

SOUTH AFRICA

Learners' Rights in the Context of CRC, With the Focus on Participation

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The team is based in the three Districts of the Free State Province, namely Motheo, Thabo Mofutsanyana and Fezile Dabi. Our project has focused on two Schools, one in Motheo (R.T Mokgopa Secondary School) and the other in Thabo Mofutsanyana (Tabola Primary School).



1. Introduction

When the United Nations was formed after World War II, the idea was to enable nations to resolve conflicts in a peaceful manner, and ensure that basic human rights are protected and promoted.

Although South Africa and many other countries of the world have ratified the United Nations Convention on the Rights of the Child, the prescripts of the convention are always violated.

The interest in the project was aroused due to the fact that many incidents of violations of children's rights are reported in the newspapers, radio and television. The

incidents of violations range from corporal punishment, non-involvement of learners in committees such as the School Governing Body (SGB), and the right of learners to education is violated through lack of commitment by some educators to giving quality education to learners due to absenteeism, lack of preparation and non-compliance to the laws that govern education in South Africa.

2. Frame of reference

The Education system in South Africa

All South Africans have the right to a basic education, including adult basic education and further education. According to the Bill of Rights of the country's Constitution, the state has an obligation, through reasonable measures, to progressively make this education available and accessible.

School life spans 13 years or grades, from grade 0, otherwise known as grade R or "reception year", through to grade 12 or "matric" – the year of matriculation. General Education and Training runs from grade 0 to grade 9.

Under the South African Schools Act of 1996, education is compulsory for all South Africans from the age of seven (grade 1) to age 15, or the completion of grade 9. General Education and Training also includes Adult Basic Education and Training (ABET), which is available to adults who want to finish their basic education.

Further Education and Training takes place from grades 10 to 12, and also includes career-oriented education and training offered in other Further Education and Training institutions – technical colleges, community colleges and private colleges. Diplomas and certificates are qualifications recognised at this level.

The Convention on the Rights of the Child

According to Article 12: "Parties shall assure that the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

Article 13: "The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice."

It must be noted though, that the exercise of this right may be subject to certain restrictions, but these shall only be such as provided by law and are necessary. 190 countries including South Africa have ratified the Convention on the Rights of the Child (20 November 1989) 54 Articles with the exception of USA, Somalia and South Sudan.

South Africa is a signatory to the Convention on the Rights of the Child, which compels it to pass laws and take social, educational and administrative measures to pro-

tect the child from all forms of physical and mental violence, injury, abuse and Neglect, maltreatment or exploitation, including sexual abuse.

South African pieces of legislation:

The Constitution of the Republic of South Africa in Chapter 2, on the Bill of Rights outlines in Article 16, the freedom of expression and says:

”Everyone has the right to freedom of expression, which includes freedom of the press and other media; freedom to receive or impart information or ideas; freedom of artistic creativity; and academic freedom and freedom of scientific research.

According to the South African Schools Act: NO. 84 OF 1996,” An RCL (Representative Council of Learners) must be established at every public school which enrolls learners in Grade 8 and higher.” And further:

“A governing body of a public school must adopt a code of conduct for the learners after consultation with the learners, parents and educators of the school.”

Although the right to participation is contained in the South African Schools Act, this right is violated by educators who do not see the need in learners taking part in decision making .This is as a result of factors such as cultural values and norms impeding change in our society.

3. Purpose

1. The purpose of the project is to create a positive teaching and learning environment characterized by strong learner participation. This will be realized through initiating role modelling classes in the two pilot schools.

a. It will involve learner leadership structures in the two schools mentioned above in order to assist in the attainment of the desired teaching and learning environment: The learner leadership structures that will be involved are the following: Representative Council of Learners (RCL), Class Captains, Soul Buddies, CULUMBA leadership and Radically Different Species (RADS).

2. To raise awareness about CRC to all stakeholders with special reference to the 3Ps.

a. This will be done through developing links with different sections within the Education Department such as Values In Education, (the section deals with human rights promotion, racial integration and social cohesion) Inclusive Education, (which is a section within the department of education which will be helpful in the project for referral of learners with barriers to learning) and the South African Human Rights Commission, the commission will be useful in making the target groups understand and have knowledge of human rights issues) as well as Save the Children (the NGO which deals with human rights issues with a special focus on children).

4. Project Sites

R.T Mokgopa Secondary School

The School is situated at Thaba Nchu, in Bultfontein no.3, in the Motheo District of the Free State Province. When the school started with the project it had 43 Educators, 05 non-teaching staff and 1150 learners. It had 09 School Governing Body (SGB) members and 17 volunteer staff members. The area where the school is situated is characterized by high unemployment rate and poverty.

