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Towards a humane learner punishment: A Lesotho secondary schools' teachers perspective

Abstract

This study examined teachers' interpretation of the Lesotho Education Act of 2010's phrase "cruel, inhuman and degrading punishment" and its impact on how learners are disciplined. For some researchers, punishment in schools is associated with corporal punishment. For this reason, researchers often focus on the issue of abolishing corporal punishment, thereby overlooking other non-physical forms of punishment despite them being equally agonising. This study departed from the interpretivist paradigm and adopted a qualitative approach. An open-ended qualitative research questionnaire was used to generate data. This was followed up with focus group interviews conducted with the teachers in some selected Lesotho secondary schools. The findings indicate that teachers interpret the above phrase as a mere referring to the abolishment of corporal punishment. Hence teachers still use other forms of cruel, degrading and inhumane punishments such as insulting and ridiculing the learners, despite the legislation protecting children against abuse. These forms of teacher behaviour not only constitute learner abuse, but also compromise the professional ethics by which teachers ought to abide. The recommendation made by the study is that teachers should be mindful of the teaching professional ethics taught to them during their pre-service training. In addition, Lesotho's Ministry of Education and Training, in collaboration with other stakeholders, should train teachers on children's rights and how to safeguard such rights in the school setting.

Keywords: *children's rights, cruel, inhumane and degrading punishment; international and regional treaties and protocols; teacher professional ethics; social contract theory.*

1. Introduction

Fundamental human rights are considered crucial and must be respected at all costs (McCowan, 2013). The promulgation and signing of the United Nations Convention of 1987, which refutes torture and other cruel, inhumane or degrading punishment, sealed the importance of human rights by member states. The same principle is captured in many other protocols and treaties such as the United Nations Convention on the Rights of the Child (UNCRC) (1989), Universal declaration of human rights (1948),

UNESCO Convention against discrimination in education (1960) and African Charter on the Rights and Welfare of the Child (1990). These international protocols and treaties regard torture and inhumane punishment as a crime. As a result, all member states of these international organisations are bound to prohibit torture as well as cruel, inhumane and degrading treatment in their communities.

2. Research problem

Children's rights are considered fundamental human rights. In the context of education, the primary interest is to safeguard the rights of the children. In particular, it is crucial to protect them from inhumane, cruel and degrading punishment. Hence the UNCRC (1989, Article 37[a]) stipulates:

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.

Thus, the UNCRC (1989: Article 1) considers a child as someone under the age of 18 years and who needs to be protected and cared for. This also covers learners in schools as their rights need to be protected too. In addition, they also need to be cared for and spared from any torture or inhumane treatment.

While Lesotho is a signatory to the above-mentioned convention on children's rights, it had to ratify the latter through promulgating its own legislation in order for this international convention to be legally binding. This means that in order for a treaty or convention to be enforced in Lesotho, there first needs to be an enactment of an appropriate national legislation to domesticate it (Kingdom of Lesotho, 2013; Shale, 2019). Hence Lesotho enacted the Education Act of 2010 (which was reviewed and amended in 2021). The Education Act of 2010 (Ministry of Education and Training [MoET], 2010: Section 4[4]) also reiterates the stipulation of the UNCRC (1989) that "...no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment". Lesotho further introduced the Codes of Good Practice (MoET, 2011) which stipulate that "a teacher shall treat the learners with dignity, respect and consideration of their circumstances". These documents were meant to domesticate the provisions made by the UNCRC (1989) regarding the children's rights.

Corporal punishment has been a phenomenon of interest among researchers such as Jacobs, De Wet and Ferreira (2013); Matheolane (2016) as well as Mahlangu *et al.* (2021). While the current study recognises the foundation laid by this other research, its main focus, however, is on other forms of punishment that are non-physical but that are equally horrendous. The premise held by this study is that there seems to be a lack of clarity on the meaning of the phrase "cruel, inhuman and degrading punishment". In our view, this stipulation does not only refer to corporal punishment, but to all forms of cruel, inhumane and degrading punishment. Nonetheless teachers and those vested with learner discipline in schools continue to practice other forms of non-physical punishment as though they are acceptable (De Wet, 2007). Thus, regardless of the pronouncement made in the international and regional treaties, some teachers perpetually ill-treat learners by verbally and emotionally torturing them.

