

Bridging the Gap Between Human Rights Education and School Safety in South Africa

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Abstract

Human Rights Education (HRE) is formally integrated into South Africa's basic education curriculum, yet violence, abuse, and harassment continue to undermine effective teaching and learning. Despite the constitutional guarantees and international obligations, schools remain unsafe, exposing learners to weapons, bullying, sexual violence and community-linked crime. This gap between policy intent and lived realities raises critical concerns about the effectiveness of HRE implementation and the Department of Basic Education's role in ensuring learner safety. This study examines the extent to which weak enforcement, inadequate teacher training and limited learner engagement compromise the transformative potential of HRE. Employing a doctrinal approach, it reviews constitutional provisions, international standards, empirical evidence of school violence, and safety frameworks such as the National School Safety Framework. The findings demonstrate that the issue lies not in the absence of legal frameworks or curricular content, but in the inconsistent implementation and lack of collaboration between schools, communities, and enforcement agencies. The study contributes to ongoing debates by emphasising the need to strengthen HRE delivery, enhance teacher preparedness and improve enforcement mechanisms. Providing safe schools is framed as both a constitutional duty and a prerequisite for equitable education. Future research should explore how insights derived from addressing school violence may inform employment law reforms, particularly regarding workplace safety and protections against harassment.

Keywords

Abuse; human rights; human rights education; illegal conduct; school violence; violence.

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1 Introduction

Human rights violations, including violence and abuse in schools, are a global concern.¹ Despite South Africa's legal framework protecting children's rights,² and the inclusion of Human Rights Education (HRE) through Life Orientation (LO) in the Department of Basic Education (DBE) curriculum to promote respect, responsibility and non-violence, many learners continue to engage in disruptive and violent behaviours, such as bringing weapons to school.³ They are influenced by neighbourhood violence and having easy access to weapons.⁴ Reports indicate a rise in the incidence violent crime committed by children,⁵ and abuse experienced by learners at school.⁶

School violence is defined as "any intentional physical or non-physical (verbal) condition or act resulting in physical or non-physical pain being inflicted on the recipient while under the school's supervision".⁷ While HRE

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¹ Madhloom and Antonopoulos 2022 *Asian Journal of Legal Education* 23-35.

² South African law emphasises the fundamental importance of safeguarding children's safety and rights, acknowledging their inherent vulnerability and the need for robust protection. These protections are enshrined in the Bill of Rights as per the *Constitution of the Republic of South Africa, 1996 (the Constitution)*. These rights are further reinforced by the *Children's Act 38 of 2005*, among other critical legislative measures. The latter, in line with the *South African Schools Act 84 of 1996*, the *National Education Policy Act 27 of 1996*, and the *Occupational Health and Safety Act 85 of 1993*, collectively prohibit violence in schools, establishing a legal framework that prioritises the safety and well-being of both learners and educators, which is essential for ensuring quality education.

³ Burton and Leoschut *School Violence in South Africa* 9.

⁴ Ngqela and Lewis 2012 *Child Abuse Research in South Africa* 87-97; Cluver, Bowes and Gardner 2010 *Child Abuse and Neglect* 793-803; Mayer, Nickerson and Jimerson 2021 *School Psychology Review* 136.

⁵ Most of the children behaving in this manner are affiliated with gangs. According to the Global Initiative Against Transnational Organized Crime 2020 <https://www.dailymaverick.co.za/article/2020-09-14-gangs-in-kenya-and-south-africa-target-children-for-recruitment-during-lockdown/>, gangs use child recruits (springbokkies) to assist them with watching for the police, transporting guns, delivering illicit drugs and committing murder, mostly in the Western Cape.

⁶ The *Children's Act 38 of 2005* defines abuse as "any form of harm or ill-treatment deliberately inflicted on a child, and includes: (a) assaulting a child or inflicting any other form of deliberate injury to a child; (b) sexually abusing a child or allowing a child to be sexually abused; (c) bullying by another child; (d) a labour practice that exploits a child; or (e) exposing or subjecting a child to behaviour that may harm the child psychologically or emotionally".

⁷ Prinsloo and Nesor 2007 *Acta Criminologica* 47. The Centre for Justice and Crime Prevention also define school violence as "any acts of violence that take place *inside an educational institution, when travelling to and from school or a school-related event, or during such an event*. These school-based acts of violence can be both

is offered in schools, the researcher posits that children who are not enrolled in school may miss structured opportunities to learn about their rights, thus increasing their vulnerability.⁸ Similarly, while community initiatives provide some awareness,⁹ these efforts are often limited, uneven, or lack continuity,¹⁰ leaving out-of-school children at a disadvantage. Hence, the argument is that the DBE must take proactive measures to address these issues and ensure consistent and effective delivery of HRE across schools.¹¹ Given that violence can occur in multiple environments, including schools, homes and communities,¹² addressing school violence and rights violations requires a comprehensive approach combining legal frameworks, education, awareness, and support systems to foster safer and more productive learning environments.

In exploring these issues, this paper is structured in such a way as to first examine the importance of HRE for basic education learners, highlighting the constitutional protections, international frameworks, and the role of our schools in promoting safe and responsible citizenship. It then discusses the impact of illegal activities on learners' access to education and overall well-being, emphasising how school and community-based violence hinders learning and perpetuates cycles of abuse. Finally, the study proposes strategies and collaborative approaches for strengthening HRE, enhancing school safety and empowering learners, educators, and communities to foster a culture of respect for human rights.

physical and non-physical and may or may not result in bodily or emotional harm to the victim. This violence typically takes the form of *learner-on-learner*, *learner-on-educator*, *educator-on-educator*, and *educator-on-learner* violence and severely disrupts the normal functioning of the schooling system" (CJCP *National School Safety Framework* 5; Kreifels and Warton 2016 <https://www.saferspaces.org.za/understand/entry/school-violence-in-south-africa>).

⁸ See the role that society can play in propagating violence in Ellis *et al* 2021 *Abuse* 37-48; Calderaro *et al* 2025 *BRAIN* 71-82.

⁹ Vocational Impact Date Unknown <https://vocationallimpact.org/directory/law-human-rights-volunteer-programme-in-south-africa/>.

¹⁰ For example, without agreement on what and how to teach, implementing this fundamental principle remains highly challenging, even when it is understood and accepted. See Ghanghash 2023 *Law and Safety* 79.

¹¹ For example, research shows that many teachers lack both the content knowledge and pedagogical training required for effective HRE, leaving them inadequately prepared to teach the subject; this reflects an assumption that HRE requires no specialised training, an outlook that ultimately undermines its effective implementation in schools. See Munongi 2024 *Prospects* 758. Also see Rinaldi 2017 *Prospects* 87-100; Struthers 2016 *HR L Rev* 131-162.

¹² Peist *et al* 2024 *Psychology in the Schools* 220-236.

2 Human rights education for basic education learners

2.1 *The importance of human rights*

Before discussing the importance of human rights education, it is crucial to first acknowledge the constitutional protection of children's rights under the *Constitution of the Republic of South Africa, 1996* (the *Constitution*). Section 28 of the *Constitution* safeguards the rights of children, particularly by protecting them from abuse, neglect and exploitation while also affirming their right to education. Specifically, section 28(1)(d) states that "every child has the right to be protected from maltreatment, neglect, abuse, or degradation". This forms the basis for ensuring children's welfare, including in educational environments.¹³ Moreover, section 29(1)(a) guarantees every child the right to basic education, highlighting the necessity of providing children with access to safe, supportive and nurturing learning spaces. Despite these constitutional protections, the ongoing issue of violence in South African schools underscores the disparity between the rights children are entitled to and the harsh realities they face in these environments.

