

Exploring teachers' roles in realising human rights in township classrooms

D.E. Mogorosi



[Orcid.org/0000-0001-7805-1076](https://orcid.org/0000-0001-7805-1076)

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Supervisor: Dr Annamagriet de Wet

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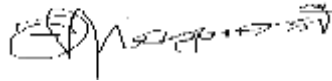
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DECLARATION

DECLARATION

I the undersigned, hereby declare that the work contained in this dissertation 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.

Signature

A handwritten signature in black ink, appearing to be 'E. M. ...', written over a horizontal line.

Date

17/ 09/2021

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ABSTRACT

In South Africa, the notion of human rights is young and therefore deserves dedicated advancement (Klug, 2013:111; Plaatjies, 2013). For this reason, the Constitution (RSA, 1996a: Chapter 2) implies that teachers should play a significant role in respecting, protecting, and promoting human rights in township classrooms.

Despite international and national law as well as conventions on human rights, teachers are still struggling to promote, protect and respect human rights. Township classrooms present particular challenges adding to the need for guidelines in this regard. The purpose of this study was to explore teachers' roles in realising human rights in township classrooms. Teachers are obliged by the Constitution of the Republic of South Africa (1996a) as well as relevant education legislation to play a significant role in upholding human rights, and authors such as Becker *et al.* (2015) and Pillay (2014) are of the opinion that teachers' understanding of human rights is insufficient. Therefore, there is a need to provide teachers with adequate knowledge and the necessary skills to fulfil their role effectively towards the realisation of human rights.

The study is framed by theoretical notions such as human rights literacy, human rights education, and professional development and also includes a basic legal framework as presented by Education Law to assist teachers in playing their roles towards the realisation of human rights in the township classroom. The study explored a variety of approaches, methodologies, and methods to assist teachers in the application and implementation of human rights. As Eloff (2019) stated, looking at one perspective is not enough and would be short-sighted if one is to teach human rights.

The research study positioned itself in an advocacy research paradigm with a qualitative research design. Narrative inquiry was employed as empirical methodology in this study and the participants were selected by means of purposive sampling to take part in written narratives. Two schools in Lejweleputswa took part and twenty-nine participants participated in written narratives. Data was analysed by means of narrative and thematic analysis and six themes emerged from the written narratives: support, security, discipline, resources, and resilience. These were discussed and interpreted, and the findings revealed *inter alia* that the Department of Education and parents do not support teachers and that teachers struggle with learners' unacceptable behaviour. As a result, teachers feel the need to turn to banned corporal punishment in trying to gain control over the behaviour of unruly learners. Teachers also feel that they are not safe at schools and that they are only performing their role through the Grace of God.

The study combines findings from the literature study, legal study, and empirical study to propose practical guidelines that will assist teachers to fulfil their role towards the realisation of human rights effectively.

Key words: human rights, township classrooms, human rights education, human rights literacy, legal literacy, educator role

SAMEVATTING

In Suid-Afrika is die begrip menseregte jonk en moet juis daarom toegewyd bevorder word (Klug, 2013:111; Plaatjies, 2013). Om daardie rede impliseer die Grondwet (RSA, 1996a: hoofstuk 2) dat onderwysers 'n beduidende rol moet speel ten opsigte van die inboeseming van respek vir en die beskerming en bevordering van menseregte in township-klaskamers.

Ondanks internasionale en nasionale reg sowel as konvensies oor menseregte, sukkel onderwysers steeds om menseregte te bevorder, te beskerm en te respekteer. Township-klaskamers bied besondere uitdagings wat bydra tot die behoefte aan riglyne in hierdie verband. Die doel van hierdie studie was om die rol van onderwysers in die verwesenliking van menseregte in township-klaskamers te ondersoek. Ingevolge die Grondwet van die Republiek van Suid-Afrika (1996a) word onderwysers genoop om 'n beduidende rol te vervul in die handhawing van menseregte, en outeurs soos Becker *et al.* (2015) en Pillay (2014) is van mening dat onderwysers se begrip van menseregte tekortskiet. Daarom is daar 'n behoefte om onderwysers met toereikende kennis en die nodige vaardighede toe te rus sodat hulle hul rol ten opsigte van die verwesenliking van menseregte na behore kan vervul.

Die studie is uitgevoer teen die agtergrond van teoretiese idees soos menseregte-geletterdheid, menseregte-onderwys, professionele ontwikkeling en sluit ook 'n basiese regsraamwerk in soos aangebied deur die Onderwysreg om onderwysers te help om hul rol te vervul ten opsigte van die realisering van menseregte in die township-klaskamer. Die studie verken 'n verskeidenheid van benaderings, metodologieë en metodes om onderwysers te help met die toepassing en implementering van menseregte. Soos Eloff (2019) gesê het, is dit nie voldoende om slegs 'n enkele perspektief te oorweeg nie en sou dit kortsigtig wees in 'n benadering tot onderwys vir menseregte.

Hierdie studie het homself geposisioneer in 'n voorspraak- (*advocacy*) paradigma met 'n kwalitatiewe navorsingsontwerp. Narratiewe ondersoek is as empiriese metodologie in hierdie studie gebruik en die deelnemers is deur middel van doelgerigte steekproefneming gekies om deel te neem aan geskrewe narratiewe. Twee skole in Lejweleputswa het deelgeneem en negen-twintig deelnemers het aan geskrewe vertellings deelgeneem. Data is geanaliseer aan die hand van narratief- en tematiese ontledings en ses temas het na vore gekom uit die geskrewe narratiewe naamlik ondersteuning, sekuriteit, dissipline, hulpbronne en veerkragtigheid. Dit is bespreek en geïnterpreteer, en die bevindings het onder andere aan die lig gebring dat die Departement van Onderwys en ouers nie onderwysers ondersteun nie en dat onderwysers sukkel met die onaanvaarbare gedrag van leerders. As gevolg hiervan voel onderwysers dat hulle hulself

moet wend tot verbode lyfstraf om beheer oor die gedrag van oproerige leerders te probeer verkry. Onderwysers voel ook dat hulle nie veilig by skole is nie en dat hulle hul rol slegs deur die Genade van God vervul.

Die studie doen praktiese riglyne aan die hand wat onderwysers sal help om hul rol ten opsigte van die realisering van menseregte effektief te vervul.

Sleutelwoorde: menseregte; township-klaskamers; menseregte-onderwys; menseregtegeletterdheid; regsgeletterdheid; onderwyser se rol

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CHAPTER 1

ORIENTATION TO THE STUDY

1.1 Introduction

On leaving tertiary institutions, novice teachers all share a common mission: To transform, to mould the life of an African child. Little did they know of the challenges and frustrations of the education system and, specifically, the challenges faced by township schools. I am a teacher at a township school, and I know and am being exposed to these frustrations almost on a daily basis. In accordance with the South African Constitution, teachers are expected and obligated to enforce human rights irrespective of how knowledgeable they are about this matter (Pillay, 2014:1). In fact, as asserted by Eloff (2019:1), teachers are expected to apply whatever means at their disposal to ensure that human rights are respected and promoted in their classroom. Pillay (2014:3-4) contends that a lack of knowledge boils down to playing games without playing by the rules and, to make matters worse, no-one seems to care since teachers remain silent about how they feel about this lack of knowledge.

The research study presented here thus seeks to unlock the voices of teachers and to assist them in playing their role towards the realisation of human rights in their classrooms effectively. In this chapter, I will introduce my topic (1.1). The introduction will be followed by a discussion of the problem statement and motivation (1.2). Research questions (1.3) and research aims (1.4) will also be formulated, and the rationale for the research study (1.5) will also be looked into. Research concepts (1.6) and the theoretical framework of the concepts 'education law' and 'human rights literacy' (1.7) will be clarified. The research strategy (1.8); validity, reliability, and trustworthiness (1.9); and ethical considerations will be looked into as the chapter unfolds, while (1.11) will provide an outline of the dissertation with a synopsis concluding Chapter 1 (1.12).

1.2 Discussion of research problem and motivation

In the subsections to follow, the research problem will be explored and the gap in relevant literature that supports the need for this study will be outlined.

1.2.1 Problem statement

Leedy and Ormrod (2010:293) are of the opinion that stating a research problem should enable the reader to understand the significance of conducting the research from both an academic and a practical standpoint for the sake of comprehending what the problem is and

realising what its ramifications are without difficulty. As a starting point towards describing the problem is the inherent confirmation in the Constitution (1996a: Chapter 2) that teachers have an obligation to play a role in respecting, promoting, and protecting the human rights of their learners which motivated this study into the important role teachers in townships play to realise human rights in their classrooms.

In South Africa, the notion of human rights is young and therefore deserves dedicated advancement. Klug (2013:111) and Plaatjies (2013:2-3) point out that South Africans now live within their first constitutionally human rights-backed democracy. Klug (2013: xiii) calls this a young democracy, a “work in progress”, which implies an extended timeframe towards becoming successful. In this regard, becoming successful would point to South Africa growing into a society that mirrors the advancement of human rights and freedoms.

Becker, De Wet and Van Vollenhoven (2015:2) are also of the opinion that for transformative action to take place, it is the responsibility of the teacher to play a significant role to facilitate rights-based education. Moreover, Simmonds (2010:4) points toward the following policy documents that could assist teachers in becoming aware of and equipped for promoting human rights in their classrooms:

- *Manifesto on Values, Education and Democracy* (DOE, 2001a): The purpose of the document is to bring all people from different backgrounds together and to provide future generations with a sound education about the positive things that happened in the past. One of the most valuable strategies suggested by this document is to infuse the classroom with a culture of human rights (DOE, 2001a:33).
- *SAAMTREK: Values, Education and Democracy in the 21st Century* (DOE, 2001) The document calls on teachers to conduct themselves ethically and professionally at all times so as to inspire positive values within their learners and to reshape themselves towards more competent citizenship. The document also encourages the education system to embrace the constitutional values which would, among others, imply that teachers should first be role models in their societies in order to fulfil their roles in the classroom effectively.
- *Values and Human Rights in the Curriculum: A Guide* (DOE, 2005): The document clearly promotes teachers’ competency and calls for their commitment so that they can develop their learners’ personal and mental capacities, irrespective of their cultural differences.

Despite the documents above, which generally declare a clear aim towards showing respect for and promoting human rights in classrooms, Simmonds (2010:6) contends that teachers are not willing to promote human rights since they believe that human rights are too difficult to

be understood by young learners. The unexpected sad paradox lies however, as Keet (2010:24-25) describes it, in the all too familiar landscape of rights violations (such as inequalities, prejudice and harm or, for example, school violence and child abuse) that has turned itself into social quicksand of some sorts. Keet (2010:25) voices his distress at having to acknowledge that infringements of human rights have not only taken on an established general character but are also partly to blame for the phrases “moral decay” and “breakdown in values” that are currently used to explain *the social quicksand* or perhaps phrased better, *the social dilemma*.

In this regard, Keet (2010:25) seems to imply that despite the newness of acknowledging human rights in South Africa, there is already a collapse of human rights’ values and that for teachers to promote human rights, an attempt must be made to radicalise such rights and to re-imagine their transformative potential.

In terms of the South African Schools Act (SA, 1996c, hereafter the Schools Act), the Regulations for Safety Measures at Public Schools (hereafter Safety Measures Regulations) were developed to protect, among others, learners’ right to safety and security at school by enacting various regulations that are relevant to safety at schools and their activities. However, there are clear signs of an increase concerning the ill-discipline that not only contributes to unsafe school environments (Mestry, 2015:657) but that could also be seen as a leading factor in causing teachers to experience a loss of control over their own capabilities (Maphosa & Shumba, 2010:395). Eventually, such teachers end up relinquishing even their legal responsibilities out of frustration (Maphosa & Shumba, 2010:392 & 397). Sooner or later, this sad situation would result, among others, in learners’ rights not being protected.

In spite of the right of every person to bodily integrity (SA, 1996a: sec.12) and the Safety Measures Regulations (SA, 2006c), which are intended to enhance the safety of learners at schools, learners are still exposed to various forms of violence. Mestry (2015:657) points out that there are various forms of violence which are perpetrated by various role players in and out of school. Masitsa (2011:1) also argues that schools are not safe, and that the situation has become even worse over a period of some years since various forms of violence make it impossible for teachers and learners to feel safe. De Wet (quoted in Mestry, 2015:658) is of the opinion that reports in the media are dominated by learners who come to school carrying dangerous weapons, such as knives and guns.

Previous work in the field of human rights has drawn attention to possible causes of several failed attempts at introducing and maintaining human rights-supported classrooms. Struthers (2016:136), who is generally known for promoting human rights at different levels of classroom

practices in England, reports on the uncertainties and worries that teachers from 44 primary schools expressed during qualitative interviews. These uncertainties and worries fall into the three main categories, namely human rights being too abstract to teach a learner in primary school; too controversial since the participants believe that learners' innocence needs to be maintained; or too subjective for teachers to become involved in since the participants believe that learners at primary school are not mature enough to talk about human rights concepts.

Some authors support the finding that teachers may be concerned about the subjective nature of human rights within school settings. Examples are found in the ground breaking research of Molnar (1986:72) where he refers to human rights as having "the potential ... [of being] extremely controversial" and Struthers (2016:136) who acknowledges that the idea of human rights in specifically primary school contexts could raise issues that "are likely" to be viewed as "being controversial." Having studied these literature sources closely, it appears that the authors and researchers negate the importance and significance of education law in addressing the dilemmas that surround introducing and maintaining human rights-supported classrooms.

An example of how awkward it is for teachers to promote human rights in township schools is depicted in a statement made by Hawker (quoted in Masilo, 2012:1) who quotes a pregnant teacher who had been kicked and injured in class as follows: "they say that there is nothing I can do. As a teacher, you do not have any right. We can be beaten or even killed. Teachers are not safe. If I'd done something to that boy, the department would have done something. I would have been suspended or fired." Although she does not indicate who *they* would refer to, it can be surmised from her statement that she was referring to people in positions of authority.

As another example of how problematic the promotion of human rights has become at schools, TMG Digital (2017:3) reports the case of a transgender learner who laid a complaint about a principal uttering remarks that were harmful and hurtful to her. The court ruled in favour of her and has requested the principal to render an apology for his derogatory remarks. From my own experience as a township school teacher, I would have thought that it is realistic to expect all principals to automatically make teachers and learners at their school feel safe and secure and, above all, to try to ensure that human rights' principles are adhered to by everyone.

Sometimes teachers have the fear that human rights may flout their power and give more command to learners, and this fear could have a negative impact on discipline at school (Du Preez, 2008:183). From another perspective, Masitsa (2008:237) contends that learners know more about their rights than about their responsibility at schools. In recent years, learners at

schools know that corporal punishment has been abolished and as a result, they do not heed teachers' instructions as they fear nothing. These findings may reveal challenges that human rights present to teachers in the classroom.

Tibbitts (2005:107-108) argues that realising human rights in a classroom is more than just appreciating and valuing human rights; it is rather about nurturing one's own actions and arguably needs a transformative learning framework. Similarly, this researcher concluded from Oosthuizen and De Wet (2015) that a rights-based approach to education could be described as one side of the human-rights coin, since such an approach will inform or educate people about human rights. The other side of the coin will then be protecting and promoting the rights of learners in the education system. From qualitative research conducted at schools by Tintswalo (2014:55-56), it is evident that most of the participating teachers were convinced that it was acceptable to discipline learners by means of corporal punishment – despite the fact that it violates learners' right to dignity. A disturbing aspect in reading this article is that Tintswalo does not include the illegality of corporal punishment in his argument.

In another instance, Maponya (2017:13) reports that a teacher allegedly punished a Grade 3-boy for not completing the written class work by locking him in class for the night. In the case of *Christian Education South Africa v Minister of Education* 2000 (10) BCLR 1051, the South-Eastern Cape Local High Court division found that the ban on corporal punishment poses a justifiable restriction on religious- and culturally based corporal punishment, as the practice of corporal punishment is inconsistent with the banning of degrading, inhumane and cruel punishment as guaranteed by the Constitution (1996a: sec.12 (1) (e)). Despite the appeal the Constitutional Court heard in *Christian Education South Africa v Minister of Education* (CCT4/00) [2000] ZACC 11) and the Constitutional Court's confirmation that administering corporal punishment at schools was illegal, Mestry (2015:658) indicates that corporal punishment is still commonly applied by South African teachers even though it has been abolished. At the same time, from my own experience as a teacher, this court case could also be seen as an example of human rights being a controversial issue since there are teachers who simply do not agree with the laws that protect the rights of learners, and there are those who even blame learners' human rights for causing disciplinary problems at schools.

In my experience as a Tourism and Business Studies teacher at a township combined school, I usually organise an educational tour every year with the sole purpose of exposing my learners to real-life situations. So many incidents have been reported to me throughout these tours about female learners who were being touched inappropriately by male learners during the night, that the Department of Basic Education has become hesitant to approve the tours in future. What is more, as pointed out by Chimbga (2013:7), xenophobic attacks are rife at

schools and they are being carried out by young people; therefore, it is proper for secondary schools to do something to avert such attacks at schools.

One of the findings of a qualitative study conducted by Vandeyar and Killen (2006:386) at a school where the languages of instruction were English, and Afrikaans was that the teachers had no consideration for their learners who spoke African languages. The fact of the matter was that the division of the home languages of the 39 learners attending the school was as follows: 14 English, two Afrikaans, 11 Tswana, eight Sesotho, two isiZulu and two Sepedi. It could be deduced that doing assessments only in English and Afrikaans was, to some degree, not conducive to promoting the human rights of most of the learners. Neither were the assessments instrumental to achieving a higher level of the quality of teaching and learning.

As a result of his findings in another study, Vandeyar (2010:344) is also of the opinion that the majority of learners from countries such as Kenya, Malawi and Nigeria are posing a challenge to teachers at township schools as they have to change the language that is used to accommodate them. From my experience as a teacher at a township school, I have realised that most of the teachers are teaching in their mother tongue. For example, if teachers speak Xhosa, they will teach or focus on Xhosa learners and forget about those who speak Tswana, Sesotho, and English. Some learners even come from neighbouring countries, such as Lesotho and Nigeria, and this situation complicates matters further.

Another problem is that teachers are turning a blind eye when learners' rights are violated by other learners inside the classroom, implying that those teachers do not protect the rights of learners who have been disrespected. Tintswalo (2014:1) cites various reasons that contribute to teachers not respecting human rights or turning a blind eye when learners violate other learners' rights. These reasons include a lack of understanding, knowledge and values that are aligned with human rights. While Keet (2010:25) sounds a warning when he points out that there are still too many crises in advancing human rights in South African education, Vandeyar (2010:342) indicates that teachers must have knowledge about education law indicators if they are to respect, promote and protect the rights of parents, learners and everyone involved in the education system. It can be inferred that Keet (2010) is alluding, among others, to the dilemma that surrounds teaching with a human-rights based approach, where teachers do not necessarily live by this approach.

According to Simmonds (2010:4), some teachers are reluctant to teach about human rights, while others do not have adequate knowledge about these rights. In my experience, teachers in general do not become comfortable with and confident about teaching human rights, over and above the fact that, as pointed out above, they themselves engage in violations of rights

or fail to protect the rights of learners. Furthermore, Du Preez and Becker (2016:1-14) contend that learners from more affluent backgrounds are able to defend themselves smarter when their rights are violated due to the fact that, among other things, they have resources that poor learners cannot access.

Clearly, based on the issues highlighted in the foregoing paragraphs, there is a gap concerning the realisation of learners' rights in township classrooms. Hence there is a need to explore the roles that educators can play in promoting, respecting, and protecting human rights.

1.2.2 Research gap identified from current literature on human rights in education

Many studies have been undertaken to show how the human rights of learners should be respected, promoted, and protected in the education system as such. Furthermore, research conducted to date that relates specifically to realising human rights at township schools focused on *certain aspects of human rights* and not on human rights in general. For example, Ngqela and Lewis (2012:88) quoted De Wet who is of the opinion that township school violence is a multi-faceted and multi-theoretical occurrence, and that the abuse of learners and other acts of abuse, such as bullying and sexual harassment, must not be tolerated. It is, however, clear that the focus in these studies was not on *township classrooms* specifically, but rather on township schools in general across a broad spectrum of aspects. In this regard, Le Grange (2012:7) pointed out that a balance should be struck with respect to teachers' right to strike and learners' right to a basic education, which implies that even though teachers reserve the right to strike, consideration should always be given to the right of learners to be taught. In his study, Msibi (2012:515) expressed concern about homophobia that is rife amongst youth in townships; yet he did not focus on township classrooms or human rights as such either. This study that explored aspects of addressing and advancing human rights in township classrooms and how these aspects should be protected by teachers could, therefore, fill a gap.

Several studies on teaching-learning human rights have been conducted, though. While Tibbitts (2005:107-113) found that human rights teachers believe that their task is to empower and change people's lives, Simmonds (2010:4) pointed out that teachers should be competent enough to make learners aware of human rights, and Keet (2010:25) concluded that radical transformation is needed in schools since aspects such as crime, the abuse of women and general violence are prevalent. Nevertheless, none of these studies focused on the realisation of human rights in township schools. Likewise, despite the extensive research conducted on exploring teachers' roles in promoting human rights through human rights education, none of

these studies focused specifically on the role educators could play to respect and protect human rights in a township classroom.

In his thesis, Maboe suggests implementing a model aimed at making teachers mindful towards the significance of learners' rights at schools and in society on the whole (Maboe, 2013:241). Even though his study goes beyond the teaching-learning aspects of human rights, his focus was not on classrooms at township schools. From the dissertation of Verster (2014), it is evident that her focus was to contribute to teachers' real-world understanding of human rights education to boost a human rights culture that must be instilled within diverse school settings. Once more, however, this research did not focus on township classrooms, and the township classrooms are the ones that concern me most since I have negative experiences on an almost weekly basis.

According to the American researchers Canlas, Argenal and Bajaj (2015:39), even though the need for human rights in education is escalating, a gap not only remains concerning the conducting of empirical research but also concerning conducting research that is focused specifically on people from low-income categories (Mahiya, 2016:7). In South Africa, some researchers (Simmonds, 2010; Pretorius, 2016) also focused on teachers' roles in realising human rights in classrooms, but none of these focused on township schools or classrooms in particular.

Research that focused on realising human rights in township school settings, especially in terms of safety concerns at schools, the roles of learners, the education system and social capital but not on the roles of teachers in terms of the human rights of learners in the classroom, include the studies and investigations conducted by Govender and Killian (2001), Masilo (2012), Masitsa (2008 & 2011), Msomi (2011) and Tintswalo (2014). In addition to these studies, three other researchers focused on the roles of government (Van Biljon, 2014), school managers (Mokone, 2014) and the School Governing Body (Mashau, 2011), but not on teachers' roles. Even though the latter illustrated a focus on the realisation of human rights at school level, they did not necessarily focus on classroom levels in townships. In the final analysis, my choice of township schools is backed by the fact that, in my own experience, these schools typically have an ongoing scarcity of teachers, textbooks and adequate facilities, with ramshackle buildings often being the norm and not the exception (supported by the research of Kaap, 2004:258).

Against the background of the problem statement and theoretical perspective discussed above and given the research gap identified in the paragraphs above, the following research questions were formulated to guide this study.

1.3 Research questions

In exploring teachers' role in realising human rights, the following primary research question was formulated:

What is the nature of teachers' contributions in realising human rights in township classrooms?

To support the primary research question, the following five questions were developed:

What are the theoretical elements that support the roles that teachers must play in realising human rights in township classrooms?

Which basic legal framework outlines the role that teachers must play in realising human rights in township classrooms?

What are township teachers' narratives about their roles in realising human rights in their classrooms?

Which barriers do teachers at township schools experience in fulfilling their roles towards realising human rights in their classrooms?

What guidelines could be developed and suggested to support teachers in fulfilling their roles towards realising human rights in township classrooms?

With these questions in mind, the objective of this study was defined as follows.

1.4 Objectives of the Study

The overall aim of the study is to explore to what extent teachers contribute to the realisation of human rights in township classrooms. The overall aim is supported by the following objectives:

To determine theoretical elements that support the roles teachers must play in realising human rights in township classrooms;

To suggest a basic legal framework that informs the role that teachers must play in realising human rights in township classrooms;

To recount township teachers' narratives about their roles in realising human rights in their classrooms;

To report the barriers that township teachers experience in fulfilling their roles towards realising human rights in classrooms;

To develop and suggest guidelines to support teachers in fulfilling their roles towards realising human rights in township classrooms.

The problem statement and the research questions clearly highlight the need for teachers to fulfil their roles very well in order to protect and promote the rights of learners in township schools. The paragraph below outlines the rationale behind the study.

1.5 Rationale

Since a lack of literature was revealed when examining the guidelines to assist teachers to play an effective role in realising human rights in township classrooms in the Lejweleputswa District, a need has emerged to consider the various roles that teachers should or must play in contributing to the realisation of human rights and to also formulate guidelines to support these teachers. As teachers have been recognised as one of the most important categories of role players in partnership with the Department of Basic Education regarding transforming learners' minds, it is, therefore, essential that teachers' roles both be studied in more detail and be understood better. The aim of designing guidelines is to empower and develop teachers so that they will be able to effectively play their role towards realization of human rights in township classrooms.

1.6 Conceptual framework

Central to this study are the concepts teacher/educator, teachers' roles, realising/realise, human rights and township classrooms. The paragraphs to follow conceptualise these notions in an attempt to clarify their meaning as relevant to this study.

1.6.1 Teacher and educator

As a point of reference and for the sake of a solid definition, the Employment of Educators Act (76 of 1998) points out that the term *educator* refers to (1) anyone who is training, teaching and/or educating other people, or (2) anyone who is providing skilled therapy, or (3) anyone who is offering education psychological help at schools. This term does not, however, include anyone who is working in the capacity of fulfilling extra-curricular duties.

Both the Schools Act (84 of 1996) and the South African Council for Educators Act (31 of 2000; hereafter SACE Act) define *educator* as any individual who instructs, coaches, or prepares other individuals or who offers specialised schooling, which would include offering specialised therapy and educational psychology services. On the other hand, the South African Council for Educators' Code of Professional Ethics (in terms of the SACE Act, 2000; hereafter Code of Ethics: reg.1(iii)) is more focused in that it defines *educator* as any educator who has a Council registration number or a temporary number. At a more basic level, although Oosthuizen (2009:19) does not define the term, he describes an educator as a person who has, among other things, an obligation towards reliable professional conduct.

Since the terms educator and teacher are generally seen as interchangeable, this researcher prefers using the term *teacher/teachers* as this is how most parents refer to the persons who

teach their children in township classrooms. For the purpose of this study, the term teacher will thus refer to a person registered with SACE and who stands obligated to displaying professional behaviour, which would include holding human rights in high regard in their classrooms.

1.6.2 Teachers' roles

Roles in sociology, as defined by Encyclopaedia Britannica (2015), have the following characteristics:

A role is expected from an individual who occupies a given social position or status. A role is also regarded as a comprehensive pattern of behaviour that is socially recognized. Providing a means of identifying roles can serve as a strategy for coping with recurrent situations and dealing with roles of others (for example, parent-child roles).

According to the Merriam-Webster online dictionary, the concept *role* can be defined as a character assigned or assumed, for example where a person has to take on the role of being a father or mother. Roles can also be determined by the individual's status in a specific environment due to the behaviour they are expected to display. The Oxford Dictionary (2017), on the other hand, contends that the word *role*, among others, denotes the purpose or position that is filled by a person in a specific circumstance.

According to Erasmus (2012:12), the role of teachers would include concepts such as tasks, duties, functions, and responsibilities that need to be performed by the teacher. Moeketsane (2012:7) contends that teachers' responsibilities are in-built in the obligations that individuals assume when the work or job is offered to them, and they accept the offer by agreeing to perform the assigned role.

Looking beyond mere definitions of the word *educator* and zooming in on what would be expected of educators, in for example, township classrooms, the following two aspects need to be noted:

In regulation 2(2.3) of the Code of Ethics (2000), the Council refers to expecting of their educators to recognise and encourage the Constitution's basic human rights.

In regulation 3(3.1), the Council calls on educators to have a high regard for learners' constitutional rights.

With these two aspects in mind, it can be deduced that educators are, therefore, among several other things, expected to protect human rights as required by the South African Constitution (1996; hereafter the Constitution).

The document titled Norms and Standards for Teachers, issued in terms of the National Education Policy Act (Act 27 of 1996b; hereafter the Education Policy Act), identifies seven roles teachers are responsible for, but few of these have a bearing on promoting human rights. Moreover, teachers are expected to fulfil their roles as follows:

- (1) Learning mediator
- (2) Interpreter and designer of learning programme and material
- (3) Leader, administrator, and manager
- (4) Scholar, researcher, and lifelong learner
- (5) Community citizenship and pastorate
- (6) Assessor
- (7) Learning area/subject/discipline/phase specialist.

To my understanding, number 5 above points to the roles of teachers as being also directly linked to showing respect for and promoting human rights. In this regard, on the one hand, the pastoral and community citizenship role comprise teachers acting much like shepherds who guide the flock in their care. On the other hand, this role also points to teachers as being expected to “uphold the Constitution and promote democratic values and practices in school and society” (DOE, 2000). In doing so, the teacher has to perform the role of mediator (number 1) where diverse needs of the learners should be taken into account, which implies becoming sensitive to learners’ beliefs, religion and culture in the classroom.

For the purpose of this study, the role of the teacher will refer to the responsibilities assigned to a teacher which must be performed in order for human rights to be realised in the classroom, such as the community citizenship and pastoral role as well as the role as learning mediator.

1.6.3 Realising / realise

Wilson and Craver (2006:5) state that the concept of realisation serves the metaphysics and philosophy of mind masters which need to be interpreted and clarified in order to understand the concept clearly. The word *realization* was popularised by Hilary Putnam in 1960 in his paper “Minds and Machines” which was reprinted in 1975 where this term was regarded as pointing to the relationship between mental physical states. On the other hand, Merriam-Webster (2017) defines *realization* as a state of achieving or succeeding in something that was planned.

For the purpose of this study, the term realising will be used to point to bringing about *the attainment* or *achievement* of a desired state – which in this case, would be the lived experiences of human rights.

1.6.4 Rights

The concept of rights may be used to denote various things, although it generally denotes a claim or interest. In this study, the concepts human rights, legal rights and moral rights are important.

1.6.4.1 Human rights

The Internet Encyclopaedia of Philosophy (2013:2) defines *human rights* as “the basic moral” that people proclaim simply because they are people. From this definition, I conclude that using the word *rights* for these guarantees suggests that such rights are, therefore, connected to individuals. If these rights are connected to persons, observing and upholding them would not be optional: Instead, observance is then obligatory.

In addition to what was mentioned in the first paragraph of this section, the Internet Encyclopaedia of Philosophy (2013:6) makes a clear distinction regarding human rights in order for a person to understand the doctrine of human rights and ways in which each right functions. In this sense, rights can be viewed in one of two ways: firstly, as a legal construct and secondly as a moral application (Verster, 2014:21). These views will be elaborated on in the paragraphs below.

A legal definition of the term human rights, as shared by Humbly *et al.* (2012:285), places the main emphasis on the fact that people’s inborn dignity results in the inherent nature of such rights for all human beings. In normal terms, human rights are not a gift or a privilege: Such rights *belong to everyone* simply because they are humans, and these rights cannot be earned. On top of being inborn, Humbly *et al.* (2012:285) point out that these inborn rights are concurrently interdependent (all rights work on the basis of one right’s complete enjoyment depending on owning the other rights), universal (all these rights apply with *equal* force, consistently across the world), indivisible (all of them have the same features) and, occasionally, even as being also indisputable (all rights are a given as they cannot be removed).

With reference to this study, the definitions above imply that teachers, when playing their roles in the classrooms, should always respect and promote human rights by treating everyone equally and with respect.

1.6.4.2 Legal rights

According to the Internet Encyclopedia of Philosophy (2013:2), legal rights suggest all the rights that are created by the current laws and procedures, which are then approved and accepted by lawmakers. In South Africa, the legislators would then be the Members of Parliament. In addition, it is the conventional viewpoint that the term *legal right* indicates that such a right is rightfully part of society in general. Whereas Smit (2013:61) defines human rights as enforceable legal claims that warrant protection by means of legal mechanisms such as remedies or sanctions, another legal description of the term *legal right* is offered by Motala and Ramaphosa (2002:390) where they indicate that it refers to a prerogative or claim which is demarcated and acknowledged by law with the aim of securing that right and, in sum, it includes the privileges, capacities and powers that secure such a claim.

In this regard, the Stanford Encyclopedia of Philosophy (2001) explains *legal rights* as follows:

Legal rights exist under the rules of a legal system or by virtue of decisions of suitably authoritative bodies within them. They raise a number of philosophical issues: (1) whether legal rights are conceptually-related to other types of rights, principally moral rights; (2) what the analysis of the concept of a legal right is; (3) what kind of entities can be legal right holders; (4) whether there are any kinds of rights which are exclusive to or at least have much greater importance in legal systems as opposed to morality; and (5) what rights legal systems ought to create or recognize.

With reference to this study, this definition from the Stanford Encyclopedia of Philosophy indicates that in order to protect and promote human rights, teachers must know that the rights of learners are protected legally by the Constitution and that these rights are not just privileges conferred on them. Based on another perspective, the Business Dictionary (2017:1) also defines legal rights as rights that are owned by individuals or legal entities, and which are protected by law irrespective of whether they are publicly known or not.

1.6.4.3 Moral rights

The Internet Encyclopedia of Philosophy (2013:2) defines *moral rights* as those rights that people proclaim as human beings, and which were present on their own even before human rights were advanced as legal rights for the first time. Potgieter (2011:395) states that morals are derived from the Latin term *mores*, meaning customs, and are regarded as behaviour principles relating to how people live their lives. Morality (from the Latin word *moralities*, meaning manner) on the other hand can be described as a system of ethical conduct that is “virtuous” and is closely linked with the Buddhist term *sila*, which is usually understood to denote “virtue” and “good conduct.” Potgieter (2011:395) further quotes the Standard

Encyclopedia of Philosophy which approaches the terms *morality*, *moral discipline*, and *percept* from an ethical point of view where morality can then be described as a motivation that is based on the principles and ideas of right and wrong. From the definition above, moral right may refer to knowing the difference between right and wrong.

Even though the existence of moral rights has been acknowledged in the paragraphs above, for the purpose of this study, and so as not to lose focus, the term human rights will be used in the capacity of referring to the legal rights. These legal rights are not only guaranteed by the Bill of Rights which is found in Chapter 2 of the Constitution, but they must be promoted and protected, also in township classrooms.

1.6.5 Township classrooms

Mdletshe (2012:25-26) defines townships as those areas that were reserved for people migrating to places where they can find employment readily. These areas were classified as non-white areas by the Group Areas Act (Act 41 of 1951; hereafter the Group Areas Act) which was legislated to support apartheid government to force separation amongst people according to the ethnic groupings. The Department of Co-operative Governance and Traditional Affairs (2009:6) defines the term township “as the areas that were indicated by apartheid legislation for occupation only by persons who were classified as African, Coloured, and Indian”. These townships were previously called “*locations*” and have a unique and distinct history, which is influenced not only by the socio-economic status of all the people who are living in those areas but also on how people perceive and operate within them.

Moskovitz and Lindbloom (2003:3-4), on the other hand, define the term *township* as a municipal “settlement” for black persons. Even though these urban “settlements” were planned for people classed as black or from a mixed ethnic group, they incorporated African, Asian, and Coloured people in separate areas. Mdletshe (2012:25-26) argues that “black” (i.e. African townships) were regarded as the worst of all compared to the other groups mentioned above due to the lack of infrastructure and the prevalence of market-related social issues such as the low income and poor living conditions of members of the community.

Statistics reported by the Department of Co-operative Governance and Traditional Affairs (2009:10) indicate that the number of people who have been living in townships from 1996 to 2005 has increased from 2, 08 million to 4, 64 million. Even though, since the repeal of the Group Areas Act in 1991, people are free to live in any place, townships remain mainly non-white and impoverished socially and economically (Welschen, 2012:90 & 140).

Govender and Killian (2001:1) concur that townships are characterised by socio-economic issues, such as poverty, which are generally caused by people not being able to find jobs. Factors such as the lack of infrastructure, health and housing issues, and poor recreational and transport facilities are normally considered when describing a township. In the South African context, black township schools are characterised by a shortage of teachers, dilapidated school buildings, a continuous shortage of textbooks and generally poor facilities (Kaap, 2004:258; Lebesa, 2015:1).

1.7 Theoretical framework

This section outlines the theoretical viewpoints that served as the driving force behind the study.

Merriam-Webster (2017) defines the term *advocacy research* as an exploration that is conducted with the aim of offering opinions and proof to substantiate a certain standpoint or cause. The philosophical standpoint that will underpin this study, in the first place, is that of an advocacy and participatory worldview with a qualitative approach, as underpinned by Creswell (2009:16).

According to Newman (quoted in Creswell, 2009:9), the advocacy paradigm was popularised through the work of Mark, Ardono, Macuse, Habermas and Freire in that these researchers were of the opinion that the reigning constructivist standpoint lacked in reaching out adequately to advocate action plans that would support people who had been marginalised (Creswell, 2009:9). In sum, with the drive previously focusing on taking real action towards changing people's circumstances, this new approach is aimed at reforming social dilemmas in such a way that the investigation is conducted collaboratively. Among others, the collaboration could take the form of the research participants reaping rewards from the research (Creswell & Plano Clark, 2007:23-24).

To be more precise, a common element of the advocacy and participatory worldview is civic reality (Creswell & Plano Clark, 2007:24), often via a qualitative approach (Creswell, 2009:16). Common characteristics are bringing about change (Creswell & Plano Clark, 2007:22) and advocating for the participants by granting them a voice (Creswell, 2009:9). This perspective shares some traits with the critical paradigm which, at its very heart, is an ideological one of emancipation and transformation (Ponterotto, 2005:129). As such, this researcher is firstly concerned with finding ways to improve teaching-learning and the conditions in which it takes place. In the second place, this researcher has a desire to achieve transformation in society via emancipation of and advocacy for the participants as desired outcomes (Moyo *et al.*,

2015:59). However, the advocacy and participatory worldview is a better fit for the purpose of this study, given that the focus will not be solely on teaching-learning.

In this study, education law will inform the legal framework (Venter *et al.*, 1990:210-211) as a theoretical lens, and human rights literacies (De Wet, 2017:1; Roux, 2012) will be used as another theoretical lens.

1.7.1 Education law

According to Oosthuizen (2009:17-18), based on an ontological perspective, education law is an appropriate instrument for procuring, among others, a regulated environment of *geborgenheit*,¹ which means to secure peace and safety in education. Joubert and Prinsloo (2007:25) contend that laws must be promulgated in order to protect the principles of democracy and the rights of people. As education law is specifically linked to all the laws that would relate to education, it implies that education operates within the legal framework of South Africa (Bray, 2004:36). For this reason, Chapter 3 of this study is dedicated to an education-law perspective on teachers' roles in realising human rights in township classrooms.

Research in the field of education can include a basic legal framework which is meant to serve as the backbone of the research problem with a view to proposing a trajectory (Flick, 2009:110), and since this study resorts under the field of education law, a basic legal framework will also be presented in Chapter 3. The same author (Flick, 2009:110-111) indicated that the best choice in this instance would be to use an investigative attitude while studying and probing the legal and legally relevant documents. Moreover, in an instance such as this, the aim to understand the research problem comprehensively calls for the research focus not only to fall on what *is* printed on paper but also on what is *not* printed, which would include concentrating on silences and lapses that the researcher discovers. In this regard, while Russo (2015:5-7) acknowledges the existence of "a knowledge gap" between people who use the law regularly and people who do not, he also emphasises the value of historical-legal research, in other words conducting a methodical investigation into a legal matter by putting it into a perspective that considers the past, the present-day and the future so as to be able to conduct a comparative inquiry.

In the first place, therefore, the theoretical framework of this study was based on an education-law perspective conducted as a comparative inquiry that can be described as a "distinctive,

¹. This is a German notion which refers to schools, for example, being safe havens for learners and teachers (Oosthuizen, 2009:18).

methodical, and jurisprudential” map with the intention to grasp new facts and to reach a rich understanding of the chosen topic (Venter *et al.*, 1990:211).

1.7.2 Human rights literacy

Becker, De Wet and Van Vollenhoven (2015:50) postulate that teachers should have sufficient training in order to teach human rights effectively. In this study, the researcher engaged with the literature in search of understanding all the concepts related to human rights with the aim of helping marginalised people.

The phrase *human rights literacies* are seen as the acceptance of diverse and competing frameworks, since these represent studies and experiences of human rights by different people at different times and places, as affected by certain environments and conditions (De Wet & Simmonds, 2017:4-5). Moreover, as indicated by these authors, human rights literacies hold the possibility of being challenged through education within the different contexts, and all of these efforts are not only informed by multipart knowledge but also by the values that underpin or disrupt written human rights.

To this end, the data was analysed specifically with a view to identify the possibilities of human rights literacies for teachers’ roles in realising human rights in township classrooms, and recommendations will be made towards teacher development and education. Human rights literacies allude to skills, knowledge and the understanding of human rights and human rights mechanisms, values, attitudes, and beliefs that are consistent with social justice and other human rights values and action for human rights, including engagement teaching and protecting the human rights of others (De Wet & Simmonds, 2017:1).

Based on the theory discussed above, it would be important to link the theory with the basic legal framework, as all theories should be practised within a particular framework.

1.8 Research strategy

Since research does not occur overnight, it is important for the researcher to study or observe the environment firstly, identify the problem secondly and, thirdly, formulate plans or designs in order for the research to be understood. Research designs, according to Creswell (2009:3), are:

...plans and procedures for research that span the decision from broad assumptions to detailed methods of data collection and analysis. The plans involve the design to be used to study the topic, the worldview the researcher brings into the study, the procedure of enquiry and the specific methods of data collection, analysis, and interpretation.

Kumar (2014:122-123) defines research design as “a systematic and planned way” of finding and identifying the causes and effects of the problem that is investigated and how best they may be addressed.

This study was an exploratory study. Fouché and De Vos (2011:96) describe exploratory research as a study that would assist researchers in becoming acquainted better with their field of interest by obtaining more sufficient information than what is available at the time. Continuing with this line of thought, Babbie (2010:92) not only points out that such a study is specifically fitting when examining an ongoing phenomenon, but he also indicates the wish to satisfy one's need for and curiosity about reaching a smarter understanding about the topic as one of the typical purposes for conducting an exploratory study. According to Babbie (2010:92-93), the reasoning of an exploratory study takes place inductively since the researcher interprets and recognises all the participants' views. Furthermore, Fouché and De Vos (2011:95-96) remarked that exploratory research mostly has a straightforward research objective and often uses qualitative statistics, or data as some authors prefer to refer to this aspect.

The motivation for choosing to conduct an exploratory study was underpinned by all the aspects mentioned in the problem statement: This study set out to collect more information by investigating the ongoing phenomenon of realising human rights in township classrooms based on qualitative data because the researcher was curious about understanding the topic better. To answer the research questions, three approaches came together, namely a literature study, legal research, and empirical research. The three elements of the study are depicted in Figure 1-1.

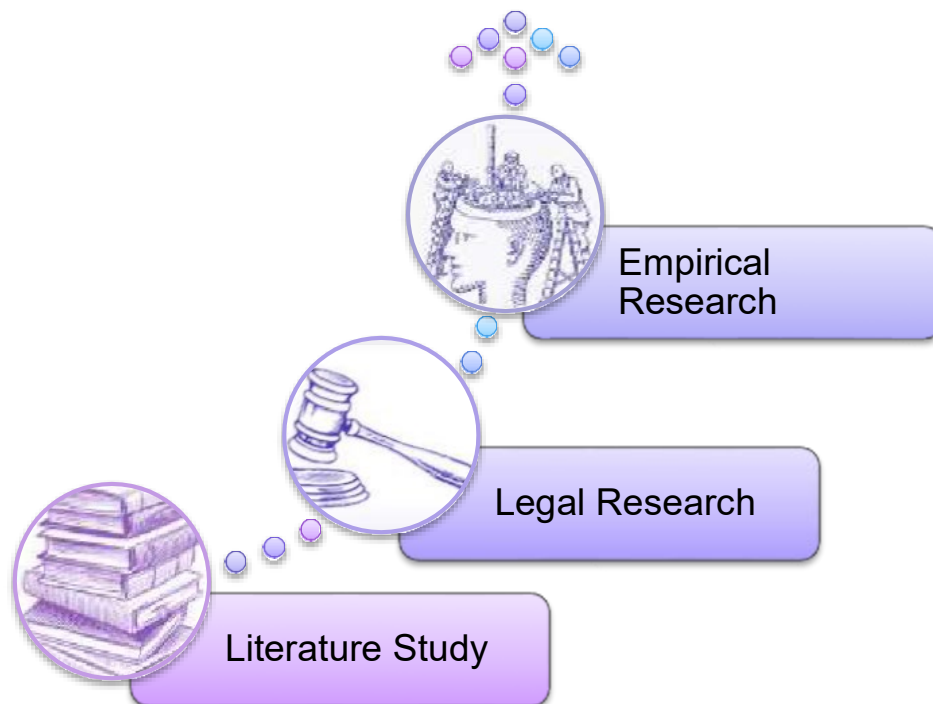


Figure 1-1: Three processes in the exploratory study

The three processes are briefly explained below, after which the empirical strategy is outlined.

- A **literature study** was performed to explore theoretical elements that support the roles that teachers must play in realising human rights in township classrooms, as well as possible guidelines towards realising human rights in township classrooms. A literature study can be described as a logical, well-structured and planned method of collecting the work done by previous researchers with the aim of deriving meaning and also building a new and more advanced knowledge that can be used to address the abstract and broader phenomena in question (Baumeister & Leary, 1997:1; Snyder, 2019:334). The purpose of a literature study is to gain a greater understanding of existing study and research findings related to a particular research phenomenon (Western Sydney University, 2017:1). A conceptual and theoretical framework, on the other hand, refers to the set of theories or set of concepts used to respond to a research study (Rocco & Plakhotnik, 2009:8). Simply put, a theoretical framework refers to “one’s viewpoint or point of reference”. In this study, the literature study first identified the problem and gaps in the literature; secondly, it contributed to identifying a suitable theoretical framework or lens for the promotion of human rights, namely human rights literacies, and, thirdly, it was used to support the interpretation of legislation as part of the legal research.
- The **legal research** conducted was aimed at exploring which basic legal framework outlines the role that teachers must play in realising human rights in township classrooms

and also to identify legal guidelines for realising human rights in the classroom. Legal research, as described by Argyrou (2017:97), can be an approach or a method that is used by either doctoral or non-doctoral researchers to identify or raise problems affecting the law. De Wet (2014:39-40), however, suggests that within education law, research aims at exploring interactions between the law and education that will help us to understand both the impact of the law on education and the impact of education on the law with the goal of contributing to, amongst others, justice, harmony and order in the education sphere. In this study, the historical legal method was employed to interpret legislation while considering case law and its bearing on the realisation of human rights in township classrooms today (Oosthuizen, 2020:369). Interpretation of statutes regards legislation as a primary source of information in legal studies and involves determining the “statutory and policy determinants that underpin a particular theme of study” (Oosthuizen, 2020:370). However, Oosthuizen cautions that when referring to any law, researchers need to take cognisance of the theoretical basis such as the purpose (intensions) of legislation. Furthermore, they should keep in mind that each word bears a meaning and that nothing should be added to or omitted from the meaning of the words. Lastly, they should keep in mind that a statute does not contain unnecessary provisions (effectuality and purposefulness).

- The third approach in this study involved **empirical research**. Empirical research in social science encompasses observing, measuring, collecting and capturing real-life data or facts concerning the world (Argyrou, 2017:97) In this study, a narrative inquiry was conducted to explore what township teachers’ narratives about their roles in realising human rights in their classrooms are, which barriers teachers at township schools experience in playing their roles towards realising human rights in their classrooms, and what guidelines could be developed and suggested to support teachers in fulfilling their roles towards realising human rights in township classrooms. A subsequent analysis of teachers’ narratives allowed the researcher to gain an understanding of their experiences that could illuminate the possibilities and impossibilities regarding teachers’ roles in promoting or realising human rights in township classrooms.

The purpose of this study is framed by an advocacy paradigm (Oosthuizen, 2020:367) within a qualitative approach (Oosthuizen, 2020:390), namely, to explore teachers’ roles in realising human rights in township classrooms. The empirical phase of the study used narrative interpretations (Creswell, 2012:16). These strategies explored the stories of teachers in the Lejweleputswa District of the Free State Department of Education in an attempt to uncover teachers’ current perceptions of realising human rights in their township classrooms. The narrative analysis framework was deemed suitable for analysing results obtained from the

narratives, as the study is about a group of people whose lives might be changed as a result of unjust treatment voiced in the form of the written narratives of teachers who agreed to participate in the study (transformational effect brought about by including an advocacy and participative paradigm).

A narrative inquiry was conducted as the chosen empirical approach. The sections below briefly outline the selected empirical strategies, while the methodology is discussed in-depth in Chapter 4. Figure 1-2 provides an overview of the empirical strategy:

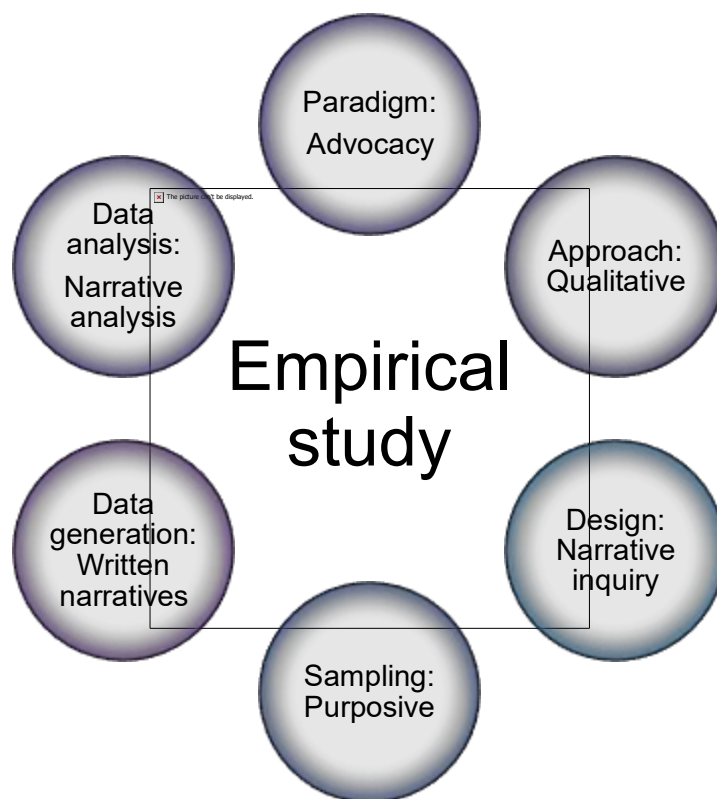


Figure 1-2: Basic outline of empirical research strategy

The strategy that has been indicated above will be clarified in the paragraphs to follow, which include referring to the philosophical orientation, the research approach and design, research participants and methods and procedures employed for data collection and analysis.

1.8.1 Philosophical orientation: Advocacy paradigm

Creswell (2009:9) states that advocacy and participatory theorists hold that post-positivist assumptions impose laws and theories that do not usually address social justice and also do not fit ordinary individuals or groups. He goes on to state that politics and political agendas should be linked to research inquiries so as to affect transformation in the lives of participants

and institutions. The philosophical standpoint of the advocacy and participatory worldview underpins the research decisions made in this study.

The aim of this research is emancipatory in nature (Ponterotto, 2005:129) and is driven by a desire to bring changes about in the lived experiences of human rights for learners and teachers in township classrooms. As such, the researcher is concerned not only with a phenomenological understanding of the research problem but with providing a lens that advocates for the realisation of human rights in township classrooms. Emancipation and transformation towards human rights-based education, therefore, underpin the aims and methodology of this study (Oosthuizen, 2020:367-368).

For the purpose of this study, education law and human rights literacies will be used as theoretical lenses (*cf.* 2.3) in order to understand the processes and all the actions that need to be taken by teachers so as to enable them to protect, respect and promote human rights especially in township classrooms.

1.8.2 Approach: Qualitative research

In this study, a qualitative research approach was followed. Creswell (2009:4) states that qualitative research is a way of studying and grasping the meaning persons or a group assign to a human or social problem. Following a qualitative research approach also enabled the researcher to interact with the participants directly to learn from their personal experiences and to establish the validity of assumptions or generalisation with regard to the given situation (Leedy & Ormrod, 2010:136-137).

A qualitative approach is informed by the advocacy and participative paradigm, given that human rights are issues that are politically orientated, and the importance of such rights being realised (Alvi, 2015:79). Furthermore, narrative inquiry was selected as a suitable research design since the researcher and her study leaders were of the opinion that they collectively and collaboratively could bring about change in the lives of the marginalised if supported by pressure groups.

1.8.3 Design: Narrative inquiry

In general, narrative research has gained momentum over the years and is becoming popular amongst most qualitative researchers. In social sciences and based on the research conducted by Webster and Mertova (2007:3-4), the term *narrative* can be used to signify a social group whose views were never considered or heard before. Narrative research is, moreover, set to investigate how individuals have been experiencing life in the form of storytelling. Andrew, Squire and Tamboukou (2013:1-2) contend that through narrative

research, individuals and social changes can be understood better based on their rich, insightful and meaningful stories. According to Garvis (2017:2-4), narrative inquiry searches for an understanding of people's personal experiences by making their stories the central focus of attention in qualitative research. In this way, a true-to-life *narrative inquiry space*, located in a place, is created which allows our inquiries to travel inwardly (towards inner situations, such as hope or feelings), outwardly (with regards to existential situations, such as the environment) and forward and backward (i.e. chronology in terms of past/present/future).

1.8.4 Sampling: Research participants and environment

McMillan and Schumacher (2010:192) define the term *population* as a group of features or surroundings (whether they are persons, objects or events) that conform to a specific criterion or specific criteria according to which researchers intend to generalise the results of the research. The teachers in the Lejweleputswa District were the participants in this study (irrespective of whether their subject is linked to human rights or not). Therefore, population in this study would refer to all the teachers in all the township schools in the Lejweleputswa District of the Free State Province where I teach. The total number of teachers in these schools is 4,516 (Free State Department of Education, 2017).

Given that doing written narratives with all of the above teachers was not feasible, a decision was reached to include a sample of five to 15 teachers, irrespective of their subjects, from one primary and one secondary school in quintile 1-2-3 in the Lejweleputswa District of the Free State Province. A sample is a group of characters from whom data is composed (McMillan & Schumacher, 2010:192), and that small group is studied, among other things, in order to form a better understanding of the phenomenon. In general, qualitative research is based on non-probability and purposive sampling rather than randomly selecting the participants, and the reason for this is the quality of information obtained from the participants (Nieuwenhuis, 2010:79).

Thus, for the purpose of this study, data was gathered by means of written narratives from a sample of teachers who were selected by means of a non-probability sampling strategy. To avoid ethical bias, the researcher's school was not used.

1.8.4.1 Inclusion criteria

For the purpose of empirical data generation, only teachers who met the following criteria were invited to participate:

- teachers who are currently teaching within the boundaries of the Lejweleputswa District, and
- teachers who have been teaching at township schools for more than a year, and
- teachers who teach at quintile 1-2-3 schools that do not pay school fees.

1.8.4.2 Exclusion criteria

The following were used as exclusion criteria:

- teachers who are teaching in urban areas, as the study is about township schools,
- teachers who are under probation,
- student teachers, and

The sample of participants thus selected was involved in the data collection process, and this procedure is explained below.

1.8.5 Data generation: Written narratives

The researcher obtained written narratives from teachers in order to explore the views and experiences of participants concerning the realisation of human rights in their township classrooms deeper. In this regard, Butina (2015:190) states that narrative happens where a researcher gathers stories from the participants or group of people by means of engaging them on their past experiences. Creswell (2009:13) concurs by saying that narratives are a strategy used by researchers to find the essence of the past experiences of the participants. In a more descriptive fashion, using narratives is pictured as being able to work with “first person accounts of experience told in story form” as people share their day-to-day lives and how they make sense of their experiences with the researcher (Merriam & Tisdell, 2016:33-34).

For the purpose of this study, the narratives were obtained in writing. Participants were provided with a prompt such as the following:

Please write your story in which you share your experiences about teachers' roles in realising human rights in township classrooms. The experiences you write about can either be positive or negative. In the story that you write, you could also refer to opportunities and barriers that teachers at township schools experience in playing their roles towards realising human rights in their classrooms. The length of your story should be 3-5 pages. (See Addendum A, narrative sheet.)

Written narratives through which the data was collected only comprised a few open-ended questions that aimed at obtaining rich data that could enable the researcher to find rich meaning and understanding of the research phenomena. This was achieved by categorising, comparing, synthesising and interpreting data (Adams & Lawrence, 2015:108).

The word *narrative* originated from the Latin word *narrare* which suggests reporting or telling a story, according to Bauer and Gaskell (2000:3-4). As pointed out by Muylaert, Sarubbi Jr., Gallo, Neto and Reis (2014:185), a narrative is not merely a phenomenological instrument: It is rather an *unstructured tool* that researchers use to reconstruct social events from the viewpoint of the research participant by also cross-examining the situational context.

King and Horrocks (2010:228-229) point to a distinct difference between the features of a narrative and other types of qualitative research in that the former type underline being flexible, using non-leading questions, focusing on forming a bond with participants and focusing on personal experience. Additionally, a distinct *evaluative function* forms part of a qualitative narrative which conveys the meaning of *why* the specific story is being told. Furthermore, the *narrative tone* that is conveyed by the content and the way in which the narrative is told is perhaps the most general feature of a personal narrative (King & Horrocks, 2010:229 & 231).