Before the project, all classes were overcrowded and were difficult to control. It was difficult to monitor the activities of all learners and eliminate unwanted behavior. Acts of bullying and intimidation would go unnoticed by educators. Learners were able to be unruly with cell phones. It was also a challenge to have a one on one interaction between teachers and learners.



R.T Mokgopa Secondary School

Tabola Primary School

The school is situated at Dithotaneng village in Witsieshoek (Qwaqwa), in the Thabo Mofutsanyana District of the Free State Province of the Republic of South Africa. When the project started, the school had 28 Educators and 912 learners. There were 11 School Governing Body (SGB) members and 6 non-teaching staff members. The area where the school is situated is characterized by high rate of unemployment and poverty.

Although the projects are situated far away from each other, but the change agents have followed the project plan as was outlined in parallel process, and Denga always served as a link between the project sites, namely R.T Mokgopa Secondary School and Tabola Primary School.

Before the project, the school faced challenges such as absenteeism, non-stake holder participation and lack or minimal support of learners by educators.



Tabola Primary School

Activities

R.T Mokgopa High School

The school principal Selekane Vinger held a meeting with the District Director Mrs Hazel Motsoeneng on 16 October 2013 to give feedback about the visit to Sweden and training on “Child Rights, Classroom and School Management”, and highlighted the project plan and sought approval.

The school Management Team of R.T Mokgopa was met on 18 October 2013 and the educators were met on 20 October.

Mr J. Matsaneng, Chief Education Specialist for Values in Education was met on 20 October 2015 together with Inclusive Education Mr Tantie. The idea behind these meetings was to present the project plan and seek support from the people in higher authority.

Another meeting was held with the School Management Team and the Educators to give report and seek approval of the project and contribution.

Selekane met with the learners leadership structures such as the Representative Council of Learners (RCL) and Culumba Leadership for an advocacy on Children’s rights and contribution.

A series of meetings were held with the grades 8-12 learners and discussions were conducted on how to improve teaching and learning at school with the participation of learners.

On 28 February 2014 Denga and Selekane met with the educators and the learners to have an idea on how the school is embracing CRC. Denga addressed the learners on child rights in the context of the United Nations Convention on the rights of the Child, the South African Bill Of Rights as well as the South African Schools Act. It was discovered during question time that the rights of children were still being violated, particularly through the administration of corporal punishment by educators.



On the same day Denga addressed the educators on the Alternatives to corporal Punishment. During the interaction with educators, it was clear that a lot of educators were still of the opinion that corporal punishment was still the only way to maintain discipline in the school.



A separate meeting of the School Governing Body (SGB) and the Representative Council of Learners (RCL) was held on 01 March 2014. The meeting was addressed by Denga in the presence of Sele Kane. It was established in the meeting that the RCL was comprised of only five learners in the school that enrolls more than 1200 learners. It was also established that the relationship between the RCL and SGB was non-existent, and this would hamper the principle of participation by learners in matters that affect their affairs in the school. For effective participation in decision making, the South African Schools Act requires that a school that enrolls learners from 900 and higher must have an RCL of 15 learners.

On 02 March 2014 Denga and Selekane met with Parents, learners and educators. The idea behind the meeting was to put emphasis on the role that all stakeholders have to play in advancing quality learning and teaching in the school. Denga addressed the meeting on Quality Learning and Teaching Campaign (QLTC) with the emphasis on participation.

After the progress report that was held in Zambia in March 2014, the five model classes were established. Learners were trained in leadership. This was done in collaboration with the University of the Free State. Representative Council of Learners (RCL) was constituted for the 2015 academic year. Child Rights Committee was formed and there was immediate election of ambassadors of Child Rights. There was a review of the School Code of conduct and Classroom rules were formulated with strong learner involvement.

The School's vision and Mission together with the motto were to be displayed at the gate. Learners came up with a suggestion that as a pilot School R.T Mokgopa learners must wear T shirts displaying CRC insignia.

On 29 January 2015 the project was launched at the school in the presence of the mentor Bodil and the two change agents, Denga and Selekane. The people who were invited for the launch were Departmental officials, parents, educators and Principals as well as learner leaders from the neighbouring schools. The launch was done under the theme, R.T Mokgopa Child Rights Convention School.



Mentor Bodil with learners at the launch of R.T Mokgopa Child Rights School on 29 January 2015.

5. Results

R.T Mokgopa High School

Model classes

Model classes were established in all the five grades, (one for each grade), grades 8A, 9A, 10A, 11A and 12A. These classes were designed with the desire to create a more friendly learning and teaching environment. The classes are well resourced with teaching aids, and the teacher pupil ratio has been kept to a required 1:35.

