players are responsible for adhering to the school rules. When there are no such rules and responsibility, participants seem to believe human rights cannot be realised. Both rules and responsibility (par 5.3.1) are also properties related to the category *Human rights as legal*.

5.3.1.6 Responsibilities and duties

The concept responsibility was used in a variety of contexts by all the participants. Some participants used it in combination with rights, where it was interpreted as reflecting a legal perspective. In section 8(2) of the Constitution, rights are mentioned together with responsibilities. Furthermore, 'rights and concomitant responsibilities' are used in the Education Law framework. Responses that mentioned rights with responsibilities were included in this category. Others spoke about responsibility as a value, in which case it was included in the category *Human rights as values* (par 5.3.2.3).

In the study, the concept 'responsibilities' was selected by 275 students (n= 275/526) from a list of 45 words that they associated with human rights. Although in this context, responses did not necessarily reflect legal responsibility, it is argued that in some instances student teachers may reflect legal responsibility. Responsibility is one of the top 15 words/phrases that participants in the study associated with human rights (S₂₀₁₃Q13_RSA).

In participants' legal conceptualisation of human rights, 'responsibilities' referred to the implied responsibilities, obligations and duties of every right. One participant also linked rights to responsibility within the legal term accountability: "that for every human being there are rights and responsibility to be accountable for" (SQ12Comment10_RSA₂₀₁₃).

Some modules such as s5_{M0}1 and s7_{M0}2 included learners' rights and obligations as an outcome: "[Where students] should know *their* own rights and obligations as well as those of a number of other role-players in education" (s5_{M0}1). In these modules, student teachers were made aware of

their legal duties as educators. Modules from a legal framework tend to use the words 'duty' or 'obligations'. Other modules would refer to 'responsibilities', which is a word that is not necessarily associated with human rights enforcement

The application of rights and duties from a legal perspective was also evident in the focus group discussions. A student teacher related one of her practical teaching experiences when she applied disciplinary action during practical teaching. She disciplined a learner by chasing him out of the classroom. The participant's recollection of her conduct towards the learners was as follows (FGD_s5y4m1_222-228_RSA₂₀₁₃):

"I told him [the learner] (the reason) he was disrespectful and he disrespected me when I teach and then he started saying he has a right to education".

The student teacher then emphasised that "the learner has the right to education but he must be respectful in the class and listen to the teacher" (FGD_s5y4m1_228_RSA₂₀₁₃).

While student teacher participants either referred to rights and responsibilities as a constitutional principle or responsibility as a value, some lecturer participants spoke about responsibilities as both a constitutional aspect and a value. The difference is that the lecturers reasoned on the claiming of human rights and the role of responsibilities when claiming rights:

"[W]e're very likely to claim our rights but we don't like acting out our responsibilities towards others when they try to claim their rights" (LI_{57p1}_277-282).

It appeared that rights with responsibilities (par. 4.5) or the value 'responsibility' were visible in some student teachers' responses, although their responses in this category differed from the lecturers' perspectives. The data revealed a close connection between rights and responsibilities and an understanding of responsibility from a legal perspective (par. 4.6.2.4). This was particularly evident in the use of the concepts 'responsibilities' (par. 1.2; par. 4.5), 'obligations' (par. 4.3), 'duties' (par. 4.2; par. 4.7.1) and 'accountability' (par. 1.2; par. 4.5.3; par 4.6.1; par. 4.6.2.10).

5.3.1.7 Synopsis

The initial category *Human rights as legal* is characterised by six properties: legal documents; legal mechanisms; constitutional principles and democratic values; responsibilities and duties; rules and code of conduct; and human rights as law. Student teacher responses relating to Category 1 indicated that they had some kind of legal understanding of human rights application under the mentioned properties.

In the property *Human rights as law* it emerged that student teachers do associate human rights with a legal system, but when they get the opportunity to refer to human rights education

(SQ69_RSA2013) they would interpret human rights application from their own perspective and not in a legal perspective. Examples of other perspectives include aspects such as 'knowledge of human rights', 'respecting human dignity', 'responsibility' and 'understanding how human rights affect me' and 'promoting gender equality' than legal understanding. With regards to the use of legal concepts within the study material at the participating higher education institutions, it is evident that student teachers are expected to understand legal principles as well as how these principles ought to be applied in the school to promote teaching and learning. The lecturers involved also considered human rights as part of a legal system, and they conveyed this legal conceptualisation in their modules. Furthermore, the study illustrates that legal understanding was not considered as one of the most preferred factors that concern human rights education. In the focus group discussions for example, only two of the four scenarios invited legally based responses and could be explained that three out of the four scenarios included some form of expulsion as outcome of the conduct mentioned. Although Scenario 1 ended with an expulsion, other factors such as traditions and cultures were emphasised more than the disciplinary action taken against the learner.

The property *Legal (human rights) documents* also demonstrated that student teachers have adequate knowledge on legal documents. Student teacher participants could name in most cases three legal documents that shaped human rights in South Africa (S2013Q36_RSA) Most of the student teacher participants referred to either the Constitution or the Bill of Rights. Student teachers seemed to know of legal documents such as the South African Schools Act, the Universal Declaration of Human Rights, the Freedom Charter, Labour Relations Act, Employment Equity Act and the Employment of Educators Act. In addition, student teacher participants also referred to bodies that monitor human rights, such as the South African Council for Educators and the South African Human Rights Commission in the same question. In focus group and scenario discussions, student teacher participants did not refer to legal documents besides a school's code of conduct for learners. Students enrolled in the modules S1Mo1 and S1Mo2 also made reference of the UDHR as an example of international law, the Freedom Charter as regional law and the Manifesto as local law – given that they had been exposed to these documents as part of their course content. This may imply that other laws are not included in the modules and that the student teachers are exposed to the Constitution more than to any other law.

In the property *Legal mechanisms*, data that emerged referred to human rights documents, legislation, common law principles, court cases and disciplinary actions as legal mechanisms. Most of the references emerged from the focus group discussions on human rights in general and/or in specific scenarios on various human rights issues and violations. Legal mechanisms that schools use in the application of human rights include disciplinary action against serious

learner misconduct. Although legal documents were not mentioned in the focus group discussions per se, there were participants who expressed a legal understanding of rules and procedures in disciplinary action.

In the property *Constitutional principles and democratic values*, participants' references to constitutional principles and democratic values may also reflect a legal conceptualisation of human rights. In this study reference to all three values of the Constitutions were interpreted as democratic values, since the three values appear as rights in the Constitution which could be enforced in a tribunal or court of law. Few students, however referred to them as democratic values, but identified the values (human dignity, equality and freedom) one at a time. In other cases, some student teachers demonstrated legal understanding by weighing two different democratic values. Weighing of rights and democratic values indicated that student teachers reflected on the application of human rights against the background of these values. The three values were also referred to the modules presented at participating sites, in which human rights were explained as a legal construct which in some cases are associated with the intrinsic values of human rights. The reference to human rights as both legal and involving intrinsic values should be noted, since the module is not in essence a module based on a legal framework but on Philosophy of Education. It alludes to the fact that a module could integrate legal principles with Responsibility

The property 'responsibility' reflects the meaning of responsibility as stated in section 8(2) of the Constitution where rights are mentioned together with responsibilities. According to the data the concept responsibility was used in a variety of contexts by all the participants. Some participants used it in combination with rights, where it was interpreted as reflecting a legal perspective. Rights with responsibilities or the value 'responsibility' were visible in some student teachers' responses. While student teacher participants either referred to rights and responsibilities as a constitutional principle or responsibility as a value, some lecturer participants spoke about responsibilities as both a constitutional aspect and a value. The data revealed a close connection between rights and responsibilities and an understanding of responsibility from a legal perspective. This was particularly evident in the use of the concepts 'responsibilities', 'obligations', 'duties' and 'accountability'.

Rules and a code of conduct is the next property in which student teacher participants demonstrated a legal understanding in their references to rules and a school's code of conduct. In the focus group discussions either associated the enforcement of human rights with corrective measures such as punishment or the association between human rights and relationships with one another. Lecturer LIS7P1 indicated the importance of relationships in human rights when he remarked that "[h]uman rights per definition is relational. It's always determining you into relations

with someone else etc" (LIS7P1_136-137). The perspective is also found in the Constitution (section 8(3) of the Constitution, SA, 1996). In an educational environment, rules are used to regulate relationships between learners and educators so as to balance their often-conflicting human rights.

5.3.2 Initial category 2: HR as values

The following preliminary description was used in the analysis to describe the category *Human rights as values*, namely "participants' conceptualisations of human rights within a framework where morality, morals and values are emphasised". Category 2 was informed by 125 (n = 125) different codes (see Table 4-3 for examples of excerpts relating to this category). The properties of this category include the following: 'being human'; 'acceptable treatment towards others'; 'human rights values'; and 'practical application of values'. The properties of Category 2 are depicted in Figure 5-3.

The initial category consisted of three concepts – morality, morals and values – and each concept has its own unique conceptual framework (par. 1.5.4 and par. 1.5.5). Sometimes, participants drew on two or more of these frameworks simultaneously when they conceptualised human rights. Alternatively, participants used the two or three concepts interchangeably without necessarily distinguishing between them as separate conceptual frameworks. Data that referred to proper or correct behaviour was included in the concept 'morality'. Data included in the concept 'morals' reflected customs that relate to standards of appropriate human behaviour that are negotiated and mediated in order to coordinate interactions between individuals. Finally, data included in the concept 'values' embraced participants' beliefs, desires and preferences that shape their attitudes and motivate their actions or inactions.

Participants' use of the above concepts (morality, morals and values) were evident in the survey, specifically the question about the extent to which human rights have to do with society (SQ47_RSA₂₀₁₃). In this question, participants firstly had to select one of the given responses to the question and, secondly, could write their opinion in the comments box if they wished to do so. The options that participants had to choose from were 'human rights are dependent on morality' (n=166, SQ47_RSA₂₀₁₃); 'human rights and morality are equal' (n=139, SQ47_RSA₂₀₁₃); 'morality is dependent on human rights' (n=68, SQ47_RSA₂₀₁₃); 'no comment' (n=116, SQ47_RSA₂₀₁₃); and 'it has nothing to do with morality' (n=28, SQ47_RSA₂₀₁₃) (Addendum C). Evidently, most student teachers perceived that human rights can only be applied if morality is present, and they seemingly knew the difference between right and wrong.

In the comments box under Question 47, participants used the concepts morality (n=20), morals (n=17) and values (n=4) in their comments. Nineteen student teachers (n= 19/70) also indicated that human rights and morality were interrelated. However, it is evident from some of the comments that student teachers viewed morality and human rights rather as being interrelated, than as being dependent on one another:

“Theoretically, both human rights and morality are coherent. However, a majority of people tend to divorce the two and treat them separately” (SQ47Comment59_RSA₂₀₁₃).

This perspective is indicative of student teachers' perception that a relationship between human rights and morality does indeed exist. The data showed a discernible connection between morality and human rights in student teachers' understanding of these two concepts. The notion that the majority of the student teacher participants viewed human rights as being dependent on morality indicates that for some students, the human aspect of human rights is important. This notion ties in with the perception that people have rights because they are human. The properties identified in Category 2 are next discussed in greater detail.

From this, it may be concluded that some student teachers have a legal understanding and therefore they could be expected to apply their knowledge about human rights from a legal approach when needed.

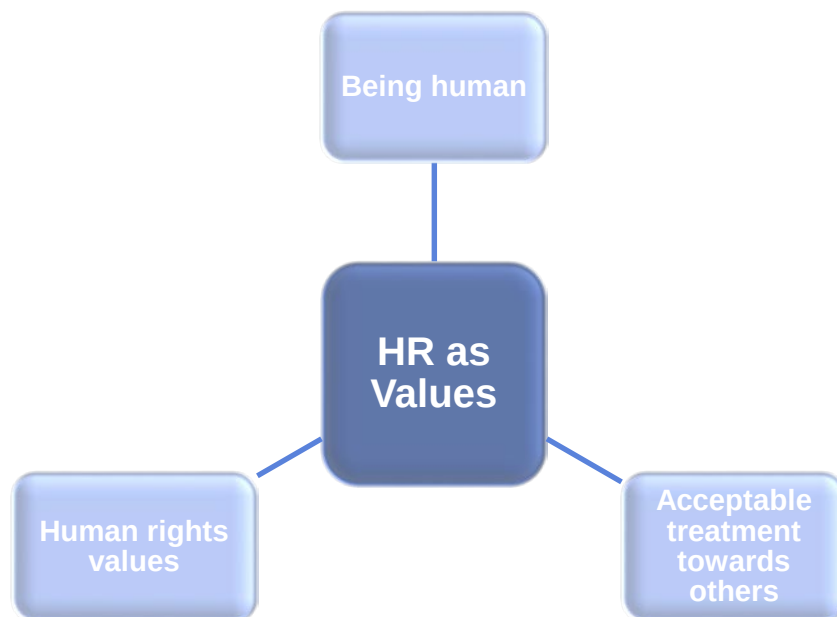


Figure 5-3: Properties emerging from Initial category 2

Figure 5-3 demonstrates the properties of the initial concept. The first property, *Being human*, refers to the value placed on being human/humanness and its relation to human rights. The second property, *Acceptable treatment towards others*, is student teachers' understanding of acceptable treatment towards others (and sometimes towards themselves). The third and final block, *Human rights values*, presents the values that have been declared as rights in human rights treaties and that are cherished globally and locally. Initial category 2 will now be conceptualised by explaining each related property.

The different properties were first conceptualised by identifying the most prominent words that manifested in the responses to Question 12 of the survey. Words and key phrases that were associated with the properties specifically emerged when student teacher participants responded to the question about the first thing that comes to mind when they hear the phrase 'human rights' (SQ12_RSA). Table 4-3 lists some of these phrases and/or words and the number of times they occurred in responses (column 2 and 1 respectively). The third column provides an example of an excerpt in which the respective words/phrases were found.

Table 5-2: Prominent words in Category 2

'n	Words	Excerpt (verbatim responses)
107	freedom	"Freedom to every individual to participate in anything without boundaries" (SQ12Comment11_RSA ₂₀₁₃).
72	human	"Rights each human being has, no matter race, colour ect" (SQ12Comment149_RSA ₂₀₁₃).
50	equality	"Equality despite differences and abilities" (SQ12Comment270_RSA ₂₀₁₃).
35	respect	"The right to do what you believe in without being discriminated against anything and being respected as a human being" (SQ12Comment9_RSA ₂₀₁₃).
17	fair treatment	"Fair treatment of all human beings" (SQ12Comment342_RSA ₂₀₁₃).
4	responsibility	"Every citizen is entitled to these rights and should be allowed to enjoy them responsibly, without offending or discriminating others" (SQ12 Comment467_RSA ₂₀₁₃)
2	acceptable behaviour	"Rights that guide us to behave in an acceptable and responsible way in our society and Nation" (SQ12Comment278_RSA ₂₀₁₃).

The most used words and/or phrases related to fair treatment or acceptable behaviour towards others. Values that were identified include equality, freedom and responsibilities – values that

were also identified in the first category but used in a legal framework. Each property (characteristic) that relates to the category is discussed next.

5.3.2.1 Being human

The value placed on being human/humanness and its relation to human rights emerged from the data and showed that some student teachers would rather reflect on human rights from a humanness perspective rather than from a legal perspective. One of the participants quoted the relationship as follows:

"[human rights is] a liberty, that i am valued as a human being and have a say to how i want to live my life protection cause rights are meant to protect you" (SQ12Comment459_RSA₂₀₁₃).

Conceptualisation of human rights reflects the value placed on humanness – because we are human, we deserve to be treated well, have rights, be safe, etc. Participants also conceptualised human rights by claiming that because they are human, they have rights:

"Basic list of actions and opportunities every human should be granted to ensure a safe environment and treatment by others." (SQ12Comment296_RSA₂₀₁₃).

One of the lecturer participants argued that human rights exist because one is human, and due to the fact that one is human, one is entitled to human rights (LI_{5P1}_74-77):

"Menseregte is al daai goed van hoe mense ons moet behandel, hoe wil ons leef, hoe wil ons wees as mense. Maar as ons dit misken, gaan ons half barbare wees. In 'n groot mate dink ek menseregte is daar want dit is 'n ding wat ons sê, 'ek kan hê omdat ek 'n mens is, is ek geregtig op hierdie goed'. En ons wil almal so behandel word."

Participant LI_{5P1} characterised human rights as guidelines on how a person should treat others, how the person wants to be treated, and how the person wants to live. This participant mentioned that humans are entitled to human rights. It is significant to note that the above quote comes from the lecturer who presents the module that deals with law-related content (s_{5M01}). The reasonable expectation would have been that the participant would conceptualise human rights from a legal-based approach (par. 5.3.1). Other modules, such as Module s_{1M01}, also identify the relation between human rights and the notion of 'being human' in its definition of a right: "a right is a claim to be able and allowed to perform an action because one is a human being" (s_{1M01}). The study guide concerned reflects the relation between an individual's worthiness and having a right, which makes it a universal aspect.

5.3.2.2 Acceptable treatment towards others

Data showed that student teachers also include acceptable treatment of others (and sometimes of themselves) in their understanding of human rights. The phrase 'treating others well' (ranked in the 14th position) is among the top 15 words/phrases that student teachers selected from 45 words and/or phrases that they associate with human rights (SQ13_RSA₂₀₁₃). In response to Question 47, 166 participants selected the option 'human rights are dependent on morality' in response to the question 'To what extent does human rights have to do with morality in society?'. One of the responses in the comments box underneath Question 47 reads as follows:

"In order to know what is right and what is wrong, one needs to have values and morals. Without knowing what is right or wrong, one can't prescribe a way to act or treat other people. Human rights are therefore dependent on morality" (SQ47Comment3_RSA₂₀₁₃).

The student teacher posits in the above quote that one cannot prescribe a way to act or treat other people right, if one does not have knowledge of what is right and wrong. Morals and values are needed to know what is right and wrong. The opposite of the argument regarding the relationship between human rights and morality also emerged in response to Question 12. In this instance, human rights were described as follows:

"[human rights] provide a structure or code for moral basis to guide how we should treat each other" (SQ12Comment15_RSA₂₀₁₃).

Words used to assign properties to human rights as values, included 'fair' (n= 11/526, SQ12_RSA₂₀₁₃) and 'equal treatment' of others (n= 35/526, SQ12_RSA₂₀₁₃). Responses that referred to equal treatment (n= 35/526, SQ12_RSA₂₀₁₃) include the following:

"Equal democratic, social, civil and political rights for all. Every citizen is entitled to these rights and should be allowed to enjoy them responsibly, without offending or discriminating others. We all are equal and therefore should be treated the same, irrespective of our diversified race groups, gender, sexual orientation, cultures, political beliefs, religious affiliations, and so forth" (SQ12Comment467_RSA₂₀₁₃).

In the above quote, the participant stresses same treatment for all, irrespective of people's diverse qualities such as race, gender and political beliefs. Most of the words and phrases, except for political beliefs, derive from the constitutional provision of equality (Section 9 of the Constitution, SA, 1996a).

The words 'equal treatment' and 'discrimination' were mentioned together in the survey in a comment on human rights (SQ12Comment235_RSA₂₀₁₃):

“what comes to mind is the right to be human and enjoy a life that is not discriminative and that allows me to express and feeling or thoughts that i might have without being discriminated against”.

For this student teacher, acceptable behaviour towards others means that human rights enable a person to enjoy a life where he/she can express thoughts and feelings without fear of discriminative action from others.

Although lecturer participants discussed human rights in relation to their specific modules, some of the lectures (Participant LI_{S7P1} for example) also reflected on human rights and acceptable treatment towards others. In his response to the question ‘Do you agree with human rights?’, the lecturer posed the following counter question as a response:

“How can you confer on yourself on certain rights? And not on someone else? Being human. Personally how can you do it? How can you imagine a world for yourself and by which people treat you in a certain way” (LI_{S7P1}_117-119).

Lecturer LI_{S7P1} assumed one “see(s) others around you as people and you give them the same credit as you give for yourself” (LI_{S7P1}_120-121). The perspective that this lecturer holds reminds one of elements of the Golden Rule. Most of what lecturer LI_{S7P1} said correlates with the first property of the initial category, namely Being human.

To follow is a discussion of the property, Human rights values.

5.3.2.3 Human rights values

Human dignity, equality and freedom have already been discussed as democratic values from a legal perspective in Category 1 (par. 5.2.1). However, not all students referred to these values within a legal framework, because some student teachers referred to human rights from a human rights values approach (par. 1.2). Human rights values are defined as values that have been declared as rights in human rights treaties, which can be cherished globally and locally (par. 1.5.4). The data also reveals that some student teachers referred to freedom, equality and dignity as human rights values that could be described as the verbalisation of participants’ beliefs, desires and preferences that shape their attitudes and motivate their actions or inactions. A number of the participants, as well as the study material, mentioned a variety of human rights values. Human rights values that emerged from the data and that will be discussed in more detail are human dignity, equality, freedom, respect, Ubuntu and responsibility.

The first human rights value that emerged in the data is ‘human dignity’. In the initial category HR as legal, human dignity with freedom and equality is depicted as a democratic value (par. 5.2.1). However, human dignity did not emerge under the category HR as legal (par. 5.2.1) but to some extent in the category HR as values. Human dignity in Category 2 is depicted as a value that each

person has a right to and that must be respected (par. 5.2.1). Some of the student teacher participants referred to 'human dignity' in the survey (n=10, SQ12_RSA₂₀₁₃; n=1, SQ69_RSA₂₀₁₃). 'Dignity' (n=10, SQ12_RSA₂₀₁₃) is described as a value that is inherent to every human being. In Question 12 of the survey, a student teacher connected human rights with dignity in this response:

“[Human rights] is protecting other peoples's human dignity”
(SQ12Comment8_RSA₂₀₁₃).

In addition, the word 'dignity' was specifically used in Question 13 (n= 192/526, SQ13_RSA₂₀₁₃) from a student teachers' own knowledge base regarding values. In this context, student teachers' knowledge of human rights draws from their knowledge on values, such as dignity. The word 'dignity' was also one of the top 15 words and/or phrases (the 12th most used word) selected by 192 participants as one of the words that they associate with human rights (SQ13_RSA₂₀₁₃).

The second human rights value that emerged from the data was 'equality'. Equality was also a property in Category 1 (Human rights as legal) but in that case, it was referred to as a democratic value and as the actual right to equality as stated in the Constitution – which refers to every person as being equal before the law (par. 5.2.1.1). In this category however, equality is associated with beliefs, desires and preferences that shape a person's attitudes and motivate his/her actions or inactions. In the survey, student teacher participants referred to values such as equality in the open questions of the survey (n=67, SQ12_RSA₂₀₁₃; n=3, SQ47_RSA₂₀₁₃; n=1, SQ65_RSA₂₀₁₃; n=7, SQ69_RSA₂₀₁₃; n=24, SQ71_RSA₂₀₁₃; n=1, SQ74_RSA₂₀₁₃).

Question 12 of the survey contained a number of references to equality. Although 67 student teachers indicated in the survey that equality comes to mind when they hear the phrase 'human rights' (SQ12_RSA₂₀₁₃), the responses did not indicate clearly whether they perceived equality as a value or not. In some of the responses, student teachers wrote only, 'equality' (n=22) as their answer, while others included it in a list of what they associated with human rights, for example “liberty, democracy, joy, success, protection, good life” (SQ12Comment270_RSA₂₀₁₃). Descriptions of equality from a values-based approach included the notion that “humans should be treated equally” (SQ12Comment288_RSA₂₀₁₃). Two of the verbatim responses below fit the definition of equality as a human rights value:

“Equality for all” (SQ12Comment293_RSA₂₀₁₃).

“The rights that each human has and that should be respected. To create equality” (SQ12Comment392_RSA₂₀₁₃).

Other statements integrated the spirit of equality as a human rights value but included some elements of Section 9 of the Constitution:

“Freedom and equality for all. Equal opportunities and non-discrimination of others based on their race, gender, class, culture, religion, level of education, contextual background, sexual orientation and HIV status” (SQ12Comment458_RSA2013).

In addition, one of the closed questions in the survey asked student teachers to select 10 words from a list of 45 words that they associate with human rights (SQ13_RSA2013). The word ‘equality’ was selected by 363 student teachers (n=363/526, SQ13_RSA2013) and was ranked second in the list of 45 words (SQ13_RSA2013). From a values-based perspective, equality will refer to equal treatment or equal opportunities and focus on outcomes that people would value. According to Module s7Mo1, equality manifests itself in “equal recognition of culture; equal opportunity to develop; and equal treatment regarding one’s worth as citizens”.

Explanations for the equal treatment of and respect for others were also offered in the focus group discussions (FGD_s5y4M1_295-298_RSA2013) when the interviewer enquired as to what people value:

“Some think they do not need to treat people equally they don’t need to treat them fairly, so if they do whatever they want with them, if they disrespect them then it’s OK. Its fine some (value) that a person has to be respected so they can respect you. So, I don’t think they also in their minds think other people will respect them”.

For this participant, equal treatment could be related to the degree of respect that one person has for another before he/she can expect respect from others in return. In contrast with the participants at Site 1, Site 5’s participants discussed how the younger and the older generations view equality:

“RESEARCHER: In your experience, do you think older and younger generations there is equality or do you not think so? And do you think there should be or not?”

PARTICIPANT: There’s not.

PARTICIPANT: They are still not equal. Because there is disagreement between the younger generation, like the way they do things, you know, and the respect issue that comes in between. So, I don’t think”.

Yet another participant described equality as he/she experienced it (FGD_s5y4M2_111-116_RSA2013):

“(I)n this day and age, yes I am going to say in this day and age I think we tend to overlook the principles of equality. What we were brought up and how we were taught, so ok here is a cupcake and there are 3 of you how are you going to share it? So today we are just grabbing and we do not care if she has the equal part as me or not, I have it so I don’t care about you. So that’s equality today in my point of view”.

This participant used “sharing a cupcake in equal portions” as an example. According to the participant, the cupcake would have been shared equally in the past. The present differs from the past because, according to the participant, people do not care about others getting an equal share. The data shows that some student teachers argue that equality is not as valued as it was in the past. This phenomenon is detrimental since equality is stated as one of the cornerstone values of democracy in the Constitution.

The third human rights value that emerged from the data is ‘freedom’. Student teachers’ understanding of freedom as a human rights value was illustrated in the survey (n=117, SQ12_RSA₂₀₁₃; n=365, SQ13_RSA₂₀₁₃; n=14, SQ36_RSA₂₀₁₃; n=2, SQ47_RSA₂₀₁₃; n=2, SQ65_RSA₂₀₁₃; n=3, SQ69_RSA₂₀₁₃; n=3, SQ71_RSA₂₀₁₃; n=1, SQ74_RSA₂₀₁₃) when they chose human rights in the selected qualitative survey questions and other data collection strategies. From the 45 words that the participants could have chosen, 365 selected ‘freedom’ in Question 13, ranking it first

Question 12, which was an open-ended question, asked the following: “What comes to mind when you hear the words ‘human rights’?” In the survey, student teachers perceived that human rights determine one’s freedom (SQ12Comment16_RSA₂₀₁₃) and they referred extensively to ‘freedom’ in their responses:

“Having the freedom to do what i like by my own...”
(SQ12Comment11_RSA₂₀₁₃).

“Freedom to be who you want to be...” (SQ12Comment129_RSA₂₀₁₃)..

“What determines my freedom...” (SQ12Comment161_RSA₂₀₁₃)

“[Human rights are] (t)he ability of people to be able to express their ideas, their rights, religion, culture, freedom, politics, forgiveness, respect etc. and be able to practice them” (SQ12Comment189_RSA₂₀₁₃).

In the quotes, the concept ‘freedom’ has different meanings. It can either be individual freedom where people can be who they want or do what they want. For example, one of the participants refers to freedom where one can feel free to express him/herself:

“The right to express yourself without fear of prejudice and discrimination”
(SQ12Comment296_RSA₂₀₁₃).

Freedom is also the opportunity afforded to other people to not only express their ideas, religion, culture and politics, but to apply them. One of the participants indicated that rights determine people’s freedom. In contrast, other participants related freedom to responsibility:

"Rights and responsibilities, the freedom to do be able to do... and the responses to that ability. Be it based on respect, equality, fairness, freedom, tolerance, etc..." (SQ12Comment302_RSA₂₀₁₃).

From this quote, the freedom afforded by rights and the responsibilities such freedom entails seem to be two sides of a coin. The one claims that a person has the freedom to do, as rights enable one to do. On the other, there are responsibilities linked to the free action, and these are based on values such as respect, equality, fairness, freedom and tolerance. Alternatively put, one can refer to rights with their concomitant responsibilities as resting on certain values. From a value-based approach, the values that underlie a person's perspective of responsibilities are affected by that person's aspirations, beliefs, desires and preferences, which shape his/her attitudes and motivate his/her actions or inactions.

Data revealed that student teacher participants assign different meanings to the concept 'freedom'. Apart from the general conceptualisations of human rights furnished under Question 12, participants also selected ten words or phrases from a list of 25 that they associated with freedom (Question 21, Addendum C). The top ten words and/or phrases that were selected were 'freedom of choice'; 'choice of opinion'; 'to express your own opinions'; 'to be able to vote', 'education'; 'free to participate in culture'; 'freedom of association'; 'responsibility'; 'to be oneself'; and 'express oneself'. Included in the list of top ten words and/or phrases, five were acknowledged as rights in legal documents. From the selected words, one can argue that rights regarding freedom were not considered the only requirement for freedom – the need for expression of the individual was also selected. The list also indicated individual needs on the one hand and collective rights on the other. Some of the words were also present in the focus group discussions.

Freedom of choice was a topic during the scenario discussions at Site 1 (FGD_S1Y4M2 _298-301_RSA₂₀₁₃) during the discussion of the school's conduct towards a boy who wore Xhosa dress to school in honour of his friend who died:

"[L]ooking at this school and everything going on I think there is a strong undercurrent of racism going on, because at the end it says the school expelled James for dress code, absence and for embracing the Xhosa culture. Why, because he is a white boy? So does this mean just because I am a white boy I cannot embrace other cultures. What happens to my freedom of choice?"

Three of the seven lecturers who were interviewed referred to concepts related to freedom: the conceptualisation of freedom and the integration of freedom in class. One's freedom may not be infringed upon during a disagreement: "[E]ven if they disagree with someone, of what human flourishing is, there must be a suitable space where/for people to live out their idea of what it is, but at the same time without infringing other people's freedom" (LI55p3_96-98). In this instance the lecturer refers to freedom of expressing one's ideas in general. Another lecturer participant

(LI_{S1P1}) touched on freedom of expression in the integration of the right to expression in class. Based on the fact that one of the foci included freedom of religion, opinions, thoughts and expression, she used debates on current issues as a strategy:

“Every time we discuss something, we had this debate on subjectification of women, we’ve had debates on race, you know, all those -isms that you can think about, we had discussions in class”.

One can conclude that this lecturer (LI_{S1P1}) applied and integrated human rights in the class despite the nature of the module. In contrast, Participant LI_{S7P1} taught a module on democracy where human rights were interwoven in the subject. Although he did not mention freedom of expression as such, he discussed giving an opportunity for students to voice their opinions (LI_{S7P1_66}):

“In general, if [people] are not happy, they should voice their opinions, but they should do it in the ambit of the Bill of Rights.”

He added, “[o]f course we don’t do it enough in our lectures and our meetings, but kids and students do raise their voice” (LI_{S7P1_57-58}). One of the requirements he identified in this process was to “let student teachers critically reflect what they say, why they say it and how they can effectively change their situation”. In contrast, another lecturer participant noted that student teachers perceived freedom of expression as “[y]ou have the right to say what you want, when you want and how you want” (LI_{S5P2_70-71}). Lecturer LI_{S5P2}’s remark indicates that the way in which the individual considers individual needs without boundaries might have an impact in a class.

The fourth human rights value that emerged from the survey data (n=3, SQ12_RSA₂₀₁₃; n=6, SQ36_RSA₂₀₁₃) is Ubuntu:

“The rights we as South African citizens have that gives us power to be one in this country. Ubuntu” (SQ12Comment91_RSA₂₀₁₃).

“Respect and Ubuntu...” (SQ12Comment271_RSA₂₀₁₃).

Some of the participants’ conceptualisations of human rights included Ubuntu as an example of values and they explained it as defined in the Manifesto (DOE, 2001). The Manifesto firstly relates Ubuntu to human dignity, a democratic value, and conceptualises both concepts as “mutual understanding and the active appreciation of the value of human difference” (s_{1Mo1}). Secondly, the aspect of humanness or being human is described from a traditional African Ubuntu’s philosophy, which claims that a human being is only a human being through his/her relationships with other human beings (Eze as cited by Potgieter, 2014:51) (s_{5Mo3}).

Altogether 298 of the participants (n=298/526, SQ19_RSA₂₀₁₃) indicated that an understanding of indigenous values such as Ubuntu will add to people's understanding of human dignity and responsibilities towards others.

In one of the focus group discussions, the word Ubuntu was described as “[d]oing well for other people” through the use of the following phrases: “when you do not only think of yourself”; “you think of others as well”; “you put others in the picture”; “caring for another person”; “doing good for other people”; and “living with other people” (FGD_s1y4M1_RSA₂₀₁₃). This principle, according to the participants, applies to everyone. Another participant from the same site integrated this principle with human rights: “I think Ubuntu is all about interacting with others, with people. Helping them and taking in consideration their rights and accept the different culture” (FGD_s1y4M1_207-208_RSA₂₀₁₃).

In the focus group discussions, student teachers at Site 1 specifically referred to human rights in relation to Ubuntu. Researcher C introduced compassion as a value when she introduced another view on human rights and responsibility:

“RESEARCHER C: Can I give you another view on responsibility for example during apartheid many people acted against the law because of compassion for other humans? Do you think that is responsibility?”

Silence

RESEARCHER B: Can you give an example?

RESEARCHER C: For example Mr Mandela. He acted out of compassion. He broke the law. He went to prison. Was he a responsible person? Is that responsibility or is responsibility only when you comply with the law and the rules? Do you think that sometimes it is the responsible thing to break the law or the rules because you have compassion with others?”

One of the participants agreed with this view on responsibility and stated the following:

“But that compassion you have, that Ubuntu in you,. it supersedes everything, because you are acting in compassion to another human being, protecting their rights. Even if it is against the law” (FGD_s1y4M1_156-159_RSA₂₀₁₃).

It was also at Site 1 where more references (n=6, FGD_s1y4M2_RSA₂₀₁₃) were made to Ubuntu than at Site 5 (n=0, FGD_s5y4M2_RSA₂₀₁₃). In fact, participants at Site 5 did not refer either to compassion or Ubuntu. Student teachers at Site 1 rather discussed the concept Ubuntu than respect, as it appeared in the survey. The reason for only one site mentioning Ubuntu was that a question on Ubuntu was asked as a follow-up question to one of the participants' responses. The inclusion of Ubuntu by 1 out of 4 sites selected for the study could be clarified by the content of two modules (s1Mo2 and s5Mo3) of the respective sites. Module s1Mo1 includes Ubuntu as an

example of values in education, whereas Module _{S5M03} mentions Ubuntu in the context of human rights in a study unit on society and the community.

The fifth human rights value that emerged from the data was 'respect'. Respect also emerged as a property of human rights. Student teachers' moral understanding of human rights included respect as a value (n = 366/526; n=32, SQ12_RSA₂₀₁₃; n=6, SQ36_RSA₂₀₁₃; n=9, SQ47_RSA₂₀₁₃; n=6, SQ69_RSA₂₀₁₃; n=2, SQ73_RSA₂₀₁₃). Selected as one of the top 15 words and/or phrases associated with human rights (n=313, SQ13_RSA₂₀₁₃), this value was also associated with concepts such as 'understanding of self, the others and respect' (SQ12Comment232_RSA₂₀₁₃), as well as 'equality', 'fairness', 'respect', 'dignity' and 'social justice' (SQ12Comment279_RSA₂₀₁₃). One participant stated:

"you have the right to an education but you have to work and respect the others around you!! the last part is very important" (SQ12Comment49_RSA₂₀₁₃).

Respect has also been associated with equality (FGD__{S5Y4M2}_RSA₂₀₁₃) as a democratic value – the criteria being "respect from both sides and listening to each other's views" (FGD__{S5Y4M2}_104_RSA₂₀₁₃). Respect was not only seen as an abstract value but as an applied value. Student teachers at Site 5 associated equality with respect (n=20, FGD__{S5Y4M1,2}_RSA₂₀₁₃) during the focus group discussions. In the question on explaining equality, the student teachers claimed that respect entails respect from both sides and listening to each other's views. The conversation moved back most of the time to the relationship with elders, family and members of the student teachers' community. Participants referred to respect as 'a life of respect'. The possibility of a 'life of respect' without human rights was given a 20% chance:

"RESEARCHER: Would a life of respect for each other and so on be possible without HR?"

PARTICIPANT: 20% yes and 80% no.

RESEARCHER: What would give that 20%?

PARTICIPANT: 80% respect within the family, you know family, but when you get to the streets like you are nothing to me".

This notion was repeated at Site 1 when students said they were only safe at home and nowhere else (FGD__{S1Y4M1}_325_RSA₂₀₁₃). Regarding the question why it is that people have human rights but there are still people who do not respect others, one student teacher answered that it depends on what one values. Nevertheless, another student teacher remarked:

"I don't think somehow human rights can make them to change and treat other people better" (FGD__{S5Y4M1}_289-291_RSA₂₀₁₃).

In response to the question about whether human rights helped them to be treated better by others, one student teacher argued that people, especially men, cannot treat them (women) as equals: “[M]ost of the times men know they should not beat women because we have rights. And then there are those who don’t know” (FGD_5Y4M1_272-273_RSA2013). This emerged from the fact that there were references to disrespect (n=6) in the focus group discussions. It was significant that the student teachers’ references to values such as respect, Ubuntu and tolerance were not reflected in their responses about people’s differences. With regard to homosexuality, one of the students mimicked during the scenario discussion how a gay student would ask to go to a bathroom (FGD_1Y4M1_RSA2013). Another participant responded that “I would kill him”. Interesting to note that one of the outcomes of the second module was “to instil tolerance with race-and-gender issues”, while some of the student teacher participants did not display a tolerant tone towards people with different sexual orientations (FGD_1Y4M1_RSA2013).

In their references, lecturer participants described respect more as a democratic value because it is the outcome when people respect one another:

“Dit is respek. As jy mekaar respekteer, dan is dit ‘n demokratiese waarde. En dit lê ek verskriklik klem op” (LI57P2_136-137).

This lecturer, however, did not refer to respect as a democratic value as defined in the category Human rights as legal. The notion that she included respect as a democratic value may be explained by the fact that she reasoned from a more democracy-based approach. In her second sentence, the words “one another” (footnote16) formed part of a condition for democratic values to be established. One could almost interpret it as follows: the act of “respecting one another”.

Participant LI55P1 indicated how respect could be used as an instrument to gain learners’ respect:

“Verder sal ek konstant wanneer ek vir hulle klasgee, sal ek probeer om hulle bewus te maak dat mens se optrede teenoor jou leerders moet wys dat jy hulle regte respekteer” (LI55P1_148-151).

During the lecturer interviews (LI55P1_148-153), participant LI55P1 also explained the implementation of respect as a value in teaching:

“[R]espek kweek respek. So dit is iets wat persoonlik na aan my hart lê. Al my klasse, of dit nou net Onderwysreg gedoen word of menseregte as ‘n aspek daarvan is, is dit iets wat ek graag aan die student wil deurgee, is dat as ek nie my leerders respekteer nie, hoe kan ek verwag dat hulle my respekteer”.

It was also stated that “respect and tolerance for people of diverse backgrounds and diversity should be inculcated in education”. Ways to inculcate respect include class rules that, among other things, emphasise that one should keep quiet and listen when another person talks and also use oneself as an example when demonstrating exemplary behaviour:

“En dan glo ek ook deur my eie voorbeeld van my studente te respekteer en met respek behandel, gelyk behandel en hul menswaardigheid in ag neem en so, hoop ek dat hulle ook daardeur iets leer”³³.

‘Responsibility’ also emerged in the property Human rights as values. Survey responses indicated almost all students’ individual aspirations of how human rights ‘ought to’ be applied in society. Another value that featured repeatedly in the survey was the word ‘responsibility’ in a rights-based context. It (n=275, SQ13_RSA₂₀₁₃) was ranked as the sixth most used word in the question where students had to select ten words that they associate with human rights.

The property ‘responsibility’ was also described in many ways in the survey. The researcher highlights only two of the variations in student teachers’ understanding of responsibility. A discussion on these specific understandings of responsibility is necessary because they are the forms that are acknowledged in the Education Law approach and the HRE approach as explained in Chapter 1. The first variation of ‘responsibility’ placed emphasis on the ‘responsibilities for rights’:

“The fact that you have rights to protect you against all things that makes you feel uncomfortable, but also the obligation to have a responsibility towards your right” (SQ12Comment50_RSA₂₀₁₃).

The second variation referred to responsible behaviour when enjoying one’s rights. A student teacher explained human rights as follows:

“Rights that guide us to behave in an acceptable and responsible way in our society and Nation” (SQ12Comment280_RSA₂₀₁₃).

Most of the references to responsibilities referred to rights as well, which points to the initial category Human rights as legal (par. 5.2.1). Examples of human rights (with concomitant responsibilities to the right to education) are listening to the teacher, doing one’s homework and being respectful in class (FGD_s5y4M_1226-228_RSA₂₀₁₃).

Consequences of not obeying one’s responsibility, which could be defined from the perspective of Human rights as legal, were also articulated in the focus group discussions:

“If I behave in a good way I will hold my human rights. If I behave in a bad way I will lose my human rights” (FGD_s1y4M1_130-131_RSA₂₀₁₃).

³³ Translation: “And then I believe that by respecting the example set by my students and being respectful towards them, namely to respect my students and to treat them with dignity, I hope that they, too, will learn something from that.”

Alternatively, consequences viewed from the same perspective, Human rights as values, consider compassion for human beings when a person makes decisions (FGD_S1Y2M2_207-211_RSA₂₀₁₃):

“Obviously there are rules. In human rights there are rules and responsibilities. But in the end responsibilities are more than acting in accordance to the rules and the law. Responsibility is about me caring, having compassion for other human beings, and when I make decisions my decisions have consequences. Human rights are sometimes more than following the rules”.

Lecturer participants also linked rights and responsibilities, but they integrated how one should think about rights, responsibilities and the right course of action:

“It also includes a human rights context: what is human rights, the responsibilities and so forth. It will mean asking yourself “what is the correct way of action”? It is not only about thinking, but thinking right and doing right, so that you have those normative questions at the centre” (LI5P3_104-106).

In the above quote, morality, rights and responsibilities were inter-related, and the lecturer participant also included action – whether thinking about the right thing or doing the right thing. The quote also introduced another property of the initial category, namely ‘reasoning’ (par. 5.3.1).

5.3.2.4 Synopsis

The second initial category is characterised by the notion of ‘*being human*’, ‘*the perception of acceptable/unacceptable treatment towards others*’, and ‘*human rights values*’ (rights in human rights treaties that can be cherished globally and locally) – all of which are recognised as values by student teachers.

The property ‘*being human*’ is based on the notion that some student teachers’ would rather reflect on human rights from a humaneness perspective. Student-teachers have connected human rights and being human as ‘because we are human, we deserve to be treated well, have rights, be safe, etc. Participants also conceptualised human rights by claiming that because they are human, they have rights. In contrast, one of the lecturer participants elaborated on the relationship between human rights by characterizing human rights as guidelines on how a person should treat others, how the person wants to be treated, and how the person wants to live (Participant LIS5P1). This participant mentioned that humans are entitled to human rights. It is significant to note that the above quote comes from the lecturer who presents the module that deals with law-related content (S5Mo1)

The property *Acceptable treatment* does not only refer to treating another person right or doing right according to the theory of morality, but also to fair and ‘equal treatment’ of others. Some student teachers also include discrimination as the antithesis for acceptable treatment. In one of the quotes, the participant explains her understanding of acceptable behavior means that human

rights enable a person to enjoy a life where he/she can express thoughts and feelings without fear of discriminative action from others (SQ12Comment235_RSA₂₀₁₃).

The second property of the initial category consists of student teachers' understanding of *human rights values*. Data has revealed that not all students conceptualise human rights from a legal framework, but from a human rights values approach. Human rights values are defined as values that have been declared as rights in human rights treaties, which can be cherished globally and locally. Human rights values that emerged from the data includes human dignity, equality, freedom and respect, Ubuntu and responsibility. Although the values such as dignity, equality and freedom has already been described in Initial Category 1, there were student teachers who conceptualized the values in relation to human right in a more subjective tone. Equality from a valuesbased approach for example would emphasize beliefs, desires and preferences that shape a person's attitudes and motivate his/her actions or inactions rather than the right to equality as the Constitution provides (Initial Category 1).

Other values that emerged were respect, responsibility and Ubuntu, which also occurred in the first initial category (although the perception of rights from a legal approach differed from the perception of the same right when viewed from a value-based approach. Rights that are perceived as values differ from the rights that are perceived as legal in the sense that some people may emphasise the humane factor of individuals and not the rights of others who stand in a relationship with them. In addition, the possibility exists that student teachers would only consider their individual rights and preferences rather than consider their implied responsibilities towards the rights of other individuals or groups. The lack of consideration of the 'other' may result in unacceptable treatment or, in a worst-case scenario, human rights violations. Student teachers should be aware of the fact that the future learners in their classes might understand rights from different perspectives, which would have an effect on the teaching-learning of human rights, as well as the promotion of human rights.

5.3.3 Initial category 3: Reasoning

Reasoning is firstly defined as an action whereby one thinks and argues in a logical manner. Secondly, it is defined as a process where conclusions, judgements or inferences are formed from facts or premises (www.dictionary.com, 2017). Two of the main forms of reasoning are deductive reasoning and inductive reasoning. An alternative form of reasoning manifests as a dual process that depicts reasoning as a mix of intuition and deliberation. Bonnefan (2017:32) asserts that in "everyday life, reasoning is not a detached, contemplative manipulation of deductive rules but is infused by uncertainty and a person's preference(s)". For Bonnefan (2017), theory for everyday reasoning includes probability, utility and intuitions.

Reasoning is based on logical deductions and/or arguments from a specific knowledge base. Wall (2015:162) describes reasoning from a human rights knowledge base as (a) reasoning from rights that each person has 'by virtue of their humanity'; (b) reasoning from rights that provide 'hard to defeat' reasons for action; and (c) reasoning from abstract norms to specified duties. In the description, one can surmise characteristics from either legal reasoning or moral reasoning.



Figure 5-4: Properties emerging from Initial category 3

Category 3 illustrates how student teachers reason about human rights and their application. The third initial category, Reasoning, developed from the concept 'knowledge on the human rights construct' in the first phase of line-by-line coding and then 'human rights knowledge' during the second phase of coding (Table 5-1). HR knowledge as a concept emerged and drew on student teachers' reasoning about human rights. The data did not only demonstrate the extent of student teachers' knowledge on human rights, but exhibited their thought processes when they talked about human rights. As the data on the different types of reasoning emerged, reasoning was included first as a characteristic of the concept and then developed into Category 3. Thus, the initial category Reasoning refers to student teachers' reasoning about human rights and explores people's thought processes on human rights and human rights application.

Reasoning as a category was informed by 117 codes that described the various forms of reasoning demonstrated in the data. These included the discussion of the four scenarios

regarding four types of human rights violations. Prior to refining the category, it emerged that most of the codes that related to human rights application (n =185) could be arranged under the following headings: general reasoning on human rights (n = 71); reasoning from a legal framework (n = 39); reasoning from a values perspective (n = 35); and reasoning from a social awareness context (n = 26). During the refining of the initial concept, the following properties for the initial category emerged: 'legal reasoning'; 'moral reasoning'; 'frameworks of reasoning'; and 'knowledge basis of human rights'.

5.3.3.1 Legal reasoning

According to Dickson (2010), legal reasoning refers to (a) reasoning to establish the existing content of the law on a given issue; (b) reasoning from the existing content of the law to the decision that a court should reach in a case involving an issue that serves before it; and (c) reasoning about the decision that a court should reach in a case – all things considered. The definition should be read with the identified properties of the initial concept HR as legal in Category 1 – human rights as law, legal documents and mechanisms, constitutional principles and values, rights and responsibilities, school rules and a code of conduct – when a person reasons about certain applications of human rights (par. 5.2.1.1). Examples of content of law can include the Constitution, labour law, regulations, code of conduct, common law and case law. One of the three lecturers whose study material included legal principles, Participant LI5p1, concurred that legal knowledge is also important for student teachers.

“Dan moet hulle basiese kennis kry van die Grondwet en Grondwetlike beginsels en hoe dit binne die skoolomgewing vir hulle van waarde kan wees en hoe om ook kinders daarvan bewus te maak. So hulle moet ’n goeie agtergrondkennis hê van waaroor gaan die Grondwet, spesifiek menseregte. Ons fokus op Hfst 1 en 2 van die Grondwet, uhm ’n inleiding van Arbeidsreg, ’n bewustheid van gemenereg en regspraak as bronne van Onderwysreg en dan ook die sorg en veiligheid van leerders, en dissiplinehandhawing in skole en die wetlike beginsels daarvan” (LI5p1_36-42).

The data included incidents where student teachers' argumentation during the scenario discussions in the focus groups meetings centred on certain content of law. Three of the four scenarios elicited student teachers' opinion on the rules and code of conduct of the school presented in the specific scenario.

In the first scenario at Site 1, student teachers used a legal document (in this case the code of conduct) as discussion point. Scenario 1 deals with two friends who attended initiation school and the school's reaction to the incidents that occurred after the initiation school (Addendum B1 Scenario number 3).

A participant said the following (FGD_S1Y4M2_305-311_RSA₂₀₁₃):

"I would like to say that when you are admitting a child to a school you have a code of conduct given to you – a mission statement or what not and whenever you have questions about the school they do answer you... so now I am sure the parents knew that the school does not support this going to the mountains and what not. It doesn't say that it is starting with them – they had valid reasons with this practice during exam time and the cross-cultural action and what not. So you can't fully blame the school for that".

This participant made use of deductive reasoning, which is also used in legal reasoning. In this process, a person starts from the general rule and moves to specifics. In the scenario discussion, the participant started with the function of a code of conduct as an accepted practice in schools. The argument then turned to Sipho's parents who should have known whether the school would allow learners to attend initiation schools. Then the participant moved towards the school's position in the matter to make his/her point, which was that the school could not be blamed fully because of its code of conduct for learners.

The second scenario, Scenario 3, that focused on the rules and code of conduct for learners of the school as well as disciplinary actions, pre-empted legal reasoning from some of the participants. For this reason, legal-related words and/or phrases in the education context were used, such as rules, expulsion, school policy, and code of conduct. Scenario 3 was about a school pregnancy involving a girl and boy in Grade 10 and the consequences for the learners in the form of a disciplinary hearing and/or expulsion (Addendum B1 Scenario 3). In the discussions that followed, different types of reasoning emerged, as quoted verbatim below:

PARTICIPANT 1: In response to [name of participant] I think the school was right in expelling the boy, because we need to look at the rules of the school. What does the school say in relation to absence from school and is his reason valid enough for him to be absent and the school must have a valid reason for expelling him? I don't think they would take such a severe step towards the boy if they don't feel strongly about it. So I think the school was right. They were within their rights. (FGD_S1Y4M2_21-26_RSA₂₀₁₃)

PARTICIPANT 2: OK, I want to add on what she said – agree with what she has just said here. Each and every school has its policy and code of conduct but from my point of view if this decision was part of the school policy I think they need to revise it because the most important thing here is that you do not want to deny someone the right to education regardless of their background so that's all I can say. (FGD_S1Y4M2_44-48_RSA₂₀₁₃)

PARTICIPANT 3: Yes, everyone has the right for education but what are your responsibilities? So if you have the right to be educated you decide that in this point in time I cannot fulfil the responsibility of going to school so somewhere somehow you limit your right and... (FGD_S1Y4M2_49-52_RSA₂₀₁₃)

PARTICIPANT 4: But then with this boy you gave notification, you know what, this is my right... (FGD_S1Y4M2_53_RSA₂₀₁₃)

PARTICIPANT 5: Yes (FGD_s1y4M2_54_RSA2013).

PARTICIPANT 6: It was denied (FGD_s1y4M2_55_RSA2013).

PARTICIPANT 7: My responsibility is to be in class. (FGD_s1y4M2_56_RSA2013)

PARTICIPANT 8: Another thing that I wanted to point out is if you make rules – we learn a lot of things, like recently this Sunday I learned that you could be generous and you could be reasonable. Now there is a very important reasonability within this subject that I learned because it says that can have a set of rules but you need to be reasonable according to circumstance. Now you cannot apply the same rule and say this is the rule. You are living with people; you are serving the community. Now when circumstances happen in a society you need to hear the other person. It was really unfair to the father. You need to hear the father” (FGD_s1y4M2_83-91_RSA2013)..

Participant 1 made use of deductive reasoning in his/her response to the scenario and made valid arguments for the case of the school. The premises of the argument rested on the rules regarding absence and, secondly, whether the school had valid reasons to expel the boy. In the participant's argument, he/she also included the conclusions which could be drawn from the mentioned premises. Although the response of Participant 2 was only an opinion on the topic, his/her remark on the right to education enhanced the validity of the previous participants' argument. Some of the participants (Participants 3-7) only made short remarks on rights and responsibilities or on the reason that the boy gave for his absences, which did not follow logically on the previous participant's argument or showed a direct relationship with the code of conduct theme. Participant 8 started with an example to introduce the reasonability of rules (also called exemplar reasoning). She then compared the school rules and the situation described in the scenario. In her conclusion, she stated that the school acted really unfairly towards the father. The participant's last words, "You need to hear the father's side", reminds one of the common law principle *audi alterem partem*, which should be part of a disciplinary process. The specific participant was a member of Site 1's focus groups, which is significant because participants of Site 1 did not receive modules that were specifically focused on legal aspects (s5Mo1). Instead, they did modules in Education Theory (s1Mo2).

The participants tended to evaluate the school's actions in accordance with school rules and rules of natural justice. Participant 1 referred to both the reasonability of the school's action and to the validity of the boy's reason to be absent. Participant 2 of the focus group firstly explained about school policy and conduct and then stated that the school policy should be revised. Participant 2 seemed to be knowledgeable about the Schools Act, but also concentrated on the process of revising the said act. It is noteworthy that the knowledge of student teacher participants 1 and 2 on Site 1 regarding the Schools Act, code of conduct and school policy resonated well with that of one of the site's lecturers, who stated the following (LI_s1p2_74-76):

“The prospective teachers need to have a fair amount of knowledge in terms of the South African Schools Act. They can do... have to deal with corporal punishment and also the issues of teenage pregnancy”.

Scenario 4 was the last scenario that included law-related themes, including unreasonable expulsion after a disciplinary hearing. It dealt with a learner who wrote an essay about her school, the teachers and their country. After sending the essay to a newspaper who published it, a disciplinary hearing was held and the learner was expelled (Addendum B1 Scenario 4.) During the discussion (FGD_s5y4m2_692-707_RSA₂₀₁₃), the researcher asked the following:

“RESEARCHER: So would it be ok for her to violate the rights of dignity of the school and teacher? What should she achieve by what she was doing and how does that make it ok for her to violate the rights of the teacher by publishing it in the paper?”

PARTICIPANT: Maybe she thought she could achieve the fact that the teacher and the principal (noise).

PARTICIPANT: Teachers who are going to teach them who doesn't drink.

RESEARCHER: “Does the teacher who drinks, does the teacher have the right to drink.

PARTICIPANT: To drink.”

PARTICIPANT: He does have the right to drink but not at work.

RESEARCHER: Why not?

PARTICIPANT: Because it is stated that he shouldn't come drunk to work”.

In the discussion of scenario 4, the participant at Site 5 did not qualify where it was stated that teachers cannot drink at work, but the response does indicate the participant's awareness of rules with regard to teachers and drinking, and further analysed the reason for this rule.

