

South African educators' mutually inclusive mandates to promote human rights and positive discipline

SUSAN COETZEE

University of South Africa

CATHRINE MIENIE

University of South Africa

South African educators are mandated by international and national law to observe and promote human rights. However, given the realities of the limited teaching time available, educators cannot fulfil this obligation solely by teaching the curriculum. Another avenue needs to be found for educators to fulfil this obligation. Educators are also mandated to follow a positive discipline approach, but they are still finding this mandate difficult to accept. The authors of this article contend that the mutual inclusivity of these mandates might hold the solution to both these challenges. It provides the avenue needed for educators to fulfil their human rights mandate because by implementing positive discipline, human rights are invariably observed and promoted. This is so because positive discipline is grounded in human rights. In this article the authors aim to explain the mutual inclusivity of these mandates to illustrate the fact that, by adopting a positive discipline approach, educators will be fulfilling their theoretical obligation to promote and observe human rights and will thus be making these rights a reality.

Keywords: educators, human rights, International Human Rights Law, positive discipline

Introduction

Human rights violations committed by educators while punishing learners are reported regularly in South African newspapers. Such violations include: an educator forcing a learner to put her hands into cold water before hitting her on her wet hands (Grobelaar, 2011); a principal hitting a learner with a hosepipe (Mtshali, 2011); and a learner beaten with a board duster such that a wood chip was embedded so deeply in his thumb that it had to be surgically removed (Kotlolo, 2011). In 2011 more than 200 educators were investigated for administering corporal punishment (Govender, 2011). Various recent studies and reports confirm that corporal punishment is still supported and used, and that discipline is still equated with punishment (See: Maphosa & Mammen, 2011; Müller, 2010, 91; Olivier, 2010; US Department of State 2010; Kivilu & Wandai 2009, 9-10; Naong, 2007, 283, 293; SAHRC 2006, 36). This indicates that educators are not fulfilling their mandate of implementing a positive approach to discipline.

South African educators are also legally mandated to observe and promote human rights. One way educators can comply with this mandate is through teaching. In fact, the Revised National Curriculum Statement Grades R – 12: Overview (Department of Education, 2002, 8) states that the curriculum statement embodies the nation's social values as expressed in the Bill of Rights and envisaged that "the goals and values of social justice, equity and democracy ... be interwoven across the curriculum". However, educators find it difficult to include human rights in their curriculum simply because there is not enough teaching time and, as yet, there is no standard curriculum on human rights (Johannes, 2005, 118) to guide them. Consequently, many educators still fail to carry out their mandate of promoting and observing human rights.

The question, then, is: what can be done to help educators fulfil both their legal obligations of implementing positive discipline and observing human rights? The authors of this article contend that the mutual inclusivity of these mandates might hold the solution to the core challenge of each of these mandates (i.e. that teaching alone does not provide educators with sufficient opportunity to promote human rights and that educators find it difficult to replace corporal punishment with positive discipline).¹

The aim of this article is not only to explain the mutual inclusivity of these two mandates, but also to illustrate how adopting a positive discipline approach provides educators with the opportunity to turn their theoretical obligation of promoting and observing human rights into a reality. To that end, we have used an intensive literature review of education law and policy to, firstly, establish educators' mandate to promote and observe human rights, and secondly, to indicate how respecting human rights is embedded in the formulation of educators' mandate to adopt a positive discipline approach. This is followed by a discussion of how understanding the reciprocal relationship between human rights and positive discipline can help educators to fulfil both these obligations.

Educators' mandate to observe and promote human rights

South Africa is bound by international law; not only because South Africa ratified the instruments mentioned below, but also according to certain provisions contained in the Constitution. Section 39 deals with interpreting the Bill of Rights, section 231 with international agreements, section 232 with international customary law, and section 233 with the importance of international law when interpreting legislation (RSA 1996a, ss 39, 231, 232, 233). It follows that if the state is bound by international law to promote human rights, schools as organs of state (RSA 1996a, s 239) will also be bound and mandated to promote human rights. Schools must thus have recourse to International Human Rights Law (IHRL) to give content to human rights (RSA 1996a, ss 39, 233).

