

## **Chapter Seven**

### **Human Rights (in) Education**

In Chapter 6, I have shown how human rights were violated under apartheid education. Although 1<sup>st</sup> generation rights of access to education was provided under apartheid education, these were perverted due to the inequalities and inequities of the apartheid educational order, and the rest of apartheid society. In addition, 2<sup>nd</sup> generation rights seem to have been lacking in respect to 'race', gender and sexual orientation, where evidence suggests that "black" people, women, and gays and lesbians, were subject to forms of discrimination, including marginalisation and invisibilisation. In this chapter, my focus is on the ways in which human rights are framed in South African education currently.

Given the transition to democracy and adoption of equality on the basis of human rights, as indicated in the Constitution, and discussed in Chapter 5, it follows that the post-apartheid educational system ought to also provide for human rights. In this Chapter, I explore how human rights are framed in the current South African education and training system by looking particularly at the National Education Policy Act of 1996, the South African Schools Act of 1996 and Curriculum 2005, which was the curriculum put into place for the compulsory basic education phase in 1997.

The National Education Policy Act of 1996, the South African Schools Act of 1996, and Curriculum 2005, provide the legislative and policy context of education. They are not reflective necessarily of what pertains in practice in schools. The purpose of this study is to investigate empirically what the experiences of school based actors are in relation to human rights. As such, this chapter only outlines critically what is officially articulated in policy and legislative terms. In this chapter, I discuss the policy and legislative framing of human rights in South African education in relation to access, principles of and

approaches to human rights education, as well as their implications for education and schooling.

The ideas of “human rights (in) education” and “human rights education” imply that violations of human rights cannot be allowed to occur in education, or that the practices and experiences of people in schools need to be consistent with human rights. They are formally protected by The Convention on the Rights of the Child (1989, 1996). In addition the pedagogical approaches in human rights education ought to promote a deep understanding and be free from indoctrination. Human rights (in) education cannot be indoctrination.

### **The Right to Education as a Human Right**

There is general consensus internationally that the right to education is a human right. By this, it is meant that all people ought to have access to basic education and training. This is motivated by the understanding that skills imparted in schools are crucial for people's participation in society. These refer primarily to literacy and numeracy skills and having an ability to access the political systems of societies (see Osler and Starkey, 1996: 165-166). Sen (2000) has also argued that the importance of access to education as a human right is that it provides people with the "capabilities" for survival and "individual freedom". In Sen's terms, then, access to education is a human right, not only for the purpose of political literacy, but endemically necessary for human development, freedom and survival. Article 26 of The Universal Declaration of Human Rights states the following:

- (1) Everyone has a right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and

friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

- (3) Parents have a prior right to choose the kind of education that shall be given to their children (UN Universal Declaration of Human Rights, 1948).

In the above, education is viewed as a human right and compulsory at primary school levels – "fundamental stages". And, this is framed as universally applicable, embodied in the word "everyone". Access to basic education is also viewed as tied to the "development of human personality" and important for developing "respect", "tolerance", "understanding" and "friendship" among people of the world for the "maintenance of peace". In this regard, it is possible to argue that the right to education is a human right based on assumptions that education leads to human development and maintenance of peace. Education, thus, is accorded with considerable significance, that of human development and peace, and as playing a fundamental role in the development of non-destructive relations among people.

The Education for All (EFA) campaign of the United Nations aims to increase access to basic education, primary schooling throughout the world. The hope was to achieve universal access to basic education for all people in the world by 2000 (this date has been moved forward and both 2010 and 2015 are now dates when progress in global educational access will be reviewed). The EFA seeks to establish to what extent access to primary schooling has been ensured in the world. The EFA also seeks to monitor how such access to schooling is experienced. By this it is meant whether boys only gain access to schools, whether children are subjected to authoritarian practices and forms of corporal punishment which violate their human rights, and whether access to education reaches "vulnerable" and marginalised groups. In 1999, the report on progress made in the EFA noted that access to education needed to be seen in the light of providing resources for ensuring access, and this included skills development among teachers so that they can teach in ways that do not violate people's rights. These, the report saw as

important as access to education. The 1999 report states:

- 1) Value oriented human rights education alone is insufficient. It should make reference to human rights instruments and mechanisms of protection, and to procedures for ensuring accountability;
- 2) Creative participatory teaching methods that are relevant to people's lives should be used, and human rights should be introduced in a holistic way.
- 3) An enabling environment for human rights educators (including the provision of information, training, facilities, equipment and protection from harassment) should be ensured.
- 4) Priority should be given to sustainable approaches (i.e. training of trainers, integration of human rights into all relevant training and educational curricula, etc). (UN, 1999, EFA Progress Report).

The emphasis in the report is on access to education and ensuring that once access to education is achieved, the experiences in schools are consistent with human rights provisions. It is suggested in the above that "creative participatory teaching methods" that are "holistic" and "relevant to people's lives" should be adopted. I pick up these latter points about participatory teaching methods, holistic and relevant education later, in relation to principles and pedagogical practices of and for human rights education.

The South African Constitutional provision in regard to education is as follows:

- (1) Everyone has a right –
  - (a) to a basic education, including adult basic education; and
  - (b) to further education, which the state must take reasonable measures to make progressively available and accessible.
- (2) Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access

to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account –

- (a) equity;
- (b) practicability; and
- (c) the need to redress the results of past racially discriminatory laws and practice.

(3) Everyone has the right to establish and maintain, at their own expense, independent educational institutions that –

- (a) do not discriminate on the basis of race;
- (b) are registered with the state; and
- (c) maintain standards that are not inferior to standards at comparable public educational institutions.

(3) Subsection (3) does not preclude state subsidies for independent educational institutions (Constitution of the Republic of South Africa, Section 29, 1996).

These Constitutional provisions have profound implications for schooling in South Africa. They ensure that formal equality provisions exist, including antiracist measures, and are supported legally with the full backing of the state. It is an educational equality before the law and an obligation of the state. This is indeed a milestone in the educational history of South Africa, and transforms its racist nature significantly. Given the above, no school, in any part of the country, may deny a person the right to a basic education on the basis of the human rights specified in the Constitution. As such the National Education Policy Act of 1996 states:

The policy contemplated ... shall be directed to the advancement and protection of the fundamental rights of every person guaranteed in Chapter 3 of the Constitution, and in terms of international conventions ratified by parliament (NEP Act, 1996: Article 4 a).

