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**AN ANALYSIS OF LEARNERS' KNOWLEDGE AND
UNDERSTANDING OF HUMAN RIGHTS
IN SOUTH AFRICA**

by

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Department of Education Management and Policy Studies

Faculty of Education

University of Pretoria

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September 2008



DECLARATION

I declare that this thesis which I hereby submit for the degree

PHILOSOPHIAE DOCTOR

In

EDUCATION MANAGEMENT

at the University of Pretoria, is my own work
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Signed on the _____ day of _____ 2008,

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I, the undersigned, declare that the thesis **Analysis of Learners' knowledge and understanding of human rights in South Africa** was edited by me.

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April 2008



DEDICATION

I dedicate this thesis to:

- My caring husband, David Ailwei Netshihame, for his never-ending support, encouragement and understanding during my years of study, and our beloved children Nṭuwiseni, Mbavhalelo, Maṭodzi, Takalani and Andani;
- My mother Tshinakaho, my late father Makonḡele Musekene, my brother Nndanganeni; and
- South African learners - may your right to education always be treasured and pave the way for you towards the enjoyment of all other human rights!



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TABLE OF CONTENTS

Declaration	ii
Ethics statement	iii
Certificate of editing	iv
Dedication	v
Acknowledgements	vi
Table of contents	vii
List of chapters	viii
List of tables	xv
List of figures	xvi
List of addenda	xvii
Abbreviations and acronyms	xvii
Abstract	xiv
Key words	xxi
References	269



LIST OF CHAPTERS

CHAPTER 1

ORIENTATION AND BACKGROUND

1.1	Introduction	1
1.2	Background	1-8
1.3	Rationale	8
1.4	Problem statement.....	10
1.5	Aim of the study	11
1.6	Conceptual framework	12
1.6.1	Social contract theory.....	12
1.6.2	Kohlberg's theory of moral ethical development.....	15
1.7	Delimitation or scope of the study.....	16
1.8	Research design.....	16
1.8.1	Knowledge claim	16
1.8.2	Approach.....	17
1.8.3	Inquiry strategy	18
1.9.	Research methodology	18
1.9.1	Sampling.....	18
1.9.2	Data collection technique.....	18
1.9.3	Data analysis procedures.....	19
1.10	Significance of the study	20
1.11	Limitation of the study	21
1.12	Division of chapters.....	21
1.13	Summary.....	22



CHAPTER 2

THE RIGHT TO EDUCATION AND OTHER HUMAN RIGHTS OF LEARNERS

2.1	Introduction	23
2.2	Who is a learner?	25
2.2.1.	Public law status of a learner	25
2.2.2.	Is a learner the bearer of the right to education?	25
2.2.3	Relationship between the educator and the learner	26
2.2.4	Position of a school as a legal organ	26
2.3	What are human rights?	27
2.4	The right to education	28
2.4.1	Historical development of the right to education	28
2.4.2	The international law foundation of the learners' right to education	31
2.4.2.1	The Declaration of Geneva of 1924	32
2.4.2.2	The Universal Declaration of Human Rights (1948) (UDHR)	32
2.4.2.3	The UN Declaration on the Rights of the Child of (1959) (UNDRC)	32
2.4.2.4	The Conversion against discrimination in Education (1960) (CDE)	33
2.4.2.5	International Covenant on Economic Social and Cultural Rights of (1966) (ICESCR)	33
2.4.2.6	Conversion on the Right on a Child of (1989) (CRC)	33
2.4.2.7	Regional human rights instruments	34
2.4.3	The state obligation with regard to the right to education	34
2.5	Principles regarding the right to education	35
2.5.1	The principle of free and compulsory education	35
2.5.2	The principle of non discrimination in education	39
2.5.2.1	Court cases with regard to the principle of non discrimination in education	42
2.5.2.2	Extraordinary realities with regard to the principle of non-discrimination in education	42
2.5.3	The principle of the best interest of the learner in relation to the right to education	43
2.6	The core contents of the right to education	44
2.6.1	The right to secondary education	44
2.6.2	School attendance	44
2.6.3	Humane school discipline	46
2.6.3.1	Court cases with regard to humane school discipline	47
2.6.3.2	Some views in favour of or against physical punishment	49
2.6.3.3	Ensuring legally defensible school discipline	49
2.6.4	Aims and purposes of education	50
2.6.5	Guarantees of parental freedom of choice with regard to the right to education	52
2.7	The recognition of learners' right to education in South Africa	54
2.7.1	The constitutional background of human rights and the learners' right to education	56
2.7.2	Public law foundation of learners' right to education	57
2.7.3	The right to basic education	58