Theme Posters were hanged on the walls of the 5 classes identified for the project. Learners were divided into groups based on their learning ability, i.e. gifted, average and slow. All the groups were made to comprise of all the different learning abilities.

Leadership structures

Leadership structures such as the RCL and Culumba were trained on leadership with the focus on Article 37 of the United Nations Convention on the rights of the Child. Learner leadership was involved in donating 100 pairs of shoes to the needy learners. This was done as part of participation by the learner Leadership to create a conducive environment for learning.

The project was given to learners to role model and learners were encouraged to promote articles 24 to 28 of the Convention, modelling R.T Mokgopa as CRC School. In line with the project, the school amended the code of conduct for learners to ensure that discipline is initiated by learners themselves.

Culumba leadership was able to raise R 3000.00 with which they bought pairs of shoes for the neighboring primary learners. The gesture by the leadership was to extend the culture of caring and participation.

It was evident during the launch that the structures have embraced the project. This was illustrated in the performance of the learners demonstrating the contents of the project positively and member of the School Governing Body's remark about the project as well as the President of the Representative Council of Learners.

Noticeable Changes

- As a result of the project, learners' discipline in the five model classes has drastically changed.
- Due to lower number of learners, there is time for remedial and corrective measures as well as personal intervention with learners.
- Furniture can be arranged to suit different teaching methods.
- Learners are now able to influence each other positively, and are able to develop communication and leadership skills.
- Educators are excited to work in the model classes, and are always looking forward to be in the class.

Connecting results: not linked to the purpose

- Parents of R.T Mokgopa are helping in dealing with combating drug trafficking into the school.
- The South African Police Services after being introduced to the project had a session with learners on –Learner Pregnancy, drug and substance abuse and gangsterism.
- The sense of participation has spilled over to all who are associated with the school, through the programme of Quality Learning and Teaching Campaign.

Tabola Primary School



Activities

Vangile met with the District Director Mrs B. Tshabalala to report back on the visit to Sweden and the introduction of the project for approval on 27 November 2013. During the meeting, full feedback of the programme was presented and the District Director was very happy and advised to make use of different departments within the district as to support the project.

On 29 November 2013 Vangile met with the School Management Team to give report back, and also presented the project plan.

The meeting was held between Vangile and staff on 2 December 2013. The staff suggested a speedy training of staff and learners to kick start the project.

Vangile held a meeting with the SGB on 3 December 2013. The SGB was fascinated by the project and agreed on purchasing teaching aids for the model classes.

On 4 December 2013 Vangile met the parents of learners in the school. The parents were briefed on CRC. Some of the parents were hearing Child Rights for the first time. They showed great interest in the project.

A meeting was held by Vangile with the School Management Team to give feedback on the visit to Sweden. The School Management team was very impressed and pledged to support the project. The inputs about the model classes were that all educators should be part of the project. They further suggested that all educators including themselves should be trained. Concerning resources they recommended teaching aids for their subjects since they were using thematic classrooms, there will be no disturbance in terms of removal of teaching aids. They asked principal to take their plea to the SGB to buy teaching aids for all educators.

On 14 January 2014, Vangile conducted workshop on CRC. Educators were divided into groups and participated fully in the workshop. At the end of the workshop each group came up with its CRC school model.

On 17 January 2014 Vangile met Ms Deliwe Leeuw (one of the change agents in South Africa) from the values in education section, and Mr Moshodi from YRAC (Youth Recreation Arts & Culture) section informing them about the project plan and further asked for their involvement and support in workshops and training. They agreed to support. Deliwe and Mr Moshodi helped in leadership training of learners and conducted workshop on alternatives to corporal punishment and Quality Learning and teaching Campaign (QLTC)

On 20 January 2014, Leaders from grade 4- 6 were elected by other learners. During nominations, reasons were given why a person was nominated. Children's committee was also elected and its executive.

Meeting with the South African Human Rights Commission was also arranged, but the appointment did not materialize due to shortage of staff in the Human Rights Commission.

On 19 of February 2014 Vangile met with Save the Children to inform them about the project plan and asked for their support in workshops and trainings. They agreed to support the project. On 21 February they conducted workshop on safer SA for women and children, bullying, Children Rights and Gender Based Violence. Training of soul buddies was also conducted by Save the Children.

All leaders were trained on 7 February 2014 by Ms Deliwe Leeuw and Mrs Molingona who are the change agents, on qualities and skills of a good leader. The CRC contents were also shared with the learners. The Soul Buddies and Class Captains were very impressed and fully participated in the training. The trainers were very happy to see that learners were showing interest on the matters of leadership.