The reasoning in the scenario discussion has switched to moral reasoning after the researcher asked why it should be stated that a person should not drink. A possible explanation for the change in reasoning during the discussion (FGD_s5y4m2_703-707_RSA₂₀₁₃) may be that student teachers have thought on the application of the rule:

“RESEARCHER: Why do you think it should be stated that you shouldn't?”

PARTICIPANT: How are you going to teach if you are drunk?

PARTICIPANT: And children are not going to listen to you if you are drunk.

PARTICIPANT: And you say something, like that is not appropriate for the children.

PARTICIPANT: So, somehow it's going to be offensive to other learners".

By changing the direction of the discussion on why teachers should not to drink, student teacher participants used cause-and-effect reasoning in the scenario discussion.

Student teachers' legal reasoning in the scenarios displayed types of reasoning such as deductive reasoning, which is compatible with legal reasoning. Furthermore, the students use law-related words and phrases that enhanced their legal arguments. It emerged that in contrast to Site 1, participants at Site 5 demonstrated more legal reasoning. A possible explanation could be that their study material (s5_{M0}1 (Introduction to Education Law) and to a lesser extent s5_{M0}3 (Education of Philosophy) included a legal component. One module at Site 1 was based on moral education (s1_{M0}1), while the Education Theory module (s1_{M0}2) was based on international law (e.g. the Universal Declaration of Rights; the African Freedom Charter) as well as national legislation (e.g. the Constitution). Nevertheless, legislation was referred to more often in the survey than in the focus group discussions.

5.3.3.2 Moral reasoning

Data demonstrated that student teachers reasoned within a moral framework regarding some human rights issues such as responsibility (par. 3.2; par. 4.4; par. 4.5), compassion (par. 3.3.1; par. 3.4.3), legal consequences, and culture (par. 3.3.2). Moral reasoning is in practice a type of reasoning directed towards deciding what the right thing to do will be, and when successful, issuing an intention. At times, it may involve judgements about what one ought to do in a moral sense. According to Richardson (2013), studying ethics explores what morality requires from us. In this discussion, two different kinds of moral reasoning manifested (FGD_s1_{Y4M1}_116-135_RSA₂₀₁₃), as quoted verbatim below:

RESEARCHER C: You spoke about responsibility earlier. What do you mean by responsibility? Explain responsibility to me. Is it a duty? (FGD_s1_{Y4M1}_116_RSA₂₀₁₃)

PARTICIPANT 1: Ok. I will make an example. You are in a classroom there are rules how to behave. You do not behave and the teacher takes you out of the class then. If she takes you out of the class your rights to education are violated in that respect. So your responsibility in terms of that. What did you do to be taken out of the class? Why did the teacher take you out of the class? (FGD_s1_{Y4M1}_117-121_RSA₂₀₁₃)

PARTICIPANT 2: Yes. (FGD_s1_{Y4M1}_122_RSA₂₀₁₃)

PARTICIPANT 3: Because sometimes your rights are being violated but you are the cause of that. (FGD_s1_{Y4M1}_123-124_RSA₂₀₁₃)

PARTICIPANT4: Just to add on what he said let's look at this in terms of the law. If I break the law there will be consequences so some of my rights will be

removed from me because of what I have done. So there are consequences in my rights being removed from me because of what I have done. (FGD_s1y4M1_125-128_RSA2013)

RESEARCHER B: So if you go to jail you will lose those rights? (FGD_s1y4M1_129_RSA2013)

PARTICIPANT 5: Yes and the way you behave is also violating human rights. If I behave in a good way I will hold my human rights. If I behave in a bad way I will lose my human rights. Sometimes you blame other people instead of looking at yourself – the way you behave. (FGD_s1y4M1_130-133_RSA2013)

PARTICIPANT 6: So if you behave responsible your rights will be upheld. If you are irresponsible your rights will be affected" (FGD_s1y4M1_134-135_RSA2013).

Student teachers demonstrated different types of reasoning in the discussion on the conceptualisation of human rights. Participant 1 used an analogy on responsibility but did not complete his/her own argument. Participant 1 apparently wanted to state his/her argument by posing a few questions to be reflected on. A possible explanation for the question instead of the conclusion may be that the modules at his/her university made use of reflection techniques in the teaching-learning of human rights. The exchanges between Participants 4, 5 and 6 indicated cause-and-effect reasoning. Participant 4 explained the legal consequence for the violation of human rights. If one does not behave responsibly, one's rights will be taken away. Participants 6 specifically conceptualised responsibility as responsible behaviour. If a person is irresponsible, his/her rights will be taken away. A possible explanation for how the participants conceptualised moral reasoning is that student teachers focused more on the consequences of irresponsible behaviour than on the behaviour in itself.

Reasons for actions also emerged when Researcher C mentioned human rights in the first meeting of the focus group discussions. Researcher C pertinently referred to compassion as a form of responsibility (FGD_s1y4M1_136-192_RSA2013):

"RESEARCHER C: Can I give you another view on responsibility for example during apartheid many people acted against the law because of compassion for other humans? Do you think that is responsibility? (FGD_s1y4M1_136-138_RSA2013)

Silence

RESEARCHER B: Can you give an example? (FGD_s1y4M1_140_RSA2013)

RESEARCHER C: For example, Mr Mandela. He acted out of compassion. He broke the law. He went to prison. Was he a responsible person? Is that responsibility or is responsibility only when you comply with the law and the rules. Do you think that sometimes it is the responsible thing to break the law or the rules because you have compassion with others? (FGD_s1y4M1_141-145_RSA2013).

Silence

PARTICIPANT 1: Now that you bring that up...(FGD_S1Y4M1_147_RSA2013)

PARTICIPANT 2: It make sense... (FGD_S1Y4M1_148_RSA2013)

PARTICIPANT 3: It does make sense... (FGD_S1Y4M1_149_RSA2013)

PARTICIPANT 4: Now that you bring it up, it does make sense... (FGD_S1Y4M1_150_RSA2013)

RESEARCHER B: So you think that you can break the law because human rights are greater than the law. (FGD_S1Y4M1_151-152_RSA2013)

RESEARCHER C: What are the most important aspect of human rights, the legal aspect or the responsibility towards the dignity of others even if it means that you maybe have to break the law? What is the most important, the legal aspect of human rights or your compassion for others? (FGD_S1Y4M1_153-156_RSA2013)

PARTICIPANT 5: I can agree with that. But that compassion you have, that Ubuntu in you it supersedes everything, because you are acting in compassion to another human being, protecting their rights. Even if it is against the law... (FGD_S1Y4M1_157-159_RSA2013)

RESEARCHER C: It might be against the law. I am not telling you to break the law... (FGD_S1Y4M1_160_RSA2013)

Laughter

PARTICIPANT 6: You can look at it that way. It does make sense if that is the case but then you have to be sure it's the right thing. Obviously if it is not.... Then.... (FGD_S1Y4M1_162-163_RSA2013)

PARTICIPANT 7: It does make sense but then what about your rights? (FGD_S1Y4M1_164_RSA2013)

RESEARCHER C: Your rights? (FGD_S1Y4M1_165_RSA2013)

PARTICIPANT 8: If I stand up for others and break some laws, if I defend other people's rights then maybe they take me out of the school, I am in jail. (FGD_S1Y4M1_166-168_RSA2013)

PARTICIPANT 9: It's a sacrifice (FGD_S1Y4M1_168_RSA2013),

PARTICIPANT 10: But they won't have my back. You have to look on both side. (FGD_S1Y4M1_169_RSA2013).

PARTICIPANT 11: On this case something happened here on our campus. Once a guy here he was from the SRC. He was fighting for other students who had no financial aid in the residence. So they tried to burn the car but that guy was caught alone and sent out of the school. You see... He will come here next year to finish his degree. He had only three modules left. You see... but what happened to those students he was fighting for? They are still here. After what he did they got what they wanted but he... (FGD_S1Y4M1_170-176_RSA2013)

RESEARCHER B: He was sacrificed? (FGD_s1y4M1 _178_RSA2013)

PARTICIPANT: Yes. (FGD_s1y4M1 _179_RSA2013)

PARTICIPANT: So in your perspective what did Madiba get? He spent 27 years in jail. Alone. Alone. Some people they don't care about that. They are doing good. There is nothing wrong with their lives. You see... When you come across those situations you need to think critically (FGD_s1y4M1 _179-182_RSA2013).

PARTICIPANT: Yes (FGD_s1y4M1 _183_RSA2013).

PARTICIPANT: Think twice... (FGD_s1y4M1 _184_RSA2013).

PARTICIPANT: Yes (FGD_s1y4M1 _185_RSA2013).

PARTICIPANT: You have to think twice, because he was not released from prison (FGD_s1y4M1 _186_RSA2013).

PARTICIPANT: Yes, because in time of trouble when you are fighting for someone else they won't be with you if you are in jail (FGD_s1y4M1 _187-188_RSA2013).

PARTICIPANT: You are right. They will run (FGD_s1y4M1 _189_RSA2013).

*PARTICIPANT: They will run away from you but you were trying to help them (FGD_s1y4M1 _190_RSA2013).*⁹

PARTICIPANT: It is very hard. That situation you need to think (FGD_s1y4M1 _191_RSA2013).

PARTICIPANT: Yes before you act you have to think" (FGD_s1y4M1 _192_RSA2013)".

In this excerpt (again quoted verbatim), the researchers differentiated between the legal aspect of human rights and people's compassion for others. The discussion started after the focus group talked about compassion as a value and what the consequences would be if a person decided to act out of compassion and in the process lose his/her rights. This participant weighed the good and the bad consequences of the SRC member's action.

After reading Scenario 1, the researcher asked the participants the question: "But what do you say about the rights of Sipho?". One of the participants asked why the parents had allowed the initiation school if they were aware of the content in the code of conduct for learners in this regard. In response, a participant asked the first participant whether it was fair to choose between one's culture and one's education. Below follows the (verbatim quoted) dialogue between the participants (FGD_s1y4M2 _318-335_RSA2013):

"PARTICIPANT 1: Can I just ask you – if you are asked to choose between your culture and your school – do you think that is fair? (FGD_s1y4M2 _318-319_RSA2013)

PARTICIPANT 2: I am not a cultural person so I... (FGD_s1y4M2 _ 320_RSA2013).

PARTICIPANT 1: Ok but are you a religious person? (FGD_s1y4M2 _ 318-321 RSA2013)

PARTICIPANT 2: Yes (FGD_s1y4M2 _ 322_RSA2013).

PARTICIPANT 1: If you are asked to choose between your religion and school. Between God and education. Do you think that is fair? (FGD_s1y4M2 _ 323-324_RSA2013)

PARTICIPANT 2: No (FGD_s1y4M2 _ 325_RSA2013).

PARTICIPANT 1: You see (laughter) (FGD_s1y4M2 _ 326_RSA2013).

PARTICIPANT 2: However, wait, wait no you cannot give me a yes or a no question (FGD_s1y4M2 _ 327_RSA2013).

PARTICIPANT 1: Give me a yes or no (FGD_s1y4M2 _ 328_RSA2013).

PARTICIPANT 2: If the school I want to go to says you know what we don't accept your religion because of A B or C. And that you have to play sports. Every child has to be at the sports grounds on Sundays. I will not go to that school because I will know that it clashes with my field work and my meeting times... (FGD_s1y4M2 _ 329-332_RSA2013)

PARTICIPANT 1: So what will you do? (FGD_s1y4M2 _ 333_RSA2013)

PARTICIPANT 2: What do I do, I will go look for another school and go to that school (FGD_s1y4M2 _ 334_RSA2013).

PARTICIPANT 1: Okay" (FGD_s1y4M2 _ 335_RSA2013).

The participant's motivation that the school was not wrong in its action drew from the following arguments: First, the school's code of conduct for learners indicated acceptable and unacceptable behaviour, so parents should have known whether initiation practices would be allowed. Second, the participant argued that the school indeed had a valid reason for not allowing the boys to go to the initiation school. The participant also compared the school's actions in this scenario to the school's actions in the third scenario.

The lecturer participants reasoned most of the time from the perspective of the module(s) that they presented and/or one of the four kinds of reasoning mentioned, namely legal reasoning (par. 5.3.3.1), moral reasoning (par. 5.3.3.2), socio-cultural reasoning and social awareness reasoning (par. 5.3.3.3). One of the lecturers reasoned morally when she discussed how she integrated legislation in her module on Education Theory (s1M2). In her reference to legal documents, she also added the roles of an educator and the moral obligation of human rights teaching:

“And showing that those 2 documents are not separate from one another, the one informs the other. So the SASA or for example legal law in terms of the Sexual Offences Act: As an educator you have a moral obligation if you are...becoming aware of a learner who's being sexually violated at home, or school, or whatever. It's not about going to a council. It's your obligation to actually report directly and these are the things that actual connect between the roles of an educator is and the moral obligation of human rights teaching” (LI_{S1P2}_193-198)”.

This lecturer participant (LI_{S1P2}) integrated both legal and moral reasoning. Her use of legal reasoning is evident from her identification of all the applicable legislation in the case of sexual violation, for example. The moral reasoning was transparent when the lecturer argued that it should not only be a legal duty to report a sexual offence to the proper authorities just because the Sexual Offence Act prescribed it, but educators have a moral responsibility due to their professional code of conduct and intrinsic value system to report sexual harassment in the best interest of the child. Another interpretation of the quote may be that the participant saw a connection between legislation and the educator's moral obligation (par. 3.2; par. 3.3.1)

5.3.3.3 Frameworks of reasoning

Apart from the legal and moral reasoning about human rights and human rights application, some student teachers manifested a socio-cultural and social-awareness perspective of reasoning. The way in which the student teacher participants experienced culture or their awareness of their society influenced their reasoning on human rights.

Both frameworks for reasoning that manifested in the participants' socio-cultural perspectives (par. 5.3.3.3 a) and in their social awareness perspective (par. 5.3.3.3 b) are analysed next.

(d) A socio-cultural framework

Certain topics including culture and human rights application were discussed in the focus group discussions. The participants at Site 1 spoke about culture, religion and the school's actions with regard to cultural practices in Scenario 1 (FGD__{S1Y4M2}_223-232_RSA₂₀₁₃). From the focus group discussions regarding Scenario 1 (Addendum B1, Scenario 1) perspectives on culture and cultural practices also emerged from the discussion of the scenario by participants at Site 5. After a discussion on the timing of the initiation school during the school year, the researcher asked about whether the school should accommodate initiation schools (FGD__{S5Y4M2}_519-550_RSA₂₀₁₃):

“RESEARCHER: You think the school should (noise) if there are a lot of learners who need to go to initiation school and initiation school is not always in the holiday time. Should the school accommodate them or should they accommodate the school? (FGD__{S5Y4M2}_519-521_RSA₂₀₁₃).

PARTICIPANT 1: I think if they are going to accommodate the initiation school then they must accommodate lot of things, because there are a lot of different cultures and they do a lot of things. (Noise) So the school time is lost. (FGD_s5y4M2 _522-524_RSA2013).

RESEARCHER: So you think they should not accommodate any cultural practices for the risk of having to accommodate too many. (FGD_s5y4M2 _525-526_RSA2013)

PARTICIPANT 2: Too many (FGD_s5y4M2 _527_RSA2013).

RESEARCHER: What do you think? (FGD_s5y4M2 _528_RSA2013).

PARTICIPANT 3: And then the initiation school should maybe accommodate (noise) doing their practice during school they should only do it in the holidays, our culture (noise) (FGD_s5y4M2 _529-530_RSA2013).

PARTICIPANT4: To avoid these things of the learners getting expelled (FGD_s5y4M2 _531_RSA2013).

RESEARCHER: But they didn't just expel him for his absence; they also expelled him because they didn't like the idea of a white boy doing Xhosa traditions. What do you think about that? (FGD_s5y4M2 _531_RSA2013)

PARTICIPANT5: If like he wants to practice Xhosa then... (FGD_s5y4M2 _532-534_RSA2013).

PARTICIPANT 6: How does it fit in with him doing Xhosa tradition? (FGD_s5y4M2 _536_RSA2013)

RESEARCHER: You think that's fine with you going into cross-cultural things. (FGD_s5y4M2 _537_RSA2013)

PARTICIPANT 7: Ja, it's fine and the school shouldn't expel someone for that. (FGD_s5y4M2 _538_RSA2013)

RESEARCHER: How would you feel (noise) your cultural activities even though they are not from Sotho culture. Are you also from Sotho culture? (FGD_s5y4M2 _539-540_RSA2013)

PARTICIPANT8: Yes, I would welcome them and help them. (FGD_s5y4M2 _541_RSA2013)

RESEARCHER: Oh, would you (FGD_s5y4M2 _542_RSA2013).

PARTICIPANT9: I won't mind if someone wants to engage in like (FGD_s5y4M2 _543_RSA2013).

PARTICIPANT 10: Because we are like living a diverse culture so it is nice to learn about each other cultures (FGD_s5y4M2 _544-545_RSA2013).

RESEARCHER: So it would be allowed for someone from a different culture to participate in your culture activity (FGD_s5y4M2 _546-547_RSA2013).

PARTICIPANT 11: Yes (FGD_s5y4M2 _548_RSA2013).

RESEARCHER: Is that the same with other cultures or not do you think? (FGD_s5y4M2 _549_RSA2013)

PARTICIPANT12: I do not know about other cultures (FGD_{S5Y4M2}_550 RSA₂₀₁₃)”.

In this particular focus group discussion, participants debated about when cultural activities such as cultural initiation should take place in the school and whether cultural traditions should be accommodated. As student teachers, the participants were more concerned with what it would cost in teaching time to consider each cultural group's cultural activities (Participant 1).

In response to the question of whether cultural activities should be accommodated, the student teacher participants seemed positive about cross-cultural activities although they did not know much about cultures other than their own (Participant 12). The lecturer participants, however, differed in their opinion on the accommodation of students:

“No, I don't think they accommodate other people. I'm going to qualify it when they accommodate people, it will be as long as it does not problematize their own lives. It's easy to accommodate something, when the accommodation includes changing your own behaviour, it becomes more difficult. So I don't think they accommodate. I don't think it's purely individualistic. Uhm although I think it's difficult growing up in the light capitalist society where consumerism is at the order of the day which tends to think what do I get. Obviously it is difficult and maybe it's that we tend to when working with human rights, we, I mean my experience might be, we tend to emphasise the right of the individual. What's your right may be not to place emphasis and say how does that relate to the one” (LI_{S7P1}_147-156).

Although some of the students contended that they could accommodate all cultural groups, this lecturer seemed to think that students would only accommodate people as long as it does not make their own lives more complicated. In the particular quote, Lecturer LI_{S7P1} emphasised that human rights should concern both parties in a relation and not only an individual. Human rights and relationships also emerged as a property in the category Social awareness (par. 5.4.1).

(e) A social awareness approach

The social awareness approach is student teachers' application of the initial category Social awareness discussed in paragraph 5.4.1. In the data, the student teachers' accounts of what happened to them were influenced by their awareness of society and their own perceptions of apartheid, oppression vs. privilege, poverty vs. welfare, race, class, gender and sexuality and culture. Participants employed one or more of the properties of the initial concept Social awareness, namely 'politics', 'experiences of social issues' and 'observations of social issues' when they reasoned about applications of human rights (par. 5.4.1). An example of this kind of reasoning follows below (FGD_{S1Y4M1}_68-96_RSA₂₀₁₃):

“RESEARCHER C: One of the comments in the survey was that human rights are only for rich people. It only protects rich people (FGD_s1y4M1_68-69_RSA2013).

PARTICIPANT: Basically that is not true. The rights are all for us. The problem is with human rights especially in families of poor people. They don't believe in that (FGD_s1y4M1_71-73_RSA2013):

RESEARCHER C: They don't believe in human rights? (FGD_s1y4M1_74_RSA2013):

PARTICIPANT: Yes they think as we are given rights then those rights are there to oppose them – there beliefs (FGD_s1y4M1_75-76_RSA2013).

PARTICIPANT: It goes back to what I have been saying about this application of human rights. Since I am poor someone will violate my rights. Where I grew up if someone violate my human rights I would not have had the means to bring that person to book. But if someone has money, if they are rich they would be able to get lawyers and bring me to book if I violate their rights. So that gap between rich and poor is there but not to say that human rights are for the rich. I do understand the mentality of poor people if they say that human rights are just for the rich. I do understand because if someone is rich and they can afford to stand up for their rights and I cannot I would actually say that it is there to protect the rich” (FGD_s1y4M1_87-96_RSA2013).

Student teachers of Site 5 also referred to an incident on their campus (FGD_s5y4M1_67-110_RSA2013) that involved the relationship between the student body and the management of the institution. In the one incident, the Student Representative Council (SRC) requested electricity for on- and off-campus residences – an issue that was not followed up by the university. The student leaders wanted electricity for everyone, meaning students from hostels and students from residences on- and off-campus. According to the students, electricity was part of their contract with the university. The lack of action from the university led to student protest before the examinations. The participants (FGD_s5y4M1_67-110_RSA2013) related how they experienced the whole incident:

“PARTICIPANT: You have been victimised, tell us (FGD_s5y4M1_67-110_RSA2013).

RESEARCHER: Tell us about it (FGD_s5y4M1_67-110_RSA2013).

PARTICIPANT: The thing is I am a student leader so there is a lot of us student leaders per residence, you know. And we had a strike in May (FGD_s5y4M1_67-110_RSA2013).

PARTICIPANT: Before exams (FGD_s5y4M1_67-110_RSA2013).

RESEARCHER: It was just when we were here (FGD_s5y4M1_67-110_RSA2013).

PARTICIPANT: Yes (FGD_s5y4M1_67-110_RSA2013).

PARTICIPANT: So the thing is, um, we followed the correct procedure to having like a strike. They know that on Wednesday there is going to be a strike, or was it Thursday?

PARTICIPANT: I don't remember.

PARTICIPANT: Thursday.

PARTICIPANT: So what happened is that on Monday we sent a memorandum and then on the day of the strike they agreed to give us what we wanted, because the Vice-Rector was here.

RESEARCHER: Whose they?

PARTICIPANT: The management of the campus.

PARTICIPANT: The Rector was not here the Vice-Rector was here. She is the one who gave, um, the word that we would get what we wanted, and they also gave us electricity on that day, because we also wanted electricity for students who have to buy coupons for energy. Then after that they take us to the DC. But they gave us what we wanted.

RESEARCHER: What is DC?

PARTICIPANT: Disciplinary... (sounds like Committee).

PARTICIPANT: So everybody is cut up and the whole shebang, but I'm not there I don't know how.

PARTICIPANT: Some were suspended.

PARTICIPANT: But I guess it's all because we signed an oath we will standby whatever decision this campus makes and I'm afraid some didn't like what happened.

RESEARCHER: So how do you think this does work if you take an oath, to what, to agree with what management said, but then if there is something you are unhappy with do you still have the right to express that you are unhappy with a certain thing. How does that play out?

PARTICIPANT: They don't want us to go against them, management, they don't want us to go against them and the thing is we represent students and what students want. We bring it to the management because we are the mediator between students and management. So I think in a way the student leaders we were victimised because...

PARTICIPANT: They expressed what they were feeling, they were feeling ok we pay a lot of money not to get what we should get because they should get electricity. Nowhere in the contract that we signed stated that we should buy our own electricity.)

RESEARCHER: Is this electricity in the hostels?

PARTICIPANT: And some of the residences.

RESEARCHER: On campus or off?

PARTICIPANT: On and off.

RESEARCHER: And you were asking for electricity for everyone.

PARTICIPANT: For everyone.

RESEARCHER: Which it says is included in their...

PARTICIPANT: Contract.

PARTICIPANT:...some were suspended".

The Vice-Rector met with the students on the day of the strike and the university arranged electricity for students on the same day. Even so, some of the student leaders were suspended after a disciplinary hearing because the SRC members had signed an oath where they declared that they would support the decisions the campus would make (FGD_s5y4m1_74-89_RSA₂₀₁₃).

SRC members were of the opinion that they had complied with legal procedures before the strike. The mentioning of the correct legal procedures indicates legal reasoning, although the student teacher participant did not elaborate on the matter of legal procedures. According to the student's account of the incident, the student leaders followed all the legal procedures to an extent, and there is a semblance of social awareness from the students as a social group. In the first place, the students wanted to change all the students' situations concerning electricity, both on- and off-campus. In the second place, the student leaders expressed their unhappiness about the lack of electricity by means of a protest. It seems that student leaders followed procedures but exercised their right to freedom of expression, which is a characteristic of Social awareness (par. 4.4.1.1). In addition, it seems as if the student leaders who were subjected to a disciplinary hearing after the incident were not happy with the outcome of the incident. Most of the student leaders were suspended because they did not act in accordance with the oath they had signed in support of the campus.

Some of the lecturer participants' teaching-learning of human rights is based on their perspectives of social awareness reasoning. Some incidents were mentioned where Afrikaans- and English-speaking students were separated into different classes (LI_{s7p1}). In response to the interviewer's question whether there was separation in terms of dialogue between Afrikaans-speaking and English-speaking students, another lecturer (LI_{s7p2}) indicated that her classes were mixed:

"Dis nie asof hier 'n skeiding is tussen swart en wit is nie. Glad nie. Dis soos glad nie. Uhm ek aanvaar dit glad nie. Want vreeslik baie van die Afrikaanse kinders gaan na die Engelse klasse toe as dit 5 uur is. As dit 5 uur is, is die klas vol en as dit 6 uur is, is die klas leër. En weer baie Engelse kinders gaan na die Afrikaanse klasse toe. So omdat ek glad nie 'n issue het met dit nie, ek het glad nie 'n issue met kleur nie, ek respekteer mense en ek verstaan dat mense wat daaraan deel het, kom uit 'n baie slegte agtergrond. En dat hulle partykeer baie

kwaad is, ek respekteer dit. Dis vir my ... ek sou ook gewees het. So ek is gemaklik daarmee. Daar is 'n gemaklikheid in die klas".

The lecturer was not only aware of her students' social circumstances but demonstrated empathy with them. Participant LI_{57P2} gave an account of how she responded to a student's question on social awareness in her class (LI_{57P1}_153-160):

"Toe sê die student sy onthou die klas wat gegaan het oor regstellende aksie wat gaan nadelig vir die skoolkind wees. En toe, uhm, het sy haar hand opgesteek, 'n swart meisie, en toe sê sy wat bedoel ek daarmee? Toe sê ek byvoorbeeld as 'n vrou 'n werk kry bô 'n man, maar die vrou is nie so goed soos die man nie. Wat is vir die kind die beste? Toe sê sy [die student] die een wat die beste is. Toe sê ek: maar as die man die beste is wat dan? So as regstellende aksie ten opsigte van die vrou, het ek dit nie gevat op kleur nie, toe het ek dit gevat oor vrouens en mans en toe lag sy vir my, Sy het dit so geniet, want sy wou gehad het ek moet dit op kleur sê laat ek embarrassed voel".

Thus, this lecturer-participant applied gender to explain affirmative action (and not race) in order to make a point with regard to the best interest of the child. Both statements of this lecturer are examples of the property 'Observation of social issues' in Social awareness as an initial category.

5.3.3.4 Knowledge and human rights reasoning

Knowledge as an aspect of human rights understanding in general, as well as the position of values and morality in human rights application, was found to be interrelated with reasoning, in particular legal reasoning. During the conceptualisation process and with constant comparison as objective, the concept Knowledge of the human rights construct emerged as an element of the initial category Reasoning (Table 5-1) and will be discussed next.

Reasoning about human rights was linked to student teachers' human rights knowledge. In their responses to the question whether human rights exist, student teachers in the focus group discussion at Site 1 stated the following (FGD__{S1Y4M1}_4-14_RSA₂₀₁₃) (again quoted verbatim):

"PARTICIPANT 1: Ja I can also... like he said. Ja they are existing but the problem is about the application of them, the protection.

RESEARCHER B: Protection?

PARTICIPANT 2: Yes they are not protected.

PARTICIPANT 3: Yes they exist but some people they don't know how to use their human rights".

In this quote, student teachers talked about human rights that protect people as well as the fact that people do not know how to use human rights. From the response above and other data, it also became apparent that human rights are often not applied because people do not have the

necessary knowledge. The majority of the student teacher participants (n=365, SQ70_RSA₂₀₁₃) indicated in the survey that they had learned most about human rights at school, followed by 285 participants (n=285, SQ70_RSA₂₀₁₃) who stated they only learned about human rights at university. One could argue that after school and university training, one should be able to apply human rights. Yet, the comments in Question 73 in the survey concerning human rights violations at educational institutions (SQ73_RSA₂₀₁₃) included remarks on the state of student teachers' knowledge: "People often have limited knowledge on what human rights is all about" (SQ73Comment79_RSA₂₀₁₃).

In their discussion of human rights, the researcher asked participants at Site 5 how one explains the fact that although there are human rights, some people treat others without respect. One student teacher referred to the role of the parents (FGD_S5Y4M1_301-310_RSA₂₀₁₃) with regard to teaching their children respect. The researcher asked how human rights could help if someone's parents had not taught them to respect others, to which one participant countered:

"PARTICIPANT: Can human rights help in such a case?"

PARTICIPANT: To some extent yes.

PARTICIPANT: They need more lessons about HR, can be given, maybe can start at school, like from primary school. Life orientation class, teaching about HR at university".

This participant's statement indicates the need for more human rights education, although human rights education is already part of the curriculum and features as a section of the learning area Life Orientation.

In the lecturers' interviews, data showed that three of the seven lecturer participants emphasised student teachers' knowledge of human rights. In contrast to the student teachers' perspectives, one lecturer participant indicated that students were not aware of current issues in South Africa (LI_{S1P2}_220-224):

"[T]hey do not have a clue what goes on around them. They live in a pocket vacuum. I keep saying to them "you must watch the news because you are in the world". When we talk about Marikana you know it's crazy. So I try to encourage them "please, please watch the news. Children are aware what's going on more than you know. They will inform you at school".

Another lecturer differed slightly on the subject of student teachers' knowledge, but added that some of her students repeated comments from the news, politicians or their parents:

"En ek het nogal by my Eerstejaartjies gesien wat hulle vir my skryf waar hulle uit baie onkunde praat, wat praat uit wat hulle hoor van hulle ouers by die huis af en nie rêrig hoor wat die waarheid is nie" (LI_{S2P5}_135-137).

Participant LI_{5P1} established the link between student teachers' human rights knowledge and their application of human rights in the school (LI_{5P1}_56-59):

*"hulle kennis van menseregte gaan bepaal hoe hulle gaan optree binne die raamwerk van wetgewing... die oomblik wat hulle nie die kinders, of enige iemand se menseregte in ag neem nie, gaan hulle begin ander goed doen wat wetgewing oortree"*³⁴.

Student teachers as well as lecturers claimed that knowledge of human rights was important. Participant LI_{5P1} noted that student teachers' knowledge of human rights, which they gained through work-integrated learning, might have an impact on their actions towards other people (LI_{5P1}_127-134):

"Van al die studente, is onderwysstudente dalk die ouens wat relatief 'n goeie begrip het daarvan [menseregte]. Doodeenvoudig omdat hulle met hul praktiese onderwys soveel meer daaraan blootgestel word. Of dit noodwendig totaal altyd inslag vind en of dit hul gedrag gaan beïnvloed, is mens nie so seker nie. Maar as jy luister na van die goed wat hulle vir jou oor sal praat en in die klas sal sê, sal hulle gereeld na goed verwys wat tydens Praktiese Onderwys gebeur het. Hetsy dit 'n kind of 'n onderwyser is wat iets gedoen het, sal hulle dit in verband bring met menseregteskending of so iets. So ek dink in 'n mate het hulle begrip daarvoor, verstaan hulle dit".

Although this lecturer participant's reasoning is based on a legal framework, the argument can also be described as consequential reasoning since she referred to the consequences of not acknowledging someone's rights.

5.3.3.5 Synopsis

Reasoning from a human rights framework knowledge base could be describe as (a) reasoning from rights that each person has 'by virtue of their humanity'; (b) reasoning from rights that provide 'hard to defeat' reasons for action; and (c) reasoning from abstract norms to specified duties. Quotes selected are based on the participants' thought processes about human rights and human rights issues, as well as their reaction towards other's arguments. The data illustrated student teachers' personal beliefs and moral and legal reasoning on human rights and human rights issues.

The property *Legal reasoning* refers to the thought process of student teachers who will use legal content when they reason about human rights related situations. Examples of content of law can

³⁴ Their [Student teachers] knowledge on human rights will determine how they will act within the framework of legislation...the moment that they do not consider the learners', or any one else's rights, they will start doing things that contravenes the law."

include the Constitution, labour law, regulations, code of conduct, common law and case law. Student teachers' incorporated deductive reasoning with their legal reasoning in the scenarios. Furthermore, the students use law-related words and phrases that enhanced their legal arguments. It emerged that in contrast to Site 1, participants at Site 5 demonstrated more legal reasoning. A possible explanation could be that their study material included a legal component.

The property *Moral reasoning* is important for student teachers, but the data in this study shows that it was not always based on logical structures. Moral reasoning is in practice a type of reasoning directed towards deciding what the right thing to do. At times, it may involve judgements about what one ought to do in a moral sense. In the focus group discussion, different kinds of reasoning emerge on human rights issues. In one topic during the focus group discussions, participants made use of analogies, questions with the aim of reflection on the problem, cause-and-effect reasoning as well as searching for reasons for actions for behaviour in question. The implication for this phenomenon is that lecturers should be aware that student-teachers do reason differently on certain human rights issues and might use in their teaching-learning of human rights.

In some cases, student teachers' reasoning was also based on their social awareness and not on their in-depth knowledge of human rights and human rights issues. In the data, the student teachers' accounts of what happened to them were influenced by their awareness of society and their own perceptions of apartheid, oppression vs. privilege, poverty vs. welfare, race, class, gender and sexuality and culture. Participants employed one or more of the properties of the initial concept Social awareness, namely 'politics', 'experiences of social issues' and 'observations of social issues'. The difference between social issues experienced and social issues observed is whether student teachers are directly or indirectly exposed.

The fourth property of the 'cognitive approach' is the 'knowledge basis of human rights' denotes knowledge of human rights which enables other mental processes that determine how a person would reason and/or act. The property highlights the need for knowledge on human rights, and people's actual understanding of human rights in different contexts (Stenner, 2011:1229).

Reasoning about human rights was linked to student teachers' human rights knowledge. Student teachers talked about human rights that protect people as well as the fact that people do not know how to use human rights. In addition, there are people who do not know how to apply their human rights knowledge. From the response above and other data, it also became apparent that human rights are often not applied because people do not have the necessary knowledge. The majority of the student teacher participants (n=365, SQ70_RSA₂₀₁₃) indicated in the survey that they had learned most about human rights at school, and university. However, other students made comments on people's limited knowledge on human rights (SQ73Comment79_RSA₂₀₁₃).

Moreover, lecturer participants referred to student-teachers lack of knowledge on current South African news which are related to human rights issues. Participant LI₅P₁ established the link between student teachers' human rights knowledge and their application of human rights in the school (LI₅P₁_56-59). According to her student –teachers' knowledge on human rights will determine how they will act within the framework of legislation. If they do not consider the learners', or any one else's rights, they will start doing things that contravenes the law. This may imply that human rights education is necessary to prevent human rights violations from happening.

This category is significant because the different kinds of reasoning that student teachers displayed are also an extension of each of the initial categories included in the conceptualisation of the theory on human rights education. It implies that student teachers and lecturers may differ in their views on human rights, which could lead to misunderstandings and possible conflicts in the classroom.

5.3.4 Initial category 4: Social awareness

Social awareness emerged as a fourth category that depicts that student teachers' perceptions of values and morality could influence human rights education, application and promotion. Data demonstrated that participants displayed a form of social awareness that was connected to human rights. The conceptualisation of the category *Social awareness* and a discussion of how participants demonstrated social awareness (as illustrated by the data) follow below.

The category's name, *Social awareness*, is adopted from the sociological term that refers to the ability to be aware of social problems and difficulties faced routinely by social groups or social communities (par. 1.2). According to Hardison (2012), a person who is socially aware will be likely to sense and sympathise with the psychological state, thoughts and feelings related to an individual's social situation. Concepts related to the South African context include the social state of the individual or group regarding race, class, gender, culture and sexual orientation (Beagan, 2003:605). The following working definition was conceptualised during the initial phases of data analysis: *The nature of the responses offered by teacher students and lecturers depends on subjective perspectives developed because of the participant's social environment.* During the later stages of analysis, responses of participants emerged that were not necessarily based on their moral or legal knowledge of human rights, but on their democratic (par. 1.5.4; par 3.4.3; par 3.4.4) and/or political awareness (par. 3.2).

Data showed that student teachers did not only reason from a legal or moral perspective – they also made comments and statements based on their own experiences of social difficulties in their

communities or social problems that they observed in other communities. Student teachers and lecturer participants alike were socially aware of and/or empathetic towards the communities in which they live. Some participants also made use of the word 'awareness' when commenting on the question 'What does human rights education involve?'³⁵ (SQ69_RSA₂₀₁₃). This question required students to choose ten out of the 17 words and/or phrases that related to human rights education. The references to awareness in the comment box under Question 69 of the survey incorporated words/phrases such as 'awareness of being a citizen' (SQ69Comment40_RSA₂₀₁₃) and 'awareness of equality and freedom of speech as well as anti-racism' (SQ69Comment50_RSA₂₀₁₃). Social awareness was, in some cases, verbalised as critique against social problems, human rights abuse, unfair treatment of both disadvantaged and advantaged groups, power, privilege and/or oppression.

Properties assigned to the initial category, *Social awareness*, include 'politics', 'social issues that are experienced' and 'social issues that are observed'. In total, 258 references were categorised as social awareness. Recurring words and/or phrases that related to social awareness were 'politics' (n=9), 'protection', 'power', 'privilege', 'poverty', 'democracy', 'gender', 'disadvantaged', 'freedom of expression', 'equality' and 'entitlement'. Equality and inequality were mostly articulated in student teachers' comments regarding power, oppression in society and the difference between advantaged and disadvantaged groups. Some of the statements also blamed the state or other organs of power for persistent social problems in society.

Figure 5-5 demonstrates the properties ascribed to the initial category of *Social awareness*. The first property represents *Politics* and its concomitant social problems that encompass apartheid, political aspects, democracy, power relationships and societal issues. The property *Social issues experienced* is represented by the second block and refers to social issues that participants experienced personally or that were prevalent in their own communities. The third block, *Social issues observed*, refers to student teachers' observation of social issues in communities other than their own. The properties that describe the nature of 'social awareness' as it emerged from the data will be discussed under this, the fourth initial category.

³⁵ Question 69 in the survey included the following words/phrases: Knowledge of human rights; Respecting human dignity; Responsibility; Understanding how human rights affect me; Promoting gender equality; Understanding how a society should live together; Application of human rights in everyday life; Promoting understanding and friendship among different peoples; A democratic vision; Legal understanding; Social justice consciousness; Strengthening of respect for fundamental freedoms; Inspiring action to defend and promote the rights of others; Knowing about mechanisms that protect human rights; Moral disposition towards human rights; and Dialogue about human rights issues.

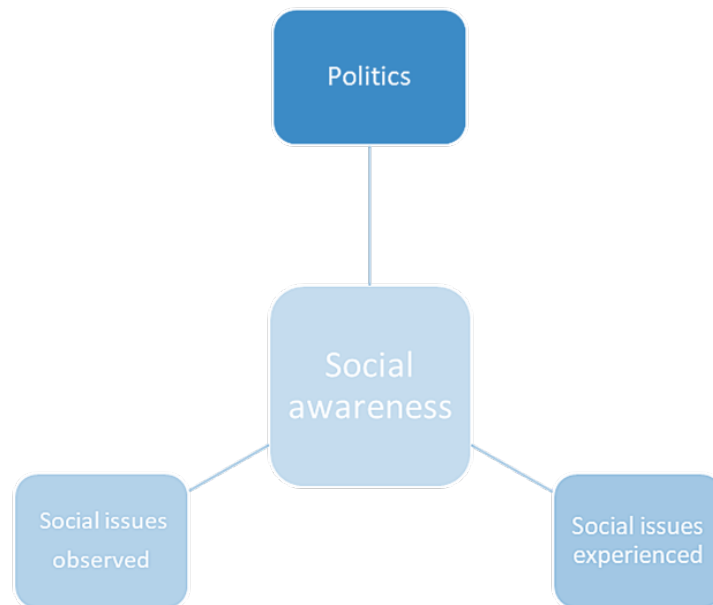


Figure 5-5: Properties emerging from Initial category 4

5.3.4.1 Politics

The property ‘politics’, drew from data regarding human rights and human rights application that related to South African politics in the previous dispensation (apartheid) as well as in the current dispensation (par. 3.2; par. 4.5.3.2). Perceptions in the apartheid dispensation and perceptions of democracy in the current South African political dispensation are both traits of the initial category *Social awareness*. Words such as ‘democracy’ (n=30, SQ12_RSA₂₀₁₃), ‘democratic’ (n=4, SQ12_RSA₂₀₁₃) and ‘politics’ (n=7, SQ12_RSA₂₀₁₃) emerged in the survey with regard to student teacher participants’ association with human rights. An apparent relationship between politics and human rights came to the fore when one of the student teachers commented as follows on Question 12 of the survey:³⁶

“[human rights are]: politics gone wrong...” (SQ12Comment135_RSA₂₀₁₃).

In response to the question where student teachers could choose any ten words from a list of 45 words³⁷ in the survey that they associate with human rights, 119 participants (n=119/526) selected ‘politics’. A possible interpretation for this low response might be that students are either not politically aware or that there were too many options from which they could choose in the survey.

³⁶ Question 12: What comes to mind when you hear the words “human rights”?

³⁷ The words and phrases in Question 13 included the following: against my culture; against my religion; caring; children’s rights; code of conduct; Constitution; controversial; courts; dignity; education; employment; entitlement; equality; expression; fairness; forgiveness; freedom; humanism; law; legal; liberal; morality; not realistic; oppression, police; protection; responsibility; rules; social justice; treating others well; women’s rights

The fact that 'political awareness' ranked 13th out of a list of 17 words and/or phrases student teachers could choose from as a factor in human rights education (n=192), substantiates this assumption. Alternatively, many participants might not associate human rights with politics. This finding may be validated by lecturer participant LI_S1_P2 who was of the opinion that her student teachers were not aware of current political issues. In the lecturer interview, the researcher asked: "Do you have some discussions in your own class about moral responsibility for example and legal responsibility – what the Constitution and the law expects from you?" Her verbatim response to the question was as follows (LI_S1_P2_ 220-224):

"Absolutely. I talk to them about anything and everything. I think it's important. And they come there and they do not have a clue what goes on around them. They live in a pocket vacuum. I keep saying to them "you must watch the news because you are in the world". When we talk about Marikana you know its crazy (laughs). So I try to encourage them "please, please watch the news". Children are aware what's going on more than you know. They will inform you at school".

Participants' perceptions of human rights application in the current dispensation encompass a democracy guided by the South African Constitution and founded on human rights. Student teachers' perceptions of democracy and human rights also emerged from the data. In some of the comments, the word 'democracy' was the primary concept associated with human rights. Examples (quoted verbatim) where 'democracy' or 'democratic' was used in student teachers' conceptualisation of human rights include the following:

"[What comes to mind when I hear the words human rights] are responsibilities, democracy and how people miss use their rights at times" (SQ12 Comment103_RSA₂₀₁₃).

"[Human rights] are that all human beings have a right in South-Africa in the whole wide world. We are living in a democratic live. where all cultures became as one" (SQ12Comment157_RSA₂₀₁₃).

"What people entitled to when living in a democratic country" (SQ12 Comment241_RSA₂₀₁₃).

Although the concept emerged in the survey, not all student teacher participants referred to 'democracy' in the focus group discussions. In contrast, one of the lecturer participants (LI_S7_P1), whose module is about human rights and democracy, stated the following (LI_S7_P1_ 90-93):

"My observation [is] that students come from socially difficult backgrounds due to structural inequalities that still exist because of our history... [They] engage with human rights and human rights issues and are much more willing to voice their opinions".

The data in our study revealed student teachers' perspectives on human rights application in society during the previous dispensation (apartheid). The words 'oppression' and 'privilege' that are associated with the apartheid era were used to describe previously disadvantaged groups,

for example “Black, Coloured and Indian people were ‘oppressed’ because of their race”. In contrast, white people were and still are considered as ‘privileged’ because of their race. Some participants identified race as the root of the problem of apartheid in their response to the survey question: “What comes to mind when you hear the words human rights?” (SQ12_RSA₂₀₁₃). Some verbatim responses were as follows:

“That right differ from race to race...” (SQ12Comment177_RSA₂₀₁₃).

[“human rights] is meant for everyone not just a particular culture or colour...” (SQ12Comment449_RSA₂₀₁₃).

The first comment above criticised rights and suggested that human rights application differs according to race. The second comment emphasised the fact that human rights are for all people, irrespective of culture or colour. In the survey, additional comments obtained in response to Question 47 referred to people who experienced oppression in their societies, which led them to question human rights. The original question (SQ47) asked: “To what extent does human rights relate to morality?” One of the verbatim responses to this open-ended question reads as follows:

“If a particular society does not want to change their way of thinking then I don’t think that the rights that were imposed or where said to be followed by the government will be followed, since we we coming from oppression and most of the people who are still leaving had the opportunity to be in that era, they fill as though human right are somewhat preventing them to do what they want in the society” (SQ47Comment52_RSA₂₀₁₃).

This participant explained that those people who lived during the apartheid era and the time of oppression felt that human rights prevented them from doing what they want in society. One possible explanation for this explanation is the perception that the concomitant responsibilities may, for some, constrain their actions. Alternatively, the participant could have juxtaposed oppression against freedom, which she felt is not realised through human rights.

Some of the student teacher participants in the focus groups at Site 5 believed that all people need human rights to prevent exploitation and oppression. When the researcher asked about the need for rights, one of the participants responded: “There are some people who think they are superior to others and they oppress people” (FGD_s5y4M1_232-233_RSA₂₀₁₃). In addition, the participants voiced that even though human rights exist, people are still oppressed:

“Even now that we have human rights, some people still oppress people” (FGD_s5y4M1_234_RSA₂₀₁₃).

“I think you always have the right, the only time you have to express that you have a right is when you feel now you are being oppressed” (FGD_s5y4M1_199-200_RSA₂₀₁₃).

The latter quote differs from the previous statement that indicates that even though there are human rights, some people are still oppressed. In the last quote, the student said that one should express one's rights if you are being oppressed. In literature, critical approaches to human rights education emphasise oppression in order to promote transformative action in education (par. 3.4.5).

The concept of power in relation to human rights was questioned in the statement: "Who has human rights and who determines the fairness of human rights?" (SQ12Comment54_RSA2013). One of the student teacher participants referred to fairness for people who are not in a position of power, and according to another, human rights are only fair to those 'on top':

"Daar is altyd iemand wat bo jou is en jou dit [menseregte] ontnem..."
(SQ12Comment136_RSA2013)³⁸

"Human rights only works in most cases for those who have power, the capitalist. They are the ones who are given their human rights fully. People who are disadvantaged normally do not practice their human rights or I can say they are still suppressed by those on top" (SQ47Comment60_RSA2013).

The state's legal responsibilities towards the realisation of human rights were discussed in par. 4.5.1. In contrast, critique (verbatim) against human rights application and the state surfaced in Category 3 (n=30/526, SQ12_RSA2013):

"It's supposed to be that all people have rights no matter what age, culture, sex, color and so forth, but unfortunately I feel that the government does not let the country have human rights in such a way that everybody gets a fair chance. It feels like apartheid from the start" (SQ12_Comment34_RSA2013).

From the responses of student teacher participants regarding abuses on the side of government, it is evident that they regard such abuses as contravening the Constitution, which prescribes that the state must respect, protect, promote and fulfil the rights contained in the Bill of Rights (Section 7(2) of the Constitution) (SA, 1996a). Protection of human rights was a theme in both the survey and in the focus group discussions. Some of the student teachers indicated that human rights protected people, while others stated that although they should protect people, human rights are still being violated:

"some people use [human rights] for the wrong reasons to their advantage..."
(SQ12Comment214_RSA2013).

"[human rights] forms some sort of protection. but i feel our human rights are not taken seriously and always violated..." (SQ12Comment520_RSA2013).

³⁸ Translation: "There is always someone above you who deprives you of your human rights."

The responses of participants from all sites also corroborated the fact that human rights and human rights application co-exist. In addition, protection of human rights is reflected in responses to the survey, given that the majority of student teachers (n= 66%) indicated that human rights legally protect citizens against abuse by the state (SQ37_RSA₂₀₁₃). The reference to how people should be dealt with when they treat others badly, does indeed refer to the constitutional principle of enforcing human rights as contained in Section 38 of the Constitution (SA, 1996a). Participants at Site 5 also remarked that human rights protect one from the police (FGD_s5y4M1_261_RSA₂₀₁₃) and women from the men who abuse them (FGD_s5y4M1_272_RSA₂₀₁₃).

Student teacher participants also had strong opinions about human rights violations by people in positions of power did not only appear in the survey, but also in the scenario discussions (FGD_s1y4M2_502-504_RSA₂₀₁₃). The question was asked whether a learner could report educator misconduct in his/her school in the national newspaper based on his/her right to freedom of expression. In this scenario, the learner was expelled – a consequence that solicited responses from student teacher participants such as the following (FGD_s1y4M2_502-504_RSA₂₀₁₃):

“So now if I know something about someone in higher places and what not I must keep quiet because I am violating dignity. Now what happens to my freedom of speech because I have a right to be heard?”

The other side of the coin of oppression is (white) privilege (par. 3.4.5), which emerged in the lecturer interviews. Participant LI_{S7P1}, whose module is about human rights and democracy, had an incident in his class where he held a class discussion on human rights. He gave students an opportunity to voice their opinions and reported in the interview about the class discussion:

“The fact is that White people in general have access to world wealth and it's because of structural inequalities that are built into our system. And we're talking about that but then he said White people this, and White people that and I just lost it and said Oh so you are also talking about me?”

The student's perceived hostile remarks on white people (as quoted above) led the lecturer to reprimand the student (CO_{S7P1}). In response to a follow-up question in the interview later on, Participant LI_{S7P1} again referred to the incident and emphasised white privilege:

“We need to stop to recognise privilege and we can't get away from it. We need to recognise that there is such a thing as white privilege and all that entails. We need to expose it. For me: how one can do it is to break through all forms of stereotyping, all forms of essentialising the other person as this or that between groupings, between ethnicity. You need to break it down and your relations to the other should be based on a caring Ubuntu 'cause it's based on the same principles. It's not always practised as preached”.

It is noteworthy that this participant not only recognised the implications of white privilege but also proposed a caring *Ubuntu* approach to eradicate the stereotyping of people. The participant's

views were also used in Category 1 to discuss the legal understanding of student teachers. Not only was the participant socially aware, but he used a legal framework when he described human rights, responsibilities and the Constitution (par. 4.3.1.1).

The data shows that people who are socially aware seemingly did not only recognise social ills or human rights violations but, in most cases, applied their right to freedom of expression (par. 4.5.3) to share their strongly opinionated views.

5.3.4.2 Social issues experienced

Firstly, the property *Social issues experienced* encompasses data on how participants experienced social issues and, in some cases, applied their rights within their social contexts (par. 3.3.1; par 3.4.5). The data revealed more positive conceptualisations of human rights in terms of participants' social awareness:

“South Africa's history in politics and then my privileges, benefits and love for my country as a citizen” (SQ12Comment460_RSA₂₀₁₃).

In the above quote, the student teacher firstly connected human rights with politics and power; secondly, expressed perceptions of politics (SQ12Comment90_RSA₂₀₁₃), and thirdly, noted the role that politics, among other things, had played in South Africa's history (SQ12Comment460_RSA₂₀₁₃). It is noticeable that some student teachers experienced human rights from a political point of view and also experienced their benefits and privileges, while others did not.

At the same time, participants were aware of the legacy of the Constitution that advocates that all South Africans should be treated equally. One participant singled out black people and how the Constitution enables them to apply their rights (SQ12Comment272_RSA₂₀₁₃):

“the thing that comes to mind is that we as the youth of today or as the people of today lucky because the constitution today has lot of rights that allows us especially black people who were oppressed during apartheid”.

This participant showed awareness of his/her constitutional rights and simultaneously recognised the existence of social problems, the difficulties faced by a single group – in this case black people – during apartheid, as well as the changes brought about after 1996.

Some participants related examples of social issues that they had experienced personally. To follow, some of the participants' experiences relating to student protests at their respective universities are retold (quoted verbatim in their own words wherever possible).

In the first incident, student leaders organised a protest action on behalf of students to provide electricity for those in residences both on- and off-campus (FGD_s5y4M1_66-112_RSA₂₀₁₃). The student leaders followed the correct procedures with regard to organising a 'strike', and the matter was resolved. The university provided electricity, but only some of the student leaders were subjected to disciplinary hearings and faced suspension. In response to the question as to whether one had the right to express one's unhappiness/dissatisfaction despite having taken an oath to agree with management, a participant clarified the relationship between the institution and the students as follows (FGD_s5y4M1_95-97_RSA₂₀₁₃):

"They don't want us to go against them, management, they don't want us to go against them and the thing is we represent students and what students want".

The second incident with regard to human rights and human rights application in higher education institutions relates to one of the participants, a student leader, who dealt with a case where 150 students in one of the hostels suffered from food poisoning. The student leader described how she wrote an email to campus management at 4 am in the morning. Every person in top management was included in the mailing list (FGD_s5y4M1_208-210_RSA₂₀₁₃). The SRC secretary-general reacted in a return letter, saying that the student leader's letter was offensive. Her response was as follows (FGD_s5y4M1_211-214_RSA₂₀₁₃):

"I was like actually he had a right to express how I feel. I have a right to complain about the service that I get, we paid for this food that we are eating, we have to get the quality of food that we paid for".

The outcome of this incident was that the director of student affairs brought the matter to the attention of those in authority and informed the student teacher in question that the problem would be solved, a response she reacted to as follows: "At the end of the day we ate fresh food and they didn't even thank me" (FGD_s5y4M1_217-218_RSA₂₀₁₃). Clearly, as revealed by the data, some strong opinions with regard to social issues were elicited from student teachers (Table 4-2) simply because they are aware of the social problems experienced in the context of their immediate communities.

A possible explanation for student teachers' awareness of social issues may be that some student teachers were simply perceptive about and/or empathetic towards other's problems. Another alternative is that their lecturers had actually integrated student teachers' experiences in their teaching-learning of human rights. In the module s5M03, Lecturer LI5P3 made the student teachers aware of their own and others' outlook on life and observed that student teachers might be experiencing a conflict between those approaches. In presenting her module, this lecturer challenged teacher students with the following questions: "Which pain and suffering have you experienced?" "When did you feel that people have treated you unfairly?" "When did you feel that

people have really inspired you? “And how does it connect with your outlook on life?” She explained her approach as follows:

“Ek probeer vir hulle wys dat baie mense in hul werklikheidsvisies hul sosiale probleme en goeters in Suid-Afrika probeer wegskuif, omdat dit moeilik is om daarmee te deal. Sodra jy dit doen, twist jy jou werklikheidsvisie in ’n skewe rigting, want dit kan nie maklik vloei tussen jou oortuigings en die werklikheid nie. En wat ek hulle probeer laat verstaan, en ek kom nou by menseregte uit, is dat jou werklikheidsvisie en jou oortuigings glad nie geïsoleer is van wat aangaan nie. Jou konteks beïnvloed dit die hele, hele tyd. Dis besonder belangrik dat jy bewus is, met soveel as moontlik voelertjies, nie net jou verstand nie. Wat gaan om jou aan? Watse probleme is daar? Watse issues is daar? Watse uitdagings is daar? Hoe laat dit jou voel? As jy dit kan doen en jy is oop vir ander mense se ervarings en jy kan dit na jou oortuigings terughertel en weer na die werklikheidsvisie, dan kan jy actually ’n verskil maak”³⁹.