The above quotation from the NEP Act notes that the Act operationalises Constitutional provisions of "fundamental rights" in education. It also locates South African education and by implication "fundamental rights" within the context of "international conventions". The globalisation of human rights thus is also a significant obligation on the South African government and exerts considerable pressure on the South African government to adhere to and provide for the establishment of a culture based on human rights in education. Some of the key international conventions and processes concerning education currently include: The Convention on the Rights of the Child; ensuring access to basic primary education in the United Nations Education for All campaign, and the elimination of discrimination and violations of human rights in education – particularly in regard to the abolition of corporal punishment – as contained in the Convention on the Rights of the Child (see also Carrim & Keet, 2005).

The above Article from the NEP Act of 1996, like the Constitution, emphasises "everyone's right to a basic education" and issues of equitable access, as far as is "reasonably practicable". It also provides for "free choice" in the acquisition of education, both in terms of type of institution and medium of instruction. The framing of human rights here is universalist, formal and legalistic. This is the case since the NEP Act and the Constitution provide for formal equality and accord access to education for all South Africans in the generalised terms of "everyone" and "all citizens".

The South African Schools Act of 1996 brings the provisions of the Constitution and the NEP Act to the level of the school and is concerned principally with the democratisation of school governance. It re-emphasises democracy and developing a culture based on human rights in education. It states:

Whereas the achievement of democracy in South Africa has consigned to history the past system of education which was based on racial inequality and segregation, and whereas this country requires a new national system for schools which will redress past injustices in educational provision,

provide an education of progressively high quality for all learners and in so doing lay a strong foundation for the development of all our people's talents and capabilities, advance the democratic transformation of society, combat racism and sexism and all other forms of discrimination ... (South African Schools Act, 1996, Preamble, pg. 1).

In relation to the above, the SAS Act reinforces the provisions made in the NEP Act of 1996 and it is consistent with Constitutional provisions. Access to education as a human right is formally endorsed within South African legislative and policy texts. It is useful at this point to develop the distinction drawn earlier on (Chapter 6) between education, schooling and training.

To recap, Morrow (1986) argued that schooling is more about socialisation, acculturation and skills development which are linked instrumentally to their need and uses in wider society. Education, on the other hand, is valuable in itself and has more to do with the development of human potential and the "liberation of the mind". "Training", in this regard, may be viewed as the development of narrowly defined skills in relation to particular tasks and would be similar to and lesser than schooling. Whilst both schooling and training may lead to education, they cannot be assumed to be equal to education. Education may use schools and training, but it goes beyond them in the ways education is conceptualised and the developments it attempts. The Universal Declaration of Human Rights appears to use education both as valuable in itself, and as instrumentally functional to the promotion of aims of the United Nations.

In the South African case, education is supposed to lead to development of a national identity, economic prosperity and insertion into the global political economy. Like the Universal Declaration of Human Rights, though, the NEP Act and SAS Act also imply education being valuable in itself and as linked significantly to the development of human potential that was denied under apartheid.

The NEP Act and SAS Act, as quoted above, point to the role of education in developing a culture of human rights in relation to South Africa's apartheid past and to redefine South Africa on the basis of equality. Nationalism and economic development, of particularly "black" South Africans, are key instrumental roles of education. In C 2005 this is expressed as follows:

The curriculum is the heart of the education and training system. In the past the curriculum has perpetuated race, class, gender and ethnic divisions and has emphasised separateness, rather than common citizenship and nationhood. It is therefore imperative that the curriculum be restructured to reflect the values and principles of our new democratic society (NDoE, Government Gazette, No 18051, 1997, pg. 5).

It is important to remember the critique that the use of education for the purposes of developing nationalism can lead to forms of indoctrination (see for example, Morrow, 1986; Nkomo, 1990). This raises the question about how one ensures that in using education for nationalism; albeit within the context of human rights, it does not get reduced to indoctrination (see also Enslin, 1999, in this regard). The Australian Human Rights Commission (AHRC) noted this difficulty (2002) in relation to ongoing forms of discrimination in Australian society, particularly of the indigenous population, despite the existence of human rights educational programmes.

The AHRC has provocatively questioned the "educational role" of the AHRC and suggests that the publication of the AHRC's *Teaching for Human Rights* is "the most overtly political indoctrination campaign that could be bureaucratically conceived". In this regard the AHRC notes explicitly that it propagates the current government's interpretation of human rights, and is therefore not independent or objective about the way it views human rights. Such government views tend not to engage with existing forms of discrimination and project a glorified picture of human rights in Australia, trumpeting successes and not focusing on continuing forms of inequality and discrimination. The AHRC also notes that due to its non-

independence from government, it (the AHRC) has become "an organ for indoctrination and thought control".

<http://www.ourcivilisation.com/cooray/rights/chap13.htm>.

Whilst the AHRC views are aimed at provocation of debate, they raise an important point about the possibilities of indoctrination even within human rights education. In agreement with such a possibility of indoctrination in human rights education, the experiences in Yugoslavia indicate that between 1996 and 1999, educational (as well as other) interventions by the United Nations were viewed as contradictory to human rights and not mandated through the consent of Yugoslavians (see Daun *et al*, 2002: particularly 180-190). Human rights education programmes, provided by NGOs mainly from outside of Yugoslavia, were viewed as fuelling conflict, through biased views that did not allow for critical thinking.

The civic education materials are directly translated from the United States original version, the students are asked in the preface to come with evaluations and suggestions for improvement and the address is the USA (Kolouh-Westin, 2002: 40).

In the above, Kolouh-Westin indicates how some NGOs have attempted to impose materials and views of the USA on the Bosnia-Herzegovina population, to the point where the materials expect them to communicate their suggestions with the USA, rather than work with local people in their own contexts and on the basis of their own views. Instead, not only are the USA materials imposed on Bosnians, their responses to the materials used are also monitored and controlled. Speaking from a Cuban perspective, Henriquez (1999) points out, as does the AHRC, that human rights, and access to human rights education, may be attempts to socialise and acculturate people – school them – to accept current political and economic arrangements, including capitalism, individualism and globalisation. It should be noticeable here that it would be inappropriate and inconsistent for human rights education to be instances of indoctrination. It is thus far more appropriate to talk

of a human rights education, rather than human rights schooling. In order to prevent using human rights education for indoctrination, the right to human rights education based on the principles of human rights education becomes important.