The mandate for educators to observe and promote human rights can be discerned from the study of even a few relevant IHRL instruments. Indeed, one needs go no further than the preambles to find such evidence. In the preamble of the Convention on the Rights of the Child (CRC), it is stated that children must be "fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity".

Similar statements can also be found in the preambles of the African Charter on the Rights and Welfare of the Child (ACRWC): "Recognizing that the child, due to the needs of his physical and mental development requires particular care with regard to health, physical, mental, moral and social development ...", the African Charter on Human and Peoples' Rights (ACHPR): "Firmly convinced of their duty to promote and protect human and peoples' rights and freedoms ...", the Universal Declaration of Human Rights (UDHR): "shall strive by teaching and education to promote respect for these rights and freedoms ...". Similarly, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) give recognition to the rights of individuals and emphasise that all individuals have a duty to other individuals and to the community to which they belong to strive for the promotion and observance of human rights.

From all these statements, it is possible to deduce that the drafters of these IHRL instruments intended to establish the following as basic principles in human rights law:

- Individuals have a duty to respect the human rights of other individuals.
- State parties must respect and promote human rights.
- Education is a means of promoting respect for human rights.
- Children must be educated regarding human rights to enable them to live a socially responsible life and to take their rightful place in a society based on human rights.

National law and policy give effect to educators' international obligation to promote human rights in schools. It should be kept in mind that the children's rights included in the Bill of Rights were explicitly drawn from the CRC (Mahery, 2009, 324). This was confirmed in *M v The State Centre for Child Law* 2007 JDR 0913 (CC) (at 16). Educators and governing bodies, as the functionaries² of public schools, are bound by the Constitution to "respect, promote and fulfil the rights in the Bill of Rights" (RSA 1996a, s 7(2)).

The Minister, in terms of section 8(2) of the South African Schools Act 84 of 1996, adopted *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners* (hereafter referred

to as the *Guidelines for governing bodies* (RSA 1998). The *Guidelines for governing bodies* reflects the principles as set out in the preamble to the Schools Act. One of these principles is that the rights of learners, parents and educators must be upheld.

Educators' mandate to promote and observe human rights is also evident in the South African Council of Educators' (SACE) *Code of Professional Ethics*, which requires educators to:

- “acknowledge, uphold and promote” basic human rights (item 2.3)
- respect “the dignity, beliefs and constitutional rights of learners” (item 3.1)
- “enable learners to develop a set of values consistent with the fundamental rights contained in the Constitution” (item 3.3)
- promote gender equality (item 3.7)

It is thus evident that South African educators have a mandate to abide by and promote human rights. They also have a mandate to establish positive discipline in their schools and classrooms and these mandates are interrelated (*Antonie v Governing Body, Settlers High School*).

Educators' mandate to establish positive discipline

This mandate is expressly stated, but also implied in national law and policy. The *Guidelines for governing bodies* (RSA 1998, paras 1.4, 1.6) provides that the main focus of schools' codes of conduct “must be positive discipline” and that the “purpose of a code of conduct is to promote positive discipline”. In *Alternatives to corporal punishment: a learning experience* (Department of Education, 2000, preface), reference is made to the fact that discipline must be positive and constructive.

A literature review revealed that the requirements set for discipline in national law and policy legally endorse the interrelated, core principles of positive discipline and, as such, direct educators to follow a positive discipline approach.

The first requirement is that all policy must be directed towards the advancement and protection of fundamental human rights (RSA 1996c, s 4(a)). To give effect to this the *Guidelines for governing bodies* demands that schools' codes of conduct reflect constitutional democracy and human rights, set standards of moral behaviour for learners and equip them to be responsible citizens (RSA 1998, paras 1.3; 1.4). Thus it may be argued that the governing body is mandated to adopt a code of conduct that enables educators to educate and discipline learners in a way that promotes respect for human rights. This, in turn, makes positive discipline mandatory, because positive discipline implies that discipline be grounded in human rights (Coetzee, 2010b, 480); in fact, this is the main aim of positive discipline. RAPCAN states: “Positive discipline aims to build a culture of human rights where everyone is treated with dignity and respect” (RAPCAN, 2008, 4). This was also confirmed in *Antonie v Governing Body, Settlers High School 2002* (4) SA 739 (C) (art 14). The court, referring to the *Guidelines for governing bodies*, made it clear that:

[T]he focus in the schedule is on positive discipline (s 1.4 and 1.6) This must be done within the context of the democratic values of human dignity, equality and freedom, as enshrined in the Bill of Rights

The second requirement is that schools' codes of conduct must be set “after consultation with learners, parents and educators” (RSA 1996b, s 8(1)). In *Alternatives to corporal punishment: a learning experience* (Department of Education, 2000, preface), the condition is set that discipline should be based on consensus among educators, learners and all who are associated with schooling. This implies learner participation in both the classroom and school. Participation and cooperation are core principles of positive discipline (RAPCAN 2008, foreword).

The third requirement is that discipline and punishment may not amount to torture; in other words, it may not be cruel, inhuman or degrading. In effect, therefore, it may not infringe upon children's Constitutional rights to human dignity and physical integrity (RSA 1996a, ss 10; 12(1)(c), (d), (e)). This requirement implies that educators are barred from administering corporal punishment since corporal punishment constitutes an infringement of children's right to dignity and physical integrity (*Christian*

Education South Africa v Minister of Education 2002 2 SA 764 (CC) (art 50)) and can even amount to torture (UN, 1998, 134). Corporal punishment is expressly prohibited in section 10 of the Schools Act (RSA 1996b), and the National Education Policy Act 27 of 1996 (RSA 1996c, s (3)(n)) prescribes that policy on school discipline must prohibit the use of corporal punishment and any disciplinary measures that subject a learner to psychological or physical abuse. In addition, the Children's Charter of South Africa (RSA 1992, art 2) states that "all children have a right to freedom from corporal punishment at school ... ". This requirement therefore bolsters positive discipline, which is essentially a non-violent approach (Naker & Sekitoleko, 2009, 27) and an approach consonant with a child's dignity (Global Initiative to End All Corporal Punishment of Children & Save the Children Sweden).

The fourth requirement, that mutual respect should be sustained, is a central principle of positive discipline (Coetzee, 2010a, 481; RSA 1998, para 2.3).

The fifth requirement that supports a positive discipline approach is that discipline should neither be punitive nor punishment orientated (RSA 1998, para 1.4). Positive discipline places the emphasis on prevention rather than punishment and requires that discipline should be proactive rather than reactive (Coetzee, 2010a, 482).

The sixth requirement that demands a positive discipline approach is that discipline in schools should promote self-discipline (Coetzee, 2010a, 481; RSA 1998, para 1.6).

The seventh requirement, which is also a fundamental principle of positive discipline, is that corrective measures should be proportionate to the offence (Coetzee, 2010a, 481; RSA 1998, para 7.6).

The eighth requirement is that due process should be guaranteed to any party involved in disciplinary proceedings (RSA 1996b, s (8)(5)(a)). This requirement relates to the underlying principle of positive discipline, which places the emphasis on two-way communication – that is, moving away from the stance of "children should be seen and not heard" (Coetzee, 2010a, 481).

Promoting human rights THROUGH positive discipline

The argument put forward in this article is that, by following a positive discipline approach, educators can carry out their mandate to promote and observe human rights simply because establishing such an approach requires the firm value base of human rights (Du Preez & Roux, 2010, 13, 24).

The process of establishing positive discipline consists of four essential, interrelated steps: distinguishing between discipline and punishment, focusing on relationships, creating a positive and supportive learning environment, obtaining knowledge of and applying constructive ways to respond to misbehaviour (UNESCO, 2006, 6-7).