In this instance, the lecturer used not only student teachers’ experiences as an instrument to teach them about the way people view the world and about their standing on human rights, but also their personal experiences to probe and explore social issues and experiences that render them socially more aware.

From the data, it became apparent that lecturer participants’ own social contexts could possibly have contributed towards student teachers’ social awareness. When asked why the concept ‘transformation’ had not been included as a topic relevant to apartheid in the study material, Participant LI₅P₂ emphasised explicitly that she refrained from referring to politics and/or apartheid in her module (LI₅P₂_217-221):

“Ek persoonlik is baie bang om woorde soos apartheid te gebruik en daai tipe ding. Ek sal liever sê ’n demokratiese staat, of ek sal liever ander konsepte rondom dit gebruik. Ek probeer ook nie om vir hulle te vertel hoe was dit in apartheid nie, of hoe was die transformasieproses nie. Dit is dalk ook omdat ek ook blank is en dit ’n sensitiewe saak is en uhm, my fokus is eerder op die skool.”⁴⁰.

³⁹ Translation: “I try to show them that many people, based on their view of the world, try to distance themselves from social problems and issues in South Africa because those are so difficult to deal with. As soon as you do that, you skew your view of the world because your beliefs can no longer be translated into reality. And what I want them to understand (and I will go now come to human rights), is that the way you see the world and the beliefs you uphold are not isolated from what is going on. Your context influences it the whole time. It is important for you to be aware, and to put out as many feelers as possible, not just use your brain. What is happening around you? What are the problems? What are the issues? What are the challenges? How does it make you feel? If you can do that and if you are open to other people’s experiences and you can relate this to your own beliefs and the way you view the world, then you can actually make a difference.”

⁴⁰ Translation: “Personally, I am afraid to use words such as apartheid and that sort of thing. I would rather say democratic state, or use applicable concepts in relation to it. I do not try to tell them how apartheid was or how the transformation process went. It is also because I am white and it is a sensitive issue and, uhm, my focus is rather on the school.”

Although apartheid is mentioned in one of the outcomes of the module, this lecturer seemed to avoid the theme and focus on equality in the school context instead. She stated that she did not want to focus on the historical context of apartheid and its resultant social issues:

*Ek voel dis ook nie my plig en rigting nie. En ek het waarskynlik nie genoeg kennis om te gaan praat oor apartheid en transformasie en daardie tipe van ding nie.... So ek dink dan speel mens veilig ook en dan voel ek ook veilig as 'n lektor, want ek wil nie meer ingaan op die historiese konteks nie*⁴¹.

A possible reason for her unwillingness may be fear of her students' perceptions of white people.

Next follows a discussion on the property *Social issue's observed*.

5.3.4.3 Social issues observed

What was noticeable in the focus group discussions was that not many personal experiences of student teachers were shared with the group, but rather other people's encounters or observations of the human rights violations of a group in society. Examples of human rights violations that were discussed included inequality with regard to living conditions that led to protest actions (par. 4.5.3.2).

Some student teachers conceptualised human rights as a protective mechanism: "They protect humans from violence, rape and other forms of rights violation" (SQ12_RSA_300). Not all the comments from student teachers regarding human rights were positive conceptualisations of human rights. Some of the social issues referred to in their comments encompassed corporal punishment, teenage pregnancies and physical safety. From the data, it was found that student teacher participants were socially aware of aspects that were related to their immediate environment. After the discussion of Scenario 3, a participant referred to teenage pregnancy in schools:

"We are in a society where we have a lot of baby daddies and not fathers."

Some of the student teacher participants and lecturer participants were candid when expressing themselves about social problems in society: "You can get shot, or gangs that can try and do something stupid to you" (FGD_S1Y4M1_RSA2013).

⁴¹ Translation: "I also feel that it is not my duty and my field. And I probably do not have enough knowledge to talk about apartheid and transformation... So then I think that one should play safe and I as a lecturer feel safe, because I do not want to go into the historical context."

One of the lecturers also motivated student teachers' actions by referring to unequal living conditions (LI₅7_P1_74-77):

"My observation is that students come from socially difficult backgrounds due to structural inequalities that still exist because of our history or engage with human rights and human rights issues and are much more willing to voice their opinions".

The contrary regarding the effect of the difference between student teachers' backgrounds was also voiced by lecturer participant LI₅7_P1, who observed that in comparison to his English class, students in his Afrikaans class were more reserved:

"PARTICIPANT: Don't get me wrong. It's not everyone. Let's say the English group which you saw today. It's not everyone, some are very quiet people.

INTERVIEWER: Do they internalise it [human rights] maybe?

PARTICIPANT: I think so but I also think that it's just their personality. When I am in class I do not usually partake in the lecture, so I think it has to do with personality as well. But my feeling is that with the Afrikaans class, there's a lot more reservations in dealing with issues around human rights and democracy".

In this lecturer's opinion, this particular group felt threatened about their own identity (LI₅7_P1_108-114):

"In one class though and it was once again the Afrikaans group. They felt, I think they felt threatened about their own identity in a post-1996 SA, which I think is wrong in my personal opinion. They should not be threatened. That's why we harked human rights in the Constitution, because your right is protected by the Constitution. So I don't think they should, but I think partly it also comes from the difficulty in having to interrogate your own privilege. And I don't think you don't want to interrogate your own privilege and say but why did I grow up or why did I have opportunities and how do the wider society still enable me".

Lecturer LI₅5_P2 also referred to white privilege when she remarked that students from more affluent communities find it irritating to learn about human rights (LI₅5_P2_125-128):

"Maar die studente wat ek voel dit half maklik in die lewe het, glad nie geldelike probleme het of glad nie armoede het, of enige sosiale verval, dit voel as daai studente dit vir granted neem, en dit irriteer hulle ongelooflik om te leer van menseregte. Ek dink nie daai studente besef hoe belangrik dit is nie".⁴²

In support of this lecturer's remark, it should be noted that study material used at the selected site also included forms of human rights violations. Some of the students' reservations about human

⁴² Translation: "But the students that I feel have it easy in life with no financial problems or poverty, or experience of social decline, it feels as if they take it for granted, and it irritates them immensely to learn about human rights. I don't think they realize how important it is."

rights and democracy might thus be due to an awareness of politics and social issues such as whiteness and blackness (LI₅7_P1_ 108-114). Participant LI₅7_P1 observed that only some of the student teachers would not voice their opinions freely. According to him, the Afrikaans class was more reserved because they felt threatened.

The remark about unequal living conditions was repeated by Participant LI₅5_P2, who reckoned that students from poor communities were aware of their human rights and wanted to improve their communities:

“Ek dink juis dat hulle is arm gemeenskappe, is hulle juis bewus van hulle regte en dat hulle meer hul gemeenskap wil ophelp” (LI₅5_P2_124-125)⁴³.

The student teachers' strong opinions on others' experiences about human rights issues on the respective campuses also included incidents where students participated in protest action in reaction to their own lived experiences (par. 3.3.1, par. 3.4.5). Paragraph 4.3.3 explored reasoning as an initial category and referred to the student teachers' reasoning about the SRC member of Site 1 who actually burned a car to create awareness of students in residences without financial aid (par. 5.3.3.2). This incident also illustrates how the observed social problem of poverty led students to voice their opinions and perspectives on the matter.

Paragraph 5.3.4.3 already illustrated that lecturers employed strategies to make student teachers aware of social problems. Data analysis of study material demonstrates that the module content also focused on student teachers' experiences in the teaching-learning of human rights. Lecturer participant LI₅5_P3 indicated that the module she presented (s₅M₀3) equipped student teachers with skills to deal with problems and experiences in their own life world. The skills enabled them to approach things while simultaneously integrating their beliefs so that they can also play a role⁴⁴ (LI₅5_P3_21-23). She also gave her interpretation of the function of the module that she presented in relation to lived experiences (LI₅5_P3-112-115):

“I would like students to develop, to bring their whole self in this, which include their emotions, their experiences, other people's experiences to really be able to struggle with these issues in a responsible way”.

The strong opinions of student teachers on current human rights applications, based on their own experiences, emerged later as a property of the category *Human rights actions* (par. 5.2.5.1).

⁴³ Translation: “I think it is actually the students from poor communities who are aware of their human rights and want to improve their communities.”

⁴⁴ Original: “om op 'n krities, rasonale wyse om te gaan terwyl mens terselfdertyd hul oortuigings ook inbring sodat dit ook 'n rol kan speel.”

5.3.4.4 Synopsis

The first property of social awareness, *Politics*, described the political context in which the participants lived. The property 'politics', drew from data regarding perceptions of human rights and human rights application in the apartheid dispensation and perceptions of democracy in the current South African political dispensation. Initially, the findings in the question where student teachers could choose any ten words from a list of 45 words⁴⁵ in the survey seemed low. One hundred and nineteen participants (n=119/526) selected 'politics' as one of the concepts that they associated with human rights. A possible interpretation for this low response might be that students are either not politically aware. Yet, some of the participants' comments include an awareness of democracy by mentioning the South African Constitution and human rights within the context of democracy(SQ12).

The property *Politics* as seen from the context of the older dispensation (apartheid) in South Africa is depicted through words such as 'oppression' and 'privilege' that describe previously disadvantaged groups that were 'oppressed' because of their race. Some participants criticized right suggested that human rights application differs according to race. Other participants believe that all people need human rights to prevent exploitation and oppression. The concept of power in relation to human rights as well as the state's legal responsibilities towards the realisation of human rights also emerge from the data. Student teacher participants also had strong opinions about human rights violations by people in positions of power but in the scenario discussions (FGD_s1y4m2_502-504). The data demonstrate that people who are socially aware would recognise social ills or human rights violations and might apply their right to freedom to express and share their strongly opinionated views.

Another property, *Social issues*, derives firstly from positive conceptualisations of social awareness and reference to the role of the Constitution. The property illustratee how participants reacted towards *social issues experienced*, both in the communities they came from and at their higher education institution(s). Data emerged from student teacher participants indicating that they would participate in protests when they perceive that their human rights had been violated. Both incidents that were documented mentions contrasting procedures that the students followed before and during the protests. A possible explanation for student teachers' awareness of social issues may be that some student teachers were simply perceptive about and/or empathetic

⁴⁵ The words and phrases in Question 13 included the following: against my culture; against my religion; caring; children's rights; code of conduct; Constitution; controversial; courts; dignity; education; employment; entitlement; equality; expression; fairness; forgiveness; freedom; humanism; law; legal; liberal; morality; not realistic; oppression, police; protection; responsibility; rules; social justice; treating others well; women's rights

towards other's problems. Alternatively one could argue that some of the participants lecturers integrated student teachers' experiences in their teaching-learning of human rights (S5Mo3).

The last property, *Social issues observed*, indicated that student teachers' conceptualisation of human rights depended on what they had observed in other communities. Despite student teachers' awareness of social problems, other factors such as the modules on human rights and the lecturer played a part in their dealing with social problems from a rights-based approach.

5.3.5 Initial category 5: Human rights action

Human rights action is defined as how people activate (or do not activate) human rights in practice (Merriam-Webster, 2016). In the developing phase, the concept 'Human rights application' emerged but later evolved into a category and was eventually named Human rights action (Table 3-2) (par. 1.1; par. 3.3.1; par. 4.3). The following preliminary description was used in the analysis to describe the category Human rights action: the nature of the application or non-application of teacher students' and lecturers' knowledge of human rights and values through their references to further actions concerning human rights in a case study, or their reflection on and/or evaluation of people's actions in scenarios or real-life examples.

A large number of examples (76) of how participants put their human rights into practice emerged from the data. Properties relating to the category included the following: 'action or inaction'; 'human rights practices'; 'application'; 'advocating human rights'; 'teaching-learning human rights'; and 'human rights promotion'.

Figure 5-6 illustrates the properties of the initial category Human rights action. The first property, Action and inaction, represents student teachers' own conduct (deeds) or their responses about what they would do in certain situations. Inaction, which refers to the failure to act (for example not claiming a right or ignoring the violation of rights), is also included in the property. The second property, Application represents student teachers' capability to put human rights into practical use. The manner how a person applies human rights are influenced by factors such as race, gender, sexuality and culture. These factors amongst others are stated in the Constitution (par. 4.5.3.2) which could lead to unfair discrimination if they are not acknowledged in certain situations. The third property represents student teachers' advocating for the human rights of others by defending or maintaining a cause and/or supporting or promoting the interests of a group. The fourth property represents the teaching-learning of rights through study material content and methods used in human rights education. The final property represents human rights promotion, which focuses on the educator's role to promote human rights in education.



Figure 5-6: Properties emerging from Initial category 5

A discussion of all the properties that illustrate human rights action as the last initial category follows next.

5.3.5.1 Action and inaction

‘Action and inaction’ is the first property to shed light on the nature of action. The word ‘action’ could refer to the way one executes an action in a situation (Meriam-Webster, 2016) (par. 3.4.2). It can also describe a method used in a certain context. In addition, a person’s ‘action’ denotes his/her conduct or the manner or method of performing, while ‘inaction’ refers to failure to do something that should have been done (par 1.2). In this study, incidences of action and/or inaction included participants’ own action/inaction, as well as a discussion of acceptable or unacceptable action/inaction in certain scenarios. Concerning action, participants seemed to be concerned with equal action as illustrated in the following verbatim quote from a participant in the survey:

“[human rights] are equal treatment irrespective of our diversified race groups, gender, sexual orientation, cultures, political beliefs, religious affiliations, and so forth.” (SQ12Comment465_RSA₂₀₁₃).

For the participant above, action meant that actions towards all people should be the same and should not be influenced by people’s race group, gender or religion for example. The participant’s reference to equal treatment correlates with equality as stated in Section 9(3) of the Constitution (SA, 1996a). The description also refers to formal equality which requires that all persons in the

same situation should be treated the same, despite any differences such as race, gender and religion (Smith, 2014:611). In the school context, for example, every learner should be treated the same, irrespective of race, gender or religion. Noticeably, in the scenario discussions, participants questioned the acceptability of the school's conduct and argued that gender or religion be accommodated, rather than that the school would use expulsion as a disciplinary measure for any kind of misconduct.

The following quote from a focus group discussion (Scenario 1, Addendum B1) describes a hypothetical school whose practices are unacceptable in terms of the participant's religious convictions:

"Say for example I am going to this Muslim school, which I am not, and they tell me there is this practice and the school does that and that and I know that my religion does not allow whatever they are doing I will change that school. I will not go to that school because it clashes. If you value something and it clashes, you try to adjust – to change your circumstances or you have to settle and deal with it" (FGD_S1Y4M2_348-353_RSA2013).

Although the hypothetical school's practices can be said to be exclusionary, this participant suggested adaptive action to be taken by the excluded party. The participant described the action options from which a person could choose in reaction to unacceptable treatment. In this reference, it is indicated that a person should act in reaction to unacceptable behaviour.

Examples of action and inaction regarding homosexuality also emerged from the scenario discussions (Scenario 2, Addendum B1). In his/her discussion of Scenario 2, one of the participants included the analogy of a gay child asking permission to go to the bathroom. Another participant responded, "I will kill him" (FGD_S1Y4M2_452_RSA2013). In the same discussion, one participant jokingly made stereotyping gestures (FGD_S1Y4M2_451_RSA2013) while the rest of the participants laughed. In contrast to the already mentioned action displayed in the particular focus group, another student teacher responded (FGD_S1Y4M2_440-443_RSA2013):

"Being anti-gay that doesn't mean I will fight you. I just don't like what you do but after all you are human. I will not entertain you gay things and stuff but I will treat you as a human being".

This participant stated very clearly that she/he would, despite his/her dislike of homosexuality, act with respect because the gay person is a human being. For some people, this is the essence of human rights (par. 3.2; par. 3.3.1 and par. 3.3.2).

Student teacher participants at Site 5 also voiced their beliefs about homosexuality but added that one should not say hurtful things to gay people, because one cannot limit other people's rights (FGD_S5Y4M1_44-46_RSA2013):

"It is possible say I don't like gay people, um, they have their right to their sexuality the way they want to be, right, and then if I say something that is hurtful or maybe self-degrading to them it is not good because we have a limitation in rights. You should not limit other people's rights".

This student teacher integrated her own opinion of homosexual people and added that one could not say degrading things to others because people could be limited in their actions. The participant referred primarily to the limitations of rights (par. 4.5.4), which corresponds with the study material of module s5Mo1 and with the legal approach regarding the limitation of human rights as stated in Section 36 of the Constitution (SA, 1996).

As previously stated, data on 'inaction' or the 'failure to do something that one should do' (Merriam-Webster, 2016), which may lead to the violation of learners' human rights, emerged in the focus groups. In the second scenario discussion of the participants at Site 5 (Addendum B1), some of the student teacher participants remarked that they would not include content about homosexuality when teaching the curriculum, because of their religion. Next follows a verbatim transcription of their discussion:

"PARTICIPANT 1: I think as a teacher also I have a right to religion, if my religion is against gays and lesbians I have to think with my religion. Then if I have to teach these children about gays and lesbians maybe for instance, they maybe could have another teacher to teach them, because me, I can't teach them because of my religion.

PARTICIPANT 2: You choose to be a teacher you are supposed to be a teacher so you must teach what the curriculum say.

PARTICIPANT 3: There are something's as a teacher you need to put over, give over, even if you know you are not comfortable. For example, I am doing biology and you know biology tells like that the earth begins with this and this and this. Whereas the Bible says this and this and this. So I need to make sure if I am going to teach people about sexuality, even though I am against it, at least try to find comfort so at least I won't go across or beyond this point, but at least I have discussed the general point about sexuality.

PARTICIPANT 4: But don't you think if I'm teaching about lesbians I won't say, I will be against it.

PARTICIPANT 5: But remember now when you are teaching it's not about you, it's about those people you are teaching. So if you are standing there thinking about yourself then you are selfish and not teaching them".

The above excerpt illustrates how the student teachers' perceptions of their own human rights would influence their action/inaction in situations that required from them to respect the rights of others (par. 3.3.1; par. 3.4.5 and par. 3.4.6). The responses to the student teacher who was not prepared to teach sexuality due to his/her religion, ranged from human rights action, because a teacher should teach the curriculum (Participant 2 and 3), to student teachers' perceptions of their

own identity. The differences in responses may imply that student teachers should be able to balance the notion of acting on personal convictions (Participant 1) and the notion that a teacher is required to teach others about human rights issues that may differ from his/her own personal beliefs (Participants 4 and 5).

Again in the discussion of Scenario 2 regarding sexuality (footnote 15, Chapter 2), a participant remarked that she/he wanted to avoid the situation of talking about sexual orientation. This participant, however, had a different reason than the previous participants:

“PARTICIPANT: I want to go straight to how I would defend myself. First of all, if I am not in support of gay, like I am ...

Laughter in the group.

PARTICIPANT: First I would avoid the situation of talking about sexual orientation because if I am to talk about heterosexual orientation that means that I will have to touch on other sexes. If I talk about the black cultures that means that I will also have to talk about the white culture. If I refrain from speaking about sexuality that means that I will have to find an alternative which means I will have to find a teacher who will come in and teach that particular concept or subject and I will come in and teach something else in his class just to avoid conflict”.

The above quote possibly demonstrates a form of inaction, but the reason for inaction included race as well as different cultures. The reason for the participant's inaction (as referred to above) was to avoid conflict, which can be interpreted as fear of conflict. Alternatively, the inaction could also be seen as a strategy to address human rights in the classroom.

Alternatively, student teachers' inaction could be based on the notion that student teachers would rather claim their own rights than do what is expected of them (par. 4.6.2). In the discussion of Scenario 3 (Addendum C1), two participants reasoned over circumstances when one could not fulfil one's responsibility of having to go to school. The verbatim transcription of their argument follows below:

“PARTICIPANT 1: Yes, everyone has the right for education but what are your responsibilities? So if you have the right to be educated you decide that in this point in time I cannot fulfil the responsibility of going to school so somewhere somehow you limit your right and...

PARTICIPANT 2: But then with this boy you gave notification, you know what this is my right...

PARTICIPANT 3: Yes

PARTICIPANT 4: It was denied.

PARTICIPANT 5: My responsibility is to be in class.

PARTICIPANT 6: But then for this reason can I please be excused. That's what I am saying you haven't much details for this case. Maybe saying for a week may I please be excused for a week to be away and then come back. For an example in my neighbourhood there is this circumcision thing. It goes on for a month. All the boys, does not matter in what grade you are, as long as you say you are going for circumcision school you are excused for a month and a week. So for this boy I think he took a month and a week, maybe two weeks which if you give me evidence of I am going somewhere and can I please be excused then..."

In the discussion above, references were made to the responsibility of having to be in class, which reflects the right to education (Section 29), and the responsibility of observing one's right to cultural activities, which was mentioned in Section 31 of the Constitution (par. 4.5). Participant 6 offered a reason for not being in class by using circumcision as an example of his own culture (Scenario 1), and was supported by Participant 2 who indicated that the boy in the scenario should be excused because he provided a reason for his absence. Note that both Participants 2 and 6 remarked that providing reasons or showing evidence for one's action implies that responsibility can actually be negotiated. The implication for human rights education is that human rights and/or responsibilities may clash in certain situations and should then be weighed against factors such as education and culture (par. 4.5.4). In other circumstances, human rights actions in the school may be negotiated, provided that proper reasons are given.

Although lecturer participants gave fewer examples of action and inaction than did the student teachers, the examples were either examples of action regarding gender issues or suggestions on how to act in specific situations. In the quote below, Participant LI_S5_P3 did not pertinently refer to human rights application, but to problem solving in the reality within which they function. She referred to the incorporation of own beliefs in dealing with problems, which is perceived as a right in the Constitution (par. 4.5.3):

"Studente moet uiteindelik die vaardighede hê om probleme en uitdagings aan te spreek in die groter werklikheid waarin hulle funksioneer om hulle in staat te stel om op 'n krities, rasionele wyse om te gaan terwyl mens terselfdertyd hul oortuigings ook inbring sodat dit ook 'n rol speel" (LI_S5_P3_19-23).⁴⁶

This statement is an example of how one of the lecturer participants described the way in which student teachers should put their rights into action on completion of their teacher preparation course. It is noteworthy that skills as well as knowledge of human rights were mentioned in relation to human rights action. This notion also emerged in the category *Reasoning* (par. 5.3.2.1).

⁴⁶ Translation: "Students should eventually have the skills to address problems and challenges in the bigger reality in which they function, so that they can act in a critical, rational manner while simultaneously bringing in their own beliefs to also play a role."

The next property to be discussed emerged under the category *Human rights action*, namely 'human rights applications'.

5.3.5.2 Human rights applications

'Human rights applications', the second property of the category Human rights action, is defined as an act of putting something to use or the capacity for practical use in various contexts (par. 3.4.1). Actions of human rights applications include individual or collective actions, reactions and interactions of humans when they use, reformulate, verify, claim, defend, amend, recognise, critique, reject, resist, deconstruct, engage with, fight for or apply (their own) human rights (De Wet & Simmonds, 2017). The various contexts include human rights application in situations where a person's culture, gender and/or sexuality might play a role (the notion of 'other'). Words that are related to human rights application included 'culture' (n=107) and 'gender' (n=63) and were used to illustrate 'Application' as a trait of the category Human rights action.

In the question where participants had to choose 10 words from a list of 45, 'culture' (n=16) was present in the phrase 'against my culture'. The word 'gender' was not specifically referred to in Question 13, but 260 student teacher participants (n=260/512) selected the term 'women's rights'.

Some participants related the words to human rights in their answers to the question: 'What comes to mind when you hear the words 'human rights?'' Student teacher participants referred to culture (n=10/526) or to gender (n=9/526) as one of the aspects they think about when they hear the words human rights (SQ12_RSA₂₀₁₃). In some of the responses to the question, the words were used as part of a list (SQ12Comment458_RSA₂₀₁₃):

"Equal opportunities and non-discrimination of others based on their race, gender, class, culture, religion, level of education, contextual background, sexual orientation and HIV status".

For Participant 458, human rights consist of equal opportunities for and non-discrimination towards others and are influenced by aspects such as culture and gender, along with context, background, class and level of education (par. 3.4.3 and par. 3.4.5). It is as if Participant 458 described the grounds for discrimination as stated in Section 9 of the Constitution, but within his/her own context (par. 4.5.3.2). Few quotes that specifically referred to culture emerged from the survey. One of these quotes mentioned that people have the right to act according to their beliefs and culture. Student teachers in the purposive sample, though, specifically referred to culture, as is clear from the remark by the following participant:

“Elke persoon het die reg om op te tree volgens hoe hy glo en volgens sy kultuur. Daar is nie 'n reg of verkeerd nie. Almal is gelyk.” (SQ12Comment428_RSA₂₀₁₃).⁴⁷

For this participant, religion and culture are important rights. Everything is relative because there is no right and wrong, and everyone is equal. This statement may imply that this participant would apply his/her rights based on his/her religious and cultural beliefs. A possible implication of this kind of reasoning would be that student teachers might find it difficult to communicate with learners from a different culture or religion than their own. In addition, student teachers may be required to be knowledgeable about the culture of their learners in order to prevent any action that may be interpreted as a human rights violation. During the discussion of Scenario 2 (Addendum B1), a student teacher made specific reference to the sexual orientation (sexuality) of learners in this scenario:

“Just something to add on. As a teacher one of the lecturers said when you enter a school as soon as you enter the gate you leave everything behind. You leave your prejudices and biases behind. When you go into the classroom you are a clean slate – you teach whatever is in the curriculum without judging, without having favours and opinions. So you just go to teach. You do not indoctrinate. It is very difficult because we are all socialised to come from certain societies and ideologies and we are taught what is right and what is wrong. I also find it very difficult because it is human nature that you favour your own religion and your own culture but as teachers it is important that we are neutral to these things and in a classroom at least try and treat each and every learner equally. It doesn't matter of their sexual orientation.” (FGD_s1v4M2_402-412_RSA₂₀₁₃)

By referring to “a clean slate”, “not judging” and “having no favours or opinions”, the student teacher emphasised both the curriculum and the teacher’s possibly biased role, indicating that a teacher should act in a neutral way, irrespective of his/her own beliefs. This student teacher commented on the influence of exposure to others who come from societies with different values, ideologies and beliefs than his/her own, which makes it difficult to teach human rights. The solution for this participant was to stay neutral and to treat everyone equally. This student teacher’s views on equal treatment could also, to an extent, violate others’ right to equality, as stated in Section 9(3) of the Constitution, if he/she did not recognise learners’ sexual orientation, for example (FGD_s1v4M2_402-412_RSA₂₀₁₃). This statement is in contrast with the outcomes of one the modules taught at Site 1, which states that student teachers must be able “to critically think of their role as an educator” (LI_{s1p1}_32-33). This may imply that student teachers would

⁴⁷ Translation: “Every person has the right to act according to what he believes and according to his culture. There is no right or wrong. Everyone is equal” (SQ12Comment428_RSA₂₀₁₃).

follow the curriculum in a rigid manner and/or rarely question people's actions with regard to culture, gender and sexuality.

The perception that “the human rights of girls and young women should be protected more within the school environment” (SQ72_RSA₂₀₁₃), because girls and young women of school going age that lives

In poverty stricken communities and societies facing the devastation of the HIV/Aids pandemic, girls and young women of school going age are more likely to experience physical, sexual and emotional abuse by family and extended family, community members as well as teaching and schooling staff.” (SQ71Comment35_RSA₂₀₁₃)

“When their rights are protected it would put end to the rate of teachers raping young girls and to the employers abusing female educators because of their gender.” (SQ71Comment2_RSA₂₀₁₃)

In contrast, lecturers' perspectives on human rights application in as far as gender and culture are concerned mostly came to the fore from explanations of gender equality, such as the one provided by Participant LI_{S1P2}. In response to the researcher's question on possible class discussions about moral responsibility and legal responsibility, she said that she taught moral obligation:

“And to get them to understand that the one-word moral is certainly a very, very relative and loaded concept that needs to be worked on. As an educator what's moral for you in terms of because we're living – and again I say it – in a very, very relative society, across races and cultures.” (LI_{S1P2}_233-234)

In order to explain her statement, the lecturer (LI_{S1P2}) used an example about how people of different cultures would react to the same situation:

“An African boy touches an African girl's bum. And she laughs he-he-he and I say its fine for her. But when an African boy touches a Coloured girl's bum, she's going to knock you (laughs) it is not acceptable. So do you understand? Who is moral in that regard? It's accepted in some places. So I think having all these examples attempt to really understand these issues.”

According to this lecturer participant (LI_{S1P2}), the aim of her specific module was to equip student teachers to a certain extent since:

“[The module] creates awareness of human rights. It attempts and instil some type of tolerance of particular the race-and-gender issues. Where students come from mono-racial societies or communities and this might be a very new phenomenon for them.” (LI_{S1P2}_66-69)

For this reason, Participant LI_{S1P2} made use of practical examples on gender and also initiated class discussions on local and international affairs to make student teachers aware of the world.

In light of the references made to application and the methods used by Participant LI_{S1P1} at her institution, the teaching and learning of human rights will now be discussed as a property of *Human rights action*.

Two examples from the data revealed two different perceptions of the methods that can be employed to instil human rights with regard to cultural and gender issues in education. The first method involves an agreement by two or more parties regarding their behaviour towards one another. In particular, the concept ‘accommodating one another’ emerged from the scenario discussion that dealt with homosexuality. As mentioned earlier, responses to issues pertaining to homosexuality differed to some extent between the respective sites. Whereas the participants at Site 1 reacted negatively to Scenario 2 (Addendum B1), those at Site 5 referred to accommodating religion, culture and sexuality. When the researcher, another HRLit project member (par. 2.5.2.1), asked whether accommodating people is a human rights issue, two of the participants responded (verbatim) as follows (FGD_{S5Y4M2241-249_RSA2013}):

“RESEARCHER: You don’t mind accommodating other people and learners with their difference. Is it a human rights issue or is it another issue, an issue of something totally different?”

PARTICIPANT: I think it is a human rights issue because we have the right to our beliefs what we want to believe and also accommodating other people’s beliefs I think is a HR. We not offending their rights, we are not saying we shouldn’t do that. We have to accommodate them and find something. (Laughter)

PARTICIPANT: Finding an agreement on what from now what - if you believe in this way. If I don’t believe in homosexuality, and you believe in homosexuality we must find an agreement that shouldn’t offend each other.”

For these two participants, accommodating rights is important and therefore an agreement between two parties might produce an acceptable outcome. An agreement is a social contract that could be used to direct relationships in different contexts (par. 3.3.2). By using such an agreement as a human rights practice at an educational institution, the participants would show respect for each other’s right to human dignity, which would also enhance the relationship between them.

The use of a code of conduct (par. 4.6.2.5) and school rules constitutes the second method that can be employed to apply human rights to cultural and gender issues. In the discussion of Scenario 1 (Addendum B1), focus group participants specifically referred to the role of the school’s code of conduct for learners:

“I would like to say that when you are admitting a child to a school you have a code of conduct given to you – a mission statement or what not and whenever you have questions about the school they do answer you... so now I am sure

the parents knew that the school does not support this going to the mountains and what not. It doesn't say that it is starting with them – they had valid reasons with this practice during exam time and the cross-cultural action and what not. So you can't fully blame the school for that.” (FGD_s1y4M2_305-310_RSA2013)

This participant referred to the fact that the code of conduct for learners could also be used to ascertain the validity of the school's actions in instances where learners or parents were of the opinion that the school had violated learners' rights.

The next quote adheres to the same notion but refers to higher education and the use of proper channels in the event of reporting a human rights violation. This discussion followed after participants at Site 1 read Scenario 4 (Addendum B1, footnote 17 in Chapter 5). One of them responded to the learner in the scenario who was expelled because she had published the school's wrongful actions in the media:

“In every institution there are proper channels that you follow. We are in university. If you have a problem with your lecturer you speak with your class rep. If that does not work out, you go to speak to your SRC. If it does not work out, you speak to your Student Services. If you have a problem you speak to the, I think it is the LRC, you write a letter to the LRC. The SRC members are invited. They issue your letter and say – this is the problem we have in school” (FGD_s1y4M2_536-545_RSA2013).

For this participant, the use of proper channels was important, even in a case that revealed wrongful action, including human rights violations. By following the proper procedure, every party's actions are protected.

With reference to the teaching-learning of human rights, one of the lecturer participants also referred to the practice of using the Constitution as a means to negotiate human rights. Participant LI5p3 acknowledged the role of the Constitution but focused more on how human rights ought to be applied:

“And what I also find important, you find human rights in the Constitution – that's good and fine, but I do feel it needs to be negotiated, constantly in concrete situations, because that is where you are, not for the next 10 years, and you need to be in dialogue.”

This lecturer participant preferred negotiation based on the Constitution to take place in concrete situations. However, she also referred to change and insisted that people should know how to apply the Constitution in times of change. For this reason, she believed that negotiating and being in dialogue should be established as a human rights practice (par. 3.2; par. 3.4.5).

Some of the student teachers' responses focused more on perspectives of culture than on references to human rights violations or the responsibilities of all concerned parties whose rights

may have been violated. Other students focused more on the school's conduct than on the conduct of the characters in the respective scenarios. The tendency to focus on the institution was in line with students' responses to the question as to whether human rights exist. Nevertheless, participants at both sites referred to how human rights were applied.

Having briefly discussed two possible perceptions on how human rights regarding cultural and gender issues ought to be instilled in an education environment, the next property that falls under Initial category 5, namely *Advocating human rights*, will next be looked at in greater detail.

5.3.5.3 Advocating human rights

The property *Advocating* can refer to four kinds of human rights action: pleading a cause (specifically in court); defending or maintaining a cause; proposing or supporting a cause; or promoting the specific interests of a group. According to Freeman as cited by Eloff (2014:19), human rights can be described as “an important advocacy tool, a weapon which can be employed in the battle to secure recognition” (par. 3.2; par. 3.4.1 and par. 4.3).

In the data, participants voiced their opinions of issues related to human rights, such as equal treatment and freedom of expression. In the discussion of Scenario 4 (Addendum B1), participants introduced the notion that one's actions might be limited, despite one's right to freedom of expression:

“And also we love saying that you could have done... you are right about this but you know we limit ourselves. He just said that the child went over the line and you know. And who draws this line? I must express myself but not so much because you know I am over the line. I must do this but not so much because it is over the line. Who draws this line? That is my expression of saying this child says: I need to be heard and you say: yes, you need to be heard but in the school. So now what is big enough to be heard by everyone?” (FGD_s1y4m2_527-533_RSA2013).

In this instance, the student teacher defended the case of Learner M in the scenario regarding the limiting of another's actions. Stated differently, the participant queried where and when one should draw the line. In the quote, the student teacher referred to a dichotomy, given that the learner could be heard only in school and not in broader society, because her action was perceived as a transgression of the boundaries of freedom of expression (FGD_s1y4m2_527-533_RSA2013). The participant also asked the question: who has the power to decide whose actions transgress boundaries and whose actions ought to be stopped? (Par 3.3.2; par. par. 3.4.3 and 3.4.5)

The data showed that some student teachers were advocating causes by expressing a form of protest. This included asking questions or criticising those in power with the intention to transform.

In the following verbatim reference, the participant simultaneously explained why human rights ought to exist, criticised the State and provided an example of a form of human rights abuse against a particular group:

"Human rights infact are on paper, when it comes to practice the state always win. So the question would be.... who's human right, So as far as I am concern the state bites more than it can chew. Im saying this because I think human rights were implemented to equalise the in balances of the past. The thing is they are not for everyone, its just a concept as far as I am concern. Rasta's even today arre not alowed to live freely so what are human rights?"
(SQComment64_RSA₂₀₁₃)

In the last sentence, the participant gave an example of discrimination against Rastafarian people and concluded by asking what the sense of human rights was if human rights violations still took place.

In the literature (Heyns, 2006:32-33), protest marches are also mentioned as a legitimate form of 'struggle' by which the human rights status of a particular interest could be asserted and supported (par. 3.4.1)

In a comment in response to Question 71 of the survey, a student teacher suggested as to how human rights could be taught. (Note that comments in response to Question 71 are related to the statement, "human rights of girls and young women should be protected more within the school environment".) Despite the fact that the question was worded to emphasise a particular vulnerable group in itself, the participant nevertheless proposed yet another action to promote awareness of human rights (SQ74_Comment21_RSA₂₀₁₃):

"[S]chool must teach people what rights they have because if your not aware of it then you wont know what to do in a sutuasion. It must be teached in schools and in communities to make people aware of their rights."

In the above statement, the participant stressed the importance of student teachers' knowledge of human rights (par. 3.4, par. 3.4.3). The lecturer participant who presented the module on human rights and democracy also agreed that student teachers should voice their opinions but continued to describe what student teachers ought to do when they express themselves:

"Give them a voice, but let them critically reflect what they say, why they say it and how they can effectively change their situation. Can a shout from the inside affect? Yes, it can, but it's a different form than changing."

Seemingly, student teachers' ability to apply human rights is regarded as an essential element, but the understanding is that this ability can differ from student to student. One of the student teacher participants with a passion for human rights admitted the following:

"I fully advocate human rights but am not sure how to make a personal impact, given my own circumstances." (SQ47Comment48_RSA₂₀₁₃)

Ideally, this student teacher participant should have had the opportunity to clarify his/her statement. However, given the format of the survey, such an opportunity was not afforded. Despite this student teacher's uncertainty about the impact she/he had within society, the above can nevertheless be regarded as a declaration that this student teacher was actively advocating human rights.

Having concluded the discussion on the advocacy of human rights, the final property in Initial category 5 (*Human rights action*), namely 'teaching-learning human rights' will next be discussed in greater detail.

5.3.5.4 Teaching-learning human rights

Teaching and learning refers to the content of the modules and the strategies used to teach/learn human rights, an aspect that is regarded as highly important by most higher education institutions (par. 3.2; par. 3.4). With regard to the teaching-learning of human rights, only eight questions (Question 62 to Question 69) out of the 72 contained in the survey pertained to teacher education. In Question 62, for example, student teacher participants had to agree or disagree with the statement, "Faculties of Education have an obligation to teach human rights". In total, 460 student teachers (n=460/512) supported this statement. Question 68 was: "Teaching human rights is an ethical responsibility in education" (SQ68_RSA₂₀₁₃), and 434 of them agreed that this was so.

Furthermore, when asked about the need to incorporate human rights as an essential component of teaching-learning, one of the lecturer participants (LI_{57P1}_179-183) responded as follows:

"Interviewer: Do you think it's important then? It shouldn't be in only one module?"

Participant: It should... How can you...? It's like trying to teach people to write over 2 hours. You can't teach someone to write that. It's a process. And it's something that needs to be infused not this, maybe directly address it in each module. But it's the way you ... Again I'm going to go back to the interaction. But it's the way you organise interaction and the way you relate to one another. There should be an infusion of human right so..."

Findings applicable to the teaching-learning of human rights included the student teachers' perspectives of what human rights education entails, the actual outcomes of the module selected for the study, as well as the strategies used in the respective modules. Regarding the content of human rights education, student teacher participants were instructed in the survey to select any

number from a list of 17 options⁴⁸ that would best answer the question: “What does human rights education involve?” (SQ69_RSA₂₀₁₃). Eight phrases that described the general characteristics of human rights education were chosen by more than 383 participants. According to the student teachers, human rights education involves “knowledge of human rights education” (n=383/512); “respecting human dignity” (n=375/512); “responsibility” (n=366/512); “understanding how human rights affect the individual (me)” (n=306/512); “promoting gender equity” (n=297/512); “understanding how society should live together” (n=279/512); “application to everyday life” (n=278/512), and “promoting understanding of friendship among different peoples” (n=247/512). From the data it emerged that human rights education should teach one how to apply human rights in everyday life, as is evident from one of the student teachers’ response:

“the manner in which interaction between two or more parties are organised is an effective way to teach human rights.”

Having discussed ‘advocating human rights’ as a trend falling under *Action*, the discussion will now move on to a further aspect of this category, namely *Human rights promotion*.

5.3.5.5 Human rights promotion

The word ‘promotion’ is defined as the act of furthering the growth and development of something (Merriam-Webster, 2016). In the case of human rights promotion, the teaching-learning of human rights ought to enable student teachers to grow and develop their understanding of human rights, so that they can apply those rights to their daily interaction with others (par. 3.2; par. 3.4.5; par. 4.5.1; par. 4.6.2.2). Some of the modules promote skills such as the ability to defend oneself and claim one’s rights (LI_{5P1}_163), as well as to act professionally and in accordance with the requirements of the law – as far as upholding (s_{5Mo1}) and promoting a culture of respect for human rights in education are concerned.

Likewise, the role of the educator is evident from the study material used at Site 7. This module, which focuses on human rights and democracy (s_{7Mo1}), describes the role of the teacher in the school and community and emphasises the Constitution:

[This module] focuses on the ability of the teacher to promote a critical, dedicated and ethical attitude regarding the development of values and accountability, promote respect for the Constitution and democratic values and

⁴⁸ Other options from which participants could select in response to Question 69 were: a democratic vision; strengthening of respect for fundamental freedoms; legal understanding; social justice consciousness; inspiring action to defend or promote the rights of others; knowing about mechanisms that protect human rights; moral disposition towards rights; dialogue about human rights issues; and political awareness.

practices in schools and the community and to communicate recognition of respect for differences in others.

The roles of the educator (according to legislation) were also explored in literature as was discussed in par. 4.6.2.2.

The expected competencies of fourth-year student teachers who completed their human rights course at a particular institution, were described as follows (Participant LI_S1_P1):

“Okay, I think first of all they should have the knowledge of what human rights are, of these distinctive human rights, uhm, they should also be able to see where it practically applies in the classroom. And I think that's why the course pack tries to give them as many case studies as possible. Uhm, they should be critically reflective if something does apply, so situations are different so it's not always so clear. It's not the same in every situation. That is another thing, uh and I think although we're trying to get them to be role models is pretty much impossible to force some one's values. Uhm ja, I think it's mostly the nature of the course is knowledge, competency, the different rights and the attitude of acceptance of these values. Uhm, being able to apply it to practical situations sometimes it's not easy to stay authentic, but to be contrived in a way, providing opportunities and case studies.”

One of the modules that draws on Education Philosophy and includes human rights as a theme (s_{5M0}3), states the following as one of its outcomes:

[Y]ou will develop some of the skills required to be able to know and understand the different life world issues and to cope with future challenges.

The lecturer who presented this module posited that students should not only have the skills to address problems and challenges in the bigger reality within which they function, but they should be able to function in a critical, rational way and integrate their beliefs into their conduct (LI_S5_P3_20-24).⁴⁹

The lecturer interviews revealed that lecturers whose modules centred more on human rights tended to focus on the theory of human rights, as opposed to those lecturers who presented human rights as a theme in their modules. Out of the seven participating lecturers, only three referred to the functions or the importance of human rights in their modules. The remaining modules used human rights as a tool to describe the overarching theme and outcomes of the module and/or how to apply human rights in a given situation. A possible explanation for this phenomenon could be that the extent of the human rights content in the module offered by the lecturer could have an impact on how the lecturer would approach the subject of human rights.

⁴⁹ See footnote 37.

From the above, it can be surmised that even though some of the modules presented at higher education institutions may be directed towards human rights application, the outcomes will be dependent on the subject matter, as well as on the objectives that have been set for that module. For example, Participant LI_{S5P2}, who presented human rights as a theme in the subject Life Orientation, would begin by discussing human rights theory and the basics of law within the context of human rights before moving on to human rights application (LI_{S5P2}_1174-179):

*"In my toepassing poog ek om die waardes inkorporeer... Ek probeer uit voorbeelde uit vir hulle verduidelik wat bedoel ons met gelykheid, wat bedoel ons met vryheid van spraak... en hopelik interpreteer hulle die waardes en kry die waarde daaruit."*⁵⁰

For this participant, knowledge of human rights in the form of practical examples should be used as a point of departure to interpret values.

Although the data revealed that some of the strategies were more teacher-centred than others, the strategies nevertheless complemented the nature of the modules that presented human rights and human rights application as subjects/topics. For example, Participant LI_{S5P1} who lectures Education Law, preferred role play in which she requested her students to reflect on both sides of a situation and discuss it with one another in class (LI_{S5P1}_93-95):

*"[E]k sal dalk vir een deel van die klas sê: "[E]k wil hê julle moet die een kant van die saak bespreek en beplan. En dan moet hulle dit met mekaar daaroor praat."*⁵¹

In this particular module (S_{5M01}), which is based on legal principles, students were required to not only reflect on their personal observations, but also to take cognisance of the legal principles applicable to any given situation. A significant fact that emerged from the focus group discussions is that those student teachers who had been exposed to group work and dialogues/discourses in whatever form or fashion at their sites, were seemingly more comfortable with engaging and sharing their personal experiences during the scenario discussions.

To conclude the discussion of Initial category 5, it should be noted that data relating to the role of the educator in the school emerged as the last element of the property *Human rights promotion*. In fact, some participants at Site 1 did not only mention the educator's professional role, but also went as far as responding rather fervently to the views others might have had on the scenarios

⁵⁰ Translation: "In my application, I attempt to incorporate the values ... I try by using examples to explain what is meant by equality, and what is meant by freedom of speech....and hopefully they will interpret the values and get some value out of it".

⁵¹ Translation: "For example, I might ask one section of the class to discuss and plan around one side of the matter, and then ask the other to do the opposite. And then they have to discuss that among themselves".

under discussion. In some of the responses (again quoted verbatim), the teaching of the curriculum was connected to being professional:

“PARTICIPANT 1: Okay. I just lost my mind a little bit when he talked about taking in another teacher but my question is about this thing, teacher but my question is about this thing – you are a teacher and you are a professional teacher if you go into a school they give you the curriculum to implement. You do not decide what to teach. You should be flexible enough to do your duties. If you sign a contract they tell you this is the things you are going to do. They provide you with a policy. You don’t change it. You find a way of implementing it. It might be (FGD_S1Y4M2_396-401_RSA2013).

PARTICIPANT 2: One of the lecturers said when you enter a school – as soon as you enter the gate you leave everything behind. You leave your prejudices and biases behind. When you go into the classroom you are a clean slate – you teach whatever is in the curriculum without judging, without having favours and opinions. So you just go to teach. You do not indoctrinate.

PARTICIPANT 3: First, what does the policy say in terms of human cultures and religions. You should consider this. And secondly you must remember that you work there as a professional teacher not to intervene in other people’s beliefs or customs.”

All three the participants above referred to the teaching of the curriculum to some extent. Participant 1 in the focus group added that the teacher’s contract and policies determined what he/she ought to teach. Participant 2 accepted the curriculum as well as the way it ought to be implemented, i.e. “without judgement, bias or indoctrination”. The third participant’s response correlated with that of Participant 2, but stressed the policy regarding culture and religion. According to Participant 3, intervening with someone’s beliefs or customs would be unprofessional. These responses echoed the outcomes of module LI_{S1P1}.

Although student teachers identified aspects that would influence educators’ actions in human rights education, data relating to the educator emerged specifically from the lecturers. For example, within the theoretical sample, Participant LI_{S1P2} referred to the educator’s professional role regarding the rights of the child, the parents, teacher unions, the department of education and the government (LI_{S1P2}):

“As an educator you have a moral obligation if you are...becoming aware of a learner who’s being sexually violated at home, or school, or whatever. It’s not about going to a council. It’s your obligation to actually report directly and these are the things that actual connect between the roles of an educator is and the moral obligation of human rights teaching. Perhaps gender too an example of a sexual orientation and homophobia and makes the connection very real. And that the inbuilt prejudices in their background will ultimately influences how they cope with, address, handle...I know it’s a very real problem so I make them understand that in the Bill of Rights it says that every individual has a right to their own sexual orientation and even bring it in with issues of bullying.”

The above statement could be argued from a social awareness approach that considers other people's origin, race, gender, culture, ethnicity, language and religion in education. Participant LI_{S1P2} also indicated that "teachers will [be working] with learners in integrated school systems which are no longer segregated". Given this context, the same participant held that teachers ought to "re-think ways on managing the cross-cultural [element], across racial lines" when teaching (LI_{S1P2}_63-66). Along a similar vein, Participant LI_{S5P1} suggested that the principles of modelling be used to teach students about equal treatment and other aspects of human rights:

*"En dan glo ek ook deur my eie voorbeeld van my studente te respekteer en met respek behandel en hul menswaardigheid in ag neem en so, hoop ek dat hulle ook daardeur iets leer."*⁵²

5.3.5.6 Synopsis

Three of the five properties in the category *Human rights action* explored when and how student teachers put human rights into practice (*Action and inaction*).

The first property *Action and inaction* conceptualises the relation between human rights and the nature of action. The word 'action' refers to either the way one executes an action in a situation or a method used in a certain context. In addition, a person's 'action' denotes his/her conduct or the manner or method of performing, while 'inaction' refers to failure to do something that should have been done. In this study, incidences of action and/or inaction included participants' own action/inaction, as well as a discussion of acceptable or unacceptable action/inaction in certain scenarios.

During the focus group discussions, scenarios with regard to sexuality, race and religion were discussed in order to explore how student teachers' perceptions on how a person should act or not act. Data revealed influencing factors to action/in action such as:

- It is acceptable conduct for student teachers to react to unacceptable behaviour and adapt their actions accordingly (in this case unacceptable behaviour refers to exclusion in a school)
- Unacceptable reactions that some student teachers might display with regarding human rights issues such as homosexuality includes imitating the stereotype gay child, making

⁵² Translation: "And then I believe that by respecting the example set by my students and being respectful towards them, namely to respect my students and to treat them with dignity, I hope that they, too, will learn something from that".

death threats and/or making jokes and gestures that might be offensive. In contrast another student teacher declared that she/he doesn't agree with homosexuality, but that she/he will treat the person as a human being"

- A teacher may decide not to teach certain study material if it is against the teacher's religion. In the data the example of teaching about homosexuality to learners if there are homosexual learners in one's class. As an alternative the teacher could use a substitute teacher to teach that particular section of the curriculum.

Although lecturer participants gave fewer examples of action and inaction than did the student teachers, the examples were either examples of action regarding gender issues or suggestions on how to act in specific situations. Instead of pertinently refer to human rights application, Participant LIS5P3 described problem solving in the reality within which student teachers function. She referred to the incorporation of own beliefs in dealing with problems, which is perceived as a right in the Constitution.

"Studente moet uiteindelik die vaardighede hê om probleme en uitdagings aan te spreek in die groter werklikheid waarin hulle funksioneer om hulle in staat te stel om op 'n krities, rasionele wyse om te gaan terwyl mens terselfdertyd hul oortuigings ook inbring sodat dit ook 'n rol speel" (LIS5P3_19-23).

"Studente moet uiteindelik die vaardighede hê om probleme en uitdagings aan te spreek in die groter werklikheid waarin hulle funksioneer om hulle in staat te stel om op 'n krities, rasionele wyse om te gaan terwyl mens terselfdertyd hul oortuigings ook inbring sodat dit ook 'n rol speel" (LIS5P3_19-23).⁵³

'Human rights applications', the second property of the category Human rights action, is defined as an act of putting something to use or the capacity for practical use in various contexts. The various contexts include human rights application in situations where a person's culture, gender and/or sexuality might play a role (the notion of 'other'.

- A perception that human rights entail "equal opportunities and non-discrimination of others based on their race, gender, class, culture, religion, level of education, contextual background, sexual orientation and HIV status".

⁵³ Translation: "Students should eventually have the skills to address problems and challenges in the bigger reality in which they function, so that they can act in a critical, rational manner while simultaneously bringing in their own beliefs to also play a role."

From the above quote, one can recognize the grounds for discrimination as stated in Section 9 of the Constitution, but within the participant's own context.

- A perception that people have the right to act according to their beliefs and culture and that there is no right or wrong. (SQ12Comment428_RSA2013)
- This statement may imply that this participant would apply his/her rights based on his/her religious and cultural beliefs. Implications for this kind of reasoning may include student teachers who might find it difficult to communicate with learners from a different culture or religion than their own. In addition, student teachers may be required to be knowledgeable on the culture of their learners as to prevent any action that may be interpreted as a human rights violation.
- The perception that "the human rights of girls and young women should be protected more within the school environment" (SQ72_RSA2013), because girls and young women of school going age that lives 'in poverty stricken communities and societies'.... are more likely to experience physical, sexual and emotional abuse by family and extended family, community members as well as teaching and schooling staff." (SQ71Comment35_RSA2013)

At some stage, student teacher participants act from a human rights-based perspective, based on strong religious or cultural beliefs. Some do not put human rights into practice for the same reason or, alternatively, out of fear for conflict or owing to a sense of powerlessness.

On the other side of the continuum of human rights application, some student teachers actively advocate for human rights in different ways (*Advocating human rights*). *The property Advocacy for human rights* entails defending a cause or the interest of a specific group of people in the form of protests. This included asking questions or criticising those in power with the intention to transform. In the following verbatim reference, the participant simultaneously explained why human rights ought to exist, criticised the State and provided an example of a form of human rights abuse against a particular group:

"Human rights infact are on paper, when it comes to practice the state always win. So the question would be.... who's human right, So as far as I am concern the state bites more than it can chew. Im saying this because I think human rights were implemented to equalise the in balances of the past. The thing is they are not for everyone, its just a concept as far as I am concern. Rasta's even today arre not alowed to live freely so what are human rights?" (SQComment64_RSA2013)

The last two properties focused on how student teachers are exposed to human rights in a formal educational environment consists of the categories *Teaching-learning human rights* and *Human rights promotion*.

5.4 Identifying a core category consisting of five elements

One of the aims of a grounded theory study is to arrive at the core category of the study (Birks *et al.*, 2006:29), in other words to allow the essence of the theory to emerge. In this process, the core category is only identified at the end of the process of data collection and analysis, categorisation and the subsequent review of the available literature. The essence of the core category in this study was identified on the basis of five initial categories that made up the theory. These initial categories, which were integrated with one another and were difficult to separate from one another, were the following:

- Human rights as legal
- Human rights as moral
- Reasoning
- Social awareness
- Human rights action

The researcher concluded that all the initial categories should interact with one another in order to support human rights application, promotion and education. During the final stage of data analysis, the initial categories were refined into a core category by means of the theoretical coding process (Jones & Alony, 2011:7).

The initial categories, '*human rights as legal*', '*human rights as moral*' and '*social awareness*' represent aspects that influence participants' understanding and application of human rights. When these initial categories intra-sect with the initial categories '*reasoning*' and/or '*human rights action*', a cognitive process takes place where reflection and/or reasoning is performed before any action is executed. In addition, the last two categories are strongly influenced by one or a combination of the initial categories *human rights as legal*, *human rights as moral* and *social awareness*. The intra-section of the categories is essential for the enhancement of human rights application.

5.4.1 Expanding the body of knowledge

The initial goal of the researcher was to analyse the nature of two disciplinary fields to which student teachers were being exposed at the university where she was employed. Data did not only emerge on how student teachers reason in the two disciplinary fields of interest ('legal education for teachers' and 'moral education'), but also on how student teachers would reason

and use concepts associated with disciplinary fields such as multicultural education, inter-cultural education and citizenship education. The study found that it was not only reasoning within these two disciplinary fields that made a difference in student teachers' understanding of human rights application and promotion, but also student teachers' awareness of their own and others' social context and the type of action they took with regard to human rights issues.

5.4.2 Reasoning on human rights

Two of the initial categories that emerged, referred to how study participants would reason on human rights and human rights application. Their reasoning would be either legally based or morally based, and sometimes it would have both a moral and a legal basis. However, some participants acknowledged that their knowledge on human rights was limited, while others affirmed the importance of knowledge about human rights for their actions. Some of the participants also reasoned from a critical approach in which they questioned current systems for the sake of transformation and/or empowerment. During the later stages of analysis, responses of participants emerged that were not necessarily based on the moral or legal knowledge of human rights conceptualisation, but also on democratic and/or political awareness.

5.4.3 The role of social awareness

The study also revealed data that confirmed that the participants had a sense of social awareness. They had a strong sense of their own identity, where they came from, as well as a sense of their own position in society. In some instances, the participants were able to verbalise an opinion on their lived experiences and those of other in their own society – based on observations. In other instances, participants were prepared to take action in the form of protest if they felt that their own or others' needs would not be met.