### **Human Rights Education as a Human Right**

There is international consensus currently that the right to a human rights education is a basic human right in itself. In particular, article 29 of the *Convention on the Rights of the Child of 1989*, ratified in 1996, makes this point explicitly and it is worth quoting it at length here:

#### Article 29

1. State parties agree that the education of the child shall be directed to:
  - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedom, and for the principles enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national goals of the country in which the child is living, the country from which he or she may originate and for civilizations different from his or her own;
  - (d) The preparation of the child for responsible life in a free society, in the spirit of peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - (e) The development of respect for the natural environment (*United Nations Conventions of the Right of the Child, 1989 and 1996*).

Article 29 of the Rights of the Child of 1989 and 1996, reinforces the nature of human rights education, and specifically, point (b) of the Article, notes the right of the child to be educated in human rights and to be given basic exposure to the *Charter of the United Nations*. Also for noting is the emphasis on the importance of education **in** human rights to be conceptualised as education **for** human rights. *Article 29* also links access to education in and for human rights to notions of inclusivity; human freedom, anti-discrimination, peace, tolerance and concern for the environment. There are other international instruments which have further endorsed the provision that the right to human rights education is a right in itself, including the *African Charter on Human and Peoples Rights* (1986) – wherein health, social development and protection of the environment, for example, are noted; the *African Charter of the Rights and Welfare of the Child* (1990) – wherein the prevention of abuse of children, for example, is emphasised; and, the *UNESCO Recommendation Concerning Education for International Understanding, Co-operation, Peace and Education relating to Human Rights and Fundamental Freedoms* (1974) – wherein the development of conflict resolution skills and the appreciation of peace is highlighted. All such instruments inform centrally the United Nations Decade (1995-2004) for Human Rights (cf. Keet et al, 2001).

The right to human rights education as a human right is also contained in the South African educational policy and legislative texts. Informed directly by the *United Nations Convention on the Rights of a Child*, and other international instruments like those mentioned above. The SAS Act, for example, states that children should be legally protected from all forms of abuse including physical and mental violence, maltreatment or exploitation, sexual abuse and injury:

No person may administer corporal punishment at a school to a learner.  
Any person who contravenes subsection 1 is guilty of an offence and liable for conviction of a sentence which could be imposed for assault (South African Schools Act, 1996).

Drawing on the ANC Policy Framework Document for Education and Training in South Africa of 1994, C 2005 uses the views in the ANC Policy Framework Document that may be seen in terms of education **for** and **in** human rights. The ANC Policy Framework Document states:

The national core curriculum will: i) promote non-racial and non-sexist values; ii) prepare individuals for the world of work and social and political participation in the context of a rapidly changing and dynamic global economy and society; iii) develop the necessary understanding, values and skills for sustainable development and an environment that ensures healthy living; iv) promote unity in diversity through a flexible framework which allows for the accommodation of cultural, provincial and local differences and needs; v) be learner centred and non-authoritarian and encourage the active participation of students in the learning process; vi) stimulate critical and reflective reasoning and develop problem-solving and information processing skills; vii) foster self-discipline; viii) problematise knowledge as provisional and contested (ANC, 1994: 72-73).

As can be seen from the above, the right to a human rights education suggests principles for pedagogical practice and school based experiences. These correlate with the provisions of equality within the Constitution and the Universal Declaration of Human Rights. As such, there is agreement generally that traditional teaching styles which are teacher dominated, authoritarian, content driven, and which promote uncritical rote learning and docility, are not consistent with human rights.

The idea of education not indoctrinating people but instead developing and releasing the potential that people have, is one that is most elaborated by Paulo Freire (1972).

However the idea that education should not be confused with indoctrination is one that predates the work of Paulo Freire (1972). Many have argued that the **aims** of education, if they are to be considered as instances of education, are to develop people to the best

of their abilities, encourage their growth and promote independent critical thinking among them. These views have been linked to both the “liberal tradition” in education and the “progressive movement” in education. In the case of the former, Dewey (1915), Rousseau (1953), and Hirst and Peters (1998) are some examples. In the case of the latter, which also followed the liberal tradition historically, theorists like Illich (1974), Freire (1972), McLaren (1989) and Giroux (1988), all of whom locate themselves within critical pedagogy, are examples. In all of these views, authoritarianism, indoctrination and the prevention of critical thinking are argued to be antithetical to the aims of education. It is also on these bases that “reproduction” and “resistance” theorists in education have pointed out that much of “schooling” is in fact anti-educational because it is based on and promotes traditional pedagogies which reproduce social inequalities (cf. Giroux & Aronowitz, 1986). It follows, then, that a critical pedagogical approach is most consistent with a human rights education (see also Nekwevhu, 2000, who views critical pedagogy in a similar way).

The above discussion points to an important aspect. Human rights in education are not simply about being taught content about human rights issues. They are about the workings of the whole school, and indeed the educational system as a whole (see for example, Keet *et al*, 2001). They are about how people are treated in schools (Convention on the Rights of the Child, 1989, 1996). They are about processes within schools (Tibbutts, 1995). They are about school policies, school structures and the nature of their organisations, relations among educators, relations among learners, pedagogical relations between learners and educators, the ethos of schools and what is contained in the curriculum (Brandt, 1986; Keet *et al*, 2001). Human rights in education, therefore, entail a whole school approach. They are not about schooling people in human rights content only (see also Osler and Starkey, 1996; and Keet *et al*, 2001). In this regard, structuralist and interactionist views of schooling may be seen to be taken into account. Not only are schools expected to reproduce a culture based on human rights, but the daily interactions of agents in schools ought to also be characterised by the "protection and promotion" of human rights.

In this light, it may be argued that the SAS Act that addresses the level of school governance, C 2005, which is more focused on teaching and learning relations, and the NEP Act which focuses on systemic change, are attempts to apply a whole school development approach. In the whole school development approach, the interconnections between different levels in the school, as well as between the school, the school community, the country and the world are emphasised. A whole school approach is emphasised explicitly in the Whole School Evaluation (WSE) initiative that the National Department of Education has put into place since 2000. The WSE programme was administered by the Office of Standards in Education (OFSTED) with personnel on national, provincial and district levels, whose task was to evaluate, monitor and support school activities so that they work in co-ordinated ways that lead to greater efficiency (NDoE, 2002). Currently, however, the WSE initiative has been subsumed within the *Integrated Quality Management System* policy, which "integrates" WSE with "systemic evaluation" and the "developmental appraisal system of educators". OFSTED, in the process, has been dissolved.

