

**SOCIO-EDUCATIVE IMPLICATIONS
OF CHILDREN'S RIGHTS**

by

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DECLARATION

Student number: 641-235-1

I declare that **SOCIO-EDUCATIVE IMPLICATIONS OF CHILDREN'S RIGHTS** is my own work and that all the sources I have used or quoted have been indicated and acknowledged by means of complete reference.


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28/1/2002
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(i)

SUMMARY

Most black rural schools in South Africa are beset with discipline and relationship problems attributed to the way children interpret and exercise their rights. Children's misconceptions of rights impede the operation of educational institutions.

A literature study investigated the implications of children's rights on their relationships and behaviour. A qualitative investigation of the socio-educative implications of children's rights was conducted in two rural secondary schools in Mpumalanga. Data gathering was done through participant observation, in-depth interviews with two principals and a tribal chief, and focus group interviews with two groups of teachers, parents and learners. Data were analysed, discussed and synthesised.

The major findings emerged: limited understanding of rights and concomitant responsibilities and misconceptions of rights leading to the subversion of authority and morality.

Recommendations include that rights-education be introduced in schools to improve children's understanding of rights and to address negative social behaviour. Educators need to be empowered to handle human rights issues within socio-educational institutions.

KEY TERMS

Children's rights; human rights in South Africa; children's rights advocacy; children's rights and the law; children's voice; implications of children's rights; aims of children's rights; disturbed educator-educand relationships; underachievement; inadequate teaching-learning climate; lack of discipline; decline of norms and values.

(ii)

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THIS DISSERTATION IS DEDICATED TO:

MY MOTHER, CHRISTINA

AND LATE FATHER, JACK

**WHO HAVE BEEN MY INSPIRATION THROUGHOUT MY
STUDIES,**

AND MY WIFE, RACHEL

AND DAUGHTERS, DOROTHY AND TENYIKO

WHO MADE GREAT SACRIFICES FOR ME TO

COMPLETE THIS STUDY

THE LORD IS MY SHEPHERD (Psalm 23)

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CHAPTER 1

PROBLEM FORMULATION, AIMS AND METHOD OF RESEARCH

1.1 GENERAL ORIENTATION

Children's rights has been a topic of much discussion and dissension over the last 30 to 40 years (Peens 1997:1). However the importance of these rights in the lives of many children is still to be realised due to the confusion surrounding children's rights or the reservations of the adult population on granting children their constitutional rights. Nevertheless, children's rights have important socio-educative implications. As a result most Westernised countries see the development and promotion of children's rights as imperative to nation building and investment in the future. By investing time and energy in children and protecting their best interests, a nation can assist in the healthy development of its future citizens. This investment carries with it the promotion of a potentially prosperous nation (Peens 1997:1). However, the opposite is also true. Depriving children of their rights has adverse consequences such as a high crime rate, apathetic adults in future, potential violators of human rights and citizens without a vision.

The socio-educative implications of children's rights can be observed in

- (1) The relationship, particularly between children and their educators, and among children themselves.
- (2) The social life of children at home, school and in society.
- (3) The socialisation of learners in the school community and the general community.
- (4) The way learners actualise themselves.

An understanding of the above socio-educative implications will help to remove the myth surrounding the culture of teaching and learning. At present in South Africa there is a deep concern about a lack of a culture of teaching and learning. The blame is partly ascribed to rights that have been given to children. Nevertheless, casting blame will not help in finding a solution to this problem. Instead one should look into past development in education and the introduction of children's rights in an attempt to find a solution to this problem. We cannot talk about authentic education without reflecting on children's perception of their rights.

The sudden realisation of children's rights in South Africa after a long period of deprivation of their rights and their involvement in the political struggle for liberation has had a negative impact on children, because they are uncertain of their roles as free learners or citizens. Teachers tend to think that they have adverse personalities to work with, because they are troublesome.

However, teachers have an obligation to show children how to claim and enjoy their rights in a socially acceptable way. Learners on the other hand have the responsibility of observing and respecting other people's rights in order to cultivate the spirit of unity and tolerance. We cannot talk about a positive culture of educative teaching and learning in a hostile situation characterised by harsh social conditions, ill treatment, severe punishment, oppression and lack of freedom of speech and consultation. These are the bases for unhealthy and volatile relationships, which are not conducive to effective educative teaching and learning.

For effective teaching and learning to occur there must be sound relationships between learners and educators in particular, and between learners and the adult community in general. This can be achieved by allowing human rights to guide relationships and interactions.

In granting children their rights and educating them how to claim and enjoy these rights, educators will pave the way towards actualising educational essences such as trust, obedience, love, respect and discipline which are the bases for effective learning and teaching. But educators must guard against merely giving children their rights without proper guidance as this may cause social disorder. Children may, out of confusion arising from the sudden realisation of their rights, do as they please in the name of "rights", which in itself will render their socio-educative situations ungovernable. This unscrupulous granting of children's rights has resulted in certain schools becoming unmanageable due to a lack of discipline. Such schools have turned into havens of gangsterism and drug trafficking. These conditions are further exacerbated in the larger community and lead to serious crime such as murder, housebreaking and stealing, car hijacking, armed robbery, et cetera. The same applies to depriving children of their rights, because it cripples their self-actualisation and socialisation.

Guidance and support within socio-educative situations have far-reaching implications. It is imperative for the adult population to help learners to realise what their rights are in relation to the people they live with and in the areas they live in. This has become a topic of concern in South Africa where it seems as if the individual's rights are more important than the rights of the larger community. This is demonstrated by the many incidents of hijacking cars, theft and armed robbery.

In emphasising this viewpoint, Wain (1992:68) states that throughout their school career, people should learn about human rights as part of their preparation for life in a pluralistic democracy. However, Eastman et al (1989:20) sound a word of caution that if teachers are to be effective in forming positive attitudes as well as providing information, they themselves must be aware of the implication of human rights legislation and possess a positive attitude towards enhancing the practical application of its principles.

With a changed attitude children will realise their obligation with regard to their rights and also be willing to fulfil concomitant responsibilities. Hence they will realise that collective welfare and social harmony are emphasised more than self-fulfilment and inter-dependancy, nurturance and compliance are valued more than assertiveness and independence (Kim 1990, in Murphy Berman, Levesque and Berman 1996:1260).

Thus they will come to know that the rights of the larger society are more important than the rights of the individual, with the result that the rights of an individual may be withdrawn for the welfare of the larger society. Therefore, children should also know that their rights can be limited by those of other people, and that children's rights may be withheld if they jeopardise the welfare of the larger population.

For socio-educative situations to function smoothly and effectively, there must be mutual respect and enforcement of each other's rights. The role that children play in society is becoming increasingly important. Their proper development is essential for the future functioning of the nation. Thus a reciprocal respect needs to be fostered amongst children and adults so that each will respect the worth and individuality of the other (Peens, 1997:19) The

culture of defiance and resistance is past and it has no place within democratic society, nor does lawlessness and high crime rate have a place in our lives.

1.2 AWARENESS OF THE PROBLEM

South Africa is gradually emerging from the period of transition, both politically and educationally. Most black children were directly or indirectly involved in the struggle for political liberation which was characterised by resistance, defiance and violent confrontations. They were also victims of gross human rights violations. However, the struggle for liberation is over and we are living in a democratic society where reconciliation and forgiveness of the wrongs of the past are imperative. As a result there is a swift change of role in learners from leaders and participants in political struggle to free citizens. This is accompanied by a sudden realisation of children's rights by both children in particular and adults in general. This has caused great confusion as to what role each should play as a free citizen. There is a need to investigate the socio-educative implications of children's rights in black schools and particularly in secondary schools because it is within the secondary school that the most serious misunderstanding of individual rights occurs. Children's rights is a basic precondition for reviving and maintaining a positive culture of learning and teaching in schools. If this is achieved, then effective educative-teaching and learning will occur. As a result children will be well equipped for life in a pluralistic democracy. The future of a country is in its youth, therefore it is important to invest time and energy in children and protect their best interests (Peens 1997:1).

If this important human resource is not cherished, the country faces a bleak future. However, there is a misconception of children's rights among the majority of black secondary school learners and their adult community which impacts negatively on the learners socio-educative activities. To these learners, the concept "children's rights" means doing as they please within the socio-educative situations without rebuke.

Such an attitude leads to lawlessness, laxity and the total collapse of the culture of learning and teaching in black schools in particular and the disintegration of the moral fibre of society. The

value of discipline as one of the educational essences for effective learning and teaching to occur has to be emphasised .

On the other hand, the adult community has over emphasised children's rights to the extent that they have ignored the value of instilling responsibility in learners. Smith (1997:13) aptly states that values must direct attitudes and action in order for rights to be achieved. Adults are reluctant to exercise their authority over and discipline children because they are not sure of their role in relation to children's rights. They watch helplessly as the socio-educative situations deteriorate, saying that there is nothing that they can do because corporal punishment has been abolished and a jail term awaits any educator who dares apply it (*The Teacher*, September 1998:13). They have forgotten that as competent caring and wise educators they should resort to the other forms of educational discipline (Bray 1992:19).

Authority and discipline are the fundamental preconditions for the formation of a sound relationship, which is in turn an essential precondition for effective teaching and learning. Thus the above implications impact negatively on the culture of teaching and learning. Unless this situation is addressed, this country will run a great loss both economically and regarding human resources. Smith (1997:13) encourages educators that they do not have to abandon values in order to support children's rights. Thus it is important to take care of these important human resources by ensuring that there is quality education and sound human relationships. It is therefore correct to say that the rights of children and the way in which these rights are exercised, reflect the state of a country and society. The chaos that prevails in black schools in particular and the growing lawlessness in South African society are causes of great concern. This research is aimed at contributing to quality education in schools and sound human relationships in society, which will produce responsible citizens for the country.

1.3 PROBLEM ANALYSIS

The nation's cry to save the children, particularly their education is vocal enough for one to take the necessary action. The confusion and myths surrounding children's rights have to be cleared to ensure good quality education and healthy human relationships. Peens (1997:19)

argues that positive implementation of the guidelines of the 1989 UN convention on the rights of the child has the potential to enhance the building of a strong nation.

Sound human relationships are a fundamental precondition for effective teaching and learning to occur. Granting children their rights has proved to improve this fundamental condition or cause it to deteriorate. Understanding the socio-educative implications of children's rights will equip educators to deal with any socio-educative problems emanating from the application of children's rights. This will help them to understand that depriving or violating children's rights in the form of abuse, molestation and neglect will lead to the nurturing of distrustful and cruel future adults who will be hostile and often incapable of close relationships (Stone in Peens 1997:13). The same goes to the unscrupulous granting of rights to children which has resulted in certain schools becoming chaotic institutions with virtually no discipline and characterised by a high crime rate.

Educators should realise that children's rights have a marked effect on the socio-educative activities of children. Children's rights determine children's basic relationship structures such as the relationship of dependence, acceptance, dialogical dignity, togetherness, values and a responsible relationship. Unless these basic relationship structures are realised, a sound culture of effective educative teaching and learning cannot be established. On the other hand educators may fail to strike a balance between children's rights and moral values. They sometimes watch helplessly as children do wrong things which have negative implications on their education, future and the welfare of society in general. This is as a result of educators' uncertainty as to when their positive interventions in children's lives and even the limitation of children's rights are justified and inevitable. They are uncertain of their obligations and responsibilities in enforcing children's rights. They are not aware that children's best interests are usually entrusted to their parents and educators, who are seen by the state to be trustees of their children who should act on their best behalf (Eekelaar 1983:8).

Children's rights are essential, but they cannot be seen in isolation. Children, parents and other authority figures interact on a daily basis and this interaction has important socio-educative implications. Thus it is important to investigate the socio-educative implications of children's

rights and the culture of teaching and learning in rural black secondary schools. This will shed light on and improve the perceptions of children's rights by both educators and learners in order to ensure the necessary relationship between educators and learners within the socio-educative situation. This will guarantee effective educative teaching and learning within our society, thus building a strong, peaceful and prosperous nation.

1.3.1 Statement of the problem

What is the effect of the pursuit of children's rights within educational establishments such as schools, homes, churches etcetera, on children's social activities and relationships? Children's rights may have either a positive or negative influence on children's education in particular and their social life in general. In response to the general concern about the collapse of the culture of teaching and learning, this study will focus on the socio-educative implications of children's rights.

1.3.2 Delimitation of the scope of the study

This study on the socio-educative implication of children's rights will be limited to black secondary school learners in grades ten, eleven, and twelve with the assumption that they are aware of, and can claim their rights. They are the ones who are at the forefront and most vocal when something happens both at school and in other social institutions.

Due to practical reasons, the researcher would like to focus attention on the rural black secondary schools within the Moretele education district in the Mpumalanga province.

1.4 AIMS OF THE RESEARCH

For the purpose of clarity this research will make provision for general and specific aims.

1.4.1 General aims

This research aims at the exploration of the socio-educative implications of children's rights particularly in black secondary schools and subsequently the influence this has on their education and social relationships.

1.4.2 Specific aims

As it is stated in the previous paragraph, this research is concerned with the effect of children's rights in their socio-educative situations and the analysis of this influence on their education and social relationships. The following specific aims in this regard have been identified:

- To investigate and analyse the attitude of senior secondary learners towards the exercise of children's rights.
- To determine the effect of their behaviour in this regard on their relationships with educators.
- To determine ways of improving the positive outcomes and redress the negative outcomes on the learning and teaching situation.
- To determine ways of promoting an awareness of human rights and the responsibilities that accompany such rights.

1.5. CONCEPT DEFINITION

1.5.1 Human rights

Human rights refer to rights which are naturally due to every person by virtue of their humanity and inherent dignity, irrespective of status, age, sex, colour, level of civilisation or ethnic origin. Kriek (1995:16) defines human rights as capacity of benefit which people must be deemed inherently entitled to exercise, use, suspend or relinquish as they choose if they are to function effectively together as fulfilled, autonomous beings. If properly used, human rights will improve people's social interactions and relationships in all situations.

1.5.2 Children's rights

According to Dan (1991:11), the term "rights" and analogously children's rights cannot be defined in a simple and informative way. The concept children's rights means different things to different people, hence its misinterpretation and the confusion about meaning. Various authors use words such as claim or demand, privilege, power, entitlement, liberty and duties to account for the concept children's rights.

The United Nations Convention on the Rights of the Child (1990) was the first international legal instrument which laid down guarantees for the spectrum of the child's rights in a separate document. In this document the rights of children encompass the whole range of human rights. It contains universal, comprehensive and constructive standards for the treatment of children (Hart & Pavlovic 1991:351).

The rights as stipulated in the Convention have direct relevance for teachers and parents and are applicable in most areas of the primary and secondary educational environment. These rights are the following:

- **Legal rights:** This includes matters such as access to the law, the right to a fair trial and the right to be heard.
- **The right to protection and safety:** Adults have the responsibility of protecting children from physical and psychological harm.
- **The right to education:** This right is often difficult to achieve in practice.
- **The right to freedom of expression:** A child has the freedom to seek, receive and impart information and ideas of all kinds.
- **The right to be free from discrimination:** Children should be free from discrimination based on categories such as race, gender and nationality.
- **The right to be protected from physical harm:** This includes physical harm and abuse such as corporal punishment in schools.
- **The right to religious freedom:** Every child has the right to freedom of conscience, religion, belief and opinion.

For the purpose of this study the researcher will also refer to children's rights in the following contexts:

■ **Children's rights as claims or demands**

According to Dan (1991:13), the discussion of children's rights is linked to demands or claims, or complaints that can validly be made by the child who has the right, or by those who speak on his behalf. As a result children have developed a culture of demand which complicates their relationships and also affects their education negatively. This is further complicated by the view that to have a right is to have claim against someone whose recognition as valid is called for by some set of governing rules or moral principles (Dan 1991: 13). It is not surprising to hear a child saying "I am doing this because it is my constitutional right to do it".

As a result of this claim, it does appear to matter whether what he does is acceptable or not. This poses a grave problem to the educators and comprises a serious threat to society.

■ **Children's right as power**

Seen from another angle, the concept "children's rights" includes the power of acting for the child's own ends - for what he conceives to be his good - secured to an individual by the community, on the supposition that its exercise contributes to the good of the community (Green in Dan 1991:22).

When children maintain this view they tend to use power to coerce others to satisfy their wishes. That is why there are countless school and/or class boycott, and violent confrontations between children and educators, and amongst children themselves. Children selfishly demand to satisfy themselves irrespective of who gets hurt or what the consequences might be.

■ Children's rights as entitlement

Children's rights are also viewed as entitlement, hence children feel entitled to everything they desire. As a result they want to do as they please without rebuke and they also want to obtain what they desire no matter what it costs. However, this conviction is mainly based on the assumption that the essential character of rights is *right* to rather than *right against* (Dan 1991:21). If this conviction is understood and used in the original version rather than the distorted version, it will not cause problems in society.

■ Children's rights as duties

To highlight the responsibility involved when children enjoy their right, rights are defined in terms of duties. With regards to the relationships between rights and duties some rights, such as claim - rights are directly and firmly correlated with other people's duties. Without a proper understanding of the concept of duties, these rights cannot be easily understood (Dan 1991:20). This shows that if children claim a particular right, they must be prepared to perform the balancing duty. Without this balancing duty, enacting rights becomes difficult.

However, none of the above concepts used in defining children's rights offers a comprehensive definition on its own. Each view sheds some light on an understanding of the different facets of children's rights.

1.5.3 Education

Van Rensburg and Landman (1986:307) describes education as a conscious, purposive intervention by an adult in the life of a child to bring him to independence. It is the positive influencing of a child by an adult with the specific purpose of effecting changes of significant value. It is therefore a purposive act, designed to guide the child's becoming human on a determined course, with a child co-operating in full acceptance of his mentor's guidance.

Griesel (1988:10) views education as a human activity directed at a fellow human being who, with guidance, will meaningfully design his own world in compliance with particular social norms. As representative of the norm-image of proper adulthood, the educator intervenes in the educand's life. In this intervention and relationship the educator shows an order of preference as regard those values which qualify man as human being.

Van Schalkwyk (1986:2) further maintains that education is an activity undertaken by all communities in various situations. In simple, undifferentiated and primitive communities it takes the form of cultural transfer to the young and their incorporation into the life, traditions, customs and way of life of the community. In the modern and highly developed communities education has become a complex, comprehensive and highly specialised activity that is undertaken by professional educators with specialised training and knowledge in a highly differentiated and scientific manner within a network of basic and specialised educational institutions such as the schools.

Van den Aardweg and Van den Aardweg (1988:71) views education as a universal phenomenon which is limited to the human being. A responsible adult leads, helps, supports and accompanies a child to self-actualisation and ultimate integration into society. Education only exists where there is a meaningful association or encounter and relationship between an educator and a child within different socio-educative institutions. Education includes, not only the teaching of subject matter, but through teaching the imparting of qualities such as responsibility, leadership, perseverance, decision making and so on. Thus sound human relationship and interaction forms the basis for effective education.

1.5.4 Socio-education

The concept socio-education refers to the education which children receive from their perpetual interactions and relationships with other people within various educational contexts. This study will focus on the education of the children within their total social context including the family, school, church and society. Pretorius (in Prinsloo 1999:4) further describes the field of study of socio-education as the guidance of the child towards interacting effectively with others on

all social levels and within all social relationships and situations. Socio-education is aimed at optimising the child's life in a pluralistic democratic society.

1.5.5 Socio-educative situations

Socio-educative situations or institutions refer to all the social places where the learner finds himself in relation and interaction with people of different ages. As a result of these interactions, the child receives direct or indirect, formal or informal, simple or sophisticated education. These socio-educative institutions complement each other. This study distinguishes the socio-educative situations as follows:

- The primary institutions - which include the family, relatives, neighbourhood, play groups or peers.
- The secondary institutions - which include the school, churches or religious institutions, clubs, associations, et cetera.
- The tertiary institutions - which include those institutions over which the family and school have no direct control, like the press, radio, TV, films, et cetera (Prinsloo 1999:45)

Each of these institutions offers a distinctive type of education and relationship to the child to prepare him for acceptable life in society.

1.5.5.1 The primary institutions

The primary institutions offer the child valuable education and an indispensable support system. They offer education on norms, customs, values, traditions, beliefs and other important social practices. Despite the important roles they play in educating, socialising and protecting children, and in promoting their interests, needs and welfare, children continue to be victims of a host of adversarial treatment from what is supposed to be their haven of security and by the people who are supposed to be the custodians of their best interests. As a result some children are forced to live off the street, begging and stealing (Prinsloo 1999:116). Worse than

this, they have to contend with extreme weather conditions and also suffer the pain of alienation (*City Press*, 9 May 1999 :13).

However, children sometimes are accountable for the inhuman conditions they sometimes find themselves in. This happens when children view their rights as absolute, thus exercising some of these rights in an irresponsible way. As a result, children become lawless, disobedient, disrespectful, and display all sorts of bad behaviour.

1.5.5.2 The secondary institutions

Secondary institutions extend and complement the education started by the primary institutions. The schools as components of the secondary institutions play an important role in bridging the gap between the intimate, personal life of the family and the more objective and impersonal life of society which the child will be confronted with after leaving school (Prinsloo 1999:46). Thus the child must experience positive treatment and acquire good human qualities so that he can practise them as an adult. However, if the situation in schools is characterised by harsh social conditions, ill-treatment and severe punishment, it will not prepare the child for life in a democratic society. Instead it will lead to the development of distrustful and cruel adults who will be hostile and often incapable of close relationships (Stone in Peens 1997:3). Such learners will be social outcasts who often come back to haunt schools and the society as hardened criminals. These children are not suitable candidates for education in clubs and associations, because they cannot form close relationships, instead they are characterised by unhealthy and volatile relationships. According to Durkheim (1956 :28), education in the secondary institutions comprises the influence exercised by adult generations on those that are not yet ready for social life. Its object is to arouse and to develop in the child a certain number of physical, intellectual and moral states which are demanded of him by both the political society as a whole and the special milieu for which he is destined. However, if the child as a result of his misinterpretation of his right is not receptive to this education, is ill-disciplined and disruptive, this all important aim is bound to fail.

The religious institutions play an important role in conveying primary values which will direct the child's life. Discipline, cooperation and obedience are required from the child. Ballantine (1983:9) views discipline as the morality of the socio-educative institutions, and without it the institutions fail in their task and invite chaos.

1.5.5.3 *The tertiary educative institutions*

Prinsloo (1999:47) maintains that the mega- and micro- organisations such as the state, regional government and local authorities have a powerful influence on children, moreover they determine the legislation, rules and regulations that govern the society. Anything they do or say is taken at face value and also is emulated by children. These children also use words of members of these organisations as the basis of argument for their behaviour whether good or bad. These organisations played an important role in realising and protecting children's rights. But sometimes the efforts of these organisations are not realised in practice. They are not enacted and practically enjoyed by the people they are meant to protect. The printed and electronic media, such as the press, TV, radio and films are indispensable sources of information to everybody, children included. Thus the present generation is more informed and knowledgeable on many aspects of life. However, the information presented by the media is changing and is sometimes so contradictory that it causes confusion in many children. To help these children to cope with and to handle this ever-changing information overload parental guidance is strongly recommended. Research revealed that lack of parental guidance in this regard has resulted in misinterpretation of information which has caused all sorts of misdemeanours among children. An apt example is the drama series *Yizo-Yizo*, which has sparked off havoc in schools and increased juvenile crimes as a result of copy-cat actions. This shows that the information received from the media can sometimes have a very adverse effect on society.

1.5.6 Socialisation

The child's interaction and relationship within the socio-educative situations form part of his socialisation. According to Van Rensburg and Landman (1986: 450), socialisation refers to the learning process aimed at moulding the individual according to norms and values which are

acceptable in the society of which he is a member. This includes learning customs and a code of conduct acceptable and customary in a particular society. This will promote the integration of an individual into society. The forming of healthy relationship to promote the individual's interests and those of others is the basis for socialisation.

Van den Aardweg and Van den Aardweg (1988 :217) maintains that socialisation is the learning process related to the growth of social relationships and social behaviour which encourages the acceptable assimilation of the individual into society. Within the socio-educative situation the child is gradually prepared for life in a pluralistic society through active socialisation.

1.5.7 Black secondary school learners

The concept "learner" as it is used in this investigation refers to a child who attends secondary school. Normally these learners are in grades eight to twelve. The study will focus on learners who are in grades ten, eleven and twelve.

Learners in this grade are in a struggle to affirm themselves in all aspects of life. As a result they are actively involved in social activities which involves learning and discovery.

They are fortunate to have printed and electronic media which furnish them with valuable information. Among the information they receive is that concerning their rights. As a result of the sudden discovery of their rights, with little proper guidance on how to claim and enjoy them, they attribute to this concept explanations and interpretations which are acceptable to them. This has various implications for their education, relationship and development.

1.5.8 Rural area

The concept "rural" as used in this study refers to tribal settlements, where a large number of households live in a well defined geographical area under a tribal chief. These settlement areas can be seen as semi-rural because they have most of the necessary infrastructure. They usually have easy access to information and other valuable supplies.

1.6 METHOD OF RESEARCH

1.6.1 Literature study

A thorough study and analysis of literature found in books, periodicals, documents and newspaper articles will provide a broader and better understanding of children's rights, their importance, how they came to be officially proclaimed and in what way these rights are exercised.

The study of the literature will help the researcher to gain a deeper and broader insight into the manner in which children's rights are perceived by both the children and the adult population. It will also shed some light on the socio-educative implications of children's rights. This will help in finding ways of improving the quality of education and the standard of life in South African homes and schools.

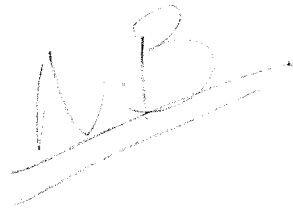
1.6.2 Empirical study

1.6.2.1 Interviews

Semi-structured interviews will be used to obtain information from participants on how individuals perceive the effect of children's rights within the socio-educative situations. The implications these rights have on the relationship, education and integration of children into society, will also be discussed. The informal conversation interview and interview guide approach as qualitative forms of interviews will be arranged and applied to gather detailed information in this regard.

1.6.2.2 Focus group interviews

Focus group interviews with learners, teachers and parents from two schools chosen purposively from the Moretele district of education within the Mpumalanga province will be conducted to gather as much detailed information as possible. This will be a semi-structured group interview which will be conducted in an informal way to elicit perceptions, feelings,



attitudes and ideas on the socio-educative implications of children's rights. The discussions will be recorded for later analysis, interpretation and discussion.

1.6.2.3 Observation

Observation will be used to study the spontaneous behaviour, interactions and relationships of children within various socio-educative situations, regarding how they claim and enjoy their rights. During the research process the researcher will interact with the participants in the socio-educative situations as much as possible in order to observe their responses. Continuous recording of these observations will be done.

1.7 RESEARCH PROGRAMME

In chapter one, the background of the problem is explored and the problem stated. The aims and an outline of the method of research are also given. Key concepts are explained to facilitate understanding.

In chapter two, a broad background of the nature and aims of human rights with specific reference to children's rights will be outlined. The necessity of both human and children's rights will be investigated.

Chapter three will deal with the aspects of the manifestation of human rights in South Africa with specific reference to the abuse thereof. Focus will also be placed on the negative manifestations of children's application of rights, where the root causes will be explored.

Chapter four will deal with the design of the study and the procedures will be discussed.

Chapter five will present the results of the investigations. These will be analysed and interpreted.

Chapter six will provide a summary of the research findings. Implications will be highlighted and recommendations made.

CHAPTER 2

THE NATURE AND AIMS OF HUMAN AND CHILDREN'S RIGHTS

2.1 INTRODUCTION

According to the report by the United Nations Human Rights (1995:23), since 1941 a vast number of preliminary studies on human rights have been drafted by academic institutions, non-governmental human rights organisations, certain states and a few intergovernmental organisations that continued their existence after the war. On 10 May 1944, the Declaration of Philadelphia, adopted unanimously by the International Labour Organisation, proclaimed the need for social justice, freedom and dignity for all.

This demonstrates the extent of international concern about the welfare of human beings. In South Africa, this concern led to great political upheaval with many casualties during the apartheid era. This was as a result of the ideology of separate development, which was adopted and practised by the apartheid regime, which did not allow the benefit of human rights to the majority of people. As a result, South Africa earned herself the indignation of the United Nations for the continued existence of racism and the development of the institutionalised racial segregation under the name apartheid. Consequently, effective international legal weapons were instituted against these practices (The United Nations and Human Rights 1945-1995;1995:3). These took the form of economic sanctions and banning from international participation. South Africa continued this policy despite the long existence of The Universal Declaration of Human Rights, because she was not a signatory to this document.

During the apartheid era several political organisations were banned, many politicians were arrested and detained, and some were forced into exile. This led to underground operations to bring down the apartheid regime. All this happened because the system was unwilling to recognise human rights across the colour divide.

Children on the other hand were not ignorant of their rights. During 1976 and the early 80's children in South Africa stunned the world when they vigorously and violently demanded the

recognition of their rights. This led to numerous casualties, but it did not discourage the determination of these children.

During the late 1980's the regime ultimately succumbed to internal and international pressure by repealing some of its oppressive legislation, unbanning political organisations and engaging in peaceful negotiations with all the political parties. This led to the historic negotiated settlement which stunned the world, thus giving this country her democratic status, and the subsequent signing of the United Nations Declaration of Human Rights. This was followed by the awakening of a human rights culture, which was enshrined in the new constitution. This paved the way for the establishment of unity and reconciliation among the different cultural groups in this country.

2.2 THE NATURE AND AIMS OF A DECLARATION OF HUMAN RIGHTS

Human rights can be defined as entitlement, which is basic to being human and not connected to the accident of being born in a certain country or with skin of a particular colour. (Colloquy of Directors of Educational Research 1991:184). This definition highlights and emphasises article 1 of the Universal Declaration of Human Rights, which states that, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.". Article I contains the most important ideal, which is still far from being realised, considering the high crime rate and countless civil wars, which occur world-wide.

Although human being, sometimes ignore human rights, these rights have been created to guide relationships and interactions. Human rights are there to create and maintain universal peace, order and harmony among human beings. If the ideas of the Universal Declaration of Human Rights are observed, then people would learn to live in harmony with one another irrespective of their cultural differences. The aim of a formal declaration of human rights is to:

- Alleviate the abuse of human rights and human misery.
- Fight against poverty and hunger.

- Ensure that justice and fairness prevails at all times.
- Ensure and protect the freedom of everybody.
- Guarantee equal treatment and dignity to all people.

Despite these good intentions, the issues of human rights is often in the news, more frequently with regard to their violation than their observation (Colloquy of Directors of Educational Research Institute 1991:183). In expanding this view, the Colloquy of Directors of Educational Research Institute (1991:183) stated that, "I see it as an obligation for us to realise that rights, which we regard as something natural and self-evident for a large part of the world population are still unobtainable and utopian ideals or false ideals or rhetoric." These rights have been created to protect and safeguard us all. Therefore everyone has the responsibility and obligation of ensuring and guaranteeing the successful realisation of these rights. People toiled and lived under inhuman conditions before the establishment of human rights, thus, they should not continue to live such a life after the establishment of these rights. They have points of reference to know when their rights have been violated and the constitutional court to turn to for relief.

South Africa is no exception; with regard to gross human rights violations. However, South Africa reached a negotiated settlement to give this country its first democratic government during the 1994 election. This historic election saw the beginning of a human rights culture being established in South Africa. Therefore, this culture has to be promoted and sustained if future generations are to continue to enjoy their rights in a democratic society, because a human rights culture forms the basis upon which strong democracy is built and defended. It also creates a climate for tolerance and reconciliation (Institute for Multiparty Democracy 1995:2). Although the Institute for Multiparty Democracy formulated ideals for South Africans, the question still remains, "How and to what extent is the human right culture protected and sustained?"

The purpose of the establishment of a human right culture is not difficult to determine, that is, to ensure freedom, human dignity, equality and justice for all. However, certain individuals exploit this culture in order to emphasise their rights at the expense of the larger society. This is said in view of the treatment given to criminals at the expense of the majority of law-abiding

citizens. This gives the impression that the criminals enjoy rights, while the law-abiding citizens have only obligations to fulfil. Orwell (1983:83) refers to such a situation in his satire, "All animals are equal, but some are more equal than others." This view is, however, a violation of article 7 of the Universal Declaration of Human Rights, which states, "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this declaration and against incitement to such discrimination." The law is the same for everyone and it should be applied in the same way to all. This view will be discussed fully in chapter three.

A country with a well-developed human rights culture has the potential to become a prosperous nation, which will realise great achievements in all aspects of life. South Africa will prosper in various sectors of life, provided her citizens sustain and protect the human rights culture. But if this culture is misused for personal and selfish ends, it will not be long before South Africa joins the ranks of those countries torn apart by civil wars, anarchy and poverty. If the culture of human rights is properly sustained it will create a spirit of brotherhood among people, which is characterised by respect for human dignity, other people's property and sound and reciprocal human relationships.

2.3 THE DEVELOPMENT OF CHILDREN'S RIGHTS

A brief historical survey of the status of children reveals that children were regarded as property of their parents who exercised unlimited power over them, especially during the sixteenth century (Boyden 1989:185). Therefore parents could do whatever they pleased with their children, even decide whether they should live or die. Children had to contend with negative treatment both at the hands of their parents and the hostile society they were living in. They continued (and still continue) to be victims of abuse, molestation, neglect exploitation, violence, war, malnutrition, slavery, poverty, incurable disease, family disintegration and environmental deprivation. Children were also regarded as "minors", "non-adults", "immature" and "irresponsible" which relegated them to a level of inferiority and subservience (Prinsloo 1999:16). The plight of children, worldwide became unbearable to certain individuals and in parts of the world. During the World Summit for Children in 1990, the king of the Belgians

responded very strongly to the plight of children, saying, "We cannot allow ourselves to become resigned to the fact that 40,000 children die every day of hunger and malnutrition, disease, from lack of drinking water and medical care, or from the effect of drugs. It is a fundamental, immoral and unjust situation, we must do all in our power to ensure that it is not allowed to continue" (The World Summit for Children 1990:16).

