UNESCO Report

Question 1

Information on the legislative, judicial, administrative and other measures taken by the State at national level

The South African Constitution, (Act 108 of 1996), calls for the transformation and democratisation of the education system in South Africa. The pillars of this education system are human rights, equality, human dignity, non-racism and non-sexism as well as freedom and are grounded in the Constitution.

The Constitution emphasises that education is a shared responsibility between the national government and the nine provinces. The nine provincial Departments of education are in charge of administration of schools from Grades R to 12. They also take executive decisions for this tier of the education system. The national government, however, has the exclusive right to pass legislation for both school and higher education.

The primary task of the Department of Education is the establishment of a just and equitable education and training system that provides a relevant, high quality education which is accessible to all learners, irrespective of race, colour, gender, gender orientation, age, religion, ability, language and disability.

A priority for all education providers is, therefore, the creation of a transformative, democratic, open learning system, fostering in all users a strong and lifelong commitment to lifelong learning and development.

The South African Schools Act of 1996 was enacted with the aim of creating a uniform education landscape in South Africa underpinned by quality education for all. The Act primarily addressed organisation, funding and governance matters. Under this Act, education is compulsory from 7 years to 15 years (from grade 1 to grade 9). School Governing Bodies with powers to raise funds were also established in terms of this Act.

The South African Schools Act also lays down funding norms and standards for both public and private schools.

Government has not made schooling compulsory beyond Grade 9 but it has committed itself to the development of senior secondary schooling (academic) and skills-based FET Colleges through the passing of the Further Education and Training Colleges Act of 2006.

The Adult Education and Training Act (Act 52 of 2000) provides for the funding and establishment of public and private colleges for adults who are of the schooling system. The Department of Education and Provincial Departments of Education (PDEs) have Adult Education and Training Units.

The Department of Education introduced the *Kha ri Gude* literacy campaign in 2008, aimed at increasing the literacy levels of adult South Africans. This massive programme is aimed at reducing illiteracy significantly by 2012.

The Education White Paper 6 (2000) on inclusive education empowers the State to ensure that learners with disabilities acquire education and are not discriminated against. It also deals with barriers to learning.

The White Paper on Early Childhood Education (2001) promotes learner participation of 5 year old children in the schooling system. This is what is called the reception year or Grade R. According to this White Paper, the training of teachers, curricula and quality education would significantly improve by 2010. 85% of ECD would be offered in public primary schools and 15% would be in community sites. The Department of Education is working closely with the Departments of Social Development and Health in this field.

The National Curriculum Statement (NCS) was adopted in 2002. It aims to produce young citizens who will function responsibly and independently in a democratic South Africa. Emphasis of the NCS is the realisation of full potential on the part of the learner.

The National Curriculum Statement has been phased in over a period of time and was introduced to Grade 12 in 2008, with the first group of Grade 12s writing the new National Senior Certificate (NSC).

The National Student Financial Scheme Act (1999) provides for the granting and administration of loans and bursaries to colleges and universities. NSFAS promotes access to quality higher education to disadvantaged South African students in universities, by specifically targeting the poorest group of students.

Government has also established the Skills Development Act of 1998. This Act gave birth to the 24 statutory Sector Education and Training Authorities (SETAs). The SETAs work closely with the private sector to improve the skills of the labour force in South Africa through education programmes. The Ministries of Education and Labour have a joint responsibility to ensure that South Africa has a skilled labour force.

The South African Qualifications Authority Act of 1995 gave birth to Umalusi, the quality assurance body for the schooling system. The Grade 12 examination results are quality assured by Umalusi. Umalusi sets standards and releases the results to the Department of Education.

The Employment of Educators Act of 1998 makes provision for the employment of professional teachers. The Labour Relations Act of 1995 makes provision for the creation of the Education Labour Relations Council, which is a bargaining chamber for teachers in South Africa.

The South African Council of Educators (SACE) ensures that educators maintain ethical and professional standards in the execution of their duties. This body was established by an Act in 2000.