It was apparent from the data that in some instances the views of either the lecturer or the selected study material differed from the student teachers', which could be detrimental if student teachers were to have a strong sense of social awareness with the need to act on it. A positive outcome for situations like these would be to integrate all five initial categories to realise human rights application, promotion and education in the specific situation.

In the next chapter (Chapter 6), where the theory is conceptualised, the researcher will refer to the initial categories as ***components of human rights education***.

CHAPTER 6:

HUMAN RIGHTS EDUCATION, APPLICATION AND PROMOTION AS PART OF TEACHER EDUCATION

6.1 Introduction

The study in hand set out to answer the following question with the aim to conceptualise theory on human rights education:

To what extent would student teachers' understanding of the position of values and morality in human rights applications contribute to theory on human rights education?

Through student teachers' understanding of human rights and the position of morality and values in the facilitation, application and promotion of human rights, this study unlocked potentially suitable approaches to the teaching-learning of human rights at higher education institutions. Theory and application of human rights in teacher education and social justice that is referred is grounded in the data that emerged from the study.

Acknowledging the interdisciplinary nature of this study, theory that emerges from it could contribute towards transformative action resulting from suitable practices to guide future human rights education, application and promotion. This final chapter presents the conclusion of findings from this study in the form of theory as it emerged through the grounded theory process (par. 1.3). In Chapter 1, the researcher stated that only the disciplines Education Law and Human Rights Education (HRE), as associated with human rights education, would be explored in this study (par. 1.2). With the help of theoretical coding (the process during which relations between codes, categories and abstract ideas from literature integrate), theory based on five components regarding human rights education emerged (Figure 6-1). Typical GTM tools, such as constant comparison of data and current theoretical perspectives, as well as memo writing, helped with the analysis of concepts as components of human rights education.

Five components of human rights education that represent different approaches to human rights education as part of teacher education, were identified, namely: the 'legal rights approach'; the 'values-based approach'; the 'social-and-contextual awareness approach'; the 'cognitive approach'; and the 'action approach'. The study revealed that student teachers and lecturers demonstrated varying dimensions of engagement with each of these components. Moreover, student teachers and lecturers at times drew on only one or two of the components at a time (par. 5.3.3) and to differing extents when they talked about or taught human rights and human rights issues. When these components intra-sected, suitable approaches to the teaching-learning of

human rights in teacher education would prepare students for human rights education, application, and -promotion aimed at the realisation of social justice. A society where social justice is prevalent includes aspects such as individual wellbeing, social arrangement, the design of policies, and proposals about social change. Nussbaum (2003) includes the following in her definition of social justice: skills; personality traits; people's thoughts, emotions and meaning; and action (Bhatti *et al.*, 2007:4) – which in turn could influence human rights and human rights application.

The components of (or approaches towards) human rights education in teacher education and the relationship between them are depicted in Figure 6-1. The five components are represented by five circles. Each circle (component) intra-sects with each of the other circles (components). At the centre is the intra-section of all of the components. The figure shows that student teachers and lecturers may draw on any of the components (or on any number of components where they intra-sect) when human rights are discussed, learnt, applied or promoted. The intra-section of the components emphasises that human rights education is a multi-faceted and possibly a fluid process.

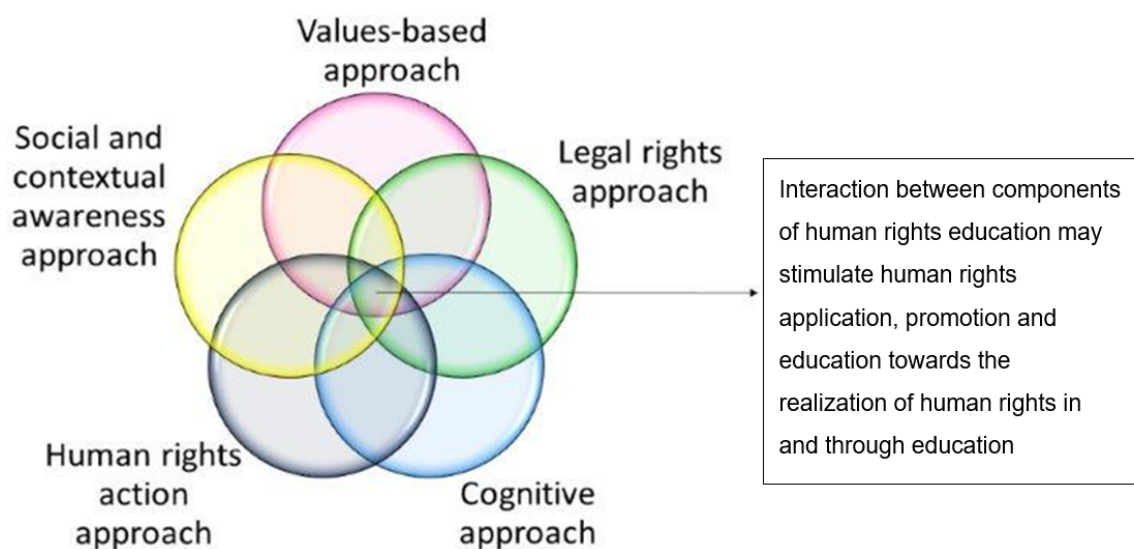


Figure 6-1: Components of human rights education in as part of teacher education

Three of the components – '*legal rights approach*'; '*value-based approach*' and '*social-and-contextual-awareness approach*' – represent aspects that influence participants' understanding and application of human rights. These components intra-sect not only with one another, but in particular also with the '*cognitive approach*' and the '*action approach*'. The latter two components

indicate a form of cognitive process where reflection or reasoning is performed before a human rights action is executed or suggested. Both the '*cognitive approach*' and the '*action approach*' are strongly influenced by one (or a combination) of the other approaches. The intra-sections between different components of human rights education may guide the facilitation, application and promotion of human rights.

Each approach (component) has several characteristics, which emerged during the grounded theory process. These characteristics are not exhaustive, but they provide some indication as to the nature of each human rights education approach identified in this study. Each approach/component and its characteristics are described next, followed by an analysis of how each approach intra-sects with one another (par. 6.2 to par. 6.6). These approaches as presented below, emerged from the process of comparing the findings from of the study with current theoretical and legal perspectives on human rights and HRE.

6.2 Legal rights approach

A legal understanding of human rights is informed by legal rules, legal human rights documents and mechanisms for the enforcement of human rights (par. 4.2 and par. 4.2.1). The legal rights approach conceptualises human rights and human rights application from a legal knowledge base in its approach to teaching-learning human rights. A legal knowledge base includes (1) the use of legal concepts in relation to human rights; (2) knowledge of legal (human rights) instruments; and (3) an understanding of legal mechanisms and the enforcement of human rights (par. 5.3.1). Six characteristics of the approach were identified, as presented in Figure 6-2:

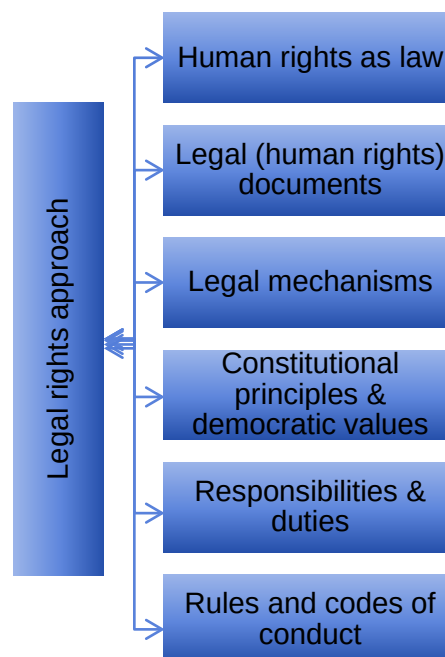


Figure 6-2: The characteristics of the 'legal rights approach'

The characteristic 'human rights as law' focuses firstly on the functions and theoretical perspectives of the law. Secondly, it explores the incorporation of legal terminology when human rights and human rights issues are discussed in an educational environment. The *legal rights approach* to human rights education emphasises the functions of law, which include the regulation of relationships in society (par. 3.2; par. 4.2), specifically the relationship between the individual and the state or the relationship between nation states in accordance with international law (par. 4.4). In this sense, law is viewed as protecting the individual (and his/her human rights) against the power and abuse of a state by means of a constitution and its application of constitutional law to structure and constrain state power (par. 4.5). It should, however, be noted that legal systems may be underpinned by values and that legislation is usually written with a moral purpose (par. 3.2). Sen (2012:3) argues that many acts of legislation and legal conventions "were inspired by a belief in some pre-existing rights of all human beings".

Another function of law entails the upholding of the law as a normative beacon with regard to the behaviour or conduct of an individual or a state organ (section 8(2) of the South African Constitution). In the '*legal rights approach*' a human right is described as "an intrinsically normative concept that aims to structure relationships or the notion of togetherness" (par. 5.3.1.4). Lastly, the '*legal rights approach*' aims to "equitably regulate the rights and obligations of all persons in various relationships" (Oosthuizen, 2015:8; Squelch, 1997:385). In this sense, law at best enables people with different interests to live peacefully and in harmony among one another, or at worst, to make use of the judicial system to settle disputes (Humby *et al.*, 2012:4). Theoretical underpinnings of a '*legal rights approach*' to human rights education include *inter alia* natural law, legal positivism and the critical legal approaches to human rights (par. 4.3). In the mentioned functions of law, rules, procedures, legal documents and mechanisms would be used as terminology as part of the legal body of knowledge. Theoretical perspectives such as these are typical of the '*legal rights approach*'.

In an educational context, legal terminology that would be used in relation to human rights from a legal approach includes the words 'children's rights'; 'women's rights'; 'law'; 'Constitution'; 'Bill of Rights'; 'policy'; 'code of conduct', and even 'expulsion' (par. 5.3.1.1). Such terminology becomes applicable when human rights violations arise, due to for example school policy, governance or discipline.

A second characteristic of the '*legal rights approach*', termed 'legal documents' (Fig. 6-2) emphasises knowledge of and the interpretation and application of legal (human rights) instruments when teaching-learning human rights. The '*legal rights approach*' enables student teachers to apply their knowledge of legal documents when the situation arises or where the answer to the problem lies in education law (par. 5.3.1.2). The goal of applying knowledge of legal

documents is twofold: it includes facilitating and regulating relations between respective role players (Coetzee, 2008:183; Squelch 2007:385), and simultaneously protects the rights of individuals and groups involved in different contexts. International and local human rights instruments are designed to promote the welfare of individuals, minorities and the marginalised, while balancing the rights of citizens and the state (Dugard, 2016:320-321). The *'legal rights approach'* would typically introduce student teachers to treaties, declarations, conventions, constitutions, statutes and subordinate legislation on national, local and school level. Examples of South African law that emerged as important in this approach are the South African Schools Act, the Labour Relations Act, and the Employment Equity Act (par. 4.6). An example of policy that is important to acknowledge is SACE's Code of Professional Ethics for Educators (par. 4.3.1.2; Oosthuizen, 2015:255). In addition to introducing students to human rights law, a *'legal rights approach'* to human rights education would develop the following legal skills:

- Finding and identifying relevant legal sources (Bronkhorst, in Humby & Kotzé (eds), 2012:311-344)
- Interpretation of statutes (Barnard-Naude, 2012:179-184)
- Solving legal problems (Du Plessis, 2012:347-368)
- Engaging, using, interrogating and interpreting a legal document to apply it often in complex legal problems (Humby *et al.*, 2012:7).

Findings in this study support the need to learn about (at least) basic international and national laws that have shaped and continue to shape human rights, regulate their application and provide for their enforcement (par. 5.3.1.1). The following quote – taken from the rationale of one of the selected modules (s5_{Mo1}) – demonstrates the value that the *'legal rights approach'* places on learning about legislation and policy:

When you leave the university and stand in the teaching practice you will often be confronted with situations for which you need to seek an answer in legislation. Further you will come across policy, rules, regulations and codes of conduct – all of which are legal documents. You will need the ability to correctly read and interpret these documents and legislation in general (Module s5_{Mo1}).

A *'legal rights approach'* would create opportunities for student teachers to evaluate the conduct of parties involved in fictional and/or real-life situations that involve actions of human rights application and promotion against the background of the law. Yet a *'legal rights approach'* should be sensitive to the danger of becoming “declarationist and compliance driven” (Keet, 2007:7). Although a legal understanding of human rights makes up an integral part of human rights education, it remains critical, addresses human rights violations, “engages students in deep

learning about social injustice” and inspires action and advocacy (Spren & Monaghan, 2017:291).

The third characteristic of the *'legal rights approach'* focuses on *'legal mechanisms and remedies'* that enforce human rights and that are related to one of the functions of law (Bellengère *et al.*, 2012:218). Legal rights are often enforced by approaching a court or other tribunal to grant appropriate relief for the violation of rights (Currie & De Waal, 2013:177-178,) and to 'control' the behaviour of persons or bodies who seek to violate the rights of another (Donnelly, 2013:8). In South Africa, the Constitution provides legal remedies for people who go to court in order to enforce his/her human rights (Currie & De Waal, 2013:177). Section 38 of the Constitution (SA, 1996) serves as a guideline for getting people access to courts and to state their case. A *'legal rights approach'* helps student teachers to understand mechanisms for human rights enforcement, and thus they are empowered to address human rights violations and enforce their own rights or the rights of others by using such mechanisms (par. 5.5.2). The mechanisms usually involve legal procedures for “when a person is unlawfully treated” (SQ12Comment33_RSA₂₀₁₃, par. 5.3.1.3). Student teachers who adopt a legal rights approach may also be more aware of their own responsibilities towards the rights of the learners in their class (par. 3.5).

The fourth characteristic of the *'legal rights approach'* is known as 'constitutional and democratic principles'. A *'legal rights approach'* emphasises a strong association between democratic values and human rights (par. 5.3.1.4), in particular equality, freedom, human dignity and voting rights (Kroeze, 2005:349). The relationship between legal rights and democratic values have been conceptualised in one of the selected modules as follows:

A human right, however, is not and can never be an end in itself. Although human rights are legal constructs, it is intrinsically a normative concept. It is a quest to normatively structure togetherness. The intrinsic values to all human rights are freedom, dignity and equality in togetherness (S5Mo3).

Student teachers and lecturers who approach human rights education from a *'legal rights approach'* would typically consider how different and sometimes conflicting rights and values could be balanced. The weighing of conflicting rights and values could indicate that student teachers reflect on human rights and human rights application against the background of legislated democratic values (par. 5.3.1.4). Reflections on democratic values such as freedom, human dignity and equality may manifest as either legal or moral reflection and may have implications for a *'values-based approach'* (par. 6.3). Democratic values from a values-based approach would highlight “the individuals' rights in society and how it affects them” (LI_{S7P1}_131) rather than focus on rights and responsibilities or on the balancing of collective relationships in society, such as the democratic values from the *'legal rights approach'*. Some people emphasise

“claiming human rights instead of acting out their responsibilities towards others when they try to claim their rights” (Ll_S7_P1_278). In the *‘legal rights approach’* to human rights education, educators should demonstrate the relational side of human rights by means of case studies too and suggest how conflict could be dealt with, instead of only focusing on the weighing of rights, values and responsibilities in different situations.

The *‘legal rights approach’* has a fifth characteristic, namely ‘responsibilities and duties’ (par. 5.3.2.3). As such, the approach promotes the notion that for every right that a person holds, the state and state organs (or where applicable, other natural or juristic persons) are legally required to actively respect such rights, avoid violating such rights (McConnachie *et al.*, 2017:15), or in the case of the state, to fulfil the rights prescribed in the Bill of Rights (Section 7 of the South African Constitution, SA, 1996). In practice, however, typical behaviour in schools and other institutions, that is in contradiction with the notion of responsibilities that correspond with rights became evident in the findings. An example includes people who ignore their basic duties and obligations to the state and to others and consequently reflect on societal issues such as morality and human rights values” (Rauch, 2005:9; par. 3.5).

A *‘legal rights approach’* is recommended as one of the five essential components of human rights education in teacher education. Despite critique against a juridical or legal approach to human rights education (Zembylas *et al.*, 2014:141; Keet, 2012:13; Keet, 2015:48; Freeman, 2011:11), findings indicate that, in practice, student teachers need to have a legal understanding of human rights, especially when they are confronted with perspectives on school rules or cases of serious learner misconduct that warrant legal procedures and disciplinary action. Without sufficient legal understanding, student teachers may struggle to contribute towards the protection, promotion and fulfilment of human rights in education (De Waal & Küng, 2017:108). By adopting a *‘legal rights approach’*, student teachers could be equipped with the necessary knowledge, values and skills to protect human rights, for example when dealing with learner conduct, school governance, and school leadership from a legal framework. Legal understanding of human rights thus implies that all role players in a school from any country would deal with human rights issues in education against the background of a legal system of that specific country. For this reason, the *‘legal rights approach’* should be an integral part of human rights education.

Yet, the intra-sections between the ‘legal’ approach and other approaches such as the *‘values-based’* (par 6.3), the *‘cognitive’* (par. 6.4), the *‘social-contextual’* (par. 6.5) and the *‘action’* approach (par. 6.6), unlock possibilities for a legal approach to be critical, address human rights issues, promote engagement with social issues, and motivate action and advocacy (Spreen & Monaghan, 2017:291). All the approaches to human rights education that intra-sect with the *‘legal rights approach’* will be discussed in the paragraphs that follow.

In addition to the legal approach discussed here, a '*values-based approach*' to human rights education emerged and is explored in the section that follows.

6.3 Values-based approach

The second component, the 'values-based approach' to human rights education, firstly acknowledges that people may conceptualise human rights based on a values framework. Secondly, it introduces student teachers to the values that support human rights through overt and, hidden, or null curricula (par. 3.4). In this approach, values are emphasised and viewed as underpinning a person's actions or manifesting in his/her actions (par. 1.5.4). The values-based approach also emphasises morality, where human rights emerging from a moral framework are conceptualised as a set of individual judgments and beliefs that are rooted in values (Akbari & Tajik, 2012:42). In this sense, people might articulate things that they value in different ways when they refer to human rights (Stenner, 2011:1216). Some believe that values such as freedom, dignity and equality should be universally accepted. Others prefer to express their values from a particularistic basis, for instance grounded in cultural and religious values. The notion of Ubuntu emerged from this study as an example of a particularistic value held by South Africans (par. 4.3.2.3). In the 'values-based approach' towards human rights education, values inform moral judgements about human rights and their application, facilitation and promotion. In terms of this approach, understanding of rights is interrelated with morality and focuses on the manner in which a person would think, feel and behave in situations where human rights come into play (Wilson, 1998:4). According to Haste and Abrahams (2008:377), the moral person draws on psychological processes such as moral reasoning to evaluate right or wrong conduct with regard to human rights. Such processes are incorporated in teaching-learning when following a values-based approach towards human rights education.

The findings in this study highlighted three traits that characterise the 'values-based approach' in teacher education (par. 4.3.2): an emphasis on 'being human' in the application and facilitation of human rights; evaluations of 'right and wrong treatment towards others' in human rights application; and the identification of certain 'human rights values' in human rights issues. The characteristics of this component are illustrated in Figure 6-3.

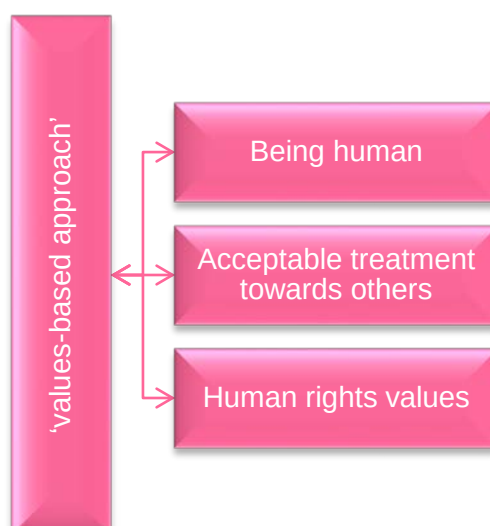


Figure 6-3: Characteristics of the ‘values-based approach’.

A ‘values-based approach’ to human rights education typically draws on terminology related to the concepts ‘morals’, ‘values’ and ‘morality’. Although the findings indicate that the respective concepts are often used interchangeably, each has particular characteristics (par. 1.5.4 & par. 1.5.5).

The first characteristic of the ‘values-based approach’, namely emphasis on the value of ‘being human’ and the importance of its relation to human rights, entails that one would rather reflect on human rights from the perspective of humaneness than from a different perspective (par. 4.3.2.1). This approach acknowledges the relation between human rights and the moral value attached to ‘being human’. An example of this characteristic is found in the following verbatim quote:

“Human rights gives people freedom to have a choice and protect them know their rights as human beings so that they can avoid being discriminated by others and treating others well” (SQ12Comment367_RSA₂₀₁₃).

This quote correlates with Perry’s (2007:5) conceptualisation of the ‘morality of human rights’, which derives from the idea that every (born) human being has inherent dignity. This conceptualisation of human rights in teacher education is the driving force behind the promotion of values such as respect in human rights application and facilitation. Acceptable treatment towards others emerged as the second characteristic of the ‘values-based approach’. Emphasis is placed on how people should be treated (par. 5.3.3.2), and on determining the right and wrong ways to treat people. In terms of this approach, acceptable treatment of others is dependent on a person’s awareness of moral aspects of human rights application. The result of such awareness becomes evident through equal, fair and respectful treatment towards human rights interpretation, application and promotion.

When dealing with human rights education, application and promotion, a values-based approach would refer to values that are not necessarily provided for in a constitution or even democracy, but that are of personal value to individuals. The values-based approach explores different contexts, cultures, people and experiences, and accounts for people's everyday existence, aspirations, concerns and needs (Coysh, 2014:110).

Whereas personally held inner beliefs and values could lead to actions that promote and protect human rights, they could in some cases also lead to human rights violations. In this sense, Ruiz (2004:272) describes the moral relationship and argues that Levinas's theory on 'the Other' (1991) "obliges us to approach moral education from the primacy of the 'Other'". Incidences may occur where a person would only consider his/her individual rights and values without considering the implied responsibility towards the rights of other individuals or groups. Lack of consideration for the 'Other' may result in inhumane or discriminatory treatment. The following quote provides the reason for it:

"No, I don't think they accommodate other people. I'm going to qualify it when they accommodate people, it will be as long as it does not problematize their own lives. It's easy to accommodate something, when the accommodation includes changing your own behaviour, it becomes more difficult. So I don't think they accommodate. I don't think it's purely individualistic. Uhm although I think it's difficult growing up in the light capitalist society where consumerism is at the order of the day which tends to think what do I get. Obviously it is difficult and maybe it's that we tend to when working with human rights, we, I mean my experience might be, we tend to emphasise the right of the individual. What's your right may be not to place emphasis and say how that relates to the one" (LI_{S7P1}_147-156).

Within the 'values-based approach' of human rights, education focuses on the humane factor of individual behaviour and acts on the application of their individual needs and human rights. Alternatively, lecturers would highlight the duty to consider the implied responsibilities towards the rights of other individuals or groups in education. One of the factors that should be considered in human rights facilitation is the notion that during the lecturers' career, learners in their class might understand rights from different perspectives, which would have an effect on the teaching-learning, as well as the promotion of human rights (par. 5.3.2.4). In such cases it might be necessary to use different strategies to accommodate all learners in the application, facilitation and promotion of human rights.

The characteristics of the 'values-based approach' have been described and motivated. The paragraphs that follow will now concentrate on its intra-sections with other approaches.

The findings show an intra-section between the 'legal rights approach' and the 'values-based approach' with regard to the student teachers' articulation of human rights and responsibility. In

both of the approaches, responsibilities are implied and even emphasised, but their application differs. Whereas the 'legal rights approach' focuses on responsibility as an enforceable action, responsibility from a 'values-based approach' refers to the values that are affected by the aspirations, beliefs, desires and preferences of the person involved. The latter shape his/her attitudes and motivate his/her responsible or irresponsible actions. The difference between the two conceptualisations of responsibilities becomes evident in the following verbatim quote:

"Kom ons vat die Skolewet: As ek nie weet van menseregte nie en wat die kinders se regte en wat my regte en verantwoordelikhede (en dieselfde met die kinders nie), kan ek 'n stel klasreëls opstel wat totaal geheel en al kinders se regte en menseregte skend. En daardeur kan ek vir myself baie probleme op die hals haal".⁵⁴

From a legal perspective, responsibilities are associated with rights, rules and legislation. The balancing of rights and responsibilities from a legal perspective implies that student teachers base their decisions regarding school matters on education legislation such as the South African Schools Act (SA, 1996) when they make decisions about classroom and school organisation, or about governance and the funding of schools (par. 4.6.2.4).

Conversely, from a moral perspective in human rights education, rights focus on how student teachers acknowledge 'the Other's' right to exist (par. 3.2), as well as on how they consider 'the Other's' values regarding human rights issues in their decisions about classroom and school organisation, governance and funding.

"Obviously there are rules. In human rights there are rules and responsibilities. But in the end responsibilities are more than acting in accordance to the rules and the law. Responsibility is about me caring, having compassion for other human beings. and when I make decisions my decisions have consequences. Human rights are sometimes more than following the rules (sic) decisions" (FGD_s1y4m2_207-211_RSA2013).

Concerning the balancing of responsibility and human rights, there is a perception that it is a challenge to sensitise student teachers not only to be willing to claim rights but also to accept "our responsibility towards others when they try to claim their rights" (LI_{s7p1}_277-282). From the conceptualisation of human rights in one of the modules selected for the study, it would seem that, combined, the characteristics of a human right (i.e. as a legal construct and as a normative concept) create a sense of togetherness through the values of freedom, dignity and equality (par.

⁵⁴ Translation: Let's take the Schools Act: If I do not know of human rights and the children's rights and what my rights and responsibilities (the same with children) are, I can compile a set of classroom rules that totally violate all the children's rights and human rights. And in so doing, I can create a lot of problems for myself

5.3.1.4). For this reason, the facilitation of both conceptualisations of responsibility may support the enhancement of human rights application, promotion and education.

6.4 Cognitive approach

The 'cognitive approach' refers to an approach that draws on methods or processes of reasoning where people argue about the application and promotion of human rights. Reasoning is also part of the facilitation of human rights education. During the reasoning process, a person thinks and argues in a logical and systematic manner and attempts to find an answer to a problem by considering possible options or trying to persuade the other with rational arguments. Reasoning derives from logical deductions and/or arguments originating from a specific knowledge base. In this study, the 'cognitive approach' involves thinking rationally about human rights and how such thinking influences action. Both reflection and reasoning play a role in the process, although not necessarily at the same time.

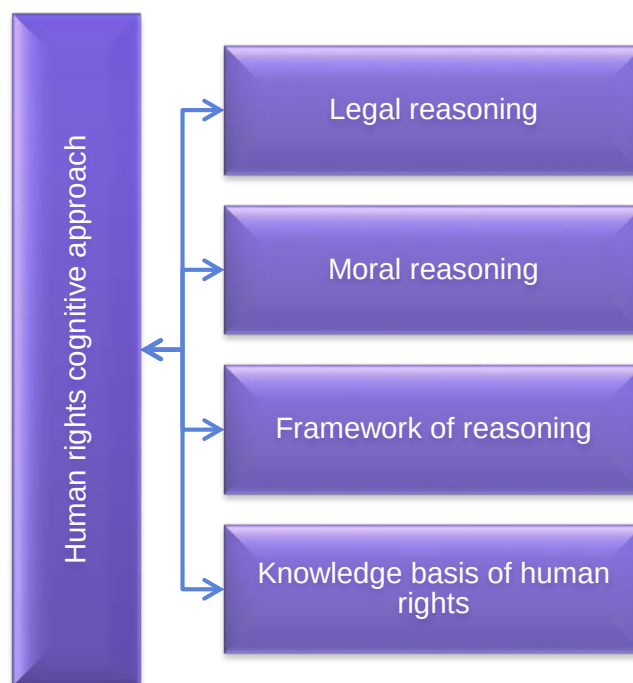


Figure 6-4: The characteristics of the 'cognitive approach'

The 'cognitive approach' is characterised by legal reasoning (par. 5.3.3.1), moral reasoning (par. 5.3.3.2), different frameworks of reasoning (par. 5.3.3.3) and human rights from a specific knowledge basis (par. 5.3.3.4). Each characteristic of the 'cognitive approach' is discussed next.

The 'cognitive approach' is firstly characterised by 'legal reasoning' in human rights education, application and promotion. Legal reasoning refers to (a) reasoning to establish the existing content of the law on a given issue, (b) reasoning from the existing content of the law to the

decision that a court should reach in a case involving the issue that serves before it, and (c) reasoning about the decision that a court should reach in a case, all things considered (Dickson, 2010).

From a legal perspective, reasoning aims to apply the rules made by society to solve an issue or a problem (par. 4.2). In such a case, legal documents and mechanisms, constitutional principles and values, rights and responsibilities and other legal rules are drawn upon when a person reasons about certain applications of human rights in education (par. 5.2.1.1). Legal application of reasoning to human rights consist of the use of legal principles and legislation within the educational context. Rights and obligations, the rule of law, and rights and remedies in accordance with human rights application are all legal principles present in legal reasoning. In addition, the characteristic 'legal reasoning' in human rights education would include the facilitation of legal sources such as legislation, common law, and case law (Malherbe, 2008) to analyse the legal principles that are applicable in human rights issues.

As such, legal reasoning as a strategy in teacher education helps students to come to conclusions with regard to their application of legal rules and principles relating to human rights in a particular situation. In such instances, the logical reasoning process uses a legal rule or principle as starting point to ascertain the action that should be taken or should have been taken in any particular case.

The second characteristic of the 'cognitive approach' involves 'moral reasoning' processes and frameworks of moral philosophy. Moral reasoning is understood as "an inner-psychological and cognitive-developmental framework that governs action in situations in which moral claims are in conflict" (Kohlberg, 2006:618). Moral reasoning or philosophy would involve individual or collective practical reasoning about what, morally, one ought to do in instances related to human rights. In philosophy, two aspects are explored, namely how people recognise and "ought to" react to moral considerations based on their reasoning on human rights as well as the action of moral decision making based on reasoning (Richardson, 2013). Such reasoning, when applied in teacher education, would allow student teachers to argue about and recognise right and wrong, develop the ability to feel moral emotions, weigh conflicting moral claims, make reasoned choices in specific circumstances, and finally, to put their convictions into practice (par. 3.7.4). Moral reasoning could help student teachers to change their basic perceptions of morality, based on pure self-interest and an individualistic perception, to a more refined perception of (collective) fairness that serves society (Mayhew & King, 2008:19).

When moral reasoning is incorporated as a strategy for human rights education in teacher education, a practical question is asked and possibilities are logically argued to reach a conclusion

on the correct way to act in a certain situation (Richardson, 2013). 'Moral reasoning' as characteristic of the 'cognitive approach' is illustrated in the following quote:

"It will mean asking yourself "what is the correct way of action"? It is not only about thinking, but thinking right and doing right, so that you have those normative questions at the center" (Lis5p3_107-109).

In practice, the 'cognitive process' regarding "thinking right and doing right" (par. 5.3.1) means that a student teacher needs to adopt moral reasoning to ascertain the correct action when dealing with human rights issues. The more student teachers use moral reasoning to determination of correct (human rights) action, the more their capabilities regarding moral action would be reflected in their human rights application (par. 3.5.2). In this case, the 'cognitive approach' to human rights education emphasises the creation of opportunities in class to reflect on the correct course of action in the application, facilitation and promotion of human rights issues.

The third characteristic of the 'cognitive approach' involves an alternative 'framework of reasoning' about human rights. The alternative framework of human rights reasoning involves the political and social dimension of human rights, which emphasises the struggle for social and economic rights in democracies (Fernandez, 2009). The first dimension centres on the reasoning of rights articulated against the background of the political landscape (par. 5.3.4.1) as provided by international instruments (Keet, 2007:45). In the second dimension, human rights reasoning involves human rights application of different groupings (Simmonds, 2013:16) within different social contexts (par. 5.3.4.1). Student teachers who reason from a social context would apply, facilitate and promote human rights based on their experience of social issues in their community or observations of human rights from other communities (par. 5.3.4.2; par. 5.3.4.3).

The fourth characteristic of the 'cognitive approach' is the 'knowledge basis of human rights', since knowledge of human rights enables other mental processes that determine how a person would reason and/or act. The knowledge basis in this approach refers to the need for knowledge on human rights, as well as people's actual understanding of human rights in different contexts (Stenner, 2011:1229). Different understandings of human rights (Stenner, 2011:1229) are not only necessary for different contexts, but also have different implications for human rights education.

Now that the characteristics of the 'cognitive approach' have been described and motivated, the following paragraphs will concentrate on the intra-sections between the respective approaches of the theory.

Human rights reasoning as part of the 'cognitive approach' may combine various cognitive processes during reasoning on human rights issues. The various forms or styles of reasoning

transpire where one or two characteristics of the 'cognitive approach' intra-sect with other approaches (par. 5.3.3.2). As such, cognitive activities are influenced by one or more of the characteristics of the other approaches within the intra-sections between them.

It should be emphasised, however, that theory on human rights education in teacher education allows for people to reason from different frameworks (Fagan, 2017; Jones, 2012:267; Stenner, 2011:1215). For this reason, the realisation of human rights education, promotion and application would be possible if lecturers and student teachers alike were to acknowledge, respect and even enhance differences in views and approaches towards the reasoning about human rights.

Where the 'legal rights approach' intra-sects with the 'cognitive approach', teacher education would focus on legal reasoning when it comes to human rights. Legal reasoning as intra-section between cognitive and legal approaches creates opportunities for student teachers to debate on human rights interpretations and applications from a legal framework (par. 5.3.3.1). Such reasoning usually involves the interpretation and application of rules and principles informed by the understanding that enforceable legal rules facilitate fair and just human interaction (Kleyn et al., 2010).

In some cases, the intra-section between the 'cognitive' and the 'legal rights' approaches manifests in dialogue and discourse where legal reasoning is employed. Student teachers draw on legal concepts and terminology combined with legal reasoning (or the deductive approach) when case studies are discussed. An example of this is found in the following verbatim excerpt from a focus group discussion about a scenario involving school discipline:

"In response to [name of participant] I think the school was right in expelling the boy, because we need to look at the rules of the school. What does the school say in relation to absence from school and is his reason valid enough for him to be absent and the school must have a valid reason for expelling him? I don't think they would take such a severe step towards the boy if they don't feel strongly about it. So I think the school was right. They were within their rights"
(FGD_S1Y4M2_21-26_RSA2013).

In addition, student teachers with a legal knowledge basis could reason about school issues such as rules, disciplinary hearings and unfair treatment by the schools – all of which have legal implications. In such cases, student teachers would be able to make a judgement about whether the actions of the respective role players were reasonable and fair according to their understanding of human rights (par. 5.3.3.1). This shows that a legal knowledge base may support or underpin legal reasoning in the intra-section between the 'legal rights' and the 'cognitive' approaches.

When the 'values-based approach' to human rights education intra-sects with the 'cognitive approach' student teachers would be introduced to moral reasoning as a cognitive strategy for understanding and applying human rights. The intra-section draws from moral education and/or moral reasoning when human rights principles are facilitated and applied in human rights education. According to Naervas (2006:703), the aim of moral education is "to facilitate the development of autonomous moral judgment and the ability to resolve disputes and reach consensus according to principles of fairness". Through the moral reasoning process, student teachers can deliberate on morally right and morally wrong actions related to human rights application, promotion and education, and thus they can possibly arrive at conclusions that may influence their actions as teachers (par. 4.3.3). Such an approach exposes student teachers to human rights from a 'values-based approach' and models their reasoning and action as motivated by values. Within teacher education, the 'values-based approach' emphasises the role of values with regard to the moral aspects of a human rights action between two or more human beings who are in a relationship with one another.

Greater clarification on human rights education follows next in the paragraph on social and contextual awareness.

6.5 Social-and-contextual-awareness approach

The 'social-and-contextual-awareness approach' focuses on people's awareness and understanding of their experiences and observations of social and contextual issues in their environment as well as broader society, and how such issues relate to human rights. This approach draws from the notion of social awareness and refers to the ability to be aware of social and contextual problems and difficulties faced routinely by social groups or communities (Hardison, 2012), as well as of how these affect human rights learning, understanding and realisation. Human rights education (HRE) from the 'social-and-contextual-awareness approach' is characterised by awareness, empathy, empowerment and the actions of people to change a current situation in accordance with human rights values, norms and standards (Mihir, 2015:535).

The first characteristic of the 'social-and-contextual-awareness approach', namely 'political environment', includes a person's attentiveness with regard to the political environment and his/her perceptions on the effect that politics has on human rights realisation. The second and third characteristics of this approach involve the perceptions of student teachers on the social issues that they experienced or that they observed in their immediate and broader community. These characteristics are depicted in Figure 6-5.

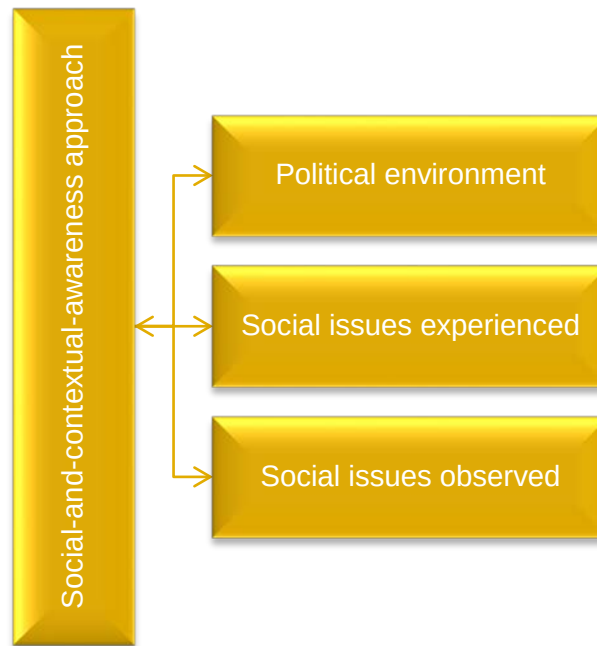


Figure 6-5: Characteristics of social-and-contextual-awareness approach

'Political environment' as the first characteristic of the social awareness approach emphasises the role of a person's perceptions of the political context in which the participants live, as far as human rights learning is concerned. The characteristic 'political environment' draws from perceptions of past or current politics in a particular context, and how such politics influence and are influenced by human rights. Words such as 'oppression', 'privilege' and 'disadvantaged groups' in relation to human rights are typical of this approach (par. 5.3.4.1). Student teachers who are socially and contextually aware, display a sensitivity with regard to social injustices and the effect they have on human rights in education. In the 'social-and-contextual-awareness approach', human rights education, promotion and application acknowledge that people's responses with regard to human rights are grounded in their subjective perspectives, because of their social environment. Sensitivity is required towards another person's psychological state, his/her thoughts and feelings and/ or about the social context (Hardison, 2012), as well as his/her experience of human rights in different situations and spaces (par. 3.2). In South Africa, for example, student teachers are required to learn about education in various contexts to understand the "complex and differentiated nature of the South African society" and learn how to confront the diverse challenges that derive from the country's prevailing policy, political and organisational contexts (DHET, 2015).

The diverse challenges that South Africa faces, include social injustices regarding human rights (De Wet *et al.*, 2016:88; Kok, 2010:62). Emphasis on current politics of a country as well as its history with regard to human rights abuses also influences the understanding of student teachers

and their lecturers with regard to human rights and human rights application. Vocabulary frequently used would include power, privilege, apartheid, oppression, (in)equality, (in)justice, politics and democracy (par. 5.3.4.) A 'social-and-contextual-awareness approach' would encourage students of teacher education to verbalise their views on and opinions of human rights in current political affairs in the form of critique. The verbalisation of thoughts and/or dialogue is linked to critical pedagogy where students' voices are employed in the classroom to relate their experiences of power and social inequality (Johnson, 2004:146). The moment that student teachers are in dialogue with each other, they may understand and critique power imbalances and social oppression of particular groups. The use of dialogue in human rights education can contribute to the transformation of current debate and/or the realities of student teachers who seek greater fairness or justice from within a society that is itself unjust (McArthur, 2011:579; Johnson, 2004:146-147). The critique (quoted verbatim) on persistent social problems could be directed to the state or other organs to emphasise the inequality between the circumstances of the advantaged and disadvantaged groups:

"Human rights only works in most cases for those who have power, the capitalist. they are the ones who are given their human rights fully. People who are disadvantaged normally do not practice their human rights or I can say they are still suppressed by those on top" (SQ47Comment60_RSA₂₀₁₃) (par 5.3.4.1).

The study showed a close relationship between (an awareness of) the political context and how people interpret, apply and facilitate human rights in education. It should be emphasised, however, that people who are socially aware would not only recognise social ills or human rights violations, but in most cases they would share strong opinionated views with others (par. 5.3.4.1). This approach follows a more critical perspective on human rights and human rights education, wherein the concept of citizenship is "interconnected with social and cultural difference, class, race, ethnicity, gender, cultural and religious orientation, and sexuality" (Molina-Girón, 2016:143).

The second characteristic of the 'social-and-contextual-awareness approach', namely 'social issues experienced' (par 5.3.4.2), refers to the notion that student teachers' understanding, application and promotion of human rights are influenced by their first-hand experiences of social issues such as xenophobia, homophobia, racism, classism, sexism, discrimination against minority groups, misuse of governmental power, terrorism and war. In the current study, issues that have emerged in the South African context specifically are often the ongoing effects of apartheid or due to unequal human rights application in the prevailing socio-economic context:

"It goes back to what I have been saying about this application of human rights. Since I am poor someone will violate my rights. Where I grew up if someone violate my human rights I would not have had the means to bring that person to book. But if someone has money, if they are rich they would be able to get lawyers and bring me to book if I violate their rights. So that gap between rich

and poor is there but not to say that human rights are for the rich. I do understand the mentality of poor people if they say that human rights are just for the rich. I do understand because if someone is rich and they can afford to stand up for their rights and I cannot I would actually say that it is there to protect the rich” (FGD_S1y4M1 _87-96_RSA2013).

Student teachers' experiences of human rights application in terms of social issues such as drug and alcohol abuse, acts of physical and sexual violence- and abuse of women and children, corruption, discrimination, intolerance, intergenerational conflict and structural inequalities (Bayaga & Louw, 2011:201; Rauch, 2005:9) could influence their human rights understanding and application, either positively or negatively. Findings revealed that some people tend to ignore social issues, because they are difficult to deal with. In such cases, human rights education in teacher education could be used to make student teachers more aware of their own experiences and how these influence their views on human rights. One strategy for developing awareness is to let student teachers reflect on their experiences:

*“En wat ek hulle probeer laat verstaan, en ek kom nou by menseregte uit, is dat jou werklikheidsvisie en jou oortuigings glad nie geïsoleer is van wat aangaan nie. Jou konteks beïnvloed dit die hele, hele tyd. Dis besonder belangrik dat jy bewus is, met soveel as moontlik voelertjies, nie net jou verstand nie. Wat gaan om jou aan? Watse probleme is daar? Watse issues is daar? Watse uitdagings is daar? Hoe laat dit jou voel? As jy dit kan doen en jy is oop vir ander mense se ervarings en jy kan dit na jou oortuigings terugherlei en weer na die werklikheidsvisie, dan kan jy actually 'n verskil maak”.*⁵⁵

An alternative way of employing personal experiences is to use the pedagogy of discomfort as a method of teaching human rights (Zembylas & McGlynn, 2012:41). A pedagogy of discomfort uses people's discomforting emotions as a starting point to “uncover and undo the mechanisms student teachers use to apply hegemonic values and beliefs about others in daily habits, routines, and unconscious feelings regarding human rights issues” (Zembylas *et al*, 2013). The particular pedagogy's aim is to ‘challenge dominant beliefs, social habits and normative practices’ that withstand social injustices (Gachago, 2013:23). In reaction to their own experiences of social issues, they might become more socially aware or take action in the form of student activism and

⁵⁵ I try to show them that many people, based on their view of the world, try to distance themselves from social problems and issues in South Africa because those are so difficult to deal with. As soon as you do that, you skew your view of the world because your beliefs can no longer be translated into reality. And what I want them to understand (and I will go now come to human rights), is that the way you see the world and the beliefs you uphold are not isolated from what is going on. Your context influences it the whole time. It is important for you to be aware, and to put out as many feelers as possible, not just use your brain. What is happening around you? What are the problems? What are the issues? What are the challenges? How does it make you feel? If you can do that and if you are open to other people's experiences and you can relate this to your own beliefs and the way you view the world, then you can actually make a difference

student protests at their higher education institution. The latter outcome can be seen as an intra-section with the component 'action approach'.

The third characteristic, 'social issues observed', refers to people's conceptualisations of human rights, in other words what they have observed in their own or other communities, but have not experienced first-hand. Their experiences and/or observations may be driven by their own perceptiveness and/or empathy towards others' problems (Hardison, 2012). In some cases, people's observation of social problems and human rights abuse (such as the treatment of refugees and women, global terrorism, and human trafficking) would compel them to critique social injustices and the contradictions in the (non)realisation of human rights (Du Preez *et al.*, 2017:5). This characteristic resonates with critical approaches to human rights education (par. 3.7.3), where one of the main premises is the understanding of the world as a pre-requisite for social change. Other premises of critical approaches are the following: knowledge as a product is historically shaped and dominated by those who have power; liberating people includes empowering them; education is a transformative activity that creates empowering conditions for social justice and democracy (Acar Çiftçi *et al.*, 2015:4).

The 'social-and-contextual-awareness approach' in teacher education engages the political environment, observations of people's suffering and own experiences of suffering in human rights facilitation and learning. This approach is reflected in the following quote:

"And what I think one of the important components what I would like students to develop, is to bring their whole self in this, which include their emotions, their experiences, other people's experiences to really be able to struggle with these issues in a responsible way" (LI5P3_112-115).

Pedagogy of discomfort furthermore introduces student teachers' emotions and experiences in the facilitation of human rights. The pedagogy is based on the notion that student teachers' feelings of discomfort could "challenge dominant beliefs, social habits and normative practices that sustain social inequities. Such a pedagogy may create openings for individual and social transformation" (Zembylas, 2015:170). An example of a strategy based on the pedagogy of discomfort is the use of triggers. Triggers aim to make students uncomfortable and invite them to react on those triggers. In such situations, students might reflect on their rights and share their thoughts with the class (par. 4.3.5.4). The advantage of strategies such as triggers includes motivating students to reflect on their rights. The possibility then exists that a lecturer in turn would discover what "the student teacher thinks about human rights – not what the student teacher have heard or have always accepted" (LI51P1_101-104).

Now that the characteristics of the 'social-and-contextual-awareness approach' have been described and motivated, the paragraphs that follow will concentrate on its intra-sections with other approaches.

The intra-section between the 'legal rights approach' and the 'social-and-contextual-awareness approach' manifests in two ways. The first involves the use of legal documents that specifically include the recognition of "social injustices of the past" and the aspiration of "healing the divisions of the past and establish[ing] a society based on democratic values, social justice and fundamental human rights" (Preamble of the Constitution, SA, 1996).

Another legal document that refers pertinently to social and economic inequalities is the Equality Act (SA, 2000). This legislation informs people not only about discrimination in different contexts, but also about the procedures of dealing with it in a court of law (par. 4.5.3.2). The inclusion of legal documents such as the Constitution with its entrenched Bill of Rights and the Equality Act as part of the curriculum equips students with the necessary knowledge on how to act to enforce one's own human rights when they are violated. Human rights education emphasises the relationship between the way in which people voice their opinions about social injustice, as well as the role that human rights law play in their actions. The following quote explains the balance between the freedom of exercising one's right and the boundaries given in the ambit of the Bill of Rights (LI57p1_66):

"In general, if [people] are not happy, they should voice their opinions, but they should do it in the ambit of the Bill of Rights".

The quote does not refer to a specific right only, and suggests that people should enjoy all their rights – with the requirement that this should occur in accordance with the Bill of Rights in the Constitution.

Furthermore, applicable original legislation (par. 4.6.1), as well as subordinate legislation (par. 4.6.2) pertaining to human rights, is applied to prevent or deal with human rights violation in education. One of the lecturers in the study used the example that an educator might draw up class rules that would violate the children's rights if he/she does not know about human rights in general or the rights and responsibilities of learners and/or educators (LI55p1_60-64).

The second manifestation of the intra-section between the 'legal rights approach' and the 'social-and-contextual-awareness approach' is the use of legal action to stop or resolve human rights violations. Knowledge about case law and due process in teacher education (par. 4.5.2) exposes student teachers to ways in which "the injured party may approach the authorities or the courts for assistance" (Malherbe, 2008: 21). Legal action may be taken against schools if they are for

example ignorant of the rights and responsibilities of all the role players in education and applicable legislation. Examples have been recorded of legal actions by parents (*MEC for Education, KwaZulu-Natal v Pillay 2008 (1) SA 474 (CC)*; *Laerskool Middelburg en 'n ander v Die Departementshoof: Mpumalanga se Departement van Onderwys en andere [2002] JOL 10351 (T)*); by the community (*Organisasie vir Godsdienste-Onderrig en Demokrasie v Randhart (2014) and others 29847/2014 GHCJ*); or by the Department of Education (*Governing Body of Mikro Primary School and Another v Western Cape Minister of Education and Others All SA 37 2005 2 (C) (18 February 2005)*; *Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo [2009] and Another 2010 (3) BCLR 177(CC) (14 October 2009)*).

Another intra-section between the 'legal rights' and the 'social-and-contextual-awareness' approaches is the employment of a combined critical theory approach towards human rights and the application of law and legal theory. Whenever these two approaches intra-sect, a critical theory lens is used to explore law and legal theory, resulting in approaches such as critical legal studies, African jurisprudence, and feminist jurisprudence. A critical lens would for example emphasise the political nature of law, where law is not defined as "separate or above power in society but part of it" (Kleyn *et al.*, 2010:307).

Critical approaches are integrated not only in legal education, but also in various pedagogies in teacher education. Critical multicultural education that criticises multicultural education focuses on liberal multiculturalism and emphasises the need for a structural change (par. 3.4.3). Regarding human rights, multicultural education highlights equality as a value and focuses on culture, gender, ethnicity, race and language in education. Another pedagogy, citizenship education, focuses on being a citizen and emphasises the notion that informed and thoughtful decisions are based on knowledge about government, politics, rights, responsibilities and community issues (par. 3.4.5).

The second intra-section between the 'legal rights approach' and the 'social-and-contextual-awareness approach' involves the use of expressions associated with the critical approach to human rights education. The concepts of society, politics, power and oppression constitute an integral part of the 'social-and-contextual-awareness approach' which would, when intra-secting with the legal approach, explore and critique the role that law plays and could play in social (in)justices. One (verbatim) example where a student teacher's awareness of power within vertical relationships was verbalised, is as follows:

"Everyone is supposed to have rights in SA the Law of the government contradicts every citizen's rights. the criminal or murder for example, has more rights than the victim of the crime done. Human rights do not apply to everyone"

*equally at the current stage of time, which is not right" (SQ12
Comment123_RSA₂₀₁₃).*

Student teachers and lecturers who are socially or contextually aware were prepared to verbalise their thoughts and opinions on social injustices and the effects of power imbalances but would not necessarily act on them. A lecturer in human rights education might use techniques such as triggers to provoke students into verbalising how they observe and experience human rights application. The provocation of students is but one of the strategies to engage student teachers in a critical, dialectical examination of power relations and to equip them with language to become transformative agents in society (Zembylas, 2013:177-178). In addition, lecturers are required not to say things and offend people or cause pain in the process, which would provoke or cause the student teacher to react by leaving the classroom (LI₅1p1_118-122).

The intra-section between the 'values-based approach' and 'social-and-contextual-awareness approach' to human rights education refers to human rights values and concepts related to social and contextual awareness (power). Human rights education can empower people by enabling student teachers to claim rights, understand why and how these are violated and how student teachers can change the situation (par. 3.2.1).

Mihr (2015:535) argues that human rights education based on critical approach enables students to recognise and empathise with diverse understandings of human rights in various contexts. Firstly, reflection may be used in human rights facilitation to not only ascertain a particular situation with its potential action regarding human rights violation but also confront human rights violations on multiple levels and in different contexts (par. 3.3.1, par. 3.4.5). In some instances, student teachers' actions on human rights violations may consequently be based on their experiences and attitudes regarding injustice (par. 3.4.5). Furthermore, human rights education develops student teachers' human rights language as well as their pedagogical language pertaining to human rights application, facilitation and promotion. One example of human rights language as perceived from a critical approach is the use of the concept 'human wrongs' in the discussion of human rights violations (Keet, 2015:59). For Keet, there is a conceptual difference between a 'human wrong' and a 'human rights violation'. A 'human wrong' constitutes an instinctive registration of a negative and degrading 'human experience'. A human rights violation is a deviation from a regulatory principle. The concept 'human wrongs' is constructed within the context of needs and compassion, while 'human rights violations' emerge from non-compliance with stated regulations or laws, a technical or administrative deviation, inaction, or professional incompetence. Human rights education from the 'social-and-contextual-awareness approach' thus empowers student teachers to express their understanding of human rights, based on a social-contextual framework of human rights.

Another intra-section between the 'values-based approach' and the 'social-and-contextual-awareness approach' draws on the relationship between a person's values and his/her awareness of social and contextual factors that influence human rights realities (Butin, 2005:218). Butin argues that the goals and objectives of higher education institutions should include developing student teachers' range of actions and thoughts. Student teachers' actions and thoughts should be about "socially consequential, culturally saturated, politically volatile, and existentially defining issues within the sphere of education" (Butin, 2005:218). Furthermore, teacher education could contribute to the facilitation of cultural competence when it comes to human rights application, promotion and education. As such, a person's perceptions of human rights application are based on his/her awareness of social and contextual influences and formed through the own social environment and/or lived experiences (par. 5.3.3.3). The understanding of student teachers' cultural and racial backgrounds might support student teachers' perseverance in the classroom and promote students' academic engagement (Butin, 2005:220). Within the 'values-based approach' to human rights education, a student teacher does not only apply his/her human rights from own experiences, but also from the awareness of 'the Other's' culture and racial background. By exposing all people to human rights, one could enhance their understanding of human rights application in the social and political contexts and, consequently, have an impact on their personal development in this regard (Sliwinski, 2005:219).

The 'social-and-contextual-awareness approach' also intra-sects with the 'cognitive approach'. Human rights education within this intra-section emphasises human rights as relational (par. 5.3.1.5) and how human rights is applied as social practices (Jones, 2013:268). Such an approach draws on knowledge and understanding, as well as on experiences related to socio-contextual influences on human rights when reasoning about human rights issues. With regard to knowledge and understanding about socio-contextual factors in human rights application, the following quote (FGD_s1y4M2_298-301_RSA2013) applies:

"[L]ooking at this school and everything going on I think there is a strong undercurrent of racism going on, because at the end it says the school expelled James for dress code, absence and for embracing the Xhosa culture. Why, because he is a white boy? So does this mean just because I am a white boy I cannot embrace other cultures. What happens to my freedom of choice?"

Within the intra-section between the 'cognitive approach' and the 'social-and-contextual-awareness approach', student teachers also reason from their own social experiences (par. 5.3.4) or their observations on others' lived experiences when being confronted with human rights issues (par. 5.3.4.3). Within human rights education, student teachers would be exposed to different experiences of human rights issues and how student teachers should respond to them (par. 3.4.5).

From a human rights perspective, the acknowledgement of a person's culture and how it interacts with human rights could contribute to person's sense of worth, which could in turn contribute to positive human rights application in teacher education. Therefore, the inclusion of content on a country's diverse cultures in the curriculum could promote human rights education, application and promotion in teacher education.

