

**LEARNERS' EXPERIENCES OF HUMAN RIGHTS
VIOLATIONS**

BY

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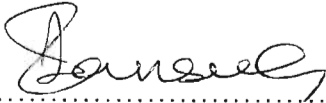
SEPTEMBER 2001

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DECLARATION

LEARNERS' EXPERIENCES OF HUMAN RIGHTS VIOLATIONS

I, RITA SUSHILA BANSILAL DO HEREBY DECLARE THAT THIS DISSERTATION, WHICH IS SUBMITTED TO THE UNIVERSITY OF DURBAN-WESTVILLE FOR THE DEGREE OF MASTER OF EDUCATION, HAS NOT PREVIOUSLY BEEN SUBMITTED BY ME FOR A DEGREE AT ANY OTHER UNIVERSITY AND THAT IT REPRESENTS MY OWN WORK IN CONCEPTION AND EXECUTION AND THAT ALL SOURCES WHICH I HAVE CITED HAVE BEEN INDICATED AND ACKNOWLEDGED BY MEANS OF A COMPLETE REFERENCE.



.....
RITA SUSHILA BANSILAL

SIGNED BY ME ON THE 21st DAY OF September 2001

DEDICATION

DEDICATED

TO

CHILDREN

*A Child's best interests are of paramount importance in every matter
concerning the child.*

(The Constitution of the Republic of South Africa, 1996)

ABSTRACT

This study investigates the nature of teacher violations of a group of grade seven pupils' rights at a primary school in Phoenix, North of Durban.

The South African Constitution and the Bill of Rights forms an integral part of Curriculum 2005 which was introduced among grade 7s at the study site in 2000. Forty pupils, comprising boys and girls participated in the Human Rights Learning Programme which was conducted by the researcher.

Part One outlines personal and professional motivations for conducting the study, the critical question to be researched and the importance of the study.

Part Two examines human rights and education, focusing on South Africa's obligations under international and national law. This is followed by an interrogation of the role played by democracy in bringing about changes and the effects of these changes on South African youth and children.

Part Three describes the study site, the sample, the Human Rights Learning Programme, the methodology used for the collection and analysis of data as well as the ethical guidelines adhered to. Data was obtained mainly from pupils' participation in activities in the Human Rights Learning Programme. These activities included interviews with pupils, pupils' writings, artwork and worksheets. Using the data, profiles of pupils were drawn up highlighting the categories and nature of the violations experienced. This facilitated an analysis of the data.

Part Four focuses on the data findings and analysis. Four main themes and sub-themes together with pupils' stories were examined: violence, racism, religious intolerance and sexual harassment.

A reflection of some key findings and recommendations regarding the respecting of pupils' rights concludes the study.

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PART ONE

THE STUDY IN CONTEXT

*"There is only one thing necessary for the triumph of evil,
is for good men to do nothing".*

(Edmund Burke 1720-1797)

1.0 Introduction

What does it mean to be evil? The Concise Oxford Dictionary (1970:419) defines it as "bad" and "harmful". Since this study is contextualised in a primary school, it leads to the question: What could be bad or harmful in schools? In the words of an authentic participant of the school community, a pupil, the following clues are provided:

*An evil mind
a devil re(i)ncarnated,
picking a stick,
a link of evil.
Beat,
but not defeated yet.*

*At every link of evil,
theres always beaten bones
Don't surrender
or evil will shatter innocent minds.*

*... the evil mind
watches your every move
no surrender, no freedom.
Just a broken heart and an evil mind.
(PTR: Tivesh, Aged 12)*

The poet (pupil) makes reference to "evil" teachers' beatings and pupils' lack of freedom. This evil "triumphs" not only when some teachers violate children's rights, but also when other teachers become bystanders and do "nothing" when they witness these occurrences. Teachers pontificate about honour and values, but they often do not role model interventionist behaviour, thereby accepting and normalising violations. From these deliberations, two imperatives have arisen. The first is driven by a personal experience, and the second, the introduction of Curriculum 2005.

1.1 Critical incident as identity shaper

Edmund Burke's citation captures the first imperative, and his words remind me that *I, the educator, did nothing* about a critical incident which occurred, in my professional life. According to Sikes et al (1985:57):

*Critical incidents are key events in an individual's life,
around which pivotal decisions revolve,
leading to transformation of identity.*

Sikes et al identify critical incidents which occur during periods of strain in the natural progression of one's career, where the individual is confronted by choices and decisions. Using the argument of Sikes et al (1985), I examined how a critical incident shaped my identity as a teacher and became indelibly printed on my mind, thus making me a prisoner of conscience. This incident occurred early in my career, according to Sikes' fourth phase, about "*three years after taking the first job.*" I was a standard three (grade five) primary school teacher at that time. A ten-year old pupil, whom I will call Vee, had worked extremely hard throughout the year. His dream was to attain first position in class. At that time, great emphasis was placed on class positions. This pupil was extremely motivated and studied diligently for the final examination. His parents had promised him many rewards, including a bicycle. When the class positions were announced, Vee

attained second position in class. He was devastated, especially by the fact that he was beaten by one mark, by a pupil, who, in his opinion, did not apply himself to his schoolwork. Although Vee's parents did give him all the promised rewards, he cried when he told me, "... *there's no God ... and I'll never believe in God again. It's so unfair.*"

Two days before the annual awards day, the head of department quietly informed me that he had discovered an error in Vee's examination paper while he was moderating the examination scripts. This pupil should have had thirteen marks added to his total. We discussed the implication of this discovery. I expressed my delight as it would mean that Vee would be at the top of his class and vindicate his belief about his achievement and re-affirm his belief in God. The head of department, however, pointed out the repercussions of bringing this issue out in the open, especially since awardees and their parents had already been informed, and the school's reputation was in jeopardy. After some debate, the head of department decided it would be best to leave things as they were. And *I, the educator, did nothing* because I conformed to his expectations of "correct" behaviour. I was a new teacher and he was a senior member of management, so I felt he knew best.

In relation to the way senior members of the teaching profession put pressure on younger teachers to conform, Hanson and Herrington (cited in Sikes et al 1985:63) provide the following interpretation:

Heads of departments in particular may act as "critical reality definers." The "critical incidents" show how such pressures work, but also how teachers find their way through them.

The incidents are "critical" in that they force a major leap in the process, by which new recruits become the kind of teachers they want to be.

This was during the apartheid era and the term "violation" did not occur to me, as the teaching of Human Rights was not part of the syllabus. I, nevertheless, knew that my silence had really hurt this pupil. Since then I have always been plagued with what I refer to as the "Vee Syndrome", which made me into a prisoner of conscience, who knew then, as I do now, that I was guilty, irrespective of the circumstances at that stage.

The personal restlessness and dissatisfaction that was taking place, largely during a period of oppression in our country's political, social, economic and historical arenas, was indicative of the dissatisfaction and restlessness I experienced. I realised that in spite of my education and training, I had not fully grasped what it meant to be a teacher, at least not the type of teacher I wanted to be, in a system which appeared to push me further and further away from the pupils and my humane self. I was at a loss. I watched many teachers around me who appeared to be content to go through the daily motions, while I was engaged in a constant battle to find myself. At that time another issue plagued me: was I unique in feeling this way? When I read *"Heartbeats of Change"* by Violet Joshua (2000), a teacher who taught in a school about five kilometres from where I lived, I realised there were others like me out there. In her book, Violet mirrored my restlessness and so many of my feelings and experiences that at times it felt as if I were reading about my own life.

1.2 Introduction to Curriculum 2005

The second imperative arose from examining how changes in the country co-incided with personal introspection. In the early 1990s the situation in the country began to change. In 1994, the advent of democracy signalled a time of change in South Africa. In a speech, delivered at the National Assembly in Cape Town on 9 February 2001, President Thabo Mbeki outlined his idea for change as follows:

Gradually, step by step, our country proceeds further and further away from its painful past. The past ... which is well

*known to all of us. It is a past of a racially divided country.
... a past of the denial of freedom to the majority, of gross
violations of human rights and repression, of entrenched
sexism, a past of high levels of crime, of violence and
corruption.*

President Mbeki made an appeal to fellow South Africans to persist in working hard to build a new society. He further called on all people to dedicate this year, 2001, to building "*Unity in action for change.*" Such unity in action among all South Africans should include joint efforts to assist the country to move away from its painful past of segregation, racism, sexism and gross violations of human rights. An initial action towards this change was the introduction of the country's first Democratic Constitution of 1996, which encompasses the Bill of Rights. Is it really possible for such "*Unity in action for change*" to be brought about? Or is it merely political rhetoric? I believe that the enactment of laws such as the Constitution (1996) and The Bill of Rights is not enough to bring about this change. What is perhaps needed to bring about change is the initiation of clear social and educational guidelines or programmes involving all sectors of society.

Against this backdrop of transformation, Outcomes-based education, which aimed at eradicating the inequalities and discriminatory practices of the past, was implemented in Grade Seven at my school in 2000. The Constitution and the Bill of Rights became an integral part of the Grade Seven learning programme. I had the task of teaching five out of the eight learning areas to my form class of forty pupils. While engaged in the Human Rights Programme with the Grade 7s, I came across many pupils whose rights had been violated. This included a wide range of violations from human dignity to the invasion of privacy by teachers, fellow pupils and by parents. There were many incidents that I witnessed in my teaching career, which led me to conclude that to a large extent the New Constitution, with specific reference to Human Rights, was not being observed by some teachers at the study site because these teachers were operating in the pre-1994 mode. At times, it appeared that some educators did not take Human Rights seriously or that they

were not familiar with the Bill of Rights. They were, therefore, unable to recognise whether they had violated pupils' rights or not. In addition, through my observations, I became aware that these acts were sometimes accidental or unintentional, but the effect on the pupil was just as damaging as if it were done intentionally.

1.3 Critical question

The critical question of this research endeavour is: *What is the nature of Human Rights violations experienced by selected primary school pupils?*

1.4 The importance of the study

Firstly, the study documents various types of violations that children experience in schools. Secondly, it raises awareness about engendering a culture of Human Rights at primary school level in order to bring about social change and social justice. Thirdly, it illustrates the importance for teachers to respect pupils' rights, thereby highlighting and making explicit how their so-called accidental and unintentional comments and actions can affect the psychological, intellectual and emotional well-being of learners. Fourthly, it raises awareness about children's feelings and perceptions of negative experiences at school. The study also serves to illustrate how problems manifested in society can begin with interrogation and studies of these phenomena at school level.

1.5 Conclusion

The South African Constitution of 1996 (Section 2 (28.2)) states:

*A child's best interests are of paramount importance
in every matter concerning the child.*

In my career as a teacher, I have observed many things that happen in schools which are not in the "best interest of the child." One of these is the violation of children's rights. Perhaps, through studies of this nature, insight can be gained as to why such occurrences sometimes take place, in spite of the guidelines enshrined in the laws of the country.

PART TWO

HUMAN RIGHTS AND EDUCATION

2.0 Introduction

Since the advent of democracy in South Africa and the introduction of the first democratic Constitution of 1996, many changes have come about. The Constitution is being used as a cornerstone for many of these changes, including changes in education. This section briefly examines some of these changes, thereby focusing on South Africa's obligations under international and national law, especially with regard to education. This is followed by a discussion of the effects of the changes on youth and children by interrogating the role that democracy plays in bringing about social justice.

2.1 South Africa's obligations under international and national law

Education is the single most vital element in combating poverty, empowering women, protecting children from hazardous and exploitative labour and sexual exploitation, promoting human rights and democracy, protecting the environment and influencing population growth. Education is a path towards peace and security.

(Kofi A. Anan, Secretary-General of the United Nations)

Education is recognised internationally as a fundamental human right, but according to the United Nations Children's Fund, 130 million children of school-age in the developing world and 21 percent of all school age children, had no access to basic education in 1998. This is, appropriately, regarded by the international community, as a critical priority. Children encounter many obstacles at school and ensuring their equal access to education is not enough; there is a need for policy makers to keep them at school (Human Rights Watch, 2001:1).

I believe that one of the factors that keep children out of school is the violation of their rights, which can be a result of direct or indirect violations. International human rights law requires states to address persistent violations of human rights and to take measures to prevent their occurrence. Regarding violations of bodily integrity, e.g. sexual abuse of children, the state has a duty to prosecute the offender, whether a government official or a private citizen. Further, the International Covenant on Civil and Political Rights (ICCPR) which South Africa ratified on 10 December 1998, requires the government to ensure the rights to life and security of the person of all individuals in its jurisdiction. The South African Constitution of 1996 enshrines the right to bodily and psychological integrity and the right to life, and recognises the inherent dignity of all human beings and the right to have that dignity respected and protected.

International human rights law and South African law guarantees children the right to education and forbids discrimination against realising that right. South Africa is party to the Convention on the Rights of the Child, which recognises the right of children to education and requires the government to provide education on the basis of equal opportunity. Similarly the South African Constitution guarantees the right to a basic education (Human Rights Watch, 2001:2).

The government has placed emphasis on the development of policies to redress the effects of the apartheid legacy. Significant investments are being made in education. In addition, the South African Schools Act, No. 84 of 1996 and the National Education Policy Act, No. 27 of 1996 provide guidelines for the administration of education. The South African School's Act (SASA) has withdrawn many of the discriminatory laws that existed under the apartheid education system. This led to the development of a new and nationally uniform education system for non-discriminatory organisation, management and financing of schools. It is compulsory for all educators to belong to the South African Council of Educators (SACE) which has a code of conduct that has to be adhered to. This code of conduct follows the principles of the Constitution and places emphasis on

terms of the statements made by politicians and officials, there seems to be a move forward in awareness of, and concern for, children's issues and in a commitment to addressing them. But this seems to be largely lip-service. President Thabo Mbeki called for "*Unity in action for change*", whereby all South Africans should join forces and work towards bringing about change (Mbeki, 2001). National educational minister, Kader Asmal (Business Day, 2001:4) encouraged teachers to "*whistle-blow*" and report their colleagues to the South African Council of Educators, if they suspected them of crimes such as corporal punishment and sexual abuse. Human Rights Watch (2001:33) suggests that there seems to be commitment towards social and educational change, with education enjoying a high priority on the national budget.

