

**TOWARDS GENDER AND SEXUAL DIVERSITY IN SOUTH AFRICAN SCHOOLS:
EXPLORING THE POLICY DEVELOPMENT PROCESS IN THE DEPARTMENT OF
BASIC EDUCATION**

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ABSTRACT

The purpose of this study was to explore the pronouncements of gender and sexual diversity in the education policies within the education system. The study was largely motivated by the high levels of homophobic sentiments within schooling communities in South Africa. The assumption of this study is that there is no implementation of policy promoting the rights of gender and sexually diverse learners within the education system. This perceived lack of implementation has been a contentious human rights issue in South Africa. Both educators and parents have often marred the teaching of the gender and sexual diversity curriculum. Although mandated by legislation and policies, it has often been marred by moral and religious opposition. This has led to the exclusion of gender and sexual diversity content from the education curriculum. The absence of the content has resulted in the vilifying of gender and sexually diverse learners and educators in the schooling system. As such, the thesis explores the bottlenecks that exist within legislation as well as pertaining to curriculum and programme content that prevents the teaching of gender and sexual diversity education in South African schools.

The study employed a qualitative research design by using semi-structured interviews to obtain in-depth data about the experiences of officials in the implementation of gender and sexual diversity content, as mandated by the Constitution of South Africa. The study was conducted with ten officials in the Department of Basic Education from both the national and provincial offices. Four officials were based at in the School Safety, Social Cohesion and Equity in Education Directorate, Education Management and Governance Development as well as from the Curriculum Directorate, respectively in the national office. The six provincial officials were Gender Focal Persons of the following provinces, Limpopo, Gauteng, North West, Mpumalanga and KwaZulu-Natal, so designated by the Gender Equity Task Team recommendations of 1997. Through policy analysis and semi-structured interviews with officials responsible for the development and implementation of a gender and sexual diversity policy in the basic education system, the study explores institutional challenges as well as the social and power dynamics that exist in the implementation of policies in the schooling system.

The findings point to silences within legislation of the education system on the implementation of gender and sexual diversity. This lack of clear pronouncement has implications on the mainstreaming of gender and sexually diverse content within policy and curriculum. As such, it creates a challenge for the protection of the rights and dignity of learners within schools, and the curbing of violence related to the lack of tolerance, as well as integration and cohesion within society.

ABSTRAK

Die doel van hierdie studie was om die uitsprake van gender- en seksuele diversiteit in onderwysbeleide binne die onderwysstelsel te ondersoek. Die studie is grotendeels gemotiveer deur die hoë vlakke van homofobiese sentimente in skoolgemeenskappe in Suid-Afrika. Die aanname in hierdie studie is dat daar geen beleidsimplementering plaasvind van beleid wat die regte van gender- en seksueel-diverse leerders binne die onderwysstelsel bevorder nie. Hierdie waargenome gebrekkige implementering is al vir 'n geruime tyd 'n omstrede menseregtekwestie in Suid-Afrika. Sowel opvoeders as ouers belemmer dikwels die onderrig van die gender- en seksueel-diverse kurrikulum. Alhoewel dit deur sowel onderwyswetgewing sowel as -beleid onderskryf word, word dit dikwels in die wiele gery as gevolg van morele en geloofsoortuigings. Dit het gelei tot die uitsluiting van inhoud oor gender- en seksuele diversiteit uit die kurrikulum. Die afwesigheid van hierdie inhoud het gelei tot die swartmeer van gender- en seksueel-diverse leerders en opvoeders in die skoolstelsel. Hierdie tesis ondersoek die knelpunte wat in die wetgewing bestaan, asook betreffende die kurrikuluminhoud wat die onderrig van gender- en seksuele diversiteit in Suid-Afrikaanse skole verhoed.

Die studie het gebruik gemaak van 'n kwalitatiewe navorsingsontwerp deur middel van semi-gestruktureerde onderhoude ten einde diepgaande data oor die ervarings van beamptes te bekom in hulle implementering van gender- en seksueel-diverse inhoud, soos deur die Grondwet van Suid-Afrika gemagtig. Die studie is onderneem met behulp van tien amptenare in die Departement van Basiese Onderwys van sowel die nasionale en provinsiale kantore. Vier amptenare was onderskeidelik in die Skoolveiligheid-, Sosiale Kohesie- en Gelykheid in Onderwys-direktoraat, Onderwysbestuur en Bestuursontwikkeling gebaseer, asook afkomstig van die Kurrikulumdirektoraat, almal in die nasionale kantoor. Die ses provinsiale amptenare was die Genderfokuspersone van die volgende provinsies, Limpopo, Gauteng, Noordwes, Mpumalanga and KwaZulu-Natal, soos aangewys deur die Gendergelykheidstaakspan se aanbevelings in 1997. Deur middel van beleidsanalise en semi-gestruktureerde onderhoude met die amptenare verantwoordelik vir die ontwikkeling en implementering van 'n gender- en seksueel-diverse beleid in die basiese onderwysstelsel, ondersoek die studie institusionele uitdagings asook die sosiale en magsdinamika wat in die implementering van beleide in die skoolstelsel bestaan.

Die bevindings toon aan dat daar leemtes in die wetgewing van die onderwysstelsel bestaan wat betref die implementering van gender- en seksuele diversiteit. Hierdie gebrek aan duidelike verklarings het implikasies vir die uitlig van gender- en seksueel-diverse inhoud in beleid en kurrikulum. Gevolglik lei dit tot 'n uitdaging vir die beskerming van die regte en

waardigheid van leerders by skole, en die beteueling van geweld as gevolg van die gebrek aan verdraagsaamheid, asook die integrasie en kohesie binne 'n gemeenskap.

Dedication

I would like to dedicate this dissertation to my late father Simon Msongelwa Thani, who believed in me from day one.

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I would like to first acknowledge my supervisors Prof. Dennis Francis and Dr. Kevin Teise, for their constant encouragement and motivation. I would not have made it this far without you. My friends Finn Reygan, Sianne Abrahams, Tsekere Maponya, Eben Swanepoel, Nompumelelo Mohohlwane, Nomhle Khoza, Malebo Mphethswa, and the NRF cohort who carried me through the toughest moments of this journey.

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To my participants thank you for entrusting me with your truths.

I would also like to use this dissertation to acknowledge the pain suffered by young people in South Africa and in the world, as they experience discrimination, and abuse as well as those who have died as a result of their gender and sexual orientation. The knowledge that your humanity is constantly being questioned can only be described as being in a prison from which you cannot escape. While conforming can temporarily alleviate the abuse and rejection, it kills the soul. I pray that one day soon we can accept, without judgement, love from the soul, where colour, race, and gender do not exist.

Raising children in a non-tolerant world is depressing; children are who they are. The thought that one day the kind of venom that I see being spewed at LGBTI youth can be directed at one of my own keeps me focused on the work of educating people about gender and sexual diversity.

Most importantly I would like to acknowledge the National Research Foundation (NRF) research grant that made this study possible.

Abbreviations

ANC	African National Congress
CAPS	Curriculum Assessment Policy Statement
CDA	Critical Discourse Analysis
CEDAW	Committee on the Convention on the Elimination of Discrimination against Women
DBE	Department of Basic Education
DoE	Department of Education
DoJ	Department of Justice
DoJ & CD	Department of Justice and Constitutional Development
GETT	Gender Equity Task Team Report
GFP	Gender Focal Person
ITT	Interprovincial Task Team
LGBTI	Lesbian Gay Bisexual Transgender Intersex
LO	Life Orientation
NCS	National Curriculum Statement
NIS	National Intervention Strategy
SASA	South African Schools Act
NEPA	National Education Policy Act

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CHAPTER ONE

INTRODUCTION TO THE PURPOSE AND FOCUS OF THE RESEARCH

1.1 Background

Gender and sexual diversity education is mandated by the Constitution of the Republic of South Africa, Act 108 of 1996 (DoJ, 1996), the South African Schools Act, No. 84 of 1996 (DoE, 1996a), and the Curriculum Assessment Policy Statement (CAPS) (DBE, 2011b). Studies exploring the teaching of gender and sexual diversity in South African schools, such as the one conducted by Potgieter, Reygan and Msibi (2014) at the University of KwaZulu-Natal, found that various factors affected the successful roll-out of gender and sexual diversity education in schools, including a lack of clear policy guidelines, the educator's general awareness, low educator confidence in knowledge of the topic, and the educator's low levels of comfort in teaching gender and sexual diversity content. The lack of teaching and learning of gender and sexual diversity content in school has negative implications for learners and society at large, because the mandate to be inclusive of diversity remains unchanged, regardless of the prevailing systemic and personal challenges experienced by educators in teaching the content. This mandate is stated in the South African Schools Act, No. 84 of 1996 (SASA) preamble:

*...this country requires a new national system for schools which will redress past injustices in educational provision, provide an education of progressively high quality for all learners and in so doing lay a strong foundation for the development of all our people's talents and capabilities, advance the democratic transformation of society, combat racism and sexism and **all other forms of unfair discrimination and intolerance**, contribute to the eradication of poverty and the economic well-being of society, protect and advance our diverse cultures and languages, **uphold the rights of all learners**, parents and educators, and promote their acceptance of responsibility for the organisation, governance and funding of schools in partnership with the State; and the SA Schools Act" (DoE, 1996a: 1).*

The current study focuses on the aspect of policy guiding the mainstreaming of gender and sexual diversity within the schooling system. An emerging discourse already picked up on in the above preamble is the use of what the study perceives to be impractical pronouncements; or rather they do not elaborate on, or propose how the often nebulous concepts such as "*...advance the democratic transformation of society, combat racism and sexism and all other*

forms of unfair discrimination and intolerance..." (DoE, 1996a: 1) are often used within policy texts. While crucial to the social justice principles, which the democratic government aims to uphold, it is not quite clear how this vision is to be actioned within the schools.

This sentiment is further discussed in Chapter Four of this study, which reviews the relevant policy documents in order to identify the pronouncements and silences that have been identified as contributing to the poor mainstreaming of gender and sexual diversity in the education system.

1.2 Conceptualisation of concepts

This study focuses on gender and sexual diversity policy in schools. It includes concepts such as sex, gender and sexuality that are widely used and often conflated (DePalma & Francis, 2014).

Sex, gender and sexuality are often placed into binaries of male, female, heterosexual and homosexual, none of which take into account the individual's unique experience, which often does not fit into these moulds and at times nullifies these rigid categories (Curra, 2000). These socially constructed theories of sex, gender and sexuality are more diverse than have traditionally been communicated in literature. In fact, these definitions may not do justice to the experiences of individuals who are pigeonholed into them (Curra, 2000). Since the study cannot possibly begin to quantify human sexuality, I shall resort to merely outlining some definitions of sex, gender and sexuality framed within a social construction lens.

The study, however, applies some parameters in terms of operationalising these concepts. As such, definitions of these concepts are outlined below and are by no means exhaustive in describing sex, gender and sexuality.

1.2.1 Sex

Sex is the traditional biological assignment to an individual of male and female at birth. Sex relates to the operation of hormones such as oestrogen and testosterone that are often accompanied by anatomical structures such as penis, scrotum, testes, uterus, vagina, clitoris, and so on (Curra, 2000: 227).

1.2.2 Gender

Gender refers to the attitudes and feelings relating to masculine and feminine. Gender further comprises psychological aspects of being masculine/feminine as well as social statuses, roles, and cultural prescriptions for acting, thinking and feeling sex-appropriate ways. Gender is not a natural, biological fact (Moon, 1995: 496). Gender is further described as an ongoing and dynamic social construct that is influenced by environmental learning, individual interest and

capabilities, as well as intricate presentation of self by means of both physical and symbolic cues (Tewksbury, 1994: 228).

1.2.3 Gender diversity

Gender diversity refers to the experience of transgender or gender identity beyond biological and binary notions of male and female, man and woman. It celebrates the diversity in sex and gender identities (Diamond, 2002).

1.2.4 Sexuality

Sexuality refers to those experiences that lead to erotic arousal and a genital response. Erotic arousal is the state of being turned on, which produces a wish to continue with the relationship and its central activity. Genital response is a physiological response to some stimulus that is defined as sexual such as erection, ejaculation, or vaginal lubrication (Reiss, 1986: 21).

1.2.5 Sexual diversity

Sexual diversity refers to a wide variety of sexual identities and orientations (Meyer, 2009).

1.2.6 Discourse

Discourse is an institutionalized way of talking that regulates and reinforces action, thereby exerting power (Link, 1983: 60).

A basic definition of sex, gender identity, gender expression, and sexual orientation is outlined in the School Safety manual, entitled *Safer schools for all: Challenging homophobic bullying* (DBE, 2015) further contributes the following definitions. Although not widely used in the study these definitions are important to note as part of the resources availed by the Department.

Bisexual

Someone who is attracted to men and women (DBE, 2015).

Gay

Someone who is attracted to people of the same gender. While many women may identify as gay, the term 'lesbian' is also used for women (DBE, 2015).

Gender

The social attitudes, behaviour and roles given to men and women. Gender is different from sex, because sex refers to biological differences between males and females (DBE, 2015).

Gender identity

An individual's self-perception as male, female and/or transgender (DBE, 2015).

Heterosexual/Straight

Someone who is attracted to people of the opposite gender (DBE, 2015).

Homophobia

Prejudice and discrimination against people who are LGBTI or who are believed to be LGBTI (DBE, 2015).

Lesbian

A woman who is attracted to other women (DBE, 2015).

Heterosexism

Presumes that heterosexuality is the norm or superior to homosexuality and bisexuality (DBE, 2015).

Homophobia/Transphobia

Fear, dislike or hatred of LGBTI people. Homophobia and transphobia can vary from passive resentment to aggression and violence (DBE, 2015).

Intersex

A variety of conditions where a person's anatomy does not fit the typical definition of male and female (DBE, 2015).

Coming out

Understanding who you are and telling other people, including friends, family, co-workers or neighbours, that you are LGBTI. A person may be out in some situations and not in others (DBE, 2015).

Sexual orientation

The attraction we feel for people of a particular gender(s) (DBE, 2015).

Transgender or Trans

An umbrella term to refer to people whose gender identity and/or gender expression differ(s) from the sex assigned to them at birth (DBE, 2015).

1.3 Rationale

The study explores the extent to which policy is explicit in promoting the teaching of gender and sexual diversity and the extent of implementation of the policies in the South African education system. It further unpacks the roles of national and provincial officials in the development and implementation of these policies.

The Constitution of the Republic of South Africa, Act 108 of 1996 being the overarching legislative framework, the study interrogates the Constitution's human rights-based approach to highlighting pronouncements and silences carried over from the Constitution into legislation guiding education within the schooling system.

The following policies are reviewed using Critical Discourse Analysis (CDA) to identify pronouncements and silences within the policy on inclusivity on the basis of gender and sexual diversity within the schooling system.

- a. South African Constitution, Act 108 of 1996.
- b. White Paper on Education (1995).
- c. National Education Policy, Act 27 of 1996 (NEPA).
- d. South African Schools Act, Act 84 of 1996 (SASA).
- e. National Curriculum Assessment Policy Statement (CAPS) (2011).
- f. Example of a Code of Conduct for a School, 2008.
- g. Gender Equity Task Team Report (GETT) (1997).
- h. Draft Gender Equity Policy Framework for Basic Education (unpublished).

The study further explores the extent of engagement and use of policy by officials to promote sex and gender diversity within the basic education sector. This is achieved using semi-structured interviews with the provincial officials tasked with gender mainstreaming, in order to assess whether or not they are actively advocating for gender and sexual diversity within the sector.

The interviews also aim to gauge the officials' level of understanding of the policy environment within which they operate as well as their involvement in the implementation of the relevant policies throughout their assigned roles within the Department.

The semi-structured interview is a tool that enables the officials to voice their experiences of working in the education system, including the challenges they experience in working with gender and sexual diversity content in their designated roles. In discussing their engagement with policies, through their involvement either in the development phase or in the implementation phase, officials communicated a rushed and often incoherent process from the top down. This style of policy dissemination proved problematic in the popularization of policy, as it was not wholly understood or internalized for further cascading to the district and circuits as the direct implementers at school level.

1.4 Gender and sexual diversity in the South African education system

The importance of understanding the relevance of the mainstreaming of gender and sexual diversity in South African society and in the education sector, in particular, lies in the country's international standing in terms of its legislation on protecting the rights of gender and sexually diverse individuals.

South Africa's progressive Constitution (1996) advocates for equality, inclusivity and non-discrimination on the basis of gender, sex and sexual orientation. This study uses the terms 'gender' and 'sexual diversity'. Regional and international countries herald South Africa for being progressive in acknowledging diversity, as outlined in the Constitution. However, the country has recently been criticised for not being consistent in monitoring compliance with this legislation (DePalma & Francis, 2014). This notable inconsistency in the application of the law is not only observed by external bodies such as the Human Rights Watch (2011: 5), but also experienced by South Africans daily.

Diversity within South Africa is multifaceted and includes, but is not limited to various racial groups, genders, sexualities, religions, ethnicities, and class. Such diversity lends itself to conflicts that often result from ignorance of the "other" (Mavhandu-Mudzusi & Netshandama, 2013). Gender and sexual diversity also fall within this category of the "other", resulting in discrimination, violence and even death being meted against gender and sexually non-conforming individuals. This intolerance can be attributed to the country's non-inclusive apartheid policies, with the focus more on the social differences of individuals rather than on encouraging the acceptance of diversity and promoting harmonious co-existence (Mavhandu-Mudzusi & Netshandama, 2013).

This lack of focus on the acceptance of difference was the impetus that led to the democratic government's stance upon the demise of apartheid: to have human rights-based legislation focused on promoting redress and equality (Kraak & Young, 2001). The DoE established new curricula within the human rights philosophy to ensure that the citizenry learn about, and accept diversity as part of promoting social cohesion within the new dispensation.

However, twenty-one years after the development of this progressive and inclusive legislation, society is still riddled with homophobia, and schools remain some of the most homophobic spaces in South Africa. Butler and Astbury (2008) highlight how schools provide openly homophobic role-modelling. This inconsistency in the law and in practice is largely due to what DePalma and Francis (2014) attribute to the educators' inability to draw guidance from legislation as well as to the conflicting discourses that exist between legislation and the education policy. The policies are often vague and not sufficiently prescriptive.

The new Curriculum Assessment Policy Statement (CAPS) (DBE, 2011a), which is highly susceptible to multiple interpretations, leads to what I term 'personalisation' in the teaching of

gender and sexual diversity. This free interpretation of the curriculum guidelines is compounded by the lack of critical monitoring of educator compliance with policy. This has resulted in the mandate of teaching being influenced by individual educators' morals and beliefs, as outlined by Berger, Karimpour and Rodkin (2008).

Educators have further expressed their lack of knowledge to educate about gender and sexual diversity. When they do include aspects of homosexuality in their teaching, they entrench heterosexism by endorsing heteronormativity (Francis, 2012). This poses the question as to whether Richardson's (2006) statement is accurate in pointing out "that there are no educational policies requiring schools to become safe places for lesbian, gay and bisexual youth" (Francis, 2012: 2).

The existing literature delves deeper into the current status of the mainstreaming of gender and sexuality through curriculum in schools and the role, if any, that policy plays in its implementation.

1.5 Challenges in the teaching of gender and sexual diversity curriculum in the South African schooling system

Kirby and Michaelson (2008) identify that learners show an interest in being taught about homosexuality as a component of sex education. However, regardless of the interest expressed, educators in South African schools still perceive the teaching of gender and sexual diversity curriculum as a cultural and moral dilemma. It is within the same schooling environment that approximately 10% of the learners, who experience same-sex attractions, are exposed to the likelihood of victimisation on the basis of their gender non-conformity and sexual orientation (Francis, 2012). Yet, this compromises the teaching of diversity aimed at fostering social cohesion and the development of a citizenry that is tolerant of diversity. As a result, by withholding the teaching of gender and sexual diversity in the curriculum, schools perpetuate heteronormativity. The latter compromises the social cohesion which the government aims to develop in order to ensure that the country never descends into a state of inhumanely treating its citizenry in any way, as was observed during the apartheid regime (DBE, 2011a). While the ill treatment of gender and sexually diverse learners cannot be directly equated to apartheid, the principles that govern their inhumane treatment are similar in that they both relate to power by an individual or groups over another or others. Learners, who are diverse in their gender and sexuality identities, are subject to constant violations of their constitutional rights in schools, the state apparatuses. This study examines gaps that affect the implementation of legislation developed to promote social cohesion.

The introduction of Critical Discourse Analysis (CDA) to the study permits the analysis of the education curriculum implemented in South African schools post-1994, in order to identify any

pronouncements and silences within the Life Orientation curriculum on gender and sexual diversity (Fairclough, 2001).

The analysis also includes the review of the Outcomes Based Education's (OBE) Revised National Curriculum Statement (DBE, 2000). The Departmental Life Orientation Teacher Guidelines in 2006 illustrates that these curricula were silent on the teaching of gender and sexual diversity content; the culture of silence on this content has set the precedence on silencing gender and sexual diversity in the curriculum.

The analysis of policy provides insight into the pronouncements on gender and sexual diversity, as outlined in each of the policies, and interrogates the processes of policymaking and implementation by officials in this regard. It further explores their roles in the development and implementation policy that specifically promotes gender and sexual diversity into the curriculum. This is achieved using semi-structured interviews to unpack the roles of officials working at both national and provincial levels of the education sector. The study explores two separate and distinct spheres of government, namely the national and the provincial levels. The importance of these two specific tiers of government lies in their mutually supportive functions of policy development and oversight at national level and the handing over of the policy to the provincial level for implementation and monitoring.

The tension I observed in these two levels of government is a result of the decentralisation of the education system, which translates to autonomy at the provincial level. At times, this means that the national office has to make a concerted effort to obtain the buy-in of provinces for a policy to be successfully implemented.

The decentralisation of the education system is outlined below to illustrate the bureaucratic structure that forms part of the policy development, approval and implementation processes.

1.5.1 Decentralised education system and implications for policy implementation

Since the South African education system was decentralized in 1994, it now comprises two main tiers and two supporting structures, namely:

- The National Department, which is responsible for policy development;
 - Nine Provincial Departments, which are autonomous and responsible for governing their respective Departments;
 - District Departments are regulated by the provincial department and responsible for the implementation of policy and the monitoring and evaluation of policy and programmes in schools.
- *Circuits* offer school-based support for School Management Teams (SMTs) as well as specialized subject support in each of the subject areas, as outlined in the Curriculum Assessment Policy Statement (CAPS) (DBE, 2011a.).

In this regard, the study explores the education structure, focusing on the national and provincial tiers in terms of their use of policy to facilitate education, with the focus on gender and sexual diversity mainstreaming in schools by the relevant Directorates within each of these Departments.

In addition, the study interrogates the decentralisation of power, which was found to be partially responsible for some of the challenges and the subsequent failure to correctly implement policy (DoE, 1996 b.). Prunty (1985) outlines the nature of the policy:

The authoritative allocation of values draws our attention to the centrality of power and control, in the concept of policy, and requires us to consider not only whose values are represented in policy, but also how these values have become institutionalised (1985: 136).

The sentiment highlighted by Prunty (1985) is consistently echoed throughout the literature and the analysis of selected legislative documents such as the Constitution, which alludes to an intention to promote all human rights and an inclusive society (DoJ, 1996). However, as noted earlier, although the policy and legislation are aimed at ensuring that these inclusive values are representative of the diverse composition of a democratic country, the implementation thereof has not been adequately structured to meet this objective. According to the literature, the values defined in the Constitution often clash with those of officials. For instance, some of the reasons why officials refuse to teach about gender and sexual diversity include conflict with their religious beliefs, culture and traditions, due to the fact that the values outlined in the Constitution are not necessarily aligned with those of the national and provincial officials and educators who are expected to uphold them. With no visible monitoring mechanism, rights such as those of gender and sexually diverse learners are often ignored. The semi-structured interviews with the policymakers highlight the glaring power dynamics that exist during the consultation prior to, and during the development and implementation of public policy. Some of these dynamics exist between the two structures, namely the autonomous provincial education systems and the overseeing national level, and some at an individual level of the official tasked with implementation. These tensions challenge the perceived consensus that is believed to exist among stakeholders in the development and implementation of the education policy (Gale, 2003).

1.6 Community of Practice (CoP)

The importance of viewing the various stakeholders as part of the Community of Practice (CoP) is to highlight the interdependency that exists between the two levels of the education sector responsible for the roll-out of policy promoting the human rights of sexual and gender diverse individuals at school level. Hoadley (2012) mentions that the concept of CoP originated

from the tradition of systems theory. CoP is rooted in efforts to develop explanations of the social nature of human learning motivated by anthropology and social theorists such as Lave (1988), Bourdieu (1977), Giddens (1984), Foucault (1980), and Vygotsky (1978).

The CoP consists of members who share the same objectives and are constantly negotiating the terms of engagement. As a social entity, the CoP shares knowledge and resources and develops skills and knowledge base. Lave and Wenger (1991) note that the communities are not only focused on skills and knowledge acquisition, but also on building relationships that develop for the improvement of people and society.

I relate CoP in the study to the cooperative and supporting roles of government officials who are responsible for the formation and implementation of policy that matches this definition. It touches on the collective sharing of the same objectives to deliver on a mandate of promoting gender equity within the education sector, and constantly negotiating the terms of engagement among ourselves as the national and provincial departments. These terms entail how certain policies should be implemented and how certain programmatic recommendations relating to gender policies should be subsequently rolled out in the provinces (Wenger, 2001).

The CoP model is similar to the operational structure of the DBE Directorates, which have their respective interprovincial task teams (ITTs). These are made up of the national officials and their complementary provincial counterparts directed to carry the same mandate. The ITTs meet quarterly to report back and share good practice on delivering on their respective mandates. In the current study, the CoP of interest is the Social Cohesion and Equity in Education Directorate and its provincial counterparts.

As a 'CoP', they are expected to have a coherent communication strategy and programmes that respond to the mandate relating to the promotion of Social Cohesion and Equity within the education sector. The structure requires continual monitoring and evaluation (M&E) to ensure alignment of service delivery with the initial mandated objectives. The Social Cohesion and Equity in Education Directorate's task team combines the Gender Focal Persons (GFPs) as well as the Social Cohesion provincial counterparts for a quarterly two-day meeting at the national departmental offices (Wenger, 2001).

In analysing an ideal CoP model, the study compares the ITT and the incorporated interview responses by the officials in order to make recommendations. The officials generally perceive that the current structure is redundant and make recommendations for the better use of this structure. It is generally agreed that the ITT, as a CoP, needed to focus on the amount of time spent on the policy, in order to facilitate synergies in the implementation thereof.

As a CoP tasked with the development and implementation of policy, they are also regarded as a policy network that seeks to promote strategic thinking on progressive solutions to the gender challenges within a social democracy. The CoP is ideally informed by common goals and expectations for the policy development as well as by members who provide active input

into how policy is implemented. It will also ensure that all stakeholders at all levels of the education sector have a common understanding of the monitoring thereof, taking the bureaucratic and political nature of the DBE into account.

1.7 Methodology

In this study, I make use of a two-stage research design that includes a policy analysis on the teaching of sex and gender diversity education. Using CDA, I aim to explore the way in which social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text-and-talk in the social and political contexts. CDA positions itself in such a way as to aim towards understanding, exposing, and ultimately resisting social inequality (Van Dijk, 2005). Chapter 3 outlines the methodology employed in this study in detail.

1.8 The Critical Discourse Analysis (CDA) process

1.8.1 Policy analysis

The Critical Discourse Analysis (CDA) is applied to analyse policy in this study. It explores the complexities that exist in policy development and implementation in the education sector, with the focus on mainstreaming gender and sexual diversity within the sector. Berkhout and Wielemans (1999) highlight the importance of engaging the centralised and decentralised levels of power in the policy analysis process in education. Taking into account the diverse governance structures as well as the historical contexts within which it was developed, it was important to take cognisance of overt powerful interactions.

1.8.2 Semi-structured interviews

The second approach involves *semi-structured interviews* as a method to collect primary data from DBE officials at both national and provincial levels. I use a single semi-structured interview guide to explore the interpretation and use of the policies by DBE officials.

1.8.3 Criteria for the sample selection

The criteria for the sample selection are based on the officials' involvement in the value chain of the roll-out of gender and sexual diversity curricula that include GFPs from the Social Cohesion and Equity in Education, School Safety, School Governance and Curriculum Directorates at the national department responsible for the development and monitoring, as well as GFPs responsible for the implementation.

1.8.4 Data analysis

The study also employs Critical Discourse Analysis (CDA) to interrogate the construction of social discourse through daily language or text, as was the case for the policy analysis aspect of the research (Fairclough, 2001).

The study reviews the discourse outlined by the legislative framework and the action they aim to illicit in South Africans as well as the historical and cultural contexts that inform how DBE officials incorporate the varying discourses in their implementation of gender and sexual diversity in schools.

1.8.5 Value of the research

The current study was motivated by the recent spate of homophobic attacks, termed homophobic bullying, in schools, which alludes to the lack of enforcement of, or compliance in schools with the rights of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) individuals, as outlined in the Constitution.

The present research has made a contribution to the scant body of research. Currently, the literature points to an absence of gender and sexual diversity policy frameworks. Hence, this study endeavours to fill this gap by exploring the links between policy and practice.

The study is important for exploring the policy development processes and the implications for the sectors' implementation of important policies. The study identifies that policies need to be developed in partnership with the constituents, and that consistent monitoring is necessary for successful policy implementation. It further notes that there would be fewer bottlenecks if politicians were committed to policy implementation. If properly implemented, policy can foster ethical teaching by educators by ensuring that they understand the policy and apply it correctly in schools. These values can ensure that teaching is aligned with the spirit of the Constitution, characterised by non-discrimination and inclusivity (DoJ, 1996).

Although the findings obtained from the study are not generalizable, they do provide insight into the status quo in terms of availability of policy guidance and the implementation thereof as well as recommendations for the future. Some key recommendations include the need for both policy developers and implementers to become conversant in the sphere of gender and sexual diversity. I shall discuss the following recommendations in Chapter Six:

- to develop a systematic model of continuous training;
- to incentivise the continued education of officials and educators towards understanding concepts and applying human rights methods in the advocacy programmes developed and implemented by officials, and
- to teach gender and sexual diversity content in schools.

1.9 Layout of chapters

The chapter layout to be structured as follows:

Chapter One: Introduction

This chapter introduces the study by providing an overview of the different aspects of the study including motivation, aims and objectives as well as an overview of each of the chapters of the study.

Chapter Two: Literature review and review of theoretical paradigm

This chapter explores whether the policy environment within the DBE is conducive for promoting gender and sexual diversity education in schools.

Chapter Three: Methodology

This chapter explores the rationale for the use of qualitative methodology as well as the processes that are followed for data-collection and -analysis. Critical Discourse Analysis (CDA) is used for the policy analysis and semi-structured interviews for data analysis.

Chapter Four: Findings

This chapter explores the data-analysis process of the study and reveals the findings. It highlights the gains and challenges experienced in the analysis of both primary and secondary data, and introduces both the discourse strands and the discourse fragments that were identified in the analysis.

Chapter Five: Discussion

This chapter unpacks the implications of the discourses introduced in Chapter Four for policy development and implementation within the sector, and explores alternative methods to some of the identified gaps.