Simmonds (2010:138) states that narrative inquiry allows participants to articulate human rights according to their own understanding and is not based on legal or curriculum documents. Finally, according to Webster and Mertova (2007:10), participants would also on the one hand be able to reveal their knowledge of human rights in the context of historical and present social and political events. On the other hand, the researcher could also obtain exciting, meaningful and insightful narratives from the participants (Andrew *et al.*, 2013:3). However, Bauer and Gaskell (2007:7) drew researchers' attention to weaknesses that may emerge during written narratives, such as uncontrollable situations where participants may either know nothing about what is being asked or not show any interest in the matter at all.

In a sense, having discussed the use of written narratives, it is important not only to keep track of the collected data but also to keep data in its original form. For this reason, the way in which the data was organised and analysed in order to retain it in its original form will be discussed.

1.8.6 Data analysis: Narrative and thematic analysis

Qualitative data analysis can be described as a process where the researcher "organises and arranges the information" that has been collected in order to interpret it. Sidhu (2006:276) defines *data analysis* as a "way of classifying data into manageable chunks" so that the researcher will be able to summarise and apply for interpretation. This researcher used

thematic analysis to uncover prominent themes while coding and clustering data to form even more categories than could be foreseen (Gray, 2014:607).

As this study is mainly about collecting narratives from participants about realising human rights in their township classrooms, narrative analysis was deemed a suitable analytical framework to complement thematic analysis (Wager, 2012:229). To Creswell (2009:184), basic qualitative analysis occurs when the researcher combines the collected data into themes or perspectives. In this regard, Wager (2012:229) quotes the opinion of Marshall and Case, that narrative analysis tries to pinpoint shared themes across a series of narratives,

This study used narrative analysis to assist the researcher in determining how the participants perceive themselves and how they should be viewed by others.

In narrative studies, the researchers themselves are instruments in the data generation process. For this reason, the measures that became imperative to ensure trustworthiness (validity and reliability) will be discussed next.

1.9 Validity, reliability and trustworthiness

In qualitative research, the term *validity* can refer to the level where the findings are true for the participants (internal validity) and to which the same results can be generalised beyond the participants in the study (external validity), as pointed out by Kumar (2014:219). Nieuwenhuis (2010:80) asserts that when researchers talk about research as being valid and reliable, they are mostly referring to research that is credible and trustworthy. In this study, in order to ensure that the results are believable and credible, participants were given an opportunity to determine whether the findings reflect their views exactly, and if the findings did not, it would mean that the research study is not valid. In so doing, this researcher attempted to ensure that the findings of this study are truthful and honest as desired by the participants.

In a qualitative study, according to Nieuwenhuis (2010:80), the researcher applies different methods to gather information that is “authentic and credible” and conforms to facts or experiences in order to maintain the trustworthiness of the research findings. Trustworthiness, in this regard, relied on information being steadfast and genuine during written narratives (Nieuwenhuis, 2010:80). In this study, as supported by Creswell (2009:190), the researcher used member checking, but the themes that were identified were discussed with participants to ensure that everything said and done by the researcher were accurate and dependable. An audit trail, a method that Lincoln and Guba recommended in 1985 (Merriam & Tisdell, 2016:252), supported me in confirming the findings of my study since it served as my log: The

audit trail showed how I derived the findings and how I became confident that my findings reflect the best interpretation possible. Supported by Merriam and Tisdell (2016:252-253), I have an updated research journal to map the process of my research in the form of questions, reflections, decisions about problems that I encountered and ideas that took shape while I was collecting the data.

It is required for any researcher to consider ethics before conducting a research study, and those considerations will be outlined next.

1.10 Ethical considerations

After obtaining ethical permission (see addendum C), permission to conduct the research in the Lejweleputswa District was sought from the Department of Education, Free State Province (see Addendum D). Once both ethical permission and permission from the provincial Department of Education had been obtained (see addendum G), I was able to write a letter to the principals (addendum E and F) and School Governing Bodies of the selected schools asking their permission to conduct the research.

The participants of the chosen schools were treated with respect, as some wanted to relate personal and confidential information (Merriam & Tisdell, 2016:128-130). During the written narratives, the principles of human rights such as independence, justice and non-maleficence were upheld at all times (Flick, 2009:37).

This researcher regarded the factors below with the greatest respect to ensure that the research adheres to the ethical principles that are relevant to this study.

1.10.1 Permission and ethical clearance

Before conducting a study, it is important for the researcher to obtain approval from the relevant research committee. Therefore, this researcher, before commencing with the study, applied for ethical clearance from the Education Research Ethics Committee on the Potchefstroom Campus of the North-West University. The aim of such an application is to assess and evaluate whether the participants will be harmed by the proposed research. After approval had been granted (see addendum B), the researcher sought ethical approval from the relevant Ethics Committee (see addendum C).

Once the necessary ethical clearance had been granted by the North-West University, I completed the prescribed Department of Basic Education's Research Request Form, which is attached as Appendix B.

1.10.2 Confidentiality and privacy

For the protection of the participants, confidentiality was maintained when reporting findings and hard copies are kept under lock and key in the study leader's office. To ensure that all participants were treated with the utmost respect during the research process, the researcher informed the participants at the start of the written narratives that their identity would remain anonymous. All principles such as privacy, confidentiality, trust, integrity and equality were emphasised from the outset and during each meeting.

1.10.3 Informed consent and voluntary participation

Creswell (2014:93) states that participants should be informed orally and in writing of important aspects before they can decide to provide information or before they can give consent to the researcher that their data may be collected. Such oral and written information were disseminated to the participants, and after this information had been disseminated, participants were requested to indicate whether they were prepared and ready to participate by signing an informed consent form (see addendum K).

The following information was given to the participants:

- Details about the data-collection procedure and also how the participants should expect data to be collected,
- Information about any potential harm to the participants during data collection,
- Confirmation that their confidentiality will be upheld, and that collected data will not be shared with anyone else, and
- The right to withdraw at any point without penalty.

Participants were also asked to furnish their contact numbers should they have any complaints regarding confidentiality issues or the way in which the study was conducted.

An analysis of the risks associated with this study follows below.

1.10.4 Risk-benefit analysis

Conducting written narratives can sometimes be a tedious and protracted process that could put participants in an awkward position (*cf.* 6.4). A risk-benefit analysis relevant to this study was revealed and participants were made aware of potential harm during the research.

Possible risks participants in this study could have been exposed to included:

- Possible social harm, such as loss of reputation, embarrassment due to being from different social backgrounds and stigmatisation,
- Possible physical harm, such as headaches and/or discomfort during discussions, and
- Possible emotional harm, such as boredom, self-disclosure and fear due to social situations that are different and unique.

Even though the risk level for participants in this study was categorised as low, the researcher nevertheless took the following two steps to reduce that level even further:

- Participants had a choice regarding the answering of questions (no-one was forced to answer any question).
- The participants chose a place and time convenient to them to respond to the questions.

In addition to the possible risks and steps to avoid them, Creswell (2009:90-91) points out that both the researcher and the participants should benefit from the research and that no-one should be forced to participate.

Potential benefits that this study could have for participants:

- Direct benefits: The participants received no benefits.
- Indirect benefits: The community was able to reflect on the past and experience self-realisation, self-acceptance and self-understanding of personal identity. Possible increased awareness of human rights matters may flow from the study. Additionally, participants and their colleagues were informed during a feedback session of the eventual benefit for learners.

1.11 Synopsis

From the problem statement, it became apparent that teachers in township classrooms are still struggling to protect, respect and promote human rights. As indicated, teachers seem to feel human rights are too abstract and too controversial to teach, and that teachers lack knowledge of human rights concepts. A better understanding of human rights education, human rights literacy and education law will help township teachers to fulfil their roles towards the realisation of human rights in township classrooms.

This dissertation presents the findings of the study in six chapters: Chapter 1 provided a general overview of the study, including an introduction and rationale for the study. This chapter also posed the research problem, research questions and purpose and clarified significant concepts.

Chapter 2 outlines the theoretical framework for the study by providing a general literature exploration concerning information on a teacher's role in realising human rights in township classrooms.

In Chapter 3 a basic legal framework is suggested by consulting the Constitution, education-related legislation and official guidelines as well as the policy documents of School Governing Bodies.

Chapter 4 describes the research process in depth, including the research design and the methodology followed in the study.

Raw data and an analysis thereof are discussed in Chapter 5. Results will be presented in accordance with both the qualitative research design and the narrative analysis framework that were used.

In the final chapter, Chapter 6, the researcher summarises the results of the study and presents conclusions drawn from the study. Limitations of the current study and recommendations for follow-up research will also be discussed.

CHAPTER 2

EXPLORING THE ROLE TEACHERS PLAY IN REALISING HUMAN RIGHTS IN CLASSROOMS: A THEORETICAL UNDERPINNING

2.1 Introduction

One of the aims of this research study is to develop guidelines that will assist teachers towards the realisation of human rights in their classrooms. In this chapter, human rights literacy and human rights education will be explored in terms of their approaches, methodologies and methods where necessary in order to give teachers a clear understanding of how to apply or implement them in their respective classrooms. The premise is that human rights could be promoted by teachers both *in* and *through* education. Legal literacy is presented as in support of teachers' abilities to understand and implement law that contribute to the promotion, protection and fulfilment of human rights, thus enhancing their ability to play a role in the promotion the realisation of human rights *in* education, and in their classrooms specifically. With a view to supporting teachers in fulfilling their roles, professional development will also be explored. First, however, the notions of roles as well as township classrooms need to be unpacked. The chapter starts with an overview of the various roles of teachers as described in the literature.

2.2 Teachers' roles

In Chapter 1, it has been argued that teachers are expected to play a significant role in their respective classrooms in order to contribute towards the realisation of human rights. Teachers' roles with regard to the realisation of human rights in their classrooms entail *inter alia* that teachers should act as mediators to promote human rights during disputes and be researchers and lifelong learners so as to continuously learn new ways to understand human rights. They also need to act as leaders, administrators and managers who guide their classrooms towards the realisation of human rights, while simultaneously functioning as assessors and specialists of the learning area/subject/phase they teach. Various authors (Dhand, 1990:102; Phasa, 2008:304; McLeod, 2014:1226; Martell, 2016:86) believe that the role of teachers is not only to teach learners to become masters of subject content, but they should also help learners to cope, relieve and avoid suffering and be role models that lead by example in the interest of a harmonious society (Engster, 2009:1). In addition, a teacher has to establish some objectives and principles of human rights education and involve learners in activities that will increase their knowledge of and interest in human rights. Netragaonkar (2011:7) states that teachers should, amongst others, contribute towards the realisation of human rights in the following ways:

- They should motivate learners to establish clubs in schools where members of the club keep an eye on incidences that violate human rights;
- They should invite learners to express their views regarding human rights; and
- They should encourage learners to collect and discuss clippings from newspapers and other sources that pertain to human rights issues.

Furthermore, for the sake of protecting learners' rights, teachers should also be competent councillors that can help learners to cope with the challenges they face on a daily basis, collectors of information about the nature and extent of rights and comforters who assist learners when they are subjected to any form of abuse they experience, be it at home or in the classroom.

Clearly, as Gupta and Parvesh (2013:41) pointed out, the protection of rights extends well beyond the classroom given that a teacher must take on the role of caretaker, torchbearer and a catalyst of social change.

A key role in the endeavour towards realising human rights in the classroom is the teacher's role as lifelong learner and researcher. Rossouw (2009:1) states that as active and lifelong researchers, teachers will be able to interpret human rights concepts clearly in their classrooms and be better equipped to fulfil their roles in realising human rights. Kaul and Sharma (2011:48) went so far as to state that "a human rights educator who is not learning isn't educating".

Another aspect of the teacher's role in terms of realising human rights is that of care. Several studies (Vandeyar, 2017:384; Osler, 2016:232) expressed the belief that teachers are facilitators in the classroom who should be sensitive to the needs of learners and that they should be entirely committed to what they are doing. To this Kaul and Sharma (2011:50) added that a teacher also needs a sense of humour and must be someone who accepts the responsibility of being honest and caring and who is prepared to practice critical self-examination even in difficult situations. By accepting these roles, teachers can contribute to human rights realisation by demonstrating care for the people who are the subjects of human rights.

Self-examination, in particular, will enable teachers to evaluate their own conduct and frame of mind in terms of whether they are promoting human rights, or not. Bringing the concept of care to the fore, Noddings (1984:90-91; 2010:395; 2012:73) believe that teachers' responsibility with regards to promoting learners' human rights should be viewed from the

perspective of being caring, well-behaved and diligent educators and that teachers should, in turn, be accorded moral credit for their promotion of human rights. Caring can be described as how one confronts and understands another person's feelings and needs and strive towards satisfying those needs (Engster, 2009:1). Generally speaking, *to care* involves helping people to satisfy their basic needs such as the need for food, clothing and shelter. In relation to the realisation of human rights, though, care could mean taking action towards promoting the fulfilment of rights in the lived experiences of learners.

Simmonds (2013:17) is of the opinion that moral education is one of the approaches that can be followed in the realisation of human rights, and this view is supported by Engster (2009: 1) who pointed out that caring must have some influence since it has been embedded in all four models of moral education. In this regard, a teacher can act as a role model by showing learners what caring for someone else's needs means, having open discussions in the classrooms, paying attention to learners' needs and striving towards satisfying those needs by encouraging learners to show empathy and sympathy when others are in pain and, in the final instance, by striving towards positive affirmation even when learners confirmed that they may have made mistakes. To this Maboe (2013:25) added that teachers who facilitates learners' learning of human rights also contribute towards human rights realisation since learners will not only be able to enjoy but will be fully aware of their rights to participate in solving problems pertaining to human rights conflicts that arise in their daily lives.

Against this background, Bajaj *et al.* (2016:24) suggest that following a participatory human rights education approach would be best since, in this way, all present in the classroom can partake freely, especially regarding the human rights violations learners encounter in their daily lives and how they counter and deal with those violations. Nevertheless, Osler (2005:80), and Brett *et al.*, (2009:9) contend that even though the success of education for democratic citizenship depends largely on the role played by teachers, learners should also understand issues relating to diversity and the causes of inequality and be empowered to react to the challenges of inequality in their classrooms.

Authors such as Maja (1995:1) and Struthers (2015:58) state that teachers play a significant role in making sure that the environment is conducive to fostering a culture of human rights. According to Mubangizi (2012:1), a human rights culture or cultural diversity refers, amongst others, to "the right to take part in one's cultural life and also the right to enjoy the arts and share in the benefits of scientific advance". However, the same author pointed to several cultural practices that are in violation of learners' rights that are still being practised today such as: (1) Female circumcision where parts of women's genitalia are removed, (2) Virginity testing where older women check girls' genitalia to determine whether they are still virgins, and (3)

ukhuthwala, a Zulu word which implies that girls between the ages of 12 and 15 years are forced into marriage. Clearly, teachers must play a role in safeguarding learners, especially girls, against these violations of their human rights.

Carrim and Keet (2005:101) are of the opinion that even though the mode of infusing still requires refinement, the Department of Basic Education has played a huge role in ensuring that human rights are infused into the curriculum given that some of the principles and values contained in the Constitution are now reflected in the curriculum and that the purpose and concepts of human rights are no longer limited to the subject field Life Orientation only.

Nevertheless, the same authors also pointed out that maximum infusion is hampered due to a lack of integration between subjects. By way of illustration, the following table illustrates what Keet and Carrim (2005:102) had in mind when they distinguished between *minimum* and *maximum* infusion of human rights:

Table 2-1: Diagram representing the spectrum of infusion (adapted from Keet & Carrim, 2005)

Minimum infusion implies that:	Maximum infusion implies that:
Human rights knowledge and content are used indirectly and by way of reference Access to, application and implications are emphasised One or more but not all dimensions of human rights are emphasised and only knowledge is covered	Human rights knowledge and content are used directly Human rights are approached more holistically and personally and extend beyond mere access and applications Knowledge, skills, values and attitudes are developed, and concerns are addressed consistently

Contrary to Keet and Carrim, Agarwal (2010:40) is of the opinion that observing classroom rules and sharing responsibilities will infuse a culture of human rights. Du Preez and Roux (as quoted in Coetzee & Mienie, 2013:90) also agree that human rights can be promoted if educators enforce discipline in their classrooms, provided that teachers can distinguish between discipline and punishment. Coetzee and Mienie hold that by adopting a positive discipline approach, teachers can fulfil their mandate to protect, promote and respect human rights in their classrooms and can also create a child-friendly environment where learners feel free to raise their views regarding human rights.

Having outlined the roles teachers could or should play in promoting human rights in their classrooms, this chapter will now focus on exploring the theoretical elements that support the roles teachers must play in realising human rights in a township classroom. To begin with,

theory regarding the realisation of human rights in classrooms, the role teachers (could) play in this regard and the means by which teachers can be supported in playing this role will be explored.

With due regard for the definition espoused by Blackburn (2005:363) namely that a theory is the manner in which one could study a field with the intention of determining explanatory and analytical consequences, the specific aim of this chapter will be to provide a broad-spectrum literature exploration that relates to information about a teacher's role in realising human rights in a township classroom. Thus, this chapter will focus on two theories that support infusing human rights and human rights values in learning, whereas the chapter to follow will focus more on the implementation and application of legally enforceable rights. In sum, Chapter 2 provides a theoretical framework that covers the theory for human rights education and human rights literacy while the knowledge field *human rights* will be explored in Chapter 3.

Both the theoretical and legal framework that supports the roles that teachers must play in realising human rights in township classrooms are depicted in Figure 2-1.

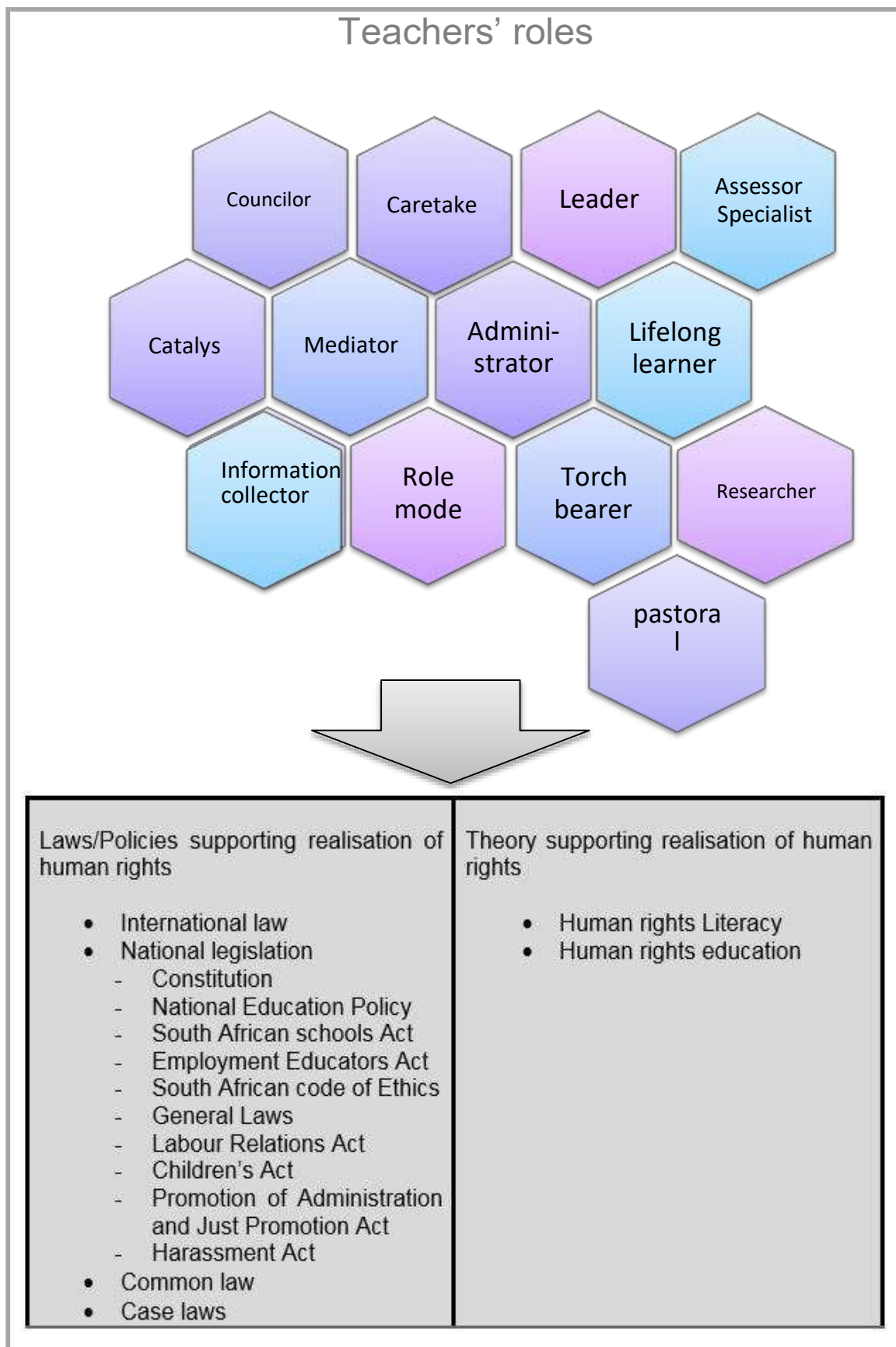


Figure 2-1: Depiction of theoretical and legal framework pertaining the role of teachers

Having briefly sketched the roles teachers must fulfil towards realising human rights in their township classrooms, this chapter will now take a closer look at the origin of 'township classrooms' and the realisation of human rights in these classrooms.

2.3 Particularities of township classrooms

Given that this study focuses on realising human rights in township classrooms and having established that even though human rights are recognised universally (Roux, 2010:1000), specific characteristics of the given context of those who are bearers of the rights nevertheless interact with realising human rights (Becker & Du Preez, 2016:57; Simmonds & Du Preez, 2017:2; Roux & Becker, 2017:1). Therefore, it would be prudent to sketch the origin and unique features of township classrooms next.

2.3.1 Township classrooms: An historical overview

Township classrooms are tags that are basically associated with the former regime which exist in real geo-space, in other words an area previously designated to accommodate those classrooms and those classrooms only (Monyooe, 2017:471). Most learners attending township schools depend on government handouts for survival, and it is also true that the government subsidises these schools far more than they do schools in suburbs or towns. All too often, though, the parents of children in township schools lack the financial knowledge to voice an opinion on how the exorbitant amounts allocated to their children's schools should be spent (Mestry & Naidoo, 2009:108).

The South African Department of Cooperative Governance and Traditional Affairs (2009:12) has formulated a timeline to indicate distinctive events that transpired since the 1900's which have influenced the current nature of townships in South Africa. This timeline is presented in table 2-3

Table 2-3: Timeline of townships

Period	Events
1900-1922 Segregation emerges: White Afrikaners were rulers	First townships were regarded as locations, and living conditions were poor
1923-1947 Segregation consolidated (adoption): British Empire (the Union of South Africa)	The informal settlement begins to emerge, and the government starts to intervene as the conditions are still poor

Period	Events
1948-1975 Apartheid (control): Nationalist movements (National Party) were rulers. Only white people had voting rights.	Overcrowding escalated and it was challenging for government to help people as focus was on homelands system
1976-1993 Apartheid dismantled (resistance): National Party was still ruling	Blacks accepted that they are living in townships and resistance began to emerge as a few started to relocate to suburbs Townships here were characterised by the following: • Lack of infrastructure • Low cost-housing • Lack of affordable public transport
1994-2004 New democracy: African National Congress was and is still ruling the country	Huge and accelerated transformation of the society in townships and people are swiftly moving to towns or suburbs Two economies emerged: the “white” that is wealthy and the “other” that is black and poor Urbanisation renewal programmes are continually implemented
2004-2017 Post-conflict: developing democracy	Provinces and municipalities are still struggling to coordinate to improve townships as a result of budget constraints

(As adapted from the Department of Cooperative Governance and Traditional Affairs, 2009:12)

The township timeline above is based on interviews conducted between the Department of Cooperative Governance and policy makers, practitioners and specialists (South African Department of Cooperative Governance and Traditional Affairs, 2009:12). It reflects six periods that are different and unique in terms of how South African townships developed. Each period is determined by historical events with a focus on who was governing at that time. It is clear from the timeline that townships in South Africa developed because of racial segregation which was initiated by the British colonisers since the 1900's and then adopted later by white South Africans after South Africa's independence. Even now in the developing democracy, people are still subjected to overcrowding, lack of infrastructure and low-cost housing. It is clear from the above that township classrooms will bear the same features embedded in the development of townships

over time and, in particular, post-1994. The section to follow examines the unique features of township classrooms with a view to sketch the background against which teachers will have to promote human rights.

2.3.2 Unique features of township classrooms

Although not all township schools and classrooms look the same, there are some common characteristics. Township classrooms can be said to be a direct legacy of apartheid where factors such as poverty, poor health, lack of technology and infrastructure, amongst others, are key features (Govender & Killen, 2001:1). A handful of studies have been conducted about township schools to date, namely those of Lebesa (2015), Pretorius (2016) and Lesabe (2018), all of which pointed to these features. As early as 2012, Mdletshe found that township classrooms rank at the bottom end of former model C classrooms, a finding supported by Maja (1995), Chisholm and Vally (1996), Banda (2003) and Lebesa (2015) who all found township schools to be “dysfunctional” and stated that these schools are characterised by, amongst others, dilapidated buildings, poor infrastructure, a lack of libraries and a disorderly environment.

On visiting township schools to establish their readiness to reopen after a school recess, Maja (1995:59) found that many focused on administration such as the allocation of classes and time-tabling instead of offering tuition. He also found that:

- Township facilities are not conducive to teaching and learning since, all too often, teaching resources are kept in the caretaker’s office due to a fear of theft;
- There is no uniformity as to how teachers execute their duties and that they tend to do as they please since they know that little emphasis is placed on teachers’ professional development;
- Parental involvement is lacking and that, even when parents are called to a meeting, they do not show up;
- There is no teacher-learner relationship as learners and teachers are working in isolation; and
- There is also no teacher and management relationship as managers are not delegating some of the tasks to teachers.

Carrim (1999:59-83) views township schools as those that are highly influenced by a high unemployment rate, poverty and socio-economic issues. Carbone (2018:3), on his tour of

South Africa, visited one of the township schools and found that a) learners in classrooms are sharing textbooks, b) learners are struggling to grasp material presented in English due to language barriers, hence some of them respond to questions in their native language, c) in the district he visited, there is only one school counsellor, and d) that learners in township schools are faced with the rape, murder, abduction and abuse of their close friends and classmates.

The reason(s) why township classrooms impact on the realisation of human rights is that, firstly, a school is regarded as a place where the principles of human rights such as dignity, fairness and non-discrimination are promoted (UNESCO, 2012:29). Said principles are incorporated in schools through the code of conduct, school policies, educational content (textbooks) and governance structures (representative council of learners and school governing bodies). If the features as indicated by Maja (1995) are the order of the day, these principles will not be realised, and the culture and values of human rights will be affected negatively. Section 29(1) (a) of the Constitution of the Republic of South Africa, which is the custodian of all rights, clearly states that “everyone has the right to a basic education”, but access to quality education will clearly not be realised given the uniqueness of South African township classrooms where teaching and learning are often compromised due to a lack of resources.

A tendency has been identified where township parents who can afford to prefer to send their children to former model C schools rather than township schools in order to avoid the negative factors present in township schools and in an attempt to afford their children what they perceive to be a better education (Msila, 2009:81). As the South African education system is moving steadily away from a point of disparities between the poor and the rich, so is the township schools where Monyooe (2017:471) reported on the decision made by the Gauteng Department of Education (hereafter DBE) to move away from so-called “township” schools that were categorised on the basis of their past experiences (apartheid/Bantustan) to categorising schools according to four categories:

- First category: Poor performing schools with 0% to 40%
- Second category: Fair performing schools with 41% to 60%
- Third category: Good performing schools with 61% to 80%
- Fourth category: Great performing schools with 81% to 100%

The implications of the above-mentioned categories are that South Africa can move away from generalising all township schools as being poor performing schools (Pretorius, 2016:15). Recognizing good performing schools in townships demonstrates that it is not about where you are coming from but about what you want to achieve as an individual and/or team (school). Even though this categorisation moves away from generalising township schools, it might present a lack of acknowledgement of township-specific features of schools and the challenges they pose.

The characteristics of township schools and classrooms as discussed above will interact with human rights within these contexts, posing both opportunities and challenges for the realisation of human rights in these spaces. Next, some of the barriers teachers may experience when playing their roles towards the realisation of human rights as well as some of the opportunities brought about by the features of township contexts will be discussed.

2.3.3 Barriers and obstacles teachers experience in fulfilling their role towards the realisation of human rights in township classrooms

Merriam-Webster (2019:1) defines barriers as a natural formation that hinders progress or people to move from one point to another, while it can also be seen as a rule that people find difficult to understand. With regard to barriers to human rights realisation, Ferreira and Schultze (2014:1) noted that teachers are still dedicated to their profession and responsible for promoting human rights regardless of the hardships they experience. The same authors suggest the following factors as barriers teachers experience towards the infusion of a human rights culture, particularly in their respective classes:

- Practicality of implementing Life Orientation values
- Lack of suitable and proper training
- Lack of clarity on key human rights concepts
- Cultural and religious differences

Pretorius (2015:24-32) goes further by pointing to the following risks or barriers teachers, learners and parents in township schools face with specific reference to human rights such as dignity and equality:

- Poverty – most learners in township schools are from poverty-stricken families and the majority come to school hungry

- Violence – black township schools are characterised by acts of violence such as sexual and physical violence
- Inferior education – as a result of being poor, learners are not receiving quality and adequate education, and the shortage of resources makes it difficult for teachers to function effectively
- HIV/AIDS – research has shown that most township learners are infected or affected by HIV/AIDS

It should be noted that the barriers and risks referred to above integrate with one another. For example, learners (especially girls) from poverty-stricken families will be prone to acts of violence such as sexual violence, resulting in being infected with HIV/AIDS in the long run (Roberts, 2018: 27). At times, these learners are not treated well at school by their fellow learners and, as a result, will end up being dropouts (Spaull, 2015:36-37). Furthermore, given that they are not fully trained to deal with these issues, teachers will find it hard to support these learners.

Despite the hardships faced by township schools, authors such as (Pretorius, 2016:15, Mampane, 2005:1, Mampane and Bouwer, 2011:114, Theron *et al.* 2012:1, Schutte 2012:22), Harrison, 2014:1; and Isaacs and Savahl, 2014:2) believe that some protective resources do exist that make it possible for learners at townships schools to adapt. These protective resources include, amongst others, high self-esteem and the social support members provide to one another, having high hopes based on spiritual values, setting goals for the future regardless of hardships and at the same time being optimistic, and having an internal locus of control. Pretorius (2016:12) found that despite the challenges learners in township schools are facing, they appear to be coping well and approaching life in a positive manner by attending school regularly and always being cheerful about what they have and receive and that they are also progressing well at school by taking advantage of opportunities for success.

The chapter now turns its attention to theoretical notions that may support teachers' roles in this regard. The paragraphs to follow will explore three notions namely human rights education, human rights literacy and legal literacy.

2.4 Human rights education

It is argued that human rights education not only brings about an awareness and deeper understanding of human rights but also provides a platform where teachers and learners are free to engage on the issues that are affecting them on a daily basis. To this end, human rights

education as a theory that supports teachers' roles towards the realisation of human rights in township classrooms will be explored first.

2.4.1 A theoretical exploration of human rights education

Human rights are defined as rights that are owned by virtue of being human (see full conceptualisation of human rights in Chapter 1 par 1.6.4.). According to Freedman and Keevey (2012:288) as well as Smit (2013:45), these rights are classified in three groups:

- First-generation (or blue) rights: These rights are regarded as socio-political and include the right to freedom of expression, religion, privacy and equality.
- Second-generation (or red) rights: These are regarded as cultural rights which include rights such as the right to basic education as well as children and language rights.
- Third-generation (or green) rights: These include rights such as the right to a healthy environment.

The three generations illustrate how human rights have developed over time, starting with first-generation up to the point where third-generation rights are being acknowledged in human rights law. Here it ought to be noted though that the generations or classes of rights do not affect their enforceability: All rights in the Bill of Rights are equally important and enforceable (Smit, 2013:45).

As espoused in UNESCO'S *World programme for human rights education* (2012:16), Brabeck and Rogers (2000:167), Netragaonkar (2011:7), Smit (2013:51) as well as Hoffman (2016:279) are of the opinion that human rights are “universal across contexts” but that the application of the respective rights may vary in “differing contexts”. Humans are entitled to these rights, whether rich or poor, and they are inspired by what society values (Sumanlatha, 2011:2). To enable the realisation of human rights within a particular context requires an understanding of the context and how human rights and contextual factors interact with one another. In this regard, human rights education becomes a necessity.

From the literature study, it seems as if human rights education (HRE) has had several “facelifts” simply because different authors view human rights differently. Keet (2007:50-52) outlines four development phases of HRE: (1) the “pre-1947 human rights education phase” where the focus was on moral education as a result of atrocities committed during the First and Second World War, (2), the “formalization of a human rights education phase” (1948-1994) where the focus was on an effort to legitimise human rights universally which led to the

adoption of the United Nations Declaration of Human Rights, (3) the “proliferation of a human rights education phase” (1995-2010) which was intended to lend a legitimate, justifiable pedagogical formation to HRE and led to its adoption by the UN General Assembly, and (4) the “age of counter-hegemonic distrust” (2010 and beyond). Contrary to Keet, Tibbitts (2009:179) is of the opinion that HRE emanated from the atrocities perpetrated during the cold war, while Simmonds and Du Preez (2017:9) in their approach to understanding the devolvement of HRE within a South African context came to the conclusion that there are four unique phases to human rights in South Africa, namely inception, growth, promotion and cynicism.

Inception in the South African context is based on the first democratic constitution in which the Bill of Rights has been enshrined to guard against the violation of human rights and the Truth and Reconciliation Commission (TRC) which was established by Parliament to investigate the nature, causes and the extent of human rights violations with the aim to amend apartheid’s human rights abuses. The growth phase stemmed from a need to respond to the numerous policies that were subsequently formulated. The phase to promote human rights eventually resulted in a cynical or “disability phase” which stemmed from the notion that it is difficult to enforce human rights globally and it can be ascribed to those who believe that human rights do not exist (Du Preez, 2017:1)

Based on the views and perceptions of various authors (Keet, 2007; Keet, 2009; Kiwan, 2005; Kuzu, 1994; Scheit, 2002; Mirh, 2009; Tibbitts, 2002), Simmonds (2012:14) concluded that human rights originate from three domains: (1) the “political domain” where laws (through the promotion of constitutional values) are formulated and where the expectation is that people would adhere to these laws, (2) the “social domain” which stems from three groupings i.e. NGOs, governmental bodies (including United Nations agencies) and academics and intellectual thinkers, and (3) the “education domain” which stems from among others democracy education and conflict resolution domains.

Clearly, when comparing the views of Keet (2015) with those of Simmonds (2012), human rights education is evolving, an argument supported by Tibbitts (2009:130) who also regards it as “revolutionary” due to contestations and debates.

According to the United Nations Declaration (cited by Tibbitts, 2014:130), human rights education encompasses:

- Knowledge and skills (which include imparting information as well as providing all the mechanisms necessary to protect human rights)

- Values, beliefs and attitudes (which include infusing a culture of human rights through teaching and learning models for HRE)
- Action (which includes encouraging people to defend themselves against any violations of their rights)

How HRE is approached emanates from the ideals of the United Nations Declaration of Human Rights that fosters a culture of human rights (Tibbitts, 2017:69). UNESCO's 2010 definition of HRE largely corresponds with the one provided above but goes on to emphasise the need to mould a plan of action and points to the need to import the skills necessary for the promotion of human rights.

With regards to the latter, in their review of current theories on HRE, Tibbitts and Kirchsclaeger (2010:1) came to the conclusion that if new researchers are to understand HRE, three crucial aspects need to be considered namely: (1) the theory of HRE which focuses on aspects such as goals, definitions and pedagogy; (2) the implementation of HRE which focuses on didactics, methods and curriculum points of view of human rights; and (3) the outcomes of HRE which focus on studies that investigate the results obtained by learners, teachers and classrooms.

As early as 2002, Tibbitts identified models that can be applied for the teaching and learning of human rights, namely: (a) value awareness models, which include information about what to teach, (b) awareness models, which focus on the legal perspective and politics, and (3) an activism transformation model, which focuses on the psychological and social perspective of human rights. These aspects are depicted in the table below:

Table 2-2: Key features of revised HRE models

Model features	Values and awareness / socialisation	Accountability / professional development	Activism / transformation
Sponsors	Typically, government agencies or authorities	Both government agencies and civil society organisations, sometimes in partnership	Typically sponsored by civil society organisations
Kind of learner participation	Usually, involuntary	Both voluntary and involuntary	Usually, voluntary
Education sector	Usually in the formal education sector	Both formal (pre-service) and non-formal (in-service) sectors	Usually in the non-formal education sector, including youth

Model features	Values and awareness / socialisation	Accountability / professional development	Activism / transformation
			and community development
Common target audiences	Students, sometimes the general public	Law enforcement officials, lawyers and judges, civil servants, health and social workers, educators, journalists, religious leaders	Marginalised populations, youth
Incorporation of critical stance	Noncritical stance	Critical view of one's professional role in relation to prevention of HR violations	Critical stance towards one's society or local environment, the nature of power, the human rights system itself
Orientation	Transformation of information	Development of capabilities related to work roles and responsibilities	Personal transformation, human rights, social change
Key content	General human rights theory, history and content, with some attention to learners' rights	HR content relevant for grouping, with links to national protection system and professional codes of conduct	HR content relevant for learners, with strong focus on learners' rights and contemporary local human rights violations
Treatment of human rights norms and standards	General treatment, with reference to norms to promote positive social behaviour	Selected as relevant for professional group; may include appeal to personal value systems	Selected as relevant for the learners with strong appeal to personal value systems
Teaching and learning strategies	Didactics to participatory	Participatory to instrumentally empowering	Instrumentally to intrinsically empowering / transformational
Strategies for reducing human rights violations	Passive: socialisation and legitimisation of human rights discourse	Active/agency: application of human rights values and standards within one's professional role	Active/transformational integration within one's analytical framework taking action to reduce violations in both private and public domains, participation in collective action and creation of social change agents

(As adapted by Bajaj, 2017:83-84)

Authors such as (Keet, 2012; Zembylas, 2014; and Bajaj, 2011) critiqued Tibbitts' models for lacking a theoretical framework for knowledge. Subsequently, Bajaj (2017:82) then added in

the model, aspects such as nature of the sponsoring organisation, integration in critical stance, application of human resources, learner outcomes in relation to agency, transformation and teaching and learning strategy. In reviewing Tibbitts' model (2002) and Jennings' HRE framework (2006), Robinson (2017:9) recognised the need to refine a framework that will enable teachers to perform their roles towards the promotion of human rights in their classrooms. The HRE framework subsequently designed by Robinson in 2017 is based on the following fundamental elements:

- **Knowledge and values**

This element was designed with due consideration for Tibbitts' awareness model (2002) and UNESCO's inclusion of knowledge and skills as a dimension of HRE (2006). The main purpose of this element is to enable teachers to provide learners with content relevant to human rights declarations and conventions as well as to develop learners' understanding of the values imbedded within this content.

- **Attitude and environment**

This element was designed with due consideration for Tibbitts' model of accountability (2002) and UNESCO's inclusion of values, attitudes and beliefs as dimensions of HRE (2006). The reason why the element was designed was to enable teachers to adopt an attitude and to create an environment conducive to the protection and promotion of human rights in their classrooms.

- **Agency and action**

This element was designed with due consideration for Tibbitts' transformation model (2002) and UNESCO's inclusion of capacity and action as dimensions of HRE (2006). The purpose with designing this fundamental element was to enable teachers to take full responsibility for ensuring that learners are encouraged to take action the moment they realise that their rights are in danger. Irrespective of learners taking action themselves, teachers need to offer support whenever a learner's rights are violated.

Tibbitts and Kirchsclaeger (2010:2) state that the implementation of human right education encompasses aspects such as methodology and methods, training programmes, curricula and curricular resources and the important roles fulfilled by non-governmental organisations, teachers and educational policy makers. To my understanding, implementation simply means that teachers are entrusted with a huge responsibility to make sure that human rights are

realised in their classrooms, and that learners learn in their classrooms how to respond to human rights and human rights violations.

Application is defined as a step taken in order to put something that has been planned into motion. In terms of human rights application, this encompasses action taken by the person alone or a group of people who defend or fight for their rights (De Wet & Simmonds, 2017:1). For the purpose of this study, methodologies and methods of teaching and learning in human rights education will be investigated.

The methodologies that can be applied to assist teachers in playing their role are summarised by Tibbitts (2017:82) as didactical, participative/interactive and/or transformational:

- **Didactical methodology**

This method is used to transmit knowledge to learners about human rights. Learning involves the memorisation of human rights concepts and will be influenced by the traditional culture of education.

- **Participatory/interactive methodology**

This method is used with the sole purpose of enabling learners to obtain the best understanding of human rights. Learners are motivated as they are actively engaged throughout the classroom, yet it does not result in a sense of agency in learners.

- **Transformational methodology**

This methodology aims at personal transformation which is linked to learners' personal experiences in their daily lives as well as to social transformation which is linked to human rights activities.

According to Kaul and Sharma (2011:34), discussions and projects are the preferred method to teach HRE. If used effectively, it will help learners to think creatively about those concepts that are often regarded as "hazy". Apart from classroom discussions, debates and brainstorming can also be employed to, in this way, empower learners to solve human rights related problems they encounter in their daily lives.

Nevertheless, HRE should assist teachers to make sure all rights in the classroom are respected, protected and promoted.

2.4.2 Critique of human rights education

Struthers (2015:1) is of the opinion that UNESCO's lengthy definition of HRE (2010) should extend beyond the mere acquisition of knowledge, a view supported by Keet (2012 & 2014) and Zembylas (2014) who added that HRE lacks a conceptual framework and rigorous discourse on the nature and methods that can be applied by teachers towards the realisation of human rights, implying that the focus is more on content than process. Hence, there have been several calls for the need to review and renew HRE on a continuous basis (Keet, 2015; Zembylas *et al.*, 2016; Azoulay, 2014) in a forum where the *status quo* regarding HRE can be criticised.

This led Keet (2015:59) to suggest an approach called the “critical human rights approach”, and the subsequent critique of all approaches – including his own – led Keet (2017:1) to conclude that HRE should be renamed “capital rights education” since human rights are facilitated by capitalists. Zembylas (2017:01) and Kitiyama and Hashizaki (2018:269), on the other hand, argued that emotions should be attached to teaching and learning human rights with the latter suggesting emotional engagements such as empathy and support from both teachers and learners as a means to re-imagine human rights issues.

With reference to colonialism, Coysh (2014:1), Keet (2015:1), Khoja-Moolji (2017:1) and Yang (2015:1) pointed to a need for more theoretical and pedagogical works that will explore HRE and colonialism further to the extent where people can move away from a colonial mind-set. Given that Western European countries played such a dominant role in the framing of human rights (Baxi, 2002:1; Mignolo, 2009:157), Zembylas (2017:1) suggests the promotion of global social justice that will promote HRE and proposes that, in terms of power relations, the steps proposed by Freire in 1970 be followed in order to ensure that people are not merely treated as blank slates when it comes to acquiring knowledge but should also be empowered to take action in order to fight for or to defend their rights the moment they realise that those rights have been violated.

In the interest of realising human rights in the classroom, teachers should be made aware of the origins of these rights and how they evolved. Only then will they be able to implement and apply human rights education effectively in their classrooms.

2.4.3 How human rights education supports teachers towards the realisation of human rights

Only a few studies have been conducted on how teachers can promote human rights (Robinson *et al.*, 2018:01), yet Farrell (2009:4) identified several reasons for teaching human

rights at school. To begin with, human rights provide a deeper understanding of the unjust treatment learners experience in their daily lives, and school is regarded as the place where this understanding can be acquired so that learners can make sense of certain unfair behaviour. Nevertheless, Simmonds (2013:38), citing Carrim and Keet (2005), concurs that transmitting knowledge about human rights to learners is not an easy and simple task, a view supported by Kaul (2011:21) who added that human rights should be lived and not be theoretical. Rather than reading about human rights, it would be best if learners could learn from what they experience on a daily basis.

As highlighted in Chapter 1, some of the reasons why teachers are reluctant to teach human rights are that they regard it as too controversial and too abstract for young children (Struthers, 2016:136; Masitsa, 2008:237; Molnar, 1986:1; Pollard, 1988:55-62). In a study conducted by Masitsa (2008:237) respondents also indicated that learners know more about their rights than their responsibilities. Seemingly, teachers also feel unsafe at school and fear that promoting human rights may flout their power and give more command to learners. If used appropriately, though, human rights education can diminish or eradicate these misconceptions held by teachers as illustrated in the paragraphs to follow.

Even though the approaches to HRE will differ from teacher to teacher and from subject to subject, the relationship between human rights education dimensions and pedagogical approaches encompass an integration, multicultural, moral, cognitive, social and critical stance (Simmonds, 2012:21). For the purpose of this study, only three of those – the cognitive, affective and critical stance – will be explored as depicted in table 2-3 below.

In its final evaluation of the implementation of the first-phase plan of the World Programme for Human Rights Education, UNESCO (2010) concluded that learning about human rights would only be possible if knowledge about the different mechanisms and information that exist and are present to protect the rights of people are applied, a view supported by Simmonds (2012:21) who added that learning about human rights will only take place if knowledge is shared amongst people.

Clearly, to promote awareness of human rights, teachers must be able to understand the terms and concepts of human rights and be exposed to human rights issues. In this regard, this study suggests that the cognitive approach be considered as an applicable approach for this dimension of human rights education.

- **The cognitive approach**

The cognitive approach refers to the application of new and scientific ways of thinking. According to Kohlberg (1974:670), the cognitive approach was first introduced by Dewey in 1913 who found that this approach enables people to reason morally about the issues that affect them. Given that learners ought to be taught about morals so as to know what to do morally when their rights are violated by others, Richardson (2013:1) is of the opinion that a moral approach to HRE stating that learners should be taught about morals so as to know what to do morally when their rights are violated by others in the classroom.

From a cognitive point of view, Boldyrev, (2000:4) states that:

“The concept of human rights contemplates study of its mental structures not only on collective knowledge, but also on individual one of some speakers, their daily experience of conscious and non-conscious perception of the world around, its role in forming a meaning of expressions and meanings of individual linguistic units as well as forms of mental and language of such knowledge in their interaction.”

Thus, from a knowledge base of human rights, if learners can reason logically and systematically about the human rights issues that are affecting them, they will also be able to reason both legally and morally. UNESCO (2010) states that the purpose of values, beliefs and attitudes is to mould behaviours that will uphold and protect human rights. For this dimension of HRE, following an effective approach would be appropriate.

- **Affective approach**

Lang (1998:5) defines an affective approach as “that teaching which is closely associated with attitudes, beliefs, and emotion of students”. HRE is not only about the acquisition of knowledge and gaining an understanding of human rights theory, it is also about creating sympathy and compassion for those whose rights are violated (Hung, 2014:50). To this end, learners should also see the sorrowful faces of those who are in shock as a result of human rights abuses and touch and listen to them as they relate their stories (Hung, 2014:9). According to Rooty (1993, 1997), Ponty (1962) and Beardsley (1991), quoted in Hung (2014), those affective approaches are rooted in sentiment, body and aesthetic experience.

Tibbitts (2002:2) emphasises that in a school context, learners and teachers must and should be able to act immediately when they realise their rights are in danger. Given that action is an appropriate step that should be taken to defend, protect and promote human rights (UN 2014, cited in Tibbitts 2014), the critical stance/approach will be considered next as an appropriate approach for this dimension of HRE.

- **Critical stance/approach**

Holloway (2012:515) believes that critique opens new and different directions and debates about issues that were hidden before or are given a platform to reveal and discuss issues that are in contrast within what is being debated. By way of explanation, Keet (2014:135) cites an example of categories of rights such as equality and dignity that were promised to people but only “governmentality” of these rights was offered, resulting in a critique of these categories.

From the point of view of a critical stance, society must be freed from both political and social injustices and also try to reduce all the factors that “enslave” human beings (Bohman, 2016:1). Cranston and Marizen (2017:3) therefore state that the reasoning behind a critical stance is that it will allow learners to interrogate their thinking about human rights and, in so doing, they will be considered as public intellectuals who will be able to challenge any social inequalities that exist in their classrooms. In support of this argument, Bajaj (2011:485) refers to the purpose of Amnesty International, namely, to seek to motivate and develop learners to become agents of change in order to claim back their rights and that of other learners.

In addition to the two approaches highlighted above, there are several other approaches that can also be employed to teach HRE. For example, Reardon (1995:1) made mention of the “historical approach” which entails teaching about past experiences and the international instruments that can be used by learners to protect themselves against daily abuses. The “reconstruction approach” focuses on social critics’ contention that human rights are used only to empower citizens for social transformation, while the “value approach” focuses on promoting human rights such as dignity, equality and protection.

Clearly, as Tibbitts (2010:3) found in his review of the available literature, characteristics assigned to HRE depend largely on how authors view or approach qualities such as “citizenship, education, peace education, global education and education for sustainable development”. In an attempt to gain some clarity, human rights literacy will be explored next.

2.5 Human rights literacy

Building on the achievements of human rights education, various authors are now seeking to promote human rights literacy (ontology and epistemology) based on closing the gap between human rights realisation and human rights education. In this study, I explored literature pertaining to human rights literacy and how it could support teachers in playing their role towards the realisation of human rights in township classrooms. Therefore, the section to follow will strive to conceptualise human rights literacy with due consideration for its origins, principles, approaches and methodologies. The section will conclude with a closer look at how

the application of human rights literacy could support teachers in their classrooms towards the realisation of human rights.

2.5.1 A theoretical exploration of human rights literacy

As a study field, human rights literacy has gained momentum and is acknowledged as a crucial element for teaching and learning human rights and human rights values (Roux, 2010:1000). Nevertheless, Roux (2010) argues that more theory regarding human rights literacies is necessary in the interest of developing and improving a transformative curriculum and the teaching-learning of human rights, a view supported by Roux and Du Preez (2013:1-2) who found that despite years of research and theory development on HRE, this was still not enough to address the transformative curriculum. To date, some of the scholars who have theorised human rights literacies include Du Preez (2008:105), Roux (2010:1000), Simmonds (2013:70), Becker and Du Preez (2016:04), Roux and Becker (2017:01) and De Wet and Simmonds (2018:22), and their work will be used to come to grips with the meaning, nature and extent of the concept human rights literacy.

The notion of human rights literacy was, *inter alia*, theorised in an attempt to address gaps in teachers' knowledge and skills pertaining to human rights education and promotion (Simmonds & Du Preez, 2017:1; De Wet, 2017:01). According to Baxi as cited in Roux (2018:21-24), the purpose of human rights literacy is not only to bridge the gap but also to open debates on the clashes that exist between human rights declaration and human rights application.

De Wet (2017: 21) contends that there should be a close relationship between the written ideals of human rights on the one hand and the lived experiences of human rights on the other. When there is a disconnect between written and lived human rights, people may think that human rights are not real or hold no value (Keet, 2017:11). Human rights literacies are, therefore, concerned with the processes that take place within the space between what is written regarding human rights and what is lived or experienced by people (De Wet, 2017:21). Hence, Becker and Roux (2019:1) believe that human rights literacy should be seen as a prerequisite for the facilitation of human rights since it can address the gap between abstract rights and the material realities of dominance, exclusion and marginalisation.

Kirchschlaeger (2012:9) contends that it is through human rights literacy and human rights education that "the action gap between human rights in the political domain [will be filled] by taking steps to change behaviours in interpersonal relationships for human rights to be realised in classrooms". To bridge this gap, though, Roux and Becker (2017:4) suggest that

robust debates are necessary: The voices of marginalised people should be heard. To quote Becker and Roux (2019:26): That is what is important to human rights literacy, “where new meanings, new understandings, new evolutionary processes and new language should be determined by the subjects of the rights”. As they grapple with both the written ideals and their own lived experiences of the (non)existence of human rights.”

Becker *et al.* (2015:2) view the notion of human rights literacy as continuous, a view supported by Baxi (2007:3) who holds that human rights literacy is not a static process: It evolves over time since the processes are related to natural development and are dependent on humanity's understanding or lack of understanding of human rights. De Wet and Simmonds (2018:186) echoed these sentiments, stating that both HRE and human rights literacy are tested concepts that evolve over time. Roux and Becker (2017:41) highlighted that the concept evolves among others when we critique processes such as marginalization, othering and exclusions.

According to De Wet and Simmonds (2018:185), human rights literacy is expressed as:

“Processes and actions within the interplay between what human rights are (on paper) and could be. Human rights literacies open up spaces to engage with the gap between written human rights on the one hand and lived human rights on the other hand. Such engagement recognizes that personal and social contexts and issues in day-to-day existence elicit multiple lived experiences by diverse individuals in different times, places and spaces. Human rights literacies could therefore hold possibilities for challenging and re-imagining human rights in and through education within different contexts. These processes involve the actions, reactions and interactions of humans when they, individually or collectively, use, (re)formulate, verify, claim, defend, amend, recognize, critique, reject, resist, deconstruct, engage with, fight for or apply (their own) human rights. When people interact with human rights”.

Du Preez and Simmonds (2013:1) define human rights literacy as “competence that constitutes the understanding of the process and implications of human rights in social contexts reiterating both social practice and cognitive skills”.

In a study titled “Human rights literacy: a quest for meaning (2013-2015)”, Roux and Becker (2015:2) identified human rights issues such as social justice, human rights, values, socio-cultural contexts and curriculum values. These issues are regarded as significant in terms of how people view, understand and interact with human rights and what those rights ought to be (Roux & Du Preez, 2013:2). The focal area for human rights literacy, as indicated by Roux and Becker (2018:76), include:

- A holistic view with regards to closing the gap between the oppressor and the oppressed (Western and Northern countries).

- Top- down approach where “subjects of rights” should be able to defend and make meaning of human rights as they are exposed to human rights violations on a daily basis.

Du Preez (2008: 80) believes that only when human rights literacy exists, skills and knowledge pertaining to human rights interpretation, application, promotion and education can be assessed effectively. In this regard, Simmonds (2010:1) states that there is a lack of content knowledge of human rights, a view also held by Tibbitts (2002:102) who indicated a need for human rights education to include both knowledge and cognitive skills that will value human rights.

Based on the studies conducted by De Wet (2017:9), Becker *et al.* (2014:3), Becker and Du Preez (2016:2), Oosthuizen and De Wet (2015:1) and Roux and Becker (2016:2), cognitive skills in relation to human rights can be said to include:

- Knowledge relevant to human rights literacy such as human rights and human rights law, together with philosophy and theory relating to human rights;
- Skills that can be applied in identifying, interpreting and applying relevant human rights documents; and
- Understanding which implies a multi-layered knowledge base pertaining to the processes and impact of human rights and non-realisation thereof within diverse contexts.

Oosthuizen and De Wet (2015:1) state that through human rights literacy, knowledge about human rights can flow from one person to another and at the same time transform that person on the basis of dignity, freedom and equality. With this in mind, Simmonds (2013:70) holds that human rights education should encompass three dimensions: a) knowledge and skills; b) values, beliefs and attitudes; and c) action. These three “dimensions”, according to Simmonds (2013:70) and Roux (2016:25), interact to create spaces for human rights literacy. Simmonds (2013:69) believe that the three dimensions of human rights are important not so much on their own but rather how these dimensions intersect with one another. The central point where these dimensions intersect should be embraced and be critiqued on a continuous basis for transformative purposes.

To this end, Simmonds (2013:68) refers to human rights as a discursive space and contends that human rights issues should be challenged, deconstructed and critiqued in a transformative manner. The discursive space could emanate, among others, from when the language of human rights is contested through public debates and in classroom practices where teachers and learners openly engage with issues affecting them on a daily basis.

Simmonds' notion of a discursive space can be depicted as per figure 2-2 below:

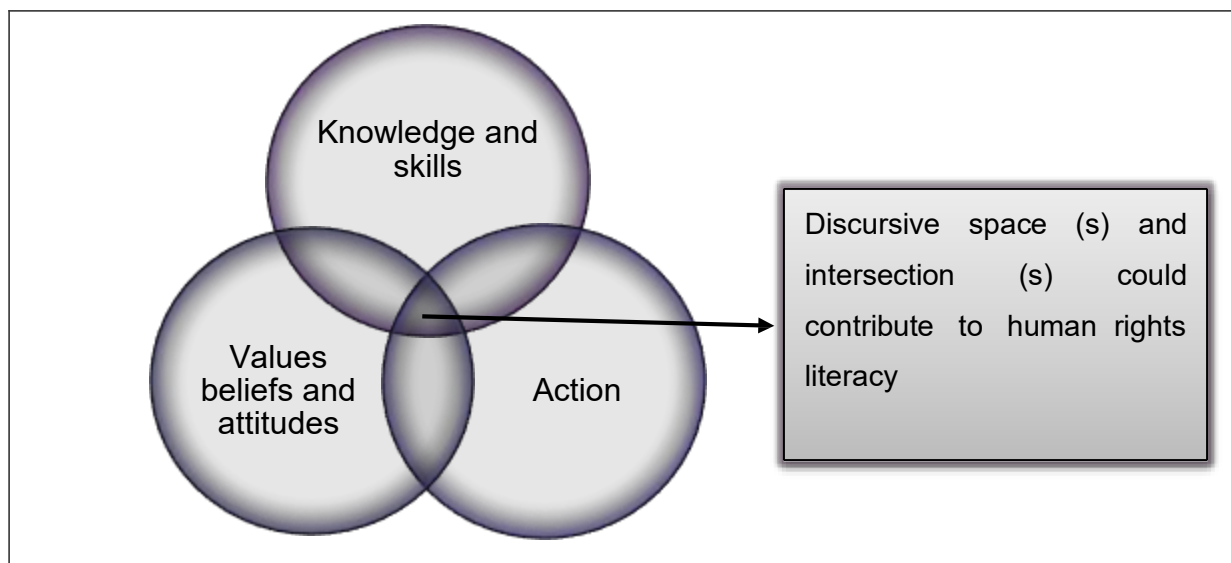


Figure 2-2: HRLit as a discursive space adapted from Simmonds, (2013:70)

Roux and Becker (2016:1; 2019:4) contend that this space should allow subjects of rights to debate and critique rights that were promised but not realised in their day to day lived experiences. Roux (2018:25), on the other hand, is concerned with the risky part of this dissonance since it can lead to violence and not a discursive space. The disruption Roux (2018) is worried about stems from the level of difficulty in trying to come up with a new language of human rights through debate within a diverse society. She nevertheless agrees that if the variety of voices of the marginalised can be heard, coming up with such a language can be achieved.