2.3 Change and social justice

After the human rights violations of the apartheid era, social justice seems to be profoundly embedded in the Constitution. The South African Human Rights Commission (SAHRC) provides support for social justice in promoting and supporting a human rights culture. It also promotes protection, development and attainment of human rights and monitors and assesses the observance of human rights (Bhana, 1999:19). The SAHRC also sees education as a transformative vehicle to attain social justice, thereby hoping that the practice of human rights will permeate all aspects of South African life. Bhana (1999:20) is of the opinion that "*the piety of social justice contracts might have been a good part of engendering democracy in 1994, but its survival may require far deeper action. The triumph of democracy has been insufficient to ensure social justice or all.*"

2.4 Conclusion

The South African education system, although engaged in reform measures, faces severe problems in overcoming the legacy of the past, especially in the face of limited financial resources. The number of social ills and problems faced by education seems to be increasing. Among these are violence in schools, racism, sexual harassment, substance

abuse, erosion of the culture of teaching and learning and a high teacher-pupil ratio. In the light of this, this study will examine human rights in terms of violence, racism, religious intolerance and sexual harassment.

PART THREE

IN PURSUIT OF PERSPECTIVES

3.0 Introduction

Part three of the study outlines where the study was conducted; in doing so it provides a description of the sample used, data sources and method. It also outlines Curriculum 2005 and the Human Rights Learning Programme, as well as the ethical guidelines adhered to.

3.1 The study site

This qualitative study was conducted at a primary school in Phoenix, north of Durban, where I have been employed as a senior primary educator for the past sixteen years. The classroom situation afforded the opportunity of understanding the children's feelings, experiences and social situations in their natural setting, given my close association with the children in the study. This is one of the characteristics of interpretative research, the approach used in this study (Cohen and Manion, 1997:37). This ex-House of Delegates school (an apartheid era description of a predominantly "Indian" school) is twenty years old. The roll of the school is 548, which comprises 61% Indian pupils and 39% Black pupils. The staff consists of Indian personnel only, with 25% male educators and 75% female educators.

With regard to the socio-economic status of the study site, I have become aware of certain factors, which I believe need to be mentioned here as they have an effect on the lives of the pupils. There exists a high rate of unemployment and single family (female headed) households within the community. It is common to find many families making their living from small informal businesses run from home. These include tuck shops, video hire, sale of clothes, games shops and even shebeens (illegal liquor outlets).

Gangsterism is prevalent, as well as a high rate of substance abuse among adults and children.

The article, "Phoenix sex crimes rising" (Tribune, 2001) states that drug and alcohol abuse, unemployment and boredom, together with the recent sprouting of shebeens in certain areas of Phoenix, have probably led to an increase in sex crimes against children. In this article, social worker Shashika Samlall, of the Phoenix Child and Family Welfare Society, states that 25% of the society's cases involve child abuse and neglect. In six months, 125 cases of indecent assault and 53 cases of rape, mostly of children, were reported to the police.

Although there is an adequately stocked tuck shop at the school, a large number of pupils frequent the neighbourhood informal tuck shops and selling establishments. This has given rise to certain problems. Alongside the school, a tuck shop and a games shop operate from a double garage. The loud music from this establishment can be heard in the classroom throughout the day. Late coming among pupils is a common occurrence. I have also experienced situations where pupils have gambled part of their school fees and excursion fees at this establishment. Absenteeism among pupils is high and there were occasions when members of the public brought pupils back to school. These pupils frequented the games shop during school hours. Against this troubled background, I believe that the school is one place where they should be able to find refuge.

3.2 The study sample

There were two types of samples used in this study: opportunity and purposive. I taught two classes of grade sevens, Form A and Form B. Each class consisted of forty pupils. Form B was chosen as the opportunity sample on the basis it was my form class and a substantial amount of time was spent with the group while teaching five out of eight learning areas. With Form A, I taught only one learning area, Human and Social Sciences (HSS).

Table 3.1**Actual opportunity and purposive sample**

| Form B | Total No. of Participants | Gender | Percentage of pupils |
|--------------------|---------------------------|----------|----------------------|
| Opportunity sample | 40 | Boys 24 | 60 |
| | | Girls 16 | 40 |
| Purposive sample | 11 | Boys 7 | 64 |
| | | Girls 4 | 36 |

The opportunity sample (Form B) comprised 11 to 13-year-old, Indian and Black pupils; 60% males and 40% females. Most Indian pupils lived in the community and within walking distance of the school. The Black pupils travelled, mainly by public transport, from areas such as Kwa-Mashu, Ntuzuma, Inanda and Bester Township. Many also walked long distances to and from school. All pupils were attempting grade seven for the first time in the year 2000. The fact that I engaged with the learners on a daily basis led to the development of a close relationship and rapport with the sample. Most pupils in the sample had been at the school from the junior primary phase or from grade four and were familiar and well acquainted with me. I had either taught them previously in the senior primary phase, or had taught their family members in the past. There were no new pupils in the sample group who had been admitted to the school in the year the study was conducted.

Furthermore, the Human Rights programme was carried out in the third and fourth terms of the school year, thus enabling the development of confidence and trust in our relationship. I considered this to be an important factor because, in terms of the interpretive approach, *"establishing trust on the part of the researcher requires a keen political sensibility and an understanding of how power relationships are structured in*

the context" (Terre Blanche and Durrheim, 1999:385). As a result of the large amount of time spent with the sample group, the establishment of rapport and trust in the relationship made the pupils candid informants. I found this facilitated my research, especially when it came to discussions and sometimes for the disclosure of personal and confidential information. Teaching the other learning areas with the sample group enabled me to become more involved in personal observations and allowed for extended periods of interaction with the pupils.

The Human Rights Learning Programme was carried out with the opportunity sample of forty pupils. Once the first part of the lessons were over with the opportunity sample, that is, the answering of worksheets, group discussions, drama, writing and art work, a purposive sample was selected from the opportunity sample. This was done on the basis of the nature, uniqueness and severity of the pupil's experiences. Thereafter focus group sessions were held, pupils were interviewed, and counselled where necessary, as part of the Life Orientation (LO) lessons. The purposive sample consisted of a total of eleven Indian and Black pupils - seven boys and four girls.

3.3 Curriculum 2005 and the Human Rights Learning Programme

Curriculum 2005 reconceptualises the nature of learning and teaching through the adoption of an Outcomes-based system. In contrast to the traditional "*content-based*" methods of learning and teaching, Curriculum 2005 places emphasis on what the learners should know and should be able to do at the end of a course of learning and teaching. Traditional subjects have been reorganised into eight learning areas:

- Language, Literacy and Communication (LLC)
- Mathematical Literacy, and Mathematical Sciences (MLMMS)
- Human and Social Sciences (HSS)
- Natural Sciences (NS)
- Technology (TECH)
- Arts and Culture (AC)

- Economic and Management Sciences (EMS)
- Life Orientation (LO)

Human Rights forms part of the HSS, LO and LLC learning areas, but in this report, emphasis will be placed only on Human and Social Sciences. The following are the component parts of the curriculum taught to the Grade 7s.

Learning Area: HSS

Phase Organiser: Culture and Society; Personal Development and Empowerment

Specific Outcomes(SO):

SO3: Active participation in the promotion of a just, democratic and equitable society

Assessment Criteria (AC):

AC1: Key features of democratic processes were identified.

AC2: Democratic Processes were critically understood.

AC3: A critical understanding.

AC 4: Informed judgements about issues were made in relation to the Constitution.

AC 5: Projects to develop democratic practices were undertaken.

Performance Indicators:

1. Demonstration of a basic knowledge of the main parts of the Constitution.
2. Identification of Constitutional issues which impact on the lives of individuals and communities.
3. Identification of channels through which constitutional issues can be addressed.

The learning programme on Human Rights encompassed an understanding of the Bill of Rights in the Constitution. This was used as a basis for solving problems and making informed judgements. The following is a broad outline of the issues that were examined as part of the programme:

- What are Human Rights?
How the Bill of Rights works, Human Rights Day.
- Different kinds of rights:
Civil, political, social, economic, cultural, environmental, developmental rights.
- The Constitutional Court.
- Human Rights around the world.
(Bottaro et al, 2000; Kapp et al, 1999).

3.4 Data sources and method used

Data was collected through the following instruments:

3.4.1 Interviews

Semi-structured interviews, which were taped and transcribed, concerning the following issues:

- Nature of violation experienced
- Who was the violator
- When the violation occurred
- Duration of violation
- Effect on pupil's attitude, behaviour, relationships, schoolwork
- Who was informed
- What was done about it.

Further, unstructured personal interviews and discussions were held which enabled pupils to talk in some depth about their feelings or experiences and what these meant to them. Some pupils requested personal interviews, preferring to relate their experiences individually rather than in groups. Some of the most valuable and rich data was obtained in this way.

3.4.2 Personal observations and experiences

Being a member of staff enabled me to observe violations that were taking place at the study site. These first hand experiences made me an instrument of data collection and triangulation of data.

3.4.3 Pupils' writings

- Personal reports: Pupils wrote personal reports on their experiences of violations of their rights at home and at school. If confidential information was disclosed, it was clearly marked, "For your eyes only."
- Poetry: Pupils composed poetry on their selected aspect of human rights, personal experiences, observed experiences, famous people, realistic or fictionalised accounts.
- Stories: Pupils wrote stories on a theme of their choice, fictional or true life accounts. They were also given the choice of writing about the case studies presented in the learning programme.
- Drama scripts: Pupils analysed the case studies in the learning programme and structured their drama scripts on the case studies or around them.

3.4.4 Art work

Poster making: Pupils prepared posters around the following themes: promoting a culture of human rights in school, for the public and in the home. Advertisements were planned for a billboard and a newspaper, advertising a large scale Human Rights programme which was held at the school. This activity was aimed at raising awareness about the different types of human rights, for example, peace education. It was aimed at providing entertainment as well as collecting funds for the school. This endeavour was open to the public.

3.4.5 Worksheets

This involved the answering of questions and case studies and also served as a questionnaire which was incorporated in the discussion.

The above formed the data collection plan. Given the limited scope of this research report, only interviews, written reports, selected artwork, selected poetry and personal observations and experiences have been emphasised in the discussion.

3.4.6 The analysis of data

Through the instrumentation outlined, the data that was obtained was used to code pupils' experiences into different types of violations. A profile for each pupil was drawn up, which included:

- Type of violation
- Nature of violation
- Who the violator was
- When the violation began
- When the violation ended

- Frequency of violation
- Effect on pupil's behaviour
- Effect on pupil's attitude
- Effect on pupil's school work
- Who was informed
- What was done about it.

The data was tabulated to show the list of pupils and the categories of violations they experienced. Fourteen categories of violations emerged, which included the violation of pupils' rights by teachers and by fellow pupils. The fourteen categories of violations that had been identified were redefined into six main themes as follows:

- Violence
- Racism
- Sexual harassment
- Other categories - invasion of privacy, teachers' performance, religious intolerance
- Abuse of position
- Name calling and embarrassment.

This information facilitated the drawing up of comparisons and significant differences in the nature of violations between boys and girls. This study focuses on the violation of pupils' rights by teachers and examines four themes of violations:

- violence
- racism
- religious intolerance
- sexual harassment.

Data findings and analysis are combined in the form of a discussion in order to provide a holistic picture of the nature and prevalence of violations taking place at the study site as

well as its effect on pupils. It was found that pupils sometimes were the victims of multiple violations and it is hoped that the combination of data findings and analysis will provide a clearer understanding of such experiences.

3.5 Ethical considerations

Informed consent is an ethical requirement for all research studies (Terre Blanche and Durrheim 1999:384). For this study, consent was obtained from the relevant gatekeepers, through the head of the school, and included parents and teachers. In addition, the research participants were assured of special ethical caution, because of the sensitivity of the material covered. Sometimes pupils feared that the disclosure of certain information would pose a personal risk and perhaps be used against them (by the violators), but they were assured of confidentiality and anonymity. It was made clear to pupils that it was entirely their decision to participate in the programme. An issue of concern arose regarding how data could be collected so as not to disturb the context unduly. I found that because of the open, caring and empathic manner used, pupils were quite candid in disclosing information. This was done through art work, completion of worksheets, interviews and focus group sessions.

When pupils divulged names, they often requested that I should not confront the violator, mainly because of the fear of victimization from educators, peers or parents. Also, since it was their last months at the school, they wished to spend the time happily and trouble free. Due to such requests, I became extremely cautious when working with the human rights programme. In this report, the names of pupils have been changed to protect the identity of the informants. The pseudonyms used, in no way relate to the pupils' real names. Pseudonyms were chosen by me to bring out the pupil's unique experience or quality.

The interpretive approach places emphasis on the principle of empathy (Terre Blanche and Durrheim, 1999:125). Critical incidents in my personal and professional life (as

outlined in part one), led to the development of an identification with, and empathy towards the pupils who had been violated. This approach was used because I believed that the subjective experiences of these pupils were real and should be taken seriously. One of the key characteristics of this approach is that one can understand other's experiences by interacting with them and listening to what they have to say (Cohen and Manion, 1997:37). This was done through interviews and focus group sessions with the sample.

Triangulation may be defined as the use of two or more methods of data collection in the study of human behaviour. This helps researchers to understand their data by approaching it from different angles (Cohen and Manion, 1997:37). Here I have used data triangulation in the form of personal interviews and pupils' efforts from the Human Rights Learning Programme. Further, being a member of staff at the school enabled me to make observations and to witness experiences, which I found to be valuable data. Therefore, in a sense, I also served as an instrument for data collection and triangulation of data.

3.6 Conclusion

I believe that the Human Rights learning programme, in addition to highlighting the different types of violations experienced by pupils, afforded them the opportunity to bring to the fore many issues that they were concerned about in regard to school, their homes and their personal lives.

PART FOUR

DATA FINDINGS AND ANALYSIS

4.0 Introduction

How were pupils' rights violated? In this section this question is interrogated by a thematic analysis of data. Four main themes with sub-themes are discussed. In each theme, statistics and selected pupils' stories will be presented together. Data findings and analysis are discussed together in order to present an integrated analysis to demonstrate the nature and prevalence of violations at the study site, and to show pupils' points of view and the nature of violations experienced. The data sources and coding are:

- Written reports (WR)
- Interviews (INT)
- Artwork (ARW)
- Poetry (PTR)
- Personal observations (PO)

4.1. THEMATIC ANALYSIS AND LEARNERS' VOICES

The analysis includes a discussion of four selected main themes and sub-themes that emerged from the statistical data which appears in appendix 1 and from data gleaned from pupils' written reports, poetry, artwork, interviews with pupils and personal observations. Each theme is presented with a table that shows the types of violation and percentages of violations experienced by boys and girls. This is followed by a discussion of the theme and selected pupil's stories that confirm and exemplify different themes of violation.

It must be remembered that, although particular stories feature in certain themes, pupils often experience multiple violations of rights. Therefore, there are cases where overlapping of pupils' experiences is evident.

Theme : Violence

The first theme is based on violence. There were two sub-themes that emerged from the data: the threat of the use of corporal punishment and the infliction of corporal punishment.