2.7.4	Equal access and non-discrimination in education.....	59
2.7.5.	Right of admission to a public school.....	59
2.7.6	Language rights	60
2.7.7	Religious rights.....	62
2.7.8	Parental freedom and responsibilities with regard to the education of their children ...	63
2.7.9	South African perspectives on human school discipline.....	64
2.7.10	Learners' duties and responsibilities under their right to education.....	65
2.7.10.1	The responsibility to attend school.....	66
2.7.10.2	The responsibility to learn	66
2.7.10.3	The responsibility to abide by the school regulations	67
2.8	Other human rights that have direct or indirect relevance to education	69
2.8.1	The right to freedom and security of a person	69
2.8.2	The right to privacy.....	70
2.8.3	The right to freedom of expression	71
2.8.4	The right to freedom of association.....	71
2.8.5	The right to a safe and secure school environment.....	72
2.8.6	The right to just administrative action	74
2.8.6.1	Suspension from school.....	74
2.8.6.2	Expulsion from school	76
2.9	The realisation of the right to education.....	77
2.10	Limitation of human rights	79
2.10.1	Limitation of human rights in the USA.....	79
2.10.2	Limitation of human rights in the RSA.....	80
2.10.2.1	Limitation through the application of the limitation clause	81
2.10.2.2	Limitation through the application of an inherent limitation.....	84
2.10.2.3	Limitation during a state of emergency	85
2.11	Conclusion	86

CHAPTER 3

THE DEVELOPMENT OF LEARNERS' UNDERSTANDING OF HUMAN RIGHTS

3.1	Introduction	87
3.2	Scholarship on learners' perceptions of (human) rights	88
3.2.1	International scholarship on learners' perceptions of human rights	88
3.2.1.1	Learners' perceptions of their legal rights	88
3.2.1.2	Learners' perceptions of human rights.....	90
3.2.2	Parents and educators' attitudes towards learners' rights	97
3.2.3	South African scholarship concerning learners' perceptions of (human) rights.....	99
3.3	International scholarship on the development of understanding of human rights	100



3.4	Aspects that play a role in the development of learners' understanding of human rights	102
3.4.1	The home or family influences	103
3.4.2	The school influences	107
3.4.3	Prior experiences or exposure to human rights	108
3.4.4	Learner's personal aspects	109
3.4.4.1	Age	109
3.4.4.2	Gender	110
2.4.4.3	Sexual orientation	111
3.4.5	Cultural influences	111
3.4.6	Political influences	113
3.4.7	Socio- economic status	113
3.5	Kohlberg's theory of moral-ethical development	114
3.5.1	Background to Kohlberg's theory of moral-ethical development	114
3.5.2	A detailed discussion of Kohlberg's levels and stages of moral development	116
3.5.2.1	First level: Pre-conventional (rule-obeying) level	119
3.5.2.2	Second level: Conventional (rule-maintaining) level	121
3.5.2.3	Third level: Post-conventional (autonomous or principle) level	123
3.6	Scholarly criticisms or views concerning Kohlberg's theory of moral-ethical development	126
3.7	Conclusion	127

CHAPTER 4

RESEARCH DESIGN AND METHODOLOGY

4.1	Introduction	128
4.2	Knowledge claim	128
4.3	Research philosophy	131
4.4	Working premises	133
4.5	Research strategy	134
4.6	Data collection	134
4.6.1	Data collection plan	137
4.6.1.1	Questionnaires	137
4.6.1.2	Focus group discussions	138
4.6.1.3	In depth face-to-face interviews	141
4.7	Sampling techniques	143
4.8	Approval for the research	145
4.9	Data collection instruments	145
4.9.1	Questionnaire	145



