

Children, Education and Health

International Perspectives
on Law and Policy

Edited by
Neville Harris
Paul Meredith

Children, Education and Health

International Perspectives on Law and Policy

Edited by
NEVILLE HARRIS
School of Law, University of Manchester

PAUL MEREDITH
School of Law, University of Southampton

ASHGATE

© Neville Harris and Paul Meredith 2005

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publisher.

Neville Harris and Paul Meredith have asserted their right under the Copyright, Designs and Patents Act, 1988, to be identified as the editors of this work.

Published by

Ashgate Publishing Limited

Gower House

Croft Road

Aldershot

Hampshire GU11 3HR

England

Ashgate Publishing Company

Suite 420

101 Cherry Street

Burlington, VT 05401-4405

USA

Ashgate website: <http://www.ashgate.com>

British Library Cataloguing in Publication Data

Children, education and health : international perspectives
on law and policy

1. Health education - Law and legislation
2. Health education - Government policy
3. Health education (Secondary)
4. Health education (Elementary)
5. School children - Health and hygiene
6. Children's rights
7. Sex education
8. Inclusive education

1. Harris, Neville S., 1954-
- II. Meredith, Paul, 1950-344'.0769

Library of Congress Cataloging-in-Publication Data

Children, education and health : international perspectives on law and policy /
edited by Neville Harris and Paul Meredith.

p. cm.

Includes bibliographical references and index.

ISBN 0-7546-4387-5

1. Educational law and legislation.
2. Right to education.
3. Right to health care.
4. Human rights.
- I. Harris, Neville S., 1954-
- II. Meredith, Paul, 1950-

K3740.C48 2005

344'.079--dc22

2005001741

ISBN 0 7546 4387 5

Printed and bound in Great Britain by MPG Books Ltd, Bodmin, Cornwall

List of Contributors

Ann Blair, Lecturer in Law, School of Law, University of Leeds, UK.

Marcia Conroy, Social Worker with the Association for Spina Bifida and Hydrocephalus, Manchester, UK.

Jan De Groof, Government Commissioner for Universities (Belgium); President of the European Association for Education Law and Policy; Professor at the College of Europe, Bruges, Belgium, and 'TIAS' (University of Tilburg), the Netherlands.

Gerald S Fain, Professor, School of Education, Boston University, USA.

Charles L Glenn, Professor, Chairman of Education Administration and Policy, Fellow of the University Professors Program, Boston University, USA.

Neville Harris, Professor of Law, School of Law, University of Manchester, UK.

Jim Jackson, Professor of Law, School of Law and Justice, Southern Cross University, Lismore, Australia.

Gracienne Lauwers, Executive Director, European Association for Education Law and Policy; Researcher at the University of Antwerp, Belgium.

Laura Lundy, Reader in the Graduate School of Education, Queen's University Belfast, Northern Ireland, UK.

Paul Meredith, Reader in Education Law, School of Law, University of Southampton, UK.

Charles J Russo, Panzer Chair in Education in the School of Education and Allied Professions and Adjunct Professor of Law at the University of Dayton, Ohio, USA.

Christa Van Wyk, Professor, Faculty of Law, University of South Africa, Pretoria, South Africa.

Charlotte Walsh, Lecturer in Law, School of Law, University of Leicester, UK.

Foreword

The crucial link between health and education and their importance for the well-being of children and of wider society are increasingly acknowledged. The education of children—mainly though not exclusively through schools—is one of the foremost means of both promoting and safeguarding the health of children and of society: schools, indeed, carry a major responsibility for the inculcation in children of not just the biological and other scientific information relating to health and well-being, but a genuine and sensitive appreciation and understanding of the social, moral and ethical issues which inevitably arise in this context.

The challenges faced by different countries across the world in the context of health vary considerably and are dependent upon a complex range of economic, social and political considerations as well as environmental, climatic and other natural factors. The scale and complexity of the AIDS epidemic, for example, will for generations have a profound impact on the economic and social fabric of society in poorer parts of Africa and Asia, where the problems posed by the disease are on an almost unimaginable scale. Ignorance is a major factor here and although the problems in such continents contrast sharply with the types of challenge faced by many wealthier regions—including obesity, alcohol and other forms of drug abuse, and many physical and psychological conditions associated with stress—here too ignorance plays its part in many of the threats to health.

