

## ERP BOOKLETS IN THIS SERIES

1.  **HIV/AIDS: THE RIGHTS OF LEARNERS AND EDUCATORS**
2. **SEXUAL VIOLENCE: THE RIGHTS OF LEARNERS AND EDUCATORS**
3. **THE EDUCATION RIGHTS OF REFUGEES, ASYLUM SEEKERS AND MIGRANTS**
4. **LANGUAGE RIGHTS AND SCHOOLS**
5. **RELIGION AND SCHOOLS**
6. **DISABILITY: THE RIGHTS OF LEARNERS**
7. **SCHOOL GOVERNING BODIES: RIGHTS AND RESPONSIBILITIES**
8. **THE COST OF SCHOOLING: YOUR RIGHTS**
9. **ADMISSION POLICY: YOUR RIGHTS**
10. **THE RIGHTS OF ADULT LEARNERS**
11. **CORPORAL PUNISHMENT AND BULLYING: THE RIGHTS OF LEARNERS**
12. **EARLY CHILDHOOD DEVELOPMENT AND EDUCATION RIGHTS**
13. **THE RIGHT TO EDUCATION AND PROTECTION FROM DISCRIMINATION**

These booklets are dedicated to the millions of young people who are brutalised by the socio-economic and socio-cultural cruelties of life. Unfortunately, young people are also brutalised by those who are meant to provide healing in our country, at home and in school.

These booklets are also dedicated to those educators in formal and informal institutions, and organic intellectuals in social movements and unions, who see their own knowledge as a gift of trust from the people, who see the learning process as a mutual experience, who encourage the building of self-discipline and hard work through their own example, and whose greatest happiness comes from seeing those with whom they have been exploring and changing the world around them, go on to share the process with others.

Finally, this booklet is also dedicated to the memory and work of Nkosi Johnson, Gugu Dlamini, and Anidah Malapane.

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by



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Foundation  
for Human  
Rights



Tel: (011) 717-3076  
Fax: (011) 717-3029  
email: [vallys@epu.wits.ac.za](mailto:vallys@epu.wits.ac.za)  
[www.erp.org.za](http://www.erp.org.za)

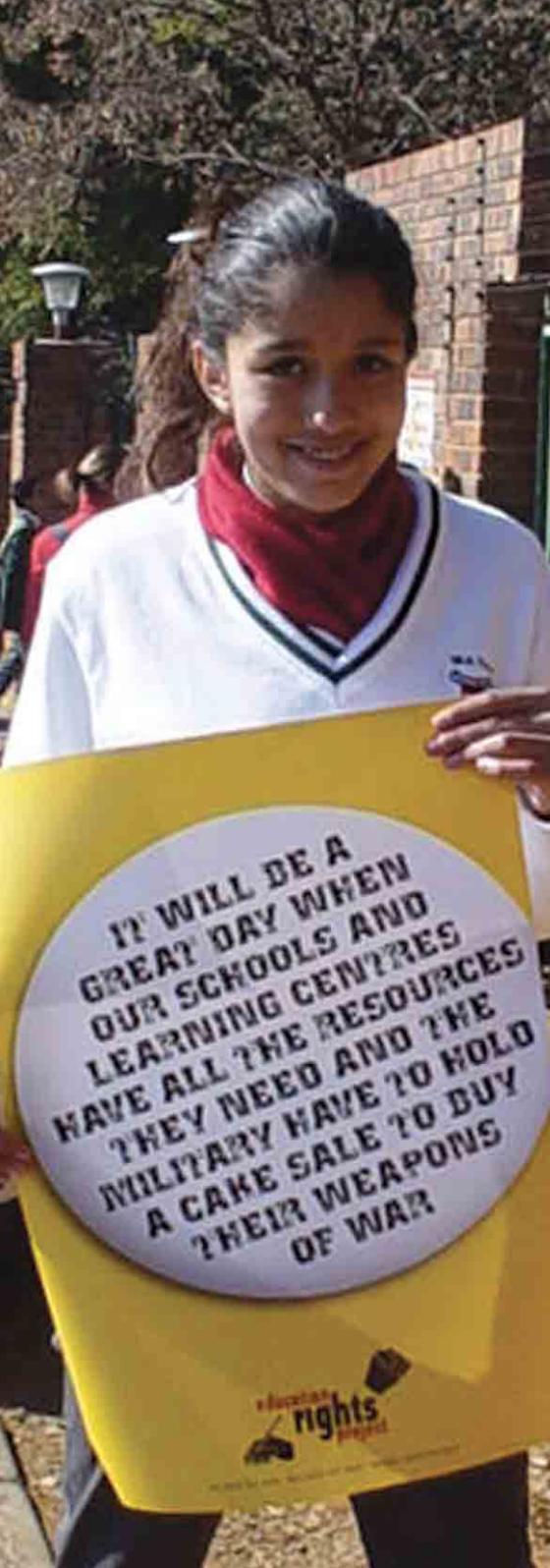


# The Rights of Learners and Educators



Education Rights for  
Learners, Parents  
and Educators

book  
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# HIV/AIDS: The Rights of Learners and Educators