In all the studies Roux has conducted from 2009 through till 2015, she has advocated for the need to create a "safe space", in other words a space where people understand not only themselves but others and where there is a flow of debates that cater for those that were marginalised (Becker, De Wet & Parker, 2014:3).

Becker and Du Preez (2016:1) concur with the need for a safe space and added that human rights literacy is a prerequisite for facilitating teaching and learning HRE since people first need to understand themselves before they can understand others. These authors also echo the sentiments of Roux (2010:1000) who stated that for any teaching and learning of human rights, the principles of human rights literacies should be upheld and especially by teachers in their classrooms. Even though the principles Roux referred to at the time had a bearing on religious education (i.e. hermeneutic and religious literacy) and not human rights literacy *per se*, these concepts and principles also feed into human rights literacy. Of importance here is that Roux (2010) was neither concerned with the universality nor the particularistic arguments

based on human rights; rather, she was concerned with the link to human rights literacy via the concept “I and other”, meaning it is important for people to understand themselves and others.

The figure below depicts how the notion “I and other” is linked to the principles of human rights literacy:

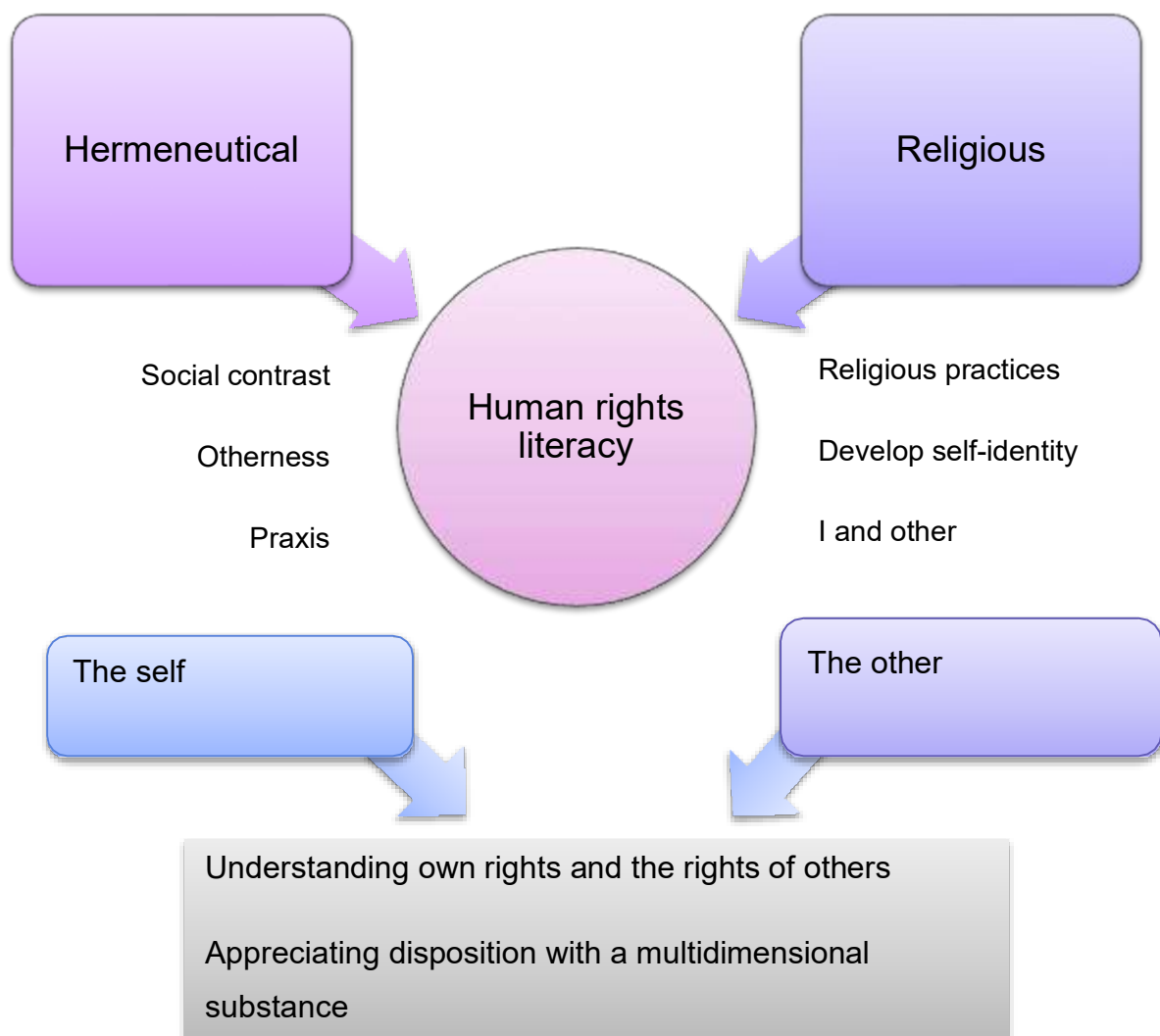


Figure 2-3: Human rights literacy and how it ties in with the notion “I and other”

(Adapted from Roux, 2010:1000)

Human rights literacy should be internalised first by student teachers at different universities or other institutions of higher learning before it can be fully implemented by teachers in their respective classrooms. Becker *et al.* (2015:5) believe that in this way, transformation can be affected that will not only result in rights-based education but also an open, democratic society. The aim of human rights literacy should, therefore, be on closing the gap between human

rights and human rights education and to react to the top-down approach to HRE that disregards the complexities and conceptuality of human rights (Becker, 2018:74; Jasper & Abs, 2018:130). By addressing this gap, the realisation of rights might be promoted.

2.5.2 Critique of human rights literacy

Becker and Roux (2019:26) found human rights literacy to be complex and contextual, non-hierarchical, non-dualistic and multi-layered. Based on a study they conducted involving respondents from Israel, Germany, South Africa, the Netherlands and India, these authors concluded that the complexity of human rights literacy stems from refugees and people immigrating, while factors such as a culture of remembrance, colonialism, apartheid, place, structure and restructure have a bearing on the contextuality of human rights literacy. On the other hand, Gearon (2018:262) critiqued the concept of human rights literacy in the sense that human rights literacy claims to be in rebellion against hegemonic global powers such as the European Union, African Union, World Bank and the like. These powerful international organizations are believed to be the owners of human rights in that they decide what human rights are, what they mean, how they should be implemented who is right and who is wrong. As a result, human rights literacy seeks to challenge these powers, yet human rights literacies draw on the very international law created by these entities. If the concept human rights are owned by these political and economic powers, it would possibly be better to draw on different sources for promoting equality the world over. Another critique offered by Gearon (2018:262) is that human rights literacy is flawed ontologically and epistemologically because it draws on perceived failures of human rights education. However, human rights education failed only in the transformative competencies needed to realise human rights.

2.5.3 How human rights literacy supports teachers towards realization of human rights

According to Roux and Becker (2018:78), human rights literacy shares some pedagogical human rights education. They suggested pedagogical approaches in particular that can assist teachers in fulfilling their role towards the realisation of human rights in classrooms are as follows:

- **Transformative approach**

According to De Wet and Simmonds (2018:187), transformative theory will enable the conceptualisation of human rights literacy. This can be achieved by way of two forms of transformative theory, namely post-conflict theory and anti-oppressive pedagogy.

- **Bottom-up approach**

This approach is based on the lived experiences of the subjects of rights, where people are allowed to make meaning of human rights through their daily lives and not on what is written about human rights (Roux & Becker, 2018:96). In a school context, teachers should afford learners space where they can actively take part in disrupting, rejecting and defending human rights violations in their classrooms. By way of the bottom-up approach, the relationship between the state and its citizens (vertical), between individuals and others (horizontal), and between teachers and learners (oppressor and oppressed) is explored. In this way, learners are free to engage with issues they experience on a daily basis.

Even though human rights literacy encompasses legal literacy to a degree (De Wet, 2018:15), the notion legal literacy will be explored separately against the background of Education Law as a discipline and the theoretical underpinning of this study.

2.6 Legal literacy

Whereas the previous paragraphs have looked at how human rights education and human rights literacy can support teachers' roles in realising human rights in the township classroom, the section to follow will look at legal literacy as another form of literacy loosely related to human rights literacy.

2.6.1 A theoretical exploration of legal literacy

Legal literacy encompasses knowledge of Education Law and the process of making others aware of their rights and responsibilities in any setting (Jananeethi, 2014:94; Rapatsa, 2015:209). Goodman and Jinks (2008:747) as well as Rapatsa (2015:209) hold that having knowledge of legal rights and responsibilities will not only have a great bearing on democracy, community and sustainable development on an international level but will enable people to protect themselves and to criticise, if need be, any injustices be they perpetuated by individuals or legal systems. To this Potgieter *et al.* (2007:385), Joubert (2002:25) and Coetzee (2011:183) added that teachers who have knowledge of Education Law have the ability to create order and harmony in their classrooms and to perform their duties within the

boundaries of the law. Furthermore, they are fully aware of the measures that will be taken should they fail to execute their duties (EEA, 76 of 1996).

Given its emphasis on human dignity, freedom and equality as underlying values, the South African Constitution is seen as transformative. In short, the Constitution implies a progressive agenda of transformation aimed at change in all spheres of society (De Wet *et al.*, 2016:12) and an agenda aimed at promoting human rights and especially equality in South Africa (Rapatsa, 2015:209). The transformative nature of the Constitution is summarised in the epilogue as follows:

"[The Constitution is] a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex."

Legal literacy is a tool to bring about qualitative change. According to Langa (2006:390), legal literacy is the knowledge to heal the wounds of the past and to walk a path of change towards a better future. Experience shows that improved legal literacy helps people to work together more effectively in a diverse environment (Jananeethi, 2014:95). Legal literacy contributes to a better understanding of and certainty about the nature and scope of role players in the school environment's human rights. Improved knowledge of the role players also contributes to legal certainty with regards to the enforcement of own rights and the promotion and protection of the rights of others.

De Wet (2018:14) noted that "the law provides the normative regulatory framework tasked with bringing about the lived experiences of human rights". Since schools have been identified as key role players in the transformative endeavour (De Wet, 2018:2), it is imperative for teachers to have knowledge and an understanding of the law that governs human rights in education as well as the legal mechanisms that protect and enforce such law.

According to Oosthuizen (2015:6), effective teaching-learning and education depend on learners and teachers experiencing security at schools. Security involves a sense of well-being, contentment, trust and peace, and an absence of fear and insecurity. Legal certainty can also contribute to teachers feeling secure (Oosthuizen, 2015:6). The role of Education Law in this regard is to set out the rights and duties of parties clearly and to create a clear framework for the teacher about his or her role as a professional person (Oosthuizen, 2015:8). Teachers who feel secure and understand their role regarding human rights promotion are better equipped to create an environment in the school within which the rights of learners are also respected, protected and promoted. Legal knowledge and understanding also protect

teachers and contribute to a school environment in which the constitutional principles form a culture based on human rights literacy (Jananeethi, 2014:1). The ability to interpret and implement the relevant legal rules as well as competencies to make use of the processes and mechanisms associated with the enforcement of the law (De Wet, 2018:15) can enable teachers to promote human rights in their classrooms. In this way, an environment is created in which human rights literacy is promoted through the implementation of law that promotes dignity, equality and freedom for all.

2.6.2 Critique of legal literacy

Even though various authors have highlighted the importance of legal literacy as a tool that can bring about change in the quality of people's lives (cf. paragraph 2.7.1), Zariski (2014:23-24) warns that legal literacy alone cannot yield these benefits and suggests that other literacies ought to be used in conjunction with legal literacy such as information literacy which will enable individuals to acquire as much relevant information online as possible so that they are equipped to challenge those in authority. Of equal importance is acquiring health literacy (i.e. acquiring information to improve one's health) and financial literacy (i.e. acquiring information to manage one's financial affairs). Militello and Schimmel (2012:102), in turn, based their critique of legal literacy on the economic and educational costs where the economic costs of literacy refers to the time and money the school spends to avoid and to prepare for litigations that may arise. The educational costs of legal literacy refer to legal misinformation where teachers think that learners have more rights than they do and, as a result, fail in their power to take the correct actions. If teachers are misinformed, Militello and Schimmel warned, it could have the following consequences:

- Failure to restrain or intervene, where teachers are sometimes misinformed about learners' rights and, as a result, become afraid to restrain learners who are disruptive in class
- Learning from the misinformed, where teachers tend to seek information from other misinformed teachers
- Internal friction, where teachers fail to act appropriately where they are supposed to as a result of permitting unacceptable behaviour that tends to violate others' human rights

Education Law will be explored in greater detail in Chapter 3 by, amongst others, looking at the legal and policy determinants that support the roles that teachers could play towards realising human rights in their classrooms.

In the section to follow, the professional development of teachers will be explored as well as how this can contribute towards teachers' ability to realise human rights in their classrooms.

2.6.3 How legal literacy supports teachers towards the realisation of human rights

Should legal literacy be incorporated into tertiary institutions' programmes, or if principals are forced by law to promote an understanding of law as part of their professional development, teachers will be able to fulfil their roles towards the realisation of human rights since this will ensure that teachers get information on how to manage their classrooms from reliable sources and not from rumours and myths. Secondly, legal literacy will enable teachers to know and understand laws that govern *inter alia* discipline, school safety and personal security rights and as a result, learners will be appropriately disciplined and will be afraid to disrupt class. In the final instance, through legal literacy, teachers will know and understand that they are agents of the government who are supposed to uphold democratic principles in whatever they do in the classroom (Militello & Schimmel, 2012:99-102).

Even though legal literacy can contribute towards the realisation of human rights, it does have certain limitations which will be discussed next.

2.7 Professional development

Learners' success and the inculcation of a spirit of human rights are highly dependent on teachers that are active and knowledgeable (Jayakumar, 2007:13). Teachers' ability to deliver quality work is, however, dependent on constant development.

2.7.1 A theoretical exploration of professional development

Professional development is regarded as a process of obtaining the necessary skills and information, either for personal or professional advancement (Nasim *et al.*, 2015:171). For professional development to take place, the necessary opportunities to enhance skills and to acquire information must be readily available. In this regard, Nasim *et al.* (2015:1717) suggest that a model be applied for professional development (also referred to as official teacher instruction) where teachers are credited with points for all activities completed or recertified.

Avalos (2010:10) regards professional development as "teach learning", in other words a process where teachers learn different skills and how to impart those skills to the benefit of their learners. She admits, though, that professional development is a difficult and tedious process since it requires both cognitive and emotional involvement on the part of teachers. Hammond *et al.* (2017:1) concur and further state that professional development will only be effective if features such as support and collaboration, content, sustained duration and so on

are evident and also only if learners are able to comprehend the skills imparted by their teachers.

Numerous factors impact the professional development of teachers (Badri *et al.*, 2016:1), one of which, namely the trying working conditions (overcrowded classrooms, abuse or sexual harassment, lack of respect, violence), is pertinent to this study. Based on the context Badri *et al.* (2016) sketched, township classrooms can be regarded as fragile and in crisis. Not only do teachers have to deal with the difficult working conditions referred to above, but they must also make do with dilapidated buildings and a shortage of resources. Teachers who operate in conditions such as these go into “survival mode” (Badri *et al.*, 2016:1; Burns, 2015:1) and have little time for professional development. Nevertheless, the more the challenges, the more the need for professional development (Wardoyo *et al.*, 2017:191), a view supported by Potgieter *et al.* (2012:1) who believe that teachers ought to be empowered in order to deal with the problems that may arise in their classrooms, ranging from behaviour to emotional issues and, especially, problems relating to human rights.

Due to tremendous changes in classrooms the world over, there is a need for teacher professional development that focuses on enhancing subject content, yet Borko (2004:4) and Borko *et al.* (2010:549-550) argue that the professional development currently offered fails to respond adequately to these changes. To rectify this matter, Borko (2004:4) suggests that the following three elements are key to ensuring that teacher professional development responds adequately to barriers:

- Providing teachers as learners with human rights information stemming from other teachers in the same school to enable them to master subject content with regard to human rights;
- Enabling single professional development where teachers as learners provide facilitation on human rights to other teachers at other sites (i.e. from different schools); and
- Providing facilitators who guide teachers as they construct new knowledge and practices.

Nasim *et al.* (2015:171) refer to the above as workplace learning “where teachers formally or informally take initiative to develop themselves”, whereas Avalos (2010:12) refers to this as teacher co-learning, where teachers network in to order to share good practices about how to teach human rights.

The link between professional development and the realisation of human rights will be examined next.

2.7.2 How professional development supports teachers towards the realisation of human rights

It ought to be noted that professional development for teachers and the realisation of human rights are the responsibility of the state. Hence there is a relationship between the two concepts: A teacher who has acquired more skills will be able to create a friendly human rights society (Timilsana, 2014:6). In its second-phase plan of action for HRE, UNESCO (2012:33) states that if a school is to be regarded as a promoter of human rights learning, teachers at that school should be privy to appropriate and ongoing in-service professional development. Furthermore, in the acquisition of knowledge and skills with regards to HRE, professional development should provide for the “universality, interdependence and indivisibility of human rights”. It should also provide approaches relevant to the teaching and learning of human rights in classrooms.

Furthermore, with reference to values, attitudes and beliefs, professional development should support teachers to assess themselves in terms of their social skills and leadership style and how committed they are in terms of modelling their behaviour towards the protection of human rights violations in their classrooms (UNESCO, 2012:33-34).

Mao (2017:67-77) identified several models that have emerged over recent years that can be used by teachers to share information about human rights issues for developmental purposes. These include online professional development (where knowledge is shared via the Internet by teachers across the globe); professional learning via social media (whereby teachers can access experts who can share their knowledge of human rights); and professional learning clusters (where teachers hold meetings to share good practices and their human rights experiences).

If implemented and applied appropriately, human rights education and human rights literacy in combination with professional development can enable teachers to contribute meaningfully to the realisation of human rights in their classrooms.

2.8 Synopsis

The roles that teachers could play in the realisation of human rights in classrooms encompass, amongst others, being a role model, a catalyst and a lifelong learner and researcher (cf. 2.2) to acknowledge and to be responsible for human rights in classrooms, the teacher must be literate in terms of human rights. Getting to grips with human rights first and foremost requires understanding the concept “i before other” (cf. 2.6.1). Therefore,

teacher preparation and development at both pre-service and in-service levels need to ensure that their knowledge of human rights is current and sound.

CHAPTER 3

EXPLORING THE ROLE TEACHERS PLAY IN REALISING HUMAN RIGHTS IN CLASSROOMS: A BASIC LEGAL FRAMEWORK

3.1 Introduction

Chapter 1 provided a background and rationale for the importance of the role teachers must play towards realising human rights in their classrooms. Chapter 2 conceptualised HRE and human rights literacy as theoretical elements that can assist teachers in realising human rights in township classrooms, which culminated in a discussion of different approaches, methods and methodologies that can assist teachers in this regard. In Chapter 3, Education Law is explored to identify a basic legal framework that informs the role teachers could and should play in realising human rights in the classroom. As a starting point, the nature and scope of Education Law in the South African context is outlined (3.2). Against this background, a basic legal framework for realising human rights in classrooms is explored through the conceptualisation of legal rights in terms of origin and development (3.3) and an exploration of constitutional and other forms of law that support teachers' roles concerning the realisation of human rights.

3.2 Education Law in a South African context

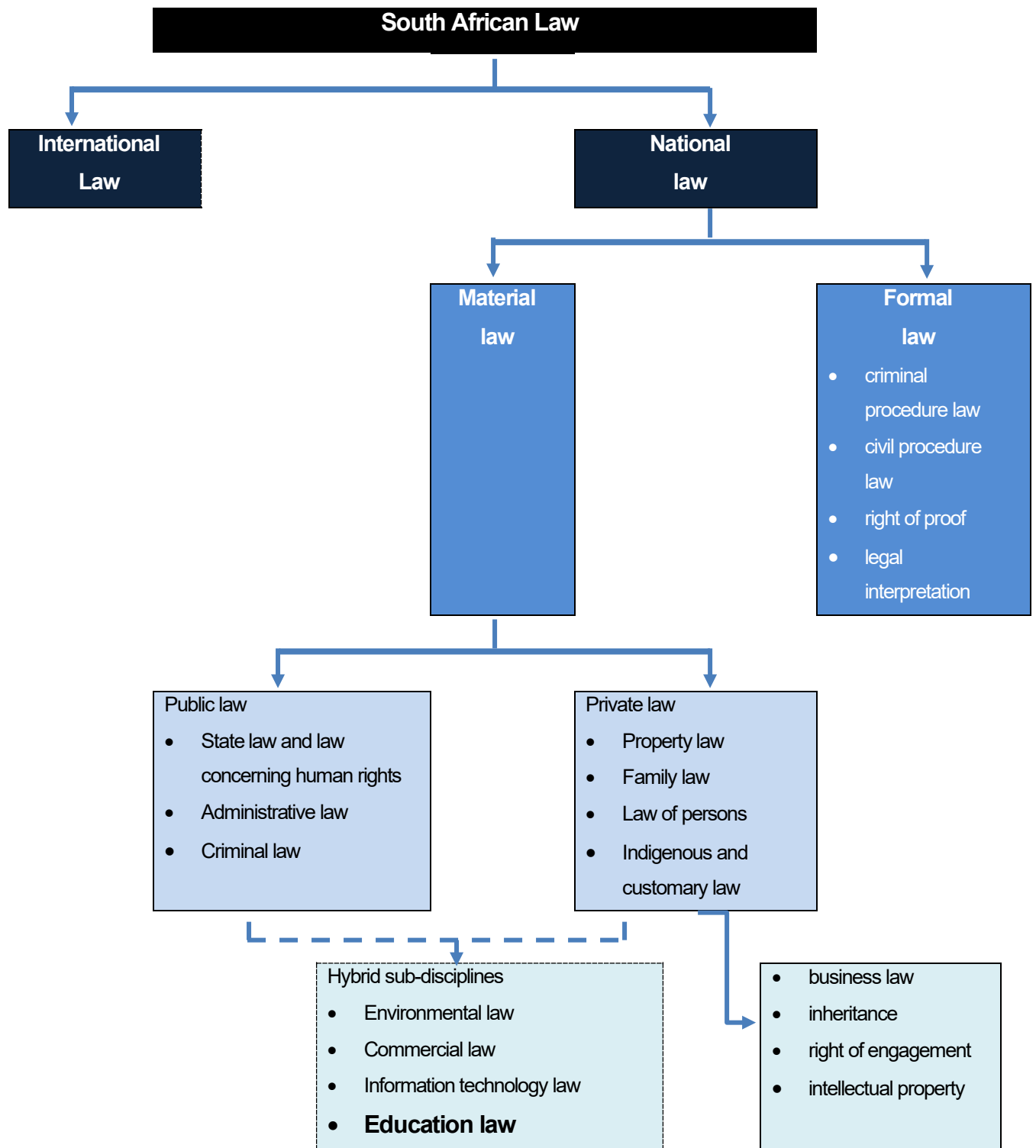
For teachers in township classrooms to protect and promote human rights, they must have a sound knowledge of Education Law, as indicated in Chapter 1 (1.7.1). As Pillay (2014:1) puts it, teachers should not play the "ignorant game" – while it is acknowledged that the training teacher receive is content-based and they find it difficult to interpret legal provisions in their classrooms, it is, nevertheless, still their duty to protect human rights in their classrooms. De Waal and Kung (2017:101) concur that the educator has a professional duty to keep themselves informed of the legal guidelines that have bearing on their work positions.

As a discipline, Education Law can assist teachers in their endeavour to stay abreast of relevant law in their profession. The principles of democracy and human rights ideals could be better realised if teachers have a legal framework to refer to as they work to fulfil their role in protecting human rights (Beckmann & Sehoole, 2004:18). That legal framework, according to Russo and Stewart (2001:181), is presented in Education Law. Bearing in mind that Kleyn and Viljoen (2002:1) claim that there is still contestation about how the concept Education Law should be defined, it is prudent to discuss the origin and development of this discipline next.

3.2.1 Origins and development of Education Law

Education Law is not a new concept. Russo and Stewart (2001:1) and Eloff (2019:13) describe Education Law as an international phenomenon that links directly with law and the work of education practitioners. De Waal and Serfontein (2014:1593) contend that education is shaped by the law which, in turn, shapes the whole world, to which Pillay (2014:29) adds that the history of a country and its laws will help to better understand the origins of Education Law. It ought to be noted here that the United Kingdom and the United States use the term Law of Education, while some international authors prefer the term School Law (Russo & Stewart, 2001:1).

Regardless of what it is called, many authors (Bray, 2004:36; Van der Westhuizen & Oosthuizen, 1989:749) concur that Education Law does not operate in isolation in any context. To elaborate, authors such as Beckmann and Sehoole (2004:18) are of the opinion that Education Law is influenced by and rely on the rules and content of South African private, public, and formal law. For the same reason, Bray (2004:36) and Malherbe and Rautenbach (2004:18-20) hold that to find the meaning and origins of Education Law in a South African context, it is important to first understand the South African legal system.



This begs the question: Where does Education Law fit into the picture?

In response to this question, Oosthuizen (2009:23) states that Education Law encompasses all the rules and content of public, private, and formal law as it relates to the sphere of education. In essence, Education Law is regarded as the law that deals specifically with education issues (Malherbe, 2008:35; Bray, 2004:136). According to Van Vollenhoven and

Fisher (2008:3) and Maile (2005:50), Education Law can be defined as all legislation that regulates how the school should operate, from its finances to the safety of learners. Maree (1995:9) shares the same sentiments and adds that Education Law regulates how individuals and groups of people should interact within education spheres. It is within this sphere where authors such as Berman and Grainer (1996:31), Potgieter *et al.* (1997:385), Meintjies-Van der Walt *et al.* (2011:1) and Humby *et al.* (2012:04) believe that order and harmony are created, power and duties of functionaries are determined, parameters within education activities are determined, defined and performed, and the criteria for provisioning, governance and financing are prescribed.

Authors such as De Wet (2014:30) and Mawdsley and Cumming (2008:8) believe that Education Law originated as a field of law to address the complexities of the education system, help those who struggle to interpret the law, and motivate government to ensure that human rights are protected and promoted in the education system.

It should come as no surprise that many authors do not agree on whether to classify Education Law as a field of law, a sub-discipline of law, or an interdisciplinary field. Bray (2004:36) argues that Education Law is not a separate field on the basis that it is too difficult to distinguish this field from law in general. Authors such as Russo and Stewart (2001:19) and Mawdsley and Visser (2007:155), though, assert that Education Law should be classified as a separate or independent field of study, since it satisfies all the requirements that constitute a discipline or a field of knowledge. In support of this argument, Mawdsley and Visser (2007:155) point out that Education Law as a discipline constitutes “a critical mass” of legal material pertaining education. Furthermore, given that “consumers” – i.e. teachers and school managers – have shown an interest in and a demand for a unified, separate source of information translating relevant law for educationists – failure to accumulate legal material could lead to *disjointed and fragmented* information to the profession”.

It is thus justified that Education Law be treated as a separate discipline. According to De Wet *et al.* (2016a:28) and Oosthuizen (2020:11), Education Law lies between law and education and should, therefore, be regarded as an interdisciplinary field of study.

Authors such as Van der Westhuizen and Oosthuizen (1989:743; 2004:16; 2009:16; 2015:3; 2020:6) nevertheless concur that Education Law differs from law in general in the sense that it is deeply rooted in the German concept of *geborgenheit*, meaning “safety and security”. Explaining this notion, Oosthuizen (2009:16) states that children need to feel safe and secure in the hands of those in authority, in other words, teachers, parents, and the state, who are regarded as the pillars of their safety and security. De Waal and Kung (2017:85-86) and De Wet *et al.* (2016a:27) maintain that Education Law is not aimed at retribution and reparation as with some other forms of law but rather at creating education spaces that enable effective teaching and learning (De Waal & Kung, 2017:85), which, according to Oosthuizen (2020:7-8), is dependent on *inter alia* a state of *geborgenheit*. The court, in *Swart v Minister of Education and Culture* (1986), emphasised that “the pursuit and maintenance of conditions conducive to sound and effective education” are of utmost importance in education. Along a similar vein, Coetzee (2008:183) and Moswela (2010:1) add that the ontology of Education Law is to strike a balance between the actions, rights, and responsibilities of all role players in the education system and, in this way, create and maintain harmony which, in turn, would enable quality teaching and learning.

De Wet (2014:33) and Eloff (2019:15) raise concerns regarding the focus of Education Law as a discipline, stating that knowledge of Education Law should extend beyond merely being familiar with legislative provisions but should also encompass the skills and values that can

facilitate a deep understanding of how people should interact with one another within the education system so that legal rights could be better protected and realised.

The recognition of Education Law in South Africa as an independent discipline or field of study gained prevalence after the adoption of the Bill of Rights, given the latter's focus on the realisation of human rights as well as its importance as a transformative piece of law. De Wet (2014:37), Russo and Stewart (2001:19), Joubert (2002:16), Beckmann and Sehoole (2004:11), Malherbe (2008:1) and Eloff (2019:14) all discuss the origins and development of Education Law in South Africa, and in particular at South African universities. They hold that support for Education Law as an independent field in the South African context gained momentum when the South African Education Law Association (SAELA)² and the Interuniversity Centre for Education Law and Policy (CELP) were established in 1995 and 1997 respectively. These institutions recognised the importance and value of Education Law. In fact, SAELA was established with the sole purpose of developing Education Law as a separate field of study, where members of the association could interpret statutes and case law in order to outline a legal framework that would address specific issues relevant to education (Beckmann, 2015:1727). However, while, as Eloff (2019:13) points out, education law and policy have been part of South African Universities' curricula since 1970 in some form or another, be it among others democracy education, HRE, citizenship education, or moral education, De Wet (2014:30) concedes that the lack of a theoretical framework has hampered the advancement of Education Law as a discipline. Although Oosthuizen presented *geborgenheit* as a theoretical framework for Education Law as early as 1994³, Education Law in South Africa tends to be pragmatic and may lack philosophical and theoretical depth. De Wet (2014:30) contends that Education Law goes "beyond positivistic, historical and traditional legal research" and that its aims are to generate a body of scholarship that would "encourage progress in educational rights specifically and the advancement of the human life in general". In the study guide titled "Introduction to Education Law", De Wet (2020: IV) states moreover that advancing this field of study should, first and foremost, aim to encourage teachers and school managers to act in a legal and proper manner when interacting with stakeholders and provide guidance on how to govern and manage schools based on a comprehensive understanding of the law and how it interacts with education.

Human rights and its realisation in education is one theme that receives ample attention in the field of Education Law. As pointed out by Russo and Stewart (2001:25), the development of

² SAELA was initially the South African Education Law and Policy Association (SAELPA), changing its name to SAELA in 2007.

³ In the first edition of *Aspects of Education Law* (Oosthuizen & Smit, eds. 2020)

Education Law into a fully-fledged discipline is first and foremost dependent *inter alia* on teachers around the world acknowledging that learners do in fact have rights. To this end, De Wet *et al.* (2016a:38) points out that institutions of higher learning should introduce graduate and certificate courses in Education Law where the focus extends beyond mere knowledge of applicable legislation to an aim of promoting an integrative, multidisciplinary approach towards the teaching and learning of human rights. Furthermore, based on a general knowledge of the Bill of Rights, the discipline should focus on enabling teachers to create and promote a safe space and atmosphere where human rights can be discussed and ultimately realised (De Wet, 2020:IV).

Given the array of stances sketched above, for the purpose of this study, I chose to uphold the view raised by Mawdsely and Visser (2007), namely that teachers need to refer to legal material with a common core in order to protect the rights of learners. As such, Education Law has an important role to play in advancing human rights through education. In this regard, Eloff (2019:241) suggests a “legal rights approach” as one of five approaches to HRE, with a focus on human rights and human rights application from a legal knowledge base. Based on findings from her study, Eloff (2019:243) denotes the necessity for education practitioners to be knowledgeable about the law that shapes human rights and regulates the implementation and enforcement thereof. Legal literacy could enable teachers, among other things, to 1) evaluate the conduct of learners and other role-players against the background of human rights law; 2) balance conflicting rights and values; 3) understand and execute duties and responsibilities in terms of respecting and promoting human rights; 4) implement relevant legal rules regarding human rights in their classrooms; and 5) promote engagement with social issues by motivating action and advocacy (Eloff, 2019:243).

3.2.2 Critique against Education Law

As is evident from the foregoing, no clear definition of Education Law has been arrived at yet. Furthermore, given that there is no obvious connection between what law requires on the one hand and teaching and learning practice on the other, De Wet (2014:29) attests that students who enroll for studies at institutions of higher learning find it difficult to decide whether they should take Education Law as a subject because it is unclear whether it relates to education or legal studies. This situation is exacerbated by the fact that no consensus has been reached on whether HRE or law of education would be best suited for the teaching and learning of human rights. Pillay (2014:4) points out that teachers' perceptions regarding Education Law should be taken into account, given that they are the custodians of human rights in their classrooms, yet most teachers are silent on this issue. Adding to the argument, Beckmann (2015:1) suggests that if Education Law is to exist in a South African context, the

following elements ought to be addressed: the lack of interest in Education Law by institutions of higher learning, the imbalance between educators and justice in the field, and failure of administrators to abide by the law. Nevertheless, De Wet (2018:15) emphasises the importance of Education Law and suggests that school managers, including teachers, should indeed master the competencies associated with this field of study, including being knowledgeable about the core principles of law and how those principles should be applied to education, having the ability to identify, interpret and implement legal rules – which presupposes political-legal literacy and hermeneutic literacy – and gaining an understanding of multiple knowledge fields in order to create a critical awareness of legal processes. On the other hand, Authors such as Kok (2010:61-66) and Honneth (cited in Keet *et al.*, 2017:76-95) warn that Education Law is too legalistic to be used on its own for the purposes of HRE and, therefore, it should not be the only tool used in a regulatory framework aimed at ensuring the lived experiences of human rights, equality, and freedom for all. The authors Kok (2010:61-66) and Honneth (cited in Keet *et al.*, 2017:76-95) suggest that social, economic, political, and cultural issues within a particular context should also be considered when addressing human rights. In sum, critique against Education Law seemingly warns against following a one-sided legal approach to HRE and advocates for following a more holistic approach instead. In this regard, Eloff (2019:240) suggests that the legal approach could be supplemented by four other approaches to HRE, namely 1) a values-based approach, 2) a cognitive approach, 3) a human rights action approach, and 4) a social and contextual awareness approach.

From the above, it is clear that Education Law does play an important role in the realisation of human rights and that teachers “need to have a legal understanding of human rights” (Eloff, 2019:245). In light of this, the remainder of this chapter is devoted to exploring the nature of human rights as legal rights in South Africa and presenting a basic legal framework for teachers to refer to when they aim to fulfil their roles in realising human rights in their classrooms.

3.3 Legal rights in South Africa

In Chapters 1 and 2, two types of rights (i.e. legal rights and moral rights) were discussed and conceptualised at length. To recap, moral rights are those rights that existed long before rights were advanced as legal have their basis in knowing the difference between right and wrong (see full conceptualisation of legal rights in paragraph 1.6.4). As Simmonds (2013:22) and Campbell (2003:1) put it, moral rights are those rights one is entitled to simply based on being human, irrespective of whether those rights are protected by law or not. Legal rights, on the other hand, are rights that form part of society in general, since they protect both individual and legal entities (see conceptualisation of rights in Chapter 1 paragraph 1.6.4). Legal rights

encompass those rights that are protected by law, having been legislated and being associated with enforcement to provide remedies and correction when rights are violated or not realised.

Given that the purpose of this chapter is to discuss a legal framework that can inform the role teachers play in promoting human rights in their classrooms, its focus is on legal rights exclusively. While the history and origins of human rights undeniably do have a bearing on legal rights, as do the opinions and critique offered by a whole array of authors in this regard, an in-depth discussion of human rights is well beyond this study's purview. As such, this section focuses on providing a brief summary of the history and development of legal rights.

As to the history of legal rights, Mubangizi (2013:8) holds that these rights originated in Western Europe and America and were adopted into the legal system with the sole purpose of protecting one's right to property. It was only after World War II and especially in the aftermath of the atrocities of the Holocaust that legal rights were developed into moral codes that were published as legal documents that compelled world leaders and states to commit themselves to establishing lasting peace and assuring humane governance in their countries (Mubangizi, 2013:14). To ensure that rights were protected, states were bound to enact laws on the protection of the rights acknowledged in international law instruments. The resultant legal instruments were to provide remedies and sanctions that could be applied to perpetrators and those who have violated rights. Irrespective of their history or origin, all remedies and sanctions have one thing in common, though: If people are to enjoy life, they must respect the rights of others and must have their own rights protected.

From the above, it is clear that lawmakers conceptualised legal rights as a means to protect citizens from unjust rulers and persons (both natural and juristic). In a South African context, several legal mechanisms, such as remedies and sanctions, are enforced to prosecute those who violate legal rights (Motale & Ramaphosa, 2002:90; Potgieter, 2011:2; De Wet, 2018:5-8). As Smit and Oosthuizen (2013:45) point out, legal rights are embedded in:

“the close relationship between legal subjects (person, school, company and state) as regulated by law

the close relationship between the legal subject, the bearer of the right and the object of the right (real property, material things, personality rights)”.

From a private law aspect, Smit and Oosthuizen (2013:45) further classify rights in terms of legal objects such as real right over material things, personality rights over one's privacy and body, and contractual and immaterial rights such as a person's right to an idea, invention, and literary work.

Another conceptualisation of legal rights can be regarded as a process followed by courts in an attempt to correct unwanted behaviour or conduct that would constitute a contravention of another person's rights. In instances such as these, the court will seek to apply remedies and sanctions to correct the conduct of the guilty party without violating the latter's own rights (Eloff, 2019:58).

From the history and development of legal rights emerged two main theories on the function of rights, namely the interest theory and the will theory.

3.3.1 The interest theory

This theory was first introduced by Bentham in 1748 (Mccatyr, 2020:1), and its advocates maintain that rights can only be made possible if there are legal remedies or systems that will enable one to act as a result of what is imposed on him or her. According to this philosophy, the main purpose of human rights is the protection of the fundamental interests of human beings and the attributes and conditions needed for humans to flourish (Mccatyr, 2020). The Interest theory furthermore implies that every person has a basic and general duty to respect the rights of every other person. In the context of this study, that implies that teachers are obligated in terms of the Constitution to protect human rights and that the state, acting in the interest of learners, is also obligated to provide whatever means necessary to protect and promote those human rights that are enshrined in the Constitution.

3.3.2 The will theory

Also known as the choice theory, the will theory was first introduced by Hart in 1907 (Mccatyr, 2020:1). Will theorists maintain that human rights rest upon the ideal of humans' capacity for freedom and autonomy, and as such, human rights exhibit the personal autonomy and fundamental freedom of human beings. In the context of this study, this theory implies that teachers and learners are bearers of human rights because they have the capacity for rational autonomy.

The Constitution (1996) enshrines legal rights that people in South Africa are entitled to, such as the right to fair and just administrative action, the right to be equal before the law, and the right to receive a basic education. The constitutional directives for the interpretation and application of these rights are examined next.

3.4 Constitutional rights enshrined in the Bill of Rights

The Constitution lies at the heart of the South African legal system and is regarded as a source of Education Law (Joubert & Prinsloo, 2008:14; Oosthuizen, 2015:43). The importance of the

Constitution is embedded in the founding provisions and rules that determine how the Bill of Rights is interpreted, applied, and enforced.

For a country to function and be governed optimally, it is important to adhere to democratic principles and all fundamental rules and directives contained in its constitution (Joubert & Prinsloo, 2008:3). The South African Constitution came into effect on 4 February 1997 and supersedes all previous parliamentary rulings (Smit & Oosthuizen, 2013:55; Joubert & Prinsloo, 2008:15). The features of the Constitution, according to Joubert and Prinsloo (2008), include:

- a Bill of Rights in which fundamental rights are protected;
- a democratic system of government;
- cooperative government, that recognises the three spheres of government, namely the legislature, the executive, and the judiciary; and
- a public administration, which, for example, binds provincial education departments and public schools to govern according to democratic principles and values.

According to its preamble, the Constitution's aim is to recognise and redress the imbalances of the past, honour those who suffered in fighting for justice and freedom in our land, respect those who worked hard for the betterment of our country and ensure that South Africa is for all who live in it. The South African Bill of Rights provides us with provisions that ensure the protection of all learners regardless of their backgrounds; hence, teachers are obligated to ensure that learning is conducted in a safe environment that is free from harm and fear (De Wet *et al.*, 2016a:37).

If human rights are to be realised, teachers must interpret and apply human rights in accordance with the founding provisions of the Constitution as outlined below (Pillay, 2014:01).

3.4.1 Founding provisions of the Constitution (Section 1)

The founding values of the Republic of SA serve as an important guide for the implementation of human rights. Section 1 of the Constitution (SA, 1996) provides that South Africa is a sovereign and democratic state which is founded on the values of *inter alia*:

- (a) human dignity, the achievement of equality, and the advancement of human rights and freedoms;

- (b) non-racialism and non-sexism; and
- (c) supremacy of the constitution and the rule of law.

Pillay (2014:11) believes that everything that needs to be done in South Africa must bear these principles in mind, to which Netshitahame (2008:133) adds that the South African education system should also be structured in such a way that it caters for these values if it is to deliver learners that are capable of functioning as responsible citizens. This ties in with the *Manifesto on values, education and democracy* (as discussed in Chapter 1), which proclaims that teachers should uphold the principles of kindness, respect, compassion so as to ensure that human rights are realised. To this, Coetzee (2008:190-191) and Mothata and Squelch (1997:5-6) add that the legalisation of these values will add value to the education system – a sentiment echoed by De Wet *et al.* (2016a:48) who proclaim that these values should form the basis of all rights and without which no provision of any law should be interpreted. Significantly, in accordance with the Constitution, all three spheres of government (legislature, executive, and the judiciary) on national, provincial, and local level, as well as all Chapter 9 institutions, will be held accountable if these values are not incorporated within their lines of function (Currie & De Waal, 2013:7-8; Smit & Oosthuizen, 2013:53). In the context of this study, the implication is that teachers need to, firstly, understand and implement law against the background of these values, and secondly, promote human rights in accordance with these values.

3.4.2 Supremacy of the Constitution (Section 2)

Section 2 of the Constitution clearly states that it is “the supreme law of the Republic; any law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled”. This implies that everyone, including teachers, should recognise the supremacy of the Constitution and that teachers’ conduct and practices should, therefore, conform to the set rules and principles contained in the Constitution (Smit & Oosthuizen, 2013:56; De Wet *et al.*, 2016a:44). It is also important to know that school policy, class rules, and school and classroom practice may not contradict any of the provisions of the Constitution, which includes the Bill of Rights. Furthermore, legislators, executives, and the judiciary, including courts, should comply with the supremacy of the Constitution when developing and applying laws (Currie & De Waal, 2013:5; De Wet *et al.*, 2016a:56; Joubert & Prinsloo, 2008:14; Smit & Oosthuizen 2013:56; Currie & De Waal, 2013:05; Pillay, 2014:9). When drafting and implementing policy and rules, teachers must thus take cognisance of the provisions of, among others, the Bill of Rights, and make sure that policy and procedures are structured and implemented in accordance with it.

3.4.3 Rights in the Constitution (Section 7)

To further entrench the state's obligation to respect, protect, promote, and fulfil the rights enshrined in the Bill of Rights, Section 7 of the Constitution provides that:

(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 limitations contained or referred to in section 36, or elsewhere in the Bill of Rights.

Section 7 provides that if South Africa is to be viewed as a democratic country, all values contained in the Bill of Rights should form part of our daily lives and be incorporated in everything we do (Malherbe & Beckmann, 2003:3; De Wet *et al.*, 2016a:47). Section 7(2) places an obligation on the state and all organs of state to respect, protect, promote, and fulfil these rights, especially in as far as making and executing legislation to protect and promote human rights is concerned (Smit & Oosthuizen, 2013:58). Here, it is important to note that public schools are organs of the state (De Wet *et al.*, 2016a:47) and are thus tasked with this same obligation. Teachers, as functionaries of public schools, are directly involved in the state's duty to not only respect human rights but also to actively promote them, take steps to protect them, and work towards the fulfilment of rights in education. Teachers and schools, however, do not work towards the realisation of human rights on their own but within a tripartite partnership where they cooperate and share authority and financial responsibility with other shareholders as well as local and national government departments (Smit, 2017:52).

3.4.4 Application of the Bill of Rights (Section 8)

Section 8 (SA, 1996) provides for the application of rights in the Bill of Rights. First of all, section 8(1) indicates that "the Bill of Rights applies to all law and binds the legislature, the executive, the judiciary and all organs of state".

Given that a school is regarded as an organ of the state, the school is bound by the provisions in the Bill of Rights, and teachers are, therefore, expected to protect, respect, and promote human rights in their classrooms. Provisions in the Bill of rights applies to schools, teachers, and learners. Furthermore, subsection (2) provides that a provision of the Bill of Rights binds both juristic and natural persons based on the rights and duties imposed. In terms of section 8(4), the school, as a juristic person (Smit, 2017:53), is entitled to rights in accordance with the nature of the right as well as the nature of the school as a juristic person. Schools, as

juristic persons, are entitled to rights to the extent that it is applicable and, similarly, are bound by duties imposed by the Bill of Rights. Here it ought to be noted, though, that as much as every teacher, as an individual natural person, is bound by the provisions in the Bill of Rights, they are also entitled to the rights it affords as much as learners are entitled to the same rights. Teachers will only be able to promote human rights if they are knowledgeable about the application of human rights and how it influences the role of the state, the school, and the individual educator (Pillay, 2014:39).

In applying the provisions of the Bill of Rights to a natural or juristic person (subsection 2), the court is obliged to apply or, if necessary, to develop common law in instances where the law does not give effect to any right, and the same principle will also be used to limit that right in terms of Section 36(1). The latter statement implies that the Bill of Rights will be applied directly if the teachers (duty-bearers) infringe on learners' (beneficiaries) rights to give effect to the right. However, before applying the Bill of Rights directly, the court must first consider the rules and remedies of ordinary law to ensure conformity with the Bill of Rights.

3.4.5 Limitations of rights in the Bill of Rights (Section 36)

The Bill of Rights, as enshrined in Chapter 2 of the Constitution, provides for the fundamental rights that must be protected and promoted by everybody, including the state. In section 36(1), though, provision for the limitation of those rights is also made:

(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 the extent of the limitation

(d) the relationship between the limitation and its purpose; and

(e) less restrictive means to achieve the same purpose.

(2) 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.

Eloff (2019:114) views this limitation clause as an “evaluation test for limiting human rights” that strives to balance conflicting rights. Bray (2004:11) concurs and adds that no human rights are a hundred percent absolute even though they are guaranteed and cannot be violated by anybody, including the state. Smit (2013:67) confirms that, in terms of Section 7 of the Bill of

Rights, the rights in the Bill are not absolute but are subject to limitations or restrictions, either in terms of the wording of a provision itself or in terms of Section 36. According to Smit (2013:67), “the boundaries of human rights are set by the rights of others and by the legitimate needs of society”. The Constitution allows for legislators to make laws (original as well as subordinate) that enact such boundaries as are needed to limit rights to find a balance between conflicting rights and needs within the society, as long as such limitations meet the requirements.

If teachers are to fulfil their role in the realisation of human rights in township classrooms, they must know and understand how to weigh and balance the relevant rights when learners’ rights are encroached upon in classrooms. Teachers are often tasked with implementing provisions in original legislation such as parliamentary or provincial statutes, common law rules, and subordinate or delegated laws such as regulations, national policy, norms and standards, guidelines and so on that may limit rights of learners, teachers, or other persons in the school setting (Smit, 2013:72). They should also be aware of legislation and other laws that limit the rights of role players in education, and in the classroom in particular, since such limitations are often intended to balance and protect rights where conflict occurs. As an example, the Schools Act allows for the limitation of the right to privacy by allowing search and seizure of dangerous objects and illegal drugs in the school to protect other rights such as safety, security and education. At the same time, teachers should accept that rights may be limited only by “law of general application” and not by policies and practices or actions purely based on the discretion of the teacher or any other body or person (De Wet *et al.*, 2016a:54). Knowing and understanding how and why rights are limited will enable teachers to implement the law in this regard which, in turn, may contribute towards the realisation of human rights in classrooms.

3.4.6 Enforcement of the Bill of Rights (Section 38)

Courts, based on the processes of justice, are given the power to investigate any contravention of human rights stipulated in the Bill of Rights (Joubert & Prinsloo, 2008:39; Eloff, 2019:101), and anyone is entitled to approach the court to seek relief for any dispute pertaining to human rights violations (justiciable disputes) (Joubert & Prinsloo, 2008:39). To this end, courts are regarded as the “watchdogs” of democracy and the Bill of Rights, implying that in fair hearings, they must ensure compliance with the Bill of Rights and as such have the power to invalidate any conduct or law that does not conform with the provisions of the Bill of Rights and can institute legal remedies or sanctions with regards to transgressors (Bray, 2004:20-37; Joubert & Prinsloo, 2008:74). Section 38 lists the persons (Individuals or association acting on their own behalf or on behalf of another person or group or class of persons or in acting in the interest of the public) who may approach a competent court alleging

that a right in the Bill of Rights has been violated, and states that the court may grant appropriate relief, including a declaration of rights. Section 172 of the Constitution outlines the powers of the courts and provides examples of remedies (Smit, 2013:47). Teachers who are aware of the possibilities of the enforcement of human rights are thus better able to fulfil their role in the realisation of human rights through, among others, approaching a competent court when rights are violated or threatened.

3.4.7 Interpretation of the Bill of Rights (Section 39)

Courts are in a position to deem law as invalid if they find that the legislation tested is inconsistent with the Constitution, including the Bill of Rights (Pillay, 2014:41). However, to validate its meaning or implication, the Constitution should be interpreted within context and its interpretation should be different from other legislation (Pillay, 2014:40-14). To this end, Section 39 (SA, 1996) provides the following in regards to the interpretation of the Bill of Rights:

(1) When interpreting the Bill of Rights, 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

(c) May consider foreign law

(2) When interpreting any legislation, and when developing common law or customary law, every court, tribunal or forum must promote the spirit, purpose and objects of the Bill of Rights.

Even so, the approach that should be used to interpret the Bill of Rights has caused a lot of contention amongst scholars. Authors such as Joubert and Prinsloo (2008:36) and Currie and De Waal (2013:135-145) state that when interpreting the Bill of Rights, the text itself should be the point of departure while also cautioning that an ordinary or dictionary (literal) meaning alone cannot solve constitutional disputes. Bray (2008:20), on the other hand, argues against the literal approach, stating that Sections 39(1)-(3) are clear on how the Bill of Rights should be interpreted and that the core values as well as the purpose and scope of the rights can be elicited from the Constitution itself. Likewise, harking back to history, Eloff (2019:103) warns against instances where constitutional values were used to *entrench* fundamental rights rather than acting as a content base for the *interpretation* of those rights.

Adding to the argument, Pillay (2014:42) states that even though our new society expects that values such as human dignity, equality and freedom will be promoted, international law and

instruments that are legally binding, such as the “UN charter, UDHR and conventions such as Genocide conventions (1948)”, must be considered.

3.4.8 Constitutional rights with particular relevance to township classrooms

To ensure the safety of learners, it has already been established that learners, teachers, parents, and the state must collaborate to create a classroom environment that is free from harm and fear and where human rights can be realised. In so doing, they must adhere to the supremacy of the Constitution (Bray, 2004:39) and the rights enshrined in the Bill of Rights.

Authors such as Mubangizi (2013:80) and Smit and Oosthuizen (2013:81) believe that all rights are important and that it would be unfair to single out certain rights as though they were more important than others. The Bill of Rights, as enshrined in the Constitution, provides fundamental rights of persons, which include learners. On this point, it should be noted that the purpose of this study is not to discuss every right in detail but rather to concentrate on selected rights that bear particular relevance to teachers in township classrooms. As part of a basic legal framework that supports the roles of teachers in realising human rights, the right to equality (s)(9); the right to human dignity (s)(10); the right to freedom and security of the person (s)(12); the best interest of the child (s)(28); the right to education and education in the official language of one’s choice (s)(29); the right to freedom of religion and belief (s)(15); the right to privacy (s)(14); the right to just administration action (s)(33); and children’s rights (s)(28) are highlighted. Each of these is examined next from the perspectives of the Constitution, different legislation, common law and case law, as well as the policies that have been designed to protect these rights.

3.4.8.1 The right to equality (Section 9)

Equality, as one of the principles of democracy, refers to a state of being equal regardless of economic and political background and implies that those in charge should afford people equal opportunities, treatment, and respect (Smit & Oosthuizen, 2013:81). Ngcukaitobi (2013:201) captures the essence of equality simply yet elegantly by saying that people who find themselves in the same position should be treated the same.

Section 9 of the Bill of Rights reads as follows:

(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

(5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair. This also relates to 'Unfair discrimination clause.'

Mubangizi (2013:81) refers to Section 9(1) as the “equal protection clause”, Section (9)(2) as the “affirmative action clause”, and Sections 9(3) and 9(4) as the “non-discriminatory clauses”. Clearly, Section 9 is aimed at promoting formal and substantive equality whilst introducing the concepts of fair and unfair discrimination (Ngcukaitobi, 2013:12-13; Smit & Oosthuizen, 2013:81; Smit, 2014:612; Mubangizi, 2013:81-92; Oosthuizen, 2009:30; De Wet 2017:118-120). Formal equality, or identical treatment, applies when the same people receive the same treatment regardless of social and economic differences (Joubert, 2009:50; Smit & Oosthuizen, 2013:13-82; Smit, 2014:611) and implies that consistency should always be applied when dealing with people, regardless of their background (Eloff, 2019:106). Formal equality involves no differentiation: every person enjoys the same rights, advantages, and privileges and bears the same duties and responsibilities. Substantive equality, often referred to as “equality of the outcome”, is promoted and ensured when all obstacles/restrictions/stumbling blocks that hamper people’s free participation in the education system have been removed (Smit & Oosthuizen, 2013:86; Smit, 2014:612) and when the focus is on acknowledging differences rather than cantering around similarities (De Wet, 2017:118-120). The differences between formal and substantive equality can be depicted as follows:

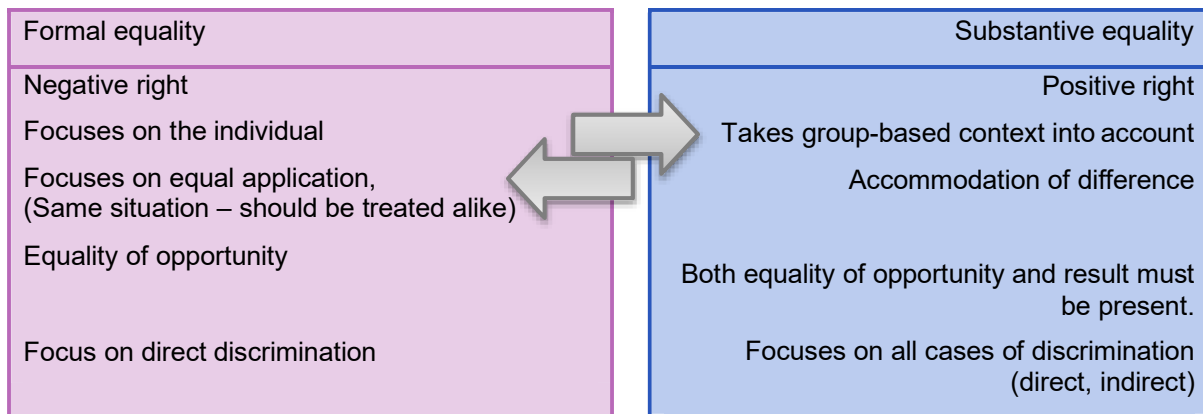


Figure 3-1: The difference between formal and substantive equality, as adapted from Van Wyk (2019:55)

Smit (2014:613) states that the difference between the two approaches lies within the attention given (or not given) to socio-political and economic contexts which can either seed blindness or ignorance on the one hand which lead people to treat everyone the same, or on the other hand engender a wish to accommodate everybody, and consider all cases of discriminations they are influenced by socio-, political and economic contexts. In instances where contextual factors may impact on a person's ability to fully enjoy a particular right, advantage or opportunity, a substantive approach to equality must be favoured (De Wet, 2017:119).

Otte (2016:124) in interpreting formal equality, states that teachers in the classroom should be cautious when dealing with learners who are more vulnerable, for example, Grade R learners. The same principle is applicable for township learners, who are often from very poor or child-headed families. Taking into account the needs of individual learners based on their context requires substantive approaches to equality rather than treating all exactly the same. Enhancing equality means that the teachers must take cognisance of socio-economic and other contextual factors that may prevent a learner from enjoying their education rights in full and make adjustments in teaching-learning, assessment, and classroom management that would promote substantive equality, thus affording those learners who are experiencing barriers the same opportunities to succeed as their other peers.