There can be little doubt that these and many other challenges posed by health are of crucial importance to the economic and social well being of all countries across the world and are central to governmental policy making. But they also raise fundamental issues of individual human rights: individuals have a fundamental right to effective health care and a right to be educated in such a way as to understand the health consequences of different lifestyle choices they may face. Here the link between education and health is very clear: many lifestyle choices exercised every day by individuals carry recognised health related risks, and it is of the first importance that individuals should fully understand the nature and scope of such risks and be placed in a position where they can make informed and mature choices in relation to them. Effective education underpins so many aspects of good health, and good health as one of the most important empowering elements in the enjoyment of a fulfilled life is truly a fundamental human right, but one which is denied to so many across the world.

Health presents challenges not only at governmental level, although clearly governmental policy-making is of profound importance. International organisations such as the World Health Organisation have a vital role to play in the field of health promotion, and international Charters and Conventions such as the UN Convention on the Rights of the Child have played and will continue to

play a significant role in conditioning governmental thinking and exerting pressure on governments in the development of policy and—very importantly—in the allocation of resources in this context. One should, however, also fully recognise the vital importance of those working at lower levels within government, within the education system and within the health services: indeed, the promotion of good health should be seen as going right down to the individual citizen—the teacher, the health professional and, very importantly, the individual parent and the individual child.

This book clearly recognises that the challenge posed by health raises fundamental issues as to the substantive content of the curriculum in schools, as well as in relation to the pastoral care and counselling of pupils and, in some cases, parents and teachers. Few would challenge the proposition that personal, social and health education forms an immensely important element within a broad and balanced school curriculum, although many would argue that insufficient weight and priority are attached to it in many schools. But the substantive content of the school curriculum in this context raises many intractable and highly contentious ethical and moral dilemmas which must be recognised, but for which it may well be impossible to offer any satisfactory solution.

Nowhere is this more apparent than in the context of the sex education curriculum and—no less important—the pastoral care and counselling of pupils in respect of their sexuality. It is by no means universally accepted, however, that schools have a legitimate role in the provision of sex education at all: many parents would take the view in all sincerity that the provision of sex education and counselling over issues of sexuality should be carried out exclusively within the family, that parents have a deep moral right and duty to bring their children up within the framework of their own culture, conscience and religious convictions, and that the public education system has no legitimate role to play in this context—or only a very limited role in terms of inculcating a sound knowledge and understanding of essential biological facts. Many, on the other hand, would take the view that schools should play a most important role in broadening children's perspective, in exposing their minds to the enriching experience of diverse approaches and giving them the widest possible range of educational experience consistent with a balanced, objective and critical presentation of issues. There is little common ground between these fundamentally different approaches, and it is almost certainly the case that no consensus will ever be attained in this context. But educational policy makers and teachers must recognise and respect this diversity of views and act with genuine sensitivity in this important and delicate area. What is clear is that sex education provides a fascinating study of policy-making in an extremely difficult context, as several of the chapters in this volume demonstrate.

Many other crucial issues relating to health and education are tackled in this volume: the editors have been fortunate to be able to include contributions by leading authors from a wide range of different educational systems across the international community, focusing on many key issues of concern. A major

strength of the book is that the authors have adopted widely divergent approaches, and have not hesitated to express controversial views in approaching the issues. This is a highly thought-provoking volume and a most welcome contribution to the debate.

Jan De Groof
President,
European Association for Education Law and Policy,
Professor of Law, The College of Europe, Bruges

Preface

States, through their institutions and policies, exercise a fundamental responsibility for safeguarding and promoting the health of their populations. Child health is a particular concern, and while infant mortality rates have fallen continually throughout the past century across the developed world, they remain high in less developed areas. Wars, famine and the continual presence of diseases such as malaria (despite some scientific advances of late) in transitional states put the less severe health risks in the developed world into perspective. New threats are, however, constantly emerging; since the 1980s there has been HIV/AIDS, which, as Christa Van Wyk explains chapter 9 in this collection, affects directly or indirectly the millions of children in South Africa who live as members of families containing one or more infected individuals, including, in many cases, the child him or herself.