To further advocate for HRE, it is imperative to assess South Africa's constitutional protections in relation to regional and international standards. The *African Charter on the Rights and Welfare of the Child* (1990), particularly Article 11, affirms children's right to education. While the Charter does not explicitly mandate that this education be in a safe environment, access to education must be accompanied by protection from all forms of violence. Similarly, the United Nations *Convention on the Rights of the Child* (1989) in Article 19 obliges States Parties to take appropriate legislative, administrative, social and educational measures to protect children from physical or mental violence, injury or abuse. These international frameworks reinforce the responsibility of states to provide an education that not only promotes respect for human rights but also ensures the safety of children in educational settings. By aligning national legislation with these regional and global standards, South Africa can reinforce its commitment to protecting children's rights, ensuring that schools become spaces where learners are safe and human rights are actively respected and promoted.

Human rights are important to all in that there is an interdependent onus on each person to respect such rights.¹⁴ They recognise our freedom to make

¹³ Also see how s 28(1)(b) of the *Constitution* can be interpreted to mean that while every child has the right to be cared for by his or her family or parents, if a child is removed from that family environment, he or she is entitled to receive appropriate alternative care ensuring the child's well-being and protection.

¹⁴ It is difficult to define human rights. The various meanings of the term "human rights" across different times and places make it difficult to establish a universally accepted definition (Gordon 1998 *Brook J Int'l L* 691). Robert attempted to define human rights by distinguishing them from fundamental human rights (Robert 2023 *European*

choices about our lives and to develop our potential as human beings.¹⁵ For humans to be able to live lives free from fear, harassment or discrimination, they require human rights.¹⁶ The author notes that the role of monitoring and ensuring that individual learners fully enjoy their rights lies with the government, in this paper, particularly the DBE. It is generally understood that every child deserves to live and learn in a safe environment,¹⁷ whether at school or in his or her home.

For learners, it is self-evident that schools are their second homes,¹⁸ and they ought to be safe for learning. However, South African schools have become "highly volatile and unpredictable places" for learners,¹⁹ especially with the escalating violence and abuse. Therefore, failure to strengthen and properly implement HRE within schools undermines the constitutional promise of quality education. However, it should be noted that education is not only about classroom knowledge but is also a preparation for life's opportunities, responsibilities, defeats and successes.²⁰ This underscores that schools should empower learners with resilience, responsibility, and respect for human rights.

Furthermore, the study subscribes to the notion that education is a fundamental right and a crucial tool for shaping responsible citizens,²¹ fostering social cohesion and addressing issues such as violence and human rights violations. In this way, HRE provides learners with the knowledge, values and skills needed to challenge violence and promote a

Socio-legal and Humanitarian Studies 88). The latter noted that the difference between human rights and fundamental human rights is that the latter are universal and guaranteed to every person everywhere, while the former may include additional rights that reflect the specific needs and requirements of a country. Moreover, human rights are universal moral rights belonging equally to all people because they are human beings (Haksar 1998 *JILI* 317-324).

¹⁵ Australian Human Rights Commission Date Unknown <https://humanrights.gov.au/our-work/education/introduction-human-rights>.

¹⁶ Australian Human Rights Commission Date Unknown <https://humanrights.gov.au/our-work/education/introduction-human-rights>.

¹⁷ Bloom 1995 *Journal for a Just and Caring Education* 403-433.

¹⁸ Morales-Alexander 2021 *Journal of Early Childhood Teacher Education* 455-473.

¹⁹ Zulu *et al* 2004 *South African Journal of Education* 170-175. See also Gustafsson 2016 <https://www.ekon.sun.ac.za/wpapers/2016/wp032016>; Mchunu "Cases of Principal Leadership Responses".

²⁰ *Centre for Child Law v Minister of Basic Education* 2020 3 SA 141 (ECG) para 2. See also *Federation of Governing Bodies for South African Schools (FEDSAS) v Member of the Executive Council for Education, Gauteng* 2016 4 SA 546 (CC) para 3 on the role of basic education. The Constitutional Court also emphasised the importance of basic education in the case of *Governing Body of the Juma Masjid Primary School v Essay (Centre for Child Law as Amici Curiae)* 2011 8 BCLR 761 (CC) para 43.

²¹ The author notes that it is doubtful that a child may reasonably succeed in life without an opportunity to have access to education. See, for example, *Brown v Board of Education of Topeka* 347 US 483 (1954) 493.

culture of human dignity and respect.²² Despite the fact that the DBE curricula already incorporate aspects of HRE, the challenge lies in effective teaching, assessment, and reinforcement of these principles.²³ In particular, designing and implementing policies that ensure that schools are safe spaces for all, with trained teachers and educational support personnel would make it possible to break the cycle of violence and injustice.²⁴ However, it should be noted that society can also be dangerous to children who are constantly exposed to illegal conduct and have a reasonable belief that is how life is meant to be lived.²⁵ The argument is that children prone to illegal conduct may lack the relevant knowledge of the importance of human rights and the protection afforded by law.²⁶

In general, individuals have a set of duties to ensure the protection of the rights of one another.²⁷ The author argues that while it is imperative to impart and disseminate such information to children, even where HRE is formally taught, some learners remain prone to illegal conduct.²⁸ This shows that HRE alone is not sufficient; its impact depends on the quality of its implementation and reinforcement by the teachers and the children's families, and the broader social context that translates knowledge into responsible behaviour. This should be supported by the commitment to fulfil the moral duties envisioned by the UDHR, which link individuals' rights to duties toward others, providing a moral basis for HRE in schools to promote responsible behaviour and reduce school violence.²⁹ Hence, the protection of children and their education in human rights are collective duties shared among government institutions, the DBE, educators, parents, and the wider community. As a result, the DBE should ensure that HRE is effectively implemented within the LO curriculum and supported by appropriate policies, and that its implementation is supported by the active involvement of all stakeholders, thus fostering responsible behaviour and reducing school violence.³⁰

²² Brander *et al* *COMPASS* 18.

²³ Munongi 2024 *Prospects* 758.

²⁴ Benboulterbah 2023 <https://www.ei-ie.org/en/item/28199:education-and-schools-are-key-to-end-gender-based-violence>.

²⁵ Ellis *et al* 2021 *Abuse* 37-48; Calderaro *et al* 2025 *BRAIN* 71-82.

²⁶ Lundy and Martínez Sainz 2018 *Human Rights Education Review* 4-24.

²⁷ Article 1 of the *Universal Declaration of Human Rights* (1948) (UDHR) states that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

²⁸ For example, research shows that many South African schools face illegal conduct such as theft, fighting and bullying, with violence particularly common in disadvantaged schools. Gagnon *et al* 2021 *SAJCE* 1.

²⁹ Gewirth 1987 *JL & Relig* 139-140.