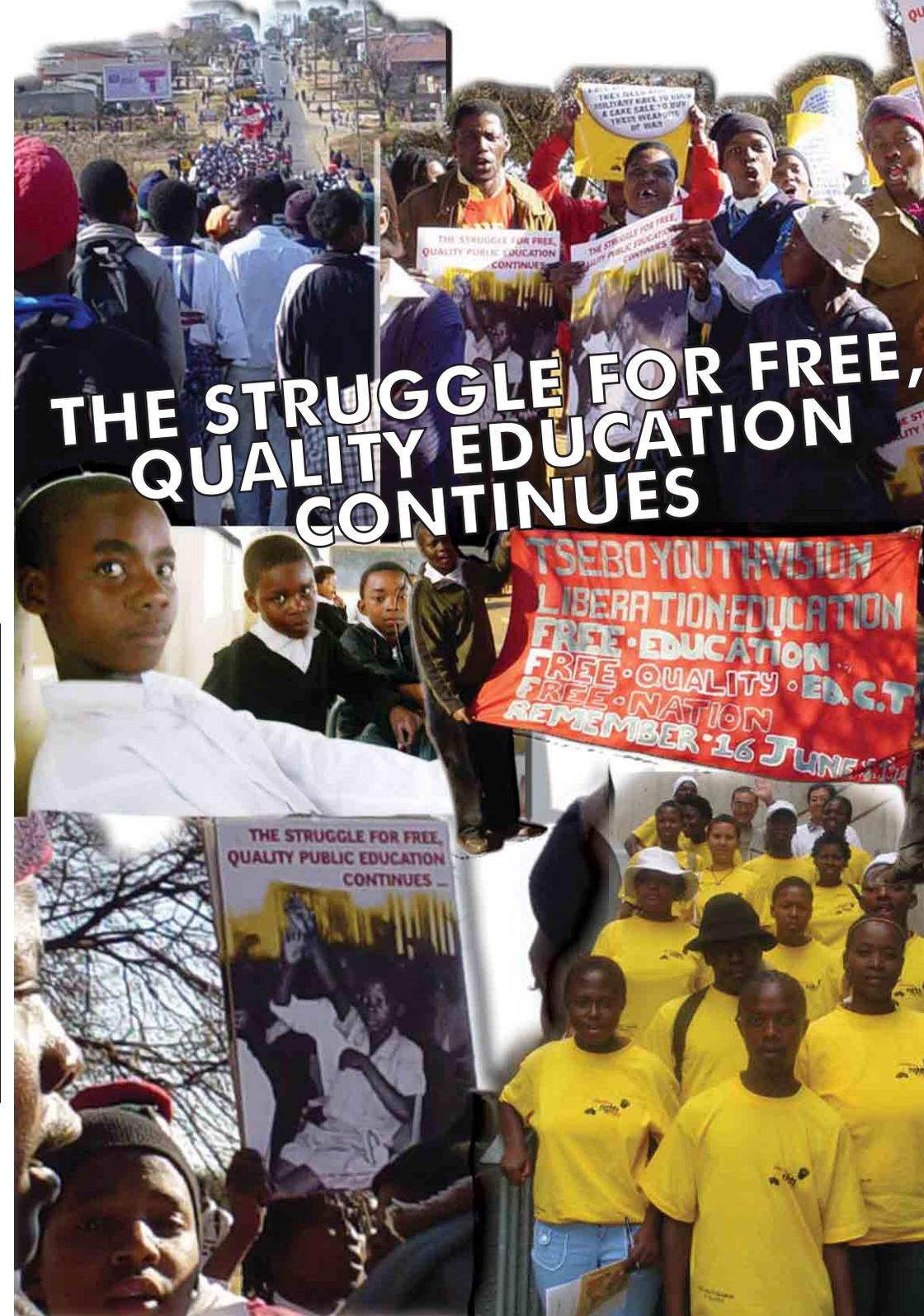
Ntswake Senosi

Editors: Brian Ramadiro and  
Salim Vally

layout & design by Red  
nicolas@red.org.za

We have attempted to ensure that the information in these booklets is accurate up to the time of publication-June 2005. Policies, laws and regulations change. Please contact the ERP for regular updates. All of these booklets are being translated into isiZulu, Sesotho and Afrikaans. The edition on migrant and refugee rights will be translated into French and Portuguese as well. Non-profit organisations are welcome to reproduce them. Suggestions for improvements are appreciated. Please acknowledge the Education Rights Project if you intend using this material.

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## THE STRUGGLE FOR FREE, QUALITY EDUCATION CONTINUES

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## **one** INTRODUCTION

The *HIV/AIDS pandemic*\* has caused great hardship to millions of learners and educators as well as their friends and families. Most of us know of someone who is either living with HIV or who has died of AIDS. Even if we are not infected by the *virus* we are still affected in many ways by the illness.

Statistics about the hundreds who are infected every day, and the thousands of children who lose their parents every year, do not fully capture the sorrow and grief caused by HIV/AIDS. It is important that we do not deny the existence of the illness nor become so shocked and fearful that we do nothing about HIV/AIDS and its causes. The HIV/AIDS pandemic has created much sorrow and grief but it has also produced remarkable examples of courage, compassion and solidarity.

Schools can be the most important place to discuss the many issues surrounding HIV/AIDS. It is here where facts and information are taught and ideas debated. Education is more than just gaining skills. A sense of respect for others and taking a stand against injustice, inequality and discrimination, is as important as learning to read, write and count.