Table 4.1. : Percentages of threats of violence and violence experienced

| Category of violation | Percentage experienced violation | |
|--------------------------------------|----------------------------------|-------|
| | Boys | Girls |
| Threat of use of corporal punishment | 59 | 6 |
| Infliction of corporal punishment | 42 | 6 |

In this theme the above data will be used to describe teachers' threats of the use of violence and the infliction of violence. The types of violence and prevalence of violence existing at the study site, the reasons for the use of violence and its impact on pupils are also examined, thereby illustrating similarities and difference between boys and girls. This will be followed by a pupil's story relating to violence.

The term violence here includes corporal punishment. The statistical data shows that a higher percentage of boys - 59%, compared to 6% of girls - were threatened with, rather than being subjected to, acts of violence. These threats included, *"I'll boot you"* (WR: Meshan), *"kick you"* (WR: EL), *"hit you"* (INT: Frieda), *"give it to you"* (WR: Vinal), *"kick you out"* (WR: Thiren), *"kick you out of the class"* (INT: Freewill). Also, a far higher percentage of boys - 42%, compared to 6% of the girls - experienced acts of

violence. These acts included *"hitting"* (INT: Liaam), *"kicking"* (INT: Rajen) *"booting"* (WR: Tivesh), *"slapping"* (INT: Meshan) and *"caning"* (INT: Vinal).

Although, both male and female teachers used threats of violence and acts of violence, it was found that some male teachers used it more than female teachers. While male teachers tended to hit, kick, boot and punch pupils, female teachers, *"slapped"* (INT: George, Sean), *"hit with a stick"* (WR: Rajen), and *"pinched"* (INT: Riaz).

The following are some reasons cited by pupils for the infliction of corporal punishment: *"being naughty in class"* (WR: Tivesh), *"talking"* (WR: EL), *"the sir said I was arguing with him"* (WR: Meshan), *"not doing homework"* (INT: Freedom), *"fighting in class"* (WR: Meshan), *"untidy work"* (INT: Frieda), *"talking instead of doing work"* (INT: Viren), *"not carrying books to school"* (WR: Viren), *"walking around the class"* (WR: Vinal), *"not following instructions"* (INT: Frieda).

A comparison can be drawn between this situation and the Human Rights Watch report on *Violence against children in schools* (1999) which researched reasons for the use of corporal punishment in Kenyan schools. Teachers caned children for "offences" such as tardiness, talking in class, wearing torn or dirty uniforms, being unable to answer a question, or failing to achieve target marks set on exams. These measures often resulted in bruising, swelling, small cuts; at times, however, children suffered more serious injuries such as sprained or broken fingers or wrists, knocked-out teeth, internal injuries, and even death. This research generally revealed the same physical effects of corporal punishment on pupils, namely, *"bruising"* (WR: Meshan), *"swelling"* (INT: Rajen), *"finger marks"* (INT: George), *"cuts"* (WR: Riaz), *"blue marks"* (WR: Sean, George), and *"marks"* (INT: Frieda).

According to section 12 of the South African Constitution of 1996, everyone has the right not to be treated or punished in a cruel, inhuman or degrading way. By using an illegal

act of violence on pupils, teachers were in fact treating pupils in a cruel and degrading way. This can be seen from the words and actions of the following pupils:

Everyday the teacher was shouting at me ... the mam (female teacher) say give me your hands. She take a stick and hit me hard. I (I) have a big cut I was crying. The class were laughing.

It was b(l)eeding. The mam take a hankerchef quick and tie it to my hand. Another day i (I) bring my mother. the mam say sorry.

(WR: Phileep)

... and the girl went and told the mam. Before I could say anything, she slapped me in front of the class and twisted my ears I felt so embarrassed (embarrassed) and the whole class started laughing at me. I started crying so the mam sent me to wash my face.

(WR: Letitia)

Both pupils felt degraded and embarrassed. This can be seen by the fact that in both cases the class laughed. It was found that the effects of threats of violence was just as serious as the use of violence. To teachers these threats may be just "words", but the repercussions of the words on pupils can be long lasting, whether the teacher meant to carry out the threats or not.

It was found that teachers tended to use violence more on boys than on girls. The type of violence inflicted on the boys was sometimes very severe, as in the case of Riaz below:

He hold (held) me by my shirt up against the bord (chalkboard) and give me a slap on my face and a boot on my bum.

(WR: Riaz)

The punishment meted out to girls was mainly name calling, bullying and being sent out of the class (PO). Based on this research, it seems that teachers experienced more difficulty handling boys than girls. Because of teachers using violence to handle pupils and to solve problems, children may begin to see the use of violence in society as acceptable, thereby strengthening a belief in a patriarchal, violent society. But it seems as if the school is not the only place where a culture of violence is perpetuated. The home seems to be part of the cycle where children are socialised into using violence to solve differences. Maryna Swarts (1997:98) is of the view that the family is the cradle of violence in South Africa and that violence within the wider society is related to experiences of violence of childhood and the family. Therefore, she suggests, that the violence in society, is not a thing apart from wife and child abuse.

She further asserts that the notion of male identity is constructed in circumstances which champion violence in virtually all interpersonal activities and the forced submission of women in particular. The family becomes a place where a culture of solving differences by physical violence (and why should people behave differently outside the home even, if they knew how?) is adopted and perpetuated instead of a culture of mutual respect and caring concern, and where patterns of dominance and submission, instead of mutual support, are imprinted in the minds of young people (Swarts, 1997:99).

In regard to gender differences, this research revealed certain gender patterns in relation to violence. It was found that when it came to solving problems and disagreements, boys often tended to use violence as a solution. *"Violence is a socially sanctioned recipe for living. Men tend to use violence not only to reassert their masculinity, but also to solve a wide range of family problems such as with peers and family"*. (Swart, 1997:102) Even at primary school level, boys often challenged each other *"to fight"* (INT: George) when problems arose. When asked, *"Why don't the boys talk about the problem?"* The replies received were, *"We don't do that, we fight"* (INT: Tivesh), *"because they won't listen, they'll just wanna fight"* (INT: Freewill). Boys often became involved in physical fights on behalf of their friends, that is to save the honour of their friends (INT: Sean) or to form

a stronger group so that *"nobody will worry"* them (INT: Tivesh) and this perhaps explained the strong camaraderie that existed among boys. This pattern of boys' behaviour is perhaps learnt in the early years of schooling as indicated by Nicola Yelland's (1998) study conducted with pre-school children on gender patterns. It was observed that boys banded together to assert collective dominance when they were unable to dominate alone.

Girls, on the other hand, tended to sort out problems more by verbal means and communication (PO). There is a stark contrast in the way women and men use violence as a means of solving conflict. Women tend to prefer to deal with conflicts by negotiation or more indirect strategies, such as avoidance or subterfuge (Swart, 1997:102). With girls there was evidence of withdrawing from conversation (PO), *"not talking"* (INT: Rubina), *"not joining"* (INT: Shina) and *"ignoring"* (INT: Shilpa). Yelland's study (1998, 215) also indicated that in conflict situations with boys, girls often used their superior verbal and negotiating skills and boys focused on strength and control of their physical selves.

Gender conformity is very apparent in early childhood setting and the pressure to conform to gender stereotypes constructed by the dominant discourses of society, appears to be stronger for boys than for girls. This may be why boys are seen to be focused on strength and control of their physical selves (Yelland, 1998: 214). In the light of this, the impact of the use of violence on boys develops patterns that not only perpetuate the use of violence, but also the formation of gendermaps by boys and girls.

Therefore, by using violence in the form of corporal punishment, as a means of punishment and to maintain discipline, these teachers not only infringed the South African Schools Act and violated pupils' rights, but also tended to perpetuate the idea, especially among boys, that the use of violence is the only solution to solving problems at school. Section 10 of the South African Schools Act of 1996 states:

Corporal punishment may no longer be used in public and

private schools as a means of punishment. It is therefore illegal for anybody to apply corporal punishment in respect of any learner.

Parents may not give teachers or principals permission to use corporal punishment. In addition to formal corporal punishment, non-formal uses of force such as slapping and rough handling are also prohibited.

Salim Vally of Wits University Education Policy Unit (cited in The Natal Witness, 2000:9) feels that the government was wrong in introducing legislation against corporal punishment without preparing teachers beforehand. To him the process is not about easy alternatives to corporal punishment but rather effective alternatives that are rooted in communities and schools, and that are developed through a process of group support and reflection.

The Human Rights Watch Report (1999:1) found that Kenya's School Discipline Regulations authorised the use of corporal punishment in schools but failed effectively to regulate its use. Nominal restraints were routinely ignored by teachers and the regulations rarely enforced. Similarly, in South Africa, although the South African Schools Act (1996) has declared the use of corporal punishment unconstitutional, I believe that authorities and many heads of schools, to a large extent, fail to take action against those teachers who contravene the Act. This is especially true in the case of "non-formal" acts, such as kicking, slapping and booting.

Schools have long been violent places for South African children. Years of violent enforcement of apartheid era policies have fuelled a culture of violence (Human Rights Watch, 2001:18). The historical legacy presents a challenge for the government as violence remains high in many areas as evidenced by recent press articles, "*Reign of terror*" at Brooklyn Heights primary School in Chatsworth (Sunday Tribune, 2001), "*Student killed for his trendy Yizo Yizo hat in Inanda*" (Sunday Tribune, 2001) and

"Pupil runs riot with bushknife" an incident which occurred at the study site (Phoenix Tabloid, 2001).

It has been eight years since South Africa emerged from a history in which violence was routinely used by the state as a means of exerting power. The government has taken some steps and introduced initiatives designed to address crime and violence in the school environment. For example, the South African Schools Act of 1996, which states that the use of corporal punishment has been declared illegal (Human Rights Watch, 2001:7). Recently the national minister of education announced the immediate dismissal of teachers who were guilty of "abuse" of pupils. It seems there is an urgent need to put laws into practice so that change can be brought about.

However, more government action is needed, in particular, at the level of schools, an area that has received little attention. Therefore, it is hoped that this type of research documentation will contribute constructively to the process of policy development and implementation. This problem is serious enough to require a national plan of action (Human Rights Watch, 2001:8).

For many children around the world, violence was a regular part of the school experience. In some countries, school officials routinely used corporal punishment to maintain classroom discipline and to punish children for poor academic performance. In other countries, authorities failed to intervene to protect minority children from harassment and attacks by teachers. In South Africa, by teachers using the unconstitutional act of corporal punishment, it becomes obvious that although rules can be enshrined in laws, not every teacher will adhere to it. The government needs to have more interventionist strategies in place, starting at primary school level so that these issues can be monitored. The failure of school officials to protect children from violence in school denies them their right to be free from all forms of physical or mental violence and the full enjoyment of their right to freedom (Human Rights Watch, 1999:1).

LEARNER'S VOICE : TIVESH

NO SURRENDER (by Tivesh)

*An evil mind
a devil re(i)ncarnated,
picking a stick,
a link of evil.
Beat,
but not defeated yet.
You have power,
and we too.*

*At every link of evil,
theres always beaten bones.
Don't surrender
or evil will shatter innocent minds.
Scars will be revealed.
Hes going to get you,
and all will laugh.*

*Clitter, clutter,
the evil mind watches your every move.
Clitter, clutter,
No surrender, no freedom,
Just a broken heart,
and an evil mind.
we are waiting, one (w)rong move.
In your turn, smash, blow*

and I will laugh.

ha ha ha

Tivesh experienced mental, rather than physical, violence. His story demonstrates that the effect of mental violation, which can occur because of threats and humiliation, can be just as serious as physical violation. He viewed the threats meted out to him as embarrassing and degrading (INT). This perhaps contributed to the high degree of aggression and violence which was constantly displayed in his behaviour. His story also highlights the issue that violence is perpetuated not only by the use of violence, but also by treating pupils in a degrading, humiliating and embarrassing manner. The following is part of Tivesh's report, as written by him:

So the teacher could not handle me so she should send me to another male teacher Mr X to deal with me eg: hit me but the worst part was when he should threaten (threaten) to pull my pants down. first Mr X should ask his class weather (whether) he should pull my pants down. When his class of pupils said yes, he will first jerk my pants to make his class laugh at me and then he will start embarrassing (embarrassing) me by saying I'm a good for nothing fat slob making me feel Im nothing, lo (low) and make up a name for me etc. ...

Tivesh was a well-built twelve-year-old pupil who lived very close to the school and used to be often sent home on errands during lesson time. Financially, his family was far better off than the people living around them. Tivesh was neat to the extent of being obsessive about his appearance. There were incidents when he had hit pupils for dirtying his shoes. He was an intelligent pupil who applied himself well to his school work. He was mature and generous, but was very unpopular with his peers, both girls' and boys. This was because of his aggressive tendencies, and because of his controlling nature. He was uncompromising and refused to participate in activities that required power sharing.

There were occasions when his mother was called to school because of his behaviour problems, concerning the use of violence and sexually explicit remarks made to girls. He was often involved in fights because he felt the other boys wanted to make him *"like a fool"* (INT).

According to him, when he was in grade three, he was, *"a naughty brat whom his mam could not handle"* (WR) and used to send him to another male teacher to be disciplined. This male teacher used to taunt him by calling him names and by engaging the class as well. Then the teacher used to *"jerk his pants from side to side"* (WR) thereby threatening to pull Tivesh's pants down. After he began crying, Tivesh was sent off to his own class, where the children would laugh at him. So he had to endure a double humiliation. He saw this teacher as *"an evil mind"* who is going *"to get you, and all will laugh"* (PTR). This is a reference to the children who laughed at him. According to Tivesh, the worst part was the threats and not knowing when his pants would be pulled down, *"it was much worse than getting it (being hit) and finishing off, then you'll know its over. Like this you didn't know when it was going to happen. There was suspense and the children waited for it to happen"* (INT).

These threats and incidents also affected his self-esteem because he felt *"lo"* (low) like he was *"nothing but a dog"* (WR). He also felt that this *"evil will shatter innocent minds"* (PTR) Tivesh was violated *"two or three times a week"* (INT). His violations lasted for one year and had a deep impact on him. During his interview, by the manner in which he related his story, it was obvious that the experiences had a serious impact on him. He did not show hesitancy and was able to recall the events quite fast. He showed no signs of memory gaps, neither did he stop to recall his thoughts, which flowed freely. I noticed that as he described the taunting events, his face took on a different appearance and changed colour. His voice and tone changed and he began throwing his hands about, also in my direction, as if I was actually responsible for his traumatic experiences. The fact that Tivesh was sent by his female teacher to a male teacher to be disciplined made him conclude that, *"this mam could not handle me even at that stage"* (WR). It is interesting

to note that his use of the words, "*even at that stage*" shows he had no confidence in the female teacher's disciplining ability. Can this perhaps inculcate the idea in children that female teachers do not have the same ability as male teachers?