³⁰ Educators are responsible for effectively teaching these rights, fostering an environment of respect and inclusion, and parents can reinforce these values at home, creating a supportive learning atmosphere. The broader community must also

Similarly, amongst the principles of the Save the Children Protection Policy around the world is that all adults are guarantors of the rights of children, and they also have the responsibility of supporting their care and protection.³¹ The Policy provides children with the right to be protected from any violation of their rights.³² Essentially, the *Children's Act* 38 of 2005 also gives effect to certain rights of children as contained in the *Constitution* and sets out principles relating to the care and protection of children. However, the effectiveness of achieving such goals may be limited in that children may not be substantially knowledgeable about their human rights and the role they play.³³

Even though HRE is formally included, research shows that many supporting laws and policies provide little detail or guidance on its implementation.³⁴ For HRE programmes to work effectively, teachers must be properly trained, knowledgeable about children's rights and responsibilities,³⁵ and able to help learners understand and apply this knowledge. Similarly, there is a dearth of knowledge on human rights amongst different groups of people.³⁶ Therefore, educating society on the importance of human rights is equally essential. As Brander *et al* observe, young people today are confronted by social exclusion, religious, ethnic and national differences, and the inequalities of globalisation.³⁷ HRE helps them to navigate these differences, make sense of diverse values, and respond constructively to contradictions in multicultural societies.

This prompts us to develop in ways that will lead us towards a culture that recognises and seeks to enlighten society and children on their human rights. However, it is important to note that a human rights culture is not one where everyone merely knows their rights, as knowledge alone does not

play a role in advocating children's rights and supporting local efforts to prevent violence and abuse.

³¹ Save the Children Date Unknown <https://www.savethechildren.org.za/code-of-conduct>.

³² Save the Children Date Unknown <https://www.savethechildren.org.za/code-of-conduct>.

³³ Human Rights 75 2023 <https://www.ohchr.org/sites/default/files/documents/issues/children/Children-vision-HR-75.pdf> 22.

³⁴ Munongi *Investigation of Children's Rights and Responsibilities* 34.

³⁵ Munongi *Investigation of Children's Rights and Responsibilities* 34.

³⁶ Mubangizi 2004 *Journal for Juridical Science* 64; Keep It Constitutional 2018 <https://www.keepitconstitutional.co.za/frequently-asked-questions/>.

³⁷ Brander *et al* COMPASS 26. Art 28 of the *Convention on the Rights of the Child* (1989) provides that education "should be directed to the development of the child's personality, talents and abilities, the respect for human rights and fundamental freedoms, responsible life in a free society, understanding, tolerance and equality, the development of respect for the natural environment" (Grossman 2004 *Human Rights Brief* 20-23).

equate to respect, and without respect, violations will continue to occur.³⁸ Brander *et al* describe a human rights culture as one in which people:³⁹

- have knowledge about and respect for human rights and fundamental freedoms;
- have a sense of individual self-respect and respect for others; they value human dignity;
- demonstrate attitudes and behaviours that show respect for the rights of others;
- practise genuine gender equality in all spheres;
- show *respect*, understanding and appreciation of cultural diversity, particularly towards different national, ethnic, religious, linguistic and other minorities and communities;
- are empowered and active citizens;
- promote democracy, social justice, communal harmony, solidarity and friendship between people and nations; and
- are active in furthering the activities of international institutions aimed at the creation of a culture of peace, based upon universal values of human rights, international understanding, tolerance and non-violence.

While this study specifically focusses on finding ways to eliminate or reduce the illegal conduct committed by children, whether in the comfort of their homes, in public spaces, or in institutions of learning, it does not disregard the fact that, according to the 2022 Census, approximately 5.2 million South African children and youth aged 5 to 24 were not attending school.⁴⁰ Thus, the problem that remains is that children are still vulnerable to abuse.⁴¹ As a result, this study aims to provide recommendations for the DBE on how to strengthen the LO and Life Skills (LS) curriculum, including teacher training

³⁸ Brander *et al* COMPASS 26. In the words of the famous actor Bruce Lee, "Knowledge give you power, but character the respect" (Sonpure 2023 <https://reflections.live/articles/14629/knowledge-will-give-you-power-but-character-respect-an-article-by-shruti-sonpure-12941-lpql9l2r.html>). In the absence of character, no amount of knowledge will bring about true respect (Van Dongen 2018 <https://www.linkedin.com/pulse/knowledge-give-you-power-character-respect-sander-van-dongen/>).

³⁹ Brander *et al* COMPASS 27-28.

⁴⁰ Statistics South Africa 2023 https://census.statssa.gov.za/assets/documents/2022/P03014_Census_2022_Statistical_Release.pdf; Mutsila 2023 <https://www.daily-maverick.co.za/article/2023-10-12-census-reveals-5-2m-children-of-school-going-age-arent-receiving-education/>.

⁴¹ See, for example, Meinck *et al* 2016 *Journal of Epidemiology and Community Health* 910. This study found that 56.3% of children experienced lifetime physical abuse, 35.5% emotional abuse, and 9% sexual abuse, with primary caregivers and peers being the main perpetrators, and 68.9% reporting any lifetime victimisation, including 27.1% experiencing multiple abuses.

and content delivery, to better equip learners with knowledge of human rights, responsible decision-making, and strategies to prevent illegal conduct.⁴²

2.2 The role of legal and human rights education in schools

2.2.1 General

In 2020, research by the South African Council for Educators indicated that 68% of teachers and 49% of learners reported experiencing or witnessing physical violence in schools, highlighting that teachers are disproportionately affected by physical violence compared to learners.⁴³ In light of the escalating rates of violence and abuse within society, which also extend to schools, it is essential to strengthen the existing curriculum where HRE is already formally included, to address these pervasive challenges effectively. In 2019, more than one in three of South Africa's 13 million school-going children between the ages of 5 and 17 reported experiencing some form of violence.⁴⁴ At least 13.7% reported receiving verbal abuse and 10.6% reported physical violence, often perpetrated by teachers.⁴⁵

Research in South Africa also shows that many still believe physical punishment is necessary to discipline learners involved in misconduct such as carrying weapons, bullying, fighting or disrupting lessons.⁴⁶ This belief persists despite the clear prohibition of corporal punishment in law. For example, corporal punishment has been abolished in the school system and is illegal. This is provided in various legal resources such as the *Constitution*, the *Children's Act*, the *Abolition of Corporal Punishment Act* 33 of 1997, and the *South African School Act* 84 of 1996.⁴⁷ However, research also suggests that despite the existence of these laws, a gap exists in the implementation of these legal protections, which may be due

⁴² As noted in the discussion above, South Africa emphasises protecting children as victims and perpetrators of illegal conduct, ensuring their rights are upheld through legal frameworks like the *Children's Act* and the *Constitution*. This approach focuses on rehabilitation, support, and safeguarding their welfare in all circumstances.

⁴³ SACE 2017 <https://www.sace.org.za/pages/sace-structures#>; Lumadi 2024 *Perspectives in Education* 41.

⁴⁴ Statistics South Africa 2023 <https://www.statssa.gov.za/?p=16128>.

⁴⁵ Statistics South Africa 2023 <https://www.statssa.gov.za/?p=16128>.

⁴⁶ Statistics South Africa 2023 <https://www.statssa.gov.za/?p=16128>.