In order to establish positive discipline, educators firstly need to obtain clarity on the difference between discipline and punishment. In the past, the emphasis was placed on obedience to rules and the inevitable sanctions that followed transgressions. As a result, discipline was, and still is (as the examples given at the beginning of this article show) equated with punishment and, in particular, with corporal punishment (Goodman, 2006, 216). Reference to the Latin origins of the words helps to make the difference between discipline and punishment clear. The word *discipline* originates from the word *disciplinare*, which means *to teach*, and *punishment* originates from *punier*, which means *pain* (Siers, 2007, 2). According to Le Mottee (2005), discipline "has everything to do with ensuring a safe and valuing environment so that the rights and needs of people are respected, vindicated and safeguarded ... ". To summarise: punishment is external and punitive in nature; it is directed at the short-term goal of exercising control over learners to ensure that they conform to prescribed rules and, as such, undermines their self-esteem (Hemstreet & Vermeulen, 2007, 7-8; Le Mottee, 2005; Vally, 2005, 3, 4). Discipline, on the other hand, is an educative and intrinsic process. Its long-term goal is to produce learners who are self-disciplined and with a sense of self-worth (Joubert, 2008, 4).

South African educators are mandated to emphasise discipline in order "to teach and lead learners to self-discipline" (RSA 1998, paras 7.1, 1.4). In order to fulfil this mandate, it is suggested that Rogers' view (1998, 10-11), endorsed by Joubert (2008, 5), of punishment as a form of discipline (i.e. corrective discipline) be followed. The emphasis shifts from inflicting pain to teaching when punishment is viewed

as corrective discipline. Corrective discipline is rights-based and non-violent; it is aimed at developing self-discipline in learners, guiding children to understand their own behaviour, and enabling learners to take responsibility for their own choices. It is also, of course, aimed at ensuring that learners respect themselves and others (UNESCO, 2006, 22).

An educator who places the emphasis on discipline rather than punishment and who regards punishment as a form of discipline will have regard for, and thereby promote, learners' right to human dignity and their right not to be treated or punished in a cruel, inhuman or degrading manner (RAPCAN, 2008, 4; RSA 1996a, s 12(1)(e)). A positive discipline approach and the right to human dignity both require that the child be acknowledged as a person in his or her own right, be regarded as equal in dignity to adults and therefore equally worthy of respect (CRC Committee 2006, para 47; also see Carter & Osler, 2000, 350). In the *National Coalition for Gay and Lesbian Equality v Minister of Justice* 1999 (1) SA 6 (CC) (at 28), the court held that the constitutional protection of human dignity at the very least "requires us to acknowledge the value and worth of all individuals as members of our society". This can also be applied to the human dignity of the child.

The second step in establishing positive discipline is to emphasise trusting, mutually respectful relationships between educators and learners (UNESCO, 2006, 16). Respect here means to "regard with deference, esteem", to "avoid interfering with, harming, degrading, insulting, injuring or interrupting" and to "treat with consideration" (Reader's Digest 1994, s.v. "respect"). Without mutual respect the education relationship would be precarious (UNICEF, 2007, 22, 25). Respect is a two-way street: one cannot merely demand respect from others; instead, one has to respect both others and oneself. Educators should not equate control with respect and act from a position of power instead of authority (Oosthuizen, Wolhuter & Du Toit, 2003, 463). If they do, relationships become dependent on obedience and compliance and the dignity and respect of the adult become the primary focus of discipline (Chadsey & McVittie, 2006). Rogers (1998, 120) argues that educators earn respect "by the nature of their treatment and the manner in which fundamental rights are respected". The importance of the observance and promotion of human rights for establishing trusting, mutually respectful relationships is thus evident.

In addition to the right to human dignity and the right to freedom and security of the person, the right to freedom of expression also needs to be observed in order to ensure a mutually respectful relationship between the educator and the learner. Viljoen (2009, 314, 338) identifies the right to freedom of expression as one of the "self-asserting rights" because it enhances the child as an autonomous, self-asserting, participating individual. Allowing learners to express their views encourages respect and thus promotes sound relationships. As Nelsen, Lott and Glenn (1997, 8) state "[I]n a Positive Discipline classroom, everyone has the opportunity to voice opinions and give suggestions". According to Lundy's (2007, 933-938) model for conceptualising the right to be heard, this right consists of two elements: the right to express your views and the right to have those views be accorded due regard. Educators establishing positive discipline should create the opportunity for learners to express their views and be involved in decision-making (*space*) and encourage children to express or facilitate the expression of their views (*voice*). In giving effect to the second element of the right, educators should listen to such views (*audience*) and then act on such views where appropriate (*influence*). The second part of this right is dependent on the capacity of the child to express his or her view.