According to the South African Constitution and the Bill of Rights, Section 12 (1) "Everyone has the right to Freedom and Security of the person." This right, together with his right of human dignity was violated. Section 28(1d) states all children have the right to be "protected from maltreatment, neglect abuse or degradation." In terms of this, Tivesh's right was violated and what was meted out to him was not "in the best interest of the child." (Section 28, (2).

His right to privacy was also infringed because Section 14 of the Bill of rights states, "*Everyone has the rights to privacy.*" With the jerking of his pants, Tivesh's fear was that, that which was "private" would be made "public"; hence the torment and trauma suffered by him. If one examines his last words, a clear connection can be seen between the manner in which he was treated and his violent tendencies. He stated that if he, at any time, was to be sent to that particular teacher to be disciplined he would:

*slap him so hard he'll think an aeroplane
rocked him and then I will ask him how it feels*
(WR)

His violent tendency can also be seen in his personal writing by his words, "*in your turn, smash, blow*". When questioned about the nature of his relationship with the teacher at that time, he replied, "*I don't talk to him only if its schoolwork. I get angry when I see him. I don't greet him and walk the other side when I see him coming*" (INT). When asked whether he would forgive the teacher, he stated, "*I don't know. One day I'd like to put breathing holes in him*" (INT). This is another reference to the use of violence. It also shows that he would like to take revenge. The idea of violent revenge also features in his poetry, "*We are waiting, one (w)rong move... and I will laugh. ha ha ha.*" From

Tivesh's utterances, his aggression, violent streak and socially unacceptable behaviour is evident. A lot pointed to the possibility of him carrying out his visions. Tivesh indirectly challenges the power of his violator, "*You have power, and we too.*" On many occasions, Tivesh challenged teachers (PO). When questioned about his behaviour, he felt "*they can't tell me what to do.*" He clearly states although he may be "*beat(en)*" by a stick, he is not "*defeated.*" he refuses to surrender, "*don't surrender.*" He aptly calls his poem "*No Surrender.*"

Tivesh could not clearly specify how these incidents affected his school work, but did agree that his "*school work was affected*" (INT). His mother had visited the school and complained to the principal about the teacher's behaviour when she learnt of the incidents from a child in the neighbourhood. Nevertheless, Tivesh's violations continued.

Salim Vally (cited in the Natal Witness, 2 October 2000:9) is of the opinion that young boys who get beaten at school take it as a sign of their masculinity and often show off about this in the school grounds, "*I got six of the best and did not utter a word.*" They see this as educators exercising their power and authority. Later they exercise their own power and authority and demonstrate their masculinity by beating up girlfriends, wives, children and resort to physical attacks to resolve their differences. "*We need to question why beatings have become such an entrenched part of our society.*" Therefore, , the attitude of the teacher regarding the use of violence cannot be over emphasised.

Tivesh's story is just one example of the effect teachers' gestures, intended or unintended can have directly on pupils and indirectly on society.

From Tivesh's words and attitude, it can be seen that his experiences were very traumatic for him and that he is unlikely to forget them. Cottle (cited in Garbarino et al:116) emphasises the importance of childhood experiences when he states "*in children's traumatic experiences ...the weight of the past continues to influence their behaviour and outlook*". Dr James Dobson (1982:36) presents a similar view in the following words:

... from as early as four years of age, children begin to ask questions and gather evidence about their self worth. Each mistake and each time he speaks out of turn ... each time he is called a name ... this all gets stored in the memory bank.

When the child steamrolls into adolescence, all of these come back with a volcanic force to attack his self worth.

THEME : RACISM

Table 4.2 : Percentages of pupils who experienced racism

| Boys | Girls |
|------|-------|
| 57 | 50 |

With regard to racism, only Black pupils cited racist incidents and remarks as violations of their right to equality and non-discrimination. Therefore the discussion here will relate specifically to Black pupils. Although Black pupils comprised 39% of the school population, this opportunity sample included 22% Black pupils.

The statistical data shows both boys and girls experienced racist behaviour in different ways. More boys 57%, compared to 50% of girls - felt violated. Most of the Black pupils had been at the school from the junior primary phase and perhaps the interaction and close relationship that had developed between Black and Indian pupils assisted in eradicating racist incidents between the two groups of pupils.

On the other hand, the same type of relationship did not exist between Black pupils and a few teachers. Black pupils who felt violated complained of the following racist attitudes and remarks made by some teachers. Labelling and use of terms such as "us". "them", (WR: Freewill), "these ones", "it" (WR: Kabinde), "you people". (WR: Sibusiso) as well

as remarks such as *"why don't you go back to your own school"*(INT: Phileep), *"our schools"* (INT: Freewill), *"your schools"* (INT: Frieda), *"go back to where you came from"* (INT: Kabinde).

According to the South African Constitution of 1996, Section 2 (9) *"Everyone is equal before the law."* Since the country has moved away from its past discriminatory practices, education is being used as a vehicle for transformation. Therefore, teachers play a very important role in bringing about change. But it seems that the mindset of some teachers has not changed as indicated by the racist attitudes towards pupils. In relation to teachers' attitudes, Vally and Dalamba's report (1999:56) also discloses complaints made against teachers' insensitive and racist attitudes.

They further state that (according to their study), most teachers were generally supportive of Black learners and did not approve of some of their colleagues' behaviour (Vally and Dalamba, 1999:56). Over the past few years in South Africa, there has been reports of many racial outbursts in places such as Vryburg, Glocobersdale, Trompsburg, Richmond in Northern Cape, Potgieterust, Christiana, Delma. In addition Vally and Dalamba carried out a study in ninety schools from all provinces (South African Human Rights Commission, 1999). The South African Constitution of 1996 and other documents have been introduced to facilitate the transformation of schools. These are the South African Schools Act of 1996 (SASA) and the South African Council for Educators (SACE) code of conduct for educators.

In this regard, Section 29 of the Bill of Rights is relevant, because it deals with the right to education and redressing past discriminatory practices, while the SASA of 1996 repeals all apartheid legislation pertaining to schools. In addition, Curriculum 2005, is aimed at reversing the authoritarian, racist and sexist content and processes of the past.

Duncan (cited in Vally and Dalamba, 1999:5) is of the view that racism in the school system will not disappear simply because schools have become desegregated. Vally and

Dalamba's report (1996:6) shows that racism in South African schools exists and is flourishing. *It needs to be acknowledged and confronted* (1999: 6). With regard to human rights abuses in South Africa, Bhana (1999:21) expresses the opinion that, because of the South African Human Rights Commission's (SAHRC) emphasis on race and racism, the vision and hope of a human rights culture in South Africa become blurred, because the social justice contract is tarnished as the other human rights issues become subsumed into race and racism.

LEARNER'S VOICE : FREEWILL

Freewill is an example of a pupil who experienced multiple violations at school. He viewed the infliction of violence and the racist attitude of a teacher towards him as the more serious violation of his rights (INT). I have combined his experience of violence and racism in order to provide as full a picture as possible.

ABUSIVE AGAIN

By Freewill

*A slap upon a cheek,
a punch towards an eye,
the belt against an arm.
a word on my face.*

*Just when it begins to end,
the words and slaps,
it starts again.
The pain that is felt,
is the hurt that is inside.*

*The hurt that is inside,
it never goes away.*

*They think we dont know
that we dont understand
When the hurt starts to go,
then it begins again.
words, hate, slaps, insults and tears.
But mostly the hurt inside
it never goes away,
it is like a part of our live
and their lives.*

Freewill was a thirteen-year old boy who lived in a section of Kwa-Mashu that was riddled with violence and gang warfare. He came from a poor family, consisting of nine members. He had seen his older sixteen-year-old brother being shot by the member of a gang and he was very affected by it. Because of this type of revenge violence on the males, Freewill had to flee and live with distant relatives.

Travelling to school at this time was extremely difficult for him. As a result he used to be absent for long periods. Even when he was at school, he was always in fear that the gang members might find him and shoot him. In his house there was a constant struggle for money and food. As a result, Freewill had to walk extremely long distances to school. His rate of absenteeism was high and this tended to retard his progress. But when he did attend, he worked with diligence, enjoyment and enthusiasm. He frequently complained about how his legs ached from the long distances he walked.

Because of the long distances he had to walk to school, Freedom used to arrive at school about ten minutes late. Teachers were aware of his difficult circumstances. But, when he was in standard two (grade four), a female teacher was intolerant of his circumstances and felt he should go "*back to his own school*" (WR and INT). Freedom believed this teacher hated him, because she used corporal punishment (JNT) on him and was constantly picking on him for things like his book cover, his uniform, the type of pen he

used as well as the manner in which she insulted him (PTR). According to him he did the *"the work"* (WR) and could not see what the problem was. He felt she *"just hated his face"*(WR). During her lessons, he used to hide in the toilet.

Together with Freewill, Sibusiso and Kabinde were also treated in the same manner. After one incident in class, the teacher shouted at them, threatened to hit them and called them *"brainless noisemakers"*, (INT). They were also called names like *"Black Kaffir"* and *"Black rubbish"*(WR). They did not inform their parents about this abuse. The three approached the deputy principal (the principal was on sick leave) and explained their predicament. They were promised that something would be done. When I questioned Freewill whether any changes had taken place thereafter, he emphatically stated *"No"* (INT) His reason was that the deputy and the teacher were friends, therefore nothing was done about it. Freewill did not go back to the office as he felt nothing had been done previously. When I spoke to the deputy about the incident in a friendly conversation, he remembered the incident. According to him, he had spoken to the teacher concerned, but did not do a follow up, neither did he speak to the pupils again. He also admitted he had erred in that respect. The effect these incidents had on Freewill was the development of aggression, *"I don't know why I wanted to fight with everybody always"* (INT). He used to keep away from the other pupils, preferring to walk around alone and to pick fights. He also realised his *"schoolwork dropped"* but picked up again in standard three, when he *"had a nice teacher"* (INT) who taught him up to standard four.

Freewill's rights of equality, freedom of expression and human dignity were violated. The teacher exhibited blatant racism and disregard for the country's Constitution, the Schools Act and the Sace code of conduct. This is Freewill's story as written by him:

This started years ago there was this teacher she use to always call me names like Black Shirt(shit), carfer(Kaffir) and Bloody swin(swine) and Burstled (bastard). I didnt know that she was vilating (violating) my right of speech. she could never let me talk or say

anything to other (other) children.

Freewill was not only a victim of racism, but also a victim of violence. There were many issues which he found extremely difficult to handle (WR). He felt these factors were working against him (INT). He came from a poor family and a chronically violent community. He had to walk long distances to and from school and missed out on schoolwork when he arrived late at school. Even at school, he was in constant fear of being attacked by gang members from his community. At school, he was a victim of racism, the threat of violence and the infliction of violence.

In relation to the multiple problems faced by Freewill, especially the chronic violence in his community, experiencing further violence at school can have a detrimental effect on him. Can a child like Freewill seek refuge anywhere? Garbarino et al (1992) outline how the school can be used as a refuge. Werner (cited in Garbarino et al, 1992: 117) concludes that most resilient children are able to use the school experience profitably as a refuge from a troubled home environment. Garbarino et al (1992:121) emphasises the critical importance of the role of the school as a caregiving environment. *Not only are schools one of the most continuous institutions in children's lives, but after the family, schools represent the most developmental unit in modern social systems.* They observed that seventy five to eighty percent of children can use school activities as a support for healthy adjustment and achievement when schools are sensitive to them and their burdens.

It is my opinion that in multiracial schools, teachers need to be extremely guarded about their gestures, intended or unintended, because there is a high possibility that intention can be misconstrued. The following is Kabinde's story as written by him:

Mrs N. favor people like J. Because I am a Black people, one day I was playing with J. Mrs N. came and say you are a big boy to hit a small boy. He hit me on my face four times. After that he say sorry

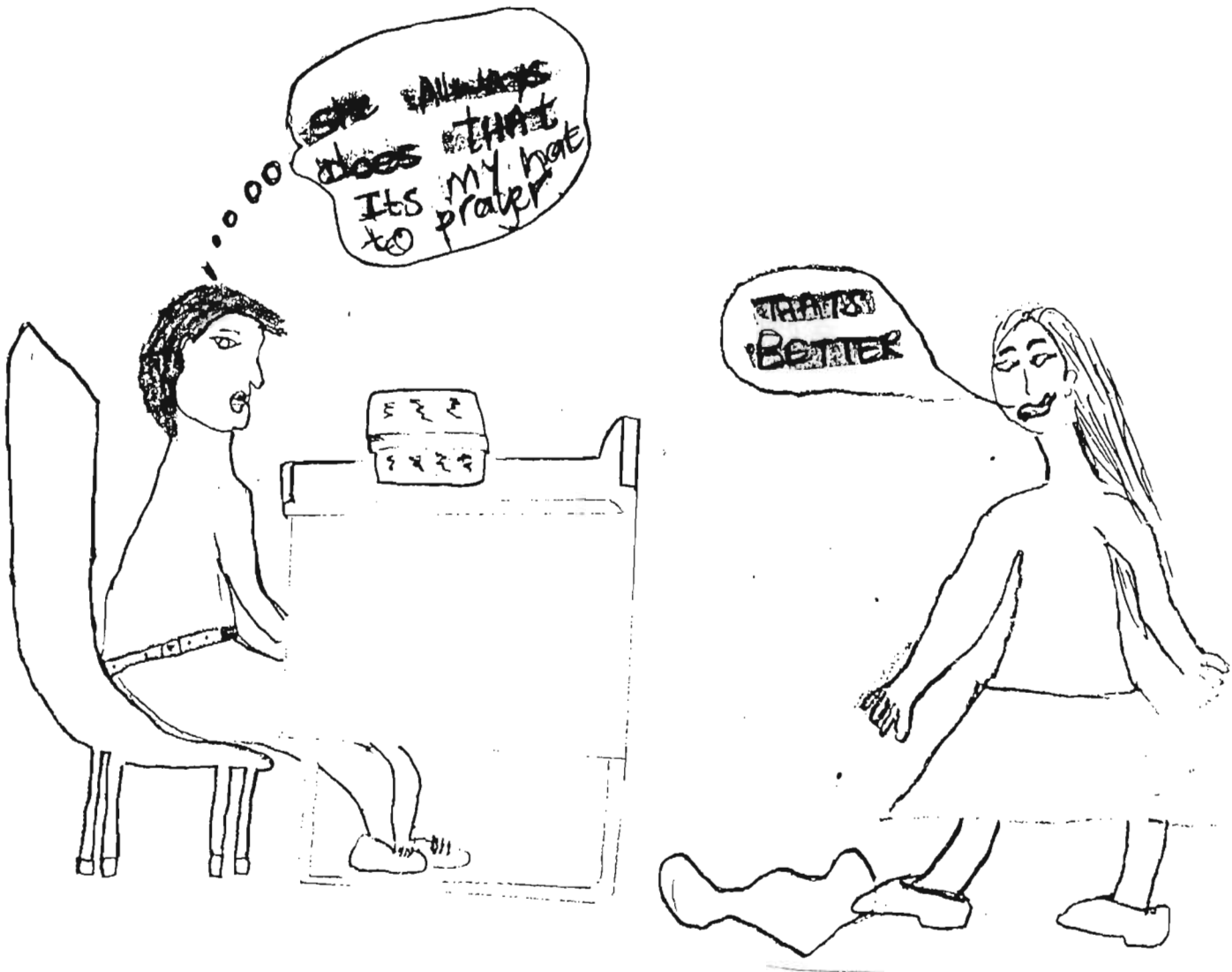
I was playing.