The contemporary world faces considerable moral degradation to which some teachers also seem to contribute (Marica, 2013). While some teachers are humane and fully abide by regulations of the teaching profession, there are also those who lack such humaneness

and professionalism. This lack of ethical and legislative mindfulness not only degrades the learners and infringes on their rights, but it also tarnishes the image of the teaching profession (Gelmez-Burakgazi, Can & Coskun, 2020). Hence there is a need to demystify the above legal phrase with a view to enhance its interpretation and the application thereof. Against this background, the study sought to answer the following overarching question: *What are the Lesotho secondary schools' teacher interpretations of the phrase "cruel, inhuman and degrading punishment", as stipulated in the UNCRC (1989: Article 37) and in the Education Act (MoET, 2010)?*

3. Research objectives

In line with the above question, the study was guided by the following objectives:

1. To examine the Lesotho secondary school teachers' understanding of the phrase "cruel, inhuman and degrading manner";
2. To suggest strategies for promoting humane learner punishment in Lesotho secondary schools.

Having provided the research problem, overarching question, as well as guiding objectives, the next section focuses on the theoretical framework that underpins the study, and the relevant literature is reviewed.

4. Theoretical framework

This study is framed within the social contract theory as defined in the works of Curtis *et al.* (2017) as well as Fiesler, Garrett and Beard (2020). Aristotle first advocated this theory. According to Aristotle, human beings are seen as social animals. The gist of the social contract theory is succinctly captured in an excerpt from one of Aristotles' books, *The Politics*, which reads: "he who is unable to live in society or is sufficient in himself, must either be a beast or a god, he is no part of the state" (Koenane & Mangena, 2017: 62).

As suggested in the above excerpt, the social contract theory debunks the claim that "man is born free". Rather it holds that man is accountable to society and is bound by societal moral expectations (Holden *et al.*, 2012; Koenane & Mangena, 2017). At the core of this theory is the acknowledgment that absolute freedom could only result in vicious moral chaos since individual desires are bound to clash with the societal common good (Thornburg & Oguz, 2015; Curtis *et al.*, 2017; Fiesler *et al.*, 2020).

Aristotle's theory has since been applied in research on ethical competence and humane societal behaviour. It provides a substantial framework for research on teacher ethical and humane conduct. Teachers need to realise that by virtue of opting for the teaching career, they have signed a social contract and have pledged to live by the ethical obligations of this career (Sharma, 2020). This requires teachers to be mindful of their social accountability even when they discipline learners at school. Thus, in cases where they have to resort to punishment, they should seek strategies that are as humane and non-degrading as possible.

5. Literature review

The literature was reviewed in four areas, namely: conceptualisation of ethics, the significance of teacher professional ethics, the attributes of an ethically competent teacher and the definition of cruel, inhumane and degrading punishment.

5.1 *The concept of ethics*

The term “ethics” originated from a Greek word “*ethos*” or “*ethikos*” which stands for “seeking a path of wise action” or “general human moral dispositions” (Sultana, 2014). The concept of ethics is also described as a branch of philosophy that focuses on the nature of morality (Chowdhury, 2016). This branch of philosophy constitutes the prescription of norms and standards for human conduct. It further seeks to probe the reasoning behind human morality (Sultana, 2014; Chowdhury, 2016).

Ethics are universally accepted and are applicable in the individuals’ personal and professional lives (Sharma, 2020). There are two categories of ethics, namely: (1) theoretical ethics and (2) applied ethics (Gulcan, 2015). Under theoretical ethics, there are three sub-categories, namely: (1) normative ethics, (2) descriptive ethics and (3) meta ethics. Applied ethics, on the other hand, refers to professional ethics (Gulcan, 2015). Members of a particular profession are thus bound by codes of ethics for which they should profess a commitment and competence to uphold. This commitment forms the basis of a social contract between a particular profession and the society.

5.2 *The significance of teacher professional ethics*

A profession is founded upon service and promotion of the public good. By virtue of being members of the teaching profession, teachers have a moral obligation that requires them to exhibit ethical competence in relation to professional ethics that govern this profession. Teachers need to have specific abilities, techniques and ethical aspects that should create conducive teaching and learning environments (Seghedini, 2014)

Professional ethics, therefore, refer to how ethics are applied in the context of a particular profession (McPherson, Forster & Buchanan, 2019). These are regulated by standards that are often referred to as codes of ethics (Sultana, 2014). The code of ethics sets the boundaries within which professionals should operate. According to Bhusnar (2018: 205), “professional ethics incorporate the individual, authoritative and corporate benchmarks of conduct expected of professionals”. In the context of Lesotho, the governing code of ethics is in the form of the Teaching Service Regulations (2002), as well the Teachers’ Codes of Good Practice (2011).