Access to education has improved in all sectors, with most growth seen in the school sector itself. South Africa has attained the goal of universal primary education, and an

increasing number of children (around 60%) remain in school for the full 12 years. Access has been strengthened by the declaration of no fee schools, which are intended to reduce the burden of school fees on poor parents. During 2008, 40% of both primary and secondary schools were declared as no fee schools. In preparation for the 2009 school year, the Minister for Education, after consultation with provincial authorities, again declared 40% of both primary and secondary schools no fee schools. Approximately 60% of 12 million learners per annum in the school system currently benefit from the policy.

In April 2004, the Department of Education took over responsibility for the Primary School Feeding Programme from the Department of Health and the programme was renamed the National School Nutrition Programme. This programme aims to foster better quality education by enhancing children's active learning capacity; alleviating short-term hunger; providing an incentive for children to attend schools regularly and punctually and to address certain micro-nutrient deficiencies in children. The targeting strategy is to identify geographic areas where poverty levels are high and prioritise those areas according to severity of poverty and to identify needy schools for school feeding within selected geographic areas focusing on schools from rural and informal settlements. The minimum policy is to feed children from grade R to grade 7 for 156 0ut of approx 196 school days per year.

In 2008, R1, 152 billion was allocated for the National School Nutrition Programme. Over 6 million primary school learners in 17 899 schools are fed on a daily basis through the programme. The feeding scheme will also be extended to the poorest secondary schools in 2009. All schools participating in the National School Nutrition Programme are encouraged to keep a vegetable garden, no matter how small. In 2008, 6226 vegetable gardens are operational. The aim of the Programme is to assist in promoting skills development, reviving indigenous knowledge and values, providing additional nourishing fresh produce, and most importantly, to enhance parents' participation in school activities and generating economic activities.

The Department of Education has introduced school health screening strategy that seeks to improve the quality of life, alleviating poverty and minimising the risks of HIV infection to learners. In 2005 the Department of Health (DoH) in collaboration with the Department of Education (DoE) launched the school health programme with the aim of resuscitating school health services in schools. This was launched in 117 schools nationwide

In 2006, the Department of Education (DoE) and other departments engaged in a very successful campaign aimed at utilising schools as centres of care and support under the "Lethimpilo" campaign. This is aimed at fast tracking and scaling up an integrated government services delivery approach

Question 2

Information on the implementation of the recommendation

The Department of Education established the Branch: Social and School Enrichment. Its main objectives are, the provision of strategic direction to the provision of quality education by promoting social transformation, justice and cohesion, and the promotion of a human rights culture throughout the education system, as well as a South African and broader continental identity in the education system.

The Chief Directorate for Equity in Education that falls within the Branch, aims to ensure that all South Africans regardless of race, gender and socio-economic status gain access to quality education. This Chief Directorate is composed of the following units:

- Race and Values in Education;
- Gender Equity; and
- Rural Education.

The Race and Values Directorate is at the forefront of the promotion of school integration, constitutional values and a culture of human rights in the school system. A clear indication of the type of learner that the education system intends to develop is provided in the *Manifesto on Values, Education and Democracy*, which describes the 10 fundamental constitutional values which should inform all programmes of learning and teaching, and which should guide the policy development governance and administrative procedures of the Department.

The task of the Directorate: Race and Values is to promote the values of the Constitution and to ensure that these values are embedded throughout the education system in policies and practices at all levels.

It has also established and strengthened links with Non Governmental Organisations (NGOs) linked to human rights education.

Process of the development and implementation of national policies

a) Establishing a committee or an entity to develop a national policy

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The Race and Values in Education Directorate was created in 2001 to develop and implement policies on human rights education. It was mandated to monitor and evaluate human rights education in schools, to develop publications on human rights, to promote national symbols and South African identity, to promote Constitutional values and school integration, empower School Governing Bodies on policies that promote access, forge links with social partners. It took this forward with the publication of the *Manifesto on Values, Education and Democracy* which highlights ten key values that form the basis of the South African Constitution: democracy, social justice and equity, equality, non-racism and non-sexism, Ubuntu (human dignity) and an open society, accountability/responsibility, the rule of law, respect and reconciliation.