In a recent case study, Geldenhuys and Doubell (2011, 326, 328, 334) investigated the extent to which learners in the school were given a voice in school discipline. If this case study is indicative of what is going on in most South African schools, educators need to make a mind shift as a matter of urgency and stop regarding learners' voicing of their own opinions as disrespectful. They found that learners were not involved in the formulation of classroom rules, and that 87.5% of the participants indicated that they would be more likely to adhere to rules if they were involved in the formulation thereof. Previously, learners' participatory rights were used as mere "window dressing" to get the governing body's or government's approval. In this regard, Carter and Osler (2000, 328, 351) warn that educators should not merely use children's rights as "cosmetic scaffolding" to uphold existing patterns of authoritarian control. These authors emphasise the fact that the recognition of the importance of human rights generally and of

children's participatory rights in particular "can significantly improve relationships and change behaviour within the school community" (Carter & Osler 2000, 336, 352).

Relationships of trust will be promoted by recognising learners' right to just administrative action. The common law rules of natural justice are now embodied in section 33 of the Constitution. In terms of this right, learners should be treated in a fair and just manner when disciplinary action is taken against them. To ensure such fairness, the action should be substantively and procedurally fair. When considering a disciplinary measure, an educator should ensure that it will be substantively fair, thus that there is a valid reason for the action and that, based on that reason, the action is justified (Coetzee, 2010b, 81).

The third step in establishing positive discipline consists in creating a positive, supportive and child-friendly teaching and learning environment. Recognising and promoting children's rights is the best way of creating a child-friendly teaching and learning environment. No one can establish a disciplined classroom that is conducive to teaching and learning in the absence of order, routines, rules and structure (UNESCO, 2006, 70). In this process one should observe and promote learners' right to be heard and the right to participate by giving them the opportunity to contribute their input. The international right to education (as guaranteed by the ICCPR, the ICESCR and the CRC) includes the right to participate in educational decisions such as school discipline (CRC Committee 2001, para 8; Van Bueren, 1992, 214).

The last step in establishing positive discipline is that educators need to obtain a knowledge of, and apply, constructive ways of responding to misbehaviour.³ It has been argued that positive discipline requires that learners be led to take responsibility for their mistakes without fear of being punished (Nelsen *et al.*, 1997, 9, RAPAN, 2008, 20). Unless punishment is interpreted here as negative punishment (e.g. punishment that is cruel, inhuman or degrading), this argument is flawed because it implies that there is no place for corrective discipline. The Supreme Court of Appeal emphasised the importance of punishment in *Mose v Minister of Education WP and Others* [2008] Cape of Good Hope Provincial Division case no: 13018/08 (at 21):

With rights come responsibilities. Our learners ... must appreciate and understand that misconduct, like in open society, attracts sanctions and in appropriate circumstances, may include expulsion.

Furthermore, the view that positive discipline implies no punishment is a fallacy. In positive discipline, all actions have consequences: a positive action is acknowledged or rewarded and a negative action is followed up with a corrective disciplinary measure (Knott-Graig, 2007). Punishment-based discipline harms the educator-learner relationship, while reward-based discipline builds trust and fosters a positive attitude between the educator and the learner (Maphosa & Mammen, 2011, 215). In *Western Cape Residents' Association obo Williams and Another v Parow High Schools* 2006 (3) SA 542 (C) (at 545B-C), the court acknowledged that granting a privilege as a reward is an acceptable measure used to teach learners discipline and respect for authority. The court emphasised the fact that withholding a privilege does not constitute an infringement of a learner's rights to equality and dignity. The court stated that, in fact, it would constitute an infringement of the rights to equality and dignity of those learners who had earned a privilege if that privilege was granted to a learner who had not earned it.