Ethical issues permeate every aspect of a teacher’s life. As such, teachers find themselves having to make innumerable moral judgements in their different activities. This is exacerbated by the complexity and the multiple layers of the environment (Boon & Maxwell, 2016; McPherson *et al.*, 2019). As a teaching and learning environment, the school must nurture positive and harmonious co-existence among the various stakeholders involved, namely the students, parents, colleagues and educational authorities (Gelmez-Burakgazi, Can & Coskun, 2020). Hence it is crucial to cultivate professional ethics as a foundation for providing a respectful, safe, warm and friendly school context.

5.3 *Some characteristics of ethically competent teachers*

Ethically competent teachers are those that have subject-matter knowledge, reasoning skills, problem-solving skills, advocacy skills, self-awareness and a positive attitude towards the teaching profession (Schrijver & Maesschalck, 2013). Such teachers have ethical awareness; they are conversant with the relevant educational legal framework; they can anticipate ethical problems in real life and perceive them in time. They make sound ethical decisions; they have sharp cognitive skills to analyse and solve ethical problems the best way possible; they

can discuss and handle ethical problems at class or school level as well as contribute to formulating ethical principles and guidelines (Lilja, *et al.*, 2018).

Due to the social contract that the teachers have with the communities that they serve, their behaviour is constantly under scrutiny in terms of whether they display the required level of ethical proficiency and humaneness (Gluchmanova, 2017). A teacher is seen as a personification of some of the following ethical standards: wisdom and display for the highest acumen, integrity and honesty, fairness and prudent action, motivation and learner encouragement, care and empathy for the learners, respect and consideration for all the stakeholders, respect for spiritual and cultural values, diversity, social justice and democracy (Gelmez-Burakgazi & Can, 2018; Devika & Dilip, 2019).

5.4 Clarifying the meaning of “cruel, inhuman and degrading punishment”

There appears to be a dearth of literature regarding the definition or interpretation of the phrase “cruel, inhuman or degrading punishment” of the learners (Boulos, 2019). Although many international treaties and protocols prohibit cruel, inhumane and degrading treatment, none of them gives a definition of this crucial stipulation (O’Donnell & Liwski, 2010). As a result, the definition and interpretation of the phrase “cruel, inhuman and degrading punishment” remains quite confusing. This, therefore, complicates the interpretation and application of this policy clause since the users cannot actually figure out what it really prohibits (Waldron, 2010).

Adler (2018) suggests that the best way to demystify this phrase is to individually describe the words that make up the phrase. The first word in the phrase is “cruel”. Steinneford (2017) observes that the term cruel, although ambiguous, should be described based on the legal context in which it is used. Thus, the term cruel should be explained regarding the manner and degree of the punishment inflicted on the victim. In line with the foregoing view, cruel punishment is defined by Alastin (2006) as an extreme form of punishment meant to inflict substantial and maximum pain that can be avoided by giving a lesser punishment to the culprit. Mendez (2015:4) posits that “even very short periods of detention can undermine a child’s psychological and physical well-being and compromise their cognitive development”.

Another important word in the phrase is “inhuman”. In the school context, inhuman punishment is a well-orchestrated plan intended to harm a person physically, emotionally and psychologically (Arai-Yokoi, 2003). Nonetheless, it is imperative to note that there is a thin line between torture and inhuman treatment. The difference between the two lies in the extent of emotional and physical distress assumed to be suffered by the victim and must be intuitively and factually scrutinised (Arai-Yokoi, 2003). The severity of punishment is dependent on factors such as gender and age of the victim as well as the period of the punishment (Organisation for Security and Co-operation in Europe, 2013).

Another equally important term from the phrase is “degrading”. Degrading punishment means the type that is grossly embarrassing and shameful to the victim (Fenwick, 2007). This is the kind of punishment that humiliates a person in a way that weakens their human self-esteem and/or self-respect and breaks their spiritual and physical well-being (Arai-Yokoi, 2003).

The last word in the phrase is “punishment”. The concept punishment comprises hurting, causing suffering through depriving a person of something (Canton, 2017). Additionally, punishment is viewed as unethical since it involves perpetrating negative methods to correct

and transform the person's manners (Scott, 2009). Therefore, "cruel, inhuman and degrading punishment" is the kind that uses unconventional and negative methods. It causes unbearable physical pain and emotional distress. It is hence advisable that international and local laws clearly stipulate the punishment methods that fall in this category. This may sensitise and help teachers to be mindful of the ethical and legal boundaries in their application of the various disciplinary or punishment measures.