The growing international recognition of the importance of better health promotion is reflected in the range of legislative obligations placed upon and/or accepted by states. As Laura Lundy explains in the book's opening chapter, this responsibility is underscored by the international human rights framework and especially, in the case of children, the UN Convention on the Rights of the Child. Both internationally and within states sexual health is an area of particular concern. Teenage pregnancy and sexually transmitted diseases (STDs) among young people continue to beset many countries. As Gracienne Lauwers explains in chapter 7, the Russian Federation has a huge problem with sexually transmitted diseases and pregnancy among young people and, as elsewhere, is looking to the education system for some solutions. Indeed, it is a common theme of this book that in many states the role that schools and other educational institutions are expected to play in safeguarding health is growing. As Ann Blair explains in chapter 6, in an evaluation of the principles that underlie the state's growing attempts to regulate for better sexual health, 'education seems to be, at least for the moment, the best vaccine we have'.

The question is then: how should law and policy be framed? In the area of sex education in particular, issues of private morality, personal freedom and public welfare can come into conflict. In their respective chapters, Charles Glenn, in relation to the United States (chapter 4), and Paul Meredith, covering developments in England (chapter 5), highlight the problems that are faced by legislators in seeking to provide an appropriate legal framework in a pluralistic society where the health needs of often sexually active young people tend to play against the particular moral values held by parents and espoused by political ideologues. In England, which has a well-developed statutory framework, this conflict is partly resolved through the rather unsatisfactory means of conferring a

right upon individual parents to withdraw their children from sex education at school.

Prevention, as already noted in relation to sexual health above, is another common theme in the book. It is linked to the notions of protection and risk. Education may have a crucial role in preventing ill-health, through sex education or, for example, the promotion of better diets and exercise, as Gerald Fain explains in chapter 11, evaluating health promotion in American schools. But the school environment itself can pose health risks, mirroring the risks in wider society. One area of particular concern is the threat to the mental and physical health of children caused by bullying by fellow pupils; in chapter 2, Neville Harris discusses the incidence of bullying in schools in the UK, highlights the evidence on its effects and assesses the various and wide-ranging legal responses to it. Another risk concerns society's so-called 'drugs culture,' from which schools and school pupils are by no means immune. This is a particularly difficult nut to crack; as Charlotte Walsh explains in chapter 3, drugs education seems to have had 'minimal primary preventive effects' and the UK government is struggling to find the right legal response to a pervasive problem.

Health also becomes important in the context of access to education. Illness or incapacity threaten to limit opportunities to receive schooling. The law in many states will generally aim to ensure a child's inclusion in the education system regardless of, for example, his or her state of health or disability. In England and Australia, for example, the authorities are not only placed under non-discrimination duties but are also under positive (albeit conditional) obligations, as Marcia Conroy and Jim Jackson explain in chapter 10. If the child's ill-health poses a very serious risk to other children, such as where there is a highly contagious disease such as measles or SARS, isolation may be necessary. Similarly, degrees of disability and the need for a highly specialised learning environment will vary between disabled children, so that it is not possible to include all in mainstream education. Inclusion is nonetheless a very important principle and yet, as Marcia Conroy and Jim Jackson's chapter illustrates, there remain significant barriers to, and differences internationally in the progress towards, equality of access to education for children with a disability, including those with behavioural problems.

Inclusion is also threatened by social and professional attitudes towards HIV-infected pupils. In chapter 8, Charles Russo highlights the over-emphasis on the perceived legal and health risks arising from the presence of infected pupils within schools in the United States. Christa Van Wyk shows in chapter 9 that the presence of HIV infection and AIDS, and the attendant infection risks, are facts of life in South Africa's schools. However, as she explains, despite the fact that '[c]hildren with HIV have the right to attend any public school and their needs should, as far as is reasonably practicable, be accommodated in the school,' a nursery school has refused to admit an HIV-infected child, lest she bite another pupil, and as yet unresolved litigation has ensued.

Given the breadth of the subject, it has been impossible to cover all aspects of children's education and health. We nevertheless hope that the book will raise awareness of some of the more problematic issues in the relationship between these two important spheres of responsibility. We are also hopeful that the book highlights the importance that needs to be paid to health in the context of education in order to safeguard and promote the rights of children, developmental as well as protective.

All but one of the papers contained in this collection were originally presented at the annual conference of the European Association for Education Law and Policy (ELA) at the University of Manchester in November 2003, which explored the theme of Education, Health and the Law. All were updated for this collection and we are grateful to all the contributors, including Charlotte Walsh, whose paper was specially commissioned by the editors for this collection, for their hard work in preparing them. Given the controversial nature of some of the issues covered by the book we should add the caveat that the views expressed by individual authors do not necessarily coincide with those of the editors.