Carter and Osler (2000, 336) state that the recognition of human rights by both educators and learners will radically augment relationships and steer conflict management in a less confrontational and more positive direction. However, this does not mean that learners' rights protect them from corrective disciplinary measures, but it does impact on the manner in which they are to be disciplined because the emphasis will be on discipline and not punishment (Joubert, 2009, 502). Disciplinary measures should be decided on and exercised within a human rights framework. If a positive discipline approach is followed, disciplinary measures should be relevant to the misbehaviour, proportional to the offence, aimed at correction and rehabilitation and not at humiliating the learner or at retribution (Naker & Setkitoleko, 2009, 46). Any corrective measure should encourage learners to learn from their mistakes ((Maphosa & Mammen 2011, 215). As stated above, respect means acting in a manner that does not harm others. This implies upholding the right to freedom and security of the person. Thus, if the emphasis is placed on trusting, mutually respectful relationships between educators and learners, this implies that educators cannot use any disciplinary measures that will harm learners in any way.

Conclusion

Understanding the inclusive relationship between their mandates to promote and observe human rights and adopting a positive discipline approach provides educators with an alternative avenue by which to carry out their human rights' mandate. By adopting a positive discipline approach educators can, in effect, merge their mandates to promote human rights and prevent them from committing the sort of human rights violations described above.

The requirements set by national law and policy for school discipline clearly support a positive discipline approach as an approach which is non-violent, consonant with children's dignity, encourages child participation and is grounded in human rights. The crux of positive discipline is that it is an approach that aims at establishing and maintaining good relationships between equal human beings, thereby recognising children as holders of rights; autonomous human beings who are equal in dignity to adults and equally worthy of respect. Emphasising discipline and regarding punishment as a form of discipline, namely corrective discipline, result in educators' observing and promoting the learners' right to human dignity and the right not to be treated or punished in a cruel, inhuman or degrading manner. Corrective discipline is best suited to fulfilling both mandates as it is rights-based, non-violent and aims at leading children to self-discipline, understanding their own behaviour, taking responsibility for their own choices and respecting themselves and others. Positive discipline actively promotes children's participation; it gives children a voice and creates teaching and learning environments that are child-friendly. In this way, rights such as the right to freedom of expression, the right to just administrative action, education and children's rights are observed and promoted. By employing positive discipline correctly, educators thus inevitably honour learners' human rights.

Endnotes

- 1 Most of the studies mentioned above also address the reasons why educators still use corporal punishment despite it being banned. Also see Morell R 2001. Corporal punishment in South African schools: a neglected explanation for its persistence. *South African Journal of Education*, **21**(4), 292-299; Maphosa C & Shumba A 2010. Educators' disciplinary capabilities after the banning of corporal punishment in South Africa. *South African Journal of Education* **30**(3), 387-399. The reasons why educators still use corporal punishment fall outside the scope of this study.
- 2 "Functionaries" is the term used in the definition of "organ of state" (see section 239 of the Constitution). It refers to the fact that educators fulfil functions in the name of the school as an organ of state.
- 3 In a recent study conducted in 15 schools in one circuit, Maphosa and Mammen (2011, 220) found that educators mainly rely on punishment-based disciplinary measures, and that educators' awareness and use of disciplinary measures that are supportive and help learners to understand why sanctioning is necessary and that encourage learners to develop a sense of responsibility are "virtually non-existent".

References

- Carter C & Osler A 2000. Human rights, identities and conflict management: a study of school culture as experienced through classroom relationships. *Cambridge Journal of Education*, **30**, 335-365.
- Chadsey T & McVittie J 2006. The positive discipline school. Retrieved on 2 February 2012 from <http://www.positivediscipline.org/resources/Documents/PDSbrchr-8-06.pdf>.
- Coetzee SA 2010a. Discipline in Nigerian schools within a human rights framework. *African Human Rights Law Journal*, **10**, 478-501.
- Coetzee SA 2010b. *Organisational behaviour in education and Education law: study guide 2 for HBEDOBG*. Revised edition. Pretoria: University of South Africa.
- CRC Committee "General Comment no 1" UN Doc CRC/GC/2001/1 (2001).
- CRC Committee "General Comment no 8" UN Doc CRC/C/GC/8 (2006).
- Department of Education (South Africa) 2000. *Alternatives to corporal punishment: a learning experience*. Retrieved on 2 February 2012 from http://www.capegateway.gov.za/Text/2005/7/alternatives_corporal_punishmen.pdf.