Chapter Six: Evaluation and recommendations

The final chapter of the dissertation includes the overview of the research process, including my experiences of the research process as well as recommendations.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The present dominant literature, both locally and internationally, on the implementation of gender and sexual diversity mainstreaming in the education policy in South Africa alludes to a lack of clear pronouncements on how gender and sexual diversity should be incorporated in the education system. The policies aimed at promoting the inclusion of gender and sexual diversity curricula do not prescribe how this should be done. Hence, this chapter unpacks the reasons for the challenges in policy implementations, which, according to Kraak and Young (2001), point to the policy environment at the dawn of democracy as being written with policy advocacy rather than policy implementation in mind. They highlight how those who had the policy vision in the early 1990s presently have reservations about the policies.

The pre- and post-1994 exploration of the education system highlights the various changes that have emerged as a result of the democratic government. The study assesses the impact that these multi-level structures, which emerged from decentralisation, have had on the mainstreaming of gender and sexual diversity education policy. Taking decentralisation into account, the study examines the subsequent policy development processes and how these affect both the consultation and the implementation of inclusive legislation and policies such as the Constitution of South Africa (1996) and the South African Schools Act (1996) throughout the education system.

Having identified the structural bottlenecks to effective implementation and monitoring of policy implementation, I draw on Lave and Wenger's (1991) CoPs and propose CoP as an ideal model for facilitating better implementation of gender and sexual diversity in the curriculum. Along with the implementation of policy advocating for the rights of gender and sexual diversity across the education sector, the model will guide officials as to how to maximise their professional interactions in order to improve the implementation of such policy. The principles of the CoP model are used to review the interactions that occur between the national and provincial departments in the form of Interprovincial Task Teams (ITTs). The task team consists of officials who have been mandated with the implementation and monitoring of social cohesion, gender equity as well as democracy and citizenship in the

education sector. I identified them as being vital for the success of policy implementation; hence, their involvement in the study.

The main purpose of the task team is to promote the sharing of good practice models to programme implementation. The task team also serves as a platform to synergise activities taking place at both national and provincial levels, ensuring alignment with the mandate of the national department. In this study, the GFPs, as mandated and instituted by the Gender Task Team (GETT) report (1997), are tasked with promoting and monitoring gender equity and gender equality within the sector. These GFPs are linked to the Social Cohesion and Equity in Education Directorate within the national Department that monitors equity, prioritises human rights and works towards developing an active citizenry by mainstreaming citizenship education. As members of a CoP, the officials are interviewed regarding the progress made in the development and implementation of the gender and sexual diversity policy within the sector.

This chapter navigates the current literature that points to the multiple layers that contribute to the poor implementation of gender and sexual diversity policy in the education system. These range from religious influences that were inherited from our colonial past and that continue to promote heteronormativity, to the subsequent homophobia arising from the intolerance of perceived immoral behaviours (Bhana, 2012). The literature also unpacks the impact of the history of violence inherited from apartheid, which was embedded in patriarchy, and explores how this legacy of power and violence has evolved and how the remnants thereof resound in the current dispensation. These are identified through the displaced anger and violence, especially in Black communities, which now target the gender and sexually diverse individual who is perceived to be challenging patriarchy by 'deviating' from heteronormativity (Msibi, 2012). The literature finally delves into the structural barriers to policy implementation in the form of a decentralised education system that experiences challenges as a result of its bureaucratic nature and its educators' inadequate guidance and capacity to deliver on the policy directives and makes recommendations for the sector proposed by a review of the CoP in relation to the sector.

2.2 The current social climate for gender and sexual diverse individuals in South Africa

This study acknowledges that the sodomy laws of apartheid as well as the indignant way in which soldiers were treated as two of the many memorable injustices perpetrated by the state during the apartheid era. Gender and sexually diverse individuals had no human rights

regardless of their race. The othering of gender and sexual diversity individuals introduces the predominant discourse of patriarchy and the masculinities that prevailed still affect the rights of gender and sexually diverse individuals in the country (Goodman, 2001).

2.2.1 *The influence of apartheid masculinities on modern South African masculinities*

Apartheid was an oppressive state developed, implemented and managed by White masculinity. It served White patriarchy at the expense of the African and other forms of masculinities. The regime promoted the role of men as being superior to that of women by means of laws that marginalised White women, Black men and Black women. The laws, however, still afforded Black men adequate opportunities to exert their masculinity through labour and employment practices. While the power belonged to the White man, the Black man also had power (Morrell, 2001).

Apartheid provided the power position for White men, which was above that of Black men, and they adopted the required structures and laws necessary to protect their power and privilege by means of their continued oppression of Black men who were emasculated. This defenceless positioning of Black men rendered them defensive and prone to violence.

The democratic dispensation, ushered in by the Constitution, introduced basic human rights for all and acknowledged women as equal to men before the law. This notion of equality challenged the privilege men had inherited throughout decades of socialisation (Msibi, 2012). Msibi (2012) further suggests that past experiences of violence under apartheid and the experiences of emasculation by Black men created a high likelihood that Black men would resort to acts of violence in order to assert their masculinities. This notion may well explain the normalised spate of gender-based violence that ensued. This included, but was not limited to violence against gender and sexually diverse individuals. Race, class and gender do not restrict violence perpetrated on the basis of gender diversity or sexual orientation.

Msibi (2009) affirms that the high levels of violence perpetrated against gender and sexually diverse individuals led to highly gendered notions of masculinity. He points to masculinities within a peri-urban locality that display, what he terms, “exaggerated fears related to sexual orientation” (Msibi, 2009: 50).

These constructions of masculinities inform discourses that exist in schools where aggressions towards gender and sexually diverse individuals permeate the schooling system in the form of internalised attitudes informed by the educators’ upbringing and social discourse on gender and sexual diversity. These discourses are systematically recreated and

reproduced in the negative discourses of religious consequences for gender and sexually diverse individuals. Patriarchal discourses shun gender non-conformity and privilege heteronormativity. These discourses undoubtedly influence how educators teach gender and sexual diversity, and how learners construct their gender and sexual identities.

2.2.2 Schools silent on gender identity and sexual orientation discrimination

South Africa has received international acclaim for being the first country in Africa and probably the world to recognise the rights of all individuals, including the rights of individuals of diverse genders, namely transgendered and intersex and those of diverse sexual orientation, as identified by lesbian, gay and bisexual in its Constitution. Despite this feat, gross violations of the rights of gender and sexually diverse individuals occur daily in South African schools (Bhana, 2013).

Richardson (2006) aptly points out that the high levels of discrimination in South African schools is cause for concern, citing the patriarchal and heteronormative nature of schools and the pedagogic methods used to deliver the curriculum as the main culprits. Butler and Astbury (2008) reiterate this sentiment, highlighting that schools provide homophobic role-modelling for learners by reinforcing heteronormative stereotypes as being the norm.

Pedagogic practices, which are often laden with moralistic and religious undertones, result in high levels of discrimination against gender and sexually diverse learners. They also render these learners invisible and marginalized, as they do not enjoy the freedoms afforded to all by the Constitution (Potgieter & Reygan, 2012).

These acts of discrimination against gender and sexually diverse learners are often founded on, and fuelled by discourses that purport that gender and sexual diversity is un-African and a product of the West being imposed on Africans. This discourse supports heteronormative pedagogic practices and promotes discrimination in society (Potgieter, 1997). However, there is literature to the contrary, as illustrated by Kendell's (1999) study done in Lesotho. It explores mummy-baby relationships that are characterized by an older woman initiating a younger woman into womanhood. These relationships are rumoured to have elements of same-sex sexual activities.

Similarly, ancestral wives and female husbands are another example of an ancient discourse documented by Nkabinde and Morgan (2008). It highlights sexually diverse relationships among *sangomas*. These relationships are said to be inspired by the female diviner who is

possessed by a male spirit, who requests the *sangoma* to then take a wife. Same-sex feelings among these *sangomas* result in same-sex relationships (Nkabinde & Morgan, 2008).

These examples highlighting the existence of same-sex attractions on the African continent are but two out of numerous examples of well-documented discourses on same-sex relationships in the broader African context. The literature dispels the myth that homosexuality is un-African. It reveals the ancient practice of, what would nowadays be considered, diverse gender identities and diverse sexualities as having been in existence prior to the discourse that labels same-sex relationships as un-African (Potgieter, 1997). While these are not examples embedded in a schooling context, as microcosms of society, schools mimic the societies within which they operate. The literature on these earlier records of same-sex attractions and behaviours is not readily available to learners via the curriculum, as this would legitimise and affirm their gender and sexual identities, as is commonly the case for heterosexual learners.

Despite these documented occurrences of same-sex attractions in the African context, gross intolerance of gender and sexually diverse individuals is still rife in the broader social context of South Africa. The extent of this intolerance has caused escalating levels of violence as well as curative rapes and the murder of lesbians and other gender and sexually diverse individuals in some townships (Msibi, 2012). Hence, the violence targeted at gender and sexually diverse learners in schools echoes a broader social discourse.

The level of discrimination levelled against LGBTI individuals in the schooling system has been institutionalised and manifests in a myriad of ways. This is evident in the lack of a policy guiding the education sector on the promotion of the rights of gender and sexually diverse individuals, which includes learners, educators, and all other officials. There are further omissions of gender and sexual diversity content in the gender and sexuality curriculum being taught in the classroom, thus reinforcing heterosexism and speaking to the heteronormative lens through which education is dispensed in South African schools.

The continual violation of the rights of gender and sexually diverse individuals in the education sector rendered it important to identify gaps in accountability from the structures responsible for addressing this human rights violation in the education system, since discrimination on the basis of gender and sexual orientation is against both the Constitution and the education policy. It was further important to explore the challenges that prevented the education structure and its apparatus, in the form of its officials, from protecting and promoting the rights of *all*, including those of learners. This was done by unpacking specific education policies in order

to identify and locate the legislative mandate that would assist in pointing out the gaps within the system.

Taking the above literature into consideration, this study touches on legislation developed in South Africa in the form of the internationally acclaimed Constitution; commitments in the form of international conventions and treaties, and sector-specific commitments in the form of policies and acts. The following questions arise. Why was the legislation developed? Was this legislation implemented? If not, what are the causes for the lack or poor implementation of such legislation?

In looking back on the oppressive nature of apartheid, the study touches on the discourses of the power of the state to systematically oppress those considered inferior by using every means necessary, including legislation that legalised political, economic, and social exclusion of people on the basis of race and otherness. The study highlights this discourse of the country's past as relevant, since it informed the enforcing of socially constructed notions such as race, sex, gender, sexuality and sexual orientation as fixed categories that affect the cultural, political, and social standing of individuals and communities in society.

The oppression of gender and sexually diverse individuals is no different from the apartheid government's oppression of Africans, Coloureds and Indians. I purport that the patriarchal bigotry and hegemony that upheld race as a criterion for exclusion and promoted the superiority of one minority racial group over others are responsible for making heteronormativity the criterion for inclusion and othering any deviation from this set gender norm.

While the Constitution as well as international treaties and policies have pronounced on our ideals and aspirations for an inclusive society that recognises the rights of all regardless of sex, gender, sexuality, sexual orientation, race, and so on, the philosophical question of this study is: How does this legislation propose that such a diverse population forsake their own beliefs based on culture, religion and traditions in order to promote the values to which they do not ascribe. This question points to a missing link between the legislative mandates produced by the country and the impetus to implement. As the study shows, implementation is affected by more than simply the educators' lack of understanding concepts; it is a more systematic challenge that is impacted on by the individual, institutional culture, and structural challenges that affect the implementation of gender and sexual diversity policy mainstreaming through programming and representation in the curriculum content.

2.3 Gender and sexual diversity policy in education

Inequalities were inherited from the apartheid regime, during which policies were designed to systematically promote overall inequality, including the dissemination of education along racial

lines in favour of Whites. In light of this traumatic past, the post-1994 education system developed legislation, based on the Constitution that could begin to redress and address inequalities in South Africa's education system (DoE, 1996a). Based on the country's inclusive Constitution, the founding legislation for a democratic education system in the form of South African's Schools Act (1996) (SASA) was developed. As the bedrock of the current education system, it is based on a social justice model characterised by reconciliation, promoting human rights, and social cohesion.

The SASA acknowledges the basic rights of all, as outlined in the Bill of Rights (DoJ, 1996). The mainstreaming of all these rights through education is the responsibility of the education sector. As outlined in Chapter One, gross human rights violations were perpetrated against gender and sexually diverse learners in the schooling system.

This study sets out to investigate the status quo, exploring the challenges to the implementation of policy necessary for the eradication of discriminations on the basis of gender and sexual diversity. This is achieved by identifying the pronouncements and silences in policy, which have led to the failure of the system to effectively mainstream curriculum content that promotes the rights of gender and sexually diverse individuals. The literature outlines the stark lack of gender and sexual diversity curriculum content in South African schools. This is attributed to the lack of clear policy guidelines and, in many instances, to the misinterpretation and misalignment of existing policy. This is evident in the inconsistencies in the curriculum, as observed in Life Orientation textbooks used for teaching and learning about life skills, including sexuality and gender diversity in schools. This lack of policy guidelines continues to deprive learners of their rights as citizens of this country who are afforded all freedoms by the Constitution (Potgieter & Reygan, 2012).

The dominant heteronormative paradigm embedded within the education system further exacerbates the policy challenges by negating the legitimacy of gender and sexual diversity, which is perceived to be a counter discourse. This is evident in the precursors to the development of gender equity legislation in the initial Gender Equity Task Team Report (GETT) of 1997, in which the findings of the task team that explored the Department's readiness to address gender equality challenges through policy were published. The findings included recommendations that the sector needed to respond to curriculum and educator competencies in order to relay the appropriate content to conscientise learners about gender equality. The Department was then advised to develop a gender equity policy to guide the mainstreaming of gender equity education. For the schooling sector, the report states that "[t]he deeply held ideologies on gender differences that legitimate girls and women's subordination can be addressed at school" (DoE, 1997: 7).

The conceptualisation of gender in this report does not extend to include gender and sexual diversity. The meaning of gender is hereby polarised and limited to male and female gender

identities within the education sector (DoE, 1997). This omission or rather lack of consideration for diversity in gender, despite the Constitution's pronouncements on the rights of gender and sexually diverse individuals in South Africa, can be viewed as one of the initial challenges for mainstreaming the gender and sexual diversity content, which still remains a marginalised topic.

In a more recent report, the "Gender Equity Review of Basic Education", commissioned by the DBE and undertaken by Moletsane (2010) touched on recommendations similar to those outlined in the GETT report. This report also recommended that policy be developed to deal with gaps in gender equality, and to identify and promote equal rights to education for both boys and girls. These recommendations highlight the need to include school governance, infrastructure, curriculum and educator when mainstreaming gender equity in education. The need for a policy that addresses gender equity and sexuality education was highlighted (Moletsane, 2010). The review also considered gender to be a binary and did not make concessions for gender and sexual diversity in its recommendation. This insensitivity further affirms the view that gender and sexuality in education are portrayed in a heteronormative manner and does not consider diversity in this regard.

In 2013, the DBE, based on the recommendations of the gender review by Moletsane (2010), commissioned the Human Sciences Research Council (HSRC) to develop a Gender Equity Policy Framework for Basic Education. In 2014, the framework was finalised and is yet to go out for stakeholder consultation. The aim of the framework is to guide the Department on which areas to focus on when developing the policy. It explicitly highlights the need to teach sexuality and gender diversity in education. However, since the document has not yet been published, its feasibility as a policy framework will be reviewed as part of the policy analysis process, in order to identify the strengths and weaknesses of the recommendations for policy development.

In lieu of a concrete policy, the Department uses the South African Schools Act (SASA) in conjunction with the South African Constitution (1996) to regulate on gender equity and monitor any forms of discrimination including, but not limited to gender and sexual diversity in the education sector. Even so, since there are no explicit guidelines in the SASA on the teaching of gender and sexual diversity, the challenge still prevails. The status quo is not conducive for promoting inclusivity through education.

There is no doubt that these identified gaps negatively affect efforts to create cohesion by promoting basic human rights and the rights espoused in the Constitution. Gender and sexually diverse learners are victimised and marginalised on the basis of their gender and sexual orientation. There are silences within the legislative framework informing and guiding the inclusion of diversity within education, which includes, but is not limited to SASA, in terms

of the explicit pronouncement relating to curricular content recommendation that promotes gender and sexual diversity education.

This begs how the SASA was developed. It further poses questions on the dominant voices that were responsible for developing the Constitution upon which the SASA is based. The use of critical discourse policy analysis is applied in reviewing the processes that were involved in the development of both the Constitution and the SASA.

Kraak and Young (2001:1) describe the dilemma experienced in the education policy space as caused by “the tension between a commitment to equality and social transformation and the associated intention to replace old institutions and practices with new ones...” This, as acknowledged, emanated as a result of policy that was developed at a time when South Africa was transitioning from the apartheid policies to the new democratic dispensation. At the time, the new government was developing policies in a space dominated by a few intellectuals who had hardly any experience of government, thereby creating the current disjuncture in ideology and practice (Kraak & Young, 2001).

The new shift in government at the dawn of democracy elicited an enormous brain drain on the human capital, resulting in the loss of numerous capabilities in positions previously taken up by officials of the apartheid regime. There was a gap in the strategic skills that were needed to capacitate the new-found institutions and convert old policies into more inclusive ones reflecting the new vision of the country (Kraak & Young, 2001).

To further exacerbate the skills shortage, the system inherited an uneven education system marked by uneven service delivery along racial lines as a result of apartheid education policies. The gaps in the curriculum, teacher training, and building infrastructure also had to be equalised to enable equality for all children in attaining education (Kraak & Young, 2001). All these issues needed to be addressed in a policy document. As such, there was an urgent need to rectify inequality within the sector, and a great deal of faith was placed on the ability of new appointees to gain “on the job” training (Kraak & Young, 2001).

It was undoubtedly an immensely difficult and time-consuming task to change the status quo in South Africa with its many deep-rooted historical problems. A ‘macro’ policy framework was developed to begin to sculpt out a direction for the country’s education in the absence of much needed expertise, with the hope that, with its evolution, the system would begin, in the long term, to configure itself to the vision and develop skills in the process. A review of the mammoth task of taking the education system from what it was to what it is at present should not necessarily denote a failure to implement policies in a system abounding in numerous historical challenges and inequalities (Kraak & Young, 2001).

2.3.1 Policy and practice

Some of the important issues in terms of the challenges with policy implementation include continuing dialogue between vision and theory as well as between policy and practice. The policy and practice that began in 1994 requires continuous critical inquiry into whether it has been effective over time. This inquiry should also apply at present with the review of policy to gauge the inclusion of diversity as practice, in relation to gender and sexual diversity in the education sector. Using theory and measuring it against the vision would accurately gauge whether the education system is succeeding in achieving the vision set out in 1994 (Kraak & Young, 2001).

Linking research and policy implementation has also been identified as an important factor, as it creates pathways to understanding the development and dissemination of knowledge in relation to pedagogic practice, and not taking for granted the already existing methods of teaching and learning. This process includes what Kraak and Young (2001) label the micro-processes necessary for determining the outcome of attempts aimed at reforming an education and training system characterised by the following:

- The essentially social character of learning, while not neglecting the centrality of the individual learner;
- The need for a clear, progressive and unified system of qualification in promoting learning, while at the same time acknowledging that the qualification system is but one part of the system designed to promote the learning process;
- Identifying how best to acquire knowledge that is important for people to acquire. This includes distinguishing whether the knowledge acquisition process needs to be school based or whether it should take place within a college (postgraduate). Further identifying what knowledge can be learned as it is applied and what knowledge can be learned prior to application.

These processes are more important when the government's aim is implementation and delivery and not simply focus on policy design. These processes underlie the importance given to curriculum inputs and outputs as well as to the content and outcomes, as framed in the CAPS. The policy environment should provide for the unification of systems between the basic and the higher education sectors, ensuring synchronisation and minimising differences as evident in recent policy (Kraak & Young, 2001).

The micro-level processes are responsible for placing constraints on the pace and direction of reform in the form of the education and training policy. This perception is largely due to the emphasis and responsibility that is placed on policy to transform the values within the education system. As outlined in policies, efforts and activities such as education, training, pedagogies, curricula and qualifications are often taken for granted as important factors for

the successful implementation and inculcating of values that support diversity (Kraak & Young, 2001).

Locating the *intentionality* within the implementation framework would be essential to moving away from the utopianism of the early 1990s. Unpacking the initial synergies required among certain issues for ensuring the successful development and implementation of any policy at the correct levels in the South African education include identifying:

- Political issues with redress, overcoming inequalities and extending participation to previously excluded groups; these are essential issues in terms of the expansion and redistribution of resources;
- Pedagogic and curricular issues that underpin the achievements of specific educational goals; these issues parallel the 'micro' processes involved in learning and teaching;
- Administrative issues involved in expanding institutional and government capacity and coordinating different levels of government.

While separable in an analysis, these issues are not always separable in practice. They often intertwine when framing and addressing issues in the education space crosscut political, pedagogic and administrative lines in their origins, the proposed intervention objectives and outcomes (Kraak & Young, 2001).

2.3.2 Policy maturation

It is important to examine the policy in relation to its relevance over a period of time. A policy matures when the constituency has a realistic understanding of what the policy is capable of achieving (Kraak & Young, 2001). Young (in Kraak & Young, 2001) highlights the importance of applying the pragmatic view of change as a process of policy maturation; this signifies an awareness of the fallibility of the best-laid policy intentions. He asserts that this process neither poses the question as to the 'lost' idealism of policymakers, providing a clear path to pragmatism, nor does it assume that the government is unwilling to confront challenging situations pertaining to policy implementation. It does, however, point to the complexities that exist in the process of education reform and the continual engagement with the challenges of the assumptions about knowledge and learning in different policies.

The acknowledgement of a policy shortcoming is a thoughtful and responsible way for me as a policy analyst, researcher and policy implementer, as it offers hope for the future instead of always producing ineffective and often superficial solutions to policy shortfall, which is not helpful in the long run. The idea behind policy maturation is to highlight, in researchers and policymakers, the need for the capacity to acknowledge that the intrinsic and institutional logic

of policy are both important when implementing and reviewing policy and that compromising and applying the former at the expense of the latter is not fruitful.

2.3.3 Policy slippage

Policy slippage occurs when there is an inevitable shift in the policy from idealism to pragmatism. I surmise that what I perceive as a slippage in South African policy is a result of the inconsistent “stakeholder-driven” policy development that was often led by the national office and that includes provincial, district and circuit officials as well as educators. This inconsistency is due to the fact that these officials are not often equipped with recourses to cope with the new CAPS and policy environment (Kraak & Young, 2001).

As articulated by Kraak and Young (2001), a policy slippage occurred from the idealism of the early 1990s to the realism in the present decade. They emphasise the importance of noting the slippage, as it has implications for the development of new policy as well as for the importance of the continual articulation of policy goals and purposes to facilitate the evaluation of the intended reforms.

Young (2001) points to the importance of noting the difference between the policy’s intrinsic and institutional logic. Intrinsic logic refers to what the policy stands for as well as the wider goals it represents. Institutional logic refers to the power relations and social interests involved in the implementation of policy (Kraak & Young, 2001: 11). This study focuses on the latter, using CDA.

2.3.4 Critical Discourse Analysis (CDA)

Bearing in mind this perceivably complex situation of what I perceive to be policy maturation and potential policy slippage, I critique the SASA developed for the education sector. It is either unclear regarding the pronouncements or silent regarding how gender and sexual diversity inclusion in the institutional culture of education would be rolled out.

I use Critical Discourse Analysis (CDA) as a type of critical research that explores the way in which social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text-and-talk in the social and political contexts. In this chapter, I review the complexities with policies on two levels, namely that policy as texts and discourse and its ever-changing nature render it not constant at any given time (Fairclough, 2001). The meaning of text is ever changing and the authors of the text cannot control the meaning thereof, as inferred by the reader. As such, authors make an effort to control, by any means available to them, and to influence the ‘correct’ reading of the texts. These efforts to ‘guide’ the ‘correct’ reading of the

text also include negotiations by the authors with political figures and the users of the policy at all phases of policy development.

The dominant discourses that emerge at the end of the process need to be recognised from the analysis. The different role players change the areas of emphasis of any given policy and the meaning is thus always linked to the principal actor at the time of interaction with the policy. It must be noted that some policy as text is not even read by its end user. Gatekeepers and other authorities relay the policy, as it is not directly read or interpreted by the end user (Ball, 1993).

As a result of this level of engagement with the policy, this research afforded the opportunity to obtain rich data that affirms the presence of values within policies that mandated the teaching of the gender and sexual diversity education curriculum. I was able to juxtapose the policy guidelines to existing literature on the current implementation of the same policies in South African schools in order to highlight gaps in the implementation of policies in schools. Ozga (1990: 361) cautions researchers to take note of the following:

the source, scope and pattern of any education policy, the operation of the state apparatus, its internal contradictions and conflicts, the historical antecedents of policy structure, content and culture.

The main premise of postmodernism relevant to this study is that power is not unitary, but dispersed via institutions and processes (Watts, 1993). The discourse of power was introduced, as multiple levels of power were at play in the development of an education policy. This is evident in the way in which the power of the state promotes certain paradigms within the provinces that operate autonomously, but yet are tasked with the implementation of some national policies. The contention may arise if the implementers from the province, to the districts and even to the school have a different and even conflicting agenda from that of the state or each other. These contentions resulting from both a decentralised education and discordance with civil society may impact on the implementation of policy in schools and the implications of these discordances may result in poor or no policy implementation.

Considered to be the model of postmodernist thinking, Foucault (1991) offers a conception of power that is decentralised and plural. He maintains that power circulates everywhere and can be productive rather than necessarily repressive (Capper, Hanson & Ropers-Huilman, 1994). The theory of CDA is deemed relevant to the study due to the changing power dynamics that resulted from the decentralisation of the South African education system. The new system has multiple levels of authority; autonomy at the implementation level in provinces impacts on the development, consultation and implementation of education policies on all levels.

As such, CDA highlights the subsequent reproduction of oppressive practice that arose as a result of omissions in some policies, as outlined in this study. Using CDA enabled me to

interrogate the discourses and how they relate to power relations in society and in its cultural structures. These were evident especially following apartheid and the oppressive nature of its laws.

The parts of text that were analysed speak to the tolerance and inclusion of diversity in all spheres of our society as a new democracy, especially in policy documents such as the Constitution of the Republic of South Africa (1996) and the SASA (1996). I focus on the inclusion of gender diversity and sexual orientation to argue about their omission in the curriculum content that extends the directive of the Constitution into practice. This contravenes pronouncements made in the White Paper on Education and Training (1995).

Taylor (1997) refers to the use of CDA in analysing policy and its two main aims, namely to explore relations, events and texts as well as wider social and cultural structures and processes, and to explore how texts construct representation of the world, social relationships and social identities. Taylor further points out that this emphasises how relations of power ideologically shape such practice and texts (Taylor, 1997).

The texts reviewed in this study are crucial to the landscape of the South African democracy, because they pioneered the inception, and form the basis of a new education system. The power of such documents lies in their association with our freedom and the new democracy. Challenging and questioning their objectives and their relevance in certain instances may be perceived as sacrilegious. However, a democracy is only valid when people are viewed as the power behind the state. The duty of democratic citizens is to question policies. In highlighting some of the gaps in these pieces of legislation in providing clear actionable directives in relation to some of the clauses, the analysis will make recommendations for mitigating against these gaps.

2.3.5 Critical Discourse Analysis of policy

This study uses critical discourse analysis of policy to identify the dominant discourses that emerge in discourse and text. The importance of this process for this study is that it highlights the key role players in the policy development process and the voices they represent. It also interrogates the representivity of the values communicated by these stakeholders in relation to their constitutional mandate in the policy development process. Similarly, the reviewed policies were developed by the government with the aim of regulating public processes such as the delivery of basic education to all learners in schools, as outlined in the SASA and guided by the Constitution.

The literature indicates that the discourse contained in the legislative framework is based on an ideal rather than on the voice of the people it represents. It is, therefore, important to identify the discourses in the legislation tasked with governing a diverse population such as the

citizenry of South Africa, namely the country's Constitution. The human rights discourse communicated by the Constitution is aimed at ensuring that the multiple voices are represented and that their rights are upheld as part of the inclusive process of the constitutional assembly. However twenty-two years on, it has emerged that not all South Africans support the Constitution in its entirety. Further the policies are not well popularised, for the purpose of ensuring that the citizenry is educated on, and buys into their content. As a result, the legislation is often viewed as a suggestion and not internalised and accepted by all (Hill, 1993).

This disregard for certain pronouncements such as those highlighting gender and sexual diversity can be attributed to the inaccessibility and lack of transparency of the meanings of certain concepts in the Constitution as a legislative document. The document embodies the vision for the country, but the government has been criticised by the Human Rights Watch (2011) for not implementing this legislation. By engaging with the DBE officials regarding the meaning they associate with gender and sexual diversity, as set out in the Constitution, the study points to a wide range of responses including the discourse on gender as a binary, gender and women empowerment, gender as pathology, as well as gender and sexual diversity as gender confusion, all of which have resulted in some of the challenges of translating policy into practice.

The discourse on the values promoted by the reviewed legislation speaks to identifying the dominant discourses contained in the legislation, whom it represents, and whether it is accepted as representing gender and sexually diverse individuals in practice.

In order to highlight the relevance and timely nature of this research, it is essential to broadly explain the history and current social climate in South African schools and in the country at large (Hewitt, 2009).

In the study, it is apparent that the process of policy development in the education sector, contrary to that of the development of the Constitution, is not inclusive and is often experienced as emanating from the national office and dispensed to the provinces for dissemination. The provinces, districts and schools communicate policy development as a process separate from themselves, resulting in a poor buy-in from provinces, districts and schools (Dukeshire & Thurlow, 2002). Policy on a topic as sensitive as gender and sexual diversity requires more caution in how it is communicated throughout the sector, with an emphasis on the correct understanding of the discourse on gender and sexual diversity.

To date, the Department has embarked on an attempt to develop a framework for gender policy, which has been disrupted by administrative and political changes within the sector. At the operational level, in an attempt to popularise safety and gender issues that include gender and sexual diversity, the Department embarked on at least three training drives between 2014 and 2015. One training drive focused on school safety, with an emphasis on homophobic

bullying; the second and third training drives focused on a discourse on gender-based violence commissioned by the Social Cohesion in Education Directorate.

I observed the ineffective manner in which the Department communicates gender and sexuality information during training sessions. The training is conducted by service providers who present short modules with multiple themes such as violence, HIV/AIDS, corporal punishment within school, and sexual harassment. These multiple themes have led to the construction of conflated discourses on gender, where sexuality is associated with violence and HIV. The training frames gender and sexual diversity within a problematic discourse on social ills. Gender and sexual diversity are not introduced from a discourse on inclusivity, tolerance and integration, but from one on redress, forcing officials to be aware of the constitutional mandate, but doing little else to mediate their confusion.

Having attended the training on Gender-Based Violence, undertaken by Tshwaranang Legal Advocacy Centre (TLAC) in Mpumalanga, I observed first-hand a two and a half day training session that dedicated a few hours to unpacking the concepts of gender and sexual diversity and their meaning. The responses from the officials reflected their views and attitudes on the topic, some of which included confusion about the nature of gender and sexual diversity as well as disgust and intolerance. In view of such responses, the facilitator could have taken time to unpack the origins of such thoughts and attitudes and rectified them. However, the training schedule did not allocate sufficient time to correct the attitudes and myths, and change the understanding of such narratives. I subsequently criticised this modality of training and made recommendations (cf. Chapter Six) regarding new training modalities that the Department should consider.