In support to this earnest appeal George Bush President of the United States of America, said: "We have seen the pleading eyes of starvation, we have heard the cries of children dying of diseases. So let us affirm at this summit that these children can be saved. They can be saved when we live up to our responsibilities, not just as an assembly of governments, but as a world summit of adults, of parents" (World Summit for Children 1990:33). The appeal and commitment to save the children gradually gained firm ground, attention and support of many people at different levels. The former UN General Secretary, Javier Pe'rez de Cuellar pledged the commitment of the United Nations to save the children in saying; "This world summit represents a commitment at the highest levels to build a world order that will guard what is the most precious of the human race, its children" (World Summit 1990:25).

As a result various sectors of society throughout the world took a unanimous decision that the child by reason of his physical and mental immaturity, needs special safeguards and care including appropriate legal protection before as well as after birth.

According to Boyden (1989:185), international media coverage of the Youth of the World shows stark pictures of "stolen" childhood – children in refugee camps, war zones, and victims of adult neglect, violence and abuse, both physical and mental.

Coetzer and Le Roux (1996:77) report that to counter these untenable circumstances, advocates of children's rights and welfare organisations have sought to introduce measures to protect children on the grounds that the child comes into the world defenceless in the face of an aggressive and violent society and is the first to suffer the terrible consequences of famine, war and socio-economic crisis. The major tenant of such thinking is that childhood needs to be secured as a carefree, safe and happy phase of human existence (Boyden 1989:185). In view

of this, the United Nations Children's fund was established on 11 December 1946, shortly after the end of World War 2, to finance projects to help distressed European children after the war. It still continues to operate today- mainly in developing countries - devoting itself to combatting malnutrition and famine, providing adequate drinking water and sanitary facilities, reducing child mortality, minimising adult illiteracy, combatting child labour and ensuring access to basic education to all children. (Coetzer & Le Roux 1996: 80). On 20 November 1959, the General Assembly of the United Nations, adopted the Declaration of the Rights of the Child which appeals to all parents, men and women, local and international authorities and national governments to respect the rights of the child and to protect them by way of legislation and other measures. (Cantwell 1992: 207).

Worsfold (1974:147) reports that historically, human rights had been ascribed to adults only. However, during the twentieth century the idea of human rights was extended to children culminating in the adoption by the General Assembly, of Resolution 44/25 of the United Nation's Convention on the rights of the child on 20 November 1989 after ten years of negotiations and activities by a work group of the Commission of Human Rights. In addition to the provision of children's basic needs (adequate nutrition, clean water, health care and the right to education) the convention embraces the goal of the protection of all children against every form of neglect, abuse and physical exploitation, and gives scope for self-representation and the right to participate in decisions on issues affecting them (Coetzer & Le Roux 1996:80).

The protection of children by entrenching their rights statutorily saw a change in the primitive measures for children and the creation of legislation, which will ensure the safety and well-being of children. In South Africa, the well-being of children is secured by, amongst others, the Childcare Act 74, of 1983 and the Bill of Rights.

As a result childhood is currently recognised as a unique period in human existence, worthy of consideration and respect. In general, much is done by parents, society and the state to provide for nurture and protect the child during this period - far more than was done in the past (Coetzer & Le Roux 1996:77). This has brought a change in parents' attitude towards and perception of children. Therefore children are recognised as a precious resource and the hope

for the future (World Summit for Children 1990:17). Consequently, 1979 was declared the United Nations International Year of the Child. In September 1990 159 heads of states converged for the World Summit for Children to entrench children's rights. Leach (1994:207) reports that by September 1993, the convention had been ratified by 147 nation states. This confirms the commitment of society to see the child as a subject in his/her own right. Thus in this age of the child, the child is presented as the redeemer of a corrupt society, *spes patriae* - the hope of humankind. The development of children's rights has brought a change in the attitude of adults towards children and improved living standards for children.

2.4 THE NEED FOR THE CREATION OF CHILDREN'S RIGHTS

According to the Declaration on the Survival Protection and Development of Children (New York, 30 September 1990:169), countless children around the world are exposed daily to danger that hampers their growth and development. They suffer immensely as casualties of war and violence, as victims of racial discrimination, aggression, foreign occupation and annexation, as refugees and displaced children forced to abandon their homes and their roots, as disabled or as victims of neglect, cruelty and exploitation. Each day, millions of children suffer from the scourges of poverty and economic exploitation, from hunger and homelessness, from epidemic and illiteracy and environmental degradation. They suffer from the grave effects of the problem of external indebtedness and also from the lack of sustained and sustainable growth in many developing countries. Each day many children die from malnutrition and diseases, including acquired immunodeficiency syndrome (AIDS), from the lack of clean water and inadequate sanitation and from the effects of the drug problem. As a result of these challenges, various individuals, local, national and international authorities and non-governmental organisations deemed it necessary to establish and ratify the Universal Declaration of Children's Rights which has the following prime objectives:

- To give every child a better future.
- To ensure that childhood becomes and remains a time of joy and peace, of playing, learning and growing.
- To protect the lives and to diminish enormously the suffering of children.

- To promote the full development of their human potential.
- To make them (children) aware of their needs, rights, opportunities.
- To enhance children's health and nutrition.
- To ensure that girls are given equal treatment and opportunities from the very beginning.
- To provide basic education and literacy for all.
- To ensure that all children are given the chance to find their identity and realise their worth in a stable and supportive environment
- To encourage children to participate in the cultural life of their societies.
- To promote parental care.
- To lower infant and child mortality in all countries and among all people.
- To promote the provision of clean water in all communities for all their children as well as universal access to sanitation.
- To ensure optimal growth and measures to eradicate hunger, malnutrition and famine.
- To ameliorate the plight of millions of children who live under especially difficult circumstances.
- To protect children from the scourge of war.
- To ensure the protection of the environment at all levels, so that all children can enjoy a safer and healthier future (adopted from statements by Heads of State or Government at the World Summit for Children: United Nations, 29-30 September 1990:169-172).

Furthermore, Prinsloo (1990:121) reports that during the International Year of the Child, held in 1979, it was recognised that there was a need to acknowledge and reinforce the rights of children to protect them from negative social influences. The goals of IYC in this regard were:

- to deepen our understanding of what children require to enable them to develop to their full potential.
- to increase sympathy for unmet needs.
- to bring about a commitment to children on the national and international level deep and persistent enough to produce necessary changes.

If a culture of respect for and recognition of children's rights can be established and sustained, then children as the hope for the future will be saved. On the other hand children should be educated to enjoy their rights with responsibility, in order to develop into accountable citizens with sober and healthy characters. The realisation of the above objectives will serve as bedrock on which a strong, united, peaceful and prosperous nation can be built. On the other hand, failure to realise these objectives may result in a chaotic and violent nation that is continuously ravaged by civil wars, poverty and famine.

2.5 CHILDREN'S RIGHTS

2.5.1 An overview of children's rights

According to Prinsloo (1999:116) the plight of children and the community's responsibilities in meeting children's needs, have been, and still remain concerns of high priority. This necessitated the establishment of children's rights in order to save and protect children's best interests.

This resolve was met with criticism and resistance from certain quarters of the world and sectors of the adult community. As a result there were many critical questions about the wisdom of moving ahead towards a special convention for children. There were questions such as, why make a distinction between children's rights and human rights? Were children not covered by the existing human rights norms? Will children really benefit from this special concession of rights? The main argument for a separate international human rights law for children was the reality of reports from all over the world indicating that children, indeed, needed special rights because of their vulnerability. Children suffered so badly that their protection required special attention (Hummarberg 1990:99).

This instrument on children's rights would primarily serve to address and change the attitude and perception of the community towards children. Children are more often treated as property than persons, and their capabilities and potential, too frequently, are disregarded or degraded. Among the major factors contributing to these conditions are adults' inadequate understanding

of the nature of the child's conditions, lack of shared perspective and commitment to what is right for ill-conceived and poorly coordinated child treatment strategies (Hart & Pavlovic 1991:408).

This long desired instrument was established and put into operation on November 20, 1989, when the United Nation's Convention on the Rights of the Child was adopted. This convention presented a bold challenge to improve the quality of the life and treatment of children (Hart & Pavlovic 1991:408).

According to Hummarberg (1990:99), the convention could serve as a springboard for further initiatives, for more concrete and advanced international norms and for better protection of children as it holds society legally accountable for meeting the obligations which give meaning to children's rights. At the same time, it recognises children as children and accepts the importance of a happy childhood.

The successful implementation of the ideals of the convention will lead to a change in the attitude of adults towards the children, improve the treatment and understanding of children by adults, and ensure their happy and secure childhood. With all this in place, children will develop properly to realise their actual potential.

Hummarberg (1990:99) points out that the articles of the United Nation's Convention on the Rights of the Child are meant to cover all kinds of human rights: economic, social and cultural rights, as well as civil and political rights. For an easy understanding of the convention, the articles can be grouped according to the "three P's", Provision, Protection and Participation. These are explained as follows:

- **Provision** – the right to fulfil one's basic needs, for example, the right to food, health care, education and play.
- **Protection** – the right to be shielded from harmful acts or practices, for example, to be protected from commercial or sexual exploitation, physical or mental abuse or engagement in warfare.
- **Participation** – the right to be heard on decisions affecting one's life.

This grouping will make it easier for the adult community to protect and cater for the best interests of children. Le Roux & Coetzer (1996:81) report that, due to the priority given to children's rights, the vast majority of children today receive more humane treatment and greater protection than ever in the past.

According to Verhellen (1994:72), the rights of the child, as recognised by the convention, can be subdivided into the following five headings:

1. Civil rights

In general, these correspond to the rights recognised by the first 18 articles of the Universal Declaration of Human Rights (1948). Examples are the right to a name and to acquire a nationality (article 8), the right to life (article 6), and the principle of non-discrimination (article 2). But there are also the integrity rights, such as the ban on torture (article 37), the right to protection from physical violence (article 19 and 34), from arbitrary arrest (article 37 and 40), and the right to privacy (article 16).

2. Political rights

These cover freedom of opinion (article 12), freedom of expression (article 13), freedom of association (article 15), freedom of opinion, religion and conscience (article 14), and freedom to information (article 7).

3. Economic rights

Article 4 declares in general terms that states shall take all appropriate legislative administrative and other measures regarding economic, social and cultural rights of children. Moreover, this involves, among other things, the right of children to be protected from exploitation (article 32 and 36).

4. Social rights

These rights cover the rights to education (article 28 and 29), health care (article 24), and social security (article 26).

5. Cultural rights

In addition to article 4, in this context article 31 needs to be mentioned, as recognising the rights to rest and leisure, to engage in play and to participate fully in cultural and artistic life.

This classification summarises the rights, which should be enjoyed by children. It is now for society to implement them in order to realise their ideals with regard to saving the children. However, Freeman and Veerman (1992:48), sound a warning that the universality of the rights of the child does not mean that these rights should be interpreted and implemented abstracted from their context. Due account must also be taken of the importance of the traditions and cultural values of each specific people for the protection and harmonious development of the child.

Although children's rights are meant to save and protect children and their best interests, they should also strengthen the relationship between children and adults. The rights given to children do not in any way replace the respect and obedience which children should display towards adults. Instead, the rights are there to guarantee humane treatment of children. Children's rights should be interpreted and implemented in this context.

2.5.2 Basic children's rights

According to Prinsloo (1999:124-6), the following categories of children's rights have clear relevance in the socio-educational situations. If they are implemented correctly they will assist in strengthening and promoting the relationship between children and educators.

1. Legal rights

Legal rights include matters such as access to the law, the right to a fair trial and the right to be heard. Also included are matters such as discipline, punishment, searches and seizures. This will protect the child against inhuman, unfair and unreasonable treatment and punishment by adults. It will also bring an end to hasty, unfair and unjust decisions by adults, which in most cases are detrimental to the welfare and development of children. However, proper and acceptable punishment is essential for moulding the character of the child for his/her ultimate integration into society.

2. The right to protection and safety

Children are exposed to many dangers against which they have little self-protection. As a result, the community as a whole has the responsibility of protecting children from all forms of injuries, physical and mental abuse, neglect, maltreatment, exploitation, torture and sexual abuse. This is essential for the proper development of children and the creation and sustenance of the relationship of trust and interdependence between children and adults. In addition, the child has the right to a safe and secure learning environment. This is particularly important these days in South Africa (and elsewhere in the world) where children are traumatised by experiencing the brutal murder of both educators and learners in the classrooms, staffrooms and on school campuses, and the abduction and rape of school girls by educators, learners and unknown gunmen. Thus the adult community has the obligation to guarantee children a happy and secure childhood.

3. The right to education

The state is obliged to devise all possible means of ensuring that children receive education. In South Africa, a large number of children have been and are still denied this basic right because educators leave schools to attend union meetings or embark on strike actions during school hours. These actions by educators cause irreparable damage to children both academically and emotionally. Thus, this needs serious consideration to save the education and well-being of children. To establish a right to education for all children is, however, difficult to achieve in

practice. Although the law might compel children to attend school (ie. compulsory education) and the authorities are obliged to provide schooling for all children, the greatest difficulty that has to be dealt with is the socio-economic conditions of parents who do not send their children to school. Many parents cannot afford to send their children to school, and many expect their children to go to work to support the family. Society will have to be helped to break this vicious circle.

4. The right to freedom of expression

Both the Bill of Rights and the Convention on the Rights of Children, guarantee children the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, without limitations, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

If implemented correctly, these rights can have positive outcomes in the education of children, because this will help to broaden and deepen the child's knowledge base and insight in various aspects of life. Children should also be aware of the limitations of this right, which is aimed at securing and protecting other people's welfare and dignity.

5. The right to be free from discrimination

This right provides children with equal opportunities for development and the realisation of their potential. However, it does not guarantee this opportunity to children. As a result of this right, children can now attend the school of their choice and receive equal treatment and access to resources. This can help the learners to realise that success in life is not attributed to race or gender instead it is the result of hard work, self-discipline, dedication and determination.

6. The right to be protected from physical harm

Children have the right to be protected from physical harm and abuse. This is aimed at the guarantee of children's humane treatment and safety in all institutions.

Although corporal punishment is forbidden in schools, many educators, particularly in rural schools are still applying it daily in disciplining learners. They still cling to the maxim, "spare the rod and spoil the child". Thus they always carry a cane to class. This happens because learners and their parents are still ignorant of children's rights. However, the use of corporal punishment is a complete violation of the child's dignity and the right to protection from physical beating (harm). As a result of corporal punishment children view the school negatively, which contributes to the present high rate of early school dropouts. This is also the case at home, where children run away from their homes because of physical abuse leading to an escalating numbers of street children. Children, like adults, need to be treated with love, respect and dignity.

7. The right to religious freedom

This right is particularly important in South Africa with its multi-faith society. It should be particularly applied during general assembly and devotion in schools to avoid preaching a particular religion against the beliefs of other learners. Both the United Nations Convention and Constitution of the RSA emphasise that " every person has the right to freedom of conscience, religion, belief and opinion". This right has serious administrative and planning implications, because different religious groups practise their respective religious activities during different days and times. For example the Moslems have a devotional activity which they practise every Friday at twelve o'clock.

Furthermore, these religious groups have different religious holidays that are celebrated at different times of the year. Therefore the Department of Education and schools should exercise careful planning in this regard to avoid the violation of rights.

2.6 ADVOCATING CHILDREN'S RIGHTS

Children are often labelled by adults as immature, minors, irresponsible and inexperienced, which assigns them to a level of inferiority and subservience. As a result they are exposed to a host of abuse, molestation, poverty, neglect, hunger and disease. Although this situation

demands the attention of adults, they seem to be ignorant of the plight of children and their cry for help. Fernandez (1980:10) reports that people who care about children - parents, neighbours and staff in schools, day-care centers, juvenile detention centers and health clinics- see the damage being done to future generation, but often feel helpless and inadequate. However, people who care for children are obliged by the UN convention to care and protect them from negative factors and also to establish a safe environment for them. In response to this desperate situation, Westman (1979: xiv) advises that there is no need to wait for major social changes to improve the lot of children. It can be done through sensitising parents, professionals and social planners to their roles as advocates for children. In truth, educators cannot afford to wait because of the financial, social and moral benefits that accrue from promoting and detecting problems at an early stage. Thus society is obliged to pool efforts and means in advocating children's well-being and rights. They can do this by establishing a child advocacy system among themselves, which should aim at changing systems, institutions and legislation in society in order to increase children's opportunities for self-determination (Verhellen 1994:28).

According to Fernandez (1980:12), the goal of establishing a child-advocacy system in society is to involve more adults and young people as child advocates, who will join together to demand nationwide quality children's service, while continuing their local efforts to guarantee that all children enjoy the services and rights they deserve. Society should use the legislation and the documents which articulate children's rights, to save children from detrimental social factors such as family disintegration.

Hart and Prasse (1991:401) react to the plight of children by calling upon parents to adopt a "positive ideology" of children, a shared vision and moral imperative regarding what is desired and desirable for children as "being" and "becoming" persons and to guide child treatment practices.

Again, Fernandez (1980:44) cautions that although there are laws to protect children, laws do not enforce themselves, people have to do this. Therefore, child advocates should serve as watchdogs over systems and services to ensure that children get the protection and services to

which they are entitled by law. The child advocates should always intervene when children's rights are violated and/or they are denied the basic services, which they are entitled to by law. The child advocates should also inform the children and their parents about their rights and legal benefits. Unless young people and their parents know what their rights are and exercise them, their rights are worthless.

The knowledge of one's rights is imperative because it entitles one to one's legitimate benefits. There is a serious problem of children who are deprived of essential services in many parts of this country. In certain rural areas, educators continue to refuse to admit learners on the basis of the area they come from and the school they were attending, and children continue to be victims of corporal punishment in schools.

There are, however, no formal complaints in this regard because parents and children are still ignorant of the Constitution of the country and the South African Schools Act which should protect them. Despite the efforts of the government in distributing booklets about the constitution, many people know it merely as a booklet obtainable from the post office, schools and other government buildings. They do not read or understand its contents, while others are illiterate. Therefore, something is definitely needed to change this situation in order to meet the needs of children. A greater number of skilled and dedicated child advocates and organisations are needed to make rights a living reality in children's lives. In addition, Verhellen (1994:29) states that attention should be directed to the relationship between children and facilities provided for them, so that children's needs are met. Children's needs can be expressed as rights, so that they are recognised and applied in practice. It does not help to have good health facilities in place, yet countless children die because of lack of proper medical attention, or welfare facilities. Therefore, there is a need to have ombudsmen installed to monitor and improve the situation. Their particular task should be to monitor the way children are cared for, protected and treated by parents, professionals and welfare organisations.

It is advisable to follow the Dutch initiative of the children's rights shops whose aim is to provide information, guidance and legal assistance to children who are denied basic services. Furthermore, the children's rights shops consider it their task to give advice on the legal position of children to children, educators and to people and bodies involved with children.

Through their work, the children's rights shops seek to promote recognition of minors as people with legal rights, and draw attention to the way they view the world (Verhellen 1994:30).

With such structures in place the welfare and well-being of children are promoted and sustained. This will lead to the realisation of the nation's aspirations, which comes in the guise of children. In this way society has to be empowered and motivated to change public policies and improve the well-being of the nation's children (Daley & Guy 1994:121).

In reforming bureaucracies to ensure that institutions are more responsive to the needs of children, child-advocates should also change the political system. According to Daley & Guy (1994:122), the budget deficit is the most frequently heard political excuse for neglecting children. To counter this, they argue:

- Children did not cause the deficit and hurting them more will not cure it.
- Investing in children now saves money later. Failure to prevent sickness, malnutrition and early childhood deprivation is to perpetuate the very dependence cycle and high remediation costs so many currently decry.
- Investing in children is feasible and increases the chance of success before problems become serious and costly.

Society should accept joint responsibility for promoting and protecting the best interests of their children. In this way juvenile delinquency is prevented. Society should ensure basic care, love and opportunities which children are entitled to by law and as citizens. Each member of society should know what his/her role is in advocating and protecting children's rights.

2.6.1 The role of the primary educational situation in advocating and protecting children's rights

Primary educational situations play an important role in educating, socialising and protecting children, and in promoting their best interests, needs and welfare. The adults within the primary educational situations are in a better position to note any irregularity in the well-being of

children because of their more intimate and personal relationship with them. Therefore, they should be the first to express their concern about the well-being of children.

According to Westman (1979:43), the advocacy functions of parents are those of planning and making decisions that mediate the child's involvement in society, which includes arranging for the child's education, health care, day care, religion and mode of social and political expression, through decisions about the child's social life, contact with relatives, and exposure to political beliefs and activities.

Parent advocacy also includes protecting children and ensuring that their right and priorities are safeguarded. Besides arranging for these basic services for the children, adults within the primary educational situations should ensure that children obtain optimum benefits from the school system, health system, economic system, law enforcement system and even with the television industry to secure optimal development (Fernandez 1980:113). Although there are sound legal structures in place to protect the children, it will still take the persistent efforts of parents and advocacy organisations to translate policies into service programmes for all children (Fernandez 1980:120). This will ensure proper development of children and thereby, a prosperous nation.

Westman (1979:44) further states that the general aims of child-advocacy at the community level should be (1) to know every child (2) to know what each child needs and (3) to make sure that needed services are available. Both individual and collective advocacy for children are necessary to realise these objectives. Sometimes caring adults want to help the children, but do not know how to help, or where to turn to for help. Parents should not regard themselves as helpless with regard to helping children whose lives are in danger. They should mobilise each other to establish a parent advocate system that promotes and safeguards the best interests of their children. In this way they will save children from having to pay the heaviest price for society's shortsighted economic policies, political blunders and wars (Hammarberg 1990:98).

2.6.2 The role of secondary educational institutions in advocating and protecting children's rights

The staff in the secondary educational institutions are in a better position to recognise children's needs, to notice abuse, molestation, neglect and underdevelopment in children because of their close interaction with them. They can also take the necessary initiatives towards redressing the child's situation and should monitor the implementation of children's rights and services. However, when these personnel are called to act as advocates for children, they feel inadequate because of lack of information on how to address the problem or where to refer the affected child for help. Nevertheless, the children's desperate situation requires them to approach people in authority positions and ask for justice to be done, even though, "political realities" would make their request seem outrageously naïve. They can succeed if they can mount a massive movement for children, strong enough to convince a critical mass of the public and policy makers to share their belief that the growth of child poverty, drug abuse, violence, family and neighbourhood disintegration pose more of a threat to posterity, security, competitiveness and moral leadership in the new millennium than any other enemy. They are called on to translate this awareness of child and family crisis into real and sustained solutions, rather than symbolic, cosmetic, short-term, politically attractive responses that fail to address substantially the underlying causes of child poverty and miseries, and that continue to leave children behind (Daley & Guy 1994:127).

Individuals and society in general should join forces to make children's rights a reality. It is not enough for a country to ratify the United Nations Convention of Children's Rights, it is also necessary to monitor its implementation through its social structures.

Fernandez (1980:103) reports that as the providers of services to children and families, the staff of secondary educational institutions can act as mediators, negotiators, spokespersons, that is, as advocates for the child when the system is not responding to the child's needs.

Hart and Prasse (1991:409) raise concern that child-rearing practices in general and in schools specifically fail to meet children's basic human needs and to respect them as persons with

dignity. Thus, the development of children is destructively distorted and limited by these practices.

Nevertheless, the personnel in the secondary educational institutions are obliged by their understanding of the child's needs to take action with regard to these limiting situations, if they want to make their educational encounter with children profitable. Fernandez (1980:104), emphasises that the staff know the child intimately because of daily contact and interaction. Beside the parents, they are the most important adults in the child's life and they know and understand what the child needs. As a result, when the system is not responding to the child's needs, the human service professional should assume the role of advocate to speak out for the child's interests, to mediate between the child and the system, and hopefully to negotiate a favourable resolution. They should not only speak for services to be provided in the best interests of the child, but they should also monitor the standard of service delivery. In this way the best interests of the child will be protected and sustained.

2.6.3 The role of tertiary educational institutions in advocating and protecting children's rights

Higher education can play a pivotal role in children's rights advocacy and protection as they can increase and intensify the research carried out on children's rights. Research can be carried out concerning the implementation, advocacy, protection and promotion of children's rights by different role players. This also involves research on the major obstacles faced by children's rights implementers and advocates, and recommendations to overcome these problems. Moreover, postgraduate students should be encouraged to do research in this regard by making study grants available.

The researchers in this regard should be encouraged to formulate clear and precise guidelines on the implementation and advocating of children's rights, which should guard against the unscrupulous interpretation of the documents dealing with children's rights for personal interest - and to the detriment of the interests of children (Le Roux 1995:160).

A study of ways to reconcile cultural diversity and the practical implementation of children's rights, with an aim of establishing fair treatment and a just environment for all children, should be conducted. In addition to preparing students for the labour market, tertiary institutions should also train students to be good advocates and implementers of children's rights, so that they are adequately prepared to handle cases of children's rights violation, such as abuse, neglect and maltreatment, in their different occupations. Furthermore, graduates should also introduce and educate members of the community regarding the implementation and advocacy of children's rights. In this way the promotion and protection of the welfare and interests of children within the society will be increased.

Higher education should mobilise all the available resources to advocate and promote children's rights. In the long term, this will save them the burden of having to deal with academically ill-disciplined students and unnecessary class-boycotts and disruptions, as a result of students who misinterpret and misunderstand their rights.

In addition to the tertiary educational institutions, the macro – and micro-organisations such as the state, regional government and local authorities occupy powerful and influential positions, which are essential in protecting children's best interests. They continue to play an important role in formulating and promulgating legislation, rules and regulations that are aimed at securing the well-being of children. However, this legislation must be brought to the attention of caregivers and of children themselves.

Freeman and Veerman (1992:168) report that even when political and legal authorities have announced their intentions to implement children's rights, a central problem remains in persuading children themselves that they really have rights.

Children from disadvantaged backgrounds are often so sceptical that their exercise of rights will go unpunished, that their legal rights become virtually meaningless in practice. As a result, Westman (1979:43) suggests that the large number of neglected and abused youngsters should stimulate the government at all levels to develop programs to educate both children and their caregivers about the legislation, rules and regulations protecting the well-being of children.

Again, a mechanism, such as the establishment of a Children's Rights Commissioner (Ombudsman) as an independent statutory office to inter alia, promote and protect the interests of children, to continuously assess the conditions of children, and to act as co-ordinator for the development of a national child protection policy should be seriously considered (Le Roux 1995:166). Furthermore, Himes (1995:56) requests governments, industry and academic institutions to increase their efforts in both basic and operational research in areas related to child welfare, including more effective social mobilisation, better delivery of existing social services, early child development, basic education, hygiene and sanitation and "in coping with the trauma facing children who are uprooted from their families and face other particularly difficult circumstances".

These extraordinary efforts should also convince children from disadvantaged background that they are empowered constitutionally to exercise their rights. In this regard, Hawes (1991:47) reports that it is one thing for society to agree that children are entitled to certain rights and treatment, it is another for all deserving children to be treated as if they have rights.

Le Roux (1995:262) reports that as society becomes more complex, the states needs to play a more active role in ensuring that the rights of children are not violated. Among the numerous obligations which the state has towards its members, it also has the obligation to:

- Provide a legal framework for the protection of children's rights.
- Initiate legislation to ensure that the state and society respect the rights of the child.
- On an ongoing basis review current local and international legislation affecting children.
- Provide the required infrastructures or framework that ensures the provision of basic health care, nutrition and education for the child.
- Provide an education system that will enable the child to develop his potential optimally.
- Not confuse the needs of the state with the needs of the child.
- Not confuse compulsory schooling with compulsory education.
- Ensure domestic laws meet international requirements for acceptable human rights standards.

- Establish support services and provide basic resources, which facilitate the exercising of the child's rights.

Government at all levels should continue to make all the necessary efforts to enforce the rights which children are legally entitled to. However, this responsibility should not only be left to the government alone, instead the community through the establishment of NGO's should:

- Promote public awareness and a culture conducive to and supportive of children's rights.
- Play a constructive role in the development of constitutional law affecting children through advancing policy recommendations and forming pressure groups.
- Work collectively in addressing the needs and rights of children and not duplicate resources.
- Liaise with international children's rights bodies.
- Engage in ongoing research to strengthen and enhance the rights of children.
- Strengthen recognition of and a national commitment to children's rights.

The printed and electronic media, such as the press, television, radio and film should be utilised to teach both children and their caretakers about children's rights and the legislation protecting their well-being. It is not enough to distribute the booklets about the constitution to individuals without educating them on how to claim and enjoy their rights. The basic issue is not for children to know that they have rights, but they should enjoy the benefits of their rights. This challenges the family, society and the state to fulfil their obligations of ensuring the actualisation of children's rights as a basic precondition to establishing a climate conducive to protecting and promoting both human and children's rights (Le Roux 1995:162).

It is advisable to look at how other countries like Norway, Costa Rica, New Zealand, West Germany, Australia and Israel have handled the problems of securing children's rights. The efforts of these countries will be presented in the ensuing section.

■ Norway

In Norway, the first suggestion for an ombudsman for children was published in a book in the late 1960's by Anders Brotholm. He stated that children, as a weak group, might need a public defender to help them in conflicts with their parents. This is further made necessary by the fact that children cannot vote, they have no influence on the political bodies which make the important decisions determining their conditions and they cannot use mass media or organisations to sway public opinion. This idea was later endorsed by the political parties which described office of the ombudsman as one measure of defending the interests of children on their behalf by giving information about the child's legal position, promoting children's interests and rights, strengthening the child's position at home and in the institutions, and serving as a public office when child abuse was suspected (Flekkoy 1991:47).

Furthermore, as the Norwegian society has a long tradition in democracy, there is a deep-rooted belief in using legislation as a tool for changing attitudes towards children and changing ways of treating them (Flekkoy 1981:50). With this structure and legislation in place, children have the assurance of protection and promotion of their rights and welfare.

■ Costa Rica

The Costa Ricans followed the example of the Norwegian ombudsman. Consequently, "El Defensor de la Infancia" was established by Presidential decree in September 1987. The first ombudsman for children, Mario A. Viquez Jimenez, was sworn in in September 1988. All political parties agreed on the establishment of the ombudsman office(s) and the main issues of concern were (Flekkoy 1991:197):

- the protection of the rights of children
- the ratification of the convention
- the efforts being made to teach the police how children should be treated
- the work being done to help street children.

- **New Zealand**

In New Zealand, the Commissioner for Children was appointed under the Children, Young Persons and Family Act, passed by parliament in May 1989. The Act is the principal law in New Zealand for dealing with children and young persons (that is, those up to the age of 17 years), who need care or protection or who have committed crimes. The Commissioner for Children is to monitor and review the act dealing with children, young persons and their families, to act as a means of redress for those subject to the process of the act, and as a means of investigation, review, advice and publicity in relation to all matters affecting the welfare of children and young persons (Flekkoy 1991:199).

- **West Germany**

In order to meet the acknowledged need for special concern regarding the effects on children of the legislative process, the political groups in the Bundestag appointed an officer to have a special responsibility for this area. Together they constituted the Commission for Children's Concern, approved by the Council of Elders in spring 1988. The commission is responsible to the Committee on Youth, Family Affairs, Women and health, ensuring a part in organisational structure and having direct access to the parliamentary field of activity. The main responsibility of the commission is to review all federal laws with regard to their effect on children and, if necessary, to influence them. It wants to represent the interests of children both inside and outside parliament, and give signals with regard to policies concerning children, intending, as resources allow, to be the partner and promoter of associations and organisations, as well as institutions, which support the interests of children. Taking a step in the right direction, the Federal Republic of Germany (FRD), acknowledged the need for an intensified effort on behalf of children. It is evident that policies concerning children's concerns must be implemented in a more intense fashion than ever before (Flekkoy 1991:200).

- **Australia**

As a federation of states, Australia does not have a statutory national body devoted to furthering the rights of children. The Children's Interest Bureau in South Australia is the only

statutory children's rights group. It was established in 1983 by amendments to the South Australia Community Welfare, to whom it is partly independent. The Bureau has had success in effecting major social welfare and legal reform from within the system. The Bureau is also accepted by all political parties and is used by individual politicians - federal and state - as a source of information and advice on protecting and promoting children's rights and welfare (Flekkoy 1991:200-1).

■ **Israel**

The Jerusalem Children's Council was established by the Jerusalem Municipal Council in 1984, to function as an informed advocate and lobby on behalf of the children of Jerusalem. The council has a salaried staff of two, and working groups for special fields. An ombudsman for children and youth was established in 1986, as a pilot project for one of these working groups, reporting to the Working Group on Children's Rights. Menachen Horoniz was the ombudsman until 1989. The office of the ombudsman handles complaints from individual children, even acting as a mediator between children and adolescents and their parents. The success of this office has demonstrated the need for the national office. As a result a Bill was introduced in the Knesset in early 1988 to establish a national ombudsman for children, answerable only to the Knesset itself and working out of the office of the Comptroller General of Israel (Flekkoy 1991:202)

2.7 THE PLACE OF CHILDREN IN THE LAW

During the nineteenth century the legal status of children became a matter of social concern and reform institutions emerged to protect children from poverty and abuse. By now many laws have been formulated to secure and sustain the well-being of children. In terms of the law, a child is defined as anyone under the age of 18 years of age, unless the person has acquired majority status (Prinsloo 1999:117).

Verhellen (1994:36) reports the following endeavour to safeguard the children from inhuman treatments. Recommendation 874 (1974) on a "European Charter on the Rights of the Child"

of the Council of Europe states "Children should no longer be considered their parents property, but should be recognised as individuals with their own rights and needs". This is in line with the equality principal in the Bill of Rights.

According to the Tinker report by Aiken and Lafollette (1980:225), a child is declared to be a "person" and (therefore) a possessor of fundamental rights, which the state must respect. In other words, the Tinker report has declared that since children are to be included under the category of "person" for constitutional purposes, they are similar to adults at least in the respect that they too possess "fundamental rights".