The Gender Equity Unit advises the Director-General on all aspects of gender equity in the Education system The Directorate aims to ensure that gender –related barriers in the education system are reduced and to build an awareness and understanding of gender equity in the education system. It also aims to ensure that all educational institutions promote gender equality and monitor and report on targets set for gender parity and equality at all levels of the system.

The Directorate: Rural Education aims to ensure access and retention of learners in rural and farm schools. The Directorate also aims to promote the quality of farm and rural schools. Focus areas of the Directorate include multigrade teaching and school hostels, as well as the completion of Section 14 agreements for public schools on private property.

b) Analysis of the current situation of human rights education in the school system

One of the challenges that continues to face South Africa as a young democratic society is the need to engage the public, and particularly young people, on the issues of values in society and how these values form the basis for harmony, peace and well being for all.

The Department is focusing on strengthening social cohesion and promoting integration and a human rights culture in schools.

The Department continues to focus on building a national identity amongst learners and educators, in order to heal past divisions based on race, ethnicity, language, religion and culture, by encouraging schools to celebrate significant national and international days, promotion of the national symbols through the Flag in Every School Project and the publication for schools *My Country South Africa, Celebrating our national symbols and heritage.* In 2008, the Minister announced a draft National Schools' Pledge, calling for public comment. A second draft has been developed, based on public inputs, and has been submitted to the Minister.

At the same time, the Department has placed a priority on the teaching of the constitutional values by infusing them into all aspects of the National Curriculum Statements, and particularly through the Life Orientation Learning Area. This intervention should assist the Department in equipping learners and educators with the skills and values in order to participate fully in the South African democracy. Several publications have been distributed as teachers' guides that focus on values and human rights.

The Department developed a *Strategy for Integration and Anti-Discrimination* whose purpose is to provide a monitoring mechanism through which the system is able to monitor and intervene when necessary in relation to human rights abuses. The Department, through the provinces, is setting up provincial and district teams that will focus on the violation of human rights and has held numerous workshops at provincial and district levels to implement the Strategy.

The Strategy also encourages educational institutions to interrogate critically their institutional cultures and practices that directly or indirectly contribute to racial alienation and hatred and other forms of human rights violations.

The purpose of the Strategy is to ensure that schools are supported in developing a human rights culture through implementing the legislation, policies and guidelines that the Department has set in place.

Guidelines include the following:

- The Bill of Responsibilities
- National Guidelines on School Uniforms (Government Notice 28538)
- Religion in Education Policy, August 2003
- Language in Education Policy, 14 July 1997
- Measures for the prevention and management of learner pregnancy, 2008
- Develop an HIV and AIDS plan for your school - A guide for school governing bodies and management teams
- Guidelines for the Prevention and Management of Sexual Violence & Harassment in Public Schools, 2008
- Education White Paper 6 - Building An Inclusive Education And Training System
- Guidelines on the development of a code of conduct for schools
- Strategy for Integration and Non-Discrimination, December 2005
- A Guide Book for Principals and Teachers, *Educating for Our Common Future*

All the above documents deal with issues of human rights education and set out clearly what forms discriminatory practices.

The Directorates: Race and Values and Gender Equity have embarked on a series of workshops with representatives of school governing bodies (SGBs) as these bodies central to the development of a human rights culture in schools. Training highlights the Constitutional values and an understanding of human rights. The SGBs are required by law to ensure that measures to curb racism, pregnancy, sexual violence and sexual harassment are in place and implemented through the adoption of the Code of Conduct for all public schools. In addition, the Directorate: Gender Equity has recently worked

directly with districts in provinces to support them in advising schools on gender equity – related matters.

The Department, in conjunction with the National Religious Leaders Forum, developed the Bill of Responsibilities for learners in 2008. This document balances the Constitutional rights of the individual with the responsibilities of every learner. The Bill of Responsibilities should inform the school's Code of Conduct. The Department is currently developing Learner and Teacher Support Materials that will inform the use of the Bill of Responsibilities in classrooms.