### **Principles of a Human Rights Education**

A whole school approach, critical pedagogy, non-indoctrination and upholding of human rights in education imply principles of and for human rights education. There is general consensus currently that human rights education programmes need to be: learner-centred, participatory, democratic, free from harm and fear, based on respect and tolerance, allow for freedom of expression, develop an appreciation for human rights, respecting others, protection of peace, develop critical thinking, communication, negotiation, problem solving and conflict resolution skills, and develop self esteem and confidence (see Osler & Starkey, 1996).

In the Amnesty International's *12-Point Guide for Good Practice in the Training and Education for Human Rights of Government Official* the following is stated:

A human rights education programme must:

- a. provide information about human rights
- b. develop attitudes and behavior that is respectful of human rights
- c. needs to be sustained over a period of time
- d. involve direct and constant interaction between educators and learners
- e. be practical and hands-on
- f. professional goals must be consistent with human rights principles and theory
- g. include development of critical thinking, communication, and problem solving and negotiation skills.
- h. should be ideally integrated, but separate course can be allowed in exceptional circumstances i.e. where there has been no prior exposure to human rights issues (Amnesty International, 1999).

As already indicated C 2005 is consistent with these principles and so are the NEP Act and SAS Act. It is in C 2005, however, that these principles are addressed specifically. Within C 2005 notions of a social constructivist view of knowledge, life long learning, integration and flexibility across the education and training sectors, outcomes based education, a skills based curriculum, learner centredness, a critical pedagogy, continuous forms of assessment and values of antiracism, antisexism, nation-building, a culture of human rights, co-operation, tolerance and democracy and social justice are emphasised (Carrim, 1998; 2000). Simultaneously, an economic discourse of human resource development, a highly, multi and flexibly skilled workforce, technological advancement and economic development are also central. C 2005 states:

The curriculum aims to develop a prosperous, truly united, democratic and internationally competitive country with literate, creative and critical citizens leading productive, self fulfilled lives in a country free of violence, discrimination and prejudice (Government Gazette, No. 18051, 1997, pg. 5).

Whilst the NEP Act and SAS Act of 1996 globalise South African education in terms of obligations to "international conventions", C 2005 globalises South African education in terms of insertion within the global political economy, expressed as South Africa being an "internationally competitive country". Nonetheless, the principles of and for a human rights education are central to C 2005, as they are in the general policy and legislative provisions in South African education. As such, although insertion in a global political economy is projected as an aim of C 2005, the SAS Act and NEP Act, the principles of a human rights education – as education – are also prevalent within them.

In 2000, the National Department of Education released a report (NDoE, 2000) which reviewed the implementation of C 2005. The Revised National Curriculum Statement is the current (2006) official curriculum for Grade R to Grade 9 of the compulsory basic education and training phase in South African schools. The RNCS revises C 2005, as it reviews the experiences of implementing C 2005 and some of the criticisms against it (see the Report of the Review Committee, NDoE, 2000; and, Jansen & Christie, 1999, for a coverage of these).

Between 2000 and 2002, the NDoE put into place curriculum development structures in order to design the RNCS. This followed a cabinet decision to "streamline and strengthen C 2005" (NDoE, 2002a: 2) in keeping with the recommendations of the Report of the Review Committee of C 2005. The Human Rights Inclusivity Working Group was one of the "transversal groups" of the RNCS and ensured that human rights in the RNCS are reflected adequately in all learning areas and outcomes. Carrim and Keet (2005), however, point out that whilst human rights are reflected in the RNCS and that there is an improvement in regard to human rights in comparison to C 2005, human rights in the RNCS are more in the order of what they call a "minimum infusion". But the principles of/in/for human rights education are prevalent within the RNCS as well.

However, the specification of principles of and for human rights education, and the provision of human rights education as a human right do not suggest that there is only one way in which these may be achieved. Several approaches to human rights education have developed historically. These approaches have developed both inside of schools and in the activities of NGOs outside of schools. What distinguishes these approaches are their points of emphases on the principles they choose to particularly focus upon. Given that South Africa is beginning to develop human rights education, in what follows, I review some international programmes in order to illustrate the different types of approaches that may be distinguished.

### **Current Approaches to Human Rights Education**

The understanding that human rights are legally and politically necessary but insufficient has a direct implication for human rights education. Human rights education has to include "political literacy". Exposure to and understanding human rights provisions, what is contained in constitutions and laws of countries, as well as the many international human rights instruments, remain indispensable for human rights education.

- 1) Value oriented human rights education alone is insufficient. It should make reference to human rights instruments and mechanisms of protection, and to procedures for ensuring accountability (UN, 1999, EFA Progress Report).

As much as the political and legal expressions of human rights are necessary conditions for human rights, so too is the **content** about political and legal understandings of human rights necessary for a human rights education, hence the United Nations Report (1999) on progress on the EFA, states that human rights education "should make reference to human rights instruments and mechanisms of protection, and to procedures for ensuring accountability". The Amnesty International's (1999) 12 Point Guide to Good Practice, cited earlier, also states that human rights education "should provide information about human rights".

Human rights provide necessary knowledge and need to be covered.

In what follows, I identify 5 approaches that are distinguishable in current provisions of human rights education: **the legalistic approach; the integrated approach; the humanitarian approach; the anti-discrimination rights-based approach; and, the developmental approach.** The Table below indicates these approaches and their distinguishing features and in the discussion that follows I review some international programmes to illustrate the differences among the identified approaches.

<b>Approach</b>	<b>Point of Emphasis</b>	<b>Content</b>
<b>Legalistic</b>	Political Literacy	Exposure to constitutions, laws and human rights provisions, including voter education
<b>Integrated</b>	Linking human rights with other content	Thematic and infused in the school's syllabus
<b>Anti-discrimination rights-based</b>	Specific focus on particular group and/or individual experiences	Experiences of discrimination and the human rights provisions that pertain to them
<b>Humanitarian</b>	Peace, emotions and dealing with loss and death	Experiences of conflict, war and what may be done
<b>Developmental</b>	Improvement of material conditions	Linking human rights to particular forms of material development

**Table 1: Approaches to Human Rights Education**

In general, **the legalistic approach** in human rights education covers the content of constitutions and laws in countries and their links with international human rights instruments. The *United Nations Universal Declaration of Human Rights*, its history and purpose, also gets covered. In addition to the history of the development of the *United Nations Universal Declaration of Human Rights*, the historical development of laws and constitutions of specific countries are also covered. Generally, as well, such programmes tend to be content driven and distinctly framed in legalistic terms, where lawyers tend to be the ones who deliver such programmes. Included in such programmes are, at times, explanations of how to access human rights protections,

mechanisms for reporting human rights violations and which human rights organisations or institutions to contact. At school levels these usually take the form of “citizenship”, “civic” or “civil” education programmes.