In relation to fair and unfair discrimination, Sections 9(3) and (4) of the Constitution bar discrimination based on grounds contemplated in Section 9(3). Authors such as Smit and Oosthuizen (2013:87) and Rautenbach and Malherbe (2012:242) identify a two-stage approach applied by the Constitutional Court to determine whether discrimination is unfair: Stage 1 relates to *prima-facie* discrimination, which is based on differentiation as a result of the grounds listed in Section 9(3), and stage 2 relates to unfair discrimination where unfairness is proven based on the same grounds. Teachers can rely on this information to enable them

to identify unfair discrimination and make adjustments to their classroom practices that would eliminate unfair discrimination. De Wet (2018:18-14) notes how courts have interpreted equality rights as supportive of the celebration of diversity and inclusion of and fairness toward the poor, diverse religious groups, diverse languages, and all races, genders and sexualities.

Education legislation reiterates equality both as a right and as a value. The Schools Act (Act 84 of 1996) provides phrases that indicate how teachers should play their roles in the realisation of human rights, including equality rights. In its preamble, the Schools Act provides for a “new and a nationally uniform education system for the organisation, management and financing of schools”. The preamble states that the education system should be built on a non-discriminatory basis as well as protect and promote the variety of South African languages and cultures. The Schools Act is clear that teachers should treat their learners equally and should avoid discrimination at all cost and encourage learners to do the same to other learners (Maboe, 3012:114).

The Employment of Educators Act (Act 76 of 1998) relates to misconduct and incapacity and an exposition of educators accused of any transgression. Section 17(1) of this act states that a teacher must be dismissed if she or he is found guilty of serious misconduct as listed in subsections (a) to (f). Section 18(1) similarly provides a list of misconduct for which a teacher can be disciplined. Unfair discrimination against any person “on the basis of race, gender, disability, sex, pregnancy, marital status, ethnic and social origin, colour, sexual orientation, age, disability, [sic], religion, conscience, belief, culture, language, birth, family responsibility, HIV status, political opinion or other grounds prohibited by the Constitution” is listed in (s) 18(1) (k) as the most obvious form of prohibited conduct for teachers related to equality. Other forms of misconduct more indirectly related to equality and discrimination are also included.

The right to equality and not to be unfairly discriminated against is also promoted in the education system through the National Education Policy Act (Act 27 of 1996). The Act provides *inter alia* that school admission policies should be free from any form of discrimination (schedule 1 section 9.)

Several cases related to equality have served before the High Court, and the verdicts of those cases can also serve as a guideline as to how schools and the Department of Basic Education are supposed to function and how norms and standards ought to be interpreted and applied (Malherbe, 2008:59). For example, in the case *MEC for Education, KwaZulu-Natal v Pillay* (2008), the court ruled in favour of the plaintiff, i.e. the mother of a Hindu girl who began

wearing a nose stud for religious and cultural purposes even though this was against the school's code of conduct, stating that the respondent failed to prove that discrimination in this matter was fair.

Teachers' role in promoting learners' right to dignity would thus involve, first of all, refraining from unfair discrimination and, secondly, using fair discrimination to actively provide opportunities for disadvantaged learners to obtain substantive equality.

3.4.8.2 The right to human dignity (Section 10)

Human dignity is derived from the Latin words "*dignitas humana*" and the German word "*menschenwürde*" which originated from the notion that God put man in total control of the animal kingdom (Steinmann, 2016:1). On the other hand, Currie and De Waal (2013:253) argue that human dignity originated from Kantian moral philosophy, which is based on a person's intrinsic worth. People are not supposed to be treated like animals, as they are worthy human beings, De Wet *et al.* (2016a:5) echo. Human dignity is also denoted by respect, given that a person does not have to be worthy to be respected (Smit & Oosthuizen, 2013:112).

In defining human dignity, Bray (2004:37), Currie and De Waal (2013:251) and Smit and Oosthuizen (2013:113) describe dignity as a person's inner worth and self-esteem, stating that a person does not have to do something to deserve his or her dignity. Based on inner worth, Steinmann (2016:13-14) pointed to the following elements of human dignity:

- An ontological claim, which holds that dignity is embedded in one's life and is not replaceable;
- A demand for recognition, which holds that one's inherent dignity should be respected; and
- The obligation of the state, which holds that the state should provide all that is necessary to protect social and economic rights.

Reyneke (2011:130) expounds that human dignity is enshrined in the following instruments:

- Article 1 of the Universal Declaration of Human Rights (UDHR) (UN, 1948), which provides that human beings are born free and equal in dignity and rights;
- The International Covenant on Civil and Political Rights (UN, 1966), which stresses that fundamental rights are derived from the inherent dignity of the human person; and

- The preamble to the African Charter on Human and Peoples' Rights (AU, 1981), which declares that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspiration of the African people".

Steinmann (2016:122) asserts that German basic law and the Constitution share the same quality, namely the inherent dignity one possesses. Human dignity is regarded as an important principle of democratic values and fundamental human rights, and it applies in many public internal law instruments (Smit & Oosthuizen, 2013:1113; Steinmann, 2016:122). Human dignity can also be used as a limitation clause that balances all other rights (De Wet *et al.*, 2016a:51). Human dignity and equality are very basic rights and values that have been enshrined in the Constitution (Smit & Oosthuizen, 2013:114). Human dignity is closely related to equality in that dignity is preserved and promoted when one is not unfairly discriminated against. The two rights are regarded as overarching rights, which implies that other rights cannot be realised without dignity and equality (Smit & Oosthuizen, 2013:114; Van der Vyver, 2005:195; De Wet *et al.*, 2016a:51). Equality and human dignity, together with freedom, are also singled out as both founding and democratic values in the Constitution (Preamble, Section 1(a), Section 7(1), Section 36(1), Section 30(1)(a)). Section 10 of the Constitution states that "[e]veryone has inherent dignity and the right to have their dignity respected and protected".

Consequently, teachers and learners should respect and protect one another's human dignity in the classroom. De Wet *et al.* (2016a:51) add that violation of human dignity is associated with concepts such as punishment, cruelty, inhumane and degrading treatment as well as objectification.

Section 10 of the Schools Act explicitly prohibits the use of corporal punishment and subordinate legislation issued in its authority and contains provisions intended to protect the dignity of learners at school by, among others, providing for punishment as a corrective measure (DOE, 1998: item 8.1) that is instituted in such a way that learners' human dignity is not violated or causes fear (DOE, 1998: item 4.3). In addition to the use of violent and gruesome disciplinary methods, national education legislation also prohibits 'sexual harassment, sexual abuse, intimidation, and the victimisation of female learners' (Joubert & Prinsloo, 2007:49). Lately, bullying has come to the fore as a violation of human dignity, as demonstrated in the case of *Dowling v Diocesan College and others* (1999), in which the court held the school is liable for their failure to protect the human dignity of their learners, which in this matter related to a boy being bullied and badly beaten.

When school governing bodies draft their policies, including codes of conduct for learners, they must comply with Section 10 of the Constitution by ensuring that the human dignity of learners is restored and promoted through school rules and practices (Smit & Oosthuizen, 2013:117). Human dignity should also be infused in teaching-learning as well as school cultures in accordance with the *Manifesto on values, education and democracy* (2001a). This manifesto clearly states that South Africa was founded *inter alia* on the value of human dignity; therefore, the principles of kindness, respect and compassion should be upheld in schools so as to make the school a safe environment.

As is evident from the abovementioned, teachers can promote and protect learners' right to dignity by understanding and respecting the equal value of each learner as a human being, refraining from degrading, dehumanising and objectifying learners through their classroom practices such as maintaining discipline, as well as through other interactions with learners.

3.4.8.3 The right to privacy (Section 14)

Before the dawn of democracy, the right to privacy has long been and still is a common law principle (Smit & Oosthuizen, 2013:108). To understand the interpretation of the right to privacy, it is important to conceptualise privacy, as there is still contestation about how to define the right to privacy. This lack of clarity has resulted in judges, politicians, business people, government officials and schools having difficulty in resolving issues pertaining to privacy (Solove, 2008:02). According to Solove (*ibid.*), privacy exists if one can exercise freedom over one's thoughts, have control over one's body and personal information, and have the freedom to protect one's reputation, which implies being protected against searches and interrogations. To this end, Malherbe and Beckmann (2003:39-40) contend that disclosure of personal information would constitute a violation of the right to privacy.

Rights are interrelated, and dignity is seen as a necessity for the realisation of other rights. Floridi (2017:305) holds that the right to privacy exists because it protects human dignity. Put differently, protecting a person's privacy contributes to the protection of his or her dignity.

This right, too, is addressed in the Constitution. In terms of section 14, everyone has the right to privacy, which includes the right not to have –

(a) their person or home searched;

(b) their property searched;

(c) their possessions seized; or

(d) the privacy of their communications infringed.

Currie and De Waal (2005:316) explain that section 14 implies, among other things, that teachers cannot search learners' school bags without their consent, cannot bug learners' private conversations nor read their emails, letters or any other private messages without their permission. In item 3.1 of their Code of Professional Ethics, the South African Council for Educators (2000) added that educators should respect the right to privacy and confidentiality of their learners. Smit and Oosthuizen (2013:51) also point out that one of the implications of the right to privacy is that teachers are not allowed to search learners' bags unless, in accordance with section 8A of the Schools Act, they suspect that a learner may be carrying a dangerous weapon or illegal drugs. This exception, namely that the school can search for dangerous objects or illegal drugs, is a limitation on the learner's right to privacy as warranted by Section 8A of the Schools Act, which provides for search and seizure under certain conditions and prescribes procedures to be followed to ensure minimum limitation on learners' right to freedom while still allowing schools to be dangerous-weapon- and drug-free zones.

De Wet *et al.* (2016a:50) and Smit and Oosthuizen (2013:131) hold that learners' rights to privacy are limited in the interest of safety only when a reasonable suspicion exists that a learner is in possession of a dangerous object or illegal drug, making certain that the search and/or seizure follows the procedures and requirements as set out in Section 8A of the Schools Act as well as the *National Policy on the Management of Drug Abuse by Learners in Public and Independent Schools and Further Education and Training Institutions* (DOE, 2002). Joubert and Prinsloo (2008:51-52) and Smit and Oosthuizen (2013:131) indicate that the limitation on the right to privacy in instances such as these would ensure that a balance is struck between the privacy rights of the learner on the one hand and the safety and education rights of others in the school environment on the other.

Teachers should respect learners' privacy rights while knowing when and how such rights may be limited in the interest of the greater good or in the interest of balancing conflicting rights within the education setting.

3.4.8.4 Freedom as a right (Sections 12, 15 and 16)

In *Ferreira v Levin* 1996 (1) SA 984 (CC) (54), the judge emphasised possible grounds for distinguishing between freedom and security. This proposal to separate freedom and security elicited much critique by other members of the court, and it was not the first instance in which this subject has been a matter of debate. The notion "freedom" has been much debated (Currie & De Waal, 2013:271), as has the notion that the right to freedom should be separated from the right to security (Eloff, 2019:109). In fact, the Constitution does not contain a general

freedom clause, or a general right to freedom clause, for that matter. Rather, freedom in terms of the Constitution is closely related to the following sections, which are discussed here as part of a legal framework in support of teachers' roles in realising human rights:

- Freedom and security of the person (Section 12)
- Freedom of religion, belief and opinion (Section 15)
- Freedom of expression (Section 16)

3.4.8.4.1 Freedom and security of the person (Section 12)

Joubert and Prinsloo (2007:50) noted that there is a close relationship between the right to human dignity and privacy and the right to freedom and security of the person. Mubangizi (2013:124) regards freedom and security of the person as closely related to section 35 of the Constitution, which provides for the rights of arrested, accused, and detained persons. Authors such as De Wet *et al.* (2016a:52) and Currie and De Waal (2013:70) refer to the freedom and security of a person in a legal context "as a right to bodily and psychological integrity". Section 12(1) of the Constitution states that:

(1) Everyone has the right to freedom and security of the person which 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.

Thus, section 12(1) implies that a person cannot simply be stripped of his or her freedom by being detained without a fair trial, neither can his or her body or psyche be violated as a result of violence, torture, or degrading treatment, whether at home, at school, in the classroom, or on the playground (De Wet *et al.*, 2016a:52). Teachers have to ensure that their learners are not treated or punished in ways that objectify them, treat them as less than human, or are cruel and inhumane. In this sense, freedom and security of the person are closely related to dignity; thus, the two rights could be said to be interdependent.

As far as the treatment of learners is concerned, a possible threat to the rights stipulated in Section 12 is the punishment of learners. When learners are punished, it should not be done in a manner that is violent, degrading, inhumane, or cruel. According to De Wet *et al.* (2016a:52-53), it is this right that led to South African courts and the Schools Act to declare

corporal punishment in the public sphere to be unlawful on the basis that it impacts bodily integrity and human dignity (see *Christian Education South Africa v Minister of Education* (2000) where the court ruled that whipping juveniles is cruel and inhumane).

Another possible threat to the rights contained in Section 12 is school violence. Currie and De Waal (2013:280) assert that violence is seen as a violation of the freedom and security of the person. For this reason, the school, state, and private persons should ensure that they respect and protect the right to freedom and security of learners and other parties at all times. As Smit and Oosthuizen (2013:120-124) point out, several forms of school violence can take place between teachers and learners, between learners and other learners, and between persons external to teachers and learners. Teachers must refrain from using any form of violence, 1form of violence. In an attempt to create schools that are free from violence, regulations for safety measures at public schools (DOE, 2001) and guidelines for the consideration of school governing bodies in adopting a code of conduct for learners (DOE, 1998) were promulgated, amongst others. These documents contain provisions for prohibiting and preventing violence and dealing with incidences of violence if they occur (disciplinary procedures). Codes of conduct for learners must be adopted by governing bodies that are also tasked with conducting disciplinary hearings and implementing sanctions for learners who make themselves guilty of violent behaviour.

Furthermore, to protect learners against violence from educators, the Employment of Educators Act (Act 76 of 1998) as well as the SACE Act (Act 31 of 2000) allows for disciplinary steps against teachers who engage in violence, be it corporal punishment, assault, sexual abuse, or psychological violence.

In contributing toward the realisation of learners' right to freedom and security of the person, teachers themselves should refrain from violating this right in any way while also preventing learners from violating the right of their peers through for example bullying, assault, or sexual harassment. Such obligations are placed on teachers by Section 12 of the Constitution and further affirmed and expanded through other legislation, as discussed in the paragraphs above.

3.4.8.4.2 The right to freedom of religion, belief, and opinion (Section 15)

Religion and belief constitute the uniqueness of a person that forms a deep part of a person's identity through which peace, tolerance, and acceptance can be promoted (Oosthuizen, 2009:34). Religion is an important facet of a person's life (Smit & Oosthuizen, 2013:151)

because it has the power to determine their self-worth and dignity, enable society to distinguish between right and wrong, and affirm and enable the continuity of good and powerful ancient traditions that form a part of a person's heritage. For these reasons, the protection of freedom of religion is important within a democratic society.

Freedom of religion refers to the entitlement of a person to choose a religion of his or her choice or not to believe at all (Smit & Oosthuizen, 2013:154; Ferguson, 2018:200-202). According to Currie and De Waal (2013:316), freedom of religion is inclusive of a right to have "a belief, to express such belief publicly, and to manifest such belief through worship, practice, teaching, and dissemination". The authors declare that in protecting a person's freedom of religion, their freedom of conscience (moral judgment), thought (reason) and belief are also protected (*ibid.*).

With reference to freedom of religion, Section 15 of the Constitution states 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; and

(c) attendance at them is free and voluntary.

In terms of Section 15(1), no one, institution or organisation has the right to hold, change, or prescribe anybody's belief or to change or prescribe a person's religion (De Wet *et al.*, 2016a:55), nor may a person be prohibited from exercising their religion. Section 15(1) together with Section 31 protects the rights of individuals as part of religious communities.

Section 15(2) allows religious observances at state and state-aided institutions, such as public schools and is echoed by Section 7 of the Schools Act. In support of the realisation of religious rights at schools, the National Policy on Religion and Education (DOE, 2003) was promulgated by the Minister of Education. Legislation pertaining to the protection of Section 15 rights requires that governing bodies adopt religious policies for their schools in accordance with the Constitution and education legislation, ensuring that no one is discriminated against on the basis of their belief, conscience, opinion, or religion; that attendance of religious observations are voluntarily and free; and that those observations are conducted on an equitable basis.

Within the context of this study, teachers would contribute to the fulfilment of learners' religious rights by respecting and accommodating diverse religious and non-religious views and beliefs while adhering to the religious policy of their school when religious observances are involved.

3.4.8.4.3 The right to freedom of expression (Section 16)

Freedom of expression, according to Smit and Oosthuizen (2013:133), Currie and De Waal (2013:341) and De Wet *et al.* (2016a:59), can be viewed from both a democratic individual and collective point of view and can also be extended to forms of outward expression. From a democratic and collective point of view, Mubangizi (2013:97) states that freedom of expression is a tool of democratic government which regulates how opinions are formed and circulated amongst people. Secondly, it is a tool of truth or a quest for a truth paradigm in the marketplace of ideas where debates are open with a view to arriving at the truth. Thirdly, it is a tool for personal fulfilment where there are no restrictions for a person to grow and to discover her- or himself.

Outward expression, according to Roos *et al.* (2015:61) and De Wet *et al.* (2016a:58), encompasses factors such as dance, singing, attire, hairstyles, jewellery, works of art, and written work. To this, Smit and Oosthuizen (2013:135) add that freedom of expression also relates to other rights such as the right to freedom of religion, belief and opinion (s15); the right to dignity (s10); the right to equality (s9); and cultural and language rights (s30 and 31). As such, freedom of expression enables people to establish associations where they can express, accept and tolerate each other's opinions. Taking the diversity within South African schools into account, Smit and Oosthuizen (2013:147-149) and Currie and De Waal (2013:360) point to several controversial aspects with regards to the right to freedom of expression within the school environment, such as learners wearing religious clothing, hairstyles, beards and body piercings; educators teaching or discussing sensitive topics; the use of foul language; and protesting about school matters or expressing unpopular views on school management or governance.

The right to freedom of expression is enshrined in Section 16 of the Constitution (SA, 1669), stating that:

- (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; and*

(d) academic freedom and freedom of scientific research.

(2) The right in subsection (1) does not extend to –

(a) propaganda for war;

(b) incitement of imminent violence; or

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

Section 16, as provided for by the Constitution, protects both freedom of speech and freedom of expression, where freedom of speech is regarded as a principle that supports individuals' opinions while freedom of expression includes the act of ensuring that information is received or imparted regardless of the language (Mubangizi, 2013:98). Freedom of expression and freedom of speech, according to De Wet *et al.* (2016a:58), Roos *et al.* (2015:60) and Mubangizi (2013:98), are used interchangeably, but freedom of expression goes beyond what freedom of speech entails.

Schedule 1 section 4 (4.5.2) of The Schools Act (SA, 1996) also states that learners have the right to enjoy freedom of expression, but it should be noted that the enjoyment of expression is not absolute, meaning that the school, in realising instances where these rights violate the right of others, has the right to limit freedom of expression. Vulgar words, insults, and insubordination are not protected. Section 29(3) of the national guidelines on school uniforms states "that the uniform policy or dress code should accommodate the wearing of, for example, an HIV/AIDS ribbon approved by charity organisations on special days". However, this right should not contribute to the disruption of the school, discipline, or the rights of other learners. In the case *Antonie v Governing Body of Settlers High School* (2002) involving the suspension of a learner for contravening the school dress code by wearing dreadlocks and a headpiece as an expression of his Rastafarian faith, the court overruled the decision made by the school, stating that wearing attire and a particular hairstyle are forms of expression that should be covered in the school's code of conduct.

Children's rights (Section 28)

The Children's Act (Act 38 of 2005) came into being during the adoption of Children Rights Charter (01 June 1992) where children took part in discussions based on their experiences and feelings and what they envisaged as pertaining to their rights (Maboe, 2013:56). In its preamble, the Children's Act embraces democratic values, fundamental rights, and the provisions contained in international documents/ international instruments such as the UDHR (1948) and the United Nations Conventions on the Rights of the Child (UNCRC, 1989) with the sole intention to protect any human being younger than 18 years by creating an environment that makes them happy and will contribute to their development (Maboe,

2013:56). The specific aim of Section 2 of the Children's Act is to protect children against maltreatment, neglect, and abuse or degradation. Furthermore, Sections 7 and 9 of the Act aim to uphold Section 28 of the Constitution in as far as the best interests of the child is paramount in any decision concerning the child. As such, the Children's Act provides means such as structures and services that will protect and promote the "social, emotional, and intellectual development" of children.

The fundamental practical role teachers should play in realising the best interest of children is that teachers should constantly measure their actions against reasonable interpretation of Section 28. Amongst others, teachers should also maintain discipline in their classrooms and assist school governing bodies in reframing codes of conduct that are not discriminatory but realistic as a way of realising this right.

3.4.8.5 The right to education (Section 29)

Prior to 1994, the South African education system was characterised by ethnic wars, tribal conflict, colonisation and the apartheid system, which led to educational disparities (Smit & Oosthuizen, 2013:27). Post-1994, in redressing the educational disparities, injustices and discrimination of the past, legislation and policies were developed to reflect a non-racial, non-sexist democratic education system based on respect for human rights (Smit & Oosthuizen, 2013:43). It is commonly accepted that whenever societies wish to be transformed or liberated, agreement should be reached that the government should place more emphasis on education and that education should be treated as one of the essential services (Smit & Oosthuizen, 2013:225; Malherbe, 2004:9). Government should therefore work hand in hand with other departments, interest groups, and other spheres of government to ensure that everybody receives an adequate education (Joubert & Prinsloo, 2008:10-11; Smit & Oosthuizen, 2013:225).

Section 29(1) of the Constitution states that everyone has the right:

(a) to a basic education, including adult basic education; and

(b) to further education, which the state, through reasonable measures, must make progressively available and accessible.

In simpler terms, Section 29(1) indicates that education is for all and that no one is to be denied education, regardless of their socio-economic background, which is why this right is also referred to as a socio-economic right (Joubert & Prinsloo, 2008:66). Even though subsection (1) (a) affords basic education to everyone, it is crucial to note that basic education is limited to Grade 1-9. This position changed with *Moko v acting principal of Malusi Secondary School* (2021) case, where the conduct or the rule was challenged in that the learner felt his right was violated as he was refused entry into examination room as a result missed Business studies

paper 2. Moko then applied for leave to approach the Constitutional Court, and the court declared that the conduct of the acting principal to be violation of the right to education in section 29(1). And subsequently, the department of education through Umalusi was instructed to allow Moko to write to write paper 2 at the beginning of January 2020 and his result will be released simultaneously with 2020 NCS exam result. To aid the realisation of this right, the Schools Act provides for compulsory education of persons between the ages of seven and 15, or until Grade 9, whichever occurs

first (Section 3) while making provision for schools to gather school fees from some parents (Section 39). Section 3(1) places an obligation on parents to enroll their children for education, while Section 3(5) obliges heads of departments to ensure compliance. School governing bodies bear the right and responsibility to adopt admission policies for their schools in accordance with Section 5 of the Schools Act and must, among others, ensure that such policies does not discriminate against learners because of parents' inability or refusal to pay school fees (subsection 5(3)).

Although Section 29(1) does not explicitly afford free basic education, the right cannot be realised for everyone unless education is free, or at least free for those who are unable to pay for it. The Schools Act thus prohibits schools from depriving learners who are unable to pay school fees of any educational rights, protects them against victimisation (Section 5 as well as 41(7)), and allows for the exemption of parents from paying school fees if they are unable to afford it (Section 39, see also the regulations relating to the exemption of parents from payment of school fees in public schools (DOE, 2006)).

While the right to education is enshrined in Section 29(1)(a), it may become necessary from time to time to balance the rights of the learner with other opposing rights and the interest of quality education, order, and harmony in the school. For example, a severely disruptive learner who shows no interest in participating in learning activities and whose actions are harmful to others in the school or hampers teaching and learning may be suspended or even expelled in terms of Section 9 of the Schools Act. As such, the disruptive learner's right to education may be limited under certain circumstances and through specified procedures as outlined in the Schools Act as well as the guidelines for the consideration of governing bodies in adopting a code of conduct for learners (DOE, 1998).

In terms of the SACE code of professional ethics (SACE, 2000), teachers are regarded as partners in education and are as such required to "acknowledge the uniqueness, individuality, and specific needs of each learner and guide and encourage each learner towards realising his or her potentialities" (SACE, 2000:item 3.2). Teachers can help to protect learners' right to education by providing quality education and catering for the individual needs of every learner. Education White Paper 6 (DOE, 2001:4) acknowledges that education is for all, regardless of age, gender, language and class. All children should be supported, and their differences must be respected by their teachers in order for them to obtain the necessary skills and to reach their potential.

In relation to Section 29(2), its focus is not on mother-tongue instruction *per se* but rather on education in the official language of one's choice, taking into account the practicalities and doability of such education. De Wet *et al.* (2016a:65)

point out that in providing education in the language of choice, the following issues need to be considered to ensure free and fair education: 1) that South Africa has 11 official languages including sign language, implying that the right does not extend to other languages; 2) that the right in Section 29(2) is only applicable to public schools; 3) that provision of mother-tongue education should be fair to all learners; and 4) that education in the language of one's choice is subject to inherent limitations mentioned in Section 29(2), which include redress, equity, practicability, and reasonability. This right is promoted in the Schools Act (Sections 6) and the norms and standards for language policy in public schools (DOE, 1997). School governing bodies are tasked with drafting language policies for their schools and can take into account the language education needs and preferences of the local community to ensure the realisation of language rights in education. Governing bodies should ensure that there is no unfair discrimination in relation to any official languages that are offered as subject options, since official languages are offered on the same level and as first additional language (Schools Act, Chapter 2: Section 6(b)). Teachers should follow the policy of their school by implementing it in the classroom but should also play an active role in shaping such policies through participation in the governing body and attending its general meetings.

Another pointer which reveals another policy that is unfairly discriminating is as a response to the observance of many learners who do not know what to do after failing matric on the basis that they were not allowed to remain in the mainstream to avoid overcrowding in classrooms, the Department of Basic Education instituted the Policy on Progression in 2015 with the intention of ensuring that learners receive the necessary education that is free and fair and to curb the high dropout rate of matric learners (DBE, 2017). According to this policy, Grade 12 learners who were struggling would be allowed to complete their matric over two years by offering them multiple examination opportunities and by offering the curriculum in modularised units (DBE, 2017). Given the criticism raised by many (parents, teachers and learners alike), this policy was scrapped in 2020 based on the concerns that learners believed that the system was used to discriminate against them on grounds of disability and the fact that most schools used the system to avoid accountability for learners' results (Magubane, 2019:1). The outcome was clearly not what the Department of Basic Education envisaged, but it nevertheless led Smit and Oosthuizen (2013:232) to express concerns about the quality of education learners are receiving in this country as compared to others.

3.4.8.6 Right to just administrative action (Section 33)

Section 33(1) of the Constitution states that "everyone has the right to administrative action that is lawful, reasonable, and procedurally fair". To this end, subsection (2) adds that everyone whose "rights have been adversely affected by administrative action has the right to

be furnished with written reasons". A right to just administrative action is relevant whenever the teacher, principal or governing body, all of whom are in a position of power, make decisions that might affect the rights of learners. The most common example is disciplinary action. Whenever disciplinary action is taken against a learner, such action must follow prescribed procedures, be substantially fair, and taken by a person who has the legal power to take such action. In addition, the learner must be furnished with written reasons as to why a decision was taken that affects their rights negatively (Maboe, 2013:55).

The Promotion of Administrative Justice Act (Act 3 of 2000) was promulgated to give effect to the right to "administrative action that is lawful, reasonable, and procedurally fair" and to the right to written reasons for administrative action as contemplated in Section 33 of the Constitution. The Act provides an extensive definition of administrative action, and teachers should know that they are obliged to act in accordance with the Act to protect learners' rights in this regard whenever they exercise a public power or perform a public function in terms of any legislation or empowering provision which could adversely affect the rights of learners. The Schools Act further protects learners' right to fair and just administrative action by making provisions for fair disciplinary procedures in terms of Sections 8 and 9 by regulating search and seizure stipulated in Section 8A and preventing arbitrary refusal of admission stipulated in Section 5.

While the discussion of relevant constitutional rights above have indicated the role and responsibilities of teachers regarding promoting the realisation of those rights, Section 7 of the Constitution places a specific duty on the state and state organs (including schools and, by inference, teachers) to respect, protect and promote the fulfilment of human rights. Authors such as Joubert (2008:72), Smit and Oosthuizen (2013:58) and Eloff (2019:19) hold that both Sections 7 and 8 impose a legal duty on teachers to perform certain duties so as to respect, protect, and promote the rights of learners and other persons.

In this section, the supremacy of the Constitution, as well as the provisions, interpretation, and application of the Bill of Rights with particular reference to education, has been discussed at length (refer to 3.4.1-3.4.7). In the section to follow, the legislation that support teachers' role in the realisation of human rights in classrooms are briefly examined.

3.5 Legislative determinants that support teachers' role in the realisation of constitutional rights in their classrooms

As mentioned in (3.2.1), one of the functions and aims of the law, particularly Education Law, is to encourage teachers to act in a legal and regulatory manner in order to advance, promote

and protect human rights in their classrooms. To follow is a summary of the role of teachers as prescribed by the basic legal framework that emerged from the literature.

3.5.1 The role of teachers in terms of the South African Schools Act (Act 84 of 1996)

The Schools Act provides the most fundamental provisions that regulate how a school should be governed and managed. In terms of the realisation of human rights, this Act stipulates that teachers should:

- avoid using corporal punishment as a means to discipline learners (Section 10);
- treat every learner with kindness, equality and respect without discriminating based on the grounds listed in previous paragraphs (schedule 4 of the Schools Act, item 4.2); and
- never divulge any confidential information about their learners unless it is required by law (schedule 4 of the Schools Act, item 4.3).

3.5.2 The role of teachers in terms of the National Education Policy Act (Act 27 of 1996)

The Education Policy Act provides a national policy for education that contributes to an education system where learners' rights and, in particular, education rights, can be realised. In terms of Section 4(a) of this Act, a policy directed at protecting and promoting the fundamental rights of every person must be adhered to.

Stemming from the Education Policy Act, the Norms and Standards for Educators (DOE, 2000) identified seven roles teachers must fulfil, all of which have a bearing on realising human rights in the classroom:

- Learning mediator: When a teacher inspires his or her learners to uphold constitutional principles, he or she is regarded as being a mediator between the government and learners as he or she will be facilitating a dialogue between the two. During the dialogue, the teacher should be sensitive to the needs of learners. This role, together with reflexive competence (i.e. the ability to reflect upon and integrate understanding of the actions of people within a given context when responding to such actions), will enable the teacher to analyse the extent to which human rights and environmental and other issues have been addressed.

- Interpreter and designer of learning programmes and material: A teacher should be able to design and interpret learning programmes and materials in such a way that it caters for the diverse needs of learners.
- Leader, administrator and manager: A teacher should make decisions and perform his or her administrative duties based on democratic principles. This will be achieved if a teacher possesses the reflexive competency of being able to construct a classroom atmosphere which is democratic but disciplined, and which is sensitive to culture, race, and gender differences as well as disabilities.
- Scholar, researcher, and lifelong learner: A teacher should constantly study new inventions particularly regarding the teaching and learning of human rights. This role will be achieved if a teacher possesses reflexive competency where reflection is based on knowledge and experiences of environmental and human rights issues and adapting own practices.
- Community citizenship and pastoral role: Teachers are regarded as shepherds who guide the flock in their care; therefore, their guidance must be in line with the democratic values and practices of the school. In this role, issues relating to respect and being responsible for others are emphasised so that a culture of human rights can be instilled (Eloff, 2019:7). Teachers also fulfil a supportive role towards parents and other key stakeholders and, given South Africa's diversity, they must have the foundational competency to understand various approaches to education and to develop the constitutional democracy. This implies that a teacher should understand and be knowledgeable about the principles and practices of the main religions practised in South Africa, the customs, values and beliefs of the main cultures of South Africa, as well as the Constitution and the Bill of Rights. Clearly, in order to fulfil their community citizenship and pastoral role, teachers must be fully aware of ethical issues pertaining to politics, religion, economics, human rights and the environment and must be able to reflect on these issues so as to promote an awareness of citizenship, human rights, and the principles and values enshrined in the Constitution.
- Assessor: Teachers should understand assessment that forms part of teaching and learning, and that assessment can serve as a helpful tool to give informed feedback. Even though this role does not necessarily relate directly to the realisation of human rights, its associated competency indicates that a teacher should understand language terminology and subject content so as to apply it carefully in order to cater for the gender and culture of learners in the classrooms.

- Learning area/subject/discipline/phase specialist: Teachers should have a sound knowledge of subject content and the appropriate approaches that must be applied to make teaching and learning more effective. With reference to human rights, teachers will be able to fulfil this role more effectively if they have the foundational competency and understanding to elucidate the role that certain subjects fulfilled in the life or work of South African citizens with particular reference to human rights.

3.5.3 The role of teachers in terms of the South African Council for Educators Act (Act 31 of 2000) and the Code of Professional Ethics (SACE, 2000)

In addition to maintaining the ethical and professional standards expected from teachers, the South African Council for Educators Act (Act 31 of 2000) provides for the registration and holistic development of teachers (Oosthuizen, 2009:249). In accordance with Section 3(2) of the Act, the disciplinary committee of SACE has published the Code of Professional Ethics, which is aimed at promoting excellence in education and includes several provisions aimed at the promotion of human rights. Section 3 of the Act further contains the fundamental provisions that are relevant to disciplinary procedures, should teachers be accused of breaching the professional code of ethics.

The issue of instilling a culture of human rights is stressed in Item 2.3 of the Code of Professional Ethics, which states that an educator should acknowledge, uphold, and promote the basic human rights, as embodied in the Constitution of South Africa (item 2.3). The main responsibilities of teachers are outlined in the SACE Code of Ethics, which also holds that teachers should display traits such as honesty, respect, patience, and fairness when fulfilling their roles.

According to Code of Professional Ethics for Educators, teachers should:

- avoid using corporal punishment as a means of disciplining learners (item 3.5);
- meet every learner with kindness, equality, and respect without discriminating based on the grounds listed earlier in this Chapter (item 3.1);
- never divulge any confidential information about their learners unless it is required by law (item 3.1);
- demonstrate integrity, impartiality, and ethical behaviour in the classroom (item 2.5);
- assist parents/school governing bodies with the drafting of policies pertaining to the Schools Act Section 9(3) and the Education Policy Act Section 4(a);

- Respect the dignity, beliefs, and constitutional rights of learners (item 3.1); and
- Strive to enable learners to develop a set of values that is consistent with the fundamental rights contained in the Constitution (item 3.3).

General legislation that also has an impact on the role of teachers in the realisation of human rights is examined next.

3.5.4 The role of teachers in terms of general legislation

In addition to the education-specific legislation referred to above, an array of general legislation is aimed at promoting human rights in general. Although not aimed specifically at protecting rights in education, some of the provisions contained in the following acts do have a bearing on the promotion and fulfilment of human rights in schools and classrooms:

- The Basic Conditions of Employment Act (Act 75 of 1997), which include the rights and obligations which teachers have as employees;
- The Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000), which prohibits unfair discrimination and provides for Equality Courts which can be approached for relief in the case of inequality and unfair discrimination, thus protecting both teachers' and learners' rights to equality;
- The Promotion of Administrative Justice Act (Act 3 of 2000), which requires justice and fairness during disciplinary action such as disciplinary proceedings, thus protecting the right to fair administrative action for both teachers and learners;
- The Prevention and Combating of Trafficking in Persons Act (Act 7 of 2013), which deals with the trafficking of children and women and, inter alia, protects a person's right to freedom and security of the person;
- The Children's Act (Act 38 of 2005), which protects the rights of children and places specific responsibilities in this regard on teachers. Among others this Act requires teachers to report suspected child abuse and neglect;
- The Child Justice Act (Act 75 of 2008), which ensures justice for children when they are accused of illegal activity and promotes restorative justice principles, thus protecting children's rights when they are criminally accused;

- The Drugs and Drug Trafficking Act (Act 140 of 1992), which places responsibilities on schools to protect learners and teachers from harmful substances, promoting among others a person's right to an environment that is not harmful to their wellbeing;
- The Occupational Health and Safety Act (Act 85 of 1993), which holds employers (in this case the Department of Basic Education) responsible for the safety of teachers, learners, and other people who use school facilities;
- The Protection from Harassment Act (Act 17 of 2011), which protects persons' rights to privacy, freedom, and security of the person, thus allowing certain remedies for learners, parents and teachers alike when they are bullied, harassed, or stalked; and
- The Protection of Personal Information Act (Act 4 of 2013), which protects persons' right to privacy and places certain responsibilities on schools and teachers in this regard in providing legal rules for handling the personal information of learners and their parents.

Even though this list of acts that might have a bearing on teachers' roles in the realisation of human rights in township classrooms is by no means exhaustive, it is clear that teachers do need to be aware of, understand, and be able to implement certain provisions that are enacted for the purpose of protecting human rights given the professional and pastoral roles outlined in the Norms and Standards for Educators (DOE, 2000) and the SACE Code of Professional (item 2.3).

3.5.5 The role of teachers in terms of common law

Common law is not promulgated by parliament, yet it consists of uncodified and binding legal principles and rules based on Roman-Dutch Law (Roos *et al.*, 2015:127; Humby *et al.*, 2012:04) which, according to De Wet *et al.* (2016a:82-83), ought to be considered when interpreting any law. Based on the principles of common law, teachers should:

- act in loco parentis as he or she has the power to discipline and the power to ensure that learners are safe. Therefore, proper supervision should be exercised in the same way that parents would do (Oosthuizen *et al.*, 2004:66);
- take note of the legal status of the child in order to ensure an environment that is safe and sound for all learners (Shumba, 2003:254-255); and
- afford learners the opportunity in the classroom to state their side of the story before decisions are made by the teachers (Roos *et al.*, 2015:132; Children's Act, section 10).

3.5.6 The role of teachers in terms of case law

Case law is regarded as a form of Education Law. Decisions made by courts are based on the principle of precedent (*stare decisis*) whereby cognisance is taken of previous decisions related to the same or a similar matter (Roos & Oosthuizen, 2015:150-156).

The courts of law have dealt with several cases relating to the violation of both learners' and teachers' rights (Eloff, 2019:2). Several of these cases resulted in a confirmation of the role of teachers as set out in the Schools Act (Act 84 of 1996), namely that teachers should:

- assist the school governing body in drafting school policies that do not discriminate against learners on the grounds stated in Section 9(3);
- not force learners to attend religious observances during school hours or to comply with a certain religion (Section 15(2));
- avoid the use of corporal punishment (Section 12(1)(e)); and
- allow learners to express their views freely without coercion (Section 16(1)).

Some relevant court findings that inform and support teachers' roles regarding human rights realisation are highlighted below:

- Teachers must avoid unfair discrimination

Equality and unfair discrimination, in particular as it relates to difference and diversity, appears in key case law as a prominent theme. In the case of *Head of Department, Department of Education, Free State Province v Welkom High School and Others* (2014), the governing body of two schools drafted a pregnancy policy that violated Section 9(3), 28(2) and 29 of the Constitution. The policy indicated that learners should repeat the whole year if they fall pregnant. The court ruled against this decision stating that the school policy differentiated among learners on the grounds listed in Section 9(3). The court ruling implies that school policy should not exclude pregnant learners from school for certain time periods, since it would amount to unfair discrimination on the basis of gender, sex, and pregnancy, especially given that fathering learners are not subjected to the same exclusions as their female counterparts. This case highlights the teacher's role in protecting children's right to equality and points out that even policies that seem neutral could have discriminatory effects. Teachers must avoid all forms of discrimination in class and should teach and expect learners to do the same. Teachers could also become involved in the drafting of school policies, scrutinising policies and its possible effects for direct or indirect unfair discrimination.

A second case, which involved discrimination based on culture, was that of *MEC for Education: KwaZulu-Natal and Others v Pillay* (2008). Mrs. Pillay, the mother of Sunali, approached the court in order to determine whether the school's decision to prohibit her daughter from wearing a golden nose stud in accordance with their cultural practices was fair or not. Although the Equality court ruled in favour of the school and upheld disciplinary action taken against the learner, the High Court on appeal overturned the decision, holding that the school had discriminated unfairly against Sunali on the basis of her culture. The case was appealed again to the Constitutional Court, where Chief Justice Langa dismissed the appeal, stating that refusing a learner to wear jewellery as an expression of cultural traditions and practices was discriminatory, especially given that learners from other cultures and/or religions are allowed to express their religious and cultural identity freely.

The ruling implies that teachers should affirm and reasonably accommodate differences and diversity in their classrooms and schools. The court highlighted the importance of equal treatment – which begs teachers to scrutinise actions, interactions, and policies to determine whether substantive equality is advanced and unfair discrimination avoided. Teachers could also, through becoming involved with the school governing body, assist in drafting school uniform and other policies as well as school rules that accommodate diversity (Smit, 2013: xliii; Mashau, Mutshaeni & De Wet, 2018:157).

One of the very first cases in education that drew on the right to equality was that of *Matukane v Laerskool Potgietersrus* (1997). The former model C school, which offered parallel medium tuition in Afrikaans and English, refused to admit black learners, fearing that increasing racial diversity might destroy the school's Afrikaans culture, character, and ethos. The court found the refusal of the school to admit black learners as amounting to unfair discrimination based on race, colour, ethnic or social origin, culture, and language. The racial discrimination was masked by the school as cultural discrimination, thus cloaking racism under a so-called fair attempt to maintain the cultural life of the majority. The school failed to prove that such discrimination could be regarded as fair, and the court indicated that the school's reasons for wanting to discriminate was not fair and thus amounted to unfair discrimination.

The ruling implies that teachers should not exclude learners on the basis of their race or ethnicity but ensure that all school policies are non-racist. Concerning the classroom, the findings and arguments of the court imply that teachers must avoid unfair discrimination in any form and should not use culture or language as an excuse for unfair discrimination based on race, ethnicity, or social origin. HRE should also bring learners to an awareness of the many subtle ways in which people try to justify discrimination and help learners to understand when discrimination can be regarded as fair and when it is unfair. At the same time, learners need

to be equipped to identify and challenge discrimination, seek remedies when they are discriminated against, and respect the equality rights of others.

- Teachers must respect learners' freedom of religion

In the recent case of *Organisasie vir Goddienste-onderrig en Demokrasie v Laerskool Randhart and Others* (2017), the Christian religious ethos and practices of a number of schools were challenged on the basis that it infringes on the rights of learners who did not ascribe to the majority religion. The court held that a public school may not hold itself out as advancing or subscribing to any single religion to the exclusion of other religions or beliefs, since this could have exclusionary effects for learners from different religions or those who are non-religious. Application of religious rights in the school environment must be in accordance with the legal rules that regulate religion and education so that the rights of every person are protected equally (Ferguson, 2018:225). Teachers, therefore, must realise that, within the classroom, they should not advantage one religion or set of beliefs above others but should rather be accommodative and diversity positive in their approach to different worldviews. Although this case centred on religious ethos and practices at school, drawing on Section 15 of the Constitution, it also relates to equality as discussed above. When it comes to diversity, the courts have given clear direction that school policies and practices should not be exclusionary and should not discriminate unfairly.

- Teachers should avoid forms of punishment that are “degrading, cruel or inhuman”, irrespective of their personal cultural or religious beliefs

The abolishment of corporal punishment by the 1996 Schools Act (Section 10) was not well-received by certain communities, in particular those who held that corporal punishment is an important part of their cultural and religious practices. In the case of *Christian Education SA v Minister of Education* (2000), the central question to be answered by the court was whether Section 10 of the Schools Act violated the rights of parents in the independent school who, in terms of their religion, insisted on the use of corporal punishment. The case required the court to strike a balance between parents' religious rights on the one hand and the rights of learners to human dignity, freedom and security of the person on the other hand. The court held that the prohibition of corporal punishment was applicable to the public domain of schools only and did not prevent parents from exercising corporal punishment in accordance with their religion outside of the school environment. The court thus held that parents could not be allowed to authorise corporal punishment of their children at schools.

The implication of this ruling is that teachers are prohibited from using corporal punishment even when required or instructed by parents to do so. Learners should feel free to raise their opinions without any coercion. The law applies generally and exceptions on the basis of religion or culture are not allowed.

In the case of *State v Williams* (1997), the Constitutional Court was approached to find its position on whether corporal punishment of juveniles is unconstitutional. This position was determined by consolidating the decisions made by 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. As the 1997 case was influenced by the abolishment of corporal punishment, the court ruled that whipping violates the right to human dignity and the protection against “cruel, inhumane, or degrading” punishment. The implication of this ruling towards the realisation of human rights is that teachers should protect learners from all forms of violence, including punishment that is degrading, inhumane, or cruel. Whatever means of discipline teachers employ, they should ensure that such methods do not violate the learner’s right to human dignity or their right to freedom and security of the person.

3.6 Synopsis

The emphasis of Chapter 3 was on the legal framework that informs the role that teacher’s play in realising human rights in township classrooms. According to this legal framework, teachers can teach human rights in a way that upholds democratic principles and engages learners freely in issues that affect them at home or in the classroom. Using this framework as a point of departure, fear that human rights are too abstract or too controversial can be eradicated since teachers will have a clear understanding of how to interpret legislative provisions (Education Law sources). As a result, the spirit of “*geborgenheit*”, i.e. a sense of safety and security, can be achieved. In the next chapter, the empirical study that informed the role teacher’s play in the realisation of human rights in township classrooms is presented

CHAPTER 4

THE RESEARCH STRATEGY

4.1 Introduction

Chapter 1 outlined the reasons why teachers find it difficult to teach human rights in their classrooms, stating that the subject is too abstract and controversial. Given that authors such as Roux (2010), Simmonds (2013) and Pillay (2014) suggested, amongst others, that a lack of knowledge about Education Law may be an element that prevents teachers from fulfilling their role towards the realisation of human rights, Chapters 2 and 3 aimed to conceptualise human rights literacies, human rights education and Education Law as elements that can assist teachers in this regard. In Chapter 4, the research strategy I followed to gain a better understanding of teachers' stories and experiences with regards to fulfilling their roles towards the realisation of human rights in especially township classrooms will be explained. The intention here was also to gain more insight regarding the content of human rights literacies since this is a new and emerging concept that can assist teachers in the realisation of human rights.

Thus, this chapter will outline the empirical planning, adaptation and implementation of the research study. Note that the purpose of the research design, methodology, process and methods were informed by the research questions and aims. To recap, this study set out to recount teachers' experiences regarding the realisation of human rights in classrooms with the aim to create guidelines that will assist teachers in this regard with the intention to arrive at a proposed design that will play a significant role in helping teachers to realise human rights in their classrooms.

4.2 Research design

When embarking on research, a research design is the systematic plan that must be followed and, according to Creswell (2009:3), involves:

...plans and procedures for research that span the decision from broad assumptions to detailed methods of data collection and analysis. The plans involve the design to be used to study the topic, the worldview the researcher brings into the study, the procedure of enquiry and the specific methods of data collection, analysis and interpretation.

In sum, Mouton (2001:55-56) regards a research design as the blueprint for any study, irrespective of the topic since it enables the researcher to understand the empirical field given that the questions formulated beforehand can be linked to the data (Punch, 2014:14). This

study followed a qualitative research approach involving five elements, each of which will be discussed as the chapter unfolds. The graphic presentation below sketches the five elements in question:

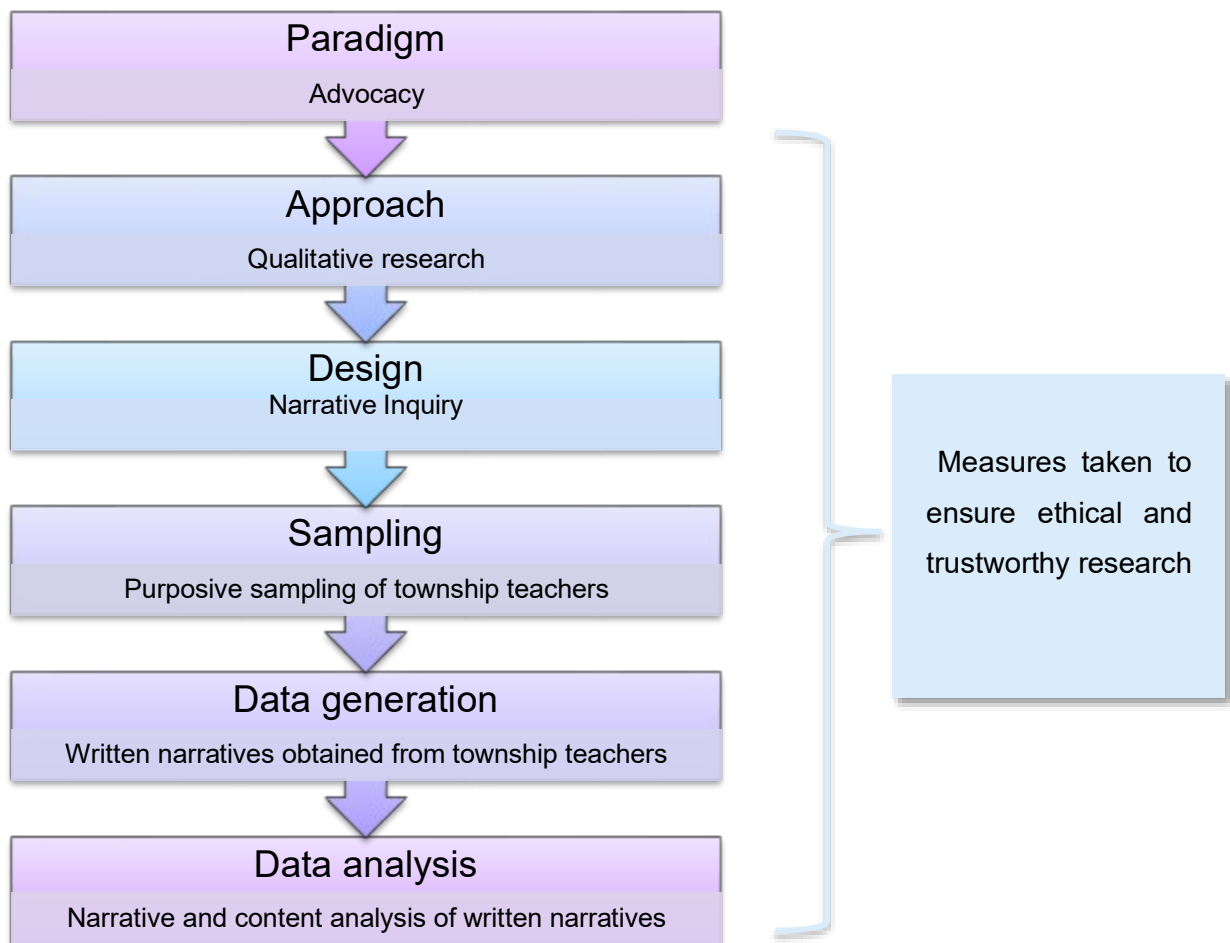


Figure 4-1: Research strategy and process

To begin with, though, this chapter will discuss advocacy and participation as the philosophical orientation for this study.

4.2.1 Philosophical orientation (advocacy and participation)

As stated in Chapter 1, the advocacy and participatory paradigm was employed in this study bearing in mind that this paradigm encompasses theories that have a bearing on action research, reflective practice-based research and participatory action research (PAR). As researcher, I chose to position myself within the participatory action research (PAR) paradigm where the researcher and participants become co-learners and where problems are identified, and solutions generated together. In so doing, I hold that change can be brought about in the lives of the marginalised by helping teachers to realise human rights in their classrooms.

Alvi (2015:79) contends that the advocacy and participatory paradigm is best suited to radical discourses where participants are actively involved and not marginalised, implying that teachers and learners are free to discuss issues that affect them on a daily basis. Given that Smit and Oosthuizen (2013:45) pointed out that human rights have social, political and economic impacts and that constructors of human rights are not doing enough to help those who are marginalised to protect human rights at all costs, the participatory approach was deemed fit for this study since it ties in with both politics and the political agenda (Creswell, 2009:9).

Founders of the advocacy and participatory theory believe that post-positivists did not go beyond helping the disadvantaged groups and that people should understand the problems they are facing and be given an opportunity to create solutions to their problems (Chambers, 1994; Kemmis & Wilkinson, 1998; Creswell, 2009). According to Alvi (2015: 82), advocacy and participatory research originated in the 19th century and gained momentum in both epistemology and methodology, to which Dongre *et al.* (2011) and Chambers (1994) added that this paradigm stemmed from human and social sciences with the objective to criticise the ideology of marginalising people by following a transformative approach. Emancipatory in its nature, this paradigm frees the voices of those that have not been heard before (Guba & Lincoln, 2005:194-195; Lenzholzer *et al.*, 2013:122).

Authors such as Marley (2015:112) and Lenzholzer *et al.* (2013:123) regard advocacy and participatory research as critical theory since theorists of this paradigm seek to criticise past political, economic and social imbalances and to find an understanding of and new insights in how the lives of the oppressed can be changed. Alvi (2015:82) posits and contends that this theory goes beyond oppression and inequality issues and that the theory does not benefit the researcher but addresses the needs of the participants. Since this study is based on the role teachers fulfil towards the realisation of human rights in township classrooms, advocacy and participatory research is best suited because, as Reason and Bradbury (2006) stated, this paradigm is best suited to developing countries where oppression and marginalisation are the order of the day. In conceptualising the theory, Lenzholzer *et al.* (2013:124) regard advocacy and participatory research as a strategy that requires action to bring about change in the lives of those marginalised, whereas Leavy (2008:28) sees advocacy and participatory theory as a powerful tool that conveys emotions and an array of meanings since it allows both the researcher and participants to produce and design solutions to the problems they are facing. From the above definitions, Kemmis and Wilkinson (1998:1) identified the following features of an advocacy and participatory research framework:

- (1) Focus on bringing about change where the researcher creates an agenda for change.

- (2) Focus on freeing individuals from societal constraints.
- (3) Aim to create a political debate so that change occur.
- (4) Engage with participants as active contributors to uncover collaborative experiences.

As Alvi (2015) stated, advocacy and participatory research has gained momentum as epistemology and methodology. Heron and Reason (1997:289) contend and further state that based on its nature (ontology), advocacy and participatory research incorporates the thoughts of the researchers and the views of those marginalised to, in this way, create a platform to seek understanding of these views. In order to acquire knowledge (epistemology) of these voices, researchers use various forms of knowledge such as experiential, propositional, presentational and practical knowledge while they also acquire this knowledge by becoming involved (methodology) so that participants can flourish in their endeavours (axiology). The table below depicts this process:

Table 4-1: Ontology, epistemology, methodology and axiology of the advocacy and participatory paradigm.

Ontology	Epistemology	Methodology	Axiology
• Conducive to objective-subjective point of view • The researcher interacts with participants to hear their voices	• The forms of knowledge: ○ Experiential ○ Propositional ○ Presentational ○ Practical	• Political participation in collaboration • Action inquiry • Primacy of the practical • Use of language in shared experiential context	• Practical know-how to flourish • Balance of autonomy • Cooperation and hierarchy in culture is an end in itself
• Participative reality	• Critical subjectivity	• Action inquiry	• Intrinsically valuable

as adapted from Heron and Reason (1997:289)

There are four main principles of advocacy and participatory research according to Alvi (2015:83): 1) participation which entails the platform created by the researcher which has never been created before and which affords the participants an opportunity to air their views; 2) action orientation which implies the action that needs to be taken by the researcher in order to change the lives of the previously marginalised; 3) emancipation which entails the freedom accorded to participants to create their own knowledge claims on the issues that kept them in bondage such as slavery; and 4) reflection which entails analysis of what is real before action can be taken to change reality. In addition, Alvi (2015:80-85) adds that the research paradigm is able to achieve and redress what traditional post-positivists failed to achieve in the sense that it can provide a platform for marginalised voices within educational settings

The focus of advocacy and participatory theory, as stated above, is on those oppressed and on those whose views were set aside (Creswell, 2009; Alvi 2015). In this study, the researcher focused on the role that teachers play towards the realisation of human rights in township classrooms to, in this way, advocate for change and assist teachers who are of the opinion that human rights are too abstract and controversial to teach. The classroom is a place where stories are told and, therefore, the voices of those telling these stories need not be set aside. Rather, these stories should form part of teaching and learning (Sisk-Hilton & Meier, 2017:8). Narrative inquiry as the chosen research design will be discussed next.

4.2.2 Narrative inquiry as research design

The reason why I opted for narrative inquiry is based on the view of Clandinin and Connelly (2016:2), namely that teachers are story tellers and characters of their own accord. Therefore, I set out to seek and inquire teachers' views and experiences regarding their role towards the realisation of human rights in their classrooms. This was achieved by placing them at the fore in this qualitative research so as to gain as much knowledge about their stories and also about their experiences towards the realisation of human rights in their respective classrooms as possible (Garvis, 2017:4). Taking Bold's (2012:6) view into account, namely that the use of narrative inquiry should be justified, and its purpose should be to bring about change, this methodology clearly links to the aim of this study given that I aim to bring about change by developing guidelines that will enable teachers to play their role towards the realisation of human rights in classrooms effectively. Another purpose of this study was to uncover the voice of those marginalised based on their experiences and history (Sisk-Hilton & Meier, 2017:8; Clandinin & Connelly, 2000:1; Webster & Mertova, 2007:10). The origins of narrative inquiry date back to centuries ago. To

understand these origins and what narrative inquiry is, I will begin by providing a short overview of the two-fold concept “narrative inquiry”. The word *narrative* originated from the Latin word “narrare” which suggests reporting or telling a story, according to Bauer and Gaskell (2000:3-4). As pointed out by Muylaert *et al.* (2014:185), a narrative is not merely a phenomenological instrument; rather, it is an *unstructured tool* that researchers use to reconstruct social events from the viewpoint of the research participant by also cross-examining the situational context. Many centuries ago, historians viewed narratives as storytelling where elders used to sit next to the fire at night and relate stories to their children (Clandinin & Connelly, 2016:2). Narratives are accounts of daily life resulting from what is perceived or imagined by characters and humans, and these accounts should be in chronological order to make sense to the person who is listening (Daiute, 2014:2). In addition, narratives can be described as accounts of how one views and experiences the world in which she or he lives (Clandinin & Connelly, 2016:2). Hence, authors such as Creswell (2012:502) and Daiute (2014:8) believe that narratives are real and not based on identifying the truth about objects or true stories which are either told or written by a person or recorded in documents. Inquiry, on the other hand, can be viewed as a method of seeking information (Merriam-Webster). Clandinin and Connelly (2000:1) are of the opinion that narrative inquiry is both a phenomenon and methodology, where the phenomenon is a “story” about human experiences and the methodology pertains to inquiring those experiences narratively:

“Stories are lived and lead and told, and the role of the researcher is to collect and tell stories described and write narratives of those experiences.”