The officials who raised their views of discomfort and confusion were meant to be identified as possible trainers if they responded in a non-discriminatory and understanding manner. The content, condensed into a few hours, was problematic since the officials were expected to then proceed to train other officials with the scant knowledge they had obtained. After the training, the facilitators could only identify one individual who understood enough and showed an open mind. The danger of having unwilling officials means that the Department is entrusting officials to do work with which they are not comfortable and who may ultimately not convey the education that is required in the classroom. This problem confirms the Department's need to review their training modality to ensure that suitably trained facilitators educate about gender and sexual diversity at all levels of the education system.

The weakness identified as poor content knowledge and resistance to certain knowledge, such as that relating to gender and sexual diversity by officials, leads to poor communication within the system. It also affects training and, by extension, how policy is popularised. In order to change paradigms and discourses, there needs to be continuous engagement with the content, continuous and incremental training, and constant monitoring of implementation.

2.4 The significance of the social justice paradigm in South African education

The South African education system has remnants of its oppressive past, along with certain cultural and religious influences from its founders and forbears that have remained engrained over the years. These still influence pedagogic practices and the way in which schools function (Msibi, 2012). Hence, the necessity for a critique of the South African education system, highlighting significant points of paradigm shifts that still reverberate in our education system. The greatest critique of the education system has been identified as its inability to consistently ensure equality within and through education. This trend has been observed in the system since its inception by the British in the 1800s to the current democratic government (Brynes, 1996). Equality, in this instance, includes, but is not limited to racial, gender, and socio-economic categories. This perceived challenge has resulted in deeper inequalities within society, due to the gap between the rich and the poor in South Africa, along racial and gender lines showing a marginalised African race and even further marginalised Black women. The one major feat of the democratic government has been its ability to reach 98% gender parity in enrolment (DBE, 2013) despite tangible challenges such as the poor state of some schools, where textbook shortages are experienced, and others consistently underperforming as a result of poor management. It must be noted that textbooks and educators are important to education, as they are the conduits whereby policies are implemented at school level using the curriculum to disseminate the content. Hence, failure by the sector to ensure that schools are equipped with textbooks and that educators receive the relevant training and support material could mean that learners do not receive quality education. Learners who are already impoverished will further be marginalised, thus entrenching inequality in the education system and in society even more deeply.

Quality education is the priority of the current government as the number one key deliverable, namely “*Outcome 1: Delivery of quality education*”. The main focus of the current education system, however, is the popularising of Science Technology and Mathematics (STEM) subjects. The government does not prioritise curricula for Life Orientation, which is the vehicle used to promote constitutional values often aimed at promoting social cohesion, human rights, and democratic education (Francis, 2012).

The content in the LO curriculum has serious implications for the lives of learners, since content guidance, life skills education, health promotion, physical development and movement, environmental education, citizenship and human rights education, religion education, sex, sexuality, and HIV/AIDS are also included in the same curriculum (Francis, 2010). However, in its mandate, Life Orientation has not received the necessary support

required for such a multi-specialised field of study. As such, the educators often tasked with providing the Life Orientation curriculum are not trained to deliver content such as sexuality education and teach content based on their own experiences and convictions. They are often overburdened with miscellaneous responsibilities in the school. This has a negative effect on the task of delivering education on human rights, democracy, and diversity. The LO curriculum has been developed to correct the injustices of the past and ensure that children know about the history of South Africa and that the oppressive history is not repeated (Francis, 2011).

When correctly understood and executed, the LO curriculum is a powerful medium to educate about social justice. However, the successful teaching of LO in the classroom is often dependent on the educator who may or may not have the training and on their paradigm. This may even further promote intolerance, as is often observed with the teaching of gender and sexual diversity (Francis, 2012). As such, while the teaching of social justice is outlined in the CAPS, educators need to be better trained to deliver the curriculum content, which should be effectively monitored by subject advisors.

The social justice paradigm has not been well communicated and is often perceived as a collective pursuit of justice for commonly identified social injustices (Mncube, 2008). The personal and normalised nature of discrimination on the basis of gender diversity and sexual orientation may not be apparent to learners, who receive education content representing them within the education system, as their constitutional right. As such, the learners do not demand recourse and the schooling system does not account for it. It is thus essential to emphasise an understanding of social justice education. As outlined by Davis and Steyn (2012), social justice is the tool that arouses learners to identify obstacles to their freedom, humanity and dignity, allowing them to consider ways in which to challenge these obstacles.

2.4.1 *Impact of historical events on the education system*

The fact that missionaries introduced education in South Africa and many other countries is of great significance to how education is currently delivered in the classroom. There are still remnants of the more systematic religious influences. The legacy of the missionaries in education is most powerful and still influences the pedagogic practices of educators to date. Moral and religious judgement is perceived to be more influential than the Constitution in the country. The Bible is often used to justify discrimination and is said to condemn the sinful nature of gender and sexual diversity. The morality debate in South Africa is entrenched in, among others, social, religious and ideological contexts. With a heteronormative lens applied to the education system, the concept of hetero-morality has been coined (Bhana, 2013; Rahman, 2004) to illustrate how morality is embedded within heterosexual privilege, enforced through Christianity. Educators are often faced with this moral dilemma when teaching about

gender and sexual diversity in schools, despite their ethical obligations to teach in an unbiased fashion.

The educators are and have been an unequal workforce in a system that emanated from the apartheid era, where educators from Black communities were not trained on the same level as those from White schools. The system of Bantu Education introduced in 1953 was aimed at providing Africans with minimum educational skills to enable them to work in a semi-skilled labour capacity. This was another strategy to maintain supremacy by Whites over Africans (Kallaway, 2002).

As a result, educators in Black schools were not well qualified; this affected the standard of education which resulted in a high failure rate among Black learners. In Black schools, classroom shortages and few teachers resulted in overcrowding, with a high teacher-pupil ratio. School buildings assigned to Africans were of inferior quality and negatively affected the quality of learning. Many of these conditions still prevail and continue to make schools non-conducive to teaching and learning (Chisholm, 2004).

The sensitivities associated with teaching about gender and sexual diversity require specific pedagogic practices, since teachers who are not well trained are still within the system and impacting on learning. New discourses on HIV/AIDS, sexuality, and human rights require educators to talk openly about sex and sexuality in order to effectively communicate messages of safe sex, intimacy and pleasure (Francis, 2010). This is not always the case. Although policies exist and the Curriculum has widened the scope to incorporate these thematic areas, teachers without the correct pedagogic approach teach from their past experience. This means moralistic discourses that incorporate judgemental and punitive religious discourses. I shall discuss some of the prevailing challenges identified by present-day educators in the teaching of gender and sexuality diversity content in the next section.

2.5 Challenges to the delivery of gender and sexual diversity curriculum

As indicated earlier, influences from the past such as religion are still at play in the schooling system. Significant changes have occurred within the South African curriculum since apartheid, initially from Bantu Education to National Curriculum Statement (NCS). The curriculum was then changed from NCS to Outcomes Based Education (OBE) in 1998. The OBE curriculum was not well received and was phased out in favour of the Curriculum Assessment Policy Statement (CAPS) currently being rolled out in schools. Educators who have had the experience of changing with the various curricula have often expressed an inability to adapt and have often turned to familiar methods of teaching in schools (Francis, 2012).

2.5.1 Education curriculum and pedagogy

While the curriculum since democracy has attempted to educate learners about the values of a democratic society aimed at promoting unity and tolerance, it has not been easy to translate these values into viable and assessable curriculum content. The teaching of gender and sexual diversity is a relevant example. Throughout the curricular implementations over the past 20 years, it has been observed that there is an intention to inculcate values; however, the method of implementation has been challenging.

Francis (2012) points out that, in South Africa, issues related to homosexuality and bisexuality fit into the wider outcomes of the LO curriculum and are in keeping with the post-1994 shift to Outcomes Based Education (OBE). Francis (2012) correctly points out that, in the Revised National Curriculum Statements LO (DoE, 2002) and Departmental LO Teacher Guidelines (DoE, 2006), there is silence on issues that could be labelled as 'sexual diversity'. According to official documents of the South African Education Department, LO is:

...aimed at developing and engaging learners in personal, psychological, neuro-cognitive, motor, physical, moral, spiritual, cultural and socio-economic areas, so that they can achieve their full potential in the new democracy of South Africa (DoE, 2002; 2003: 9).

The silencing of gender and sexual diversity within this aim and subsequently within the curriculum can be due to what Sigamoney and Epprecht (2013) attribute to a lack of knowledge in the western lexicon of LGBTI, which are locally used instead of unavailable concepts. As such, it is futile to hold to account individuals and by extension officials and educators to knowing and promoting concepts that are not part of the South African education discourse. Not because they do not exist in the country, but because the concepts used to denote gender and sexual diversity do not form part of the local lexicon.

The learning area of life skills orientation is intended to promote social justice, human rights, and inclusiveness as well as a healthy environment (DoE, 2003: 5). The Revised National Curriculum Statement (2002) gives the following purpose for teaching LO in Grades R to 9:

The Life Orientation Learning Area aims to empower learners to use their talents to achieve their full physical, intellectual, personal, emotional and social potential... (DoE, 2002: 4).

The study shows that some of these objectives are not being met in the classroom. Some learners have been excluded on the basis of gender and sexual orientation, curtailing any prospect of them realising their full potential due to the level of discrimination in schools.

2.5.2 Outcomes Based Education (OBE)

The Outcomes Based Education (OBE) policy was aimed at democratizing the education system. The citizenry would have a say in what outcomes they wanted for education. It aimed to enhance both the education standards and the accessibility of education, in order to rectify the injustices of the past.

The OBE system included the focus on HIV/AIDS and sexual reproductive health in Life Orientation. These areas are different from the Life Orientation sexuality education content that also covers life skills education, health promotion, physical development and movement, environmental education, citizenship and human rights education, as well as religion education (Francis, 2012).

2.5.3 Curriculum Assessment Policy Statement (CAPS)

Similar to the NCS and the OBE, the Curriculum Assessment Policy Statement (CAPS) was developed with the aim of transforming the curriculum inherited from the apartheid era. CAPS is based on the Constitution (Act 108 of 1996), with the aim of instilling values that aspire to:

- heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- improve the quality of life and free the potential of all citizens;
- lay the foundations for a democratic and open society, in which government is based on the will of the people and every citizen is equally protected by law, and
- build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

It is acknowledged that the entire education system and the curriculum have an important role to play in promoting unity in the country. However, these objectives are not guided by specific actions with envisaged clear outcomes and are, therefore, open to interpretation. These vague pronouncements pose major challenges to educators who are often not equipped to provide learners with this information.

2.5.4 Social justice paradigm in curriculum

The curricula introduced to the country have always been used with the intention of bringing unity and promoting social cohesion. These concepts can at times come across as nebulous, intangible, immeasurable and, therefore, unattainable. Concepts such as '*Ubuntu*', 'rainbow nation', and 'unity' have often been used to describe South Africans post-1994, purporting a harmonious society within which we all co-exist. These words have been used in policy

documents such as OBE and CAPS. Because the type of activities expected to promote these are not easily identifiable, they do not result in any output.

2.5.5 Educator experience in teaching gender and sexual diversity content

Beyers (2013) highlights that teaching sexuality in South African schools is challenging due to the diversity within the country. The diversity in both educators and learners challenges their expectations of the conceptualisation of the content of healthy sexual education.

Challenges in teaching sexuality include educator guilt about imparting what is perceived to be age-inappropriate information to children. These feelings prevail despite Francis' (2011) observation that teaching learners about sex and sexuality is an empowering process that prevents negative outcomes, and establishes healthy attitudes towards sexuality. The challenge of educators in delivering sexuality education is often limited to their own individual experiences (Francis, 2010). Educators generally advocate for learners to abstain from engaging into sexual activities and when they do provide information on sexual activity, they tend to be prescriptive and focus on promoting safe sex and the prevention of sexually transmitted infections and unplanned pregnancies. This is rather a practical response to wider social challenges such as high HIV prevalence and high teenage pregnancy rates (Allen, 2005).

In addition, educators are often not given the necessary support to deliver quality sexual education, which Francis (2012) faults for the disjuncture in policy and practice within the classroom. Teaching about gender and sexual diversity is further complicated by general social attitudes towards gender and sexually diverse individuals. As members of society, educators generally hold heteronormative views that conflict with the constitutional mandate to deliver inclusive education values. The emotional response by educators to educating learners about sexuality is typical throughout the education system. Potgieter and Reygan (2012) highlights four main reasons why educators evade teaching about sexual diversity:

...the absence of sexual diversity as an LO policy task; a general lack of uniformity in teacher training in this area; the need for teachers to be more self-reflexive and to understand their own backgrounds, beliefs and prejudices, and concerns about lack of support from school management when teaching about sexual diversity (Potgieter & Reygan, 2012: 48).

Potgieter *et al.* (2014) reiterate some of the challenges in teaching about gender and sexual diversity: lack of general educator awareness, low levels of comfort, and lack of confidence in teaching about sexual and gender diversity.

Potgieter *et al.* (2014) report on four emerging themes: the importance of teaching appropriate terminologies and relevant content; students as activists: creative approaches for the classroom; role of teacher professionalism in intervening, and the asexual teacher discourse. However, the implementation of some remedies may not necessarily work, due to the institutional culture in the South African education system. The religious and political influences that have filtered through the education system over the years illustrate the level of power of the education system to change society in both a positive and a negative way.

2.6 Critique of the broader legislative framework

Policy was used as a political instrument to change the social order or maintain the status quo and to introduce new paradigms to advantage some over others in South Africa. Post-1994, the government attempted to ensure that the curriculum was inclusive and that it would be used to promote equality in society. This section reviews how the curriculum was used to promote the teaching of diversity, with the aim of identifying any focus on prescriptions for gender and sexual diversity. Apart from the overarching SASA (1996), the DBE uses other policies to promote constitutional values.

2.6.1 *White Paper on Education Training, 1995*

As the first official document for education, this policy was developed to guide the education fraternity as to its development in 1995. At the time, the education sector consisted of both the Basic and the Higher Education sectors. In an attempt to guide the development of a code of conduct in schools, the values of the South African Constitution were to be translated into textbooks, curricula, media programming, teaching methods, teacher education, professional supervision, and management culture (DoE, 1995).

43. The letter and spirit of these rights and freedoms should inform the intellectual culture in all schools and educational institutions, and professional services in departments of education. This has unavoidable implications for curricula, textbooks, other educational materials and media programmes, teaching methods, teacher education, professional supervision and management culture.

44. The constitutional guarantees of freedom of conscience, religion and belief, which bind all acts and administrative actions of government departments, including education, have particularly important consequences for a school and college system which has been dominated in the past by a state supported national-religious educational philosophy. A substantial exercise may be required in order for the implications of the constitutional requirements to be analysed, debated, and translated

into new guidelines. This matter should engage the relevant professionals in the national and provincial education departments, and teacher education establishments.

The policy identified the national religious philosophy that prevailed in South Africa as one that required redress in order to accommodate other beliefs, as outlined in the Constitution. Many of these pronouncements have not been actioned in the current education system.

2.6.2 Example of a Code of Conduct for a school

The guide for the development of a code of conduct for schools, “Example of school code of conduct for a school” acknowledges the rights of gender and sexually diverse learners by means of the pledge by the learners through the code of conduct where they commit to:

...treat everyone with respect regardless of differences in culture, religion, ability, race, gender, age, sexual orientation or social class... (DoE, 2008; 20).

This document explicitly acknowledges the rights of gender and sexually diverse learners as a governance and school management issue. It highlights that the learners uphold the rights enshrined in the Constitution, as they interact with other learners. This well-written document is not a policy and is, therefore, not enforceable. The school governing body (SGB) is responsible, along with the school management team (SMT), for developing and monitoring the implementation of the school code of conduct. As such, it needs to be determined whether SGBs are consulted in the development of policy and legislation to be implemented in school and whether their buy-in is considered at the finalisation of policies. The political stakeholders should always be identified when policies are developed and consulted, as their participation and buy-in are important.

2.7 The politicization of policymaking

The nature of the political structure in South Africa is characterised by the government departments that carry out the political mandate of the political party in power. This is communicated in the party’s manifesto and advocated for by the respective Ministers. As such, the Minister of Basic Education is selected by the President of the country to oversee the education mandate, as set by the political party in consultation with civil society.

The development and implementation of policies is supposed to be done in consultation with the citizenry. The voices and language used in policies should emulate those of society to ensure buy-in and successful implementation. Hence, in reviewing the policy document, it is important to focus on the use of language as a tool for oppression, as outlined by Foucault

(1991). At times, language allows for the use of blanketed concepts such as 'unity', '*Ubuntu*', 'social cohesion', and 'rainbow nation', in South Africa to purport unity and tolerance that are not always reflected by social reality. Political leaders generally use nebulous language in policies to appease and create the impression that there is harmony. This is evident in the use of concepts such as 'inclusive education', 'social cohesion', 'rainbow nation', '*Ubuntu*', and 'in the spirit of the Constitution'. These concepts in policies tend to assume that those who use the policy have a common understanding of their meaning. They are often used to describe the status of the citizenry in the democratic society and do not account for non-compliance with this ideal. Perceived deviance, such as discrimination against gender and sexually diverse learners, is often referred to as being against the spirit of the Constitution, with superficial remedies offered to lull the situation.

It has been twenty-one years since South Africa achieved its democracy, but no national policy on gender equality mainstreaming has been developed to date for the education sector. This begs whether issues pertaining to gender and sexual diversity are prioritised within the sector. The gap exposes the sector to many challenges pertaining to ensuring that it responds to the rights of learners to be accepted despite their gender and sexual orientation, as enshrined in the Constitution, by not providing a curriculum on the subject matter. The key to promoting learner rights by means of policies lies with the DBE's administration officials at both national and provincial level. They are responsible for monitoring the implementation of policy and for influencing the policy development process. They are what the study refers to as the Community of Practice (CoP).

2.8 Exploring Community of Practice (CoP) as a model to facilitate effective policy implementation

2.8.1 Structural challenges

Wenger (2012) mentions that Communities of Practice (CoPs) originated from the tradition of systems theory. They are rooted in efforts to develop explanations of the social nature of human learning motivated by anthropology and social theorists such as Lave (1988), Bourdieu (1977), Giddens (1984), Foucault (1980), and Vygotsky (1978).

CoPs consist of members who share the same objectives and constantly negotiate the terms of engagement. As a social entity, the CoP shares knowledge and resources and develops skills and knowledge base. Lave and Wenger (1991) note that the CoP focuses not only on skills and knowledge acquisition, but also on building relationships that improve people and society.

In terms of the study, the government structure responsible for the formation and implementation of policy is, according to this definition, a CoP. Within the structure of the DBE, directorates have their respective ITTs consisting of both national and provincial officials. The ITTs meet quarterly to report back and share good practice.

The Gender Sub-directorate and its provincial counterparts as a 'CoP' are expected to have a coherent communication strategy and programmes that require continual monitoring and evaluation (M&E). The Social Cohesion and Equity in Education Directorate's task team combines the GFPs as well as the Social Cohesion provincial counterparts for a two-day quarterly meeting at the national Department's offices.

In analysing an ideal CoP model, I shall compare it to that of the ITT and attempt to make recommendations for the better use of the ITT as a CoP, in order to facilitate synergies in the policy-implementation network. The networks will ideally be informed by common goals and expectations for the policy development as well as have an active input into how policy is implemented. They will also ensure that all members have a common understanding of the monitoring thereof, taking the bureaucratic and political nature of the DBE into account.

In 1991, anthropologists Jean Lave and Etienne Wenger coined the concept 'CoP' to describe a group of people who share a common interest and who are working towards a common goal of effecting social change. The practice of a community has also been described as dynamic and involving learning for all its members (Lave & Wenger, 1991). The description applies across multiple sectors such as businesses, organizations, governments, education, professional associations, development projects, and civic life. The CoP within government is relevant as a mechanism that can be used to adjust to the challenges of operating within a bureaucratic structure. A bureaucracy is a multi-layered structure created to promote transparency and accountability that may, at times, seem rigid. A CoP in this setting can be used as a way to share knowledge and create synergies between directorates. For the purpose of this study, the description is used to describe the ITT on Equity and Transformation consisting of national and provincial officials of the DBE (Wenger, 2001).

Wenger (2001) identifies three main components that are essential for establishing a CoP, namely the domain, the community, and the practice. These are set out in relation to the structure and activities of the ITT to highlight the already existing similarities in the practices of the group with those of the core characteristics of a CoP.

- a. *The domain* can be described as the common point of interest, which, in this instance, refers to the DBE's transformation agenda. This includes, but is not limited to the promotion of human rights, the development of a responsible and active citizenry, and the promotion of equity including gender equity in, and through education. The officials who attend the ITT are, in one way or another, responsible for

ensuring that the sector fulfils this mandate (Wenger, 2001). These officials, therefore, have a shared competence that distinguishes members from other people.

b. Wenger (2001) refers to *the community* established for this study as officials from both the provincial and national DBE who carry out the duties required to fulfil the mandate of transformation and equity within the sector.

c. Wenger (2001) refers to *the practice* as the actions undertaken by the CoP towards achieving the goal. As the mandates of the national and provincial governments are to develop and implement the policy, and monitor the implementation thereof, the study outlines these activities as *the practice*. Wenger asserts that members of a CoP are practitioners or experts who develop a shared range of resources such as narratives of their experiences and skills, and who propose good practice in addressing recurring problems within their vested area of interest. The CoP is thus not a one-off interaction, but rather a dedicated, continuous series of interactions over time. The ITT meets quarterly and reports on activities undertaken within the provinces and the national department in terms of fulfilling the common mandates (Wenger, 2001).

It is important to note that the ITT also invites stakeholders who may not be core members, but rather peripheral members of the CoP. These include, but are not limited to other directorates in the DBE at both national and provincial level, other government departments, private partners and civil society organisations who partner with the Department on various tasks in the provinces and at the national Department. They help CoP members fulfil their mandates, either as *ad hoc* programme implementers or as partners on certain programming with common goals. In addition, as it is an unfunded mandate, funds are often a challenge that hampers progress in implementation. Partnerships have often provided support in fulfilling certain mandates (Wenger 2001).

The practical use of the CoP can be observed in the provincial officials' work relating to the districts, circuits and, ultimately, schools. In terms of this study, the dissemination of policy is passed down in the order outlined earlier. Should there be lack of coordination between any of the levels, the policy will not be effectively implemented. In terms of bridging the knowledge gap, identified in the literature as a hindrance to policy implementation, teacher training can be used as an activity of the CoP in provinces to ensure a common understanding of the policy. Success in such interventions can translate to schools, changing the teaching and learning models currently applied in the teaching of the gender and sexual diversity curriculum, thus allowing for a deeper transformation. These activities take longer, but may offer sustainable and more meaningful change (Wenger, 2012).

Wenger (2012) introduces the perspective of CoPs and how they affect educational practices along three dimensions, namely internally, externally and over the lifetime of learners.

Internally: Interrogates the practice of how schools organize educational experiences that ground school learning in practice through participation in communities concerning subject matters.

Externally: Interrogates how schools link the experience of learners to actual practice through peripheral forms of participation in broader communities beyond the school walls.

Over the lifetime of learners: Interrogates how schools serve the lifelong learning needs of learners by organizing CoPs focused on topics of continuing interest to learners beyond the initial schooling period.

The school is not the privileged locus of learning, as it illustrates the broader role of society in the learning experience of learners that takes place outside the schooling system. Through this ecological perspective of learning, the classroom is not viewed as primary to the learning experience. However, it is a legitimate and key component to learning. The role of policy development, dissemination, subsequent training sessions with all the role players including the educators, who influence how schools implement gender and sexual diversity policies in management and in the curriculum content in classrooms, illustrates the connectivity of all role players in the education production function, including parents and communities, as the CoP requires for the successful implementation of policies (Wenger, 2012).

2.9 Conclusion

The violent past that South Africa has endured cannot be separated from the violence experiences by learners who are gender non-conforming. As such the literature explored the influence of Apartheid on present day expressions of violence towards sexual minorities. This climate which has not been disturbed save by the writing of the constitution cannot change. The institutions such as schools as microcosms of society mimic dominant attitudes and behaviours within society.

The literature points to disjuncture between policy and practice as resulting from some of these incongruences that exist between the value systems of officials and educators and the values as enshrined within the Constitution. By promoting Communities of Practices as tools of collaboration targeted at unlearning some of these entrenched attitudes within as safe space, the DBE can begin to change the discourses that result in discrimination and violence.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

Chapter Three outlines the methodology used in this research. Using the two-stage qualitative research designs, I analysed the DBE's policy that made pronouncements on the teaching of gender and sexual diversity education in schools. I also made use of interviews by means of a semi-structured interview approach to collect data from officials who were identified as important to policy development, implementation, and monitoring at both national and provincial level. In this chapter, I also elaborate on each of the steps undertaken in this research. I discuss CDA, which frames the study and has been used to

The application of policy is often interpreted and applied based on an individual's perception and experiences or qualia. "Qualia are experiential properties of sensations, feelings, perceptions and, more controversially, thoughts and desires as well" (Block, 2004: 1). Qualia is a subjective experience that can be demonstrated by the example of visual experience, such as viewing the colour red, and requesting the observant to describe his/her perceptions. The premise is that the responses will provide a wide range of responses that may not necessarily be the same.

Despite this, there is a level of inter-subjectivity that affords human beings the ability to comprehend and empathise with one another's experiences, and to engage in meaningful communication about them, regardless of the subjective nature of their occurrence. I shall link this phenomenon to the CoPs and how policies are collectively understood and applied regardless of individual understanding and interpretations (Wenger, 2012). The CoP as defined by Wenger has been used in the study as an example of a good practice model on how officials in both the national and provincial departments can promote the use of policy on gender and sexual diversity in education. This was achieved by reviewing an existing structure highlighted in the study as the ITT. The task team has been reviewed in light of this theory in an attempt to compare the current structure with an ideal CoP and how it can then be effectively used as a conduit for knowledge transfer as well as a monitoring and feedback mechanism in the future by aligning these principles of a CoP with the current make-up of the provincial task team.

The first stage of this study is achieved by analysing the education policy relevant to the implementation of gender and sexual diversity education in schools by means of a CDA of policy both as text and as discourse, as promoted by Ball (1993). The second stage of data

collection includes qualitative semi-structured interviews with officials in both the national and provincial departments who are tasked, using policy, with implementing and monitoring the gender and sexual diversity curriculum. It is important to note the use of CDA as both a policy analysis method and a data analysis method for the semi-structured interviews. The reason why CDA could be used in both instances was largely due to its flexibility, allowing it to be used to analyse text as well as discourse (Fairclough & Clive, 1995). I shall discuss CDA extensively in the ensuing sections.

This chapter, therefore, unpacks the rationale for the use of a qualitative research methodology in the current study. The relevance of using CDA for both policy and the semi-structured interviews was evident in the rich data yielded.

3.2 Qualitative research

Qualitative research emerged in the 1900s, when researchers rejected both positivism and the ideology that there is an objective world from which we can gather data and 'verify' this data through empiricism. This rejection ushered in a new wave of researchers who embraced a qualitative research paradigm. They attempted to make qualitative research as "rigorous" as quantitative research and to create countless methods to conduct qualitative research (Denzin & Lincoln, 2005).

Leedy and Ormrod (2013) describe qualitative research as a method that has two aims namely, to capture phenomena in their natural settings and to record and study the complexity of these phenomena. I use qualitative research methodology on the basis of the descriptive nature of the study and the need for in-depth knowledge of this phenomenon.

The principle of qualitative research, which highlights basic assumptions about human behaviour, supports this study. These assumptions include seeing people as active; interpreting individuals who construct meanings, and acting upon the world rather than allowing the world to act upon them (Blumer, 1962). Qualitative research also maintains that there are multiple truths, but no single, determinable truth. It further reasons that the time, the context, and the individuals who believe them bind these truths.

Hammersley (1992) outlines that reality is socially defined and refers to the subjective experience of everyday life, how the world is understood, rather than to the objective reality of the natural world. Steedman, (1991) further supports this notion by outlining that what is known and most of the knowing that is done is concerned with trying to make sense of what it is to be human, as opposed to scientific knowledge.

Qualitative research is thus based on shared beliefs or shared realities of what constitutes truth. This principle foregrounds the theory of *social construction* (Berger & Luckmann, 1967). While not used in this study, social construction as a theory maintains that reality is socially constructed, meaning that it is based on shared beliefs about the world around us. This theory critiques the notion of fixed and permanent realities and concepts such as gender, sex, sexuality, heterosexuality, and homosexuality (Burr, 1995). These dominantly held beliefs are dismissed on the basis that human beings in the same space and time may construct different realities about similar situations based on their agreed sets of beliefs. This view, therefore, presents the possibility of parallel truths and nullifies the rigidity applied to their perceived validity. Social construction, in principle, dispels the notion of heteronormativity as a legitimate state of being which has resulted in intolerance and discrimination against those who do not conform to it, as outlined in the literature review. Hence, the use of qualitative research as its principles supports the possibility of multiple interpretations of 'truth(s)'. Some of the participants in the study point out that gender and sexual diversity have been part of society. Thus, referring to gender and sexual diversities as un-African, which is commonly done within African societies, is a gross denial of a truth that exists in these societies. A single expression of gender and sexual diversity by an individual within such societies distorts the belief that these do not exist. As such, the denial of gender and sexual diversity, even though it has manifested over the years, requires the type of research approach that can interrogate the creation of meaning around reality in a unique way, as highlighted by Jäger and Maier (2014: 7):

We may therefore say that reality is meaningful, that reality exists in the way it does, only insofar as it is assigned meaning by people, who are themselves entangled into and constituted by discourses. If people no longer assign the same meaning to an object, the object changes or loses its meaning. This meaning may then at most be reconstructed as a former meaning that has mixed with other meanings or has ceased to be valid. Even if we just watch the night sky and see constellations of stars there, we see them as a result of a discourse. We see the constellations because we have learnt to see them. To assign meaning is not a noncommittal, merely symbolic act...

Acknowledging socially constructed and multiple interpretations of 'truths' contributes to the main critique for the use of qualitative research methodology rather than quantitative methodology. This is largely due to the perception that using qualitative research compromises my objectivity as the researcher. This is in light of the researcher being viewed as a subjective human being who may 'taint the research' by projecting his/her own feelings, attitudes, beliefs and biases onto their 'research object'. I was viewed as an instrument in the same way as a rating scale would be used in a quantitative research study.

This concern with my objectivity introduces the important process of reflexivity. Reflexivity is defined as an attitude of attending systematically to the context of knowledge construction, especially to the effect of the researcher with every step of the research process. My dominant perspective or position shapes all research, regardless of whether it is quantitative, qualitative, or even laboratory science. As Malterud (2001: 483-484) states:

A researcher's background and position will affect what [s/he] choose[s] to investigate, the angle of investigation, the methods judged most adequate for this purpose, the findings considered most appropriate, and the framing and communication of conclusions (Malterud, 2001: 483-484).

It was, therefore, important to outline my awareness of any instances where I perceived a possible lack of objectivity and relayed it in the research. I thus use a reflexive journal to monitor and maintain an awareness of my feelings and possible biases towards the research process (Leedy & Ormrod, 2013).