6. Research design and methodology

This study is underpinned by the interpretivist paradigm, and a descriptive qualitative research design (Merriam, 2014) was adopted to examine interpretations of the teachers regarding the meaning of cruel, inhuman and degrading punishment. Descriptive designs seek to understand the meaning or definitions that the participants have constructed about a particular phenomenon. Cohen, Manion and Morrison (2011) add that the process of meaning-making is also reflexive in nature. Hence it compels the participants to reflectively interrogate and redefine their own perceptions about a particular phenomenon.

An open-ended qualitative research questionnaire was used in this research study to generate data. Even though this method did not allow probing, it still allowed ample data generation. This was followed up with focus group interviews conducted with the teachers in some selected Lesotho secondary schools to elicit their perspectives. The assumption was that group interaction would create a less intimidating platform while at the same time allowing participants to freely give their views on the issue of teacher misconduct freely. This style of interviewing also allowed probing for in-depth exploration of certain issues (Cohen *et al.*, 2011). The reason for following up a qualitative questionnaire with focus group interviews was to supplement the data and to ensure crystallisation of the data collection methods.

6.1 Selection of participants

The population for this study consisted of the Lesotho secondary school teachers. The participants were purposively selected (Cohen *et al.*, 2011) by virtue of having the minimum of three years teaching experience. The assumption was that they may have at some point had to discipline and punish the learners, or they may have on some occasion witnessed their colleagues punishing learners. Thirty-two teachers took part in the study. Thus, twenty teachers were requested to respond to a qualitative questionnaire, while twelve were interviewed in two focus groups of six participants each.

6.2 Ethical considerations

Ethical issues that are espoused by research communities globally were observed by issuing informed consent to the participants. No one was coerced into participating and the participants' right to opt out of the research project was reserved. Confidentiality and anonymity were observed by ensuring that none of the presented findings could be traced back to the participants (Strydom, 2011). The participants were given pseudo-codes to disguise their identity and to enable ease of reference in the reporting of the findings. Hence, the participants were labelled T (Teacher) 1 to T32. The audio tapes and data transcriptions were safely locked away with the intention to destroy them after five years.

7. The findings

Data from the qualitative questionnaire and the focus group interviews were transcribed verbatim and inductive codes were used for analysis (Merriam, 2014). Due to the overlapping themes, the findings were synthesised and categorised into the following main themes: (1) Awareness of the legal framework that guides Lesotho education; (2) Interpreting the phrase “A learner shall not be subjected to cruel, inhuman and degrading punishment”; (3) Forms of cruel, inhuman and degrading disciplinary practices prevalent in the schools; (4) Strategies for curbing cruel, inhuman and degrading learner punishment; and (5) Advocacy to stop cruel, inhuman and degrading learner punishment.

7.1 Awareness of the legal framework that guides the Lesotho education

Before examining the teachers' understanding of the phrase “cruel, inhuman and degrading punishment”, the participants were first asked to identify the laws that guide education and welfare of the children in Lesotho of which they were aware. The following responses were given:

I am aware of the following laws that guide education and welfare of Basotho learners in the country: the Lesotho Education Act 2010 and The Constitution of Lesotho, 1993 (T1).

I am aware of the Lesotho Education Act, 2010 (T2).

I truly do not know any specific laws (T5).

I bought the Education Act, 2010 from Lesotho Government Printers (T9).

The Strategic Plan and the Lesotho Inclusive Education Policy (T14).

The Constitution of Lesotho, Children's Protection and Welfare Act (2010) and Education act 2010 (T20).

The foregoing findings indicate that while some teachers are aware of the legal and policy documents that govern education in Lesotho, there are also those who are unaware of the pertinent legal framework within which they ought to operate. As part of their social contract, teachers need to know and abide by the legal framework that governs their profession. This lack of mindfulness regarding legislature may imply recklessness on the part of teachers.

7.2 Interpreting the phrase “cruel, inhuman and degrading punishment”

The participants were then asked to describe their understanding of the policy clause that reads “A learner shall not be subjected to cruel, inhuman and degrading punishment” (The UN Convention on the Rights of a Child, 1987, Article 37; Education Act of 2010 Section 4(4)). These are the interpretations that came to the fore:

My understanding, as far as the Education Act is concerned, is that any learner in Lesotho shall never be intentionally hurt either physically or emotionally by anybody. For instance, that corporal punishment is said to be inconsistent to the supreme law of Lesotho as it contravenes the Constitution of Lesotho where it states that “every person in Lesotho is entitled to freedom from inhuman treatment as a legal fundamental human right and other freedoms (T1).