Schools should be a place where we feel safe and comfortable to talk about serious subjects such as HIV/AIDS. A supportive school environment is one where all learners and educators are accepted and treated with respect. Discrimination against learners and educators living with HIV/AIDS violates human rights. People who are discriminated against often feel lonely and depressed. Fear of discrimination can prevent such people from taking necessary steps to confront their health issues.

It is important to give support to those who have to care for a family member or friend who has HIV/AIDS, or who has lost someone close to them because of AIDS. These are sad and difficult circumstances for anyone – especially for young people. Supporting educators and learners brings comfort and helps them to cope and feel better. Talk to those living with HIV/AIDS. Listen to what they have to say. Everyone will benefit.

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\* Italicised words are explained in the word list at the end of the booklet

## Education Rights Project

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Schools and communities are facing many challenges. Drop out rates and absenteeism of learners and educators who are ill or caring for those who are ill is rising. HIV/AIDS together with high unemployment means that many parents cannot afford to pay for education. The pandemic has also lowered the confidence and emotional well being of learners, their parents and educators.

The high rate of HIV infection amongst people 14-24 years includes a large number of learners. Sexual violence against teenage women is a major factor in the spread of the illness. The desperation of poverty and unemployment drives many to become sex workers or take part in sex in exchange for material benefits. (See ERP booklet on sexual violence). Schools are also not given enough support and resources to train and assist educators. We must address these challenges.

Schools have started teaching about sexuality and HIV/AIDS. Some educators and parents fear that talking about sex, HIV/AIDS, and the importance of condom use, will encourage young people to become sexually active, disrespect their elders, and disregard their religions and traditions. We disagree. We believe that a fight against any illness must begin with accurate and relevant information. This will enable young people to make sound decisions about issues that affect their lives.

We need to be inspired by the brave fight of the late eight-year-old Nkosi Johnson in 1997. His struggle to gain admission to a school and to openly speak about the illness encouraged the government to produce the 'National Policy on HIV/AIDS for Learners and Educators in Public Schools, and Students and Educators in Further Education and Training Institutions'. Parts of the policy are discussed in this booklet.



### VIEWS ON HIV/AIDS THAT RESULT IN DISCRIMINATION

False:

HIV is God's punishment, and a person living with HIV has sinned, is dirty and brings shame upon his/her school and community.

**True: HIV is not a punishment, and no one is guilty or innocent. Many religious organisations and schools are active against stigma and discrimination and support people living with HIV. The support and care of friends and others in the school and community is important to people living with HIV/AIDS. Stress and emotional pain can weaken a person's ability to fight illness. Support rather than blaming or judging people living with HIV/AIDS encourages them to get help early and leads to longer healthy lives. Suspicion, gossip and a lack of appropriate education about HIV/AIDS creates an environment where prevention is much more difficult to achieve.**

False:

You can get the virus by touching, sharing food or playing with someone who is HIV positive.

**True: This mistaken view has led to some children infected or affected by HIV being stopped from attending school or being isolated in schools. HIV cannot be passed on through everyday social contact or in the normal school environment. You cannot get infected through spitting, sneezing, or coughing, nor by tears or sweat or from mosquitoes or other insect bites. It is perfectly safe to shake hands or hug an infected person, use the same showers or toilets, swim in the same swimming pool and breathe the same air. So, there is no reason not to involve HIV positive classmates in school activities, in eating together or inviting them over to your house.**

### You can get HIV in the following ways:

- **From unprotected sex with a person who already has HIV.** Unprotected sex means sex without a condom or not using it properly.
- **From mother to child.** A pregnant woman who is HIV positive can pass on the virus to her unborn child. The greatest risk of infection is during childbirth.
- **By sharing needles or syringes for injecting drugs with someone who is HIV positive.**
- **By sharing certain instruments – such as those used during circumcision, for ear or body piercing and tattooing –** which have been used on someone with HIV and if these instruments are not properly cleaned.
- **Direct contact with the blood of a person living with HIV.** There is a small chance of this happening. It can happen if you have a freshly open wound that comes into contact with the blood of a person with HIV. **Schools should take precautions, such as using latex gloves when attending to any child who is bleeding.**
- **By sharing toothbrushes and razor blades.** There is a small chance of this happening. It can happen if both people have cuts or sores, allowing the HIV into the blood.

False:

HIV only happens to some people such as gays, migrants, poor people and black people.

True: **Anyone can get HIV regardless of colour, class, age, country of origin or sexual orientation.**

## HIV/AIDS: The Rights of Learners and Educators

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False:

Some schools believe that people with HIV are sick, unproductive and will burden their school.

True: **A person living with HIV can live a long, healthy and productive life. Antiretroviral drugs, healthy food and emotional support can increase their productive lives.**

False:

Women learners who are HIV positive deliberately spread the illness.

True: **Women are often scared to insist that their partners use condoms because this may result in violence or rejection. Rape contributes greatly to the spread of HIV and young women are vulnerable to sexual violence in the community, at home, on the way to school and in school. Negative attitudes by some educators, health care workers, parents and other learners can prevent women from seeking sexual health care and exercising their rights. Also, some young women are pressured to have sex with older men in exchange for favours, gifts or money. Young women living in poverty are often more vulnerable to this. It is illegal for educators to have sexual relations with learners.**

False:

If someone insists on using condoms that person is HIV positive.