⁴⁷ There are also international legal frameworks to which South Africa is a signatory, which have been discussed above. The following are the years in which South Africa ratified the instruments: the *Convention on the Rights of the Child* (1995); the *African Charter on the Rights and Welfare of the Child* (2000); the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* (2003); and the Sustainable Development Goals (SDGs), specifically goals 5 and 6 (UN 2025 <https://unric.org/en/united-nations-sustainable-development-goals>).

to there being insufficient knowledge about human rights.⁴⁸ Even though HRE is already incorporated into the curriculum, its effectiveness depends on proper implementation, teacher preparedness, and reinforcement by all stakeholders.⁴⁹ This indicates that the challenge is not the absence of HRE but rather weaknesses in enforcement, teacher training and learner engagement.

Approximately one-third of children in South Africa are at risk of online violence, exploitation and abuse, and recent criminal activities circulating on social media further highlight the urgent need for intervention by relevant bodies to address the challenges faced by learners.⁵⁰ To understand and promote human rights genuinely, individuals must embody and practice the core values of dignity, respect, and responsibility in their interactions with others, particularly in the school environment.⁵¹ Accordingly, these values should be integrated into the daily conduct of learners and staff.

It is essential to address these challenges as the repercussions have the impact of destroying the future of both perpetrators and victims, including their families and communities, and the education system. As noted above, the *Constitution* readily provides for the right to education for all.⁵² However, in an education system characterised by crumbling infrastructure, overcrowded classrooms and relatively poor educational outcomes,⁵³ progress is yet to be seen. This may also have an impact on the quality of education received by learners. The role of HRE becomes even more critical in such an environment, as it can directly contribute to enhancing the safety and overall quality of the education provided to learners.

Similarly, HRE plays a crucial role in improving safety and the quality of education by ensuring its accessibility to all learners, particularly those from vulnerable and disadvantaged groups, thereby promoting inclusion,

⁴⁸ Benboulabah 2023 <https://www.ei-ie.org/en/item/28199:education-and-schools-are-key-to-end-gender-based-violence>. Also see Human Rights 75 2023 <https://www.ohchr.org/sites/default/files/documents/issues/children/Children-vision-HR-75.pdf> 22.

⁴⁹ According to Chitamba and Chitamba, trained teachers play a crucial role in curriculum implementation, and effective lesson planning is essential for achieving educational goals (Chitamba and Chitamba 2025 *Edelweiss Applied Science and Technology* 2856).

⁵⁰ UNICEF South Africa 2022 <https://www.unicef.org/southafrica/press-releases/one-third-children-south-africa-risk-online-violence-exploitation-and-abuse>.

⁵¹ Tibbitts 2009 https://www.hse.ru/data/2014/01/28/1326063946/1.4-%D0%A1%D0%BE%D0%B2%D1%80.%D0%B2%D0%BE%D0%BF%D1%80.%D0%BE%D0%B1%D1%80%D0%B0%D0%B7.%D0%BF%D1%80%D0%B0%D0%B2%D0%B0_2%D0%BA%D1%83%D1%80%D1%81.pdf.

⁵² Section 29 of *the Constitution* grants everyone the right to education.

⁵³ Molelekwa 2023 <https://www.spotlightnsp.co.za/2023/10/18/childhood-exposure-to-violence-associated-with-mental-health-conditions-later-in-life-experts-say/>.

empowerment and the elimination of marginalisation.⁵⁴ All this is essential in that the right to quality education includes having schools where learners are safe and have adequate facilities. However, this remains far from reality for many South African learners.⁵⁵ It can be drawn from this that the quality of education is dependent on the environment in which learners receive their studies. The author argues that criminal activities can create and/or result in a barrier to accessing learning.⁵⁶

2.2.2 *The importance of HRE under the auspices of the DBE*

A critical factor in basic education settings is the prevention of violence and other activities that may result in violence. Schools must prioritise creating safe and supportive learning environments for all learners.⁵⁷ In this context, it is crucial to explore the significance of HRE in addressing the rising rates of criminal behaviour in schools. The critical issue is how to ensure that HRE in the DBE curricula is effectively taught, that there are adequately resourced teachers, and that the teaching is meaningfully applied to help combat and reduce criminal behaviours. This is essential because HRE can empower learners,⁵⁸ reduce criminal activity,⁵⁹ and foster a more just and responsible society.

The role of HRE in schools is important to the dissemination of knowledge to learners to enable and educate them about their rights. This would teach learners that the rights granted to them are not reserved for them but are equally granted to others. This is so because section 8(2) of the *Constitution* provides for the application of the rights to all natural persons. The author argues that it is essential to disseminate this knowledge, as learners may become perpetrators or victims of illegal conduct such as violence, either knowingly or without being aware that their actions are unlawful.⁶⁰ Exposure

⁵⁴ See Art 5(2) of the *United Nations Declaration on Human Rights Education and Training* (2011).

⁵⁵ Odeku 2022 *African Journal of Public Affairs* 97-109. Also see Ramaphosa 2019 <https://www.gov.za/news/speeches/president-cyril-ramaphosa-state-nation-address-2019-20-jun-2019>; Legotlo *Challenges and Issues Facing the Education System*; Molelekwa 2023 <https://www.spotlightnsp.co.za/2023/10/18/childhood-exposure-to-violence-associated-with-mental-health-conditions-later-in-life-experts-say/>.

⁵⁶ Crews "Education and Crime" 10; Mosito and Sitoyi 2024 *Perspectives in Education* 131.

⁵⁷ Darling-Hammond and DePaoli 2020 *State Education Standard* 7.

⁵⁸ Palau-Wolffe 2016 *Voices in Education* 30-38; Tibbitts "Evolution of Human Rights Education Models" 69-95.

⁵⁹ Council of Europe Date Unknown <https://www.coe.int/en/web/compass/peace-and-violence>. The latter notes the importance of "human rights education as containing an essential dimension of violence prevention".

⁶⁰ Although these terms are distinct, the author uses them as they are closely related. While illegal activities are forbidden by law, illicit activities are those that are not permitted for moral or ethical reasons. It should be noted that illicit activities may become illegal at some point.

to violence at a young age victimises children and may be transmitted from generation to generation.⁶¹ When children are not adequately equipped with knowledge of their human rights, they may struggle to cope when faced with challenging or conflicting situations.⁶² Such circumstances can increase the likelihood of them exhibiting aggressive behaviour, highlighting the importance of carefully designed HRE to help children develop coping mechanisms, resilience, and non-violent responses to conflict.⁶³

There is a link between exposure to violence in childhood and mental health problems later in life.⁶⁴ As a consequence, children who grow up in violent spaces, whether at schools, in communities, or at home, may internalise such behaviours as a form of defence when disputes are unresolved, and may be prone to repeating patterns of violence and abuse against spouses and children in the future.⁶⁵ However, nurturing a generation equipped with HRE, who can differentiate between right and wrong, is likely to produce positive outcomes focussed on reducing illegal conduct.

The promotion of human rights through teaching and learning is a route to achieving the aim of HRE.⁶⁶ In this way, legal education aims at the understanding of law in its social, economic, political and scientific

⁶¹ Artz *et al Sexual Victimisation of Children in South Africa* 10.

⁶² Yoo 2025 *Journal of Interpersonal Violence* 2332.

⁶³ Yoo 2025 *Journal of Interpersonal Violence* 2332.