4.9.2	Focus group discussion schedule	145
4.9.3	The in-depth interview schedule	147
4.10	Ethical considerations	147
4.11	Methodological limitations	147
4.12	Data analysis	149
4.13	Summary of the research design	152
4.14	Pointers	154
4.14.1	Notation	154
4.14.2	Referencing	154
4.14.3	The concept to 'absolutise'	154
4.15	Conclusion.....	155

CHAPTER 5

PRESENTATION AND INTERPRETATION OF THE DATA

Research premises one and two

5.1	Introduction	156
5.2	Premise 1: Some learners have limited knowledge of their right to education	157
5.2.1	Learners' responsibilities under their right to education	159
5.2.1.1	Learners have the responsibility to learn	160
5.2.1.2	Learners have the responsibility to attend school.....	160
5.2.1.3	Learners have the responsibility to follow school regulations.....	161
5.2.2	Opportunities learners perceive can be created through the right to education.....	163
5.2.2.1	Economic opportunities (aspirations).....	163
5.2.2.2	Social opportunities (aspirations).....	165
5.2.2.3	Cultural opportunities (aspirations)	166
5.2.3	Confusing human rights	167
5.2.3.1	Quality education	169
5.2.3.2	The right to human dignity.....	171
5.2.3.3	The right to a safe school environment.....	172
5.2.3.4	The right to equality.....	173
5.2.3.5	The right to safety and protection	173
5.2.3.6	The right to freedom of religion	176
5.2.3.7	The right to access to resources	177
5.2.3.8	The right to access to information.....	177
5.2.3.9	The right to freedom of choice	179
5.2.3.10	The right to privacy.....	179
5.2.3.11	The right to freedom to make decisions.....	180
5.2.4	Learners' perceptions of the beneficiaries to the right to education	181
5.2.5	Conclusions with regard to my first premise:	182
5.3	Premise 2: Some learners do not know how to exercise their rights to education	184



5.3.1	Limitation of the right to education	185
5.3.1.1	Limitation in terms of the code of conduct	186
5.3.1.2	Limitation in order to protect the school image	187
5.3.1.3	Limitation ascribed to the educational level of the parents	188
5.3.1.4	Limitation in order to protect the rights of other learners	188
5.3.1.5	Limitation by the authority in order to control	189
5.3.1.6	Limitation ascribed to a lack of responsibility	189
5.3.1.7	Socio-economic status	190
5.3.2	Absolutising the right to education	191
5.3.2.1	Inherent possession	192
5.3.2.2	Privacy and confidentiality of information	193
5.3.2.3	Expressing of ideas	194
5.3.2.4	Language of instruction	195
5.3.2.5	Subject choices	195
5.3.2.6	Religion	196
5.4	Conclusion	197

CHAPTER 6

PRESENTATION AND INTERPRETATION OF THE DATA

Research premise three

6.1	Introduction	198
6.2	Premise three; Learners employ various levels of understanding when dealing with dilemmas where the exercise of their right to education is in conflict with the school authorities	199
6.2.1	Human rights understanding and reasoning at the pre-conventional level	203
6.2.1.1	Punishment avoidance	203
6.2.1.2	Unconditional obedience to authority	206
6.2.1.3	Instrumental/relevance concordances	208
6.2.2	Human rights understanding and reasoning at the conventional level	211
6.2.2.1	Good boy/girl or conformity orientation	211
6.2.2.2	Interpersonal relationships or fairness	215
6.2.2.3	Law and order or social system maintenance	215
6.2.2.4	Control of conduct	218
6.2.2.5	Protection of the school's image	220
6.2.3	Human rights understanding and reasoning at the post-conventional level	222
6.2.3.1	Protection of individual human rights	224
6.2.3.2	Moral norms and values	233
6.3	Conclusion	233