3.3 Qualitative research design

The use of research design is the scientific method in qualitative research. The qualitative research design allows for semi-structured interviews, and CDA to be used to analyse both the interviews and the policy documents. These research methods are unpacked in the following sections.

3.3.1 Critical discourse analysis (CDA)

Critical Discourse Analysis (CDA) has often been mistaken to represent a 'method' of discourse analysis. However, it is generally agreed that any explicit method in discourse studies in the faculties of Humanities and Social Sciences, respectively, may be used in CDA research. It is imperative to this condition that the method used should adequately and relevantly illustrate how discourse reproduces or resists the abuse of power that leads to social and political inequality, and the domination at an individual or societal level by individuals with power or institutions of power. As such, CDA is not limited to the analysis of specific structures of text or spoken words, but it systematically relates these to structures of the socio-political context.

In the study, I use Fairclough and Clive's (1995) three-dimensional framework for discourse analysis, with the aim of mapping three separate forms of analysis onto one another.

a. The object

The object of analysis is the spoken or written language text, to which, according to Fairclough and Clive (1995), a *micro-level* analysis is applied. The micro-level analysis considers various aspects of textual and/or linguistic analyses, for example, syntactic analysis, use of metaphor, and rhetorical devices (Fairclough & Clive, 1995). For this study, identifying the objects

involved a review of the policy and guide documents as well as the spoken word of the interviewed officials. The interviews, which were later transcribed into text, were initially spoken words, and this is considered in the analysis.

This step is applied to each of the analyses below, including the analysis of identified use of syntax, the metaphor and rhetorical devices used to communicate within both, the policy and guide documents, as well as the spoken word of the interviewed officials.

b. The processes

In this study, the process whereby the object is produced is the analysis of discourse in policy and interview transcripts; in essence, the process whereby text is produced, distributed and consumed. The CDA model applies a *meso-level* or “level of discursive practice” that involves studying issues of production and consumption. Some of these would include the nature of the institution that produced a text, as well as who is the target audience. In the current study, I discuss the processes employed in each of the analyses below. However, an overview shows that the Education Department developed the two processes, namely policy development and spoken words, which are transcribed into text, as guidelines and regulation, and that the officials are the dispensing mechanism of the policy and thus also an apparatus of the Education Department. Both the texts and the work done by the officials target the citizenry of the country and are supposedly embedded within the country’s democratic constitutional mandate.

c. The socio-historical conditions

The socio-historical conditions that govern these processes (the analysis of discursive events as instances of socio-cultural practice) are analysed and have been identified as important for this study. Fairclough and Clive (1995) recommend the application of a *macro-level* of interpretation. The analysis is concerned with inter-textual and inter-discursive elements and attempts to take into account the broad, societal currents that affect the text being studied. As highlighted earlier, the use of clauses in the Constitution such as the equality clause is common practice within DBE policies. This is evident in the inclusion of the equality clause in the SASA (1996) as well as in the White Paper on Education Training (1995), which raises the discourse on redress, human rights and social cohesion. However, I explore the applicability of these inter-textual and inter-discursive elements observed in this study. I also identify additional elements in the interview transcripts of officials when they refer to existing policy documents and frame certain gender-related concepts within existing discourses that are not necessarily inclusive. In the ensuing analysis, I unpack concepts such as the common discourse on gender as woman empowerment that excludes males and gender non-conforming individuals in the sector.

Critical discourse analysis (CDA) is a kind of discourse analytical research that studies the way in which social power abuse, dominance, and inequality are enacted, reproduced, and resisted by means of text-and-talk in both the social and political context. With such nonconformist research, CDA takes an explicit position, and thus wishes to understand, expose, and ultimately resist social inequality (Van Dijk, 2005). In this study, I use CDA to analyse the semi-structured interviews as well as the policy documents highlighted earlier.

The justification for the use of CDA includes the fact that it was developed in response to paradigms that were perceived to be asocial and uncritical in the 1960s and 1970s. As such, it offers alternative perspectives to theoretical approaches to analysis. Due to its political nature, policy needs to be interrogated and challenged in line with this inquiry about the policy of gender and sexual diversity in education. Examining the policy pronouncement, the silences, and the consequences, among others, I also highlight that CDA has a role to play in how society functions and it is, therefore, being impacted by the discourses I shall explore.

CDA makes a social analyst aware of his/her role in society. This involves acknowledging the rejection of 'value-free' science and taking up the argument that science, through scholarly discourse, is part of, and influenced by social structures and produced through social interaction (Van Dijk, 2005). The relevance of CDA to the current study is the critical approach to discourse contained in the gender and sexual diversity policies in the education sector. I shall analyse these policies in an attempt to identify any impositions and social power abuse, dominance, and inequality enacted through any pronouncements, omissions or silences.

Policy analysis is often made more complex, especially when a policy is analysed on two levels, namely policy as text and policy as discourse. This study aims to do both. Ball (1993) highlights the complexities that can arise if policy is only viewed as the text or the discourse, not as both. Ball (1993) highlights how policy is contested and changing, implying that the meaning of texts is not constant at any given time. It is ever-changing and the authors of the text cannot control the meaning of the text inferred by the reader. As such, authors endeavour to control the significance by any means available to them in order to influence the 'correct' reading of the texts. These efforts to 'guide' the 'correct' reading of the text also include the authors' negotiations with political figures and users of the policy at all stages of development of the policy.

The analysis needs to recognise the dominant voices that emerge at the end of the process. The different role players change the areas of emphasis of any given policy, and the meaning is thus always linked to the principal actor at the time of interaction with the policy. It must be

noted that a policy as text is not even read or interpreted by its end user. Gatekeepers and other authorities relay the policy verbally (Ball, 1993).

The postmodernist paradigm is applied to the policy analysis section of the study. The main premise of postmodernism relevant to the study is that power is not unitary, but dispersed through institutions and processes (Watts, 1993). I introduce the discourse of power because multiple levels of power were identified as being at play in the development of the education policy. This is evident in how the power of the state promotes certain paradigms within the provinces, which operate autonomously but yet are tasked with the implementation of some national policies. The contention may arise if the implementers from the province to the districts and even to the level of the school have a different and even conflicting agenda from that of the state or each other. These contentions resulting from a decentralised education and discordance with civil society may impact on the implementation of policy in schools. The implications of these discordances may result in poor, or no policy implementation.

Foucault (1991), considered as the model of postmodernist thinking, offers a conception of decentralised and plural power. He maintains that power circulates everywhere and can be productive rather than necessarily repressive (Capper *et al.*, 1994). The theory of discourse analysis is relevant to the study, due to the changing power dynamics that resulted from the decentralisation of the South African education system. The new system has multiple levels of authority and autonomy at the implementation level in provinces, which impacts on the development, consultation and implementation of education policies at all levels.

CDA highlights the subsequent inequality that arose as a result of omissions in some policies, such as the Preamble of the SASA. The pronounces that the Act aims to redress injustices of the past but does not further specify how the Act, in its implementation, will eradicate the discrimination on the basis of gender and sexual orientation as an injustice of the past (DoE, 1996; 1) . By using CDA, I was able to interrogate the discourses and how they relate to power relations in society and in its cultural structures. These were evident especially after apartheid and the oppressive nature of laws that were imposed.

The analysis revealed that the ideological work incorporated into the policies emanated from historical contexts in the form of the Constitution. The basis upon which certain policies were developed is not clear; they almost seem reactive and cumbersome as a result. The question is often raised as to whether the consultation process included the relevant stakeholders. This was interrogated via the links between policy as text in the form of policy. Its use by schools was further strengthened by exploring the mediation processes that accompanied these processes.

A topic as contentious as gender and sexual diversity has always been met with opposition from, among others, religious groups. The question arose as to whether the citizenry, including religious leaders, was consulted and whether their contributions, either in support of, or opposed to the inclusion of gender and sexual diversity, were incorporated. Some discourses in the study point to the religious and traditionally assigned gender roles that oppose gender and sexuality non-conformity, resulting in the poor implementation of gender and sexual diversity education within schools.

An apparent lack of proper consideration and silencing of these voices (religion and traditional) could be a reason why many are of the opinion that these policies were imposed, hence poor or non-compliance. This exploration exposes the lack of trust in the policy content by users of the policies in development processes.

3.3.2 Document selection

The criterion for a sample selection of the policy documents is based on their relevance to the DBE gender and sexual diversity education. The following documents were sampled:

- i. The South African Constitution, Act 108 of 1996.
- ii. White Paper on Education (1995).
- iii. The National Education Policy, Act 27 of 1996 (NEPA).
- iv. South African Schools Act, Act 84 of 1996 (SASA).
- v. National Curriculum Assessment Policy Statement (CAPS) (2011).
- vi. Example of a Code of Conduct for a School, 2008.
- vii. Gender Equity Task Team Report (GETT) (1997).
- viii. Draft Gender Equity Policy Framework for Basic Education (unpublished).

These documents are included due to their relevance to the delivery of quality education and their pronouncements on the criteria for inclusion and equality. They are also relevant to the basic education sector that came into being in 2010, after the split from the higher education. Until then, these were jointly known as the Education Department.

The policy analysis of the above listed policies use secondary data, which means using existing data in the form of policy documents (Leedy & Ormrod, 2013). The desktop research was conducted using CDA of policy documents that gave me insight into the legislative pronouncements and omissions on the mandate of teaching gender and sexual diversity in schools.

3.4 Semi-structured interviews

The *semi-structured interview* is one of the research methods I used to collect primary data for this study. The semi-structured interview is viewed as a form of relaxed conversation about

previously determined topics. It is sufficiently open so that the respondents can express their opinions and views. It is most commonly used when researchers wish to gather information on lived experiences from individuals, in this case the implementation of gender and sexual diversity policy in education. The main advantage of semi-structured interviews is that they allow for the collection of in-depth information, such as causes for a certain phenomenon and the identification of specific emotions relating to the phenomena. The use of *semi-structured interviews* includes the use of an interview guide which assisted in probing and exploring the interpretation of the policies by DBE officials (McIntyre, 2005).

3.4.1 Research Questions

The semi-structured interview is characterised by the following process:

- The interviewer and participants engage in a formal interview.
- The interviewer develops and uses an 'interview guide'. This is a list of questions and topics, in a particular order, that need to be covered during the conversation.
- The interviewer follows the guide, but is able to follow topical trajectories in the conversation that may stray from the guide when s/he feels that this is appropriate.

Bernard (1988) mentions that semi-structured interviews are ideal to use when the researcher will not have more than one opportunity to interview a participant and when the researcher will send several interviewers out into the field to collect data. The current interview guide provides a clear set of instructions for the interview process and reliable, comparable qualitative data. The use of open-ended questions and following highlighted themes will help prevent the interviewer from straying from the interview guide. The guide still provides the opportunity to identify new ways of viewing and understanding the topic at hand.

Semi-structured interviews are often preceded by observation, as well as informal and unstructured interviews to enable the researchers to develop an understanding of the theme. The process is deemed necessary for developing relevant and meaningful semi-structured questions. This was not necessary for this study, as the literature review offered ample information to identify the relevant questions requiring a response to the problem statement (De Vos, Strydom, Schulze & Patel, 2005). Some notable advantages of semi-structured interviews include the convenience of having questions prepared ahead of time, enabling the researcher to be prepared and appear knowledgeable during the interview. They allow participants the freedom to express their views on their own terms. They provide as reliable and comparable qualitative data as possible (De Vos *et al.*, 2005). Embedded within a qualitative research design, the interviews enabled the researcher to explore the understanding prescribed by DBE officials in the implementation of gender and sexual diversity education policies through education. The interviewed officials shared their

experience of the implementation of gender and sexual diversity education in schools or the lack thereof by means of the semi-structured interviews (Leedy & Ormrod, 2013).

Semi-structured interviews were introduced to the study, asking these fundamental questions:

- How does the DBE policy articulate about the teaching of gender and sexual diversity in schools?
- How do DBE officials, tasked with promoting equality (GFPs) at various levels of education provision (national, provincial), interpret the education policy on gender and sexual diversity?
- How do GFPs implement the education policy on gender and sexual diversity?

These questions explore the extent to which the work done by officials in advocating for gender and sexual diversity is mandated by policy. This speaks to the explicit nature of the policy in prescribing the advocacy of gender and sexual diversity through education. The semi-structured interview allowed the officials to say what they needed to say about the topic and provide their insight into policy content.

The study sets out to explore the existence of policy that directly mandates the mainstreaming of gender and sexual diversity in the education sector. It further aims to unlock the daily challenges experienced by officials in the implementation of policies. There are silences within certain key policies on inclusion, with a specific focus on gender and sexual diversity. The consequences are observed in the officials' responses from both the national and provincial departments and their understanding and implementation of these policies.

This chapter investigates the results initially set out in the proposal of this study, which aimed to explore the existence and use of gender and sexual diversity policy within the education sector, by reviewing policy and interviewing officials involved with the development and implementation of policy. The study reviews the pronouncements in important policy documents that guide the teaching and mainstreaming of gender and sexually diverse learners within the education sector. This was achieved by interviewing four officials at the national office, who are responsible for the various components of the dissemination of the policy.

3.5 Justification of the research design

In conceptualising the study, I experienced conflict in terms of the type of methodology to apply. This was largely due to the fact that the study was supposed to obtain a holistic view of the policy development and implemented process at both national and provincial levels in one

study. This was an important objective for the study to achieve in order to create links and identify gaps in the development and implementation processes. The analysis of policy was an important and grounding part of the study, since it allowed me to obtain insight into which policies applied to this study as well as understand the historical context in which the policies were developed.

3.6 Sampling

I use purposive sampling as the sampling method, due to the specific nature of the research study. The study inquires into education policies as well as into the experiences of education officials involved in the implementation and monitoring of gender and sexual diversity education policies.

Purposive sampling, typically used to focus on particular characteristics of a population of interest, best enables me to answer the research questions. Purposive sampling, a non-probability sampling technique also known as judgemental, selective, or subjective sampling, purposive sampling, relies on my judgement as the researcher when it comes to selecting participants for the study. Usually, the sample being investigated is fairly small, as in the current study, especially when compared with probability sampling techniques (De Vos *et al.*, 2005).

3.6.1 Selection criteria for the interview participants

The ten interview participants were selected on the basis of their involvement in, and knowledge of the policy development and implementation value chain of gender and sexual diversity education. The participants included 6 GFP officials from the Social Cohesion and Equity in Education, School Safety, Education Management and Governance Development, and Curriculum Directorates at the national department who are responsible for the development and monitoring in the nine provinces. In the provinces, GFPs responsible for the implementation of policy were drawn from the following Directorates: Gender and Transformation; Office of the MEC; Human Resources, and School Safety.

A total of ten officials were interviewed for the study:

- Six GFPs from the provinces.
- One Deputy Director, from Social Cohesion Equity in Education Directorate
- One official from School Safety.
- One official from School Governance.
- One official from Curriculum Directorates.

As outlined earlier, the sampling method meant that the participants in the study were representative of the population of nine provincial GFPs in the provinces and the national office because of the nature of the population being interviewed. This sampling method should, therefore, not be considered a weakness; it was chosen to support the qualitative inquiry into the gender and sexual diversity policy implementation in education (De Vos *et al.*, 2005). The officials were selected on the basis of their work as GFP within the DBE and provincial departments. At least one official was working in the following Directorates:

School Safety Directorate: They developed an anti-homophobic curriculum to train officials in schools. I selected them on the basis of their involvement with the resolution of some reported cases of learners who faced expulsion from schools, due to their sexual orientation or gender identity.

Education Management and Governance Development Directorate: They are involved in the development of school conduct and the monitoring of the School Government Body (SGB) in schools. They developed a booklet, “*Example of a Code of Conduct for a School*”, which includes a section that provides a pledge by learners to treat gender or sexually diverse learners with dignity.

The Curriculum Specialist for Life Orientation: They are responsible for the implementation of CAPS. This is thus the key directorate that can speak to the implementation of content that promotes gender and sexual diversity education in schools.

The Gender Focal Persons: These nine officials monitor the implementation of gender equity programming in the provinces, by providing districts with legislative support and monitoring the implementation of programmatic responses. They are involved in the development and implementation of certain programmes that respond to gender disparities within the sector.

For the purpose of protecting the identities of the participants pseudonyms were used for all participants.

3.7 National Department participants

The value of engaging with the four national Department officials lies in the amount of insight provided on the processes involved in the policy development, the implementation value chain and the challenges that arise in the development and implementation of policy within the sector. Officials from different Directorates allowed for a validity that would otherwise not be available if the questions were posed to officials within the same directorates. The crossing of Directorates allowed for officials to express their unique experiences of the development,

implementation, and challenges in implementation that existed in these unique and often independently operating directorates. I shall unpack these dynamics in this chapter. Interviews were conducted with the following officials:

- Lillian at the national office is responsible for the gender sub-directorate of the Social Cohesion and Equity in Education, the custodian of gender mainstreaming within the sector.
- Steven, who works in the Education Management and Governance Development Directorate, is responsible for the management and governance of schools. He introduced the School Governing Body (SGB) and the development of policies at school level, with a special focus on the contentious school uniform policies that have emerged as a challenge for gender and sexually diverse learners. Schools often use traditionally assigned gender uniforms for boys and girls. This has recently had serious consequences for gender and sexually non-conforming learners, since they wear uniforms that contravene what is traditionally expected. Many learners have been expelled from schools for this issue. It is important to raise this issue in the study.
- Rodney from the Curriculum Directorate focuses on LO and Life Skills. His participation was important to the study, since his mandate focuses on the mainstreaming of constitutional values, as outlined in CAPS. He touched on his work in his workshops and the training of provincial coordinators in relation to sexuality education and promoting the acceptance of gender diversity in their work on sexuality and HIV.
- Brian, from the School Safety Directorate, developed a sensitivity training manual in response to the recent homophobic bullying challenges in schools. His institutional memory and understanding of the concepts relating to gender and sexual diversity within the sector proved to be valuable to the study.

3.8 Provincial Department participants

The six interviews with the provincial officials were important to the study as they highlighted some functions, in which officials were involved, with which I was not familiar as a national official. The level of my interaction with the officials has been limited to our ITT, which is characterised by feedback presentation on the programmes they run, but we had never engaged on the holistic scope and the extent of their work in the province as an implementing partner. The interviewed officials were placed in various offices of the respective provinces. Some were in the Special Programmes Unit (Tom; Ruth; Johanna) in the office of the MEC; others were in the Transformation Unit (Moses; Vusi), and in the HIV and Life Skill Programme (Cece) in the respective provinces. The GFPs were mandated into existence by the Gender

Equity Task Team (GETT) report, as discussed in the literature review of this study. This speaks to the incompatibility of the reporting structures that impact on the reporting on the delivery of policy by the respective provincial departments.

3.8.1 Critical analysis of transcripts from semi-structured interviews

The *subject* of the CDA is the development and use of policy within the education sector. The study examines the discourses in terms of the development and implementation as well as the gaps and challenges in implementation. These discourses include:

- Lack of clear policy on gender and sexual orientation diversity mainstreaming within the sector.
Gender is understood as a binary of male and female.
Gender and sexuality policies are conflated with other supporting policies such as pathology (HIV/AIDS), sexual harassment, and learner pregnancy.
Gender and sexuality diversity are discussed as a matter of compliance.
- A feeling of the officials' lack of political support for gender and sexual diversity programming.
Lack of allocated financial and human resources for gender and sexual diversity sensitivity training.
Reactive response to gender and sexually diverse matters as and when they appear in the media and when the state is under public scrutiny.
- Lack of in-depth understanding of gender and sexual diversity concepts by officials:
Issues of gender and sexual diversity are confused.
Perceived lack of internalisation of the concepts and a mere regurgitated understanding of gender and sexual diversity.
- Feeling of a lack of support by the official from managers within the structure:
Patriarchal education structure, resistant to change.
Lack of motivation to prioritise mainstreaming of gender and sexual diversity content within the sector.

3.9 Ethical Consideration and Trustworthiness

The South African legislation was taken into consideration ensuring the human rights of the participants and audience have to be taken into consideration (Social Research Association, 2003). As such permission to conduct the current research study has been granted by the ethics committee and various other committees at the University of Free State within the

Faculty of Education as well as the from the Director-General of the Department of Basic Education.

According to the Social Research Association guidelines, the researcher has obligations in the research process (Social Research Association, 2003). As such I have taken the appropriate guidelines into consideration and have refrained from imposing my culture and values on the participants. The nature of this research requires the participants to be fully informed about the aims and processes of this research. I informed the participants verbally they participants received a consent form explaining the nature of the research as well as their rights as participants. Participants were informed of their right to confidentiality, anonymity and because they are volunteers they may withdraw from the research whenever they feel uncomfortable (McIntyre, 2005). They were requested to provide a signed consent for prior their participation (McIntyre, 2005).

This process took into consideration the ethical implications of conducting research on in the workplace pertaining to of the data collected on the views expressed by colleagues about the workplace. This research which was undertaken within a bureaucratic organisation could have been misconstrued as the participant speaking against the employer and may have negative consequences on the participants, however the study will not use the names of officials nor will it imply the offices which they come from, since there is only one gender focal person per province it is very obvious who the participant is. As a result their titles will be omitted from the study to protect their identities.

This research will undoubtedly add to the body of knowledge on the topic of the policy application on sexuality and gender diversity. It will also create an awareness of the social issues that arise around sexuality and gender diversity in education in South Africa and also provide recommendations for future studies towards the improvement of the implementation of sexuality and gender diversity policy within the education sector. The accessibility of these results will ensure the dissemination of knowledge as a responsibility of social science is upheld (Social Research Association, 2003). The research results of the research will be available to the participants at the end of the study. The data collected from the participants using a tape recorder. It will be stored in a locked cabinet for the required period of 5 years order to protect the confidentiality of the participants (McIntyre, 2005).

3.9.1 Positionality

As a research it is often important to reflect on ones positionality, Bourke (2014: 1-9) highlights that one needs to question the following before the completion of the research project:

1. What role did my positionality as a White man studying issues of race in higher education play?
2. How did I use my positionality in different spaces?
3. Did my positionality influence the interactions that I had with student participants?

As a young black female, my positionality in relation to my demographic attributes did not perceivably affect my interactions with the officials. However, the ethical dilemma of being both an insider and an outsider as a colleague, from the national office, as well as my role as researcher was challenging to balance. There is a perceived superiority associated with the national office as the oversight, monitoring body to the provinces. As such my role as a watchdog, looking for the “correct” responses was a concern for me. This was exacerbated by the fact that my request to participate was presented to the officials at our interprovincial task team meeting, which is an official platform. I realised how this could confuse some of the officials to assuming that this study was a Departmental endeavour. I however followed up with telephone calls to the officials to explain that the study was an academic exercise that was separated from the DBE.

I became aware that discussing the background of the study lent itself to subjective responses and questions on the part of the participants as well as myself as the as a colleague, which contradicted my stance as a researcher. Relaying some of the systematic challenges that were experienced by the participants and myself during the informal discussions before and after the interviews, it was apparent that my objectivity as a researcher was not an easily goal to maintain.

3.9 Conclusion

The methodology used was able to highlight that the human elements, if not carefully mitigated will interfere with policy. This was observed through the review of the policy development process, which highlighted that role player such as politicians, developed policies for political reason. The process also yielded that the inability of officials to interpret policy documents as intended by the authors (Ball, 1993) as they were not prescriptive enough, which opened them up for multiple interpretations.

The methodology applied, while not exhaustive to this type of study was relevant as it achieved the objectives of collecting data on policies and identifying implicit themes that applied to the teaching of gender and sexual diversity education policy in the education curriculum. The

outstanding information on the processed of all the policies, in order to identify prevailing political sentiments as well as the public responses to the policy processes as these were not well documented.

The semi-structure interviews were useful and supplemented the data obtained through the analysis of the policy. They provided verification of the multiple interpretations possible by various role players in the policy development, implementation process. The experiences of the officials were valuable to the research process, even though the researcher's perception of her relationship as a junior official in the same department had an impact on the responses provided by the officials.

The methodology applied to this study predominantly serves the study well. I collected in-depth and rich data from the ten participants and the discourses that emerged from the interviews reiterate those that were identified as being problematic in the roll-out of gender and sexual diversity education in the education system.

The challenge was the amount of time I allocated to the data collection and analysis. This left me with limited money and time, with the result that there were fewer participants. The study could have benefited from the perspectives of educators and learners. This recommendation will be included in Chapter Six

CHAPTER FOUR

FINDINGS

4.1 Introduction

Chapter Four provides an in-depth discussion of the findings of the study. It critiques the discourses found in policy and guideline documents that were analysed in this study. The analysed documents were identified as those used by officials of the DoE to promote inclusivity within the education sector. The analysis had a specific focus in its criteria for inclusivity. As such, the analysed documents were expected to pronounce on the advocacy for the rights of gender and sexually diverse learners. Conversely, the analysis also focused on the silences relating to inclusion of gender and sexually diverse learners within these documents. This chapter also includes a CDA of transcripts of semi-structured interviews conducted with DBE officials at both the national and the provincial levels. I shall now discuss the rationale for the use of CDA for this study.

The chapter starts by unpacking the findings and highlight the identified discourse strands that have emerged from the analysis of the policy and guideline documents as well as the transcripts from the semi-structured interviews with DBE officials, using some excerpts of examples of discourses from the interviews. Discourse strands were lifted in the study, because they exist within texts as what is commonly referred to as topics or themes. A text is, therefore, made up of fragments from various discourse strands. Discourse strands can often intertwine within the text aimed at addressing multiple topics. This was the case with this study. A statement in which several *discourse strands* are entangled or entertained is called a *discourse knot* (Jäger & Maier, 2014).

It is important to note that a number of the discourse fragments, strands and knots highlighted in this chapter had already been identified in the literature review phase of the study. I shall highlight these throughout this chapter (Jäger & Maier, 2014).

4.2 Research questions

Initially, I embarked on exploring the following research questions:

- How does the DBE policy articulate about the teaching of gender and sexual diversity in schools?
- How do DBE officials, tasked with promoting equality (GFPs) at the national and provincial levels of education provision interpret the education policy on gender and sexual diversity?
- How do GFPs implement the education policy on gender and sexual diversity?

The following section describes the process used for extracting the findings presented in this chapter. I used CDA to review the text in the form of policy as well as the text as transcribed interviews.

4.3 Rationale for the use of CDA

It was important for the study to use CDA in order to review the pronouncements and silences on gender and sexual diversity in the DBE's policy. The approach, illustrated below, analysed the discourses of those recreated oppressive practices towards gender and sexually diverse learners in the education system. Gender and sexually diverse learners in the education sector appear to be systematically excluded from curriculum content, and school culture. Emotional, physical and even sexual abuses have at times violated their human rights. The contention is that the rights of these learners are being violated by those tasked with ensuring that their constitutional rights of access to education without discrimination are upheld. The state officials responsible for the delivery of education are subjective individuals in the form of policy makers, policy implementers, and managers, down to the value chain of education to the educators. As subjective individuals, they each have their own set of beliefs and attitudes that affect how they conduct work for the Department. There appears to be no repercussions at the individual level of the educator or the officials for the systematic exclusion and violation of learner rights. The accountability rests on the DBE as the custodian of basic education in South Africa, as mandated by the SASA (DoJ, 1996). In this chapter, I use CDA to show the ripple effects of the poor implementation of policy and its socio-political impact that reverberates from the schooling system throughout society in the form of hate crime committed towards LGBTI.

4.4 The process of critical discourse analysis undertaken in this study

In this study, I used the Discourse Analysis process and applied the CDA principles, using discourse analysis to arrange the data as outlined in the process below. I find it important for the study to outline the steps followed; these apply to the traditional discourse analysis method. It is, however, worth mentioning that the process was to provide the study with a methodological means to organise the data. The process that differentiates the analysis from traditional discourse analysis is that a socio-historical context is provided to identify any abuse of power aimed at replicating social inequality (Fairclough, & Clive, 1995). I shall now explore in depth the steps followed in the analysis.

4.4.1 Establish the context

As outlined earlier in both discourse analysis and CDA, it is advised that I begin by identifying the context of the material being analysed and its relevance to the study. It was important to establish the context of the study, namely the pronouncements of the DBE's policy on gender and sexual diversity as text. In having identified the discourses relating to the implementation of gender and sexual diversity policy within the sector, it was important to also engage with the role players (national and provincial officials) in the policy development, implementation and monitoring process. The analysis conducted on the policy and guide documents as well as the transcripts from the semi-structured interviews with the provincial officials yielded no specific gender policy or policy dedicated to guiding the implementation of gender and sexual diversity in the sector.

The context of the development and implementation of policy by departmental officials, as captured in the semi-structured interviews with national and provincial officials, alluded to some of the prevailing dysfunctional institutional practices highlighted by Kraak and Young (2001). The officials, seven of whom work as GPF, and I shared common roles and responsibilities in our capacity as officials of the national department. I was tasked with the development and monitoring of gender equity in the sector. As the researcher and colleague to the officials, I found it of great value to explore the content of a common experience, as it touches on our shared area of expertise while exposing our unique challenges within the institutions:

Tom: *“The problem with our policies is the implementation.”*

I approached the study with the intention of being as reflexive as possible and I thus had to be constantly aware of my dual role as researcher and official of the Department. Bearing this in mind, my role as an official of the national offices was a constant reminder that the officials may have perceived the study as an extension of my role as a Departmental official. This was of concern because in this role I monitor and oversee and provide support for the work done by the provincial offices. My research could easily have been misconstrued as a monitoring exercise to observe the extent of implementation of the gender policy. To mitigate this misconception I had a conversation with each participant about the nature of my study. I explained that this study was for my academic qualification. I further elaborated that the reason I chose our current work context as the focus of my study was due to its relevance to my academic interests and the need for inquiry into how we effectively implement legislation as officials. Most, if not all the officials seemed to understand that this work was not part of my work as an official.

While the study aims to explore the extent of the implementation of the policy, it was primarily undertaken for the purpose of fulfilling the goal of my academic studies and not of reporting back to my senior. My dual role has been an ethical concern from the onset of the study.

The power relation of provinces to the national office must be observed and taken into account whenever the national office interacts with provinces. The feeling of being tasked to do the bidding of the national office was raised by:

Cece: *“we are just a bunch of people who are given information, information, information...go deliver there...”*

The statement made one of the respondent's point to a situation where officials feel excluded from decision-making by the national office and view themselves as mere conduits of information.

4.4.2 Explore the production process

Exploring the production processes of the selected policies, which exposed me to the policy development process outlined by Kraak and Young (2001), highlighted the status quo at the time of the policy development post-apartheid. It pointed to the skills gap, lack of understanding of the government structure by the policy developers, which reflects in the idealistic framing of legislation within the intangible, and concepts of redress from the injustices of the past without considering how this would be done in practice (Kraak & Young, 2001).

This insight laid the foundation for how policy was developed and the kinds of institutional practices that are still dominant within the Department as a policy-developing body. Some of these practices include lack of interrogation of the initial objectives of policies and lack of constant review of the current implementation gaps relating to the set policy objectives. Some of the officials' responses revealed the silences pertaining to how policy should be implemented (Kraak & Young, 2001).

An official recalls the process involved in the development of the Constitution:

Johanna: *“...there were groups which were allowed to also make representations, and among those groups were the, the, the, the LGBTI...group...and also the women in terms of gender and many others like cultural minorities...so, I think in them participating in that, in that process, itself, made sure that the whole thing of diversity is cemented...”*

Her response elicits a new discourse on the study of submissions that were offered to promote diversity to the process of the Constitution, but hardly anything is forth coming about the level of buy-in to the diversity that was cemented into the Constitution by all the constituents.

