



CHAPTER 12

Investigating the realization of learners' rights to education: A case of South African school infrastructure

K B Mampane

Department of Education Law

Faculty of Education

North-West University

Mahikeng, South Africa

Abstract

The purpose of the research reported in this chapter was to examine how the right of learners to education are being realized by placing particular emphasis on school facilities. The effective realization of learners' right to education rests on the equal distribution of resources in various schools. It is presumable that, due to inadequate school facilities, the right to education is not always practised and fully realized. Five principals, five Heads of Department, and five teachers from five separate schools in the province of Mpumalanga were randomly selected for participation in this qualitative research study. The results make it quite evident that the Department of Basic Education failed to provide adequate school infrastructure, and this nefarious act assisted in violating learners' rights to education. Semi-structured interviews were conducted with the aim of acquiring information regarding school infrastructure by applying a qualitative method. It was discovered that South African schools lack libraries and laboratories; have

damaged classroom structures; and have subpar sanitary facilities. While some schools have excellent infrastructure, others lack even the most basic services. The government's subpar infrastructure facilities directly contributed to the infringement of learners' rights to education.

Key words: *Realization, Learners' Rights, Rights-Based Approach, Infringes, Human Rights, Infrastructure*

12.1 Introduction

The South African educational system has long been plagued by inadequate school infrastructure, which prevents learners from attaining their rights to education. The Department of Basic Education is involved in several legal disputes involving carelessness and subpar school facilities (Liebenberg 2016). Unpleasant conditions result from poor infrastructure facilities and provision, which is something that violates students' rights to education (Mampane 2013:37). There is a backlog of work in many schools and a lack of adequate educational infrastructure, particularly in rural areas. Liebenberg (2016) further states that most classrooms at schools are made of mud and are in disrepair. The sanitary system is also in disrepair, and there are at times no restrooms for teachers or students. In many schools across the nation, quintiles 1-3 schools suffer from severe library, lab, and clean water shortages. This differential provision of school infrastructure resulted in separate development, which was sparked by apartheid legislation and directly led to societal inequities. Chabalala (2022) and Mampane (2021) argue that although the Department of Basic Education has implemented various legislation, such as the South African Schools Act and the

CHAPTER 12

Minimum Norms and Standards, they have failed to provide schools with adequate sanitation (Mampane 2013: 41), sufficient classroom space, and other necessary resources to ensure that every child has access to a basic education.

To realize learners' rights to education, the research reported in this chapter analysed the underfunding of school infrastructure through focusing on negative effects it has towards receiving quality education in a more favourable setting. The research further examined the lack of equal distribution of school infrastructural resources within the South African schools.

12.2 Problem Statement

A growing number of examples of learners' rights to education being infringed in learning institutions, including refusal of admission to fundamental education; shortage of textbooks; and an inadequate school infrastructure in South African schools, served as impetus for this study. The ineffective and insufficient provision of school infrastructure facilities, which results in significant structural defects due to inadequate supply inside schools, presents a challenge for the South African educational system. Obviously, this must be addressed through appropriate reforming methods. The rights of learners to education is infringed by this subpar infrastructure at schools and its lack of supply. Section 29(1)(a) of *The Constitution of the Republic South Africa* guarantees learners' rights to basic education within the South African educational system. However, this right to education cannot be realized due to the inadequate school infrastructure. According to Motani and Harding (2022), a lack of suitable school

infrastructure makes it difficult for many South African schools to provide learners with quality education.

The South African School Act outlines clear guidelines for the development of school infrastructure in Section 5A (South African School Act 1996). These guidelines include the requirement for the number of learners, the number of classes, and the choice of whether to construct libraries, laboratories, electricity and running water. Although the South African School Act gives the Minister of Basic Education instructions to address the related school infrastructure issues, the nation is still beset by problems that violate learners' rights to education because enough school infrastructure is unavailable.

Although the South African education system has procedures in place to address problems that infringe on learners' rights to education, the outdated infrastructure of many schools needs to be completely replaced. The non-fulfilment of the objective to realize learners' rights to education is worsening due to poorly maintained schools in various provinces (Draga 2017: 242). For example, four learners died and twenty were injured at the Hoërskool Driehoek in 2019 because of a crumbling sidewalk, thus providing a concrete illustration of this tragic and deadly situation.