CHAPTER SEVEN

CONCLUSIONS: OVERVIEW, FINDINGS, IMPLICATIONS, AND RECOMMENDATIONS OF MY
ADVENTURE TOWARDS UNDERSTANDING

71	Introduction	239
7.2	Overview of my journey towards understanding	241
7.3	Trustworthiness	247
7.4	Main findings	249
7.4.1	Knowledge and understanding of the right to education.....	249
7.4.1.1	Learners have limited knowledge of their right to education.....	249
7.4.1.2	Learners confuse their right to education with other human rights	250
7.4.1.3	Not knowing the beneficiaries of the right to education	250
7.4.2	Learners do not know how to exercise their right to education.....	250
7.4.2.1	Learners absolutise their right to education	251
7.4.2.2	Learners do not understand how the right to education is limited	252
7.4.3	Levels of human rights understanding	252
7.4.3.1	Pre-conventional level (LEVEL 1)	252
7.4.3.2	Conventional level (LEVEL 11)	253
7.4.3.3	Post-conventional level (LEVEL 111)	253
7.5	Implications of the findings.....	254
7.5.1	Limited knowledge of their right to education.....	254
7.5.2	Exercising the right to education	255
7.5.2.1	Absolutising the right to education rights	255
7.5.2.2	Not understanding the limitation of right to education.....	256
7.5.3	Levels of human rights reasoning and understanding	257
7.5.3.1	Human rights understanding at the pre-conventional level (LEVEL 1).....	257
7.5.3.2	Human rights understanding at the conventional level (LEVEL 11)	257
7.5.3.3	Human rights understanding at the post-conventional level (LEVEL 111)	258
7.5.4	Learners' theoretical understanding of human fights.....	259
7.6	Significance of the study	260
7.7	Limitations of the study	261
7.8	Recommendations	263
7.8.1	Theoretical Recommendations	263
7.8.2	Practical Recommendations	264
7.8.3	Recommendations for further research	266
7.9	Epilogue	267
	REFERENCES	269



LIST OF TABLES

Table 1.1:	Attainment profiles in percentages of different racial groups from 1890-1980.....	6
Table 2.1:	Key treaty provisions on free and compulsory education.....	37
Table 2.2:	The legally mandated length of compulsory education, by country.....	37
Table 2.3:	Key treaty provisions on non-discrimination in education	40
Table 2.4:	Human rights instruments provisions on the aims and purposes of education	50
Table 2.5:	Guarantees of parental freedom of choice	53
Table 2.6:	Comparisons between autocratic and democratic views of education.....	51
Table 2.7:	The Education clause in the South African Constitution of 1996	57
Table 2.8:	Home language groups and approximate number per group in South Africa	60
Table 2.9:	Different religions and approximate percentages per religious group in South Africa	62
Table 2.10:	Percentages of incidents of corporal punishment in schools practising or not practising corporal punishment according to learners, educators and principals ...	64
Table 2.11:	The content of the limitation clause	81
Table 3.1:	Rights related to civil liberties contained in the Convention on the Right of the Child (CRC) (1989)	91
Table 3.2:	Nurturance and self-determination rights	94
Table 3.3:	Performance of 14-18 year old learners by parents' level of education for the year 2001	105
Table 3.4:	Classification of moral judgment into levels and stages of development	118
Table 4.1:	Demographic profile of the participating learners	144
Table 4.2:	Content of vignettes used in section B	146
Table 4.3:	Summary of premises, assumptions, methods and analysis used in this research	153
Table 5.1:	Other human rights learners perceive in terms of their right to education	168
Table 6.1:	Description of the right to education issues and other relevant rights contained in each vignette.....	199
Table 6.2:	Assertion and non-assertion of rights issues contained in each vignette	200
Table 6.3:	Depiction of levels and stages of human rights understanding and reasoning	202