⁶⁴ Molelekwa 2023 <https://www.spotlightnsp.co.za/2023/10/18/childhood-exposure-to-violence-associated-with-mental-health-conditions-later-in-life-experts-say/>; Artz *et al Sexual Victimisation of Children in South Africa* 10.

⁶⁵ Artz *et al Sexual Victimisation of Children in South Africa* 10.

⁶⁶ Various policies and legal frameworks provide for safety in South African schools, but this study is not based on providing a regulatory framework for school safety. Such policies and frameworks include the *National School Safety Framework* (DBE 2015

<https://wcedonline.westerncape.gov.za/documents/SafeSchools/National%20School%20Safety%20Framework.pdf>), the *Safety in Education Partnership Protocol Between the Department of Basic Education and the South African Police Service* (DBE 2011

<https://www.education.gov.za/Portals/0/Documents/Publications/SAFETY%20IN%20EDUCATION%20PARTENSRHIP%20PROTOCOL%20BETWEEN%20THE%20DBE%20AND%20SAPS.pdf?ver=2015-01-30-081322-333>), the *Regulations for Safety Measures at Public Schools* (GN 1040 in GG 22754 of 12 October 2001), the *National Strategy for the Prevention and Management of Alcohol and Drug Use Amongst Learners in Schools* (DBE 2013 https://www.kzneducation.gov.za/images/documents/Resources/SNES/PreventionOfAlcoholAndSubstanceAbuse/National_Strategy_Management_of_substance_abuse.pdf), the *National Drug Master Plan* (DSD 2020 https://www.gov.za/sites/default/files/gcis_document/202006/drug-master-plan.pdf) and the *National Anti-Gang Strategy* (Parliament 2019 https://pmg.org.za/files/190212Anti-Gang_strategy_Implementation.pptx). For a full discussion of these policies, their shortcomings, and criticisms, see Kreifels and Warton 2016 <https://www.saferspaces.org.za/understand/entry/school-violence-in-south-africa>.

contexts.⁶⁷ Hence, basic aspects of law including human rights should be known by all. HRE plays an essential role in promoting human rights and access to justice.⁶⁸ It is essential for the promotion and achievement of stable and harmonious relations among communities and to fostering mutual understanding, tolerance and peace.⁶⁹

Although HRE has already been introduced in the schooling system, there remains a need to strengthen and enhance its implementation, as the teaching of human rights has not been fully or effectively integrated into all social contexts.⁷⁰ Strengthening HRE is crucial because it not only equips learners with knowledge of their rights but also enables them to disseminate this knowledge within their own spaces, highlighting its significant role in early childhood education and demonstrating the importance of human rights education through its various dimensions. Grossman supports this view by outlining three interconnected dimensions of HRE, which emphasise not only acquiring knowledge but also engaging in processes and actions that embody and promote human rights values.⁷¹

Education on human rights is also recognised within the international sphere. Article 26(1) of the UDHR states that everyone has a right to education. In addition, Article 26(2) of the UDHR provides that education "shall be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms". The importance of human rights is found in its reflection of basic human needs and the establishment of the "basic standards without which people cannot live in dignity".⁷² In this way, human rights are about equality, dignity, respect, freedom, and justice.⁷³ It is clear from this that education should be directed to the development of the child's personality, his or her talents and abilities, respect for human rights and fundamental freedoms, living a responsible life in a free society, understanding, tolerance and equality, as well as environmental responsibility.⁷⁴

3 The impact of illegal activities on access to education and well-being

The insufficient implementation of comprehensive HRE may have significant consequences arising from learners' engagement in illegal activities, whether or not the perpetrators and victims are fully aware of the

⁶⁷ Glendon and Alford 2022 <https://www.britannica.com/topic/legal-education>.

⁶⁸ Meghdadi and Nasab 2011 *Procedia* 3014-3017.

⁶⁹ Brander *et al* *COMPASS* 17.

⁷⁰ Meghdadi and Nasab 2011 *Procedia* 3017; Schimmel 2023 *World Affairs* 1019-1025.

⁷¹ Grossman 2004 *Human Rights Brief* 20-23.

⁷² Brander *et al* *COMPASS* 20.

⁷³ Brander *et al* *COMPASS* 20.

⁷⁴ Brander *et al* *COMPASS* 20.

legal and social implications.⁷⁵ In this section, the author discusses the different types of illegal activity that are conducted by learners not only on school premises but also to a limited degree in their communities and at home. There is a great need to address the participation of learners in illegal and dangerous activities that may have detrimental effects on their lives as children and may also have an impact on the way they conduct themselves in future.⁷⁶

While it is evident that illegal activities in and around schools, whether perpetrated by learners, educators, or even adults in the community, pose a significant barrier to educational progress, it is essential to contextualise these behaviours in the broader socio-legal framework.⁷⁷ It has already been noted above that there is a lack of general knowledge on human rights amongst children, and that they may be unaware of the consequences of their actions and the rights they are entitled to.⁷⁸ The researcher argues that this gap is not merely an issue of education policy but also a fundamental social justice concern, as the long-term effects of such ignorance may perpetuate cycles of violence and marginalisation within the education system.⁷⁹

School violence is among the most pressing problems facing the education sector in South Africa and is also a global phenomenon. Globally, at least 150 million children annually report experiencing peer-to-peer violence in and around school.⁸⁰ In fact, more than one-third of learners between the ages of 13 and 15 have experienced bullying, and about the same proportion have been involved in a physical fight.⁸¹ Yearly, 246 million children around the world are affected by school violence.⁸² Research also shows a clear intersection between school violence and violence occurring in learners' homes and broader communities.⁸³ Many young people

⁷⁵ Smit and Plessis 2011 *PELJ* 172-217.

⁷⁶ Saladino *et al* 2021 *Frontiers in Psychology*.

⁷⁷ Ngidi *Exploring Educators' Experiences on School-based Violence*; Saladino *et al* 2021 *Frontiers in Psychology*.

⁷⁸ Imran 2024 *Riwayat* 41-47.

⁷⁹ Saladino *et al* 2021 *Frontiers in Psychology*.

⁸⁰ UNICEF Date Unknown <https://www.unicef.org/protection/violence-against-children-in-school>. Learners who walk to school and use public transport may be victims of violence. They are also vulnerable to general violence in their communities (see CJCP *National School Safety Framework* and Burton and Leoschut *School Violence in South Africa* 12).

⁸¹ UNICEF Date Unknown <https://www.unicef.org/protection/violence-against-children-in-school>.

⁸² UNESCO *Global Guidance* 3.

⁸³ Kreifels and Warton 2016 <https://www.saferspaces.org.za/understand/entry/school-violence-in-south-africa>.

experience violence across multiple domains of their lives,⁸⁴ leading to low academic achievement, absenteeism and compromised mental health.

While the data on global school violence is staggering, it also raises important questions about the nature of violence in educational spaces. Why, despite the international frameworks, does school violence continue to be such a pervasive issue? The intersection of violence in homes, communities, and schools reveals a cyclical relationship among these environments. It is not just that learners who experience violence at home bring those behaviours to school, and schools often fail to provide a sanctuary from this violence.⁸⁵ The institutional failure to address violence on these multiple levels highlights the systemic nature of the problem and underscores the need to consider the broader social and cultural dynamics that foster violence.