However, according to Prinsloo (1999:117), in present day law, children are referred to variously as infants, minors, adolescents and juveniles. This distinction between childhood and adulthood brought a reduction in children's legal status, in other words childhood is not merely different from adulthood but (legally speaking) also inferior. As a result children have a different legal status, which determine their legal rights, duties and capacities.

Hawes (1991:115) maintains that the fact of being a "child", of being wholly subservient and dependent, of being seen by older people as a mixture of expensive nuisance, slave and super pet, does most young people more harm than good. Therefore it has become necessary to protect children against the power of parents through legislation. The following are examples of South African legislation, aimed at protecting children:

- The Constitution of the Republic of South African Act 108 of 1996.
- The South African Schools Act, Act 84 of 1996.
- The Child Care Act, No. 74 of 1983
- The Occupational Health and safety Act, No. 85 of 1993.

Because of their age, children are legally viewed as not competent to act and appear, and not liable. As a result, the court views children as a different class of persons, and that, because of their difference from adults, they ought to be treated differently. Indeed, if the court did not think this, then it would be hard pressed to find a justification for the practice of responding

to juvenile offenders with a system of rehabilitation and therapy rather than punishment (Aiken & Lafollette 1980:233).

This shows that the focus of the legislation dealing with children should shift from adult-oriented principles to child-centred principles. This suggests those children should be allowed full constitutional rights at their own level. For instance, juvenile offenders should be tried in the juvenile court, and if they are convicted they should be sent to an industrial school and/or reform school. At school children should be allowed to participate in the formulation of policies dealing with discipline and a code of conduct. On a national level, children should be involved in drafting their own charter, for example, the Children's Charter of South Africa of 1992.

2.8 HELPING CHILDREN TO FIND THEIR VOICE

As it has been stated earlier, children were (and still are) at the mercy of others such as parents and guardians, and depend on their goodwill to act on their behalf and to protect their best interests. However, these parents and guardians sometimes make wrong decisions, which jeopardise children's well-being. Children are rarely asked how they perceive their own situation, what their opinions are concerning their well-being, and how they feel about their rights.

Flekkoy (1991:224) raised a concern that children in many countries lack connections or structures where they can voice their own complaints. If the adults are unwilling or unable to further the complaint on behalf of their children, children often lack a "next level" recipient, particularly one that also has connections with the decision-making bodies in society. Thus children are bound to suffer the consequences of their parents' inability to represent them. Despite this, parents and guardians are not prepared to accept their shortcoming in this regard.

Fernandez (1980:129) indicates that a sign of adult arrogance is the assumption that adults know what is best for the child - often without even consulting the child or teenager. This denies the child the right to offer opinions, propose changes, make and accept their mistakes, and to grow in doing so. Surveys have indicated that when children are asked for advice and

opinions about their surroundings they usually come up with good ideas for improvements and well-founded opinions about their well-being. But the problem in implementing the suggestions often lies with adults, firstly in listening, and secondly in taking children seriously (Flekkoy 1991:126).

Verhelle (1994:87) expounds this problem further, by maintaining that in many areas children are not taken seriously because they have no personal power. This flows from the right to vote or from paying taxes, and because it is assumed children are too immature to deal with serious matters. All these are reasons for denying children the opportunity of making their voices heard and contributing fruitfully towards their development and well-being.

Moreover, Verhelle (1994:87) asserts that children have a number of specific qualities which can be useful to society: they are dynamic and capable of approaching most situations objectively, critically and with an open mind, since they are relatively independent of social institutions and interest groups. In this context, society has to attach great importance to the fact that children's views, as enshrined in article 12 of the UN Convention on the Rights of the child, is regarded by the Committee on the Rights of the Child as a general principle. Thus their parents and guardians should be given the necessary public platform to express their feelings and convictions without overwhelming children. However, adults should be there to give advice for the development of children's skills.

It is time that young people's voices are heard and that they should be involved, according to their capacities and interests, at all stages in the formulation and pursuit of their rights and education (Hart & Pavlovic 1991:354). How does society expect the younger generation to develop and to be ready to take the positions which some of the adults are occupying if they are not given a chance to practise their skills?

According to Ayim (1986:338), children ought to be provided with the fullest information consistent with their age and be made independent and autonomous in identifying their own interests and understanding of their rights and obligations. The Molo Songololo Children's Summit held in Cape in 1992, demonstrates such an effort to give children a chance of

exercising their fundamental rights of being heard and to participate in formulating their own rights. This Summit brought together 200 children, between the ages of 12 and 16 years from all over South Africa, who actively participated in drawing up the Children's Charter of South Africa (Prinsloo 1999:128). This clearly demonstrates the phenomenal contribution children can make towards developing the nation if they are given a chance. This Summit was heralded as a "historical" turning point in realising a culture in which children's voices can be heard in South Africa (South African Outlook 1992:103).

Again the presence of children during the World Summit for Children in 1990, is another significant milestone reached by the United Nations in exposing and engaging children in debates of international importance. In responding to children's desperate plea to be respected and consulted on issues that affect them and their future, Eekelaar (1983:7) pointed out that, given the social and economic structures of our present society, all children should have an equal opportunity to maximise the resources available for them during their childhood (including their own inherent abilities), so as to minimise the extent to which they enter adult life affected by avoidable prejudices incurred during childhood. Therefore national and international events such as Children's Summit held in Cape and the World Summit for Children should be organised on a continuous basis to give children a platform to make contributions towards their well-being and development.

Even at local levels such events should be organised in order to kindle and to nurture children's own interest and understanding of their rights and obligations.

2.9 SYNTHESIS

In this chapter, focus was placed on the necessity of the acknowledgement of human rights with special emphasis on children's rights. The nature and the aims of children's rights were extensively described. The development of children's rights, basic children's rights, children's rights advocacy, as well as the status of the child before the law were examined.

It is important to emphasise that this description of human rights and the necessity of creating special rights for children demonstrate the position of children in society. Therefore children's rights focus society's attention on the protection of the well-being and the best interests of children. Children's rights are aimed at changing the attitude of society towards children, so that society will listen to children's voices with empathy. It is clear that the plight of children led to the acknowledgement of children's rights and with it the need for the establishment of children's rights movements and many organisations and associations advocating children's rights. It also became clear why children's rights are of a social interest and not only political or academic interests.

The institutions, which should play an important role in protecting and advocating children's rights were also examined. The different ways in which this can be done were suggested and a special call made to society to invest time and energy in protecting and promoting children's rights. It became clear that children's rights are aimed at providing safe environments and free childhood from forms of abuse, neglect, poverty, diseases and molestation suffered by children.

The low social status of children, which has different implications for their development and well-being, was examined. The changing legal status of children, which necessitated the formulation of legislation to protect children against power and dominance and to secure and sustain their well-being, was also discussed.

The changing legal status of children has resulted in children being declared "persons" with fundamental rights. Therefore the need to help children to find their voices in expressing their opinions on how to perceive their situations, well-being and how they feel about their rights was explored.

Lastly, proposals on engaging children actively in exercising their fundamental rights of being heard and deciding on matters affecting their well-being were made. The next chapter will deal with the manifestations of human rights in South Africa. Attention will be focused particularly on the negative aspects of human rights on the well-being of society in general, with special emphasis on the negative aspects of children's rights for their education and development.

CHAPTER 3

THE DEVELOPMENT AND MANIFESTATION OF HUMAN AND CHILDREN'S RIGHTS IN SOUTH AFRICA

3.1 INTRODUCTION: THE MANIFESTATIONS OF HUMAN RIGHTS IN SOUTH AFRICA

The democratisation of South Africa during 1994 was characterised by the allocation of human rights to all citizens of this country. Understandably this was met with euphoria by those who could now enjoy the full citizenship after years of deprivation. However, many people have used this privilege to relinquish their values and norms. As a result numerous unacceptable interpretations and manifestations of human rights have contributed to the high crime rate and the unruly behaviour of learners in many South African schools. Not only does this negatively impact on society in general, it has also tarnished the image of South Africa abroad. The different manifestations of human rights in South Africa are discussed in detail in this chapter.

3.1.1 The manifestation of human rights as part of social behaviour

Human rights are established with the intention of ensuring and maintaining universal peace, order, harmony, freedom, human dignity, equality and justice for all. The ideals embodied in human rights are damaged by individuals and groups within society, who abuse their rights to the detriment of the broader community. Various social structures which are supposed to uphold the culture of human rights by rendering service to the community are now centres of human rights violation. An apt example is the case documented by *City Press*, December 5, 1993. Bertha Lekalakala of Zone 3, Diepkloof, was refused medical attention during labour by three nurses at Chris Hani Baragwanath Hospital who claimed she did not make a booking at the maternity ward. This resulted in the death of her baby (*City Press*, December 5, 1993:3). This act violated the baby's constitutional rights to health care and life and the mother's rights to reproductive health care and emergency treatment. Similar incidents where patients are made to wait for a long time in queues for treatment, while the medical personnel are lax to give them attention have been reported. In other instances young girls are refused contraceptives which leads to escalating teenage pregnancies and abortions with fatal consequences. However, the

stirling efforts of dedicated medical personnel are not unnoticed and unappreciated by the community.

The police service is another area of concern regarding the maintenance of a culture of human rights in South Africa. On several occasions when cases are reported, the police officers report that they have insufficient resources to attend to the case; they take down the complainant's statement with a promise to make investigations at a later stage or simply tell the complainant to arrest and bring the criminal to the police station themselves. On occasions when arrests are made, investigations are lengthy, so that when cases come to court, the witnesses' memories have faded and legal loopholes are exploited by the criminals and their defence leading to their acquittal. As a result, the public may feel that when the police state that "they are investigating", this is an euphemism for "let us wait and see what happens" (*City Press*, December 19, 1999:10). In other instances police dockets are mislaid and there is no longer evidence to put the criminal on trial. These and similar incidents rob law-abiding citizens of their rights which should be protected by the judicial system. Nonetheless, one should recognise the commendable duties performed by the police officers who are dedicated to their work. Unfortunately, corrupt officers make the work of their dedicated colleagues difficult and dangerous.

Moreover, certain local town counsellors contribute to human rights violation when money allocated for reconstruction and development and provision of essential services is embezzled in the areas under their supervision. As a result, development and rendering of essential services are affected. These actions deprive residents of their right to running water, electricity and sanitation and to a pollution free and ecologically sound environment. Research demonstrates that squatter settlements which have mushroomed countrywide contribute significantly to the high crime rate. People in informal settlements do not consider the legitimacy of their right of choice of settlement. Thereby they deprived themselves of the right to essential services such as water and sanitation by settling in areas lacking these services.

Many squatter settlements present a health hazard because refuse is not collected and shacks on the banks of rivers are flooded when the river is full. Furthermore, the mushrooming of these

squatter settlements near big cities has led to the devaluing of adjoining residential sites, causing great financial loss to the property owners.

In the light of these problems there is a need for social structures to work effectively and in cooperation in establishing and upholding an environment where a culture of human rights may flourish. This would imply that the nation can be put on the right course for nation building and a favourable environment for social and economic development can be created.

3.1.2 The manifestation of human rights with regard to crime

The elections of 1994 created high expectations among South Africans for the future. People looked forward to a free and democratic South Africa, where everyone would enjoy the benefits of human rights such as human dignity, freedom and equality. The hope for a better future was further strengthened by the adaptation and promulgation of the Constitution of South Africa in 1996. The present situation differs, however, from what was projected prior to and during the 1994 elections - a better life for all. Certain individuals and groups are negatively affecting the good intentions upheld by the Constitution and human rights by interpreting them narrowly. Consequently, these individuals and groups derive more benefits at the expense of the broader community. In particular, criminals distort the ideal of a human rights culture for their own benefit at the expense of the society.

This is not what South Africans have struggled for in their quest for a democratic dispensation after many years. Terror, murder, robbery and rape were not what they expected during their protracted struggle for democracy. *The Star* (April 6, 1999:9) aptly states that "as Thabo Mbeki prepares for the definitive victory of the struggle it seems fitting to paraphrase Churchill speaking of Europe after the end of the second world war, that: "This is not the liberated South Africa we were promised. Nor is it one that contains the essential of permanent peace". The situation in South Africa has deteriorated below the expectations of the majority of its citizens.

The Director of Public Prosecution, Bulelani Nqcuca, describes the present situation when he said: "The people are living in agony, tormented by criminals and thugs who have taken over

our townships and suburbs. young children watch helplessly as their parents die at the hand of ruthless criminals. Indeed, life is a living hell" (*The Star*, March 11, 1999). These incidents deprive law-abiding citizens of the rights to freedom, peace and safety because they cannot move freely without fear of attack. People are compelled to adopt stringent security measures in residential areas as a means of protecting their properties and persons against crime. Others have joined groups such as "Mapogo a Mathamaga" in a desperate search for protection. These situations and efforts would not be necessary if all members of society respected one another's human rights.

Unfortunately, these efforts are unavoidable in the rapidly deteriorating present situation. South Africa has the highest statistics in the world with regard to AIDS, rape and murder (*City Press*, April 25, 1999:6). This situation has tainted the country's image since its successful and peaceful transition to democracy in 1994. When the long spell of sanctions which were imposed during apartheid was lifted, there were expectations that tourism and investment would flourish. However, foreign tourism is deterred by crime as not even high ranking visitors are exempt. "It's becoming a nightmare, truly a nightmare", ambassador Gedeon Magete of Burundi said a day after his car was taken at gun point from his residence in Pretoria and a week after someone had pointed a pistol at him and grabbed his briefcase (*Saturday Star*, April 17, 1999:2). Indeed criminals are nullifying the noble intention of the Universal Declaration of Human Rights, because they violate the victim's right to protection from physical, emotional and mental harm, peace, security, life, human dignity and to own property.

The situations described above call for drastic remediation by politicians and the legal system alike. Society is perceived to be soft on criminals (*City Press*, December 19, 1999:10). As a result criminals take advantage of the situation to terrorise members of society in the process of satisfying their selfish needs. There is also the danger of a generation of criminals being produced since many youth regard these criminals as role models, as they are wealthy, live in luxurious houses and drive expensive cars. This vicious circle will continue if society does not work together as a unit to dismantle it.

Although the war against crime engenders despair, the police force has continued to struggle for a crime free society as it is their obligation with the help of the entire society (*City Press*, December 19, 1999:4). However, the nation cannot leave this fundamental task of fighting crime solely in the hands of the police and their agencies, because for members of the police, fighting crime is a war of attrition. The rate of police murders on duty is almost three times that of the population generally, and nine times that of the law enforcement officers in the United States of America (USA). The high risk of policing has affected the morale, effectiveness and productivity of police officers, undermining the police service when it is most vulnerable (*City Press*, December 19, 1999:4). Society should join forces to identify and track down criminal elements in their midst. It cannot afford to sit back and witness the violations of the rights of its members by a group of individuals; it has to play an active role in ensuring and maintaining equal benefits of human rights.

Members of society should act as ombudsman on human rights implementation and ensure that any person violating any aspect of human rights is brought before the constitutional court. It is imperative for any self-respecting society and its various agencies - after identifying a problem like high crime rate and its causes - to devise plans and programmes aimed at systematically uprooting the problem (*Sowetan*, July 8, 1999:9).

The countless incidents of human rights violation by groups or individuals have become common. The shooting of people has become a regular feature in society, in schools and homes, and these incidents should not be seen as purely criminal acts. They constitute human rights violations calculated at abusing the weak and defenceless (*City Press*, Nov 28, 1999:11). Society should devise appropriate mechanisms such as community policing forums and street watch committees to cooperate with the police and the human rights commission to ensure the rights of the weak and defenceless.

The constitutional court has successfully pioneered the repeal of the death penalty on the grounds that every person, including criminals, has the fundamental and inviolable right to life. However, victims of crime have their right to life forcefully taken from them as the following report illustrates. An example of the tragic violation of human rights is as follows: A 15 year

old girl died of AIDS - related pneumonia about 16 months after she was gang-raped. The criminal case never reached the court, because it was postponed 16 times. Consequently the three rape suspects avoided conviction since their victim died of the disease with which they had infected her (*The Citizen*, December 7, 1999:6). Thus, the rape suspects have robbed this young girl of her fundamental right to life; yet they are unpunished.

These incidents reported above illustrate the complexity of the issue of human rights and the debate concerning the death penalty. The former president, Nelson Mandela, endorsed the repeal of the death penalty to enshrine the "right to life" of prisoners. In my view this comprised a cynical political move which endowed criminals with more "rights" than the victim. Instead of courts passing the death sentence, criminals cause the death of many members of society. Citizens have to pay with their lives because of the shortage of state funds to protect them (*The Star*, April 6, 1999:6). Many argue that a referendum should be held once again to determine public opinion on the reinstatement of the death penalty and the decision be made on the basis of the outcome of the referendum.

A major cause of concern is that the application of human rights appears to favour criminals rather than law abiding citizens. For instance, many criminals emerge from the prison as university graduates, where their tuition fees have been paid by public funds. Criminals also enjoy many other benefits, for example, accommodation and vocational training. That is why the notion of arrest and conviction is not a strong deterrent to crime. Within forty-eight hours, many suspects are released and are even found planning further crime (*City Press*, April 25, 1999:6). Moreover, criminals frequently do not fulfil their entire sentences, since they are granted parole. However, their victims are not compensated for the losses they have suffered and have to cope with the trauma sustained as a result of an attack.

Furthermore, criminals are entitled to a team of legal representatives to argue for their acquittal, which they sometimes do with success. This requires of society to reexamine the rights of the victim and reappraise the justice system in order to tighten conditions of bail applications, revisit the granting of parole and reduce the benefits enjoyed by prisoners at the expense of their victims. These sentiments were declared and operationalised by the Minister of Safety and

Security, Steve Tshwete and Commissioner of police, Jackie Selebi, by the establishment of nationwide roadblocks, searches, confiscation of stolen goods and by cracking down on crime syndicates. Finally criminals should be made to realise that in the same way as they have and enjoy the right of remaining silent when arrested, having a legal practitioner assigned to them by the state at the state's expense and being presumed innocent until proven guilty, other people also have rights which should be respected if we are to build a just society and a prosperous nation.

3.1.3 The consequences of the negative manifestations of human rights

In 1945, when the United Nations' Charter came into effect, it was with the conviction that a peaceful world could not be built without the effective international protection of human rights (Vella 1986:23). This undoubtedly indicates the significant role which human rights are supposed to play in ensuring universal peace, freedom, security and prosperity within a nation. The positive implications of human rights are, however, spoiled by the negative manifestations of these rights, which form part of everyday life. Instead of peace and security as proclaimed by the United Nations Charter, people are living in perpetual fear of hijackers, robbers, murderers and rapists who have no respect for other people's rights.

Many South Africans experience uncertainty and fear because of burglaries, kidnapping and hijacking. As a result, people live behind one form of security system or the other. This also restricts freedom of movement, because people are afraid to visit certain places because it is not safe. Moreover, people are cautious when interacting with others, because every person is treated as a potential criminal. Fundamental human trust essential for strengthening human relationships is destroyed by the continuous violation of human rights. A child who has been raped by a family member will never trust anyone unconditionally again. A person who has been robbed and hijacked at gun point will never trust a stranger or offer help of any kind.

As a result of the negative manifestations of human rights, many people lose lives and property daily. These manifestations also have a negative effect on economic development. The deaths of a top photojournalist and school principal and rape of a senior UN official from the USA are

examples of crime which discourage foreign investment which would boost the country's economy and create jobs (*Saturday Star*, April 17, 1999:2). Certainly, crime in South Africa has reached unacceptable levels which rob the country of much needed foreign investment (*City Press*, April 25, 1999:4). Big companies and business persons are also subjected to the effects of serious crime. Eskom chairperson, Reuel Khoza, reported that as a result of crime, Eskom lost R82 million in 1998. Telkom has lost millions of rands as a result of the theft on copper cables. However, society "can break the crime momentum and give light to the future prosperity of this country" said Jacqueline Marohanye of Ithuteng Trust (*City Press*, April 25, 1999:4).

3.2 THE MANIFESTATION OF CHILDREN'S RIGHTS IN SOUTH AFRICA

The last three decades have brought together and formalised a trend, that evolved over at least 400 years, to broaden and develop society's understanding and accept children as unique, necessary and valuable societal assets (Peens 1997:1). This culminated in the United Nations General Assembly accepting the United Nation Convention on the Rights of the Child on 20 November, 1989. This was an important milestone in the history of children's rights. As a result, adult perceptions and treatment of children changed as adults become aware of the need to invest time and energy in children.

South Africa officially joined in the United National Convention of the Rights of the Child in 1995 when it ratified the clauses contained in convention. Since then much attention has been focussed on children in South Africa. Efforts are being made to make them more aware of their rights and to research aspects related to this, in an attempt to promote their well-being and join the rest of the world in the quest to enhance the person-status of the child (Peens 1997:1).

The late inclusion of South Africa in the venture of accepting and implementing the United Nations Convention on the Rights of the Child came in the wake of political change and transformation, which started in the 1990's. These developments took place amidst political euphoria. Thus, society did not get the opportunity to educate the youth on acceptable ways to claim their rights.

The sudden realisation of rights by children has a negative impact on them because they are not sure of their role as free citizens. They are not knowledgeable of the implications of rights for their and others' lives. This is exemplified by the different connotations which they attribute to these rights: acting without restriction or rebuke and neglecting rules and regulations which should govern their lives. As a result, various manifestations of children's rights in South Africa will be outlined from the viewpoint of primary, secondary and tertiary educational institutions. The educator's perspective of the manifestations of children's rights will also be examined in the ensuing sections.

3.2.1 The manifestations of children's rights within the primary educational institutions

The role of the primary educational institution in educating, socialising and protecting children and promoting their best interests and welfare is integral to enhancing children's rights. Warmth and a caring loving atmosphere within these educational institutions provide the child with a sense of security and the basis for venturing out and experimenting with various things in life. Here the child also learns moral ideals and social virtues from his interactions with the primary educators. Thus a good primary educational environment has a significant effect in moulding the child into a responsible and prosperous future adult.

These important contributions by the primary educational institutions towards promoting the child's best interests can be negatively affected by the way children's rights are manifested. For the sake of clarity, the manifestations of children's rights within the primary educational institutions are discussed according to the following headings.

3.2.1.1 *The family*

According to Miller and Duval (1985:6), "the family" is an elusive concept, defying definition, because it encompasses so many variant forms and meanings. Because of the astonishing variety of families, scholars hesitate to define a "typical" family but a family can broadly be seen as:

- ... a small relation-structured group with the key function of nurturing and socialising because of its explicit basic element of closeness, togetherness and dependence on one another. It is fundamental to society as it serves as a paradigm for all social relations. It humanises children by instilling in them good moral values, norms, customs and traditions, to make them effective human beings (Van den Aardweg et al 1988; Van Rensburg et al 1986).

The aforementioned definition concurs with the following description of the importance of the family:

- it offers the experience of loving, intimate and consistently dependable relationships suffused with personal warmth.
- it ensures the physical and material provision and care, health and safety of its members.
- it recognises its task with respect to the socialisation of children, the promotion of their personal development and capabilities, the accompaniment of their behaviour and the influencing of their values and norms.
- it offers cooperation to the school and the community at large with regard to the provision of educational and learning experience.
- it offers support to children in the acquisition of independence and their establishment of a marriage and family life of their own (Brown, Harper & Strivens 1986:181-182).

The above descriptions make it clear that the family should educate children on their rights and how to enjoy them as part of its pedagogical task. Recent decades have seen drastic changes in the family structure, role division and norms, which presents new challenges and problems (Louw 1991:694). The strong, close-knit family unit and many extended family support systems are destroyed by the violation of fundamental human rights. Lack of suitable employment forces many fathers to spend their entire working lives as contract labourers who are denied the right to live with their families permanently. The dependents of the breadwinners are left in the rural areas.

As a result, many black children see their fathers only once a year. Often mothers also leave home to seek employment in the cities, leaving the children alone (Smith & Le Roux 1993:37).

Children from such families grow up without moral guidance and parental discipline which are the fundamental essences for moulding children towards responsible adults. Furthermore, these children experience unlimited and unsupervised freedom which leads to lawlessness, promiscuity, teenage pregnancies and the danger of HIV/AIDS infection.

Many families find themselves in situations for which they have no precedents because of the social and political changes which make traditional pieties appear irrelevant. Some become conscious of the alternative moral system, and, when they do, the one in which they have been reared seems to lose legitimacy (Vardin & Brody 1979:5). These unprecedented situations cause confusion among family members, because children want to behave according to their newly found rights with the concomitant freedom, whereas parents cling to the more traditional and authoritarian family structures. As a result children accuse their parents of still living in the past with their irrelevant and illegitimate traditional pieties; parents accuse their children of being disobedient and disrespectful.

This situation may deteriorate to the level where children do as they please claiming that it is their right to do so. Then parents shun their responsibility of disciplining their children because they cannot draw a line between maintaining discipline and protecting children's rights. Again these parents cannot draw a clear distinction between ways of upholding good moral principles in children and the abuse of children. Children exploit this uncertainty to act immorally.

Sometimes children want to take decisions independently of their parents and they proceed to do so. If their decisions fail, they blame their parents for having given them the freedom to pursue a fruitless course. Where the parents react with dogmatism and authoritarianism by claiming that they are omniscient and therefore always right, conflict often ensues, which may result in such behaviour as running away from home or even suicide (Mabeba 1996:42).

On the other hand, domestic violence has become a predominant feature of family relationships. In many cases, children are both the victim and the witnesses of such acts. Although many parents believe that their children are too young to be affected by violence in the home, studies show that a number of symptoms such as inability to concentrate, depression,

withdrawal and social isolation, poor school performance, nightmares and bed-wetting can be traced to the stress experienced by children who witness violence in the home (*The Star*, August 25, 1999:12). In this case, the child's home fails to become his haven of safety from whence he can venture into the unknown world. When uncertainty overwhelms him, his home is no longer the sanctuary where he can find consolation and renew his self-reliance in the loving attention of his parent(s). What he experiences in the family is fear and uncertainty (Griessel 1988:24).

International research also shows that children who grow up in homes where there is violence are at risk of repeating the cycle of abuse in their own lives (*The Star*, August 25, 1999:12). To break the cycle of self-destruction, the family should provide the child with safety, security, love and care. According to Peens (1997:75), violence associated with rape, gang rape and sexual abuse also affect large numbers of children under the age of 16 years. For many South African children, violence has become a part of everyday life. Consequently, many children become violent themselves or resort to forms of criminal behaviour ranging from petty crimes to substance abuse. In many respects, this situation has led to the breakdown in respect for elders, family life and cultural values amongst South African children. As a result, lawlessness reigns among children in many sectors of life. In addition, abusive fathers send a powerful message to their children that it is acceptable to solve problems with violence and that men have the right to control and exert power over others (*The Star*, August 25, 1999:2). Such children learn to find pleasure from inflicting pain on others, and abuse becomes a form of expressing manhood.

Some parents neglect their responsibilities on their children, which affects the development and well-being of these children adversely. For instance, a father who neglects to provide love, care and comfort to his daughter, runs the risk of sending his daughter out to seek emotional security from boys who might exploit and spoil her future. Sometimes a girl cannot terminate a destructive relationship with a boy because she has nowhere to go for protection and comfort.

Furthermore, high school girls from divorced and temporarily separated families are more vulnerable to social ills. Left to their own devices, with no parents to give advice, they are inclined to run away from home or school and are prey to sexual exploitation. It is not uncommon to see black high school girls along major national roads who are picked up by truck

drivers for the purpose of illicit sex. It should also be realised that divorce and marital separation teach children that family disputes can be solved by rejection and separation (Mabeba 1996:191). Adolescence is a very important and vulnerable period which determines success or a failure. During this period children may be led astray if they do not enjoy the care, protection, love, warmth, security and comfort of the family.

Therefore, parents should love their children and give them all the necessary attention, because this will prevent a quest for love, attention, support and comfort outside of the home. Sound parental care enables children to accept and to live within their family's socio-economic position. This will encourage children to do what is acceptable to improve their own future socio-economic positions rather than engaging themselves in dangerous activities, like prostitution to earn a living.

Parents should realise the importance of granting sufficient freedom to children especially during the high school period. However, when this concession is made, it should be of equal importance to realise that increased but uncontrolled freedom together with a greater frequency of the experience of losing parental authority and discipline are factors that can lead to severe stress in high school pupils (Mabeba 1996:49). Due to this, suicide has increased among high school pupils. This situation can be averted if parents can educate their children in the understanding that their freedom has limitations and responsibilities which should be observed and fulfilled. To achieve this, no child should be militantly at odds with parents who can direct him on the right course and who are willing to listen and understand (Mabeba 1996:49). In fact children should be aware of their obligation to remain obedient and respectful to their parents at all times. This will help to strengthen their relationship. A secure, well-nourished child who has the opportunity to learn and develop within a family, school and community has the best chance to become a confident adult who will be able to contribute to the happiness and welfare of society (Smith & Le Roux 1993:44).

The whole family has the obligation of changing the negative manifestations of children's rights to positive and constructive manifestations. The latter implies that the child should be taught to hold his own in crises when he is confronted by other family members and to realise that the

interests of the family as a whole may at times be of greater importance than his own selfish interest. This will help to strengthen the family unit.

3.2.1.2 *The neighbourhood*

Human beings live in relationship with other people and the world. They are always part of a community or even of several communities, as well as part of larger society (Prinsloo 1999; OSO421-U:37). The success of this relationship depends on the way a person manifests his rights. Children sometimes erroneously consider their rights exclusively from the viewpoint of their community, which leads to unnecessary and fatal confrontations. Such children think that they have "the right" to everything, including other people's belongings. These children contribute to the high crime rate in South Africa as can be seen in the many serious crimes such as armed robbery, hijacking and murder in which children as young as 14 years of age are involved. Children have been found to be capable of attacking a neighbour and shooting him without flinching (*City Press*, December 19, 1999:10). The community is now living in perpetual threat from its own children. Some children no longer play in the streets innocently, but are involved in burglary and theft.

The relationship of trust and acceptance between adults and children has been affected because adults neither feel safe in the company of their own children nor accept them as children. It is a matter of concern to consider serious crime by children without effective response from government (*City Press*, December 19, 1999:10). In such instances children only value their own right to life, and not that of their victims. They want to be treated with dignity, yet they are a threat to other people's dignity and life. The period during which adults enjoyed respect of the youth appears to have elapsed and the elderly people are soft targets of young criminals. Instead of the youth helping the old and frail to cross the street or carry their parcels, they rob them of their possessions.

However, children are not always perpetrators of social ill, they are frequently victims. Research has shown that crimes against children increased by 66 percent between 1993 and 1996. During this period the reported number of child rapes went up to 60 percent and there

was an increase of 65 percent of child abuse cases. In 1993, 328 cases of child prostitution and 1886 cases of sexual abuse of minors were reported. Figures released in March 1999 reveal that 14 225 children, some as young as two, were raped in the first 11 months of 1998 (*Sowetan*, March 19, 1999:2). Many of the reported cases against children are committed by adults, who should act as the custodians of children's best interests. As a result these children will no longer be able to socialise successfully and to form close relationships with others in their lives.

This is detrimental because people become social beings by virtue of the fact that they are educated by others, have to work with others, and lead or follow others. A constant interaction between the "I" and "the other" takes place in this way (Prinsloo 1999:40). This aspect is also enshrined in the Constitution of South Africa as a right to freedom of association. It is further made necessary by our relationship of togetherness, which does not only imply belonging together, but also refers to listening and hearing together (Prinsloo 1999:40).

Neighbourhoods experience perpetual violence because of the negative manifestations of rights. This violence, in some cases, adopts the snowball effect. It becomes endemic and roots itself in the psyche of the society, thus transforming itself into a norm (*Sowetan*, July 8, 1999:9). When violence has reached this stage, it will no longer be wrong to commit any form of crime, because that will be a way of life.

Some parents neglect disciplining their children because of the wrong belief that the child's behaviour is merely a fad. Other parents feel that everybody is doing it, therefore their children are no exception. Nevertheless parents should shoulder their responsibilities and the obligation of educating their children to accept the responsibilities that accompany their rights.

At times, a deep sense of inferiority, and worthlessness resulting from want, neglect, a quest for belonging and a need for recognition are blamed as factors that give rise to violence (*Sowetan*, July 8, 1999:9). This cannot be readily acceptable because children have the right to freedom of choice. In many cases children have opted for violence as a quick solution to their problems or because of the example of others who have enriched themselves through crime. However,

children can be assisted and learn to devise positive and acceptable means of improving their living conditions even if these are difficult.

Children who manage to overcome difficulties are described by Maslow as having overcome the restriction of the environment and are able to meet their deficiency needs regularly in order to function optimally. They have also accepted the responsibility of self-actualisation and becoming the best they can (Meyer, Moore & Viljoen 1990:364). Therefore, if children can exercise their right to freedom of choice correctly, they will develop into responsible citizens.

3.2.1.3 *The peer group*

The peer group forms the basis of the child's socialisation and development. It also offers its members the experience of relationships and to compete with others on an equal footing. This is made possible by the way the child manifests his rights in the group. For instance, the child has to treat his peers with respect and dignity for him to be accepted and to enjoy the benefits offered by the group.

It is among their peers where the children put to test some of their newly acquired logic, independence and control by giving expression to their autonomous decisions (Mabeba 1996:52). If the child's decisions are accepted by the peer group and prove successful, it will boost his self-image. But a child who is denied the chance to express himself or if his decisions are rudely rejected, his self-image becomes tarnished and this may lead to self-imposed isolation.

In almost all peer structures - cliques, crowds, organised formal groups and gangs - the common denominator is cooperation, respect and loyalty of members. This suggests manifesting their rights positively both individually and collectively. The acceptance syndrome in peer group relations has a direct bearing on positive social behaviour expected by society. These behaviour patterns will help the child to develop:

- Social behaviour characterised by cooperation, responsibility, resourcefulness, interest in others, tact and good manners.
- Maturing, especially in terms of emotional control and willingness to conform to rules and regulations.
- Personality traits that contribute to good social adjustment, such as trustfulness, sincerity, unselfishness and extroversion (Hurlock in Mabeba 1996:52).