4.4.3 Preparing the material for analysis

The policy and guiding documents that contain the analysed texts are available as both hard and electronic copies for easy reading and for making notes. Some of these texts are available to the public on both the internet and the Departmental website: the Constitution of the Republic of South Africa (1996); the South African Schools Act (1996); the National Curriculum Assessment Policy Statement (2012); White Paper on Education (1995); The National Education Policy, Act 27 of 1996 (NEPA), and Example of a Code of Conduct for a School (2008). The unpublished (1996) Framework for the Development of a National Policy on Gender Equity in Basic Education was a draft document for which I obtained permission from the Director of the Social Cohesion and Equity in Education Directorate to include in this study. I was able to obtain all the documents I intended to review in this study. I worked on both the hard and the electronic copies of the identified policy and guiding documents as well as the transcripts.

4.4.4 Coding the material

In order to better arrange the data for analysis, I coded it to highlight discourse strands that outlined commonalities within some of the identified discourses in the texts. I coded the data using Microsoft OneNote to code and arrange the data into discourse strands and discourse fragments. It was a challenge to work in Microsoft OneNote, using two different computers with incompatible Microsoft software. At times, my challenges included getting colours consistently; losing my transcripts in the application, and coding in Microsoft Word. Some of the discourse strands emerged from the literature review, which resounded within the texts; these included the following.

4.4.5 Historical reference of gender and sexual diversity

In relation to the documents, historical reference refers to the time frame within which the legislation was developed and it was used to identify the socio-political events that influenced the development of the legislation. These included discourse fragments that enabled me to gain insight into the type of legislation that the democratic state attempted to avoid, in essence, replicating similar oppressive laws that were developed during apartheid. This perspective influenced how the government wanted to change the socio-political landscape of the country by means of inclusive legislation, as illustrated in the excerpt from the CAPS documents:

The National Curriculum Statement Grades R-12 serves the purposes of:

- *equipping learners, irrespective of their socio-economic background, race, gender, physical ability or intellectual ability, with the knowledge, skills and*

values necessary for self-fulfilment, and meaningful participation in society as citizens of a free country; (DBE, 2012: 4).

The interviews enabled me to touch on the early life experience of the interviewed officials regarding their understanding of, and exposure to gender and sexual diversity. This component of the questionnaire was important, because it allowed for an understanding of how some attitudes and perceptions about gender and sexual diversity might have been framed and how they now impact on how they approach their advocacy work within the gender and sexual diversity mainstreaming.

Cece: *"...There was this young boy, who was eh...I believe it was more gay than anything else...so, it's like eh...because of the way that he behaved...he was bullied by...by everybody...was bullied at, at home...was bullied, I mean like the community...within the community, he was bullied within the school campus, he was one like the, the other boys used bully him...there was, I mean it was like...although I was always find myself...I always find myself trying to protect this boy...so he ended up dropping out of school...I remember I went to, his family, trying to find out from them why he's not coming to school...but then I realised that nobody cares...I, I, I...that I know something that I always talk about because it really affected me."*

The interviews as pointed out by the two responses below highlighted how officials had their own attitudes towards gender and sexually diverse individuals, which subtly highlighted subtle intolerances.

Lillian: *"...because we could...I mean side-line, behind his back we would always talk about it and we'd always say but you can see something is not normal."*

Tom: *"...you know, seeing a person being a homosexual...it's not acceptable to some of us in the society...it talks about tolerance to lesbians and gays you know, and other...so that, so that it discourages everybody to discriminate against those people..."*

Some of these attitudes, as illustrated in both Lillian's and Tom's responses, are formed and result in the 'othering' of gender and sexually diverse individuals.

At an early age, attitudes towards gender and sexual diversity are already developing as a result of observing gender non-conformity.

4.4.6 Applicability of knowledge and content relating to gender and sexual diversity in the education sector

In relation to the policy documents, these discourse strands on the pronouncements in the texts are communicated whether as directives or as intangible replica of clauses pronounced in the equality clause of the Constitution of the Republic of South Africa (1996), as in the following CAPS document:

The National Curriculum Statement Grades R-12 is based on the following principles: Social transformation: ensuring that the educational imbalances of the past are redressed and that equal educational opportunities are provided for all sections of the population... (DBE, 2012; 4).

In relation to the provincial officials, this discourse strand explores the applicability of their knowledge of gender and sexual diversity, whether obtained through training from the Department or through self-education:

Johanna: "...eh...gender for me, means eh, those social constructs that we, that I feel have been created by us as human beings...to determine the roles and the behaviour of various sexes...for me that's what gender seeks to depict, and then in terms of eh...sexual?...Sexual diversity...I do understand that uh, through a lot of literature that I've been through, that sex has become fluid..."

Experience of institutional culture and its impact on the advocacy for gender and sexual diversity

In relation to the policy documents, this discourse strand examines whether officials involved in gender and sexual diversity work are knowledgeable in terms of policy texts and whether they implement these.

Vusi: "...legislation. From the Constitution, all the other policies, for instance in the Department of education, where I was working in 2012...we made an effort to revisit all other policies of the department...and check for gender sensitivity...amongst others it was gender and disability...and sensitiveness, to an effect that were able to come up with new policies, that eh where we felt there was a gap. Like for instance we did not have a sexual harassment policy..."

This discourse strand explores the experiences of national and provincial officials supporting the Department in their gender and sexual diversity work.

Ryan: "...because we sit, in what I would call and ivory tower...we don't know what's going on down there in the classroom, for me that's the challenge here, that management has no idea what's happening down there at classroom level...and when

we come down there we bring up certain issues then it's not...like I remember the last, the last HIV conference and I said eh teachers were reluctant to even talk about eh...use the words penis and condom..."

4.4.7 Examining the structure of the text

The structure of the transcripts as text, which resulted from a semi-structured interview guide, yielded similar responses, since the interviewed officials are involved in a common area of function as GFPs. Although some of the responses differed from one participant to the next, they were predominantly in response to similar questions and as such the discourse strands that emerged comprised similar discourse from the GFPs and different ones from the other three officials working in Curriculum (LO), School Safety as well as Education Management and Governance Development Directorates, respectively. This was mainly because of the differing focal areas in the officials' work. For instance, in the Curriculum (LO) interview, discourses of sexuality education are difficult for provincial coordinators tasked with delivering them:

***Ryan:** "...it's a big challenge in the system, because for me to get, to tell a tell teachers this is a dildo, and this is a how you put a condom over ...teachers refuse to even touch the dildo, because for them it's like taboo, I mean like during the HIV scripted lessons, I say you know what teacher, you are married, you have children, I mean to touch it now, you cannot touch something that is made out of material...you know...can you see the level of discomfort in it, now how more uncomfortable will they be to even talk about it, hmm?...and further more I find it's such a challenge in a daily basis, to get management at this level, at the DBE to understand it...it's very, very challenging."*

Although this focal area is different from that of the GFP, it offers a unique perspective into the discourse that prevails in the LO Directorate, which, in essence, affects how gender and sexual diversity are taught.

The policy documents, however, differed in the discourse strands they generated in that they were developed at different times in the socio-political landscape of the country. The time frame stems from the dawn of democracy to a more developed public service that responded to challenges as they arose. The newer texts used the concepts initially introduced in the Constitution document to reiterate the values we ascribe to as a country. However, it emerged that these concepts had become taken for granted knowledge. That which was known emerged as language used in legislation, but that was not supported by explanations and expanded actionable directives.

4.4.8 Collect and examine the discursive statements

The concept 'discursive' is often denoted to mean 'text'. However, in this study, I adopt Laclau's (1981: 87) understanding of the concept:

...the ensemble of the phenomena in and through which social production of meaning takes place, an ensemble which constitutes a society as such. The discursive is not, therefore, being conceived as a level nor even as a dimension of the social, but rather as being co-extensive with the social as such. This means that the discursive does not constitute a superstructure (since it is the very condition of all social practice) or, more precisely, that all social practice constitutes itself as such insofar as it produces meaning. Because there is nothing specifically social which is constituted outside the discursive, it is clear that the non-discursive is not opposed to the discursive as if it were a matter of two separate levels. History and society are an infinite text.

This section focuses on the discursive statements and discourse fragments, which are the officials' individual statements. These discourse fragments are the components of the discourse strands that provide specific details encompassed within the main discourse strands.

Some of the common discourse fragments in the policy documents included:

- a. Heteronormative discourses of gender
 - i. Gender framed as woman empowerment.
- b. Intangible concepts
 - i. Correcting the injustices of the past in order to create a culture of inclusivity.
 - ii. Ensuring access to education for all.
 - iii. Intangible Human Rights discourse.
- c. Reactive programming
 - i. Problematical response of gender and sexuality diversity.

Some of the discourse fragments in the transcribed semi-structured interviews included:

- a. A culture of isolating gender and sexually diverse individuals:
 - i. Derogatory names to denote gender and sexual diversity
 - ii. Gender and sexual diversity as deviance from fulfilling heteronormative role
- b. Conflation of concepts:
 - i. Lack of clear understanding of gender and sexual diversity
 - ii. Framing gender and sexual diversity within pathology (HIV/Sexually transmitted infections) and sexual harassment
- c. Powerlessness
 - i. Experience of inadequate power or influence to do my gender related work
 - ii. Feeling unsupported by political heads and managers in doing my gender work

- d. Perception of silences
 - i. Lack of education specific gender policy guiding gender and sexual diversity mainstreaming
- e. Structural challenges
 - i. Too many officials serving as conduits of gender related information
 - ii. Lack of training on gender and sexual diversity

4.4.9 Identify cultural references

In identifying cultural references, the processes designate references in the text to other resources. In this study, the policy refers to the roles of officials as implementers, and the officials refer to policies as potential resources, since there is no solid policy with clear pronouncements guiding the advocacy and education of gender and sexual diversity in the sector.

The officials also refer to other officials who support them in executing their work relating to gender. The resources mentioned in this study are human resources as well as the support provided by the policy document as legislation guiding the implementation of other policies and programmes.

The study also explored the historical contexts from which certain experiences relating to gender and sexual diversity emerged for the officials. It was evident in the interviews that the concepts of gender and sexual diversity, although not named when first experienced by the officials, was a discourse known to them from working as GFPs. Even if the concepts of gender and sexual diversity are perceived to be western concepts, some of the officials introduced regional concepts into the study:

Johanna: “*ya but we used to know those, like matanyula...you know, in Setswana that would mean a man having sex with another man.”*

Moses: “*calling things like ‘matanyula’.*”

Ryan: “*moffie is another word, slumdog is another word...something, mf, mfefana something, I don’t know...I can’t get the word...*”

Cece: “*that I was with some...some people called him stabane...some, some...you know like a number of words...some called him sisrig (sisrug)...*”

Lillian: “*that’s the most common one “stabane”, they call things like, they’d belittle you in a way of ukuthi (to say) you not man enough.*”

I am of the opinion that understanding the officials’ relationship with past experiences relating to traditions and culture would reveal their attitudes and beliefs about gender and sexually diverse individuals.

4.4.10 Present findings

The current study set out to explore the extent to which officials at the Department engaged with policy aimed at promoting gender and sexual diversity education. In order to achieve these objectives, the study successfully:

- analysed policy documents to assess whether they advocate for gender and sexual diversity;
- explored DBE officials' engagement with policy by reviewing their understanding of policy by means of a semi-structured interview, and
- explored the officials' implementation of policy in their various areas of functions.

I found the above process important for me to follow. I needed the structure that the process offered, as it allowed for a systematic way of organizing and analysing my data.

4.5 Overview of policy analysis findings

4.5.1 Policy pronouncements

It is important to differentiate between an **act** and a **policy**, especially since this section focuses on the pronouncements made in each of the listed documents. An act is legislation passed by Parliament. An act can only be amended by another act of Parliament. Acts set out the broad legal/policy principles.

Laws set out the standards, procedures and principles to be followed. If a law is not followed, those responsible for breaking them can be prosecuted in court. The following table illustrates the pieces of legislation that were reviewed in this study and highlights the statements contained within them that speak to gender and sexual diversity in the education system.

Table 1: Pronouncements relating to gender and sexual diversity within legislation

Documents	Classification	Pronouncements
Constitution of the Republic of South Africa (1996).	Law	(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, <u>sexual orientation</u> , age, disability, religion, conscience, belief, culture, language and birth.
South African Schools Act (1996).	Act	(e) subjects individuals to humiliating or violent acts which undermine the <u>constitutional guarantee to dignity in the Bill of Rights</u> ; (d) undermines the fundamental <u>rights and values that underpin the Constitution</u> ;

<p>The National Curriculum Assessment Policy Statement (2012).</p>	<p>Policy</p>	<p>Section 1.3No table of figures entries found.</p> <p>b) The National Curriculum Statement Grades R-12 serves the purposes of:</p> <ul style="list-style-type: none"> equipping learners, irrespective of their socio-economic background, race, <u>gender</u>, physical ability <p>c) The National Curriculum Statement Grades R-12 is based on the following principles:</p> <ul style="list-style-type: none"> Human rights, inclusivity, environmental and social justice: infusing the principles and practices of social and environmental justice and human rights as defined in the Constitution of the Republic of South Africa. The National Curriculum Statement Grades R-12 is <u>sensitive to issues of diversity</u> such as poverty, inequality, race, <u>gender</u>, language, age, disability and other factors.
<p>White Paper on Education (1995).</p>	<p>Policy</p>	<p>43. The letter and <u>spirit of these rights and freedoms</u> should inform the intellectual culture in all schools and educational institutions, and professional services in departments of education. This has <u>unavoidable implications for curricula, textbooks, other educational materials and media programmes, teaching methods, teacher education, professional supervision and management culture.</u></p> <p>44. The constitutional guarantees of <u>freedom of conscience, religion and belief</u>, which bind all acts and administrative actions of government departments, including education, <u>have particularly important consequences for a school and college system</u> which has been dominated in the past by a state supported <u>national-religious educational philosophy</u>. A substantial exercise may be required in order for the implications of the constitutional requirements <u>to be analysed, debated, and translated into new guidelines.</u> This matter should engage the relevant professionals in the national and provincial education departments, and teacher education establishments.</p>
<p>The National Education Policy, Act 27 of 1996 (NEPA)</p>	<p>Policy</p>	<p>Directive principles of the National Education Policy</p> <p>The policy contemplated in section 3 shall be directed toward-</p> <p>(a) the advancement and protection of the fundamental rights of every person guaranteed in terms of Chapter 2 of the Constitution, and in terms of international conventions ratified by Parliament, and in particular the right</p> <p>i. of every person to be protected against unfair discrimination within or by an education department or education institution on any ground whatsoever;</p> <p>ii. of every person to basic education and equal access to education institutions;</p>

		(b) enabling the education system to contribute to the full personal development of each learner, and to the moral, social, cultural, political and economic development of the nation at large, including the advancement of democracy, <u>human rights</u> and the peaceful resolution of disputes; (Section 4(b) substituted by section 3(b) of Act 15 of 2011) (c) achieving equitable education opportunities and the <u>redress of past inequality in education</u> provision, including the promotion of <u>gender equality</u> and the advancement of the <u>status of women</u> ; (d) endeavouring to ensure that no person is denied the opportunity to receive an education to the maximum of his or her ability as a result of physical disability; (j) promoting a culture of respect for teaching and learning in education institutions;
Example of a Code of Conduct for a School, (2008).	Regulation	(a) Not specific
Gender Equity Task Team Report (GETT) (1997);	Research report	None
Framework for the Development of a National Policy on Gender Equity in Basic Education(unpublished)	Draft policy framework	<u>Recommendation</u> <ul style="list-style-type: none"> Invest in resources and develop innovative teaching content on gender equity in education for the Life Orientation Curriculum and Sex Education (as an important learning area) should be revisited for implementation in the reduction of some of the key barriers to gender equitable school environments—specifically stereotypes about gender roles; <u>gender-based violence; unintended learner pregnancy; gender diversity and sexualities</u>; homophobia; HIV/AIDS—and gender inequity in general.

Policies, Regulations, Rules, and Codes are commonly known as “subsidiary legislation” and require publishing in the *Government Gazette* in order to become legal. These are the guidelines that dictate how the provisions of the Act are applied. They may also contain *pro forma* official forms that are required under the Act. Regulations and schedules to Acts can only be amended by a notice published in the *Government Gazette*.

A policy outlines what a government ministry hopes to achieve and the methods and principles it will use to achieve them. It states the goals of the ministry. A policy document is not a law, but it will often identify new laws needed to achieve its goals. A policy hereby sets out the goals and planned activities of a ministry and department, but it may be necessary to pass a

law to enable government to put in place the necessary institutional and legal frameworks to achieve their aims. Laws must be guided by current government policy.

4.5.2 The policymaking process includes the following steps

Stage one – Ruling party conference gives vision, goals and direction

Stage one in the process takes place at the major conferences of the ruling party where policies are made. At these conferences, particular issues are debated and discussed, and the ruling party decides its overall vision, goals and direction on specific issues.

For example, in 1993, the ANC, in the Bill of Rights, endorsed legal recognition of same-sex marriages, and the Interim Constitution opposed discrimination on the basis of sexual orientation.

Similarly, the ANC Policy Framework for Education and Training 1994 refers to the inclusion of learners and educators on the basis of gender in a number of instances:

The curriculum under apartheid has perpetuated race, class, gender and ethnic divisions. It has emphasised division rather than commonality and has denied common citizenship and a national identity...The lack of relevance of the curriculum has been exacerbated by the narrow base of participation in the process of curriculum development. In the main parents, teachers, students, workers and the private sector have not been involved...This is evident in the limits on subject choices in Black schools, especially in mathematics and the sciences, the gender bias of the curriculum, and the marginalisation of some forms of knowledge such as the cultural and life experiences of the majority of our people (ANC, 1994: 37).

Goals and values

All individuals should have access to lifelong education and training irrespective of race, class, gender, creed, or age.

Targets and priorities

The historical marginalisation of women will be corrected through curriculum reconstruction, mechanisms for redress in enrolments throughout the education and training system, and the review of gender representation in positions of responsibility and leadership.

Principles

- The structure of the education and training system and its governance will aim at nation-building and the eradication of racialism, tribalism, ethnicity and gender considerations as the basis of educational organisation.
- The educational publishing policy will aim to strengthen democracy and equity, non-racism and non-sexism, and contribute to national development.

Vision

A new education financing system, framed within the parameters of a new Interim Constitution, will reflect the commitment of the ruling ANC: to achieve racial and gender equality.

A number of references have been made relating to gender inclusivity and non-sexism in the ANC Policy Framework for Education and Training 1994. However, the application of gender and non-sexism, as communicated in the literature, tends to refer to gender as a binary of male and female and the use of non-sexism is often used synonymously with gender in many instances.

As such, the emphasis has been on women empowerment and ensuring that women form part of governance and leadership in the education sector. Gender and sexual diversity are not explicitly mentioned, even though they may be implied by virtue of the technical definitions of gender and non-sexism, but have not manifested in policy or action in the education system to date.

In this instance, I must emphasise that lack of advocacy by the ruling party for the rights of gender and sexual diversity often means that these rights are not mainstreamed through policy and thus not upheld. It is important that political leaders actively advocate for the rights of gender and sexual diversity in their party meetings and that these rights are explicitly and unambiguously contained in all legislation.

Stage two – Executive (Ministry) draws up policy on an issue

Stage two of the process takes place at national level where the ruling party attempts to convert its party policy into official government policy or law following the procedures prescribed by the Constitution. It is clear, therefore, that there is a strong political link between key legislative and executive structures and the majority party.

It is the responsibility of the executive branch of government to develop new policies and laws. It is the responsibility of the legislative branch (Parliament) to approve policies and pass new laws to give legal effect to the policies. But this is a long and slow process during which the policy or law proposed by the ruling party is debated and negotiated with various stakeholders, such as opposition parties, the public, non-government organisations, and so forth. This can take many years to complete.

During this time, the government ministries will draft discussion documents, called Green Papers and White Papers, on the policy or law to allow for debate and comment. Public service Senior Management Service members are often used as resource people for this process.

Various parliamentary and select committees in the national Parliament and in the National Council of Provinces, as well as portfolio committees in Provincial Legislatures provide opportunities for public participation in debating the proposed policy or law.

Stakeholders can use different opportunities for input, such as attending parliamentary committee hearings, setting up meetings with department heads or the minister, using the media to put pressure, and so forth.

Response by the state:

It appears that this process was not followed by the state.

Stage three - Finalising a policy

Stage three of the process is when the policy is finalised by the relevant Department and Ministry. Once a policy has been properly debated the Department and Ministry look at the issues and options and draw up a final policy to be published as a White Paper. The White Paper is a statement of intent and a detailed policy plan, which often forms the basis of legislation. It is debated and adopted by Parliament and approved by Cabinet.

Response by the state:

This process was not followed by the state

Stage four - Passing a law

Stage five - Subordinate legislation and implementing the law and policy

While the pronouncement was made, no subsequent legislation was developed to mainstream or enact the rights of gender and sexually diverse individuals. The state did not immediately make provision for mainstreaming gender and sexual diversity. As a result, the pronouncement means very little to everyday South Africans, including educators and parents in the education system. The media is the only source of reference that most people have in order to understand gender and sexually diverse individuals. This kind of learning has resulted in gaps in understanding gender and sexual diversity, resulting in a stereotypical understanding of these concepts (Sigamoney & Epprecht, 2013).

4.6 Discourses within policy documents

4.6.1 *The South African Constitution, Act 108 of 1996*

The Constitution of the Republic of South Africa, as text, introduced discourses of non-discrimination, unity, social cohesion and correcting the injustices of the past. It was developed

during the transition from an oppressive apartheid to a democratic state. Multiple factors, including the fear of a civil war, influenced the production of the document. The process involved submissions by various groups in society to the committee tasked with the development of the Constitution, which would ensure that their interests were captured within the founding document. As such, the Constitution could be regarded as inclusive of a diverse group of voices. My critique of the process, however, is that much was expected of one document that mandated departments into existence to deal with its respective pronouncements, such as the DoE. While the mandate of the Department is clearly outlined in the Constitution, there are multiple mandates other than the delivery of education that are attached to the Department such as promoting the rights of all in and through education. I shall discuss these pronouncements under the heading “The South African Schools Act”; these include, but are not limited to educating learners about

- their rights and responsibilities as citizens of South Africa;
- their identities in terms of race, gender, sexuality in relation to self and others in society, and
- their future prospects in terms of career choices and support for their aspirations.

The Social Cohesion and Equity in Education Directorate of the national Department and its provincial counterparts along with the Life Orientation subject area have been tasked with rolling out the learning content for these important focal areas outlined earlier. These are important to the development of learners as individuals. Due to the pressure exerted on the education system to produce results in terms of academic attainment, the focus on these focal areas has either fallen away or been relegated to the LO subject.

4.6.2 The South African Schools Act (SASA) (1996)

The South African Schools Act (SASA) (1996) is characterised by its attempt to achieve maximum inclusivity and access to all public institutions post-apartheid. Legislation was thus developed with the hope that it would establish an Education Department that would promote access to quality education for all indiscriminately, and promote social cohesion and an inclusive society by means of the subsequent policies that were developed from SASA.

Pronouncements such as those outlined in the SASA (1996), advocating for the inclusion on the basis of race, sex, gender, sexual orientation, and so forth, with the aim of correcting the injustices of the past, echo the discourse outlined earlier under the South African Constitution heading. This discourse in the legislation endeavours to ensure that social justice prevails throughout the public service. However, to date, some of these principles have not been put into practice. This is evident from the popularisation of some of the inclusion criteria used for promoting access to education, as outlined in the clause on non-discrimination on the basis of

gender or sexual orientation, which persists within the education system. This impractical application has resulted in this study attempting to identify the causes for the poor implementation.

The practical application of the equality clause, which contains the inclusion of gender and sexually diverse individuals, is not reflected in any legislation since 1996, until recently. Numerous reports such as the GETT report and the Gender Audit by Moletsane (2010) on gender equity barely touch on gender and sexual diversity. However, this study has recently identified the *Draft Framework for the Development of a National Policy on Gender Equity in Basic Education (unpublished)* as the most comprehensive document thus far in that it provides the sector with practical examples on how to promote gender and sexual diversity.

4.6.3 White Paper on Education: Special Needs Building an Inclusive Education and Training System (1995)

The policy adopts the principles of the South African Constitution, which promotes non-discrimination. Having identified certain barriers to learning, including, but not limited to disability, the Education Department developed the White Paper in 1995 to ensure that education was inclusive of learners with special needs. This policy and ideal of being inclusive stemmed from identifying certain learners, not able bodied or with limited mental capacity, were excluded from participating in the education system. The document captures the desire of the education system to be inclusive. As such the Education Department has ensured that schools with an emphasis on learners with limited abilities as well as disabilities were able to access education in Special Needs Education schools. This does not directly speak to the inclusion of learners who are gender or sexually diverse, but rather to the inclusion on the basis of the Constitution as a guiding legislation in support of unity within the democratic dispensation.

The clause referring to the inclusivity is aimed at ensuring that the education system addresses and promotes the inclusion of learners with inabilities and disabilities in order to minimise the effects of disability as a barrier to learning. The emphasis is on physical and intellectual disabilities. In terms of defining inclusivity, the policy highlights the role of educators:

*Acknowledge and respect differences in learners, whether due to age, **gender**, ethnicity, language, class, disability or HIV status.*

That it would further gear towards:

*...changing attitudes, behaviour, teaching methodologies, curricula and the environment to meet the needs of **all** learners.*

These clauses are in the same spirit of advocating for diversity not only in education, but also through education. Although they are not explicit in their guidance on teaching gender and sexual diversity, they are pronounced and inferred through related documents such as the Constitution.

4.6.4 The National Education Policy, Act 27 of 1996 (NEPA)

The National Education Policy Act (NEPA) (1996) was established to guide the Minister of Basic Education on which course to follow in the management of education as well as in the development and consultation on education policies. Its objectives are as follows:

Objectives of Act.—The objectives of the Act are to provide for—

- (a) the determination of national education policy by the Minister in accordance with certain principles;*
- (b) the **consultations to be undertaken prior to the determination of policy**, and the establishment of certain bodies for the purpose of consultation;*
- (c) the publication and implementation of national education policy;*
- (d) the monitoring and evaluation of education.*

These objectives point to the minister's role as policy developer and monitor. However, in the public service, the point of policy development, while often in line with the political agenda of the Minister, must be consulted at the level of provincial heads. The development of policy, however, involves both national and provincial operational officials. As such, the policy is developed at the operational level, with the implementers acting as consultants. Once it has been consulted and the national and provincial officials have followed all the processes, the policy is sent to the Minister.

This policy echoes the discourse of the Constitution, which contributes towards

...enabling the education system to contribute to the full personal development of each learner, and to the moral, social, cultural, political and economic development of the nation at large, including the advancement of democracy, human rights and the peaceful resolution of disputes (DoE, 1996: 4).

...achieving equitable education opportunities and the redress of past inequality in education provision, including the promotion of gender equality and the advancement of the status of women (DoE, 1996: 4).

4.6.5 National Curriculum Assessment Policy Statement (CAPS) (2011)

The National Curriculum Assessment Policy Statement (CAPS) (2011) echoes the discourses outlined in the Constitution of the Republic of South Africa as well as the South African Schools Act:

The National Curriculum Statement Grades R-12 serves the purposes of:

- *equipping learners, irrespective of their socio-economic background, race, gender, physical ability or intellectual ability, with the knowledge, skills and values necessary for self-fulfilment, and meaningful participation in society as citizens of a free country; (DBE, 2012: 4).*

The concept of gender is framed within a heteronormative discourse and does not extend to explicitly include the other gender, *i.e.* transgender and makes no mention of sexual orientation.

4.6.6 Example of a Code of Conduct for a School (2008)

In 2008, the Education Management Development and Governance Directorate of the DBE published the *Example of a Code of Conduct for a School*. It is one of the first texts that I came across that overtly pronounces on the non-discrimination of another on the basis of gender and sexuality. The guidebook, an overall guide on how learners should conduct themselves while at school, acknowledges the rights of gender and sexually diverse learners who pledge, through the code of conduct, to commit to

*...treat everyone with respect regardless of differences in culture, religion, ability, race, **gender**, age, **sexual orientation** or social class...(DoE, 2008: 20).*

This document explicitly acknowledges the rights of gender and sexually diverse learners as a governance and school management issue. It highlights the rights enshrined in the Constitution as those that need to be upheld by the learners as they interact with other learners. This well-written document introduces the discourse of inclusivity in the sector in relation to school culture where learners accept the responsibility for their actions towards other learners who are different from themselves.

This document may be one of the most important documents aimed at creating structure for learners, as it actively advocates for human rights as practiced by learners. One of my critiques for this document is that it is not a policy or a regulation and that it can thus not be enforced. The school governing body (SGB) is responsible, along with the school management team (SMT), for developing and monitoring the implementation of the school code of conduct. It must thus be determined whether SGBs are consulted in the development of policy and legislation to be implemented in school and whether their buy-in is considered when policies are finalised. The relevant stakeholders should always be identified and consulted when policies are developed, as their participation and buy-in is important.

4.6.7 Gender Equity Task Team Report (GETT) (1997)

The Gender Equity Task Team (GETT) was appointed by the then Minister of Education, Prof. Sibusiso Bengu. The task team consisted of academics who admitted that, at the time, there was limited expertise on gender equity; thus, they received support from their Australian and United Kingdom counterparts in investigating the developmental areas for gender equity in the education sector. At the time, the education sector included the basic, higher and adult education sectors, which were combined under one ministry.

The GETT report strongly emphasises the discourse on gender equity. This discourse has since framed how gender has been perceived within education policy in the current dispensation. The discourse on girl and female empowerment, often excluding boys and males, has now become synonymous with gender empowerment. It has given impetus to subsequent associations of gender equity linked to HIV and AIDS, since the disease has been feminised due to its high prevalence among women on the continent, as well as learner pregnancy which is also viewed as a problem affecting females.

I attribute the current framing of gender as women empowerment to the discourse initially communicated by the GETT report. While the task team was justified in doing so, I am of the opinion that it failed to provide a wider all-encompassing view of gender and sexuality as diverse. In addition, I surmise that it was informed by the developmental trajectory of the country in 1997, which was perhaps at the time focusing on the socio-historical status of women as a marginalised group. As is evident from the interviews, the framing of gender as women empowerment still prevails and, unless a radical reframing of gender emerges, it threatens to be here to stay.

The GETT report was also responsible for the structures that emerged in the education system such as the Gender Focal Persons (GFPs) interviewed in the current study. It identified the need for a designated structure that would provide support to the sector in terms of ensuring that a gender equity policy would be developed to address gender equity issues within the sector. While the structures were successfully developed, the subsequent policy took longer to develop. In the analysis of this study, the GETT report framed the views and current focus of the gender agenda in the sector and has for some time served as a guide on how the Department has conducted itself to date. It has been a proxy policy as referred to in many studies, and I suppose that it will remain so until the new policy is developed, consulted, finalised, and presented to the sector.