Evidence from multiple studies indicates the existence of widespread school-related physical violence and intimidation perpetrated by both teachers and peers.⁸⁶ The problem with violence is that it is not place or time-bound. It can occur during school hours or after-school programmes, and a learner may experience it on his or her way to and from school.⁸⁷ In general, the safety of children should not be focussed on school premises only, but also in the communities and at home. Whilst most of the violence occurs between learner and learner,⁸⁸ it may affect not only the victims but may also extend to causing emotional stress to the parents and/or guardians and may affect educators and the education sector in general. Hence, the focus should be not only on the actual incidents of crime and violence. It should also be directed to:

the fear thereof and the impact this fear has on learner and educator well-being, school attendance, and the ability to teach and learn. Learners and

⁸⁴ Chisamya *et al* 2012 *International Journal of Educational Development* 743-755; *Report of the Independent Expert for the United Nations Study on Violence Against Children UN Doc A/61/299* (2006).

⁸⁵ Venketsamy, Baxen and Hu 2023 *African Journal of Teacher Education* 49-69; Lagerlöf, and Øverlien 2022 *Nordic Journal of Social Research* 1-15.

⁸⁶ Psaki, Mensch and Soler-Hampejsek 2017 *Comparative Education Review* 354-390.

⁸⁷ Lamb and Warton *School Safety in the Western Cape*. It should be noted that violence can occur in many ways, but this study focuses on the challenges emanating from violence in general. For example, violence can also be experienced online in the form of cyberbullying, and it can extend to threats of violence, psychological abuse, robbery, physical assaults, gang violence, corporal punishment, sexual violence, and bullying (Burton and Leoschut *School Violence in South Africa* 12).

⁸⁸ HSRC 2017 <http://www.hsrc.ac.za/en/hsrc-in-the-news/education-and-skills-development/violence-in-schools>; Burton and Leoschut *School Violence in South Africa* 12.

educators should not only be free from crime and violence, but they should *be* free from the fear thereof.⁸⁹

This emphasises the importance of creating an environment where learners can learn without the constant fear of violence, which itself becomes a barrier to education. Despite the *Child Justice Act* 75 of 2008 providing for the possibility of diverting matters involving children who have committed offences away from the criminal justice system,⁹⁰ the government needs to find ways to eliminate rule-breaking activities perpetrated by children and against children. Although robust policy frameworks exist, including the National School Safety Framework (NSSF), progress in eliminating school violence remains limited.⁹¹ Kreifels and Warton highlight that the lack of monitoring and evaluation of NSSF implementation undermines its effectiveness.⁹² Without continuous assessment and adaptation, such frameworks may remain theoretical ideals and fail to protect learners in practice.

The author argues that while the NSSF provides a unified approach for schools, the DBE and other relevant departments must ensure that learning environments are safe.⁹³ Even with the official roll-out of the NSSF, its implementation in public schools and its impact remain unclear. Evaluating and monitoring school safety policies is crucial to ensuring that safety measures translate into tangible benefits for learners.⁹⁴ Failure by the DBE to ensure learner and educator safety diminishes the objective of equitable access to education.

⁸⁹ Kreifels and Warton 2016 <https://www.saferspaces.org.za/understand/entry/school-violence-in-south-africa>.

⁹⁰ According to the Department of Justice and Constitutional Development, diversion involves the channelling of criminal cases involving a child away from the criminal justice system with or without conditions. The aim of this is to give a child offender a second chance by preventing the child from having a criminal record, and to address the root causes of the criminal behaviour through an appropriate intervention. Although this is not an exhaustive list, the objectives of diversion include dealing with a child outside the formal criminal justice system, encouraging the child to be accountable for the harm caused by him or her, promoting the reintegration of the child into his or her family and community, preventing the stigmatisation of the child, and avoiding the adverse consequences flowing from being subject to the criminal justice system (see DoJ&CD Date Unknown <https://www.justice.gov.za/vg/childjustice.html>).

⁹¹ Kreifels and Warton 2016 <https://www.saferspaces.org.za/understand/entry/school-violence-in-south-africa>; Milligan, Doss and Zungu 2024 *Perspectives in Education* 4-22.

⁹² Kreifels and Warton 2016 <https://www.saferspaces.org.za/understand/entry/school-violence-in-south-africa>.

⁹³ Ngoveni, Khosa and Mofokeng 2024 *International Journal of Educational Review, Law and Social Sciences* 1237.

⁹⁴ Kreifels and Warton 2016 <https://www.saferspaces.org.za/understand/entry/school-violence-in-south-africa>.

In addition, HRE has not been effectively implemented.⁹⁵ Hence, it is argued that this weak implementation represents a significant gap. Moreso, HRE has received insufficient attention in academic and policy discussions, limiting its impact within the LO curriculum. Internationally, numerous programmes and action plans have promoted HRE, yet in South Africa, as Mubangizi observes, two decades after the democratic framework's establishment, public awareness of HRE remains insufficient.⁹⁶ Studies on the establishment of a human rights ethos in schools indicate that its reception has been varied, from rejection to enthusiastic acceptance.⁹⁷ However, the author argues that such an ethos could serve as an effective platform for deepening learning on human rights.

LO is designed to equip learners with the knowledge, skills, values, and attitudes necessary for successful living and learning.⁹⁸ However, learners often express scepticism regarding LO,⁹⁹ while teachers feel inadequately trained to teach the subject effectively.¹⁰⁰ As a result, HRE's formal inclusion in LO is undermined by learners scepticism and teacher under-preparedness, weakening its transformative potential. Stronger implementation strategies, teacher training and curriculum reforms emphasising the human rights content are needed to maximise LO's potential. While the *National Development Plan 2030* underscores that people should feel safe even in schools to enjoy active community life, and that children should be able to play safely,¹⁰¹ school-based violence often occurs in classrooms when teachers cannot maintain control or supervise learners effectively,¹⁰² creating barriers to learning.¹⁰³

⁹⁵ Munongi 2024 *Prospects* 765.

⁹⁶ Mubangizi 2015 *AHRLJ* 496. Also see Russell, Sirota and Ahmed 2019 *Comparative Education Review* 1-27.

⁹⁷ Russell, Sirota and Ahmed 2019 *Comparative Education Review* 5.

⁹⁸ Prinsloo 2007 *South African Journal of Education* 155; Russell, Sirota and Ahmed 2019 *Comparative Education Review* 5.

⁹⁹ Jacobs 2011 *South African Journal of Education* 212-223.

¹⁰⁰ Russell, Sirota and Ahmed 2019 *Comparative Education Review* 5.

¹⁰¹ National Planning Commission *National Development Plan 2030* 73.

¹⁰² Burton and Leoschut *School Violence in South Africa* 12.

¹⁰³ Kreifels and Warton 2016 <https://www.saferspaces.org.za/understand/entry/school-violence-in-south-africa>. Other frequent locations for the perpetration of violence are playing areas and school sports grounds. While this is not an exhaustive list, learners may face various kinds of disruptive conduct, including bullying and substance abuse. They may also face various criminal acts and behaviour. See, for example, Mokwena and Setshego 2021 *South African Family Practice* e1-e6; Jacobs and Slabbert 2019 *Social Work* 222-235; Sommer *et al* 2017 *Addictive Behaviors* 29-34. Also see Lawal and Marafa "Management of Students' Discipline" 485-493; Sibiya, Gamede and Uleanya 2019 *Gender and Behaviour* 12894-12909; Kreifels and Warton 2016 <https://www.saferspaces.org.za/understand/entry/school-violence-in-south-africa>; Hendricks 2018 *Ubuntu* 75-93; Aldridge, McChesney and Afari 2018 *Learning Environments Research* 153-172.