Many authors have varying views on the origins and exact definition of narrative inquiry. Simmonds (2014: 20-122) as well as Clandinin and Connelly (2000:147) hold that narrative inquiry originated as a result of trying to acknowledge and consider the voices of those marginalised and those who are not heard by other research frameworks. According to Creswell (2013:70), narrative inquiry is deeply rooted in different social and human sciences and is thus interdisciplinary. Authors such as Gay *et al.* (2011:49) and Daiute (2014:8), on the other hand, are of the opinion that narrative inquiry as a discipline emanated from psychology, culture, anthropology and language in the context of education. Narrative inquiry, whether written or gathered orally, is gaining momentum as a discipline and can now be seen in art, literature and films. It is through narrative inquiry that the construction and deconstruction, ordering, organising and shaping of experiences take place in order to understand lived experience. For narratives to evolve over time, creativity and innovation are needed to make these accounts interesting to the recipients (Daiute, 2014). Gay *et al.* (2011:429) hold that narrative inquiry gained momentum in

teacher education as a result of the greater emphasis that was placed on teachers' reflection and knowledge, resulting in empowering teachers' voices over the years.

King and Horrocks (2010:228-229) point to a distinct difference between the features of a narrative and other types of qualitative research in that the former underlines being flexible by using non-leading questions, focusing on forming a bond with participants and focusing on personal experience. Additionally, a distinct *evaluative function* forms part of a qualitative narrative which conveys the meaning of *why* the specific story is being told and a *narrative tone* that is conveyed by the content and the way in which the narrative is told (King & Horrocks, 2010:229 & 231).

There are different perceptions regarding narrative inquiry. According to Clandinin and Connelly (2000:20), since narrative inquiry can be seen as a way of understanding experience and making meaning of the experience, the researcher has to take part in the research by entering into conversation with participants and by facilitating dialogue on a continuous basis. Andrew *et al.* (2013:1-2) contend that through narrative research, individuals and social changes can be understood better due to the rich, insightful and meaningful stories. According to Garvis (2017:2-4), narrative inquiry searches for an understanding of peoples' personal experiences by placing their stories at the centre of attention in qualitative research. There is a true-to-life *narrative inquiry space* that allows inquiries to travel inwardly (towards inner situations, such as hope or feelings) and outwardly (towards existential situations, such as the environment); at the same time, narrative inquiry allows forward and backward travel through space and time, albeit not necessarily chronologically.

Gay *et al.* (2011:1) concur and further suggest that a researcher in making meaning of experience or when applying any method should display a high degree of sensitivity and caring so as to gain the trust of the participants. In addition, Chase (2005:1) identified principles such as voice, where the voices of both the researcher and the participants should be taken into consideration without allowing one voice to overpower the others. Voices should be represented equally, and an authoritarian approach should be avoided where the researcher's voice is heard more than those of the participants, as is the case with other frameworks. Creswell (2013:75) adds that narrative inquiry takes place immediately when the researcher wants to study lived stories and experiences and requests the participants to provide accounts of those lived experiences. Therefore, the researcher, when embarking on inquiring participants' lived experiences, should attend to place, temporality and sociality which are also regarded as features or tenets of narrative inquiry. This

is based on the reasoning that events or lived experiences are temporal as a result of new initiatives. In other words, what happened today may change over time (Bold, 2012:19; Creswell, 2013:72).

Narratives have turning points due to tensions that may arise, Creswell (2013) holds, adding that without people, there will be no narratives in that the history of events made by people is important for future development. Narratives emanate from the question of what has happened and only people can narrate what has happened by means of interviews, pictures and other sources (Gay *et al.*, 2011:400; Bold, 2012:19). According to Clandinin and Connelly (2000:384) as well as Bold (2012:20), action should be taken where narratives need to be implemented if people are to be understood. In other words, what happened should be taken into account first before action can be taken based on learning from the past in order to set targets for the future, thereby helping to construct and reconstruct the story (Gay *et al.*, 2011:400). The context within which narratives are told is crucial since narratives based on different backgrounds (e.g. cultural, social and economic) can assist in terms of identifying the support to be given to participants (Bold, 2012:20). Authors such as Creswell (2013:71) and Gay *et al.* (2011:400) also stressed the importance of context as narratives can be found in a specific time and place and situation. To this, Bold (2012:20) added that narratives are not about certainty or preciseness of the recount of events, but about influential factors such as social and cognitive processes. Gay *et al.* (2011:400) suggest that during data analysis, the researcher aims to establish “chronology of events”, since participants might be struggling to recount events in sequential order during narratives, thus shaping of data is needed.

Hence, Chase (2011:70) regards narrative inquiry as a distinct “form of discourse” where the ordering, shaping and organising of experiences are needed to understand lived experiences. Based on the above tenets of narrative inquiry, Gay *et al.* (2011:242) identified categories of narratives which include the author of the account (researcher), the scope of the narrative (one episode in a participant’s life) and the provider of the narrative (participant). Clandinin and Connelly (2000:147) identified the following steps the researcher needs to follow when inquiring lived experiences narratively:

- Step1: Identify the topic or phenomenon to be explored to, in this way, outline the purpose of the study (Gay *et al.*, 2011:400; Creswell, 2012:515).
- Step 2: Take care to identify an individual who has knowledge of the phenomenon/topic to be explored who is willing to share his/her understanding of the former.

- Step 3: Develop what is to be asked to, in this way, collect and record lived experiences. The researcher may participate in the conversation or just interview/observe or obtain written narratives from the participant, and responses can be recorded either in a diary or journal (Clandinin & Connelly, 1990:1; Gay *et al.*, 2011:400).
- Step 4: Examine the role of the researcher, e.g. the location where narratives will take place and how the experiences of the participants will be presented and retold in a sequential and organised manner (Gay *et al.*, 2011:400).
- Step 5: Determine how the researcher will interact with the participants and seek to enter the research environment by negotiating a good relationship between the researcher and participants in order to elicit narratives.
- Step 6: Based on the strong relationship established in step 5, the researcher should construct and reconstruct participants' experiences.
- Step 7: Based on the element of trustworthiness, factors such as member checking and crystallisation ought to be validated since according to Creswell (2012:517), narrative accounts need to be validated and true.

From the steps outlined above, it is clear that a strong relationship between the researcher and participants must be build, implying that the researcher is obliged to reveal the incentives to partake in the study on a continuous basis to, in this way, enable participants to negotiate the rewards they will reap from their participation. That is the reason why Riesmann and Quinney (2005:1) contend that narrative inquiry seeks to understand language with the sole purpose of understanding why and how the events are storied. In attempting to understand the language and stories lived, different approaches may be applied, and those approaches will be discussed next.

- **Reflexive approach**

This approach can be seen as having the ability to be aware of yourself and to also be aware of your values in order to understand how the former impacts your daily practices (Taylor & White, 2005:1). Simply put, this approach involves one's interpretations, views, actions and responses.

- **Holistic / categorical approach**

According to Lieblich *et al.* (1998:1), this approach is about critically analysing narrative inquiry in its entirety by paying attention to the flow of events and the structure of the story together with the utterances and words told. Chase (2011:421-423) is of the opinion that narrative inquiry can be approached in terms of narratives and lived experiences and basically boils down to fostering a relationship between the researcher and the participants on the basis of what is lived and on the basis of quality-of-life experiences. To this end, the researcher works collaboratively with the participants to gain an understanding of their stories and life experiences with the aim of helping them to cope by understanding both their lived stories and quality-of-life experiences. By narrating lived experiences and observing how participants narrate their stories based on life experiences, narrative practices and narrative environments are developed to mainly foster a relationship between participants' narration practices and the context within which stories are told.

I concur with the views held by Webster and Mertova (2007:10) as well as Simmonds (2010:138) who hold that it is through narrative inquiry that participants will be able to articulate true lived experiences and especially human rights experiences, allowing the researcher to gain insight into how human rights realisation plays out in their everyday lives as township teachers. Sisk-Hilton and Meier (2017:8) highlight another effect of narrative inquiry, adding that through narrative inquiry, participants will be able to do self-study and be able to reflect on, for example, their studies or work on a continuous basis (Taylor & White, 2005). In this study, I set out to gain an understanding of teachers' experiences regarding their roles towards the realisation of human rights and did this by entering into their time and place through reading their narratives (Clandinin & Connelly, 2000:1). Within narrative inquiry, the researcher moves forward and backward along avenues in attempts to find meaning or an understanding of narratives. The three-dimensional inquiry space is depicted in the following table:

Table 4-2: Dimensions of narrative inquiry

Interaction	Continuity	Situation
Personal (looking inward): Internal conditions such as feelings, hopes, atheistic reactions, moral disposition	Past (looking backward): Remembering stories and experiences from earlier times	Place (context): Looking at context, time and place situated in a physical landscape or in a setting bounded by characters' intensions, purposes and different points of view

Interaction	Continuity	Situation
Social (looking outward): Existential conditions in the environment such as other people's intentions, purposes, assumptions and points of view.	Present (current): Looking at current stories and experiences relating to actions and events	Future (looking forward): Implied possible experiences and plot lines

(As adapted from Creswell, 2012:511)

As with other frameworks, narrative inquiry has limitations in that narratives have no starting or ending point, meaning narratives are not necessarily a structured framework or particular historically accurate timeline (Andrew *et al.*, 2013:1). On the other hand, Visser (2018:86) states that narratives depend on the narrator's frame of mind in that if lived experiences have traumatic effects on the narrator, the researcher will struggle to obtain those experiences. Bauer and Gaskell (2000:7) draw researchers' attention to weaknesses that may emerge during written narratives, such as uncontrollable situations where participants may either know nothing about what is being asked or not show any interest in the matter at all.

Having concluded the discussion on narrative inquiry, sampling, data generation and data analysis as well as research processes such as trustworthiness and ethics will be discussed.

4.2.3 Sampling

Simply put, a sample refers to "a group of characters from who data is composed" (McMillan & Schumacher, 2010:192). Sampling in qualitative research refers to a procedure that needs to be followed in selecting the target population that will take part in the research study (Rahi, 2017:3). In sampling units from data gathered, the researcher will be able to measure the qualities, attitudes and beliefs of people about the research topic (Rahi, 2017:3). As the name implies, purposive sampling refers to the people who are chosen for the purpose of representing a group and, for the purpose of this study, purposive sampling refers to the selection of primary and secondary school teachers to help me to understand what has been perceived as a problem and who can help me to find answers to the research question. Purposive sampling best suits this study given participants' availability as well as the relevancy of their knowledge. Participants were selected with due regard for factors such as the scope of the study, the criteria for participation, the resources needed and how data was to be generated. The criteria set for this study, therefore, limited participants in this study to qualified teachers with a SACE registration certificate who

teach at quintile 1, 2 and 3 primary and secondary Lejweleputswa township schools and who live within close proximity to the researcher.

Qualitative research is sampled on a small scale for the purpose of conducting an in-depth investigation within a particular area of research (Denscombe, 2010:272). A primary concern for researchers is to select a population that is congruent with the nature of the research aims and questions. In this study, the population was calculated as N=4516 teachers in the Free State Province, and the preferred sample size was between 10 to 20 teachers. For the purpose of this study, schools were selected by means of non-probability and purposive selection (Nieuwenhuis, 2016:86). The selection continued until two schools were selected representing about 20 teachers. The schools were arranged according to the number of teachers in the school.

Having been granted permission by the provincial Department of Education to conduct the study, the governing bodies of both schools were contacted, while the principal of each school was contacted telephonically and via emails. Managers of both schools invited and motivated their teachers to participate in the narrative study. However, teachers were not keen to participate. After several invitations, there were a sufficient number of teachers who participated and provided their narratives.

4.2.4 Data generation

The purpose of data generation is to obtain as much relevant responses to what has been asked as possible that would provide new understandings of the research topic (Richards, 2015:35). According to Creswell (2013:70), data in qualitative research is collected by using an array of methods such as interviews, case studies and narratives. For the purpose of this study, written narratives were employed to collect data (see addendum A). I obtained written narratives from teachers to gain an understanding of their views and experiences regarding the realisation of human rights in their township classrooms. In this regard, Butina (2015:190) states that through narratives, the researcher gathers stories from the participants or a group of people by means of engaging them on their past experiences. Creswell (2009:13) concurs by saying that narratives is a strategy used by researchers to find the essence of the past experiences of the participants. In a more descriptive fashion, using narratives is pictured as being able to work with “first person accounts of experience told in story form” as people share with the researcher their day-to-day lives and how they make sense of their experiences (Merriam & Tisdell, 2016:33-34).

For the purpose of this study, the narratives were obtained in writing. Written narratives as opposed to narrative interviews were selected as less intrusive to the busy schedules of township teachers who could complete the written narratives at a place and time most convenient to them. Participants were provided with the following prompt (see addendum A):

Please write your story in which you share your experiences about teachers' roles in realising human rights in township classrooms. The experiences you write about can either be positive or negative. In the story that you write, you could also refer to opportunities and barriers that teachers at township schools experience in playing their roles towards realising human rights in their classrooms. The length of your story should be 3-5 pages.

Simmonds (2010:138) states that narrative inquiry allows participants to articulate human rights according to their own understanding which is not based on legal or curriculum documents. To this, Webster and Mertova (2007:10) added that participants on the one hand should be able to reveal their knowledge of human rights within the context of historical and current social and political events, while the researcher on the other hand should be able to obtain exciting, meaningful and insightful narratives from the participants (Andrew *et al.*, 2013:3).

The table below depicts an overview of data generation in this study:

Table 4-3: An overview of data generation

Data generation strategy	Site used	Sample size	Details
Written narratives	School 1 (S1) School 2 (S2)	N=20, 10 at each site	The invitation to participate, together with the participant information, consent forms and narrative prompts were provided to principals to distribute amongst teachers at both sites. S1 = 10 written narratives S2 = 10 written narratives

(As adapted from Eloff, 2019:41)

Written narratives examined the current perceptions held by teachers in the Lejweleputswa District of the Free State Department of Education regarding the realisation of human rights in their township classrooms. The data generation process encompassed the following:

- Providing principals with consent forms to give to participants (see addendum K)
- Obtaining the consent forms of participants who have agreed to take part in the study (see addendum K)
- Asking participants to paste recruitment posters where teachers can see it (see addendum J) complete a self-administered questionnaire in order to gain an understanding of their background (see addendum A).
- Assuring participants that their narratives will remain anonymous, and that confidentiality will be maintained at all times
- Requesting each participant to write a narrative about their role or experiences towards the realisation of human rights (see addendum A)
- Collecting hard copies of these narratives that were placed in a sealed box in the principal's office

Having discussed the use of written narratives, it ought to be noted that it is not only important to keep track of collected data but also to retain it in its original form. For this reason, an explanation of how data ought to be analysed to retain it in its original form will follow.

4.2.5 Data analysis

Results obtained through data generation were analysed. In this regard, using the narrative analysis framework was deemed suitable since participants' lives might be directly impacted as a result of human rights non-realisation and injustice.

Qualitative data analysis can be described as a process where the researcher organises and arranges the information that has been collected in order to interpret it. Sidhu (2006:276) defines *data analysis* as a way of breaking down data into smaller parts that the researcher can easily summarise and apply for the purposes of interpretation. According to Creswell (2009:184), basic qualitative analysis occurs when the researcher combines the collected data into themes or

perspectives, to which Nieuwenhuis (2016:110) added that the goal of data analysis is to provide a summary of whatever has been heard or observed in terms of themes and phrases which can also assist in determining what is emerging. Narrative analysis was deemed the best approach to analyse data in this study since it enabled the researcher to determine how the participants perceive themselves and how they should be viewed by others.

4.2.5.1 Narrative analysis

According to Nieuwenhuis (2016:104), three strategies can be employed when analysing narratives namely narrative strings, where the researcher searches for present commonalities running through and across the text; narrative threads, where the researcher searches for major emerging themes; and temporal spatial themes, where the researcher searches for past, present and future content. As stated in Chapter 1, this study mainly aimed to collect narratives from participants regarding the realisation of human rights in their township classrooms, implying that using an analytical framework to complement thematic analysis was warranted (Wager *et al.*, 2012:229), corresponding to narrative threads (Nieuwenhuis, 2016:104). Here it ought to be noted that there is a clear distinction between the analysis of a narrative and narrative analysis in that narrative analysis tries to pinpoint shared themes across a series of narratives (Nieuwenhuis, 2016:104). This led Riesmann (2005:3) to define narrative analysis as “a process where different approaches are applied to different text that are in the form of stories”. In short, narratives analysis is structural and formal in that stories are organised in such a way that one is able to see where the story starts, how the story developed and how the story ends.

McLeod and Bulamoutsou (2001:135-147) suggest that when analysing narratives, the following phases/steps need to be followed:

- Phase 1 which involves data immersion where data is slowly read, stories and topics are identified, and the text is arranged in sequential order as an indication of themes that are emerging from the text based on a summary of the stories
- Phase 2 which involves selecting segments and identifying figurative language that has been used in the text such as metaphors
- Phase 3 which involves communicating what has been found by constructing and reducing all findings to writing

Smith (2016:207) states that narrative analysis can be applied in two ways: Firstly, the researchers can choose to become a storyteller and, secondly, the researcher can choose to become a story analyst. For the purpose of this study, I chose to be a story analyst. Furthermore, one or more methods can be employed to interpret and analyse data. I elected to use thematic analysis. In this regard, though, it ought to be noted that I did take heed of Smith's three provisos, namely that narrative analysis should be based on stories and not on genres. Secondly, that it should be based on intensive coding of data rather than taking it apart so as to ensure that stories are intact and manageable. Thirdly, narrative analysis should be based on humans' lived experiences that are culturally and relationally constructed, in other words on "what the story is about and how the story is structured". Accordingly, Smith identified the following tenets of narrative analysis:

- It should honour the fidelity of lives in and across time, where stories are seen as the most important tool that can be organised, communicated and re-written to explain past, present and future experiences.
- It should reveal the relational and cultural fabric of human lives in and across time, where people can be used to shape stories.
- It should provide a rich understanding of human experiences, emotions and meaning, where stories are seen as a tool to communicate experiences, emotions and meaning.
- It should be capable of revealing an actor and form an action where stories can be seen as a tool to shape human conduct, or to make people feel better about their experiences.

In addition, I attempted to use thematic analysis to uncover prominent themes while coding and clustering the data to form even more categories than could be foreseen (Gray, 2014:607).

Thematic analysis as a method employed in narrative analysis will be discussed next.

4.2.5.2 Thematic analysis (TA)

Since the seventies, the concept thematic analysis has been employed as a flexible method for usage within qualitative data analysis whereby data can be reduced to workable units (Braun & Clarke, 2006:1). Different views are held regarding thematic analysis. For example, according to Riesmann (2005:2), thematic analysis focuses on what rather than how the stories are conveyed and focuses on language as a prominent element. The author adds that categories are created

from data thereby finding commonalities across participants' narratives. This corresponds with the narrative analysis strategy that Nieuwenhuis (2016:104) calls narrative threads, where thematic analysis helps the researcher to search for major emerging themes in the narratives. Castleberry and Nolen (2018:12) are of the opinion that thematic analysis is a descriptive method to identify, analyse and report themes generated from data in a meaningful way. Thematic analysis can follow several approaches, depending on how researchers apply it. For example, authors such as Braun and Clarke (2014:2) view it from a flexible theoretical perspective, whereas Joffe (2011) view it from a post-positivist lens.

For the purpose of this study, the guidelines for thematic analysis as identified by Braun and Clarke (2006:15-24) were followed, namely:

- Becoming familiar with the data: reading and rereading the data to familiarise myself with the depth and breadth of the content
- Generating initial coding and categories: noting or marking interesting features of the data in a sequential and chronological order
- Generating and searching for themes: beginning to collate initial codes into themes and gathering data pertaining to a particular theme
- Reviewing themes: checking whether themes actually do tie in with codes and the data
- Defining and naming themes: determining what each theme entails – the point where I knew what is and what is not
- Locating examples: making and compiling examples that provide evidence of the themes that relate to the research question

Following the guidelines above, narratives written by the 20 participants from two different township schools were analysed to make sense of the real-life experiences of township teachers in playing their roles towards realising human rights in their classrooms.

In narrative studies, the researchers themselves are instruments in the data-generation process. For this reason, measures that are imperative to ensure trustworthiness (i.e. validity and reliability) will be discussed next.

4.3 Validity, reliability and trustworthiness

Nieuwenhuis (2010:80) asserts that when researchers talk about research as being valid and reliable, they are mostly referring to research that is credible and trustworthy. In order to ensure that the results are believable and credible, participants must be given an opportunity to determine whether the findings reflect their views exactly, and if the findings do not, it means the research study is not valid. In qualitative research, the term *validity* can refer to the level where the findings are true for the participants (internal validity) and to which the same results can be generalised beyond the participants in the study (external validity), as pointed out by Kumar (2014:219). By adhering to these principles, I attempted to ensure that the findings of this study were truthful and honest as desired by the participants. Moreover, credibility or reliability was also ensured by affording participants an opportunity to validate and approve the findings (Nieuwenhuis, 2010:80).

In a qualitative study, according to Nieuwenhuis (2010:80), the researcher seeks to gather information that is authentic, and which conforms to facts or experiences in order to maintain the trustworthiness of the research findings. In this study, trustworthiness relied on information provided in written narratives being steadfast and genuine (Nieuwenhuis, 2010:80). An audit trail, a method that Lincoln and Guba recommended in 1985 (Merriam & Tisdell, 2016:252), supports the findings of my study since it serves as a log of how I arrived at those findings and became confident they reflect the best interpretation possible. Supported by Merriam and Tisdell (2016:252-253), I kept an up-to-date research journal to map the process of my research in the form of questions, reflections, decisions about the problems that I encountered and the ideas that formed while I collected data.

Given that ethical considerations are crucial to the trustworthiness and validity of any research study, those considerations and how they were taken into account will be discussed next.

4.4 Ethical considerations

Before I could conduct this study, I had to obtain approval from the Education Research Ethics Committee of the North-West University (see addendum B). The aim of this application was for the committee to assess and evaluate whether participants in my study would be harmed in any way.

Having been granted ethical clearance by said committee (see addendum C), I then sought permission to conduct the research in the Lejweleputswa District from the Department of Education, Free State Province (see addendum D).

The certificate of approval issued by the NWU's ethics committee, and the approval granted by the Free State Department of Education enabled me to write a letter to the principals and school governing bodies of the two selected schools (see addendum E and addendum F) to ask for their permission to conduct the research at their schools.

Having been granted permission by said school governing bodies and principals (see addendum H and addendum I) and having considered how crucial participants' personal and confidential information is, I then extended an invitation through the principal to motivate participants to take part in written narratives who then proved willing to participate (see addendum K).

Given that in narrating their stories, some participants felt the need to relate personal and confidential information, care was taken to treat all participants' personal and confidential information with respect (Merriam & Tisdell, 2016:128-130). Accordingly, the principles of human rights such as independence, justice and non-maleficence were always upheld in acquiring, analysing and reporting findings from written narratives (Flick, 2009:37).

In particular, great care was taken to observe the following:

4.4.1 Confidentiality and privacy

For the protection of the participants, confidentiality and anonymity were maintained and hard copies were kept under lock and key (Denscombe, 2010:64). Participants were treated with the utmost respect during the research process, and their written narratives did not reveal their identity (Wiles *et al.* 2008:417). All ethics principles, such as privacy, confidentiality, trust, integrity and equality were emphasised from the outset and again highlighted in the consent form as well as the narrative questionnaire.

4.4.2 Informed consent and voluntary participation

As pointed out by Creswell (2014:93), participants should be informed orally and in writing of important aspects before they can decide whether to provide information and consent to researchers collecting their data. Such oral and written information was disseminated to the

participants, where after they were requested to sign a consent form indicating their willingness to participate in the study (see addendum K).

Both the consent form (see addendum K) and the written narratives questionnaire (see addendum A) stipulated the data-collection procedure, confirmed that no harm will come to participants during data collection and that their right to dignity and confidentiality will be respected, and that they have the right to withdraw from the study at any point without consequences.

- Participants were also free to provide their contact numbers, in case they wished to raise any complaints regarding the study.

Conducting written narratives can sometimes be a tedious and long process that could put participants in an awkward situation. A risk-benefit analysis appropriate to this study revealed the following risk-benefit ratio participants were alerted to:

- Possible social harm, such as loss of reputation, embarrassment due to being from different social backgrounds and stigmatisation
- Possible physical harm, such as headaches and/or discomfort during discussions
- Possible emotional harm, such as boredom, self-disclosure and fear due to social situations that are different and unique

Even though the risks outlined above might seem low for this study, the researcher nevertheless took the following steps to reduce the level of risk:

- Participants were offered a choice regarding the answering of questions (no-one was forced to answer any question).
- The participants were free to choose a place and time convenient to them to respond to the questions.

Given that Creswell (2009:90-91) pointed out that both the researcher and the participant should benefit from the research and that no-one should be forced into participating, the risk level for participants in this study was categorised as low. To further limit discomfort, I opted for written narratives as opposed to narrative interviews, allowing participants to tell their stories in their own time and as convenient to them.

In as far as benefits are concerned, it was pointed out in the consent form to participants that they will gain no direct benefits from the study. Simultaneously, their attention was drawn to the fact that their participation may enable the community to reflect on the past and to experience self-realisation, self-acceptance and self-understanding of personal identity based on an increased awareness of human rights matters.

4.5 Synopsis

This chapter outlined the research plan given that I opted to follow an advocacy and participatory paradigm in this study with the intention to gain insight into and a better understanding that would allow me to advocate for change. As it turned out, I struggled to collect participants' experiences and views regarding the realisation of human rights since most teachers do not understand the concept and were unwilling to participate in the study.

Having employed purposive sampling and opting for written narratives as a means to derive data, all indications are that human rights is a sensitive issue in which trustworthiness and ethics play a major role. These issues will be discussed in greater detail in the chapter to follow.

CHAPTER 5

EXPLORING THE ROLE TEACHERS PLAY IN REALISING HUMAN RIGHTS IN CLASSROOMS: FINDINGS OF THE EMPIRICAL STUDY

5.1 Introduction

This research study explored the role of teachers towards the realisation of human rights in township classrooms and, as an empirical study, gained insight into teachers' own stories about the phenomena being researched. As stated by Nieuwenhuis (2016:100), there should be a link between the paradigms, research design approaches and data analysis. In this research study, narrative inquiry within the advocacy and participatory paradigm was employed to afford those who were marginalised an opportunity to be heard. Empirical data was collected through written narratives and analysed by means of both narrative- and thematic analysis. The purpose of Chapter 5 is to go deeper by putting teachers' written narratives into perspective and by interpreting the findings. This chapter will seek to outline data findings and interpretations that came to the fore when written narratives of township teachers were analysed.

5.2 Research environments and research participants

As indicated by Nieuwenhuis (2016:114), when analysing data, the researcher should consider and provide an extensive discussion of the research context in which the study has been conducted (see addendum L). To this end, a brief overview and context of township primary and secondary schools where the participants work will be provided to serve as a point of departure for the analysis and eventual interpretation and discussion of the findings of this study. Biographical information pertaining to the two sites (School A (site 1) and School B (site 2)) encompass the province in which these schools are located, the district within which these schools operate, the grades they offer, the total number of teachers at these schools, the languages used at the schools and the socio-economic status of both schools. The socio- economic background of both schools clearly suits the research environment, i.e. township classrooms that typically display characteristics such as dilapidated buildings, a lack of infrastructure and a lack of resources (see paragraph 2.2.2 in Chapter 2). Therefore, teachers from these schools were considered appropriate subjects who could share their experiences regarding their roles towards the realisation of human rights in a typical township classroom.

The following table will present the profile of the two schools whose teachers were invited to write their narrative stories:

Table 5-1: The basic framework of the research environment

	School A (Site 1)	School B (Site 2)
Province	Free State	Free State
District	Lejweleputswa	Lejweleputswa
Region	Odendaalsrus	Allandridge
Township	Kutloanong	Nyakallong
Type	Public school (Quintile 1)	Public school (Quintile 2)
Total number of teachers	21	25
Total number of learners	1,020	768
Average teacher: learner ratio ⁴		
Languages of instruction	Sesotho/isiXhosa/English/Afrikaans	Sesotho/Setswana/isiXhosa/English/Afrikaans
Socio-economic status ⁵	Quintile 1	Quintile 1

School A (Site 1) is situated in Odendaalsrus at Kutloanong Township in the Lejweleputswa district in the Free State Province and is classified as a no-fee school (quintile 1-3). In terms of the Norms and Standards for School Funding (DOE, 2006), no-fee schools are not supposed to charge a compulsory school fee to parents in order to give effect to Section 29(1) of the Constitution which guarantees the right to basic education. This school has 21 teachers (18 female and three male) who are permanently employed. The languages offered as language of instruction are Sesotho, isiXhosa, English and Afrikaans, and the subjects offered include Mathematics, Life Skills and Technology. Learners from Grade R to Grade 7 are accommodated at this school.

School B (Site 2) is situated in Allandridge at the Nyakallong Township in the Lejweleputswa district of the Free State Province and is also classified as a no-fee school (quintile 1-3). The school has 25 teachers (24 female and seven male). Based on data provided, most participants

⁴ The Regulations Relating to Minimum Norms and Standards for Public School Infrastructure (DOE, 2013) prescribes a maximum of 40 learners per class (section 9(2)(b)), implying a teacher: learner ratio of 1:40.

⁵ The Norms and Standards for School Funding (DOE, 2006) divides South African public ordinary schools into five groups according to the poverty of the community around the schools, where quintile 1 is the poorest quintile. The State targets expenditure for redress, equity, and quality by, inter alia, allocating funding according to national quintiles, allowing for free education for the poor.

at this school were born and grew up in Nyakallong Township and still reside there, although some of the teachers have recently relocated to nearby suburbs. The school accommodates learners from Grade 8 to Grade 12 (Senior FET phase), and the languages of instruction offered include Sesotho, isiXhosa, English, and Afrikaans, while the following subjects are offered: Life Orientation, Mathematics, Math Literacy, History, Geography, Accounting, Business Studies, Economics, Life Science and Physics.

Twenty teachers at School A participated in the written narratives and nine at School B. All written narratives (for School A and B) were used for this research study. Given that in this type of research, the biographical information of the participants who provided written narratives is considered as critical (Nieuwenhuis, 2016:114), the table below will provide an overview of the age and language group of the respondents as well as their qualifications, work experience and occupational level and the subjects they teach (see Addendum L for details):

Table 5-2: Biographical information of the research participants at School A and School B

Participants	Home language of participants and other language that can be spoken by participants	Qualifications	Experience and location where participants live		Religion	Culture	Whether or not participants prefer to work at a township school, and why
School A							
P1	isiXhosa/ Sesotho/ English	National Diploma in Marketing	26 years	Eastern Cape	Christian	Practice tradition	Yes, live in township
P2	English/Sesotho	B.Ed. Hons.	26 years	Welkom	Christian	No specific culture	It was not a matter of preference/ only needed to be employed
P3	Sesotho/English	B.Ed. foundation phase	8 years	-	-	Practice tradition	Yes/ lack of teachers in township schools
P4	Sesotho/Setswana/ Afrikaans	BA/B.Ed./B.Ed. Hons/Ace Math's, CATS	27 years	Welkom	Christian	Traditional Sesotho culture	Yes/ it's more accessible/ I take part in local community's development
P5	isiXhosa/ isiZulu/English	BA/Higher Diploma in Education	15 years	Kutloanong	Christian	Practice Xhosa culture	Yes/ reduces transport costs
P6	Sesotho/ Setswana/ English	SPTD/ ACE	19 years	Kutloanong	Christian	-	No/ behaviour of learners
P7	Sesotho/ English	Level 5/ ABET/B.Ed. Hons (ABET)	16 years	Kutloanong	Christian	Values and beliefs	Yes/ working near my family

Participants	Home language of participants and other language that can be spoken by participants	Qualifications	Experience and location where participants live		Religion	Culture	Whether or not participants prefer to work at a township school, and why
P8	Sesotho/English/Afrikaans	SPTP/GR B.Ed. foundation phase/ABET	18 years	Odendaalsrus	Christian	Does not practice any culture	No
P9	Sesotho/English	B.Ed. Hons	30 years	Welkom	Christian	-	No
P10	Sesotho/English	PGCE	1 year	Kutloanong	Christian	practice Zulu culture	Yes/ close proximity
P11	isiZulu	PTC/NPDE/ACE	35 years	-	Christian	-	Yes/ guiding township learners for best results
P12	Sesotho	BA/HDE	11 years	Odendaalsrus	Christian	Sesotho speaking	Yes/ I am black and want to help black people
P13	Sesotho/English	B.Ed.	22 years	Township	Christian	Christian-based	Yes/ I like black people's culture
P14	isiXhosa/ Sesotho	B.Ed. EMS	5 years	Kutloanong	Christian	-	Yes/ I grew up in township
P15	Sesotho	Diploma	4 years	Kutloanong	Christian	Sesotho culture	I do not have a problem with teaching either at township or suburb school
P16	Sesotho/ English/isiXhosa	Diploma in ECD	19 years	-	-	-	-
P17	Sesotho/ isiXhosa/English	PGCE/B.Tech. Marketing	3 years	Odendaalsrus	Christian	Simple life	Yes/ most learners come from disadvantaged

Participants	Home language of participants and other language that can be spoken by participants	Qualifications	Experience and location where participants live		Religion	Culture	Whether or not participants prefer to work at a township school, and why
							family, so I motivate them
P18	Sesotho/ English	SPTD/ACE	5 years	Kutloanong	Christian	Sesotho culture	Yes/ better resourced than farm schools
P19	Sesotho/English	PTD/ACE	27 years	Riebeckstad Welkom	Christian	Sesotho culture	Yes/ contribute to creating love
P20	Setswana/ Sesotho/English	Diploma Marketing/PGCE	1 year	Kutloanong	Christian	Setswana culture	Yes/ near where I live
School B							
P21	Setswana	STD/BA/B.Ed. Hons.	30 years	Welkom	Christian	Setswana culture	Yes/ I connect more easily
P22	Sesotho/English	B.A.(Ed)	25 years	Welkom	Christian	Christian-based	Yes/ grew up in township
P23	English/Setswana	SPTD/ACE/ADE	16 years	Thabong	Christian	African traditional	Yes/ to uplift the standard of education
P24	Sesotho/English	B.A.Ed.	23 years	Virginia	Christian	Sesotho tradition	Yes/ that was most familiar place to start working given my background
P25	Sesotho/English	B.Ed.	20 years	Allandridge	Christian	-	Yes/ I want to give back to my people

Participants	Home language of participants and other language that can be spoken by participants	Qualifications	Experience and location where participants live		Religion	Culture	Whether or not participants prefer to work at a township school, and why
P26	English/Setswana	B.Ed. Hons.	23 years	Kutloanong	Christian	-	Yes/ I grew up in township and I relate well. I relax teaching there as I know everything about their culture.
P27	English/Sesotho	B.A.Ed.	20 years	-	Christian	Well-structured with values and morals	Yes/ because most learners and teachers are of the same values and morals
P28	isiXhosa/ Sesotho	SPTD/Diploma/ B.A. Hons. / B.Tech	12 years	Wepener	Christian	-	Yes/ it is easy to be attached to and understand background where learners come from
P29	isiXhosa/isiZulu	B. Ed.	30 years	Gauteng	Christian	-	Yes/ I grew up in the same environment and understand most black cultures

From the table above, it is clear that the majority (n=16/29) of research participants are Sesotho speaking with a number who are isiXhosa (n=4/29), Setswana (2=2/29), English (n=4/29) and isiZulu (n=1/29) speaking. Teachers have not been asked to indicate their race, yet home languages may indicate that the majority of teachers are black. All (n=29/29) of the teachers at both schools have relevant qualifications to teach at the schools they are currently teaching at: In other words, both primary and secondary teachers have the relevant qualifications to teach at these schools and to teach the subjects they are qualified to teach. The participants are also highly experienced in terms of work experience, ranging from 1<10 years (n=7/29), 10<20 years (n=8/29) and 20<30 years (n=14/29). I found this to be beneficial to this research study as in-depth experiences were gained with reference to the role teacher's play towards the realisation of human rights in their classrooms. In terms of occupation level, most (n=18/29) teachers are at post level 1 and 2, implying that they interact more with learners than would be the case at post level 3 and 4 and are, therefore, in a better position to reflect on the realisation of human rights and their roles in this regard in their classrooms. Teachers at post level 1 and 2 are able to provide a clear understanding of 1) how are they facilitating their subjects and to what extent human rights are incorporated in those subjects; 2) the challenges they are experiencing towards the realisation of human rights; and 3) to indicate whether they are coping or not in their classrooms given that they spend most of their time in classrooms and have little or no managerial duties as opposed to post level 3 and 4 teachers. From the above, it is also clear that most participants (n= 19/29) participate actively in their respective cultures (n=19/29). All of the teachers who have indicated their religion are Christian (n=28/29), with only one teacher who have not indicated any religion. Furthermore, participants were asked whether or not they prefer working in a township school upon which participants (n= 26/29) said that they prefer working in township schools as they understand the conditions of township schools but feel that something more ought to be done in their classrooms to ensure the effectiveness of their roles and to ensure that a culture of human rights and values is instilled. Whereas two of the participants did not prefer working in a township school, they did not provide their reasons.

Keeping in mind the contexts of teachers as described above, the rest of the chapter will unpack findings that emanated from an analysis of the written narratives.

5.3 Themes emanating from the data

There are numerous ways to analyse qualitative data, and this research study used narrative analysis complemented by thematic analysis to analyse the written narratives. Written narratives in this study refer to teachers' stories that they told about their roles towards the realisation of human rights in their classrooms. Teachers were given a narrative prompt (see

Addendum A) which enabled the researcher to gain an extensive, helpful and richer understanding of how they view their role towards the realisation of human rights in their classrooms. The narrative prompt to which teachers responded read as follows:

Please write your story in which you share your experiences about teachers' roles in realising human rights in township classrooms. The experiences you write about can either be positive or negative. In the story that you write, you could also refer to opportunities and barriers that teachers at township schools experience in playing their roles towards realising human rights in their classrooms. The length of your story should be 3-5 pages.

Major themes were identified through reading of the transcripts, and the researcher analysed and interpreted participants' responses.

Based on the verbatim codes from the written narratives, the following main themes were identified as depicted in Figure 5-1:

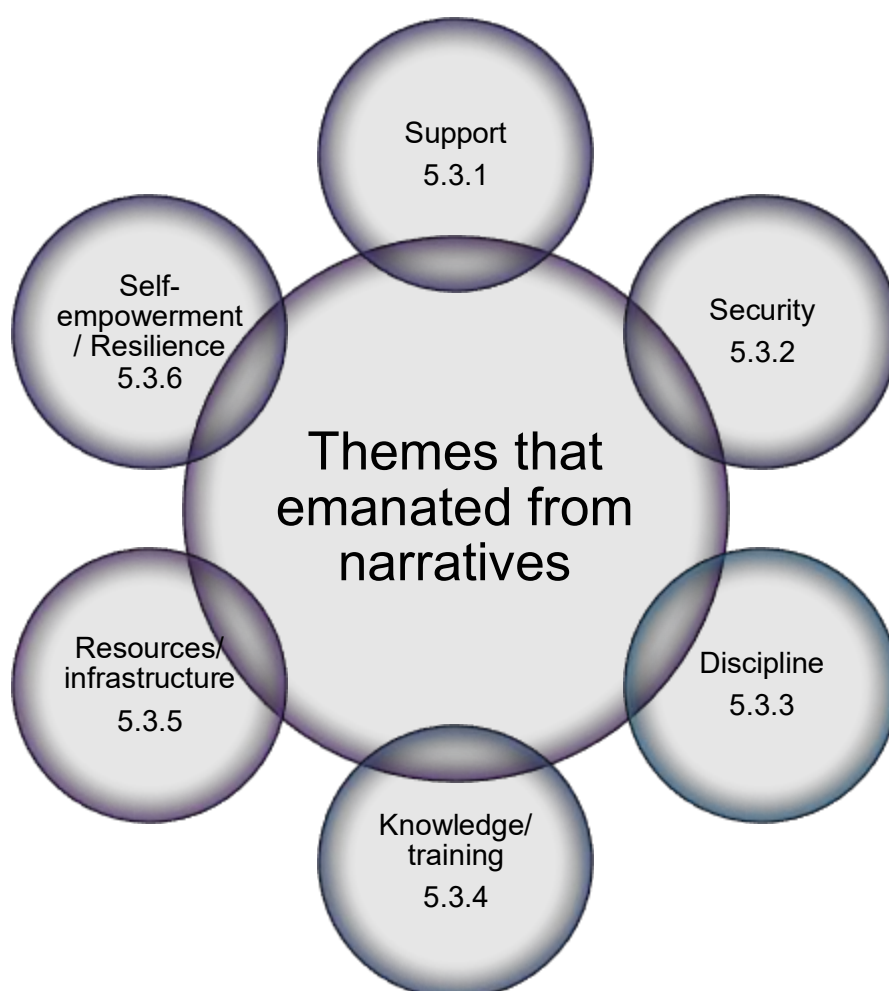


Figure 5-1: Thematic map showing themes that emerged from narratives

The researcher sought to gain an understanding of how teachers in township classrooms experience their role towards the realisation of human rights in township classrooms. From

the data analysis, it seems teachers are willing to respect, promote and protect human rights in their classrooms, yet they seem to experience a sense of powerlessness due to among other things a lack of support from parents, the government (Department of Education), principals and learners (see paragraph 5.3.1). In relation to security issues, stress, fear, lack of freedom and security, overload and violence are also impacting greatly on the roles they play towards the realisation of human rights in their classrooms (see paragraph 5.3.2). Other aspects relating to their human rights role that emerged were poor learner discipline (see paragraph 5.3.3), insufficient human rights training resulting in a lack of knowledge of human rights (see paragraph 5.3.4), and a lack of resources and poor infrastructure which impedes their functioning (see paragraph 5.3.5). Findings indicate that if these barriers can be addressed, and teachers are self-empowered or resilient (see paragraph 5.3.6), human rights can be realised more in their classrooms.

The paragraphs to follow will present an analysis and interpretation of teachers' narratives of their role towards the realisation of human rights in their classrooms. Findings will be presented according to the themes that emerged during the analysis (see figure 5-1 above).

5.3.1 Support

From written narratives, concepts and codes evolved in line with the research question, and these codes and concepts were then compared. As a result, support emerged as a crucial and prominent theme. Some narratives (n=10/29) spoke about support or lack thereof from government, including the Department of Education, while two (n=2/29) spoke about support or lack thereof from principals.

When participants wrote about their experiences in this study, negative views, experiences or emotions were expressed regarding support from parents (n=14/29), and words or phrases depicting positive feelings in this regard ranked very low (n=2/29). Parental involvement is supported by different legislation (the Schools Act, 1996) where parents are given the power to have a say in the education of their children and are required to take responsibility for their children's education, behaviour and schoolwork (Bertelsmann, 2017:5). In stating negative views, participant 19 offered the following view:

"Teachers try their level best to assist learners, but some parents do not appreciate that. Working in township is like teachers do not have rights, parents and learners violate the teacher's rights and if learners are not doing their work, teachers are not supposed to question them and if the teacher does that, the learner go home and bring the parent who is very angry at the teacher and some of those parents do not even want to listen to the teacher's side of story."

This quote alludes to parents being hostile towards teachers. Another participant said that parents enter their classrooms *“to threaten teachers thus violating their rights”* (Participant 2). Yet another participant concurred, saying that:

“We experience problems because even their parents are ignorant, they do not support their children or take part in their schoolwork. When you give a child a homework he/she will come to school the next day without it, when you ask about it, the child leave your class and go straight to the parent and immediately the parent enter your class fighting and insulting you in front of all learners without asking what is happening.” (Participant 16)

Whereas these participants highlighted the aggressiveness of parents and as being non-supportive of teachers' roles, they also made reference to parents not taking an interest in children's schoolwork (n=5/29). It may be that to these participants, parental support of the child's schoolwork will support the teacher's role in realising human rights. Participant 6 also said *“The parents of our children are not supportive to the education of their children”*. Other participants view the lack of parental involvement as a result of the fear they have towards their children (n=3/29), resulting in shifting their responsibility to teachers. Hence, participant 25 states that:

“Teachers in township schools are afraid of learners and also parents are afraid of their kids, then they put blame on us most of the time and in return when they encounter problems at home, and afraid to discipline their kids, then they expect us to play our role.”

On the other hand, participant 19 feels that when teachers need parents' support towards their children, parents do not respond:

“When they are called to discuss the problems of their children they do not respond, but when a child is being punished for wrongdoing, they are the first to come to school. Some of them using offensive language...”

To participant 14, parents should value teachers for ploughing back into their community. They should feel proud but instead display elements of jealousy and disrespect, which discourages teachers and is a barrier to realising human rights. This is evident in participant 14's response, stating that:

“I attended school in township and also live in township, now am working at the same school I attended, so other parents feel proud and support me as I am teaching their kids, but to others it becomes a problem that I have achieved my dreams. So, they start to develop jealousy and it leads to disrespect me as a teacher, those kinds of parents they make sure that I lose confidence and as a result reflecting badly in the eyes of my manager.”

When lack of parental support discourages teachers as in this case, the teacher's ability and motivation towards the realisation of human rights might be affected negatively. Not only do

teachers experience disrespect and jealousy, they also feel that parents interfere unfairly: *“Some (parents) are not supportive, and they interfere too much”*. In addition, this participant (participant 11) blames parents for hampering the realisation of human rights and not being supportive by saying *“Everything (computers) is stolen by the same parents and they expect us to do more”*. Although the context of what happened at this school is not explained, it can be deduced that some parents act in ways that undermine sound education at the school. If parents are not supportive, shift their responsibility, interfere and disrespect teachers, it may present barriers for teachers to fulfil their roles in realising human rights in their classrooms.

Only a few participants raised positive views regarding parental support, stating the following:

“I attended school in township and also live in township, now am working at the same school I attended, so other parents feel proud and support me as I am teaching their kids, but to others it becomes a problem that I have achieved my dreams.” (Participant 14)

“Some parents are more involved in their children lives; they are positive role models who put their children first before anything.” (Participant 17)

Participants might feel that parental support will enable the realisation of human rights in their classrooms, but for some participant this is not possible as participant 12 states that:

“Some of elders have to stay with many grandchildren whilst they are sick and some very old as a result unable to help them with homework’s. I as a teacher I had to take initiative to assist either physically, emotionally or financially.”

According to the text above, and in support of research questions 4 and 5 (see paragraph 1.3 in Chapter 1), participants seem to believe parental involvement is crucial and this imply that parental support towards teachers is something teachers crave. It is possible from the above text that lack of parental support to teachers may cause inconsistency in their role as a result of not focusing on the realisation of human rights in their classrooms. Angry parents blaming teachers and not assisting their children with schoolwork will not help learners and teachers to focus on teaching and learning, nor on realising human rights. According to Modisaotsile (2012:3), parents who are not supportive of their children’s education fail given their power to take charge of the well-being of their children. Parents who are knowledgeable are urged to take an interest in all school activities like helping their children with homework and encouraging them to take part in extramural activities (Modisaotsile, 2012:3). Their parental support and involvement can be seen through their commitment to join school governing bodies and to take part in all school activities such as fundraising (Du Plessis & De Groof, 2017:26). A partnership between parents and teachers would promote the realisation of human rights in township classrooms (Smit, 2017:52), in particular against the background of

extensive consultation that was intended to include parental wishes and democratic voices in the Schools Act (Bertelsmann, 2017:6-7).

In addition to a need for parental support, teachers need support from government (Smit, 2017:52). Through the Department of Education, government support encompasses financial support, infrastructure development, and professional development by way of workshops, education development and wellness programmes (e.g. psychological / psychosocial services and poverty alleviation for learners). Support and wellness programmes should focus on teachers' and all other departmental employees' problems such as family, marriage, finances and rehabilitation (Modisaotsile, 2012:3; Smit, 2017:52). With reference to the smooth operation of schools, Smit (2017:52, 54) stresses the importance of the tripartite partnership (parents, teachers and state) which ensures and upholds the rights of all learners, and promotes their acceptance of responsibility for the organisation, governance and funding of schools. Secondly, in this regard, Smit also references the observations in the case *Head of Department: Mpumalanga Department of Education and another v Hoërskool Ermelo and another* (2009) where it was found that stakeholders need to work together in the interest of the smooth running of the school.

Some participants are not happy with the current support from the government, including the Department of Education. This is evident from responses such as:

"They hate us, it is like they are doing this to protect learners not because they love or want to protect them. They are doing this, or they came up with human rights to heal the past hurt, pain and sufferings, teachers are nothing." (Participant 23)

Participants also revealed discontent with the government regarding laws that favour learners and not them, resulting in inappropriate behaviour: *"Learners do as they like because of the laws which were abolished by our government,"* participant 4 remarked, a sentiment echoed by participant 20 who stated that:

"I teacher feel that I do not have any human rights because the department focuses more on learner's rights while the behaviour of these learners is unacceptable."

Teachers expressed a feeling that their own rights are valued far less than the rights of learners. Government support in the form of equal protection of the rights of both educators and learners is needed for teachers to fulfil their role towards realising human rights (Oosthuizen, 2015:4).

Whereas findings reveal a feeling of lack of support and unfairness towards teacher from the side of government, some participants did indeed indicate a degree of support:

"Government is investing a lot of money in these schools. Many opportunities exist for educators to be trained on technology. Teachers are offered bursaries to help equip themselves better." (Participant 4)

Other forms of government support were also mentioned:

"Teachers can be supported by being given disciplinary measures, being taken to wellness programmes, and also be taught how to handle pressure." (Participant 27)

One participant expressed the importance of governmental support for teachers in their endeavours to further their role in realising human rights:

"I am of the firm believe that if the department or government is serious about deepening democratic values in schools, or to inculcate the culture of human rights to their learners, they must start first with their teachers. Teaching of the Constitution and chapter 2 should be a subject on its own and compulsory." (Participant 23)

Participant 27 concurred by saying:

"The department and government need to help in terms of conducting workshops for professional development."

Another participant indicated that governmental support may be indirectly beneficial to teachers by supporting learners with extramural activities that unleash learners' potential:

"The department of education provides and encourages more activities for township learners to show their talents. For an example, music competition, sport activities and education activities like spelling bee and mental maths. So, most learners who have problems in class excel when they take part in these extramural activities." (Participant 14)

As can be derived from the foregoing verbatim quotes, teachers feel that governmental support is indispensable and essential (*sine qua non*) if they are to fulfil their roles in realising human rights in their classrooms. Teachers who feel they are not treated fairly in that their rights are not protected in the same way learners' right are, may feel demotivated, angry and very disappointed with the government and the Department of Education. Experiences of a lack of support from government and/or the Department of Education evidently present a barrier towards teachers' fulfilling their roles. Participants who highlighted support strategies and supportive activities from government demonstrate the value that teachers may attach to governmental support. Findings imply that professional development and other forms of support are urgently needed to help increase teachers' knowledge pertaining to human rights and to equip them to deal with challenges pertaining to their roles. As asserted by Modisaotsile (2012:3), Smit (2017:52) and Du Plessis and De Groof (2017:26), teachers who are supported by their employer tend to do well, implying that support will enable teachers to be better at promoting human rights.

5.3.2 Security

For people to be safe, especially teachers, they should be protected by government in terms of the law or policies (Du Plessis & De Groof, 2017:26). Participants agree on this but, seemingly, this is not happening. This is evident from their responses which indicated that they are living in “fear” (n=7/29); are not “safe” (n=4/29); experience “violence” (n=3/29), are “stressed” (4/29), “overloaded” (n=1/29); “overwhelmed” (n=1/29) and experience a “lack of freedom of security” (n=1/29) and a “lack of respect” (n=2/29). The data reveals that both parents and learners think that because they have rights, they have the power to treat others in a manner that is contrary to the law. It is worrying that participants feel that corporal punishment is seen as the only solution to their problems. It is also unfortunate that participants blame the Department of Education for not protecting their safety and security.

Several participants made reference to the issue of violence, stating that because violence is rife in schools, they find it difficult to fulfil their roles:

“Teaching in township school is a challenge, the struggles of poverty, poor services, violence and alcoholism are the most influential aspects that surround educational part of the community.” (Participant 10)

Another participant indicated bullying as a form of violence, stating that:

“In the classroom, teachers are expected to respect learner’s rights. Learners do not respect us, and in return if teachers bully learners, they are dismissed immediately, but when learners bully teachers it is not even considered abuse. It is hard for us teachers to respect learners’ human rights because no one is protecting us from this violent learners.” (Participant 13)

Violence in the form of suicide threats was also mentioned and, in this instance, the participant indicated that such a threat resulted in stress for the teacher:

“One of the most important aspect of classroom management is to be able to use time effectively to achieve academic learning. We as teachers find it difficult to achieve all of these because of stress, and worse is when the learner threatens to take his or her life.” (Participant 6)

Apart from the elements of violence referred to above, participants also indicated that poor safety at township classrooms can endanger their lives since visitors’ access to school premises is not administered properly:

“Teaching in township is not safe, by looking at administration office, they do not ask visitors why they want to see certain teacher, and they just say you want to see who? Then they show you that person. So, it is not safe.” (Participant 14)

Another participant indicated fear as a factor that hampers township teachers' interaction with learners in their classrooms, a factor that could make it difficult for teachers to fulfil their roles:

"We end up not making jokes in the classroom as we are afraid, we do not even ask whether the homework or classwork has been done. We keep quiet with everything; how can we promote human rights if we are afraid of these learners." (Participant 26)

In analysing the written narratives, codes were all categorised under this theme if they related to security (*geborgenheit*) as theorised by Oosthuizen (2020:4). In this sense, security refers to "safety and security, a feeling of complacency, satisfaction, trust, rest and peace and a feeling of well-being and protection". According to Oosthuizen (2015:5-6), for teachers to function properly and to become catalysts of *geborgenheit*, they also need to be protected by the government so that they, too, can experience a sense of security (*geborgenheit*). In this study, participants feel that the environment they find themselves in is not conducive to the teaching and learning of human rights due to the fact that it is an unsafe environment. As Oosthuizen (2016:27) indicated, if safety and security are to be assured in schools, all stakeholders' actions and thoughts should be regulated by the Constitution's stipulations and in particular subsection 28(2) ("best interest of the child"); the "inherent dignity of each learner" (subsection 10); and "equal opportunities regardless of race, gender and age" (subsection 9(3)).

From the narratives presented here, it emerged that teachers are struggling to promote and protect human rights in their classrooms due to fear, frustration, stress and a general lack of security. This is probably why participant 21 made a plea to the relevant government department to

"empower teachers through ongoing workshops and intervention strategies that will ensure the well-being of teachers".

5.3.3 Discipline, misconduct and behavioural problems

The third theme emanating from teachers' narratives has a bearing on learner conduct. Participants noted various challenges regarding discipline (n=3/29) and a lack of discipline (n=13/29) on the side of learners. When noting challenges in this regard, cognisance should be taken of the fact that participants may feel angry, bitter, frustrated, demotivated, powerless and defenceless. A sense of hopelessness emerges when participants say that they cannot change a particular situation which, in effect, has a negative impact on the realisation of human rights.

With reference to a lack of learner discipline, an analysis of participants' responses revealed that "disruptive behaviour" (n=10/29), "bullying behaviour" (n=6/29), "weapons" (n=2/29),

“drugs and alcohol” (n=3/29), “poverty” (n=3/29), “gangsterism” (n=7/29), “abolishment of corporal punishment” (n=6/29) and “domestic problems” (n= 3/29) were cited as the major causes. According to Theron *et al.* (2012:25) and Kaap (2004:258), these elements are referred to as risks affecting learners in township schools where the presence of one could aggravate the presence of another. Should these disciplinary problems prevail in township schools, especially in as far as dignity, equality and freedom are concerned, teachers’ roles towards instilling human rights in their township classrooms will be greatly affected (see paragraph 2.3.2 in Chapter 2).

As an illustration of the negative impact learner misconduct has on human rights, participant 1 commented that:

“...these learners are smoking drugs at school, after break they become worse especially boys, they use vulgar language in front of you. Our classrooms are not conducive at all, they break everything, windows, and doors even their tables and chairs. We cannot even display our classrooms with posters, charts, and pictures because of this violent learner. We no longer enjoy our jobs because of the behaviour of these learners.”

Yet another teacher related a similar story:

“Learners using drugs, every time when we attend classes, the behaviour of those learners is unacceptable, they are insulting us, they do not want to write, and all they are thinking of is harassing teachers and killing them.” (Participant 15)

Along a similar vein, participant 10 cited gangsterism and substance abuse as factors that are challenging township schools, stating that:

“Gangsterism is a popular problem in township learners are faced with and it has destroyed the lives of many potential children.”

Several participants indicated that unacceptable conduct by learners make it difficult for both teachers and learners to concentrate in class. When teaching and learning in class is disrupted, learners’ right to education are impacted (De Waal, 2004:78). Issues such as gangsterism, violence and drug abuse threaten the safety of both teachers and learners, and an unsafe environment would cause people to feel scared (Oosthuizen, 2016:33-35). As the literature revealed, when someone is scared, that person will not be able to benefit fully from education or to perform his or her job when attending school since they feel threatened by others (Joubert *et al.*, 2004:78; Oosthuizen, 2020:5-6).