This exposition makes it clear that parents and teachers should help direct and advise children on fruitful ways of spending their leisure time and exercising their rights in the company of their peer groups.

In some cases the relationship between children and their peers is characterised by the negative manifestations of their rights. In his case children harass their peers both physically - by beating them - and emotionally - by using obscene language against them. Such children always display both physical and verbal aggression against their peer groups as opposed to the acceptable self-assertion. This type of behaviour also occurs when they are engaged in competition, where they always want to win, as if they have the right to win, even if it is at the expense of others. They fail to accept the outcomes of competition in a good spirit. Furthermore, they are not known to be cooperative in a group because cooperation involves compromise. They lack this ability because they tend to elevate the self more than the group. They always want to be heard, but they are bad listeners. As a result, they fail to practise and refine their social skills in interaction with other children. Instead of using their rights to guide their relationships and interactions with their group, they use these rights to satisfy their selfish interests.

The child's socialisation in acceptable ways in the peer group, however, offers the child a chance to learn to become a member of the social group. He learns to behave according to the group norms and ultimately those of the society. Through socialisation children gain and internalise knowledge of the rules, attitudes, beliefs, customs, values, role requirements and norms that are current in their community (Louw 1991:10).

There are children who fail to become members of a social group, because they do not behave according to the norms accepted by that group. For instance, a child who steals from his peer group will no longer be accepted by that group. There have also been cases where children have been raped or gang raped by members of the peer group. These acts of lust deprive other children of their rights to be treated with respect and dignity.

Some children use language to belittle, abuse and blackmail their peers. Verbal abuse negates the legitimate use of language as a significant key to children's participation in social life or as a means of self-actualisation, expression and communication. The use of language to bind people together is destroyed by the use of obscene and abusive language against other members of the peer group. Positive peer interaction, resulting from the positive manifestations of rights and the acceptable use of language is essential for the child's socialisation, proper development and future integration into society.

3.2.2 A socio-educational perspective of children's rights

The aim of the socio-educational institutions is to prepare the next generation to be responsible citizens who uphold the principles of their society. However, the success of this mission is determined by the way in which children's rights are interpreted and implemented socio-educationally.

According to John (1997:246), active learning experiences can help young people to respect and protect their interest and concerns. This is more likely to happen if learning processes are democratically experienced, so that young people's rights are fully acknowledged and "lived" in socio-educational interactions. Respecting the learners in the learning situations implies that they are more likely to respect themselves. If they are encouraged to solve problems and make sense of their own learning process, they are more likely to feel actively involved. Active learning of this kind, which explicitly focusses upon children's rights in practice, can enable young people to develop the skills and abilities to express and defend themselves.

Unfortunately, this is not always the case because the major constraint to any implementation plan in basic education is the absence of a culture of learning and teaching. Normalising schooling requires the commitment of communities to the process of school reconstruction as an enabling condition for the improvement of schooling. While legislative, administrative and financial reorganisation is necessary in order to improve the physical infrastructure of schools, the issue of a sound orderly school environment is still being contested and possibly nothing short of a national campaign will effectively address it (Balch et al 1995:51).

The lack of a sound culture of teaching and learning is not limited to the school situation, it is prevalent in other sectors of the socio-educational system. This results from the failure of adults as educators to maintain a proper balance between implementing children's rights and disciplining children with a view to moral education. Moreover, children transgress because they "have" rights. However, if they are aware of this danger, the adult community should be obliged by the moral imperative to strive to improve this situation for the next generation.

Concerning the rights of the child, President Sam Nujoma of Namibia, made a timely call for government, parents and all responsible and influential adults to consider the rights of children as a matter of utmost priority. The rights of children, as the inheritors and custodians of the future, must be identified and strictly observed to avoid a future dependency and crisis (Balch et al 1995:57).

This was supported by the former president of South Africa, Nelson Mandela, in a speech made on Youth Day, 16 June 1995. He mentioned that the 54 articles of the UN Convention endorsed a unique spectrum of guarantees, that is the social, economic, civil and political rights of children are guaranteed for the first time in one instrument. It articulates the universal truth that a nation's future is only as promising as its next generation of citizens (Lombaard 1996:30).

Thus protecting and ensuring children's rights, interests and needs should be viewed as paramount by everybody involved with children if humanity is concerned with its future. The Convention for the Rights of the Child should be used as an instrument not only to protect children and their interests, but to empower children with democratic principles and moral

values which will make them worthy human beings. They should also understand the importance of mutual human dependence which emanates from harmonious human relationships.

Investment in children and in their education, health and well-being is a vital requirement for the foundation for a dynamic and politically stable environment in South Africa in the next century. As many professionals advocating a better deal for the youth have often said: "Children are the country's human capital and the future of the nation. Their needs must be judged today by the roles they will need to fulfil as adults and by the structures and vision of the future society in South Africa of which they will be the leaders, the parents and citizens" (Lombaard 1996:36).

To achieve this children should be educated that an individual's rights do not exist in isolation from the community. These rights are implemented within society which places some limitations on the individual's rights. The Christian ideal of "do unto others what you would want them to do unto you" should be a guiding principle in the implementation of rights. An individual child should know that in the process of enjoying his rights, he should respect and allow others to enjoy their rights. The mutual respect of rights will help children learn the fundamentals of democratic practice which will be imperative in future when they are leaders, parents and citizens.

Therefore, parents cannot avoid the responsibility of forming their children's character. Upbringing can only be evaluated by recognising other desired adult traits apart from the trait of self-determination. Someone should be able to make and act upon choices for the moral good. This will not be secured merely by developing a child's ability to choose. It requires the inculcation of a sense of what is good and bad and consistent exposure to good rather than to bad. It also implies the right to receive a good education, which should include the ability to use reason and withstand impulses in order to prepare for the future as a responsible bearer of the norms, values and tradition of society (Douglas & Sebba 1998:115).

It is important that all key players in the new South Africa, including government, the private sector, NGO's, local and international agencies as well as families and individuals, join the

global community in taking up the challenge to implement the goal set by the UN convention (Lombaard 1996:36). Collectively and individually, there is a moral, social and economic obligation to recognise, protect and implement children's rights. This will not happen unless learners, teachers, principals, parents and the state assume co-responsibility for positive action. As long as the adult community does not share the same perception on children's rights and fails to work in the same direction, it will remain difficult to ensure sustainable implementation of the goals of the UN Convention on the Rights of the Child.

3.2.3 The primary educator's perspective of the negative manifestations of children's rights

Primary educators should use children's rights as guidelines in the education and moulding of children. The negative manifestations of children's rights, however, destroy the much needed respect for adults and for their experience in life. This is an aspect which is essential for sustaining the educator-child relationship in the educational situation. Some children tend to disregard the norms and values as epitomised by the adults as they are considered old-fashioned. In certain instances, disrespect for adults is so rife that adults have lost any hope of redeeming the situation.

Parents who oppose children's rights argue that they anticipated that the introduction of such rights would introduce a hostile and adversary element into the natural, trusting, loving and nurturing relationship between children and their parents (Aiken & La Follette 1980:97). When they perceive the present situation, they say, if they had their way, things would still be under control as previously. Some parents blame it on the present government, saying it has granted children rights prematurely that is why they (the children) are ungovernable. In addition, these parents feel that, because children are not yet ready for autonomy, responsibility and duties, they should be given a special form of treatment which the framework of rights simply cannot provide (Aiken & La Follette 1980:99).

Other parents attribute the negative manifestations of rights to freedom and choice which the children cannot handle properly. They argue for rights for children which would put them under

their parents' care and protection, like nurture, protection and care rights. However, parents should not shun their responsibility because of the negative manifestations of rights. It is the obligation of parents to educate their children on the acceptable way of handling their rights.

3.2.4 The manifestation of children's rights within the secondary educational institutions

The aim of the secondary educational institutions is that of supplementing and extending the education of the child which began in the primary educational institution. This, however, is in danger of being spoiled by the negative manifestations of children's rights. As a result of their negative manifestations of children's rights, those institutions are turned into an arena for criminal and violent behaviour. The friendly and peaceful atmosphere of these institutions, which is essential for the adequate socialisation and development of the child is changed by the violent and criminal behaviour of certain children who claim their rights without accepting accompanying responsibilities. The manifestation of children's rights within the following secondary groups of socio-educative institutions will be discussed.

3.2.4.1 *The school*

Schools are established as centres for educative teaching and learning, where children are prepared academically and socially for easy assimilation into society. The success of schools in this regard is determined by the way children's rights are exercised in and around the schools by both learners and educators. In South Africa, many schools are affected by different dimensions of the negative manifestations of children's rights. Places where young minds should be nurtured have been turned into hell holes where everyone lives in fear (*Sowetan*, Feb 23, 1999:5).

Fear negatively affects teaching and learning efforts, because frightened children cannot concentrate nor can terrified teachers teach effectively. A survey has found that gun-toting pupils, rampant gangsterism, rape on school ground and intimidation are all part of regular activities in some schools (*Sunday Times*, January 31, 1999:5). Those responsible for these

incidents violate other learners' rights to a safe and secure learning space and the right to be treated with dignity and respect. They also interfere with children's fundamental right to education, as children cannot learn properly in a hostile environment. Violent situations in South African schools, particularly black schools, are rampant (*City Press*, March 12, 2000:14). Incidents in schools can be categorised as follows. Firstly there is violence within the school: teacher versus pupil violence, where either of the two causes bodily harm which may even be fatal and psychological or emotional damage caused to the victims of violence, witnesses and close associates of the victims. This leads to the breakdown of mutual trust and respect - the two cornerstones of effective and productive teaching and learning.

The second category of violence is that of acts carried out by gangs who have turned schools into hunting grounds for abduction and robbery (*Sowetan*, July 8, 1999:9). The perpetrators are only aware of their own rights and inconsiderate of their victims' rights. As a result, the social fibre which is supposed to cement human relationship is broken down. The violence torn schools fail to provide children with a safe haven where they can develop self-confidence and be socialised, educated and skilled to be first class citizens in a first-class democracy (*City Press*, June 27, 1999:7).

In some schools, bullets and knives have replaced pens and pencils (*Sowetan*, July 8, 1999:9). Some children are more inclined to fight and to cause disruptions in schools rather than learn. An aggressive person is not receptive to good quality education, nor can a conflict situation ever be a learning environment. Good education can only be conducted in secure conditions where educators and learners are enthusiastic and excited about learning (*City Press*, June 27, 1999:7).

School violence is not the only form of the negative manifestations of children's rights. Some teachers also play a noticeable role in this regard. This is made clear by President Thabo Mbeki's speech during the South African Democratic Teacher's Union's (SADTU) congress. Mbeki stated that "compared to the devoted and competent professionals who manage to produce (excellent) results, the members of SADTU, stand out as competent practitioners of toyi-toyi. They come across as militant fighters for a better pay cheque and seem to be excellent

tacticians at when to disrupt the school programme so that they can extort from government the greatest material benefit for themselves to improve their qualifications?" (*Sunday World*, December 12, 1999:17). Such teachers are more concerned about their right to better service conditions. They are not concerned that the child's right to quality education is sacrificed in order to satisfy their needs. They forget that they have a covenant with society to produce people who are qualified to shape the country for a better future. They are the custodians of transition and in so far as they fail to understand this, they are failing South Africa (*Sunday Times*, November 7, 1999:26).

In this case, teachers set a wrong precedence, that is, it is acceptable to disregard other people's rights and well-being in order to meet one's own needs. Reports abound of teachers relaxing outside the classroom while they are supposed to be teaching (*City Press*, November 25, 1998:11). As a result, learners' expectations of teachers are disappointed and they ultimately lose interest in the school and its activities. Pupils also develop an impression that their education is not important because teachers do not teach them regularly and effectively. Teachers leave learners idling to attend to union activities. Furthermore, pupils are not inclined to attend class as they feel it will not make any difference (*City Press*, November 15, 1998:11).

The history of South Africa also has a marked effect on the culture of teaching and learning in schools. Laxity at school was brought about partly by the protracted defiance campaign which started in 1989 and was lifted in 1995. What the defiance campaign did, among others, was to effectively annihilate any resemblance of authority that existed, resulting in a laissez-faire environment (*City Press*, November 15, 1998:11).

This shifted the focus of both teachers and learners from doing what is right and acceptable to meeting the demands of the defiance campaign even if it was wrong. But after the defiance campaign, there was no restorative campaign to re-focus attention and to re-channel the energy of teachers and learners towards effective educative teaching and learning and restore authority, discipline and order in schools. Although the defiance campaign was lifted in 1995, its effects are still prevalent. The authority that was undermined has not yet been restored to inspectors, principals, subject heads and teachers. In most schools relationships between the

constituents of the education system are still characterised by conflicts, mistrust and disrespect (*City Press*, November 15, 1998:11). Positive academic results cannot be expected from schools with this type of relationships, because energy, time and attention are consumed by conflict.

Learners' behaviour has also contributed to lack of a culture of teaching and learning that prevails in black schools. Since the Soweto riots of 1976, most schools have not regained the control and discipline of learners, thus, the hope of meaningful education was crushed. Teachers frequently arrive at school on time to teach, but learners are either late or absent or abscond during the first break (*City Press*, November 14, 1999:6).

Surveys of this behaviour of learners showed that when asked why they come late or abscond, learners felt that they have a right to choose when to come to school and when to leave (*City Press*, November 14, 1999:6). Such negative manifestations of children's rights have had an adverse effect on the culture of teaching and learning which has resulted in several schools producing zero percent pass in matric results. Strong leadership, accountability, security measures, good discipline and communication are essential for creating healthy schools with a positive culture of teaching and learning. Members of the school community should realise their rights aptly in interaction and relationships to avoid conflicts and time wasting.

The collaboration between the home and the school in addressing problems of the youth is of paramount importance in view of the poor culture of teaching and learning prevalent in certain black schools. Several studies link parent involvement in school activities with increased pupil self-esteem, fewer behavioural problems and better school attendance (Van Wyk 1996:35).

The history of black schools also has an effect on the involvement of parents in schools, because violence, boycotts and school disruptions experienced in South Africa, have resulted in the parents' loss of control of their children. Parents no longer ensure that children attend classes regularly and punctually. Children control themselves and abuse alcohol and drugs while parents are overwhelmed by the emphasis on children's rights. Parents have lost hope and regard their children as a "lost generation" (Mathunyane 1992:114). As a result children lose the opportunity

of being prepared for the challenges that lie ahead, leading to a sense of insecurity, disappointment and frustration. Parents and teachers should work together in securing the right of the child to quality education.

Mutual respect of one another's rights will strengthen relationships and improve cooperation. Positive manifestation of rights is indispensable in creating and sustaining a healthy school culture.

3.2.4.2 *Religious institutions*

Religious institutions have a socio-educative function which is aimed at helping children to work out their own place and identity in the community (Prinsloo 1999:48). As institutions working with people, they face the problem of the different forms of human rights manifestations. Children have introduced an aspect of "toyi-toyi" and boycott into the religious institutions, where they even demand the resignation of their priests, church elders, and/or deacons. This attitude blurs order and meaning as the fundamental ideals of these institutions. As a result children are deprived of the framework in which they can meaningfully experience their lives and the world (Prinsloo 1999:48).

Some children despise the authority of their priests, deacons and elders, which is characterised by lack of discipline and respect in their interaction with other members of their congregations. Thus they are unable to enjoy the benefits of the formative tasks and opportunities of the religious institutions. Furthermore, such children steal from their fellow congregants and also cause unnecessary disorder which sometimes ends in violent confrontation and conflict situations during religious activities.

The use of obscene language against their peers is another form of the negative behaviour resulting from the claim of the children's rights, which causes conflict and animosity among youth within the religious institutions. Children who manifest this type of behaviour normally drop out of the religious activities, thus missing the opportunities for redemption. The adult congregants have an important role to play in encouraging children who go astray to come back

because religious institutions embody the purest of human ideals and strive to realise these ideals in the behaviour of individuals and communities (Prinsloo 1999:49).

Certain youth tend to use places of worship as places for social gathering where they can meet and date one another. The sanctity of these places are blemished by such attitudes and behaviour. This situation is exacerbated by the power struggle which sometimes occurs between youth and the leadership of the religious institutions. As institutions with powerful formative tasks and opportunities, religious institutions should persist in educating their members on positive and acceptable ways of exercising their rights and realising moral values. This will ensure morally healthy adults and a potentially prosperous nation in future.

Participation in religious activities give meaning, direction and acts as an anchor in a person's life thus preventing him from falling prey to all manner of short-lived caprices, whims and new-fangled ideals (Jordaan & Jordaan 1986:787).

3.2.4.3 *Social clubs or associations*

Social clubs are important institutions where members of peer groups influence one another socially and where children learn the "rules of the game" not only of a certain sport or cultural activity, but also of life in a broader sense (Prinsloo 1999:47). Learning social rules in general influences the way children realise their rights. In many instances this process is hampered by children who tend to disrespect and fail to cooperate with their peers because they emphasise the rights of individuals more than those of the group. They want to dominate and are pushy and bully others. Furthermore, they manipulate the rules of the game according to their own needs and are inconsiderate of their peers' well-being.

As a result they are rejected by their peers because of their asocial behaviour and they fail to realise the cultural value of the social clubs. Due to the disappointment and frustration emanating from rejection, these children lean toward bad behaviour as a form of revenge. This encourages the formation of gangs to fight a common enemy, that is, rejection by the peer group. Such gangs terrorise and even rape peers and in the process derive pleasure from their

victims' suffering. Sometimes children abuse their freedom within the social clubs which leads to licentious behaviour. This has fatal consequences, such as the spread of HIV/AIDS and sexually transmitted diseases, teenage pregnancy and drug taking.

On the other hand, children can also emerge from the social clubs being responsible and well equipped with life skills. Social clubs offer additional learning opportunities, like learning moral values and peers provide one other with information on life issues. The social organisation also fulfils the need for social contact by creating opportunities for fellowship, shared enjoyment and cooperation (Prinsloo 1999:48).

Participation in social clubs encourages children to learn and develop their communication, interpersonal and leadership skills which are essential for successful integration into adult activities.

3.2.5 The secondary educator's response to the negative manifestations of children's rights

Secondary educators are charged with the responsibility of shaping the minds and moulding the behaviour of children within their respective institutions. But they are confronted by learners who exercise their rights in ways which create disciplinary and relationship problems. As a result, educators have lost control of the secondary educational institutions. They find that learners still demonstrate behaviour which originated in the time of political resistance and defiance. The learners misinterpret democracy for license. They do not know that rights have to be balanced with obligations, responsibilities and self-discipline. The majority of learners seem not to realise that their future lies in their hands (*The Teacher*, February 1999:15).

Some learners use their rights in self-destructive ways thus wasting their future opportunities. This is made clear by Superintendent Suresch Andra, a unit commander of the four raids at different Chatsworth township schools, who said: "Society should decide whether schools are going to be crime factories or places where leaders are made" (*City Press*, April 25, 1999:4). In addition, many teachers revealed that they are becoming increasingly fearful of school violence.

There is a concern that pupils are becoming less disciplined and that teaching staff have inadequate means of enforcing discipline and educational standards (*Saturday Star*, April 17, 1999:10). There is a need for dedicated and motivated teachers, eager to impart knowledge to the young people, who should in turn be disciplined, obedient and determined to be educated (*Saturday Star*, April 17, 1999:10).

A good teacher-parent partnership is a fundamental imperative in the education of children. During this challenging period, where schools are threatening to become institutions of terror, teachers feel abandoned to the daunting task of enforcing discipline and educational standards. These teachers complain that parents are partly to blame. Thus they call upon all stakeholders in education to appraise the situation and help in eradicating the negative culture which is developing in schools. Because lack of discipline in public schools is rampant, children tend to regard taking drugs, not wearing school uniform and coming late to school as status symbols (*City Press*, November 14, 1999:6).

Teachers view parents as either ignoring their responsibilities in the education of their children or fulfilling only minimal responsibilities. As a result, teachers felt it necessary to remind parents that their responsibilities are not confined to paying their children's school fees. It is also the responsibility of parents to instill a sense of commitment and ambition in their children. There are still parents who do not know what standard their children are doing, who never bother about looking at their children's work or worry if their children miss classes.

If the school convince a parents' meeting, they do not attend. If this trend is left unchallenged, South Africa is heading for a social disaster (*City Press* November 14, 1999:6).

There was a time when teachers could act in place of the parent in order to provide moral and intellectual guidance to the pupils. Not any more, because parents are supposed to be partners of teachers in the education of their children. It seems that some of the parents need disciplining themselves. Apart from taking firm actions against errant and unproductive teachers, the state should take action against parents who do not monitor the school attendance of their children (*The Teacher*, November 1998:14).

It is not conducive for parents and teachers to blame one another on the declining standard of education and lack of discipline in public schools. They should rather accept the responsibility for the education of the children and the future of the country and work in good partnership to resolve problems in schools.

Attempts should be made to instill a humane spirit in and help learners to acquire life skills such as problem solving and conflict management that will assist them to understand the meaning of human rights in the correct way. Where educators are aware of problems in the behaviour and education of children, they should convene a meeting of all role players in education to solve such problems. If the problems encountered are related to human rights or erroneous application of children's rights, they should organise workshops on children's rights and invite experts to address children on this subject. They can also introduce human rights education in the schools as a mechanism of solving school related and even social problems

3.2.6 The manifestations of children's rights within the tertiary educational institutions

The tertiary socio-educational institutions include the universities, technikons and colleges, the press, radio, television, films and the macro and meso structures of society. These educational institutions have a marked influence on the behaviour of students, both on their academic and social life. Academically, they provide students with vocational skills and independence of thought; socially, they prepare students for integration into the broader society and for citizenship. During the process, however, some students acquire negative approaches to issues as a result of the negative exercise of their rights which influence their behaviour and their interpretation of the information brought to them audio-visually by printed and electronic media.

3.2.6.1 *Tertiary educational institutions*

Tertiary educational institutions should be known for their academic and vocational training of students in preparation for assimilation into the labour market. Lately, they have become the centres for a power struggle between students and the management councils. Students misconstrue their rights to be involved in and consulted on all issues affecting them. They fail

to understand the responsibilities that accompany the privilege of human rights. As a result many tertiary institutions experience class boycotts which, in many cases, are characterised by disruption of the lecture halls and administration buildings, littering and vandalism. This is irresponsible and irrational behaviour because students have channels to present genuine problems to the management for consideration, but they opt for these unruly ways of raising their concern. This lack of academic discipline spoils the name of the institution, wastes students' time and minimises their chances of employment because employers doubt the credibility of their qualifications.

In many instances, individuals are not allowed to exercise their freedom of choice: when a decision is taken to engage in class boycott, it becomes compulsory for all the students to comply. Those who fail to comply because of academic reasons are harassed and physically abused by the leaders. This type of intimidation terminates the academic prospects of some students who rely on study grants and/or loans. If they fail, they lose their financial assistance. Sometimes students create unnecessary pressure on management due to disruptive demands, such as changing rules and regulations of the institutions, in favour of friends who do not meet the necessary requirements or who are suspended. When the management council does not yield to such demands, students call for its resignation. Media reports indicate that some university authorities set a bad example to the students, particularly the student leaders, because of their financial mismanagement and general maladministration.

Students in such circumstances get the impression that a leadership position allows for personal enrichment from the organisation's assets. As a result, unhealthy competition and electioneering campaigns for positions in the Student Representative Councils (SRC's) of tertiary institutions develop. Many students who are elected into leadership positions have demonstrated grave abuse of their powers characterised by embezzlement of funds and disappearance of valuable property. Such institutions and their authorities fail to prepare students for responsible adult life and accountable leadership. This is partly responsible for the fraudulent authorities who occupy top management posts both within the public and private sectors.

However, there are those tertiary institutions which have earned themselves a good public image because of good management and positive student behaviour. They have succeeded in instilling in their students the correct balance between rights and responsibilities.

3.2.6.2 Television (TV) programmes and films

Television has become part of the fabric of modern life and though it is familiar, comfortable and entertaining, it has also become worrisome to many of its critics (De Beer 1993:173). As a powerful and widespread medium of communication, television influences society's thinking, behaviour and perception of things. A worrying factor about television is that its influences seem to be more negative than positive. This prompted researchers to ask why television depicts the less savoury side of human behaviour such as violence, crime and sexual perversion. It is also asked whether it actually encourages such activities (De Beer 1993:188).

This line of thought is also depicted in the research conducted for the SABC's chilling education drama series, *Yizo-Yizo*, which paints a scenario of school in the grip of criminality: boys carry knives and guns to school, they rape at gun point, drink and take drugs and hijack cars for money (*Sunday Times*, January 13, 1999:5). The actions of this drama series are viewed as status symbols and role models by young viewers.

Copycat behaviour of these incidents has been reported, 16 percent of learners in a survey said they knew of someone who had done something bad because of *Yizo-Yizo*; slightly more than those who said they knew someone who had done good. Data showed that the audiences did not learn the significant lessons about sexual harassment, rape and carrying guns as messages were ambivalent and solutions were not offered immediately (*Sunday Times*, November 14, 1999:5). Youths are action orientated, hence they are more likely to imitate the action they see on television, rather than listen and follow the moral philosophising of adults.

Researchers and critics have suggested links between television content and the social behaviour of its audience. For example, the increased incidences of violence on the one hand, and the decline in moral standards on the other, in developed and developing countries is sometimes

attributed to the undesirable effects of television (De Beer 1993:188). This idea is further made clear by the compelling portrayal of corruption, breakdown of the moral fabric of schools and society, lawlessness and decay conveyed by Yizo-Yizo on television (*Sunday Times*, November 14, 1999:5).

Television plays an important role in shaping children's behaviour, because they are more likely to act-out and behave according to what they view on television. The violation of human rights, violent behaviour and obscene language viewed on television stimulate them to behave violently, adopt vulgar conversations and selfishly ignore the rights of all others.

The influence of TV is hard to counter. Research on its effects has been conducted since 1950's, and the great majority of reports suggest that viewing violence and transgression of human rights on the screen makes children more aggressive and irresponsible in real life. This is true across all geographic and socioeconomic levels, for both sexes and for normal children as well as those with emotional problems. The report issued in 1982 by the National Institute of Mental Health concludes that television encourages aggressive behaviour in two ways: Children imitate what they see on television, and they also absorb the values transmitted and come to accept aggression as appropriate behaviour. Children identify more strongly with aggressive TV characters and are more likely to believe that on-screen aggression reflects real life (Papalia & Olds 1985:328).

The same applies to viewing films where violence and hostility feature prominently. In addition, research links high incidents of rape and the emergence of potential rapists to viewing of pornographic films. It is not a surprise that there is an increased number of rape cases in schools, because of the increased number of children in possession of photographic literature and video-cassettes in schools. Proper control and editing of visual materials are imperative to curb the spread of antisocial behaviour in society.

Not all television programmes and films are perverse, there are those who offer both national and international curriculum items for debate and discussions (De Beer 1988:189). Furthermore, there are educational television programmes and films which play an important

role in developing children intellectually, morally, spiritually and teach them the correct attitude towards exercising their own rights and respecting the rights of others.

3.2.6.3 The role of the meso and macro structures with regard to the manifestations of children's rights

The meso and macro structures such as the local council, political parties, liberation movements and some NGO's like the South African Council of Churches (SACC) encouraged children to actively participate in the struggle for liberation. During this participation defiance and attitudes of resistance were entrenched in the minds of children, and random violent occurrences directed at crippling the apartheid system and rendering the country ungovernable were lauded (Rock 1997:98). This was done to force the then regime to recognise human rights. But, even if this objective was realised, some children still continue to defy authority figures and to make educational institutions ungovernable. Unfortunately, the leaders of the struggle did not return with the same zest they used to mobilise children to participate in the struggle to change their attitude and mentality from defiance to compliance and cooperation as fundamental aspects of human behaviour in the new dispensation. The only thing these children know is that they are now free and live in a democratic society. Their lack of understanding of the concepts of freedom and democracy is causing conflicts in their relationships and interaction with other people.

The other pitfall committed by the government is to distribute the information booklets dealing with the Constitution to children without educating them on their rights and the implications of their rights. Children tend to view the constitution booklet as a license in life to act as they please. It is therefore important for the Department of Education, to introduce human rights education in schools. This will be a positive step towards curbing the negative manifestations of human rights and educating society, through the children, on the importance and implications of human rights. The Department of Education took a positive step in trying to improve the rights of children to education by promulgating the South African Schools Act, Act 84 of 1996, which ensures among others:

- the humane treatment of children.
- the participation of children in the decision making process on the issues affecting them and their education.

However, in certain schools learners have not received training and frames of operation in this regard. As a result, learners view their involvement in the decision making process on issues affecting them as a reason for usurping authority in the governance of the school from the school management and governing bodies.

Consequently, there are numerous confrontations between learners and the teachers which causes a waste of valuable teaching and learning time, leading to a low or even zero pass rate in certain schools. This has negative financial implications on the department, because it has to double its expenditure on a learner who is in the same grade for two years or more. In addition there is an increase in teachers who take sick leave due to stress and depression, as a result of the conflict-prone and violent working conditions. The department should recognise and remedy this situation before all good teachers leave the profession (*Saturday Star*, April 17, 1999:2).

Therefore, all the meso and macro structures should cooperate with all role players in the education system, to educate children properly concerning their rights and responsibilities. Children should be given training in decision making processes on issues affecting them and their education in schools. Such training is a necessary step towards the development of social responsibility in children. To reach this goal, young people have the right to guidance from adult models who can assist them develop self-reliance, self-discipline and self-realisation (Vardin & Brody 1979:145).

In some schools, the School Governing Bodies (SGB's) have neglected to maintain the school buildings and surroundings, make school furniture available to both educators and learners and buy textbooks. As a result, the following conditions are experienced in many black schools in the rural areas:

- Pupils have to sit on the floor because there are no desks or chairs.

- Equipment is old and very well used.
- Most children have to share textbooks.
- Classes are very big and there is not much opportunity for individual attention from teachers (Smith & Le Roux 1993:36).

These are some of the unfavourable conditions under which children learn. As a result, learners experience school as a place of failure. They play truant and even drop out of school. The adverse conditions which learners learn under and the educators' expectations of them cannot be reconciled. The conditions say much about the value placed on the children who have to learn (*The Teacher*, March 1999:13).

The Department of Education should oversee the restoration of order in schools. It should be recognised that schools play a pivotal role in society and in the formation of future leaders. National and local councils or parties should be involved to create a climate conducive to learning (*City Press*, November 14, 1999:6).

The meso and macro structures should be actively involved in redressing the negative exercise of children's rights in general in order to prepare children to fulfil President Mbeki's ideal of "a nation at work" and become productive adults in future.

3.3 THE EFFECT OF THE NEGATIVE MANIFESTATIONS OF CHILDREN'S RIGHTS ON THEIR SELF-ACTUALISATION

Children develop and find meaning in life through their interaction and relationship with other people. Thus they self-actualise because they are assisted to become all that they are capable of being and to make full use of their abilities, talents and potential. The self-actualisation process will depend to a large extent on the manifestations of children's rights. To self-actualise, children need to experience life as meaningful, exciting and enjoyable, and that they have a great contribution to make to it (Mwamwenda 1985:268). How is society going to ensure that children have this experience? Their social environment is too often ravaged by hostility,

brutality, murder and violence. As a result, children have an overwhelming feeling of uncertainty and insecurity which hampers the self-actualisation process.

Maslow also maintains that the environment is important for the fulfilment of basic needs and that people need good societies to realise their "good" potential (ie. self-actualisation) (Meyer et al 1990:357). Again, Maslow identified and hierarchically arranged man's basic needs which have to be gratified for the process of self-actualisation to be fulfilled (Meyer et al 1990:358).

Maslow's four basic needs can be understood as the following basic children's rights.

- **Biological needs** - children's rights to survival and development, parental care, access to basic health care, food, water and social services, leisure and recreation, adequate standard of living and the right to life.
- **Needs for security/safety** - involves the right to protection from all forms of injury, physical and mental abuse, neglect, maltreatment, exploitation, torture and sexual abuse, the right to a safe environment and the right to freedom from discrimination.
- **Needs for love and affiliation** - involves the right to feel secure in a loving relationship and to be appreciated.
- **The esteem needs** - involves the right to be treated with dignity and respect and to privacy.

There is a close relationship between the gratification of the four basic needs and children's rights. Children who are always hungry, sick and living within poverty stricken families experience retarded development both physically and mentally. Poverty also forces children onto the streets to become street children and beggars, leaving them very vulnerable to exploitation (Prinsloo 1999:120). Subsequent to this, children will not be able to reach the self-actualisation stage.

Moreover, children who are abused, neglected, maltreated and of divorced families, experience the world as unsafe and unpredictable, and show various forms of fear reactions (Meyer et al 1990:360). This lack of order, structure and fixed patterns of life discourages children from

experimenting with things and ideas, hence their potentials cannot be developed fully nor will they find fulfilment in life. Children who feel threatened and unsafe stagnate in the self-actualisation process.

Such children cannot venture out into the unknown because of lack of a safe haven to return to for comfort and to renew their courage and self-confidence, when the outside world threatens them. This lack of exposure to and chance to experiment with life issues have a retarding effect on the child's self-actualisation process.

Children who are inconsiderate of other people's rights, are often bullies and manifest inhuman behaviour nor can they establish and maintain a loving relationship with other people. Such children feel rejected and lonely and cannot identify themselves with their neighbourhood. Their right to freedom of association is annulled which results in ungratified affiliation needs. This leads to the formation of gangs in a desperate attempt to satisfy the need to belong to a group (Meyer et al 1990:361). Frequently, these groups terrorise their communities because of their frustration arising from rejection. Their preoccupation with the desire to revenge themselves for being rejected causes stagnation in their self-actualisation process.

Most people need to experience a sense of self-respect and value and want to feel that they are respected and appreciated by others, which will influence the self-actualisation process positively (Jordaan & Jordaan 1986:630). If the child is not treated with respect and dignity, it gives rise to unfulfilled needs for self-esteem. Such a child experiences feelings of inferiority, weakness and helplessness (Meyer et al 1990:361). These feelings will affect his level of participation in social activities, which has an adverse effect on his self-actualisation process. Children who experience the joy and benefits of their rights and have all their basic needs gratified on a regular basis will be able to realise their full potential.