In April 2002, the International Human Rights Academy (IHRA) <http://www.uwc.ac.za/law/humanrightscademy/> held a course in Cape Town in April 2002 on legal education in comparative, international human rights and humanitarian law. Made up of 7 modules, the course covers the African system of protection of human rights, European human rights law, Inter-American human rights law, international human rights law, human rights and foreign policy, international criminal law and transitional law. Women's rights, rights of the child and social, economic and cultural rights also receive attention. The approach is legalistic and participants must have a degree in law or the social sciences to enrol. Law Faculties of the Universities of the Western Cape and Ghent and the Norwegian Institute of Human Rights delivered the course.

In Uzbekistan, the UNESCO Chair in Human Rights has put into place educational activities in human rights that are decidedly within a legalistic frame. The courses offered through the offices of the Chair (UNESCO, 2001) include those on "human rights", "legal foundations of civil society", "international humanitarian law", "international law of human rights", and "comparative law". Source books for students on human rights, comparative law and international law have been published.

In schools the legalistic approach to human rights education has been used in narrowly conceived forms of "citizenship education", or "civic education" or more simply just "civics". Recently, though, such programmes also emphasise "global citizenship" (see Osler and Starkey, 1996). The UK based UNICEF, for example, has produced resources to equip teachers in secondary schools with approaches to citizenship in a globalised society, dealing with global dimensions and their local connections, responses to challenges of citizenship within a global context and whole school citizenship issues in relation to policy, practice and

participation in local and international society (see UNICEF Respect: Citizenship in a Global Context for Secondary Schools

([http://www.unicef.org.uk/education/developing\\_citizenship.htm](http://www.unicef.org.uk/education/developing_citizenship.htm) )

There are three main features that seem to characterise the legalistic approach to human rights education. First, it tends to be content driven. Second, it tends to project human rights in generalised and abstract ways. Third, it also tends to be adversarial and sometimes confrontational.

Given the emphasis on legal frameworks and provisions, the legalistic approach foregrounds the necessary content knowledge of human rights, such as, what laws exist and how to access political systems. This approach is content driven and leading to teacher-dominated styles and regurgitational learning. The legalistic approach tends to be generalised and abstract. In several instances, though, the legalistic approach has also been perceived as "laying down the law" (see SAHRC-NACHRET & CCR-HRCMP, 2002). In such approaches people seem to be made to understand and accept the law as it is laid down and there is a strong tendency to advocate, almost in propagandist ways, both the laws that exist and the states and institutions mandated to execute them. The African experiences of human rights education indicate a tendency towards providing human rights education in terms of necessary knowledge in "civic education" versions (McQuoid-Mason, 2001). McQuoid-Mason also notes that these have tended to be teacher-dominated and rote-learning based. Confirming McQuoid-Mason's findings, Manjoo of the South African Human Rights Commission states:

In the experiences of both the SAHRC-National Centre for Human Rights Education and Training (NACHRET) and Human Rights Conflict Management Programme (HRCMP)-CCR it was found that training in and for human rights tended to be conducted in a traditional pedagogical framework where hierarchical relationships prevailed between trainers and participants, and which were mainly information and content driven and within a legalistic mould. In this regard, the SAHRC-NACHRET saw a need to develop

techniques that would allow for participatory learning, draw on participants' own knowledge and experiences, and allow for more interactive learning to occur, both in relation to materials and workshop activities/programmes (SAHRC-NACHRET & CCR-HRCMP, 2002: 1)

**An integrated approach** to human rights education is one that infuses human rights content into other content. In this regard, the approach is to design and combine human rights content with other issues and considerations. There are at least two ways in which this tends to be done. First, is the use of a thematic approach. In this, human rights are discussed in relation to an identified theme. These themes tend to range from values, morals and ethics, democracy and citizenship. The second tendency, particularly in schools, is to integrate human rights content in other school subject areas. An example would be teaching mathematics within a human rights framework. Carrim and Keet (2005) in discussing the "infusion" of human rights in the RNCS demonstrate that in the teaching of mathematics, by making references to human rights issues in the (e.g.  $1 \text{ HIV+ person} + 1 \text{ HIV+ person} = ?$  ; as contrasted with  $1 \text{ apple} + 1 \text{ apple} = ?$ ) indicates one of the ways in which the teaching of mathematics may be informed by a human rights framework.

At the UNESCO Centre at the University of Ulster, human rights education programmes are dealt with using three main themes: education, diversity and social inclusion; education, democracy and citizenship; and, education for international development. Courses on these themes are offered at various levels within the university <http://www.ulst.ac.uk/faculty/shse/unesco/>

Democracy education is also a theme used in an integrated approach. Here the argument is that one of the most significant implications of human rights is that they presuppose a democratic order. Notions of consent, agreement, representation, participation and accountability are central in considerations of human rights using the theme of democracy and they explore the conditions for the realization of human rights.

In *Citizenship and Language Learning: International Perspectives* (Osler and Starkey, 2005), the integration of human rights in “citizenship education” is viewed as entailing a recognition of the impact of “globalisation”, “cosmopolitanism” and “identity”. In this regard, Osler (*in* Osler and Starkey, 2005: 3-22) argues that:

There is growing recognition that education for national citizenship may be an inadequate response to our changing world, where the processes of globalisation imply increasing global interdependence and greater diversity within local communities (Osler, *in* Osler and Starkey: 3).