We also extend our gratitude to Professor Jan De Groof, President of ELA, and his assistant Gracienne Lauwers, for their support in the development of the conference and in giving us encouragement to bring this book to fruition.

Neville Harris and Paul Meredith

2005

Table of Cases

A v United Kingdom (1999) 27 EHRR 611	43
Akshar v Mills (1998) 671 NYS 2d 856 (NY App Div)	180
Anderton v Clwyd County Council [2000] ELR 499; [2000] 3 WLR 776; [2000] 4 All ER 504, HL	51
Anufrijeva and another v Southwark London Borough Council [2003] EWCA Civ 1406, [2003] All ER (D) 288	43
Beaumont v Surrey County Council (1968) 66 LGR 580	50
Belgian Linguistics Case (1968) Series A, No 6; (1979-80) 1 EHRR 252	44, 126
Benaïd v United Kingdom (2001) 31 EHRR 1	43
Board of Education of Independent School District No 92 of Pottawatomie County v Earls (2002) 122 S Ct 2559	77, 80
Board of Education of Plainfield v Cooperman (1986) 507 A.2d 253 (NJ Super Ct App Div); (1987) 523 A 2d 655 (NJ)	175
Bogart v White (1986) No 86-144 (Clinton Cir Ct, 21 Feb 1986)	173
Bogart v White (1986) No 86-144 (Clinton Cir Ct, 10 April 1986)	173
Bolam v Friern Hospital Management Committee [1957] 1 WLR 582	51
Bradford-Smart v West Sussex C C [2002] ELR 139	32, 50, 51
Brown v Hot, Sexy and Safer Productions (1996) 68 F 3d 525 (1 st Cir)	180
Camara v Municipal Court (1967) 387 US 523	76
Campbell and Cosans v UK (1982) 4 EHRR 293	16
Carty (by his litigation and next friend Dorothy Brown-Carty) v London Borough of Croydon [2004] ELR 226	51
CD on behalf of SD v JK (1994) EOC 92	225
Chalk v United States District Court, Central District of California (1987) 832 F 2d 1158 (9 th Cir); (1988) 840 F 2d 701 (9 th Cir)	172
Clark v TDG Limited (Trading as Novocold Limited) [1999] ICR 951	222
Costello-Roberts v UK (1993) 19 EHRR 112	9
District 27 Community School Board v Board of Education of NY, (1986) 502 NYS 2d 325 (Sup Ct)	174
Doe v Belleville Public School District No 118 (1987) 672 F Supp 342 (SD Ill)	175
Doe v Dolton Elementary School District No 148 (1988) 694 F Supp 440 (ND Ill)	177
Faulkner v London Borough of Enfield and Lea Valley High School [2003] ELR 426	33, 51

Fink v Board of Education of Tully Central Schools (1989) 542 NYS 2d 918 (NY Sup Ct)	179
Finn v Minister for Education [1995] QADT 4	224
Finney v Hills Grammar School HREOC decision No H98/60 (20 July 1999)	203, 213
Finney v Hills Grammar School (2000) EOC 93-087 HREOC	215
Ford-Shubrock v Governing Body of St Dominic's Sixth Form College, Manchester County Court, MA315699 (27 August 2003)	209
G v London Borough of Bromley [2000] ELR 499; [2000] 3 WLR 776; [2000] 4 All ER 504, HL	51
Garity v Commonwealth Bank of Australia [1999] EOC 92	211
Gillick v West Norfolk and Wisbech Area Health Authority [1986] AC 112	106, 107, 132
Glanz v Vernick (1991) 756 F Supp 632 (Mass)	171
Gower v London Borough of Bromley [1999] ELR 356	50
Gregor v Department of Education, Department of Infrastructure, & Hopetown Secondary College Council [1997] VADT 23 (19 June 1997)	225
Griffin v Wisconsin (1987) 483 U.S. 868	76
Haines v Warren (1987) Australian Torts Reports ¶80-115	50
Harksen v Lane NO 1998(1) SA 300 (CC)	191
Hills Grammar School v Human Rights and Equal Opportunity Commission [2000] FCA 658 (18 May 2000)	212, 227
Hoffmann v South African Airways 2001(1) SA 1 (CC)	187
Ireland v United Kingdom (1978) 2 EHRR 25	43
Irvin & Johnson Ltd v Trawler & Line Fishing Union (2003) 24 ILJ 565 (LC)	185
Jansen van Vuuren NNO v Kruger 1993(4) SA 842 (A)	191
Jarvis v Hampshire County Council [2000] ELR 499; [2000] 3 WLR 776; [2000] 4 All ER 504, HL	51
Joye v Hunterdon Central Board of Education (2003) 826 A 2d 624 NJ	78
Keenan v UK (1998) 26 EHRR CD 64	43
Kitt v Tourism Commission (1987) EOC 92	210
Kjeldsen, Busk Madsen and Pedersen v Denmark [1976] 1 EHRR 711 7, 16, 90-93, 95, 103, 108, 109, 122, 123, 124, 134, 144, 155	
Krenske-Carter v Minister for Education (2003) EOC 93	226
Kretschmar v State of Queensland (1989) Australian Torts Reporter 80	226
L v Minister for Education in the State of Queensland (1996) EOC 92	215
Lopez Ostra v Spain (1994) IIHRL 106	16
Lustig-Prean v United Kingdom (No 1) (2000) 29 EHRR 523	75
Lynch v Sacred Heart College (1995) EOC 92	211