The Department has encouraged learners and educators to engage with the past through a schools' oral history competition, the *Nkosi Albert Young Historians' Competition* that encourages young people and educators to focus on local and community history and to engage older members of the community to share their stories. This project also aims to foster tolerance and understanding between generations and a deeper appreciation of South Africa's past and the struggle for democracy. Understanding about South Africa's rich heritage as part of nation–building is one of the main outcomes in the History Learning Area. The competition has been running since 2005.

The Department of Education conducted two important studies on human rights in education. They were;

- Values, Education and Democracy: School based research –Opening pathways for dialogue-part 1 and part 11 (2001); and
- Pilot study on Diversity in School conducted for the National Department of Education by the University of the North part 1 and part 11 (2001).

Human rights permeate the entire National Curriculum Statement that currently operates in public and independent schools in South Africa. All Learning Areas and Subjects have a human rights bias.

The Department of Education, in partnership with social partners, has developed Learner and Teacher Support Materials to enrich the teaching and learning of human rights in schools. The following publications were released;

- Integration guide book for Principals and Teachers (2004);
- Manifesto on Values in Education and Democracy (2000);
- Values and human rights in the curriculum (2005);
- A Bill of Responsibilities for the Youth of South Africa (2008). Chapter 2 of the Constitution (the Bill of Rights) informs this document.

Ties with human rights education organisations such as the Nelson Mandela Foundation, Project Citizen, Valued Citizen Initiative and the Institute of Justice and Reconciliation have been strengthened. Project Citizen has deepened the understanding of civic education in South African schools and continues to work closely with provincial departments. South Africa is going to be the venue of the World Congress on Civic Education between 27 May 2009 and 4 June 2009. This World Congress will also be a platform for South African schools to showcase their work on human rights education.

Valued Citizens Initiative is a South African Non-Governmental Organisation, which has provided facilitators for the Department of Education Youth Camps on values, human rights and democracy. Partnerships continue with the Valued Citizens Initiative.

In the context of South Africa, the struggle against apartheid was also a struggle for human rights. History is promoted in the school curriculum and the Department of Education has worked with the Apartheid Museum, the Nelson Mandela Foundation and the Steve Biko Foundation among others to promote a human rights culture in our schools through an understanding of the struggle for human rights and democracy. The study of the past is regarded as a key strategy in the promotion of Constitutional values, and in particular, tolerance and respect.

The Department encourages all schools to celebrate important national and international days that highlight human rights issues, and significant historical days each year that commemorate people and movements who played a part in the struggle for human rights in South Africa. Two major exhibitions on the lives of the late Mr Steve Biko and Mr Nelson Mandela were supported by the Department of Education in 2007 and 2008 respectively. The Department has also distributed publications to schools to support schools to commemorate the significant historical events for the years 2006, 2007 and 2008.

The Department, through the Directorates: Race and Values and Gender Equity co-ordinates advocacy campaigns that focus on values and human rights, including gender equity, through television, radio and print media to engage education stakeholders including learners, educators and parents on these issues.

Girls Education Movement as well as Boys Education Movement Clubs have been established with the aim of promoting gender equality. The GEM/BEM is an international movement, which is supported by the national and provincial Departments of Education and UNICEF. The GEM Clubs were created to empower girls to participate in leadership activities and to be pro-active in ensuring their own educational progress. Boys participate in the clubs as partners who support the empowerment of girls, in order to achieve gender equality in education and in society as a whole. Learners acquire leadership skills through GEM/BEM Clubs and life skills to prevent possible problems, cope better with existing situations related to learner pregnancy, HIV and AIDS, sexual abuse, gender inequality, gender -based violence, racism and other human rights related abuses.

The Department also organises youth dialogues and camps that bring together learners from around the country to debate issues such as rights and responsibilities of citizenship and the role of the individual in social transformation.