Conversely, children who are deprived of their rights and who have their basic needs ungratified, are stifled in their self-actualisation. According to Maslow (1970), a person becomes restless when he is not doing what he is capable of doing. Such a person cannot find

meaning and fulfilment in life. Many children take drugs, engage in sexual promiscuity and do crime, in an attempt to find fulfilment and meaning in life.

To prevent this decay in morality, society has to educate children concerning the implications of their rights and to guarantee that children benefit from the ideals of their rights. This will lead to the gratification stage in order to find meaning, satisfaction and self-fulfilment in life. People who experience satisfaction in life have high morals and are successful and productive in whatever they are doing.

3.4 SYNTHESIS

In this chapter, the development and manifestations of both human and children's rights in South Africa were discussed. The manifestation of children's rights within the primary, secondary and tertiary educational institutions, as the complementary socio-educative institutions and their implications on the education and development of the children were also examined.

In section 3.1 the manifestation of human rights in South Africa was expounded with special emphasis on the manifestation of human rights as part of the behavioural pattern of society and the way in which the social structures influence human rights. The impact which the negative manifestations of human rights has on the country in general and on members of society in particular, was discussed.

In section 3.2 the manifestation of children's rights in South Africa was discussed. Attention was given to the way children's rights are exercised within the three complementary socio-educational institutions and ways in which this affects their education and development. The error of children regarding their rights exclusively from their own selfish viewpoints which results in unacceptable behavioural patterns and an increase in crime rate was also discussed.

The view of the primary educators on the negative manifestations of children's rights was presented. Parents sometimes complain of the untimely granting of rights to children which

spoils the good relationship they had with children and also leads to unruly behaviour of children. Within the secondary educational institutions the manifestation of children's rights took various dimensions such as school violence, lawlessness, defiance of authority figures, and the collapse of the culture of teaching and learning in schools. The formative task of the religious institutions is also disrupted by the negative manifestations of children's rights within these institutions.

The purpose of tertiary educational institutions for training of students both academically and vocationally in preparation for their assimilation into the labour market and society is frustrated by the students who usurp the management of these institution and cause unnecessary disruptions and class boycotts. Moreover, the extent to which the media influences society and discipline in schools was discussed.

In section 3.3 the negative manifestations of children's rights were described as the stumbling blocks towards the children's self-actualisation. The basic children's rights were interpreted in terms of Maslow's four basic needs which should be gratified before a person can self-actualise.

The next chapter will deal with the design of the empirical investigation and the resultant procedures.

CHAPTER 4

RESEARCH DESIGN

4.1 INTRODUCTION

This research project aims at determining the effects of children's* interpretation of their rights on children's relationships with significant other people within the socio-educational structures and the way in which this influence their development, education and self-actualisation.

The literature study assisted in identifying crucial issues pertaining to the research topic, as well as indicating the misconceptions, level of advocacy and implementation of children's rights. This research addresses some of these questions through focus group interviews with selected learners, teachers and parents and through individual interviews with selected principals and tribal leaders within the Moretele District of Education in the Mpumalanga Province.

The main steps in data collection for this research are described in this chapter, as well as justification for the methods of data gathering and the subsequent analysis employed.

4.2 THE ROLE OF THE RESEARCHER

The requisite skills for doing qualitative research are: to step back and critically analyse situations, to recognise and avoid bias, to obtain valid and reliable data and to think abstractly. To do this, a qualitative researcher requires theoretical and social sensitivity, the ability to maintain analytical distance while at the same time drawing upon past experience and theoretical knowledge to interpret what is seen, astute power of observation and good interactional skills (Strauss & Corbin 1990:18).

*Children in this research project refers to learners in the senior secondary school.

These skills are imperative because in qualitative inquiry the researcher is the instrument. Validity in qualitative methods, therefore, hinges to a great extent on the skill, competence and rigor of the person doing fieldwork (Patton 1990:14).

The first thing the researcher should do in carrying out fieldwork is to get the respondents to cooperate and provide the desired information. To do this, the researcher should carefully observe the following three factors that help in motivating the respondents to cooperate:

- (1) The respondents need to feel that their interaction with the researcher will be pleasant and satisfying.
- (2) The respondents need to see the study as being worthwhile. That is, they should feel that the study may be beneficial, not only to themselves, and cooperation is important.
- (3) Barriers to the research project in the respondents' minds must be overcome. The researcher should explain, in a friendly manner, the purpose of the study, the method of selecting respondents and the confidential nature of their participation (Nichmias & Nichmias 1981:195-6).

The respondents seldom make the desired information readily available, it takes the persistent effort by and a certain degree of expertise from the researcher to elicit the desired information. Thus to facilitate and conduct qualitative research with groups of people as the researcher intends to do, requires considerable group process skill. It is important to know how to manage a group so that it is not dominated by one or two people and so that those participants who tend not to be highly verbal are able to share their views (Patton 1990:36).

The researcher should keep the direction of the research process in hand, discouraging irrelevant conversation and endeavouring to keep the respondents to the point. Although the respondent is free to express completely his/her own line of thought, the direction of the inquiry process is in the hands of the researcher (Kidder 1981:180-181).

People often qualify or hedge their opinion. They answer: "Don't know" in order to avoid thinking about the question; they misinterpret the meaning of the question; they launch off on

an irrelevant discussion; they contradict themselves and in all these cases the researcher usually has to probe (Kidder 1981:197).

Probes have two major functions: (i) they motivate the respondents to elaborate or clarify an answer or to explain the reasons behind the answer. (ii) They help focus the conversation on the specific topic of the research project (Nichmias & Nichmias 1981:197).

Although the researcher's action forms an integral part of the study design, throughout the research project, the researcher must be extremely careful not to suggest the possible responses to the respondents (Kidder 1981:181). In essence this means the researcher should not put words into the respondent's mouth by asking leading questions. But the researcher should ensure that he gets authentic responses from the informants, both in individual and focus group interviews.

4.3 ASSUMPTIONS ON WHICH THE INVESTIGATION WAS BASED

4.3.1 Assumption 1

South African children became aware of their rights after 1996. This brought about a drastic change in their educative climate, learning motivation and willingness to submit to the authority of their educators.

Rationale

Sloth-Nielsen (1995:402-3) mentions that the Convention on the Rights of the Child was ratified by many states within a short period of time and it came into operation within a mere seven months after its adoption. By December 1994, it was ratified by more than 160 states. However, South Africa signed the Convention in January 1993, and ratified it on 16 June 1995.

Arrangements were made for children's rights to be included in the Constitution of RSA, which was officially promulgated on 18 December 1996, and then made available for public information.

In a speech delivered on 16 June 1995, the day South Africa celebrated its first Youth Day, the former president of South Africa, Nelson Mandela, made a national commitment that, "We in Southern Africa are building a new future. And that the future belongs to our children. In ratifying the convention, we have begun to make the decision and the change, which will ensure that their lives are better than ours, and that their future is full of hope instead of hardship. But there is a long road ahead." (Balch et al 1995:vii).

Subsequently the National Plan of Action and the Reconstruction and Development Program were set in place as some of the mechanisms of initiating, monitoring and speeding up changes in children's lives.

Thereafter, South Africa saw a change in children and adults' behaviour and attitude towards one another. In view of this, it becomes imperative to investigate the implications of the children's interpretation of their rights within the socio-educational institutions.

4.3.2 Assumption 2

Children's rights as interpreted by children brought about rebelliousness and disharmonious relationships between educators and children, and a dysfunctional socio-educational milieu.

Rationale

According to research conducted by industrial psychologist, Dr Louise Holman, there is a steady increase in pupil misbehaviour and violence, which create a mammoth problem within the socio-educational institutions. (Saturday Star, April 17 1999:1).

These are attributed to the spirit of maximum freedom: freedom of mind and freedom to resist-presented under the guise of modernity and personal rights. This brought about campus riots and student revolts, alcohol and drug abuse, free sex and teenage pregnancies, psychedelic and lascivious pop music, youth cult groups and fashions, and hairstyles reflecting a spirit of absolute freedom. This is characteristic of a percentage of modern children and youth who

want to have their own way, rebel against discipline and reject authority. In short, youth accepted that they have been emancipated to live their lives as they see fit and to adopt values different from those of society (Coetzer & Le Roux 1996:84). As a result teachers are increasingly faced with misbehaviour, chaos and lack of discipline daily (*The Teacher*, November 1998:4).

Therefore, it is important to investigate the effect, which these types of behaviour have on the culture of educative-teaching and learning within the socio-educational milieu.

4.4 CHOICE OF METHODOLOGY AND DESIGN OF THE PRESENT STUDY

The present investigation is qualitative by nature and interpretive by design, within the ethnographic tradition of research (Guba & Lincoln 1985). It also needs to be noted that the present research is not concerned with generalisability to a wider population, but with describing and attempting to explain the phenomena of teachers, parents and learners' contributions to the perspective and understanding of the exercise of children's rights.

4.4.1 Qualitative research

The researcher has chosen to use a qualitative research method for the data collection and analysis. The term qualitative research is broadly defined as any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification (Strauss & Corbin 1990:17).

As a research method, qualitative research may be generally classified as primarily interactive field research or primarily non-interactive document research (McMillan & Schumacher 1993:371). For this investigation, the researcher collected data by both interacting with selected persons in their settings (field research) and by means of non-interfering data collection strategies to discover the natural flow of events and processes relevant to the research topic, and the way in which participants interpret them. The researcher will describe and analyse

people's individual and collective social actions, beliefs, thoughts and perceptions pertaining to the research topic (McMillan & Schumacher 1993:372).

Qualitative research is used to describe or signify the following:

1. Certain paradigm of enquiry (such as a naturalist, constructivist, phenomenological or generally anything non-positivist)
2. Types and sources of data (such as stories, accounts, field notes, behaviours, photographs, artifacts and documents)
3. Research methods (such as grounded theory, phenomenology and ethnography)
4. Techniques for data collection (such as interviewing and observation)
5. Techniques for data analysis (such as constant comparison, content, narrative, phenomenological thematic, or generally any analysis that is not statistical) and
6. Techniques for interpretation (such as hermeneutic and grounded theory construction) (Sandelowski 1997:127).

Qualitative research continues to signal a set of binary opposition at the paradigm, method and technique level of inquiry, for example, soft as opposed to hard science, words as opposed to numbers, subjective as opposed to objectivity, value-laden as opposed to value-free inquiry (Sandelowski 1997:125).

Qualitative research is invariably conducted in the field, that is, in the place in which the subjects normally conduct their activities (Dooley 1984:267). This justifies the aptness of a qualitative approach for this research because the researcher visited schools for the purpose of data collection.

Qualitative methods are used when the researcher aims to understand human phenomena and investigates the meaning that people give to events they experience (Moll 1998:45). Qualitative research properly seeks answers to questions by examining various social settings and the individuals who inhabit these settings. Qualitative researchers are most interested in how humans behave themselves in their settings and how inhabitants of these settings make sense

of their surroundings through symbols, rituals, social structures, social roles and social principles (Berg 1998:7).

Qualitative procedures provide a means of accessing and understanding unquantifiable facts about the actual people researchers observe and talk to. As a result, qualitative techniques allow researchers to share in the understanding and perception of others and to explore how people structure and give meaning to their lives (Berg 1998:7).

Qualitative methods shed light on the understanding of human behaviour, relationships and the social principles which influence these two aspects of human beings. The analysis of qualitative data allows researchers to discuss in detail the various social contours and processes human beings use to create and maintain their social realities (Berg 1998:7). This justifies the aptness of the qualitative research method for this research project.

What qualitative research does best and most essentially is to describe key incidents in functionally relevant descriptive terms and place them in some relation to the wider social context, using the key incidents as a concrete instance of the working of abstract principles of social organisation (Cook & Reichardt 1979:36). In applying the qualitative approach the researcher, from the research findings, described how the introduction of children's rights to the black secondary school children affected their behaviour, interaction and relationship with significant other people in their life-world. The subsequent influence of children's rights on the educative-teaching and learning process in the educational milieu was examined.

The researcher preferred to record the data in the language of the research subjects, because the actual words of the subjects were thought to be critical to the process of conveying the meaning system of the results or findings of the research (Cook & Reichardt 1979:37). Qualitative research is the preferred methodology of scientists who wish to describe everyday life from the point of view of the actors (Dooley 1984:281), hence its relevance to this research project.

The qualitative research approach has various data collection strategies such as interviews, observation, diaries, photographs, official documents and newspaper articles (Bogdan & Biklen 1982:73). For the present study, only focus group interviews, participant observation and unstructured interviews with data-rich individuals will be employed for data collection.

4.4.2 Interviews

Ethnographic interviews are open-response questions to obtain data of participant meaning - how individuals conceive of their world and how they explain or make sense of the important events in their lives (McMillan & Schumacher 1993:423).

Patton (1990:278) advises that interviews have to be open-ended to avoid putting things in someone's mind and to access the perspective of the person being interviewed.

In qualitative research, interviews may be used in two ways. They may be the dominant strategy for data collection, or they may be employed in conjunction with participant observation, document analysis or other techniques. In all of these situations the interview is used to gather descriptive data in the subjects' own words so that the researcher can develop insight on how subjects interpret some piece of the world (Bogdan & Biklen 1992:96).

For the present study, interviews (individual and focus group interview) were used in conjunction with participant observation and the analysis of existing research as documented in books, articles and newspaper reports.

Patton (1990:278), explains that qualitative interviewing begins with the assumption that the perspective of others is meaningful, knowable and able to be made explicit.

Qualitative interviews may take the following forms:

- (a) The informal conversational interview or unstandardised interview - which relies entirely on the spontaneous generation of questions in the natural flow of an interaction. There is no predetermined question topics or phrasing.
- (b) Interview guide approach or unstructured interview - which involves outlining a set of issues that are to be explored with each respondent in advance. The researcher, however, decides the sequence and wording of the questions during the interview.
- (c) Structured open-ended interview - which consists of questions carefully worded and arranged with the intention of asking the participants the same questions in the same order. Flexibility in probing is more or less limited (Patton 1990:280; McMillan & Schumacher 1993:426).

For this study, the researcher employed semi-structured interviews or the interview guide approach which uses a set of themes and topics to form question for the conversation. The rationale for employing the interview guide approach is that it provides topics or subject areas within which the interviewer is free to explore, probe and ask questions that will elucidate and illuminate the research topic (Patton 1990:283).

The flexibility of the semi-structured interview helps to bring out the affective and value-laden aspects of respondents' responses and to determine the personal significance of their attitude. Not only does it permit the subjects' definition of the interviewing situation to receive full and detailed expression, it should also elicit the personal and social context of beliefs and feelings. This type of interview achieves its purpose to the extent that the subjects' responses are spontaneous rather than forced, are highly specific and concrete rather than diffuse and general, and are self-revealing and personal rather than superficial (Kidder 1981:187).

Berg (1995:33) indicates that questions used in a semi-standardised interview (interview guide approach), can reflect awareness that individuals understand the world in varying ways. Thus, the individual perspective which is accessed helped to illuminate the research topic.

Bogdan and Biklen (1992:98) emphasis the importance of listening skills during the interview which should be used on the following levels:

- Most important is the need to listen carefully to all the responses.
- Treat every word as having the potential of unlocking the mystery of the subject's way of viewing the world.

Good interviews produce rich data filled with words that reveal the respondents' perspectives and this will help to clarify the social behaviour of children as influenced by their interpretation of the exercise of human rights.

4.4.3 Focus group interviews

Research based on focus group interviews provides a relatively new but already popular type of qualitative research methodology. In this research, the investigator brought together several dozen persons to discuss the topic of importance (Ellis 1994:125).

As a form of qualitative research, focus groups are basically group interviews, although not in the sense of an alternation between a researcher's questions and the research participants' response. Instead, the reliance is on interaction within the group, based on the topics that are supplied by the researcher who typically takes the role of a moderator (Morgan 1997:2).

According to Vaughn, Schuman & Signagub (1996:5), there are a variety of definitions of focus groups. These definitions usually contain the following core elements:

- The group is an informal assembly of target persons whose points of views are requested to address a selected topic.
- A trained moderator with prepared questions and probes sets the stage and induces participants' responses.
- The goal is to elicit perceptions, feelings, attitudes and ideas of participants about a selected topic.
- Focus groups do not generate quantitative information that can be projected to a larger population.

A typical focus group session consists of a small number of participants under the guidance of a facilitator, usually called the moderator. The moderator's job, like the standard interviewer's, is to draw out information from the participants regarding topics of importance to a given research investigation. The informal group discussion atmosphere of the focus group interview structure is intended to encourage subjects to speak freely and completely about behaviours, attitudes and opinions they possess (Berg 1998:100).

The hallmark of focus groups is their explicit use of group interaction to produce data and insights that could be less accessible without the interaction found in a group (Morgan 1997:2). When focus groups are administered properly, they are extremely dynamic. Interactions among and between group members stimulate discussions in which one group member reacts to comments made by another. This group dynamism has been described as a synergistic group effect. The resulting synergy allows one participant to draw from another or to brainstorm collectively with other members of the group. A far larger number of ideas, issues, topics and even solutions to a problem can be generated through group discussion than through individual conversations. Indeed, it is this group synergy that distinguishes focus group interviews from the more conventional style of one-on-one, face-to-face interviewing approaches (Berg 1998:101).

The major part of this research is to learn more about the range of opinions and experiences that children and their educators have. Focus groups have a strong advantage here, because the interaction in the group can provide an explicit basis for exploring this issue. Moreover, group situations encourage participants to disclose behaviour and attitudes that they might not consciously reveal in an individual interview situation (Foch-Loyn & Trost in Van Wyk 1996:135). This may occur because participants feel more comfortable and secure in the company of people who share similar opinions, attitudes, and behaviour or simply because they get carried away (Van Wyk 1996:135).

In a relaxed group setting where participants sense that their opinions and experiences are valued, participants are more likely to express their opinions and perceptions openly. Thus, the focus group format facilitates more candid and reflective responses by the participants. The

rationale is that the group environment allows greater anonymity and therefore helps individuals to disclose more freely (Vaughn, et al 1996:19).

The very give-and-take interactions characteristic of focus group interviews lead to spontaneous responses from session participants. Hearing how one group member responds to another provides insight without disrupting underlying normative group assumptions. Meanings and answers arising during the focus group interviews were socially constructed rather than individually created (Berg 1998:104).

According to Morgan (1997:2), focus groups have three basic uses in current social science research, namely,

- They are used as a self-contained method in studies in which they serve as the principal source of data.
- They are used as a supplementary source of data in studies that rely on some other primary methods such as a survey.
- They are used in multimethod studies that combine two or more means of gathering data in which no one primary method determines the use of the others.

For this investigation, focus group interviews will be used as the primary or self-contained technique of data collection. The focus group interviews were conducted with learners, teachers and parents of two secondary schools situated in two different areas within the Moretele District of Education.

All focus group interviews were audio-taped with the informants' permission. This was done to ensure that data were accurately acquired, to avoid the problem of selective hearing and note taking and to minimise distortion and omission in transcribing. This also frees the researcher from having to take notes during the interview and thus allow the researcher's full attention to be directed to the interviewees and the ongoing dialogue. This also allows the researcher to participate fully in the conversations on topics that have to be covered or need developing.

The collective discussions, interpretations, answering of questions and perception of the research topic will provide a broader and deeper understanding, and insightful articulation on the socio-educative implication of children's interpretation of their rights. Again, focus group interviews will give a clearer and broader depiction of the social influence of aspects of the research topic.

4.4.4 Sampling for this study

4.4.4.1 *General principles regarding sampling*

According to Bless and Higson-Smith (1995:85), sampling is a technical accounting device to rationalise the collection of information and to choose in an appropriate way the restricted set of objects, persons, events and so forth from which the actual information will be drawn. The restricted set of interest to the researcher is selected from the population. A population is the set of all objects, persons and events which the researcher focuses upon and is bounded by a particular set of time-space coordinates (Bless & Higson-Smith 1995:85; Maxim 1999:107)

The group of elements or subjects the researcher actually studies is called the research sample. According to Black (1993:43) and Maxim (1999:107), a sample is a subset of a population selected according to some procedure(s) to ensure that, for the characteristic(s) being investigated, the group is typical.

Furthermore, Maxim (1999:108) indicates that other important concepts that are central to the understanding of basic sampling include the following:

- **Sample frame:** a complete listing of the population from which the sample of interest is to be drawn (a list of all schools within Moretele District of Education).
- **Sampling units:** the basic observational units on which the measurements are taken. Sampling units contain elements and are used for selecting elements in a sample (the two schools from which the actual participants for the research are chosen).

According to Bless and Higson-Smith (1995:88) and Dooley (1984:141), sampling theory distinguishes between probability or random sampling, and non-probability sampling. Probability or random sampling occurs when the actual selection of elements from the frame is done in such a way that it gives the elements in the frame an equal probability of selection. The most common probability sampling procedures include:

- (a) Simple random sampling
- (b) Interval or systematic sampling
- (c) Stratified sampling
- (d) Cluster or multi-stage sampling.

Non-probability sampling refers to any procedure in which the elements have unequal chances of being selected into the sample. The most common non-probability sampling procedures include:

- (a) Accidental or availability sampling
- (b) Purposive or judgement sampling
- (c) Quota sampling.

For this research a non-probability sampling procedure was used for data collection. Although from a scientific point of view, probability samples are of a much higher quality, non-probability samples have pragmatic advantages. They can save time and money, and their disadvantages can be reduced by enlarging the sample or by choosing a homogeneous population, which will be the case in this research (Bless & Higson-Smith 1995:88).

Purposive or judgement sampling, as a non-probability sampling procedure, was employed for the selection of both the sampling units and the actual participants in this research. Vaughn et al (1996:58) define purposive sampling as a procedure by which researcher selects a subject or subjects based on predetermined criteria about the extent to which the selected subject(s) could contribute to the research study. In this study the researcher's aim was to select data-rich samples in each of the contributing groups.

During the focus group interviews the researcher focused on facilitating candid and reflective responses from participants, creating a relaxed atmosphere for discussion, encouraging greater openness and formation of opinions through interaction and free conversation. Thus, purposively selected participants were able to create and sustain these conditions for insightful deliberations on the research topic.

4.4.4.2 *Sample of high school learners*

Folch-Lyon and Trost (in Vaughn et al 1996:50), indicate that groups should consist of six to 12 persons. Fewer than six people may provide an insufficient number for a stimulating dialogue and more than 12 are too many for all participants to get a chance to express their points of view. Furthermore, if groups are small, they can be dominated by one or two members or make participants feel obliged to speak. If groups are too large, they can potentially inhibit discussion and may be difficult to manage (Vaughn et al 1996:50).

Most researchers agree that it is unwise to conduct only a single focus group interview. Conducting at least two focus group interviews with different participants allows the researcher to confirm the initial group's responses (Vaughn et al 1996:48).

The research sample consisted of 24 black secondary school learners: 12 girls and 12 boys. The secondary school learners were purposively selected from the population of two rural secondary schools, one with better matric results and the other with mediocre results. It was assumed that their perceptions of children's rights would differ systematically according to their academic performance. For this reason the researcher selected an equal size of samples from each school, that is 12 pupils, consisting of six boys and six girls from each school. The pupils were grouped on the basis of the following criteria:

(a) *Scholastic level of the learners*

Learners from Grade 12 class were purposively selected to participate in this research project. Only Grade 12 pupils were selected because of their level of maturity and understanding of

children's and human rights, thus they would be able to hold a sustained conversation on the research topic.

(b) Gender

Both boys and girls have been included in the sample. Each focus group consisted of six boys and six girls for the purpose of gender equity and to have both perspectives brought into the discussion for better understanding of the research topic.

(c) Age of the learners

Secondary school learners of the age ranging from 16 to 18 years in Grade 12 were included in the sample. It is assumed that pupils younger than 16 years do not as yet have a clear understanding of rights, whereas pupils older than 18 years do not belong to the scope of this research.

4.4.4.3 *Sample of teachers*

Teachers who were teaching the selected sample of pupils at the selected schools were recruited for the focus group interviews. The rationale in favour of this selection is that these teachers interact with the sample of pupils for the greater part of the school day. Therefore, they are in a better position to experience the different forms of the pupils' behaviour, interpersonal relationships and mannerisms. They will be able to conduct an informed discussion on the research topic. The sample of teachers was not gender representative and fewer than that of learners because:

- Not every teacher in the sampled schools qualified for inclusion in the study, but strictly those teachers from such schools who taught Grade 12 qualified.
- The sample could not be gender representative of the population, as most teachers in Grade 12 were men.

The limitation of this sample to only teachers involved with Grade12 did not pose a problem to the sample size because the focus group may consist of six to 12 persons (cf. paragraphs 4.4.2. and 4.4.3.2), and an option of a minigroup which generally contains four to six persons could be used (cf. paragraph 4.4.2.). The researcher decided that it was necessary to involve the principals of the two selected schools and the tribal leaders of the villages in which these schools are located in an in-depth interview for this project.

4.4.4.4 *Sample of parents*

Parents of learners who were selected for the sample (cf. paragraph 4.4.3.2.) were recruited to participate in the research project. This was done to confirm and to triangulate the information, gathered from both the learners and teachers' sample.

In selecting the sample of parents, the researcher encountered the problem of the availability of parents for the research project. This problem was, however, solved by using the minigroup interviews. According to Morgan (1997:42), small groups are more useful to give a clear sense of each participant's reaction to a topic simply because they give each participant more time to talk.

Six focus group interviews and three semi-structured interviews were conducted as follows:

Focus group interview 1:	Learners school A
Focus group interview 2:	Teachers school A
Focus group interview 3:	Parents school A
Semi-structured interview 1:	Principal school A
Semi-structured interview 2:	Tribal leader school A district
Focus group interview 4:	Learners school B
Focus group interview 5:	Teachers school B
Focus group interview 6:	Parents school B
Semi-structured interview 3:	Principal school B

4.4.5 Participant observation

To investigate and confirm human behaviour and relationships within the school context, participant observation was used to study the principal, teachers, learners and parents in the different settings within the schools. In using participant observation the researcher spent four days in each school as a member of the school community in order to observe and understand their behaviour, feelings, attitudes or beliefs better (Bless & Higson-Smith 1995:43).

During the investigation the researcher was enmeshed in the social and academic activities of the schools, in order to share the world view and to adopt the perspective of the people within the school context (Ellis 1994:120; Nichmias & Nichmias 1981:171).

The prolonged contact with members of the school communities allowed the researcher to view the dynamics of conflict and change, and thus see organisations, relationships, groups and individual definitions in process (Bogdan 1972:4).

Participant observation enabled the researcher to observe the natural unfolding worlds of the population under study. This includes those times when several parties in the field come together to spontaneously hold a conversation, discussion or argument (Berg 1998:106).

The purpose of employing participant observation for data collection is to develop understanding of complex social settings and relationships. It is assumed that an important way, and perhaps the only way, to understand some areas of social life is to immerse oneself with others in that social arrangement (Bogdan 1972:4). Furthermore, participant observation offers the following advantages:

- (a) It avoids the discrepancy between real and verbal behaviour.
- (b) It allows observation in situations where questions only meet with misunderstanding created in the interview situation, often such facts are brought to light by means of natural settings only.

- (c) It allows the identification of processes which could otherwise only be brought out by an involvement chain of repeated interviews or content analysis.
- (d) The observation of behaviour does not depend on the verbal capacities of the interviewed person (Friedrichs & Ludtke 1976:6).

From participant observation the researcher was able to form clear impressions of the extent of the effects of children's interpretation and exercise of their rights on their relationships and interactions with others, and the implications this has on their learning and development in general.

4.4.6 Pilot study

When the procedures for the empirical research had been finalised, the researcher conducted a pilot study. Piloting or pilot study is the stage where the researcher tries out the questionnaire on a small number of people from the same population as the one the researcher wishes to study (Hall & Hall 1996:126).

According to Philliber et al (1980:117), whether a study is to employ questionnaires, interviews, observation or available data, a pretest is vital, no matter how carefully one designs a measure for questionnaires, interviews or observation, it is still wise to give it an actual try. A pretest of a questionnaire may demonstrate that some of the questions are unintelligible to the respondents. Therefore, the aim of the pilot study is to:

- Reveal any further unanticipated problems with the questionnaire before the researcher could commit his/her time and effort to the field work.
- Help eliminate problems from the research design before the final project is carried out, thus saving the researcher a great deal of time and money.
- Learn whether the planned procedures really work before efforts are expended on the full-blown study.

- Reveal whether most subjects understand the instructions, whether the research situation seems plausible and how long it takes to run the experimental session or conduct the interview.
- Reveal whether the items are clear to the respondents.
- Allow the researcher to practise, to become comfortable with his role and to standardise his procedures (Cozby et al 1989:147; Babble 1990:249; Hall & Hall 1996:126; Philliber et al 1980:118).

For this purpose the researcher discussed the questionnaire with colleagues in order to identify any statements which were not properly phrased. The rephrasing of certain statements was done in order to eliminate clumsiness or ambiguities. Furthermore, a pilot study was conducted with four learners, two boys and two girls, from the population to be studied, to determine their responses to the questions and to ask for their comments and suggestions, which were then used to rephrase the questions so that they were absolutely clear and unambiguous.

The questionnaire was then submitted to the researcher's supervisor for comments and recommendations. Certain statements were changed in order to match the scholastic level of the pupils. At the end the questionnaire was found to be suitable to be administered in the full-blown study.

An application to conduct the research project was made to the Mpumalanga Department of Education. The Director-General of the Mpumalanga Department of Education acceded to this request.

Letters were then written to the principals of those high schools where the research project was to be conducted to inform them about the Director-General's permission to conduct the research project, and also to explain the nature of the research to be undertaken as well as the dates on which the research project would be conducted.

4.5 DATA GATHERING AND PROBLEMS ENCOUNTERED

Human behaviour and relationships are complex subjects to study. To collect rich data on these subjects, the researcher had to use more than one data collection strategy.

4.5.1 Participant observation in schools

During the last week of April and the second week of May 2001, the researcher spent time as a participant observer in each of the two schools. The researcher participated in various school activities: assembly and devotion, class-teaching, extramural activities and purchasing food from vendors in order to observe learners' response to the bell signalling the beginning of school day and resuming of lessons after breaks, the interaction of learners and teachers during the teaching-learning activities and the interaction and relationship of learners during extramural activities.

A problem the researcher encountered was the warnings given to the learners, when he was introduced to behave themselves as the researcher was to observe their every move and behaviour, and to write about them. Moreover, educators did not want the researcher to observe and describe unprofessional behaviour. This, however, solved itself spontaneously, as learners realised no unusual behaviour from the researcher, thus, they continued with their natural behaviour towards and interaction with each other and their educators. On the second day of the researcher's visit to school A, the school was disrupted and learners sent home because teachers had to attend a SADTU meeting at 10:00. Although this disturbed the observation process, it gave the researcher an opportunity to continue with the focus group interview with learners.

All the observations and conversations during breaks were recorded as fully as possible and proved to be a rich source of information.

4.5.2 Interviews with school principals and tribal leaders

Interviews with principals and tribal leaders did not present any problem, except in school B where arrangements for a sporting trip for that weekend and the ordering of prescribed textbooks for the Grade 9 OBE classes were made. The interview was interrupted on several occasions by teachers who consulted the principal for reports, advice and further directives in their various arrangements and organisations. However, the researcher ultimately managed to complete the interview with the principal. The interviews with the principals and tribal leader proved to be fruitful and informative, except for the tribal leader of Village B who was not available for this purpose.

To provide for relatively systematic collection of data, a semi-structured interview guide was drawn up for the interviews with the principals and tribal leaders. Questions and themes from existing literature were used to complete this guide. The guide served as a control for ensuring that all relevant topics were covered during the interview. (See Annexure E).

4.5.3 Focus group interviews with teachers

Some of the target group of educators in both schools did not turn up for the interviews as agreed and scheduled. In school A, the researcher had to continue with seven teachers and in school B, with nine teachers. Of the teachers who attended the interviews two teachers in each school had to leave earlier to board their transport home. This problem could not be averted because of ethical reasons of avoiding to disrupt lessons for the interviews with teachers, rather the researcher arranged for the interviews to be conducted after 14:00. Those who remained continued the interview to the end. On the whole the focus group interviews proceeded smoothly. The teachers were able to speak English, with occasional lapses into the local vernacular language where they felt they could make their point clearer by doing so. The interview guide which was drawn up to control the data collection during the focus group interviews with the teachers is attached as Annexure F.

4.5.4 Focus group interviews with parents

In school A, the researcher had the problem of securing parents of the sample of learners for the interview, as they were not available because of work commitments. Subsequently, the researcher invited available parents of learners among the population group. However, of the invited parents only five turned up for the interview. During the interview the researcher had to use the local vernacular language which is Setswana, as most of them could not express themselves in English.

In school B eight parents turned up for the interview. After establishing rapport, the researcher agreed with the interviewees to use Sepedi (N.Sotho) to lead the discussion and conceded with them to use either N.Sotho or Isindebele in their responses to ensure spontaneity of the discussions as they could not express themselves in English. This did not pose a problem to the researcher, as he is conversant with both languages. Parents in both schools were enthused with the discussions and made insightful contributions. They also appealed to the researcher that such discussions should be conducted more often, as they disclosed important issues. The researcher provided refreshments for the parents in both schools as a token of gratitude for their time and willingness to participate in the interview. The interview guide for the focus group interviews with parents was similar to the one used in the interviews with the teachers.

4.5.5 Focus group interviews with learners

On the whole focus group interviews proceeded smoothly. The only problem was that learners had difficulties expressing themselves in English, thus they were allowed to respond in either Setswana or Sepedi to ensure spontaneity and relaxed and free discussions. In school A, the interviews were conducted between 11:00 and 14:00 as the school was disrupted for the purpose of SADTU meeting (cf. 4.5.1) and in school B between 14:00 and 15:30. During the interviews learners demonstrated active participation and proved to be a rich source of information. Annexure G shows the interview guide that was drawn up for the focus group interviews with the learners.