LIST OF FIGURES

Figure 1.1:	Visual representation of theoretical framework depicting the moral ethical development of a learner in relation to his levels of human rights understandings within international human rights instruments and the Constitution of South Africa	14
Figure 2.1:	The right to education in relation to other human rights	68
Figure 2.2:	Example of classrooms at a rural public school (rear side).....	72
Figure 2.3:	Example of pit toilets at a rural public school in Limpopo Province	73
Figure 3.1:	Aspects that influence learners' understanding of human rights.....	104
Figure 4.1:	Qualitative data collection and analysis plan.....	138
Figure 4.2:	The process of narrowing the sample size per data-collecting stage.....	144
Figure 4.3:	Diagram of the process of coding, categorising and clustering until the patterns emerge	151
Figure 5.1:	Portrayal of categories, families and patterns that emerged from the data interpretations	158
Figure 5.2:	Portrayal of responsibilities learners perceive they have under their right to education	159
Figure 5.3:	Opportunities learners perceive could be gained through the right to education. ...	163
Figure 5.4:	Portrayal of the pattern of limitation as perceived by the learners	185
Figure 5.5:	Portrayal of the pattern of absolutising of the right to education as perceived by learners	192
Figure 6.1:	Depiction of the categories, families and patterns as evolved form the interpreted data	201
Figure 6.2:	Depiction of the category: Good-boy/conformity orientation	211
Figure 6.3:	Depiction of the category: Interpersonal relationships/fairness.....	213
Figure 6.4:	Depiction of the category: Law and order or social system maintenance	215
Figure 6.5:	Portrayal of category: Control of conduct	219
Figure 6.6:	Depiction of category: Protection of the school's image	221
Figure 6.7:	Portrayal of the family: Post-conventional level. Protection of individual human rights	223
Figure 6.8:	Depiction of the category: Moral norms and values	234
Figure 7.1:	Depiction of the codes, categories, families and patterns which evolved from data analysed for premises 1 and 2	245
Figure 7.2:	Depiction of the codes, categories, families and patters as evolved from data analysed for premise 3	246



LIST OF ADDENDA

ADDENDUM: A	Focus group discussions transcripts
ADDENDUM: B	Interview transcripts
ADDENDUM: C	Summary of codes from focus group
ADDENDUM: D	Summary of codes from interviews
ADDENDUM: E	Request letter to the district
ADDENDUM: F	Letter of Approval from the district
ADDENDUM: G	Request letter to the circuit manager
ADDENDUM: H	Letter of Approval from the circuit manager.
ADDENDUM: I	Request letter to the SGB
ADDENDUM: J	Letter of approval letter from the SGB
ADDENDUM: K	Request letter to the principal of the school
ADDENDUM: L	Letter of Approval from the principal of the school
ADDENDUM: M	Request letter to the parents
ADDENDUM: N	Consent form the parents
ADDENDUM: O	Questionnaire for collecting demographic data
ADDENDUM: P	Focus group and face-to-face interview schedule (Section A)
ADDENDUM: Q	First draft of conflict laden vignettes (Section B of the interview schedule)
ADDENDUM: R	Final draft of conflict laden vignettes
ADDENDUM: S	Focus group and face-to-face Interview protocol
ADDENDUM: T	Codes, categories, patterns and families, research questions 1 and 2
ADDENDUM: U	Codes, categories, patterns and families, research question 3
ADDENDUM: V	Summary of quotations from vignettes



ABBREVIATIONS AND ACRONYMS

ACHPR	African Charter on Human and People's Rights adopted in 1981
ACHR	American Convention of Human Rights of 1969
ACRWC	African Charter on the Rights and Welfare of the Child (1990)
ADI	American Declaration of Independence (1776)
CRC	Convention on the Rights of the Child (1989)
CDE	Convention against Discrimination in Education (1960)
CEDW	Convention on the Elimination of all forms of Discrimination against Women (1979)
CCA	Child Care Act (Act 74 of 1983)
CCAA	Child Care Amendment Act (Act 96 of 1996)
DoE	Department of Education
EBR	English Bill of Rights of 1689
ECRC	European Convention on the Rights of the Child
ECHR	European Commission on Human Rights
ECLAC	United Nations Economic Commission for Latin America and the Caribbean
EFA	UNESCO World Conference on Education For All (1990:1)
DVA	Domestic Violence Act 1998 (Act No. 116 of 1998)
FDRM	French Declaration of the Rights of Man of 1789
ICERD	International Convention on the Elimination of all forms of Racial Discrimination (1965)
ICESCR	International Covenant on Economic, Social and Cultural Rights (1966)
NEPA	South African National Education Act (1996)
PFVA	Prevention of Family Violence Act (Act 133 of 1993)
SASA	South African Schools Act (1996)
SAHRC	South African Human Rights Commission
SAPSD	South African Police Service and the Department of Education
SGB	School Governing Body
UDHR	Universal Declaration of Human Rights (1948)
UNDEIDRB	UN Declaration on the Elimination of all forms of Intolerance and of Discrimination based on Religious Beliefs (1981)
UNDRC	UN Declaration on the Rights of the Child (1959)
UNESCO	United Nations Educational, Scientific and Cultural Organisation
VDR	Virginia Declaration of Rights (1776)