Kabinde believes that he was victimised because of his race "*because I am a Black people.*" Perhaps the intention of the teacher was to inflict corporal punishment, but Kabinde construed it as an issue of race perhaps because of his past racial experience, when he complained to the deputy principal and nothing was done about it. It also demonstrates how teachers' intolerant attitudes and behaviour can be perpetuated.

THEME : RELIGIOUS INTOLERANCE

Although there was only one pupil who felt that his "*religion had been violated*" (INT), religious intolerance is nevertheless a serious issue and requires documentation. The following is Riaz's drawing and his interpretation of it.

It shows the Afrikaans mam trowing (throwing) my mos (mosque) hat on the floor when she came to the cultural studys class and there was no duster. she was angry so she said give me your hat and she wipe the board and trow it on the floor. I wanted to cry but I did not cry. It was cruel and it was a Frida (Friday) and a mos day.



The following is part of Riaz's story as written by him:

It happened in the middle of February when the teacher (Mrs B) came to our cultural studies class. There were other children in the class who were irritating (irritating) the teacher. On the day it was a religious (religious) day so I was allowed (allowed) to wear my religious cap. The other children were getting on the mams nerves so she wanted to give them Afrikaans and she could not find a duster to wipe the board. She took my religious hat and used it to wipe the board (board) and she throw (threw) it in my face." (WR)

Riaz depicts the same issue in his drawing and his story, that is religious intolerance. It must be remembered that a simplistic interpretation of the drawing is used here to serve the purpose of triangulation. No in-depth analysis of the drawing is done because of the context in which it is used. Riaz's right to be treated equally without discrimination and his right to human dignity had been violated when the teacher, Mrs B. used his religious hat to clean the board. She then threw this religious apparel on the floor. There was also a blatant disregard for the sacred paraphernalia of another religion and an intolerance of another religion. The type of attitude displayed by Mrs B. does not send a positive message to children about tolerance, flexibility and respecting the human rights of others. This is a serious issue, especially in light of the wars that are still being fought around the world because of religious intolerance and religious disrespect. This led to Riaz "*feeling bad about his religion.*" (WR) He felt like "*killing her*" (WR) and the incident did not affect his relationship with anyone, "*but her*" (WR). He was upset about "*the day was a Frida (Friday)*" (WR). Friday, being regarded as an auspicious religious day in the Islamic calendar.

Riaz ends his report by stating "*I hope that this do not happen to anyone*"(WR). This shows the trauma and humiliation that he underwent. He ends off in the following manner, "*what people do to my (me) I forgive them but then one day it will happen to them.*" (WR) Play and art activities enable the child to give voice to a traumatic experience without the prerequisite of cognitive understanding or verbal ability. This can be seen in Riaz's art when he captures his personal experience, which for him was traumatic. The effect that the experience had on him can be clearly seen by his words, "*I hate her no one else*" (WR). Art activities also encourage children to express themselves and to form and communicate an account that can be a starting point for a healing dialogue between an adult and child (Garbarino et al, 1991:204). By engaging Riaz in an interview where he was able to verbalise his thoughts, it is hoped that some form of healing took place. One of the reasons for the development of the Human Rights Learning Programme was to assist the grade seven pupils to cope with the effects of personal violations, especially since it was their last year at primary school.

Progressively, children's drawings express perceptions of their personal and material environment. In a study conducted by Garbarino et al (1991:212) in a chronically violent community, it was found that children constantly depicted armed conflict in their art because "*children's art is a spontaneous and deep rooted activity*". Garbarino et al also found that children drew reality as fantasy as well because, according to them, the line between fantasy and reality for young children is flexible. In a sense, Riaz also drew fantasy in his art. He was a very small built pupil and was often disadvantaged because of his small body structure. His peers generally took advantage of him, especially when it came to physical activity (PO). He also draws reality because he captures Mrs B. very vividly in respect to her hairstyle and her gestures (PO). He also depicts her hitting him. To Riaz, Mrs B. enjoyed hitting him, thus his words "*Its fun hitting children*" (ARW).

THEME : SEXUAL HARASSMENT

Table 4.3 : Percentage of pupils who experienced sexual harassment

| Category of violation | Boys | Girls |
|--------------------------------|------|-------|
| Suggestive language and action | 0 | 25 |

This discussion focuses on the use of suggestive language and action by some male teachers at the study site. These were construed as acts of sexual harassment by 25% of the girls. No boys complained of similar experiences, although they wrote about witnessing the girls' experiences. The following is Thiren's account of what he witnessed:

I witnessed a male teacher touching a girl on her back and he was holding her close and he was trying to open her bra strap. This girl wasn't very happy. She was trying to push him away (his hand) but not violently but hardly

So then it must have been a few weeks later and another girl walked into the room to give a message from the office. Mr X is standing behind her and putting his arms over her shoulder and touching the girls breasts [breasts] and this girl is not looking very good on her face...

I went home thinking of my little sister. There is one more year left for her to go to school and I'm out next year. Something has to be done.

Girls only complained about being sexually harassed by male teachers. No similar complaints were received about female teachers or about fellow male teachers.

Suggestive actions experienced by girls included “*touching breasts*,” (WR : Shilpa), “*touching thighs*,” (WR : Shilpa, Preeta, Nisha), “*hugging girls from the back*,” (WR : Shilpa, Preeta), “*lifting girls’ dresses*,” (WR : Shilpa, Preeta), “*opening girls’ dress buttons*,” (WR : Elissa), “*playing with girls’ underwear (bra straps)*,” (INT and WR : Shilpa), “*opening underwear (bra) hook*,” (WR and INT : Shilpa).

Girls felt that these actions were, “*embarrassing*,” (INT : Preeta), “*too open*,” (INT : Nisha), “*inappropriate*,” (WR : Nisha), “*Made them feel ashamed*,” (INT : Shilpa, Elissa, Preeta), and “*filthy*,” (WR : Elissa).

These actions of teachers took place in full view of other pupils, either in the classroom, during lesson time or during the breaks. Because of this, other pupils, both boys and girls, spoke and wrote about witnessing these inappropriate acts.

Girls who were victims of sexual harassment were interviewed about what they did about the inappropriate gestures of some of the male teachers. The following replies were received:

"We were afraid to do anything," (INT : Preeta, Shilpa, Nisha), "too embarrassed to talk about it," (INT : Shilpa, Elissa, Nisha), "maybe it was our fault," (INT : Preeta, Shilpa), "maybe he was playing/joking," (INT : Nisha, Preeta), "we were worried about telling our parents, then it may get worse," (INT : Shilpa, Elissa), "maybe teachers play like this," (INT : Nisha), "teachers can do that but not hit us," (INT : Nisha, Elissa).

These suggestive gestures also affected girls' attitude and schoolwork as evidenced by the following reports by two pupils, Elissa and Shilpa. Elissa experienced the same type of sexual harassment at the hands of two male teachers (whom she calls Mr Zips and Mr Spikes).

Elissa

This happened some years ago when I was in the class when he called me to the front (front) and began opening my dress buttons. It was very embarrassing. He opened my dress as far as my belly button. It was very disturbing and used to have nightmares about him having an affair with my mum. It was like a traumatic zone in my life. I used to dread going near him.

He was also found guilty of burping on children's faces and doing all kinds of gross things. I just hate him. I wonder if he is some kind of psychopath. And at one stage, I felt like I was in wonderland, but when I see his disgusting face, I feel like puking.

I can understand he wants to have fun, but there is a certain limit. I just wish he can stop all his idiotic habits. He is invading our people's privacy. He is also guilty of opening boys pants. He is also a male and has a penis, what more does he want to see.

The following account is given by the same pupil, Elissa in a worksheet:

Did you ever experience any kind of violation of rights at home or at school? Could you explain it?

It all happened when I was in Standard 1 in a teachers class and his name was Mr Spikes. Mr Spikes called me to the front of the class and began to open my dress buttons. I was really very scared and ashamed because the whole class was laughing at me. I did not do anything because I did not hear of the term called human right. He was also an adult and I thought what he did was right. I also used to have nightmares about him.

Did this in any way affect your:

Attitude:

It did not have any effect because I thought what he did was right.

Schoolwork:

But it did affect my schoolwork because everytime I had to think about something, Mr Spikes will come to my mind.

Your Relationship:

My relationship was bad with him when I came to know about human rights.

Your life:

It did affect my life when I learnt about human rights. God said we must love everyone, but never him.

The following is Shilpa's report:

He should touch me under my breast and should threw my things on the floor which really annoyed me. He took my face-cloth and wiped the board. I was afraid to tell anyone about it.

How did it make you feel?

It made me feel heartbreaking and upset. And want to hit somebody like my brother. It made me have nightmares about this day and night and I should cry when I go to bed. And one day I could not take it anymore I wanted to kill myself for no reason. It make me feel like killing myself and if it does not work I am going to take overdose. And for me in order not to think about it I will think of what I am going to do for the day or weekend. And I am getting sick and tired about this teacher can somebody help me.

How did it affect your:

- 1) **schoolwork**
- 2) **life**
- 3) **attitude**
- 4) **relationships e.g. with the person**

It effected my relationship with my friends and family because I should just talk roughly to them and they should wounder why I am acting like that. Then when I told them they were shocked. It also effected me with my life because I should have nightmares and it should worry me day and night. That is all it violated me and effected me.

Who did you report to and what was done about it?

I reported it to my father and mother and they said one more time he does that I must tell them again but I was afraid. But nothing was done so I never tell them again. The other person I told was my form teacher and she put a stop to it.

From these reports, one can see that the girls were affected in multiple ways.

Although the girls were very affected by the teachers' gestures, they often did not respond or show their feelings about their experiences. This led pupils (especially boys) to believe that the girls, "*liked what the sir did,*" (INT : Meshan), or "*they enjoyed themselves too,*" (INT : George).

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Similarly, George was of the view that, *“the girls enjoyed it because they laughed when the sir did that. We saw them laughing.”*

The girls gave their points of view for reacting in that manner. They (Nisha, Elissa, Shilpa and Preeta) felt embarrassed, ashamed and self conscious. They also stated that since the rest of the class was laughing, they did not know what else to do, but laugh (INT).

But they emphatically denied that they “enjoyed” it. To them, their laugh was a “different, nervous laugh, different from the other pupils.” (INT)

Suggestive language included, according to the girls, “the way he looks at us and smiles,” (INT : Nisha), making comments such as, “you growing nice and big,” (INT: Shilpa), and “getting too big now,” (INT : Preeta).

It was observed that, perhaps because of the girls’ experiences, for certain subjects, they ensured that they wore their jerseys, even on a hot day (PO). This was perhaps in order to hide their developing bodies.

The sexual harassment of girls that has been outlined did not take place in isolation. South African school girls of every race and economic group daily encounter sexual violence and harassment that impedes their access to education. Girls are raped, sexually harassed by their class mates and even teachers (Human Rights Watch, 2001:1).

Gender violence and sexual harassment of girls has been documented by the Human Rights Watch (2001). Tolerance of gender based violence in schools is a serious form of discriminatory treatment that compromises the learning environment and educational opportunities for girls. Girls are disproportionately the victims of physical and sexual abuse at schools (Human Rights Watch, 2001:3).

This study revealed that only female pupils were sexually harassed by adult males (teachers). What are the implications of this finding? Cassiem (1997:82) is of the opinion that children and youth are in danger because of being female because society gives men the power to abuse. She further asserts that South Africa is one of the most violent societies on earth. Studies conducted by the Human Rights Watch (2001) and Leach et al reveal that school girls were sexually harassed by some male teachers as well as their male peers. According to this research, girls complained only of sexual harassment by some male teachers. In the same light, Mukasa's study (1999:58) reveals that "*girls did not suffer sexual harassment from fellow boy school mates, as they easily deal with harassment from them, i.e. they are able to tell these boys off.*"

For many girls at the study site, it was difficult to differentiate between what acts constituted a violation and what was done in a "playful" or "joking" manner. Similarly Leach et al's (2000:41) investigation of the abuse of girls in Zimbabwean junior secondary schools reveals that, "*teachers either choose to ignore what is going on or like to think that the teacher is only joking with girls.*" It was further revealed that many pupils did not know what teachers were allowed and not allowed to do in terms of physical conduct with pupils. The fact that some girls showed ignorance in this area, made it easier for the male teachers to continue to perpetrate their behaviour, especially with male students. This resulted in some male teachers often deliberately misleading girls into believing that they were indeed "joking" or "playing." Therefore, in order to protect girls from sexual harassment at schools, it is important to educate them not only about their rights, but also about the role functions of pupils and teachers, in regard to what is allowed and what is not allowed. This gesture could be strengthened if it becomes part of the school code of conduct and school policy. The managers of schools need thereafter to ensure that any transgressions be taken seriously and not "swept under the carpet," as shown by the studies conducted by the Human Rights Watch (2001) and Leach et al (2001).

The ignorance of pupils regarding exactly what constitutes sexual harassment and abuse was also one of the findings of Mukasa's study (1999:59), where it was found that girls believed harassment is something that happened all the time and, "sexual" relates only to explicit sexual acts or language.