True: **Insisting on using a condom is the responsible thing to do, whether you are HIV positive or not.**

(Adapted from Soul City's *HIV and Aids – Prevention, Care and Treatment* booklet. Details at the end of this booklet).



## CAN A LEARNER BE DENIED ADMISSION TO A SCHOOL BECAUSE S/HE IS HIV+?

No learner can be denied admission to a school because of his or her HIV status.

### What does the LAW say about this?

<b>Section 29 (1) of the CONSTITUTION says:</b>	<p><b>Everyone</b> has the right</p> <ul style="list-style-type: none"><li>a. to a basic education, including adult basic education;</li><li style="text-align: center;">and</li><li>b. to further education, which the state, through reasonable measures, must make progressively available and accessible.</li></ul> <p>Section 10 of the Constitution also provides everyone with the right to have their dignity respected and protected.</p>
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<b>Section 5 (1) of the SOUTH AFRICAN SCHOOLS' ACT (SASA), says:</b>	A public school must admit learners and serve their educational requirements without unfairly discriminating in any way.
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<b>Section 2.6 of the NATIONAL POLICY ON HIV/AIDS for learners and educators in public schools and students and educators in further education and training institutions says:</b>	Learners and students living with HIV/AIDS should lead as full a life as possible and should not be denied the opportunity to receive an education to the maximum of their ability.
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## HIV/AIDS: The Rights of Learners and Educators

<p><b>Other relevant sections of the HIV/AIDS POLICY include:</b></p>	<p>Section 4.1: No learner or student may be denied admission to or continued attendance at school because of his or her HIV/AIDS status.</p> <p>Section 5.1: Learners living with HIV have the right to attend any school or institution. The needs of learners and students living with HIV/AIDS with regard to their right to basic education should as far as is possible be accommodated in the school or institution.</p> <p>Section 5.2: Learners living with HIV/AIDS are expected to attend classes in accordance with statutory requirements for as long as they are able to do so.</p>
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### CASE

A pre-school refused to admit an HIV+ child. The foster mother of the child brought a case against the school claiming that the school discriminated against her daughter by denying her enrolment based on her HIV status.

The Johannesburg High Court ordered the school to enrol the

child. Judge Meyer Joffe said the child should go through the normal process followed by all children who wanted to gain admission to the school.

The Judge declared that the refusal to admit the child violated her constitutional right to equality — to be treated in the same way as other children — and to human dignity — not to be *stigmatised* because of her HIV status.

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**ARE LEARNERS AND EDUCATORS WITH HIV/AIDS PROTECTED FROM UNFAIR DISCRIMINATION?**

**The NATIONAL POLICY ON HIV/AIDS for learners and educators says:**

**Section 3.1:**

No learner or educator with HIV/AIDS may be unfairly discriminated directly or indirectly. Educators should look out for instances of discrimination against any person who is HIV+ or has AIDS. A separation of HIV+ learners from other learners is an example of discrimination.

**Section 3.2:**

Learners, educators and other staff with HIV/AIDS should be treated in a just, humane and life-affirming way.

**Section 3.3:**

Any special steps in respect of a learner or educator with HIV should be fair and justifiable in the light of:

- medical facts,
- established legal rules and principles,
- the best interest of the learner and educator with HIV/AIDS,
- the school or institutional conditions, and
- the best interest of other learners and educators.

**Section 2.7:**

The Constitutional rights of all learners, students and educators are protected on an equal basis. Only a suitably qualified person can decide that a learner or educator presents a medically recognised significant health risk to others. Then appropriate steps should be taken to ensure that such persons do not put others at risk.

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**CAN SGBs OR PRINCIPALS FORCE  
A LEARNER TO TAKE AN HIV TEST?**

**No.**

A school or SGB cannot force a learner to take an HIV test. An HIV test is not a condition for admission to any school. Virginity tests are also illegal and in some instances could lead to the spread of the illness because of the way in which some of these tests are done.

**What  
does the law  
say?**

<p><b>Section 5 of SASA says:</b></p>	<p>The governing body of a public school may not do any test related to the admission of a learner to a public school, or direct or authorise the principal of the school or any other person to do a such test.</p>
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<p><b>Section 4.3. of the NATIONAL POLICY ON HIV/AIDS for learners and educators says:</b></p>	<p>The testing of learners or students for HIV/AIDS as a condition for admission to, or continued attendance at school is not allowed. The testing of educators for HIV/AIDS as a condition for appointment or continued service is not allowed.</p>
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### **FRIENDLY ADVICE:**

When it is not used to illegally prevent you from attending school or work, an HIV test is helpful. But it can also be scary and life changing. Before taking a HIV test you have the right to have pre-test counselling from a trained counsellor. You need to consider that:

- If you are worried that you are HIV positive, a test can put your mind at rest.
- If you test negative, you will be able to adjust your sexual lifestyle so that you can avoid being infected with HIV in the future.
- If you test positive, you can take a number of steps to manage your health.
- If you test positive, the counselor will advise you about what your rights are and how best to help your friends and family to understand your HIV status.
- If you test positive, you can make sure you protect those close to you from getting the virus.

You can be tested for free at HIV service points. Call the AIDS Helpline at 0800 012 322 to find out where the closest service point is. Most private doctors, clinics and hospitals can also test you.