McA Catholic High School v Special Educational Needs and Disability Tribunal [2003] EWHC 3045 (Admin)	221
McNiell v Commonwealth [1995] EOC 92	211
Martinez v School Board of Hillsborough County Florida(1987) 675 F Supp 1574 (M.D Fla); (1988) 861 F 2d 1502 (11 th Cir); (1989) 711 F Supp 1066 (MD Fla); (1988) 692 F Supp 1293 (MD Fla)	178
Martinovic v Ministry of Education (1989) EOC 92	212
Minister of Health v Treatment Action Campaign (No 2) 2002(5) SA 721 (CC)	184, 189
Montalvo v Radcliffe (1999) 167 F 3d 873 (4 th Cir)	178
Moore v Hampshire County Council (1982) 80 LGR 418	225
Murphy v State of New South Wales No H98/73 HREOC (27 March 2000)	216
O'Flynn v Airlinks the Airport Coach Company Limited [2002] Emp LR 1217	75
Osman v UK [1999] 1 FLR 193; [1999] EHRLR 228	42
PFG Building Glass (Pty) Ltd v Chemical Engineering Pulp Paper Wood & Allied Workers Union (2003) 24 ILJ 974 (LC)	185
Perreira v Buccleuch Montesorri School case no 4300/02 (WLD)	197
Phelps v London Borough of Hillingdon [2000] ELR 499; [2000] 3 WLR 776; [2000] 4 All ER 504, HL	51, 226
Phipps v Saddleback Valley Unified School District (1988) 251 Cal Rptr 720 (Cal Ct App)	177
Porter v City of Bradford Metropolitan Borough Council, 14 January 1985, Lexis	50
Purvis v New South Wales (Department of Education and Training) [2003] HCA (11 November, 2003)	216, 217, 220, 222, 228
Purvis obo Hoggan v State of NSW (Department of Education & Training) & Anor (2002) EOC ¶93	218
R v Governing Body of Cardinal Newman High School and Others ex p C [2001] ELR 359	54
R v Headteacher and Independent Appeal Committee of Dunraven School ex p B [2000] ELR 156	54
R v Head Teacher of Wembley High School and Others ex p T [2001] ELR 359	54
R v Independent Appeal Panel of Sheffield City Council ex p N [2000] ELR 700	55
R v London Borough of Camden and the Governors of Hampstead School ex parte H [1996] ELR 360	56
R v Secretary of State for the Home Department ex parte Tremayne [1996] CLY 4583	74
R (B) v Head Teacher of Alperton Community School and Others [2001] ELR 359	54