The report of the Gender Equity Task Team (1997:217) defines sexual harassment as *when a person subjects another person to an unsolicited act of physical intimacy; ... makes a remark with sexual connotations relating to the other person or engages in any other unwelcome conduct of a sexual nature in relation to the other person; or in circumstances where a reasonable person would have anticipated a possibility that the other person would be offended, humiliated or intimidated by the conduct.*

This study documented a context where one party exercises power over another and where the victim is a child who may not fully comprehend what abuse entails. According to the South African Constitution (1996), "*a child*" means a person under the age of eighteen years." It is obvious that the teacher, from his position of being the person with greater power, due to age, position, physique, status, understanding or knowledge took advantage of the girls' vulnerability, fears, weaknesses, lack of understanding, helplessness or need. Leach et al aptly state that, although their study documented sexual harassment in Zimbabwe, "*similar patterns of abuse are likely to be found in schools in many parts of the world, given that its causes stem primarily from the patriarchal and authoritarian nature of the society in which the school is located.*"

The cases documented in this study are violations of the child's bodily integrity and human dignity in terms of the South African Constitution (1996). In addition, the Constitution (Section 2.28(1)) states, "Every child has the right to be protected from maltreatment, neglect, abuse or degradation." By some male teachers behaving in the manner they did, at the study site, they were in fact maltreating, neglecting, abusing and degrading female pupils. They also violated Section 2.28(ii) of the South African

Constitution by placing at risk the child's well-being, education, physical and mental health.

Furthermore, these male teachers are also guilty of child abuse. Child abuse may be broadly defined as “ *action or inaction that results in potential risk or harm to a child under eighteen years of age usually of a physical, emotional or sexual nature.*” (Bross et al, 2000:6).

Men in positions of power, for example teachers, continue to abuse children. While it is important to inform children of their rights, it is even more important to place adults in positions of child advocates.

Without parents and care-givers being informed, education will not contribute holistically and effectively to a prevention cycle. Education is an important factor in addressing primary prevention of violations and abuse, hence the need for “prevention education” (Cassiem, 1997:83).

LEARNER'S VOICE : PREETA

The following is Preeta's written report:

The violater (violator), violated my human rights by pulling up my dress and slip (petticoat) to my thies (thighs) I was not wearing pants and there were lots of children there because it was lunch time and this was on the grounds and I was helping them set up the high jump poles. Then this year he started opening up my bra pulling down my straps and things like that he also holds my waist thies (thighs) Im not the only one he does this to I fell very sad, depressed and some times angrey with my self I feel as if Its my fault and feel under the weather hes already tramurtised me I don't want him to do it to any one eles. he trys to act

like its normal and I cant concentrate in his class. I like to leave and take the other subject instead Im glad I wont be here next year but this has to stop!

The following is Preeta's response to questions in the worksheet.

When did it start?

It happened once in standard one and then this year and he keeps on doing it ever since then almost every time we have (name of subject).

Would you describe what occurred?

He touches us (Shilpa, Nisha and) myself and opens up our bra bands pulls down the bra bands on our shoulder and embaresse (embarrass) us in front of the class he holds us around our waist and brest (breast) and if we tell him off he punishes us he holds our thies he aspetaly did it to but after she started getting very depressed he started with me and now hes also doing it with (Nisha). He holds us at just any time we can't concentrate on the work we are doing.

How did it affect you?

It kept reapeating in my mind and I couldn't consentrate on what he was teaching some times if I know we are going to have (subject) I become very sad.

How did you feel?

Very sad, embarsed (embarrassed) and some times I thought it was my fault I used to become depressed and upset and some times teared and when some one in the class asked what was wrong befor I could eve ansaw he would say it was because I dint know my work it made me fell dumb.

Did you inform anyone about it?

No one because I was ashamed about it. I thought they would laugh at me.

Preeta was an attractive twelve-year old girl. She was constantly complimented on her physical beauty by teachers and pupils. In addition to her physical attraction, she was intelligent and displayed a high level of confidence (PO). She liked to be challenged and because she was outspoken, she liked to challenge others, both teachers and pupils. She was able to conduct conversations and debate issues on a mature level. These qualities made Preeta noticeable. She felt she was violated and sexually harassed because of her physical beauty. This is evident in her art and her writing as follows.

Teacher: Hi there pretty girl.

Pupil : How can I help you?

Teacher: Let's see if you can. How about a kiss and a walk in the park pretty pupil.

Pupil : You are a teacher, and you can't touch me!

Teacher: Says who I can't touch you. We have rights girl.

Pupil : Okay you have rights. Well I have something to tell you I also have rights,
Mr Naidu.

From the data it can be seen that the violator is a male teacher who appears to be preying on young girls because Preeta clearly states that she is not the only one he has done that to (Shilpha and Preeta). She further provides the names of the two other girls who have experienced similar incidents. The fact that the male teacher harasses these young girls everytime they have his subject, shows that his behaviour is repeated.

Studies conducted by the Human Rights Watch (2001) and Leach et al (2000) on the sexual harassment and abuse of school girls show that teachers' abuse of girls took place both on the school premises and outside school. They reported many cases of girls who were lured by teachers to be alone with them when the abuse took place. Whereas in Preeta's case, the sexual harassment occurred in full view of other pupils, either in the classroom or in the grounds, thereby signalling to other girls that they must expect and accept his actions. It is interesting to note that, in her artwork (see appendix), Preeta illustrates the idea of sexual abuse taking place in the school grounds, that is "*A lesson*

out side in the grounds.” Her message is, “*We have Rights WE CAN SAY NO TO SEX.*” She also indicates that she does not like what is happening to her and to other girls by the use of the words, “*Don’t touch us!*” The harassment took place in full view of other pupils probably because the teacher wanted to mislead pupils into viewing his actions as normal. Preeta also indicated that the teacher often acted as though what he was doing was “*normal.*”

There also appeared to be a kind of daring exhibited by the violator because, in spite of the possibility that parents, other members of staff and the management of the school may witness his actions, he did not seem to be afraid of the repercussions of his behaviour. This was probably because of the position he held and the power attached to his position, which he seemed to exploit. The data also shows he harassed girls of different ages and grades, from grade three (standard one) to grade seven (standard five). Therefore it appears as if no girl is safe from him.

Preeta’s harassment took the form of touching different parts of her body and touching her underwear. But the effect of these actions on her was extremely traumatic because she began to blame herself for what was happening to her. Indirectly the teacher preyed on her emotions and actually led her to believe that she was guilty because she did not do her work. She also felt sad, depressed and angry with herself. She could not concentrate on her lessons and began to vent her anger on her younger brother. She also became withdrawn, preferring to be alone rather than joining her friends or talking about her problem. Preeta knew that the teacher’s actions were wrong, but she could not do anything concrete about it because she was led to believe it was her fault as her previous attempts at handling the problem by reporting to her parents, brought about no change. In my opinion it is rather sad when a twelve year old girl, who has so many adults around her, has to endure such trauma simply because she does not have trust and confidence in the adults in her life. She was made to feel “*ashamed*” to the extent that she felt people will “*laugh*” at her. Does this not make girls like Preeta prime targets for abuse and human rights violations.

What effect did these incidents have on the violator? When Preeta tried to stop him, he laughed at her thereby asserting his power over her. The teacher's exertion of his power is captured in Preeta's drawing when she questions, "*Sir what did I do you! Please leave me alone Sorry!*" The teacher answers, "*Nothing Girl, you look very pretty today Ill (I'll) only stop if you have sex with me or Ill carry on!*" Preeta seems to feel that she is a target because of her physical attractiveness and that she must have done something, "*what did I do you!*" to make the teacher harass her.

Experiences like those of Preeta are becoming common in schools as documented by the media and studies conducted by, for example, the Human Rights Watch (2001) and Peach et al (2000). While Preeta's harassment pertained to the touching of her body and underwear, the aforementioned research also documents sexual abuse of school girls by male teachers which sometimes resulted in teenage pregnancies. Nevertheless, the effect of the harassment on Preeta was just as serious as sexual abuse. At the study site there was a reluctance on the part of girls to talk about and to report incidents of sexual harassment by male teachers, generally because girls were led to believe that it was because of something they (the girls) must have done, to make the male teachers behave in such a manner.

Wolpe et al (1997:70) are of the view that this kind of gender inequity exists because "*girls and boys in their earliest years of schooling have already acquired traditional gendered forms of behaviour, which may lead to forms of oppression. These negative behaviour patterns can be addressed and some oppressive forms of behaviour confronted by teachers.*" According to the Human Rights Watch Report (2001:6) too often school officials concealed sexual harassment and sexual violence and delayed disciplinary action against perpetrators of such abuse at great cost to victims. Rather than receiving redress from school officials, girls who do report abuse are often further stigmatised by teachers and students. Therefore many girls, like Preeta suffer in silence, having learned submission as a survival skill. Their violations continue partly because no

one takes responsibility for the problem. Therefore the government's failure to protect girl children and respond effectively to sexual harassment and abuse, violates not only their bodily integrity, but also their right to education.

4.2 Conclusion

More boys than girls experienced threats and acts of corporal punishment. Nevertheless, both were viewed as being equally serious by pupils. Male aggression at the school seemed to be institutionalised and considered as "normal." There was evidence that school based violations had broader implications in society. Although this study focuses on teachers' violations of pupils' rights at school, often, because of the multiple violations experienced by pupils, it was difficult to separate violations by teachers and peer violations, as well as the broader societal effects of these violations.

5. CONCLUSION AND RECOMMENDATIONS

In documenting the nature of grade seven learners' experiences of human rights violations by teachers at the study site, four main themes and sub-themes were interrogated. The main themes were violence, racism, religious tolerance and sexual harassment. It must be remembered that although this study documented teachers' violations of pupils, it was found that the implications of these violations had a broader societal impact.

With regard to violence, it was found that more boys than girls experienced threats of violence and acts of violence. More male than female teachers tended to use both threats of violence and acts of violence to solve problems. Female teachers tended to use name-calling and degrading terms, especially on girls. Some female teachers tended to send pupils, mainly boys, to male teachers for "punishment" and "disciplining." This perhaps led to the belief held among pupils that male teachers were better disciplinarians (and teachers) than their females colleagues.

There was a development of broader gender patterns in terms of the frequent use of violence by male pupils to solve problems. In relation to gender differences, female pupils experienced sexually harassing actions and language at the hands of male teachers.

With regard to racism, it was found that only Black pupils were victims of racist remarks and actions of some teachers. The relationship between pupils of the two different race groups can be regarded as good. One of the reasons for this was that there existed a close bond between them because of their interaction with each other which began in the first year of school entry.

In spite of the laws enshrined in the Constitution of the country, some teachers still tended to violate pupils' rights, both consciously and without being aware that they were violating pupils' rights. This was because they either did not take human rights seriously or had not made the shift from the methods used to teach and to discipline pupils in the apartheid era, to Curriculum 2005.

Schools need to take human rights seriously. It should become an integral part of the school curriculum and school policy. Much lip service was paid to human rights, especially when commemorating Human Rights Day annually, but this hardly impacted on the life of the child in school. It is in schools that child violations, sexual harassment, violence and racism can be tackled. Human rights need to become an important and integral part, not only of South African law, but also of South African society.

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APPENDICES

APPENDIX 1 : THEMES, SUB-THEMES AND PERCENTAGES OF VIOLATIONS AND NON-VIOLATIONS PER CATEGORY

APPENDIX 2 : EXAMPLES OF PUPILS' WRITING

APPENDIX 3 : EXAMPLES OF PUPILS' ARTWORK

APPENDIX 1

THEMES, SUB-THEMES AND PERCENTAGES OF VIOLATIONS AND NON-VIOLATIONS PER CATEGORY

| Categories of violation | % experienced violations | | % did not experience violations | |
|--|--------------------------|-------|---------------------------------|-------|
| | Boys | Girls | Boys | Girls |
| THEME: VIOLENCE | | | | |
| Threat of use of corporal punishment | 59 | 6 | 41 | 94 |
| Infliction of corporal punishment | 42 | 6 | 58 | 94 |
| THEME: RACISM | | | | |
| Racist behaviour | 57 | 50 | 43 | 50 |
| OTHER VIOLATIONS | | | | |
| Religious intolerance | 4 | 0 | 96 | 100 |
| Invasion of privacy | 31 | 25 | 69 | 75 |
| Teacher's performance in class | 46 | 56 | 54 | 44 |
| THEME: SEXUAL HARASSMENT | | | | |
| Sexually suggestive language and action | 0 | 25 | 100 | 75 |
| THEME: NAME CALLING AND EMBARRASSMENT | | | | |
| Name calling by educator | 54 | 44 | 46 | 56 |
| Embarrassment by educator | 75 | 81 | 25 | 19 |
| Sent to other teachers to be disciplined | 50 | 12 | 50 | 88 |
| THEME: ABUSE OF POSITION | | | | |
| Teachers' requests for personal favours | 13 | 62 | 86 | 38 |
| Pupils sent out of school | 25 | 25 | 75 | 75 |

APPENDIX 2

EXAMPLES OF PUPILS' WRITINGS

JUST DONT ... ELISSA

Just remember
You hurt us when you abuse
So
Don't kick
Don't boot
JUST DON'T ABUSE

WE ARE THE CHILDREN OF THE FUTURE

So, once again
Don't kick
Don't boot
JUST DON'T ABUSE

When will the abusers learn,
You hurt when you abuse.
Mentally, sexually or physically

The hurt is the same
Just as painful
So,
JUST DON'T.

JUST LIKE YOU PREETA

Stop abusing us,
we also have a life,
JUST LIKE YOU.
You wouldn't like it
if we abused you.
Please stop.

Let the children lead a different life,
by escaping all the strife

which is so rife.

We want to lead a better life
JUST LIKE YOU.

You do not know
the pain we go through.
What we always think about
when we go home.

Am I going to be hurt again?

We want protection and respect
JUST LIKE YOU.

Give us love and show us happiness
because the sadness is killing us inside.
Show us joy, kindness and support,
that's all we need,
JUST LIKE YOU,

IS THAT TOO MUCH TO ASK?

ITS NOT FUNNY SHILPA

You think its so funny when you do things,
its not funny when you throw things on the floor
when you spit
when you burp
and when you laugh

Sometimes we say nothing
but we feel hurt
our things are not dirt
and we are not stupid
we are human too.

We have feelings,

we can understand.

Talk to us,

don't hit us.

If you are unhappy tell us,

why.

Talk to us

Don't hit, insult, laugh or make us ashamed.

We are people too.

I was in standard 1. I was only 7 years old and was leading a happy life. Mr. violater was my form teacher and, as days went by he was more mean to me. How the incident took place.