In pursuing the argument of a democratic citizenship within “processes of globalisation”, Osler points out that education for democratic citizenship incorporates emphases on “peace, human rights and democracy” and implies the existence of enabling policies and legislation on national and local school levels. However, Osler also notes that it is important to expand our understanding of “citizenship” in two respects. First, Osler argues that citizenship cannot only be viewed in terms of formal entitlements into a country’s polity but needs to also address the “feeling” and “practices” of citizenship rather than just note the “status” citizenship accords to individuals. In addressing the “feelings” of citizenship Osler refers to people who may have the “status” of being citizens in a country but do not experience a sense of “belonging” or identification with the states of which they are a part. By “practice” of citizenship Osler draws a distinction between the “liberal tradition” and “civic republican tradition” in respect to citizenship, and argues that it is important for education for democratic citizenship to highlight involvement and active participation in activities in society, ranging from embarking on campaigns, protest actions, petitions and being prepared to stand for office and undertaking service to the state. However, Osler emphasizes that an “inclusive approach” to education for democratic citizenship is critical due to not only the processes of globalisation but also to the increasing “diversity at local levels”. In order to then provide for an education for

democratic citizenship Osler proposes that a “cosmopolitan citizenship” would be a more useful framework to adopt than narrow views of citizenship which lead to particularistic conceptions of nationality and nationalism. However, this kind of “cosmopolitan citizenship” in education would necessitate recognition of societies as “diverse” and the importance of acknowledging diversity on the bases of mutual respect, tolerance and acceptance of “difference”. In this regard recognising the multiplicity of identities that make up contemporary societies and within individuals is critical. As such, Osler’s arguments here point to the importance of incorporating understanding of the complexity of human identities, the impact of processes of globalisation and the expansion of traditional conceptions of citizenship to reflect a more “cosmopolitan” and “inclusive” sense of nationalism and individual identities.

Betty Reardon (1997) has used values and ethics as themes in order to convey human rights content. She contends that all current standards stemming from the United Nations Universal Declaration of Human Rights are indivisibly interrelated and universally applicable, and taken together, form a system of norms, values and aspirations that can serve to guide the development of a healthy and just world social order. The argument here is based on the assumption that education **in** and **for** human rights rests on values that are critical for the effective realization of human rights in actual practice. In this approach valuing “equality”, “dignity”, “freedom”, “peace” and “justice” are seen to be central to an appreciation of human rights and also argued to be tied to attitudes of “respect” and “tolerance”.

There is a tendency in this integrated approach to human rights education to infuse human rights content in other content to such an extent that human rights actually become diffused and often not covered at all. The integrated approach, then, runs the risk of rendering human rights silent. It is for this reason that the United Nations 1999 Report on the EFA notes that "value oriented human rights education alone is insufficient. It should make reference to human rights instruments and mechanisms of protection, and to procedures for ensuring accountability". However, it is also clear that the integrated approach attempts to

make human rights more practical and linked to individual interests. It attempts to make human rights more accessible in more "ordinary ways", rather than in the abstract terms of the political, legal register, and to connect human rights with what people are actually valuing, so that they can personally identify with them.

In the **anti-discrimination rights-based approach** to human rights education, the tendency is to tie human rights to specific groups of people, issues and/or rights. In most cases the specific focus tends to be on children, women, black people, "vulnerable" and "minority" groups and refugees – their experiences and concerns. It is more personal, particular and linked to people's actual experiences.

Early Child Care Project (ECC) in Nigeria

<http://www.ibe.unesco.org/International/Databanks/Dossiers/inigeria.htm>

is a joint project between the Nigerian government, UNICEF and ECC. It focuses on health care, nutrition, child stimulation and early childhood education. It equips para-professionals, mothers and communities with skills to deal with children and enhance their health, education and general well being. It also seeks to ensure that children have access to basic education.

In Ghana, the Ghanaian NGO Coalition on the Rights of the Child

<http://www.rnw.n1/humanrights/html/ghana.html> focuses on the increasing number of "street children" and consequently the abuse of children and violation of their rights. Made up of more than "120 NGOs" in Ghana, the NGO Coalition on the Rights of the Child seeks to protect the rights of children in Ghana and ensure the development of their full potential.

In Australia, the Australian Human Right and Equal Opportunity Commission:

Aboriginal and Torres Strait Islander Social Justice: Indigenous Education

Programmes ([http://www.hreoc.gov.au/social\\_justice/education/index.html](http://www.hreoc.gov.au/social_justice/education/index.html))

provide indigenous people with an understanding of the legal, human rights and discrimination issues. These programmes also provide access to legal services.

The curriculum is available for TAFE colleges and tertiary institutions as a

certificate, diploma, and undergraduate bachelor degree.

As such, anti-discrimination rights-based approach to human rights education could mean targeting specific groups of people or focusing on particular issues and concerns. It is also evident that in the specific approach, one can be wholly legalistic and political, as in the case of the Australian programmes on aboriginal people. Thus, it cannot be assumed that because this approach is not generalised and attempts to locate rights in the actual contexts of people's experiences and who they are, they are necessarily not abstract and legalistic. However, whilst this is a tendency, the framework that informs the anti-discrimination rights-based approach attempts to make human rights more personal. This framework attempts to make human rights relevant and speak to people's actual identities and experiences.

In the anti-discrimination rights-based approach the focus is on the ways in which discrimination is constructed socially, understanding the ways in which they violate human rights and the effects they have on people. It is important to note that the focus here is very wide, including a range of identities. Racism, sexism, homophobia, multiculturalism and xenophobia, among others, receive specific attention. Alternatives to forms of discrimination also receive coverage. So ways of combating sexism and racism, for example, are also explored (see also Keet *et al*, 2001). In this way the approach is, at the same time, rights-based in that focus is also on the ways in which forms of discriminations are violations of human rights and how human rights provisions are protections from such forms of discrimination.

Initiatives using this approach include the World Conference Against Racism, and the Convention of the Elimination of All Forms of Discrimination Against Women. More telling, though, is that most programmes within this approach have not been viewed as directly linked to human rights education. These programmes have been viewed either as antiracist or feminist programmes. There are many such programmes. In the UK, for example, there is a project called *Kick It Out* (<http://www.kicitout.org/>) which works specifically with racism in English

football. Also in the UK the antiracism youth project works with youth in understanding and overcoming racism (<http://www.lemosandcrane.co.uk>). The earlier cited case of the Australian programme on "aboriginal and Torres Strait islander social justice on indigenous people's rights" is another example. Such programmes, though, have been provided by people and organisations that are not linked to human rights organisations and seem to have developed historically in spaces outside of human rights provisions. Clearly, this is a shortcoming. This lack of link between anti-discrimination rights-based programmes and other human rights educational interventions has been noted, and recently the World Conference Against Racism and the Convention on the Elimination of All forms of Discrimination against Women are attempts to link antiracist and feminist initiatives within the mainstream activities of the United Nations in terms of human rights education.