### **6** WHAT IF A LEARNER BECOMES VERY ILL AND CANNOT ATTEND SCHOOL?

A learner does not have to go to school every day if she or he is very ill.

Learners who are between the age of seven and fifteen or who are in grades R and nine (i.e. learners who are subject to compulsory school attendance) but are unable to attend school may be given permission not to attend school. This decision is made by the Provincial Head of Department, after consultation with the principal, the parent or caregivers and a medical practitioner.

The school is required to make schoolwork available to such learners for study at home and to support continued learning. Parents may be allowed to educate their children at home in accordance with the policy for home education in terms of section 51 of the South African Schools Act, or older learners may be provided with distance education.

<p><b>Section 5.5 of the NATIONAL POLICY ON HIV/AIDS for learners and educators says:</b></p>	<p>Learners and students who develop serious HIV/AIDS related illnesses and are unable to attend school, may be placed in specialised residential institutions for <i>Learners with Special Education Needs (LSEN)</i>. However, availability of special schools should not be used as an excuse to remove learners with HIV/AIDS from ordinary schools.</p>
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## **CAN AN EDUCATOR BE DENIED A POST OR FIRED BECAUSE OF HIS OR HER HIV/AIDS STATUS?**

Section 6(1) of the EMPLOYMENT EQUITY ACT states that no employer may discriminate against an employee, or an applicant for employment on the basis of his or her HIV status.

No educator may be denied the right to be appointed, to teach or to be promoted because of his or her HIV/AIDS status.

**Section 4.2 of the NATIONAL POLICY ON HIV/AIDS for learners and educators says:**

HIV/AIDS status cannot be a reason for firing of an educator, nor for refusing to conclude, continue, or renew an educator's employment contract.

**Section 32 (1) of the CONSTITUTION says:**

Everyone has the right to fair labour practices.

**Section 187(l)(f) of the LABOUR RELATIONS ACT, states that:**

An employee with HIV/AIDS may not be fired simply because he or she is HIV+ or has AIDS. However, where employees are disabled by HIV/AIDS, their employment may be ended in accordance with section 188(1)(a)(i).

### Case

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An educator at a primary school in the KwaZulu-Natal was fired in December 2003 after revealing her HIV status to her headmaster. The department denied that this educator had been fired because of her illness. According to reports in a national newspaper the education department claimed that the educator was fired because she had left the school without permission. The Secretary for SADTU in the Durban North region, argued

that this educator and another HIV-infected educator from Pietermaritzburg had been unfairly treated by the department. "The issue of this teacher not coming to school and not submitting leave forms is not true. Many teachers don't want to disclose their HIV status because they are afraid of this type of discrimination from the department." After the intervention of the union to protect the rights of the educator, she was given her job back.

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### ARE YOU FORCED TO REVEAL YOUR HIV/AIDS STATUS?

No. You must want to talk about your status. This is called *voluntary disclosure*

#### Section 14 of the CONSTITUTION says:

Everyone has the right to privacy.

It is however very difficult for people with HIV/AIDS to reveal their status because of a real fear of *stigma*, rejection and discrimination.

#### Section 6.1 to 6.3 of the NATIONAL POLICY ON HIV/AIDS for learners and educators says:

No learner (or parent on behalf of a learner), or educator is forced to reveal his or her HIV/AIDS status to a school or employer.

### **Do parents or caregivers have to tell the school about the HIV status of their child?**

No. Parents or caregivers do not have to tell the school that their child has HIV.

In the event of *voluntary disclosure*, it may be in the best interest of a learner with HIV/AIDS to inform a member of staff about the child's HIV/AIDS status.

Section 39 of the CHILD CARE ACT says that any learner over the age of fourteen years can disclose their HIV/AIDS status. In the case of learners younger than fourteen years, their parent/s or caregivers may reveal the learner's HIV status. However, such information about the HIV status of the learner must be kept confidential by the school.

### **FRIENDLY ADVICE:**

By telling your family or friends about your illness you are most likely to have a group of people around to lean on for support.

You will need to decide whether you can trust someone with the knowledge that you are HIV+. Telling others you are HIV+ means you have less control over how that information is shared. Be clear to inform the person you disclose your illness to, whether or not they should tell others.

Counselling is available at many community-based health organizations, public health units, or HIV outpatient clinics. **You do not have to deal with this issue on your own.** To get help in dealing with having revealed your HIV status and other related issues, contact the AIDS Help line at **0800 0 123 22**. Other organisations that provide assistance are listed toward the end of this booklet.

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**WHAT IF OTHER LEARNERS REFUSE TO WORK WITH A LEARNER OR REFUSE TO BE TAUGHT BY AN EDUCATOR LIVING WITH HIV?**

No learner or educator may refuse to work or be taught by a person who is HIV+. People who are scared of the illness often need accurate information about the nature of the illness and how it is passed on. They should be made to understand that HIV+ people teach and learn as effectively as anyone else.