According to research conducted internationally, a considerable number of people in the Sub-Saharan Africa region, mostly in the countryside areas, use open fields for defecation and excretion (Zuid et al. 2019). To achieve the Sustainable Development Goal (SDG) for sanitation, researchers urge for an immediate correction and the rectification of the ablution system, which includes getting

CHAPTER 12

rid of pit latrines (World Health Organization 2017; Jenkins & Sugden 2006; O'Railly & Louis 2014).

Added to this, because there is a constant risk of pit-latrine drownings in South African schools, learners are not given the chance to exercise their respective rights including the right to safety. Kekana (2022) provides the example of a case of a five-year-old Grade R boy who tragically drowned in a pit toilet at Mahlodumela Primary School in Limpopo while using the school bathroom. This atrocious incident is also captured in the case of *Komape and others vs The Minister of Basic Education* (case number 1416/2015), wherein the Presiding Judge Gerritt Muller ruled out that pit toilets should be eliminated and that the Department of Basic Education should build proper hygienic restrooms for schools in the countryside of Limpopo Province. In this instance, it was noted that pit toilets are regarded to be dangerous and unclean. This is an indication that, in schools, safety precautions are not always guaranteed.

Under these conditions where school infrastructure is risky, the educational system thus also disregards safety. Saba, Macupe and Pather (2022) provide another example of a five-year-old kid, named Lumka, who fell into a pit latrine in the Eastern Cape in 2018. The fact that there are currently 1500 Eastern Cape schools with pit latrines that are broken, dirty and unhealthy is concerning (Sizani 2022). Furthermore, it is reported that 570 learners in the Eastern Cape lack access to adequate sanitation, and they use the field as a toilet (Makwarela, Mammen & Adu 2017; Sizani 2022). Therefore, the use of such facilities violates several sections of the South African Constitution's Bill of Rights, including Section 9 on equality, Section 10 on human dignity, Section 11 on

life, Section 24 on the environment, Section 28 on children, and Section 29 on education (Chabalala 2022; Kekana 2022; and Saba, Macupe and Pather 2018).

The use of unhygienic pit toilets, especially in rural regions, has a devastating effect on the educational environment in South Africa. Nine hundred schools lack adequate sanitation facilities, that is, according to the Department of Basic Education (Department of Education 2011; Department of Basic Education 2017).

There is severe infrastructure decay throughout the South African educational system. In rural South Africa, most schools either lack or have inadequate facilities. Seroto (1999) asserts that historically, infrastructure for schools was provided using a discriminatory method during the apartheid era. The Bantu Education Act, which governed black education at the time, was maliciously engineered to favour White minority schools over Black majority schools in terms of school policy. The Bantu Education Act established an oppressive racial framework for supplying Black learners with educational facilities within their societies. The former Model C schools were supported by an unfair system, while quintiles 1, 2, and 3 schools received little attention (Adams 2020). Mtsweni (2022) avers that the right to education is the main way that people who are socially and economically disadvantaged can escape poverty and gain their independence. It is understood that, with the Norms and Standards properly set in place as stipulated by legislature, schools should not have infrastructural issues to the point where they stop advancing and defending learners' rights to education.

CHAPTER 12

Given the foregoing, for purposes of collecting and documenting relevant data, the researcher needed to be directed by the following research question, namely:

- How are learners' rights to education infringed upon by the lack of infrastructure?

The primary aim that shaped the focus and the goal of the study namely was to explore how learners' rights to education are infringed upon by the lack of proper school infrastructure. The research reported below focused on the underfunding of school infrastructure the unequal infrastructural provision in South African schools, and the negative effects it has on quality education in schools.