4.6 RELIABILITY AND VALIDITY

According to Silverman (2000:175), reliability is the degree of consistency with which instances are assigned to the same category by different observers or by the same observer on different occasions. It is also the consistency of the researchers' interactive style, data recording, data analysis and interpretation of participants' meaning from the data (Schumacher & McMillan 1993:385). Because of the somewhat personal process of qualitative research, it is very difficult to achieve this as "no investigator observes, interviews or studies documents exactly like another" (Schumacher & McMillan 1993:386).

The requirement of reliability in qualitative research is met within the actual study to obtain consistency of research studies. A range of techniques are thus used in any single study to corroborate findings. To ensure reliability it is important that the researcher documents his or her procedures and demonstrates that categories have been used consistently (Silverman 2000:386).

In the present study the researcher strove to reduce the threat to reliability by adequately describing the relationship between the researcher and the participants, the criteria and processes used in the purposeful sampling, the multi-methods employed in collecting data and the process of data analyses and decision rules for categorising the theoretical framework and concepts that form the study. Furthermore, validity in qualitative research is also largely determined by the extent to which the data represents the actual subjective experience of the participants. The validity of information is primarily determined by the participants' willingness to freely communicate their experiences to the researcher in an atmosphere of trust and comprehension. According to Silverman (2000:175) validity is the extent to which an account accurately represents the social phenomena to which it refers.

This study sought to explore factors that affect the relationship between youth and their educators within a situation where youth have become aware of their human rights, interpreted it in an own fashion and exercised it in a way they see fit. Senior secondary school learners were interviewed and they gave sincere first hand information of those factors which they felt

influenced their relationships with parents, teachers and other educators. The teachers and parents of these learners as well as their school principals and tribal leader were also interviewed to get a complete picture of the whole situation and corroborate findings.

Although two assumptions were made prior to data collection, the data collected were not only aimed at validating or refuting the pre-assumptions but to report a clear observation and truthful picture at what was discovered.

4.7 TRANSCRIBING THE DATA

Respondents gave permission for the interviews to be tape-recorded after the researcher has ensured them of the confidentiality of the information. As the first step towards the analysis of focus group data, the entire taped interviews were transcribed. Transcription not only facilitates further analysis, it establishes a permanent written record of the interview that can be shared with other interested parties.

There is, however, the danger that the transcript does not reflect the entire character of the discussion. Nonverbal communication, gestures and behavioural responses are not reflected in a transcript. To supplement this lack, the researcher kept a record of observational data that were obtained during the interviews (Stewart & Shamdasani 1990:103-4). The transcript ensures that the data are readily and fully accessible during analysis.

4.8 ANALYSIS OF DATA

The process of data collection is not an end in itself. The culminating activities of qualitative inquiry are analysis, interpretation and presentation of findings (Patton 1990:371). Data analysis is the process of systematically searching, selecting, categorising, comparing, arranging, synthesising and interpreting the interview transcripts, field notes and other materials which the researcher accumulated to increase his/her understanding of the research topic, and to enable him/her to present his/her findings (Bogdan & Biklen 1992:153; McMillan & Schumacher 1993:480).

However, qualitative data analyses vary widely because of the different research foci, purposes and data collection strategies (McMillan & Schumacher 1993:480). Furthermore, analysis can either be concurrent with data collection and is more or less completed by the time data is completely gathered, or it can be carried out after data collection is completed. Although the full-fledged data analysis for this study was carried out after data collection was completed, some analysis was carried out during data collection to maintain the focus and direction of data collection (Bogdan & Biklen 1992:154).

Qualitative data analysis involves working with data, organising them, breaking them into manageable units, synthesising them, searching for patterns, discovering what is important, and what is to be learned, and then presented as findings (Bogdan & Biklen 1992:153).

The patterns discovered during data analysis were used to establish coding categories. The process of data analysis can be broken down into stages, which include the following:

4.8.1 Organising the data

After data collection follows a challenge to make sense of the massive amount of data, reduce the volume of information, identify significant patterns, and construct a framework for communicating the essence of what the data reveal about the research topic (Patton 1990:271).

Bogdan and Biklen (1992:165) suggest that the researcher should develop a coding system to organise data. This involves a series of data reduction where the material is paraphrased to select, summarise, simplify and abstract the raw material (Flick 1998:193). The different forms of the coding system will be discussed below.

4.8.2 Coding of data

Coding here is understood as representing the operations by which data is broken down, conceptualised, and put back together in new ways (Flick 1998:179). The coding process includes the constant comparison of phenomena, cases, concepts and the formulation of

questions which are addressed to the text. Starting from the data, the process of coding leads to the development of theories through a process of abstraction (Flick 1998:179).

Analysis in grounded theory is composed of three major types of coding. These are: (a) open coding (b) axial coding and; (c) selective coding (Strauss & Corbin 1990:58). A detailed description of each type of coding is given below:

(a) Open coding

Strauss and Corbin (1990:61) describe open coding as the process of breaking down, examining, comparing, conceptualising and categorising data. Open coding is the initial type of coding done during a research project. It involves unrestricted coding of data, which is done by scrutinising the field notes, interview or document very closely: line by line, sentence by sentence, paragraph by paragraph, or even word by word. The aim is to express data and phenomena in the form of concepts (Strauss 1987:28; Flick 1998:180).

During open data coding the data is broken down into discrete parts, closely examined, compared for similarities and differences, and questions are asked about the phenomena as reflected in the data. This breaking down of data is called conceptualising, and it culminates in each discrete incident, idea or event been given a name, something that stands for or represents a phenomenon (Strauss & Corbin 1990:62-3). Then similar events and incidents, that is, concepts, are labelled and grouped to form categories (Flick 1998:182).

(b) Axial coding

Axial coding is a process whereby data are put back together in new ways after open coding, by making connections between categories. This is done by utilising a coding paradigm involving conditions, context, action/interactional strategies and consequences (Strauss & Corbin 1990:96).

Axial coding is an essential aspect of the open coding. It consists of intense analysis done around one category at a time, in terms of the paradigm items (conditions, consequences, and

so forth). This results in cumulative knowledge about relationships between that category and other categories and subcategories (Strauss 1987:32).

The developed relations between categories and their subcategories are clarified and verified over and over against the text and the data. The researcher moves continuously back and forth between inductive thinking (developing concepts, categories and relations from the text), and deductive thinking (testing the concepts, categories and relations against the text (Flick 1998:184).

Axial coding becomes increasingly prominent during the normally lengthy period of open coding, before the analyst becomes committed to a core category or categories and so moves determinedly into selective coding.

(c) Selective coding

Strauss and Corbin (1990:116) describe selective coding as the process of selecting the core category, systematically relating it to other categories, validating those relationships, and filling in categories that need further refinement and development.

Selective coding continues the axial coding at a higher level of abstraction. The aim of this step is to elaborate the core category around which the other developed categories can be grouped and by which they are integrated (Flick 1998:184).

To code selectively, means that the analyst delimits coding to only those codes that relate to the core codes in sufficiently significant ways as to be used in parsimonious theory (Strauss 1987:3). There are several steps through which this is accomplished. The first step involves explicating the story line. The second consists of relating subsidiary categories around the core category by means of the paradigm. The third involves relating categories at the dimensional level. The fourth entails validating those relationships against data. The fifth and final step consists of filling in categories that may need further refinement and/or development (Strauss & Corbin 1990:117).

The analysis and development of the theory aim at discovering patterns in the data as well as the conditions under which these apply (Flick 1998:184).

These different forms of coding facilitated the process of interpretation, which culminated in the presentation of findings. The findings will better clarify the research topic in order to improve the understanding of children's behaviour and relationship with other people as influenced by their rights.

These three steps described above, were followed by the researcher to code the data of the empirical investigation.

4.9 SYNTHESIS

This chapter described the rationale for the choice of qualitative approach for the study of the socio-educative implications of children's interpretation of their rights in black secondary schools in Mpumalanga. It also described the methods used to obtain data, that is, unstructured interviews, focus group interviews and participant observation. An explanation of the design of the study includes the selection of participants, the problems encountered in the field, and the data analysis procedures. In the next chapter the interpretation and analysis of data, and the finding will be presented and discussed.

CHAPTER 5

ANALYSIS, INTERPRETATION AND DISCUSSION OF FINDINGS

5.1 INTRODUCTION

This chapter presents and describes data generated during in-depth and focus group interviews with two school principals, sixteen teachers, thirteen parents, twenty-four learners and one tribal leader.

Although two assumptions were made prior to data collection, the data collected was not aimed at validating or refuting the pre-assumptions, but to report a clear observation and truthful picture of what was discovered.

According to the assumptions, children's unscrupulous realisation and practice of their rights has brought about changes in the behaviour and attitude of the majority of people concerned in educational relationships. These changes are manifested in the exercising of absolute freedom leading to widespread lawlessness, subversion of authority and morality and social instability. These tendencies, which are indicative of the changes in behaviour and attitude are expounded in the findings, which emerged from the interviews and participant observation (5.1, 5.3 and 5.4). The words of the informants are quoted with little editing so that the original meaning is retained. As English is the second language of the participants, some grammatical errors might appear in the quotations. Nevertheless, attempts have been made to ensure that the information conveyed by the quotations is as clear as possible.

The interviews with the learners and parents were conducted in Setswana in School A and Sepedi in School B. some parents in School B gave their responses in Isindebele. Thus sections of the data have been translated from Setswana, Sepedi and Isindebele. As the researcher is well conversant with these languages, translations did not present a problem. The translated quotations are freely used.

The report of the findings is presented according to schools, that is School A then B and the order of the informants as in 4.4.4.4.

5.2 REPORT AND INTERPRETATION OF FINDINGS

This study sought to explore factors that affect the relationship between youth and their educators within a situation where youth have become aware of their human rights, interpreted and exercised this according to their own understanding of these rights. This is made clear in the informants' responses during the interview reported below.

5.2.1 Findings from School A

The learners who participated in the focus group interview proved to be a rich source of information on the implications and implementation of children's rights. However, there were areas where they had limited information particularly with regard to the meaning of rights both in their lives and that of other people. This is a major cause of confusion and a misconception of the true meaning of human rights.

These learners confirmed that they had become aware of their rights after 1996. In responding to the investigation into their knowledge, learner A reported:

I became aware of my rights in 1998, when I was matured enough to know what was happening around me.

When asked how they became aware of their rights, learner C answered:

I became aware of my rights through reading books and the constitution booklet and watching television.

Despite the government's efforts to teach human rights through the media, the group of learners who participated in this research demonstrated a limited knowledge and understanding of their rights. They struggled to give clear examples of their rights. The only example they could give were:

- the right to choose a career.
- the right to determine their future.
- "I think rights are when other people do something that can satisfy my needs."

This lack of a deliberated and purposeful introduction to and teaching of human rights by the important people in the child's life has led to children interpreting rights as they see fit. Children know that they have rights, but they are not exactly sure what these rights are, or what is actually meant by "rights." This vague idea is the cause of the confusion which is prevalent in the minds of most black children, about human rights. As a result there are widespread negative manifestations of children's attempts to claim their rights. According to these children, whatever they do is part of their rights, irrespective of whether they are right or wrong. It is difficult to change their behaviour or attitude because they view it as an attempt to deprive them of their rights.

To remove the existing uncertainty and misconceptions about rights learner B suggested that, "human rights should be taught in schools."

Learner E argued that it should not only be the responsibility of the school to teach human rights, "Even parents at home should continue to teach their children their rights, because parents know what is best for their children."

There is a general concern about children's attitude towards their rights which has an adverse effect on their behaviour and relationship with other people. Learner D confessed that, "Children do not use their rights correctly, which results in unnecessary conflicts and confrontations between themselves and other people."

To address this problem children need to be educated about rights - what they mean in their lives, the limitations thereof and the framework within which they should be exercised.

Referring to the relationship between learners and their teachers, learner K said: "Learners do wrong things claiming that it is their rights and they insolently remonstrate with their teachers when they correct them."

Learners no longer regard their teachers as the guardians of social norms and values who are entitled to respect. They talk to them as they please. Learner H complained about:

The fashion of dying their hairs in different colours - green, red, orange and purple - when they come to school. If a teacher asks them why they come to school with such coloured hair, the learner would reply, 'It is my right to have my hair dyed, and I am using my money.'

Although this learner may have the said right, that does not exonerate her from her obligation to respect her teachers and obey the school's rules and regulations. Children remain part of the broader society which is governed by rules and regulations and which observe a particular code of conduct. Therefore, children should realise that good manners, moral values and principles remain the fundamental essences of life and cannot be compromised.

Conflict between learners and their teachers indicates that the control and management of learners is a problem in many schools. Teachers on the other hand are struggling to find a replacement for corporal punishment to maintain order in the school. When asked about the effect of the abolishment of corporal punishment on discipline in schools, learner J responded:

It is not good because learners take advantage of the abolishment of corporal punishment to misbehave. They boast that there is nothing which teachers can do to them.

Then learner B was quick to recommend that:

There should be a school policy and code of conduct to guide the relationship and interaction between teachers and learners and to regulate the behaviour of

learners. These should be explained to the learners. Then conflicts and confrontation will be avoided.

A good school policy is indispensable in maintaining proper discipline in schools. However, there are schools which operate without this important document.

Learners were also worried about the shortage of teacher-learning materials. Learner L complained:

The standard of teaching and learning is very low, because of lack of learner support materials. Learners only rely on the few textbooks they have and some notes from their teachers. This has a negative effect on the academic performance of the learners.

In such institutions the learners' right to quality education is compromised with serious negative implications. However, learner A revealed that, "teachers try their best to secure the necessary teaching-learning materials, but this does not help, because they get stolen even by the very same learners who are supposed to benefit from them."

This is a problem for the community. Unfortunately, learners who do not see the value of the school as a fountain of knowledge. Therefore, they do not develop ownership of the school and its property. If the school is vandalised, the whole community is robbed of the source of wisdom. Such communities take time to develop new resources and the problems of illiteracy and poverty will remain with them for a very long time.

Learner D argued that parents have a significant role to play in developing and securing the school. She attributed the problems experienced in schools to the fact that:

Only a few parents are involved in the school activities. If parents can really get involved in our education then everything will be possible. They are the ones who pay money for ;whatever is needed at school. They send us to school, so

we need their support to achieve whatever we are aiming at. But many parents don't know what their children are doing at school.

Parents are a recognised important stakeholder in the education of their children. Without the parent component, the educational trial is incomplete and this cripples the operation of the schools.

The type of teaching done by teachers contributes to the poor culture of teaching and learning prevalent in many schools. Learner E complained that:

Teachers come to class unprepared. I think teachers should be well prepared for their lessons to be able to teach effectively. If they are ill-prepared or unprepared, they confuse the learners.

Learner L added another dimension at the plight faced by learners concerning their teachers, saying:

Some teachers are not well qualified for the subjects they teach. They cannot competently tackle the subject matter in class. They seem to be learning the subject while teaching and this creates a lot of problems as they cannot handle the learners' problems in the subject competently and convincingly.

Teachers, as the mentors of the learners, should have well-defined objectives which they want to achieve with the learners. There should also be well thought out activities, which would assist them in realising their objectives with the learners. This will help to motivate the learners to work hard because they will always be aware of what their teachers expect from them.

The teachers' expectations of the learners will keep them focused and disciplined when doing their work. A situation, resulting from lack of teacher preparation, causes frustration and destroys hope in learners. As a result learners lose focus and interest in the teaching and learning activities, leading to a chaotic school situation. There is no substitute for effective

teaching and good curriculum management in creating and sustaining a productive climate and discipline in schools.

The issue of gender sensitivity in the treatment of learners is still a problem in many schools. Learner H attributed this to: "Teachers who are afraid to punish boys, but they are quick to punish girls even for trivial issues."

Children are equal before the law and they should receive equal treatment. They should also be afforded equal opportunities for their maximum development. This will help them to accept one another without bias and prejudice.

5.2.1.2 *Findings from focus group interviews with teachers*

Teachers in School A have some reservations on publicly granting children human rights, because of the unacceptable way children exercise these rights.

They, however, agree that children's rights should have positive implications for children. Teacher A indicated that: "It is necessary for children's rights to be protected by the law to guarantee their well-being and to ensure that they will develop into responsible citizens."

However, teacher C was quick to caution that: "Although children are given rights, there should be well defined limitations which are imposed on children's rights."

Children have a wrong attitude towards their rights, because they view their rights as a licence to behave as they please. They regard their behaviour as irreproachable. The adult community, on the other hand, is deeply grieved by children's conduct. Children seem to be immune to their educators' reprimand for their unbecoming conduct.

Teacher B complained that: "The rights have changed children's behaviour negatively at home, school and in the community."

Children have adopted troublesome behaviour, because they frequently want things done their own way irrespective of the inconvenience this causes to other people. They are always rude and pushy when seeking what they want. This has led to the development of a culture of "demand" and the use of force to coerce others to meet to these demands. As a result most schools and tertiary institutions are beset by the problem of class boycotts and disruptions of lessons.

The chaotic and anarchic situations prevalent in many educational institutions are caused by the learners' unwillingness to accept the limitations of their rights. In view of this, teacher D complained that, "To direct the learners' behaviour in the light of the unlimited freedom which they demand for themselves poses a daunting challenge to the teachers."

Children's rights which are unlimited, are a threat to the establishment of basic relationship structures within socio-educational institutions. As a result the value and objectives of educational encounters will be defeated. In such institutions maintaining authority and discipline become a problem, because the individuals regard their rights as absolute. It is important for children to grow up knowing that the rights of the larger society are more important than the rights of an individual.

The transition from political oppression to free citizenship was so sudden that many people were left confused. They had to change into a social system of which they had no experience. Teacher C argued that:

The transition from the apartheid system to the democratic dispensation has caused confusion in many people. They are not sure of their roles as free citizens who are granted rights for the first time.

Teacher G attributed the confusion surrounding rights to:

The general lack of understanding of rights. People really don't know what is meant by 'having rights.' learners would tell you that it is their right not to do their homework.

This lack of understanding has resulted in the various misconceptions which children have about their rights. Children always try to justify their infamous behaviour by alleging that "it is their right." The confusion surrounding rights is also compounded by the tendency of individuals to overemphasise their rights more than the accompanying responsibilities. To address this problem teacher D advised that:

There is a need for teachers to be workshopped on human rights issues, so that they should be able to teach children that every right carries with it a particular responsibility. Children should also be helped to understand the meaning of their rights in relation to other people.

When asked on the modus operandi of teaching children their rights, teacher F responded: "Rights should be introduced into the school curriculum in such a way that it becomes a school subject... to be compulsory from Grade 5 to 12."

Considering that black people in South Africa were deprived of their rights for a long time, there is an urgent need for rights-education to be introduced in schools. This will help to clear the confusion, which was caused by the sudden realisation of human rights in and around 1994 and to restore order and stability in black schools.

Parents, as primary educators, should also play an active role in educating children about their rights. There should be effective collaboration between parents and teachers in this regard. However, teacher B complained that:

Parents are least involved in school activities... Maybe they behave this way due to lack of education, because most parents are not that educated. They only understand that it is the duty of the teachers to teach the child in totality.

The involvement of parents in school activities will motivate learners, not only to perform better, but also to behave themselves in a more appropriate way (3.3.4.1). This will also help teachers to understand children's behaviour and to know how to handle them. In this way good discipline will be maintained in schools.

Learners are difficult to manage in schools because of the behavioural problems emanating from their lack of understanding and incorrect interpretation of their rights. Learners misbehave in the name of their rights, which causes disciplinary problems. Teacher B complained:

We are unable to execute our duties because of the level of indiscipline of learners in schools. Since the abolishment of corporal punishment, we are left with no alternative way of maintaining discipline. Sometimes, they refuse to be punished. If you call their parents, they normally don't respond. So it becomes a problem that impedes us to manage and control our learners.

The teachers' authority has to be restored if good discipline is to be maintained in schools. Without good discipline there is no possibility for effective teaching and learning in schools. The moral aspect of the children's conduct should also be improved to enable them to make correct decisions and choices. Teacher F commented:

The moral aspect comes with religion and with it comes education. But some of the children take their right to freedom of religion as meaning not belonging to any religion. Thus they opt to affiliate to the taverns and shebeens, which erode the moral education they have received from the educational institutions. This is a major cause in the decline of the standard of social morality.

Childrens' undisciplined behaviour is exacerbated by their watching of certain television dramas. Television, as an influential means of communication, exposes children to many things which influence their lives negatively. Teacher G indicated that: "Television has a serious negative effect on children's behaviour, because they imitate what they see presented on television."

Teacher A was quick to respond: "We really need to have policies to guide the conduct of learners and teachers to curb the indiscipline and lack of commitment which is found in schools."

Most rural schools either do not have a school policy or they cannot interpret such a policy properly to put it into good practice. Such schools reproduce the policies from affluent schools for the purpose of submission to education authorities. However, they do not understand the meaning or implications of such a policy. As a result they seem to be paralysed when faced with children's misbehaviour.

The governance of the school is a major factor in maintaining discipline and order in schools. However, many black schools do not have functional school governing bodies (SGB's), because SGB members are not sure of their role in schools. Teacher G responded that:

For a school to function effectively, we need a governing body which is educated regarding the rules and responsibilities of the governing body. Most of our governing bodies are dominated by people who are less educated, that is why we have these problems.

Members of the school governing bodies in most black schools do not know their responsibilities in schools. As a result most of them just disappear after being voted into office, except for only two or three members who are retained for the purpose of signing cheques. Although the school governing bodies are given considerable power in the schools by the South African Schools Act 84 of 1996, most of them are still not conscious of this fact. Some do not even know of the existence of this Act because they can neither read nor write. Thus, they are manipulated by the school principals.

For effective functioning of the schools there is a need for an educated school governing body which will ensure good quality and effective governance of the schools. A school governing body should discipline both teachers and learners if they do not live up to the expectations of

the school policy. It should ensure that there is full accountability and set and maintain the required standard for teaching and learning.

When questioned about the problem of having less educated people dominating the school governing bodies, teacher A suggested:

We need to change the culture of electing somebody who does not have any responsibility at home, who stays at home, to take charge of our schools. We need to change this culture to include people who are responsible enough, those who are educated should be voted or co-opted into the school governing bodies.

Members of school governing bodies who are better educated are better equipped to govern the school. They will know if somebody has violated the school policy and/or code of conduct, and they will be able to conduct an investigation and decide on the appropriate punishment as stipulated in the school policy. They will not hesitate to punish any wrong doing in the school, because they know their legal powers and level of accountability vested in them as per departmental legislation. Therefore, the criteria for electing parents to the school governing bodies needs serious revision in order to introduce greater expertise into the school governance.

5.2.1.3 *Findings from focus group interviews with parents*

Parents were greatly concerned with the way human rights had been introduced to children. As rights were not properly introduced and explained, children interpret them as a licence to act as they please. In view of the disharmonious relationships and ignominious conduct which are manifest amongst black communities as a result of the misinterpretation of children's rights, parent B remarked:

The government should have been cautious in introducing children's rights. The way rights have been introduced, has caused many problems in the community. Whenever you talk to children, they always tell you about their rights.

Most parents are still sceptical about children's rights because of the misinformed way children exercise their rights. Parent D complained that: "Rights are impacting negatively on the natural relationship between parents and children."

Parent A further remarked that: "Granting children rights has led to children behaving in an indisciplined and disrespectful way in the community. Even at school they disobey their teachers."

Children's behaviour and the way they relate to other people are matters of concern to the parents. In the wake of the introduction of children's rights, parents seem to have lost grip on their children. Parents then respond with anger and frustration to their children who are becoming a nuisance to the community. This prompted parent D to comment angrily that:

The way children manifest their rights is very wrong. They are now insubordinate and disobedient to their parents, to such an extent that sometimes we think that they are taught something different at school from what we teach them at home.

Parents should educate their children to understand and change their attitude towards rights. However, to blame only the granting of rights for children's behaviour will not resolve this problem. Parents are also hesitant to punish their children. Parent C attributed this to the fact that: "Children have the right to lay a criminal charge against their parents for assault, should parents beat them."

Parental intervention in children's lives is indispensable in ensuring that children develop into law-abiding and responsible citizens. Parents should also realise that if they refrain from punishing their children, they can still be prosecuted for negligence or vicarious liability. Thus,

parents are always obliged to ensure the moral upbringing of their children. Thus parents are always obliged to ensure the moral upbringing of their children.

Children's behaviour is also affected by the culture of teaching and learning in schools. Parent A revealed that:

Children no longer obey the rules, regulations and governance of the school. They don't pay attention to their purpose of coming to school. They are more focused on things that are less beneficial to them.

Most black learners seem to be distracted and discouraged by the slightest of obstacles in their studies. Such learners anxiously wait for any incident which can disrupt the school programme so that they can stay or go home earlier than the usual times.

Parent E attributes the disturbances experienced in most schools to:

Children who do not have a dream for their lives. They organise school boycotts and rioting in the schools. But children who have dreams remain focused in their studies and do everything possible to improve their lives irrespective of their family background.

For a determined and motivated person, time is a precious commodity that has to be used fruitfully. Therefore, such a person has no time to spend on activities that are less beneficial. However, parent D complained that:

These days children spend most of their time in the taverns abusing alcohol and drugs. They also learn and adopt all sorts of bad mannerisms. They are also vulnerable to HIV/AIDS infections and teenage pregnancy.

The nation is faced with a threat of losing both human resources, as children are increasingly becoming drug addicts and others are infected with HIV/AIDS, and economic resources as

more money is needed to rehabilitate all delinquents who become drug addicts and to supply medicine for all AIDS patients.

Children's conduct at school and in the community is characterised by disregard of the norms and values of society. As a result they experience problems in their relationship and interaction with other people. Parent E suggested that to address this problem in schools:

Arrangements should be made for parents to take turns in coming to school on certain days to have first hand information of their children's indiscipline in schools. These parents should also talk to their children concerning the school's code of conduct.

Parents were also in agreement that television dramas contribute to the level of violence and unsavoury behaviour of children both at school and in the community. Parent C argued that:

After watching these television episodes, children start imitating the language and all sorts of mannerisms they have seen on television. The level of violence on television also influences children to act violently.

Although there is a written warning on the screen concerning the drama which is about to be presented on television, it does not resolve the problem of imitation. Parent A remarked that:

In most cases children are left by themselves at home, while their parents are at work in the cities. Sometimes these parents take a long time before coming home.

The migrant labour system in the country has a negative influence on the conduct of children in general. As parents are away on work commitments, children have enough time to experiment with what they see in television dramas. Furthermore, the behaviour of children who are left on their own, contributes to the high rate of absenteeism or dropping out of school, teenage pregnancy and the spread of sexually transmitted diseases. Leaving children

by themselves gives them absolute freedom which is destructive. Although the economic demands of the family have to be met, parents should take note of the damage caused by leaving children on their own. The child by virtue of his/her physical and mental immaturity needs special safeguards and care.

5.2.1.4 Findings from semi-structured interview with the principal

The principal was concerned with the way children perceive and interpret their rights. He indicated that:

Although the issue of rights cannot be contested, what is important is to ensure that children don't abuse their rights. They should know that rights have certain obligations which should be fulfilled. Children always emphasise the issue of their rights more than their obligations.

The problem of children's limited understanding of their rights is still difficult to resolve. The principal attributed this to the fact that:

Within the school community you have educators who come from the old school devoid of human rights and learners who actually are from the school of human rights. So it is not until the time that educators are made to be comfortable with, and understand the reason why human rights are given to children that eventually they will be able to advocate and protect children's rights.

The educators don't have any experience of handling children who have a wrong perception of rights. As a result educators are despondent in the face of children's lawless behaviour emanating from the misconception of their rights. The principal also indicated that:

The adult community has not been receptive enough to children's rights ... and they are withdrawing from the entire situation saying, 'children behave badly because of their rights.'

When asked on how to educate children to realise that rights have accompanying obligations, the principal responded:

It means workshopping educators first, on human rights issues and the concomitant responsibilities. Once the educators are empowered in this regard, then they will be able to teach children these human rights aspects.

This would also minimise the despair and frustration experienced by teachers who are faced with the problem of the misconceptions of rights. The principal remarked that:

This situation is building in learners the impression that teachers are powerless when they are faced with the task of disciplining learners. They think that teachers are powerless because corporal punishment is abolished.

Most teachers feel at a loss to maintain good discipline in the absence of corporal punishment. In this regard teachers are encouraged to use their creativity to devise alternative ways of punishing learners. The level of indiscipline and lawlessness in schools cannot be allowed to continue just because corporal punishment is abolished. However, the principal argued that:

Although the other alternative methods of disciplining children have been looked into, unfortunately they are time consuming. You find that a teacher has to be at the gate until 08:30 trying to control late coming. But this problem keeps on recurring.

Children always want things done their own way, irrespective of the rules and regulations of the social institutions and other people's rights. The principal raised a concern that:

With other learners the culture of rights, because it is not well introduced to them, is undoing them ... because for them is like they are free to come to school and leave at any time of the day.

This attitude blinds them to the danger of missing lessons, by either coming late to - or leaving school early and the ultimate danger of failing, not only at the end of the year, but also in life. Children use their rights to satisfy their immediate selfish desires and not their ultimate goal in life.

Children should realise that there is no right which entitles them to miss school, disobey and disrespect other people. Their rights are there to ensure that they live in harmony with other people and to enhance their human dignity. This will be possible if they observe and fulfil all their responsibilities.

Children are inclined to demand unlimited freedom for themselves. This freedom is viewed as a licence to behave or act in whatever way they see fit without rebuke. The principal revealed that:

Because of this freedom, children are troublesome in the community. They turn to disregard the senior members of the community. I think basically they have the wrong perception of their rights in relation to other people.

Children show widespread behavioural and relationship problems within social institutions, which contribute to the breakdown of the moral fibre in society. This vicious circle of irresponsible behaviour by individuals and groups has to be broken to ensure order and stability in the community. The principal suggested that:

Educators should deliberately address issues of human rights within the socio-educational institutions. The best way to do this is to have human rights as an integrated subject in schools. Teachers should be trained in the necessary skills of handling the teaching of human rights in the classroom.

The teaching of human rights issues in schools will help to address the negative effects of children's rights on the authority of teachers in schools. The principal remarked:

Teachers have problems with the management of learners who tend to be problematic. For instance when a learner is given a letter to take home, and he tears it up in front of the teacher ... that is disrespect!!

When asked about involving parents in ensuring proper discipline in the school, the principal responded: "Parents stay far from school. Even if you call them to a parents' meeting at school, you get only one quarter attending."

Parents have surrendered their responsibility on the educational activities of their children. As a result they cannot realise the problems encountered by their children at school and also the problems which teachers have concerning the behaviour and performance of the children at school. The schools are always left with many unresolved problems. The principal confirmed that, "There is a recurring security problem in the school. We are having more burglaries here ... we lost a computer, television set and a video cassette player."

This problem can only be resolved if the communities can take collective ownership of, and interest in the schools. The communities are charged with the primary responsibility of educating their youth, with the help of the government and the NGO's. Therefore, community members should sensitise each other on the value of the education of their children. Reports abound of communities which have taken it upon themselves to build mud classrooms to ensure that their children receive basic education. This level of commitment by the communities is needed to purchase and protect the necessary educational support materials for quality education for their children.

However, most black communities are still clinging to the government's promise of free education for all, and refuse to assume their responsibilities in the education of their own children.

According to the principal, there is a strong correlation between children's level of misconduct and their watching of television dramas. The principal highlighted that:

Children generally emulate what they see on television dramas and they normally practise that in schools. This causes a lot of relationship and behavioural problems.

The government should ensure that there is proper and thorough censoring of television products to minimise the negative influence which television dramas have on children's conduct.

Most black children have a serious problem in spending their leisure time. This is compounded by the absence of recreational facilities to channel children's energy and focus. As a result, children engage themselves in activities which might have serious negative implications in their lives. To save children from the danger of idling, the principal suggested:

The communities should establish community sporting facilities which should engage children during their leisure time. If such activities are not there you will find children engaging themselves in self-destructive activities like going to the taverns, drug abuse and licentious behaviour.

It is pardonable for the community to watch helplessly while an increasing number of underage children visit taverns and shebeens to abuse alcohol. This will have an adverse effect on their well-being and preparation for the future. Some of the children resort to sex as a form of entertainment, which leads to the spreading of HIV/AIDS and other sexually transmitted diseases, and increases the level of teenage pregnancy. This happens because children find themselves idle most of the time.

When asked about the effect of teacher unions' strikes on the education of the learners, the principal responded:

Its bad!! Its highly negative!! The department should make sure that it does not ignore the demand of the teachers to such an extent that they decide to go on strike.

It has become a worrying factor that strikes seem to have been adopted as an effective means of resolving disputes between the employer and the teacher unions. Although every organisation has the right to strike, this right seems to be abused by certain organisations. This creates an impression that negotiations are a waste of time and that the only effective means of communication is a strike. However, strikes deal the already ailing economy of the country a severe blow, which spells even greater disaster to the working class. This has negative implications for the majority of black children in the sense that:

- Their chances for better and further education are reduced.
- Their chances for quality life, in terms of the satisfaction of basic needs are negatively affected.
- Their opportunities for employment decrease.
- Crime rates escalate.

Teachers are rendering an essential service to the community through the education of the learners. As a result their right to strike should be reviewed to minimise the influence of strikes on education. The government should also guard against developing a culture of resolving disputes through strikes.

5.2.1.5 Findings from the semi-structured interview with the tribal leader

The tribal leader was perturbed by the way children behaved themselves in the community and at school. He complained that they regard it as their right to do as they pleased. Moreover, there is a community outcry regarding the bad conduct of the children. In giving his opinion on children's rights, the chief remarked:

I think it would have been proper if children's rights were meticulously introduced, the framework within which they should be practised vividly explained and their limitations made known to everybody.