<p><b>Section 11.1 to 11.3 of the NATIONAL POLICY ON HIV/AIDS for learners and educators states that:</b></p>	<p>The school governing body and the principal must ensure that no learner or educator is unfairly discriminated against.</p> <p>Together with the Department of Education, schools should ensure that learners, educators and parents have accurate and clear information about HIV/AIDS.</p>
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## SUPPORT FOR PEOPLE LIVING WITH HIV/AIDS

The Constitution says everyone has the right to social assistance if they are unable to support themselves and their dependants. Social assistance means government help to people with serious financial and other problems. Many people living with HIV will be able to work and support themselves. Some people with HIV, however, become sick and are unable to support themselves or their families.

The SOCIAL ASSISTANCE ACT of 2004 sets out who qualifies for government support and how to apply for such support. The Act aims to protect people who cannot work because of old age, illness or a physical or mental disability. When people living with HIV or AIDS become unable to support themselves and their families, the Act says that the government should provide support to them.

There are different types of social grants available to people with different needs. These are:

- The Disability Grant – there are two types: First, a permanent disability grant. This is paid to people with a disability that is likely to last for more than twelve months. Second, a temporary disability grant. This grant is paid to people whose disability may exist continuously for a period of six months or less or in intervals for no more than twelve months. Both grants amount to about R780 per month.
- Social Relief of Distress Grant – this grant is given to people who are unable to meet their or their families' most basic needs. The grant is offered in the form of food parcels.
- Foster Care Grant – This grant is paid to people who look after children that they are biologically not related to. The foster care grant is about R540 per month.
- Care Dependency Grant – This grant is aimed at children from birth to their eighteenth year who are either disabled or need special care. It is paid to parents

## **HIV/AIDS: The Rights of Learners and Educators**

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or caregivers responsible for the children. The Care Dependency grant is about R780 per month. This grant is not accessible to parents taking care of HIV positive children. It is only available to parents taking care of disabled children who need special care.

- Child Support Grant – this grant is paid to the primary caregiver of a child up to the age of fourteen. A primary caregiver is any person who takes the main responsibility for the daily needs of a child. The Child Support grant is about R180 per month.

### **How do you qualify for a disability grant when living with HIV/AIDS?**

A person who has HIV or an AIDS-related illness will only get a disability grant if they become too sick to work. If that person is unemployed but still fit for work, they will not get a grant. NB: A disability grant for a person living with HIV/AIDS depends on that person's CD4 Counts. A medical report confirming the CD4 Count will be needed. A person may lose their grant if they become healthy enough to work. A person has to be off work for three months before he or she can apply.

### **What do you need to apply for a disability grant?**

The SOCIAL ASSISTANCE ACT says that you can apply for a disability grant if you:

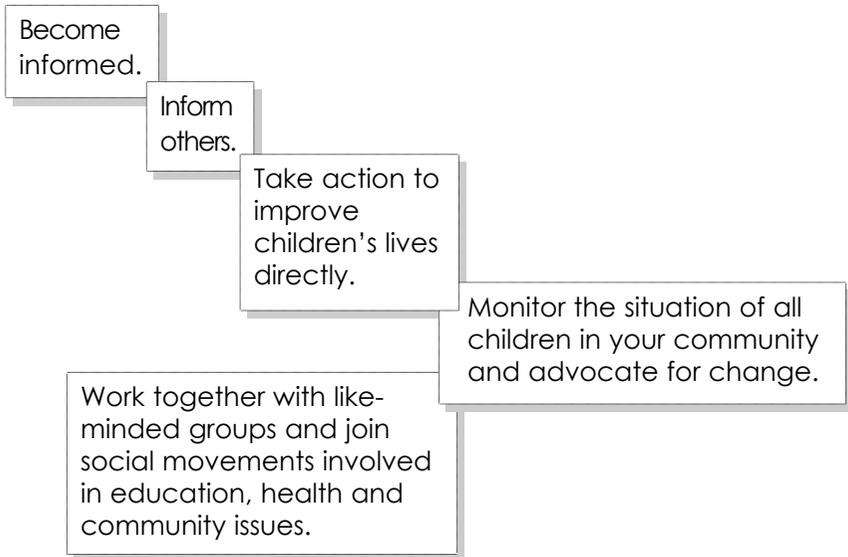
- are a South African Citizen, or a permanent resident;
- are a resident in South Africa at the time of application;
- are between eighteen to fifty-nine years of age if a female and eighteen to sixty-four years of age if a male;
- have submitted a medical / assessment report confirming disability;
- and your partner meets the requirements of the means test (a means test is a set of requirements that a person applying for the grant has to meet);
- are not kept or cared for in a State Institution;
- are not receiving another social grant;
- have submitted a valid identity document.

### Where do you apply for the grants?

To apply for a grant, contact your nearest Department of Social Development office. Contact details are supplied at the end of the booklet.



### WHAT CAN YOU DO TO PROTECT AND PROMOTE YOUR RIGHTS?



**NOTE:** Section 32 (1) of our CONSTITUTION gives everyone the right of access to information held by the state or another person and to information that can be or that is required for the exercise or protection of any rights.

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## WHERE CAN YOU GET HELP?

AIDS Help line: 0800 0 123 22  
Child line: 0800 0 555 55  
Social grants toll free: 0800 6 010 11

**Important!** You can call all these numbers for free from a public phone.

### You can also get help from:

#### 1. The Alliance for Children's Entitlement to Social Security (ACCESS)

All the members of this Alliance share the commitment to realise a comprehensive, fair and well-run social security system in South Africa, that is available to all.