In this regard, participant 16 voiced this opinion regarding discipline and disciplinary measures and how teaching and learning are affected due to a lack of discipline:

“As teachers at township schools, we have a lot of challenges especially after this freedom of corporal punishment. It is very difficult for us to discipline a child in the classroom because they do not listen, and the more they do not want to listen is the more teaching and learning is disrupted.”

From the responses above, participants are of the opinion that the disruptive behaviour of their learners is impacting teaching and learning, therefore making it difficult to realise human rights, especially the rights to safety and education (Joubert *et al.*, 2004:78). According to Oosthuizen *et al.* (2020:148), learner behaviour needs to be managed to create a secure environment within which teachers and learners “can participate in a harmonious way in educational tasks”. For some participants, it is very difficult to manage learner behaviour:

“They do as they please, they say whatever they want, and I can do anything about it, there is no form of punishment that can change their behaviour. They also know that corporal punishment is faced out so, they are not scared of anything.” (Participant 20)

Participant 16 shared the same sentiments, stating that:

“The behaviour of learners is dreadful; those learners are abusive towards us verbally and in some instances physically. You would find that when one must attend that class, negative thoughts and uncertainty gets the better of us.”

Participants also touched on the issue of corporal punishment (n=6/29) which was abolished in South African schools in 1996 in terms of Section 10 of the Schools Act (Act 84 of 1996). Teachers are comparing the current situation to the past where corporal punishment was used as a measure of discipline and, according to them, learners were more disciplined. From the narratives of participant 16 and 20 quoted above, it is clear that teachers feel that disciplining learners in the absence of corporal punishment is challenging. Teachers believe that corporal punishment can regulate the behaviour of learners and should not have been abolished. Participant 26 confirms this by stating that *“I grow up being regulated by corporal punishment”*.

By suggesting this, teachers still show a lack of understanding of alternative forms of discipline at their schools. From the literature review, it is also evident that many teachers and their principals are struggling to maintain discipline without the use of corporal punishment even though it has been prohibited for longer than twenty years (see paragraph 1.3.1 in Chapter 1).

With regards to the negative and positive consequences of using corporal punishment, participant 26 narrated the following:

“Many teachers lost their work because of mating out. I was also a victim of teachers where disciplinary actions were instituted as a result of mocking learners it was not only me but my fellow colleague paid a R6, 000.00 fine as she administered corporal punishment and it is easy for learners to change your behaviour because of their rights. You beat them, they know what to do, where to go.”

In this story, it seems the participant is of the opinion that beating learners is needed even though teachers are punished for doing so. Seemingly, participants are clueless or ignorant about the disciplinary measures provided for in an array of legislation (Pillay, 2014:3). Instead of protecting vulnerable learners in their classrooms, they feel that these laws are exploiting them, and as a result, they want to defend themselves against ill-behaved learners.

Poverty, teenage pregnancy and domestic violence were also indicated as factors that contribute to learner behaviour, all of which affect the realisation of human rights in township classrooms:

“Female learners are forced into prostitution and teenage pregnancy because of socio-economic background that forces them to sell their bodies to men for money to survive, this is a challenge because learners are missing out on schoolwork which affects pass rate of the school.” (Participant 4)

Another participant raised the following concern:

“These poor learners are the future of our country, if we refute our children what is right, we are destroying them not only but the future of South Africa.” (Participant 6)

Not all participants narrated behavioural problems. Some of the narratives illustrated the positive relationship between good discipline and the realisation of human rights. One participant believes that it is the responsibility of teachers in the classroom to emulate the behaviour they want to see in their learners:

“Teachers play an important role in the classroom by supporting either negative or positive set of learners, if a teacher presents a soothing happy classroom environment, learners are most likely to enjoy the class.” (Participant 23)

Learners who are supported by their teachers will eventually display elements of respect towards their teachers, possibly contributing towards the realisation of human rights by following teachers as their role models:

“Some of my learners show respect, they love and care about me. They take me as their role model.” (Participant 14)

It is clear from the above verbatim excerpts from narratives that township classrooms are characterised by ill-disciplined learners, and based on participants' experiences, this is caused by the abolishment of corporal punishment. Learners are taking advantage of this situation and, consequently, do as they please, knowing exactly that nothing can be done or, if something can be done, it will not equate the pain of corporal punishment.

5.3.4 Training in/knowledge of human rights

Lack of training for teachers which results in a lack of knowledge is seen as an obstacle for teachers to play a role towards the realisation of human rights in their classrooms. Pillay (2014:1) states that teachers need knowledge of Education Law in order to create an environment that enhances the realisation of human rights. Authors such as De Waal and Kung (2017:9) and Smith (2017:24) concur, stating that to avoid disciplinary and legal action against teachers, it is the duty of the government to provide adequate training so that teachers can play their role towards the realisation of human rights. The majority of participants (n=13/29) attributes no realisation of human rights to a lack of training and knowledge in this regard. Knowledge refers to the ability to master and convey to others information about the principles of the Constitution, especially the Bill of Rights (Simmonds, 2010:37). The training participants are arguing about is mostly based on “learning barriers” (n=6/29), “handling of learners who know rights more than roles and responsibilities” (n=5/29), and human rights concepts such as “right to basic education, equality and dignity” (n=2/29).

The following are challenges raised by participants regarding their lack of training in and knowledge of human rights:

“In our local school as teachers we are confronted with learners who find to concentrate and be able to make good friendship with other learners because of language barrier. The multi-cultural nature of schools in South Africa, the legacy of historically disadvantage individual and the fact that number of learners are taught in the language that is not theirs.” (Participant 6)

In addition to issues experienced with language barriers, participant 19 added that:

“There are learners who cannot function in the normal school, and teachers are expected to teach them or to diagnose their disabilities whereas teachers are not trained to do that.”

To this, participant 1 added:

“There are learners who cannot read and write, and we as teachers are not trained to do interventions with learners who are struggling.”

From what has been stated by both participants 6 and 19, it is clear that teachers are struggling to deal with learning barriers as data revealed that training received at tertiary institutions is not sufficient to prepare them for teaching learners who are experiencing such barriers. Participant 5 stated that *“There is a gap between policy makers’ intentions and teachers understanding of human rights values”*. When teachers are ill-equipped to teach learners with barriers to learning, the education rights of those learners cannot be realised.

In addition to the issue of language and learning barriers, other participants raised the issue of human rights values that need to be realised regardless of the little training received:

"I believe that a teacher of my age, I was not brought up in the culture of rights or democracy. And as such, it would be highly impossible for anyone to expect me to observe and promote such. This include my formal training as a teacher, I was not trained to observe democratic rights as I was up under a discriminatory Constitution that protected only whites." (Participant 23)

There are, however, some participants who acknowledged that they do have knowledge of human rights but decided to act ignorant. Pillay (2014:3) cautiously warned teachers that it is still their responsibility, regardless of their knowledge, to promote and protect human rights. As part of teachers' role in terms of the norms and standards for educators (DOE, 2000) as well as the Code of Professional Ethics for Educators issued in terms of the South African Council for Educators Act (Act 31 of 2000), it is teachers' responsibility as professionals to keep their knowledge current. Nevertheless, Nkone (2008:94) argued that proper training is needed for teachers to understand the diverse needs of learners.

The ignorance Pillay (2014) cautioned against (i.e. a lack of knowledge of human rights) affects the realisation of human rights particularly in township classrooms as teachers are still labelling learners, thereby violating their "right to human dignity":

"The most important thing in primary school is tell and inform learners about their rights, which of course they know much about. Many are times as teachers we infringe those rights without them realising a thing...This gays and lesbians learners want more attention than the other learners in class. I end up telling them that this is not only gay class." (Participant 13)

Another participant believes that if training is received, the implementation and application of human rights will be visible in classrooms:

"I am of the firm believe that if the department or government is serious about deepening democratic values in schools or to inculcate the culture of human rights to their learners, they must first start with their teachers. The starting point should be the training of teachers at colleges, reopen training colleges within local area that will focus on the local development. Teaching of the Constitution and chapter 2 should be a subject of its own and compulsory." (Participant 23)

Other participants blame the Department of Education and government for affording learners more rights without emphasising responsibilities. To teachers, it seems as if learners know more about human rights than they do:

"The problem is those learners who know their rights but without responsibilities, they know they have the right to come to school, but they never want to learn. The government and the department need to help us teachers to show learners how much responsibility they need to give for them to be educated. Learners are given food at

school, they just threw food around when they are full, and we can say anything because it is their right to have that food.” (Participant 13)

As Maboe (2013:104) stated, even though the aim of non-governmental organisations (NGOs) is to promote children’s rights globally, those rights and responsibilities should be balanced. What Maboe implied is that if learners are encouraged to gain an understanding of the basic human rights they are entitled to, this will afford them an opportunity to become productive and knowledgeable citizens. The data also reveals that the Department of Education is placing more pressure on teachers to emphasise the importance of rights and responsibilities among learners without offering proper training on how this should be done.

5.3.5 Resources and infrastructure

Another prominent theme that emerged from written narratives pertains to resources and infrastructure. Teachers’ narratives made reference to “the provision of resources” (n= 1/29) and “the lack of resources” (n=3/29), whereas some referred to “infrastructure” (n=3/29) and “the lack of infrastructure” (n=4/29). In their narratives, participants focused more on unhealthy environments, insufficient and broken resources and the large number of learners in their classrooms, the misallocation of budgets and the lack of bursaries, investments and funding.

Many participants voiced negative views regarding resources in township classrooms:

Participant 15 stated that *“Learners can’t read and write because we do not have enough resources in our township schools as a result, we have slow learners in our classrooms”*. Participant 9 concurred, stating that *“There are more children with learning barriers in township but with fewer resources”*.

Participants focused more on the issue of misallocation of budgets, resulting in a negative impact on the right to safety for both teachers and learners. As participant 7 put it, *“[the] challenge that teachers face in the classrooms are lack of proper funding”*, to which participant 24 added *“We township schools struggles a lot for we do not have a budget enough to hire own security companies, we rely on the services of novice securities that the school can afford”*.

Another participant indicated poor working conditions and overcrowding as barriers that impact the realisation of human rights, blaming the post-apartheid regime for this state of affairs:

“I was brought up under a discriminatory Constitution that protected only whites, but even after the new dispensation, living conditions in townships have not changed.” (Participant 23)

Along a similar vein, participant 1 stated *“Our classrooms are not conducive at all they break everything windows, doors even their tables and chairs”*, while participant 17 went on to elaborate on the socio-economic background of learners and the conditions created as a result of overcrowded classrooms by stating *“You would find out that if a class has 42 learners 25 of them come from abusive families”*.

Despite the fact that financial resources are not adequate in township schools, some participants acknowledged and appreciated all the efforts made by government and the Department of Education.

The following are regarded as positive experiences with reference to resources and infrastructure in township schools:

“School building and infrastructure are being upgraded so that classrooms are fitted with the necessary equipment needed to make teaching and learning possible and dignified.” (Participant 4)

Along a similar vein, participant 24 stated:

“Some school buildings in townships are now physically adapted to suit even learners who are physically challenged. For an example, wheelchair bound learners’ pathways and toilets are created/built in township schools.”

From the responses above, it is evident that when the class holds more than 40 learners, the minimum required ratio (i.e. 1:32) has been exceeded and this constitutes overcrowding (Mojapelo, 2018:2). Nevertheless, as is evident from the responses, not all participants blame the government or the Department of Education for not doing enough to provide for the realisation of human rights in township classrooms. Despite the lack of support and infrastructure, some participants seem to adapt very well and are even prepared to go the extra mile to assist learners who are struggling:

“I as a teacher had to take initiative to assist either financially physically and emotionally, and what makes me happy is when I see that child excelling in his or her work.” (Participant 12)

The analysis revealed that township schools are in dire need of better resources. As revealed in the study conducted by Du Plessis and De Groof (2017:25), many learners commute from townships to suburban or inner-city schools which tend to be highly resourced. This ties in closely with what Nkone (2008:94) stated, namely that teaching and learning are affected by the availability of educational resources which, in turn, affects the realisation of human rights, especially the right to basic education. Education should be available to learners close to their place or residence and should be provided in well-resourced schools.

5.3.6 Self-empowerment/resilience

Self-empowerment enables students, regardless of their background, to excel academically (Martin *et al.*, 2014:221). Even though the study conducted by Martin *et al.* pertains to students attending community colleges, the findings of this study also have a bearing on how teachers can be empowered to learn new ways of doing things on their own. According to Sharifi and Maljessi (2017:1916), self-empowerment relates to one's absolute power to choose what is right depending on your knowledge of the subject matter, attitude, and self-efficacy. Teachers who have a positive attitude and the ability to realise their aspirations regardless of their lack of knowledge pertaining to human rights may be able to play a significant role towards the realisation of human rights in their classrooms. Simply put, resilience refers to "adjusting to hardship" (Theron *et al.*, 2012:1).

Surprisingly, participants in this study revealed that they still enjoy and understand the multiple roles they should play so that human rights can be realised, and that they do so regardless of their status, lack of training and the conditions prevailing in township schools. In fact, the resilience teachers displayed to continuously adapt and enrich themselves by amassing knowledge regarding human rights so that these rights can be realised in their classrooms is remarkable.

Eloff (2019:08) suggested different approaches to equip student teachers so that they can fulfil their respective roles in terms of human rights education, application, and promotion. According to participant 4, young teachers fresh from university are slowly beginning to assemble the building blocks that will enable the establishment of a human rights culture in township classrooms in future:

"I have noticed recently that most teachers are going to different Universities to empower themselves and improve their qualifications. Equipping themselves better, gaining knowledge and empowering themselves enable teachers to play pastoral role in the community." (Participant 4)

In terms of self-empowerment, participants believe that all is possible by the Grace of God while an analysis of the data revealed that Black culture, sports, and teachers who instilled love and respect played a significant role:

"God was in the fore front hence we were taught religious studies, our teachers led by example and more over they made and taught us to live by example. What made all these to be easy and possible to achieve is that as blacks we used to live in common environment with different cultures and beliefs, so we knew each other's customs, beliefs and culture and we were taught to respect regardless of the differences. We knew each other's customs, beliefs and cultures." (Participant 29)

Participant 1 concurs, stating that “It is by God’s grace that some learners will fathom the roles and measures that their teachers are taking in making them realise human rights”.

Here it would be prudent to point out that according to the demographics, all participants are Christians, which could explain why participant 9 stated that “Our learners must learn to respect, they must learn to respect God”.

Even though the role teachers fulfil towards instilling a culture of human rights did not present as a prominent theme in the narrative analysis, several respondents did reference their respective roles to such an extent that an exploration of this aspect would be warranted. In this regard, note that narrative analysis allows the researcher to present themes that are not prominent but are nevertheless important for the study.

To this end, the researcher set out to explore, analyse and interpret teachers’ views regarding their role towards inculcating a culture of human rights and countering the violation of human rights in township classrooms based on evidence derived from their responses.

5.3.7 Teachers’ roles in inculcating a culture of human rights and countering violation of human rights in township classrooms

Stemming from an analysis of participants’ narratives regarding opportunities for self-empowerment, several stated that despite a lack of systematic learning, they were prepared to assume multiple roles with regards to the realisation of human rights. Some of these roles were acquired haphazardly based on a love for teaching in township schools and a vision of what can be attained by transforming the life of an African child. As participant 4 stated, *“The role of the teacher is to be a life-long learner, a role model and a motivator in my years of experience”*.

With reference to the roles teachers should fulfil towards the realisation of human rights, participant 11 echoed the above sentiments, stating that *“The teacher is a leader, torchbearers, mentors and catalysts, a caretaker, and a protector of human rights, they should ensure that all children are protected from all forms of exploitation, abuse, neglect and inhumane treatment”*.

To this, participant 21 added *“We strive to foster awareness around learners that they belong to and are part of the larger community and also they have human dignity as human beings”*.

Participants 28 also stressed the issue of role models, stating that *“if teachers act as role models, learners will be able to emulate that behaviour”*. The same participant then went on

to elaborate on the other roles teachers should fulfil towards realising human rights in their classrooms by stating that:

“The primary role of teachers is to deliver in classrooms, to help students to learn and to accomplish their goals, to prepare effective lessons mentor and nurture students. They should be role models, mentors and always try to maintain professionalism in their classrooms.”

The positive attitudes participants display in attempting to fulfil their roles towards the realisation of human rights are elaborated further by the remark made by participant 9 who stated:

“The pupils in our classrooms are true digital natives who are spending most of their personal time using digital devices for entertainment and communication purposes. Our role as teachers is to facilitate and guide people through safety through this online digital environment ...”

In addition to being facilitators, participant 4 also commented that “The role of teachers is to be lifelong learning, role model and a motivator and a pastor. I have noticed that most teachers are going to school varsity to empower themselves and improve their qualifications”. Along a similar vein, the same participant remarked:

“Another role of a teacher is to have a pastoral role in the community, I have engaged in a number of community outreach programmes whereby we assist learners who are orphans by giving/donating school uniform and food parcels as well as essential toiletries programmes”.

The fact that gradual progress has been recorded in matric results and that several studies (Theron *et al.*, 2012; Pretorius, 2016; Monyooe, 2017) have found that learners are adapting well and are attending school regardless of the circumstances they find themselves in could explain why participant 4 also remarked that *“Teachers in township schools have opportunity to plant seed and that learners in township schools are the most motivated learners to teach”*, and participant 12 said that *“Most of children from disadvantaged background are gifted ones, and she feels happy when poor child excels. If I was able to nurture those children, I get strength and pleased.”*

Carrim and Keet (2005:101) emphasised the importance of maximum infusion of human rights across subjects – an approach that calls for a more holistic and personal application of human rights. Seemingly, participants in this study believe that for a human rights culture to be inculcated in their classrooms, they must be acknowledged and appreciated for the work they do, and that there should be one subject dealing with human rights together with human rights in extra-curricular activities as well as the hidden curriculum. To quote participant 24:

"I am of the firm believe that if the department or government is serious about deepening democratic values in school, it must first start with the teachers. Teaching of the constitution and chapter 2 in particular should be a subject on its own and compulsory that way the teacher will go to class equipped and confident of the subject matter as a result will impart constitutional principle or human rights to learners confidentially."

Along a similar vein, participant 13 stated:

"Human Rights Day is celebrated at their school to inculcate the culture of human rights and as teachers they have to know and respect human rights, learners are treated equally and there is no discrimination."

Perhaps participant 28 explained best why some teachers believe in instilling a culture of human rights in their classrooms:

"We grew up knowing what is right and wrong, we used to look up to our teachers as role models, parents, preachers, nurses, doctors and social workers."

From the above responses, it is clear some participants believe in the spirit of a human rights culture. There are, however, some who do not share the same sentiments and tend to take the law into their own hands by violating the rights of learners. For example, participant 7 stated *"As and of violation by teachers teacher in primary I have to know and respect those right but as teachers we infringe those rights"*, going on to say, *"I end up telling them this is not only gay class, these gays and lesbians learners want, more attention than the other learners in class"*.

Yet another participant acknowledged that the rights of learners are still being violated in classrooms:

"I was not brought up in the culture of human rights, therefore I normally beat my learners and you beat them they know what to do, where to go." (Participant 23)

Clearly, participant 7 and 23 are aware that they are violating human rights in their classrooms. Since teachers feel the need to defend themselves, they tend to turn to corporal punishment and other inappropriate behaviour as a way of disciplining learners. In the words of participant 12, *"most of learners sometimes provoked me to extend of using inappropriate language"*.

Here it ought to be kept in mind that dignity and equality are regarded as democratic values which form the basis of all other rights. Labelling learners for example, such as stereotyping gay persons, could constitute a violation of human dignity and equality.

Even though participants are aware of the right to basic education, it is clearly still being violated. Many participants blame the government for abolishing corporal punishment since,

according to them, that left them powerless. In the words of participant 1, *“Corporal punishment was banned, and learners are out of control”*. The same participant also remarked, *“we spent our time shouting instead of teaching”* to which participant 12 added *“they know this when they are chased out of the class”*.

5.4 Conclusion

Based on a thematic analysis of the written narratives in which participants in this study narrated their experiences with regards to their role towards the realisation of human rights in township classrooms, six themes emerged (see Figure 5.1). Clearly, failure to infuse a culture of human rights in classrooms will jeopardise teaching and learning human rights (UN, 1948).

With a view to assist teachers to play their role towards the realisation of human rights in their classrooms, Chapter 6 will discuss the findings of this study at length, make recommendations and also point to any limitations relevant to this study.

CHAPTER 6

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

The purpose of this chapter is to highlight this study's main findings regarding the role teachers' play in the realisation of human rights in township classrooms. Accordingly, findings are presented based on the research aims set out in Chapter 1. Stemming from the findings, recommendations are formulated and pathways suggested as to how human rights can be realised in township classrooms. Importantly, too, the limitations of this study are highlighted and recommendations for further research presented.

By following a qualitative approach, this study set out to explore the ways in which teachers contribute in the realisation of human rights in township classrooms. In the process, the study aimed to:

- (1) determine theoretical elements that support the roles teachers must play in realising human rights in township classrooms;
- (2) suggest a basic legal framework that informs the role teachers must play in realising human rights in township classrooms;
- (3) recount township teachers' narratives about their roles in realising human rights in their classrooms;
- (4) report the barriers that township teachers experience in playing their roles towards realising human rights in their classrooms; and
- (5) develop and suggest guidelines to support teachers in fulfilling their roles towards realising human rights in township classrooms.

In Chapter 1, the rationale and the background of the study was presented, which culminated in a discussion of the research problem and rationale for exploring the role that teachers play in realising human rights in township classrooms. A discussion on the background of the research problem included aspects such as international conventions and constitutional instruments that obligate teachers to protect, respect, and promote human rights (1.2). Although the literature study elucidated indications of teachers' responsibilities and duties, it was also evident from the body of knowledge that teachers and, in particular t o w n s h i p

teachers, struggle to understand and fulfil their role in realising human rights in their classrooms (Pillay, 2014:3; Simmonds, 2010:6). Human rights-related voids in the school setting include that both teachers and learners do not feel safe at schools – which infringes on their right to safety and security (Oosthuizen, 2016:27) – that teachers lack understanding of human rights (Simmonds, 2010:4) and its application in general, and that teachers perceive human rights as too abstract or controversial to teach (Pollard, 1988:55-62) while some teachers are plainly unwilling and ignorant towards HRE and application (Pillay, 2014:1). Even though available literature does offer guidance for teachers pertaining HRE and application, very little research has been done on the *role* of teachers in realising the human rights of learners in township classrooms. After having identified the research gaps, Chapter 1 presented the research questions (primary and secondary) as well as the aims, conceptual framework, research design, methodology, and research processes for the study. Before presenting a synopsis of the main findings from the study, the research methods are recapped.

6.2 Summary of methods

As indicated in Chapter 1 (See Figure 1-2) and Chapter 4, this research study employed a literature study, legal research, and empirical research to arrive at the research aim and answer the primary research question: “What is the nature of teachers’ contributions in realising human rights in township classrooms?”

The *literature study* was aimed at revealing concepts related to the role of teachers in the realisation of human rights and to, simultaneously, outline theoretical elements that can assist teachers to fulfil their role in realising human rights.

Legal research was aimed at exploring a basic legal framework that outlines the role that teachers should play in promoting and protecting the rights of learners in classrooms.

Finally, taking the form of a qualitative *empirical study*, written narratives were used in this study as a method to understand teachers’ experiences regarding the role they play in the realisation of human rights in their classrooms. The study was conducted at two schools in the Lejweleputswa district of the Free State Province and centred on classrooms in townships, and for this reason, participants were purposively selected to include teachers who have experience in teaching at such schools. In this way, I set out to gain an in-depth understanding of the role that teachers currently play in the realisation of human rights.

In the next section, significant findings from the study are discussed.

6.3 Theoretical elements supporting township teachers' human rights role in classrooms

A key objective of the literature study (Chapter 2) was to explore the theoretical elements that support the roles teachers play in realising human rights in township classrooms. Chapter 2 further presented a theoretical framework that sought to respond to the research problem identified in Chapter 1 and to reveal how teachers can contribute towards the realisation of human rights in township classrooms. The theoretical elements that were identified as supporting teachers' roles were HRE, human rights literacy, legal literacy, and professional development.

Based on the theoretical framework, teachers must fulfil the following in order to realise human rights in township classrooms:

6.3.1 Teachers as caring parents

This study highlighted that the basis for the aim of caring is that teachers who care will be mindful of their learners' needs and shortcomings, help their learners to satisfy their needs, and assist them in coping with whatever challenges they are facing in their daily lives (Bertelsmann, 2017:5). The teacher's role as a caring person is important for realising human rights in areas that will help learners to enjoy equal opportunities and reach their full potential while also improving their quality of life. Theoretical elements that stood out were professional development of teachers, HRE approaches, human rights literacies, and legal literacy, which were identified as presenting possibilities to support teachers' role in realising human rights in their classrooms (see 2.4.3; 2.5.3,-2.6.1; 2.7.1)

Teacher *professional development* through among others a school-based support team (SBST) can create and provide teachers with (new) strategies on how teachers should deal with learner barriers such as emotional, physical, intellectual, or behavioural problems that they encounter that may impact negatively on the realisation of rights (see 2.7.2).

By applying transformative and bottom-up *human rights literacy* approaches, teachers will be able to interact with learners and engage them about issues that are affecting learners and their rights on a daily basis. Teachers will also be able to create a safe space where learners are free to raise issues without being coerced while empowering them to become active participants in discourses and activities that can change their lives for the better (see 2.5.3).

HRE can support teachers in their role as caring parents, since it accords moral credit for their promotion of learners' human rights (Noddings, 2012:73).

There are several ways in which HRE can be addressed and disseminated. When teachers follow a “knowledge and skills through cognitive approach” (UNESCO, 2010) to the teaching-learning of human rights (see 2.4.1), learners will be able to gather knowledge and skills related to human rights and reason morally about issues affecting them, which could aid their self-empowerment in realising their own rights. Furthermore, reasoning about morals based on adequate human rights knowledge is important since it will affect a person’s response when human rights are violated in the classroom. Lang (1998:5) regards an affective approach as teaching that is closely related to attitudes, beliefs and values, where the purpose of values in particular is to mould attitudes and behaviour that will promote human rights. This can be achieved if learners and teachers show sympathy and compassion for those whose rights are violated. Action through critical stance (see 2.4.3) calls on teachers to give learners an opportunity to inspect, reflect on and critique their thinking about human rights and as a result take action to defend, protect, and promote human rights. A critical stance approach highlights how crucial debates are, both classrooms and the community, as debates bring to light issues that were promised by human rights and but not addressed.

Legal literacy could support teachers in fulfilling their *in loco parentis* (in the place of the parent) role. This legal concept places rights and responsibilities on teachers to act in a caring manner while school children are in their care. Understanding the legal aspects of learners’ rights and teachers’ responsibilities towards the rights of learners could contribute towards teachers playing a role in realising learners’ rights in their classrooms through acting with the same care and concern towards learners as a parent would afford their children (see 2.6.1-2.6.2).

6.3.2 Teachers as managers and leaders of human rights information gathering

Teachers must fulfil the role of someone who manages and leads processes of searching for and processing information about and for human rights realisation (see paragraph 2.2). Within these roles, HRE assists teachers in motivating and encouraging learners to engage in human rights-related activities, for example, to join clubs at school that orientate on human rights and combat human rights violations or to collect documents or any other information relating to human rights from the news and express their views based on what they have found (Netragaonkar, 2011:7). When teachers and learners are well informed about human rights and spend time discussing their thoughts and feelings about human rights issues and information, disruptions could be minimised, leaving room for effective teaching and learning to take place (Kaul and Sharma, 2011:34). Teachers as leaders who implement human rights literacy and human rights literacy approaches can model the good behaviour they want to see in their learners (see 2.1) and to this end manage their classrooms and create an environment that is free from all forms of violence and conduct that undermines the principles and values

of human rights. The theoretical framework presented in Chapter 2 supports and encourages teachers to play an active role in leadership and management with regard to gathering and processing human rights information.

Aspects of professional development could support teachers' roles related to human rights information leadership and management. As such, teachers are responsible for staying abreast of new developments in education, including human rights (see 2.7.1-2.7.2). Besides attending workshops for professional development, teachers as information collectors of human rights will be able to further build their professional identity and change their attitudes about human rights. Teachers as managers and leaders of the class will be able to create a safe space and engage learners about issues they encounter on daily basis, in addition to learning new things that will contribute to their professional development (see 2.7.1).

In developing an attitude and an environment with an HRE framework element (see 2.4.1) and a bottom-up approach, teachers will be able to adopt a positive attitude that will create an environment in which learners will feel free to discuss their daily experiences and assist other learners on how to address the challenges they face either at home or at school.

6.3.3 Teachers as lifelong learners and knowledgeable professionals

Being a teacher who is a lifelong researcher has its basis in the ability to interpret human rights concepts clearly in their classrooms. Thus, teachers who are lifelong learners and/or researchers will be better equipped to fulfil their roles in realising human rights in their classrooms (see 2.1). A human rights educator who is not learning is not educating. Several useful HRE dimensions emerged in the form of approaches that can be applied by teachers in the teaching and learning of human rights, from which the *critical stance approach* is deemed fit to support the role of teachers as lifelong learners. With the critical stance approach to HRE, teachers learn new and different directions and debates about issues that were hidden before (Holloway, 2012:515). Within the *historical approach*, teachers can learn about past experiences and the international instruments pertaining to human rights, which will enable them to teach learners about these so that they can protect themselves against daily abuses. Teachers who are constantly acquiring new skills and knowledge about human rights in these forms will be able to create a friendly, human rights-inspired classroom (Timilsana, 2014:6). Furthermore, the findings on *HRE and professional development* that emerged from this study helped to establish that teachers who are continuously attending workshops, seminars, training, human rights Indabas (discussions on topics related to human rights to hear about the views of other stakeholders) and who are furthering their studies in education law will be able to gain new knowledge and skills toward improving their teaching-learning practices while

promoting human rights (see 2.7.1). *Human rights literacy* as a theory also assisted the study in identifying a transformative approach through which teachers can attempt to address the gap between the oppressors and oppressed (see 2.5.3) by enabling conceptualisation of human rights literacy through post- and anti-oppressive pedagogy. The *bottom-up approach* (see 2.5.3), which enable the realisation of human rights through interaction between the oppressor (teachers) and the oppressed (learners), can help to create an environment in which the oppressed are free to engage about issues they experience on a daily basis.

6.3.4 Teachers as facilitators of human rights learning

The realisation of human rights also relies on classrooms that are conducive for effective teaching and learning so that learners can gain a deeper understanding of their own rights and the rights of others, as well as the ways in which those rights can be realised in their everyday lives. HRE in this study highlights ways in which teachers can serve as facilitators of human rights learning in the classroom, create an environment that is free from all forms of violence, and create a platform that enables learners to report any violation of their rights either in the classroom, at school, or at home. In this regard, it has been established that an HRE framework can indeed assist teachers towards realising human rights in their classrooms (see 2.4.1). Specifically, an HRE framework can also be applied by teachers in township classrooms where human rights are to be realised. With knowledge and values of the HRE framework, teachers will be able to provide learners with content relevant to human rights declarations and conventions. With attitudes and an environment within an HRE framework, teachers will be able to instil attitudes and values that will create an environment that will ensure the protection and promotion of human rights. With agency and action, teachers will be able to take full responsibility in ensuring that learners report any violation of human rights in classrooms. As such, a human rights literacy bottom-up approach will enable teachers to create a safe space where learners can actively take part in, disrupt, defend, and fight for their own rights and others in the classrooms (see 2.5.3). Furthermore, teachers who are professionally empowered will be equipped to deal with problems that arise in their classrooms, especially problems relating to human rights, such as a shortage of resources, which affect the rights to basic education and the right to a clean and healthy environment (Potgieter, 2012:1).

6.3.5 Teachers as facilitators of human rights culture

The literature revealed that a human rights culture is associated with the fundamental rights of people which are not to be violated by others (Mubangizi, 2012:1). On the other hand, Agarwal (2010: 40) states that classroom rules and sharing of responsibilities infuse the culture of

human rights. The Department has played a significant role in ensuring that human rights are infused, although Carrim and Keet (2005:101) are concerned about maximum infusing that is hampered due to lack of integration between the subjects. With professional development, teachers learn new skills and learn how to impart their skills to the benefit of their learners.

Professional development will enable teachers to constantly assess their skills regarding human rights issues. The literature revealed several methodologies (see 2.4.1) that can be used in the implementation and application of human rights and developing human rights literacy, such as the didactical methodology, in which the memorisation of human rights concepts should be encouraged; the participatory/interactive methodology, where learners should be motivated to actively engage throughout the lesson to obtain an understanding of human rights; a transformative methodology, where learners should be encouraged to take part in human rights activities that relate to their daily experiences; and a discussion methodology, where learners should be encouraged to think outside the box and be problem-solvers of all the challenges they face on daily basis.

Theoretical notions of human rights literacy can also assist teachers in embracing learners' differences and disrupting knowledge by asking what has been done as well as having empathy for those whose rights were violated (Noddings, 2012:73). This includes a transformative approach to HRE, which will also allow teachers and learners to interact freely regarding issues that are affecting them on daily basis and as a result develop a critical consciousness to make education relevant to the lives of learners (De Wet & Simmonds, 2018:22).

Given that a human rights culture is not only dependent on learning about rights but also on implementing the law that protects those rights, legal literacy also plays a significant role because it provides legal mechanisms that protect the implementation of such laws. Teachers are therefore required to know, understand, and implement any law-related either in their profession or the law embracing diversity (De Wet, 2018:15).

6.3.6 Teachers as role models

Teachers should also be role models and lead by example (Dhand, 1990:102). In addition, a teacher has to establish some objectives and principles of HRE and involve learners in activities that will increase their knowledge of and interest in human rights. Examples of being a role model include showing learners what it means to care by caring for their learners' needs, having open discussions in classrooms, providing ample chance for learners to practice caring through empathy and sympathy when others are in pain, and showing caring by means of

striving for positive confirmation where learners are taught to realise their mistakes (see 2.2). In their position as role models, teachers will not only apply human rights literacy and HRE approaches for human rights to be realised but also to develop professionally (see 2.7.1). Professional development, as the study revealed, supports teachers in assessing themselves as role models and how committed they are to the realisation of human rights (see 2.7.1). As in the case of human rights literacy, HRE adopts the same value, belief, and attitude dimensions that can support teachers as that of being role models, through which teachers can adopt a human rights-oriented attitude and create an environment that will ensure the protection and promotion of human rights in their classrooms (Robinson *et al.*, 2018: 01).

Findings from research aim two: “to suggest a basic legal framework that informs the role that teachers must play in realising human rights in township classrooms” and discussions in this chapter indicate how the findings relate to the above research aim. The main aspects of the legal framework are summarised in the following paragraph.

6.4 Legal determinants for township teachers’ human rights roles

The legal study (Chapter 3) involved an exploration of the legal perspectives on the roles that teachers must play in promoting human rights. The South African legal system was discussed briefly to explore the origins and role of Education Law as a background to the legal framework. As indicated in the theoretical framework (legal literacy, see 6.2), teachers should have a sound knowledge of Education Law in order to respect, protect and promote human rights (Pillay, 2014:2). A basic legal framework can support teachers in fulfilling their roles in the realisation of human rights, as it provides a legal knowledge basis for both the implementation and teaching of human rights in their classrooms.

The role that teachers should play in the realisation of human rights is prescribed by South African and global legal instruments; therefore, for teachers to be able to realise human rights in their classrooms, they should be knowledgeable in Education Law (see 3.2). As such, the legal study revealed that not only will knowledge of Education Law facilitate human rights realisation, but the principle of democracy will also be achieved (see 3.2). The law enshrines human rights and regulates rights and duties within the education sphere so as to create harmony and balance, in turn contributing towards respect and the protection, promotion, and fulfilment of rights in township classrooms. Teachers will be able to create a conducive space for the realisation of human rights when they know the law and how it should be implemented within the school environment towards the protection of the rights of learners and others. Teachers who demonstrate general knowledge of rights enshrined in the Bill of Rights will eventually promote an atmosphere that will help learners to become experts on human rights

and, in so doing, both teachers and learners will be able to interpret relevant education law provisions and apply these provisions in everyday interactions with learners as well as in HRE (see 3.4.4).

The rights in the Bill of Rights as legal rights in classrooms are legal and enforceable rights that must be protected and respected by the teachers. Teachers have a duty to comply with legislation, and contravening legislation would amount to misconduct (see 3.4.6). Legal rights are intended to protect the interests of everybody in the classroom, offering laws, policies, procedures, and mechanisms to facilitate the enjoyment of human rights law (see 3.3), and persons violating these rights could be punishable by law or subject to other remedial action (see 3.3). By providing legal protection and mechanisms for the enforcement of such laws, the law supports teachers' roles in contributing towards the realisation of rights in their classrooms.

An important aspect of the legal framework is the provisions in the Constitution that indicate how the Bill of Rights should be interpreted, applied, and enforced (see 3.4.4, 3.4.6, 3.4.7). These provisions highlight, among others, democratic principles and compel the three spheres of government (the legislature, executive, and judiciary) to function in accordance with democratic principles and values which form the basis for the rights in the Bill of Rights. Thus, schools too are bound by the Constitution to shape their policies and practices in accordance with values such as equality, dignity, freedom, and rule of law (see 3.4.3). Moreover, teachers should encourage the spirit of Ubuntu, treat all learners equally (which does not necessarily mean the same), allow learners to engage freely on issues that are affecting them on daily basis, and impart to them that everything they do in the classroom encapsulates these values.

While some of the roles of teachers discussed in (6.3) arose from the literature study, the legal study revealed how the law informs the roles township teachers must play in realising human rights in their classrooms. In some ways, the roles of teachers are informed by both theory and law, whereas in other ways, the law places particular responsibilities and duties on teachers.

6.4.1 Partners of the State in fulfilling human rights

The law casts teachers as partners of state when it comes to realising the values and objectives of the Bill of Rights. Like with any partnership agreement, teachers enter into legal agreement with the government to render services on behalf of the government. Included in this service are teacher's duties of advancing a human rights culture while making sure that they themselves respect and protect the rights of learners, parents, and colleagues (Smith, 2017:52). The basic legal framework highlights relevant legal provisions and how these

provisions can be applied by teachers towards the realisation of human rights. As partners of the state, teachers are expected to incorporate constitutional values and human rights in not only the exercising of their duties and HRE but also their everyday interactions with learners.

6.4.2 Teachers as promoters of *Geborgenheit*

The concept of *geborgenheit* (Oosthuizen, 2020:4) refers to a sense of safety and security that teachers could promote in township classrooms to reduce fear, stress, and a lack of freedom of security. The legal determinants highlight that *geborgenheit* could contribute to the realisation of the right to freedom and security of the person (Constitution Section 12), human dignity (Section 10) and the right to education (Section 29). Creating an atmosphere and classroom environment wherein learners experience a sense of *geborgenheit* (see 3.2) contributes to effective learning, while safety upholds the humanness of learners and other persons in the environment. The high prevalence in township schools of unsafe environments characterised by danger, uncertainty, violence, abuse is a serious threat to learners' rights such as dignity, bodily and psychological integrity, and right to education (Oosthuizen 2016:33-35). The educator's duty to create an environment within which learners can feel secure is informed by the law, and in performing such duties diligently the teacher would promote the fulfilment of rights in their classrooms.

To encourage and contribute towards learners' sense of *geborgenheit* within the township classroom, teachers could ensure the safety of their learners by protecting them from all forms of violence such as bullying and harassment (Regulation for safety Measures, RSA, 2001). As such, teachers should follow the prescribed procedures when they become aware of bullying or harassment among their learners. Various legislative documents regulate safety issues in schools, and school governing bodies are tasked with adopting safety policies and rules for their schools (Regulations for safety Measures, 2001; Schools Act, 1996). Furthermore, teachers should help the school governing body in drafting such school safety policies and ensure that these are in line with the law and as well as assist in its implementation, particularly in their classrooms (Regulations for safety Measures, 2001).

Teachers themselves should exhibit and maintain sound professional conduct and also encourage learners to behave well (SACE, 2000), which promotes a sense of security for learners. When disciplining learners, teachers must avoid the use of disciplinary measures that will degrade learners' dignity or that is cruel, inhumane, or unfair and unjust (Schools Act, 1996), which could create an atmosphere of fear and anxiousness.

6.4.3 Teachers' community, citizenship, and pastoral role

Findings revealed that teachers are expected in terms of the law to act in a pastoral role almost like shepherds who guide the flock in their care (see 3.5.6). This role includes an expectation of teachers to “uphold the Constitution and promote democratic values and practices in school and society” (DBE 2000). The Norms and Standards for Educators in terms of the Education Policy Act further outlines this role of the teacher to include notions of ethics and a definite role of promoting constitutional values, including respect and responsibility, not only in classrooms but also within the broader community and society. This role of teachers also entails empowering learners, responding to their needs, and enabling them to develop to their full potential. The legal framework identifies the provisions of different legislation on this role, and the Norms and Standards for Teachers in terms of the Education Policy Act (Act 27 of 1996) corresponds with the theoretical notions of the teachers' roles as being caring, leading human rights-learning and -creating culture as related in (6.3) above.

6.4.4 Teachers' role to act *in Loco Parentis*

In loco parentis simply put refers to the rights and responsibilities teachers bear in terms of their position as in the place of the parent. This role relates closely to the role of teachers as parents mentioned in paragraph 6.3.1 above, as well as to the teacher's role in promoting a sense of *geborgenheit* as mentioned in (6.4.2). Findings revealed that in relation to this common law principle, teachers have a legal duty to *act in loco parentis*, which involves a duty of care to supervise children and watch over their physical and mental safety, as well as the authority to manage and control the behaviour of the learners under their supervision.

6.4.5 Teachers as education law scholars

Teachers are encouraged to familiarise themselves with Education Law, in particular laws related to and protecting human rights so as to act in a legally and regulatorily sound manner when interacting with learners (De Wet, 2020:V). In developing and maintaining legal literacy, teachers who engage in Education Law research and continuous lifelong learning in this regard would be able to foster an environment that is free from harm, respecting of the rights of all learners, and in which human rights can be discussed freely (De Wet, 2020:V; Oosthuizen, 2016:33-35). Increased legal literacy would also enhance the implementation of policies and procedures that protect the rights of learners in the classroom in particular. In addition, De Wet (2018:15) suggests that teachers should not only have knowledge of Education Law but should master the competencies associated with education law, such as being able to identify, interpret, and implement legal rules.

- Findings from research aim two: to recount township teachers' narratives about their roles in realising human rights in their classrooms "and discussions in the next paragraph will indicate how the findings relate to the above research aim. The main aspects of the narrative research are summarised in the following paragraph.

6.5 Significant findings from narrative research

Chapter 5 provided an in-depth discussion on narrative research which explored whether human rights are (not) realised in classrooms. The narrative research highlighted opportunities and barriers which have positive and negative effects on teachers' roles. The analysis revealed teachers struggled to play their role as a result of a lack of parental and governmental support. An additional challenge that emerged was learners who are not disciplined, who believe their rights are superior to others, and who insult teachers while their parents support this form of conduct. Analysis further revealed a shortage of resources and lack of infrastructure such as broken windows, tables, and desks and safety that is not prioritised. Nevertheless, some teachers expressed appreciation for the efforts made by Government to improve the conditions and believe that, through the grace of "God", their resilience, and their black culture and beliefs, these conditions would not deter them from playing their role in the realisation of human rights in their classrooms.

The study set out to answer the research aim stated above and according to the following themes that were developed during data analysis.

6.5.1 Support through partnerships

Participants emphasised the importance of parental support (see 5.3.1) when they expressed that parents are not supportive of the education of their children. Parents should offer moral support instead of shifting their responsibilities to teachers for the education of their children. Participants also related that parents misunderstand their role in supporting the education and development of their children and would often verbally assault teachers in front of their classes on matters that involved the conduct of their children. Participants regarded departmental support as the key factor towards the realisation of human rights in township classrooms but expressed that the support provided is insufficient. Findings further revealed that the department focuses only on protecting the rights of the learners and not that of teachers and that the participants felt that the department should strike the balance in protecting these rights. While the participants acknowledged the efforts of the Department of Education in supporting schools, for example, allocating bursaries for teacher development and allocating budgets for the needs of the school, they believed that much is yet to be done if human rights

are to be realised and expressed the need for workshops for professional development and training of teachers on how to handle pressure and stress brought about by the circumstances in which they practise.

6.5.2 Security and safety

Successful implementation and application of human rights requires an environment that is free from all forms of violence such as bullying (see 5.3.2) and which rests upon the principle of *geborgenheit*, which entails safety and security in township classrooms to reduce fear, stress, and lack of freedom of security. Even though the Schools Act permits random searches that do not violate the right to privacy, it was found that this is rarely done in township classrooms. Participants echoed that township schools are not safe, as is motivated by accounts that visitors have entered the school premises without proper access control.

6.5.3 Discipline of learners

A prevailing sentiment shared among participants was that township schools are worse than town schools when it comes to a lack of discipline (see 5.3.3). Attending school in townships was described as impacting negatively on both teachers and learners. Furthermore, the literature revealed that township classrooms are associated with criminal hubs, gangsters, drug addicts and bunkers. These social issues are likely to demotivate teachers and, as a result, drive them to apply disciplinary measures that are contrary to the provisions of the Bill of Rights and the Schools Act. Participants seemed to believe that corporal punishment regulates the learners' behaviour, which they justified on the basis of having been brought up the same way. In addition to using corporal punishment as a means to regulate learner behaviour, participants also described how they are punished for defending themselves against unruly learners by those in authority. In light of this, participants expressed the need for training on disciplinary measures that are prescribed in different statutes that do not violate the learner's right to dignity.

6.5.4 Training and knowledge

It would appear that the training received at tertiary institutions were not sufficient in equipping teachers to effectively play their role in the realisation of human rights in township classrooms (see 5.3.4). Findings from both the literature and the empirical study confirm that teachers struggle to address learner discipline and set boundaries in their classrooms and that the policy of inclusive education places them at the mercy of unruly learners because they feel powerless to implement any form of what they deem as effective disciplinary measures. Participants indicated that there is a gap between policy maker's intentions and teachers'

understanding of human rights values in that realisation of human rights is left solely in the hands of teachers. It is therefore important that teachers receive sufficient training that will impart knowledge of human rights that is necessary for successful teaching and learning of human rights. Even though teachers are receiving workshops and sources relating to human rights from the department of education, there is still an emphasis on the need for in-depth training and maximum infusion of human rights across the curriculum.

6.5.5 Resources

Lack of resources (see 5.3.5) surfaced as a specific challenge that township classrooms face in the effective implementation of human rights. Even though the Department of Education is providing support to schools in the form of upgrades to school facilities, the current measures are not sufficient as increasing numbers of learners, even those with disabilities, are flocking to township schools instead of town schools. This results in overcrowded classrooms that affect the right to basic education. In addition to the upgrading of school facilities, the department also allocates funds to different schools to address their needs; however, participants expressed that the misallocation of funds, unhealthy environments, and poor working conditions that are associated with a lack of resources and infrastructure in township classroom continue to weigh on the teachers, thereby affecting the right to basic education and safety of learners.

6.5.6 Self-empowerment and resilience

Some consider township schools self-empowered and resilient organisations where both teachers and learners can adapt to whatever challenges they experience in their daily lives. Findings revealed that regardless of a lack of training, teachers in township schools empower themselves haphazardly for the sake of moulding the life of an Africa child and do not wait for the Department of Education to train them on human rights concepts (see 5.3.6). Findings further revealed that participants considered the grace of God and black culture as the main reasons that teachers are able to play their role effectively in the realisation of human rights in their classrooms. Being brought up to fear God and respect black culture are what participants believed enabled them to act as role models, mentors, torchbearers, catalysts, caretakers, and protectors of human rights in their classrooms.

6.5.7 Human rights culture in township classrooms

Findings revealed that for a human rights culture to be instilled in township classrooms, the government should first consider teachers and that the Constitution should be offered as a

subject (see 5.3.7). Further findings revealed that teachers still believe in the spirit of a human rights culture and are prepared to promote such (see 5.3.7).

The paragraph below examines the barriers that prevent teachers from fulfilling their role in the realisation of human rights.

6.5.8 Barriers to the realisation of human rights identified in the narratives of township teachers

In Chapter 2, barriers are described as obstacles that hamper the realisation of human rights (see 2.3.3). This section reports the main findings on barriers to the realisation of human rights that emanated from the narratives of the township teachers. Some of the findings also emanated from both literature study and empirical study.

6.5.8.1 Lack of training as a barrier

The literature review and empirical study findings revealed that teachers were not adequately trained in human rights which result in lack of clarity on key human rights concepts (see 2.3.3)

6.5.8.2 Lack of support as a barrier

The empirical study findings revealed that parents are not involved in the education of their children and, as a result, place great pressure on teachers to carry out their parents' responsibilities. Furthermore, the efforts of the Department of Education is also insufficient in assisting teachers, who felt like the sole bearers of the responsibility of realising human rights (see 5.3.1). A lack of training causes teachers to relinquish their responsibilities due to frustration (see 1.2) and as a result violate learners right to basic education.

6.5.8.3 Lack of learner discipline as a barrier

The empirical study, as well as the literature study, revealed that township schools are characterised by elements of violence such as bullying and sexual violence (see 2.3.3 - 5.3.3) which violate the right to safety of both teachers and learners.

6.5.8.4 Lack of adequate resources and infrastructure as barriers

The empirical study highlighted a lack of resources and infrastructure as barriers that affect the realisation of human rights in township classrooms, which is also corroborated by the literature study (see 2.3.3; 5.3.5). Further challenges in this regard relate to a shortage of funds, dilapidated buildings, unhealthy environment, and overcrowding as factors associated with township schools, which affect effective teaching and learning.

The next paragraph presents practical guidelines to assist teachers in playing their role in realising human rights in their classrooms.

6.6 Guidelines to support teachers in playing their roles towards realising human rights in township classrooms

Guidelines are end-products that consumers (teachers in this case) can use to achieve a desired result, which in this case is the realisation of human rights (Beckmann, 2007:2070). Findings that emanated from the three research approaches, namely the literature study, legal research, and narrative study, were integrated to determine guidelines to support teachers in realising human rights in township classrooms. As a final step, a literature study was conducted to validate and supplement the guidelines that emanated from the study to formulate recommendations to support teachers in fulfilling their role in realising human rights in township classrooms. In this section, I first summarise the guidelines as they emanated from the theoretical framework, the legal framework, and the narrative findings before presenting an integrated and supplemented list of recommended guidelines to teachers in township schools.

6.6.1 Guidelines emanating from the theoretical framework

In Chapter 2, a theoretical framework supporting teachers' roles in realising human rights in their classrooms was presented, based on the literature study (see 2.4, 2.5, 2.6, 2.7). The following practical guidelines emanated from the literature study and may assist township teachers in promoting human rights in their classrooms. The literature highlights that:

- Teachers should receive thorough training on human rights and attend developmental programmes that will teach them strategies for being human rights activists and demonstrate how being human rights activists will help them to defend their learners when their rights are violated and also to teach learners strategies to defend their own human rights (Struthers, 2017:3)
- Teachers are regarded as mediators and as a result should be in a position to resolve classrooms conflicts that relate to human rights issues, lead by example for learners to emulate good behaviour, and be lifelong learners and researchers to find new ways of responding to human rights dynamics, as stated in Norms and Standards, for teachers in terms of National education Policy (Act 27 of 1996b).
- As human rights catalysts, teachers can change the lives of those who are oppressed (learners) by allowing learners to voice their experiences, by being their voice, and by

removing obstacles that prevent the realisation of human rights (Maboe:2013:100). Teachers should partner with bodies and persons in realising human rights – this is not an endeavour for an individual on their own, but each person can and should make a difference.

- Teachers as collectors of human rights information and knowledge should encourage learners to do the same. To this end, teachers can plan seminar lectures, classroom discussions, debates, and brainstorming sessions that focus on human rights and allow learners to express their views freely without being coerced (Netragaonkar, 2011:7).
- Teachers should motivate learners to establish clubs that are linked to human rights and encourage them to identify and report any human rights violations happening either in the school or at home (Netragaonkar, 2011:7).
- Teachers should keep up to date with developments in the field of HRE and engage in teaching-learning strategies that would contribute to improving human rights literacies. Some of the aspects of HRE teachers should keep in mind are:
 - HRE for action – educators should encourage learners to take immediate action when they realise that their rights are in danger. This would require adequate information about the various steps and remedies available to bearers of rights, for which the legal framework suggested in Chapter 3 could be helpful (see 3.2-3.7). Teachers would also need to support learners in the classroom when they call out, act upon, or act against human rights violations.
 - A human rights culture must be prevalent in the classroom. To establish such a culture, teachers should adopt an attitude and create an environment that will ensure protection and promotion of human rights in their classrooms. Rights must be discussed, respected, and protected within the classroom environment.
 - Teachers should provide learners with content relevant to human rights law, as well as the origins and purpose of human rights law, which will help learners to develop an understanding of not only the rights and responsibilities that the law places on citizens but also the values that underpin these laws. Internalisation of human rights values would further contribute to a classroom culture in which human rights are respected, protected, promoted, and fulfilled.

The guidelines that emanated from the legal study follow in the next paragraph.

6.6.2 Guidelines emanating from the legal framework

Chapter 3 (see 3.2-3.7) explored the legal determinants that inform the role of teachers in the realisation of human rights in classrooms. The following practical guidelines emanated from the legal framework and may assist township teachers in promoting human rights in their classrooms.

- Teachers should perform their duties within the boundaries of the law (see 6.4.1.1.1-6.4.1.1.). To this end, teachers should have sufficient knowledge of Education Law sources and international treaties that deal with the human rights of learners. The legal framework in this study looked into different legal determinants and how these should be implemented to assist teachers towards the realisation of human rights provisions intended to protect, promote, and fulfil the rights of learners at school which have been legislated inter alia in the South African Schools Act, (Act 84 of 1996) and the National Education Policy Act (27 of 1996). Teachers should, therefore, interact with these provisions when performing their duties and making sure that learners understand these provisions (see paragraph 3.4.1).
- Teachers should apply Constitutional principles and democratic values such as dignity, equality, and freedom to whatever they do in the classroom (see 3.4.2). By infusing the values and rights of dignity, freedom, and equality in classroom practice and teaching-learning, the realisation of other rights could also be supported, since these values underpin human rights and democracy.
- Upholding human rights and understanding and applying the Bill of Rights as well as other legislation that address aspects of human rights and its realisation are not only the responsibility of teachers. The law balances rights and obligations, and in some instances prescribes the conduct of role players in education. Knowing what the law allows and does not allow and knowing what steps the law expect teachers, parents, and learners to take in various situations are important for teachers to be able to implement legislation that protects human rights in the classroom.
- Apart from the protection of human rights through provisions in legislation, common law principles also promote justice and fairness, which could contribute towards the realisation of human rights in the classroom. Becoming aware of and applying principles such as the rules of natural justice could contribute to realising rights in the classroom (Oosthuizen, 2015:132).

The next paragraph presents the guidelines that emanated from the empirical study.

6.6.3 Practical guidelines emanating from the results of the narrative enquiry

As indicated that in Chapter 5 (see 5.3.1-5.3.7), some participants shared a few ideas on how teachers can be assisted in order for them to play their role in realising human rights. The following important guidelines stood out in the narrative enquiry:

- Getting involved in general school activities such as becoming a member of the school governing body (see 5.3.1);
- Interacting with parents and encouraging them to inform the school about any changes regarding learners' home situation, be it domestic violence or poverty (see paragraph 5.3.1);
- Arranging parent meetings and always attending to reporting on matters such as learner performance or behaviour (see 5.3.1);
- Reporting any violation of human rights that occurs in their classrooms and helping the Department of Education to find solutions to resolve human rights violations (see 5.3.3);
- Knowing, understanding and applying disciplinary measures contained in different legislations so as to respect learner's human rights and dignity (see 5.3.3).
- The principle of *geborgenheit* can also serve as guidelines to assist teachers in their role towards the realisation of human rights in their classroom, such as creating a space that will allow learners to feel safe and free from all forms of violence such as bullying and intimidation (see 5.3.2).
- Teachers should assist the school governing body in fundraising activities and controlling the assets register to eliminate theft of school property (see 5.3.5).
- Teachers should attend advocacy workshops conducted by the Department of Education on self-empowerment and encourage other teachers and their learners to maintain resilience regardless of challenges they experience in as far as the realisation of human rights in their classrooms is concerned (see 5.3.5).

The next paragraph provides an outline of the new set of guidelines that the researcher formulated from the literature review.

6.7 Recommendations for promoting human rights realisation in township classrooms

The final objective of the study was to develop and suggest guidelines to support teachers in fulfilling their role in the realisation of human rights in township classrooms. This paragraph consolidates recommendations from all three phases of the study to present an integrated model or pathways to realising human rights in township classrooms.

- The researcher recommends that human rights be presented at school as a subject in its own right so as to allow sufficient time and attention for learners to internalise human rights concepts that will shape them into better citizens.
- Secondly, it is recommended that the Department of Education should have a specific directorate aimed at ensuring adequate in-service training, monitoring, and evaluation of the effectiveness of such a venture. Workshops, seminars, and training conducted by the Department and all other stakeholders of education should be offered for further professional development.
- Teachers should keep themselves informed on new developments regarding human rights by attending workshops, subscribing to online content and staying informed on NGOs dealing with human rights. As lifelong learners, professional teachers have the responsibility to do their own research and gain new knowledge and understanding on human rights and how it can best be realised in and through education.
- The researcher recommends that teachers should further their studies at higher educational institutions to advance their human rights literacy and legal literacy. Teachers can share the knowledge they have gained from their studies with their peers and start communities of practice through which teachers come together to enhance their human rights knowledge and skills.
- Parental participation should be intensified through parental involvement workshops to encourage parents to take on an active role in their child's development and education. These workshops should be conducted in the language that most parents understand in that school. Where parents lack the means or time to become involved in face to face events or meetings, teachers and schools should be creative and innovative in designing platforms that would make parental participation feasible, and also to motivate parents to become more involved.