I do not know the education act but I think the cruel, inhuman and degrading punishment refers to the cases where the learners are torched physically, insulted and mocked. For example, a teacher may use a stick which has thorns to beat a learner at sensitive body parts (such as the buttocks), shouting and telling the learners how dirty they are (T3).

Teachers are not supposed to hurt children because the children may hide or drop out of school due to the cruelty, inhuman and degrading punishment that is imposed on them (T11).

I think punishment is ingrained in our school culture. I believe the way the punishment has been done all these past years is the best way to deal with the learners (T18).

From the above findings, it can be noted that there are teachers who are aware that harsh and cruel punishment is against the supreme law of the country and that it may push some learners to drop out of school. However, some of these teachers interpret the phrase "cruel, inhuman and degrading punishment" as corporal punishment. Nonetheless, they still continue to lash the learners because it is part of the school culture, and they are convinced that it is the best way to deal with the learners. More worrisome, teachers are not only ignoring the legislature, but they are also breaching their social contract and accountability to the stakeholders.

7.3 Forms of cruel, inhuman and degrading discipline prevalent in the schools

The participants shared their experiences where teachers punished the learners in a cruel, inhumane and degrading manner. They further stated some of their reasons for that kind of treatment. This is what they said:

There are some instances which require corporal punishment. Sometimes it is administered by the principal but sometimes it is done by teachers, including me. We resort to corporal punishment as a result of frustration that can be triggered by lack of emotional control. The act itself negatively affects the mental health of a person who tries to discipline the learners (T2).

In cases where we think the learners' offences are outrageous, we team up to lash them. We make them lie flat on the floor, on their stomachs, and we lash their buttocks (T5).

We do lash students for their misbehaviour. Some offences need us to help the learners to do self-introspection (T9).

We detain them after school hours and assign them to clean the school surroundings (T19).

I use punishment at home, both physical and emotional punishment, and I definitely do it at school as well (T23).

Sometimes we hurt the learners physically or emotionally in a way that will make them feel less of persons. For instance, we beat the learners on the bottoms and call them names. We label them according to their physical appearance (T26).

As noted from the preceding findings, the punishment methods that are prevalent in some of the schools include harsh corporal punishment even though teachers are aware that it is illegal to administer it. Other forms of punishment also consist of name calling,

detention, as well as undisclosed physical and emotional torture. Participants even went further to acknowledge the negative psychological effect of the cruel, inhumane and degrading punishment to the learner and the teacher. These findings confirm that teachers who practice these forms of inhumane punishment have neglected their contractual obligations to protect and care for the learners.

7.4 Strategies for curbing cruel, inhuman and degrading learner punishment

The participants suggested the mechanisms that can be used to discipline the learners without being cruel, inhumane and/or degrading to them. The following strategies were proposed:

Learners should be empowered through the provision of life-skills education and counselling. These mechanisms can nurture or instil the expected discipline in the learners. Most importantly, these can, as a result of routine practice, serve as the alternative discipline mechanisms (T2).

Keeping the learners busy with tasks could curb misbehaviour. Teachers should not exercise their power over the learners. Rather, they should talk to them and help them to realise where they went wrong. Learners should be helped to learn from their mistakes (T7).

Provision of constructive criticism towards the learners is required through, for example, motivation, teamwork, time management and communication (T28).

It is crucial to talk to the students about their bad behaviour and reward good behaviour (T32).

The findings reveal that upon reflection, participants realised the negative effects of cruel, inhumane and degrading punishment. They therefore suggested the following strategies in order to curb such punishment: empowering and influencing the learners' behaviour through the introduction of life-skills education, counselling, keeping the learners meaningfully engaged or busy, communicating the expectations and providing constructive criticism.

7.5 Advocacy to stop cruel, inhumane and degrading learner punishment

The participants further appealed to their fellow teachers to treat the learners in a manner that is not cruel, inhumane or degrading. These were their appeal statements, in their own words:

My fellow teachers should be empowered with life-skills and counselling orientations through in-service or workshop programmes. Moreover, the Ministry of Education should see to it that teachers are taught the Education Law (T2).

Teachers should remember the teaching profession ethics taught to them during their training. They should create friendly classroom environments; the learners are not prisoners they should feel free around their teachers (T6).