PostNet Suit #78  
Private Bag x3  
Plumstead  
7801  
Tel: (021) 761 0117  
Fax: (021) 761 4938  
Email: [info@access.org.za](mailto:info@access.org.za)

#### 2. Children In Distress (CINDI)

A group of NGOs, Government Departments and individuals that network in the interest of children affected by HIV/AIDS in the KwaZulu-Natal Midlands.

P.O.Box 157  
Pietermaritzburg  
3200  
Tel: (033) 345 7994  
Fax: (033) 345 7272  
Email: [info@cindi.org.za](mailto:info@cindi.org.za)

#### 3. The AIDS Law Project

Gives legal advice and support to people living with HIV/AIDS.

University of Witwatersrand  
Centre for Applied Legal Studies  
Private Bag 3  
Wits, 2050  
Tel: (011) 403 6918/ 717 8600  
Fax: (011) 717 2341  
Email: [alpadm@law.wits.ac.za](mailto:alpadm@law.wits.ac.za)

### 4. *Treatment Action Campaign*

The objective of TAC is to campaign for greater availability, affordability and use of HIV treatment.

TAC National Office  
37 Main Road  
Muizenberg  
7945  
Tel: (021) 788 3507  
Fax: (021) 788 3726  
Email: [info@tac.org.za](mailto:info@tac.org.za)

### 5. *Children's Resource Centre*

Supports children (7-14 years) to organise themselves into a social movement and to support such an organisation with education, skills and equipment. A few of the children's activities include: developing their own newspaper, running their own meetings, defending their rights, organising outings and picnics, and encouraging schools to develop health corners.

65 Michigan Way  
Portlands  
Mitchells Plain  
Cape Town  
Tel: (021) 371 7303  
Fax: (021) 372 4810

### 6. *Children's Rights Centre*

A non-profit organisation committed to raising awareness about children's rights and children's participation.

1<sup>st</sup> Floor  
480 Smith Street  
Durban  
Tel: (031) 209 6230/ 307 6075  
Fax: (031) 30706074  
Cell: 083 786 8844  
Email: [info@crc-sa.co.za](mailto:info@crc-sa.co.za)

## HIV/AIDS: The Rights of Learners and Educators

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- 7. Soul City – Institute of Health and Development Communication**  
Has education booklets, leaflets, and runs radio and TV dramas around health issues.
- 2nd Floor Park Terras  
33 Princess of Wales Terrace  
Parktown  
Johannesburg  
Tel: (011) 643 5852  
Fax: (011) 643 6253
- 8. The AIDS Consortium**  
Provides access to information on all aspects of HIV/AIDS and lobbies for a human rights-based response to the pandemic.
- P.O. Box 31104  
Braamfontein, 2017  
Tel: (011) 403 0265  
Fax: (011) 403 2106  
Email: [info@aidsconsortium.org.za](mailto:info@aidsconsortium.org.za)
- 9. The South African Human Rights Commission**  
The SAHRC works with government, civil society and individuals, to develop an awareness of human rights among South Africans. Violations of any right can be reported to the SAHRC.
- Private Bag 2700  
Houghton  
2041  
Tel: (011) 484 8300  
Email: [sahrcinfo@sahrc.org.za](mailto:sahrcinfo@sahrc.org.za)
- 10. Institute of Training and Education for Capacity Building (ITEC)**  
Provides education training and support programmes in schools and communities around HIV/AIDS.
- 8 Park Avenue  
P.O. Box 549  
East London, 5200  
Tel: (043) 743 8333  
Email: [mail@iteced.co.za](mailto:mail@iteced.co.za)

## Education Rights Project

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### 11. Other organisations:

*National Association of People living with HIV/AIDS (NAPWA)*  
(011) 872-0975

*Stop Women Abuse Helpline*  
0800 150 150

*People Opposing Women Abuse (POWA)*  
(011) 642-4345/6

*Triangle Project Helpline (For Gays and Lesbians)*  
(021) 422 2500

*Children's HIV/AIDS Network (CHAIN)*  
(021) 685 4103

*Township AIDS Project*  
(011) 982 1016

### **There are also Provincial Education Department In-School Programmes that you can contact for support:**

#### 1. **Eastern Cape**

Office of MEC for Social  
Development  
Qasana Building  
Bisho  
Tel: (040) 636 4304 /  
(040) 609 3457  
Fax: (040) 639 1928

#### 3. **Gauteng**

9<sup>th</sup> Floor  
Thusanong Building  
69 Commissioner Street  
Johannesburg  
2001  
Tel: (011) 355 7673  
Fax: (011) 838 3173

#### 2. **Free State**

3<sup>rd</sup> floor Room 5  
Liberty Building  
Corner Church & Andries  
Bloemfontein  
9301  
Tel: (051) 409 0855  
Fax: (051) 409 0919

#### 4. **KwaZulu Natal**

Department of Social  
Welfare  
Administration Building  
2<sup>nd</sup> Floor  
Ulundi  
3838  
Tel: (035) 874 3752  
Fax: (035) 874 3797

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### 5. Limpopo

18 College Street  
Polokwane  
0699  
Tel: (015) 293 6054  
Fax: (015) 293 6060

### 6. Mpumalanga

Building No 3  
7 Government Boulevard  
Riverside Park X 2  
Nelspruit  
1201  
Tel: (013) 766 3010  
Fax: (013) 766 3463