6.6 Action approach

The final component or approach to human rights education focuses on the 'actions' that student teachers and lecturers take when they are confronted with human rights issues. Their actions, and sometimes inaction, originate from their knowledge, reflection on and/or evaluation of people's actions regarding human rights issues. According to De Wet and Simmonds (2017:5), processes of human rights as action involve:

"individual or collective actions, reactions and interactions of humans when they use, reformulate, verify, claim, defend, amend, recognize, critique, reject, resist, deconstruct, engage with, fight for or apply (their own) human rights (par. 3.7.6). These actions could include legal actions, actions from states or institutions or collective protest action of a community or in the context of higher education, collective action of students with transformative action as its aim".

Furthermore, their actions were rooted in different frameworks such as philosophical, legal, moral or socio-political frameworks. Adopting an 'action approach' could include application, advocacy, utilising legal mechanisms, and promoting human rights through facilitation or teaching-learning.

The following characteristics are part of the 'action approach': 'action and inaction'; 'application'; 'advocating human rights'; 'teaching-learning human rights' and 'human rights promotion' (par. 5.3.5). Each characteristic of this approach is depicted in Figure 6-6.

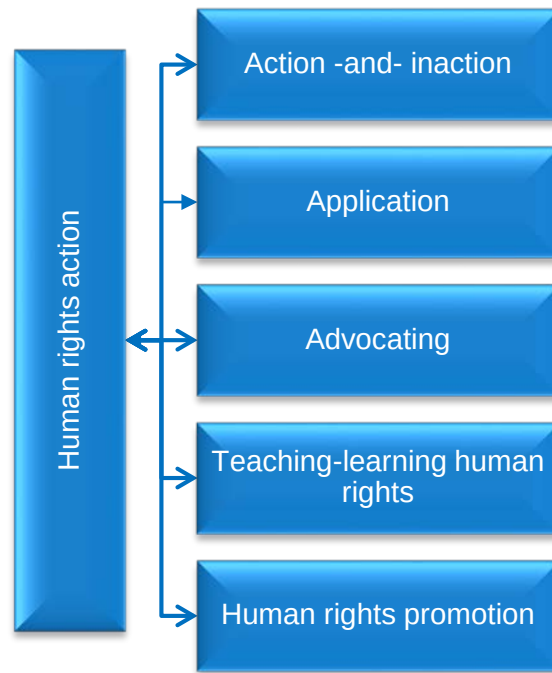


Figure 6-6: The characteristics of the ‘action approach’

The first characteristic of the ‘action approach’ focuses on whether people would act to protect human rights or not. ‘Action’ can be described as human rights application within different contexts, or it can be related to personal experiences that range from a passive (inactive) to an active dimension.

The passive dimension of action denotes ‘inaction’ or the “failure of doing something that one should do” (Merriam-Webster, 2017). An example of inaction is found in the following quote (par. 5.3.5.1):

“I think as a teacher also I have a right to religion, if my religion is against gays and lesbians I have to think with my religion. Then if I have to teach these children about gays and lesbians maybe for instance, they maybe could have another teacher to teach them, because me, I can’t teach them because of my religion” (FGD_s5y4M2_5-8_RSA₂₀₁₃).

In contrast with the passive dimension of human rights action, the active dimension would refer to human rights as “people fighting for what are rightfully theirs” (SQ12Comment103_RSA₂₀₁₃). In the ‘action approach’, the concept ‘action’ is described in the following quote:

“Every person has the right to something, and the right to stand up for what they believe in, if something wrong is done against a person, the person have the right to be treated fairly” (SQ12Comment421_RSA₂₀₁₃).

The actions described in this quote would describe a transformative citizen (Banks, 2008:137) who would prefer to promote values and moral laws, but who might violate existing conventions

and laws when he/she feels that human rights abuse should be acknowledged (Banks, 2008:137). The 'action approach' to human rights education enables student teachers to act on or deal with people's reactions to human rights issues. Any reaction that people might have with regard to human rights issues derives from their mode of reasoning and/or from the perceptions of their own experiences or observations of social issues in other communities.

The second characteristic of the 'action approach' is human rights 'application' – that is, the act of putting something to use or the capacity for practical use in various contexts (Merriam-Webster, 2017). The following quote explains human rights application as follows:

"Equal opportunities for all and non-discrimination of others based on their race, gender, class, culture, religion, level of education, contextual background, sexual orientation and HIV status" (SQ12Comment458_RSA₂₀₁₃, par. 5.3.2.3).

The factors mentioned above, along with race, social origin, colour, age, disability, pregnancy, marital status, and birth are identified as grounds for unfair discrimination (Section 9, SA, 1996).

Student teachers and lecturers have indicated that facilitating skills in human rights applications is a challenge:

".... It is very difficult because we are all socialised to come from certain societies and ideologies and we are taught what is right and what is wrong. I also find it very difficult because it is human nature that you favour your own religion and your own culture but as teachers it is important that we are neutral to these things and in a classroom at least try and treat each and every learner equally" (FGD_S1Y4M2_402-412_RSA₂₀₁₃).

Findings that depicted student teachers' and lecturers' views on positive human rights application included strategies such as accommodating and respect for one another; finding common ground between differing stances; dialogue; and negotiation of the Constitution on different contexts.

In the 'action approach', emphasis is placed on the notion that student teachers may internalise human rights from a socio-contextual approach instead of from a 'legal rights approach', a 'values-based approach' or a 'cognitive approach'. Therefore, methods such as dialogue, debates, role play and even triggers should be employed to start forms of discourse that will engage student teachers in human rights actions.

The third characteristic of the 'action approach' is the notion of 'advocacy', which, as a legal action, deals with the pleading of a cause. In contrast, 'advocacy' as a public action supports the specific interests of a group (Merriam-Webster, 2017). An example of action to promote specific interests is the recent protest action that took place at South African higher education institutions (Keet *et al.*, 2017:88, 91). The findings of this study indicate that student teachers might take part in protest actions in order to ask questions from institutions in power, or to criticise them and

demand the transforming of societal issues (par. 5.3.5.4; Quaye, 2012:3). De Vos (2009:14) qualifies the effect of advocacy for human rights from a political perspective:

“...while they [rights] can constitute a force for emancipation they can also give rise to a means of obstructing or co-opting progressive political demands. Thus rights emerge both as a means of protection against arbitrary use and abuse by sovereign and social power and as a mode of securing and naturalising dominant social powers relating to race, class, gender, sexual orientation and others”.

An ‘action approach’ to human rights education in teacher education would provide opportunities for focusing and engaging on human rights action in the classroom. During such opportunities student teachers could “voice their opinions, but also critically reflect on what is being said, the reasons for what is being said and lastly how they can effectively change their situation” (LI57P1). Educators should engage with students in their critique against injustices and guide them to decide on a form of action to change the world and make it more democratic (par. 3.4.1). Because of the right to advocate human rights and consequently the manner how people would act to that right, a balancing act between the right of participation and the responsibility of protecting human rights in a particular situation exists (Heyns, 2006:15).

‘Human rights action’ also consist of the teaching-learning and facilitation of human rights. The action of ‘teaching-learning’ includes selecting content and choosing strategies for facilitating human rights education. Content and strategies used for the teaching-learning of human rights are viewed as necessary requirements for human rights education (Bajaj, 2017:3). Teacher education may employ educational approaches such as multicultural education (par. 3.4.1), intercultural education (par. 3.4.2), citizenship education (par. 3.4.3), human rights education (par. 3.4.4) and moral education to contribute to human rights application. The notion in this approach of different knowledge bases in the teaching-learning of human rights at various institutions is not considered counterproductive, provided that student teachers are exposed to various skills with the aim to apply and promote human rights. Furthermore, the educational process of teaching-learning human rights should not only consist of cognitive content, values and skills, and action-orientated components (Bajaj, 2017:3), but also include acknowledgement, awareness, empathy, empowerment to change a current situation in accordance with human rights values, norms and standards” (Mihr, 2015:535). Such a human rights course must enable students to develop ways of recognising and challenging their own biases, as well as their own sources of power and privilege (Beagan, 2003:614).

Skills that are necessary to develop human rights literacy include the characteristics of the ‘cognitive approach’ to human rights education, such as reasoning about human rights application and promotion in different contexts. In addition, lecturers employ both learner-centred and

teacher-centred strategies in their facilitation of human rights to develop skills such as the application of democratic practices, including “non-discriminatory and non-sexist practices based on values” (equality, tolerance, dignity and social justice), “the implementation of acquired knowledge” and personal skills such as “reflection and introspection” (LI_S1P₂_309-315).

The ‘action approach’ is lastly characterised by the promotion of human rights. Although ‘human rights promotion’ facilitates knowledge about human rights such as teaching-learning and human rights promotion, it is also defined as the process of furthering the growth and development of human rights (Merriam-Webster, 2016). The aim of the approach is to get student teachers to apply their human rights skills in their daily interaction with others. Human rights promotion would therefore focus on the provision of knowledge, skills and understanding to develop a person’s attitudes and behaviours so as to build and promote a universal culture of human rights (Article 2(1) of the United Nations Declaration on Human Rights Education and Training, UN, 2010).

The promotion of human rights could refer to skills such as defending oneself or claiming rights (LI_S5P₁_163); acting professionally and in accordance with the law (S₅M₀1); and contributing to a culture of respect for human rights. In human rights education, the creation of a human rights culture starts with the application of principles of modelling to facilitate in treating people in a respectful manner.

“En dan glo ek ook deur my eie voorbeeld van my studente te respekteer en met respek behandel en hul menswaardigheid in ag neem en so, hoop ek dat hulle ook daardeur iets leer”.⁵⁶

When human rights are promoted in and through human rights education, student teachers should not only understand the theoretical concept of human rights violations, but they should also be able to integrate human rights in their behaviour and/or recognise the effect on their conduct (LI_S5P₁_127-134):

“Of all the students, education students are the guys with a relative good understanding of it [human rights], simply because of their exposure to it in their practical teaching. Whether it affects their conduct, one is not always so sure. But if you listen to the things that they tell you and talk about in class, they will often refer to things that happened during Practical Teaching. Whether it is something that a learner or a teacher did, they will bring it in relation to human rights violations. So I do think they have an understanding of, appreciate human rights to a degree”.

⁵⁶ Translation: “And then I believe that by respecting the example set by my students and being respectful towards them, namely to respect my students and to treat them with dignity, I hope that they, too, will learn something from that”.

The characteristics of the 'action approach' have been described and motivated. The following paragraphs will concentrate on the intra-sections between the respective approaches of the theory.

Just like the other approaches, the 'action approach' also intra-sects with other approaches of human rights education. The first intra-section of the 'action approach' is with the 'legal rights approach' where legal action (meaning to claim or enforce human rights as found in human rights law) is emphasised. The 'legal rights approach' is also characterised by the enforcement of human rights with the purpose of restoring balance through the process of justice (par. 4.5.2). Human rights education aims in this case to inform student teachers how to employ courts, tribunals or other legal forums when acting on human rights violation(s). In this approach, human rights action focuses on the action that student teachers and lecturers take when they are confronted with human rights issues in schools.

Another focus of human rights education within this intra-section is the focus on human rights law as a basis or inspiration for action – be it in vertical or horizontal relationships (par. 4.5.1). The following quote focuses on the Constitution in the application and promotion of human rights in teachers' daily lives (LI5P1_45 – 47):

“One of the most important things for students to learn is that everything is based on our Constitution. How they conduct themselves, the things that they transmit to learners, how they act and what the law requires from them”.

Adopting a legal approach to instruct student teachers how to deal with human rights violations would help to make them more aware of their own responsibilities towards their learners (par. 4.2).

On the other hand, an intra-section between the 'action approach' and the 'legal rights approach' involves acting and reacting on human rights by drawing on legal mechanisms associated with human rights law. Human rights action from a 'legal rights approach' provides the opportunity to teach students about legal action in which parties would claim, defend or fight for their own human rights (par. 3.7.6). When the 'legal rights approach' to human rights education includes reflection on action based on legal knowledge, student teachers would be able to enforce their human rights by verbalising their needs regarding human rights. In a higher education context, legal action could extend to protest action such as the voicing of grievances, bargaining about or the fulfilment of rights (cf. par. 5.3.5.4).

The 'values-based approach' also intra-sects with the 'action approach'. Action is highlighted in the HRE movement through its reference to HRE and the Universal Declaration of Human Rights (UDHR). The essence of HRE has been described as a “concept based amongst other things, on

the actions of people to change a current situation in accordance with human rights values, norms and standards” (Mihr, 2015:535). Some of these characteristics of HRE (such as the actions that Mihr mentioned) did however emerge later in time. In the history of the HRE movement, when newer and older democracies incorporated HRE into formal education, the focus was placed on teaching about human rights instead of teaching for the practice of human rights and their realisation by individual and collective action (Bajaj *et al.*, 2016:3). In their version of HRE, the Transformative Human Rights Education (THRED) approach contains cognitive, affective, and action-oriented elements within a curriculum to “bring human rights to life and to foster in learners an awareness of global citizenship and a respect for human rights” (Bajaj *et al.*, 2016:3). In her improved Accountability Model (2002), Tibbitts highlights that when a student teacher understands that each learner brings his/her own values, experience, vulnerabilities and expectations to HRE, contact with the learner will be established and is likely to lead to empowerment and action (or activism). Tibbitts’ argument illustrates that the recognition of student teachers as human beings (one of the characteristics of the ‘values-based approach’) might lead to action. As an example of this intra-section, student teachers’ actions are inspired *inter alia* by the value of compassion:

“But that compassion you have, that Ubuntu in you it supersedes everything, because you are acting in compassion to another human being, protecting their rights. Even if it is against the law” (FGD_S1v4M1 _156-159_RSA2013).

In human rights education, this intra-section is characterised by dialogue and action, and associated in literature with critical pedagogy of human rights education (par. 3.4.5). The use of dialogue in human rights education can contribute to the transformation of current dialogue and/or the realities of student teachers who seek greater fairness or justice from within a society that is itself unjust (par. 3.4.5). Dialogue consisting of intuitive argumentation may integrate experiences from the life worlds of student teachers and lecturers “to confront (dis)similar situations [...] to explore human rights and its ethical dilemmas” (Du Preez *et al.*, 2012:90; Du Preez, 2008:76). Dialogue can be used as a medium in human rights education to recognise the values, needs and beliefs of student teachers (par. 3.4.5), which could subsequently influence their actions in human rights issues.

Within another intra-section between the ‘action approach’ and the ‘values-based approach’, people do not only make judgements on what is right or wrong after evaluating the facts, but they also act on their beliefs and judgements (Colby, 2008:391). Findings that emerged from the current study show that student teachers believe that human rights actions should be based on moral knowledge and that having values is necessary before a person can act (SQ47Comment3_RSA2013, par. 5.3.2.2).

"In order to know what is right and what is wrong, one needs to have values and morals. Without knowing what is right or wrong, one can't prescribe a way to act or treat other people".

Another characteristic of the 'action approach' is human rights values such as freedom, equality and dignity. These values are verbalised by student teachers' beliefs, desires and preferences that shape their attitudes and motivate their actions or inactions (par. 5.3.2.3). When facilitating human rights education as part of this approach, lecturers and teachers incorporate these values when they refer to right and wrong behaviour in class.

Alternatively, a 'moral reasoning process' where choices on action are made intuitively, is influenced partly by a person's experiences with his/her family and peer groups and partly by the norms of their society (Colby, 2008:391). In some cases, these inner beliefs of individuals are converted into actions that affect others (Akbari & Tajik, 2012:42). This moral process also intra-sects with the 'social-and-contextual-awareness approach' in human rights application, promotion and education.

The 'cognitive approach' and the 'action approach' furthermore intra-sect with one another in human rights education. These two components together form of cognitive process where reflection or reasoning is performed before a human rights action is executed. Student teachers and lecturers did not only conceptualise human rights from a moral or legal point of view, they also reflected on what human rights would mean for them:

"....what comes to mind is the right to be human and enjoy a life that is not discriminative and that allows me to express any feeling or thoughts that i might have without being discriminated against" (SQ12Comment235_RSA₂₀₁₃, par. 5.3.2.2).

Human rights education in the 'cognitive approach' acknowledges that student teachers may internalise human rights *inter alia* through many reasoning processes, which may lead to engagement and action (McArthur, 2010:304). A safe space is required for the 'cognitive approach' to be facilitated in teacher education. In this safe space, activities that would encourage reasoning, such as dialogue (Sinha, 2010:473), debates and case studies (Gorski & Pothino, 2014:6), can take place. Dialogue and discourse feature in Dembour's Deliberative school as the main characteristics of this school (Dembour, 2010:3). Dialogue and discourse are essential for teachers to share and incorporate their own experiences in human rights learning through reasoning and reflection.

A third intra-section between the 'action approach' and the 'cognitive approach' focuses on the application and/or implementation of human rights as influenced by the cognitive reasoning of student teachers. In turn, both these approaches intra-sect with other components of human rights

education. The intra-section illustrates that student teachers could switch from one reasoning approach to another. One example where student teachers switched from one kind of reasoning to another is the discussion of Scenario 4 that had primarily legal and law-related themes. These themes included the teacher's right to drink or the rule that a teacher may not come to school drunk (par. 5.3.3.1). The reasoning indicated an awareness of legal rules. The student teachers' reasoning changed into moral reasoning when the students started to think about the application of rules (quoted verbatim):

"RESEARCHER: Why do you think it should be stated that you shouldn't?"

PARTICIPANT: How are you going to teach if you are drunk?

PARTICIPANT: And children are not going to listen to you if you are drunk.

PARTICIPANT: And you say something, like that is not appropriate for the children.

PARTICIPANT: So, somehow it's going to be offensive to other learners".

Finally, there is an intra-section between the 'cognitive approach' and the 'social-and-contextual-awareness approach' to human rights education. This intra-section emphasises the social issues that student teachers either experienced in their own communities or social issues that they observed in other communities. The actions that students consequently take could either be organising a protest action on behalf of other students to provide electricity for those in residences both on- and off-campus (FGD_S5Y4M1_66-112_RSA₂₀₁₃), or making all role-players at a higher education institution aware of food poisoning in a hostel. Student teachers clearly demonstrated strong opinions on social issues, based on their awareness of social problems in the context of their immediate communities.

The expression of opinions and taking action against human rights violations correlate with the concepts 'engagement' and 'action' within Critical Pedagogy (McArthur, 2010:304), which aims for example to equip student teachers "to become transformative agents who recognise, challenge, and transform injustice and inequitable social structures" (Zembylas, 2013:177-178). This would mean that lecturers who facilitate human rights should be sensitive of the student teacher's diverse circumstances when teaching human rights. There might be students from both the privileged group and from the marginalised group in one class, and the members of both these groups should develop into socially aware and empowered students. Another aim of Critical Pedagogy is to be aware of human rights violations and/or social issues, as well as to be equipped to take action without violating more people's rights (Stenner, 2011:1229).

The intra-section of the 'action approach' and the 'social-and-contextual-awareness approach' refers to the perceptions of student teachers and lecturers on when to act on human rights

violations. Two kinds of action emerged from the findings: firstly, a passive kind of action where student teachers do not seem to have a moral responsibility to take any kind of human rights action, and secondly, a verbal reaction against their circumstances (par. 5.3.4.1). The following verbatim quote from a lecturer emphasises student teachers' inaction:

"Absolutely. I talk to them about anything and everything. I think it's important. And they come there and they do not have a clue what goes on around them. They live in a pocket vacuum. I keep saying to them "you must watch the news because you are in the world". When we talk about Marikana you know its crazy (laughs). So I try to encourage them "please, please watch the news. Children are aware what's going on more than you know. They will inform you at school" (LS1P2_ 220-224).

In stark contrast to the inaction reflected in the above quote, people can be expected to act when they feel oppressed:

"I think you always have the right; the only time you have to express that you have a right is when you feel now you are being oppressed" (FGD_ s5v4M1_199-200_RSA2013).

The student teachers' reaction to oppression includes blaming the government for the social problems that they experience in their communities (par. 5.3.4):

"Its supposed to be that all people have rights no matter what age, culture sex, colour and so forth, but unfortunately I feel that the goverment does not let the country have human rights in such a way that everybody gets a fair chance. It feels like apartheid from the start" (SQ12Comment34_RSA2013, par. 5.3.4.1).

Governments tend to use legislation to perform social transformation as they consider it the quickest and cheapest action; yet, it seems to be an ineffective approach (Kok, 2010:83). The result of experiencing little positive social change might be either cynicism or action (Quaye, 2007).

According to this theory of human rights education, application and promotion, a number of the approaches manifest in human rights education. An example is the intra-section between the 'cognitive approach', the 'values-based approach', the 'social-and-contextual-awareness approach' and the 'action approach' in human rights education. In this intra-section, people's "emotions and deeply held values and beliefs" could affect their understanding of 'race' or 'culture' as social and political constructions (Gachago *et al.*, 2013:23). Values and/or beliefs are regarded as worthwhile – they inform student teachers' human rights reasoning, and influence their awareness of past experiences of human rights applications and/or current political perceptions. As noted in Chapter 1, beliefs and values manifest in actions when student teachers are confronted with a reality that must be responded to (par. 1.5.4).

One such example of human rights reasoning within the intra-section between the 'values-based approach' and the 'social-and-contextual-awareness approach' is depicted in the following verbatim quote:

"If a particular society does not want to change their way of thinking then I don't think that the rights that were imposed or where said to be followed by the government will be followed, since we we coming from oppression and most of the people who are still leaving had the opportunity to be in that era, they fill as though human right are somewhat preventing them to do what they want in the society" (SQ47Comment52_RSA₂₀₁₃, par. 5.3.4.1).

To conclude the discussion of the characteristics of the approaches to human rights education and the intra-sections between the approaches, possible pathways towards human rights literacy are discussed next.

6.7 Pathways towards human rights literacies in teacher education

The study in hand focused on human rights and the teaching-learning of human rights in the context of teacher education. Chapter 1 indicated that the concept of human rights draws largely from national and international law (Freeman, 2011:8), but human rights discourses reveal that human rights remain a controversial subject within the disciplines of philosophy, law and education. In addition, human rights education modules are presented in a combination of philosophical, legal and social-theoretical frameworks.

School teachers are well positioned to promote the concept of human rights through their own practical application and integration of human rights in their actions and conduct. In addition, teachers could create opportunities to promote human rights and ensure the realisation of these rights. However, teachers ought to be well equipped if they are to contribute to this endeavour. Therefore, the aim of human rights education as part of teacher education is to equip student teachers with the necessary knowledge, skills and values to educate learners on human rights and produce literate learners as far as human rights are concerned.

With this aim in mind, one should describe the role that human rights literacy plays in human rights education. Human rights literacy refers to the balancing of human rights as perceived on paper and in practice (how human rights ought to be). In human rights education, human rights literacy refers to a person's competence to understand the processes and implications of human rights applications in social contexts (Roux & Du Preez, 2013). In order to be literate with regard to human rights and human rights application, knowledge of human rights documents, remedies, values and skills is essential (Becker, De Wet & Van Vollenhoven, 2015; Roux, 2012). Scholars like Roux, Du Preez Becker, De Wet and Simmonds contend that human rights literacies open up space to engage with written human rights in contrast to lived human rights. Such engagement

distinguishes between personal and social contexts and issues in the daily existence, and it prompts multiple lived experiences by diverse individuals in different times, places and spaces. In their engagement with human right, student teachers use their cognitive skills and/or act on social practices.

Du Preez and Becker (2017) argue that through social practices, human beings engage with the processes of human rights against the background of their own normative expectations of justice, their moral responsibilities towards others, or their internalisation of the values that underpin human rights documents. Their speech and actions are aimed at making sense of and responding to the injustices due to the non-existence of human rights in our day-to-day existence, as well as at exploring possibilities for the continued renewal and regeneration of human rights. These endeavours are informed by multiple knowledge bases of written human rights and legal mechanisms that may be associated with them, as well as knowledge of the values that underpin human rights (De Wet & Simmonds, 2017:5). The complexities of human rights and human rights literacies require an open-ended concept, ready to adapt and be renewed as part of a larger discourse on human rights.

The researcher argues that human rights literacy in student teachers could be realised within a formal setting such as at a higher education institution. Yet it should be acknowledged that current approaches to human rights education could affect the manner in which such institutions prepare student teachers for the teaching, application and promotion of human rights. Higher education institutions adopt diverse approaches in their programmes for pre-service teacher education, based on an array of study disciplines. Consequently, student teachers from different study backgrounds would also differ in their own understanding of human rights, which could have an effect on human rights education, application and promotion.

Because of the existence of diverse (and in some cases contrasting) approaches to human rights education, this study focused on two disciplines only, namely Education Law and Human Rights Education (HRE). Special attention was paid to their contrasting frameworks and how these frameworks could influence student teachers' understanding of the position of values in human rights education, application and promotion. Presently, both Education Law and Human Rights Education have a strong influence on approaches to human rights education.

The influence of legal conceptualisations of human rights emerged strongly in this study within the 'legal rights approach', as well as the intra-sections between the 'legal rights approach' and other approaches. Yet, four other approaches also emerged and together, the five approaches could provide suitable pathways to equip student teachers with human rights literacy. It was found that all these components are necessary for human rights literacy. Moreover, the theory on the

components of human rights education gives guidelines about the approaches to be used for the facilitation of human rights so that student teachers may apply and promote human rights in different social contexts.

Higher education institutions must evaluate and plan their training programmes in such a way that student teachers are exposed to all 5 components across the B. Ed programme. Ideally all 5 components should be infused in curricula that address human rights in teacher training programmes. If all 5 components are included, intra-sections would be made possible. The finding of this study suggest that the intra-section between the components of human rights education may stimulate human rights application, promotion and education towards the realization of human rights in and through education.

This study's contribution towards human rights education, application and promotion is next discussed in detail.

6.8 Contribution of the study to new knowledge

The study's contribution to new knowledge is twofold. First, it focused on suitable approaches towards human rights education within current human rights discourses such as the legal and the moral approach to human rights application. The study emphasised that student teachers' understanding of human rights education, application and promotion is subject to the interaction between a number of components of human rights education aimed at the realisation of human rights in and through education (par. 5.2). These components of human rights education display the following characteristics: human rights as legal; human rights as moral; reasoning; social awareness; and human rights action.

Second, by bringing together data from the HRLit Project and self-generated data, the researcher was allowed a new look on the data from the HRLit Project to strengthen arguments with regard to human rights education in teacher education. This allowed a re-interpretation of data in the larger project to generate theory that may contribute to and position Education Law in the current international discourse on the problematic circumstances surrounding HRE/human rights education.

Due to the interdisciplinary nature of the study, the findings that emerged contribute to knowledge concerning human rights education, application and promotion – specifically in the fields of Education Law, human rights education and teacher education, which are discussed in detail next. In addition, the contribution of the Grounded Theory Method towards human rights education is also explained.

6.8.1 Contribution to teacher education

Teacher education has been described as learning that brings people together to share spaces and interact with one another in the quest for learning and development (De Wet, Rothman & Simmonds, 2016). In the case of the facilitation of human rights, teacher education could help to prevent student teachers from committing human rights violations by providing them with human rights education (par. 1.2; par. 3.3.2). In Chapter 3 it was indicated that human rights manifest in different dimensions. The different dimensions – legal, moral, political and social – could, when integrated in an institution, expose student teachers to different perspectives and how to apply them in different situations. Enhancing student teachers' literacy regarding the different dimensions of human rights would help to transform and emancipate them (Becker *et al.*, 2015:1; Roux & Becker, 2015:1; Simmonds, 2014:143). The aim of the current study was to explore the approaches used for the preparation of student teachers in their application and promotion of human rights in their teaching practice (par. 1.2).

The essence of the theory of human rights education, application and promotion lies in the interaction between the components of human rights education, which may stimulate the realisation of human rights in and through education. The researcher argues that all these components are necessary for an overt -and -hidden curriculum within higher education. This study revealed the importance of the intra-sections between the different approaches and implies the need for teacher-education programmes that involve all the different approaches so that student teachers can identify the intra-sections that may enhance their learning and eventually their level of human rights literacy. In addition, the notion of intra-secting the various approaches would help human rights education to embrace different personality styles and styles of human rights learning as part of teacher education.

6.8.2 Contribution to the field of Education Law

The teaching –learning of human rights could also be based within a legal approach (par. 3.4.1). which incorporates legal principles and legislation in relation to education. One of the acknowledged sub-disciplines of Law – Education Law – apply legal principles in the educational context. The field of Education Law has been interpreted as either “a body of law” or a “discipline. Informed by a Critical Legal Studies perspective, Education Law is defined as “the field of study concerned with understanding and influencing relations in the sphere of interactions between law and education, with the goal to encourage social progress and change in, for and through education” (De Wet, 2014:33-34). As such, human rights education in Education Law emphasises the legalisation of human rights and draws from the Constitution (SA, 1996a) and other legislation to promote its implementation and legal enforceability, thus highlighting both the vertical and

horizontal applications of human rights within the South African legal system. Examples of school situations that may require the application of legal principles, include action against human rights violations, school governance and rules and procedures to disciplinary actions for various stakeholders.

Knowledge on Education Law enables student teachers to apply their rights in the school and, when needed, enforce their human rights by means of legal mechanisms such as remedies and/or sanctions (Smit, 2013:45). Legal mechanisms range from actions from states or institutions such as disciplinary procedures to legal disputes within a court of law. One way to prevent legal disputes is to inform student teachers about past court cases within education in order that the same mistakes are not made by the various role players. In higher education legal mechanisms can entail collective actions of students which include student protests.

However, literature has shown that human rights developed from notions such as compassion and prevention of cruelty – notions that were then recorded into a set of universal ethical commitments in international declarations, conventions and treaties Gearty (2006:62-63). These international declarations, conventions and treaties are incorporated in other disciplines than Education Law. South African higher education institutions either use Education Law in the teaching-learning of human rights, or modules based on education theories such as Citizenship Education, HRE and Social Justice, and Moral Education.

The researcher argues that the intra-section of the components of human rights education ('legal rights approach', 'values-based approach', 'reasoning approach', the 'social-and contextual awareness approach' and the 'action approach') could create opportunities for deliberation on the best practice for teaching-learning human rights within a legal framework at higher education institutions. Student teachers should be able to know when to protect their rights and when to enforce or claim their rights according to the available legal procedures. Student-teachers should also reason before they act in situations where human rights are prevalent. In some cases, student-teachers should be socially aware in situations which differ from their own lived experiences. In higher education, lecturers may enhance student-teachers' social awareness by the integration of the social-and –contextual awareness component in their strategies of teaching-learning human rights.

A few examples where the teaching-learning of human rights by means of the components of human rights education could contribute to Education Law as a field are:

- the emphasis on the responsibilities of the state to the individual and the individual's responsibility towards fellow members of society. The inclusion of the role of the state,

individuals and society could complement modules that aim to develop citizenship education;

- the teaching-learning of boundaries with regards to rights. Modules that use past human rights violations such as the Second World War as a point of departure, could also indicate when and how order should be restored in the matter of human rights violations.
- The teaching of democratic values from a legal perspective would enable student teachers to verbalise how they have been effected by human rights violations and which course of action should they take against their violators.
- a university that follow the legal rights approach in its dealings with students and lectures may also contribute to student teachers' understanding of power and legal relationships of stake holders.

The researcher posits that the intra-section between the components of human rights education may stimulate human rights application, promotion and education towards the realization of human rights in and through education. In practice the implication of the theory on the components of human rights education in higher education curricula would require the lecturer to use the 5 approaches interchangeably and when the class situation warrants it. In this way lecturers do comply to the requirements of Education Law, namely to encourage social progress and change in, for and through education" (De Wet, 2014:33-34).

6.8.3 Contribution to the field of human rights education

Human rights education as a teaching-learning process has been described as displaying the following three characteristics (Tibbitts, 2014:130):

- The provision of knowledge and understanding of human rights norms and principles, underpinning values and mechanisms for their protection (Education about human rights).
- Respecting the rights of both educators and learners through teaching-learning methods (Education through human rights).
- Empowering student teachers to enjoy and exercise their rights, and simultaneously to respect and uphold the rights of others (Education for human rights).

In addition to the fact that human rights are a controversial subject, teacher education programmes offered at higher education institutions differ in their approach towards human rights education (par. 1.1). The programmes are based on different study disciplines. Human rights

facilitation may be based on varying and sometimes contrasting disciplines. By identifying five intra-secting components that are needed for the facilitation, application and promotion of human rights, the study ascertained that student teachers' divergent understanding of human rights application is not necessarily based on a single approach to human rights education, but interdisciplinary in nature, depending on the context of human rights and human rights application.

Furthermore, the effect of student teachers' reasoning about human rights and their social awareness with regard to human rights will also affect their actions with regard to human rights issues.

Finally, strategies for teaching human rights as part of teacher education were identified in the utilisation of the various components for the education, application and promotion of human rights. Strategies that were revealed in the study include the use of dialogue and the 'pedagogy of discomfort' in human rights education (Zembylas, 2017:59).

6.8.4 Methodological contribution

Methodologies used for Education Law studies, particularly in South Africa, include a historical-legal research methodology which, according to Serfontein and De Waal (2014:1595), must include the following steps:

- The classification of the role of common law, administrative law, statutory law and international law
- The determination of the judicial structure together with statutory law
- The application of the sources of law.

Although the study was inter-disciplinary and based on a classic GTM method rather than the historical-legal method, a number of the required steps of the historical-legal methodology were still used due to the fact that it is an Education Law study. Interdisciplinary studies provide a 'dialogical space' that could lead to insights and common understandings (par. 1.3). Moreover, the GTM-method answered the research question. The study revealed that student teachers do not always reason only from a legal/moral perspective with regard to human rights application. In fact, they reason from both perspectives and/or apply their human rights based on their awareness of their own and others' social context and the type of action they take with regard to human rights issues (par. 4.2). In such cases, their human rights actions could include legal action and even protest action against their higher education institutions.

6.9 Limitations of the study

The following factors limited the progress and expected outcome of the research study:

- The notion that human rights draws from various and in some cases contrasting theoretical frameworks. It took longer than expected to ascertain the initial and current discourses within each theoretical framework. Interdisciplinary research takes longer and has its challenges such as where to search for relevant information. The GTM was an effective stepping stone to explore the study theme and to guide the researcher to relevant aspects within the respective disciplines.
- The time allocated for empirical studies was not enough to allow for intensive class observations, since some of the modules included human rights only as a theme and not as an integrated part of the module.
- The nature of the various categories of human rights differed from one another because they departed from different approaches. The approaches ranged from Education Law, moral education, philosophy and democratic theory, which complicated the analysis process.

6.10 Recommendations for further research

The first course of action should be to disseminate the information to relevant stakeholders in higher education and key role players in human rights education. Currently programmes are based on different study disciplines. In addition, human rights facilitation may be based on varying and sometimes contrasting disciplines. The study ascertained that student teachers' divergent understanding of human rights application is not necessarily based on a single approach to human rights education, but interdisciplinary in nature, depending on the context of human rights and human rights application.

Therefore, the researcher argues that the Department of Higher Education should consider strategies in the teaching –learning of human rights education in higher education that would realise uniform outcomes for all South African higher education institutions. Possible outcomes to consider include the promotion of a human rights culture within education, nation-building, and democracy in South Africa.

For the same reason as above, recommendations to the Department of Basic Education regarding the inclusion of the theory on the components of human rights education in their learning material for human rights education are proposed.

Regarding future research, each component of the theory on human rights education in teacher education as well as in basic education should be ideally explored in research. Possible pathways for research regarding this topic includes the following:

- The use of Grounded Theory is recommended in order to substantiate this current grounded theory study. Alternatively, the researcher would recommend a meta-theoretical study of the theoretical frameworks of each component of human rights education within a different qualitative research methodology in order to substantiate the findings of this study.
- More studies on human rights application from an Education Law perspective are needed to explore the following aspects of human rights education in different contexts:
- An Education Law study should be conducted to explore the incorporation of the intra-sections between the 'legal rights approach' and other components of human rights education in the facilitation of Education Law in teacher education.
- The components of human rights education should be studied in relation to the human rights culture in a school. Further research related to this topic could also include a comparative study.
- Another study could focus on the role of higher education institutions as legal persons with regard to student activism and the procedures followed during student protests.
- Finally, more discourse on the contribution of the '*legal rights approach*' towards human rights education aimed at realising human rights literacy will add great value to teacher education as well as human rights education.

Research on human rights education to enhance human rights literacy is also needed for the development of research on the education, application and promotion of human rights as part of teacher education.

6.11 Conclusion

This study's contribution to knowledge are many-fold. It did not only create a dialogical space for different disciplines on the facilitation, application, promotion and education of human rights (chapter three and four), but it also contributes to new knowledge of human rights education in teacher education. New knowledge in the fields of Education Law in relation to human rights (par. 6.8.2) and human rights education (par. 6.8.3) emerged from the study. Knowledge of Education Law for example, indicated that student teachers do not only reason from a legal perspective with

regards to human rights, but also from a moral perspective which should be kept in mind when facilitating student teachers on human rights from a legal perspective.

Finally, the theory on human rights in teacher education (chapter six) could be used in higher education as a strategy for student teachers to facilitate, apply, and promote human rights in their schools. The theory of human rights in teacher education emphasises that student teachers should be conscious of the importance of student-teachers' reasoning on human rights in various situations (whether it is a legal- or values-based perspective) as well as how student-teachers' social awareness could affect their actions in a variety of human rights related situations in schools. The fact that some of the components intra-sected with one another as well as the fact that human rights action in human rights related situations could differ, shows that student-teachers should be literate in human rights and human rights application in schools. More important, the quality of student teachers' own human rights literacy might affect their teaching-learning of human rights in the school context. The teachers' personal understanding of human rights might either equip their learners to respect other peoples' rights, or cause them to be guilty of human rights violations. This study could be described as a stepping stone in the direction of human rights literacy of student teachers with regards to the application, promotion and education of human rights.

Morality cannot be legislated, but behaviour can be regulated. Judicial decrees may not change the heart, but they can restrain the heartless. The habits, if not the hearts of people, have been and are being altered every day by legislative acts, judicial decisions and executive orders

(King, M.L. (Jr). 1986. A testament of hope: the essential writings of Martin Luther King Jr)

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ADENDUM A: PERMISSION GRANTED TO USE DATA FROM HRLIT PROJECT-LETTER (2012-2014)

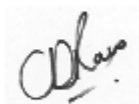


To whom it may concern

Ms Cecile Eloff (PhD Student of the Faculty of Education, North West University; student number 12365408), has permission to use the collected data of the NRF funded Project *Human Rights Literacy: Quest for meaning* (2012=2016; Grant Number 81795) as secondary data in her PhD project:

Students teachers' understanding of the position of values and morality in human rights applications, promotion and education

The grant acknowledges that opinions, findings and conclusions or recommendations expressed in any publication generated by the NRF-supported research are those of the author(s), as members or collaborators of the project, and that the NRF accepts no liability whatsoever in this regard.

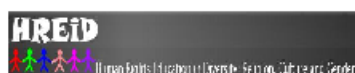


Prof Cornelia Roux (Project Leader)
Extraordinary Professor
Department of Curriculum Studies
Faculty of Education
University of Stellenbosch
South Africa
30 March 2017

ADENDUM B: HRLIT FOCUS GROUP DISCUSSION SCHEDULE

B1 EXAMPLE OF FOCUS GROUP SCENARIO DISCUSSIONS AND TRANSCRIPTION

© NRF-funded project: Human Rights Literacies: quest for meaning (2012-2018) pages 375-378)



HRLit HUMAN RIGHTS LITERACIES: QUEST FOR MEANING **Focus group scenario's**

Scenario 1 Prof Cornelia Roux, Dr Glynis Parker, Mr Henry Blignaut

Cornelia, Glynis and Henry

You are the judge -

Two Grade 11 boys James (English-speaking) and Siphon (Xhosa speaking) have been friends since Grade R. They are from economic middleclass families and are learners in an Ex-model C Boys only school.

Siphon is forced by his Xhosa-tradition and his father and grandparents living in the Transkei to attend an initiation school (masculinity and adulthood). His mother is not in favour of the idea.

James is gay and his mother and Siphon are the only 2 who know his sexuality and embrace him for being who he is.

The two friends decided to both attend the initiation school in the Transkei. Both their fathers approved their decision and will also attend the final ceremony. Both their mothers are unhappy and fear for their sons as they have heard that bad things can happen in the initiation schools.

The school's SGB, principle and teachers do not support this cultural practice for two reasons: (i) it is during in the examination time and (ii) the cross cultural interactions of this nature. The school threatens to expel both boys and refused them permission to go.

At the initiation school Siphon died of infection and his friend James, in memory of him, successfully completed the traditional and cultural practices which were part of the initiation.

When James went back to school there was no support from the school for his emotional loss of a friend. In his continuation of the tradition, he burned his old clothes and would not wear the school uniform.

The school expelled James due to his absence, dress code and embracing the Xhosa culture whilst being a white boy.

The parents of James and Siphon supported him to appeal to the Department of Education for the withdrawal of the expulsion and time off for psychological support and to mourn the loss of his friend.

Project workshop:
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Faculty of Educational Sciences
Potchefstroom Campus
North West University
South Africa

FG Scenario's 1-4
2013-08-04

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Scenario 2

Prof Petro du Preez, Dr Anne Becker, Ms Marisa Verster

Petro, Anne and Marisa

Curriculum, ethics

The curriculum requires teachers to teach about different gender orientations such as gay and lesbian. You as the teacher find any other sexuality than heterosexuality against your religion. You already have gay students in your class and/or learners with gay/lesbian parents. You refuse to discuss these issues or teach about different gender orientations. Some gay parents complain to the principal about their child being marginalized. How would you defend your case, as you are already contravening the explicit curriculum and the school policy in terms of inclusivity?

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2

Scenario 3

Prof Willie van Vollenhoven, Dr Annamagriet de Wet, Ms Cecile Eloff

Willie, Annamagriet and Cecile

Parenthood

A couple in grade 10 conceived and fell pregnant. With the birth of the baby, the father of the baby asked permission to be absent from school to attend the birth and bond with the baby for a few days afterwards. Although the permission was refused, he stayed at home to attend the birth bond with the child. . On his return he was informed that he was expelled effective immediately for serious misconduct. The girl was allowed to return after 2 weeks since she presented a medical certificate. None of the other schools in the area was prepared to admit him due to his expulsion. He now faces the problem of not being qualified to get a decent job to support himself and his family. Discuss the scenario.

Topics:

Social Justice (equal education, poverty, gender equality)

Gender issues

Rights applicable

Equality (gender)

Dignity (discrimination infringes dignity)

Discrimination (unfair or not)

Just administrative action (expulsion procedure)

Education

Social security?

Best interests of child

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Scenario 4 Prof Willie van Vollenhoven, Dr Shan Simmonds

Willie and Shan

Freedom of Expression

Gr 10 learners at a school have to write an essay on their school, the teachers and their country. A learner (M) wrote a very critical and imminent essay on the school, the principal and a few teachers. Among other things M wrote that the discipline in the school is pathetic; teacher L the Life Orientation teacher drinks such a lot that the learners refuse to listen to his moralising speech on the abuse of alcohol and drugs. She also wrote that the principal administered illegal corporal punishment and that he intimidated teachers and learners bombastically. M had sent this letter to the Citizen who published it in their JIP addendum. A disciplinary meeting was conducted by the SGB and M was expelled from school because of this imminent essay.

M's parents applied on her behalf at the Higher Court that that verdict was illegal and that the SGB violated her rights to freedom of speech and education. The school defends the case claiming that the verdict was legal because of M's defamation of the school's good name and disrupted the school's discipline.

Things to pose:

Right to FoE

The limitation of the right to FoE

Right to education

Right to just administrative action

Project workshop:

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ADENDUM C: HRLIT SURVEY QUESTIONS USED AS SECONDARY DATA IN PHD STUDY (QUESTIONS Q12, 13, 22, 36, 37, 46, 47 64, 66, 71, 73 AND 74

© NRF-Funded project: Human Rights Literacies: Quest for meaning (2012-2018) pages 379-393) of this addendum

Human Rights Literacy: A quest for meaning

Q12 What comes to mind when you hear the words "human rights"?

Answered: 526 Skipped: 9

#	Responses	Date
1	That we have a right, but also a responsibility towards it	6/18/2013 3:29 PM
2	HUMAN Law/Const Our rights as human beings in South Africa as stated by the Constitution of RSA	6/14/2013 9:56 AM
3	Equality Law/Const Grondwet en gelykheid	6/8/2013 12:27 PM
4	Democracy Demokrasie en regverdigheid vir alle mense.	6/7/2013 2:33 PM
5	HUMAN Your right as human	6/3/2013 3:40 PM
6	COMFORTABLE I feel comfortable	6/3/2013 1:45 PM
7	Expression heard/having say INDIVIDUAL PERSON The fact that you as individuals own voice will be heard. You have the right to be your own person.	5/24/2013 10:41 AM
8	Dignity Expression Freedom/Liberty PEOPLE Protect Protecting other people's human dignity. Freedom of expression.	5/24/2013 9:53 AM
9	Equality HUMAN Respect The right to do what you believe in without being discriminated against anything and being respected as a human being.	5/24/2013 9:51 AM
10	accountability Equality HUMAN Law/Const Responsibilities / Duties THAT FOR EVERY HUMAN BEING THERE ARE RIGHTS AND RESPONSIBILITY TO BE ACCOUNTABLE FOR. 3 VALUES NOT TO BE IGNORED.WE ARE ALL EQUAL INFRONT OF THE LAW	5/24/2013 9:48 AM
11	Freedom/Liberty MY / I Having the freedom to do what i like by my own.	5/24/2013 9:47 AM
12	Do's & Don'ts MY / I Responsibilities / Duties my responsibilities towards me and others, things i should do and not do	5/24/2013 9:47 AM
13	Able being able to exercise your rights without being deprived	5/24/2013 9:46 AM
14	Dignity HUMAN PEOPLE RIGHTS OF THE PEOPLE AS HUMAN DIGNITY STATES	5/24/2013 9:46 AM
15	Code of conduct Treated The basic rights of all humans to prohibit that their basic needs be violated and to provide a structure or code for moral basis to guide how we should treat each other.	5/24/2013 9:44 AM
16	Equality Freedom/Liberty THE RIGHT TO FREEDOM,SECURITY AND EQUALITY.	5/24/2013 9:44 AM
17	HUMAN INDIVIDUAL Your right as an individual, to not be victimized or harm in any way.	5/24/2013 9:39 AM
18	Respect human rights is more based o how we should respect each other.	5/24/2013 9:38 AM
19	CITIZENS HUMAN PERSON The right a person have as a citizen, christian and a human being	5/24/2013 9:38 AM
20	Equality HUMAN Respect The rights of every human being against discrimination, racism and respecting those around you.	5/24/2013 9:37 AM
21	Dignity Protect Respect Treated It has to do with respect, protection and treating others with dignity	5/21/2013 8:45 AM
22	Fairness INDIVIDUAL Treated treating each individual fairly	5/20/2013 7:33 PM
23	Entitled HUMAN The right that a human being is entitled to have and which cannot be separated from them even though they are not aware of them.	5/20/2013 7:19 PM
24	abuse PEOPLE I think about people having rights so that they may not be taken advantage of or be abused.	5/20/2013 7:16 PM
25	Democracy Freedom/Liberty Freedom, democracy	5/20/2013 7:16 PM
26	Freedom/Liberty FREEDOM	5/20/2013 7:15 PM
27	PEOPLE The rights of all people living in South Africa.	5/20/2013 7:15 PM
28	Able Dignity LIVING Responsibilities / Duties human dignity, being able to be live freely and exercise your rights and responsibility freely	5/20/2013 7:15 PM
29	HUMAN Treated Ways human beings should be treated	5/20/2013 7:14 PM
30	PEOPLE the rights of people	5/20/2013 7:13 PM
31	PEOPLE its rights that people have	5/20/2013 7:12 PM
32	Do's & Don'ts MY / I What is an acceptable way for me to act and react in every day life. What i can and can not do.	5/20/2013 12:23 PM

Human Rights Literacy: A quest for meaning

33	HUMAN PERSON Protect Treated The rights of you as a person and what can be done when unlawfully treated and the protection of the person as a human.	5/20/2013 12:23 PM
34	apartheid Country Fairness PEOPLE Its suppose to be that all people have rights no matter what age, culture, sex, color and so forth , but unfortunately I feel that the government does not let the country have human rights in such a way that everybody gets a fair chance. It feels like apartheid from the start.	5/20/2013 12:23 PM
35	Equality Fairness HUMAN rights that should be fair and equal for every human, but is sometimes misused	5/20/2013 12:21 PM
36	Responsibilities / Duties responsibility	5/20/2013 12:20 PM
37	HUMAN Our Public holiday The holiday on the 21st of March and the rights humans have.	5/20/2013 12:20 PM
38	General answer Mensse regte. Elke persoon het die reg tot iets.	5/20/2013 12:19 PM
39	HUMAN A human's rights.	5/20/2013 12:19 PM
40	Fairness MY / I My regte as mens, om op aarde regverdig te oordeel.	5/20/2013 12:18 PM
41	HUMAN MY / I Dat ek as mens regte het waarop ek kan staan as daar teen my opgetree word.	5/20/2013 12:18 PM
42	General answer Everyone has Human Rights	5/20/2013 12:18 PM
43	General answer Mensse so regte	5/20/2013 12:18 PM
44	Freedom/Liberty freedom	5/20/2013 12:18 PM
45	Fairness Dis veronderstel om die lewe meer regverdig te maak	5/20/2013 12:16 PM
46	Entitled What you are entitleed to.	5/20/2013 12:16 PM
47	Our Protect Responsibilities / Duties Dis daar om ons as mensse te beskerm maar ons het ook 'n verantwoordelijkheid teenoor dit.	5/20/2013 12:16 PM
48	Mandela Mandela	5/20/2013 12:16 PM
49	Education heard/having say Our Protect Respect Not being obligated to do something that goes against your beliefs or values. human rights are there to help and protect us but we have to the right if we hold up our part. eg. you have the right to an education but you have to work and respect the others around you!! the last part is very important.	5/20/2013 12:16 PM
50	Protect Responsibilities / Duties The fact that you have rights to protect you against all things that makes you feel uncomfortable, but also the obligation to have a responsibility towards your right	5/20/2013 12:16 PM
51	MY / I The rights which I have as a South- African.	5/20/2013 12:16 PM
52	LIVING A human who has the right to live freely within reason.	5/20/2013 12:16 PM
53	PERSON The right you have as a person living in South Africa	5/20/2013 12:15 PM
54	HUMAN MY / I The rights that I have as a human	5/20/2013 12:15 PM
55	Country Entitled Freedom/Liberty Respect this must be a liberal country. respect must be deserved.	5/20/2013 12:15 PM
56	Fairness Who has human rights and who determines the fairness of the human rights?	5/20/2013 12:15 PM
57	WHAT HR??? What human rights?	5/20/2013 12:15 PM
58	Our our rights on earth. Everyone has the same rights.	5/20/2013 12:14 PM
59	Fairness Fairness	5/20/2013 12:14 PM
60	PEOPLE The rights of people and that now a days it is more violated than in the past	5/20/2013 12:14 PM
61	Protect The rights we have to protect ourselves	5/20/2013 12:14 PM
62	Freedom/Liberty freedom	5/20/2013 12:14 PM
63	Our OUR RIGHTS	5/20/2013 12:14 PM
64	Equality EQUALITY	5/20/2013 12:14 PM
65	Our The rights you have while you are on the earth	5/20/2013 12:14 PM
66	Equality Equality	5/20/2013 12:13 PM
67	HUMAN Rights of humans	5/20/2013 12:13 PM
68	Public holiday 21 March	5/20/2013 12:13 PM
69	General answer the rights everyone have	5/20/2013 12:12 PM
70	INDIVIDUAL PERSON the personal rights of the individual	5/20/2013 12:12 PM
71	PEOPLE Things people can't take away	5/20/2013 12:11 PM
72	Fairness fairness	5/20/2013 12:10 PM

Human Rights Literacy: A quest for meaning

73	Responsibilities / Duties With every right comes a responsibility	5/20/2013 12:09 PM
74	CITIZENS Entitled MY / I things that that i deserve as a south african citizen	5/20/2013 12:09 PM
75	HUMAN PEOPLE A lot of people who is busy to strike in order to state their human rights	5/20/2013 12:08 PM
76	General answer Rights	5/20/2013 12:06 PM
77	Law/Const Law	5/20/2013 12:05 PM
78	HUMAN what we all have as humans	5/20/2013 12:05 PM
79	Political Politics	5/20/2013 12:05 PM
80	PEOPLE People who fought for their rights, lots of protests	5/20/2013 12:05 PM
81	Our Treated Previously advantaged groups are being treated unfairly for previously disadvantaged groups to be on the same level.	5/20/2013 12:05 PM
82	Protect Protection	5/20/2013 12:04 PM
83	Equality Equal rights to all	5/20/2013 12:04 PM
84	PEOPLE People using it wrongly for their own good.	5/20/2013 12:02 PM
85	Bleh	5/20/2013 12:02 PM
86	Country Law/Const Protect The rights you have in a Country, which protect you against the law.	5/20/2013 12:02 PM
87	Fairness fairness	5/20/2013 12:00 PM
88	HUMAN Our Our basic writes as human that can not be taken away	5/20/2013 12:00 PM
89	Our Protect A day to celebrate our basic rights in life. The right to be protected from harm, to be provided with medical care when needed, etc.	5/20/2013 11:59 AM
90	Education Freedom/Liberty heard/having say freedom, education etc.	5/20/2013 11:59 AM
91	CITIZENS HUMAN own power ubuntu The rights we as South African citizens have that gives us power to be one in this country. Ubuntu	5/20/2013 11:59 AM
92	HUMAN your rights as a human being	5/20/2013 11:59 AM
93	PEOPLE Protect The rights we have as people to protect ourselves.	5/20/2013 11:59 AM
94	INDIVIDUAL PEOPLE The different rights all people have as an individual.	5/20/2013 11:58 AM
95	abuse Protect Right to be protected against violence and sexual abuse	5/20/2013 11:58 AM
96	HUMAN Humans	5/20/2013 11:58 AM
97	HUMAN Humans and their rights	5/20/2013 11:58 AM
98	Standing up for what you believe in.	5/20/2013 11:57 AM
99	CITIZENS Our Our rights and responsibilities as a South African	5/20/2013 11:57 AM
100	PERSON The rights you have as person.	5/20/2013 11:57 AM
101	HUMAN Its is the rights of every human, ever human have right!!!	5/20/2013 11:56 AM
102	HUMAN Responsibilities / Duties All humans have certain rights that has to be met, but to each right you also have a responsibility.	5/20/2013 11:55 AM
103	FIGHT for PEOPLE people fighting for what are rightfully theirs	5/20/2013 11:54 AM
104	Education heard/having say Law/Const MY / I Our Protect My Human Rights are the laws laid down by our government that protect me. It includes the things I have a right to, such as an education. These are all to improve the quality of my life.	5/20/2013 11:54 AM
105	Fairness Freedom/Liberty freedom, fairness, and forgiveness	5/20/2013 11:52 AM
106	HUMAN Protect That we as human beings have rights that should be protected	5/20/2013 11:48 AM
107	That everyone has some kind of right.	5/20/2013 11:46 AM
108	Our PEOPLE Our people in South Africa	5/20/2013 11:42 AM
109	Democracy Freedom/Liberty Your right to freedom and democracy.	5/20/2013 11:41 AM
110	Law/Const PERSON The basic conditions and opportunities given to all persons as a right as stipulated in the constitution.	5/20/2013 10:51 AM
111	Problems&Conflict Arguments, Problems	5/20/2013 10:37 AM
112	Respect Rights you have to respect and receive from others	5/20/2013 10:34 AM
113	Equality Respect Treated That one one should respect each other for who they are, and everyone should be treated equal	5/20/2013 10:34 AM