4.6.8 Draft Framework for the Development of a National Policy on Gender Equity in Basic Education (unpublished)

The draft framework was developed by the Human Sciences Research Council in 2014, and commissioned by the Department towards developing a gender policy for the sector. The text provides an ideal framework as to how the sector should approach gender equity. It encompasses a section that provides a wide definition of gender not as a binary but as one that is all encompassing of all existing gender and sexual diversities that manifest in society. While not exhaustive, the framework has delved deeper than any piece of legislation has in its prospect to be applicable. It focuses on how each component of the sector can respond to the mainstreaming of gender, such as its recommendations for the following focal areas:

- Curriculum and its inclusion into the Learning and Teaching Support Material (LTSM);
- Educator capacity-building;
- Recommendations for the financing of gender and sexual diversity mainstreaming;
- Inclusion of gender as an important focus area at the level of governance.

The manner in which the framework recommends the incorporation of gender in its entirety is commendable and it would do well to be converted into policy. However, because it is a draft framework that has not been consulted at any level, I have only reviewed it in relation to its feasibility to be transformed into a policy. The discourses that emerge from the document are those of inclusivity, to which the study refers, which resonate with some of the discourse strands that are already highlighted in this chapter, including inclusion of gender and sexual diversity in governance and school culture, educator training, and teaching and learning support material.

These discourses touch on the mainstreaming of gender diversity as well as on the inclusion of diverse sexual orientation in all spheres of education. They focus on governance, financial planning as well as capacity building to ensure that gender and sexual diversity is included in all aspects of education. They encompass within them the essence of the equality clause pertaining to non-discrimination against gender and sexual minorities in the school.

The current draft framework was delayed by what I perceive to be a two-level structural challenge, namely political and administrative levels. In 2014, the Department, in line with the restructuring of cabinet after elections, underwent a restructuring process. This coincided with the resignation of the Deputy Director General of the Social Mobilisation and Support Services Branch under which the Social Cohesion and Equity in Education Directorate falls. As such, the Deputy Director General who had approved the development of the Framework for the Development of a National Policy on Gender Equity in Basic Education (unpublished) was no longer there to advocate and promote the consultation on the framework. The new Deputy

Director General requested a briefing on the framework in order to proceed with any support thereof. The process was delayed by a year and consultations have still not been undertaken. It is important that the study, at this point, highlights the intertwined nature of the political and administrative landscape and how it impacts on the ability of officials to implement. The support of the political heads and of the senior administrator such as the Deputy Director General, in this instance, can ensure success in the implementation of certain policies, or they can hamper or delay them. The discourse of power emerges strong, in this instance, where executive power such as that bestowed on administrative heads by the political head must be identified as an important factor in how policies are developed and implemented.

4.6.9 The school safety homophobic bullying manual

In response to the spate of homophobic bullying incidences in schools, the School Safety Directorate developed a manual addressing homophobic bullying. This training manual for educators and officials forms part of a larger anti-bullying campaign in the education sector. The manual, developed in partnership with an independent consultant, provides definitions of gender and sexual diversity in simple language. It explicitly explains the nature of gender and sexual diversity, and it gives examples of how schools can promote the rights of gender and sexually diverse learners. The manual is used to train provincial School Safety officials who are trained as master trainers with the aim of ensuring that they will cascade the training down to the district level and, ultimately, to the schools. Thus far, the training has yielded interesting responses from some officials, as communicated by Charles in the interview. The officials' emotions cannot be separated from their official duties to promote the constitutional values in the education sector.

My concern is that the School Safety training manual is not legislation and thus not enforceable in the sector. As a result, it is not accountable for any transgression by educators. According to one of the respondents, it will take a long time for the manual to be popularised due to the lack of support in the Department. He highlights some challenges with some of the master trainers that have to cascade down the training to the schools that often do not cooperate:

Brian: *"In my case I will definitely pay attention LGBTI or homophobia bullying...you might decide differently...I'm uncomfortable with this or I don't understand it...so therefore, you know, I'll just leave that part out."*

He later points to a potential remedy for this lack of cooperation among officials who have been trained as master trainers in addressing homophobic bullying in schools.

Brian: *"I think there needs to be more advocacy and awareness created to support that document..."*

There are indications within each of the documents discussed in this section there are attempts to create synergies in constitutional values that promote the rights of individuals who are diverse in gender and sexual orientation. However the most of these pronouncements have not necessarily translated into the mainstreaming of these rights into practice whether through programming or mainstream curriculum integration and pedagogic practices (Potgieter *et.al*, 2014).

4.7 National Task Team on Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)

In March 2011, the Department of Justice and Constitutional Development (DoJ & CD) established the National Task Team (NTT) on Gender and Sexual Orientation-Based Violence (DoJ & CD, 2015). The aim of the NTT is to address human rights concerns and violations among LGBTI persons. A cause for concern has been the spate of attacks against Black, lesbian women in the form of 'corrective rape' in various South African communities. The DoJ & CD thus saw it fit to initiate engagement with other government departments, Chapter 9 Institutions and Civil Society Organisations (CSOs) that specialise in diverse rights and legal matters relating to LGBTI persons, guided by the South African Constitution which guarantees equality and prohibits discrimination on multiple grounds, including sexual orientation. This may be referred to as a National Intervention Strategy (NIS) whose intention it is to formulate mechanisms that counter the problem of gender and sexual orientation-based violence against LGBTI, paying particular attention to the criminal justice system. Furthermore, the purpose of the NTT is to implement, monitor, and evaluate the NIS. The main objectives are:

1. To strengthen government's ability to respond to the needs and vulnerabilities of LGBTI persons, as well as complementing and re-enforcing the capacity of CSOs that provide services, are involved in advocacy and have access to LGBTI persons.
2. To create links with other government departments and initiatives within the DOJ & CD such as the Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance programme, as well as other Chapter 9 Institutions that promote the rights of the LGBTI community, thus making use of a multiple and intersectoral approaches for greater positive impact on the lives of LGBTI persons.
3. To create awareness and improve the capacity of key services such as the South African Police Services, the National Prosecuting Authority, the Department of Social Development, the Department of Health as well as Correctional Services in order to eliminate gaps within the criminal justice system and provide better access to justice for LGBTI persons.

The government's response to incorporating the rights of gender and sexually diverse individuals was framed within a discourse of redress, with a resultant public outcry. After twenty-two years of the development of the Constitution, the state developed a collective initiative. Gender and sexual diversity in the NTT is framed within a discourse of redress, which often pathologises gender and sexual diversity characterised by perceptions of gender and sexual diverse individuals as victims of violence.

While it provides for the protection of gender and sexually diverse individuals, the NTT should focus on normalising gender and sexual diversity by portraying gender and sexually diverse individuals as ordinary individuals who have families, who love and who contribute to the development of the country as tax-paying citizens.

4.8 Overview of interview findings

The findings of the study point to the importance of reviewing power in relation to how it can be used to disenfranchise an individual or a group of people. In this study, the group of people denotes gender and sexually diverse learners. The power bearer in this study is the government, which is represented by the DBE as an institution and the officials that serve the population on its behalf.

In the study, power is viewed in relation to DBE policies and the repercussions of the systematic abuse of power by viewing the replication of power structures used to isolate gender and sexually diverse learners. The abuse of power, as observed in this study, is the denial of the rights of gender and sexually diverse learners by officials who, on the basis of religion, feel justified to omit certain information to gender and sexually diverse learners. In this study, I argue that the lack of clear legislative guidelines on promoting the rights of gender and sexually diverse learners is a human rights violation sanctioned by the state, which neglects to develop an education-specific policy and ensure that transgressions are punishable by law.

The study reviewed legislation, namely the Constitution of the Republic of South Africa (DoJ, 1996) and the SASA (DoE, 1996), aimed at rectifying some of the wrongs perpetrated by the apartheid government in the education sector. The Constitution provides for inclusivity within society, thus eliminating discrimination on the basis of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth (DoJ, 1996). However, it appears that the equality clauses (cf. Chapter Two) are more idealistic than realistic. I demonstrated this disregard of the

Constitution by focusing on how the equality clause was translated and actioned within the education sector with the emphasis on policy documents, programmatic documents, and guide documents used for mainstreaming gender and sexual diversity within the sector.

In this study, the discourses on patriarchy, heteronormativity, power, and non-accountability relate to the absence of legislation guiding and promoting gender and sexual diversity within the education sector. The study also revealed that, while it is often believed that responsibility and accountability of departmental officials is automatic upon their appointment in the public service, their roles of developing, implementing and monitoring the implementation of policy are not affected by their own biases.

The study also explored the perception by officials that there is a general lack of political support for gender issues within the sector and the impact of their lack of involvement on implementation. The responses of the interviewed officials demonstrated this linear top-down breakdown in prioritizing gender issues in general. Participants perceive a lack of support from the political heads and senior managers. Some of them believe that this holds the key to how gender programmes are perceived and rolled out in the system. Participants highlighted the fact that programmes prioritized by politicians gain more support in relation to the amount of human or financial resources that are allocated.

***Johanna:** “at the moment nna (I), know that through various deliberations it was agreed that these offices of the HODs or somewhere in administration...eh, so that they can get the necessary budget and support and all that, but I really feel...these offices need to be elevated to...offices of MECs...politicians so that politicians can bring in their political view...and politicians themselves, because they are responsible to the electorate...”*

Another discourse is responsibility that is equated to the power given to officials and educators by virtue of their employment by the state and the repercussions of the use or misuse of that power on service delivery. Power is viewed on three levels, namely political, structural in terms of hierarchy, and individual in relation to the implementers. The latter are confused by the instruction to uphold the rights of gender and sexually diverse learners before those of their culture, tradition, or even religion.

One of the apparent consequences was, what I consider, a disregard of gender issues in that some of the gender units have had to assume other responsibilities, beyond their scope of gender or have been merged with other units. This has removed the sole focus on gender issues as well as gender and sexual diversity awareness. The work outlined in the GETT report as priority, the Gender Equity Unit has over the years been paired with other

responsibilities such as HIV education, as observed in the Gauteng Education Department that encompasses the HIV Life Orientation portfolio and in the North-West Provincial Education Department with its numerous responsibilities including the elderly, youth, and disability. As such, a shift is apparent where gender issues are further marginalized by the mere addition of numerous and, at times, unrelated functions.

The document analysis revealed that the policy documents that were analysed in this study have predominantly provided a blanket pronouncement, as it were, that encompasses the discourse in the equality clause of the Constitution. While imperative for a democratic state to flourish, these values lack clear implementation guidelines and strategies. According to some officials, some of these values, including acknowledging and promoting the rights of gender and sexually diverse learners, clash with commonly held beliefs and, therefore, affect how certain policies are implemented. At times, officials are in positions of power to support and fulfil the execution of education content. This not only applies to senior officials at the national Department, but it also filters down to the school level.

The CoP was deliberately included in this study to identify how the existing structure dedicated to gender planning and monitoring is faring within the system. The review of the ITT, as a CoP, highlighted perceptions of non-prioritization of gender, which was believed to affect implementation. Some of the officials proposed a way forward as to how policy can be better developed, implemented and monitored through this structure.

4.9 Findings on officials' interpretation of the education policy on gender and sexual diversity

Earlier awareness of gender and sexual diversity prior to working as DBE officials

Knowledge can be described as:

...all elements of thinking and feeling in human minds, or in other words, all contents that make up human consciousness...People derive this knowledge from the discursive surroundings into which they are born and in which they are enmeshed throughout their lives. Knowledge is therefore conditional, i.e. its validity depends on people's location in history, geography, class relations etc... (Jäger & Maier, 2014: 8).

The officials were asked to recall the first time they heard about LGBTI individuals, in an attempt to identify how far back they remembered encounters with gender and sexually diverse individuals. The aim of this question was to seek the type of engagement they had with these individuals and the kind of feelings they might reveal in the interview. This question

was necessary as historical events often frame discourses that emerge from discussions with individuals. Of the ten officials, Tom was the only one who indicated that he had no historical recollection of any gender and sexually diverse individuals prior to assuming office as a GFP in the Department. All the other officials were aware of gender and sexually diverse individuals. They shared their experiences, which were often marred by a discourse on gender and sexual diversity as a curse:

Steven: *“the way it was displayed, it was displayed as eh, like it’s a curse...or if somebody is born in that particular fashion, it’s a curse.”*

Vusi: *“they would just say, titabane...”*

Gender and sexual diversity was also perceived to be a cultural anomaly that rendered a man useless, unless he could bear children within a heteronormative and socially acceptable manner, as indicated by some of the participants:

Johanna: *“...you always had an uncle...who never even looked at women...or who never had a sexual partner in a way that you expected to have...what do you think was the issue or the reason for the family...to kind of isolate them in their smaller...that they might be somehow, sexually different...hmm, and also a gentleman would be called gore (that) o sekopa, you know sekopa, like, you cece are not sexually attracted to women...you are not bringing, you are not bringing us heirs...”*

Brian: *“it is his sexuality, not you know...that needs to be accepted, but as a person nothing has changed...you know, especially from the father’s side it took a little bit longer...he was the only son within the family...so it was expected that he would become, the in...the, the owner...”*

This particular discourse introduces the foreignness of concepts such as Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI). The majority of the officials referred to concepts that they heard being spoken throughout their youth, none of them affirming a gender and sexually diverse identity. While these are true of the officials interviewed in this study, it cannot be taken for granted that the majority of officials such as school managers and educators had a different experience of gender and sexually diverse individuals. These were the kinds of discourses that are more likely to frame the construction of gender and sexual diversity among officials.

Tom: *“...no growing up um um...never...no, no. In Sesotho we don’t have that’s I’ve never encountered a situation where I’m explaining or defining gays...”*

Tom mentions that he did not know about gender and sexual diversity while he was growing up.

Lillian: “as we were growing up, we could identify that he was not like any other men...so we would go to church, we’d go to school he would always be in the company of women and he would always be doing what we all label as feminine chores...so he grew up in that community, but of course he had to do everything else that any other young man was expected to do...but up until the level ye initiation...we went to those initiation schools da dada and so on...but when we were at university level...I think that’s when he also gets to accustom himself with other gay people because he was in a town...because he went to Bloemfontein, and maybe that’s when he could pick up ukuthi there are other gay people and...so when at the time when he disclosed”.

Lillian: “and...I remember of this one, ukuthi ubhut’omdala (that he was an older brother/male)...uyabo...and it was such a sad story, because ubhuti Mzwandile was known ukuthi he was kinda like umama othile (he was a certain mother/woman)you know those kind of people, but there have always been people, you know...”

Lillian shared two examples of gender non-conforming individuals from her village. Their difference lies within their feminine expressions and their affinity towards gender-assigned roles.

Ryan: I heard it in high school, I think coming by, coming from a very conservative background in the Indian culture such things didn’t exist...because I don’t think there was an acceptance readily, acceptance of, uh, gay, lesbians and bisexual, transgender and intersex individuals, and uh...in high school I came across the term gays and homosexuals, not gays so much, more homosexuals than gay people...lesbian, where did I hear lesbian...lesbian came about...I heard the concept lesbian in...Post high school, not in high school... but, uh, even bisexual was post high school...transgender I heard it in Biology...and when you talk of intersex individuals, the first time it was when the Caster Semenya...: no not really, because I work in the field of psychological counselling, you know, and I had to study these.”

Ryan highlighted the cultural denial of gender and sexual diversity by stating that these “things” did not exist in his context and that it was his exposure to outside communities through school and the education content that introduced him to some of the concepts of gender and sexual diversity.

Tom: “look, as a teacher...I, I, I got exposed to that thing, some of the learners were gays and others...were behaving in a lesbianic...you know these girls sometimes, behaves like boys neh...we used to call them tomboys...so kanti (but) you’ll find out that they are, they are, they are lesbian...”

Tom's description of gender and sexual diversity is within a discourse on gender confusion. The use of the concept 'lesbianic' may point to a limited vocabulary to describe the behaviour he observed. Tom's statement that he had only heard of gays and lesbians and had not been exposed to any other gender or sexual diversities supports this.

Steven: *"I remember one of the pictures that was displayed on that particular...was a picture of a certain individual, who was having a...eh two organs of the two different genders on one person...the way it was displayed, it was displayed as eh, like it's a curse!"*

Steven was exposed to gender and sexual diversity via a media publication:

Moses: *"uh, I've experienced this a lot ... at high school, at boarding school, there was one big man ... one day he said to me can I come and sleep with you ... and I said to him, no..."*

Moses: *"and then the other one was my uncle ... he befriended me... that one day he invited me to his place... and he offered me, you know whisky ... so he thought I'd pass out then he would do what he wanted to do with me... unfortunately, you know I realised that I had to jump out of the window".*

Moses: *"...and run back home. The third one is when I was still at UnivenTurfloop...he! I was hitchhiking to Turfloop...I met, I got a lift from you know from two bafundisi (pastors/clergymen)...and one of them said to me, can I see you in the evening, can you come to my room, because I was looking for a lift, I said I will come...but I mean, after they dropped me at Turfloop I said nah, he'll never see me."*

The negative experience shared by Moses points to three negative experiences where he felt vulnerable to men who, as he points out, intended to have sex with him when he was younger. His perception of gender and sexual diversity may be framed within this discourse. This type of thinking is linked to discourses where gender and sexually diverse individuals are perceived as paedophiles and sexual predators.

While these experiences vary in their impact on the individuals who experience them, they form part of their discourse construction on the topic. As noted earlier in the literature, this discourse informs how officials in the Department relate to their work. Some approach it with cultural discourse, others with a religious and moral discourse. These discourses, without training on content and pedagogies and minimal guidance, become part of the frame of reference of officials and educators.

4.9.1 Gender as conflated

The construction of gender and sexual diversity often leads gender to be understood in multiple ways. Sexualities are subsumed within the gender discourse, which is often framed as a binary of male and female. This framing lacks the depth to begin to express its scope as a concept. It is often framed in discourses on pathology. In this study, focusing on the education sector, it has been framed with discourses on sexual harassment, HIV/AIDS, learner pregnancy, and women empowerment.

Ryan: “...ok, coming from the Life Orientation perspective, in curriculum I actually look at it from that point of view. So I’ll be giving you my view. Ok from the point of diversity, you look at the curriculum; the curriculum is very diversified in a sense that it encompasses all aspects and takes into consideration all topics. And then when we look at gender, now gender is about whether you a boy or a girl...how do you bring gender diversity in the classroom, and also to carry it out as a concept towards gender respect?...I think that is very critical with the high rate gender based violence, you know and for me you have to see it from that point of view...when we think of sex, sexual and sexuality, here I’m not very familiar with what you mean by your understanding, sexual and gender diversity, basically are we just looking at the concept with diversity or just the concept on itself...on itself, then one would look at sex the male or female then now we must also think of the third gender.”

Ryan: “...is it sexuality, being male, female, or it, or are you gonna bring it as in sex, as in just the male and the female, you know, and then your also going to look at the gender norms, so just keep these points in mind.”

In his deconstruction of the concept ‘gender and sexual diversity’, Ryan initially denoted gender as a binary. He also included the concept of ‘gender-based violence’ in the definition. Framing gender within the gender-based violence discourse has often been one of the ways in which gender and sexual diversity were hidden and ignored in the programmatic response of the Department.

Similarly, the discourse on gender empowerment is misleading in the education sector. While gender encompasses all genders in its truest definition, in the education sector it is understood to mean women. The officials’ responses affirm that, in programmes addressing the injustices of the past, as identified by the GETT report, the Department does not go beyond women empowerment in its pursuit of gender empowerment. Tom highlights this in his response:

Tom: “how far have we gone, and what mechanisms should be employed, in terms of affirming our female counterparts...gays and lesbians in terms of employment...and

also empowerment policies that we have, we are having the sexual harassment policy...”.

The discourse on gender within a discourse on women empowerment shows the disunity within the sector to identify gender as all encompassing. This can be attributed to the early framing of gender through the pronouncements in the GETT report on the establishment of the gender equity mandate.

Other discourses on gender include the visible physical attributes that are often associated with masculinity such as masculine female bodies. The case of South African Olympic 100 metre gold medallists Caster Semenya was raised.

Caster Semenya won gold for South Africa in the women's 800 metre race at the 2009 World Championships. She also won silver medals at the 2011 World Championships and the 2012 Summer Olympics, both for the 800 metre race respective. Following her victory at the 2009 World Championships, it was announced that she had been subjected to gender testing. She was subjected to a battery of invasive tests aimed at exploring whether she was rightfully participating as a woman or whether she was a man. The testing of Caster was condemned nationally and internationally and was viewed as a gross human rights violation (Kessel, 2010; Smith, 2009).

The Caster Semenya public discourse encouraged Steven to question the “real” genders of other women in sport as a result of their performance. In his response, Steven understands gender as a construct of women’s physical prowess and how their ability, beyond what is expected of them, can render their gender questionable.

Steven: *“...it interested me not from the perspective of...initially when it started it was not from the perspective of her sexuality being questioned...it interested me from the fact of her ability to run...there were these particular two girls...one we called her the horse...and then Winnie, I remember we used to call her, Whitney, because of her beauty and...It brought quite a number of questions, what about Navratilova...what about the two sisters that are also playing tennis”.*

Steven: *“Eh...the difference between the two girls was that Winnie was a short distance runner...and I think as society, we were we lived in such a way that we were exposed to girls, when it comes to sport, it's ok if they can run short distances and do it well...if we wanted to maybe challenge your...your, you skills of running...we'd make you run against Winnie...and if she beats you, we then tell you how less of a boy you were”.*

While gender and sexuality are fluid, there are commonly held misconceptions regarding how one decides to become gay or lesbian. Ryan communicates this discourse in his response, which is reiterated by Steven:

Ryan: “it’s not by choice that you become gay, you know so, I think trying to apply these kinds of values in education, and trying to make education, uh...education more effective and more becoming...”

Steven: “but what made them at that time decide that she was more of a boy than a girl.”

Misunderstanding gender and sexual diversity as decided on in the response.

This touches on the discourse on gender as gender confusion, where an individual can decide to become gay or lesbian.

Tom: “this is where we discuss all these gender issues ...you know, including gender-based violence and other many...many other things, HIV and AIDS”.

The framing of gender and sexuality within a discourse on pathology such as HIV/AIDS and gender-based violence tends to facilitate the process of hiding it. Within these constructs, gender and sexual diversity are hardly dealt with, since sexuality is often communicated in a heteronormative discourse.

4.9.2 The negative construction of gender and sexual diversity labels

The intention of the question asked during the interview was to determine the kinds of names officials were exposed to in their youth regarding gender and sexual diversity. The responses point to the limited positive constructions of gender and sexual diversity. These constructs serve as a reference point to the associations that the majority of individuals have with gender and sexual diversity in the country. While I am in no way insinuating that the officials were homophobes, the resource of unguided pedagogies comes from common South African discourses, especially in terms of the local vernacular. These are some of the words used by officials and educators who lack the necessary resources to reference and educate about gender and sexual diversity in schools (Sigamoney & Epprecht, 2013).

Lillian: “that’s the most common one “stabane”, they call things like, and they’d belittle you in a way of ukuthi (to say) you not man enough...and what’s the other one that we grew up eh...other than ‘istabane’... I think there was another terminology? It’s just that it has slipped my mind now... that’s uh...and it was kinda like a taboo you were not expected to mention...those kinds of names...heyi...where did you get that thing...where do you come from with that...thing...it’s a sin or...so there were those

kinda like derogatory words that would be linked or associated with those that differently sexual orientated people”.

Ryan: “hmm, yes, there quite a number of other words like, uh, uh, the IT; it is one of the words...moffie is another word, slumdog is another word...something, mf, mefana something, I don't know...I can't get the word...I must say hey as much as I heard all this terminologies and the way South Africa is seeing this, you know with the level of disrespect”.

Moses: “eh, they were called names like bo Stabane...”.

Vusi: “...than this one, which are a bit vulgar, especially in siSwati...which are a bit vulgar, which I'm not at liberty to disclose...but obviously the words and the names that were actually attached...were forcing you not to eh, eh, eh...accept whatever it”.

The only official to have expressed that no name was used in his culture was Tom. His response reiterates the discourse that has many Africans dissociate from gender and sexual diverse individuals and who predominantly believe that it is un-African.

Tom: “no, no. In Sesotho we don't have that's I've never encountered a situation where I'm explaining or defining gays...that is why traditionally, people do not accept that there would be gays...we'd say moffie, and moffie is not Sesotho...”.

It is unfair to label homophobia, when there is no knowledge or understanding of the concept associated with gender and sexual diversity. It is important to establish a shift from accepting the negative labels and developing local discourses that depict gender and sexual diversity in a positive and relatable manner, as identified by Sigamoney and Epprecht (2013).

4.9.3 Officials' current level of understanding gender and sexual diversity

The understanding of the concepts relating to gender and sexual diversity was an important point in order to establish the level of knowledge of national and provincial officials on gender and sexual diversity concepts. It emerged that officials often defined gender and sexual diversity as a human rights imperative; their understanding did not necessarily involve unpacking the meaning of concepts.

Lillian: “um...it's actually...about how people or a person that is different in terms of a sexual orientation is supposed to be accepted...in the community where they live or in the workspaces where they work or in...at a school level where they are schooling, so for me it would be into how those that are differently sexually orientated...are accepted, as per the Constitution.”

Ryan: “yes, and we don't, you see ah, South Africa hasn't uh, as much as the Constitution has accepted LGBTI...they've accepted it in principle...but they have not

accepted it in, in the humaneness or the humanity of it...and we have to be so particular, because we still have gender based violence, our sexual violence”.

Tom: *“both concepts be...I mean can be defined in terms of us as a society accepting that we are different, sexually or otherwise...and tolerating the circumstances of each other”.*

It emerged that the public discourse on Caster Semenya’s sexuality opened up an awareness of gender diversity of which many South Africans were not aware. This is expressed by officials during the interviews:

Steven: *“...but the other thing that interested me, no that challenged my interest in humanity, recently was the case of Caster Semeny ...”*

Ryan: *“...and when you talk of intersex individuals, the first time it was when the Caster Semenya...”*

Officials were familiar with naming the concepts but often did not understand the individual meaning of concepts. This highlights an instance where jargon has taken over the essence of concepts, and the use of acronyms such as LGBTI become problematic. They do not allow, in this instance, officials to truly engage with what the classification means.

4.9.4 Discourses on power

An important discourse in this study aims to highlight power and how it has been identified as a factor affecting the implementation and, even at some levels, the development of legislation. In a bureaucratic structure, power is hierarchical and each level affects the next. The national DBE, as an oversight structure, represents the macro level of policy, whereas the provinces, districts and circuits represent the meso level, and the school is at the micro level. As such, there are power exchanges within and across levels. These structures are interdependent, but also rank-order hierarchical, resulting in power dynamics that impact on how policy is developed, implemented, and monitored.

While this study established that provinces are autonomous, it emerged in the findings that provincial officials are often of the opinion that they received orders to implement and disseminate from the national office. It seems that further policy is developed at the national office.

Moses: *“since I mean it’s been developed by the national office...: I mean during my workshop, I expect one official from the national office”.*

The interaction between structures necessary for effective implementation also has power dynamics of its own:

Lillian: "...in most instances, we never meet with the district, I haven't had any, I think that our assumption is that, from provinces, provinces are the ones that are supposed to engage much more with districts, but I think that has been proven, ukuthi (that) it's not actually translating the work of the Department, because I remember the **Minister**, was very clear in terms of skip the province and go to the district, but it's easier said than done."

Lillian: "because at the same time you do not want to spoil ama relations between a province and a district...by you, going straight to a district without having grasp the province, you know, that kinda thing, so ya."

The communication and, at times, communication breakdown filters down to district and then to schools.

Cece: "exactly, we are lucky in Gauteng that we have eh, for example each...these support programmes is a warm body within the district...and within the district the district needs to go to schools...to develop their own committees"

Ryan: "so for me I wrote the district and the circuit policies...so for me circuits are the closest to the school...then under the nine coordinator, I got my district officials"

At each level there is autonomy right through to the school system. These power relations have implications for implementation.

Cece: "you know, that on its own, when you need to call, you need to call principals, make them aware of the programme...the principal has not communicated with the staff, the SBST have not been given a change to communicate with the staff...you know it a mess"

It was established earlier that there is no gender policy pronouncing on the teaching of gender and sexual diversity in the education system. It was important to identify some of the challenges that existed within and across structures in order to maintain the status quo.

Steven: "so as we stand, where we are, we don't have really a policy on that...we would be guided...if such an issue crops up, we'd be guided by the Constitution obligation to see a child as a child"

At some national levels, the absence of policy was highlighted as being due a lack of "outcry" for a policy on gender and sexual diversity.

Lillian: "ya...well yes or no...no, because firstly because...ever since I've been in the department there has never been a policy that specifically talks to gender, in the whole spectrum of it...it is only recently...which, probably about two years that we've had some framework that wants to establish a policy...however...there has been some work that was conducted, even before I joined the department that indicated the need

of such...why it was never implemented...I don't know, but there has always been a need that one critical area that needs to be taken care of by the department".

At other levels, there is an understanding that gender issues are critical and require policy in order to be addressed. However, in the interim, officials apply Constitutional Law in the absence of education-specific legislation.

The various perceptions, within different offices at the national office, in terms of the need for gender-specific policy for the sector highlights the silo style of operation. This challenges the ability of different directorates to complement expertise with leveraging off each other to establish policy.

4.9.5 Conflicting values

Officials refer to the Constitution as the guiding legislation on gender and sexual diversity.

Vusi: "ya, it's actually a...struggle...between what I believe and what I'm employed to do...eh, eh religion and values..."

Vusi: "hence some of the people they will talk this language when they are at work, when they get out of work...who's very gender sensitive at work, had to deal with a case where, her own child...and she didn't take it well at all, we had to intervene and said no, but wena (you) you are an activist...you are supposed to advocate, she said no, not here, not in my house..."

The contention in terms of applying the constitutional pronouncements is based on two observations: the misalignments of officials' values in relation to the Constitution, and the structural misalignment that results in communication breaking down.

4.9.6 Structural challenges

One of the reasons provided for a lack of implementation was the patriarchal and traditional views of senior managers which were identified as a barrier to implementation. They can easily hamper progress on programmes that target issues of gender and sexual diversity, with which they may not be comfortable.

Ryan: "the barriers, I think it's more because they are traditionalists...billboards, I mean it becomes everyone's responsibility. I mean here we have some of our managers are very traditionalist...we don't know what's going on down there in the classroom, for me that's the challenge here, that management has no idea what's happening down there at classroom level...and one of our very senior managers said but you know teachers are not comfortable, I'm saying but why are you not comfortable".

Ryan: “and one of our very senior managers said but you know teachers are not comfortable, I’m saying but why are you not comfortable”.

Officials identify these as challenges to implementation.

Lillian: “you know that kind of a thing. So, I think that’s one of the key issue that makes us not seem to be progressing, but linked to that is, the commitment from people that are supposed to drive, these kinda issues, its neither here nor there”.

Further challenges with implementation include a discordant system that reports on different deliverables and different mandates.

Lillian: “because, for instance, if you look at our Directorate we are a combination of about four or five Directorates from a province...but when you get to a province, there is about 5 different people, from different Directorates or even Chief Directorates that are talking social cohesion, so that for me, makes it a bit of a challenge in terms of trying to uniformise what we need to be talking about and discussing...because then, Limpopo will tell you it’s Curriculum that does that, I don’t deal with learners...Northern Cape, but it’s another section that deals with that, it’s not my responsibility...so those kinda things, so if we can like get to a point of agreeing at the Department ukuthi (that), this is how we propose we should be structured, and these are the programmes that should be under each, whatever strategic areas... we still have a challenge with Western Cape, because they feel that nobody has to do anything around Gender Based Violence...because you just don’t see a commitment...”