The Department of Education, in partnership with *Heartlines*, has circulated *Stories that Talk* storybooks to primary schools in all South African languages. The books promote values through story telling.

c) Setting priorities and developing a national implementation strategy

Social cohesion and social justice are key elements of the Government's Programme of Action. The programme to strengthen anti-discrimination in education forms part of this thrust. The Department's goal is to promote access to lifelong education and training opportunities that will contribute towards improving the quality of life and building a peaceful, prosperous and democratic society.

Values and Human rights education form the basis of the National Curriculum Statement, (NCS) Grade R –12. The NCS lays the foundation for the achievement pf the goals set out in the Preamble to the Constitution (1996) by stipulating Learning Outcomes and Assessment Standards, and by spelling out the key principles and values that underpin the curriculum. The stated Developmental Outcomes of the NCS require learners to participate as responsible citizens in the life of local, national and global communities, among others. The implementation of the NCS was completed by 2008 when the first cohort of Grade 12 learners matriculated.

All policies and programmes developed by the Department are informed by the Constitutional imperatives to create a just equitable society.

d) Procedures and activities for developing the policy

Department policies are developed in consultation with a wide forum of stakeholders, including teacher unions, principal and school governing body organizations, higher education institutions, Chapter 9 institutions such as the South African Human Rights Commission and also non-government organisations.

Once draft policy has been developed it is presented to the Heads of Education Committee and then the Council of Education Ministers for approval.

B: Contents of the national policy related to human rights education

a) Formal components of the policy

The Department of Education develops national policy through a process of public consultation that involves parliament, universities, research institutions, teachers' unions and Non-Governmental Organisations

The Department conducts monitoring and evaluation of its programmes. The South African Human Rights Commission also releases periodical reports dealing with access to education and how the education system handles issues of racial integration in schools.

b) Target groups

- Preschool, early Childhood Development
- Primary school
- Secondary School
- Higher Education
- Teachers
- Education community
- Departmental officials
- Civil society, non-formal education
- Heritage agencies

c) Themes integrated in the national policy:

The Department of Education's policies are informed by the South African Constitution that guarantees the universality and indivisibility of human rights and explicitly promotes

the values of democracy, non, discrimination, equality, justice, non-violence, tolerance, respect for human dignity and the recognition of ethnic and cultural diversity.

The Department's policies and programmes promote intercultural education and there is a specific policy on language in education. Everyone has the right to be taught in the official language of their choice at a public educational institution " where this is reasonably practicable". The Language in Education Policy (1997) specifies where it is "reasonably practicable" to teach in a preferred language. Schools offer the 11 official and 14 other languages as subjects at three different levels: home language; first additional language and second additional language. With the agreement of the provincial department of education, schools determine what languages should be offered at what level, based on demand from parents.

Intercultural education is promoted through the National Curriculum Statement and through school enrichment programmes that promote dialogue and celebration of diversity. The Department also developed *the National Policy on Religion in Education* (September 2003). South Africa is a country of diverse religions and beliefs. This Policy, which informs the way in which religions should be taught in public schools, emerged from many years of research and extensive consultations, and was guided by the Ministerial Committee on Religious Education in 1999 and the Standing Committee on Religion and Education (2002), and a wide consultative process.

The Policy is neither negative nor hostile towards any religion or faith and does not discriminate against anyone. However, the Policy distinguishes between the educational responsibility of the school for teaching and learning about religion and the religious instruction and nurture that is provided by the home, family and religious community. Religion education includes the teaching and learning about the religions of the world, with particular attention to the religions of South Africa, as well as worldviews, and it should place adequate emphasis on values and moral education.

2. Examples of action for the promotion of HRE

- **Learning and training methods and contents**

The National Curriculum Statement seeks to promote human rights, social justice and a Healthy Environment. All subject statements are infused with the principles and practices of social and environmental justice and human rights as defined in the South African Constitution. In particular, the NCS is sensitive to issues of diversity such as poverty, inequality, race, gender, language, age, disability and other factors.