ABSTRACT

The concept 'human rights' has become a buzz word to which different people attach different meanings. There are persistent media reports of human rights abuses, especially the right to education. There are seldom reports on human rights observances and responsibilities aligned with the exercise of each right in schools. South Africa joined the democracy of the world when she stepped out of the apartheid regime and adopted a new constitution underpinned by the democratic values of human dignity, equality and freedom. Prior to 1994, human rights were not guaranteed to everyone. With the dawn of the new democracy, learners were confronted with a panoply of human rights, which they must access, and exercise. The right to education is one of these human rights. The right to education has now been awarded the status of a core human right, without which the possibility of the enjoyment and access to other human rights becomes tapered. The realities revealed by the literature are that more learners enrol in primary schools in large numbers, only to drop out later without acquiring functional literacy levels. Most of those who succeed in reaching secondary school level drop out too, with the consequence that very few learners are able to continue to tertiary level. Even though there is a host of scholarship on the topic of learners' rights in general, the voices of learners with regard to their right to education are relatively silent.

Given the above background, this case study seeks to explore, understand and analyse secondary school learners' knowledge and understanding of human rights, in particular their right to education. The investigation of this topic was twofold. Firstly, I explored learners' knowledge of the scope of their right to education and secondly, from their responses, I determined their level of understanding. This study was conducted within the interpretive research paradigm.

It is of fundamental importance to investigate learners' understanding of their right to education and the levels of rights reasoning at which they operate, since learners are the real beneficiaries of the right to education and the sustenance of the democracy depends on them. In short, research on learners' understanding of their right to education is critical to the development of curriculum, structures and procedures that will permit learners to exercise the rights due to them and to ensure that the purpose underlying each particular right is fulfilled.

I purposively sampled one rural public secondary school in the Soutpansberg East circuit, Vhembe district in the Limpopo Province. During inductive data analysis, four patterns



emerged from within the data: (a) the absolutising of the right to education by some of the learners; (b) not understanding how the right to education is limited within the context of the school; (c) assertion of the right to education and (d) non-assertion of the right to education based on three levels of human rights reasoning.

The main findings revealed firstly that although some of learners are *au fait* with the fact that their right to education, like all other human rights, involves responsibilities and that through the right to education various opportunities may be accessed, they still have limited knowledge regarding their right to education. Secondly, some learners are less conversant with regard to the exercising of their right to education. In addition, although learners exhibited three levels of human rights reasoning, their responses showed mostly levels I and II, and little level III of human rights understanding and reasoning. Lastly there were some isolated cases where learners' responses revealed their uncertainty as to whether or not they in reality have the right to education.

These findings can be ascribed to (a) the authoritarian school system where “you do it our way” (conformity) is emphasised; (b) lack of prior exposure to human rights experiences; (c) grinding poverty; and (d) cultural background.

Theoretical and practical recommendations, as well as suggestions for future research were identified.

KEY WORDS

Human rights	Understanding
The right to education	Pre-conventional level
Core right	Conventional level
Absolutising	Post-conventional level
Limitation	Moral development



“and a woman who held a babe against her bosom
said, speak to us of children.

And he said:

Your children are not your children.

They are the sons and daughters of Life’s longing for itself.

They come through you, but not from you.

And though they are with you yet they belong not to you.

You may give them your love but not your thoughts,

For they have their own thoughts.

You may house their bodies but not their souls’

For their thoughts dwell in the house of to-morrow,

which you cannot visit’ even in your dreams.

You may strive to be like them, but seek not

to make them like you.

For live goes not backward nor tarries with

Yesterday

You are bows from which your children as

Living arrows are sent forth”

Peens, B.J. (1998).