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114	apartheid Democracy Freedom/Liberty Apartheid, "Democracy", "Freedom" and reconciliation	5/20/2013 10:34 AM
115	Political politics	5/20/2013 10:33 AM
116	Freedom/Liberty LIVING PEOPLE Security/Safe People's rights to be safe and live in a free environment	5/20/2013 10:32 AM
117	Mandela Nelson Mandela	5/20/2013 10:32 AM
118	Do's & Don'ts Law/Const What you may or may not do according to the law	5/20/2013 10:32 AM
119	Equality Freedom of choice Treated You have a choice what you want to do with your life. You may not be forced to do anything you do not want to do. Everybody is inclined to be treated equally.	5/20/2013 10:32 AM
120	Law/Const PEOPLE The rights people have according to the law	5/20/2013 10:31 AM
121	Democracy democracy	5/20/2013 10:31 AM
122	Dignity HUMAN Protect human beings that have rights to protect their human dignity	5/20/2013 10:31 AM
123	Fairness MY / I Treated Someone that I not being treated fair	5/20/2013 10:30 AM
124	Equality Law/Const That everyone is supposed to have rights, but in South Africa the law of the government contradicts every citizen's rights. the criminal or murder for example, has more rights than the victim of the crime done. Human rights do not apply to everyone equally at the current stage of time, which is not right.	5/20/2013 10:30 AM
125	PEOPLE People that can't stand for themselves	5/20/2013 10:28 AM
126	Political Politics	5/20/2013 10:28 AM
127	HUMAN I think about the rights that we all have as human beings.	5/20/2013 10:28 AM
128	HUMAN THE RIGHTS HUMAN HAS IN SOUTH AFRICA. THE DO AND DON'T DO'S.	5/20/2013 10:27 AM
129	Freedom/Liberty The freedom to be who you want to be	5/20/2013 10:26 AM
130	heard/having say PEOPLE People do have a saying	5/20/2013 10:26 AM
131	Democracy Freedom/Liberty PEOPLE Security/Safe The rights of people, democracy. Being free and supposedly safe.	5/20/2013 10:26 AM
132	Political POLITICS GONE WRONG	5/20/2013 10:26 AM
133	MY / I I can stand up for myself	5/20/2013 10:26 AM
134	enforce SOCIETY It's not applicable in the society and not enforced	5/20/2013 10:26 AM
135	Dan wil ek lag. Vir elke reg is daar 'n ander reg wat dit wegvat.	5/20/2013 10:26 AM
136	Law/Const law that is not always implemented	5/20/2013 10:25 AM
137	Fairness Nie regverdig nie, daar is altyd iemand wat bo jou is en jou dit ontnem	5/20/2013 10:25 AM
138	MY / I PERSON MY RIGHTS AS A PERSON	5/20/2013 10:25 AM
139	PEOPLE the rights that people have	5/20/2013 10:25 AM
140	Freedom/Liberty Freedom. Do what you want	5/20/2013 10:24 AM
141	Equality equality	5/20/2013 10:24 AM
142	Expression MY / I I have the right to speak my mind	5/20/2013 10:24 AM
143	Fairness PEOPLE Security/Safe Treated The rights we as people have to keep us safe and to be fair and treat everyone on the same level as others.	5/20/2013 10:24 AM
144	HUMAN The rights that humans have	5/20/2013 10:23 AM
145	Expression To give an expression of myself without being judged	5/20/2013 10:23 AM
146	HUMAN The right that all human beings have. The rules and regulations that one have to follow.	5/20/2013 10:20 AM
147	Equality Freedom/Liberty Responsibilities / Duties Freedom, equality, responsibility	5/20/2013 10:20 AM
148	Responsibilities / Duties With each right comes responsibility	5/20/2013 10:19 AM
149	HUMAN RACE Rights each human being has, no matter race, colour ect.	5/20/2013 10:18 AM
150	HUMAN PERSON the rights every person has and which may not be taken away by anyone.	5/20/2013 10:17 AM
151	Freedom/Liberty freedom	5/20/2013 10:16 AM
152	HUMAN The rights we as humans have	5/20/2013 10:15 AM
153	Equality non-discrimination	5/20/2013 10:14 AM
154	HUMAN RACE human have rights no matter what age, gender and race	5/20/2013 10:13 AM



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155	HUMAN We are all human and have rights from the day of birth. Like a right to have a name	5/20/2013 10:11 AM
156	Protests	5/20/2013 10:11 AM
157	RACE Racism	5/20/2013 10:10 AM
158	Democracy HUMAN LIVING That all human beings have a right in South-Africa in the whole wide world. We are living in a democratic live. where all cultures became as one.	5/20/2013 10:10 AM
159	Equality everyone is equal	5/20/2013 10:09 AM
160	HUMAN The rights of a human	5/20/2013 10:09 AM
161	Do's & Don'ts Freedom/Liberty MY/I WHAT DETERMINS MY FREEDOM. WHAT I MAY AND MAY NOT DO	5/20/2013 10:09 AM
162	MY/I I think of what rights I have to do what	5/20/2013 10:09 AM
163	HUMAN Even you do have human rights you don't really...	5/20/2013 10:08 AM
164	PEOPLE Respect Rights of people to be treated with respect	5/20/2013 10:08 AM
165	CITIZENS MY/I My rights as a South African citizen	5/20/2013 10:08 AM
166	Education Freedom/Liberty heard/having say HUMAN LIVING MY/I Respect Treated My and everyone else's right as humans, meaning, among others, the right to be treated with respect, the right to live, freedom of speech, the right to basic education, the right to medical assistance, etc.	5/20/2013 10:08 AM
167	PERSON the right you have as a person	5/20/2013 10:08 AM
168	MY/I I have a right.	5/20/2013 10:08 AM
169	HUMAN Protect The rights that protect humans	5/20/2013 10:08 AM
170	MY/I Rights that I have	5/20/2013 10:08 AM
171	HUMAN PEOPLE Treated The rights which people have to be treated as human beings.	5/20/2013 10:08 AM
172	HUMAN Responsibilities / Duties the rights and responsibilities that you as a human being have	5/20/2013 10:08 AM
173	Our PERSON The rights of a general person on street.	5/20/2013 10:08 AM
174	Equality Our ons het 'n reg op wie ons in in Suid - Afrika en niemand mag teen jou diskrimineer nie	5/20/2013 10:08 AM
175	Country dit is die regte en verantwoordelikhede wat elke persoon in die land het.	5/20/2013 10:07 AM
176	Country Dit is die regte wat elke persoon in die land het.	5/20/2013 10:07 AM
177	RACE THAT RIGHT DIFFER FROM RACE TO RACE AND THAT TEACHER HAVE O RIGHT WHEN IT COMES TO TEACHING	5/20/2013 10:07 AM
178	Country PEOPLE Respect All the rights of every people in this country and over the world. Respect, love and hope.	5/20/2013 10:07 AM
179	MY/I I have rights	5/20/2013 10:07 AM
180	CITIZENS MY/I My rights as a South African citizen.	5/20/2013 10:07 AM
181	Entitled PERSON it is what every person are entitled to in life.	5/20/2013 10:06 AM
182	PERSON Responsibilities / Duties every person has certain rights and responsibilities	5/20/2013 10:05 AM
183	Yours rights	5/20/2013 10:05 AM
184	HUMAN Responsibilities / Duties the rights as well as the responsibilities we have as humans	5/20/2013 10:04 AM
185	HUMAN What rights we as humans have but also the obligation towards it	5/20/2013 10:04 AM
186	Equality human equal	5/17/2013 12:29 PM
187	Equality Expression Freedom/Liberty Respect equality, freedom of expression and respecting diversity.	5/17/2013 9:04 AM
188	Able Expression Treated Ability to express yourself and be treated right	5/17/2013 9:01 AM
189	Able Expression Freedom/Liberty PEOPLE Political Respect The ability of people to be able to express their ideas, their rights, religion, culture, freedom, politics, forgiveness, respect etc and be able to practice them	5/17/2013 8:59 AM
190	HUMAN die reg om mens te wees	5/17/2013 8:59 AM
191	Equality everyone is equal	5/17/2013 8:58 AM
192	Equality Security/Safe Basiese regte van alle mense. Gelykheid, reg tot onderlig, geen diskriminasie, veiligheid, kultuur, geloof, menswaardigheid.	5/17/2013 8:58 AM
193	Freedom/Liberty Freedom	5/17/2013 8:58 AM

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194	Equality EQUALITY	5/17/2013 8:58 AM
195	Equality Equality	5/17/2013 8:57 AM
196	Equality PEOPLE Treated people should be treated equally	5/17/2013 8:57 AM
197	Equality Fairness Protect Treated Dit is die regte wat elke persoon het om hom/haarself te beskerm. Dit gaan oor die gelyke en regverdigte behandeling van elke persoon.	5/17/2013 8:57 AM
198	Expression expression	5/17/2013 8:56 AM
199	PERSON die regte van jou as persoon	5/17/2013 8:56 AM
200	Entitled MY / I dit waarop ek geregtig is	5/17/2013 8:54 AM
201	Dignity Respect That everyone has to be respected with human dignity	5/17/2013 8:54 AM
202	LIVING Protect Everything that protects me in order to live freely.	5/16/2013 3:40 PM
203	Education heard/having say Almal het die reg tot basiese opvoeding	5/16/2013 3:38 PM
204	Onwerdlik	5/16/2013 3:33 PM
205	PEOPLE Protect rules that protect people	5/16/2013 3:33 PM
206	HUMAN Human integrity kept in place	5/16/2013 3:33 PM
207	HUMAN LIVING Protect Rules/Regulations rights that you have as a human. Rules and regulations to live by and rules that protect you	5/16/2013 3:32 PM
208	PERSON The right you have as a person	5/16/2013 3:32 PM
209	Education heard/having say Law/Const EDOU 411- Educational law	5/16/2013 3:32 PM
210	Protect It's something that protects you.	5/16/2013 3:32 PM
211	Equality equality	5/16/2013 3:31 PM
212	Protect protection	5/16/2013 3:31 PM
213	PEOPLE It is something we need but also something some people use for the wrong reasons to their advantage	5/16/2013 3:31 PM
214	Protect rights to protect your own believes	5/16/2013 3:31 PM
215	HUMAN MY / I Security/Safe Rules that brings me safety for the human being I am.	5/16/2013 3:31 PM
216	PERSON That every person has rights to their own opinions	5/16/2013 3:30 PM
217	Eerste jaars	5/16/2013 3:30 PM
218	Country MY / I The rights that I have in the country that I am living.	5/16/2013 3:30 PM
219	Country HUMAN MY / I Protect Where I stand as a human being in my country and what protects me to be myself	5/16/2013 3:30 PM
220	Law/Const Speeches/Bill of Rights	5/16/2013 3:28 PM
221	Equality Treated Gelyke behandeling van mense	5/16/2013 3:28 PM
222	MY / I Responsibilities / Duties I have rights and responsibility. Nobody can force me to do anything	5/16/2013 3:28 PM
223	Protect Disregte wat elke mens beskerm.	5/16/2013 3:27 PM
224	Democracy Democracy	5/16/2013 3:25 PM
225	Law/Const Bill of rights	5/16/2013 3:24 PM
226	Democracy democracy	5/16/2013 3:20 PM
227	What is that?	5/16/2013 3:19 PM
228	HUMAN RACE Rights that every human should have regardless of race, gender and sexual orientation	5/16/2013 3:18 PM
229	PEOPLE People can express their feelings in anyway they want	5/15/2013 2:37 PM
230	Freedom/Liberty FREEDOM	5/15/2013 1:12 PM
231	Equality Equality	5/15/2013 1:09 PM
232	Respect the understanding of self, the others and respect	5/15/2013 1:04 PM
233	Able Freedom/Liberty PEOPLE freedom where people can be able to access what ever they want to access and have authority and allowance to behave they way they want to behave.	5/15/2013 12:59 PM
234	Freedom/Liberty freedom	5/15/2013 12:56 PM

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235	Equality Expression HUMAN MY/I what comes to mind is the right to be human and enjoy a life that is not discriminative and that allows me to express any feeling or thoughts that i might have without being discriminated against	5/15/2013 12:50 PM
236	Equality Freedom/Liberty being equal, having the freedom to do/speak freely.	5/15/2013 12:48 PM
237	Freedom/Liberty freedom and liberalism	5/15/2013 12:48 PM
238	Responsibilities / Duties Responsibilities and rights work together	5/15/2013 12:41 PM
239	LIVING Responsibilities / Duties the right to live and the responsibility to do so in a "humane" fashion	5/15/2013 12:40 PM
240	CITIZENS EVERY ONE IN INTITLE TO THEIR RIGHTS AS SOUTH AFRICAN CITIZENS	5/15/2013 12:34 PM
241	Country Democracy Entitled PEOPLE what people are entitled to when living in a democratic country	5/15/2013 12:32 PM
242	Responsibilities / Duties RESPONSIBILITY	5/15/2013 12:30 PM
243	Equality Fairness PEOPLE Rules that govern a nation to a certain extent that allows for equal and fair treatment of people.	5/15/2013 11:20 AM
244	Entitled HUMAN what we are entitled to as human beings	5/15/2013 11:09 AM
245	Entitled Equality Freedom/Liberty INDIVIDUAL Protect Respect Treated liberty, protection and catering and treating individuals respectfully and as they deserve (equally) regardless of their sex, gender, sexual orientation, social class, home background ect	5/15/2013 10:57 AM
246	PERSON Protect rights which protects a person.	5/15/2013 10:51 AM
247	Entitled PEOPLE What all people are entitled to as a necessity to access modern day living	5/15/2013 10:51 AM
248	Law/Const constitution	5/14/2013 4:06 PM
249	Freedom/Liberty to be free	5/14/2013 4:00 PM
250	Country Equality equal participation in the running of the country	5/14/2013 3:53 PM
251	Equality Everyone having equal opportunities and rights.	5/14/2013 3:51 PM
252	PERSON rights of individuals personal rights	5/14/2013 3:45 PM
253	Freedom/Liberty FREEDOM	5/14/2013 12:01 PM
254	Equality HUMAN Responsibilities / Duties human equality, human liberation, human sharing commonalities and responsibility	5/14/2013 11:55 AM
255	Equality equal rights	5/14/2013 11:52 AM
256	Equality Law/Const we are all equal before the Law	5/14/2013 11:51 AM
257	Equality equality	5/14/2013 11:50 AM
258	Equality Freedom/Liberty freedom and equality	5/14/2013 11:48 AM
259	Country Democracy the most basic of rights that govern a democratic country	5/14/2013 11:48 AM
260	Able Expression heard/having say to be able to say what u feel and oppose where u don't understand properly	5/14/2013 11:46 AM
261	Freedom/Liberty freedom, democracy, citizenship	5/14/2013 11:27 AM
262	Country PEOPLE Protect The Rights of People in a particular country that are protected by the state of that country.	5/14/2013 11:26 AM
263	Freedom/Liberty freedom, rules, humanism	5/14/2013 11:25 AM
264	Equality Freedom/Liberty freedom and equality	5/14/2013 11:23 AM
265	Political politics	5/14/2013 11:23 AM
266	Expression Freedom/Liberty PEOPLE Being free to express oneself, make own decisions and barriers and stumbling blocks being circumstances and situations NOT people.	5/14/2013 11:21 AM
267	Dignity Respect Dignity and respect	5/14/2013 11:19 AM
268	unfair	5/14/2013 11:19 AM
269	Democracy Freedom/Liberty GOOD LIFE Protect liberty, democracy, joy, success, protection, good life.	5/14/2013 11:17 AM
270	Able Equality Equality despite differences and abilities	5/14/2013 11:17 AM
271	Respect ubuntu respect and ubuntu	5/14/2013 11:16 AM



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272	apartheid Law/Const PEOPLE the thing that comes to mind is that we as the youth of today or as the people of today lucky because the constitution today has lot of rights that allows us especially black people who were oppressed during apartheid.	5/14/2013 11:16 AM
273	Able Freedom/Liberty HUMAN INDIVIDUAL the state of human to acquire freedom that enables the individual to be allowed by the state to do things.	5/14/2013 11:15 AM
274	Entitled Expression Freedom/Liberty PEOPLE Respect Security/Safe That every individual is entitled to a safe environment and that people have to acknowledge their right and put them into practice. people are entitled to freedom of speech. the list is endless but most importantly people rights should be respected.	5/14/2013 11:14 AM
275	Freedom/Liberty FREEDOM	5/14/2013 11:13 AM
276	Democracy Freedom/Liberty Justice / Social Justice freedom, democracy and Justice.	5/14/2013 11:13 AM
277	Freedom/Liberty freedom	5/14/2013 11:13 AM
278	Freedom of choice Freedom/Liberty having a choice life	5/14/2013 11:11 AM
279	Dignity Equality Fairness Justice / Social Justice Respect equality, fairness, respect, dignity and social justice	5/14/2013 11:11 AM
280	Our Responsibilities / Duties SOCIETY Rights that guide us to behave in an acceptable and responsible way in our society and Nation	5/14/2013 11:11 AM
281	heard/having say PEOPLE PERSON it's all about the rights that every person have and must enjoy without exploiting other people's rights	5/14/2013 11:11 AM
282	abuse PEOPLE i think of people who are abused and do not know their rights.	5/14/2013 11:10 AM
283	Freedom/Liberty freedom	5/14/2013 11:09 AM
284	Freedom/Liberty freedom to every individual to participate in anything without boundaries	5/14/2013 11:09 AM
285	Equality equal rights for everyone	5/14/2013 11:09 AM
286	HUMAN Responsibilities / Duties is that human beings have rights and also rights goes together with responsibilities	5/14/2013 11:08 AM
287	Democracy democracy	5/14/2013 11:08 AM
288	Equality HUMAN Treated is that humans should be treated equally	5/14/2013 11:08 AM
289	Equality equality	5/14/2013 11:07 AM
290	Equality equality	5/14/2013 11:07 AM
291	Equality Equity	5/14/2013 11:07 AM
292	Equality Expression The right to express yourself without fear of prejudice and discrimination	5/14/2013 11:06 AM
293	Equality Equality for all	5/14/2013 11:06 AM
294	Education heard/having say HUMAN PERSON human rights are the rights that every person have e.g a right to education	5/14/2013 11:06 AM
295	PEOPLE something that people have a permission to do.	5/14/2013 11:06 AM
296	HUMAN Security/Safe Basic list of actions and opportunities every human should be granted to ensure a safe environment and treatment by others	5/14/2013 11:06 AM
297	Freedom/Liberty Responsibilities / Duties freedom and responsibilities of rights	5/14/2013 11:06 AM
298	Treated sense of feeling yourself treated as a citizenship	5/14/2013 11:05 AM
299	Freedom/Liberty freedom for all	5/14/2013 11:05 AM
300	HUMAN Protect Statements which are adhered to by every human being, and they protect humans from violence, rape and other forms of rights violation.	5/14/2013 11:05 AM
301	Democracy PEOPLE Responsibilities / Duties responsibilities, democracy and how people misuse their rights at times	5/14/2013 11:04 AM
302	Able Equality Fairness Freedom/Liberty Our Respect Responsibilities / Duties Rights and Responsibilities, The freedom to do be able to do... and the responses to that ability. Be it based on respect, equality, fairness, freedom, tolerance, etc...	5/14/2013 11:04 AM
303	Democracy Dignity Expression Freedom/Liberty PEOPLE Respect democracy, freedom of expression, people opinions and the the respect of dignity.	5/14/2013 11:04 AM
304	Democracy Equality Freedom/Liberty equality, freedom, democracy	5/14/2013 11:03 AM
305	guider	5/14/2013 11:03 AM
306	Democracy Democracy	5/14/2013 11:02 AM

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307	Democracy democracy	5/14/2013 11:02 AM
308	Freedom of choice Freedom/Liberty freedom of choice	5/14/2013 11:01 AM
309	Our Respect Respecting each other despite our differences	5/14/2013 11:01 AM
310	Democracy Democracy	5/14/2013 11:01 AM
311	Able Expression Respect Respect and to be able to express one ideas	5/14/2013 11:01 AM
312	Justice / Social Justice Rights of justice that belongs to everybody	5/14/2013 11:00 AM
313	Freedom/Liberty freedom	5/14/2013 11:00 AM
314	An umbrella for everyone	5/14/2013 11:00 AM
315	PEOPLE Responsibilities / Duties people have a right and responsibilities	5/14/2013 10:59 AM
316	Freedom/Liberty Freedom	5/14/2013 10:59 AM
317	apartheid MY / I the first thing that comes to my mind its question that i always ask my self that why these rights came after apartheid and how am i going to know when my rights are being violated?	5/14/2013 10:59 AM
318	Dignity Respect The basic human rights, respect, dignity and so forth.	5/14/2013 10:58 AM
319	HUMAN Responsibilities / Duties every human have a right to do what ever they want as long as its their responsibility to do that.	5/14/2013 10:58 AM
320	Equality Freedom/Liberty freedom, diversity, equality and inclusion	5/14/2013 10:57 AM
321	Democracy Equality HUMAN democracy, equality as human beings	5/14/2013 10:57 AM
322	PEOPLE how people understand human rights?	5/14/2013 10:57 AM
323	Country Equality HAVING EQUAL RIGHTS IN THE COUNTRY	5/14/2013 10:56 AM
324	Equality equality	5/14/2013 10:56 AM
325	Freedom/Liberty freedom	5/14/2013 10:56 AM
326	PEOPLE Responsibilities / Duties That people in South Africa have rights and responsibilities.	5/14/2013 10:56 AM
327	Democracy democracy	5/14/2013 10:56 AM
328	Entitled PEOPLE The rights that people are entitled to	5/14/2013 10:55 AM
329	CITIZENS Security/Safe PRINCIPLES THAT SECURE CITIZENS IN ALL WALKS OF LIFE.	5/14/2013 10:55 AM
330	Freedom/Liberty human right is an opportunity that one is given in order to be free	5/14/2013 10:55 AM
331	MY / I Responsibilities / Duties My responsibilities	5/14/2013 10:55 AM
332	Responsibilities / Duties right and responsibility	5/14/2013 10:55 AM
333	Children PEOPLE children and older people	5/14/2013 10:54 AM
334	Equality Law/Const RACE equality before the law, gender, race, class and respect for others	5/14/2013 10:54 AM
335	Freedom/Liberty freedom	5/14/2013 10:54 AM
336	PEOPLE that all people have the rights to do what they want	5/14/2013 10:54 AM
337	Entitled HUMAN MY / I Being human, the rights i am entitled to without any restrictions.	5/14/2013 10:53 AM
338	Equality Fairness Equality, fair treatment of all	5/14/2013 10:51 AM
339	Equality RACE equality for all race, gender and class	5/14/2013 10:51 AM
340	Freedom/Liberty Responsibilities / Duties freedom and responsibility	5/14/2013 10:51 AM
341	Law/Const the constitution	5/14/2013 10:50 AM
342	Fairness HUMAN fair treatment of all human beings	5/14/2013 10:50 AM
343	the underprivileged	5/14/2013 10:50 AM
344	Freedom/Liberty Freedom	5/14/2013 10:50 AM
345	Children children's rights	5/14/2013 10:48 AM
346	Equality Freedom/Liberty LIVING Freedom, the right to equality, the right to live	5/14/2013 10:48 AM
347	peace	5/14/2013 10:48 AM
348	Democracy Freedom/Liberty Freedom, Democracy	5/14/2013 10:45 AM
349	Able Equality Expression Freedom/Liberty MY / I Respect Equality, freedom to be openly gay, freedom of showing affection to my boyfriend, freedom of speech, freedom of expressing myself, being able to be respected and not judged.	5/13/2013 7:47 PM

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350	Freedom/Liberty PEOPLE freedom of the people	5/13/2013 4:16 PM
351	CITIZENS MY/I the various rights that i have as citizen	5/13/2013 4:09 PM
352	PEOPLE Treated the manner in which the people should be treated amongst themselves and by the state and what should or shouldn't get	5/13/2013 4:04 PM
353	Expression Freedom/Liberty freedom of speech	5/13/2013 4:04 PM
354	Expression Freedom/Liberty freedom of speech and so forth	5/13/2013 4:03 PM
355	Freedom of choice Freedom/Liberty Our Responsibilities / Duties people being allowed to make dicisions on their own for themselves and take responsibilities. poeple are given freedom to choose.	5/13/2013 4:02 PM
356	Freedom/Liberty MY/I freedom and having to do my own decisions without being judged	5/13/2013 4:01 PM
357	MY/I Responsibilities / Duties things that i have the right to do and to also learn my responsibilities	5/13/2013 4:00 PM
358	Law/Const MY/I i think about the constitution	5/13/2013 3:59 PM
359	none applicable	5/13/2013 3:58 PM
360	Equality equality	5/13/2013 3:58 PM
361	Able Expression Freedom/Liberty The ability to express one's feelings. Freedom as opposed to oppression.	5/13/2013 3:56 PM
362	Law/Const the bill of right	5/13/2013 3:56 PM
363	Expression Freedom/Liberty Freedom of expression	5/13/2013 3:56 PM
364	PEOPLE Responsibilities / Duties Peoples rights an responsibilities	5/13/2013 3:55 PM
365	abuse CITIZENS Country Law/Const PERSON these are the rights that allow me to be a good citizen and also follow the rules/constitution of the country. again if not taken into consideration law may be enforced because human right are not ment to be abused by you or another person.	5/13/2013 3:55 PM
366	Equality Freedom of choice Freedom/Liberty HUMAN PEOPLE Treated human rights gives people freedom to have a choice and protect them know their rights as human beings so that they can avoid being discriminated by others and treating others well.	5/13/2013 3:54 PM
367	Freedom/Liberty freedom	5/13/2013 3:54 PM
368	Equality Fairness Equality and fair treatment	5/13/2013 3:53 PM
369	Freedom of choice Freedom/Liberty You have the right to choose waht you want to do	5/13/2013 3:53 PM
370	Expression Freedom/Liberty heard/having say RACE Respect when we say human rights, it comes to mind speaking freely and respecting each others culture, religion, race, and freedom.	5/13/2013 3:52 PM
371	Freedom/Liberty Freedom	5/13/2013 3:52 PM
372	Civilised	5/13/2013 3:52 PM
373	Protect protection	5/13/2013 3:52 PM
374	CITIZENS Democracy Law/Const Bills of rights, democratic citizen.	5/13/2013 3:51 PM
375	Democracy Equality Freedom/Liberty Equality, Freedom, Democracy	5/13/2013 3:51 PM
376	Expression Freedom/Liberty Freedom of speech	5/13/2013 3:51 PM
377	Violence	5/13/2013 3:45 PM
378	EVERYBODY HAS RIGHTS	5/13/2013 3:43 PM
379	HUMAN The right for humans	5/13/2013 3:40 PM
380	LIVING PEOPLE that people have certian rights in live	5/13/2013 3:40 PM
381	Equality As the equal rights that evryone has.	5/13/2013 3:36 PM
382	Equality That everyone is equal and has the right to do something.	5/13/2013 3:35 PM
383	PERSON Respect respect for every person	5/13/2013 3:35 PM
384	HUMAN Treated how you as a human should be treated and also how you treat others	5/13/2013 3:34 PM
385	Equality PERSON Everyone is equal and has a right as a person.	5/13/2013 3:34 PM
386	Rules/Regulations Rules	5/13/2013 3:34 PM
387	Our PEOPLE That all the people on earth have rights, it doesnt matter how old you are or what tpe of work you do.	5/13/2013 3:33 PM
388	Equality Gelykheid	5/13/2013 3:33 PM



Human Rights Literacy: A quest for meaning

389	Equality Fairness Protect Treated your rights are protected and you have to be treated well and fair and equaly	5/13/2013 3:32 PM
390	Equality equality	5/13/2013 3:32 PM
391	MY / I my rights	5/13/2013 3:32 PM
392	Equality HUMAN Respect The rights that each human has and that should be respected. To create equality	5/13/2013 3:32 PM
393	MY / I Protect that i will be protected	5/13/2013 3:32 PM
394	Country INDIVIDUAL Protect Alle mense in 'n land se regte waarmee hul beskerming kan kry. Hierdie regte beskerm elke individu in die land.	5/13/2013 3:32 PM
395	Equality Everybody must be equal	5/13/2013 3:32 PM
396	MY / I Protect Regte wat my as persoon beskerm teen onregverdige handelinge	5/13/2013 3:31 PM
397	Protect Regte wat 'n mens beskerm teen die wêreld daar buite	5/13/2013 3:31 PM
398	Fairness Treated die regverdige behandeling teenoor alle mense	5/13/2013 3:31 PM
399	Our Protect Responsibilities / Duties Die regte en verantwoordelikhede wat elke persoon het wat ons beskerm.	5/13/2013 3:31 PM
400	Country Protect Responsibilities / Duties Almal het die reg en verantwoordelikheid om van SA 'n beter land te maak. En dit moet beskerm word.	5/13/2013 3:31 PM
401	Country Protect Almal se regte in die land moet beskerm word.	5/13/2013 3:31 PM
402	Democracy Equality Our regte tot almal om ons as mense te beskerm, bevordering van 'n demokratiese land gelykheid aan almal	5/13/2013 3:31 PM
403	heard/having say MY / I I have the right to say my say	5/13/2013 3:31 PM
404	PEOPLE Respect To respect other people	5/13/2013 3:31 PM
405	Equality Everyone is equal	5/13/2013 3:31 PM
406	INDIVIDUAL MY / I Security/Safe MY regte as 'n individu. iets wat my menswaardigheid beskerm- ek voel veilig as ek die woord mense regte hoor.	5/13/2013 3:31 PM
407	Democracy Equality Gelykheid, demokrasie	5/13/2013 3:31 PM
408	INDIVIDUAL Our die regte wat ons as mense het, elke individu	5/13/2013 3:30 PM
409	PERSON Protect every person is protected	5/13/2013 3:30 PM
410	HUMAN Each human has basic rights that he or she is entitled to	5/13/2013 3:30 PM
411	HUMAN The rights that all humans have	5/13/2013 3:30 PM
412	Law/Const The Bill of rights	5/13/2013 3:30 PM
413	Diversiteit	5/13/2013 3:30 PM
414	Equality almal is gelyk	5/13/2013 3:30 PM
415	Equality Freedom/Liberty equality and freedom	5/13/2013 3:30 PM
416	Equality gelykheid van alle mense	5/13/2013 3:30 PM
417	Able Equality The ability to do things that are important to you without discrimination	5/13/2013 3:30 PM
418	Equality Gelykheid	5/13/2013 3:30 PM
419	PEOPLE Responsibilities / Duties people have rights as well as responsibilities	5/13/2013 3:30 PM
420	INDIVIDUAL Responsibilities / Duties dit is die regte wat jy as individu het, maar gepaard daarmee gaan jou as individu se verantwoordelikhede wat jy moet na kom.	5/13/2013 3:30 PM
421	Fairness Respect Elke mens het die reg tot iets, en die reg om op te staan vir in wat hulle glo, as daar teen 'n persoon verkeerd gedoen word die persoon die reg het om op 'n regverdige manier handteer word. respek teenoor mekaar.	5/13/2013 3:30 PM
422	PEOPLE Rights we have as people.	5/13/2013 3:29 PM
423	Equality Equality	5/13/2013 3:29 PM
424	Equality Gelykheid	5/13/2013 3:29 PM
425	PERSON Die regte wat elke persoon oor beskik.	5/13/2013 3:29 PM
426	Protect Elke persoon het regte waarteen hulle beskerm word.	5/13/2013 3:29 PM
427	Responsibilities / Duties regte en verantwoordelikhede van n persoon	5/13/2013 3:29 PM

Human Rights Literacy: A quest for meaning

428	Equality Respect Gelykheid, respek, waardes en regte	5/13/2013 3:29 PM
429	Country MY/I My regte wat ek het om beskerm te wees in die land	5/13/2013 3:29 PM
430	regte	5/13/2013 3:29 PM
431	Equality Gelykheid	5/13/2013 3:29 PM
432	Equality Elke persoon het die reg om op te tree volgens hoe hy glo en volgens sy kultuur. Daar is nie 'n reg of verkeerd nie. Almal is gelyk.	5/13/2013 3:29 PM
433	apartheid Apartheid	5/13/2013 3:29 PM
434	Democracy Demokrasie	5/13/2013 3:28 PM
435	PEOPLE People who are oppressed	5/13/2013 3:28 PM
436	HUMAN voorreg Dat geen mens enige reg het teenoor iets nie, maar dat dit eerder as 'n vooreg beskou moet word	5/13/2013 3:28 PM
437	Equality Treated Gelyke behandeling	5/13/2013 3:28 PM
438	MY/I Our Protect mense regte laat my dink aan wat ons almal beskerm en ons almal versker om 'n beter lewe te he	5/13/2013 3:28 PM
439	Country Law/Const Protect constitutional rights that protect all citizens of a country	5/13/2013 3:28 PM
440	Lewensoriëntering	5/13/2013 3:27 PM
441	HUMAN MY/I Regte wat ek as mens het	5/13/2013 3:27 PM
442	Slegs die mense en sy eie behoeftes en die van ander. Geen inag neming van ander nie.	5/13/2013 3:27 PM
443	dat alle mense mense regte het.	5/13/2013 3:27 PM
444	Freedom/Liberty HUMAN MY/I The right that i has as 'n human, like freedom.	5/13/2013 3:27 PM
445	PEOPLE Treated How you treat people	5/13/2013 3:27 PM
446	Expression Freedom/Liberty LIVING MY/I My right to give my opinion and to live freely in South Africa	5/13/2013 3:26 PM
447	Mandela Nelson Mandela	5/13/2013 3:26 PM
448	Do's & Don'ts MY/I MY DO AN DON'TS	5/13/2013 3:24 PM
449	LIVING PEOPLE Treated Its a document that defines how people should be treated and that helps a nation to live accordantly. it is meant for everyone not just a particular culture or colour.	5/13/2013 11:28 AM
450	apartheid Democracy Apartheid and democracy, redressing the past imbalances	5/13/2013 11:26 AM
451	Expression Freedom/Liberty RACE being free, and having a right to express your self regardless of your gender, race or class	5/13/2013 11:20 AM
452	HUMAN How they are being violated	5/13/2013 11:15 AM
453	Freedom of choice Freedom/Liberty Responsibilities / Duties allowed to do something ,right goes with responsibilities, freedom of choice.	5/13/2013 11:13 AM
454	Able Country Equality Expression Freedom/Liberty Protect it refers to freedom of speech, being able to exercise cultural or religious beliefs with no fear of being discriminated against, and to feel protected within your own country.	5/13/2013 11:12 AM
455	Equality MY/I i think of equality	5/13/2013 11:10 AM
456	PEOPLE Responsibilities / Duties people making decisions and taking responsibility for their lives.	5/13/2013 11:10 AM
457	Protect protection	5/13/2013 11:09 AM
458	Education Equality Freedom/Liberty heard/having say Our RACE Freedom and equality for all. Equal opportunities and non - discrimination of others based on their race, gender, class, culture, religion, level of education, contextual background, sexual orientation and HIV status.	5/13/2013 11:09 AM
459	CITIZENS Country MY/I South Africa's history in politics and then my priveleges, benefits and love for my country as a citizen	5/13/2013 11:08 AM
460	Freedom/Liberty heard/having say HUMAN LIVING MY/I Protect liberty, that i am valued as a human being and have a say to how i want to live my life. protection cause rights are meant to protect you.	5/13/2013 11:08 AM
461	Freedom/Liberty HUMAN the freedom of every human regardless of sexual orientation, but basically rights to every living human	5/13/2013 11:07 AM
462	Able Equality Freedom/Liberty having ability to do things freely without being discriminated against what you are	5/13/2013 11:06 AM

Human Rights Literacy: A quest for meaning

463	Entitled HUMAN Justice / Social Justice MY / I those justices i am entitled to just like every other human being	5/13/2013 11:06 AM
464	Country Law/Const PEOPLE Bill of rights and peoples rights in the country.	5/13/2013 11:06 AM
465	Freedom/Liberty freedom	5/13/2013 11:05 AM
466	heard/having say MY / I doing as i please, having the right to say no no matter what the situation is	5/13/2013 11:05 AM
467	CITIZENS Democracy Entitled Equality Our Political RACE Responsibilities / Duties Treated Equal democratic, social, civil and political rights for all. Every citizen is entitled to these rights and should be allowed to enjoy them responsibly, without offending or discriminating others. We all are equal and therefore should be treated the same, irrespective of our diverse race groups, gender, sexual orientation, cultures, political beliefs, religious affiliations, and so forth.	5/13/2013 11:05 AM
468	Freedom/Liberty Security/Safe Freedom and security	5/13/2013 11:04 AM
469	Respect respect	5/13/2013 11:04 AM
470	Democracy democracy	5/13/2013 11:04 AM
471	Political civil rights, political rights and social rights.	5/13/2013 11:04 AM
472	Freedom/Liberty HUMAN PEOPLE SOCIETY it where by the people in the society or world are free to do anything, and if something happen to them they have rights as humans.	5/13/2013 11:04 AM
473	Country Freedom/Liberty HUMAN Justice / Social Justice Law/Const Our Meaning on my mind human rights its all about freedom of human beings of a certain country. Policy positions i.e. country's constitution being in line with what we call justice.	5/13/2013 11:04 AM
474	HUMAN it means: as a human there is a thing called rights - and these rights have to be adhere to. it means there is a set of rights for humans that are not the same to other creatures of the earth.	5/13/2013 11:02 AM
475	Freedom/Liberty Freedom	5/13/2013 11:01 AM
476	Freedom/Liberty Responsibilities / Duties freedom of expression, freedom of living your life the way you want but also be responsible not to harm others	5/13/2013 11:01 AM
477	Education Freedom of choice heard/having say PEOPLE the right that people have which guides them in making decisions and choices, eg the right to education.	5/13/2013 11:01 AM
478	Entitled INDIVIDUAL Law/Const Protect to me human rights would be the rules and laws that protect us as individuals as well as what we are entitled to in terms of basic human needs	5/13/2013 10:59 AM
479	Expression heard/having say MY / I awareness and raise my voice	5/13/2013 10:59 AM
480	Freedom/Liberty MY / I freedom to do what i want	5/13/2013 10:58 AM
481	Protect Being protected from any kind of oppression	5/13/2013 10:04 AM
482	Able Expression Freedom/Liberty LIVING own power the rights given to us to be able to express ourselves in anyway and the freedom to be who we are. human rights give us power to enjoy ourselves and live freely without fear and doubt.	5/13/2013 10:03 AM
483	Freedom/Liberty Freedom	5/13/2013 10:02 AM
484	Expression Freedom/Liberty PEOPLE RACE The ability to be free to express your opinions by not judge by other people regardless of your race, gender and class	5/13/2013 9:59 AM
485	Responsibilities / Duties That everyone has specific rights that they are entitled to and with these rights also comes responsibilities.	5/13/2013 9:58 AM
486	Freedom of choice HUMAN MY / I human rights means that i have my own rights in the choices i make and what i want to do.	5/13/2013 9:56 AM
487	Freedom/Liberty Freedom	5/13/2013 9:55 AM
488	Freedom of choice Freedom/Liberty PEOPLE Choices that people have, freedom	5/13/2013 9:55 AM
489	Entitled Justice / Social Justice Social justice and entitlement	5/13/2013 9:55 AM
490	HUMAN PERSON human rights to me means given a legal opportunity to do what you want to do as long as it doesn't affect another person	5/13/2013 9:53 AM
491	Equality Fairness HUMAN Treated right to be treated as human being, and/or treated fairly and not discriminated against	5/13/2013 9:52 AM
492	Democracy Expression Freedom/Liberty PEOPLE Responsibilities / Duties it about the freedom of people in terms of expression and democracy in so doing they also have responsibilities	5/13/2013 9:52 AM
493	Freedom/Liberty PEOPLE when i here the word human rights, what comes to my mind is freedom to the people.	5/13/2013 9:52 AM
494	PEOPLE Treated respect for one another and treating people in a rightfull manner	5/13/2013 9:52 AM
495	Law/Const im thinking of bill of right what is contained there	5/13/2013 9:52 AM

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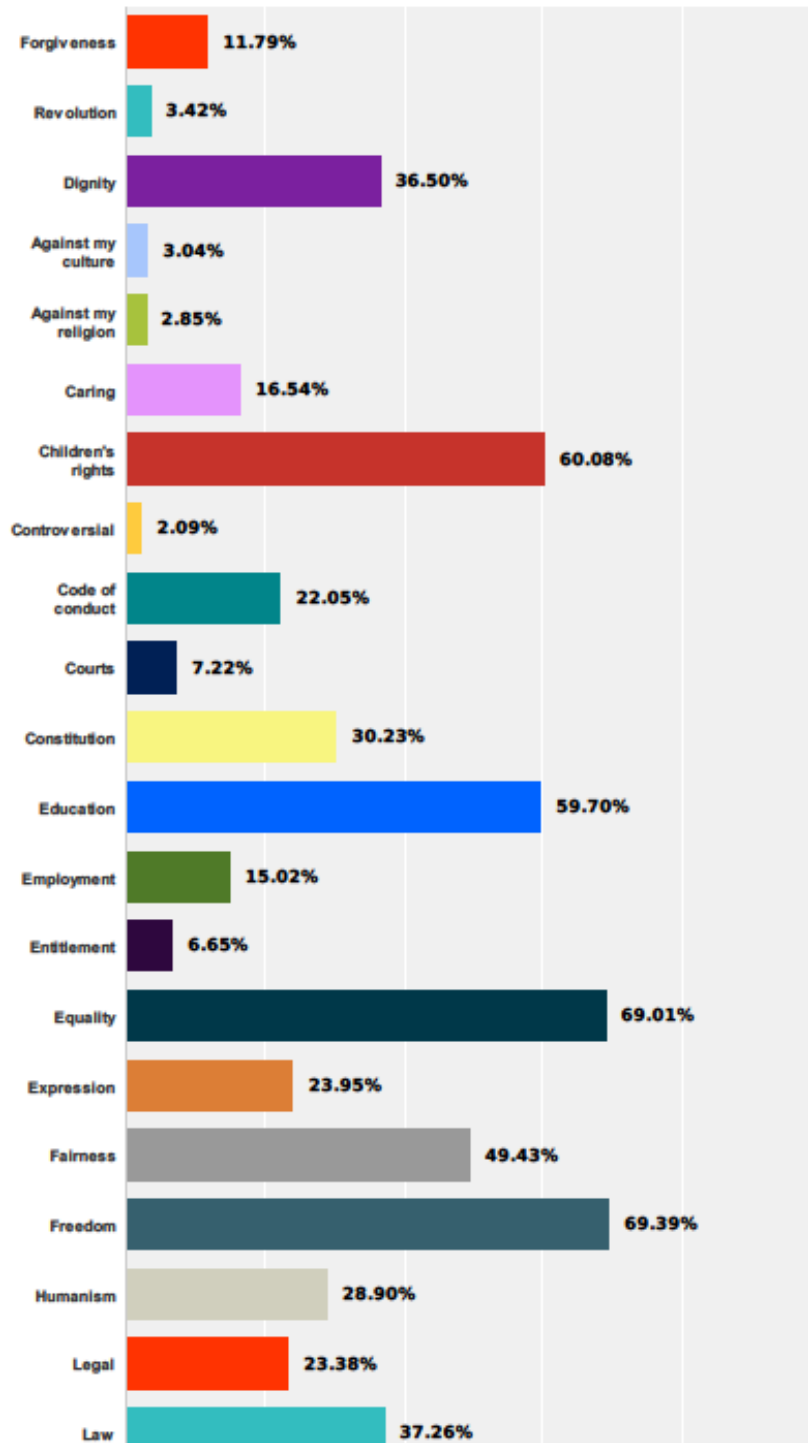
496	MY/I Protect my rights, things that i can do rightfully, to protect and embrace myself	5/13/2013 9:52 AM
497	Freedom/Liberty freedom	5/13/2013 9:51 AM
498	Equality Freedom/Liberty HUMAN Responsibilities / Duties Freedom and responsibility also equality for all human beings.	5/13/2013 9:51 AM
499	Able Freedom/Liberty heard/having say PEOPLE Freedom, people have the ability to voice their own opinions.	5/13/2013 9:51 AM
500	HUMAN LIVING Our Our rights has human beings to live.	5/13/2013 9:50 AM
501	Democracy Education Equality Freedom/Liberty heard/having say democmcy equal rights equal education freedom to all	5/13/2013 9:50 AM
502	Freedom/Liberty The first thing that come to mind is the littel freedom that is associated with these words	5/13/2013 9:50 AM
503	Law/Const Political politics and law	5/13/2013 9:50 AM
504	Country LIVING MY/I the right of everyone who live in the country, i link human right as citizeonship education	5/13/2013 9:49 AM
505	Respect Respect for one and other.	5/13/2013 9:49 AM
506	INDIVIDUAL Responsibilities / Duties the rights and responsibilities of an individual	5/13/2013 9:48 AM
507	Equality Expression Freedom/Liberty Our PEOPLE RACE freedom of speech, non discrimination of people based on their language, race, culture or background	5/13/2013 9:48 AM
508	Able Freedom/Liberty PERSON when a person is able to freely engage in what ever they please	5/13/2013 9:48 AM
509	CITIZENS Country HUMAN the rights that humans have as citizens of a country	5/13/2013 9:48 AM
510	PERSON Responsibilities / Duties Human rights are the privileges that a person has in their own being and which go with responsibilities	5/13/2013 9:48 AM
511	Freedom/Liberty freedom to every one	5/13/2013 9:48 AM
512	Freedom/Liberty when you have freedom to do what you want legally	5/13/2013 9:47 AM
513	CITIZENS Freedom/Liberty Law/Const Protect that human rights give criminals the freedom to murder, rape , steal and commit various other horrific crimes without having to suffer andy consequences due to having the right to life and protection etc. human rights do no protect good south african law abiding citizens	5/13/2013 9:47 AM
514	Equality PEOPLE people not being descriminated	5/13/2013 9:47 AM
515	Equality equal rights for all	5/13/2013 9:47 AM
516	Freedom/Liberty freedom	5/13/2013 9:46 AM
517	Freedom/Liberty freedom	5/13/2013 9:46 AM
518	Freedom/Liberty Freedom	5/13/2013 9:46 AM
519	Democracy Freedom/Liberty Democracy, freedom	5/13/2013 9:46 AM
520	MY/I Our Protect forms some sort of protection. but i feel our human rights are not taken seriously and always violated	5/13/2013 9:46 AM
521	Fairness Respect Treated being treated fairly and with respect.	5/13/2013 9:46 AM
522	Freedom/Liberty freedom	5/13/2013 9:45 AM
523	Democracy Equality Freedom/Liberty freedom, democracy and equality	5/13/2013 9:45 AM
524	Equality PEOPLE people having equal rights in a coutry and having rights as a human being.	5/13/2013 9:45 AM
525	HUMAN INDIVIDUAL rights that human have as individuals.	5/13/2013 9:44 AM
526	CITIZENS Code of conduct LIVING Code of conduct that citizens need to live by	5/13/2013 9:44 AM



Human Rights Literacy: A quest for meaning

Q13 Please select any 10 of the following words or phrases you associate most with "human rights":

Answered: 526 Skipped: 9

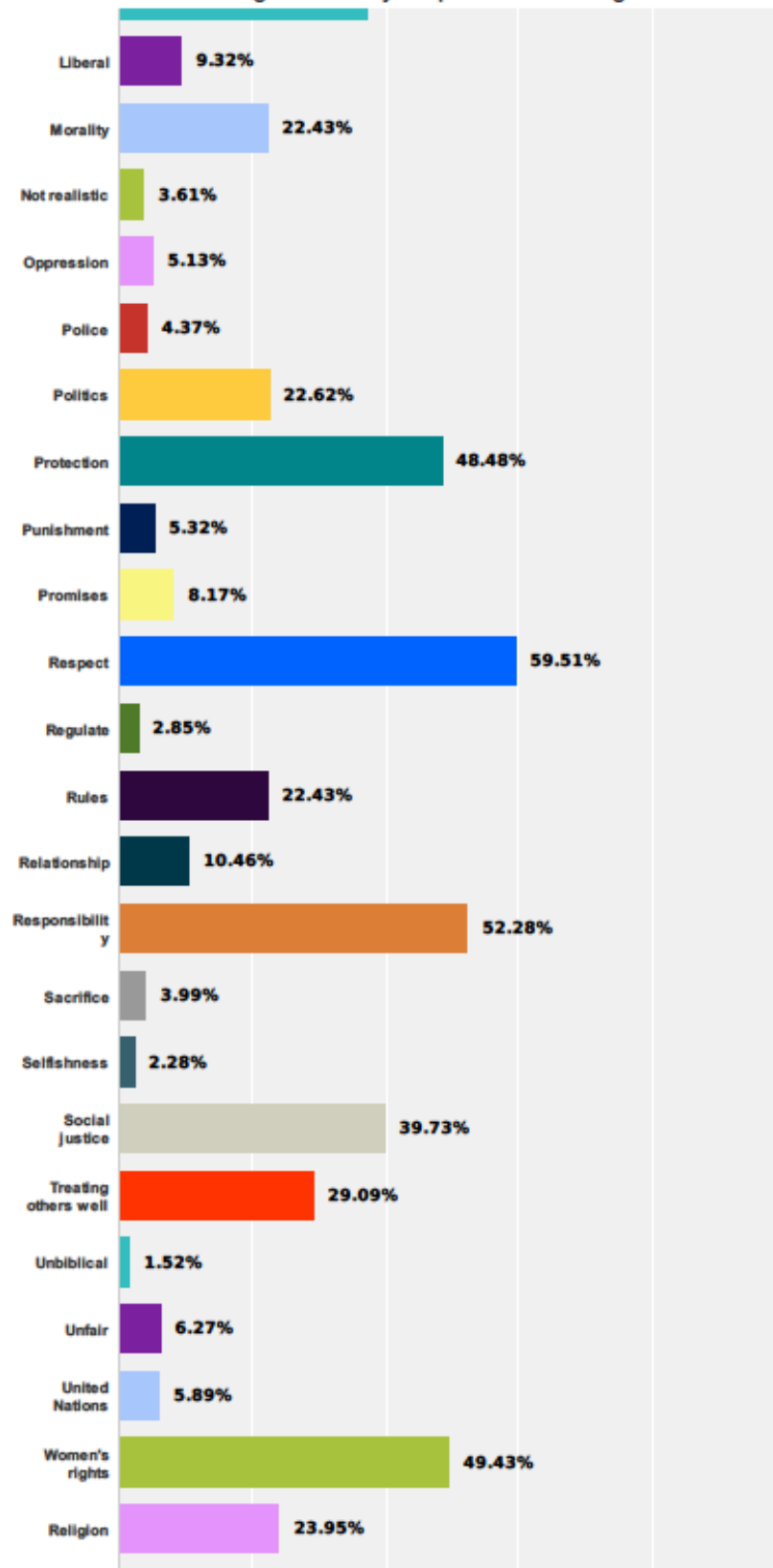


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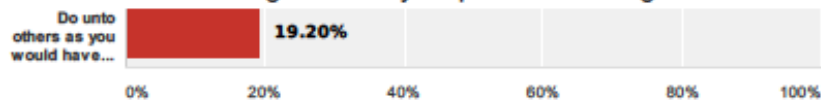
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Answer Choices	Responses
Forgiveness	11.79% 62
Revolution	3.42% 18
Dignity	36.50% 192
Against my culture	3.04% 16
Against my religion	2.85% 15
Caring	16.54% 87
Children's rights	60.06% 316
Controversial	2.09% 11
Code of conduct	22.05% 116
Courts	7.22% 38
Constitution	30.23% 159
Education	59.70% 314
Employment	15.02% 79
Entitlement	6.65% 35
Equality	69.01% 363
Expression	23.95% 126
Fairness	49.43% 260
Freedom	69.39% 365
Humanism	28.90% 152
Legal	23.38% 123
Law	37.26% 196
Liberal	9.32% 49
Morality	22.43% 118
Not realistic	3.61% 19
Oppression	5.13% 27
Police	4.37% 23
Politics	22.62% 119
Protection	48.48% 255
Punishment	5.32% 28
Promises	8.17% 43
Respect	59.51% 313
Regulate	2.85% 15
Rules	22.43% 118
Relationship	10.46% 55

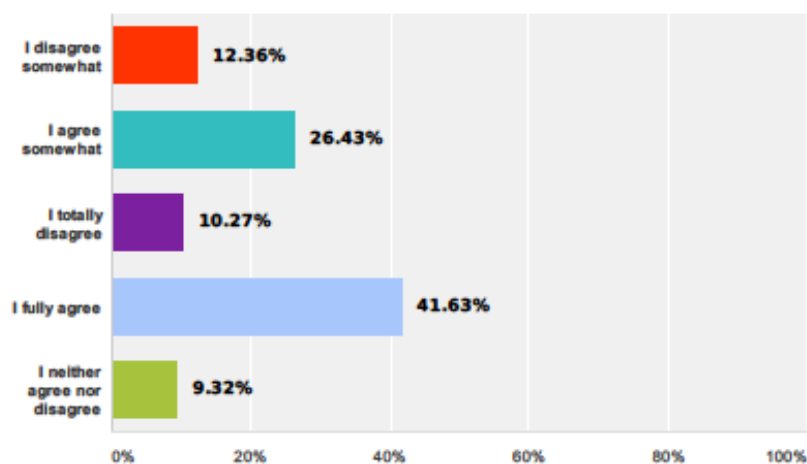
Human Rights Literacy: A quest for meaning

Responsibility	52.28%	275
Sacrifice	3.99%	21
Selfishness	2.28%	12
Social justice	39.73%	209
Treating others well	29.09%	153
Unbiblical	1.52%	8
Unfair	6.27%	33
United Nations	5.89%	31
Women's rights	49.43%	260
Religion	23.95%	126
Do unto others as you would have them do unto you	19.20%	101
Total Respondents: 526		

Human Rights Literacy: A quest for meaning

Q22 To what extent would you agree with the following statement: "Because of human rights, women and men are equal"?