In addition, school toilets have become hotspots for sexual violence, particularly against female learners. According to the Centre for Applied Legal Studies (CALs),¹⁰⁴ many learners experience sexual harassment and abuse from their peers and educators. The Centre for Justice and Crime Prevention (CJCP) reports that school toilets are feared spaces, with over 12.5% of sexual assaults occurring in them.¹⁰⁵ The prevalence is likely to be underreported, and despite the progressive laws, sexual violence continues to threaten learners' right to education.¹⁰⁶

Sexual violence increases the risk of HIV infection and unintended pregnancies. South Africa's HIV prevalence is estimated at 13.9%, with approximately 24% of women aged 15-49 infected.¹⁰⁷ Research by Ajayi and Ezegbe confirms that adolescent girls exposed to sexual violence are more likely to report unintended pregnancies, underscoring the need for multifaceted interventions.¹⁰⁸ The core issue is not the absence of laws but the failure to enforce them effectively. Observations from under-resourced communities show that policy implementation, such as NSSF enforcement, is inconsistent and under-resourced. The misalignment between policy intent and practice highlights the existence of systemic barriers to safe educational environments.

The United Nations Educational, Social and Cultural Organisation (UNESCO) highlights that victims of school violence may experience low self-esteem, social isolation, depressive symptoms, absenteeism, and even school dropout.¹⁰⁹ These consequences threaten learners' future opportunities.¹¹⁰ In addition, school violence has significant health and long-term consequences for both victims and perpetrators. The CJCP describes this as follows:

Experience and exposure to violence in any environment at a young age increase the risk of later victimisation, as well as perpetration of violence and other antisocial behaviour. Schools, if considered holistically, are

¹⁰⁴ CALS Date Unknown <https://www.wits.ac.za/cals/our-programmes/gender/sexual-violence-in-schools/>.

¹⁰⁵ CJCP *National School Safety Framework*. Also see Ngidi 2023 *Social and Cultural Geography* 1713-1731; Ngidi and Moletsane 2023 *Children's Geographies* 1119-1135.

¹⁰⁶ CALS Date Unknown <https://www.wits.ac.za/cals/our-programmes/gender/sexual-violence-in-schools/>.

¹⁰⁷ Bisnauth 2023 <https://www.wits.ac.za/news/latest-news/opinion/2023/2023-07/offer-better-hiv-care-to-migrant-women-in-south-africa.html>.

¹⁰⁸ Ajayi and Ezegbe 2020 *BMC Public Health* 5; Acharya, Paudel and Silwal 2019 *BMC Pregnancy and Childbirth* 196; Cripe *et al* 2008 *International Journal of Gynecology and Obstetrics* 104-108; Gomez 2011 *Journal of Women's Health* 1349-156; Miller *et al* 2010 *Contraception* 457-459.

¹⁰⁹ UNESCO *School Violence and Bullying* generally.

¹¹⁰ As a result of this, there are good chances that learners may miss classes and even drop out of school to avoid being victimised again. See UNESCO *School Violence and Bullying* generally.

environments where children not only acquire scholastic knowledge, but also where they learn to know, to be, to do and to live together. Violence in schools impacts negatively on all these processes, creating instead, a place where children learn fear and distrust, where they develop distorted perceptions of identity, self and worth, and where they acquire negative social capital, if the violence and safety-related threats are not effectively managed. Thus, school safety is a fundamental precondition for learning rather than being an addition.¹¹¹

Crime and violence also affect the educators and support staff.¹¹² Media reports document assaults and stabbings of learners and teachers.¹¹³ The CJCP describes "battered educator syndrome", highlighting the negative impact of learner-on-teacher violence on teachers' personal and professional lives.¹¹⁴ Other consequences include fear of recurring assault, stress, anxiety, frustration, and financial strain for those who resign early.¹¹⁵ The author believes that violence also strains teacher-learner relationships and undermines teaching efficacy.¹¹⁶ Educators can also be perpetrators. A failure to adhere to the South African Council for Educators' Code of Conduct renders them liable for misconduct.¹¹⁷

4 The way forward

The way forward necessitates the adoption of a collaborative approach by all stakeholders in the education system. While the role of HRE is crucial, the government, educational institutions and other stakeholders must work together to address the multifaceted nature of violence and crime in South African schools.¹¹⁸ Achieving this would demand structural reforms in policy, enhanced enforcement mechanisms, and a concerted effort to strengthen the implementation of HRE, all aimed at safeguarding the well-being of both learners and educators. This collaborative approach should include

¹¹¹ CJCP *National School Safety Framework* 6.

¹¹² Research shows that violence and crime may negatively impact on the ability to teach, and result in strained relationships between learners and staff. See Brown, Simelane and Malan *Dr Nelson Mandela High School Neighbourhood Watch Assessment Project*; Burton and Leoschut *School Violence in South Africa* 12.

¹¹³ Ncontsa and Shumba 2013 *South African Journal of Education* 1.

¹¹⁴ CJCP *National School Safety Framework* 8. Also see De Wet 2021 *Communicare* 25.

¹¹⁵ Wei *et al* 2013 *Journal of Safety Research* 73-85. See other studies that found that victims of learner-on-teacher violence suffer from anxiety and depression (Espelage *et al* 2013 *American Psychologist* 75-87); Galand, Lecocq and Philippot 2007 *British Journal of Educational Psychology* 465-477; Moon *et al* 2015 *Violence and Victims* 279-292; Wilson, Douglas and Lyon 2011 *Journal of Interpersonal Violence* 2353-2371.

¹¹⁶ Those who choose to resign or retire early due to victimisation may suffer financially. See Stewart and Robles-Pina 2008 *Journal of At-risk Issues* 9-15.

¹¹⁷ This Code's legislative mandate is provided for in the *South African Council for Educators Act* 31 of 2000.

¹¹⁸ The DBE, policymakers, educators, the legal system, and the wider community must unite to create schools that are safe, inclusive, and conducive to effective learning.

learners, parents, teachers, community organisations and law enforcement to ensure a comprehensive response to violence. As such, there are several key recommendations for addressing the challenges noted above.

First, there is the need for legal and policy change. Reforming the legal framework is essential to ensuring the better enforcement of policies addressing school violence. Strengthening the penalties for perpetrators, along with criminalising violent actions, is crucial to curbing violence in schools. Additionally, promoting restorative justice for younger offenders and improving the reporting systems, including creating safe spaces for learners to report incidents without fear of retaliation, should be prioritised. Furthermore, enhancing the quality and reach of the HRE already embedded in the curriculum would foster a culture of respect and understanding. Legal reforms should also clarify the roles and responsibilities of school personnel in preventing and responding to violence, ensuring accountability at every level.

Second, the shift in approach by the DBE is to reassess its current approach to school violence and safety. Fortunately, our expectations and belief in the school system should focus on providing a safe and nurturing learning environment for learners to benefit from educational opportunities fully.¹¹⁹ However, in South Africa, teachers and peers are the source of the violence in the learning environments.¹²⁰ This must be changed. A dedicated task force responsible for monitoring the implementation of the NSSF should be created and should conduct regular audits to ensure adherence to safety policies. Teacher training should focus on conflict resolution and classroom management, and should enhance HRE delivery to help educators prevent violence and create safer school environments. Moreover, the DBE needs to work with local communities to address violence that originates outside school gates, such as gang violence or substance abuse.