I used to have no problem with my school work but, during class time he used to be in different moods. One day Mr. violater gave us a topic to write about. I needed a page so I asked a boy sitting near me. Mr. violater saw me and recognized me talking. He did not ask me any questions. He just called me and the boy to his table. He suddenly threatened us to tie our hands and legs together and send us around the school. I knew it was possible because he often performed it to other children. At the time he embarrassed us and called us names. All the children laughed at me and at that very moment emotions ran through my mind. I felt like the world was coming crushing down on me. I was upset, embarrassed and felt alone. I never mention this to anyone because I thought if I did it wouldn't make a difference. It did affect my life in a way (that) that whenever I see him there's a fear inside me to be silent. I hope some day I can stand up and reveal the way I felt to him so it can prevent another one to

One day I witnessed a / made
primary school I witnessed a / made
teacher holding a girl in one hand and he was holding
her ~~other~~ other hand she was almost developed
he was trying to span her he always span the girl I will
call her Miss X and the teacher Mr Z. He will while I
was witnessing this I heard very happy take
was trying to push her Mr Z heard away but not
intentionally taken suddenly but hardly.

So then it must have been a few weeks later and
Sam in the classroom and this Mr Z in teaching as
a subject and another girl in walking into the room
to give a message from the office and Mr Z in the standing
behind her and pushing his arms over her shoulder and
holding the girl's torso back and this girl is not looking
very good in her face and I am sitting there during my
work but witnessing what is happening is not one else
noticed what I did the girl did not say anything about
it. I wanted to stand up and tell the Mr Z in
stop something was telling me to but I was about to
but a kind of action came me and made me
think if I do this Mr Z would treat me badly
as I did it.

I went home thinking and looking at my little sister there
in one more year left for her to go to school
with this happen to her because I do in coming to the
same school. I also thought what can I do to stop
this but then I thought because of I think my
I would be treated badly at school Mr Z notice
he in no way and the other how he got it.

My rights were violated
the year 2000 between the
first term term right up
now. What was violated
was my freedom of
speech. What happened was
all of my friends were
talking so one of my friends
started to laugh. So she
sent him to the office
so there was a boy
sitting next to me (behind
the man) so he started
to show her funny faces
so I tried to tell
her that and she told
me to "shut up" so
that boy was still doing
that so when I told
her that again she
sent me to the office
and I got six cuts.
So about a month later
I was talking and she
just told me to sit on
her left so I went
and sat in the corner.
After a few minutes she
looked at me and told
me! Where did I tell you
to sit and I told her
that you told me that

must sit on your
ft and then she told
me if she must send me
to the sir so I told
that if you want to send
me send me I am not
frighten. So she sent
me to the sir so I
told the sir what happen
and he told me if I
do that again I will be
expelled.

I felt very stupid because
not no matter how much the
teacher will tell us
about human rights will
still will not have strength
to stand up for our self's.

* VIOLATING RIGHTS

My rights to education were violating when the teacher was not doing his job. I am a weak pupil and was not taught on a regular basis. In some instances was not taught the method of doing the work, but I was expected to do the work on my own. Being a weak pupil in that subject I was supposed to be given more attention instead I was left all on my own to understand and do my work. As a result I have performed very badly in my test and exams. I feel that every child has a right to proper education do not violate it.

When I was in Standard
 One day I
 WAS talking softly about
 A piece of work. And
 then the MAM sent me
 to MR Violater. And when
 I wanted to tell the
 side of my story and
 MR Violater said shut
 up. And then he twisted
 my ears. And he said that
 he will hit me so hard
 that I did not know what will
 hit me. And he was embarrassing
 me. He said I AM A
 Rotten egg. And he said
 that how you plant a
 Rotten Seed you get a
 Rotten crop. And from that
 day everyone was teasing
 me. And from that day
 I don't have any
 relationship with the
 teacher. And that year
 I could not do my
 school work. I did not
 have confidence. I was

The experience I had was in school people in my class and sometime my teachers used to tease me alot they use to give me alot of names and I did not like it I sometimes did not know what to do, when I go home I use go to a corner and cry sometimes I use to punch ~~beat~~ my room wall, throttle my dolls, bang my head on the wall and I use to cry lots. When I use to go to bed I never wanted to close my eyes or sleep I use to dream that

some of my class children corner me and pick on me and stone me I use to dream of them throttling me. Then I was a 4 years I was in std: 2 Today I also have lots of teasing names but these are not so bad examples of how I feel then was like I was under the world, stupid, helpless and sad. I egnored it and then I did not feel so bad. But I know that I will not remember it 10 years from know.

Name:

When did it start

This all start when I was in grade 4B
the year 1997. 17 ~~th~~ May ~~2000~~ 1997

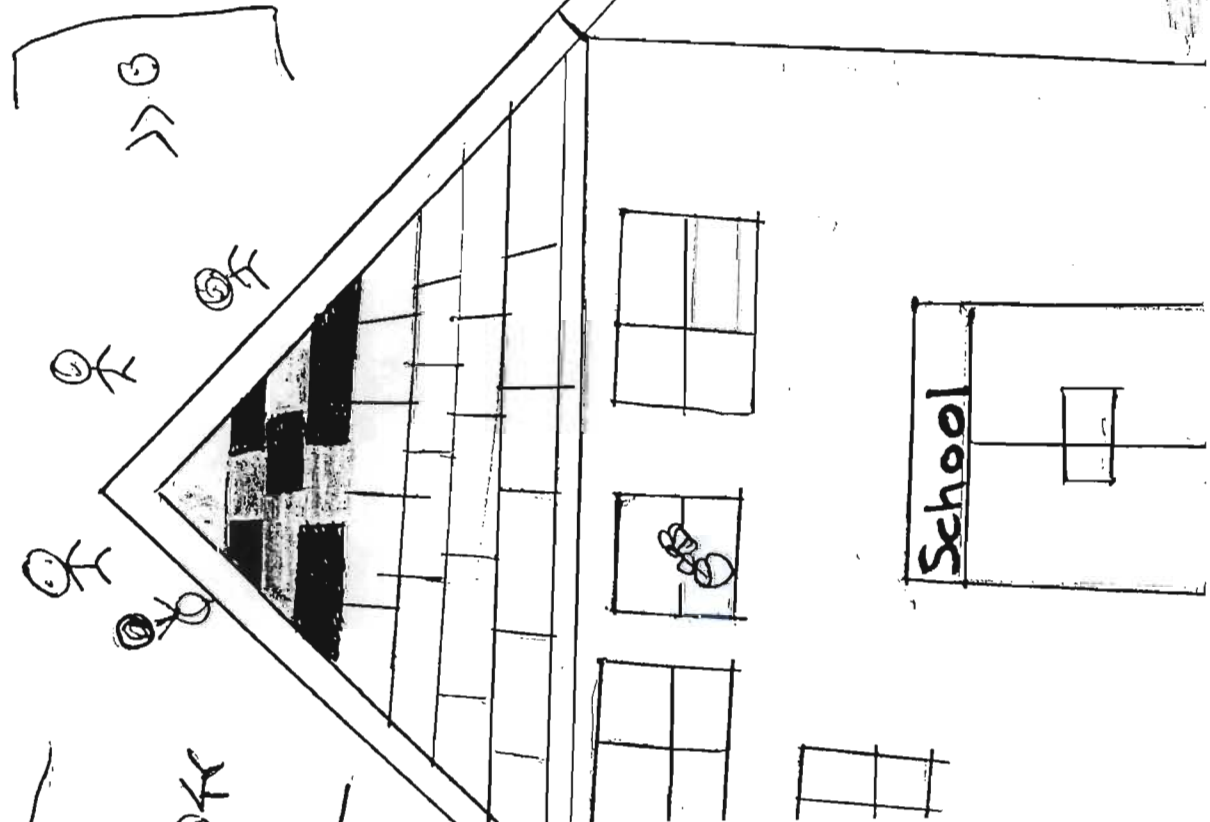
Describe the incident/s

It all started when my teacher sent me to the shop. After a few week I refused to go and I had to stand at the wall in the class. On cold and rainy days I had to stand out side and do not do my work. One day the mam said I must go to the shop or else I was threatened. I had not been ~~there~~ threaten in my life. I did not understand the consequence until I spoke to a friend. This friend told me the definition of the word threaten. I did not know my rights at that time. Every day I regretted why I had to class, to the school, ~~to~~ and even

APPENDIX 3

EXAMPLES OF PUPILS' ARTWORK

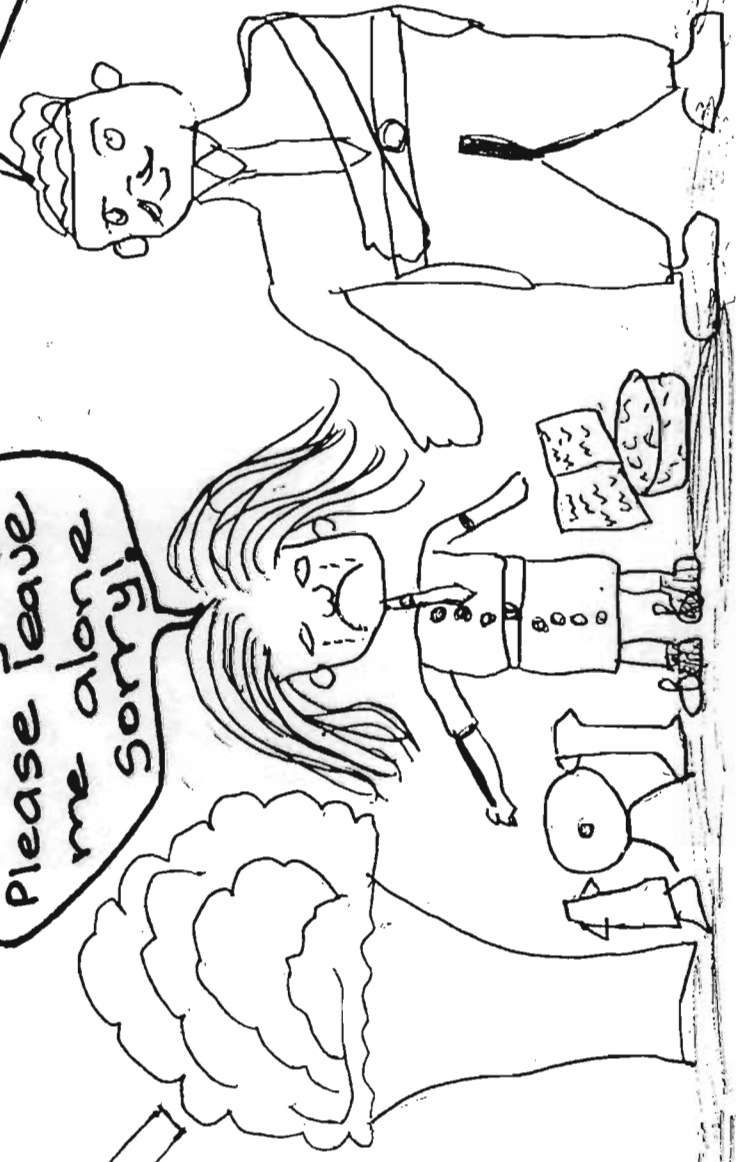
WE CAN SAY NO TO SEX



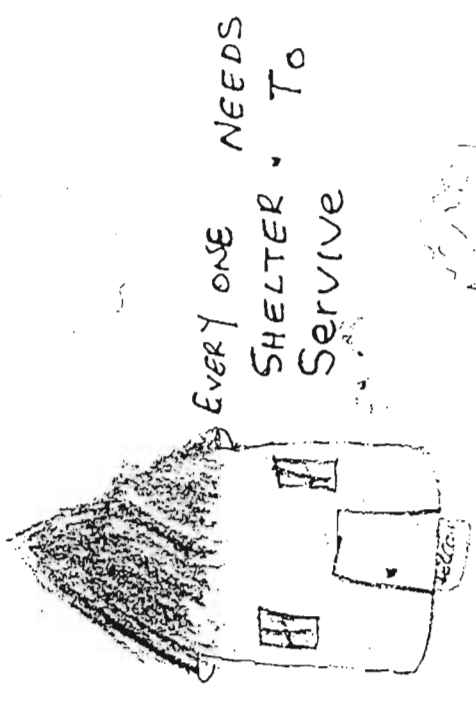
Don't
Answer!

Sir what did
I do you!
Please leave
me alone
Sorry!

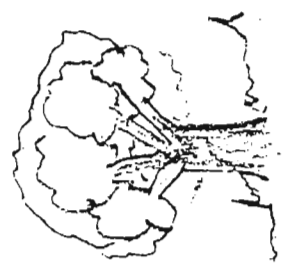
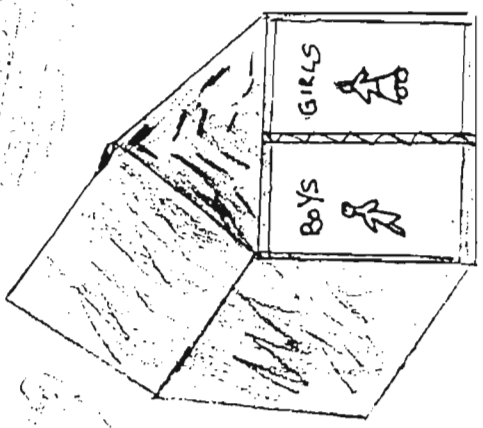
Girls of
Country
don't
answer
to
any
of
the
letters
or
calls
from
any
of
the
men
or
women
who
are
not
of
the
country