Answered: 526 Skipped: 9



Answer Choices	Responses	
I disagree somewhat	12.36%	65
I agree somewhat	26.43%	139
I totally disagree	10.27%	54
I fully agree	41.63%	219
I neither agree nor disagree	9.32%	49
Total		526

Human Rights Literacy: A quest for meaning

Q36 Name three of the important documents that shape human rights in South Africa:

Answered: 520 Skipped: 15

Answer Choices	Responses
1	100% 520
2	88.27% 459
3	73.65% 383

#	1	Date
1	Constitution grondwet	6/18/2013 3:33 PM
2	Constitution The constitution of SA	6/14/2013 10:00 AM
3	Constitution Grondwet	6/8/2013 12:32 PM
4	Bill of rights bill of rights	6/7/2013 2:38 PM
5	Law Constitution of law	6/3/2013 1:45 PM
6	Constitution constitution of the republic of S.A	5/24/2013 10:46 AM
7	Constitution Constitution of South African Human Rights	5/24/2013 10:04 AM
8	Constitution Constitution	5/24/2013 10:00 AM
9	Ubuntu ubuntu	5/24/2013 9:55 AM
10	humanity	5/24/2013 9:55 AM
11	Law PRACTISES OF LAW	5/24/2013 9:55 AM
12	equality	5/24/2013 9:54 AM
13	Constitution CONSTITUTION	5/24/2013 9:53 AM
14	Code of conduct CODE OF CONDUCT	5/24/2013 9:52 AM
15	Constitution The Constitution of South Africa	5/24/2013 9:52 AM
16	Code of conduct Code of conduct	5/24/2013 9:47 AM
17	Constitution the South African constitution	5/24/2013 9:44 AM
18	Constitution constitution law	5/24/2013 9:42 AM
19	Constitution The Constitution of South Africa	5/24/2013 9:41 AM
20	Constitution Constitution of the Republic of South Africa	5/21/2013 9:43 AM
21	Code of conduct sace code of conduct	5/20/2013 7:36 PM
22	Do not know i don't know	5/20/2013 7:23 PM
23	Code of conduct SACE code of conduct	5/20/2013 7:23 PM
24	Constitution The Constitution	5/20/2013 7:22 PM
25	Bill of rights bill of rights	5/20/2013 7:21 PM
26	Bill of rights The Bill of rights	5/20/2013 7:21 PM
27	Constitution The constitution	5/20/2013 7:21 PM
28	Bill of rights bill of rights	5/20/2013 7:18 PM
29	Bill of rights bill of right	5/20/2013 7:18 PM
30	Do not know I DONT KNOW	5/20/2013 7:17 PM
31	Bible The Bible	5/20/2013 12:32 PM
32	Bible The Bible	5/20/2013 12:32 PM
33	Education education	5/20/2013 12:31 PM
34	Bible The Bible	5/20/2013 12:29 PM

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35	Do not know I don't know	5/20/2013 12:27 PM
36	Do not know I don't know	5/20/2013 12:26 PM
37	WhiteP InclusiveEd Wit Skrif	5/20/2013 12:26 PM
38	Constitution Grondwet	5/20/2013 12:25 PM
39	WhiteP InclusiveEd Witskrif	5/20/2013 12:24 PM
40	-	5/20/2013 12:24 PM
41	Standing together	5/20/2013 12:24 PM
42	Freedom of speech	5/20/2013 12:23 PM
43	WhiteP InclusiveEd Witskrif	5/20/2013 12:23 PM
44	Law Law	5/20/2013 12:23 PM
45	Childrens Rights children rights document	5/20/2013 12:23 PM
46	dokument wat regte uiteensit	5/20/2013 12:22 PM
47	Human rights manual	5/20/2013 12:21 PM
48	Law Die Wet	5/20/2013 12:21 PM
49	Law Human Rights Legislation	5/20/2013 12:20 PM
50	Do not know Don't know	5/20/2013 12:20 PM
51	WhiteP InclusiveEd witskrif 6	5/20/2013 12:20 PM
52	Law law	5/20/2013 12:20 PM
53	Constitution Grondwet	5/20/2013 12:20 PM
54	Do not know I dont know	5/20/2013 12:20 PM
55	Law Labour laws	5/20/2013 12:20 PM
56	WhiteP InclusiveEd white paper 6	5/20/2013 12:20 PM
57	Childrens Rights childrens rights	5/20/2013 12:20 PM
58	Human Rights Commission Human Rights commission	5/20/2013 12:19 PM
59	hoof	5/20/2013 12:19 PM
60	police	5/20/2013 12:19 PM
61	Constitution Die grondwet	5/20/2013 12:19 PM
62	human rights document	5/20/2013 12:18 PM
63	BCCSA	5/20/2013 12:18 PM
64	Constitution Die grondwet	5/20/2013 12:17 PM
65	Bible Bible	5/20/2013 12:17 PM
66	Constitution Grondwet	5/20/2013 12:17 PM
67	I	5/20/2013 12:17 PM
68	Do not know ?	5/20/2013 12:17 PM
69	Do not know ?	5/20/2013 12:16 PM
70	Constitution Grondwet van Suid-Afrika	5/20/2013 12:16 PM
71	Do not know I dont know	5/20/2013 12:15 PM
72	Constitution grondwet	5/20/2013 12:15 PM
73	Do not know x	5/20/2013 12:15 PM
74	Constitution Grondwet	5/20/2013 12:14 PM
75	Constitution grondwet	5/20/2013 12:13 PM
76	WhiteP InclusiveEd Die Witskrif	5/20/2013 12:11 PM
77	WhiteP InclusiveEd Die Witskrif	5/20/2013 12:11 PM
78	WhiteP InclusiveEd Die witskrif	5/20/2013 12:10 PM
79	Bill of rights Human rights bill	5/20/2013 12:10 PM

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80	WhiteP InclusiveEd Witskrif	5/20/2013 12:10 PM
81	Your believes.	5/20/2013 12:10 PM
82	Bill of rights Bill of Rights	5/20/2013 12:09 PM
83	WhiteP InclusiveEd witskrif	5/20/2013 12:08 PM
84	1	5/20/2013 12:07 PM
85	Education right to learn	5/20/2013 12:06 PM
86	Education The right to education	5/20/2013 12:06 PM
87	Constitution Grondwet	5/20/2013 12:05 PM
88	?	5/20/2013 12:05 PM
89	Do not know i dont know	5/20/2013 12:05 PM
90	Constitution Die Grondwet	5/20/2013 12:05 PM
91	Constitution Grondwet	5/20/2013 12:04 PM
92	Universal declaration of universal decoration of human rights	5/20/2013 12:04 PM
93	Do not know I am not familiar with this	5/20/2013 12:04 PM
94	DA	5/20/2013 12:03 PM
95	Code of conduct Code of Conduct	5/20/2013 12:03 PM
96	Constitution Grondwet	5/20/2013 12:03 PM
97	Constitution Grondwet	5/20/2013 12:03 PM
98	Law The Law	5/20/2013 12:02 PM
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101	Do not know don't know	5/20/2013 11:59 AM
102	humans	5/20/2013 11:59 AM
103	Gender Women's rights	5/20/2013 11:59 AM
104	Bill of rights Handvers van mense regte	5/20/2013 11:54 AM
105	the person self	5/20/2013 11:54 AM
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120	Constitution "Grondwet"	5/20/2013 10:35 AM
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175	Bill of rights Bill of Rights	5/20/2013 10:12 AM
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177	Constitution Grondwet	5/20/2013 10:12 AM
178	Constitution The constitution	5/20/2013 10:12 AM
179	Childrens Rights The childrens rights	5/20/2013 10:11 AM
180	Education EDUCATION	5/20/2013 10:11 AM
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195	Constitution Grondwet van Suid-Afrika	5/17/2013 9:02 AM
196	CAPS	5/17/2013 9:01 AM
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395	Bill of rights Bill of rights	5/13/2013 3:38 PM
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403	Constitution Grondwet van Suid-Afrika	5/13/2013 3:36 PM
404	Bill of rights bill of rights	5/13/2013 3:36 PM
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406	Bill of rights Constitution Constitution / Bill of rights	5/13/2013 3:36 PM
407	Constitution grondwet van suid-Afrika	5/13/2013 3:36 PM
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416	Schools Act South African Schools Act	5/13/2013 3:35 PM
417	Bill of rights bill of rights	5/13/2013 3:35 PM
418	Childrens Rights Children Bill of rights	5/13/2013 3:35 PM
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454	Freedom Charter Freedom charter	5/13/2013 11:15 AM
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456	Constitution Constitution	5/13/2013 11:15 AM
457	Constitution south african constitution	5/13/2013 11:15 AM
458	Dompas	5/13/2013 11:14 AM
459	Constitution Constitution	5/13/2013 11:13 AM
460	Bill of rights the bill of rights	5/13/2013 11:12 AM
461	Religion belief system	5/13/2013 11:12 AM
462	ID Identity	5/13/2013 11:11 AM
463	Bill of rights SA Bill of Rights	5/13/2013 11:11 AM
464	ID Identity documents	5/13/2013 11:10 AM
465	Civil rights	5/13/2013 11:10 AM
466	ID Identity document	5/13/2013 11:10 AM
467	freedom	5/13/2013 11:09 AM
468	Constitution south african constitution	5/13/2013 11:08 AM
469	national	5/13/2013 11:08 AM
470	Constitution Constitution	5/13/2013 11:07 AM
471	Constitution the Constitution	5/13/2013 11:07 AM
472	Bill of rights bill of rights	5/13/2013 11:05 AM
473	Bill of rights bill of rights	5/13/2013 11:02 AM
474	CAPS	5/13/2013 11:01 AM
475	Constitution South African Constitution	5/13/2013 10:13 AM
476	ID Id documenty	5/13/2013 10:12 AM
477	Constitution The interim constitution	5/13/2013 10:11 AM
478	Constitution constitution	5/13/2013 10:07 AM
479	Bill of rights the bill of rights	5/13/2013 10:06 AM
480	Constitution Constitution	5/13/2013 10:05 AM
481	Constitution Constitution	5/13/2013 10:05 AM
482	Bill of rights bill of rights	5/13/2013 10:04 AM
483	right to vote	5/13/2013 10:03 AM
484	Constitution constitution	5/13/2013 10:02 AM

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485	Bill of rights bills of rights	5/13/2013 10:01 AM
486	Constitution constitution	5/13/2013 9:59 AM
487	Constitution constitution	5/13/2013 9:59 AM
488	Constitution The South African constitution	5/13/2013 9:59 AM
489	Constitution the constitution	5/13/2013 9:59 AM
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491	Bill of rights bill of rights	5/13/2013 9:58 AM
492	Constitution constitution	5/13/2013 9:58 AM
493	ID Identity book	5/13/2013 9:58 AM
494	Constitution constitution	5/13/2013 9:57 AM
495	Constitution constitution	5/13/2013 9:57 AM
496	Constitution Constitution	5/13/2013 9:56 AM
497	Constitution constitution	5/13/2013 9:56 AM
498	Bill of rights bill of right	5/13/2013 9:55 AM
499	Constitution The Constitution of South Africa	5/13/2013 9:55 AM
500	Constitution constitution	5/13/2013 9:55 AM
501	Bill of rights The Bill of Rights	5/13/2013 9:54 AM
502	Bill of rights bill of right	5/13/2013 9:53 AM
503	Constitution The Constitutional Booklet	5/13/2013 9:53 AM
504	Constitution constitution	5/13/2013 9:53 AM
505	Law law of the country	5/13/2013 9:53 AM
506	Constitution The south african Constitution	5/13/2013 9:52 AM
507	ngo	5/13/2013 9:52 AM
508	Freedom Charter freedom charter	5/13/2013 9:52 AM
509	Bill of rights bill of rights	5/13/2013 9:52 AM
510	ID Identity document	5/13/2013 9:52 AM
511	Code of conduct code of conduct	5/13/2013 9:51 AM
512	Constitution The Constitution	5/13/2013 9:51 AM
513	Bill of rights bill of rights	5/13/2013 9:51 AM
514	i dont know	5/13/2013 9:51 AM
515	Constitution the south african constitution	5/13/2013 9:51 AM
516	Constitution constitution	5/13/2013 9:50 AM
517	Freedom Charter freedom charter	5/13/2013 9:49 AM
518	ubuntu	5/13/2013 9:48 AM
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520	Constitution the south african constitution	5/13/2013 9:47 AM
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2	Labour Law	6/14/2013 10:00 AM
3	labour relations	6/7/2013 2:38 PM
4	Human rights construst	6/3/2013 1:45 PM
5	Legislature	5/24/2013 10:04 AM
6	Bill of Rights	5/24/2013 10:00 AM
7	responsibility	5/24/2013 9:55 AM
8	responsibility	5/24/2013 9:55 AM

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9	JUSTICE	5/24/2013 9:55 AM
10	freedom	5/24/2013 9:54 AM
11	HUMAN RIGHTS BOOKLET	5/24/2013 9:53 AM
12	RULES AND REGULATIONS	5/24/2013 9:52 AM
13	The bill of rights	5/24/2013 9:52 AM
14	Childrens Rights	5/24/2013 9:47 AM
15	the bill of Right	5/24/2013 9:44 AM
16	schools law	5/24/2013 9:42 AM
17	The Bible	5/24/2013 9:41 AM
18	Bill of Rights	5/21/2013 9:43 AM
19	bill of rights	5/20/2013 7:36 PM
20	CODE OF PRIFSSIONAL ETHICS	5/20/2013 7:23 PM
21	Bill of rights	5/20/2013 7:22 PM
22	labour law	5/20/2013 7:21 PM
23	code of conduct	5/20/2013 7:18 PM
24	code conduct	5/20/2013 7:18 PM
25	I DONT KNOW	5/20/2013 7:17 PM
26	Woman rights	5/20/2013 12:32 PM
27	Children rights	5/20/2013 12:32 PM
28	medical	5/20/2013 12:31 PM
29	Book of Law	5/20/2013 12:29 PM
30	I don't know	5/20/2013 12:27 PM
31	I don't know	5/20/2013 12:26 PM
32	WKOD	5/20/2013 12:24 PM
33	-	5/20/2013 12:24 PM
34	respect	5/20/2013 12:24 PM
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38	human rights document	5/20/2013 12:23 PM
39	law enforcement	5/20/2013 12:22 PM
40	Law	5/20/2013 12:21 PM
41	Bible	5/20/2013 12:20 PM
42	human rights	5/20/2013 12:20 PM
43	law	5/20/2013 12:20 PM
44	Don't know	5/20/2013 12:20 PM
45	I dont know	5/20/2013 12:20 PM
46	Witskrif	5/20/2013 12:20 PM
47	democratic laws	5/20/2013 12:20 PM
48	?	5/20/2013 12:20 PM
49	dont know	5/20/2013 12:20 PM
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51	Witskrif	5/20/2013 12:19 PM
52	polisie	5/20/2013 12:19 PM
53	government	5/20/2013 12:19 PM

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54	dont know	5/20/2013 12:18 PM
55	Bible	5/20/2013 12:17 PM
56	Handves van menseregte	5/20/2013 12:17 PM
57	The human rights bill	5/20/2013 12:17 PM
58	DONT	5/20/2013 12:17 PM
59	?	5/20/2013 12:17 PM
60	?	5/20/2013 12:16 PM
61	Witskrif 6	5/20/2013 12:16 PM
62	x	5/20/2013 12:15 PM
63	im not sure	5/20/2013 12:15 PM
64	dont kno	5/20/2013 12:15 PM
65	witskrif vir kinderegte	5/20/2013 12:13 PM
66	Die Grondwet	5/20/2013 12:11 PM
67	Die Grondwet	5/20/2013 12:11 PM
68	Educated people.	5/20/2013 12:10 PM
69	Die grondwet	5/20/2013 12:10 PM
70	People's protection act	5/20/2013 12:10 PM
71	Beleid on human rights	5/20/2013 12:10 PM
72	Labour Laws	5/20/2013 12:09 PM
73	menseregte beleid	5/20/2013 12:08 PM
74	2	5/20/2013 12:07 PM
75	The right to freedom	5/20/2013 12:06 PM
76	right to vote	5/20/2013 12:06 PM
77	im not familiar with this	5/20/2013 12:05 PM
78	?	5/20/2013 12:05 PM
79	Kinderwet	5/20/2013 12:05 PM
80	Witskrif 6	5/20/2013 12:04 PM
81	intemational bill of human rights	5/20/2013 12:04 PM
82	I am not familiar with this	5/20/2013 12:04 PM
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87	The Law	5/20/2013 12:02 PM
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90	Children's rights	5/20/2013 11:59 AM
91	Departement va Menseregte	5/20/2013 11:54 AM
92	the constution	5/20/2013 11:54 AM
93	handves van regte	5/20/2013 11:48 AM
94	South African Police Laws	5/20/2013 11:44 AM
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98	grondwet	5/20/2013 10:40 AM

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99	white paper 6	5/20/2013 10:40 AM
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103	witskrif 6	5/20/2013 10:37 AM
104	constitution	5/20/2013 10:36 AM
105	Children's rights	5/20/2013 10:35 AM
106	Ubuntu	5/20/2013 10:35 AM
107	Don't know	5/20/2013 10:35 AM
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115	Bill of rights	5/20/2013 10:30 AM
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117	Bill of human rights	5/20/2013 10:30 AM
118	Witskrif	5/20/2013 10:28 AM
119	DONT KNOW	5/20/2013 10:28 AM
120	dont know	5/20/2013 10:27 AM
121	Witskrif ses	5/20/2013 10:24 AM
122	witskrif 6	5/20/2013 10:24 AM
123	right to vote	5/20/2013 10:24 AM
124	Constitution	5/20/2013 10:23 AM
125	Handves van menseregte	5/20/2013 10:22 AM
126	die bybel	5/20/2013 10:20 AM
127	South African Human Rights Commission	5/20/2013 10:20 AM
128	South African Human Rights Commission	5/20/2013 10:20 AM
129	b	5/20/2013 10:18 AM
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131	The south African constitution	5/20/2013 10:15 AM
132	Menseregte wet	5/20/2013 10:14 AM
133	Childrens rights	5/20/2013 10:14 AM
134	The Constitution of South Africa	5/20/2013 10:14 AM
135	Handves van regte	5/20/2013 10:14 AM
136	dont know	5/20/2013 10:13 AM
137	don't know	5/20/2013 10:13 AM
138	don't know	5/20/2013 10:13 AM
139	Laws	5/20/2013 10:12 AM
140	i don't know	5/20/2013 10:12 AM
141	Don't know	5/20/2013 10:12 AM
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144	bill of rights	5/20/2013 10:09 AM
145	all documents that have to do with rights	5/20/2013 10:09 AM
146	UN document on Human rights	5/20/2013 10:08 AM
147	right to be respected	5/17/2013 12:36 PM
148	The South African School Acts	5/17/2013 9:09 AM
149	right to be human	5/17/2013 9:09 AM
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152	THE HUMAN RIGHTS LEGISLATION	5/17/2013 9:05 AM
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154	word paper6	5/17/2013 9:04 AM
155	Handves van Regte	5/17/2013 9:03 AM
156	ubuntu	5/17/2013 9:02 AM
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159	LAW	5/17/2013 9:01 AM
160	Suid-Afrikaanse skolewet	5/17/2013 8:58 AM
161	Bill of rights	5/17/2013 8:58 AM
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173	The employment act	5/16/2013 3:36 PM
174	grondwet	5/16/2013 3:36 PM
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177	grondwet	5/16/2013 3:35 PM
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185	White Paper 6 on Inclusive Education	5/16/2013 3:29 PM
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190	the freedom charter	5/15/2013 1:04 PM
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204	Green Barcoded Identity document of South Africa	5/15/2013 10:58 AM
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216	statues	5/14/2013 11:49 AM
217	human rights document	5/14/2013 11:48 AM
218	ID	5/14/2013 11:46 AM
219	Human Rights Document	5/14/2013 11:31 AM
220	feedom	5/14/2013 11:29 AM
221	education	5/14/2013 11:29 AM
222	bill of right	5/14/2013 11:27 AM
223	FREEDOM CHARTER	5/14/2013 11:26 AM
224	Ubuntu	5/14/2013 11:25 AM
225	bill of rights	5/14/2013 11:25 AM
226	human rights documents	5/14/2013 11:24 AM
227	constitution	5/14/2013 11:24 AM
228	ncs	5/14/2013 11:24 AM
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230	curriculum	5/14/2013 11:22 AM
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234	goverment(law)	5/14/2013 11:20 AM
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237	constitution	5/14/2013 11:18 AM
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239	south african schoolsact	5/14/2013 11:17 AM
240	Batho pele principles	5/14/2013 11:16 AM
241	bill of rights	5/14/2013 11:15 AM
242	laws	5/14/2013 11:15 AM
243	whitepaper	5/14/2013 11:15 AM
244	Constitution	5/14/2013 11:15 AM
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246	passport	5/14/2013 11:14 AM
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248	white paper 6	5/14/2013 11:14 AM
249	identity document	5/14/2013 11:14 AM
250	Constitution	5/14/2013 11:13 AM
251	curriculum	5/14/2013 11:12 AM
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253	The Bill of Rights	5/14/2013 11:11 AM
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262	Bible	5/14/2013 11:09 AM
263	bill of rights	5/14/2013 11:09 AM
264	constitution	5/14/2013 11:08 AM
265	inclusive	5/14/2013 11:08 AM
266	freedom of charter	5/14/2013 11:07 AM
267	Freedom Charter	5/14/2013 11:07 AM
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272	dont know	5/14/2013 11:05 AM
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275	people 's education	5/14/2013 11:04 AM
276	Human rights commission	5/14/2013 11:04 AM
277	i do not know	5/14/2013 11:03 AM
278	children's rights	5/14/2013 11:02 AM

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279	Human rights commission	5/14/2013 11:02 AM
280	equality	5/14/2013 11:01 AM
281	Inclusion	5/14/2013 11:01 AM
282	i dont know	5/14/2013 11:00 AM
283	the bill of rights	5/14/2013 11:00 AM
284	birth certificate	5/14/2013 11:00 AM
285	Constitution	5/14/2013 10:59 AM
286	constitution	5/14/2013 10:58 AM
287	the bill of rights	5/14/2013 10:58 AM
288	bill of human rights	5/14/2013 10:57 AM
289	the bill of rights	5/14/2013 10:56 AM
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293	constitution	5/14/2013 10:54 AM
294	language	5/14/2013 10:53 AM
295	The Bill of Rights	5/14/2013 10:53 AM
296	White Paper 6	5/14/2013 10:52 AM
297	The constitution	5/14/2013 10:49 AM
298	Equity Act	5/13/2013 7:52 PM
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300	the bible	5/13/2013 4:14 PM
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317	Birth Certificate	5/13/2013 3:57 PM
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320	Bill of Rights	5/13/2013 3:55 PM
321	skolewet	5/13/2013 3:46 PM
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324	SCHOOLS ACT	5/13/2013 3:43 PM
325	suid-afrikaanse skolewet	5/13/2013 3:41 PM
326	The South African school of act	5/13/2013 3:41 PM
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329	white paper six	5/13/2013 3:40 PM
330	the bill of rights	5/13/2013 3:39 PM
331	SA school act	5/13/2013 3:39 PM
332	south african school act	5/13/2013 3:39 PM
333	Law that everyone must obey	5/13/2013 3:39 PM
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338	White paper 6	5/13/2013 3:38 PM
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342	Grondwet	5/13/2013 3:38 PM
343	SKOLEWET VAN SUID-AFRIKA	5/13/2013 3:38 PM
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352	Konstituele Wet	5/13/2013 3:36 PM
353	The constitution of South Africa	5/13/2013 3:36 PM
354	Skolewet van suid-afrika	5/13/2013 3:36 PM
355	Schoolsact	5/13/2013 3:36 PM
356	Employment equity act	5/13/2013 3:36 PM
357	Constitution	5/13/2013 3:35 PM
358	Wet op Indiensneming	5/13/2013 3:35 PM
359	South African schools act	5/13/2013 3:35 PM
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367	The south african constitution	5/13/2013 3:35 PM
368	white paper six	5/13/2013 3:35 PM

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369	Constitution	5/13/2013 3:35 PM
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371	Nasionale skole wet	5/13/2013 3:35 PM
372	grondwet	5/13/2013 3:34 PM
373	Handves van mense regte	5/13/2013 3:34 PM
374	Grondwet	5/13/2013 3:34 PM
375	menseregte	5/13/2013 3:33 PM
376	Handves van Menseregte	5/13/2013 3:33 PM
377	SA Skolewet	5/13/2013 3:33 PM
378	SA skolewet	5/13/2013 3:33 PM
379	Grondwet van Suid Afrika	5/13/2013 3:33 PM
380	The Bill of Rights	5/13/2013 3:33 PM
381	SA Education Act (84 of 1996)	5/13/2013 3:32 PM
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384	South-Africa Schoolsact	5/13/2013 3:32 PM
385	Suid Afrikaanse skolewet	5/13/2013 3:31 PM
386	Grondwet	5/13/2013 3:31 PM
387	Menseregte dokument	5/13/2013 3:31 PM
388	Laour law	5/13/2013 3:31 PM
389	CONSTITUTION	5/13/2013 3:29 PM
390	School Curriculum	5/13/2013 11:32 AM
391	passport	5/13/2013 11:28 AM
392	curriculum document	5/13/2013 11:24 AM
393	children's right	5/13/2013 11:23 AM
394	green paper	5/13/2013 11:21 AM
395	white paper 6	5/13/2013 11:20 AM
396	passport	5/13/2013 11:19 AM
397	constitution	5/13/2013 11:18 AM
398	SACE	5/13/2013 11:16 AM
399	South African bill of rights	5/13/2013 11:16 AM
400	The Human Rights Declaration	5/13/2013 11:16 AM
401	Education white paper 6	5/13/2013 11:15 AM
402	south africa constitution	5/13/2013 11:15 AM
403	south african law	5/13/2013 11:15 AM
404	Bill Of Rights	5/13/2013 11:15 AM
405	identity documet	5/13/2013 11:14 AM
406	Bill of Rights	5/13/2013 11:13 AM
407	South African constitution	5/13/2013 11:12 AM
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409	SA Constitution	5/13/2013 11:11 AM
410	school documents	5/13/2013 11:11 AM
411	costitution of south africa	5/13/2013 11:10 AM
412	Political rights	5/13/2013 11:10 AM
413	the bill of rights	5/13/2013 11:10 AM

Human Rights Literacy: A quest for meaning

414	education	5/13/2013 11:09 AM
415	white paper 6	5/13/2013 11:08 AM
416	constitutional	5/13/2013 11:08 AM
417	white paper 6	5/13/2013 11:07 AM
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419	constitution	5/13/2013 11:02 AM
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421	Bill of rights	5/13/2013 10:13 AM
422	Enrolment certificate	5/13/2013 10:12 AM
423	The final constitution	5/13/2013 10:11 AM
424	human rights	5/13/2013 10:07 AM
425	the south african constitution	5/13/2013 10:06 AM
426	Freedom Charter	5/13/2013 10:05 AM
427	constitution	5/13/2013 10:04 AM
428	freedom of expression	5/13/2013 10:03 AM
429	code of conduct	5/13/2013 10:02 AM
430	constitution of Republic of South Africa	5/13/2013 10:01 AM
431	rule of law	5/13/2013 9:59 AM
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433	the bill of right	5/13/2013 9:59 AM
434	Childrens Rights	5/13/2013 9:59 AM
435	constitution of south africa	5/13/2013 9:58 AM
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441	government legislation	5/13/2013 9:55 AM
442	constitution	5/13/2013 9:55 AM
443	The Bill of Rights	5/13/2013 9:55 AM
444	The Constitution of South Africa	5/13/2013 9:54 AM
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446	freedom charter	5/13/2013 9:53 AM
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448	constitutions	5/13/2013 9:52 AM
449	birth certificate	5/13/2013 9:52 AM
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451	human rights	5/13/2013 9:52 AM
452	constitution	5/13/2013 9:51 AM
453	The Human Right Act	5/13/2013 9:51 AM
454	the constitution	5/13/2013 9:51 AM
455	the bill of rights	5/13/2013 9:51 AM
456	human rights bill	5/13/2013 9:50 AM
457	bill of rights	5/13/2013 9:49 AM
458	white education paper	5/13/2013 9:48 AM

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459	White Paper 6	5/13/2013 9:47 AM
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2	Children's act	6/14/2013 10:00 AM
3	Code of conduct	5/24/2013 10:04 AM
4	Human Rights Commission	5/24/2013 10:00 AM
5	PARENTHOOD	5/24/2013 9:55 AM
6	humanity	5/24/2013 9:55 AM
7	cooperation	5/24/2013 9:55 AM
8	education	5/24/2013 9:54 AM
9	COLLECTIVE AGREEMENT	5/24/2013 9:52 AM
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25	non discrimination	5/20/2013 12:24 PM
26	-	5/20/2013 12:24 PM
27	don't know	5/20/2013 12:23 PM
28	Religion	5/20/2013 12:23 PM
29	state rules document	5/20/2013 12:23 PM
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32	Don't know	5/20/2013 12:20 PM
33	laws	5/20/2013 12:20 PM
34	law	5/20/2013 12:20 PM
35	*	5/20/2013 12:20 PM
36	I dont know	5/20/2013 12:20 PM
37	Code of conduct	5/20/2013 12:20 PM
38	?	5/20/2013 12:20 PM
39	dont know	5/20/2013 12:20 PM
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48	?	5/20/2013 12:17 PM
49	Handves van menseregte	5/20/2013 12:16 PM
50	?	5/20/2013 12:16 PM
51	unclear	5/20/2013 12:15 PM
52	x	5/20/2013 12:15 PM
53	dont know	5/20/2013 12:15 PM
54	Regstellende aksie se papiere?	5/20/2013 12:11 PM
55	Zuma's toiletpaper	5/20/2013 12:10 PM
56	National law	5/20/2013 12:10 PM
57	---	5/20/2013 12:10 PM
58	The ANC who wrongfully does it.	5/20/2013 12:10 PM
59		5/20/2013 12:08 PM
60	3	5/20/2013 12:07 PM
61	your voice cab be heard	5/20/2013 12:06 PM
62	The right to be able to work	5/20/2013 12:06 PM
63	?	5/20/2013 12:05 PM
64	I am not familiar with this	5/20/2013 12:04 PM
65	law	5/20/2013 12:04 PM
66	Gavement	5/20/2013 12:03 PM
67	The Law	5/20/2013 12:02 PM
68	don't know	5/20/2013 11:59 AM
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71	Weet nie	5/20/2013 11:54 AM
72	the courts	5/20/2013 11:54 AM
73	labour courts	5/20/2013 11:48 AM
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79	rules	5/20/2013 10:39 AM
80	people in charge	5/20/2013 10:38 AM
81	Constitution	5/20/2013 10:37 AM
82	code of conduct	5/20/2013 10:37 AM
83	White paper 6	5/20/2013 10:35 AM
84	I really dont know	5/20/2013 10:35 AM
85	Don't know	5/20/2013 10:35 AM
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87	Degree	5/20/2013 10:32 AM
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89	I DONT KNOW	5/20/2013 10:31 AM
90	dont know	5/20/2013 10:30 AM
91	DONT KNOW	5/20/2013 10:28 AM
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95	bennie boekwurm	5/20/2013 10:20 AM
96	The Philosophic Foundations of Human Rights	5/20/2013 10:20 AM
97	The Philosophic Foundations of Human Rights	5/20/2013 10:20 AM
98	c	5/20/2013 10:18 AM
99	constition law	5/20/2013 10:17 AM
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102	i dont know	5/20/2013 10:14 AM
103	Animal rights	5/20/2013 10:14 AM
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108	/	5/20/2013 10:12 AM
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110	i don't know	5/20/2013 10:12 AM
111	Animal rights	5/20/2013 10:11 AM
112	VOTING	5/20/2013 10:11 AM
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115	Wet op Menseregte	5/20/2013 10:08 AM
116	rihgt to vote your own political you like	5/17/2013 12:36 PM
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118	right to education	5/17/2013 9:09 AM
119	code of conduct	5/17/2013 9:08 AM
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124	?	5/17/2013 9:02 AM
125	The South African's School's Act	5/17/2013 9:02 AM
126	forgiveness	5/17/2013 9:02 AM
127	Rights	5/17/2013 9:01 AM
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132	SA Grondwet	5/16/2013 3:38 PM
133	SACE	5/16/2013 3:38 PM

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134	Wet op in diensneming	5/16/2013 3:38 PM
135	code of conduct	5/16/2013 3:38 PM
136	arbeidswetgewing	5/16/2013 3:38 PM
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139	educators act	5/16/2013 3:36 PM
140	Arbeidswet	5/16/2013 3:36 PM
141	The employment of educators	5/16/2013 3:36 PM
142	Wit skrif 6	5/16/2013 3:35 PM
143	arbeidsverhoudinge	5/16/2013 3:35 PM
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145	South African School's Act	5/16/2013 3:34 PM
146	Law on employment	5/16/2013 3:33 PM
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148	wit skrif	5/16/2013 3:32 PM
149	Wet op Indiensneming	5/16/2013 3:31 PM
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164	The Bill of Rights, 1996	5/15/2013 10:58 AM
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173	bible	5/14/2013 11:50 AM
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182	Bill of Rights	5/14/2013 11:25 AM
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185	democracy	5/14/2013 11:24 AM
186	caps	5/14/2013 11:24 AM
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189	White Paper on Education	5/14/2013 11:22 AM
190	South africa constitution	5/14/2013 11:21 AM
191	bill of rights	5/14/2013 11:21 AM
192	human as individually	5/14/2013 11:20 AM
193	school policy	5/14/2013 11:19 AM
194	law	5/14/2013 11:18 AM
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196	government gazette	5/14/2013 11:17 AM
197	un-declaration	5/14/2013 11:17 AM
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199	Freedom Charter	5/14/2013 11:15 AM
200	human rights	5/14/2013 11:15 AM
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203	SASE	5/14/2013 11:14 AM
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208	Educational Curriculums	5/14/2013 11:12 AM
209	history books	5/14/2013 11:12 AM
210	The Freedom Charter	5/14/2013 11:11 AM
211	i cant remember	5/14/2013 11:11 AM
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234	Government	5/14/2013 11:02 AM
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237	Newspapers	5/14/2013 11:01 AM
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243	white paper	5/14/2013 10:56 AM
244	constitution	5/14/2013 10:55 AM
245	The Freedom Charter	5/14/2013 10:53 AM
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248	The education system	5/14/2013 10:49 AM
249	Act on Human Dignity	5/13/2013 7:52 PM
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254	most policies	5/13/2013 4:08 PM
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257	law documents	5/13/2013 4:02 PM
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259	labour relation act	5/13/2013 3:59 PM
260	?	5/13/2013 3:57 PM
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262	rights of voting	5/13/2013 3:57 PM
263	Freedom Charter	5/13/2013 3:55 PM
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266	EMPLOYERS ACT	5/13/2013 3:43 PM
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272	white paper 6	5/13/2013 3:39 PM
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275	SA Law	5/13/2013 3:39 PM
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281	Skolewet	5/13/2013 3:38 PM
282	Constitusione	5/13/2013 3:38 PM
283	Witskrif	5/13/2013 3:38 PM
284	WITSKRIF 6	5/13/2013 3:38 PM
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305	SA Skolewet	5/13/2013 3:35 PM
306	ek weet nie	5/13/2013 3:35 PM
307	i dont know	5/13/2013 3:35 PM
308	SA Skolewet	5/13/2013 3:35 PM
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314	SACE	5/13/2013 3:33 PM
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318	Grondwet	5/13/2013 3:32 PM
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320	Ek weet nie nog een nie	5/13/2013 3:31 PM
321	Arbeidawet	5/13/2013 3:31 PM
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323	-	5/13/2013 3:29 PM
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330	bill of right	5/13/2013 11:18 AM
331	White paper	5/13/2013 11:16 AM
332	The Freedom Charter	5/13/2013 11:16 AM
333	Freedom charter	5/13/2013 11:16 AM
334	Policy documents	5/13/2013 11:15 AM
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336	Identity Document	5/13/2013 11:15 AM
337	bill of right	5/13/2013 11:14 AM
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339	white paper six	5/13/2013 11:12 AM
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343	Social rights	5/13/2013 11:10 AM
344	sexual orientation	5/13/2013 11:09 AM
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347	bill of rights	5/13/2013 11:07 AM
348	constitution	5/13/2013 11:05 AM
349	bathe peie principles	5/13/2013 11:02 AM
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351	Goverment laws	5/13/2013 10:13 AM
352	money	5/13/2013 10:12 AM
353	The NAP	5/13/2013 10:11 AM
354	the court	5/13/2013 10:06 AM
355	Legislation	5/13/2013 10:05 AM
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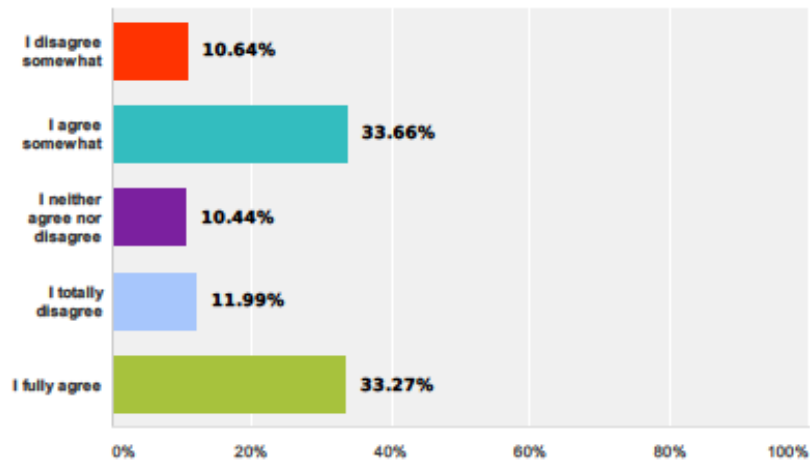
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364	democracy	5/13/2013 9:58 AM
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366	children right	5/13/2013 9:57 AM
367	curriculum documents for education	5/13/2013 9:57 AM
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370	freedom charter	5/13/2013 9:55 AM
371	bill of rights	5/13/2013 9:55 AM
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374	basic conditions act	5/13/2013 9:53 AM
375	private document	5/13/2013 9:52 AM
376	freedom charter	5/13/2013 9:52 AM
377	The Freedom Charter	5/13/2013 9:51 AM
378	n/a	5/13/2013 9:51 AM
379	human rights	5/13/2013 9:51 AM
380	National curriculum	5/13/2013 9:51 AM
381	identity document	5/13/2013 9:50 AM
382	human rights charter	5/13/2013 9:49 AM
383	bill of rights	5/13/2013 9:48 AM

Human Rights Literacy: A quest for meaning

Q37 Human rights legally protects citizens from abuse by the state

Answered: 517 Skipped: 18

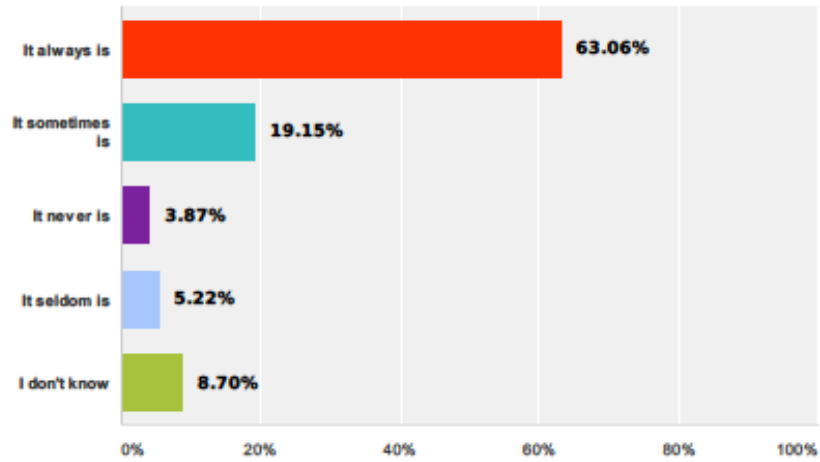


Answer Choices	Responses	
I disagree somewhat	10.64%	55
I agree somewhat	33.66%	174
I neither agree nor disagree	10.44%	54
I totally disagree	11.99%	62
I fully agree	33.27%	172
Total		517

Human Rights Literacy: A quest for meaning

Q46 Is respecting the freedom, dignity and equality of others a moral choice?

Answered: 517 Skipped: 18

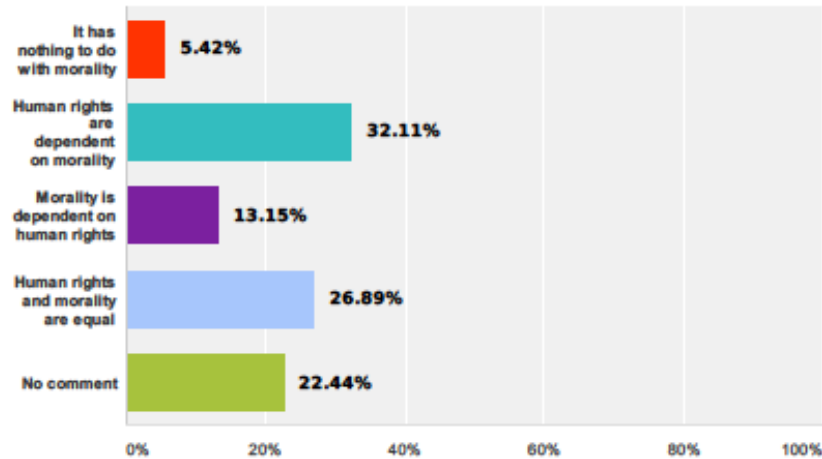


Answer Choices	Responses
It always is	63.06% 326
It sometimes is	19.15% 99
It never is	3.87% 20
It seldom is	5.22% 27
I don't know	8.70% 45
Total	517

Human Rights Literacy: A quest for meaning

Q47 To what extent does human rights have to do with morality in society?

Answered: 517 Skipped: 18



Answer Choices	Responses
It has nothing to do with morality	5.42% 28
Human rights are dependent on morality	32.11% 166
Morality is dependent on human rights	13.15% 68
Human rights and morality are equal	26.89% 139
No comment	22.44% 116
Total	517

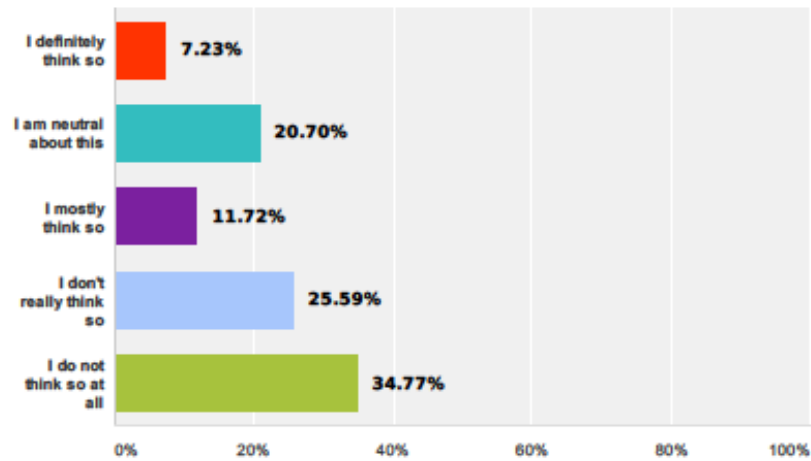
#	Comment (optional)	Date
1	HR depends on morality Interrelated Human rights are dependent on morality and morality then in its turn develops more wholly from human rights	6/14/2013 10:04 AM
2	HUMAN RIGHTS IS AS MUCH IMPORTANT AS THE AIR WE BREATHE IF NOT VIOLATED	5/24/2013 9:59 AM
3	HR depends on morality Individual/personal values In order to know what is right and what is wrong, one needs to have values and morals. Without knowing what is right or wrong, one can't prescribe a way to act or treat other people. Human rights are therefore dependent on morality.	5/24/2013 9:56 AM
4	HR structure morality Interrelated Human rights is important and works with morality to ensure the practice of human dignity.	5/20/2013 7:27 PM
5	Individual/personal society How you grew up, will be a reflection of how you will treat people but it will also be reflected by how you are going to live your life.	5/20/2013 12:38 PM
6	Humanity/an other Individual/personal Interrelated respect As jou morele waardes belangriker sterk is, voel ek menseregte gaan van nature na jou toe kom. Jy sal ander met nodige respek hanteer.	5/20/2013 12:24 PM
7	choice Individual/personal Interrelated It has to do with morality but people do not have the same morals so what I think is correct, other people may not think so and just do what they want because they did not grow up with a moral system.	5/20/2013 12:23 PM
8	government/law HR not related to morals Human rights are not applied to all in the same way. The law focuses on the rights of previously disadvantaged people and ignores others.	5/20/2013 12:08 PM
9	Interrelated respect Your morality will determine how you treat others and whether you respect their rights	5/20/2013 12:07 PM
10	HR structure morality Individual/personal society Especially in our country with a diverse people and thus diverse moral opinions, human rights give structure to what is acceptable to all people	5/20/2013 10:59 AM

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Human Rights Literacy: A quest for meaning

Q64 Teachers should be allowed to select which human rights to teach

Answered: 512 Skipped: 23

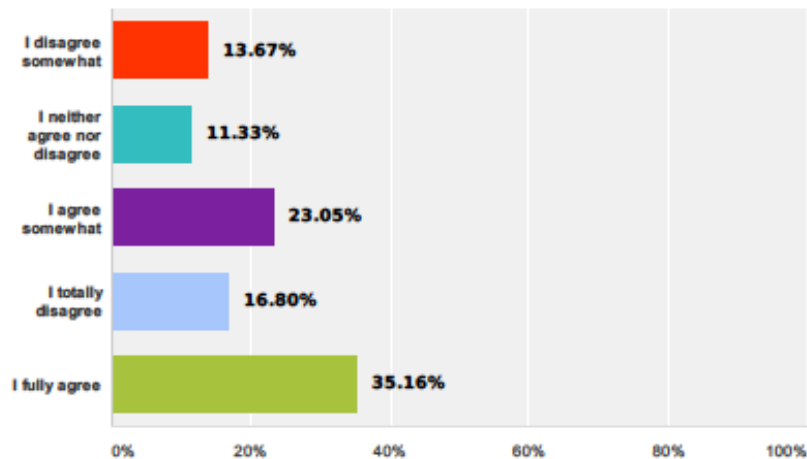


Answer Choices	Responses	
I definitely think so	7.23%	37
I am neutral about this	20.70%	106
I mostly think so	11.72%	60
I don't really think so	25.59%	131
I do not think so at all	34.77%	178
Total		512

Human Rights Literacy: A quest for meaning

Q66 Teachers should distance themselves from their own cultures in order to facilitate human rights education

Answered: 512 Skipped: 23



Answer Choices	Responses
I disagree somewhat	13.67% 70
I neither agree nor disagree	11.33% 58
I agree somewhat	23.05% 118
I totally disagree	16.80% 86
I fully agree	35.16% 180
Total	512

#	Comment (optional)	Date
1	Balancing rights In order to be able to use examples to explain certain concepts. But they should not force their culture onto learners	6/14/2013 10:12 AM
2	Balancing rights Section 31 of the Constitution state that everyone has the right to Cultural, religious and linguistic communities.	5/21/2013 10:06 AM
3	With subject or topics like this, it is never easy for one to that.	5/20/2013 7:36 PM
4	Individual rights Teachers also have the right to have their own culture and believes.	5/20/2013 12:11 PM
5	no	5/20/2013 12:07 PM
6	Balancing rights I think it would be better if a teacher can educate learners about their human rights without judging their cultures, but also while informing them of his/ her own culture.	5/20/2013 12:07 PM
7	Only in the classroom.	5/20/2013 10:25 AM
8	/	5/20/2013 10:24 AM
9	Balancing rights You do not have to distance yourself from your own believes in order to teach learners about human rights	5/20/2013 10:22 AM
10	Not the teachers responsibility to teach human rights	5/20/2013 10:18 AM
11	Balancing rights understand each others culture	5/17/2013 12:46 PM
12	not at all	5/17/2013 9:21 AM
13	Balancing rights human rights include culture, so it will be highly impossible to teach about human rights if you yourself do not believe and exercise your culture	5/17/2013 9:15 AM

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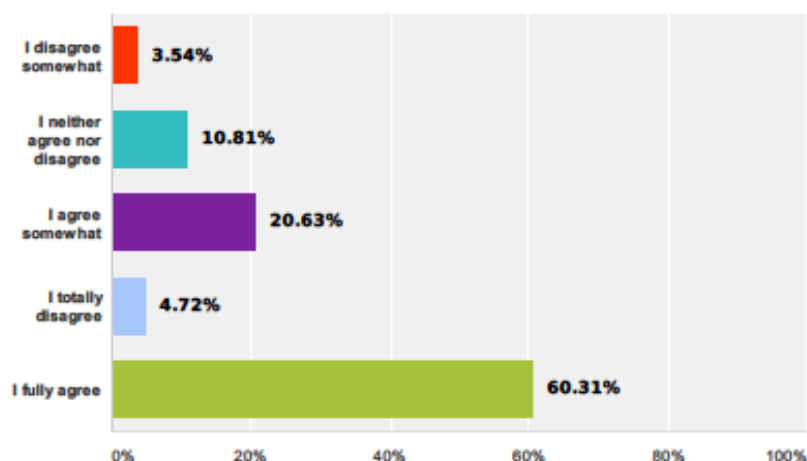
Human Rights Literacy: A quest for meaning

14	Balancing rights they can teach about other cultures but not distant themselves in their own culture	5/17/2013 9:13 AM
15	Individual rights belief and culture form one's philosophy and difficult to separate one from his/her belief in reality	5/15/2013 1:07 PM
16	Balancing rights there should be inclusivity in class	5/14/2013 11:37 AM
17	Dialogue participation to produce active participants learners, not to spoon feed them	5/14/2013 11:33 AM
18	no comment	5/14/2013 11:32 AM
19	Balancing rights one should also get appropriate respect	5/14/2013 11:29 AM
20	Balancing rights Although teachers should try to remain impartial the teacher does not need to disregard his/her own beliefs completely as long as it does not affect the equality and understanding of the diverse classroom	5/14/2013 11:28 AM
21	Dialogue participation teachers should let learners make up their own minds	5/14/2013 11:28 AM
22	Balancing rights because learners come from diverse cultures	5/14/2013 11:27 AM
23	Inclusive, democratic Yes I think it is important for teachers to distance themselves so that they can promote inclusive education and build a democratic classroom	5/14/2013 11:25 AM
24	well there is very rare cultures that contradict with human rights	5/14/2013 11:23 AM
25	Individual rights they are obliged to their own opinions as humans	5/14/2013 11:18 AM
26	no comment	5/14/2013 11:16 AM
27	They should not so that they will be able to teach something they already experienced	5/14/2013 11:13 AM
28	no comment	5/14/2013 11:10 AM
29	no comment	5/14/2013 11:07 AM
30	Barrier to learning sometimes teachers' beliefs become a barrier to learning	5/13/2013 4:30 PM
31	Hidden/Null curriculum Teachers are seen as very influential so it is important that their opinions do not mislead the learners in any way	5/13/2013 4:10 PM
32	Balancing rights Hulle kan nog steeds hul kultuur uit leef maar dit nie afdwing op ander nie	5/13/2013 3:43 PM
33	Same as above.	5/13/2013 11:26 AM
34	Balancing rights we all have a right to exercise our rights equally	5/13/2013 11:23 AM
35	no	5/13/2013 10:20 AM
36	Individual rights it's important to know your origin.	5/13/2013 10:19 AM
37	Hidden/Null curriculum so that the teacher does not focus their attention on their own culture because there may be many learners that are of other cultures. sometimes learners that belong to another culture may get offended, so to avoid all that it is best to distance yourself from your own culture.	5/13/2013 10:18 AM
38	Balancing rights Inclusive, democratic teachers' culture in the classroom setting is not important but should be neutral to accommodate each and every learner	5/13/2013 10:06 AM
39	they should	5/13/2013 9:59 AM

Human Rights Literacy: A quest for meaning

Q71 The human rights of girls and young women should be protected more within the school environment

Answered: 509 Skipped: 26



Answer Choices	Responses
I disagree somewhat	3.54% 18
I neither agree nor disagree	10.81% 55
I agree somewhat	20.63% 105
I totally disagree	4.72% 24
I fully agree	60.31% 307
Total	509

#	Comment (optional)	Date
1	Protected everywhere ACTUALLY EVERYWHERE	5/24/2013 10:12 AM
2	Gender violations when their rights are protected it would put end to the rate of teachers raping young girls and to the employers abusing female educators because of their gender.	5/24/2013 10:07 AM
3	Gender violations Girls and young women are easier 'targets' than males.	5/24/2013 10:05 AM
4	Knowledge of HR because young girls are not that well informed while at school	5/24/2013 10:05 AM
5	Protected everywhere they should be protected every where	5/24/2013 10:04 AM
6	Equal protection This is a difficult question because if girls are protected more just because of gender, then where is the equality? Although, girls and young women are more likely to be targeted for harassment etc. So I agree with this statement, but we should not just protect the girls, but the boys as well. Protection for girls should not push protection for boys to the wayside.	5/24/2013 9:49 AM
7	Equal protection Section 9 of the Constitution states that: everyone is equal before the law and has the right to equal protection and benefit of the law	5/21/2013 10:20 AM
8	Protected everywhere They should not just be protected at school more but also in the community and at work, basically EVERYWHERE!	5/20/2013 7:42 PM
9	Gender violations Not safe women are mostly in danger	5/20/2013 7:28 PM
10	Protected everywhere Any woman whatever the age should be protected.	5/20/2013 12:40 PM
11	Not safe Protected everywhere They should be protected outside school too, where they are not in a safe environment	5/20/2013 12:39 PM
12	Protected everywhere School or not in school, it must be protected even	5/20/2013 12:38 PM

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13	ekhet gevoel ons word genoeg beskerm.	5/20/2013 12:32 PM
14	They should be protected the best the government can	5/20/2013 12:31 PM
15	Equal protection The human rights should PROTECT them more. It shouldn't give them more power over the teacher. The teacher and the learners' human rights should be equal at all times.	5/20/2013 12:24 PM
16	Protected everywhere I think it should be protected everywhere.	5/20/2013 12:21 PM
17	Gender violations No one has the right to make a girl or woman feel uncomfortable or to rape them. Teachers should protect them and not harm them.	5/20/2013 12:18 PM
18	Equal protection Protected everywhere Everyone should be equally protected. That is what human rights is about. That everyone must have the same rights. However, people responsible for victims of violation of human rights must be protected.	5/20/2013 12:16 PM
19	Equal protection I think that it is important to protect each persons human rights, no matter what the gender. There are equal parts of boys and girls human rights being neglected.	5/20/2013 12:12 PM
20	Equal protection Almal moet gelyk wees.	5/20/2013 10:44 AM
21	Agency Knowledge of HR school must teach people what rights they have because if your not aware of it then you wont know what to do in a situation. It must be taught in schools and in communities to make people aware of their rights.	5/20/2013 10:38 AM
22	Agency Knowledge of HR girls should be informed how to respect their own bodies and how to protect themselves from being harm by another human being	5/20/2013 10:32 AM
23	N.A	5/20/2013 10:20 AM
24	Equal protection they should protect everyone rights	5/17/2013 9:23 AM
25	Equal protection every one's right should be protected despite of gender. gender equality is an importantly aspect in all circumstance.	5/17/2013 9:22 AM
26	n.a.	5/17/2013 9:20 AM
27	Equal protection Boys/young men also need to be protected, as the constitution clearly states that everyone has the right to be protected	5/17/2013 9:16 AM
28	Equal protection boys and girls must be protected the same	5/17/2013 9:15 AM
29	no comment	5/17/2013 9:13 AM
30	Equal protection All people should be protected irrespective of their gender.	5/17/2013 9:09 AM
31	Equal protection Everybody should be treated as equals.	5/16/2013 3:48 PM
32	it depends what the situation it has an effect on	5/16/2013 3:47 PM
33	Equal protection everybody should be treated equal, both males and females, therefore i feel prioritizing other gender than the other is unfair.	5/15/2013 1:13 PM
34	Protected everywhere BUT NOT ONLY WITHIN THE SCHOOL EVIRNMENT EVEN IN THE COMMUNITY AS WELL	5/15/2013 1:12 PM
35	Gender violations In poverty stricken communities and societies facing the devastation of the HIV/Aids pandemic girls and young women of school going age are more likely to experience physical, sexual and emotional abuse by family and extended family, community members as well as teaching and schooling staff.	5/15/2013 11:22 AM
36	Equal protection I think that everyones rights should be protected within the school	5/15/2013 11:22 AM
37	Gender violations most males including teachers take advantage of young girls in schools	5/14/2013 4:17 PM
38	Equal protection human rights is about equality. we should all be treated equally.	5/14/2013 11:58 AM
39	Equal protection there should be gender equity	5/14/2013 11:41 AM
40	Gender violations yes, because mostly womens and girls are discriminated in schools by others	5/14/2013 11:39 AM
41	Equal protection i don't think so because boys and girls should be treated equally, so there is no need for treating other more than other	5/14/2013 11:36 AM
42	no comment	5/14/2013 11:33 AM
43	their impact is also important	5/14/2013 11:33 AM
44	Gender violations girls are more vulnerable and easy targets	5/14/2013 11:31 AM
45	Equal protection BeCAUSE IT IS MORE IMPORTANT TO PROMOTE EQUALIT TROUGH GENDER	5/14/2013 11:29 AM
46	because they spend most of the time at school	5/14/2013 11:26 AM
47	Gender violations because that is where their rights are violated the most	5/14/2013 11:26 AM