### 7. Northern Cape

Mimosa Building  
Barkley Road  
Homestead  
Kimberley  
8301  
Tel: (053) 874 9182  
Fax: (053) 871 2441

### 8. North West

Room 101 1<sup>st</sup> Floor  
Tirelo Building  
Albert Luthuli Drive  
Mafikeng  
2745  
Tel: (018) 387 0131  
Fax: (018) 384 5967

### 9. Western Cape

10<sup>th</sup> floor  
Union House  
14 Queen Victoria Road  
Cape Town  
8001  
Tel: (021) 483 6201  
Fax: (021) 483 5748

### Some useful websites

[www.childaidsservices.org](http://www.childaidsservices.org) - a directory of over 900 Child HIV/AIDS services, emergency contacts and government departments throughout the country. A project of the *National AIDS and Children Task Team*, Commissioned and published by *Save the Children (UK)* and researched by *The Children's Institute*, University of Cape Town. (021) 685 4103.

[www.redribbon.co.za](http://www.redribbon.co.za)  
[www.tac.org.za](http://www.tac.org.za)  
[www.lovelife.org.za](http://www.lovelife.org.za)  
[www.health.gov.za](http://www.health.gov.za)  
[www.erp.org.za](http://www.erp.org.za)

[www.aidsconsortium.org.za](http://www.aidsconsortium.org.za)  
[www.blacksash.org.za](http://www.blacksash.org.za)  
[www.alp.org.za](http://www.alp.org.za)  
[www.sahrc.org.za](http://www.sahrc.org.za)  
[www.cindi.org.za](http://www.cindi.org.za)

**Anti-retrovirals (ARVs):** These are medicines used to treat HIV/AIDS. ARVs do not cure a person of HIV/AIDS but often prevent the person from becoming weak as a result of the virus and delays the progress of the illness.

**CD4 Cells** or T cells are white blood cells that protect the body from disease.

**CD4 Count** is the number of CD4 cells in the body. Basically, how strong the immune system is.

**Confidentiality** means that information about whether one is HIV positive or negative must be kept private and can only be revealed with the agreement of the person concerned. When this happens, it is called **voluntary disclosure**.

**HIV/AIDS: HIV** is short for the Human Immunodeficiency Virus. Being HIV positive does not mean that you have AIDS. HIV is transmitted through blood, semen and vaginal fluids. Once in the body the virus uses the CD4 cells of the body's system to grow and over a period of time destroys the CD4 cells. CD4 cells are important because they protect us from illness. As the number of HIV in the body increases, the CD4 cells decreases.

**AIDS** is short for Acquired Immune Deficiency Syndrome. HIV infection can develop to a point where the body cannot protect itself from diseases that it would normally fight off. When a person's natural defenses against disease collapse and becomes ill with life-threatening diseases, then the person is said to have AIDS.

**HIV testing:** taking a test in order to find out whether one is HIV positive or negative.

## HIV/AIDS: The Rights of Learners and Educators

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**Immune system** is the body's natural defense system against illnesses.

**Informed consent:** the steps taken to get agreement from a patient in order to make sure that the person understands what the test is about and that they agree to take such a test.

**Learners with special education needs:** learners who may not function successfully in a classroom because of physical, mental, emotional or intellectual difficulties. Other children with special needs include children who live in war zones or refugee camps, the abused, and those suffering in gross poverty, those involved in child labour and sex work, and children living with HIV/AIDS.

**Means Test:** The most important factors influencing a decision to give social assistance is a person's financial position and health as well as age. This needs to be tested. The reason for this is that social grants are only awarded to people whose income is below a certain level if they are a certain age or if they are disabled.

**Opportunistic infections** are diseases that take advantage of a weak immune system, and may result in AIDS.

**Pandemic:** A disease occurring over a wide geographic area affecting an exceptionally large number of people.

**Stigma/stigmatised:** HIV-related stigma is negative attitudes and beliefs directed toward people perceived to have or who have HIV/AIDS as well as those close to them. These feelings often result in the discrimination of people in schools, the workplace and in the community. Stigmatisation may arise when an HIV+ person is seen as a source of infection to others or when the physical appearance of someone with AIDS produces fear in other people. The stigma might be rooted in unreasonable and uninformed attitudes about gender, sexuality, illness and 'race'.

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**Viral load** is the measure of the quantity of HIV viruses in your body.

**Virus:** A very small organism which multiplies in the living cells of our bodies and causes disease.

**Voluntary Counselling and Testing:** Counselling is an important component of the response to HIV/AIDS. People who are infected or closely affected by HIV/AIDS need information, advice and support in coping with their situation. Moreover, counselling of individuals in how to care for themselves and others helps prevent the further spread of HIV. Counselling is an essential part of the testing process, because people who wish to learn about their status need to be mentally prepared for the result, whether positive or negative, and to understand the implications of either result. Voluntary counselling and testing (VCT) is the gateway to prevention, treatment and care services.

**Window period** is a period within about 3 months of HIV infection, in which HIV antibodies may not be detected by an HIV test. If a person has had unsafe sex in the three-month period before the test, the test may show that the person is HIV negative when the person is actually HIV positive. To avoid this, people must either use a condom for three months before taking the test or take two tests three months apart from each other.