The NCS adopts an inclusive approach and is founded on an outcomes –based approach that strives to enable all learners to reach their maximum learning potential by setting the learning outcomes to be achieved by the end of the educational process. It is founded on a learner-centred and activity-based approach to education.

All textbooks and other teaching materials used in schools must reflect human rights values. Specifically, the Department has produced and distributed to schools the following:

- *Manifesto on Values, Education and Democracy* that sets out key strategies for infusing values; and
- *Values and human rights in the curriculum* (2005)
- *Educating for our Common Future: Building Schools for an Iintegrated Society* A guide book for Principals and Teachers
- *My Country South Africa Celebrating our national symbols and heritage* to strengthen a sense of national identity and appreciation of the rich diversity of South Africa's people and natural environment

The NCS recognises that teachers are key contributors to the transformation of education in South Africa. Teachers must fulfill the various roles outlined in the Norms and Standards for Educators., that are informed by the Constitutional values and promote democratic participatory teaching and learning.

- **The work in co-operation with UNESCO Associated Schools (ASPs)**

PLEASE WOULD MR FILLIS ADVISE ON WHAT HAS HAPPENED TO THIS PROJECT

- **Special attention to out-of- school education**

The Department supports the work of the Youth Commission and other agencies that promote the interests of this group of young people. The Department has also undertaken a mass literacy campaign to reach young people who dropped out of school as one of the target groups. Learners who did not pass the school-leaving examination (NCS) are given opportunities to rewrite their examinations the following year.

The Further Education and Training (FET) Colleges provide an alternative to formal academic training with a variety of vocational opportunities.

- **Training of teachers and other educational personnel**

The Directorates: Race and Values and Gender Equity have undertaken a series of workshops with provincial and district officials including curriculum specialists in order to strengthen their support of schools around issues of human rights including sexual harassment, exclusion on the basis of learner pregnancies, and racial and other tensions and incidents in schools.

Workshops have also been conducted with officials and School Governing Body representatives (parents) on the Constitutional values and strategies for developing a human rights culture in schools.

In addition, workshops have been conducted with provincial and district officials in order to promote the national symbols in schools, particularly the national flag and anthem in order to strengthen a sense of national identity.

- **Research**

The research of higher education institutions and organizations such as the South African Human Rights Commission and the Human Sciences Research Council around issues of race and diversity issues in schools influence the Department's programmes.

A research publication entitled *Reflections on School Integration*, edited by Mokubong Nkomo, Carolyn McKinney and Linda Chisholm (2004) has been used by the Department of Education to study integration trends in the school system.

Another recent HSRC Report by Mokubong Nkomo and Saloshna Vandeyar on desegregated schools in South Africa (2007) has also informed the programmes of the Race and Values in Education Directorate.

- **International Co-operation**

The Department encourages engagement with partners from other countries. For example, Departmental officials have participated in the SIDA programme "Child Rights, Classroom and School Management" in conjunction with the University of Lund, Sweden. Officials have also attended UNICEF conferences on child friendly schools.

UNICEF continues to support the Department's initiatives, including the establishment and strengthening of the Girls'/Boys' Education Movement Clubs.

The Royal Netherlands Embassy has supported a number of initiatives in the promotion of values and human rights and, in particular, the annual celebration of historical anniversaries programme for schools that promotes a sense of national identity.

Q3 Methods introduced to draw the attention of various authorities in the country to the Recommendation and to counter possible obstacles

Department officials are required to report regularly to the Director-General. It has been noted that some schools and school communities continue to face the challenge of building a human rights culture in schools. Challenges around race, language, cultural diversity and religion continue to emerge. Provincial education departments are requested to intervene. Parents may use the judicial system, particularly the Equality Court, to air their grievances.

Q4 Conclusion

The Department will continue to promote understanding of and building of a human rights culture throughout the system. Work still needs to be done to strengthen the monitoring and reporting of human rights abuses by provincial education departments . Parent and learner bodies such as school governing bodies and learner representative councils need to be engaged further to promote human rights in order to build and strengthen a human rights culture in education institutions.