The **humanitarian approach** to human rights education tends to take on two forms: peace education; and, conflict resolution or conflict management and anti-bias programmes. With peace education, the argument is that the rationale for human rights is fundamentally to ensure that human beings live their lives free from fear and in conditions of peace and stability. It follows, then, that human rights necessitate the promotion of conflict resolution skills, respect for each other, a culture of non-violence and the right to live in conditions that are free from intimidation and fear, and in safe and secure environments. Peace, thus, is a basic requirement for the realization of human rights in practice. Harris (2002) however draws a distinction between "peace education" and "peace studies" where the latter explores the reasons for conflicts, mainly wars, and attempts to work out ways in which such wars may be prevented. Peace studies also tend to concentrate on international levels and inter-state conflicts and wars. Peace education, however, as described above, is aimed more at developing respect and tolerance among people within a culture based on human rights and non-violence. For Harris, then, conflict resolution/management and anti-bias approaches are within peace education, and peace is of central concern in the humanitarian approach.

The work of Amnesty International and the International Red Cross/Crescent (1999) provides useful examples of the humanitarian approach to human rights. Concerned with victims of wars, armed conflict, prisoners, refugees and torture, inter alia, Amnesty International and the International Red Cross/Crescent focus on peace studies and peace education, in Harris' terms. The International Committee of the Red Cross' Manual on *Exploring Humanitarian Law: Modules for Young People* (Geneva, ICRC Productions, with EDC) is a package for teachers and learners in schools. It is based on humanitarian law, exposure to which the International Committee of the Red Cross (ICRC) argues should be a necessary component of "citizenship education" programmes in schools. The ICRC contends that exposing learners to humanitarian law and actions would incline them positively to humanitarian actions and raise awareness of the consequences of armed conflict. Briefly the programme covers the following modules: 1) Introduction – images and perceptions, 2) The Humanitarian Perspective – What can bystanders do?, 3) Limits in Armed Conflict – Rules of behaviour in armed conflict, including coverage of the UNDHR and international instruments, 4) The law in action – understanding how international humanitarian law works, 5) Ensuring justice – rationales for justice and evolution of international tribunals are focused upon, 6) Responding to the Consequences of armed conflict – here the "neutrality, impartiality and independence" of humanitarian action are stressed, and 7) Closing Exploration – where do we go from here? – what you can do to make a difference, is also raised. As such, the humanitarian approach to human rights education promotes peace and deals with effects of conflicts, violence and wars.

The humanitarian approach to human rights education tends to focus on the negative aspects of human rights, i.e. those instances where they are violated. In this way, this approach may be viewed as reactive, as opposed to being proactive. The humanitarian approach responds to unstable environments and has, it seems, limited applicability in those contexts which may be stable and without such gross violations of human rights.

It is also the case that within the humanitarian approach, the "affective dimension" (Osler & Starkey, 1996) of human rights also receive emphasis. Tibbutts (1995) has emphasised the need to focus not only on the rationalist knowledge contents of human rights but also on their accompanying "skills" and "attitudes". For Tibbutts, then, a shift from content to "processes", and from the rationalist to the experiential and affective, are important in dealing with human rights education. "Skills, values, behaviour, attitudes and feelings" also inform the humanitarian approach in significant ways.

**The developmental approach** to human rights education is one where human rights education is tied consistently and directly to development projects in communities. Found mainly in Africa and other developing contexts, this approach attempts to link exposure to and understanding of human rights to the actual developmental needs that people may have in their immediate environments. They also tend to have a greater focus on environmental education. As with peace, a healthy environment is foundational to the realization of human rights in practice. The right to a healthy environment, thus, is integral to the right to life itself and is, therefore, foundational to a developmental approach to human rights education.

In Botswana, Skillshare Africa is an organisation that links human rights with sustainable development. Working with "brigades" in Botswana, they offer vocational training and allow for the work to contribute to development in the country <http://www.nationbynation.com/Botswana/Human.html>.

In Ghana, (<http://www.villageaid.org/Ghana-overview.htm>) Village AiD is an NGO in the north of Ghana which conducts programmes with communities in the area, and women in particular. They use "participative techniques to establish local development priorities" and "literacy groups" to stimulate discussion on the "marginalisation of women". Village AiD consistently links human rights education with literacy and development programmes. The approach adopted here is specific, holistic and tied centrally to development initiatives.

What distinguishes the developmental approach is its emphasis on the development of material conditions. This is not to suggest that the other approaches do not lead to forms of development. The development of material conditions, however, is an instrumental aim of programmes within the developmental approach, and is premised on the assumption that people need to be in adequately developed conditions to realise their human rights. Living in deprived conditions limits the realisation of human rights and such deprivations are, it is argued, "unfreedoms", impediments to the realisation of human rights, if not a violation of them. Nussbaum (1995) and Sen (2000), for example, have argued that "development is freedom" and central for the realisation of human rights and the development of human potential. The developmental approach emphasises this link between the material conditions of people's lives with the possibilities and/or constraints they present for the realisation of human rights in practice.

In summary there are five identifiable approaches to human rights education currently. These are the legalistic, integrated, anti-discrimination rights based, humanitarian and developmental approaches. Each of them is distinguishable in terms of whether they only provide political literacy, and if and how they link political literacy to other forms of social practices. Whilst these approaches may be distinguished from each other, it is important to keep in mind that they often overlap with each other. On the basis of the programmes reviewed for this study, however, the legalistic approach to human rights education, however, seems to predominate. This is discussed in Part Two where the results of the national survey that was conducted are reported.

These approaches to human rights education also indicate that human rights education is more than just being taught about human rights content. A human rights education is also about skills, values and attitudes, as much as it is about content. As such, the holistic view of human rights education as entailing knowledge, skills, values, behaviour, feelings and attitudes, as well as

development, are attempts to allow human rights education not to lapse into the masculinist, rationalist and depersonalised approaches to human rights, which MacKinnon (1993) has emphasised as well.

In relation to the above, the policy and legislative framework of education in South Africa may be viewed as implying an anti-discrimination rights-based, humanitarian, developmental and integrated approaches to education, at least in terms of what is articulated formally in these texts. A legalistic approach cannot be discerned in policy and legislative texts because it is precisely such texts that are used as content in legalistic approaches. In other words, the legalistic approach uses policy and legislative texts as its content and to structure its design and framework.