The way children interpret their rights, influences the way they behave and interact with other people. Children are more inclined to exercise their rights in isolation from their social contexts which causes conflict and confrontation. When asked as to what should be done to address children's bad conduct emanating from their misinterpretation of their rights, the chief suggested that:

The government should be asked to come up with strategies and ways of educating children that every right has a particular responsibility accompanying it. Meetings should be arranged and encouraged between parents and children to discuss rights in general and other aspects of life. Parents as the more informed and better experienced sector of society should initiate meetings between themselves and their children.

It is the responsibility of the adult community to educate the youth to conduct themselves in a cultured way. Children should be educated to realise that their rights should not be seen as opposing the norms and values of the community. The chief showed signs of agitation when he commented on the situation and the behaviour of children in schools.

The fact that children's rights were just announced without proper framework and limitations is causing serious problems in schools. In the past children were punished for their wrong doings, but these days if you punish them, you are accused of abusing them.

Children take advantage of their right to be protected against all forms of abuse, which is implemented as, amongst others, the abolishment of corporal punishment. They despise their educators' authority and are insolent and disrespectful to their teachers at school. The chief argued that the situation in most black schools is not conducive for effective teaching and

learning. He attributed this to the lack of an effective method of maintaining discipline and the weakening authority of teachers:

With the present chaotic situation in schools, obviously the quality of teaching and learning will decline. If teachers have no educational authority over the learners and everybody does as he/she pleases, there is definitely nothing good that will be achieved within such a school.

Children are more inclined to ignore their obligations because educators attempt to compel them to behave differently from what their unlimited freedom entitles them to do. This has an adverse effect on teachers' management and learner performance in schools. The chief also remarked that:

Children's bad conduct is made worse by the amount of freedom which they demand for themselves. They use this freedom to do bad things such as going to the taverns where they abuse alcohol and drugs and even pick up bad manners, various diseases including HIV/AIDS and teenage pregnancies.

Children perceive their freedom as "freedom from", that is, from authority and reproach. This incorrect perception of freedom contributes to children using their energy in self-destructive activities. The adult community should initiate activities which will keep children away from destructive things and offer them opportunities to develop into responsible adults.

When asked on the influence of television dramas on children's behaviour, the chief explained:

Television has a marked influence on children's behaviour, because children normally see what pleases them and only focus on that action for imitation. This causes behavioural problems in society. Therefore children should be guided to pick what is beneficial to them from television dramas.

His view of the present situation is that children's misinterpretation of their rights and the adult community's lack of an effective intervention strategy to correct this wrong practice create a social crisis. The way children exercise their rights shows that children were given rights without proper guidance as to how they should be practised and what is meant by having rights. This has led to widespread lawlessness within socio-educational institutions. Teachers, on the other hand, seem to be unable to enforce discipline on learners because they do not have an effective method for this purpose. If they administer corporal punishment, a jail sentence awaits them. Children also show lack of respect when they talk to their teachers. This debilitating situation prompts teachers to show lack of concern whether learners are attentive and cooperative or not. There is, therefore, a need for a collective effort to address this unprecedented social crisis, which threatens to cause irreparable moral damage to the children and increases social instability.

Children's tendency to disregard and disrespect their educators contributes to the rapidly increasing lawless behaviour amongst children. Their demand for freedom seems to offer them a way to ignore their responsibilities and to subvert authority. On the other hand, the educators are frustrated because of a lack of a reliable method of maintaining discipline in the face of the growing insubordination and disobedience by children. As a result most schools are beset by the poor culture of teaching and learning, and society is grappling with the declining standard of social morality. The understanding that an individual's rights do not exist in isolation from the general community, should be viewed as the basis for reconstructing society after the damage caused by misconceptions about human rights.

5.2.2 Findings from School B

5.2.2.1 *Findings from focus group interview with learners*

The learners showed limited knowledge of their rights, yet they want to exercise them. When asked what they understand about rights, learner A responded: "I think rights are when other people are obliged to do something that can satisfy your needs."

Although learners could not give clear examples of their rights, learner C remarked that: "Rights have been there, but we blacks only became aware of our rights after 1994, particularly after the constitution was published."

This vague idea, which children have about their rights, can be attributed to the fact that they did not receive specific instruction or training about the true meaning of their rights. Learners reported that the information which they have about their rights was received "through television programmes."

This limited knowledge is the cause of the widespread negative manifestation of children's interpretation of their rights. When asked how they should be taught their rights, since most do not have explicit knowledge of the subject, learner D suggested: "They should give us booklets and pamphlets on children's rights."

This suggestion calls for special efforts and definite procedures to improve children's knowledge and understanding of their rights. In emphasising the need for specific training on rights, learner B remarked: "We do things which we think are our rights, but our parents don't approve of them. There should be a specific way of teaching us the correct ways."

Sometimes children adamantly act out of the confusion of what "rights" are comprised of and this cause unnecessary misunderstanding and conflicts between them and their parents. Learner H argued that:

We have ourselves to blame sometimes, because we misuse our rights. We just leave home without asking for permission from our parents and the next thing we come back badly injured. That is why our parents are totally against what is happening these days... We go out to abuse drugs, because we claim to have rights.

When asked what should be done to pre-empt this conflict between parents and children and to ensure good conduct from children, learner F suggested that:

Parents should sit down with their children to discuss rights and life issues. This will help to correct children's bad conduct and to save children from spoiling their own lives.

Children are not always prepared to listen to advice from the adults because they either perceive them as old-fashioned or as having the intention of depriving them of their rights. They want to interpret and exercise their rights free from the intervention of their parents. As a result they are always experiencing relationship problems. Learner E explained that:

Rights have responsibilities and you should not misuse them. For example, as a person would say he has freedom of speech, when in fact he is insulting other people. He should respect other people for them to respect him.

A common understanding of rights, their framework and the responsibilities, will help to sustain the moral fibre of society. All the members of society - individuals, groups, local and national government and NGO's - should take a collective effort to educate each other on the acceptable manifestations of human rights.

There is a general concern that in the wake of children's rights, children no longer submit themselves to the authority of their educators. Learner G revealed that:

Most learners come late to school and they don't run to show that they are aware that they are late. Even if teachers urge them to run because they are late, they just don't respond to their call.

This problem of late coming is difficult to resolve because some teachers set wrong examples in this regard. Learner B argued that:

If teachers want us to be at school at a particular time, we should find them at school. It does not help for us to be early only to find that teachers come very

late to school. That is also why you will find learners basking in the sun during school hours.

One of the reasons why teachers are unable to maintain good discipline in school is because they are also guilty of the same offence they want to punish their learners for. It is impossible to teach a virtue which you do not observe. Learner K explained that it is not uncommon to find a poor culture of teaching and learning in most black schools. She attributed it to the fact that:

Most teachers do not attend to their teaching periods, which makes it impossible for them to complete their syllabi. As a result many learners fail their examinations.

This dampens the learners' motivation to learn and to exert themselves in their school work. Learners also develop an impression that they are engaged in an insignificant project that is why their teachers are neglecting them. As a result the rate of absenteeism and dropout is high in most schools because learners feel that there is nothing to lose.

The poor socio-economic circumstances in the community have an adverse effect on the learners' motivation to learn. This is clearly described by learner J who said:

The frustration caused by unemployment imparts negatively on the learners' motivation to learn, because people go to school and tertiary institutions, but after graduating they are not employed. This sends a wrong message to the learners that there is no need for them to exert themselves in their studies because there is no employment for them, as there is none for their graduated brothers and sisters.

It is imperative for all the important people in children's lives to indicate clearly to them that life is not static and that they should be prepared for any change in future. Besides that, children should also realise that they are not to rely on other people to make things happen for

them. This dependency syndrome should be brought to an end. Children should be encouraged to use their initiative to create opportunities for themselves and other people.

The learners' conduct has a significant influence on their academic performance. It is important to take notice of the marked influence the media and especially television programmes have on the learners' attitude, behaviour and the way they perceive things in their life world. In commenting on the effect of television dramas on children's behaviour, learner A said:

Youth pay more attention to the action they see than the message presented by television dramas. The following day you find them acting and behaving like the actors they saw in a particular drama.

With this increased level of imitation of television actors, society is becoming increasingly concerned about the moral content of television programmes. Learner D further agreed that:

Some television dramas cause moral damage to the children, particularly the vulgar language which is used. Children imitate this type of language, assuming that it is acceptable in society because it is used by their role models on television. Then children start using it in their daily conversation, which becomes offensive to other people resulting in violent confrontations.

The danger with television dramas is that the heroes in the movies teach children a different set of values from that which is taught by their parents and teachers. As television has a powerful influence on children's minds, they are more likely to absorb the values which are transmitted on the television screen. Therefore, thorough editing of television dramas is essential to minimise the negative influence which television has on children's behaviour.

5.2.2.2 Findings from the focus group interview with teachers

Children's incorrect perception of their rights causes serious problems within social institutions. Teacher A revealed that: "Children behave as if their rights are absolute and they have the right to violate other people's rights."

They seem to have the impression that they are the only ones who have rights, while other people have the obligation to satisfy their needs. It is not uncommon to hear them asserting that "they have the right to everything." To counteract this false assertion, teacher D suggested that:

Children should be taught the meaning of their rights, so that they should know both the advantages and disadvantages of their rights. This will save them from experimenting with their lives.

Teachers are confronted with children who display a variety of behavioural problems during their daily encounter. Teacher B complained that this makes their teaching task very difficult because: "Learners are not cooperative and obedient in class and this disturbs the discipline and management of the class as a whole."

Such conduct is the reason for the poor culture of teaching and learning prevalent in many black schools. A good understanding of children's behavioural tendencies is imperative in establishing conducive climate for effective teaching and learning. Teacher E suggested that to achieve this:

A partnership between parents and the school is important to encourage children to behave themselves in an acceptable way. But, parents sometimes off-load their responsibility regarding their children's education on the teachers. The failure by parents to uphold the value system creates disciplinary problems in schools.

Parental involvement in schools is important in addressing the problems emanating from children's blind exercise of their rights without considering other people's well-being.

When asked how to improve children's understanding of their rights to pre-empt widespread misconduct, teacher C responded:

The issue of rights needs to be taught in schools. If children have a good understanding of the meaning of rights, they will in turn serve as agents of developing a good human rights culture in their communities.

Learners with limited understanding of their rights are difficult to manage in class. Some teachers have difficulty as their authority seems to have been rendered insignificant with the banning of the cane in schools. The ever increasing frustration and stress experienced by most teachers is indicative of their powerlessness when faced with errant learners. Teacher G complained that:

Teaching has become a daunting profession because learners disregard us when we talk to them. For instance, when you urge them to run when they are late, they just don't respond. Even if you close the gate, they are not worried because they will either wait until you open it or they will push their way through.

Most schools which are struggling with disciplinary problems do not have a well defined strategy of dealing with them. The ad hoc approach applied by most schools is self-defeating, because it does not allow the establishment of systems and procedures. Hence, nobody is sure as to what is expected of him/her. Teacher A commented that:

The only thing that can help us solve problems in the school is a school policy, which stipulates the rules and regulations and the code of conduct of learners very clearly. This should be explained vividly to the school community.

When asked if their school has a school policy, the teachers emphatically said: "No!!"

Teacher D further remarked that the problem of late coming is difficult to resolve because:

Learners complain that their teachers are not always there when they arrive at school. Instead they come late to school and those who are in time don't attend to their period promptly and regularly.

Teachers should live up to the values they are supposed to teach. In this way learners will realise long before they are told, that they should follow their teachers' example. It will also help to lend authority to the teachers' voice, in that learners will realise that teachers really mean what they say. Teachers should be able to establish a well defined procedure of doing things. However, teacher F indicated that it is difficult to establish a sustainable value system in schools because teachers often behave unethically. "Teachers just leave learners at school to attend to their union activities without prior information."

Learners from such schools are discouraged to attend school regularly because their teachers leave them unattended. The teachers' actions disturb the order and harmony in the school, which cause a further collapse in the culture of teaching and learning.

When asked about the influence of television content on children's behaviour, teacher B explained that:

The imitation of the content of television dramas and even adopting the names of the actors is seen as a status symbol by most children. They even write the adopted names on most of their belongings.

The influence of the content of television dramas on children is so strong that it creates a false impression that by acting out this content, children will attain stardom. Children are also prompted to practise the mannerisms they see on television in society. As a result there is an increasing number of young children involved in serious crimes and substance abuse. The broadcasting cooperation should investigate other ways of entertaining and educating people, rather than the present continuous presentation of negative, violent and often vulgar behaviour.

5.2.2.3 *Findings from the focus group interview with parents*

Parents in School B supported children's rights with reservations, because of the improper way in which children perceive and exercise their rights. Parent A explained that:

Children's rights should be relevant to their situation and way of life ... rights should be there but parents and teachers should guide children on how to practise their rights.

Parent B argued that: "The danger with children is that they don't want to accept the limitations of their rights, which causes serious behavioural problems."

Children should know and understand the scope of their rights in relation to the people they live and interact with. If they don't know the limitations of their rights, they end up violating other people's rights. Parent E agitatedly complained of children's bad conduct, particularly during their interaction with elderly people: "Our children don't show respect to other people, especially their elders. We did not teach them to behave in such disrespectful ways."

Children's rampant behaviour in black communities is becoming increasingly difficult to resolve, because the communal tradition of disciplining children is no longer possible. Parents cower from rebuking errant children in the community for fear of being accused of abusing them. Parent C remarked that:

This days children have gone out of control. They do shameful things in public without any sign of remorse. In the past we would not do such things because any elderly person was your "parent" and he was entitled to rebuke you for any wrong doing. We respected them in the same way as we respected our biological parents. These days things have changed, children no longer show respect to other people.

Children should realise that although they have rights, they also have certain duties which they have to fulfil. They are also expected to behave in a value guided way within all social institutions. The issue of rights and responsibilities should be addressed as a matter of priority.

Parent D advised that:

Parents should take the responsibility of teaching their children about their responsibilities in life. Children should know that if they do anything wrong, although they have rights, it will not be acceptable to their community.

When asked how children's rights impact on discipline in schools, parents responded in unison: "They cause great disturbance in schools ... these children don't respect and obey their teachers! They do as they please!!"

Although the community is aware of children's bad conduct, they seem paralysed to intervene. Parents' knowledge and understanding of their children are indispensable in curbing children's troublesome behaviour.

Although children's behaviour contributes to the poor culture of teaching and learning in schools, some teachers are equally to blame. Parent B revealed that: "Some teachers are found in the shebeens and taverns drinking beer during school hours. Others absent themselves for two or more days a week from school on a regular basis."

These teachers defeat the school's objective of actualising the educational essences, such as trust, obedience, discipline and respect. Teachers render an essential service to their communities, which requires them to show commitment and dedication in discharging their responsibilities. They are charged with the responsibility of handling the nation's biggest investment, the education of children. Any poor behaviour on their part will compromise the nation's future.

When asked on how teachers' strikes affect the education of their children, parent F responded:

This is a serious problem. Although teachers as employees have the right to strike, what is important is whether after the strike teachers will put extra efforts into their work to cover up for the time lost during the strike action.

Parent A was quick to argue, "Some teachers seem to enjoy going on strike, they don't want to teach our children."

Teacher union strikes are destructive both for children's education and their future. If children's expectations of their teachers are frustrated, they tend to be drawn into a situation of learned helplessness and despondency. When teachers are away on strikes, it gives children time to watch television, which has an adverse effect on their behaviour. Parent D raised a concern that: "Television has a powerful influence on children's minds. If they continue to watch bad things on television, then their behaviour will change to become bad."

Parent E further complained that, "Some of the television dramas make our children even worse, because they watch nudity and sexuality on television and they start experimenting with what they see."

Although there are warning messages and age restrictions on television as to the kind of drama which is about to be screened, this does not help because in many black families parents are not always at home to offer this guidance. Again the warning signs given on the television screen are in a language which is not understood by most black parents. Those who can interpret these signs cannot put them into practice. Thus the producers need to review the system and/or criteria of presenting television dramas.

5.2.2.4 *Findings from the semi-structured interview with the principal*

The principal, as the manager of the school, has to deal with various problems in the school, particularly from children. Among the problems which he has to deal with, are children's behavioural problems, which he attributes very particularly to their wrong interpretation of their rights.

Children are granted rights in line with the present constitution, but my main worry is that they don't observe the limitations of these rights. These limitations need to be explained to the children and other people to reduce behavioural problems.

The principal also indicated that children's limited understanding of their rights has negative implications within social institutions because:

Children disregard the norms and values of society resulting in bad conduct characterised by insubordination, disobedience and disrespectfulness. To me, the rights indicate the do's and don'ts in life.

Children's bad conduct defeats the main ideals of the UN Convention which created special rights for children. As a result many people who are daily bombarded with children's ignominious behaviour question the rationale behind granting children special rights. This social setback can only be addressed through developing a well defined means of deliberately improving children's knowledge and understanding of their rights. The principal was deeply concerned as he indicated that children's bad conduct contributes to the poor culture of teaching and learning in schools. He argued that:

The main cause of the deterioration in the quality of teaching and learning in schools, is the ideology of the struggle. We need a means of changing children's mind set from thinking about those defiant practices and behaviour to thinking positively and constructively.

The continued undermining of authority and children's demand for unlimited freedom pose a serious problem in the control and management of learners in schools. Teachers, on the other hand, cannot reconcile the emphasis on children's rights and the need to ensure that children respect the code of conduct of the school. The principal explained that:

Since the abolishment of corporal punishment, teachers are struggling to find a suitable alternative means of punishment. They tried manual work as a form of punishment but learners seem to enjoy it; to some learners suspension means another holiday whereas solitary confinement means sleeping time to them.

While teachers are faced with a daunting challenge of finding an effective alternative method of enforcing good discipline, the level of lawlessness in most schools is rapidly increasing. It is noticeable that parents, teachers, principals and also learners complain about the increasing dysfunctionality of schools because of a lack of discipline and self-discipline.

When asked if they have a school policy to deal with problems in their school, this principal responded:

No! In my school totally no!! To tell the honest fact, we did try to formulate it, but it was left incomplete. We need training from the department on a document of this nature.

In the absence of effective policies, the school will continue to grapple with a host of unresolved problems. The government should intervene to address this situation to pre-empt the deterioration of education and training in the country.

Children's attitude regarding their rights reflects an oversight with regards the accompanying responsibilities. The principal suggested that in order to address this problem:

Teachers should be trained on rights and responsibilities so that they can be able to inculcate this knowledge to the learners. The curriculum and method of teaching should change to reflect rights and responsibilities.

This suggests the introduction of human rights-education in schools as a means of addressing the confusion and misconceptions surrounding children's rights.

The principal also described teachers' behaviour as contributing to the problems experienced in schools. The migration of teachers from rural areas to the cities has a negative impact on their level of work commitment. Most teachers in rural schools live in metropolitan areas and make, on average, a two hours' single trip to school. The fact that they have to wake up very early in the morning and to travel long distances to work is very strenuous. As a result, the principal complained that:

Because of the issue of "migratory or commuter teachers", most of them are no longer as motivated as they were before. They are so reluctant to do their work. There is too much laxity and the rate of absenteeism of teachers in schools is too high. It presents a negative effect on children's education.

Commuting from urban areas, also creates a problem of late coming. As many as 50 percent of the teaching staff in the same school come late almost regularly because of transport problems. As a result it becomes virtually impossible to control the late coming of learners. The time lost because of late coming makes it impossible for teachers to complete the syllabi, which cripples the learners' performance in the final examination.

This situation prompted the principal to say angrily:

To revive the culture of teaching and learning, I think I should adopt a very radical stance of a principal and be given the power to "hire and fire" teachers if this will help.

The principal's emotional reaction is justified because of the frustration principal, in most schools, have to contend with, due to teachers who come late to school or absent themselves from school on a regular basis. The Department of Education should pay particular attention to this problem. Teachers should not be forced to travel an unreasonable distance. Travelling long distances depletes their energy, before they even start with their teaching responsibilities.

When asked about the effect of teacher union strikes on children's education, the principal responded:

Well, strikes as a form of collective bargaining are the right of an organisation. But they have a serious negative effect on the education of learners, because much of the teaching learning time is lost during the strike.

Teacher union strikes undermine the trust and dependency relationship between the teacher and the learner. By going on a strike, the teachers are betraying their relationship of trust and authority with the learners. This creates the impression that teachers are less concerned with the education of learners. Teachers should realise that whatever they do can either strengthen or destroy moral values and that their personal attitudes and behaviour have a powerful influence on the development of the children.

The problems within the social institutions are becoming increasingly difficult to resolve because some social aspects seem to condone them. The behaviour of certain teachers contributes to the chaos and decline of the standard of teaching and learning in most schools. The contents of many television dramas seem to encourage the subversion of morality by presenting the unsavoury side of human behaviour which is imitated and practised by children. Children's incorrect perception of their rights mislead them into disregarding the norms and values of society. Therefore all important stakeholders in the education and development of the child should address the prevalent misconceptions of children's rights as a matter of priority.

5.3 TENDENCIES THAT EMANATE FROM THE FINDINGS

In the wake of the development of democracy in South Africa, most children were introduced to the importance of having rights without meticulous explanation. The joy which resulted from the freedom from oppression and the desire to exercise their rights for the first time led to various forms of misconceptions and misinterpretations. As a result, the confusion emanating from the vague idea of the concept "rights" has led to widespread rebellion and misconduct. The following are some tendencies that appear in many rural black secondary schools:

- Children act irresponsibly by leaving home without the permission of the parents and coming back late at night claiming that to be their right.
- Children overemphasise their rights, while wilfully neglecting the concomitant responsibilities and limitations in relationships with others.
- Children are inclined to exercise their rights absolutely ignoring that in doing so they violate other people's rights.
- Children view their rights as a licence to act as they please or as they see fit. They disregard the norms and values of society resulting in troublesome conduct characterised by insubordinate, disobedient and disrespectful behaviour in the community.
- Learners take advantage of the abolishment of corporal punishment, which seems to have weakened the teachers' authority in maintaining good discipline. They misbehave, disobey and disrespect their teachers. They deliberately disregard the rules, regulations and governance of the school.
- Most children are faced with the plight of the disintegration of family units due to the migrant labour system, death of parents because of AIDS and other social evils. They are deprived of a good moral upbringing because there are no responsible adults to guide them.
- Children tend to spend too much time in the taverns where they abuse substances, acquire bad habits, become susceptible to STD's and HIV/AIDS infections and open to teenage pregnancies.
- There is an increasing feeling of despair and hopelessness in parents concerning the restoration of moral values in children. Most of them have adopted the 'wait and see' attitude towards their erratic children.
- Parents are reluctant to discipline their children because they allege that permissive behaviour is in fashion. Sometimes they succumb to the situation saying that there is nothing they can do because these children have "rights".
- The high rate of absenteeism, late coming and laxity among teachers has a negative impact on the education of children.
- Strikes by teachers cause a loss in valuable teaching-learning time and also breaks down effective teaching and learning.

- Community leaders, teachers, parents as well as children referred to the negative influence of the media concerning the casual presentation of nudity, sexuality, violence and vulgar language.

5.4 INTERPRETATION OF THE FINDINGS AGAINST THE NEGATIVE TEACHING AND LEARNING CLIMATE IN THE TWO SCHOOLS

The school should strive to create circumstances conducive to teaching-learning activities which will have a positive meaning for all the participants. Such circumstances are determined by the type of educational encounter amongst members of the school community and the way in which the school is been taken care of and developed. A positive teaching-learning climate affords the teacher the opportunity to influence the child positively with the specific purpose of affecting changes of significant value (Griesel 1988:16). However, negative elements do occur, which frustrate the aims of the teaching-learning situation. This is primarily on account of the misconceptions, overemphasis and lack of implementation of children's rights.

The conditions in which teaching and learning occur in the two schools, where the empirical research was conducted, are pathetic. It impacts negatively on the quality of teaching and learning in these institutions. The schools are in a poor condition: windows and doors are broken, floors and walls are dirty and cracked, ceilings are broken and have caved in and roofs are old and neglected. Inside the classrooms the paint is peeling off the walls, most chairs, tables and desks are broken. There are no pictures on the walls, except the graffiti which indicates the level of media influence on children. These conditions do not only subject children to adverse weather conditions, but also create an impression that the learners are neglected and also casts doubts on the value attached to the education offered in such schools.

The school facilities are characterised by high dense grass, which have only been cleared around the school. This indicate that the communities have given up the maintenance and development of the schools, it is also indicative of the poor parental involvement in the school activities. Teachers and learners feel neglected and this discourages them to carry out their educational obligations effectively. Furthermore, learners develop the perception that they are

being offered an inferior type of education. It is not uncommon to find that the rate of absenteeism and dropout is high - learners feel that there is nothing to lose.

The level of unemployment and poverty is relatively high in these communities. Deprivation and hunger are rife in the communities. This impacts negatively on the attendance and level of concentration of learners in class. Most learners attend school from 08:00 to 14:00, without any meal. A number of learners normally do not return after lunch break and some of those who come back look exhausted and sleepy because of hunger. The learners underperform because of irregular school attendance and disturbed concentration in class. Learners who fail repeatedly in the same standard end up dropping out of school, increasing the number of unemployed people in the community.

Learners do not respond promptly to the bell or siren which signals the beginning of the school day, change of periods and/or breaks. This leads to much time wasted while waiting for the learners to either assemble for morning devotion, change classes or move back to their classes to resume lessons after breaks. Teachers are unable to complete the syllabi and this exacerbates the failure rate at the end of the year.

Learners despise their teachers' authority, particularly when they are late. They continue to drag their feet even if their teachers urge them to run. When, out of anger and frustration, the teachers lock them outside the school, they are delighted because they miss their lessons. Sometimes when learners are instructed to go home because they are late, they would turn back home with no sign of remorse or agitation. It is, therefore, not surprising that results are bad at the end of the year. Parents are not perturbed when they return earlier while other children are still at school or they are not aware of what is happening to their children because they are away on work commitments in the cities. This indicates a lack of collaboration between the family and the school, which creates disciplinary and behavioural problems.

Class attendance by teachers leaves much to be desired, because at certain stages children are left unattended in class. The noise made by these children is disturbing but teachers in the

adjoining classes are not concerned about the noise. There is little concern for a stimulating and conducive teaching and learning climate.

Learners tend to disregard their teachers even if they rebuke them. The abolishment of corporal punishment creates the impression that children are "untouchable". Teachers, on the other hand, are gripped by the fear of a jail sentence and job loss should they apply corporal punishment to troublesome learners. This renders teachers powerless in the wake of increasing indiscipline in schools.

Discipline is the fundamental essence in realising the objectives of the educational encounter. The absence of this essential aspect is a major cause of chaos within the educational institutions. Discipline embodies the acceptance of authority and obedience by the learner. In defying the authority of the teachers, children are rejecting the guidance, encouragement and support which would assist them to develop into responsible adults. Obedience on the other hand finds its precipitate in listening, choosing and acting together in accordance with what is valuable in life (Griesel 1988:59). However, these things are not possible in these schools, because learners are disobedient and disrespectful towards their teachers. There is little possibility for effective teaching and learning in situations devoid of discipline. Instead, children who emerge from such a situation, are lawless and destructive.

Another disturbing factor that emerged during the period of research, is the clear indication of discrimination against the girls in the two schools. Indications are that teachers are quick to rebuke and punish girls if they disobey rules or do not dress in school uniform, whereas boys are allowed to get away with any kind of behaviour and dress code. It creates an imbalance in terms of moral development because girls grow up knowing that rules and regulations are to be observed, whereas boys develop the idea that rules and regulations are there to be violated. As a result more boys than girls are prone to criminality and substance abuse. Furthermore, this discriminatory punishment meted out, particularly by male teachers, results in most girls developing an attitude of slavish obedience to authority. Such girls become vulnerable and easily succumb to sexual demands from boys (and men) leading to increased teenage

pregnancies. The teachers' behaviour in this instance perpetuates the traditional stereotype that men are superior to women, which finds expression in the abuse of women and children.

The national and provincial governments should address the unfortunate state of affairs in rural black schools, as depicted by these two schools. The education of the rural communities should receive a budget priority if the quality of teaching and learning in such schools is to be improved.

5.5 CONCLUSION

This chapter presents the findings of the empirical investigations. The data collected during in-depth individual and focus group interviews and observation have been presented and discussed. Negative tendencies which came to the fore are described and interpreted. The last chapter will provide the résumé of the research findings. Implications will be highlighted and recommendations offered.

CHAPTER 6

RÉSUMÉ OF THE RESEARCH FINDINGS, RECOMMENDATIONS FOR IMPROVEMENT OF PRACTICE AND FURTHER STUDY

6.1 INTRODUCTION

The final chapter presents a synopsis of the investigation in order to show that the aims as expressed in 1.4 have been addressed and achieved. The résumé of pertinent findings emanating from literature study and empirical investigation is given. Recommendations for both the improvement of practice and further study derived from the research are briefly set out. Finally, the limitations for the present study are outlined and a brief synthesis given.

6.2 A SYNOPSIS OF THE AIMS OF THE STUDY

Children's rights embody significant ideals in the lives of children, which in most cases are still to be realised. The knowledge, understanding and interpretation of children's rights are determining factors in the manifestations, and the realisation of the ideals of these rights (1.1). The important socio-educative implications of children's rights should motivate society to invest time and energy in protecting the best interests of children as the hope and custodians of the future (1.2).

In exploring the socio-educative implications of children's rights in black secondary schools and the subsequent influence this has on children's education and social relationships (1.4.1.1), the study revealed children's lack of understanding of the concept "rights" with subsequent misconceptions and misinterpretations leading to social instability. Therefore the concept "rights" and the concomitant responsibilities need to be clarified to the children in particular and society in general to eliminate the misconceptions and misinterpretations in order to guarantee positive manifestations of these rights (1.3). This will contribute to social stability and order, as rights will be manifested by positive attitudes, good relationships and acceptable behaviour among people (1.1)

The attitude of most black senior secondary school learners towards the exercising of their rights is revealed by the study to be negative, leading to lawlessness and chaos within educational institutions. Thus the improved understanding of rights (6.4.1.1) will have far reaching implications within socio-educational institutions, in actualising educational essences, restoring authority and discipline, and establishing a conducive climate for teaching and learning to occur. Children's overemphasis of their rights without responsibilities and the absolute practice of their rights cause conflicts between themselves and their educators. The significance of the social context and the formation of positive attitude in exercising (children's) rights will enhance the embracing and practice of democratic principles. In recognising and respecting each other's rights, members of society will help to minimise social ills, which are becoming pandemic.

The legal protection of children's rights, such as the abolishment of corporal punishment seem to be used as a leverage to undermine authority and discipline in schools with adverse consequences in schools. Educators, as agents of transformation and the trustees of the future of the nation, should encourage good discipline in children to lay solid foundations for the inculcation of good norms and moral values.

This will help to build a visionary, peaceful and prosperous nation. Children's acceptance of discipline influence their relationships with their educators and the quality of education they will subsequently receive from their educational encounter.

The establishment of a positive human rights culture in society is imperative in ensuring social stability and justice. This will ensure equal benefit from the human rights ideals and minimise the self-destructive tendencies eminent in the negative manifestations of rights. The world should sustain its commitment to save the children by persistently advocating and protecting children's best interests and preparing them to be responsible bearers of the norms, values and traditions of society.

6.3 COMPARISON BETWEEN THE FINDINGS OF THE LITERATURE STUDY AND THE EMPIRICAL RESEARCH

Both the literature study and empirical research provided valuable information in clarifying the implications of children's interpretation of their rights for their education, relationships and behaviour. To point out the patterns which emerge from the study, the findings are presented in a table form.

Findings from literature study	Findings from empirical study	Comment/ Difference
Some parents have serious reservations on the introduction of children's rights because of the anticipated effect they will have on family relationships.	Most parents are not receptive to children's rights because they seem to challenge their authority in the family and also affect the natural parent-child relationship.	This suggests a lack of understanding on the nature and aims of children's rights.
Adults should form children's character by giving and exposing them to good moral values and by establishing a proper understanding of human rights and responsibilities.	Educators seem impeded by their inability to distinguish between upholding children's rights and maintaining good discipline.	Educators have a limited understanding of rights issues.
Time and energy should be invested in protecting and promoting children's well-being.	Educators do not always understand and feel comfortable with children's rights and therefore do not join in the advocacy campaigns.	Educators should be empowered on rights' issues.
Children should submit to their parents' authority and accept their moral guidance.	Children display disturbing levels of insubordination and disregard for the adult community.	The declining standards of morality are highlighted.
Most black rural children miss the moral upbringing provided by their parents due to the disintegration of family units, which has dire consequences in their development.	Most children who are left by themselves are inclined to indulge themselves in all sorts of bad behaviour.	The moral development of children should not be compromised.

Most rural schools are faced with poor conditions and lack of resources.	Most rural schools are operating in deprived communities.	The government and NGO's should seriously consider the value of education given by rural schools.
Parent involvement indicates better learner development and school attendance.	Schools feel deserted by parents in their struggle with children's education, discipline and behaviour.	The establishment of comprehensive parent involvement programmes is a necessity.
Children show an increased involvement in violence and crime.	The exclusive overemphasis of children's rights leads to moral degeneration.	A solid moral foundation has to be laid within socio-educational institutions.

Teachers' strikes are condemned as egocentric and destructive to the education of the children.	Strikes disturb the rhythm of the teaching-learning process and also waste valuable teaching-learning time.	Teachers' rights to strike should be reviewed.
Some teachers are not dedicated to their responsibilities.	There are teachers who neglect their responsibilities for personal reasons and also absent themselves from school on a regular basis.	Stern measures of supervision and control should be introduced in schools.