There are power relations at an interpersonal level, as outlined by Ryan. He perceives some of the blockages to implementation to be due to interpersonal relationships power dynamics.

Ryan: “...and another thing, up here...it’s about defending the territory...oh Sue is now gonna get a Master a Doctorates degree I gotta be very weary of a young girl like her, I gotta defend my space, so what do I do, I gotta close access to you”

Ryan: “... And if already saying our managers, because of their own personal issues, sometimes lack of knowledge...but how do I, let’s say for instance me, this junior person how do I sit with my Director, without making her feel like she being unseated and interrogate the policies about gender and sexual diversity are not aggressive enough”

The personal feelings of officials are often not considered in the policy development process and are thus very difficult to mediate. It may seem a trivial concern raised by Ryan, but this type of challenge can potentially affect the process of implementation.

4.9.7 Feelings of powerlessness

Respondents expressed feelings of helplessness in terms of the lack of support and the slow rate of implementation in the sector.

Lillian: "people will always want to box it into a certain corner, you know. It doesn't appear as something that everybody must own...and everybody must (clears throat) must take hands in dealing with it. So it becomes you problem...your, your...ya I don't have things that I can think of right now"

Lillian: "...how do I relate to it? Well, I think because I have decided not to only focus on complaining and saying who doesn't do what now, I think I've passed that stage".

Ryan: "but they shooting your idea down that does not you lie there being shot...you say how do you wake up and heal that wound and move it to the next level".

Moses: "you get discouraged; I mean to an extent that I mean, if you're supportive at times, you succumb...and once you succumb, it means, people are suffering, because of I mean the lack of support...that you want, I mean the type of support that you want from your seniors and stuff, so I mean, then you".

Moses: "it's my own thinking again; if I had the power...I'll review...if I was in management".

The power dynamics pointed out in this section cannot be trivialized. A system such as the DBE, with so many micro systems with different levels of authority, requires each of its micro systems to work well together. Any problem at any point within the system can potentially challenge the development, implementation or monitoring of legislation.

Undoubtedly, the most challenging component of the system is at the individual level, where immeasurable factors are at play. While the system cannot monitor attitudes at an individual level, individual views and beliefs are very powerful and have the potential to affect the lives of gender and sexually diverse learners. As a result of the attitudes at national, provincial, district and classroom level, the policy gap is interdependent.

As such a mechanism to train officials to acculturate to the prescripts of the Constitution becomes imperative.

4.10 Community of Practice (CoP)

The solution to how policy is developed and implemented lies in how officials relate to each other in terms of the gender and sexual diversity policy imperative. The ITT was established to create synergies between the levels of government of Departments such as the Basic Education Department at both national and provincial structure. To date, the interprovincial structure, similar to the national and provincial structures, has merged with the race and values Directorate to form, what is now called, the Social Cohesion and Equity in Education

Directorate. This structure exists at the national office only. On the provincial levels, the Directorates that feed into this structure include the Transformation Unit, Race and Values, and the Gender Directorates that have remained intact in the provinces. One of the challenges that affect the current task team is the misaligned reposting structures.

Other challenges pointed out by the officials included a perceived mismatch of expertise and value:

Vusi: *“eh and there are activists that we know, the recruitment criteria should talk to the person eh, who believes I this thing...whose values are aligned to this thing”.*

The point made by Vusi is critical to how the ITT functions. The lack of knowledge set and value set required for working in the area of gender is very specific. The advocacy component of the work requires a level of activism and an ability to defend the values upon which the Constitution is built. The appointment of GFPs should not be an incidental process. It has to be a well-thought out and objective process, purely based on experience and possible contributions that can be made by the appointee to the portfolio.

Lillian: *“well, ya, trick one, maybe one shouldn't be despondent too much, would say, through our Inter-provincial Task Team meeting...that could be one of the for a that we utilise in sharing our kind of work, but I think we still need to strengthen that structure, strengthen it in a sense that our dis-alignment as national, to a province, to, in terms of the work that we do”.*

Lillian points to a need to strengthen the structure about which she is currently despondent, due to the misalignment.

Ryan: *“so what we do is also start a network learning community...come on network learning communities...come up with a blog, and say listen these are kinds of things, lets each of us talk about it...”.*

Ryan: *“I can't go and train everybody every time, what do I do, I have my network learning communities...then under the nine coordinator, I got my district officials...the district people, to say district people, now, you got a database of your teachers, now you send it down there”.*

As he is not part of this CoP, Ryan points to an alternative modality in the form of network learning communities. He purports that these are more dynamic as they allow for constant communication via e-mail, chat, and blogs. It facilitates the sharing of information on gender and sexual diversity, which was considered a gap during the interviews.

Other structures that were indicated as a resource to the officials were the Quality Teaching and Learning Campaign (QLTC), which is concerned with community mobilization. Its structure is described as a mechanism aimed at facilitating relationships between the

Education Department, stakeholders and communities. The structure endeavours to promote accountability to all signatories to the pledges and to strive to adhere to the non-negotiables. At the core of the QLTC is the imperative to provide a platform for communities and broader society to actively and constructively become involved in improving teaching and learning (DBE, 2016; 48).

Tom: “you know, eh, and these structures are cascaded down to the district, we’ve got district...and then, at the school level we’ve got, QLTC structure, Quality and Learning Teaching Campaign structures...which includes everybody, in making sure that even our learners...are not bullied or harassed sexually”.

Another structure with a similar focus is the Care and Support for Teaching and Learning (CSTL) campaign. This campaign is a Southern African Development Community (SADC) initiative that was adopted by Education Ministers in 2008. The goal of the CSTL Programme is to realise the educational rights of all children, including those who are most vulnerable, in schools becoming inclusive centres of learning, care and support. Its aims include: to prevent and mitigate factors that have a negative impact on enrolment; learner retention, and performance and progression of vulnerable learners in schools by addressing barriers to learning and teaching.

Moses: “but being in transformation, I’m se, I’m also a member of the CSTI...CSTI is the care and support for the teaching and learning”.

Moses: “financial resources and eh, at times when you feel like doing something, you are told that there’s no money for that, I mean...”.

Johanna: “...to take this one on...have the money, have the office, give that person, the power”

Incorporating the support structure into the core ITT will facilitate a better use of resources, but also strengthen the implementation of policy within the Department. The common complaint has been the lack of financial resources and authority within the structure to facilitate the proper implementation of legislation and to address problems relating to gender and sexual diversity.

Vusi: “the role of the structure is to me, number one advocate eh, eh, policy”.

As pointed out earlier, there is no policy; however, the role still remains with the structure to advocate for the development and proper implementation of policy. At this stage, it is also important for the ITT to facilitate the consultation process of the current gender equity framework document. The provinces have different approaches to consultation and often different targets. This discordance will need to be addressed by developing an implementation plan that will outline the relevant stakeholders and include them in the consultation process,

so that all the relevant officials, community members and schooling communities are part of the consultation. This can assist in identifying the challenges they may have in terms of the mainstreaming of thematic areas such as gender and sexual diversity and afford officials the opportunity to educate and correct the discourse.

Vusi: “when a report is submitted, because now, my observation is that the reports that are actually eh received on these particular matters...are not, cannot be termed monitoring...so it goes from the policy formulation, down to monitoring and evaluation...yes, there room for omission in the reporting. Because for instance if we were to come up with a reporting template”.

Crucial to the successful implementation of any policy is the ability for the structure to monitor and evaluate the implementation. As Vusi pointed out earlier, the reporting is not as structured as it can be; therefore, officials can choose what they report on. It is a problem that the template used for reporting is malleable and in no way connected to collective deliverables of the structure on their mandate. A point for improvement would be to have a common planning session, guided by the implementation plan mentioned earlier. The implementation plan should include a monitoring and evaluation cycle of policy implementation at all levels of implementation, informed by predetermined indicators.

4.11 Conclusion

Firstly, discourses form individual and mass consciousness and thereby constitute individual and collective subjects. Secondly, since consciousness determines action, discourses determine action, and action creates materializations. Discourses thus guide the individual and collective creation of reality...Discourses exercise power because they institutionalize and regulate ways of talking, thinking and acting (Jäger & Maier, 2014, pp. 10).

Jager and Maier (2014) have given expression to the importance of discourses as the building blocks that frame our reality. Discourses they argue form individual and mass consciousness and thereby constitute individual and collective subjects. Secondly, since consciousness determines action, discourses determine action, and action creates materializations. Discourses thus guide the individual and collective creation of reality (Jager & Maier, 2014).

As such discourses of patriarch and heteronormativity that prevail within the education system undermine the constitution. These discourses as has been highlighted above stem from the upbringing of individuals and their communities. Many of the officials recall a negative experience of how gender and sexually diverse individuals were treated. Some even referred to gender and sexual diversity as a curse. These attitudes and views form part of how these officials perceive and believe gender and sexual diversity to be. Being a civil servant does not

change or nullify this knowledge that they have gained in their youth. As such while bound by the constitution by virtue of their employment, nothing prepares them for work that challenges these beliefs and as such these attitudes and beliefs prevail, hereby affecting how they conduct work on gender and sexual diversity.

Emerging discourses of powerlessness, lack of adequate capacity and support among government officials within a democratic state raises questions of the truthful nature of the democratic state. Democracy is defined “s "a system of government in which all the people of a state or polity ... are involved in making decisions” about its affairs, typically by voting to elect representatives to a parliament or similar assembly”, as such these values are undermined.

Similarly, even though there are no policies targeted towards the mainstreaming of gender and sexual diversity within the sector, the constitution as the overarching legislation of the country should be applied in protecting the rights of learners who are gender and sexually diverse. However as already highlighted above, does the presence of any legislation really elicit compliance by constituency? As already gathered from the findings, legislation and policy alone will not promote gender and sexual diversity in schools.

CHAPTER FIVE

DISCUSSION

5.1 Introduction

In this chapter, I shall analyse the findings on the directives in the policies that were reviewed in this study. I shall unpack the pronouncements of the directives and omissions that were identified as either advocating for the teaching of gender and sexuality within the South African education sector, or being ominously silent on the subject matter as well as the consequences. The findings, highlighted in the previous chapter, have implications for the policy environment, political and administrative leadership, institutional culture as well as individual accountability by officials in the education system.

Chapter 4 denoted numerous discourses that affect how the sector implemented the constitutional pronouncement to uphold the rights of all, irrespective of gender and sexuality, as enshrined in the Equality Clause (DoJ, 1996). It is important to note the reason for this study's relevance: South Africa is the only country in the world whose Constitution pronounces the rights of gender and sexually diverse individuals. As such, the public officials' compliance to uphold this clause is all the more important.

The contradictions between legislation and practice that have been observed over the years have begged the question as to whether the inclusion of this clause was a mere political response at the time of birth of our democratic state, or whether other social factors are at play.

5.2 Policy pronouncements

The policy analysis and interviews with the DBE officials highlight a lack of emphasis in policy on mainstreaming the teaching of gender and sexual diversity. In light of this gap in existing policies such as CAPS and SASA, the Department depends on the pronouncement in the Equality Clause of the South African Constitution to mediate the tolerance and acceptance of gender and sexual diversity in the schooling system. However, I argue whether this pronouncement is adequate to guide officials and educators to deal with a topic as sensitive as gender and sexual diversity.

In Chapter 4, I indicated that officials and, by extension, educators frame gender and sexual diversity from their initial experiences and encounters in their youth and often prior to working within the Department. The discourse that introduces gender and sexual diversity into their

worldview often frames their discourse on gender and diversity. The latter discourse in the South African context can be described as negative at best. Gender and sexually diverse individuals are often labelled with derogatory and demeaning words. Words such as *stabane*, *moffie*, *trassie*, *mmfefane* and *matanyula* (Tom, Cece, Lillian, Vusi, Johanna, Moses, Brian) have been referred to by officials to describe the derogatory language used to label gender and sexually diverse individuals. It is postulated that this discourse does not automatically change when individuals become civil servants or educators, unless there is a process that mediates the change by deconstructing existing discourses and replacing them with new affirming ones.

The study revealed that the Department has developed training manuals to sensitize national, provincial, district and circuit officials as well as educators to accept, integrate and tolerate gender and sexually diverse learners and to promote inclusivity in the teaching of the subject matter (Francis, 2012). The Social Cohesion and Equity in Education Directorate and the School Safety Directorates, respectively, commissioned these training manuals. The sets of training were undertaken by external service providers, namely Tshwaranang Legal Advocacy Centre (TLAC) and Media in Education Trust (MiET) Africa. These trainings focused on training officials to identify different forms of gender-based violence (GBV) and the legal remedies that were available to learners and officials. Tshwaranang used the *Opening our eyes: Addressing gender-based violence in South African schools* (2015) training manual that focuses on gender and sexual diversity as a theme in Module Three on hate crimes. MiET used *Prevent violence in schools: Learners taking action; Facilitator and mentor guide* (2015) as well as the learner book (*Prevent violence in schools: Learners taking action; learner book*). The MiET manual touches on gender and sexual diversity within a discourse on preventing violence in schools. The third training undertaken by the School Safety Directorate used the *School safety framework: Addressing bullying in schools trainer's manual* (2015), which frames gender and sexual diversity within the discourse on homophobic bullying.

The study also identified other material used as resources in the Department. This material includes the *Example of a Code of Conduct for a School* (2008) a publication developed by the Education Management and Governance Development Directorate, in Annexure A of the document, stating "Treat everyone with respect regardless of differences in culture, religion, ability, race, gender, age, sexual orientation or social class" (DBE, 2008: 20) as well as the *Framework for the Development of a National Policy on Gender Equity in Basic Education (unpublished)*, which identifies that the definition of gender and sexual diversities is excluded from mainstream education content and institutional culture.

The policies referred to by officials in the interviews, relating to educating about gender and sexuality, include the HIV/AIDS policy, the sexual harassment policies, and the CAPS. These documents, however, do not teach about the rights of gender and sexually diverse learners in the system.

One of the challenges experienced with the existing documents that serve as reference on gender and sexual diversity lies in the discourses within which they are framed. The discourses are non-affirming, problematic and pathologising of gender and sexually diverse identities. It can thus be inferred that the DBE's response has been more towards solving problems in the form of violence experienced by gender and sexually diverse learners. Hardly any emphasis is placed on understanding, tolerance and incorporating gender and sexual diversity in the curriculum and the system. Although policy does not necessarily change behaviour, it may be used to guide how officials and educators in the education system interact with discourses on gender and sexuality as framed within the country's Constitution and as a constitutional mandate of the state.

It is often contended, however, with the existing legislation, that the Constitution appears to include contradictions, in that it makes provision for the freedom of religion, the freedom of speech, and the freedom to practise one's culture and traditions. What is not communicated is that these are provisional laws that are only applicable as long as they do not infringe on the rights of others, as outlined in Chapter 2, clause 36:

“Limitation of rights

36. (1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including—

(a) the nature of the right;

(b) the importance of the purpose of the limitation;

(c) the nature and extent of the limitation;

(d) the relation between the limitation and its purpose; and

(e) less restrictive means to achieve the purpose.

(2) Except as provided in subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights (DoJ, 1996: 16).

As such the rights afforded to officials to practise their religion and traditions are only applicable when they do not infringe on the rights of learners to be included on the basis of their gender and sexuality. The rights of learners to not be excluded and discriminated against

are not provisional rights; they are rights that cannot be derogated or compromised (DoJ, 1996).

5.3 Legislation and power

The Constitution, in this instance, has the power to produce certain action. In South Africa, failure to comply with constitutional laws results in prosecution. As custodians of the Constitution, the country and its government departments have been tasked with ensuring that all the rights of the citizens, as enshrined within the Constitution, of the democratic state are accessible. The power of the Constitution is then transferred to its custodians. All departments have, by law, different responsibilities to translate the Constitution into action. The DoE has been given the mandate to teach constitutional values and ensure that all rights are upheld within the sector. The Department consists of individuals who have proxy on behalf of the state to uphold the values of, and thus embody the Constitution.

The contention raised in this study relates to the silences and lack of emphasis by the DBE on some constitutional values, as illustrated in some policies that were reviewed and curriculum content that result in the victimisation and oppression of gender and sexually diverse learners. As such, the materialisation of the pronouncements relating to the inclusion on the basis of gender and sexual orientation within the equality clause of the Constitution is silenced. By virtue of their employment, officials act on behalf of the state, as illustrated in Chapter 12 of the Constitution under “Basic values and principles governing public administration”:

“195. (1) Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

- (a) A high standard of professional ethics must be promoted and maintained.*
- (b) Efficient, economic and effective use of resources must be promoted.*
- (c) Public administration must be development-oriented.*
- (d) Services must be provided impartially, fairly, equitably and without bias.*
- (e) People’s needs must be responded to, and the public must be encouraged to participate in policy-making.*
- (f) Public administration must be accountable.*
- (g) Transparency must be fostered by providing the public with timely, accessible and accurate information.*
- (h) Good human-resource management and career-development practices, to maximise human potential, must be cultivated.*
- (i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity,*

fairness, and the need to redress the imbalances of the past to achieve broad representation” (DoJ, 1996: 99).

However, officials have been observed to omit values relating to non-discrimination on the basis of gender and sexual orientation, as set out in the Constitution, due to conflicting views and values (Potgieter, Reygan & Msibi, 2014). The absence of policy and the omission of content within the curriculum on gender and sexual diversity have contributed to the marginalisation of gender and sexually diverse learners in the education system. This gap can be attributed to the lack of a comprehensive mechanism in the DoE to monitor the mainstreaming and implementation of the values enshrined in the Constitution in all its policies. It can thus be inferred that the Department has perpetuated the oppression of gender and sexually diverse learners in its care (Potgieter & Reygan, 2012).

There is an expectation that officials and educators employed by the state do not act constitutionally. The level at which the state holds employees to account when such contraventions take place also indicates the level of commitment to upholding the country's constitutional values in order to protect citizens from all forms of discrimination. This failure has resulted in my deduction that the state has not fulfilled its mandate to protect gender and sexually diverse learners. In my experience, there are no standardised guidelines regulating how officials and educators respond to cases that have been reported nor to those that have been escalated from the provinces by civil society organisations and parents to the national office. There is no form of reference that officials and educators can consult for the necessary information on how to respond to gender and sexually diverse learners. This gap has enabled the reproduction of oppression of learners by officials.

It is understood that the Constitution, or any legislation for that matter, cannot change the response to gender and sexual diverse individuals within the system. The discourse on the power to bring about change within society is captured in the Constitution. The challenge is the lack of clear instructions on how gender and sexual diversity can be incorporated into the mainstream of the education system. Another challenge is how the Department has positioned itself to facilitate the understanding of concepts relating to gender and sexual orientation. Since no position has been taken, the basic inclusions, as stipulated within the constitution without further elaboration, have opened the concepts of gender and sexual orientation to interpretation. The omission of content on gender and sexual diversity is more apparent at the level of the classroom, where there are no pedagogies to mediate issues of gender and sexual diversities. The DBE has not made provision for the enactment of this legislation. As such, tensions arise concerning discourses relating to the alignment of state apparatus, in the form

of officials, who go against the spirit of the Constitution which they have been employed to protect. As education officials and educators, our role is above all to enact the constitutional mandates of providing basic education free of any form of discrimination.

The mandate of the DBE to educate and change discourses to be more inclusive and cohesive has been identified as the main gap to implementation of legislation. It is the responsibility of the DBE to bring to life the values and practices necessary for the realisation of these values, as outlined in the Constitution. The Department must develop mechanisms such as policy, curriculum content, and other subsidiary legislation in order to action legislation. Since the Constitution as the supreme law cannot be too prescriptive, subsidiary legislation is necessary to facilitate the process of enacting legislation for a system as specific as the DBE. The DBE should invest in training officials to understand their ethical obligations to the state as well as their concepts of diversity, including gender and sexual diversities.

The policy development process, widely publicised as being inclusive of all citizens, has revealed itself to be anything but inclusive. The concern raised by Kraak and Young (2001) about how policy analysts, critics, policymakers and those involved in the implementation and how the implementers have been expected to hold the original policy goal and simultaneously deal with the contradictions and incoherence involved in trying to implement these policies, show the multiplicity of responsibility that is not evident in the responses gathered in this study. Officials have been reported to deal with the contradictions by avoiding and disengaging with issues pertaining to gender and sexual diversity (Francis, 2012).

Since there is no policy that makes explicit the mainstreaming of gender and sexual diversity, the DBE relies on the Constitution to legitimise the rights of gender and sexually diverse learners. These learners are often discriminated against on the basis of gender and sexual orientation within the system. This begs the question whether a hierarchy of legislation should exist in order for policy to be enforced. The level of engagement with a policy, not merely understanding the words but internalising its content and applying the prescripts to the work that officials do, is a different story altogether. Throughout the interview process, officials pointed to using other pieces of legislation, including HIV and AIDS policy, and sexual harassment that are framed within a heteronormative discourse.

These policies themselves can be applied to address gender and sexual diversity; however, they are incorrectly framed. In these documents, a sexual relationship denotes a heterosexual relationship. It thus begs the question as to why potential exclusionary practices occur within policies themselves. There are prospects of ambiguous interpretation in the silences that exist

and as such there is a need to interrogate whether policy itself mainstreams the pronouncements of the Constitution, as captured in the equality clause. The consequences, as illustrated in the literature and in some of the participants' responses, include the violation of gender and sexually diverse learners and a culture of tolerance of homophobia.

5.4 Discourse on diversity within legislation

Since its inception, modern civil society has had to negotiate a fundamental tension between the homogenizing force of the democratic nation and the reality of pluralism, whether viewed as an end in itself or as the inevitable effect of individual freedom. Against the background of democracy's ambivalence...the question of how a sense of self and bonds of belonging are formed, when and why they are torn, and how concepts of civility and manners, of trust and civic virtue foster or threaten the "unsocial sociability" of citizens. From their earliest formulations, democratic citizenship rites and concepts of civility have reflected this ambiguity. On the one hand, they demand some renunciation or sacrifice of prior allegiances to family or region, religion or estates; on the other hand, the idea of civil rights allows for and encourages expressions of "democratic individuality" that give rise to an intricate structure of difference within which cultural tensions can be negotiated. Indeed, the challenge for any democratic polity lies in the ability of its citizens to construct a public space that both (re)produces some shared sense of belonging and recognizes a right to be different (Chambers & Costain, 2000: 238).

The above quote highlights that "the challenge for any democratic polity lies in the ability of its citizens to construct a public space that both (re)produces some shared sense of belonging and recognizes a right to be different" (Chambers & Costain, 2000:238). The South African Constitution has, to a large extent, been successfully negotiated as legislation and been the reason why the country has not descended into civil war. The level of diversity in South Africa is manifold, including, but not limited to gender, sexual practices, race, ethnicity, cultural practices, religious dominations, and nationalities. This diversity has caused clashes, including racism, sexism, gender-based violence, xenophobia, ethnic clashes, and territorialism. To a large degree, the country has, through negotiations, public dialogue and the justice system, facilitated the mediation of conflict that quells public disturbances relating to racism, sexism, gender-based violence, xenophobia, ethnic clashes, and territorialism. However, these mediations and remedies are often not decisively dealt with and often arise again. The constant negotiation of our differences as a citizenry has, to a degree, kept us in a safe stead as a democracy. The government and citizenry cannot always be reactive; many of these

mediations have been reactive. Legislation has been applied and the discourse on social justice is not as popularised as is required for a healthy democratic state.

In an attempt to promote an active citizenry, the DBE has been mandated to promote constitutional values through the curriculum, as outlined in the SASA (1996). This study aimed to review pronouncements in the education policy concerned with promoting non-discrimination on the basis of gender and sexual orientation, termed gender and sexual diversity in this study, reviewed policy documents that promote the incorporation of gender and sexual diversity through curriculum and institutional culture. The attitudes of officials towards gender and sexually diverse learners affect how the mainstreaming of gender and sexual diversity education is implemented. The study has attributed this disregard of the human rights imperative of inclusivity of all within the country to be treated with dignity to the inability of the public officials' lack of buying-in the spirit of the Constitution.

In order for a democracy to be truly inclusive, beliefs and attitudes must be sacrificed. However, the discourse on promoting the rights of gender and sexual diversity is contentious as, according to some, it contradicts the religious texts of Christianity, Islam and Judaism commonly practised in this country. Many officials use this as an excuse to omit information pertaining to gender and sexual diversity, as they are not comfortable with the content. Constitutional rights such as religion, culture and traditions are also protected. Unfortunately, these feelings of contradiction in the pronouncements of the Constitution cause the tensions of educators and officials in the education system. Francis (2012) highlights that educators often reference their own narratives, which are laden with religious and cultural undertones that highlight their moral views. The question then begs: What does the government and, by extension, the DoE do to “construct a public space that both (re)produces some shared sense of belonging and recognizes a right to be different” (Chambers & Costain, 2000), 286) as outlined in the above quote as being essential to promote a healthy democracy.

5.5 Human rights as nebulous and often taken-for-granted concepts around equality

The rights as outlined in the Bill of Rights are often taken for granted as known and understood by all. However the challenged that have arisen out of schools attest to the fact that these rights as outlined below may not be resulting in the widespread levels of discrimination and violence in schools.

“9. (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.

(2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken.

(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

(4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

(5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.” (DoJ, 1996:5-6).

Not ensuring that concepts of democracy and diversity are understood and accepted by the constituents leads to tensions that threaten the stability of an institution or a country. It appears that the respondents in this study spoke comfortably about concepts such as sex, gender, sexual orientation, non-discrimination, human rights, social cohesion, and unity. However, the level of internalisation of the content of the Constitution still does not reflect in the institutional culture and practice, as indicated in the responses of the officials as a lack of understanding by senior managers and officials at all levels.

Politicians and administrators, in the form of senior managers, still do not seriously consider the topic of gender and sexual diversity (Francis, 2012). The public service has taken a while to recognise that the rights of gender and sexually diverse individuals are human rights. With the main focus in the country on race and gender equality, issues of representivity of multiple genders and sexualities has not yet found expression. This could amount to a lack of understanding of these concepts and what they symbolise. The conflated understanding of concepts such as lesbian, gay, transgender, and intersex (LGBTI) points to a group of deviants who are confused and often cannot choose whether they are male or female. A basic understanding of sex, gender identity, gender expression, and sexual orientation is outlined in the School Safety manual, entitled *Safer schools for all: Challenging homophobic bullying* (2015).

Knowing concepts that describe gender and sexual diversity can promote an understanding of the implications of the rights of gender and sexually diverse individuals in South Africa. As South Africa is the first country in the world to include gender and sexual diversity in its Constitution, these concepts of diversity are not taught and incorporated in the local lexicon and in a positive relatable discourse. For instance, there are no positive names in the local vernacular for gender and sexually diverse individuals. Those communicated in this study included *istanane*, *titabane*, *trassie*, *moffie*, *matanyula* and *mfefane*. The association of local discourse with gender and sexual diversity is understood as a negative construction associated with a curse or blasphemy. The state has thus failed to facilitate the understanding of diversity within the country. The United Nations Committee on the Elimination of Discrimination against Women (CEDAW) recommended understanding gender and sexual diversity within the context in which they were constructed and making concerted efforts to change the discourse towards human rights-based discourse.

As signatory of the United Nations treaties, conventions including, but not limited to:

i. Committee on the Rights of the Child

Concluding observations (2000) CRC/C/15/Add.122

While the Committee recognizes the efforts of the State party in promoting respect for the views of the child and encouraging child participation, it is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention, particularly in the provinces and at the local level.

The Committee encourages the State party to continue promoting public awareness of the participatory rights of children and encouraging respect for the views of the child within schools, families, social institutions, and the care and judicial systems. The Committee recommends that the State party train teachers to enable students to express their views, particularly in the provinces and at the local level

As a signatory of the Convention on the Rights of the Child, South Africa reports periodically to the Committee on the Right of the Child. Article 12 of the Convention highlights the importance of incorporating the views of the child in the decision-making processes as a state. This was a discourse that also arose from the interviews that recognised the importance of the voice of children. The social justice model in the country has thus far excluded learners. Francis (2012) highlights that learners welcomed being taught about gender and sexual diversity and that this was beneficial to their development. However, there is no indication that learners have been involved in the development of national policies, curricula and programming within the sectors. Maybe their involvement in the SGBs provides learners in the Representative Council of Learners (RCL) with insight into decisions made relating to curriculum content and the policy development processes at school level. However, whether

their voices are heard and incorporated into policies still requires in-depth investigation. The participation of learners and young people has become even more important to focus on, in light of the recent protests by university students in the “Fees must fall” campaign. This demonstrated the agency of young people to rise up and represent their views and interest at a political level, and as such excluding them from policy development processes, review of gender and sexually diverse learners’ experience of the education system in terms of promoting their rights as part of the monitoring and accountability process of a healthy democracy.

Learners as part of the constituency have not been given the opportunity to practise their constitutionality in the country. As part of the constituency, excluding them from all democratic processes contravenes the principles of a democracy.

b. Committee on the Elimination of Discrimination against Women

Concluding observations (2011) CEDAW/C/ZAF/CO/4

*“39. The Committee notes that the State party has in its Constitution the prohibition of discrimination based on the sexual orientation of individuals. However, the Committee expresses grave concern about reported sexual offences and murder committed against women on account of their sexual orientation. The Committee further expresses serious concern about the practice of so called “corrective rape” of lesbians.
40. The Committee calls on the State party to abide by its Constitutional provisions and to provide effective protection from violence and discrimination against women based on their sexual orientation, in particular through the enactment of comprehensive anti-discrimination legislation that would include the prohibition of multiple forms of discrimination against women on all grounds, including on the grounds of sexual orientation. The Committee further recommends that the State party continue its sensitization campaign aimed at the general public, as well as provide appropriate training to law enforcement officials and other relevant actors.”*

The country submitted its **Committee on the Elimination of Discrimination against Women** CEDAW/C/ZAF/CO/4 report in 2011 and the above bold text is the response by the United Nations committee, advising the state to ensure that there are campaigns to educate and sensitise the general public to uphold the rights of gender and sexually diverse individuals (United Nations, 2011).

The National Task Team, of which the DBE forms a part, has developed a strategy to popularise the rights of gender and sexually diverse individuals in the Criminal Justice System. The campaign also includes sister departments such as the Departments of Health, Social

Development, International Relations, Home Affairs, Police, and Higher Education and Training to develop and popularise, within their sectors, the policies and programmes in order to combat discrimination against gender and sexually diverse individuals (DoJ & CD, 2015). The Task Team was established following a national and international outcry at the pace at which the government was processing homophobic and hate crimes against gender and sexually diverse individuals. The Minister of Justice's Task Team was tasked to fast track old cases and monitor new cases that were recorded in the system.

Along with the focus on the criminal justice system, all Departments were called to mainstream the rights of gender and sexually diverse individuals. To date, the DBE has reported on the manual that addresses homophobic bullying as well as the training by the Social Cohesion and Equity in Education Directorate targeting gender-based violence, which includes a module on the rights of gender and sexually diverse individuals (DoJ & CD, 2015). Needless to say, these responses are inadequate.