R (C) v Sefton Metropolitan Council Independent Appeals Panel and the Governors of Hillside High School [2001] ELR 393	52, 53
R (DR) v Head Teacher and Governing Body of S School [2003] ELR 104, CA	56
R (G) v Westminster City Council [2004] ELR 734	48
R (G by his father and litigation friend RG) v Westminster City Council [2004] ELR 135, CA	49
R (H) v Chair of the Special Educational Needs Tribunal, R School [2004] EWHC 981	208
R (M) v Secretary of State for the Home Department [2003] EWCA Civ 1406; [2003] All ER (D) 288	43
R (N) v Head Teacher of X School & Others [2002] ELR 187	53
R (N) v Secretary of State for the Home Department [2003] EWCA Civ 1406, [2003] All ER (D) 288	43
R (P) v Oxfordshire County Council Exclusions Appeals Panel and the Secretary of State for Education and Employment [2001] ELR 631	52, 53
R (Pretty) v Director of Public Prosecutions [2002] 1 All ER 1	42
R (S) v Governing Body of YP School [2003] EWCA Civ 1306	54
R (S) v Head Teacher of C High School and Others [2002] ELR 73	54
R (S) v London Borough of Brent and others, 9 May 2001 (unreported)	53
R (T) v Head Teacher of Elliott School [2003] ELR 160	53
Ray v School District of De Soto County (1987) 666 F Supp 1524 (M D Fla)	176
Re Hamish v Minister for Education of Queensland (1996) EOC 92	223, 224
Robertson v Granite City Community Unit School District No 9 (1988) 684 F Supp 1002 (SD Ill)	176
Robinson v St Helens Metropolitan Borough Council [2002] ELR 681	51, 226
S, T and P v London Borough of Brent Etc [2002] ELR 556, CA	53
School Board of Nassau County Florida v Arline (1987) 480 U.S. 273	170, 172
Smith v United Kingdom (No 1) [1999] IRLR 734	75
Southeastern Community College v Davis (1979) 442 US 397	170
State of NSW (Dept of Education) v HREOC & Purvis obo Hoggan (2001) EOC ¶93	218
State of Victoria v Bacon & Ors [1998] VICSC 58 (30 April 1998)	224
Stephanie Travers by her next friend, Wendy Travers v State of New South Wales [2001] FMCA 18	204, 215
Thomas v Atascadero Unified School District (1987) 662 F Supp 376 (C D Cal)	177
Theodore v The Delaware Valley School District 836 A 2d 76	78
TLO (1985) 469 US 340	76
Treatment Action Campaign v Minister of Health 2002(4) BCLR 356 (T)	184, 189

Velez Cajigas v Order of St. Benedict (2000) 115 F Supp 246 (D Puerto Rico)	172
Vernonia School District v Acton (1995) 515 US 646	76
W v Coker (1987) 676 F Supp 1072 (ED Okla)	176
Walker v Derbyshire County Council, The Times, 7 June 1994	50
Ware v Valley Stream High School District (1989) 551 NYS 2d 167 (NY)	179
White v Clitheroe Royal Grammar School Preston County Court http://www.drc-gb.org/thelaw/judgementdetails.asp?id=12	206
White v Western School Corporation (1985) IP85-1192-C, slip op (SD Ind)	173
Whitefield v General Medical Council [2003] IRLR 39	75
Y v Human Rights and Equal Opportunity Commission [2004] FCA 184 (4 March, 2004)	220
Zygorodimos v Department of Education and Training [2004] VCAT 128 (3 February 2004)	220

Table of Statutes and Other National Instruments

Australia

Anti-Discrimination Act 1991 (Qld)	
s 7(1)(f)	223
Disability Discrimination Act 1992 (Cth)	210
s 4	210
s 5	211, 218
s 6	211
s 22	211, 216
s 22(2)	218
s 22(4)	213
s 24(1)(c)	217
s 31(1)(b)	223
s 37	212
s 38	212
s 69	217
Education (General Provisions) Act 1989 (Qld)	223
Equal Opportunity Act 1995 (Vict)	224

Republic of South Africa

Child Care Act 1983	185
s 39(4)(b)	191
Constitution of the Republic of South Africa 1996	186
s 1(a)	186
s 7(2)	189
s 9	189
s 10	189
s 11	189
s 12(2)	189
s 14	189
s 15	189
s 18	189
s 24	189

s 27	189
s 28(2)	189
s 28(3)	189
s 29(1)(a)	189
s 32	189
s 36	191
s 39(1)	186
Employment of Educators Act 1998	194, 196
s 16	194
s 17	194
s 18	194
Employment Equity Act 1998	85, 187, 197
s 6	187
s 7	187
s 50	187
National Education Policy Act 1996	188
Promotion of Access to Information Act 2000	191
South African Schools Act 1996	188, 197
s 3	190
s 5(2)	190
s 8	193
s 9	195
s 12	195
 Russian Federation	
Constitution of the Russian Federation 1993	
Art 7	152
Art 15.4	151
Art 41	152, 154
Art 43	156
Art 55	151
Art 72	151
Art 114	151
Federal Law on Education 1996	
Art 5	156
Art 18	154
Art 28	152
Art 29	152
Art 30	153
Art 32	153