Teachers' neglect of their teaching responsibilities demotivates learners from fulfilling their learning obligations.	Teachers' late coming and time wasting tactics adversely affect the culture of teaching and learning.	Teachers are inclined to forget that they are important role models.
The dedication of teachers is frustrated by the learners' lack of academic discipline.	Learners' lack of ambition derail their focus which leads to self-destructive practices.	Parent involvement is essential to bridge the gap between home and school.
School reconstruction is imperative in addressing the chaotic situations prevalent in schools.	The abolishment of corporal punishment creates an impression that teachers are powerless in maintaining discipline in schools.	Authority has to be restored in schools.
Religious institutions strive to actualise meaning, direction, anchor and good human ideals in a person's life.	The misconception of the right to freedom of religion as meaning not being religious erodes the practice of good moral values.	The value of religion in sustaining good moral values has to be re-established

Social clubs afford children a chance to develop and practise social skills.	Lack of well established leisure time activities leaves children vulnerable to social ills.	Guidelines on the spending of leisure time are indispensable.
Most television programmes depict the less savoury side of human behaviour.	Children are more inclined to experiment with the content of television programmes.	The moral content of television programmes should be viewed as a matter of priority.
Television dramas have a strong influence on social behaviour.	Television presents a different set of norms which is quickly assimilated by youth.	
Presenting the existing social ills on television will help to redress unsavoury human behaviour.	Youth are action-orientated and they will not follow the moral philosophising of television dramas.	Thorough editing of television programmes is recommended.

6.4 RECOMMENDATIONS

6.4.1 The significance of an improved understanding of rights

The investigation has revealed that the sudden realisation of (human) rights has caused widespread confusion and chaos within socio-educational institutions (1.1).

The informants confirmed that they have a limited knowledge and understanding of human rights, which causes behavioural and relationship problems (5.2 and 5.3).

Community members have varying degrees of the misconception of human rights, which results in widespread tendencies of negative manifestations of rights (5.3).

The investigation also revealed that most children's experience in socio-educational institutions has an adverse effect on their development and well-being (3.2.1.1 and 5.4).

6.4.1.1 *Recommendations for the improvement of current practise*

It is not sufficient for people to just know that they have rights. They should also understand the meaning of rights in their lives, the implications of rights for their lives and, the accompanying responsibilities and limitations. Therefore society should take a collective responsibility in educating its members on aspects of human rights through the socio-educational institutions as follows:

- **COMMUNITIES**

The community should establish human rights advocacy campaigns to educate community members on human rights issues. These campaigns should be led by a delegation formed by representatives of all social sectors in the area. The main focus of the campaign should be on the meaning, responsibilities, limitations, the implications, implementations and possible consequences of the negative manifestations of human rights. The delegation spearheading this campaign should employ the services of the human rights commissioners to assist them in demystifying human rights and related aspects. Pamphlets on human rights, the accompanying responsibilities and limitations should be distributed in this campaign. Community radio stations should also be used to educate the listeners about issues of human rights.

- **FAMILY**

Parents are in good position to understand children's behaviour and the factors, which may lead to undisciplined behaviour. Therefore parents should always make time to educate children on the meaning of rights, the accompanying responsibilities and limitations of rights. These discussions between parents and children should occur regularly to allow for evaluation on the change of children's attitudes on these aspects. Parents should emphasise the importance of the positive manifestations of rights in accordance with democratic principles. The improved understanding of rights will enable children to pre-empt abusive situations and improve their behaviour, attitudes and relationships with other people in their life world.

- **RELIGIOUS INSTITUTIONS**

Churches and church leaders should play a major role in improving the understanding of rights as part of their formative tasks. Ministers should integrate human rights issues into their teaching of moral values, because the two aspects should not be divorced. The improved understanding of the responsibilities and limitations of rights will enhance the practice of good moral values, as preached in the church and in the community in general.

Sunday school lessons should include some aspects of human rights, their meaning and implications in life from a religious point of view. This will help to build a solid foundation for the positive manifestations of human rights by the congregants. These teachings will also filter through to the other members of the community thereby improving the attitudes of community members on human rights.

Human rights issues should also form part of the discussions during church conferences and seminars.

- **THE SCHOOL**

Teachers in the schools know children intimately because of their daily contact and interaction. Beside the parents they are the most important adults in children's lives and they know and understand what children need. As a result educators are obliged by their understanding of the children and their (children's) needs to take action towards educating children towards a better understanding of children's rights (2.6.2). To facilitate this process there is a need for the introduction of rights-education as part of the curriculum in all grades in schools. The introduction of rights-education in the early grades is important to empower children to pre-empt the widespread abuse of children and to sensitise children on human rights issues before biases and prejudices are formed and hardened, (Urman 1986:386).

The new system of Outcomes Based Education has moved in the right direction by introducing the Bill of Rights in Life Orientation for Grade 7, (Swart et al 1999:103). This, however, is

insufficient to counteract the existing widespread negative tendencies and attitudes on the manifestations of human rights.

For rights-education to be successfully introduced in schools there is a need to provide teachers with the skills and knowledge they would require to deal more effectively with the demands of human rights-education. Specific instructions on the teaching of human rights are desirable. The primary objective of rights instruction should be to stress basic concepts, such as the meaning of rights, the rights of others, the concomitant responsibilities and duties, and basic notions of equality, justice and freedom, (Urman 1986:385-6).

A variety of curricula materials, including main-course, special human rights instructional units, procedures for special workshops, conferences and seminars, as well as a few models for instructional planning and curriculum change, should be developed and made available for the introduction of human rights instruction in schools (Snider 1971:173).

Rights should be integrated into the Life Orientation Learning Area in all grades, according to the categories as follows:

- **Basic children's rights** should form the foundation of human rights instruction, as they are more concerned with the well-being and development of children. Thus, they should be systematically introduced from Grade R to Grade 6.
- **Civil rights** should be introduced in Grade 7, to enable children to understand their social position, form relationships and to know the type of treatment they are entitled to.
- **Social rights** should be added in Grade 8 to enable children to follow safety precautions as they will be exploring a great deal in their life world.
- **Cultural and economic rights** should be added in Grade 9. This grade marks the end of compulsory education, where children should be prepared to make informed decisions in their life, such as career choice.
- **Political rights** should be introduced in Grade 10. At this stage children will be enjoying increased participation in local and national activities. Thus they should know how to

relate to other people and to access important information. This should also prepare children for their future role as voters.

- In Grades 11 and 12 emphasis should be on the interpretation, implementation and implications of human rights, and this should be done in conjunction with moral and democratic principles.

This proposed model of rights-education will ensure that schools prepare a generation of young people who have a thorough knowledge of, and commitment to human rights and moral values without which life itself will become meaningless.

- **GOVERNMENT AND NGO's**

The government should train and prepare teachers to meet the demands of rights-education by organising and funding in-service training programs. It should make the teaching-learning materials available for the introduction of rights-education, and also appoint a committee of experts to prepare instructional units on human rights. It is important for the government and the NGO's to invest money, time and energy into securing that children have a thorough understanding of, and commitment to the values that underpin human rights. This will minimise the economic loss, which is brought about by the negative manifestations of human rights.

6.4.2 The implementation of effective policies in schools

The effective implementation of and abiding by predetermined systems and procedures in schools ensure that there is order and stability for quality learning and teaching to occur. The informants agreed that the absence of these systems and procedures in the form of effective policies, result in chaos in many schools. Discipline becomes a serious problem to maintain, as there are no definite ways and means of dealing with these problems. The interviews with the school principals revealed that the school policies are a problem in both their formulation and implementation in many black schools, (5.3).

Both the literature study and the empirical research revealed that school security is a major problem in most schools and it need to be addressed without compromise, (3.2.4.1, 3.2.5 and 3.5.4). The roles of the different stakeholders in the school need to be clearly defined and to be diligently fulfilled to ensure quality service delivery (2.6.2). Good relationship structures and behavioural patterns should be established and sustained as part of the culture of the school (1.3).

6.4.2.1 *Recommendations*

The government, through the Department of Education, should engage the services of consultants to workshop the school management teams and the school governing bodies on the formulation and implementation of school policies. It should also institute a monitoring system through the circuit managers and the curriculum implementers, which should check and advise on the effective implementation of these policies. The school policies should be formulated from a broader consultation with the school community to ensure that it is informed by the needs and situation analysis of the school. Broader consultation will convince the school community to develop ownership of the school policies for easy and effective implementation.

Schools should refrain from applying circumstantial approaches in dealing with school issues. Instead they should institutionalise these policies in order to create systems and procedures for dealing with school issues.

The schools should then put procedures in place to educate members of the school community on the school policies, where staff members and school governing body (SGB) members discuss these policies with the aim of empowering one another on their contents. Teachers should educate the learners, whereas the SGB members should educate the parents on the contents and implementation of the school policies. Copies of the school policies should be made available to each member of the school community where practically possible.

The effective implementation and institutionalisation of these policies will create order and stability in the school, because there will be rules and regulations to govern all the school

activities. Discipline and relationships in the schools will be improved, as there will be a code of conduct in place to spell out the forms of acceptable behaviour and the punitive measures for any transgression. School security will be improved, as there will be mechanisms in place to address school violence and vandalism. The child's needs in terms of service delivery will be satisfied because the school policy will allocate duties and also delegate powers to fulfil those duties to the relevant members of the school community.

6.4.3 The significance of the level of education of school governing body members on school governance

The informants indicated the need for the parent component of the school governing body (SGB) to be of a particular literacy level, to ensure good governance of the schools (5.3 and 5.4). This indication results from the fact that most members of the parent component of the SGB's in rural black public schools are either illiterate or semi-illiterate. Quality management is determined by the ability of those in management function to fulfil their responsibilities competently.

6.4.3.1 Recommendations

The SGB is expected to ensure that the school provides the best possible education to the learners to benefit the community, which the school serves. To accomplish this objective, all SGB members should bring a certain level of experience, knowledge and skills to the task of governing the school. The guideline for the election of SGB members offered by subsection 2(a)(23) of the South African Schools Act 84 of 1996 - which makes parents of registered learners at a particular school to be legally legible for election into the SGB, is insufficient. There should also be a consideration of the literacy level of the parents who are elected into SGB's. A certain minimal level of qualification should be introduced, particularly in black rural schools - at least grade 10 (standard 8), and this should be revised in future. This, however may be a challenge in many rural communities and an obstacle for parent involvement in schools because of the legacy of illiteracy prevalence in most black communities. In communities where most parents are illiterate, schools should continue to elect such parents into the SGB's, but also co-opt the retired professionals to serve as additional members.

Such a minimal level of educational qualifications will enable the parent component to:

- Read and understand legislation, which vests them with their authority and also give them guidelines on the governance of the school.
- Formulate, implement and institutionalise the school policies.
- Know what their schools really need and to resolve problems in their schools.
- Speak for and on behalf of the school because they will be sure of their role.
- Be able to make informed decisions about and for the school.
- Discharge their duties with confidence.

With these skills and expertise the governing body will be able to function effectively on its own. The teacher component's tendency to manipulate the parent component will be reduced.

The recommended level of education and the necessary skills of the parent component of the SGB, will improve the school governance with subsequent improvement on the quality of teaching and learning in schools.

6.4.4 The importance of the educators' commitment on the general attitude of learners

The investigation revealed that in some schools, teachers who fail to attend to their teaching responsibilities frustrate learners' educational expectations. Teachers also have the tendency to disrupt the school programme for their union activities, (3.2.4.1 and 5.4). Late coming and absenteeism by teachers is a serious problem in most black schools (5.2 and 5.3). Some teachers' lesson preparations and subject competence leaves much to be desired (5.3).

6.4.4.1 *Recommendations*

Teachers should be genuine pedagogues with well-defined objectives in their approach of teaching learners. Lack of proper direction in the teaching process causes confusion and frustrates the teaching-learning efforts.

A system of class visits by the Head of Departments, principals and circuit managers with an aim of monitoring and mentoring, should be introduced in schools. The teachers' qualifications and capability in the subject should be taken into serious consideration when subject allocation is done. This can be made possible by staffing the school according to its curricular needs.

Teachers should realise that they are not only responsible for the academic advancement of learners, they also have a strong influence on the learners' attitude towards the school and its activities in particular, and their approach to life in general. Therefore, they should be exemplary in the way they interact and treat other people, dress, in observing and demonstrating the norms and values which they want to inculcate in the learners, abiding by the school policies and the constitution of the country, and in their approach and attitude towards the school and its activities.

The Department of Education should take drastic steps against incapable and errant teachers. It should also conduct refresher courses on regular basis to keep teachers abreast with the new challenges and developments in their subjects.

The government should avoid introducing too many drastic changes, within a short period of time in schools, as this causes confusion and uncertainty in teachers resulting in declining teacher morale. It should also ensure that there are necessary resources for any new system, which is introduced in schools, for effective implementation. Curriculum 2005 is one such system of education, which has caused widespread confusion in schools. Teachers, with their training ranging from three days to a week, are still not sure of what to do when they go to class to offer lessons. Some do not even have a single textbook to guide them. This system of education favours the affluent schools with better resources and learners can readily access information. Disadvantaged schools are plagued with a shortage of resources, and in such schools, teachers do their work with little enthusiasm and interest, which also filters through to the learners who then attend school with little or no ambition.

6.4.5 The value of aftercare centres

Most black children have serious problems in spending their leisure time. They occupy themselves with activities, which have an adverse effect on their life (5.3). Most children continue to resort to the taverns and shebeens for the purpose of socialisation, and they end up acquiring a different set of norms, which is contrary to that of their community, (3.2.1.3 and 5.3). The communities also fail to secure and guarantee that children receive all the services they deserve (2.6). The rate, at which HIV/AIDS is spreading amongst children in particular, is a worrying factor.

6.4.5.1 *Recommendations*

The communities should establish aftercare centres to curb the level of licentious behaviour amongst children resulting from the freedom they demand for themselves. Children have too much free time particularly after school, during weekends and holidays, which they spend in ways which pose a threat to their well-being. Therefore, parents should work on ways of engaging their children per block or section in cultural and sporting activities. This should be done under the supervision and guidance of a parent(s) who has a recognised expertise in that particular cultural or sporting activity for the purpose of talent or skill development.

These aftercare centres may be in the form of community halls, recreational and sporting facilities and libraries, which should afford children a variety of activities to choose from, and to engage him/herself constructively. Parents should encourage children to use these centres and to support them in totality in their participation in the activities of their choice. Parents should also encourage children to use the library for both academic and recreational reading.

If these centres are not available, parents, as part of their advocacy function for children's rights, should demand that the local, provincial and national government should establish them. The government should make funds available for the establishment of the aftercare centres because of the benefit it will accrue as a result of the protection and proper development these centres will provide for the children.

6.4.6 Restoring authority in educational institutions

The authority of the inspectors, principals, subject heads and teachers which was undermined during the defiance campaign is a major cause of disciplinary problems within the educational institutions (3.2.4.1). The informants revealed that the weakened authority of educators has become problematic in the management of learners (5.4). Without authority, educators have lost control of the educational institutions leading to the declining culture of teaching and learning (3.2.5). The absence of an effective means of disciplining learners leaves teachers with a daunting task of maintaining order in classrooms (5.4).

6.4.6.1 *Recommendations*

Members of the school community should be informed of the rules and regulations governing the educational institutions. Any contravention of these rules and regulations should be dealt with according to the stipulated procedures without hesitation or compromise.

People should be made aware that within the democratic dispensation there is no room for defiance as this promotes anarchy and instability.

Educators should realise that corporal punishment is not the be all and end all of maintaining discipline in schools. There are many other effective ways of punishment which they can devise if they correctly apply their creativity and situation analysis, such as sitting down with the culprit to discuss his/her problems, looking at the culprit, detention and emphasising of rules, regulations and code of conduct of the school and /or classroom, or engaging the learner's parent(s) in disciplining him/her. Teachers should also read literature on maintaining good discipline to find other alternative methods.

The government should engage the circuit managers and curriculum implementers in workshopping teachers on the SACE code of conduct and the Employment of Educators' Act.

6.4.7 The important role of parents in ensuring the acceptance of authority

The investigations revealed that in most rural black families children are left by themselves at home with little or no moral guidance given (3.2.1.1).

The collaboration between the home and school is still a problem in many schools (3.2.4.1). Most parents withdraw from disciplining their children alleging that children's bad behaviour is a widespread practice over which they have no control (5.4). The tendency of parents to either utter negative remarks about the school or abdicate their responsibilities with regard to children's school activities poses a serious threat to the discipline of learners in schools (5.4).

6.4.7.1 Recommendations

It is important for at least one parent to be at home everyday or part of each day to ensure that children enjoy full parental care, protection and guidance. If the parents are at home with children they will be able to teach them good moral values and to also notice the early signs of behavioural problems in their children and correct this timeously.

The collaboration between the home and school in addressing some of the problems the youth have to contend with is of paramount importance.

Arrangements should be made for parents to take turns in coming to school in the morning on certain days to obtain first hand information of their children's late coming and discipline problems in school. Parents should also be given a chance to talk to their children regarding the code of conduct of the school and to encourage good behaviour in children.

Teachers should hold regular meetings with parents to discuss children's problems. Teachers should also explain to the parents the importance of the school and its activities in the development of their children and why they need to be involved in the education of their children.

The involvement of parents in the school activities will help teachers to understand the children's behaviour and how to handle them. In this way good discipline can be re-established and maintained in schools.

Parents have an important role to play in planning and making decisions that mediate the child's involvement in society, which include arranging for the child's education, health care, day care, religion and the mode of social and political expressions, through decisions about the child's social life, contact with relatives, and exposure to political beliefs and activities (2.6.1). Thus they will have an effective voice in admonishing children for their undisciplined behaviour. In ensuring that children accept and respect authority, parents will enhance their children's social development so that they will derive maximum benefit from their education.

6.4.8 The significance of maintaining a balance between children's rights and positive norms and values

In the wake of children's rights, most children tend to disregard the norms and values epitomised by the adults (3.2.3). The informants revealed that there is a widespread disrespect and insubordination by children against adults. The freedom which children demand for themselves is the major cause of the erosion of moral values of society (5.3).

6.4.8.1 Recommendations

The freedom given to children should be limited and guided by the norms and values of society. All the important people in a child's life should emphasise the significance of positive values and norms. Adults should not hesitate to withdraw children's rights if this tends to threaten the moral values and the welfare of the child.

Educators should teach children to act upon choices, which are morally good. This they can achieve by developing both the child's faculty of choosing and inculcating into the child a sense of responsibility and to consistently expose the child to good rather than to bad examples (3.2.2).

Educators should make it clear to the children that rights and responsibilities are synonymous, and that their rights do not give them a license to do as they please and to disregard the adult community. Rights do not replace humility and respect for fellow human beings. Therefore the culture of human rights should not militate against the moral values of society. Instead the two should be linked to ensure social stability.

The government should also ensure that the system of education it prescribes to schools is value driven. It should make sure that it does not isolate religion from education, because religion helps to develop the moral aspect of the child.

6.4.9 Maintaining a balance of rights within socio-educational institutions

The investigation revealed that teacher unions' activities cause serious disruption in the education of the children (2.6.1 and 5.3). The application of human rights often seems to be tilted more to the advantage of certain individuals and groups than to the majority of the law-abiding citizens (2.2 and 3.1.2).

6.4.9.1 *Recommendations*

Teachers are rendering an essential service to the community through the education of the children. As a result their right to strike should be reviewed to minimise the damage done to the education of the children by the teacher union's strikes. The government and civil servant unions should agree on a periodic wage re-adjustment, taking into account the economic position of the time, to pre-empt unnecessary national strikes.

Teachers should attend to their union activities after school hours or during weekends in order not to disturb the rhythm of the teaching- learning process and to pre-empt the loss of the teaching- learning time. In this way they will be enjoying their right to participate in their unions' activities without encroaching upon children's rights to quality education. If circumstances force them to leave learners to attend to union activities, they should arrange for extra time to compensate for the lost time.

6.5 RECOMMENDATIONS FOR FURTHER STUDY

There is a need to conduct further research on aspects relating to socio- educative implications of children's rights, in the following areas:

- The role of the family in improving the understanding of children's rights.
- The role/value of rights-education in ensuring positive human attitudes and behaviour.
- The role of the school in teaching the correct understanding of human rights and responsibilities.
- The correlation of children's rights and discipline in schools.

6.6 LIMITATIONS OF THE STUDY

As a phenomenological research based on qualitative methodology, this study of the socio-educative implications of children's rights demonstrates both the strengths and the limitations intrinsic to such an investigation.

The small size of the sample, typical of qualitative research (4.4.4) is the most obvious limitation of the study. It cannot support a general theory on the implications of children's rights within socio-educational institutions. Different communities will disclose different perceptions of children's rights. On the other hand, this research was designed to be exploratory and descriptive in nature. It was not concerned with generalisation or prediction.

The study, however, allowed for important conclusions to be drawn about the situation in which the two schools are found, about the learners, teachers and parents involved in the focus groups and the significant implications of children's interpretations of their rights on their relationships and behaviour within their life world.

The research was limited to rural black secondary schools, which were purposefully selected for this study (4.4.4.2). Purposive or judgement sampling as a non- probability sampling procedures was employed to select learners, teachers and parents for interview (4.4.4.1). Thus the method

of selection was not based on sufficient criteria to allow a precise replication of the study. The fact that the schools were selected on the basis of their 2000 matric results - one with good matric results and the other with poor results- is another limiting factor because the informants from schools with average results might offer different results (4.4.4.2).

The primary aim of the study was to understand the implications of children's rights from the perspective of the informants within the context of rural black community. Therefore, no attempts are made to quantify or generalise the findings.

Although the information gained from the two schools cannot be used to generalise, the comparison between the findings of the empirical investigations and the literature study, as well as the correlation of the findings of the empirical study and the problems reported in the media in South Africa allow the researcher to suggest that these findings will be useful in other educational contexts in this country.

6.7 CONCLUSION

The democratisation of South Africa ensured that the majority of the people enjoy their rights for the first time. The first democratic government also took steps in the right direction by ratifying the UN Convention on the Right of the Child and also formulating a democratic constitution, which was promulgated in 1996. These two steps were, however, not sufficient to ensure that the majority of the citizens, children in particular, have reasonable knowledge and understanding of (human) rights to guarantee that these rights are exercised in a positive and beneficial way. Subsequently, myth and misconceptions leading to the general misinterpretations, which cause relationship and behavioural problems within the socio-educational institutions in particular and society in general surround these rights. These have adverse implications on the culture of teaching and learning in schools and the stability and peace in society.

It is therefore, imperative to invest time and energy in improving the knowledge and understanding of rights to bring about changes in attitudes and behaviour of children within the socio-educational institutions and in society in general.

In this study, recommendations are made on ways of improving the implications of children's rights within the social institutions, which will positively influence their behaviour and formation of relationships.

Collectively and individually, we have moral, social and economic obligations to protect and implement children's rights in order to save and prepare children to be responsible and visionary citizens.

A nation, which does not take care of its youth, is doomed to a life of social and political instability and economic impoverishment. Investing in children and in their education, health and well-being is a vital requirement for providing the foundation for an economically and politically stable environment in South Africa.

Our united effort in ensuring the positive implications of children's rights will guarantee a future of hope and prosperity, and the dividends will be great for the nation.

We inherit the world
From our ancestors
In trust
For our children.

African Proverb

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Yizo-Yizo Speak Out, March 20, 2001, Broadcast on SABC, TV1.

ANNEXURE A

P.O. BOX 869
0400 HAMMANSKRAAL
22 NOVEMBER 2000

THE DIRECTOR GENERAL
DEPARTMENT OF EDUCATION
MPUMALANGA PROVINCE
PRIVATE BAG X 251863
MIDDELBURG
1055

APPLICATION FOR CONDUCTING A RESEARCH PROJECT

1. The above subject bears reference.
2. As a registered MEd student with the University of South Africa (UNISA), I am supposed to collect data from various sources. And one such source is selected schools.
3. To accomplish this objective, I hereby apply for a permission to conduct this research project within selected high schools within MORETELE DISTRICT, during February and March 2001.
4. The topic of this research project is, "**Socio-educative implications of children's Rights**".
5. This research project is aimed to shed light on the effects of children's rights on their relationships, behaviour and interactions with other people within the educational institutions, and the effects this will have on the educative-teaching and learning process.
6. On completion this project will come handy to the department of education as a source of reference in addressing the disharmonious relationships and unruly behaviour characterising some of the schools.
7. In addition, this project will add to the educational knowledge base for use by the educationists to improve the quality of education in the schools.
8. On completion I promise to give one copy of the dissertation to the department of education.
9. It will be greatly appreciated if this application can be positively considered.

Maluleka J.S.
(Researcher)

MPUMALANGA PROVINCIAL GOVERNMENT

The Galleries
C/o Jan van Riebeeck and
Verdoorn Street
Middelburg



Private Bag X251863
Middelburg
1050
South Africa

DEPARTMENT OF EDUCATION

Our ref:

Tel. No. (013)

Enquiries: Mr SS Motshana

Fax No. 02207375

249 8648

The Applicant
P O. Box 869
Hammanskraal
0400

Dear Mr Maluleka

APPLICATION FOR CONDUCTING A RESEARCH PROJECT

Your request for permission to conduct research within the Moretele District has been granted.

Motshana

.....
for DEPUTY DIRECTOR GENERAL

MR SS MOTSHANA

DATE : 2001 : 01 : 29

ANNEXURE C(1)

Enq: Maluleka J.S.
Tel: 014-7390391
Cell: 0827415969

P.O. BOX 869
HAMMANSKRAAL
0400
19 APRIL 2000

THE PRINCIPAL
RAMOSHIDI COMMERCIAL HIGH SCHOOL

Dear Sir

APPLICATION TO CONDUCT RESEARCH PROJECT

1. The subject stated above has refers.
2. As a Masters student I am conducting a research project on 'THE SOCIO-EDUCATIVE IMPLICATION OF CHILDREN'S RIGHTS'.
3. The aim of this research is to investigate the effect which children's rights have on the culture of teaching and learning in schools and children's behaviour, interaction and relationship with other people. And to come up with recommendations on redressing any negative effect which children's rights might have and to improve on the good things created the said rights.
4. For this purpose, your school has been earmarked, on the basis of last year's matric results, as one of the schools in Moretele District, where I should conduct this research project.
5. Permission to conduct this research project within schools in Moretele District has been secured from the Director-General of Education Mpumalanga Province.
6. However, I am herewith applying for permission from your school, in particular, to conduct this research project, from 23 TO 28 APRIL 1002.
7. The research project will involve conducting focus group interviews with Grade 12 learners, teachers and parents, and participant observation. And it will be conducted in such a way that it causes minimal inconvenience and disturbance to the teaching and learning process.
8. It will be greatly appreciated if this application can be processed positively.

Yours faithfully

Maluleka J.S.

ANNEXURE C(2)

Enq: Maluleka J.S.
Tel: 014-7390391
Cell: 0827415969

P.O. BOX 869
HAMMANSKRAAL
0400
19 APRIL 2000

THE PRINCIPAL
LITHO SENIOR SECONDARY SCHOOL

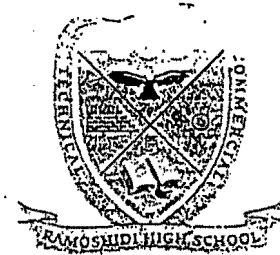
Dear Sir

APPLICATION TO CONDUCT RESEARCH PROJECT

1. The subject stated above has refers.
2. As a Masters student I am conducting a research project on 'THE SOCIO-EDUCATIVE IMPLICATION OF CHILDREN'S RIGHTS'.
3. The aim of this research is to investigate the effect which children's rights have on the culture of teaching and learning in schools and children's behaviour, interaction and relationship with other people. And to come up with recommendations on redressing any negative effect which children's rights might have and to improve on the good things created the said rights.
4. For this purpose, your school has been earmarked, on the basis of last year's matric results, as one of the schools in Moretele District, where I should conduct this research project.
5. Permission to conduct this research project within schools in Moretele District has been secured from the Director-General of Education Mpumalanga Province.
6. However, I am herewith applying for permission from your school, in particular, to conduct this research project, from 7 TO 11 MAY 2001.
7. The research project will involve conducting focus group interviews with Grade 12 learners, teachers and parents, and participant observation. And it will be conducted in such a way that it causes minimal inconvenience and disturbance to the teaching and learning process.
8. It will be greatly appreciated if this application can be processed positively.

Yours faithfully

Maluleka J.S.



PO Box 868 • Seabe • 0417 • Tel: (012) 723 2363 (Messages only) • Cell: 082 870 3733

TO WHOM IT MAY CONCERN

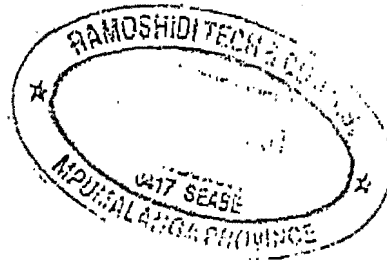
This is to confirm that Mr. J. S. Maluleka, your Masters Student conducted a Research Project at this Institution as from the 23 to the 26 April 2001.

We wish him all the success in his studies.

THANK YOU.

T.H MATSEKE (DEPUTY PRINCIPAL)

T.H Matseke
24/04/01



ANNEXURE D(2)

LITHO SENIOR SECONDARY SCHOOL
PRIVATE BAG X201
KWALITHO
0482
27/09/2001

P.O. BOX 869
HAMMANSKRAAL
0400

Dear Sir

**RE: RESEARCH PROJECT CONDUCTED AT OUR SCHOOL
(FROM 7TH TO 11TH MAY 2001)**

The staff, parents and the learner community of the above-mentioned institution would like to express their gratitude and appreciation.

Our school feel honoured to be among the selected few and hop our little contribution will help shape the future of our children in a more positive way.

Best wishes in your endeavour.

Yours faithfully

(Signed)

.....
PRINCIPAL

**SEMI-STRUCTURED INTERVIEW QUESTIONNAIRE
PRINCIPALS AND TRIBAL LEADERS**

1. Do you think it is necessary for children's rights to be protected by the law?
2. What implication do the introduction of children's rights have in the community and schools.
3. Do children's rights have any effect on their submission to authority at home, school and wider community?
4. How does the adult community perceive the introduction of children's rights?
5. How best can children be taught their rights and responsibilities?
6. Do children's rights have any effect on the moral fibre of society?
7. How can society maintain good moral values while sustaining a good human rights culture?
8. What impact does children's rights have on the behaviour of children both in the community and schools?
9. What is a cause of such a poor culture of teaching and learning prevalent in schools?
10. Do children's rights have any influence on discipline in schools and community?
11. What effect does the abolishment of corporal punishment have on maintaining good discipline in schools?
12. What can be done to teach children that rights carry responsibilities?
13. What can be done to safeguard schools against vandalism and violence?
14. What effect does the unlimited freedom, which children demand for themselves, have on their relationship and behaviour at home, school and community?
15. What effect does teachers' participation in their union activities have on the management of the school in respect of the education of children?
16. How best can leaders ensure the implementation of the laws, which are meant to protect children?
17. What is your view on involving children in formulating policies?

18. Are leaders doing enough to institutionalise the code of conduct in social institutions?
19. What can be done to improve the quality of teaching and learning in schools?
20. What influence does television dramas have on children's moral standard and behaviour?
21. How best can discipline be reinstated in the schools, home and wider community?
22. What role can leaders play in directing children's behaviour in the light of the unlimited freedom which children demand for themselves?

FOCUS GROUP INTERVIEWS QUESTIONNAIRE
PARENTS/TEACHERS' INTERVIEWS

1. Do you think it is necessary that children's rights should be protected by the law?
2. What implications do children's rights have within the (a) home, (b) school, (c) wider community?
3. Will depriving children their rights have any effect on their lives?
4. What is the cause of such a poor culture of teaching and learning prevalent in many schools?
5. Do children's rights have any influence on discipline in schools?
6. Is there any difference in behaviour between the generation of youth prior and after 1994?
7. Do children's rights have any influence on discipline in schools?
8. What can be done to help children to understand that every "right" carries a responsibility?
9. How best can children be taught their rights and responsibilities?
10. Do children's rights have any effect on the moral fibre of society?
11. How best can society maintain good moral values while allowing children to enjoy their rights?
12. Do children's rights have any effect on the teacher's authority in schools?
13. What can you as educator/parent do to improve the declining standards of education in schools?
14. Do you think that all children in S.A. benefit from "children's rights"?
15. What should be done to safeguard children from (a) exploitation (b) psychological abuse (c) physical abuse (d) sexual abuse (e) emotional neglect?
16. How best can educators and parents help to implement the laws, which are meant to protect children?
17. How best can discipline be reinstated in the school, home and wider community?

18. What influence do educators' strikes have on the learners' education?
19. What influence does television dramas have on children's moral standards and behaviour?
20. What role can educators play in restoring the moral fibre of society?
21. What role can parents/educators play in directing children's behaviour in the light of the unlimited freedom which children demand for themselves?
22. What is your view on involving children when formulating school policy?
23. Are educators doing enough to explain the code of conduct of a civilised society to the learners?

LEARNERS' INTERVIEWS

As a way of introduction the concept children's rights, children's responsibilities and negative social factors will be explained to the learners. Furthermore, handouts of children's rights will be given to the learners to facilitate the group discussion.

1. When did you become aware of your rights as a child?
2. How did you become aware of your rights?
3. How can children be taught their rights?
4. Do your rights have any effect on your relationship with your (a) parents (b) teachers and (c) other adults?
5. Do you think that "rights" also carry/bring responsibilities?
6. Does the introduction of children's rights have any effect on discipline in your school?
7. How do you view the abolishment of corporal punishment?
8. What do you think about the standard of and motivation for (a) learning and (b) teaching in your school?
9. What social factors (i.e. moral and sexual licentiousness, alcohol and drug abuse, and lack of jobs) have a negative effect on your life?
10. How can children be protected from the effects of negative social factors?
11. On which issues do adults (parents and educators) allow you to make independent decisions?
12. At what age can children be allowed to make independent decisions?
13. To what extent are you involved in the decision-making processes or the management of the school?
14. What is your opinion on crime in S.A.?
15. What should be done to stop crime in this country?
16. What is your opinion on violence in schools?
17. How do you feel if you miss some of the lessons?

18. What is your opinion on late coming in schools?
19. What is your view on the wearing of school uniform in schools?
20. Do you think that the message of unrestricted conduct in television dramas has any effect on your own conduct?
21. Do parents help you on how to spend your leisure time?
22. What role can you young people play in restoring the moral fibre of society?