- A wellness programme is recommended to counsel teachers, and staffing issues should be addressed by commensurating with the total population of the teachers in that district in an attempt to learn from and support one another. The attention or counselling of teachers will alleviate their stress levels, which is a right step in the direction of the effective realisation of human rights. Secondly, a school-based support team is recommended that should be functionally monitored and evaluated, unlike what is happening now. School-based support teams deal with an array of problems that learners may encounter, from health issues to psychosocial issues and human rights violations.

The paragraph below outlines the limitations of the study.

6.8 Limitations that were encountered in this study

One of the important limitations of this study was the lack of time and willingness of teachers to participate. Teachers are very busy both professionally and at home and tend either not to be willing to participate in time-consuming interviews or do not have timeslots available for such interviews. While written narratives do allow for more participants in the sense that participation is easier for teachers – instead of having to put time aside to travel to, participate in, and return from an in-depth narrative interview, teachers could manage their own time and write their narratives at times and places convenient to them – they do limit the richness and depth of data generated since opportunities for more in-depth data through follow up questions and prompting was lost. Face-to-face interviews with teachers at times when teachers are not overwhelmed by other pressing tasks could have produced richer data.

Another limitation was the limited theory and literature available on human rights in township classrooms and schools. This gap in the literature was pointed out in Chapter 1, and to an extent, it also placed a limitation on finding relevant theory that takes the particular nature of township classrooms into account.

6.9 Recommendations for future research

The literature study identified human rights literacies as an emerging concept within the HRE field. Literature on the new concept is still fairly limited and thus needs further development. One thing that future research could focus on is to further investigate the difference between human rights literacies and more fixed HRE approaches and theory. A comparison could enhance the understanding of teachers in terms of which strategies could best enhance the realisation of human rights in their classrooms.

More research is needed on the nature of township classrooms, the challenges and barriers teachers and learners face in these classrooms, and in particular, how those interact with human rights realisation. The current body of scholarship is limited in terms of an understanding of the particularities that comes with the personal and social contexts and ethical issues in the daily existence of township educators. Future research could explore how the realities of a township life, school, and classroom could elicit multiple lived experiences by diverse individuals in different times and spaces. In unlocking these multiple experiences, researchers could gain an in-depth understanding of how human rights are part of, or are not part of, the lived experiences of role-players at township schools, learning from best practices and taking note of barriers and challenges that need overcoming.

This study was limited by practicalities and the researchers own capacity as well as the over-committed schedules of teachers as described in (6.8). To overcome such limitations, larger studies should be conceptualised that involve multiple role-players over a longer period of time in a variety of data generation strategies so as to gain rich data to advance a better understanding of how township teachers could fulfil their roles in realising human rights in their classrooms.

6.10 Conclusion

The chapter provided a summary of the entire research study, followed by a discussion on the findings that emanated from theoretical, legal and empirical study and finally, recommendations for further research. It is important that teachers continue to play their role in the realisation of human rights regardless of the barriers that townships bring. Factors such as lack of parental and departmental involvement, lack of discipline, lack of safety and security, lack of knowledge and training, lack of resources, and poor infrastructure need to be addressed with immediate effect to enable teachers to fulfil their role effectively. The department of education should constantly conduct advocacy workshops that focus on human rights, ensure maximum infusion of human rights so as to enable teachers to understand the importance of human rights in their different teaching and other education practices.

REFERENCE LIST

Acts see Legislation

Adams, K.A. & Lawrence, E. K. 2015. Research methods, statistics, and applications. Thousand Oaks: Sage.

African Union. 1981. African Charter on Human and Peoples' Rights.
https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf Date of access: 03. Mar.2020.

Agarwal, P. 2010. Human rights education: the role of education in awareness of education rights. In: Kaul, A. Human rights education, ed. New Delhi: APH. pp. 40-55.

Alvi, S. 2015. Radicalized discourses, advocacy, and participatory research: epistemological and methodological issues. Canadian Journal for New Scholars in Education, 6(1):79-88.

Andrew, S.M., Squire, C. & Tamboukou, M. 2013. What is narrative research? 2nd ed. London: Sage.

Argyrou, A. 2017. Making the case for case studies in empirical research. Utrecht law review, 13(3):1-19.

Avalos, B. 2010. Teacher professional development in teaching and teaching education over ten years. International Journal of Research Studies, 27(2011):10-20.

Azoulay, A. 2014. Palestine as symptom, Palestine as hope: revising human rights discourse. Critical Inquiry, 40(4):332-364. doi.org/10.1086/676411

Babbie, E. 2010. The practical of social research. Belmont: Wadsworth.

Badri, M., Alnuaimi, A., Mohaidat, J. & Nang, G. 2016. Perceptions of teachers' professional development needs, impacts, and barriers: the Abu Dhabi case. SAGE Open: 6(3):1-16.

Bajaj, M. 2011. Human rights education: ideology, location, and approaches. Human Rights Quarterly, 33: 481-508. doi:10.1353/hrq.2011.0019

Bajaj, M., ed. 2017. Human rights education: theory, practice, and research. 2nd ed. Cape Town: Juta.

Bajaj, M., Lislagh, B. & Mackie, G. 2016. Advancing transformative human rights education. Cambridge: Open Book Publishers.

Banda, F. 2003. A survey of literacy practices in black and coloured communities in SA: towards a pedagogy of multiliteracies. *Language, Culture and Curriculum*, 16(2):106-120.

Bauer, M.W. & Gaskell, G. eds. 2000. Qualitative researching with text, image, and sound. London: Sage.

Baumeister, R.F. & Leavy, M.R. 1997. Writing narrative literature review. *Review of general psychology*, 1(3):311-320. doi:10.1037/1089-2680.1.3.311

Baxi, U. 2002. The future of human rights. New Delhi: Oxford University Press.

Baxi, U. 2007. Human rights in a posthuman world. New Delhi: Oxford University Press.

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 another: Cornelia Roux on religion, culture, and human rights. *Journal of 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):50.

Becker, A. & Du Preez, P. 2016. Ideological illusions, human rights, and the right to education: the inclusion of the poor in post-apartheid education. *Journal of Education*, 64: 55-76.

Becker, A. & Roux, C. 2019. Human rights literacies research: (re)think approaches and methodologies. In: Roux, C. & Becker, A., eds. *Human rights literacies: future directions*. Switzerland: Springer International Publishing. pp. 90-106.

Becker, A.J. 2018. (Re) framing the subject(s) of rights. In: Roux, C. & Becker, A., eds. *Human rights literacies: future directions*. Switzerland: Springer International Publishing. pp. 31-51.

Becker, J.A. 2013. Curriculum and intra-dialogic spaces: consciousness and becoming in identity construction based on human rights values. Potchefstroom: NWU. (Thesis – PhD).

Beckmann, J. 2015. A dance or a marriage? The relationship between education and the law in South Africa: some personal observations from two vantage points. *Potchefstroom Electronic Law Journal*, 18(6):2061-2078.

Beckmann, J. & Prinsloo, J. 2015. Some aspects of education litigation since 1994: of hope, concern, and despair. *South African Journal of Education*, 35(1):1-11.

Beckmann, J.L. & Sehoole, M.J. 2004. Education law and policy. Department of Telematics learning and education innovations. University of Pretoria, in collaboration with Didactical Design SA (Pty) Ltd. (DIDACS).

Berman, H.J. & Grainer, N.R. 1996. The nature and functions of law. Brooklyn: The Functions Press.

Bertelsmann, E. 2017. Drafting the South African Schools Act 84 of 1996. In: De Waal, E., ed. *Pathways to successful schooling: South African Schools Act 84 of 1996 – twenty years on*. Cape Town: Juta. pp. 1-6.

Blackburn, S. 2005. *The Oxford dictionary of philosophy*. 2nd ed. Oxford: Oxford University Press.

Bohman, J. 2016. Critical theory. In: *Standard Encyclopaedia of Philosophy*.
https://plato.stanford.edu/search/r?entry=/entries/critical-theory/&page=1&total_hits=2246&pagesize=10&archive=None&rank=0&query=critical%20theory
Date of access: 27 Jul. 2016.

Bold, C. 2012. Using narrative in research. doi:10.4135/9781446288160

Boldyrev, N. N. 2000. *Cognitive semantics: a course of lectures on English philology*. Tambov: House of Tambov State University.

Borko, H. 2004. Professional development and teacher learning: mapping the terrain. *Educational Researcher*, 33(8): 3-15.

Borko, H., Jacobs, J. & Koellner, K. 2010. *International Encyclopaedia of Education*, 7(2):548-556.

Brabeck, M.M. & Rogers, L. 2000. Human rights as a moral issue: lessons for moral educators from human rights work. *Journal of Moral Education*, 2(2):167-182.

Braun, V. & Clarke, V. 2006. Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3:77-101. doi:10.1191/1478088706

Braun, V. & Clarke, V. 2014. What can “thematic analysis” offer health and wellbeing researchers? *International Journal of Qualitative Studies in Health and Well-being*. doi:10.3402/qhw.v9.26152

Bray, E. 2004. Constitutional values and human dignity: its value in education. *Perspectives in Education*, 22(3):37-47.

Bray, W. 2008. *Human rights in education*. 3rd ed. Pretoria: CELP.

Brett, P., Mompoin-Gaillard, P. & Salema, M.H., eds. 2009. *How all teachers can support citizenship and human rights: a framework for the development of competencies*. Belgium: Council of Europe.

Burns, M. 2015. 4 barriers to teachers’ professional development in fragile contexts. <https://www.globalpartnership.org/blog/4-barriers-teachers-professional-development-fragile-contexts> Date of access. 22 Jul. 2015.

Business Dictionary. 2017. Legal rights. <http://www.businessdictionary.com/definition/legal-rights.html> Date of access: 4 Jul. 2017.

Butina, M. 2015. A narrative approach to qualitative inquiry. *Clinical Laboratory Science*, 28(13):190-196.

Campbell, T. 2003. Human rights: moral or legal? In: Kinley, S.D., ed. *Human rights: old problems, new possibilities*. Cheltenham: Edward Elgar Publishing. pp. 263-274

Campbell, T. 2006. *Rights: a critical introduction*. London: Routledge.

Canlas, M., Argenal, A. & Bajaj, M. 2015. Teaching human rights from below: towards solidarity, resistance, and social justice. *Radical Teacher*, 103:38-46. doi:10.5195/rt.2015.226

Carbone, N. 2018. *Reforming children’s rights: the criminalization of youth at the intersection of schools and juvenile justice systems*. Washington: University of Washington. (Thesis – PhD).

Carrim, N. 1999. School effectiveness in South Africa. *International Journal of Qualitative Studies in Education*, 12(1):59-83.

Carrim, N. & Keet, A. 2005. Infusing human rights into the curriculum: the case of South African revised national statement. *Perspectives in Education*, 23(2):99-110.

Castleberry, A. & Nolen, A. 2018. Thematic analysis of qualitative research data: is it as easy as it sounds? *Currents in Pharmacy Teaching and Learning*, 10(6):807-815.

Chambers, R. 1994. Participatory rural appraisal (PRA): challenges, potential and paradigm. *World Development*, 22(10):1437-1454.

Chase, S.E. 2005. Narrative inquiry: multiple lenses, approaches, voices. In: Denzin, N.K. & Lincoln, Y.S., eds. *The Sage handbook of qualitative research*. Thousand Oaks: Sage. pp. 651-670.

Chase, S.E. 2011. Narrative inquiry still a field in the making. In: Denzin, N.K. & Lincoln, Y.S., eds. *The Sage handbook of qualitative research*. 4th ed. Los Angeles: Sage. pp. 421-434.

Chimanga, W. 2013. The role of secondary schools in averting xenophobia in South Africa. Pretoria: UNISA. (Thesis – PhD).

Chisholm, L. & Vally, S. 1996. Report of the committee on the culture of teaching and learning. Pretoria: Gauteng Ministry of Education.

Christie, P. & Potterton, M. 2007. School development in South Africa: a research project to investigate strategic intervention for quality improvement in South African schools. Johannesburg: University of Witwatersrand Press.

Clandinin, D.J. & Connelly, F.M. 1990. Stories of experience and narrative inquiry. *American Researcher*, 19(5):2-14.

Clandinin, D.J. & Connelly, F.M. 2000. *Narrative inquiry: experience and story in qualitative research*. San Francisco: Jossey-Bass.

Clandinin, D.J. & Connelly, F.M. 2016. Stories of experience and narrative inquiry. *Educational Researcher*, 19(5), 2-14.

Coetzee, S. 2008. Managing classrooms legally. In: Van Niekerk. E.J., Coetzee, S. & Wydeman, J.L., eds. An educator's guide to effective classroom management. Pretoria: Van Schaik. pp. 183-202.

Coetzee, S.A. 2011. Education law provisions regulating learner's safety. In: Coetzee, S.A., Van Niekerk, E.J. & Wydeman, J. eds. An educators' guide to effective classroom management. Pretoria: Van Schaik. pp. 226-251.

Coetzee, S. & Minnie, C. 2013. South African educators' mutually inclusive mandates to promote human rights and positive discipline. *Perspectives in Education*, 31(1):87-95.

Council of Europe. 2017. Compass – manual for human rights education with young people. Strasbourg: Council of Europe.

Court cases see Case Law

Coysh, J. 2014. The dominant discourse of human rights education: a critique. *Journal of Human Rights Practice*, 6(1):89-114.

Cranston, J. & Marizen, M.D. 2017. A critical approach to teaching about, through and for human rights. *The Canadian Journal for Scholarship of Teaching and Learning*, 8(3):1-8.

Creswell, J.W. 2009. Research design: qualitative, quantitative and mixed methods approaches. 2nd ed. London: Sage.

Creswell, J.W. 2012. Qualitative inquiry and research design: choosing among five approaches. 4th ed. Croydon: Sage.

Creswell, J. W. 2013. Research design: qualitative, quantitative, and mixed method approaches. London: Sage.

Creswell, J.W. 2014. Research design: qualitative and quantitative and mixed methods approaches. 4th ed. California: Thousand Oaks.

Creswell, J.W. & Plano Clark, V.L. 2007. Designing and conducting mixed methods research. Thousand Oaks: Sage.

Currie, I. & De Waal, J. 2005. The Bill of Rights handbook. 5th ed. Cape Town: Juta.

Currie, I. & De Waal, J. 2013. The Bill of Rights handbook. 6th ed. Cape Town: Juta.

Daiute, C. 2014. Narrative inquiry: a dynamic approach. London: Sage.

Darling-Hammond, L. Heyler, M.E. & Gardner, M. 2017. Effective teacher professional development. Paulo Alto: Learning Policy Institute.

DBE see South Africa. Department of Education

De Waal, E. 2004. Discipline: impact on access to equal educational opportunities. *Perspective In Education*, 22 (3), 77-87.

De Waal, E. & Kung, E. 2017. Charting the teacher path: finding magic in knowledge. Ignorance of the law is no excuse, or is it? In: De Waal, E. ed. *Pathways to successful schooling: South African Schools Act 84 of 1996 – 20 years on*. Cape Town, Juta. pp. 85-112.

De Waal, E. & Serfontein, E.M. 2014. Advancing student research in education law. *South African Journal of higher Education*, 28 (5) 1593-1606.

De Wet, A. 2014. Education law research: two sides of a coin. *Education Law Journal*, 1:29-41.

De Wet, A. 2017. Education towards realising HR for marginalised learners in and through education. Paper delivered at the SAELA Conference, Stonehenge.

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. 2018. Contextualizing education law in a diverse South African educational environment. In: De Wet, A. ed. *Diversity and difference in South African schools: an education law perspective*. Claremont: Juta. pp. 4-15.

De Wet, A., Mashau, T. & Mutshaeni, P. 2018. Recognition of diversity and culture in South African education. In: De Wet, A. ed. *Diversity and difference in South African schools: an education law perspective*. Claremont: Juta. pp.147-167.

De Wet, A. 2020. Introduction to education law. Faculty of Education. Potchefstroom: NWU. (Study guide, ONWR 621).

De Wet, A. Oosthuizen, I.J. & Rossouw, J.P. 2016a. Introduction to education law. 3rd ed. Pretoria: Van Schaik.

De Wet, A., Rothmann, J. & Simmonds, S. 2016b. Human rights: protecting sexual minorities or reinforcing the boundaries of “the closet”? *South African Review of Sociology*, 47(3):85-109.

De Wet, A. & Simmonds, S. 2017. Human rights literacies: towards a definition. Potchefstroom: Ivyline Technologies.

De Wet, A. & Simmonds, S. 2018. Human rights in South African higher education context: (im)possibilities for human rights literacies. In: Roux, C. & Becker, A., eds. *Human rights literacies: future directions*. Switzerland: Springer International Publishing. pp.181-209.

Dembour, M.B. 2010. What are human rights? Four schools of thought. *Human Rights Quarterly*, 33(1):1-20.

Denscombe, M. 2010. *The good research guide for small-scale social research progress*. 4th ed. Berkshire: Open University Press.

Dhand, H. 1990. *Technique for teaching*. New Delhi: APH.

Dizon, P. Aurora, B., Howard, P.R., Fortunate, G., Fulgenno, V. Jnr. & Philipppines, R. 2011. *Educational Psychology: a textbook for college student in psychology and teacher education*.

DOE see South Africa. Department of Education

Dongre, A.R., Deshmukh, P.R. & Garg, B.S. 2011. Community-led initiative for control of anaemia among children 6 to 35 months of age and unmarried adolescent girls in rural Warda, India. *Food and Nutrition Bulletin*, 32(4):315-323.

Donnelly, J. 2013. *Universal human rights in theory and in practice*. 3rd ed. London: Cornell University Press.

Du Plessis, G.A. & De Groof, J. 2017. In: De Waal, E., ed. *Pathways to successful schooling: South African Schools Act 84 of 1996 – 20 years on*. Cape Town: Juta.

Du Preez, P. 2005. *Facilitating human rights values across outcome-based education and Waldorf education curricula*. Stellenbosch: US. (Thesis – PhD).

Du Preez, P. 2008. Dialogue as a facilitation strategy: infusing the classroom with a culture of human rights. Stellenbosch: US. (Thesis – PhD).

Du Preez, P. & Becker, A. 2016. Ontologies and possibilities of human rights: explaining dissensus to facilitate reconciliation in post-conflict education context. *Perspectives in Education*, 34(3):1-14.

Du Preez, P. & Roux, C. 2010. Human rights values or cultural values? Pursuing values to maintain discipline in multicultural schools. *South African Journal of Education*, 1(30):13-26.

Du Preez, P. & Simmonds, S. 2013. Trafficking as a human rights violation: is South Africa's curriculum stuck in a traffic jam? *Journal of Curriculum and Teaching*, 2(2):1-10.

Eloff, C.H. 2019. Student teachers' understanding of the positions of values and morality in human rights applications, promotions, and education. Potchefstroom: NWU. (Thesis – PhD).

Encyclopaedia Britannica. 2015. <https://www.britannica.com/topic/role> Date of access: 12 Sep. 2017.

Encyclopaedia of Philosophy. 2013. Human rights. <https://iep.utm.edu/> Date of access: 4 Apr. 2017.

Engster, D. 2009. Rethinking care theory: the practice of caring and the obligation to care. *Hypatia*, 20(3):50-74.

Erasmus, W. 2012. Exploring equality and diversity: the role of the teacher in a class of diverse learners. Pretoria: UNISA. (Dissertation – M.Ed.).

Farell, E. 2009. Promoting human rights education. *Right Site News*, 5(3), 3-16. (1), 39-51. Doi: 10.1007/s00267-009-9379-4. Date of access: 12. May.2020.

Ferreira, C. & Schultze, S. 2014. Teacher experience of implementation of values in education in schools: mind the gap. *South African Journal of Education*, 34(1):1-13.

- Flick, U. 2009. An introduction to qualitative research. 4th ed. London: Sage
- Flick, U. 2014. An introduction to qualitative research. 5th ed. Los Angeles: Sage.
- Floridi, L. 2017. Group privacy: a dependence and an interpretation. In: Taylor, L., Floridi, L. & Van der Sloot, B., eds. Group privacy: new challenges of data technologies. Dordrecht: Springer. pp. 83-100.
- Fouché, C.B. & De Vos, A.S. 2011. Formal formulations. In: De Vos, A.S., Strydom, H., Fouché, C.B.C. & Delport, C., eds. Research at grassroots: for the social sciences and human service professions. Pretoria: Van Schaik. pp. 89-100.
- Free State Department of Education. 2017. EMIS.Portal. <https://www.fsdoe.fs.go.za> Date of access: 19 Sept. 2017.
- Freedman, W. & Keevey, W. 2012. The testing of legal rules against the Constitution. In: Humby, T., Kotzé, L. & Du Plessis, A., eds. Introduction to law and legal skills in South Africa. Cape Town: Oxford University Press. pp. 281-310.
- Freeman, M. 2011. Human rights: an interdisciplinary approach. 2nd ed. Cambridge: Wiley.
- Freire, P. 1970. Pedagogy of the oppressed. New York: Continuum.
- Garvis, S. 2017. Narrative constellations: exploring lived experiences in education. London: Sense Publishers.
- Gay, L.R., Mills, G.E. & Airasian, P.W. 2011. Educational research: competencies for analysis and applications. 10th ed. Boston: Pearson.
- Gearson, L. 2018. Human rights RIP. Human rights literacies: critique and possibilities. In: Roux, C., & Becker, A. eds. Human rights literacies: future directions. Springer International. pp. 70-89.
- Goodman, R. & Jinks, D. 2008. Incomplete internalization and compliance with human rights law. European Journal of International Law, 19(4):725-748.
- Govender, K. & Killian, B.J. 2001. The psychological effects of chronic violence on children living in South African townships. South African Journal of Psychology, 31(2):111.
- Gray, D.E. 2014. Doing research in the real world. Thousand Oaks: Sage.
- Guba, E. & Lincoln, Y. 2005. Paradigmatic controversies, contradictions, and emerging confluences. In: Lincoln, Y. & Denzin, N. eds. Handbook of qualitative research. 3rd

ed. Thousand Oaks: Sage. pp. 91-125.

Gupta, M. & Parvesh, L. 2013. Protection of child rights in India: role of teachers and parent. *Educational Confab*, 2(3):36-43.

Hammond, D.L., Hyler, M.E. & Gardner, M. 2017. *Effective teacher development*. Palo Alto: Learning Policy Institute.

Harrison, C. 2014. The experience of stress in adolescent living in low-income communities in the Western Cape: the role of self-esteem, coping and perceived social support. Stellenbosch: US. (Master's – Dissertation).

Heron, J. & Reason, P. 1997. A participatory inquiry paradigm. *Qualitative Inquiry*, 3:274-294.

Hoffmann, L.S. 2016. Human rights and history. *Past and Present*, 232(1):279-301.

Holloway, J. 2012. Crisis and critique. *Capital and Class*, 36(3):515-519.

Huddleston, H.J. & Pullum, G.K. 2002. *The Cambridge grammar of the English language*. Cambridge: Cambridge University Press.

Humby, T., Kotzé, L., Du Plessis, A. & Letsaolo, D. 2012. Introduction. In: Humby, T., Kotzé, L. & Du Plessis, A., eds. *Introduction to law and legal skills in South Africa*. Cape Town: Oxford University Press. pp. 281-310.

Hung, R. 2014. Towards an affective pedagogy of human rights education. *Journal of Pedagogy*, 5(1):48-64.

Isaacs, S. & Savahl, S. 2014. A qualitative inquiry investigating adolescents' sense of hope within a context of violence in a disadvantaged community in Cape Town. *Journal of Youth Science*, 17(2):269-278.

Jananeethi. 2014. Legal literacy: social empowerment for democracy and good governance. <http://www.jananeethi.org/documents/publications/Legal%20literacy%20for%20social%20empowerment.pdf> Date of access: 03. Dec. 2020.

Jasper, J. & Abs, H.J. 2018. Student-teachers' coping with changing times: the intersection of student-teachers' understanding of human rights issues and their cultural identity. In: Roux, C. & Becker, A., eds. Human rights literacies: future directions. 120-127. doi:10.1007/978-3-319-99567-0

Jayakumar, S. 2007. Human rights education: the role of teachers. Paper presented at Western Regional Seminar held at H.J. College of Education, Khar (19-20 Feb 2007).

Jennings, T. 2006. Human rights education standards for teachers and teacher education. *Teaching Education*, 17(4):287-298.

Joffe, H. 2011. Thematic analysis. In: Harper, D. & Thompson, A.R., eds. Qualitative methods in mental health and psychotherapy: a guide for students and practitioners. Chichester: Wiley. pp. 209- 223.

Joubert, H.J. 2002. Education Law Study Guide: Pretoria: University of Pretoria. (Study guide: OWR 721 (B.Ed. Hons).

Joubert, R., ed. 2008. The law of education in South Africa. 3rd ed. Pretoria: Van Schaik.

Joubert, R. 2009. Policy making by public school governing bodies: law and practice in Gauteng. *Acta Academia*, 41(2):230-255.

Joubert, R., De Waal, E. & Rossouw, J.P. 2004. Discipline: impact on access to equal education opportunities. *Perspectives in Education*, 22(3):77-87.

Joubert, R. & Prinsloo, S. 2007. Education law: a practical guide for educators. Pretoria: Van Schaik.

Joubert, R. & Prinsloo, S. 2008. The law of education in South Africa. 2nd ed. Pretoria: Van Schaik.

Kaap, R. 2004. "Reading on the line": an analysis of literacy practices in ESL classes in a South African township school. *Language and Education*, 18(3):246-263.

Kaul, A. & Sharma, C. 2011. Human rights education: role and responsibilities. In: Kaul, N., ed. Human rights education. New Delhi: APH. pp. 40-68

- Kaul, N. 2011. Human rights education. New Delhi: APH.
- Kearins, K., Byrich, C., Milne, M. & Morgan, R.K. 2007. Sustainable “what”? A cognitive approach to understanding sustainable development. *Qualitative Research in Accounting and Management*, 4(4):26-52.
- Keet, A. 2007. Human rights education or human rights in education: a conceptual analysis. Pretoria: UP. (Thesis – PhD).
- Keet, A. 2009. Reflections on the colloquium within a human rights discourse. In: Nkomo, M. & Vandeyar, S., eds. *Thinking diversity, building cohesion: a transnational dialogue on education*. Pretoria: UNISA. pp. 211-220.
- Keet, A. 2010. Human rights, juridical forms, and the crisis of values in education. *Journal for Juridical Science*, 1:1-21.
- Keet, A. 2012. Discourse, betrayal, critique. The renewal of human rights education. In: Roux, C.D., ed. *Safe spaces: human rights education in diverse contexts*. Rotterdam: Sense Publishers. pp. 7-27.
- Keet, A. 2014. Refractions: social theory, human rights, and philosophy. *Acta Academia*, 46(4):132-158.
- Keet, A. 2015. It is time: critical human rights education in an age of counter-hegemonic distrust. *Education as Change*, 19(3). doi:10.1080/16823206.2015.1085621
- Keet, A. 2017. Does human rights education exist? *International Journal of Human Rights Education*, 1(1):1-19.
- Keet, A., Nel, W.N. & Sattarzadeh, S.D. 2017. Retreating human rights: human rights, pre-theoretical praxes, and student activism in South African Universities. *South African Journal of Higher Education*, 31(6):76-95.
- Kemmis, S. & Wilkinson, M. 1998. Participatory action research and study of practice. In: Atweh, B., Kemmis, S. & Weeks, P., eds. *Action research in practice: partnership for social justice in education*. New York: Routledge. pp. 21-36.
- Khoja-Moolji, S. 2017. Pedagogical (re)encounters: enacting a decolonial praxis in teacher professional development in Pakistan. *Comparative Education Review*, 61(1):146-147.
- King, N. & Horrocks, C. 2010. Interviews in qualitative research. Los Angeles: Sage.

- Kitiyama, F. & Hashizaki, Y. 2018. From pity to compassion: the ethics of care and human rights education. *Human Rights Education in Asia-Pacific*, 8:269-284.
doi:10.18546/RET.34.2
- Kleyn, D.J. & Viljoen, F. 2002. *Beginner's guide for law students*. 5th ed. Durban: Butterworth.
- Klug, H. 2010. *The Constitution of South Africa: a contextual analysis*. Oxford: Bloomsbury.
- Klug, H. 2013. Constitutional authority and judicial pragmatism: politics and law in the evolution of South Africa's Constitutional Court. In: Kapiszewski, D., Silverstein, G. & Kagen, R.A., eds. *Consequential courts: judicial roles in global perspective*. New York: Cambridge University Press. pp. 93-113.
- Kohlberg, L. 1974. The cognitive-developmental approach to moral education. *Phi Delta Kappan*, 56(10):670-677.
- Kok, A. 2010. Is law able to transform society? *South African Law Journal*, 127:59-83.
- Kumar, R. 2014. *Research methodology: a step-by-step guide for beginners*. London: Sage.
- Lang, P. 1998. Towards an understanding of affective education in a European context. In: Katz, Y. & Mernez, I., eds. *Affective education: a comparative view*. London: Cassel. pp. 3-18.
- Langa, P. 2006. The challenges facing transformative constitutionalism in South Africa. Lecture delivered at Stellenbosch University, 9 Oct. 2006.
- Le Grange, C. 2012. The limitation of the educator's right to strike by the child's right to basic education. Potchefstroom: NWU. (Dissertation – M.Ed.).
- Leavy, P. 2008. *Method meets art: arts-based research practice*. New York: Guilford Press.
- Lebesa, K.M. 2015. Exploring the school culture in a township primary school. Pretoria: UP. (Dissertation – M.Ed.).
- Leedy, P. & Ormrod, J.E. 2010. *Practical research: planning and designing*. 9th ed. Boston: Pearson.

Legotlo, M.W., ed. 2014. Challenges and issues facing the education system in South Africa. Johannesburg: African Institute of South Africa.

Lenzholzer, S., Duchart, I. & Koh, J. 2013. "Research through designing" in landscape architecture. *Landscape Architecture and Spatial Planning*, 113:120-127.

Lesabe, I.B. 2018. Township high school learners' perception on child trafficking: implications for curriculum making. Potchefstroom: NWU. (Dissertation – MEd).

Lieblich, A., Tuval-Mashiach, R. & Zilber, T. 1998. Narrative research: reading, analysis, and interpretation. Thousand Oaks: Sage.

Lorenscheit, C. 2002. International approaches in human rights education. *International Review of Education*, 48(3-4):173-185.

Maboe, T.P. 2013. Model to assist teachers in implementing children's rights in schools. Potchefstroom: NWU. (Thesis – PhD).

Magubane, T. 2019. Matric pupils can no longer write exam over two years. <https://www.iol.co.za/amp/mecury/news/matric-pupils-can-no-longer-write-exam-over-two-years.1982643>. Date of access: 13 Feb. 2019.

Mahiya, F. 2016. The role of South African environmental rights in transformative constitutionalism. Potchefstroom: NWU. (Dissertation – MEd).

Maile, S. 2005. Law of education: where is the pedagogy? *Codicillus*, 46(1):50-56.

Maja, B. 1995. The future trapped in the past: case studies of a Soweto school. Johannesburg: National Business Initiative.

Malherbe, E.F.J. & Beckmann, J.L. 2003. Education in action in South Africa. Pretoria: Van Schaik.

Malherbe, E.F.J. & Rautenbach, L.M. 2004. Constitutional law. 4th ed. Durban: Lexis/Nexis Butterworth.

Malherbe, R. 2004. The constitutional framework for pursuing equal opportunities in education. *Perspectives in Education*, 22(3): 9-28.

Malherbe, R. 2008. The constitutional dimension of the best interest of the child as applied in education. *Journal of South African Law*, V (I): 67-69.

Mampane, M. & Bouwer, C. 2011. The influence of township schools on the resilience of

their learners. *South African Journal of Education*, 31(3):114-126.

- Mampane, M.R. 2005. The identification of resilient and non-resilient middle-adolescent learners in a South African township school. Pretoria: UP. (Dissertation – MEd).
- Mao, J. 2017. New technologies and old professional development: a reflection on emerging approaches. *New Ecology for Education – Communication X Learning*. doi:10.1007/978-981-10-4346-8_6
- Maphosa, L. & Shumba, A. 2010. Educators' disciplinary capabilities after banning of corporal punishment in South African schools. *South African Journal of Education*, 30:387-399.
- Maponya, F. 2017. Teacher locked my son in class for the night. Sowetan Live. <http://www.sowetanlive.co.za/news/2017/02/13/teacher-locked-my-son-in-class-for-the-night>. Date of access: 13 Feb. 2017.
- Maree, L.M. 1995. Education law under a new constitution. Pretoria: Via Afrika.
- Marley, I.R. 2015. Organisational knowledge creation applied to multi-practitioner arts-related practice-led research projects. Potchefstroom: NWU. (Thesis – PhD).
- Martell, C. 2016. Teaching emerging teacher-researchers: examining a district-based professional development course. *Teaching Education*, 27(1):88-102.
- Martin, K., Galentino, R. & Townsend, L. 2014. Community college student success: the role of motivation and self-empowerment. *Community College Review*, 42(3): 221-241.
- Mashau, I.T. 2011. Parental role towards creation of health and safety. Potchefstroom: NWU. (Thesis – PhD).
- Masilo, A.B.M. 2012. Violence in schools: an investigative study in the Rustenburg district. Mafikeng, NWU. (Mini-dissertation – MEd).
- Masitsa, G. 2008. Discipline and disciplinary measures in the Free State township schools: unresolved problems. *Acta Academia*, 40(3):234-270.
- Masitsa, G. 2011. Exploring safety in township secondary schools in the Free State province. *South African Journal of Education*, 31(2):163-174.

Mawdsley, R.D. & Cumming, J.J. 2008. The origins and development of education law as a separate field of law in the United States and Australia. *Australia & New Zealand Journal of Law and Education*, 13(2):7-20.

Mawdsley, R.D. & Visser, P.J. 2007. The development of education law as a separate field of law: the experience of the United States with some observations on South Africa. *Tydskrif vir die Suid-Afrikaanse Reg*, 1:153-161.

Mccatyr, P. 2020. Theories of rights. <http://www.cre.ecu.edu>phil>mccatyr>. Date of access. 12. Nov. 2020.

McMillan, J.H. & Schumacher, S. 2010. *Research in education – evidence-based inquiry*. Boston: Pearson.

McLeod, J. 2014. A peaceful pedagogy: teaching human rights across the curriculum. *Behavioural Science*, 152:1225-1232.

McLeod, J. & Bulamoutsou, S. 2001. A method for qualitative narrative analysis on psychotherapy transcripts. *Psychological Test and Assessment Modelling*, 43(3):128-152.

Mdletshe, K.D. 2012. *Characteristics of an effective township school for quality assurance*. Johannesburg: UJ. (Thesis – PhD).

Meintjies-Van der Walt, L., Singh, P., Du Preez, M., De Freitas, S.A., Chinnian, K., Barratt, A., Govindjee, A., Iya, P., De Bruin, J.H. & Van Coller, H. 2011. *Introduction to South African law*. Cape Town: Pearson.

Merriam, S.B. & Tisdell, E.J. 2016. *Qualitative research: a guide to design and implementation*. San Francisco: Jossey-Bass.

Merriam-Webster. n.d. <https://www.merriam-webster.com/dictionary/>

Mestry, R. 2015. Exploring forms and underlying causes of school-based violence: implications for school safety and security. *Anthropologist*, 19(3):655-633.

Mestry, R. & Naidoo, G. 2009. Budget monitoring and control in South African township schools: democratic governance at risk. *Educational Management Administration & Leadership*, 37(1):107-125.

Mignolo, W.D. 2009. Coloniality of power and de-colonial thinking. *Cultural Studies*, 21(2-3):155-167.

- Militello, M. & Schimmel, D. 2012. Toward universal legal literacy in American schools. *Action in Teacher Education*, 30(2):98-106.
- Modisaotsile, B.M. 2012. The failing standard of basic education in South Africa. Pretoria: Africa Institute of South Africa.
- Moeketsane, V.C. 2012. The teachers' role in the provision of a sense of security for learners. Johannesburg: UJ. (Mini-dissertation – MEd).
- Mojapelo, M.S. 2018. School library development initiatives in a democratic South Africa: roles of the various stakeholders. *Library Philosophy and Practice*, 1828, 1-22.
<https://digitalcommons.unl.edu/lphilprac/1828> Date of access: 13. July.2020.
- Mokone, A.S. 2014. An exploration of the demands on leadership practices of school principals. Potchefstroom: NWU. (Thesis – PhD).
- Molnar, A. 1986. We hold these truths to be self-evident: human rights as an educational problem. *Educational Leadership*, 43(8):71-72
- Monyooe, M.L. 2017. Reclassifying township schools – South Africa's educational tinkering expedition! *Creative Education*, 8(3). doi:10.4236/ce.2017.83036
- Moskovitz, H.S. & Lindbloom, C.G. 2003. Why definitions? In: Davidson, M.D. & Dolnick, F., eds. *A Planners dictionary*. New York: Microsoft Encarta Reference Library. pp. 1-8.
- Moswela, B. 2010. Democratic education in the classroom: an education law perspective. *Journal of Education Administration and Policy Studies*, 2(4):52-56.
- Motala, Z. & Ramaphosa, C. 2002. *Constitutional law: analysis and cases*. London: Oxford University Press.
- Mothata, K. & Squelch, J.M. 1997. Education and the law. In: Lemmer, E.M. & Badenhorst, D., eds. *Introduction to education law for South African teachers: an orientation to teaching practice*. Kenwyn: Juta & Co. pp. 381-420.
- Mouton, J. 2001. *How to succeed in your master's & doctoral studies: a South African guide and resource book*. Pretoria: Van Schaik.

- Moyo, N., Maropeng, M. & Simwa, K. 2015. Critical research: understanding material constraints and engaging in transformative action research. In: Okeke, C. & Van Wyk, M.M., eds. Educational research: an African perspective. Cape Town: Oxford University Press. pp. 59-70-
- Msibi, T. 2012. "I'm used to it now": experience of homophobia among queer youth in South African township schools. *Gender and Education*, 24(5):515-533.
- Msila, V. 2009. School choice and intra- township migration: black parents scrambling for quality education in South Africa. *Journal of Education*, 46 (2009), 81-89.
- Msomi, J.B. 2011. Gender-based violence: the effect of gender-based violence on men in Clermont Township. Durban: UKZN. (Thesis – PhD).
- Mubangizi, J.C. 2012a. Building a South African human rights culture in the face of cultural diversity: context and conflict. *Journal of Legal Studies*, 5(1):20.
- Mubangizi, J.C. 2012b. South African perspective on the clash between culture and human rights, with particular reference to gender-related cultural practices and tradition. *Journal of International Women Studies*, 13(3):33-43.
- Mubangizi, J.C. 2013. The protection of human rights in South Africa: a legal and practical guide. 2nd ed. Cape Town: Juta.
- Muylaert, C.J., Sarubbi Jr., V., Gallo, P.R., Neto, M.L.R. & Reis, A.O.A. 2014. Narrative interviews: an important resource in qualitative research. *Rev esc enferm USP*, 48(2):184-189.
- Nasim, U., Malik, S.K. & Tabassum, F. 2015. Perceived effectiveness of professional development programs of teachers at higher education level. *Journal of Education and Practice*, 6(13):16-18.
- Netragaonkar, Y.D. 2011. The role of teacher educators in promotion and protection of human rights education. *Journal of Interdisciplinary Studies*, 3(11).
<https://www.Researchgate.net/publication/286354227> Date of access: 18. Apr 2018.
- Netshitahame, N.E. 2008. Analysis of learners' knowledge and understanding of human rights in South Africa. Pretoria: UP. (Thesis – PhD).
- Ngcukaitobi, T. 2013. Equality. In: Currie, I. & De Waal, J., eds. The Bill of Rights handbook. 6th ed. Cape Town: Juta.

Ngqela, N. & Lewis, A. 2012. Exploring adolescent learners' experiences of school violence in a township high school. *Child Abuse Research: A South African Journal*, 13(1):87-97.

Nieuwenhuis, J. 2010. Qualitative research designs and data gathering techniques. In: Maree, K., ed. *First step in research*. Pretoria: Van Schaik. pp. 79-80.

Nieuwenhuis, J. 2016. Analysing qualitative data. In: Maree, K., ed. *First step in research*. Pretoria: Van Schaik. pp. 87-98.

Nkone, M.P. 2008. The attitude of some primary school educators in managing townships towards implementation of inclusive education. Free State: CUT. (Dissertation – M.Ed.).

Noddings, N. 1984. *Caring: a feminist approach to ethics and moral education*. Berkeley: University of California Press.

Noddings, N. 2010. Moral education and caring theory and research in education. *Theory and Research in Education*: 8(2):145-157.

Noddings, N. 2012. The caring relation in teaching. *Review of Education*, 37(6), 771-781

Oosthuizen, I.J. 2004. Legislation as a source of education law. In: Oosthuizen, I.J., Rossouw, J.P. & De Wet, A, eds. *Introduction to education law*. Pretoria: Van Schaik. pp. 15-24.

Oosthuizen, I.J., ed. 2009. *Introduction to education law*. 4th ed. Pretoria: Van Schaik.

Oosthuizen, I.J., ed. 2015. *Introduction to education law*. 4th rev. ed. Pretoria: Van Schaik.

Oosthuizen, I.J. 2016. The underlying principles of the application of law in the education environment. In: Oosthuizen, I.J., Rossouw, J.P. & De Wet, A, eds. *Introduction to education law*. Pretoria: Van Schaik. pp. 27-41

Oosthuizen, I.J. 2020. Foundations of research in education law. In: Oosthuizen, I.J., Smit, M.H., Roos, M.C. & Rossouw, J.P., eds. *Aspects of education law*. 5th ed. Pretoria: Van Schaik. pp. 15-24.

Oosthuizen, I.J. & Beckman, J.L. 1998. A history of educational law in South Africa: an introductory treatment. *Australia & New Zealand Journal of Law*. <http://www.austlii.edu.au/au/journals/ANZJILawEdu/1998/16.pdf> Date of access: 16 October 2012.

- Oosthuizen, I.J. & De Wet, A. 2015. International law, legislation, and common law as sources of education law. In: Oosthuizen, I.J., ed. Introduction to education law. 3rd ed. Pretoria: Van Schaik. pp. 69-85.
- Oosthuizen, I.J., Smit, M.H., Roos, M.C. & Rossouw, J.P. 2020. Aspects of education law. 5th ed. Pretoria: Van Schaik.
- Osler, A. 2005. Teachers, human rights, and diversity: educating citizens in multicultural societies. Stoke-on-Trent: Trentham.
- Osler, A. 2016. Human rights and schooling: an ethical framework for teaching for social justice. New York: Osler.
- Otte, A. 2016. An Education Law perspective on quality service delivery of grade R educators. Potchefstroom: NWU. (Dissertation – M.Ed.).
- Patton, M.Q. 2002. Qualitative research and evaluation methods. California: Sage.
- Phasa, T.N. 2008. The role of the teacher in helping learners overcome the negative impact of child sexual abuse. *A South African Perspective*, 29 (3):303-327.
- Pillay, N. 2014. Teachers' knowledge of legislation and Education Law specifically and its influence on their practice. Pretoria: UNISA. (Dissertation – M. Ed).
- Plaatjies, D., ed. 2013. Protecting the inheritance: governance and public accountability in democratic South Africa. Sunnyside: Jacana Media.
- Pollard, A. 1988. Controversial issues and reflective teaching. In: Carrington, B. & Troyna, B., eds. Children and controversial issues: strategies for the early and middle years of schooling. London: Falmer. pp. 54-17.
- Ponterotto, J.G. 2005. Qualitative research in counselling psychology: a primer on research paradigms and philosophy of science. *Journal of Counselling Psychology*, 52(2):126-136.
- Potgieter, F.J. 2011. Morality as the substructure of social justice: religion in education as a case in point. *South African Journal of Education*, 31(3):394-406.

Potgieter, F.J., Becker, A. & Simmonds, S.R. 2014. Main currents in the philosophy of education study. Faculty of Education. Potchefstroom: North-West University. (Study guide, WVOS 311 PEC).

Potgieter, J.M., Visser, P.J., Van de Bank, A.J., Mothata, M.S. & Squelch, J.M. 1997. Understanding the South African Schools Act. What public school governors need to know? Pretoria: UNISA.

Potgieter, L.G., Visser, M.E. & Lubbe-de Beer, C. 2012. Emotional and behavioural barriers to learning and development in the inclusive education classroom in South Africa: developing a training programme for teachers. *Journal of Child & Adolescent Mental Health*, 24(1):59-71.

Pretorius, G.S. 2015. Educators' perceptions of school effectiveness and dysfunctional schools in South Africa. *Journal of Social Science*, 40(1):51-64.
Doi:10.1080/09718923.2014.11893302

Pretorius, T. 2016. Towards a deeper understanding of resilience: resilient South African township-dwelling adolescents' understanding of positive adjustment to hardship. Vanderbijlpark: NWU. (Dissertation – M.Ed.).

Pretorius, T. & Theron, L. 2019. "A pillar of strength": empowering women and the resilience of township-dwelling adolescents. *Young Editorial Group*, 27 (4): 373-394.

Pretorius, Y. 2013. Educators as mediators of learning: a teaching and learning programme to enhance learners' fundamental rights. Potchefstroom: NWU. (Dissertation – M.Ed.).

Prinsloo, J. & Beckmann, J. 2015. Some aspects of education litigation since 1994: of hope, concern, and despair. *South African Journal of Education*, 35(1):1-11.

Punch, K.F. 2014. Introduction to social research: quantitative and qualitative approaches. 3rd ed. Los Angeles: Sage.

Rahi, S. 2017. Research design and methods: a systematic review of research paradigm, sampling issues and instruments development. *International Journal of Educational Science*, 6 (2):1-5.

Rapatsa, M. 2015. South Africa's transformative constitution: from civil and political rights doctrines to socio-economic rights promises. *Juridical Tribune*, 5(10):219-215.

Rautenbach, I.M. & Malherbe, E.F.J. 2012. *Staatsreg*. 6th ed. Durban: Lexis Nexis.

- Reardon, B.A. 1995. Education for human dignity: learning about rights and responsibilities. Philadelphia: University of Pennsylvania Press.
- Reason, P. & Bradbury, H. 2006. Action research: participatory inquiry and practice. 2nd ed. London: Sage.
- Reyneke, M. 2011. The right to dignity and restorative justice in schools. Potchefstroom Electronic Law Review, 14 (16), 129-171.
- Richards, L. 2015. Handling qualitative data: a practical guide. Los Angeles: Sage.
- Richardson, H.S. 2013. Moral reasoning. In: Zalta, E.N., ed. Stanford Encyclopaedia of Philosophy. Stanford: Stanford University.
- Riesmann, C.K. 2005. Narrative analysis. In: Kelly, N., Horrocks, C., Milnes, K., Roberts, B. & Robinson, D., eds. Narrative memory and everyday life. Huddersfield: University of Huddersfield. pp. 1-7.
- Riesmann, C.K. & Quinney, L. 2005. Narrative in social work: a critical review. Qualitative Social Work, 4(4):391-412.
- Roberts, K. 2018. South Africa, HIV/AIDS, and education. Master's projects and capstones. 746. <https://repository.usfca.edu/capstone/746> Date of access: 18. Mar. 2018.
- Robinson, C. 2017. Translating human rights principles into classroom practice. The Curriculum Journal, 28(1)123-136. doi:10.1080/09585176.2016.1195758
- Robinson, C., Phillips, L. & Quennerstedt, A. 2018. Human rights education: developing a theoretical understanding of teachers' responsibilities. Educational Review, 72(2). doi:10.1080/00131911.2018.1495182
- Rocco, T.S. & Plakhotnik, M.S. 2009. Literature reviews, conceptual frameworks, and theoretical frameworks: terms, functions, and distinctions. Human resource development review, 8(1):120-130.
- Roos, M. & Oosthuizen, I. 2015. Case law. In: Oosthuizen, I.J. ed. Aspects of education law. 4th ed. Pretoria: Van Schaik. pp. 75-125.
- Roos, M.C., Oosthuizen, I.J. & Smit, M.H. 2015a. Common law. In: Oosthuizen, I.J., ed. Aspects of education law. 4th ed. Pretoria: Van Schaik. pp. 127-150.

- Roos, M.C., Oosthuizen, I.J. & Smit, M.H. 2015b. Legislation In: Oosthuizen, I.J., ed. Aspects of education law. 4th ed. Pretoria: Van Schaik. pp. 75-125.
- Rossouw, D. 2009. Educators as action researchers: some key considerations. *South African Journal of Education*, 29(1):1-16.
- Rossouw, J.P. 2013. The potential remedial function of the law in the deteriorating public education system of South Africa. *De Jure*, 46(1):285-309.
- Roux, C. 2010. Religious literacy and human rights literacy as prerequisite for human rights education. In: De Souza, M. & Engebretson, K., eds. *International handbook for inter-religious education*. Dordrecht: Springer. pp. 991-1015.
- 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. 2018. The "literacy turn" in human rights and human rights education. In: Roux, C. & Becker, A., eds. *Human rights literacies: future directions*. pp. 3-30. doi:10.1007/978-3-319-99567-0
- Roux, C. & Becker, A. 2015. Human rights literacies: a quest for meaning. In: *The European Wergeland Centre, Publications Editions of the Council of Europe*. Norway: Oslo.
- Roux, C. & Becker, A. 2016. Humanising higher education in South Africa through dialogue as praxis. *Educational Research for Social Change*, 5(1):131-143.
- Roux, C. & Becker, A. 2017. On critique, dissensus and human rights. *South African Journal of Higher Education*, 31(6):1-8.
- Roux, C. & Becker, A. 2018. Human rights literacies research: (re)think approaches and methodologies. In: Roux, C. & Becker, A., eds. *Human rights literacies: future directions*. pp. 73-98. doi:10.1007/978-3-319-99567-0
- Roux, C.D. 2012. A social justice and human rights education project: a search for caring and safe spaces. In: Roux, C.D., ed. *Safe spaces: human rights education in diverse contexts*. Rotterdam: Sense Publishers. pp. 29-50.
- Roux, C.D. & Du Preez, P. 2013. Human rights literacy: a quest for meaning. <https://www.google.com/search?client=firefox-b-d&q=http%3A%2F%2Fwww.hreid-hrlit.blogspot.com%2F2013%2F04%2Fhumanrightsliteracy-aquestformeaning-Literacies-Rhizomaticresearch.html>. Date of access: 17 Sep. 2018.

- Russo, C. 2015. Legal research: the “traditional” method. In: Permuth, S., Mawdsley, R. & Silver, S., eds. Research methods for studying legal issues on education. Cleveland, Ohio: Education Law Association. pp. 5-24.
- Russo, C.J. & Stewart, D.J. 2001. The place of education law in the international community. *Education Law Journal*, 2(1):18-25.
- Schutte, S. 2012. The relationship between resilience, self-regulation and academic performance of learners living in townships under adverse circumstances. Potchefstroom: NWU. (Dissertation – M.Ed.).
- Seleka, N. 2018. Pupil captured on video as he hurls abuse at teacher. 6 Dec. 2018. <https://www.news24.com/news24/southafrica/news/pupil-captured-on-video-as-he-hurls-abuse-at-teacher-20181206> Date of access: 12 Jun. 2018.
- Shariffi, N. & Maljessi, F. 2017. Self-empowerment of female students in prevention of osteoporosis. *Global Journal of Health Science*, 9(2): 1-31.
- Shumba, A. 2004. Pupil physical abuse by teachers: a child-rearing practice or a practical dilemma? *Journal of Aggression, Maltreatment & Trauma*, 8(4):143-159.
- Sidhu, K.S. 2006. Methodology of research in education. New Delhi: Sterling.
- Simmonds, S. 2010. Primary school learners’ understanding of human rights teaching-and-learning in classroom practice. Potchefstroom: NWU. (Dissertation – M. Ed).
- Simmonds, S. 2012. Embracing diverse narratives for a postmodernist human rights education curriculum. In: Roux, C., ed. Safe spaces. Critical issues in teaching and learning. Rotterdam: Sense Publishers. pp. 225-241.
- Simmonds, S. & Du Preez, P. 2017. Discoveries shaping human rights education research in South African: future consideration. *South African Journal of Higher Education*, 31(6):9-24.
- Simmonds, S.R. 2013. Gender implications of gender equity in human rights education. Potchefstroom: NWU. (Thesis – PhD.).
- Simmonds, S.R. 2014. Mapping the curriculum-making landscape of religion education from a human rights perspective. *Journal of the Study of Religion*, 27(1):129-153.
- Sisk-Hilton, S. & Meier, D. 2017. Narrative inquiry in early childhood and elementary school: learning to teach, teaching well. New York: Routledge.

Smit, A. 2014. Equality constitutional adjudication in South Africa. *African Human Rights Law Journal*, 16:609-632.

Smit, H.M. 2017. The Schools Act and school governance success cases, and challenges. In: De Waal, E., ed. *Pathways to successful schooling: South African Schools Act 84 of 1996 – 20 years on*. Cape Town: Juta. pp. 47-84.

Smit, M.H. & Oosthuizen, I.J., eds. 2013. *Fundamentals of human rights and democracy in education – a South African perspective*. Pretoria: Van Schaik.

Smith, B. 2016. Narrative analysis. In: Lyons, E. & Coyle, A. eds. *Analysing qualitative data in psychology*, 2nd ed. London: Sage. pp. 202-221.

Snyder, H. 2019. Literature review as a research methodology: an overview and guidelines. *Journal of business research*, 104:333-339.

Solove, D.J. 2008. *Understanding privacy*. London: Harvard University Press.

South Africa. Department of Co-operative Governance and Traditional Affairs. 2009. Township transformation timeline. http://sacitiesnetwork.co.za/wp-content/uploads/2014/07/township_transformation_timeline.pdf Date of access: 18 Mar 2018.

South African Council for Educators. 2000. The code of professional ethics. <https://www.sace.org.za/pages/the-code-of-professional-ethics> Date of access: 10 May.2020.

Spaull, N. 2015. Schooling in South Africa: how low quality education becomes a poverty trap. In: De eksewgee Lannoy, A., Swartz, S, Lake, L. & Smith, C., eds. *South African child gauge 2015*. Cape Town: Children's Institute, University of Cape Town. pp. 30-37.

Squelch, J.M. 1997. Education and the law. In: Lemmer, E.M. & Badenhorst, D.C., eds. *Introduction to education for South African teachers: an orientation to teaching practice*. Cape Town: Juta. pp. 381-420.

Stanford Encyclopaedia of Philosophy. 2001. Legal rights. <http://www.plato.stanford.edu/entries/legal-rights/>. Date of access: 20 Oct. 2017.

Steinmann, A.C. 2016. *The legal significance of human dignity*. Potchefstroom: NWU. (Thesis – PhD).

Struthers, A.E.C. 2006. Human rights: a topic too controversial for mainstream education? *Human Rights Law Review*, 16(1):131-162.

Struthers, A.E.C. 2015. Human rights education: educating about, through and for human rights. *The International Journal of Human Rights*, 19(1):53-73.
doi.10/1080/13642987.2014.986652

Struthers, T. 2016. Towards a deeper understanding of resilience: South African township-dwelling adolescents' understanding of positive adjustment to hardship. Vanderbijlpark: NWU. (Dissertation- M.Ed.).

Sumanlatha, K. 2011. Human rights education: an introduction. In: Kaul, A., ed. *Human rights education*. New Delhi: APH. pp. 01-10.

Taylor, C. & White, S. 2005. *Practicing reflective in health and welfare: making knowledge*. Open University Press, Buckingham.

Theron, L.C., Theron, A.M.C. & Malindi, M.J. 2012. Towards an African definition of resilience: a rural South African community view of resilient Basotho youth. *Journal of Black Psychology*, 39(1):1-25.

Tibbitts, F. 2002. Understanding what we do: emerging models for human rights. *International Review of Education*, 48(3-4):159-171.

Tibbitts, F. 2005. Transformative learning and human rights education: taking a closer look. *Intercultural Education*, 16(2):107-113.

Tibbitts, F. 2010. Perspectives of research on human rights education. *Journal of Human Rights Education*, 2(1):8-29.

Tibbitts, F. 2014. Human rights education here and now: U.S. practices and international processes. *Journal of International Social Studies*, 4(2).

Tibbitts, F. & Kirschlaeger, P.G. 2010. Perspective of research on human rights education. *Journal of Human Rights Education*, 2(1):8-9.

Tibbitts, F.L. 2009. *Impact assessment of Rights Education Leading to Action Programme (REAP)*. Norway: Amnesty International.

Tibbitts, F.L. 2017. Human rights education: the good surf and reclaiming human rights. *Netherlands Quarterly of Human Rights*, 36(1). doi:10.1177%2F0924051917752419

Timilsana, K. 2014. Teacher development: a human rights prospect. *The Saptagandaki Journal* 7, 1-16.

- Tintswalo, M.V. 2014. Schools as sites of violence: the role of social capital in reducing violence in township schools. *Journal of Sociology and Social Anthropology*, 5(1):51-60.
- TMG Digital. 2017. School principal violated the rights of transgender learner, says Equality Court. Sowetan Live, 13 Mar. 2017. <https://www.Sowetanlive.co.za/.../2017/...13> Date of access: 13 Mar. 2017.
- UNESCO. 2006. World programme for human rights education: first phase plan of action. Geneva: United Nations.
- UNESCO. 2010. Final evaluation of implementation of the first phase plan of the world programme for human rights education. Geneva: United Nations.
- UNESCO. 2012. World programme for human rights education: second phase plan of action. Geneva: United Nations.
- United Nations. 1948. Universal Declaration of Human Rights. New York: United Nations. <http://www.ohchr.org/en/udhr/pages/introduction.aspx> Date of access: 17 Sep. 2017.
- United Nations. 1966. International Covenant on Civil and Political Rights. New York: United Nations. <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf> Date of access: 17 Sep. 2017.
- United Nations. 1976. International Covenant on Economic, Social and Cultural Rights. New York: United Nations.
- United Nations. 1989. Convention on the Rights of the Child. New York: United Nations.
- Van Biljon, K. 2014. State's legal responsibility for the social reintegration of sexually abused children. Potchefstroom: NWU. (Dissertation – M.Ed.).
- Van der Vyver, J.D. 2005. Morality, human rights, and foundations of the law. *Emory Law Journal*, 54:187-200.
- Van der Westhuizen, P.C. & Oosthuizen, I.J. 1989. Ontologiese perspektief op onderwysreg. *South African Journal for Education*, 9(4):743-751.
- Van Vollenhoven, W.J. & Fisher, S.L. 2008. Education Law. Faculty of Education. Pretoria: University of Pretoria. (Study guide, EOL 401 CACE).