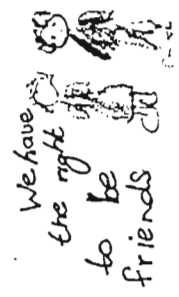
RIGHTS

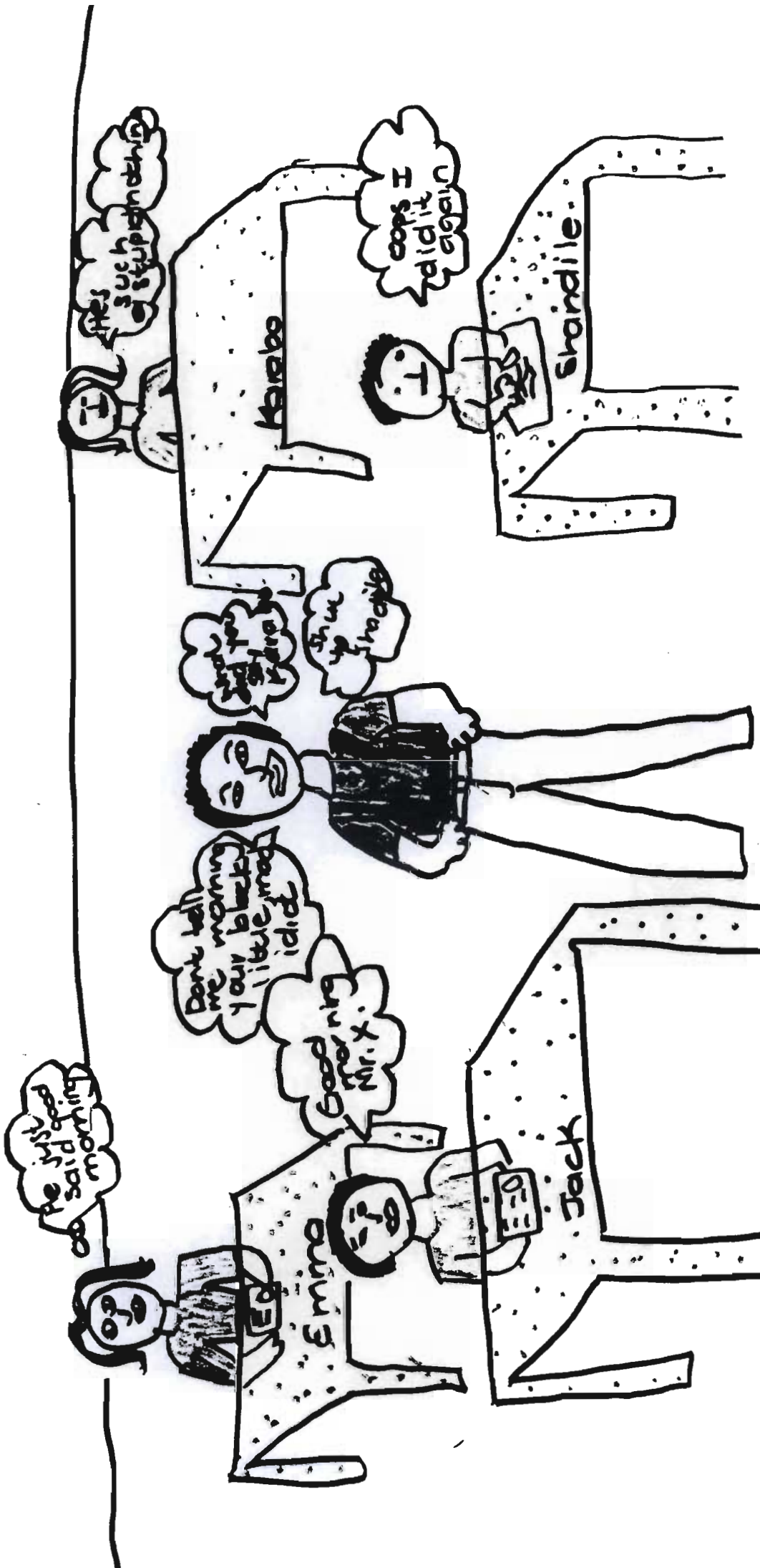


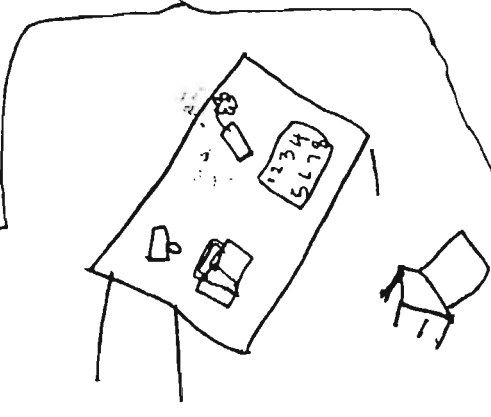
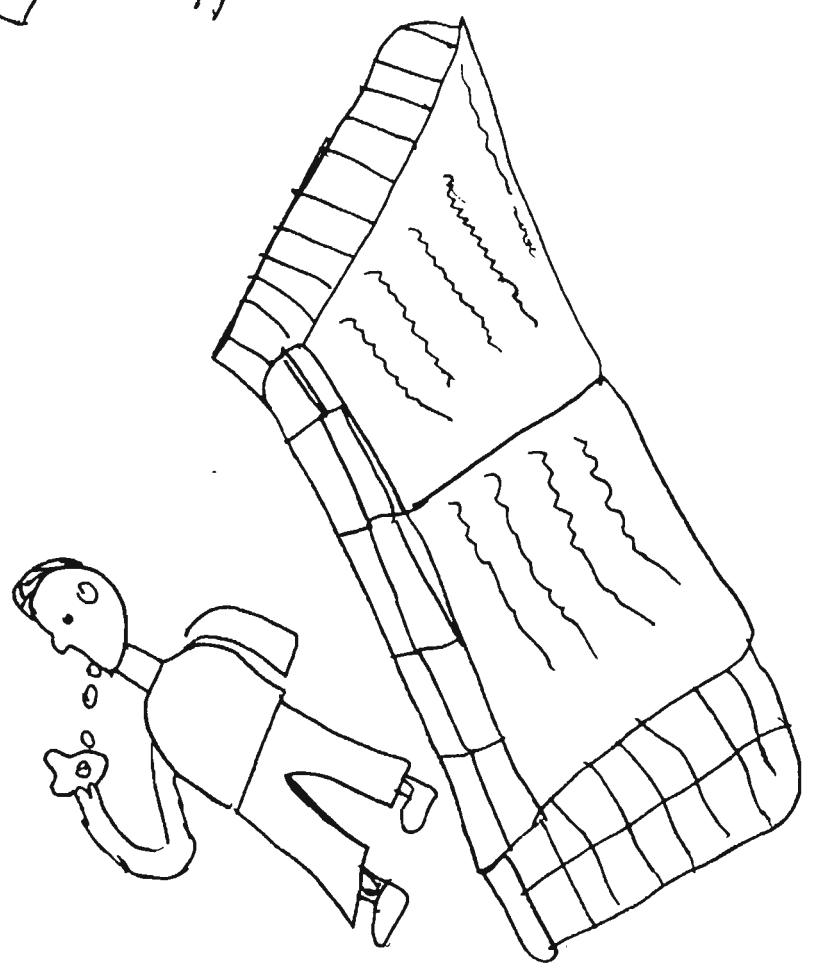
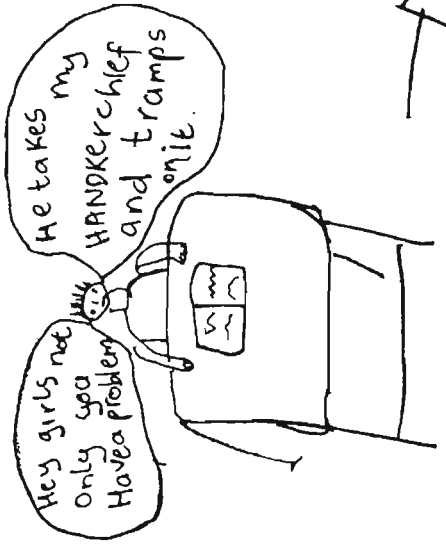
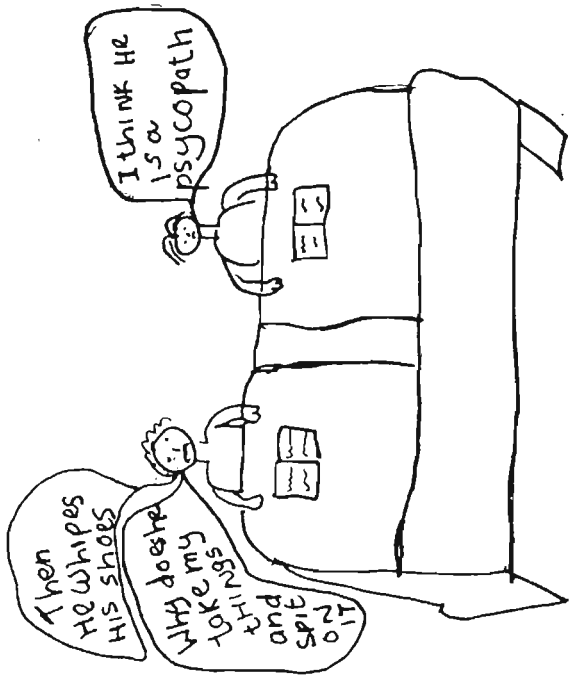
OUR



RESPECT

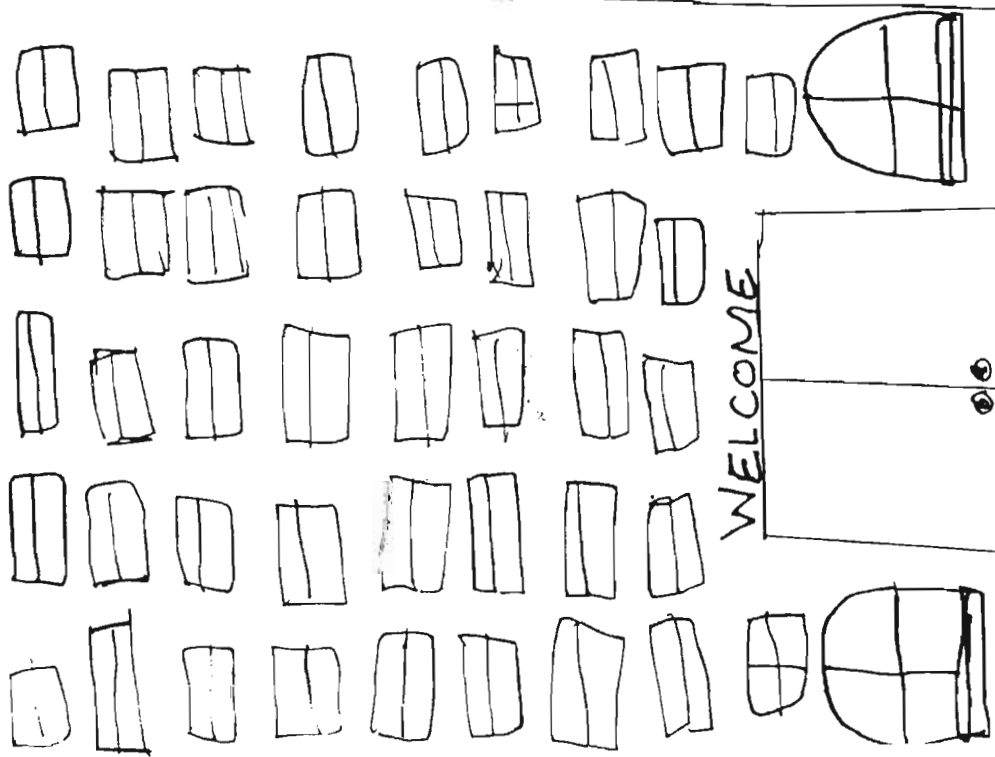




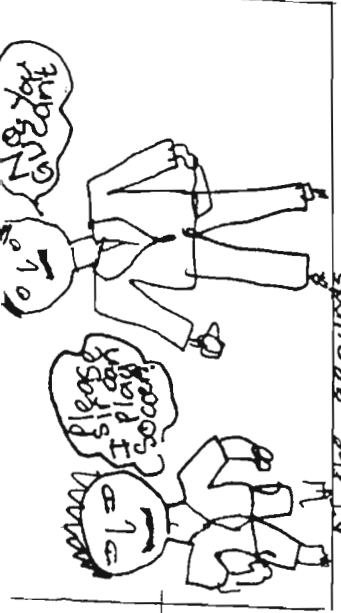


HUMAN RIGHTS

VICTORIA RIGHTS PRIMARY SCHOOL



WELCOME



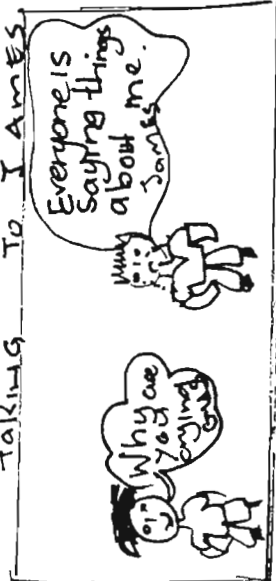
At the grounds



meeting Gus



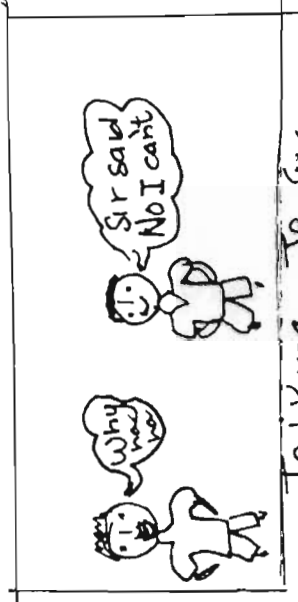
Talking to James



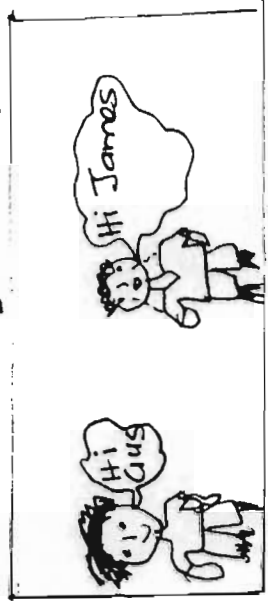
Much Later After getting home



with the teacher

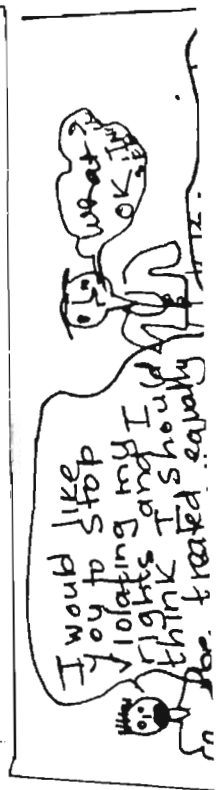
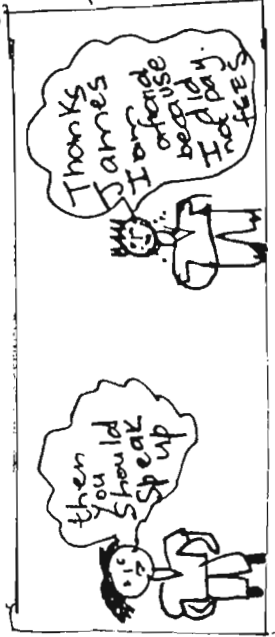


Talking to Gus



MEETING James

James and Gus talking



DON'T TAKE AWAY THE RESOURCE WE NEED MOST!

WATER!

Do not violate our rights please!

WHAT goes around comes around

Principal

1. Hey boy, where are you going?
2. did you pay your school fees?
3. Then don't drink my water
4. Cause you did not pay my money
5. don't argue get to class
6. Now!

Student

1. To drink water sir
2. no sir
3. why sir?
4. sir, my father is not working
5. but sir
6. I feel like killing him