The anti-discrimination and rights-based approach may be seen in the Constitution, NEP Act, SAS Act and C 2005, particularly in their emphasis on "redressing the injustices of the past" and the "legacy of apartheid". However, as indicated earlier, anti-discrimination on the basis of 'race' and gender, and to lesser extent disability, are the forms of discrimination that tend to be privileged in these texts and other legislation, such as the Employment Equity Act. The humanitarian approach is indicated in references to overcoming the polarisations and conflicts constructed under apartheid, the need to develop respect and tolerance among South Africans and the promotion of peace. The Truth and Reconciliation Commission (TRC) in South Africa lauded internationally as a "model" of negotiation and peace-building, is an indication of this humanitarian approach in post-apartheid legislation and policies, including education. Enslin (1999), for example, has noted that the workings of the TRC have profound educational implications and highlight the importance of peace, individual freedoms and autonomy. The integrated approach to human rights education can be seen particularly in SAS Act and C 2005 (and RNCS) where, in the case of the former, human rights are integrated in processes of school governance, and, in the case of the latter, integrated in subjects taught at schools as well as in the general operations of the school, following the Whole School Development approach

(NDoE, 2003a). The developmental approach is noticeable in the emphasis on the need for economic development and equipping South Africans with "high skills and knowledge" in order to uplift the material conditions of their lives, which is reflected in the RNCS. In these ways, then, the current policy and legislative texts in education in South Africa imply a combination of the integrated approach; the humanitarian approach; the anti-discrimination rights-based approach; and developmental approach to human rights education. This also implies that in these texts human rights are viewed as being more than just teaching content, and as including coverage of skills, values, attitudes as well as developmental needs for the realisation and appreciation of human rights. The approach to human rights education, then, seems to be inclusive and holistic within the formal articulations of these policy and legislative texts.

In this chapter, I have outlined the importance and features of access to education and human rights education as human rights. I have also discussed the principles upon which a human rights education may be based as well as the pedagogy that is most consistent with these principles, and the importance of conceptualising human rights education as education, as opposed to being reduced to instances of schooling, training or indoctrination. I have also elaborated 5 distinguishable approaches to human rights education. Throughout, I have shown how these are implied in the Constitution of South Africa, the NEP Act, SAS Act and C 2005.

There is also a considerable amount of progress on formal, legislative and policy levels of the South African education and training system, which address the systemic changes. These are aimed at deracialising and transforming the system. In this respect, the South African education and training system reflects the wider framing of human rights in South African society. Between May 1994 and November 1995, national and provincial legislation was passed enabling ministries to exist with effective powers. With this, ministers were now in the position to employ staff and advertisements for posts in the departments were circulated publicly. However, the employment of people into such posts was fraught with many political land mines (Carrim, 1998).

Among the considerations that needed to characterise such employments were 'affirmative action' in terms of 'race' and gender, a balance between bureaucrats from the old order and new appointments needed to be maintained, and people employed needed to be qualified for the tasks they were expected to perform. Given the negotiated nature of the settlement that propelled the changes in South Africa, a compromise agreement was also reached in which people from the old order were entitled to be given early retirement packages in the event of them choosing to opt out of serving within the 'new' South African system (Carrim, 1998). Thus, whilst ministries were busy setting themselves up, they were also processing applications for early retirement packages, 'golden handshakes'. The entire process was contested throughout by all the different political parties and interest groups involved (see Motala and Pampallis, 2001).

Between 1994 and 1996, the following policy documents, reports, bills and acts came into being. They include those that integrated previously separate education departments, macro-policy bills and those focusing on specific issues and areas, such as tertiary education and school governance.

- Educators Employment Act (1994) which has an impact on the nature of teacher employment.
- Education and Training White Paper (1994, 1995) which outlines the macro principles of education.
- National Education Policy Bill (1995) which outlines the competencies of the national minister and by implication the powers of provinces.
- South African Qualifications Authority Act (1995) which establishes qualification and certification authorities.
- The Hunter Commission Report (1995) on school organisation, governance and financing.
- White Paper on Organisation, Financing and Governance of Education (November 1995, February, 1996)
- South African Schools Bill (February, March, April & October 1996).

- The South African Schools Act (November, 1996)
- The National Education Policy Act of 1996
- National Audit of Teacher Education, reviewing teacher training provisions and future needs.
- National Commission on Higher Education, reviewing tertiary educational provisions and needs.
- National Management Task Team reviewing educational management and needs.
- A Discussion document on Curriculum 2005 released in 1996 which outlines the curriculum for schools within the general education and training band.

My point in the above is to indicate the challenges facing systemic changes in the education and training system and the amount of policy and legislative provisions that have been made available in a very short time (see also Carrim, 1998; and Sayed and Carrim, 1997 and 1998). In addition, there have been several other interventions, policies and legislation put into place since 2000, after the empirical work for this study was conducted. Although these interventions and provisions aim to consolidate the developments in education since 1994, a debate has been opened regarding the extent to which these recent interventions provide for development and support, rather than establish greater forms of bureaucratic controls, and thereby potentially reinforcing authoritarian tendencies (see Shalem, 2003). These developments, however, were not in existence at the time when the research for this study was conducted.

In summary, in Chapter 6, I outlined how apartheid education continued to violate human rights despite its provision of 1<sup>st</sup> generation rights granting access to education. 'Race', gender and sexual orientation discriminations were noted to be characteristic of apartheid education, which also was argued to be anti-educational in its attempts to indoctrinate South Africans within an apartheid worldview. In Chapter 7, I outlined what provisions of and for human rights (in) education exist in South Africa are currently. I have argued that in relation to the Constitution, NEP Act, SAS Act, C 2005 and the RNCS, human rights in South African education are

consistent with ensuring access to education and human rights education as human rights; and that a critical pedagogical orientation within a whole school development approach is noticeable. A combination of integrated, anti-discrimination rights-based, humanitarian and developmental approaches to human rights education was also shown to be implied in current attempts at human rights education, formally and officially. I have also shown that the official policy and legislative texts have impacted significantly on the transformation of the education and training system in systemic terms in ways that fundamentally deracialise and democratise education in South Africa on the basis of human rights.

However, I have also emphasised that these are official articulations in formal texts and not necessarily reflective of what is experienced in practice by people in the education system. The experiences of human rights education by school based people in actual conditions and specific contexts is the focus in this study and the research conducted for it has been to access these experiences. In Part Two, I discuss the methodology that was used in conducting the research for this study, and present and analyze the findings from the data that was gathered.