- Van Wyk, E. 2019. Exploring education- related sexual equality experiences of LGBTQ+ students: an educational law perspective. Potchefstroom: NWU. (Dissertation – M.Ed.).
- Van Wyk, M. 2015. Afrocentricity as a research philosophy. In: Okeke, C. & Van Wyk, M., eds. Educational research: an African approach. Cape Town: Oxford University Press.
- Vandeyar, S. 2010. Responses of South African teachers to the challenge of school integration. South African Journal of Education, 30(3):343-359.
- Vandeyar, S. 2017. Teacher as an agent of meaningful education change. Educational Sciences: Theory and Practice, 17(2): 373-393.
- Vandeyar, S. & Killen, R. 2006. Teacher-student interactions in desegregated classrooms in South Africa. International Journal of Educational Development, 26(4):382-393.
- Venter, F., Van der Walt, C.F.C., Van der Walt, T., Pienaar, G.J., Olivier, N.J.J. & Du Plessis, L.M. 1990. Regsnavorsing: metode en publikasie. Cape Town: Juta.
- Verster, M.C. 2014. Meta-theoretical underpinning of human rights in the intermediate phase Life Skills curriculum. Potchefstroom: NWU. (Dissertation – M.Ed.).
- Visser, A. 2018. Narrative of child trafficking survivors in rehabilitation: conceptualisations of freedom for human rights education. Potchefstroom: NWU. (Thesis – PhD).
- Wager, C., Kawulich, B. & Garner, M. 2012. Doing social research. Berkshire: McGraw-Hill Higher Education.
- Wardoyo, C., Herdiani, A. & Sulikah, S. 2017. Teacher professionalism: analysis of professional phases. International Education Studies, 10(4):90-100.
- Webster, L. & Mertova, P. 2007. Using narrative inquiry as research method: an introduction to using critical event narrative analysis in research on learning and teaching. London: Routledge.
- Welschen, W. 2012. The country we are supposed to be: born-free South Africans talk about their nation. Amsterdam: VU. (Thesis – PhD).
- Western Sydney University. 2017. Literature review.
<https://library.westernsydney.edu.au/main/researchers/literature-searching/literature-review> Date of access: 05 Oct 2019.

Wiles, R., Crow, G., Heath, S. & Charles, V. 2008. The management of confidentiality and anonymity in social research. *International Journal of Social Research*, 11(5):417-428.

Wilson, R.A. & Craver, C.F. 2006. Realization: metaphysical and scientific perspectives. In: Thaghard, P., ed. *Philosophy of psychology and cognitive science*. pp. 81-104.
doi:10.1016/B978-044451540-7/50020-7

Yang, K.W. 2015. Afterword: will human rights education be colonising? In: Katz, S.R. & McEvoy, E.S., eds. *Bringing human rights education to US classrooms: exemplary models from elementary grades to university*. New York: Palgrave Macmillan. pp. 225-235.

Zariski, A. 2014. *Legal literacy: an introduction to legal studies*. Alberta: Athabasca University Press.

Zembylas, M. 2014. Theorizing “difficult knowledge” in the aftermath of the “affective turn”: implications for curriculum and pedagogy in handling traumatic representations. *Curriculum Inquiry*, 44(3):390-412.

Zembylas, M. 2017. Re-contextualising human rights education: some decolonial strategies and pedagogical/curricular possibilities. *Pedagogy, Culture & Society*, 25(4):487-499.

Zembylas, M., Charalambous, C. & Charalambous, P. 2016. Teachers’ pedagogical perspectives and teaching practice on human rights in Cyprus: an empirical exploration and implications for human rights education. *Pedagogies: An International Journal*, 11(3):197-217. doi:10.1080/1554480X.2016.11822436

Zembylas, M. & Keet, A. 2019. Introduction: does human rights education exist? *Critical Human Rights Education*. 1-16.

LEGISLATION: REPUBLIC OF SOUTH AFRICA

Republic of South Africa. 1951. Group Areas Act, Act 41 of 1951.

Republic of South Africa. 1992. Drugs and Drug Trafficking Act, Act 140 of 1992.

Republic of South Africa. 1993. Occupational Health and Safety Act, Act 85 of 1993.

Republic of South Africa. 1996. Constitution of the Republic of South Africa, Act 108 of 1996.

Republic of South Africa. 1996. National Education Policy Act, Act 27 of 1996.

Republic of South Africa. 1996. South African Schools Act, Act 84 of 1996.

Republic of South Africa. 1997. Basic Conditions of Employment Act, Act 75 of 1997.

Republic of South Africa. 1998. Employment of Educators Act, Act 76 of 1998.

Republic of South Africa. 2000. Promotion of Administrative Justice Act, Act 3 of 2000.

Republic of South Africa. 2000. Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000.

Republic of South Africa. 2000. South African Council for Educators Act, Act 31 of 2000.

Republic of South Africa. 2005. Children's Act, Act 38 of 2005.

Republic of South Africa. 2008. Child Justice Act, Act 75 of 2008.

Republic of South Africa. 2011. Protection from Harassment Act, Act 17 of 2011.

Republic of South Africa. 2013. Prevention and Combating of Trafficking in Persons Act, Act 7 of 2013.

Republic of South Africa. 2013. Protection of Personal Information Act, Act 4 of 2013.

LEGISLATION: DEPARTMENT OF BASIC EDUCATION // DEPARTMENT OF EDUCATION, SOUTH AFRICA

Department of Basic Education. 2017. Basic education policy on progression and policy on multiple examination opportunity. <https://www.polity.org.za/article/dbe-basic-education-on-policy-on-progression-and-policy-on-multiple-examination-opportunity-2017-10-31> Date of access: 03 Apr 2019..

Department of Basic Education. 2015. National policy on the conduct, administration, and management of the assessment of the Senior Certificate. Pretoria: Government Printer.

Department of Education. 1997. South African Schools Act (Act 84 of 1996): norms and standards for language policy in public schools. (Notice 1701). Government Gazette, 18546, 15 May.

Department of Education. 1998. South African Schools Act (Act 84 of 1996): guidelines for the consideration of school governing bodies in adopting a code of conduct for learners. (Notice 776). Government Gazette, 18900, 15 May.

Department of Education. 2000. Norms and standards for educators. Pretoria: Government Printer.

Department of Education. 2001. Education white paper 6.

https://www.vvob.org/files/publicaties/rsa_education_white_paper_6.pdf Date of access: 05.

Apr.2020.

Department of Education. 2001a. Manifesto on values, education, and democracy. Pretoria: Government Printer.

Department of Education. 2001b. Regulations for safety measures at public schools. (Notice 1129). Government Gazette, 29376: 10 Nov.

Department of Education. 2001c. SAAMTREK: values, education, and democracy in the 21st century – conference report. Pretoria: Government Printer.

Department of Education. 2001d. South African Schools Act (Act 84 of 1996): regulations for safety measures at public schools. (Notice 1040). Government Gazette, 22754, 12 October.

Department of Education. 2002. National Education Policy Act (Act 27 of 1996): national policy on the management of drug abuse by learners in public and independent schools and further education and training institutions. (Notice 3427). Government Gazette, 24172, 13 December.

Department of Education. 2003. National Education Policy Act (Act 27 of 1996): national policy on religion and education. (Notice 1307). Government Gazette, 25459, 12 September.

Department of Education. 2005. South African Schools Act (Act 84 of 1996): draft national guidelines on school uniforms. (Notice 641). Government Gazette, 27519, 22 April.

Department of Education. 2005. Values and human rights in curriculum: a guide. Pretoria: Government Printer.

Department of Education. 2006. South African Schools Act (Act 84 of 1996): regulations relating to the exemption of parents from payment of school fees in public schools. (Notice R. 1052). Government Gazette, 29311, 18 October.

Department of Education. 2007. National drug master plan 2006-2011. Pretoria: Government Printer.

CASE LAW

Antonie v Governing Body of Settlers High School 2002(4) SA 739 (CC) 67(2): 335 339

Christian Education South Africa v Minister of Education (CCT4/00) 2000 ZACC 11

Department of Education, Free State v Harmony High School (CCT 103/12) 2013 ZACC 25

Dowling v Diocesan College and others 1999 3 SA 847 (C)

Ferreira v Levin (CT5/95) 1996 ZACC 27; 1996 2 SA 621 (CC); 1996 4

Head of Department, Department of Education, Free State Province v Welkom High School and Others 2014(2) SA 228(CC)

Head of Department, Mpumalanga Department of Education and another v Hoërskool Ermelo and another (CC); 2010(3) BCLR 177 (CC)

Matukane v Laerskool Potgietersrus 1997 JOL 102 (T)

MEC for Education, KwaZulu-Natal v Pillay (CCT 51/06) 2007 ZACC 21

Minister of Education v Wynkwart (A1036/02) 2004 ZAWCHC 1

Organisasie vir Gosdienste-onderrig en Demokrasie v Laerskool Randhart and Others (29847/2014) 2017 ZAGPJHC 160

State v M 2007 2 SACR 539 (CC)

State v Williams 1997 7 BCLR 861 (CC)

Swart v Minister of Education and Culture 1986 3 SA 331 (C), at 343, House of Representatives

Wynkwart v Minister of Education 2002 (Cape of Good Hope, case number 4168/1999)

LEGISLATION: REPUBLIC OF SOUTH AFRICA

Republic of South Africa. 1951. Group Areas Act, Act 41 of 1951.

Republic of South Africa. 1992. Drugs and Drug Trafficking Act, Act 140 of 1992.

Republic of South Africa. 1993. Occupational Health and Safety Act, Act 85 of 1993.

Republic of South Africa. 1996. Constitution of the Republic of South Africa, Act 108 of 1996.

Republic of South Africa. 1996. National Education Policy Act, Act 27 of 1996.

Republic of South Africa. 1996. South African Schools Act, Act 84 of 1996.

Republic of South Africa. 1997. Basic Conditions of Employment Act, Act 75 of 1997.

Republic of South Africa. 1998. Employment of Educators Act, Act 76 of 1998.

Republic of South Africa. 2000. Promotion of Administrative Justice Act, Act 3 of 2000.

Republic of South Africa. 2000. Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000.

Republic of South Africa. 2000. South African Council for Educators Act, Act 31 of 2000.

Republic of South Africa. 2005. Children's Act, Act 38 of 2005.

Republic of South Africa. 2008. Child Justice Act, Act 75 of 2008.

Republic of South Africa. 2011. Protection from Harassment Act, Act 17 of 2011.

Republic of South Africa. 2013. Prevention and Combating of Trafficking in Persons Act, Act 7 of 2013.

Republic of South Africa. 2013. Protection of Personal Information Act, Act 4 of 2013.

LEGISLATION: DEPARTMENT OF BASIC EDUCATION // DEPARTMENT OF EDUCATION, SOUTH AFRICA

Department of Basic Education. 2015. Basic education policy on progression and policy on multiple examination opportunity. <https://www.polity.org.za/article/dbe-basic-education-on->

policy-on-progression-and-policy-on-multiple-examination-opportunity-2017-10-31 Date of access: 23. Mar. 2019..

Department of Basic Education. 2015. National policy on the conduct, administration, and management of the assessment of the Senior Certificate. Pretoria: Government Printer.

Department of Education. 1997. South African Schools Act (Act 84 of 1996): norms and standards for language policy in public schools. (Notice 1701). *Government Gazette*, 18546, 15 May.

Department of Education. 1998. South African Schools Act (Act 84 of 1996): guidelines for the consideration of school governing bodies in adopting a code of conduct for learners. (Notice 776). *Government Gazette*, 18900, 15 May.

Department of Education. 2000. *Norms and standards for educators*. Pretoria: Government Printer.

Department of Education. .2001. *Education white paper 6*.

https://www.vvob.org/files/publicaties/rsa_education_white_paper_6.pdf Date of access: 30.Sep.2018

Department of Education. 2001a. *Manifesto on values, education, and democracy*. Pretoria: Government Printer.

Department of Education. 2001b. Regulations for safety measures at public schools. (Notice 1129). *Government Gazette*, 29376: 10 Nov.

Department of Education. 2001c. SAAMTREK: values, education, and democracy in the 21st century – conference report. Pretoria: Government Printer.

Department of Education. 2001d. South African Schools Act (Act 84 of 1996): regulations for safety measures at public schools. (Notice 1040). *Government Gazette*, 22754, 12 October.

Department of Education. 2002. National Education Policy Act (Act 27 of 1996): national policy on the management of drug abuse by learners in public and independent schools and further education and training institutions. (Notice 3427). *Government Gazette*, 24172, 13 December.

Department of Education. 2003. National Education Policy Act (Act 27 of 1996): national policy on religion and education. (Notice 1307). *Government Gazette*, 25459, 12 September.

Department of Education. 2005. South African Schools Act (Act 84 of 1996): draft national guidelines on school uniforms. (Notice 641). *Government Gazette*, 27519, 22 April.

Department of Education. 2005. *Values and human rights in curriculum: a guide*. Pretoria: Government Printer.

Department of Education. 2006. South African Schools Act (Act 84 of 1996): regulations relating to the exemption of parents from payment of school fees in public schools. (Notice R. 1052). *Government Gazette*, 29311, 18 October.

Department of Education. 2007. National drug master plan 2006-2011. Pretoria: Government Printer.

CASE LAW

Antonie v Governing Body of Settlers High School 2002(4) SA 739 (CC) 67(2): 335 339

Christian Education South Africa v Minister of Education (CCT4/00) 2000 ZACC 11; 2000 4 SA 757; 2000 10 BCLR 1051

Department of Education, Free State v Harmony High School (CCT 103/12) 2013 ZACC 25; 2013 BCLR 989 (CC) 2014 (2) SA 228 (CC)

Dowling v Diocesan College and others 1999 3 SA 847 (C)

Ferreira v Levin (CT5/95) 1996 ZACC 27; 1996 2 SA 621 (CC); 1996 4 BCLR 441 (CC)

Head of Department, Department of Education, Free State Province v Welkom High School and Others 2014(2) SA 228(CC)

Head of Department, Mpumalanga Department of Education and another v Hoërskool Ermelo and another (CC); 2010(3) BCLR 177 (CC) (14 October 2009)

Matukane v Laerskool Potgietersrus 1997 JOL 102 (T)

MEC for Education, KwaZulu-Natal v Pillay (CCT 51/06) 2007 ZACC 21; 2008 1 SA, 474 (CC); 2008 2 BCLR 99 (CC)

Minister of Education v Wynkwardt (A1036/02) 2004 ZAWCHC 1

Organisasie vir Gosdienste-onderrig en Demokrasie v Laerskool Randhart and Others (29847/2014) 2017 ZAGPJHC 160 2017 3 SA 943 (GJ) 2017 6 SA 129 (GJ)

Moko v Acting Principal of Malusi Secondary School (CCT 297/20) 2021 ZACC 30; 2021 4 SA, 323 (CC); 2021 3 BCLR 420 (CC)

State v M 2007 2 SACR 539 (CC)

State v Williams 1997 7 BCLR 861 (CC)

Swart v Minister of Education and Culture 1986 3 SA 331 (C), at 343, House of Representatives

Wynkward v Minister of Education 2002 (Cape of Good Hope, case number 4168/1999)

ADDENDUM A: WRITTEN NARRATIVES QUESTIONNAIRE

1 Welcome to my Study



It is my pleasure for you to participate in these written narratives

- Counselling will not be provided for this study
- You may withdraw at any time without consequences

Title of the study

Exploring teachers' roles in realising human rights in township classrooms

Mogorosi Dikeledi Emily (Researcher)

Your thoughts, ideas and identity and your school will remain anonymous.

NB!!!!!!!!!!

If you do not understand the contents of the participation information document, you will not be allowed to participate, and please feel free to contact me on 07329142024/mims3367@gmail.com

Your cooperation will be highly appreciated

Kinds regards

Mogorosi Dikeledi Emily (Researcher)

2 PARTICIPATION

- Counselling will not be provided for this study
- You may withdraw at any time without consequences

Please indicate below whether you have read and understood the participation information. If, for instance, it is your first time seeing or reading the participation form, it will be proper to take time to read and understand the contents of the document.

If you have already read and understood the participation form, you may tick the appropriate response and go to another question, which is the declaration of voluntary participation.

The researcher will be readily available if some of the questions are not understood, and if you feel like the interview makes you uncomfortable, you can withdraw without consequences.

- I have read and understood the participation information form.
- I have not read the participation information form.
- I have read the participation information form but have some questions.

3 CONSENT

- Counselling will not be provided for this study
- You may withdraw at any time without consequences

DECLARATION BY PARTICIPANT

By signing below, I agree to take part in a research study titled:

Exploring teachers' roles in realising human rights in township classrooms

I declare that:

I have read this information and consent form and understand what is expected of me in the research.

I have had a chance to ask questions to the researcher and all my questions have been adequately answered.

I understand that taking part in this study is voluntary and I have not been pressured to take part.

I may choose to leave the study at any time and will not be penalised or prejudiced in any way.

I may be asked to leave the research process before it has finished if the researcher feels it is in my best interest, or if I do not follow the research procedures as agreed.

- ☐ Yes
- ☐ No

4 WRITTEN NARRATIVES QUESTIONS

- Counselling will not be provided for this study
- You may withdraw at any time without consequences

Please provide biographical and demographic information about yourself. This will enable me to contextualise and understand your answers and suggestions better.

- 1) Which world view and/or religion do you ascribe to?

- 2) How many years have you been teaching at a township school?

- 3) Have you ever taught outside township schools and for how long?

4) Are you holding a management position at the school where you teach?

3) What is your first language and what other languages do you speak (not first language)?

4) Which phases and subject(s) do you normally teach?

5) What qualifications do you hold?

6) Where does your family live?

7) What is your ethnicity/ race?

8) How do you describe your culture?

9) Did you prefer to work in a township school and why?

Kindly answer the following questions. Please rest assured that your honesty will be highly appreciated and that all your responses, opinions and thoughts will be treated with utmost confidentiality. All the information you provide will not be traced to your identity, and also when publishing data, all possible identifiers will be removed.

Please write your story in which you share your experiences about teachers' roles in realising human rights in township classrooms. The experiences you tell us about can either be positive or negative. In the story that you write, you could also refer to opportunities and barriers that teachers at township schools experience in playing their roles towards realising human rights in their classrooms. The length of your story should be 3-5 pages.



FOR SHARING YOUR NARRATIVES WITH US

ADDENDUM B: M & D PROGRAMME COMMITTEE APPROVAL

FAKULTEIT OPVOEDKUNDE / FACULTY OF EDUCATION

Notule / Minutes

Vergadering / Meeting

M&D-Programkomitee/ M&D Programme Committee

Datum / Date: Donderdag 9 November 2017, 8:00 / Thursday, 9 November 2017, 8:00

Plek / Venue: Seminaarlokaal 299E, gebou C6 / Seminar room 299E, building C6

ITEM		
1 Presensie en personalia / Attendance and personalia		
Presensie / Attendance: Dr L Postma (voorsitter/ <i>chair</i>), proff/ <i>Profs</i> L Conley, J Botha, J Heystek, J de Beer, S Simmonds, drr/ <i>Drs</i> , L de Sousa, K Kaiser, L van Jaarsveld, P Warnich, D Kirsten, mnr/ <i>Mr</i> J Liebenberg		
Notulehouer / Minute keeper: Me/Ms E Greyling		
Administratief / Administrative: Me/Ms R van Staden		
2 MEd-sake / MEd matters		
2.1 Goedkeuring van navorsingsvoorstelle, titels en studieleiers / <i>Approval of research proposals, titles and supervisors</i>		
2.1.1 Student/ <i>Student</i>	Me/Ms DE Mogorosi (25833014)	
Graad/ <i>Degree</i>	Onderwysreg / <i>Education Law</i>	
Titel/ <i>Title</i>	Exploring teachers' roles in realizing human rights in township classroom	
Studieleier/ <i>Supervisor</i>	Prof E de Waal	
Medestudieleier/ <i>Co-supervisor</i>	Dr A de Wet	
Werksverdeling/ <i>Work distribution</i>	Prof J de Beer Dr Bernadette Geduld	
Besluit/ <i>Decision</i>	Goedgekeur, maar gee aandag aan die volgende punte: / <i>Approved, but pay attention to the following points:</i> A hint, which I obtained from Prof Carmel McNaught: When referring to statements that authors made in the past, it is better to do so in	

	the past tense. What De Beer said in 2010, might not be the views that he holds in 2017. I would therefore rather state that Babbie (2010) pointed out (rather than points out). However, not all researchers would agree- you can decide. Please look at a few language editorial issues. For instance, under 2.1: "South Africans now live in their first constitutionally human-rights-backed government": one can <i>have</i> a government; you cannot live in a government (or state that we live in a democratic regime or country). • A qualitative approach, informed by advocacy and a participative design, should serve the study well. Risikovlak: Laag / Risk level: Low	
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Notulehouer / Minute keeper: Me/Ms E Greyling

ADDENDUM C: ETHICAL APPROVAL (EMHS – REC COMMITTEE)



Faculty of Education

MINUTES

Meeting: Research Ethics Committee of the Faculty of Education

Date of meeting: 13 June 2019

Time of meeting: 9:00

Meeting room: Room 299E, Building C6

1 Approval of ethics applications at previous meetings which were approved with minor changes that should be made

1.1 Project head	Prof E de Waal
Student/Team	DE Mogorosi (25833014), Dr A de Wet
Ethics number	NWU-00551-19-S2
Title	Exploring teachers' roles in realizing human rights in township classrooms
Time frame	20 January 2017 – 21 June 2019
Work distribution	Dr Marry Mdakane Prof Bongani Bantwini
	Minor changes were requested at the meeting of 5 April 2019. The revised application was received and sent to the critical readers for their feedback.
Decision	The critical readers are satisfied with the changes made and recommend that the application can be approved. The committee approves the application.

Minute keeper: Ms R van Staden

Original details: (10000518) P:\Notules\2019\Ethics Committee\2019-06-13\2019-06-13 Minutes of the Research Ethics Committee of the Faculty of Education.docm
5 June 2019

File reference: 9.4

19 June 2019

To Whom It May Concern

I hereby confirm that the ethics application, as stated below, was approved at the Ethics Committee meeting of the Faculty of Education of 13 June 2019.

Ethics number: NWU-00551-19-A2

Project head: Prof E de Waal

Project team: DE Mogorosi; Dr A de Wet

Title: Exploring teachers' roles in realizing human rights in township classrooms

Period: 13 June 2019 – 13 June 2020

Clearance given for only one year. Extension can be requested after a year.

Risk level: Low

Should you have further enquiries in this regard, you are welcome to contact Prof Jako Olivier at 018 285 2078 or by email at Jako.Olivier@nwu.ac.za or Ms Ema Greyling at 018 299 4656 or by email at Ema.Greyling@nwu.ac.za.

Yours sincerely

Prof J Olivier
Chair Edu-REC

**ADDENDUM D: PERMISSION REQUEST TO FREE STATE
DEPARTMENT OF EDUCATION**



Fakulteit Opvoedkunde / Faculty Education
Privaatsak / Private Bag X6001, Potchefstroom
Suid-Afrika / South Africa 2520
T: 018 299 4656
F: 086 661 8589
<http://www.nwu.ac.za>

Email: mims3367@gmail.com

Free State Department of Education
Private Bag X20565
Bloemfontein
9300
Dear Mrs. Kitching

Permission to conduct research in Lejweleputswa district

I, Dikeledi Emily Mogorosi, am studying for a M.Ed. in Education Law. The study falls within the research focus of the Research Unit Education and Human Rights in Diversity (Edu-HRight) at the North-West University. I hereby wish to request your permission to invite teachers at your institution to participate in research I am conducting as part of my Master's study. The title of my study is "Exploring teachers' roles in realising human rights in township classrooms".

The details of the study are as follows:

My master's title	Exploring teachers' roles in realising human rights in township classrooms
My contact details	0732914204/mims3367@gmail.com
Study supervisor	Pof Elda de Waal Elda.dewaal@nwu.ac.za
Ethics reference number	//NWU- 00551-19-S2

Umbrella project title	Human rights literacies for transformative teacher education
Umbrella project ethics reference number	NWU-HS_-2017-0086

Below, I explain the key characteristics of my study to assist your consideration of my request.

Purpose of the research

The overall aim of the study is to explore to what extent teachers contribute to the realisation of human rights in township classrooms. Specific objectives to support the overall aim include the following:

- To determine theoretical elements that support the role that teachers must play in realising human rights in township classrooms
- To suggest a basic legal framework that informs the role that teachers must play in realising human rights in township classrooms
- To recount township teachers' stories about their roles in realising human rights in their classrooms
- To report the barriers township teachers' experience in playing their roles towards realising human rights in classrooms
- To develop and suggest guidelines to support teachers in playing their role towards realising human rights in township classrooms

Research site and participants

The teachers in township schools in Lejweleputswa district will be regarded as possible participants in this research, irrespective of whether their subjects/learning areas are linked to human rights or not. The study will include participants from all subject fields in order to get as much information as possible.

Participants will be selected based on the following criteria:

- Participants must teach at township schools from quintile 1, 2 or 3
- Participants must be teaching at the school for more than one year
- Participants must be qualified and registered to teach
- Participants must teach within the boundaries of the Lejweleputswa district in the Free State Province

From the teachers in the district, a sample of four schools will be selected from which teachers will be invited to participate in the study. The chosen schools are:

- Allanridge town (Mosala and L.A. Wesi secondary schools)

- Odendaalsrus town (Mohobo primary school and Rearabetswe secondary school)

At these schools, all teachers will be invited to participate in the study by providing written narratives about realising human rights in township classrooms and answering questions about biographical and demographical information.

Process of inviting participants

After permission has been obtained from each school governing body, the researcher will contact the principal to discuss data collection procedures. The arrangements discussed during the conversation between the researcher and the principal will be confirmed by means of e-mail.

Two possible approaches will be followed:

1) As a first option, the researcher will make an appointment with the principal to meet with participants and to determine when it is most convenient for them and here the activities of the school will not be disturbed. During the meeting, letters of consent will be dealt with and the teacher will receive a narrative to complete in writing.

2) If an encounter with teachers cannot be arranged, the principal of the school will be asked to distribute the invitation, consent forms and narrative prompts to possible participants. The following documents will be provided in order to help the principal to recruit other possible participants:

- An e-mail to forward to possible participants whose e-mail addresses they have
- A short text message that they can spread to teachers' cell phone numbers
- A recruitment pamphlet/poster they can distribute to teachers.

Principals, where a meeting between the researcher and the teachers cannot be arranged, will be requested to distribute the invitation which introduces my study to all teachers at the school asking them whether they are interested in participating in my study, using the following ways:

- If the school has a physical space (e.g. an office or room) teachers often use, recruitment pamphlets/posters (see below) can be put up for teachers to see.
- If the school has a virtual space (e.g. social media site, website, chat group) that they use, recruitment pamphlets/posters can be published on such platforms.
- If the school makes use of lists of teachers' cell phone numbers to send text messages, short text message (see below) can be sent to teachers' cell phones.
- If the school makes use of e-mail to their teachers to contact them, e-mail invitations and/or the recruitment leaflet/poster can be sent.

Participation information and consent form

Participants in the study may only take place on a voluntary basis.

Each participant will receive a participant information and a consent form to go through in order to acquaint themselves with what is expected of them and allow them to take

an informed decision as to whether they want to participate or not. The form will include the following information:

- Possible risk and harm
- Data collection procedure and expectations regarding their participation
- The reasons why the research is conducted
- Details of the researcher, that is the contact number
- The ethical clearance number of this study
- Participants' right to withdraw at any time despite their consent and voluntary participation, and without consequences.

Once the participant have read and understand the contents of the form, they may decide whether they still want to continue or not, and the researcher will visit their school in order for them to complete the declaration of participation and agreement of voluntary and informed participation.

What is expected of participants?

For the purpose of this study, written narratives will be obtained where the participants will be able to tell their stories and their experiences in sequential order in writing by reacting to a narrative prompt. In addition, participants are required to answer questions providing demographics and biographic information for the purpose of positioning findings contextually. The findings from this research will be used in writing my dissertation. Strict rules will be followed, and the principles of human rights will be respected throughout the study.

Benefits to participants

By analysing the narratives, the researcher will gain insight into the role the teachers play in the realisation of human rights in township classrooms. Findings/feedback will be provided in the form of guidelines that will assist teachers in township schools to gain an understanding of the role they could play in promoting human rights.

Risks involved for participants

The participants may be affected by the following risks during participation:

- Possible harm such as headaches, fatigue, or discomfort during writing of narratives and answering of questions.
- Possible emotional harm such as boredom and self-disclosure and fear due to relating stories about complex issues experienced which relate to human rights.

The researcher will take the following steps to manage the risks outlined above:

- The researcher, before commencing with the study, will apply for ethical clearance from the Education Research Committee.

- Participants will not be coerced to participate and will also be informed that they may withdraw from the study at any time without being penalised.
- The participant may not be forced to respond to questions that cause discomfort and humiliation.

Confidentiality and protection of identity

The anonymity of the participants will be highly considered by the researcher. The following procedure will be followed in order to ensure safety of the participant's personal information:

- Participants will not be coerced but agreement will be reached regarding consent that will protect both the participants and the researcher.
- The data will be used at the discretion of the participants.
- Written narratives will be provided anonymously and will be treated in a manner that is confidential.
- Participants will not be identified when findings are reported.

Dissemination of findings

All the findings of the research will be used solely for this study. The results of the study will, therefore, be forwarded using the following methods:

- Departmental circulars
- Conference papers
- Emails to participating schools
- A dissertation published by North-West University

An executive summary of the findings and all the recommendations can also be directly obtained from the researcher at mims3367@gmail.com.

If you have any further questions or enquiries regarding your participation in this research, please contact the researchers for more information.

Researcher's name: Dikeledi Emily Mogorosi

My contact details: 057 357 3884 and/r 073 291 4202

Your positive response will be highly appreciated.

Yours in fraternity

Emily Mogorosi

ADDENDUM E: PERMISSION REQUEST TO SCHOOL A (L.A.WESI)



Fakulteit Opvoedkunde / Faculty Education
Privaatsak / Private Bag X6001, Potchefstroom
Suid-Afrika / South Africa 2520
<http://www.nwu.ac.za>

Email: mims3367@gmail.com

School Governing Body Chairperson

L.A. Wesi Secondary School

Dear Sir/Madam

Permission to do research at L.A. Wesi Secondary School

As a sign of goodwill, I, Dikeledi Emily Mogorosi, who is studying for an M.Ed. degree in education law in the Research Unit called *Human rights and Education and Diversity* (Edu-Right) at the North-West University, would like to request your permission to invite teachers at your school to participate in the research which I am conducting as part of my Master's study. The title of my study is "Exploring teachers' roles in realizing human rights in township classrooms."

The details of my study are as follows:

My contact details	057 3573884 (landline) 073 291 4204 (cellular) mims3367@gmail.com
Project leader	Professor Elda de Waal 072 480 7971
Umbrella project title	Possibilities of human rights for transformative teacher education
Umbrella project ethics reference number	NWU-HS_-2017-0086

Purpose of my research

The aim of my study is to explore how teachers contribute to the realization of human rights in township classrooms.

Research site and participants

For this study, teachers in the Lejweleputswa District will be invited to participate in my research (whether the subject they teach is linked to human rights or not). Participants will include teachers from all subject fields to get as much information as possible. My research needs teachers who

ADDENDUM F: PERMISSION REQUEST TO SCHOOL B



Fakulteit Opvoedkunde / Faculty Education
Privaatsak / Private Bag X6001, Potchefstroom
Suid-Afrika / South Africa 2520
<http://www.nwu.ac.za>

Email: mims3367@gmail.com

School Governing Body Chairperson

Mohobo Primary School

Dear Sir/Madam

Permission to do research at Mohobo Primary School

As a sign of goodwill, I, Dikeledi Emily Mogorosi, who is studying for an M.Ed. degree in Education Law in the Research Unit *Human Rights and Education in Diversity* (Edu-HRight) at the North-West University, would like to request your permission to invite teachers at your school to participate in the research which I am conducting as part of my master's study. The title of my study is **"Exploring teachers' roles in realising human rights in township classrooms"**.

The details of my study are as follows:

My contact details	057 3573884 (landline) 073 291 4204 (cellular) mims3367@gmail.com
Project leader	Professor Elda de Waal 072 480 7971
Umbrella project title	Possibilities of human rights for transformative teacher education
Umbrella project ethics reference number	NWU-HS_-2017-0086

Purpose of my research

The aim of my study is to explore how teachers contribute to the realisation of human rights in township classrooms.

Research site and participants

For this study, teachers in the Lejweleputswa District will be invited to participate in my research (whether the subject they teach is linked to human rights or not). Participants will include teachers from all subject fields to get as much information as possible. My research needs teachers who agree to participate by writing a narrative of their experiences about managing human rights in their classrooms. A sample of 5 to 10 teachers per school who teach across the learning fields in the Lejweleputswa District of the Free State Province is my aim. The chosen schools are:

- Allanridge
- L. Wesi Secondary School
- Odendaalsrus
- Mohobo Primary School

1) As a first option, I would like to make an appointment with you to organise a meeting with the potential teacher participants at a time most convenient to them and to the school itself.

2) If it is not possible to meet with you, I would like to ask you to distribute the invitation to the potential participants. The following documents will be provided in order to help you recruit some or all of your teachers:

- An e-mail that you should please forward to the teachers whose e-mail addresses the school has
- A short text message that you should please spread to teachers on their cell phone numbers
- My recruitment pamphlet/poster that you should please put up for teachers to see

Participation information and consent form

Each participant will receive a participant information and a consent form to go through in order to acquaint themselves with what is expected. The form will include the necessary information and they will be informed that they can withdraw from the study at any point.

Confidentiality and protection of identity

All the information will be treated in strict confidentiality and no personal or school names will be filled in on the written narratives.

Dissemination of findings

All the findings of my research will be used solely for this study. An executive summary of the findings and all the recommendations can also be obtained from the researcher at mims3367@gmail.com. If you have any further questions, please contact me.

Your positive response will be highly appreciated.

Yours in fraternity

Emily Mogorosi

ADDENDUM G: PERMISSION GRANTED BY FREE-STATE DEPARTMENT OF EDUCATION



Enquiries: KK Motshumi
Tel: Notification of research: DE Mogorosi
Tel: 051 404 9221 / 079 503 4943
Email: K. Motshumi@ededucation.gov.za



education
Department of
Education
FREE STATE PROVINCE

District Director
Lejweleputswa District

Dear Dr. Chuta

NOTIFICATION TO CONDUCT RESEARCH PROJECT IN YOUR DISTRICT BY DE MOGOROSI

The above mentioned candidate was granted permission to conduct research in your district as follows:

1. **Topic:** Exploring teacher's role in realizing human rights in township classrooms.

List of schools involved: LA West Secondary School and Mhobo primary school

Target Population: 20-25 teachers teaching any subject.

2. **Period:** From date of signature of this letter until 30 September 2019. Please note the department does not allow any research to be conducted during the fourth term (quarter) of the academic year nor during normal school hours.
3. **Research benefits:** The suggested guidelines will be able to guide and support teachers in playing their role towards realizing human rights in township classrooms.
4. Logistical procedures were met, in particular ethical considerations for conducting research in the Free State Department of Education.
5. Strategic Planning, Policy and Research Directorate will make the necessary arrangements for the researchers to present the findings and recommendations to the relevant officials in the district.

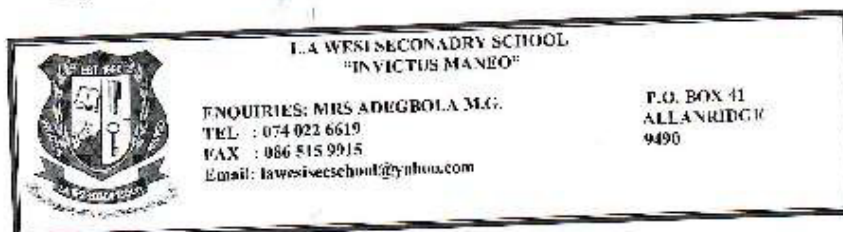
Yours sincerely


DR JEM SEROLANYANE
CHIEF FINANCIAL OFFICER

DATE: 26/07/2019

RESEARCH APPLICATION DE MOGOROSI NOTIFICATION 24 JULY 2019 LEJWELEPUTSWA DISTRICT
Strategic Planning, Research & Policy Directorate
Private Bag X20065, Bloemfontein, 9300 • Old CNA Building, Room 318, 3rd Floor, Charlotte Maxeke Street, Bloemfontein
Tel: (051) 404 5253 / 9221 Fax: (051) 6576 676

ADDENDUM H: PERMISSION GRANTED BY SCHOOL A (L.A. WESI SECONDARY SCHOOL)



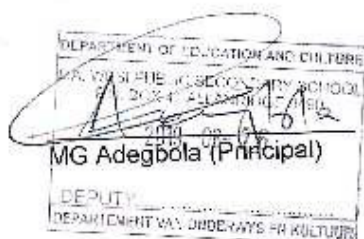
RE: POSSIBILITIES OF HUMAN RIGHTS FOR TRANSFORMATIVE TEACHER EDUCATION

Dear Mam

The principal of the above mentioned school wish to acknowledge the receipt for the request letter for conducting the research as per title outlined above, and also wish to inform you that the permission is granted to conduct the project.

Wishing you all the best during the process.

Thank you.



26/08/2019
Date:

**ADDENDUM I: PERMISSION GRANTED BY SCHOOL B (MOHOBO
PRIMARY SCHOOL)**



RE: POSSIBILITIES OF HUMAN RIGHTS
FOR TRANSFORMATIVE TEACHER
EDUCATION

Dear Mam

The Principal of the above mentioned school wish to acknowledge the receipt for the request letter for conducting the research as per title outlined above, and also wish to inform you that the permission is granted to conduct the project.

Wishing you all the best during the process.

Thank you

M. RASENTLOORE
Principal

Mohobo Primary
Principal: *[Signature]*
Date: 27/08/2019

ADDENDUM J: INVITATIONS SENT TO POSSIBLE PARTICIPANTS



Fakulteit Opvoedkunde / Faculty Education
Privaatsak / Private Bag X6001, Potchefstroom
Suid-Afrika / South Africa 2520
T: 018 299 4656
F: 086 661 8589
<http://www.nwu.ac.za>

Email: mims3367@gmail.com

Exploring teachers' roles in realising human rights in township classrooms

Recruitment and resource material

My Master's title	Exploring teachers' roles in realising human rights in township classrooms
My contact details	0732914204@mims3367@gmail.com
Project leader	Prof Elda de Waal
Ethics reference number	NWU-00551-19-S2

Umbrella project title	Possibilities of human rights for transformative teacher education
Umbrella project ethics reference number	NWU-HS_-2017-0086

This document outlines how the participants will be recruited and how the study will be advertised

Procedure-----	1
1. Identification of participants -----	2
Permission from relevant authority -----	3
2. Invitation of target group -----	4
3. Obtaining consent form -----	5
4. Data generation-----	6
5. Attachments:	
• Email invitation to be distributed to participants -----	7
• Text message to be distributed to participants-----	7
• Recruitment pamphlet/poster -----	7
7. List of references -----	

Step 1 – Identification of target population

The focus of the study will be based on exploring teachers' roles in realising human rights in township classrooms.

Many studies have been undertaken to show how human rights of learners should be respected, promoted and protected in the education system as such. In addition to this, research that was conducted that relates specifically to realising human rights at township schools focused on *certain aspects of human rights*, and not on human rights in general. For example, Nqela and Lewis (2012:88) quote De Wet who is of the opinion that township school violence is a multi-faceted and multi-theoretical occurrence, and that the abuse of learners and other acts of abuse, such as bullying and sexual harassment, must not be tolerated. It is, however, clear that the focus in these studies was not on *township classrooms* specifically, but rather on township schools in general across a broad spectrum of aspects. In this regard, Le Grange (2012) points out that a balance should be struck with respect to teachers' right to strike and learners' right to a basic education, which implies that even though teachers reserve the right to strike, consideration should always be given to the right of learners to be taught. In Msibi's research (2012), he is concerned about homophobia that is rife among the youth in townships, with his focus not being on township classrooms or human rights as such. My study that plans to explore aspects of addressing and advancing human rights in township classrooms and how the aspects should be protected by teachers could, therefore, fill a gap.

The following criteria were used to select the participants for the study:

Inclusion criteria	Justification
• Qualified registered teachers • Currently teach within the boundaries of the Lejweleputswa District in the Free State Province • Currently teach at a township school from quintile 1,2,3 • Have been teaching at the school for more than one year	• Before teachers can become employed, they must be registered with SACE • This school district is within close proximity to where I live and teach • Quintile 4 and 5 schools are mostly former model C schools that are situated in towns and cities • Teachers are appointed on probation for the first year

Exclusion criteria	Justification
- Teachers who are teaching in urban areas - Teachers who reside in Lejweleputswa District, but who teach in other districts	- The study is specifically about township schools - The researcher will be conducting school visits, not home visits, to conduct the teachers' interviews

The teachers in the Lejweleputswa district will be the participants in the research (whether their subject is linked to human rights or not). The population of this study refers to all the teachers in all the township schools in the Lejweleputswa district of the Free State Province where I teach. The total number of teachers in these schools are 4 516 (Free State Department of Education, 2017). For the purpose of the study, the researcher will focus on quintile 1, 2 or 3 schools: I will select one primary and one secondary school in close proximity to where I live. However, doing narrative interviews with all of these teachers will not be feasible. Therefore, the study will include a sample of 5 to 10 teachers irrespective of their subjects in the Lejweleputswa district of the Free State Province. A sample is a group of characters from whom data is composed (McMillan & Schumacher, 2010:192), and that small group is studied, among other things, in order to form a better understanding of the phenomenon. In general, qualitative research is based on non-probability and purposive sampling rather than randomly selecting the participants, and the reason for this is that the quality of information will be obtained from the participants (Nieuwenhuis, 2010:79).

For the purpose of this research, data will be gathered by means of narrative interviews from a sample of teachers who will be selected by means of a non-probability sampling strategy. To avoid ethical bias, I will not use my own school.

Step 2 – Permission from relevant authority

Permission from the relevant authority (DBE FS) will be sought before I can contact the school and the school governing body. The protocol as outlined below will be observed once ethical consent has been provided:

I will distribute permission letter to the principal of each school in which the purpose of my study will be outlined and, therefore, ask the school and the SGB to allow me to conduct research by means of a face-to-face narrative interview with the teacher of the respective school. The principals of each school are as follows:

Lejweleputswa District

- Allandridge region
 - L.A. Wesi Secondary School
- Odendaalsrus
- Mohobo Primary School

Step 3 – Invitation of target population to participate

I will rely on the principals of each school to distribute the invitation to possible participants by means of posters/pamphlets and on the relevant social media platforms, websites or other virtual spaces the organisation usually utilises. The researcher will also rely on the principals to mediate all recruitment in a manner that will allow participants to participate. Invitations and reminders will be communicated via the principals to possible participants who meet the selection criteria, which are as follows:

- Participants must be English literate

I will inform and ask each of the principals of each school to help with organising a once-off information session for possible participants regarding my study. This information session will be a freestanding event or a joined event (a session within another event).

I will supply mediators with the following documents to assist their recruitment of other possible participants:

- An e-mail invitation to forward to their members whose e-mail addresses they have (See attachment 1)
- A short text message mediators can distribute to members' cell phone numbers (See attachment 2)
- A recruitment pamphlet/poster they can put up if they have a physical space where participants regularly go to, or publish on their website or social media platforms (See attachment 3)
- An informed consent and participant information document, which will inform and assist participants in understanding what will be expected from them

Principals will be asked to distribute the invitation by means of the following:

If the school has a physical space (e.g. an office or room) which they use, I will ask them to put recruitment pamphlets/posters (see below) up where students may be able to see it.

Step 4 – Obtaining consent forms

Possible participants may receive a printed form when attending a meeting with a researcher.

If the participants want to participate, they can sign the consent form and put it in the sealed box which will be provided by the researcher. Consent forms will be obtained at the clerk's office in an open envelope. The following information will be provided to possible participants before they participate in the study (see participant information and consent form):

- I will inform them that participation is completely voluntary.
- I will also ensure that it is clearly conveyed to these possible participants that they may withdraw any time without consequences.
- I will state that there will be no form of remuneration or counselling.
- I will supply the participants with a risk-benefit analysis.
- I will explain the data generation, data analysis and data representation process that will be followed.

The following steps would be followed by the participants as discussed during the interview:

- The welcoming page of the interview which will inform participants that they cannot be interviewed without reading and understanding the participation information.
- Participants will have to declare that they have read and understand the participants' information letter. This question consists of page-logic function which will jump to the disqualification of participants who do not state that they have read and understood the participants' information form. (Select "I have not read" or "I have read but still have questions".)
- Question also consists of the page-logic function and will jump to the disqualification page if participants do not agree to participate (select No)
- Questions asked thus consist of the informed consent declaration and participants can only start the narrative interview thereafter.

Step 5 – Generating the data

Participants will partake in full face-to-face narrative structure interviews; participants will either be informed orally by me.

Attachment 1 – Email to Principals

Dear Me Rasentswere

My name is Dikeledi Emily Mogorosi. I am currently a M.Ed. student at the North-West University doing Education Law. My research study entails “Exploring the role teachers ‘play in realising human rights in township classrooms”. The purpose of my study is to explore the role teachers’ play in realising human rights in township classrooms. I would, therefore, like to recruit teachers at your school at a comfortable place.

Your participation will be highly appreciated in informing and recruiting members of your organisation to participate in my study. It would be a great pleasure if you can advertise my study in the following ways:

- If your organisation has a physical space (e.g. an office or room) which you use, please make sure the recruitment pamphlets/poster (below) be put up where teachers can be able to see it.
- If your organisation has a virtual space (e.g. social media site, chat group, website) which you use, please publish the recruitment pamphlets/poster on such platform.
- If your organisation makes use of lists of members’ cell phone numbers to send text messages, please send the short text message to your members’ cell phones.
- If your organisation makes use of e-mail to contact your members, please email the email invitation and/or recruitment poster, which introduces my study to all members of your organisation and ask them if they are interested in participating in the study.

The following documents are attached to assist you with the recruitment process, namely:

- An e-mail invitation
- A short text message
- Recruitment poster/pamphlets

All possible answers for questions that may be asked and information about my study will be revealed during induction process. For more information regarding my study, feel free to contact me and my contact information is as follows:

Mims3367@gmail.com/0732914204

I am looking forward to your favourable reply.

Yours in fraternity. D.E Mogorosi

Attachment 2 – Text message to be distributed by principals

Dear member, I am D.E. Mogorosi, an Education Law (M Ed) student who is busy with the study titled “exploring the role teachers play in realising human rights in township classrooms”. The purpose is to explore the role teachers play in realising human rights in township classrooms.

You can participate in the written narratives. For more information and to participate, contact me on mims3367@gmail.com/0732914204.

Thank you in advance. Kind regards D.E. Mogorosi



RECRUITMENT PAMPHLETS/POSTER

NARRATE YOUR LIVED EXPERIENCES!

REQUEST TO PARTICIPATE IN A REASERCH STUDY

TITLE OF STUDY !! TITLE OF STUDY!! TITLE OF STUDY!!!
EXPLORING THE ROLE TEACHERS PLAY IN REALISING HUMAN
RIGHTS IN TOWNSHIP CLASSROOMS

PURPOSE OF STUDY!! PURPOSE OF STUDY!!

To recount township teachers' stories about their roles in realising human rights in their
classrooms



WHO IS INVITED?

ALL FULL-TIME TEACHERS



HOW DO I PARTICIPATE?

NARRATIVE INTERVIEW

(ANONYMOUS)

PLEASE FEEL FREE TO CONTACT: 018 299 1777 (NWU)
073 291 4204 (RESEARCHER)

YOUR OPPORTUNITY TO PARTICIPATE WILL **END** ON 27 AUGUST 2018!!!

Please feel free to contact me mims3367@gmail.com/0732914202

ADDENDUM K: PARTICIPANT INFORMATION AND CONSENT FORM



Fakulteit Opvoedkunde / Faculty Education

Privaatsak / Private Bag X6001, Potchefstroom

Suid-Afrika / South Africa 2520

T: 018 299 4656

F: 086 661 8589

<http://www.nwu.ac.za>

Date 22 June 2019

- **Participant information and consent form**

I herewith wish to request your consent to participate in this research, which involves teachers from primary and secondary schools. Before you give consent, please acquaint yourself with the information below.

The details of the research are as follows:

My name and surname	Dikeledi Emily Mogorosi
My master's title	<i>Exploring teachers' roles in realising human rights in township classrooms</i>
My contact details	057 357 3884 (landline) <u>073 291 4204 (cellular)</u> mims3367@gmail.com
Project leader	Dr Annamagriet de Wet
Umbrella project title	Possibilities of human rights for transformative teacher education
Umbrella project ethics reference number	NWU-HS_-2017-0086

TITLE OF THE RESEARCH PROJECT:

Exploring teachers' roles in realising human rights in township classrooms

PROJECT SUPERVISOR:

Professor Elda de Waal

CO-SUPERVISOR:

Dr Annamagriet de Wet

ADDRESS:

Edu-HRight Research Unit

Faculty of Education

Building C6

Office 252

CONTACT NUMBER: 018 299 4596

MEMBER OF PROJECT TEAM

M.Ed. Student: 25833014

ADDRESS: 17 Winton Road

Riebeckstad

Welkom 9459

CONTACT NUMBER: 073 991 4204

FACULTY OF EDUCATION RESEARCH ETHICS COMMITTEE

Contact person: Ms Erna Greyling, E-mail: Erna.Greyling@nwu.ac.za, Tel. (018) 299 4656

This study has been approved by the Ethics Committee of the Faculty of Education Sciences at the North-West University and will be conducted according to the ethical guidelines of this committee. Permission was also asked from the Free State Department of Education as well as the school principals. Goodwill permission was requested from the School Governing Bodies.

Purpose of the research

The overall aim of the study is to explore to what extent teachers contribute to the realisation of human rights in township classrooms. Specific objectives to support the overall aim include the following:

- To determine theoretical elements that support the role that teachers must play in realising human rights in township classrooms
- To suggest a basic legal framework that informs the role that teachers must play in realising human rights in township classrooms
- To recount township teachers' stories about their roles in realising human rights in their classrooms
- To report the barriers township teachers' experience in playing their roles towards realising human rights in classrooms
- To develop and suggest guidelines to support teachers in playing their role towards realising human rights in township classrooms

Research site and participants

Participants in my study will be teachers in the Lejweleputswa District (whether their subject is linked with human rights or not). The study will include participants from all subject fields in order to get as much information as possible. The written narratives will need a sample of 5 to 10 teachers who teach across the learning fields at each selected school. The chosen schools are as follows:

- Allanridge town
- L. Wesi secondary school
- Odendaalsrus town
- Mohobo primary school

The participants will be selected based on the following requirements:

- Participants must teach at a township school from quintile 1, 2 or 3
- Participants must be teaching at the school for more than one year
- Participants must be qualified and registered to teach and also within the boundaries of the Lejweleputswa District, within the Free State Province

Participation information and consent form

Each participant will receive a participant information and a consent form to go through in order to acquaint themselves with what is expected. The form will include the following information:

- Possible risk and harm

- Data-collection procedure and expectations regarding participation
- The reasons why the research is conducted
- Contact details of me as the researcher
- Their right to withdraw at any time despite their consent and voluntary participation, and without any consequences

Once you have read and understand the contents of the form, you may decide whether you still want to continue participating or not, and I will visit your school in order for you to complete the declaration of participation and agreement of voluntary and informed participation.

What is expected of you as participant?

For the purpose of this study, I will invite you to write a narrative (a story) of your experiences of managing human rights within your township classrooms. You will be able to tell your stories and share your experiences in any order. You may complete the written narrative in the privacy of your own home where you will be comfortable, at ease and undisturbed. The findings from my research will be used to write my dissertation. Strict rules will be followed and the principles of promoting human rights will be respected throughout the study.

Benefits to you as participant

As the researcher, I hope to gain interesting and a deep insight into how you, the teachers, are faring at schools to protect, respect and promote human rights. My findings/feedback could enable me to develop guidelines that will assist teachers at township schools to promote human rights.

Risks involved for participants

You should not experience any risks. However, as the researcher, I will take the following steps to manage unforeseen risks:

- I have received ethical clearance to conduct my study from the Education Research Committee, NWU.
- Your identity will be protected as carefully as possible: For example, you must not write down your name or any personal information anywhere on the written narrative.
- You will have my contact number in case you have something you want to complain or ask about.
- You will not be coerced to participate, and you may withdraw from the study at any time without being penalised.

Confidentiality and protection of identity

Protecting confidentiality of the participants will be highly considered by me. The following procedure will be followed to ensure protecting your identity:

- You will decide on your own whether you would like to sign the agreement regarding consent towards participation that will protect both you and me.

Dissemination of findings

All the findings of my research will be used solely for this study. The results, therefore, of the study will be forwarded using the following methods:

- The Free State Department of Education will receive a copy of the final dissertation
- Conference papers
- Emails to the participating schools

A short executive summary of findings and recommendations can be directly obtained from me at mims3367@gmail.com.

If you have any further questions or enquiries regarding your participation in this research, please contact me for more information.

My own contact details: 073 291 4202

Your positive response will be highly appreciated.

Yours in fraternity

Emily Mogorosi

CONSENT FORM

DECLARATION BY PARTICIPANT:

By signing below, I agree to take part in the research study entitled:
Exploring teachers' roles in realising human rights in township classrooms

I declare the following:

- I have read this information and consent form and understand what is expected of me in the research.
- I have had a chance to ask questions to the researcher and all my questions have been answered adequately.
- I understand that taking part in this study is voluntary and I have not been pressured to take part.
- I may choose to leave the study at any time and will not be penalised or prejudiced in any way.
- I may be asked to leave the research process before it has finished if the researcher feels it is in my best interest, or if I do not follow the research procedures as agreed to.

Signed at (place)_____ on (date)_____/_____/20____

Signature of participant

Signature of witness

ADDENDUM L: BIOGRAPHICAL INFORMATION OF RESEARCH PARTICIPANTS AT SCHOOL A AND SCHOOL B

Partici pants	Home language	Qualifications	Experience	Location where participants live	Religion	Culture	Whether or not participants prefer to work at a township school, and why.
School A							
P1	isiXhosa/ Sesotho/ English	National Diploma in Marketing	26 years	Eastern Cape	Christian	Practise tradition	Yes, live in township
P2	English/Sesotho	B.Ed. Hons.	26 years	Welkom	Christian	No specific culture	It was not matter of preference/ only needed to be employed
P3	Sesotho/English	B.Ed. foundation phase	8 years	-	-	Practise tradition	Yes/ lack of teachers in township schools
P4	Sesotho/Setswana/ Afrikaans	BA/B.Ed./B.Ed. Hons/Ace Maths, CATS	27 years	Welkom	Christian	Traditional Sesotho culture	Yes/ it's more accessible/ I take part in local community's development
P5	isiXhosa/ isiZulu/English	BA/Higher Diploma in Education	15 years	Kutloanong	Christian	Practise Xhosa culture	Yes/ reduces transport costs
P6	Sesotho/ Setswana/ English	SPTD/ ACE	19 years	Kutloanong	Christian	-	No/ behaviour of learners

Partici pants	Home language	Qualifications	Experience Location where participants live		Religion	Culture	Whether or not participants prefer to work at a township school, and why.
P7	Sesotho/ English	Level 5/ABET/B.Ed. Hons (ABET)	16 years	Kutloanong	Christian	Values and beliefs	Yes/ working near my family
P8	Sesotho/English / Afrikaans	SPTP/GR B.Ed. foundation phase/ABET	18 years	Odendaalsrus	Christian	Does not practise any culture	No
P9	Sesotho/English	B.Ed. Hons	30 years	Welkom	Christian	-	No
P10	Sesotho/English	PGCE	1 year	Kutloanong	Christian	Practise Zulu culture	Yes/ close proximity
P11	isiZulu	PTC/NPDE/ACE	35 years	-	Christian	-	Yes/ guiding township learners for best results
P12	Sesotho	BA/HDE	11 years	Odendaalsrus	Christian	Sesotho speaking	Yes/ I am black and want to help black people
P13	Sesotho/English	B.Ed.	22 years	Township	Christian	Christian-based	Yes/ I like black people's culture
P14	isiXhosa/ Sesotho	B.Ed. EMS	5 years	Kutloanong	Christian	-	Yes/ I grew up in township
P15	Sesotho	Diploma	4 years	Kutloanong	Christian	Sesotho culture	I do not have a problem with teaching either at township or suburb school
P16	Sesotho/ English/isiXhosa	Diploma in ECD	19 years	-	-	-	-

Participants	Home language	Qualifications	Experience Location where participants live		Religion	Culture	Whether or not participants prefer to work at a township school, and why.
P17	Sesotho/isiXhosa/English	PGCE/B.Tech. Marketing	3 years	Odendaalsrus	Christian	Simple life	Yes/ most learners come from disadvantaged family, so I motivate them
P18	Sesotho/English/Afrikaans	SPTD/ACE	5 years	Kutloanong	Christian	Sesotho culture	Yes/ better resourced than farm schools
P19	Sesotho/English	PTD/ACE	27 years	Riebeekstad Welkom	Christian	Sesotho culture	Yes/ contribute to creating love
P20	Setswana/Sesotho/English	Diploma Marketing/PGCE	1 year	Kutloanong	Christian	Setswana culture	Yes/ near where I live