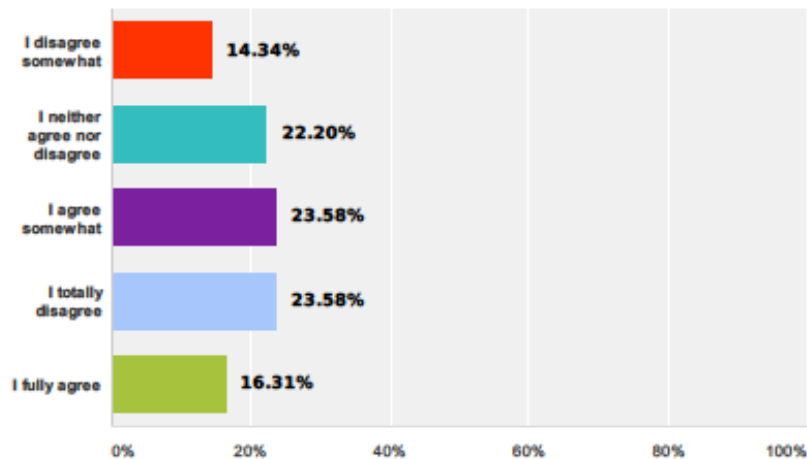
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48	Equal protection Knowledge of HR every one should protects the rights of them as they are not know exactly their rights	5/14/2013 11:21 AM
49	Equal protection everyone should be protected equally regardless of gender difference, hence we claim to be equal.	5/14/2013 11:21 AM
50	Protected everywhere it should be protected in a wider environment	5/14/2013 11:19 AM
51	no comment	5/14/2013 11:18 AM
52	Protected everywhere Not in the school environment only but even in the society	5/14/2013 11:17 AM
53	Gender violations we are supposedly living in a democratic society where both female and males are treated equally, however, it is evident that females are still not given more opportunities and are not allowed to do many things as it goes against the stereotype of a typical female.	5/14/2013 11:16 AM
54	no comment	5/14/2013 11:16 AM
55	Protected everywhere at home as well	5/14/2013 11:11 AM
56	no	5/14/2013 11:09 AM
57	no comment	5/14/2013 11:09 AM
58	no comment	5/14/2013 11:05 AM
59	The "More" part is ambiguous for me	5/13/2013 4:29 PM
60	Protected everywhere but even outside the school environment	5/13/2013 4:19 PM
61	Protected everywhere Enige area, nie net skool nie.	5/13/2013 3:50 PM
62	Equal protection Almal moet ewe veel beslem word	5/13/2013 3:45 PM
63	They have been previously disadvantaged. This will enforce equality	5/13/2013 11:42 AM
64	Equal protection Boys are also a part of the school and their rights should be addressed as well, as the major focus on girls and women might leave boys and their rights in isolation. All rights in all spheres should be addressed, acknowledged and respected.	5/13/2013 11:29 AM
65	Equal protection the rights for boys and males should be protected too because they are also humans and gender nowadays we are equal	5/13/2013 11:24 AM
66	Gender violations Girls weaker sex Men strong/powerful women and young girls are less powerful and are the ones that are mostly violated.	5/13/2013 10:24 AM
67	no	5/13/2013 10:21 AM
68	Protected everywhere but these rights should be protected wherever they may go, all the time.	5/13/2013 10:19 AM
69	Gender violations Men strong/powerful Girls should be protected from being over-powered by males because of gender stereotyping.	5/13/2013 10:09 AM
70	it is important	5/13/2013 10:00 AM

Human Rights Literacy: A quest for meaning

Q73 Educational institutions can be regarded as environments of human rights violation

Answered: 509 Skipped: 26



Answer Choices	Responses	
I disagree somewhat	14.34%	73
I neither agree nor disagree	22.20%	113
I agree somewhat	23.58%	120
I totally disagree	23.58%	120
I fully agree	16.31%	83
Total		509

#	Comment (optional)	Date
1	Respect, protect rights Contrary to popular belief they (educational institutions) actually play a pivotal role in providing us with the knowledge and application of our rights in a responsible and ethical manner	5/21/2013 10:20 AM
2	Abuse, violate Some Institutions abuse their workers and students in the sense that they are denied protesting or striking for better service delivery and therefore their right to freedom of expression is infringed.	5/20/2013 7:42 PM
3	daar is ook lewens sulke gevalle, maar geen waarvan ek weet nie.	5/20/2013 12:32 PM
4	Abuse, violate In a lot of school basic human rights are being neglected, like the right to education, because teacher are on strike or almost never in school. Or books are not delivered on time for the children to actually use them.	5/20/2013 12:12 PM
5	none	5/20/2013 11:56 AM
6	Language, race In forms especially UWC they ask you wich race you are. Students must be accpeted alone on their marks. Doesnt matter what the couler of your skin is.	5/20/2013 10:38 AM
7	Everybody is treated as if the same.	5/20/2013 10:24 AM
8	no at all	5/17/2013 9:23 AM
9	Respect, protect rights In fact, they are the core teaching of human rights promotion.	5/17/2013 9:22 AM
10	n.a.	5/17/2013 9:20 AM
11	I have been in an institution for four years and this is not what I have experienced.	5/17/2013 9:13 AM
12	Only education Educational institutions are there to teach us about human rightd.	5/17/2013 9:09 AM

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13	Should feel safe/free 'n skool is die plek waar leerders - seuns & dogters - veilig moet voel.	5/16/2013 3:43 PM
14	Violence depending on the culture and ethos of the school or institution, cases such as rape, murder are often reported on the media which shows that they do happen somehow even if not purposely	5/15/2013 1:13 PM
15	Only education through education people can know about their different human rights	5/14/2013 11:41 AM
16	Only education because it teaches us about human rights	5/14/2013 11:39 AM
17	Abuse, violate not all the time but some teachers do violate human rights especially of the children they are teaching	5/14/2013 11:39 AM
18	Only education these places is where they teach more about human rights more than any other places	5/14/2013 11:36 AM
19	Language, race the language is not everyone's home language	5/14/2013 11:33 AM
20	Abuse of power human rights allows for freedom of thought although schooling systems work off curricula formulated by politicians and government to maintain their power therefore indirectly teaching learners how to think about certain topics due to schooling assessment types	5/14/2013 11:33 AM
21	no comment	5/14/2013 11:33 AM
22	Abuse, violate Discrimination unfair treatment usually occurs in these institutions	5/14/2013 11:31 AM
23	Stereotyping Because still teachers tend to believe that Only boys can do science and maths, and only girls could clean and boys must not clean. Therefore the stereotyping is still evident and present to schools	5/14/2013 11:29 AM
24	Abuse, violate only when the human rights are violated	5/14/2013 11:28 AM
25	Abuse, violate because learners rights are not practiced and protected other than violated	5/14/2013 11:26 AM
26	Abuse, violate most of the things happen at school	5/14/2013 11:26 AM
27	Only education educational institutions are there to enlighten people about their rights	5/14/2013 11:26 AM
28	Abuse, violate sometimes they violate human rights, sometimes teachers or staff members and students may go on strike in that way right to education has been violated.	5/14/2013 11:21 AM
29	no comment	5/14/2013 11:18 AM
30	Even homes can be regarded as environments of human rights violation	5/14/2013 11:17 AM
31	no comment	5/14/2013 11:16 AM
32	Abuse, violate Discrimination Language, race even in the smallest of instances, it can be noticed that in an educational institutions, primary, secondary or tertiary, human rights are being violated up to this day. racism is evident, classism is evident.	5/14/2013 11:16 AM
33	no comment	5/14/2013 11:11 AM
34	no	5/14/2013 11:09 AM
35	no comment	5/14/2013 11:09 AM
36	no comment	5/14/2013 11:05 AM
37	Should feel safe/free total freedom is not found in schools	5/13/2013 4:29 PM
38	Discrimination Sometimes it seems as though education is thrust upon other children even though it may happen that education just wasn't meant for them. In these instances it (education) belittles their intellectual capacities just because they cannot grasp things as quickly as other learners. These cases are the cause of larger issues such as bullying, school violence, discrimination etc.	5/13/2013 11:35 AM
39	Language, race racism takes place too much.	5/13/2013 10:24 AM
40	no	5/13/2013 10:21 AM
41	Abuse of power Abuse, violate this is evident in School policy, where the discipline is sometimes so strict that human rights are violated, e.g. during rainy days, at a particular primary school, the kids have to sit outside their classrooms in the corridors on the cold concrete floors, whilst the teachers sit in a warm comfortable staff room sipping hot drinks! Uniforms like dresses and skirts are required to be worn during summer, and if it is a particular cold day, learners are not allowed to wear their trackuits, these unreasonable strict dress codes maintain discipline but also are not flexible at all or reasonable!!!	5/13/2013 10:14 AM
42	i do not know	5/13/2013 10:00 AM



Human Rights Literacy: A quest for meaning

Q74 Thank you very much for your time and your willingness to participate in this survey. It is greatly appreciated. If you have any comments about your experience when completing this questionnaire, please feel free to share them with us (optional):

Answered: 108 Skipped: 427

#	Responses	Date
1	Did not understand MANY QUESTIONS END UP CONFUSING US SO A SUMMARY FROM THE SAME QUESTIONNAIRE MAY BE NEEDED.	5/24/2013 10:12 AM
2	Lack knowledge Positive experience I also want to thank you very much for giving us an opportunity to participate in this survey, it was a great experience for me personally and some of the questions served as an eye opener in as far as the Bill of Rights is concerned.	5/21/2013 10:20 AM
3	Awareness Curriculum Lack knowledge Positive experience Reflection The survey actually made me think a lot because these are the things that happen in our communities and as a teacher I am going to have to deal with them and it got me wondering how I'm going to address my learners in the sense that I give them knowledge about human rights without imprinting my religion and belief upon them.	5/20/2013 7:42 PM
4	Positive experience the survey was good and the questions were clearly stated. I think there should be more comment boxes on some questions	5/20/2013 7:30 PM
5	Did not understand Language/difficult/home I had difficulty understanding some of the words used in the questionnaire, because I had to answer it in my second language.	5/20/2013 12:38 PM
6	Did not understand Negative experience There are some questions which are too long and you lost the content of the question being asked.	5/20/2013 12:34 PM
7	Culture/religion Taking out Bible study in schools is horrible, when you learn what the Bible says there would not be a problem with human rights. People need to stop looking at court cases and studies and everything of this world and start focusing more on what our Lord says in the Bible about the way of living, for example, God emphasises Loving unconditionally as He loved us. If we just love that way, we would not need human rights to "protect" us. I do not need human rights because I live according to the Word and the Word says in 2 Timothy 1:7 God has not given us a spirit of fear but of power and of love and of a sound mind.	5/20/2013 12:27 PM
8	Did not understand Language/difficult/home Difficult words were used, and sometimes I don't really understand the question	5/20/2013 12:24 PM
9	Did not understand Language/difficult/home I think it would be more helpful if it would take place in my own language, it would be more understanding.	5/20/2013 12:21 PM
10	More than law If one is not studying in a legal field, one cannot be expected to know anything about human rights/ cultural law.	5/20/2013 12:20 PM
11	Did not understand Language/difficult/home ek verstaan nie al die groot woorde nie	5/20/2013 12:18 PM
12	HR as action/practice Negative experience Enforcing a survey means nothing if the appropriate action is not taken as a result. Human rights mean something completely different to me than it is portrayed to. It is not enough to make people "aware" of issues (like HIV and rape). Being aware of something does NOT in any way rectify ANYTHING. Fix what needs fixing.	5/20/2013 12:17 PM
13	Did not understand Language/difficult/home If you present it in more languages, some people might understand the questions better	5/20/2013 12:16 PM
14	Lack knowledge I feel that schools and universities should spend more time explaining Human Rights to children and students, especially the younger children that doesn't even know what their own rights are as humans.	5/20/2013 12:13 PM
15	Lack knowledge I feel that they should empower students to know their rights. We learn about our rights at school, but then we forget them when we are in university.	5/20/2013 12:11 PM
16	HR as action/practice Violations You can't trust policemen! And they are the people supposedly to protect us! I can't trust people who went against my human rights and sexual abused me!	5/20/2013 12:11 PM
17	Waste of time	5/20/2013 12:09 PM
18	no	5/20/2013 12:08 PM

Human Rights Literacy: A quest for meaning

19	none	5/20/2013 12:05 PM
20	Language/difficult/home The test could be taken in ones own language.	5/20/2013 11:08 AM
21	Did not understand Language/difficult/home I didn't understand some of the words and the meaning of them.	5/20/2013 11:01 AM
22	Positive experience Should be done in more areas around the country, especially in rural areas. More people should be able to be part of these surveys, and to educate people more about these issues. Thank you	5/20/2013 10:58 AM
23	Free to opinion/voice Lack knowledge Positive experience It was great, actually I'd learn more of human rights and I felt free to give my own opinions	5/20/2013 10:53 AM
24	Positive experience Thank you, great work. Instead I will pray for South Africa because I know we serve a God of LOVE but still we have to fear Him. Glory to God!	5/20/2013 10:44 AM
25	HR as action/practice Positive experience Good survey. Im still not sure about the purpose of the survey, but I firmly belief that the results will be put to good use and inspire action towards promoting, enforcing and protecting our rights as human beings	5/20/2013 10:35 AM
26	Positive experience :-)	5/20/2013 10:26 AM
27	Culture/religion HR as action/practice Lack knowledge Positive experience Reflection It's shocking to realise how little I actually know about the physical law of human rights. However, my morals and religion causes me to never be harmful towards another human being. Just because something is written and cast in stone, doesn't mean it will change the way people see things. at the end if the day, you can only INFLUENCE other people. The only person you can change is yourself.	5/20/2013 10:26 AM
28	some of the questions sounds the same	5/20/2013 10:17 AM
29	Positive experience Thank you	5/20/2013 10:14 AM
30	no comment	5/17/2013 9:23 AM
31	Awareness Lack knowledge Positive experience It was productive, as it gave me more insight about the role and the importance of human rights.	5/17/2013 9:22 AM
32	Violations sometimes one's rights are contradicting with the policy of the institution where one's attend, therefore you have to bow to the policy and put away your rights for the sake of learning.	5/17/2013 9:20 AM
33	Human rights should be for all	5/17/2013 9:16 AM
34	Awareness Culture/religion Lack knowledge Positive experience it really is an eye opener more especially when it comes to culture	5/17/2013 9:15 AM
35	Awareness Lack knowledge Positive experience THIS WAS ONE OF THE ENLIGHTENING SURVAY EVER AND ONE CAN REALIZE WHAT SHE HAS NOT BEING ABLE TO SEE IN LIFE.	5/17/2013 9:15 AM
36	Positive experience Reflection The questionnaire was indeed interesting. Something to think about.	5/17/2013 9:13 AM
37	Negative experience It was very long . Maybe there must just be 50 questions . Your participants would the be more willing to participate.	5/17/2013 9:07 AM
38	Negative experience to long	5/17/2013 9:07 AM
39	HR as action/practice It was a pleasure. Hope this survey help you. I think that human rights in South Africa is not applied fair to all. Because everything that happens is blamed on Apartheid and I have nothing to do with that	5/16/2013 3:48 PM
40	Language/difficult/home I would have liked to compleat this survey in my home language, Afrikaans :) Would have felt more comfortable in filling in comments.	5/16/2013 3:47 PM
41	Positive experience No comment. It was nice to be part of the survey.	5/16/2013 3:47 PM
42	Moet my asb nie e-pos nie	5/16/2013 3:45 PM
43	Moet my asb nie e-pos nie	5/16/2013 3:43 PM
44	Did not understand Language/difficult/home Doen die 'survey' in afrikaans ook omdat van die terme in engels moeilik is om te verstaan.	5/16/2013 3:43 PM
45	Did not understand Positive experience Sommige van die vrae was onduidelik, maar oor die algemeen is dit 'n goeie een.	5/16/2013 3:40 PM
46	Human rights are very important in each and every individual especially for protecting self and others who are immediate	5/15/2013 1:13 PM

Human Rights Literacy: A quest for meaning

47	HR as action/practice In an idealist world, human rights would be of great value, however we live in a world where prisoners get better food than our learners. Furthermore, evil people are too quick to use human rights to their advantage even though they can infringe the rights of others. Human rights are basically a set of rules that details what we can or can't do to others without punishment, simply that will not stop people killing others. Therefore i believe human rights should only apply to those who deserve them. That way the majority of the country should feel content and those who infringe others can and preferably be severely punished even by death.	5/15/2013 11:30 AM
48	Awareness Positive experience Interesting questionnaire...Really got me thinking. :)	5/15/2013 11:22 AM
49	Positive experience Your questions are quite very simple to understand, and I really enjoyed it.	5/14/2013 4:19 PM
50	Free to opinion/voice HR as action/practice it was very helpful to share how i feel regarding human right though some right are more on paper than on practice.	5/14/2013 4:17 PM
51	Positive experience IT HAS BEEN HELPFUL AND FRUITFUL TO ME TO COMPLETE THIS QUESTIONARE.	5/14/2013 12:28 PM
52	Positive experience any time ..	5/14/2013 12:03 PM
53	Positive experience this was a really good experience, it helped me see how much i know about human rights. thank you so much	5/14/2013 11:58 AM
54	Awareness Lack knowledge Positive experience it has come to my awareness that i myself have very little information towards human rights and therefore i should grant myself the time to learn more about them and how important human rights are	5/14/2013 11:41 AM
55	Positive experience no i did enjoy to fill this form	5/14/2013 11:39 AM
56	no comments thanks	5/14/2013 11:39 AM
57	what is the reason for doing this?	5/14/2013 11:36 AM
58	Positive experience thank you too	5/14/2013 11:33 AM
59	Awareness Positive experience Reflection I NEVER RECOGNISE HUMAN RUGHTS THAT MUCH BEFORE AND I FEEL ITS IMPORTANT FOR ME TO START TO DO SO NOW	5/14/2013 11:33 AM
60	Positive experience good questionnaire	5/14/2013 11:31 AM
61	Culture/religion There is a lot to share in terms of Religion and Culture Versus Human rights and i have a lot to tell	5/14/2013 11:29 AM
62	HR as action/practice More than law Human Rights is a complex concept mainly that it emerged from formal documents. however, it is a process to make them known to other contexts were they are not yet known or to practices which are not promoting Equal Human Rights	5/14/2013 11:27 AM
63	Awareness it was a informative survey because i have became aware of other issues on human rights	5/14/2013 11:26 AM
64	Lack knowledge Positive experience wow i enjoyd myself now i know more about human rights than before	5/14/2013 11:26 AM
65	Awareness Positive experience this survey helped to understand the rights as well as it importance.	5/14/2013 11:25 AM
66	Pleasure...	5/14/2013 11:25 AM
67	no	5/14/2013 11:23 AM
68	no comment	5/14/2013 11:19 AM
69	Lack knowledge it was good to participate on this survey and i have learned a lot thank you	5/14/2013 11:18 AM
70	Lack knowledge i have learned more about human rights	5/14/2013 11:17 AM
71	Free to opinion/voice Positive experience Brilliant survey. We need more surveys like this to share our views.	5/14/2013 11:16 AM
72	no comment	5/14/2013 11:16 AM
73	Free to opinion/voice Positive experience i hope that my input will make a difference!	5/14/2013 11:16 AM
74	Free to opinion/voice it was a great sharing my opinions with you.	5/14/2013 11:11 AM
75	no comment	5/14/2013 11:09 AM
76	Free to opinion/voice Lack knowledge Positive experience this survey has asked me questions i never thought about before. as a future teacher i was able to express my views	5/14/2013 11:07 AM
77	no comment	5/14/2013 11:05 AM
78	HR as action/practice Reflection this exercise has forced some introspection and reflection of which at this point i feel different with regards to issues that have been touched on here. the questions that are being asked here are a direct reflection of what i see and experience in daily basis and a simulation of the conflicts i sometimes have within me.	5/13/2013 4:29 PM



Human Rights Literacy: A quest for meaning

79	HR as action/practice Lack knowledge Positive experience Reflection This survey was very enriching with regard to helping me think deeply about the true essence of human rights. People often have limited knowledge on what human rights is all about. We sometimes even forget that human rights exist. Questions like the ones in this survey really empower an individual to investigate more into the concept "human rights".	5/13/2013 4:18 PM
80	HR as action/practice Positive experience Reflection In present day at schools, The government totally protecting students, it is good way to see that, but on the other hand, they are underestimating teachers, when something happens wrong due to teachers, they are quickly investigating to teachers. they are neither researching or investigating the schools nor the students. This situations are as the same as especially South Africa, USA, and Turkey and other parts of the world. I think, teachers must have same rights to protect themselves either ethically or morally, or officially. These are major issues what I am considering as a future of teacher. Thanks for this survey, it was really beneficial for me.	5/13/2013 4:12 PM
81	Ek dink dat mense regte baie belangrik is vir enige persoon en dat elke persoon sy regte moet ken, maar SA het die hele konsep daarvan uit hande geuk. Dit is belangrik om jou regte te ken en te gebruik, maar moet dit nie in enige situasie probeer hand uit ruk nie. Elke aksie het sy KORREKTE reaksie tot gevolg.	5/13/2013 3:50 PM
82	None	5/13/2013 3:50 PM
83	DIE VRAE IS BAJE BREEDVOERIG EN KAN VERSKEIE ANTWOORDE IN VERSKILLENDEN KONTEKSTE Hê.	5/13/2013 3:48 PM
84	Lack knowledge Don't know much of rights	5/13/2013 3:48 PM
85	cool	5/13/2013 3:46 PM
86	Language/difficult/home Die vrae moes in Engels en Afrikaans gewees het.	5/13/2013 3:45 PM
87	Positive experience Good :D It is good to know so that we are protected!	5/13/2013 3:44 PM
88	HR as action/practice I feel that some people deserve to have their human rights disregarded if they don't deserve them (criminals). I feel that people hammer on their rights, but seldomly know what their responsibilities are. They are quick to say that their rights were broken but don't care about their responsibilities.	5/13/2013 3:44 PM
89	Lack knowledge Positive experience Baie insiggewend	5/13/2013 3:43 PM
90	no coment	5/13/2013 3:42 PM
91	Positive experience Well done	5/13/2013 3:38 PM
92	Awareness Positive experience thank you for bringing this forward. It will also be helpful if it can be started as early as First years in Universities	5/13/2013 11:42 AM
93	Lack knowledge people must know their human rights so they will protect them.	5/13/2013 11:38 AM
94	A bit long hey.	5/13/2013 11:35 AM
95	some of question look alike.	5/13/2013 11:32 AM
96	Positive experience i would like to participate and have general discussions about this...rights got people living on male beliefs	5/13/2013 11:28 AM
97	HR as action/practice major problem i see is that one would what to practice their right in violation off the next persons right, that needs to be looked at.	5/13/2013 11:26 AM
98	Culture/religion I am still confused how is someone who have many wives a human right, how is that so because that person is using the woman. in the bible they was adam and eve, meaning that a man must be satisfied with one person in their life.	5/13/2013 11:24 AM
99	Lack knowledge Positive experience Reflection this questionnaire has given me some insight and shown me that there are some things that am not aware about when it comes to human rights. thank you as well.....	5/13/2013 10:24 AM
100	no	5/13/2013 10:21 AM
101	Awareness Positive experience you're welcome, i hope by helping you guys out i can make some small difference in Human rights, and tanx for bringing something so important to our attention!!!!!!	5/13/2013 10:14 AM
102	I felt that i had to reserve my comments in some questions because they were too confidential.	5/13/2013 10:09 AM
103	Lack knowledge some questions need more information, of which i never been exposed to them	5/13/2013 10:09 AM
104	Reflection it allows one to look at they own experiences with regards to human rights	5/13/2013 10:06 AM
105	Lack knowledge Positive experience Thabisa you survey was Informative.	5/13/2013 10:03 AM
106	I do not have any comment	5/13/2013 10:00 AM
107	HR as action/practice Positive experience I hope this survey is going to make a difference to the current state of south africa, thank you and goodluck with your research.	5/13/2013 10:00 AM

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108	Positive experience thank you for coming up with this survey. i hope my input helped and you will come up with a good research analysis. goodluck :)	5/13/2013 9:56 AM

ACKNOWLEDGEMENT

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ADDENDUM D: LECTURER-INTERVIEW SCHEDULE



STUDENT TEACHERS' UNDERSTANDING OF THE POSITION OF VALUES AND MORALITY IN HUMAN RIGHTS APPLICATIONS, PROMOTION AND EDUCATION

INTERVIEW SCHEDULE

What is your position at the university?

Age group?

Modules the participant is responsible for currently

Modules the participant is responsible for previously (the past 5 years)

Number of years in current post

Previous position

Which qualification does the participant have?

What are the outcomes of the module?

How central is human rights in the module(s)

To what extent do student teachers understand human rights

Do you agree with human rights? Why?

Which strategies do you use to teach the module?

D1: EXAMPLE OF LECTURER INTERVIEW



STUDENT TEACHERS UNDERSTANDING OF THE POSITION OF VALUES AND MORALITY IN HUMAN RIGHTS APPLICATIONS, PROMOTION AND EDUCATION

INTERVIEW

Site 7: UFS

Module_ EFD 122

Year_2014_ Meeting _1__

3 Sept 2014 at 09:30

Interviewer: Now the questions are in English so you are very much okay with that?

SECTION A

Interviewer: All right, now first your age group: (Sorry).

Participant: No, I am 35. (Now that's a women she will say under 35, at least 30- 35). (Okay).

Interviewer: Now modules that you're currently responsible for. (This semester? No, the whole year).

Participant: Uhm it will be this (what is it?) Human Rights in Education. So its EDF 122. It would be.... There's an Honour's modules on writing a literature review, which is generic. I'll give you 1 code, because there are 4 codes. It is RMM 622. Then there's a subject Afro-centric and Euro-centric approaches in education. (That's interesting). What is that about? It is just looking at the epistemological perspectives of education and how we need to change post- colonial societies and how to address what we conceive to be the purpose of education. That's what EDT 112 is. Okay then there's what's it called something like critical approaches to education (I: Is it linked with critical learning?) No, it's an old module. It's called Outcomes Based Education but it's not really that relevant. (I: At least you get to critical theory. We always stop before). How many is that? Four? That's what I am doing for the first few years. I definitely have a lot to learn. (I: You are lucky because psychologist don't do that. And you say its only one year?) Yeah (I: So only EFD is concerned with human rights?) Directly, overtly. (I: It's a beautiful word)

Interviewer: For which year group?

Participant: EFD is for 3rd year. The FET phase. (Why only-the FET phase?) That's a good question. I've got no idea... Ja, I've got no idea. That's human rights... It hasn't occurred to me earlier. (I: Okay)

Interviewer: How many students take the course?

Participant: 160 odd. So that's both Afrikaans and English.

Interviewer: And it's your first year?

Participant: Mmm

Interviewer: (Uhm) Now, roughly; what are the outcomes for this module? (Vraag 5)

Participant: It is a long list. They need to have the fundamental understanding of what democracy is and the nature thereof. They need to understand power relations within democracy. They need to... they have to sort of identify/ define the principles of a healthy democracy. They look at how it transposed to the education setting, so we touch on democratic education and what a democratic class would look like or education environment. And then we are looking at specific human rights.

Interviewer: So there's actually (inaudible), it's not integrated then? So you first talk about democracy and then human rights? That's interesting.

Participant: No it's 4 units (Ja) and I mean throughout we start addressing human rights. Okay. So it's a sequence thing. If I wrote it, it would have been different (Ja) I would rather....

Interviewer: But it shouldn't be apart, it should be integrated, otherwise they wouldn't understand the democratic rights? (Ja) Values actually.

Participant: And, a how human rights underlines our democracy.

Interviewer: But I think the focus is much more on a critical look of a democracy, power relations and human rights. If I can put it together (but how you transpose it to education. Should you as an educator do, to prepare learners to be able to function, not only function, but to actively....

Participant: to participate in a democratic society.

Interviewer: Just tell me that was an interesting thing that happened in class. The one guy said you have to protest, but I liked what you've I: we say especially in legislation when it's now not students actually, but when it comes to educators it becomes the last recourse. (P: Ja, I agree especially the educators).

Interviewer: But they know that they have to do the responsibilities as they strike, right?

Participant: And that's why the issue of essen... what is that rule again? (Interviewer: Essential services). It needs to happen very specifically. (I: Definitely, ja) Maybe that should transpose to education not political factions. (I: But I don't think essential service is transparent nowadays. I haven't... (P: No, no probably not, not in my modules anyway. But legislative issues should. I think that they should. If they are not happy, they should voice their opinions, but they should do it in the ambit of the Bill of Rights. (I: I trust that you will tell them that because that was what a student had said: protest? To what extent?.

Participant: Of course we don't do it enough in our lectures and our meetings, but kids and students do raise their voice.(I: So rather start and first give them voice and then say no, no, no, there is a responsibility with that voice?). Yeah, Okay. I think it's a process. Give them a voice, but let them critically reflect what they say, why they say it and how

- they can effectively change their situation. Can a shout from the inside affect? Yes it can, but it's a different form than changing. (I: Without infringing someone's rights. (Ja) Sorry for the word infringing someone's rights. It's a law word).
- Participant: So I think it's important for them to raise their voice. (I: Voices are very much stilled at our university. But I am glad the video doesn't work well). P:Ja, but it is true. It depends on the group that you work on. (That's true).
- Interviewer: Now how central is the concept of human rights in the module. It is only at the end. That's why I ask. (Question 6)
- Participant: It is central. Fundamentally what we talk about human rights. So we've been talking about human rights throughout the module. But it's only now that we are talking. It's funny how it is arranged. We should really start with that and ask what does it look like in education. So I've been trying to integrate it. As often as possible in what we've been doing. Because then they would understand the module better.
- Interviewer: Okay, this is the question now: To what extent do student teachers understand the importance of human rights education? (Question 7)
- Participant: It varies (I: okay good) No, it depends on the importance you attached to anything, depends on social setting, so my feeling.... My observation that students come from socially difficult backgrounds due to structural inequalities that still exist because of our history or engage with human rights and human rights issues, and are much more willing to voice their opinions.
- Interviewer: Okay, now I am going to get critical. Is it with both of your groups? (Afrikaans and English?) Yes.
- Participant: Don't get me wrong. It's not everyone. Let's say the English group which you saw today. It's not everyone, some are very quiet people. (Do they internalize it maybe?) I think so but I also think that it's just their personality. When I am in class I do not usually partake in the lecture, so I think it has to do with personality as well. But my feeling is that with the Afrikaans class, there's a lot more reservations in dealing with issues around human rights and democracy. And I say that, if we look at the visit the Peter Mokobana exhibition it just happened. I know the exhibition would be here and I just thought it would be really a great way to juxtapose a lack of human rights and how it played out in education. The protests for example. How you can juxtapose of what we have now and the responsibilities we have now.
- Interviewer: Did someone tell you it's only a one sided part of history? (Ja) Did they...
- Participant: In what class though? Once again the Afrikaans group. They felt, I think they felt threatened about their own identity in a post 1996 SA, which I think is wrong. They should not be threatened by what happened? (Inaudible) on human rights in the Constitution, because your right is protected in the Constitution. So I don't think they should, but partly it comes from the difficulty in having to interrogate your own privilege. I don't think (they like it) you don't want to interrogate your own privilege and say why did I grow up, why did I have opportunities and why does the wider society still enable me.

- Interviewer: But then again they may feel shame.
- Participant: But again that's why... In that poem today. So how can you... There's a colleague of mine that runs a diversity workshop and he started off so well by if you look at I cannot remember who it is, but the circles of socializations is you can't choose whether you're male or female, you can't choose whether you Black or White or Brown like whatever. You can't choose who your parents are or choose your language. You don't have those choices so you're choices are less. (Yes) How could you feel guilty for something that you did not have choice of? The only reason you would feel guilt is if you are aware of it, but you choose not to address it or you choose not to change it. Sure, you can feel guilt if you did not make a choice. (You know about the Roman Catholics they always feel guilt) But maybe it is also part of the Calvinistic group. There is always a devil on your shoulder. (I'm making a joke now, but I'm actually Calvinistic. Well I grew up as a Gereformeerd (Ja a Dopper), that's the value I grew up in. I don't think one should feel guilt except if you know you are not addressing something. Sure, then you can feel guilt. (That is true okay, if I have to remember this part well) My wife has a saying. We were talking about philosophers in my study. As we were talking about guilt and privilege, she just said "There is no movement in guilt." And it is one of the most profound things that I have heard. I have made a note to myself. If you seen that the Church haven't even moved, it fits in with that characteristic of guilt. (we're still fighting the Dutch-Reformed Church on Ter Haar. Just think what's happening with the Gereformeerde Kerk with the inauguration of women. I don't really think they fight between themselves. Some are more progressive and others are still "no, women cannot do this" (Yeah, you know)
- Interviewer: Okay. Now you. Do you agree with human rights (Question 8)
- Participant: Ja of Course. (I: Why of course?) Why can you not? How can you confer on yourself on certain rights? And not on someone else? Being human. Personally how can you do it? How can you imagine a world for yourself and by which people treat you in a certain way. Imagine it for yourself. Okay, I am working from the assumption, you see others around you as people and you give them the same credit as you give for yourself.
- Interviewer: Do you think- this is the question- that you experience under the students or the students that you teach actually accommodate other people, or are they only individualistic?
- Participant: No, I don't think they accommodate other people. (Is it?) I'm going to qualify it when they accommodate people, it will be as long as it does not problematize their own lives. It's easy to accommodate something, when the accommodation includes changing your own behaviour, it becomes more difficult. (Ja) So I don't think they accommodate. I don't think it's purely individualistic. Uhm although I think it's difficult growing up in the light capitalist society where consumerism is at the order of the day which tends to think what do I get. Obviously it is difficult and maybe it's that we tend to when working with human rights, we, I mean my experience might be, we tend to emphasise the right of the individual (Ja) What's your right may be not to place emphasis and say how does that relate to the one.

- Interviewer: So do you think if we take it to human rights education, one can emphasise more group rights than individual rights or would it be a problem?
- Participant: I think we should more clearly show the implication of individual rights for the community and vice versa. We do not function any right as relational and Human Rights per definition is relational. It's always determining you into relations with someone else, so I don't think we place enough emphasis on the relation especially in societies where it's changing. It's definitely changing. But traditionally communities play such as important role. (Instant communities?) Some communities)
- Interviewer: Okay. What do you do with the other cultures that believe in the nucleus family? (That's true) instead of the community who is the Lecturer view on importance of discussion of human rights issues in curriculum.
- Participant: But still, even you only have a nucleus family the argument the stays the same. Even a nucleus family instils your right in relation to others' nuclear families. It's more the principle as legislation as such. (It shouldn't be jus legislation it should be lived) JA That's the thing.
- Interviewer: What are the aims then? Question 10: (Competencies acquired)
- Participant: I think, it is something that I have been talking about with my colleague. I don't think there's enough infusion of discussion around Human Rights throughout their career. My feeling is not only personal opinion.
- Interviewer: Do you think its important then? Should it only be in one module?
- Participant: It should... how can you... it's like trying to teach people to write in 2 hours. You can't teach someone (No). It's a process. It's something that needs to be infused maybe directly address it in each module. But it's still the way you ... Again I'm going to go back to the interaction. It's the way you organize interaction, the way you relate to one another. There should be an infusion of human rights so...
- Interviewer: The problem.... Okay. I hear always the critique that you cannot teach human rights in a module like mathematics.
- Participant: Yeah well, It cannot be in an Afrikaans class (Yes) I challenge that how can you cause its part of the general aims of CAPS (Yes) social transformation, promoting human rights and then I only say: I am a maths teacher, I cannot do it. And it was suggestions made by other students and say: "Okay you can look at how you actually go about teaching in your class. It is infused with the democratic ideas of authority and power relations which is much more doctrinal. The content you can actually use, the content centring around the use of human rights. So you can say use from equal education documentation and say well in SA we have 36 000 high schools. Of that 36000 the average school, you can actually work out mathematic problems around the issue of affecting learners at the school.
- Interviewer: Something that didn't come up, we only focused on the Constitution. You actually referred to the Manifesto on Education and values.
- Participant: No, not enough. I do... we did a little bit earlier, but not enough. (I:Is it? But it's still in the curriculum?) It's not directly, no. (Because the strategies are in there. But I don't

think it was really thought out. It's a paragraph on each one). That's the thing ja) Refer to learning areas. And I don't think if you don't actually take the strategies and ask their opinions, it won't work). No you're right it's something I need to consider. (I am thinking with you, because I am also teaching a module on HR and we always, and that will come out later on, we only focus on legislation stuff. That's why I am referring to all the documents).

Participant: No, it's something that I have been pondering about for this module for next year. We talk a lot about the theory behind it. And it actually came up in the class today. The White students say all well and fair talking, talking, talking. But human rights education should also be on-going. And it's not something currently.... I sort of try to bring in with cases studies. As module it's not as I will do in such a way. That's why I am pondering; I am thinking through how I can take part of this module and make it sort of experiential learning or service learning where in groups, just to make it more practical. This is really the idea still. But you learn about human rights, you learn how to apply it in actual education, but actually go out and identify problems in surrounding schools, identify the problems, write a paper, writes letters to the MEC and get students actually to a project, that sort of a cap stone project in which they have to use the ideas and apply them so that the problem could change issues at schools. So it's something I would like to do may be next year, change the module and write again. (Interviewer: If you have done that, could we do a project maybe?)

Yeah of course but I must first get institutional go ahead (Me too, but I still need to finish my D'tjie ja). Of course. (Maybe we can think about a national project, because we need to think further as well.) And that's why an organization like Equal Education do wonderful work, but how can we get students on tertiary level also to get engage in that type of work? don't know, so yeah I would really like to speak to Prof Andre Keet, course he's a human rights expert and talks to him about possibilities in engaging students. But the problem is, it's very short. It's a term long and how do you fit that into your work, I mean that is something I would like to consider and work through.

Interviewer: This is also the next question. Which strategies do you use? (Q11 at this stage)

Participant: Yeah, at this stage I'm not fond of a traditional lecture as I mentioned earlier, it gets really difficult when you work with 400- 500 students. You really need to think of different approaches like flip the classroom and what not. So what I like teaching is.... I like students to be involved in what they do. (Yeah) So very often, so what will happen on Thursday for... Example is a newspaper article we're going to give them in groups. They have to look at this (shows article) about a Rastafarian being prevented from school because of his hair. Another group gets the court case about a girl. By looking at this, they have to identify the human rights issue. So they will go to the Bill of Rights and write a small paragraph or what not. Is it this one or that one. And then the groups will share their ideas in case studies. We'll have a good plenary where everyone can share their ideas. So that's the type of things I would like to do. To work through the problems, it's not you cannot always do it. But yeah normally I just show you video clips and how you can relate to it. (I: That is scary because I used it in classrooms and actually saw it. I was in tears. (referring to section 27 shown in class.). Ja it's horrible.

And I think that's what's lacking in human rights. (We don't show them the real picture) We talk about it in the manual guide, but it's really difficult to experience it, and be in someone else's shoes when you read about it. Where you can actually engage with that. I think the learning becomes much more powerful. See I like group work. (But they don't like it) I like peer learning. (Tell me about peer learning) Our assessment is currently what I've got for each unit we cover; I've got a problem they have to address. So it's a very short question and they have basically each student write.... Say for example: They are newly appointed in human rights at the school; they have to talk to students on the importance of human rights in the classroom. What will they say? So then they have to write their little paragraph of say 300-350 words. And on the blackboard they do peer-assessment. It's not so democratic. I still give them a rubric and sort of have a run up for preparing them to mark. So they assess each other and that contributes to the marks. Because I take responsibility for their learning social constructivism. But they are not too keen always, they very sceptical about peer-learning. (Peer learning is that about the marks?) Peer assessment. So what they have to do in their feedback is to point out at least 2 things that can be bettered upon. So this "for your next paragraph work on this. And even if it's structure, your referencing, remember when you use that, it's still helping each other out. (And they actually do the making for you). I still have to moderate. Okay that's fine. (I: I think about the big classes) That's true. That's something.... The problem we have is because of the language groups. The medium must be English or Afrikaans. The software that we are using, basically what happened is we split the module. A bit of a software headache, but we moved on. Some that's reducing the load especially assessment of 600. But there's still a lot of moderation. It's not ideal also. (But it's a good idea)

Interviewer: The last question: What are the challenges of teaching this module(Question 12)

Participant: It's I think challenges of any module. The same standard challenges. But specifically related to this module: If I could change things I would have the Afrikaans class and English group together, having them in the same class for this module. Just because through dialogue, we can still do the theory on deliberative democracy practice and we can... I think people need to engage more and that's a fact that the Afrikaans class is mostly White and the English class is mostly Black. So you still have the separation of discussions and so people growing not in the same direction. The 1 thing that I would really like is for this class to really.... You know sit together, work together and share ideas. Cause then (I: They learn from each other) they have to learn from each other. And to assume that we're not so different. I mean... The structural reality is still very much with us. It's changing and I think the university environment is not, pronounced but where do these people, the majority of them, where do they go when they leave the university? They're going back to their own very specific segregated community. So I don't know. It's I think it spills into the classroom: how people think, possibilities they see for engaging with human rights or not. As you see the English class is very willing to engage, talk and share their ideas. So I think they feel very strongly. The Afrikaans class do engage, but I think they come from a different place. And maybe it's only my perception, should not, but maybe it's a much more defensive position they come from. Protecting their position, protecting our language and our culture.

"Everyone's against us" I don't know, And as I said I perceive it from my own coloured lenses, but that's not always the case. ("Who's people?" I liked that moment (Referring to Black students who talked in class about "my people") but it's true. You do it. I do it. But we need to be aware that we do it.

Interviewer: I like it that you told her not to.

Interviewer: But we had the same discussion on Thursday. One guy was talking about, I cannot remember what but the manner how he said it. Oh he's pointing out a fact. The fact is that White people in general have access to world wealth (I: Yeah) and it's because of structural inequalities that are built into our system. And we're talking about that but then he said White people this, and White people that and I just lost it and said Oh so you are also talking about me? And the whole class giggled and laughed. But it's the same principle, it goes both ways. Everyone does it but that's where the ethics of Care come in for me. We need to stop to recognize privilege and we can't get away from it. We need to recognize that there is such a thing as White privilege and all that entails. We need to expose it. For me: how one can do it is to break through all forms of stereotyping, all forms of essentializing the other person as this or that between groupings, between ethnicity. You need to break it down and your relations to the other should be based on a caring Ubuntu cause it's based on the same principles. It's not always practised as preached. My existence lies in your existence. We're intertwined we cannot separate from each other. So that's an ultimate I think. Although someone like, oh no, he actually writes. Hoist Dempke writes about human rights, and he's got the same type of arguing. In the end human rights forms the basis and the action. Maybe that's why it's so important to stress.

Interviewer: Then it's really interesting because some people also have different cultural rights and sometimes their cultural rights are more important than the ones that appear in the National Constitution (For them) for them anyway. How should we deal with them?

Participant: Ja, its coming back to how can you claim something for yourself that you aren't willing to pass to other. Yes I agree everyone's got rights to live, to develop and celebrate their culture. But at some token you have to do unto other people.... And we're very likely to claim our rights (I: Oh lovely) but we don't like acting out our responsibilities towards others when they try to claim their rights. So, that's what the Constitution guarantee, those rights and at the same time puts those boundaries and yes as long as you don't infringe on the rights of others. So now we need to celebrate it, but we need to not infringe. (That's nice word's put together) Celebrate and infringement. Amen. May it be like that. You see here? 'n Doppe(laugh). Thank you so much. May I contact you if there is more?) Ja.

ADDENDUM E: OBSERVATION SCHEDULE OF THE PHD STUDY

OBSERVATION SCHEDULE

1	Research site:	
2	Lecturer	
3	Number of students M= F=	
4	Module	
5	Theme of lecture	
6	Reference to the following rights are made:	
7	Activities that are used includes	

		YES/No	Comment
1	Lecturer mentions HR in lesson		
	The lecturer uses scenarios to explain the concept of human rights		
	Students answer the questions that the lecturer ask:		
	Lecturer invites discussion on human rights.		
	Students are involved in group work activities		
	Morals are referred to:		
	Rights are referred to		
	Values are referred to:		
	Legislation is referred to		
	International Human rights instruments are referred		
	Lesson is more theoretical than practical application		
	Court cases are used to explain HR		

The aim of the lesson:	YES/NO
To inform the students of the facts	
To make students aware through discourse	
To give the students an opportunity to deliberate	
To provide students a space to think critically	

ADDENDUM E1: EXAMPLE OF A LESSON OBSERVED FOR PHD STUDY: WVOS 321

1	Research site:	Site 5
2	Lecturer	Participant 1
3	Number of students M= 19 F= 27	
4	Module	WVOS: Understanding your world
5	Theme of lecture	The history of human rights
6	Reference to the following rights are made:	The rights were not mentioned but concepts that serves as rights in the Constitutions were alluded to. E.g. religion and culture
7	Activities that are used includes	Students have to identify different human rights violations while the lecturer explain the history of human rights starting with the Greeks.

		YES/No	Comment
1	Lecturer mentions HR in lesson	NO	Referred to rights indirectly-students had to identify applicable rights in lecturer's presentation
	The lecturer uses scenarios to explain the concept of human rights	NO	
	Students answer the questions that the lecturer ask:	n/a	
	Lecturer invites discussion on human rights.	NO	
	Students are involved in group work activities	NO	Individual activity for portefolio
	Morals are referred to:	YES	
	Rights are referred to	NO	
	Values are referred to:	YES	
	Legislation is referred to	NO	
	International Human rights instruments are referred	YES	
	Lesson is more theoretical than practical application	YES	
	Court cases are used to explain HR	NO	

The aim of the lesson:	YES/NO	Comments
To inform the students of the facts	Yes	Succeeded

To make students aware through discourse	No	Students were made aware of facts through discussion
To give the students an opportunity to deliberate	No	
To provide students a space to think critically	Yes	Succeeded

The lesson:

- Mention Colonization – Classism and African world view
- Reference to the last lecture
- Posing of questions
- References to the students' authentic experience (with their world view)
- Teaching of Liberal perspective
- Inclusion of class activity
- Inclusion of reflexivity
- Teaching Philosophical perspective

WORLD VIEW

- Human beings
- Supernatural beings
- Universe (And all within: Human, organism sun, moon)

Thus: What is important-What is the bigger picture?

Some say: religion,

- divinity
- Intellectualism, reasoning , ideas
- Autonomy
- Individualism

Moving towards a future where people do their own things their own way.

ADDENDUM F: PERMISSION FROM UNIVERSITY REGISTRARS:

F1 ETHICAL PERMISSION CERTIFICATE FROM OWN UNIVERSITY



NORTH-WEST UNIVERSITY
YUNIBESITHI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT

Private Bag X6001, Potchefstroom
South Africa 2520

Tel: (018) 299-4900
Faks: (018) 299-4910
Web: <http://www.nwu.ac.za>

Ethics Committee
Tel +27 18 299 4852
Email Ethics@nwu.ac.za

ETHICS APPROVAL OF PROJECT

The North-West University Ethics Committee (NWU-EC) hereby approves your project as indicated below. This implies that the NWU-EC grants its permission that, provided the special conditions specified below are met and pending any other authorisation that may be necessary, the project may be initiated, using the ethics number below.

Project title: Student-teachers' understanding of the position of values and morality in human rights application, promotion and education.																
Project Leader: Prof W van Vollenhoven																
Ethics number:	<table border="1"><tr><td>N</td><td>W</td><td>U</td><td>-</td><td>0</td><td>0</td><td>1</td><td>0</td><td>2</td><td>-</td><td>1</td><td>3</td><td>-</td><td>A</td><td>2</td></tr></table>	N	W	U	-	0	0	1	0	2	-	1	3	-	A	2
N	W	U	-	0	0	1	0	2	-	1	3	-	A	2		
Status: S = Submission; R = Re-Submission; P = Provisional Authorisation; A = Authorisation																
Approval date: 2013/08/15							Expiry date: 2018/08/14									

Special conditions of the approval (if any): None

General conditions:

While this ethics approval is subject to all declarations, undertakings and agreements incorporated and signed in the application form, please note the following:

- The project leader (principal investigator) must report in the prescribed format to the NWU-EC:
 - annually (or as otherwise requested) on the progress of the project,
 - without any delay in case of any adverse event (or any matter that interrupts sound ethical principles) during the course of the project.
- The approval applies strictly to the protocol as stipulated in the application form. Would any changes to the protocol be deemed necessary during the course of the project, the project leader must apply for approval of these changes at the NWU-EC. Would there be deviation from the project protocol without the necessary approval of such changes, the ethics approval is immediately and automatically forfeited.
- The date of approval indicates the first date that the project may be started. Would the project have to continue after the expiry date, a new application must be made to the NWU-EC and new approval received before or on the expiry date.
- In the interest of ethical responsibility the NWU-EC retains the right to:
 - request access to any information or data at any time during the course or after completion of the project;
 - withdraw or postpone approval if:
 - any unethical principles or practices of the project are revealed or suspected,
 - it becomes apparent that any relevant information was withheld from the NWU-EC or that information has been false or misrepresented,
 - the required annual report and reporting of adverse events was not done timely and accurately,
 - new institutional rules, national legislation or international conventions deem it necessary.

The Ethics Committee would like to remain at your service as scientist and researcher, and wishes you well with your project. Please do not hesitate to contact the Ethics Committee for any further enquiries or requests for assistance.

Yours sincerely

Prof Amanda Lourens
(chair NWU Ethics Committee)

F2 PERMISSION FROM UNIVERSITY (SITE 7)

9/18/2018 <https://rims.ufs.ac.za/EnableWeb/Compliance/Submissions.aspx?ProjId=6FFF2AAD-E2A5-46D8-BB45-AECB3611B352&Page=Sub...>

Record Number: UFS-HSM2018/0002
 Student-teachers' understanding of the position of values and morality in human rights applications, promotion and education"
 Mrs Cecile Eloff - External Association

Human Subjects

View Mode - See

Details

[Change Project Info](#)

Submissions (1) Communications ?

[Home](#) [Submissions](#)

Submissions

Add

Type	Submission Number	Investigator Submitted On Date	Management Submitted On Date	Internal ID	Determination	Determination Date	Date From	Date To	Access Log
Historical Submissions	N/A	10-May-2018	10-May-2018	N/A	Accepted	N/A	N/A	N/A	Log Delete

Submissions summary

Risk Category

Supervisor / Study Leader

Involves Innovative therapy

NO

Clinical Trial Agreement

Sponsor Agreement

NO

Research Contract

NO

Contract Sponsor

Contract Owner

Contract Number

Student/Staff

ADDENDUM G: INFORMED CONSENT OF PARTICIPANTS

G1 LETTER TO PARTICIPANTS (STUDENTS AND LECTURERS)



Participant Information Sheet and Consent Form

Researchers:

Cecile Eloff (PhD student)
Willie van Vollenhoven (Supervisor)
Annamagriet de Wet (Co-supervisor)
Cornelia Roux (Assistant-supervisor and Human Rights Literacy project-leader)

Title of study:

Student-teachers' understanding of the position of values and morality in human rights applications, promotion and education.

Ethical clearance reference numbers:

Project: Human Rights Literacy: a quest for meaning:
NWU no: NWU-00014-13-S2

Sub-project: Student-teachers' understanding of the position of values and morality in human rights applications, promotion and education

NWU....(NWU-00102-13-S2)

You are hereby invited to participate in a research study conducted by Ms. Cecile Eloff from the School of Education, Faculty of Education Sciences, North-West University, Potchefstroom Campus. You were selected, because of your position as a lecturer who teaches fourth year student teachers. Please read this information carefully before deciding to take part in this research. If you are happy to participate, you will be asked to sign the consent form underneath.

1. What is the research about?

The purpose of the study is to develop theory for preparing student- teachers for their roles concerning human rights through. The study will explore how student-teachers understand the position of values and morality in human rights within the framework of the dialectic relationship between human rights education approaches in the fields of education law and moral perspectives toward human rights.

The main research question is: To what extent will human rights in teacher education contribute to theory on suitable approach(es) to prepare student-teachers for human rights applications and promotion?

1

Human Rights Literacy Project
Research Focus Area: Teaching-Learning Organisations
Faculty of Education Sciences (Potchefstroom Campus)
Potchefstroom (2520) SOUTH AFRICA
cornelia.roux@nwu.ac.za // HREID@nwu.ac.za
www.HREID.co.za // www.nwu.ac.za

2. Why have you been chosen?

You have been chosen, because you are a staff member of the university selected for this study and involved in lecturing B.Ed. modules relating to human rights or dealing with human rights as a theme or study unit in the module.

3. What will happen if you take part?

If you volunteer to participate in the study, I will ask you to first participate in a semi structured interview. During this interview I will ask questions about your views on human rights and human rights education, modules in which you teach human rights content and your approaches to and views about preparing student-teachers for human rights application in schools. Secondly you will be asked to grant me an opportunity to observe one of your classes in the module(s) within which human rights features as a theme. Since the study aims foremost to explore the students' engagement in the topic of human rights, the class needs to be video recorded. Lastly, I would request copies of study material for document analysis. It is also possible that a follow-up interview may be necessary at a later stage.

4. Are there risks and discomforts involved if you participate?

The study to be undertaken will not provide any potential to risks to you or the students in class.

5. Are there any benefits in your taking part?

The study may give input in students' understanding of human rights which may serve as a guideline in dealing with human rights in teacher training.

6. Will your participation be confidential?

Any information that is obtained through the interviews and video recording which can be identified with you will remain confidential and will be disclosed with your permission or as required by law. Information will not be released to any other party for any reason.

7. Participation and withdrawal

You can choose whether to participate in the study or not. If you volunteer to be in this study, you may withdraw at any time without any consequences of any kind. You may also refuse to answer any questions you don't want to answer and still remain in the study.

8. Rights of research subjects

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in the research study. If you have any questions regarding your rights as a research subject, please ask the researcher.

9. Who can you contact if you have a complaint?

In the unlikely case of concern or complaint, you can contact my Supervisor, Prof. WJ Vollenhoven at 018 2994542.

Consent Form

Researcher name: Cecile Eloff
Ethics Reference: NWU.(NWU-00102-13-S2)

Please initial the box(es) if you agree with the statement(s)

I have read and understood the information sheet and have had the opportunity to ask questions about the study

☐

I agree to take part in this research project and agree for my data to be used for the purpose of this study

☐

I understand that my participation is voluntary and I may withdraw at any time without my legal rights being affected.

☐

I hereby consent voluntarily to participate in the study. I have been given a copy of this form.

☐

1. Name of participant:.....

Signature of participant:.....

2. Name of researcher: . Cecile Eloff.....

Signature of researcher:

Date:

Direct tel: 082 323 6693/ E-mail: cecile.eloff@nwu.ac.za

3

Human Rights Literacy Project
Research Focus Area: Teaching-Learning Organisations
Faculty of Education Sciences (Potchefstroom Campus)
Potchefstroom (2520) SOUTH AFRICA
cornelia.roux@nwu.ac.za // HREID@nwu.ac.za
www.HREID.co.za // www.nwu.ac.za

G2 CORRESPONDENCE FROM UNIVERSITIES

EXAMPLE OF CORRESPONDENCE WITH LECTURERS VIA E-MAIL

(This particular example is correspondence between two universities where initial contact was made on the university's website).

From: cecile.eloff@nwu.ac.za [cecile.eloff@nwu.ac.za] Sent: 02 November 2015 10:31 AM To: Frans Kruger <KrugerF@ufs.ac.za> Subject: Web Enquiry - edu.ufs.ac.za : Module-materiaal benodig vir PhD studie

>>> "Frans Kruger" <krugerf@ufs.ac.za> 2014/06/13 07:56 AM >>>
Hi Cecile,

Ek sal graag deelneem aan jou studie.

Groete,
Frans

>>> <cecile.eloff@nwu.ac.za> 06/11/14 12:09 PM >>>
hope this e-mail finds you well. I was referred to you by Prof Hay. I am a lecturer at the North-West University (Potchefstroom Campus) and busy with my PhD study. My study is about teacher-students' understanding on the position of values and morality of human rights application, promotion and education (information attached). The study can contribute to the development of teacher students with regards to human rights education at South African universities. The University of the Free State is one of the universities that were selected to be used in the study. The aim of the study is to have interviews with lecturers who present modules that include human rights. Afterwards classes of the selected lecturers will be observed in order to indicate the way student teachers internalize human rights. All that is expected from the lecturers is to participate in an interview and to let me observe one class where the theme/ study unit, human rights, are presented. The module EFD 122 that you teach at the university was identified as a module that deals with human rights as a theme or study unit. Would you be willing to participate in the study? If you would agree and it would be possible in terms of your lesson planning, it can be arranged that I would only observe the classes that deals with human rights. If there are any questions with regards to the study, you can call me at 082 323 6693. Kind regards Cecile Eloff