According to the Curriculum (LO) advisor, the School Safety Acting Director and the Social Cohesion and Equity in Education officials, the above training is progressing at a snail's pace. The model used to popularise the rights of gender and sexually diverse individuals in the sector is that of training the master trainers who cascade the training to their subordinates in the form of district-, circuit- and school-based officials. However, according to the experiences of the national officials, the subordinate officials have limited knowledge and resist the task of master trainer, whose attitudes and traditional beliefs dictate the work they do. A cause for concern is that the national officials are helpless in the face of such resistance. This is one of the challenges to popularising legislation into which constituents have not bought.

The Constitution and the CEDAW hold the country to account, but there does not appear to be any active implementation, monitoring and accountability from the Government and, by extension, the DBE for mainstreaming and popularising legislation on gender and sexual diversity in education. Unfortunately, human rights cannot be upheld if there is no accountability.

It is thus important for the Department to develop and monitor an implementation plan on popularising the rights of gender and sexually diverse learners. The *Framework for the Development of a National Policy on Gender Equity in Basic Education (unpublished)* is the most comprehensive document to date, as it outlines the effective inclusion of gender and sexual diversity in the education sector. Its processing, finalisation and effective implementation would enable the Department to begin to change the discourse on the rights

of gender and sexual diversity in the sector. The fact that this *Framework* touches on every aspect of the education sector, namely management and governance, curriculum content, official and educator capacity on gender and sexuality as a whole, as well as aspects of school culture, makes it a valuable resource for the Department.

5.6 Discourses on heteronormativity within policy

The construction of gender within the education sector and the government is within a heteronormative discourse. This is evident in the pronouncements of legislation such as the HIV policy, which still emphasises that HIV is predominantly transmitted between a male and a female and, to a lesser degree, through homosexual sexual interaction. This statement does not change the mode of transmission of HIV. The prevalence of HIV among different sexual orientations does not negate that HIV is sexually transmitted through any form of unprotected sex between human beings. The separate classification of heterosexuality and homosexuality is unnecessary, and only adds to the “othering” of same-sex relationships (Henderson, 2010). It takes away from the urgency required to teach learners of same-sex attraction to protect themselves in schools. The high prevalence of transmission assumes that statistical data exists on the number of same-sex relationships or sexual acts that take place. The statistics of same-sex relationships are not collected on any of the Statistics South Africa questionnaires; therefore, there is no database that tallies the number of gender and sexually diverse individuals. Thus, pronouncements of prevalence of same-sex transmissions are not accurate, since there are no comparative statistics. In my opinion, it is based on assumptions (Francis, 2012).

This discourse, as communicated in the findings, illustrates that sexuality education was predominantly taught within a heteronormative discourse in the Life Orientation curriculum. The SASA (1996) and the CAPS (2012) contain a clause that reiterates pronouncements outlined in the Constitution; however, these are not explicitly carried throughout the document. It appears that the discourse on diversity is not unpacked and incorporated throughout the policy.

This discourse on heteronormativity creates an automatic and spontaneous exclusion of gender and sexually diverse individuals. Research shows that, in instances where an education system has moved to a more inclusive policy, changes in behaviour occur (McGreggor, 2008). The introduction of policy and programmatic responses into an education system in Canada, which includes content for Grades K-12 (equivalent to South Africa’s

Grades R-12), has yielded positive results for inclusivity of gender and sexually diverse learners in that society (McGreggor, 2008).

Currently, the South African education system's schools are identified as sexualized spaces that regulate gender and sexuality, and normalize heterosexism, while simultaneously silencing, marginalizing, rejecting or pathologising queer youth (de Castell & Bryson, 1997). Learners are exposed to a culture of heteronormative social norms that privilege heterosexuality. Officials and educators, in particular, promote heterosexuality in their teaching and demonise homosexuality and other sexual practices. It is challenging for educators to incorporate social justice pedagogies that promote gender and sexual diversity, due to pre-existing attitudes influenced by religion as well as traditional and cultural beliefs. The lack of clear pronouncements in the CAPS does not enforce the compulsory teaching of gender and sexual diversity in the LO Curriculum as such. Teachers teach what they are comfortable teaching. Similar to the accounts provided by the officials in the interviews, officials tasked with training educators to incorporate gender and sexuality diverse content also shy away from doing so for similar reasons.

The lack of clear pronouncements on gender and sexual diversity as well as practical outlines of how gender and sexual diversity should be incorporated into the curriculum are the reason for a lack of accountability in the sector. A civil servant's lack of awareness and acknowledgement of the rights of gender and sexual diversity contributes to the exclusion and harassment of gender and sexually diverse learners by officials in the sector (Francis, 2012). Research points to public policy change as a product of advocacy efforts and partnerships such as the NTT on LGBTI, which consists of Government and Civil Society Organisation (Sabatier, 1999). Policy change is an incremental and institutionally driven process and a product of advocacy intervention over a period of time (True, Jones & Baumgartner, 1999: 97).

Stone (1988; 1997) posits that policy change is a "strategically crafted argument", which involves a process of creating narratives, texts, or discursive frames that seek to define the problem and elicit a course of action. This model proposed by Stone (1988) is more applicable in the South African context, which acknowledges the problems that exist in how society relates to gender and sexual diversity and actively engages society on the existing discourse to identify the challenges in the discourses through education. While this is not an instant remedy, it has a better likelihood of succeeding, since it is aimed at constantly monitoring and changing public discourse on gender and sexual diversity.

5.7 Officials' interpretation of policy

The study found that, in the absence of specific legislation guiding gender and sexual diversity, officials relied on the pronouncement in the Equality Clause, as outlined in the Constitution. The Constitution is not prescriptive and there appears to be a lack of understanding the concepts and discourses necessary for facilitating the integration of gender and sexually diverse individuals into schools. This was evident in the responses provided by the officials in their definition of gender and sexual diversity (cf. Chapter Four). In order to simplify the concept, the question relating to the knowledge of LGBTI yielded different responses. These included the framing of gender and sexual diversity as a binary of the construction of male and female identities. Some responses referred to gender and sexual diversity as a prescript of the Constitution. The general response did not depict a clear understanding of the gender and sexual diversity concepts. The officials were familiar with the acronym LGBTI and this is normal for people who use jargon in a specialised field. The unpacking of these concepts by officials referred to an otherness they associated with gender and sexual diversity; there were no specific details associated with understanding individual identities.

Although some officials had attended training courses as part of their capacity-building, those who had a deeper understanding had done additional research and had pursued further training on their own. The need for capacity in understanding gender and sexual diversity was communicated at the provincial level. The officials who were interviewed also referred to the need for training district officials and educators, as highlighted in Chapter Four.

A vast majority of officials understand policy relating to gender and sexual diversity, in that many maintain that there is policy that provides guidance on gender and sexual diversity. Officials refer to HIV policies, sexual harassment policies, and the National CAPS. These references allude to the conflation of issues associated with sex, gender, and sexualities. The association of these constructs in a heteronormative discourse on sexual reproductive health mentions learner pregnancy as a priority in gender work (Francis, 2012). The response of empowering girls was also considered a priority in gender work. The study identified that gender is framed in a way that marginalises gender and sexually diverse learners. Sexual reproductive health is framed in a heteronormative discourse. Educators incorporate gender and sexual diversity from a moral perspective and within a religious discourse that negates and demonises gender and sexual diversity.

The DBE has endeavoured to sensitize officials about the nature of gender and sexual diversity; however, this training is not mandatory. The current modalities that are used to train

officials on issues of gender do not make provision for the deconstructions of existing discourses traditionally associated with gender and sexual diversity. The information is provided at a superficial level and does not allow for adequate synthesis of existing negative discourses that are introduced to the individual officials early on in their development. Officials at the provincial level are not given the necessary time during training to understand the content in order for them to communicate the correct message during their training of district and circuit officials as well as educators. The modality of training and education needs to be reviewed to ensure that adequate time is provided to deconstruct old negative discourses and to reconstruct new inclusive discourses embedded in the constitutional values of the country.

5.8 Disunity between policy and practice

“When I was growing up an unquingili [sodomite] would not have stood in front of me. I would have knocked him down.” He went on to declare, just weeks before the final vote on the marriage bill, that same-sex marriages are “a disgrace to the nation and to God,” (Mail and Guardian, 2006, September 26). Zuma later apologized for his statements but was probably well aware that he had already strengthened his bonds with the cultural traditionalist constituencies that will be among his strongest supporters should he run for the presidency” (Beresford, Schneider & Sember, 2008: 220).

There is often a discrepancy between the political and administrative functions of the state. In South Africa, the ruling political party is also involved in the administrative running of the country, and at times individual views are often communicated as those of the state. The above quote highlights a statement by President Zuma on a public platform. These utterances reverberate an existing discourse and undoubtedly damaged the fight for the rights of gender and sexually diverse citizens of this country. Not only in his denouncing of their rights, but the violence that he threatened is an indication of how he dealt with gender and sexually diverse individuals. His sentiment communicates a discourse from his youth and he refers to it, as the situation warranted this type of response. His apology points to this discourse:

“My remarks were made in the context of the traditional way of raising children. I commented in particular about the manner in which communities tend to neglect the boy children and over-emphasise the traditional upbringing of girl children as evidenced in ceremonies such as the reed dance. I said the communal upbringing of children in the past was able to assist parents to notice children with a different social orientation. I however did not intend to have this interpreted as a condemnation of gays and lesbians...Our Constitution clearly states that nobody should be discriminated against on many grounds including sexual orientation, and I uphold and abide by the

Constitution of our land. Our lesbian and gay compatriots are protected by the Constitution and I respect their rights, in my capacity as an individual citizen and as a member and one of the leaders of the ANC.”

This line of thought, although removed from the schooling system, may be used by those who ascribe to the same thought patterns to reaffirm discriminatory practices against gender and sexually diverse individuals.

As the custodian of the Constitution of the Republic of South Africa, the President and all public officials are bound by the same responsibility to uphold the values of the Constitution in their service to the citizenry. This means knowing the values enshrined in the Constitution and promoting the rights of all in the country. The state should not task civil servants to serve on behalf of the state and should not communicate discourses that contradict those enshrined within the Constitution.

The DBE as a state organ is responsible for guiding all employees of the state to know and comply with the spirit of the Constitution, as the state is liable for any unconstitutional action committed by officials while on duty. Hence, my statement in Chapter Four: discrimination of gender and sexually diverse learners is sanctioned by the state, since these unconstitutional acts go unpunished.

The current state of government policy and practice needs to be examined in relation to both the main challenges that exist in the translation of legislation into action and the gaps pointed out by Kraak and Young (2001) which included:

- Political issues with redress, overcoming inequalities, and extending participation to previously excluded groups; these are essentially not issues about the expansion and redistribution of resources;
- Pedagogic and curricular issues that underpin the achievements of particular educational goals; these issues parallel the “micro” processes involved in learning and teaching.

Twenty years on and the Department has not done a great deal to capacitate officials to fulfil their constitutional mandate in the education sector. This then begs the questions: Have they been made aware of policy? Are they equipped to fulfil their roles and responsibilities in relation to the mandate of their appointments as gender focal persons? Has the institution developed to accommodate developing new pedagogies that are necessary for a human rights-based democratic state?

The findings in the study highlight that officials tasked with the development of gender policy have not to date developed a policy on gender and sexual diversity inclusivity in the education system. This is nineteen years after the GETT made the recommendations for the development of a gender policy (DoE, 1997).

This study points to a lack of capacity among DBE officials on the rights of gender and sexually diverse individuals and the absence of an accountability mechanism for the lack of compliance. There should be mechanisms in place to facilitate the practical application of the constitutional values that are inclusive of, but not limited to the mainstreaming of gender and sexual diversity in the sector. However, even prior to monitoring, there needs to be a policy imperative that drives the gender agenda throughout the sector. One of the causes for the lower prioritisation of gender is the lack of political leadership in this space. There are pockets of Departments within government that are making headway such as the DoJ & CD with the NTT on LGBTI. The DBE, however, lacks a coordinated approach to gender policy development, monitoring and implementation.

Establishing a CoP that will prioritise gender issues would benefit the sector. In the next section, I shall discuss the CoP as a remedy aimed at improving the policy development and implementation process.

5.9 Gender and sexual diversity prior to working at the Department of Basic Education

While it is not taken into account, the individuals' construction of gender and sexual diversity affects how they relate to it in their work, since their attitudes are informed by their historical experiences and their construction of meaning in terms of certain occurrences. This study found it necessary to identify and locate the initial discourse that framed the officials' understanding of gender and sexual diversity. Their initial encounter with gender and sexually diverse individuals formed part of the questionnaire and yielded varying responses. The predominant discourse that emerged from the interviews was that on gender and sexual diversity as a negative construct. Officials used words such as *curse*, *isolated*, *different*, *beaten*, *bullied* and *misunderstood* to explain their encounters with gender and sexually diverse individuals. The language used to describe gender and sexually diverse individuals was negative, as outlined in the section discussing human rights as nebulous and often taken-for-granted concepts. Words such as *istanane*, *titabane*, *trassie*, *moffie*, *matanyula* and *mfeane* were used to describe gender and sexually diverse individuals. Such behaviour and meaning does not disappear without a concerted effort to re-educate and the willingness to

change. Although many of the officials displayed a level of compassion for gender and sexually diverse individuals, they were exposed to the level of information that can change their understanding of these negative constructs to which they were initially exposed in their youth. However, many officials still grapple with understanding such concepts.

The often uncomfortable issue of gender and sexual diversity requires civil servants to understand concepts, human rights, and ethical obligations. Within the social justice discourse, knowledge of the social justice agenda and principles is important. In order for officials to buy-in to policy and practice, what it prescribes needs to be more than simply paper, as Cece expressed. There needs to be ownership, education, and advocacy by political and administrative leadership within the country, as recommended by the United Nations Committee on the Convention on the Elimination of Discrimination against Women (CEDAW) in response to the high rate of corrective rape in the country.

5.10 Community of Practice (CoP) as the bridge between policy and practice

This current community of practice (CoP) was mandated into existence by the GETT in 1997 as necessary for the sector to adequately respond to the gender needs in the sector. At this point, gender needs included promoting access, channelling funds towards the mainstreaming of gender throughout the sector, and correcting imbalances in the treatment of women in the sector. The CoP in this study was framed as the GFP with *ad hoc* members, who are partners in the Department and the NGO sector. The relationship within the CoP has been characterised by a top-down approach, where provinces feel unaccommodated, to a large degree.

The ITT model is currently used to plan interventions in order to address problems that arise within the system at the implementation level. The ITT is convened quarterly.

The study requested officials to provide input on how they experience the ITT. Officials outlined that there were significant changes in the way in which the structure currently operates to how it used to operate. This study also revealed that the national Gender Directorate had once stood alone prior to its incorporation into the Social Cohesion and Equity in Education Directorate as a sub-directorate. The Directorate had nine provincial offices that provided support in the implementation of programmes within provinces. The subsequent shift during the reshuffle resulted in the gender office being moved around within provinces, resulting in a misaligned reporting structure, since some officials were under different directors and others had broader mandates. The ITT now incorporates the Race and Values, Social Cohesion and Gender Directorate to form one reporting structure at the national office.

Some of the concerns voiced relate to the ITT of the Social Cohesion and Equity in Education, where gender planning for the sector occurred on three levels. The officials, seven of whom formed part of the committee, pointed to:

- a. Personal level: Inadequate capacity of the full spectrum of gender issues;
- b. Operational level: Inadequate time allocated to planning and strategizing on gender issues;
- c. Structural level: Lack of political support for gender work in the sector affected the funding of gender.

Other concerns included that this new structure did not allocate sufficient time for gender programming, since the other sub-directorates (Race and Values and Social Cohesion) take time to present their programmes that are not always related to gender. Officials highlighted the fact that there was less emphasis on capacity building and too much emphasis on stakeholders who came to pitch their programmes to the Department. These sessions with stakeholders were forced and rushed and did not provide adequate time for the officials to identify the suitability and applicability of programming in individual provinces. In addition, officials at times felt forced to implement programmes. Moses, Johanna, Lillian and Ryan highlighted that they were often not provided with a budget to implement the programmes, causing a great deal of frustration in that gender was not prioritized within the system.

The study identified the CoP responsible for implementing legislation as a key to the success of this process. Officials were requested to make inputs and recommendations on how the ITT could be improved. Some of the responses included increased capacity building on topics such as gender and sexual diversity with which they were not comfortable. They also proposed that more time be allocated for the planning sessions to ensure a cohesive target as well as methods of implementation.

The critical response was that the right kind of skills set is sought from officials who will be assuming this position. The fact that many officials are not necessarily able to converse in the sphere of gender and all its complexities means that there are gaps in understanding, which have been identified as problems to implementation. The capacity building of existing officials, as well as a network that can support officials in undertaking to mainstream gender and sexual diversity within the education system is necessary. Civil society organisations can be used to fill in knowledge gaps and provide support to educators who find it difficult to understand the discourses on gender and sexual diversity within the human rights framework. The involvement of policy development experts such as School Safety, Education Management and Governance Development (EMGD) as well as Curriculum (Life Orientation Subject

Specialist) in the ITT can add value to how legislation, programming and policy are mainstreamed.

The three directorates have potential areas of synergies, including to ensure that gender content is taught in the curriculum, that the school governance is aware of, and manages gender and sexual diversity issues, and that school safety content in the form of the manual on homophobic bullying is popularised and shared with the CoP to familiarise them with the content of language, legislation, and ethical obligations as well as officials within the state.

The standing agenda for the structure would include planning for gender and sexual diversity at the beginning of each year. Identify the population for mainstreaming in their individual areas of function:

- The *Curriculum Directorate*, through the Life Orientation Subject Specialist, can focus on mainstreaming diversity within the sexuality education content. This can be achieved by advocating for gender and sexuality diversity within their forum, similar to that of the Social Cohesion and Equity in Education ITT.
- The Education Management Governance and Development Directorate can work towards facilitating the developing the Framework for the Development of a National Policy on Gender Equity in Basic Education (unpublished) into policy. They can further train SGB on the content and concepts relating to gender and sexual diversity.
- The *School Safety Directorate* can work towards mainstreaming the training manual throughout the Department. They can also develop a training model that focuses on using trainers who advocate social justice.
- The *Gender Equity Directorate* can facilitate an implementation plan for the policy framework and develop policy within a set time frame. This must be part of their key deliverable as a sub-directorate.

This proposed CoP will be approved at the level of the Director-General to facilitate political and administrative support for the process.

5.11 Conclusion

The implementation of policy cannot be separated from individual, institutional subjectivities. This chapter outlines that educators and officials within the education system frame gender and sexual diversity from their initial experiences and encounters in their youth. These experience occur prior to them working within the Department, and often within contexts where gender and sexually diverse individuals are often labelled with derogatory and demeaning names. As such the assumption that officials and educators automatically change when individuals become civil servants or educators is a phallacy.

This chapter further points to the need for the DBE to frame gender within discourse of affirming attitudes and behaviours, understanding and tolerance and not discourses of pathology. The steps that the state can employ to mediate the change in attitude and knowledge gaps by deconstructing existing discourses and replacing them with new affirming ones and create Communities of Practice that supports the development and implementation of content aimed at promoting the rights of gender and sexually diverse individuals within the education system.

CHAPTER SIX

CONCLUSION AND RECOMMENDATION

6.1 Introduction

Gender and sexual diversity discourse is contentious and has thus been silenced in the South African education system. The education sector and schools, in particular, have in recent years been sites for homophobic violence and exclusion of gender and sexually diverse learners in the heteronormative discourse, which discriminates and alienates them. Despite policy and constitutional pronouncements, there are prevailing heteronormative discourses that threaten the social justice model, upon which the democratic government of South Africa has been built. I explored the availability of policy within the sector and the degree to which this legislation has impacted on the officials responsible for policy development, implementation and monitoring.

The study identified that officials were aware of the Constitution as the lead document on gender and sexual diversity. They could not identify any other legislation on gender and sexual diversity within the South African education system. According to the document analysis, the national Department of Education produced at least three documents on gender and sexual diversity, providing the guidance that is lacking in the sector. These documents, namely *Framework For The Development Of A National Policy On Gender Equity In Basic Education (Unpublished)*; *Safer Schools for all: Challenging Homophobic Bullying Training Manual*, and the *Example of a Code of Conduct for a School (2008)*, explicitly acknowledge the rights of gender and sexually diverse learners and express how schools can ensure that these rights are protected. These documents are not policy and, therefore, not enforceable. The discourse on policy as practice arose in the study, challenging the assumption that the availability of legislation necessarily equated to practice was true. As mentioned earlier, the Constitution has, to a large extent, been ignored on its pronouncements of gender and sexual diversity; it is questionable whether an education-specific legislation would change the status quo in the sector. The findings make the explicit need for robust policy and curriculum documents that spell out the details for practice (Francis, 2012).

The responses provided by the officials pointed to multiple challenges to the implementation of the constitutional mandate in order to mainstream gender and sexual diversity discourse as a prescript of the social justice model of mainstreaming diversity through education. These included the attitudes, beliefs and cultural practices of officials that were a source of conflict for officials in executing their duties. They mentioned that some of the challenges further

affected their advocacy for gender and sexual diversity at individual, structural and institutional levels. For this to change and to ensure that attitudes, beliefs, misinformation and stereotypes are in sync with national policy imperatives, the key players in developing and supporting these plans would also need to include peer experts on gender and sexual diversity education, advocacy groups and higher education institutions (Francis, 2012).

In an attempt to understand these attitudes, officials were asked to share their first recollection of a gender and/or sexually diverse individual prior to working for the government. The officials described the negative constructions of gender and sexually diverse individuals during their youth and when they worked in schools. At least five participants relayed incidences of homophobia that they had witnessed during their first encounters with gender and sexually diverse individuals. They also communicated negative language that was used in their mother tongue to refer to gender and sexual minorities.

The study argues that such exposure informed their construction of gender and sexual diversity discourse which impacts on how they relate to gender and sexually diverse individuals in their work. The attitudes that drive discriminatory practice are not necessarily born within the school context, but they echo discourses that exist in communities and in society. These discourses form part of their tacit knowledge that is internalized during the developmental years. These attitudes are based on religious, traditional and cultural discourses that are also protected within the Constitution. This conflict of values and ideologies threatens to destabilise the perceptions of the “rainbow nation” and trample on the spirit of redress and inclusivity as outlined in the post-apartheid Constitution.

On a practical level, the study unpacked the nature of the gender discourse within the education sector in South Africa. Responses from officials pointed to a conflated understanding of gender which was understood to denote female empowerment, which was a remnant of a discourse that emerged during the initial policy development era which focused on redress at a time when the country prioritized discourses on gender equality and fair treatment of women. This discourse however, overshadowed the construction of genders, as implied within the Constitution which included males, transgendered and other genders. As such, in the South Africa education system gender is denoted by the feminized discourses of HIV, learner pregnancy, and the empowerment of women programming. This discourse has, however, created a challenge in that although certain policies mention gender, they are translated to mean gender within a binary that only focuses on female and explicitly excludes males and silences all other gender. As such gender and sexuality have been skewed towards heteronormative discourse within the sector.

In practice, these gaps in policy pronouncements reproduce and privilege discourses on heteronormativity, as observed in the curriculum content of sexuality education where sexual relationships are constructed within heteronormative discourses. Homosexual relationships raise moralistic discourse and are often demoralized within the context of the classroom. Research shows that hardly any guidance is given to officials and educators tasked with ensuring that constitutional values, including the rights of gender and sexually diverse individuals, are upheld. They have been recorded as expressing a lack of understanding of concepts, conflict in terms of their religious convictions and their duty to educate, and a lack of support in carrying out these duties; the officials interviewed in the current study reiterated this sentiment.

At the level of policy development, there is a lack of support for gender and sexual diversity policy, which is evident in the interviews during which officials expressed that, at an operational level, no funds were allocated for the mainstreaming of such values and policies. Officials also experienced that the senior manager lacked understanding, resistance and discomfort with the subject matter. They communicated that the sector mainly focuses on academic attainment and that issues of gender, sexuality and the Constitution are secondary. The lack of regard for constitutional values within the country begs whether we can claim to be a democratic state, when the current state reproduces discourses that disadvantage gender and sexually diverse individuals.

The mainstreaming of the Constitution is a strong education mandate, as it is the point of influence where the country is able to educate learners that the ethos of the country is informed by the experience of apartheid. The education system is in an optimal position to communicate that the Constitution has been developed to promote inclusivity and tolerance of diversity as a way to promote healing and redress. Opening dialogue to young people on inclusivity as their constitutional mandate is also a way of solidifying the democratic rights of the citizenry and promoting our social justice agenda.

6.2 Contributions of the study

The study embarked on identifying an unfulfilled policy gap that has existed since the institution of the democratic state. The policy gap and the lack of clear pronouncements and guidelines within the education policy expose the education system to reproducing oppressive practices such as, in particular, discrimination and exclusion of gender and sexually diverse learners from the curriculum content and school culture. The study also highlights a broken down gender focus in the education sector, one that has disintegrated from its founding

mandate, as outlined in the GETT report (1997). Officials working in the sphere of gender equity expressed a level of frustration at the lack of support from the sector in promoting and mainstreaming gender equity, which encompasses gender and sexual diversity content.

As an extension of the work that has been done in the Social Cohesion and Equity in Education, the process of developing a gender policy has begun, although the draft policy framework challenges such as lack of political support for this initiative have seen the project stagnate due to administrative changes and lack of buy-in at the level of senior management within the sector.

There is no doubt that a gender equity policy that raises issues of gender and sexual diversity will be a positive contribution to the sector. However, the findings of the study warn us of the basic negative discourses that exist within the sector. These need to be broken down and reconstructed into a more inclusive and tolerant discourse, as outlined in the Constitution.

The study also offers a model of a CoP that can begin to change the status quo. The CoP is based on the structure ITT of the Social Cohesion and Equity in Education Directorate. The structure has been perceived to be stagnant and redundant by some of the officials during the interviews. The new model incorporates the use of strategic Directorates, as some of the provincial offices already systematically tackle the issue of mainstreaming. This includes the incorporation of the School Safety, Curriculum (Life Orientation Subject Specialist) and the Education Management Governance and Development Directorates to advise the current Social Cohesion ITT on how to mainstream constitutional education, which acknowledges the rights of gender and sexually diverse individuals in the sector. They would also advocate gender and sexual diversity to their respective Directorates and provincial task teams. The new CoP would work toward meeting the targets as set out in an implementation plan that will be jointly developed. This plan will form part of their performance deliverable.

6.3 Limitations and future directions

While the study acknowledges that policy alone will not change the current practice, it highlights that the education system forms part of a bigger network comprising parents, and communities that are informed by conflicting discourses on religion and culture. The study is in no way exhaustive on the topic of policy and practice of gender and sexual diversity within the sector and challenges of limited time and funds have restricted the study to officials in the Gender Equity sub-Directorate. I would have liked to explore the views of provincial officials who work with LO to gain their views on the incorporation of constitutional values such as gender and sexual diversity within their subject content.

The GFPs work on a programme basis, whereas the LO officials work on disseminating information directly to the classroom in the form of lesson plans for educators, and this would have added a different dynamic to the study. The study recommends:

- Develop the areas of research that investigate the feasibility of systematically implementing policy, across Directorates that have different mandates and reporting structures at the national and provincial levels.
- The area of sexuality education in the human rights discourse must be further explored in order to identify the point of mediation between policy and practice;
- A study exploring the understanding of policy by learners, as well as the democratic discourse that accompanies legislation such as knowing their rights for recourse when discriminated against on the basis of their gender and sexuality;
- A study that reconstructs negative discourses associated with the naming of gender and sexual diversity to be used in the form of a localized lexicon instead of a current repertoire of derogatory names.

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Annexure A

Interview Schedule

(*Note: Bulleted questions are probing questions)

Section A: Individual attitudes and understanding of LGBTI
1. What is your understanding of sexual and gender diversity?
2. Have you heard of gay/lesbian/bisexual/transgendered/intersex (LGBTI) individual(s)?
○ If yes, can you describe the first time you heard about LGBTI individual(s)?
○ How old were you?
○ How did you feel about seeing or hearing about an LGBTI individual(s)?
3. Are you aware of any other names given to LGBTI?
○ In your own language (non-English speaking participants)
4. What is your understanding of the word 'homophobia'?
Section B: Policy guiding the teaching of sexuality and gender diversity
5. What is your role in the delivery of education in South Africa?
6. Within your work, are there any policies/Acts that you are aware of that guide on the teaching of sexuality and gender diversity education in schools?
○ If yes, what does it/they, please outline?
○ Were you involved in the development of this policy?
○ If yes, what was your role?
7. How do you use this policy in your work?
○ How do you use the policy in your daily function?
○ How does the policy impact on your colleagues?
8. Within your Annual Performance Plan (APP) are you or your directorate/unit/branch required to advocate for the teaching of sexuality and gender education in schools?
○ Does your operational plan/work plan include activities that promote sexuality and gender diversity in any level of the education sector?
○ If yes, how?
9. Do you have a role in influencing what schools teach?
○ Tell me more
10. Are schools teaching about sexual and gender diversity?
○ If yes, tell me more about it
○ How do you feel about the teaching of sexuality and gender diversity in school?

<ul style="list-style-type: none"> ○ Why do you feel this way about the teaching of sexual and gender diversity to learners?
Section C: Advocacy and institutional support
11. Are there any fora within the Department that allow you to discuss and share your work experience with other colleagues?
<ul style="list-style-type: none"> ○ If yes, what is/are this/these forum/fora called?
<ul style="list-style-type: none"> ○ Are issues of sexuality and gender diversity discussed or addressed at this/these forum/fora?
<ul style="list-style-type: none"> ○ Do you find the forum/fora useful in enriching your knowledge about sexual and gender diversity?
12. Is it anyone's duty to advocate for sexuality and gender diversity education in schools within your Department?
<ul style="list-style-type: none"> ○ (If the participants duty) How do you advocate for sexual and gender diversity education?
13. Are there any benefits to advocating for sexual and gender diversity in education?
<ul style="list-style-type: none"> ○ If yes, what are they?
14. Are there any challenges to advocating for sexual and gender diversity in your work?
<ul style="list-style-type: none"> ○ If yes, what are they?
15. Are you aware of any other programmes (by Government/NGO, etc.) that create awareness on sexuality and gender diversity in schools?
<ul style="list-style-type: none"> ○ Name them
<ul style="list-style-type: none"> ○ How accessible are they to officials/learners?
<ul style="list-style-type: none"> ○ If yes, how user friendly are they?
<ul style="list-style-type: none"> ○ How can these be improved (if necessary)?
SECTION D: Recommendations
16. How would you propose the DBE to proceed in terms of providing sexuality and gender diversity education?
<ul style="list-style-type: none"> ○ Whether pro or against sexuality or gender diversity
<ul style="list-style-type: none"> ○ What concrete steps could the DBE take in this area?
17. What do you need to support your work in promoting gender and sexual diversity education? (If relevant)
<ul style="list-style-type: none"> ○ Does the DBE/Provincial Department support you in fulfilling your duties of promoting sexuality and gender diversity education in your respective role?
<ul style="list-style-type: none"> ○ How does the Department support you?
<ul style="list-style-type: none"> ○ How should the DBE support you in your duties?

○ Tell me more
18. What are your recommendations for sexuality and gender diversity education in South African schools? (if any)
○ In terms of policy, how do you think it can be improved?
○ Alternatively, how do you think policy can be efficiently implemented at all levels of education?
○ What do you recommend for curriculum content in this area (if anything)?
○ What do you recommend for officials/educators in this area (if anything)?
○ What do you recommend for learners in this area (if anything)?