Listen to the learners carefully; that is, listen to what the learners have to say and talk to learners in a precise and soft tone using words that are not harsh but soothing (T10).

Learners are different so they need to be treated differently. We need to know our learners individually in order to choose the appropriate mechanism for disciplining or punishing them (T13).

Teachers should show genuine interest in their learners and let them know that getting to know each of them as an individual is important; they should ask the learners about their opinions, interest and backgrounds as well as the social beliefs and religion (T17).

In their plea to the teaching fraternity to stop all forms of cruel, inhumane and degrading punishment, the participants emphasised that the teachers should be mindful of the teaching profession ethics taught to them during their pre-service teacher education. This implies that they should also be mindful of the social contract that they signed by virtue of opting to become teachers. For instance, they should seek to create a friendly school climate where the learners are nurtured and listened to. They also emphasised the need for the MoET to provide in-service training to empower the teachers with life-skills and counselling skills, as well as to promote awareness and proper interpretation of the education laws.

8. Discussion and recommendations

Despite the implementation of the UN declarations and other national as well as international treaties on school discipline that include: the UNCRC (1989: Article 37), the Education Act (MoET, 2010), the Children Protection and Welfare Act of 2011, and the Code of Good Practice (MoET, 2011), it seems that there are still teachers who are not aware of the policies and the legal framework within which they ought to operate. Even those who are aware of these documents seem to ignore or misinterpret them. As revealed by the findings, such teachers not only use harsh corporal punishment, but they also perpetually subject the learners to other cruel, inhumane and degrading forms of punishment such as name calling, detention as well as other undisclosed physical and emotional forms of torture.

While there are those participants who concede to the negative psychological effects of harsh punishment on both the learner and the teacher (Steinneford, 2017), there are some who recognise the latter as the best way to deal with learner misbehaviour. It seems that the Lesotho MoET needs to liaise with the different stakeholders (such as parents, communities and school management teams) to train the teachers on alternative and more humane methods of disciplining the learners as well as to promote the awareness and proper interpretation of the pertinent legislature.

The literature indicates that “cruel, inhuman and degrading punishment” is the kind of punishment that uses unconventional and harsh methods; it causes unbearable physical pain and emotional anguish (Steinneford, 2017; Adler, 2018). As confirmed by the findings, the above-mentioned forms of punishment not only cause distress to the learners but sometimes even push the learners to drop out of school. Apart from being tantamount to child abuse and compromising the teaching professional ethics (Gelmez-Burakgazi & Can, 2018; Devika & Dilip, 2019); they also contravene the social contract that teachers got into by virtue of choosing the teaching career (Curtis *et al.*, 2017; Fiesler *et al.*, 2020).

In this regard, teachers are not only urged to recall the professional ethics instilled in them during their pre-service teacher training, but they are also persuaded to seek alternative behaviour-changing mechanisms that could curb cruel, inhumane and degrading punishment. These include consciously creating a friendly and nurturing teaching and learning environment, empowering and influencing the learners' behaviour through the introduction of life-skills and counselling, keeping the learners meaningfully engaged or busy, communicating expectations, providing constructive criticism and rewarding good behaviour.

9. Conclusion

This study sought to examine Lesotho secondary school teachers' perspectives in interpreting the legal phrase "cruel, inhuman and degrading punishment". Adversely, the findings indicate that the teachers misinterpret the stipulation as a mere abolishment of corporal punishment. Teachers continue to use corporal punishment and other forms of cruel, degrading and inhumane punishment such as insulting, ridiculing, name calling and detaining the learners despite the legislation protecting children against these forms of torture. Such teachers' behaviour is not only tantamount to learner abuse, but it also compromises the teacher's social contract, as well as professional ethics by which they ought to abide.

In the final analysis, the position taken in this study is that the phrase "cruel, inhuman and degrading punishment" does not refer to abolishing corporal punishment. Rather, it covers all other forms of punishment, physical and non-physical. The key recommendations made by the study are that the Lesotho MoET, in collaboration with other stakeholders, should provide in-service training for teachers about children's rights and their protection in schools. Moreover, teachers should be educated about the legal framework that governs the teaching profession so that they can be mindful and act within the boundaries of teacher professional ethics. They should also seek to create warm and friendly learning environments and find alternative non-cruel, humane and non-degrading mechanisms such as instilling life-skills and providing counselling. Most importantly, teachers should refrain from breaching the social contract by which they have sworn to live and work. The bottom-line is that teachers should always care for and nurture the learners' wellbeing.

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