Learning can be categorised into three parts, namely formal learning, non-formal learning, and informal learning.¹²¹ Although this study focusses on HRE for school learners, it does not disregard the importance of lifelong and continuous learning for adults in their communities. Research proves that at least 78% of global citizens agree that it is important to have a law that

¹¹⁹ Statistics South Africa 2023 <https://www.statssa.gov.za/?p=16128>.

¹²⁰ Statistics South Africa 2023 <https://www.statssa.gov.za/?p=16128>.

¹²¹ See Laal and Laal 2012 *Procedia* 1539-1544, who define these terms as noted. Formal learning occurs in an organised and structured context, and it is designed to lead to formal recognition (a diploma or certificate). Non-formal learning takes place in planned activities and is not explicitly described as learning, but it encompasses an important part of learning, as vocational skills are acquired in the work environment. Lastly, informal learning is achieved from daily life activities related to the family, work or leisure. This may be referred to as experiential learning and sometimes as accidental learning. Also see Brander *et al* *COMPASS* 30-31.

protects human rights in their country.¹²² In South Africa, 86% of the people believe that such a law is important.¹²³ Although a large proportion consider human rights to be essential, only 56% of global citizens know a great deal or a fair amount about human rights.¹²⁴ As a consequence, most countries struggle to ensure full human rights protection.¹²⁵ In South Africa, 76% claim to know at least a fair amount about human rights.¹²⁶ These statistics highlight the importance of ongoing public education and engagement to transform knowledge into practice.

Finally, the role of other stakeholders such as the courts and community is essential. The courts and local authorities play a crucial role in enforcing laws related to school violence and ensuring learner safety. The courts should implement specific procedures for dealing with school violence cases and prioritise restorative justice to prevent future recidivism. Collaboration between the DBE and local authorities is vital to addressing societal issues contributing to violence, including community policing efforts. Legal professionals should also support schools in developing community-based interventions, targeting the reduction of violence, substance abuse, and other social factors that affect learners. Community-based interventions should include mentorship programmes, after-school activities, and support networks for at-risk youth.

Human rights violations can be limited where there is a full awareness of, understanding of and respect for human rights.¹²⁷ Awareness, understanding, and respect could assist in developing a culture where such rights are respected rather than violated.¹²⁸ Therefore the effective implementation and reinforcement of HRE remains a powerful tool for

¹²² Ipsos 2018 https://www.ipsos.com/sites/default/files/ct/news/documents/2018-07/human_rights_in_2018_-_global_advisor_survey_press_release_0.pdf. Chapter 2 of the *Constitution* provides for the Bill of Rights. Accordingly, s 7(1) of the *Constitution* provides that the Bill of Rights is a cornerstone of democracy and it enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. The state is required to respect, protect, promote, and fulfil the rights in the Bill of Rights (s 7(2)).

¹²³ Ipsos 2018 https://www.ipsos.com/sites/default/files/ct/news/documents/2018-07/human_rights_in_2018_-_global_advisor_survey_press_release_0.pdf. This can be read in line with the supremacy clause, which provides that the Constitution is the supreme law of the Republic, that any law or conduct inconsistent with it must be regarded as invalid; and that the obligations imposed by it must be fulfilled.

¹²⁴ Ipsos 2018 https://www.ipsos.com/sites/default/files/ct/news/documents/2018-07/human_rights_in_2018_-_global_advisor_survey_press_release_0.pdf.

¹²⁵ Kingston 2023 <https://www.uri.edu/news/2023/12/most-of-the-worlds-countries-receive-failing-grade-in-global-human-rights-report-card/>.

¹²⁶ Ipsos 2018 https://www.ipsos.com/sites/default/files/ct/news/documents/2018-07/human_rights_in_2018_-_global_advisor_survey_press_release_0.pdf.

¹²⁷ Grossman 2004 *Human Rights Brief* 20-23.

¹²⁸ Grossman 2004 *Human Rights Brief* 20.

realising, promoting and ensuring the effectiveness of human rights in society.

5 Conclusion

While HRE is already embedded in South Africa's curriculum and supported by constitutional and policy frameworks,¹²⁹ weak implementation and inconsistent enforcement undermine its impact.¹³⁰ The persistence of school violence demonstrates that the challenge lies not in the absence of law or policy, but in their practical application. In addition, effective teaching and learning are increasingly being undermined by a culture of school-based violence.¹³¹ With the high prevalence of violence, abuse and harassment, schools have become grounds for many illegal behaviours, turning them into unsafe and hazardous environments that compromise children's ability to learn. Protecting learners requires responsible citizenship, including reporting suspected child abuse to the relevant child protection bodies, the Department of Social Development, or the South African Police Services.¹³² As things stand, many incidents remain unreported due to fear of victimisation or lack of awareness.

Strengthening the delivery of HRE, enhancing teacher training, and ensuring the consistent enforcement of frameworks such as the NSSF are crucial steps to take. Collaboration between schools, communities, law enforcement and the judiciary is equally essential to addressing the broader social drivers of violence. Learners and children in general remain vulnerable to illegal conduct by peers, teachers or community members. Ensuring safe and nurturing schools is both a constitutional duty and a prerequisite for quality education. By consolidating existing measures and prioritising effective implementation, South Africa could foster educational spaces grounded in safety, dignity and respect for human rights. Future research should also explore how lessons learnt from addressing violence in schools could inform employment law reforms, particularly in strengthening workplace protections, combating harassment, and promoting dignity in the labour environment.

¹²⁹ Mubangizi 2015 *AHRLJ* 496.

¹³⁰ Munongi 2024 *Prospects* 765.

¹³¹ SAHRC *Report of Public Hearing on School-based Violence* 1.

¹³² This is also a requirement as per the law. See s 110 of the *Children's Amendment Act* 41 of 2007; Hendricks 2014 *SAMJ* 504.

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List of Abbreviations

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| AHRLJ | African Human Rights Law Journal |
| Brook J Int'l L | Brooklyn Journal of International Law |
| CALS | Centre for Applied Legal Studies |
| CJCP | Centre for Justice and Crime Prevention |

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| DBE | Department of Basic Education |
| DoJ&CD | Department of Justice and Constitutional Development |
| DSD | Department of Social Development |
| HIV | Human Immunodeficiency Virus |
| HRE | Human Rights Education |
| HR L Rev | Human Rights Law Review |
| HSRC | Human Sciences Research Council |
| JILI | Journal of the Indian Law Institute |
| J L & Relig | Journal of Law and Religion |
| LO | Life Orientation |
| LS | Life Skills |
| NSSF | National School Safety Framework |
| PELJ | Potchefstroom Electronic Law Journal |
| SAHRC | South African Human Rights Commission |
| SACE | South African Council for Educators |
| SAMJ | South African Medical Journal |
| SDGs | Sustainable Development Goals |
| UN | United Nations |
| UNICEF | United Nations International Children's Emergency Fund |
| UNESCO | United Nations Educational, Social and Cultural Organisation |
| UDHR | Universal Declaration of Human Rights |