- Department of Education (South Africa) 2002. Revised National Curriculum Statement Grades R – 12: Overview. Pretoria: Department of Education.
- Du Preez P & Roux C 2010. Human rights values or cultural values? Pursuing positive discipline in multicultural schools. *South African Journal of Education*, **30**, 13-26.
- Geldenhuis J & Doubell H 2011. South African children's voice on school discipline: A case study. *International Journal of Children's Rights*, **19**, 321-337.
- Global Initiative to End All Corporal Punishment of Children & Save the Children Sweden. [S.a.] Interview with the author: Joan E Durrant. Retrieved on 2 February 2012 from <http://www.endcorporalpunishment.org/pages/pdfs/PositiveDisciplineManual-Interview.pdf>.
- Grobelaar R 2011. Hosepipe beating probe. *Times Live* 1 August 2011. Retrieved on 2 February 2012 from <http://www.timeslive.co.za/local/2011/08/01/hosepipe-beating-probe>.
- Goodman JF 2006. School discipline in moral disarray. *Journal of Moral Education*, **35**, 213-230.
- Govender S 2011. Teachers can't stop hitting kids. *Business Live* 25 September 2011. Retrieved on 2 February 2012 from <http://www.timeslive.co.za/local/2011/09/25/teachers-can-t-stop-hitting-kids>.
- Hemstreet C & Vermeulen K 2007. Religions, the promotion of positive discipline and the abolition of corporal punishment: frequently asked questions. Article 19, **3**, 6-8.
- Johannes EA 2005. Using collaborative action research to improve classroom discipline: An action research study at a secondary school in the Boland. Cape: University of the Western Cape (Master Educationis limited dissertation).
- Joubert R 2008. *Learner discipline in schools*. Pretoria: CELP.
- Joubert R 2009. School discipline. In: T Boezaart (eds) *Child Law in South Africa*. Claremont: Juta.
- Kivulu M & Wandai M 2009. Spare the rod and save the child, most South Africans believe. *HSRC Review*, **7**, 9-10.
- Knott-Graig A 2007. Positive about discipline: a system of discipline that can work in South African schools. Paper presented at the International Conference on Learner Discipline held at the North-West University, Potchefstroom, South Africa, 2-4 April. Retrieved on 17 January 2012 from <http://capetown.quaker.org/posdispubs.htm>.
- Kotlolo M 2011. Teacher arrested for assault. *Times Live* 29 August. Retrieved on 2 February 2012 from <http://www.timeslive.co.za/local/2011/08/29/teacher-arrested-for-assault>.
- Le Mottee S 2005. Avoiding polarisation - building healthy relationships at school by developing approaches to school discipline which build a culture of learning and teaching. Paper presented at the 2005 National Union of Educators Conference, South Africa. Retrieved on 2 February 2012 from <http://www.eisa.org.za/EISA/slm.htm>.
- Lundy L 2007. "Voice" is not enough: conceptualizing Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, **33**, 927-942.
- Mahery P 2009. The United Nations Convention on the Rights of the Child: Maintaining its value in International and South African Child Law. In: T Boezaart (eds) *Child Law in South Africa*. Claremont: Juta.
- Maphosa C & Mammen KJ 2011. Maintaining discipline: How do learners view the way teachers operate in South African schools? *Journal of Social Sciences*, **29**, 213-222.
- Mtshali N 2011. Principal faces assault charges. *IOL News*, 26 July. Retrieved on 2 February 2012 from <http://www.iol.co.za/news/crime-courts/principal-faces-assault-charges-1.1105820?cache=0%3Ffache%3D0%2F7.120%3Freport%3D19.112347.1300881724>.
- Müller CJP 2010. Regmatige dissiplinêre maatreëls in die klaskamer: 'n Gevallestudie. Pretoria: University of South Africa (Master Educationis limited dissertation).
- Naker D & Sekitoleko D 2009. *Positive discipline: creating a good school without corporal punishment*. Kampala: Raising voices.
- Naong M 2007. The impact of the abolition of corporal punishment on teacher morale: 1994-2004. *South African Journal of Education*, **27**, 283-300.
- Nelsen J, Lott L & Glenn S 1997. *Positive discipline in the classroom*. USA: Prima publishing.