Denga and Vangile made a last round monitoring of model classes and interaction with the learners, educators and SGB on 27 February 2014. This was done to check the progress made since the start of the project, and how everybody feels about the project. On 27 January 2015, Tabola Primary school was launched as CRC school in the presence of mentor Bodil. The launch was honoured by the presence of officials from the Department of Education and members of the media.

Results

After the QLTC workshop all stakeholders that were involved came back to support the project. South African Police Services came to school for drugs and alcohol awareness. The local health department supported the school by providing the school learners with eye glasses to learners with eye problems.

Model classes have been established in all grades 1, 2,3,4,5 and 6 (one for each grade).

Tabola CRC Primary school was launched on 27 January 2015. The launch was attended by members of the community, Principals from the neighboring schools, Departmental officials from the Thabo-Mofutsanyana District and Educators from Tabola Primary schools. During the launch demonstration was made to show learner participation not only in decision making, but also in running some of the school activities such as event programme.

It was evident during the launch that the project had sparked interest in participation even from the parents sector who demonstrated their participation in teaching learners cultural dances and singing. The project in the school has been infused with other programmes such as the Quality Learning and Teaching Campaign (QLTC) which talks about education being a societal issue, hence the CRC project was seen as a vehicle to achieve the aspirations of QLTC.

Noticeable Changes

During the launch educators confessed how the project made them change their approach to teaching and learning. Learners have developed the interest of being at school at all times and parents and other stakeholders are now actively involved.

Poverty and unemployment is gradually being addressed as a result of participation by parents, particularly in vegetable garden. Some of the vegetables are used to supplement food given to learners at school, whereas the unemployed parents who are involved in the garden project are able to take some vegetables for their home consumption. Children who are needy also benefit from the garden project.

Fezile Dabi District

As a change agent based in the Fezile Dabi District, Denga took advantage of the project and wanted the District to also benefit regardless of the fact that Fezile Dabi was not part of the project plan.

On 18 October 2013 Denga set up a meeting with the Fezile Dabi District Director for 21 October 2013. A meeting between the District Director and Denga was held on 21 October 2014 to give feedback on the visit to Sweden and to outline the Project plan for Team South Africa. The District Director Mr V.H Chuta pledged support for the project and also requested that the Fezile Dabi District be a beneficiary to the project. A series of workshops were conducted with Educators and Representative Council of Learners. The workshops were intended at outlining the rights of learners in the context of CRC in line with the South African constitution.

Workshops for Values in Education co-ordinators were held on 03 February 2014 for Metsimaholo Municipality, 04 February 2014 for Mafube municipality, 05 February 2014 for Moqhaka Municipality and 06 February 2014 for Ngwathe Municipality. The workshops were conducted by Denga with the help of Patrick Thokwayo who is also as South African change agent.

RCL meetings were held on 11,12,13,18,19 and 20 February 2014 in the Fezile Dabi District to cascade information on CRC.

6. Discussion and Reflection

- The project had challenges because it had the same plan for both Secondary and Primary School but at same time valuable experiences have been gained on how to implement CRC at different levels in the school system.
- Corporal punishment is no longer used in any of the two project schools to discipline children.
- The project has changed the mindset of educators, learners and parents in both schools.
- Parents are beginning to get involved in the education of their children.
- Educators are engaging learners in their lessons more than before.
- The principals in the neighboring schools are beginning to emulate the activities in the two model schools.
- Proper composition of the RCL was made for R.T Mokgopa High school.
- A lot of excitement is beginning to reflect on all the stakeholders for CRC.

7. Way Forward

R.T Mokgopa High School

- Involve other change agents in the project so that the project becomes a model for other schools to follow.
- Invite the Provincial department of education to see for themselves the impact the project would have made once it is in full swing.
- Involve the surrounding schools in the project so as to expand the impact of the project.
- More teacher involvement will be sought.
- More parental support.
- The school will work with the University of the Free State Law Clinic to address the rights of children.
- Other change agents in the District will be involved to continue with the project.
- The section, Values in Education in the Department of Education will be involved for networking with other change agents.

- Expansion of model classrooms by five every year is envisaged.
- More material support.
- Support from the SGB will be sought.

Tabola Primary School

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List of References

Unicef manual: Implementation handbook for Convention on the rights of the Child

Unicef manual: Child friendly school

Taking Child Rights seriously by Per Wickenberg, Agneta W Flink, Ulf Leo, Bodil Rasmusson, Richard Stenelo and Bereket Yebio pg: 17 – 20

The Constitution of the Republic of South Africa. Act 108 of 1996.

South African Schools Act, No 84 of 1996.

National Education Policy Act (1996)

The South African Schools Act (1996)

The abolition of corporal punishment Act (1997)