- Olivier, GH 2010. Educators' perceptions of corporal punishment. Pretoria: University of Pretoria (Master Educationis dissertation).
- Oosthuizen IJ, Wolhuter CC & Du Toit P 2003. Preventative or punitive disciplinary measures in South African schools: which should be favoured? *Koers*, **68**, 457-479.
- Organization of African Unity 1981. African Charter on Human and Peoples' Rights, OAU Doc CAB/LEG/67/3/Rev (27 June 1981).
- Organization of African Unity 1990. African Charter on the Rights and Welfare of the Child OAU Doc CAB/LEG/24.9/49 (11 July 1990).
- RAPCAN 2008. *A teacher's guide to positive discipline*. Retrieved on 2 February 2012 from http://rapcan.co.za/File_uploads/Resources/teaching%20positive%20discipline%20screen.pdf.
- Reader's Digest. 1994. *Reader's Digest Complete Wordfinder*. S.V. "respect". London: Reader's Digest Association Limited.
- Rogers B 1998. *You know the fair rule*. London: Pitman Publishing.
- RSA *see* South Africa (Republic).
- SACE. Code of Professional Ethics. Retrieved on 2 February 2012 from http://www.sace.org.za/Legal_Affairs_and_Ethics/jit_default_21.The_Code_of_Professional_Ethics.html.
- SAHRC 2006. Inquiry into School Based Violence in South Africa. Retrieved on 2 February 2012 from <http://www.sahrc.org.za/home/index.php?ipkContentID=15&ipkMenuID=19>.
- Siers M 2007. RAPCAN's positive discipline programme in schools: an overview. Article 19, **3**, 1-4.
- South Africa (Republic) 1992. Children's Charter of South. Retrieved on 2 February 2012 from <http://childrensrightcentre.webhouse.co.za/pages/20733>.
- South Africa (Republic). 1996a. *Constitution of the Republic of South Africa*. Cape Town: Government Printer.
- South Africa (Republic). 1996b. South African Schools Act 84 of 1996. Cape Town: Government Printer.
- South Africa (Republic). 1996c. National Education Policy Act 27 of 1996. Cape Town: Government Printer.
- South Africa (Republic) 1998. *Government Notice 776 of 1998*. Guidelines for the consideration of governing bodies in adopting a code of conduct for learners. Pretoria: Government Printer.
- South African Human Rights Commission *see* SAHRC.
- UN *see* United Nations.
- UNESCO 2006. *Positive discipline in the inclusive, learning friendly classroom: a guide for teachers and teacher educators*. Retrieved on 2 February 2012 from http://www2.unescobkk.org/elib/publications/086/Pos_Dis-final.pdf.
- UNICEF 2007. *A human right-based approach to Education for all*. Retrieved on 2 February 2012 from <http://www.right-to-education.org/sites/r2e.gn.apc.org/files/A%20Human%20Rights-based%20Approach%20to%20Education%20for%20All.pdf>.
- UN 1948. Universal Declaration of Human Rights, GA Res 217 (III), UN Doc A/810 (10 December 1948).
- UN 1966a. International Covenant on Civil and Political Rights, GA Res 2200A (XXI), UN Doc A/6316 (16 December 1966).
- UN 1966b. International Covenant on Economic, Social and Cultural Rights, GA Res 2200A (XXI), UN Doc A/6316 (16 December 1966).
- UN 1989. Convention on the Rights of the Child 28 ILM 1448, 1577 UNTS 3 (20 November 1989).
- US State Department 2010. Country reports on Human Rights practices: South Africa 2010. Retrieved on 2 February 2012 from <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154370.htm>.
- Vally S 2005. Education Rights Project, book 11: Corporal punishment and bullying: the rights of learners. Retrieved on 2 February 2012 from http://www.erp.org.za/pdf/punish%20booklet_WEB.pdf.
- Van Bueren G 1992. Autonomy and the child: the international educational rights of the child. *Social Education*, **56**, 214-215.
- Viljoen F 2009. The African Charter on the Rights and Welfare of the Child. In: T Boezaart (eds) *Child Law in South Africa*. Claremont: Juta.