12.3 Literature Review

Researchers from all around the world (Amsterdam 2010; Chilufya, Muleng & Ngoma 2021; Clark & Stephen 2002) are becoming increasingly aware of the importance of a learner's learning environment as a primary predictor of academic performance. It has been determined that the infringement of learners' rights to education is related to the absence of adequate school infrastructure (Amsterdam, 2010). Chilufya, Muleng and Ngoma (2021) point out that an essential component of delivering high-quality instruction in all schools is the school infrastructure. As a result, many research studies focusing on school infrastructure concentrate on the direct causal relationship between the academic climate at a school and the absence of infrastructure provision (Amiroso, Teixeira & Gresham, 2017; Bray, Clark & Stephens 2002).

12.3.1 Type of Infrastructural Provision

The Norms and Standards on School Infrastructure, reflected as part of the planning and provision of school infrastructure (Department of Basic Education 2012 & Department of Education 2001), stipulates in Regulation 4(1)(a) that the following school infrastructure should be provided in all public schools, namely: sanitation; water; classrooms; libraries; sport and recreational facilities; perimeter fencing for school safety; and the supply of electrical infrastructure. The discussion below gives a clear outline of specific school infrastructures that are important for promoting and protecting learners' rights to education.

12.3.1.1 Classroom

The lack of classrooms generally and globally is evidence of the infringement of learners' rights to education (Coomans 2007; Kumar & Misra 2016; Singh 2010; Sofia 2017). The promotion and protection of learners' human dignity, as well as the availability of sufficient, suitable supply of the pertinent structure to accommodate learners for tuition, are necessary for the achievement of learners' rights to education (Ersoy 2012; Murray 2010). According to Mthombeni (2010) and Zwane (2017), good structural buildings, which serve both as classrooms for learners and shelter them from outside elements, constitute appropriate school facilities.

Human Rights Watch reveals, in their international studies, that Greece lacks adequate classroom space, which prevents some learners from attending classes at the Malakasa Camp in 2021 (HRW 2021). Similar trends exist in South African schools whereby classroom space is lacking, leading to the violation of

CHAPTER 12

learners' rights to education. Therefore, the government should provide an adequate classroom infrastructure that is suitable for the actualization of teaching and learning for learners to attend school regularly (Slatter 2020; SAHRC 2012; UNICEF 2012; & Singh 2015). In the Charter of Children's Basic Education Rights, the SAHRC (2012) argues that it is the governments' mandatory duty to provide sufficient schools and classroom facilities suitable to create an environment conducive to teaching and learning.

12.3.1.2 Electricity

According to the South African Human Rights Commission (SAHRC 2012), the government is required to provide electrical infrastructure to all schools, and any failure to do so is seen as a direct threat to the operations and functions of the Rights-Based Approach to address unequal distribution of necessities as prescribed by the South African Constitution. In South Africa, there is a sizable number of schools without electricity, and this situation requires immediate attention (Mangipudy & Venketa 2010; UNICEF 2012). Slatter (2020) affirms and refers to the substantial number of schools lacking power, particularly in rural regions, and suggests enforcement actions to force the Department of Basic Education to respond to this urgent need to defend learners' rights to education.

According to the General Household Survey for 2018 learners faced several obstacles in the classroom that prevented them from achieving their fundamental right to education (Stats SA 2019). One of these obstacles is the dearth of electrical infrastructure in schools, especially in rural areas. The availability of electrical infrastructure is the responsibility of the government, according to

the international commitment made by the Universal Declaration of Human Rights. Motha (2020) asserts that the emergence of COVID-19 has made the problem of inadequate electricity supply much worse. The world of teaching and learning is grossly affected by electricity outages. Phiri and Phiri (2017) argue that the lack of supply of electricity in schools by the government has a tremendous negative impact on Computer Applied Technology teaching and learning processes in Zambia and, currently, load shedding in South Africa is regarded as 'worse than COVID-19 pandemic' (Lebuso & Dlamini 2023).

12.3.1.3 Water supply

The government directly bears the responsibility and duty to provide the water infrastructure necessary to give clean water to schools, and it is accordingly held accountable when it fails to do so. Because proper hygiene is not practised in schools without clean, running water, the government's inability to provide proper water infrastructure that ensures the provision of clean water violates the learners' rights to education (Mthombeni 2010; Zwane 2017). Broberg and Sano (2018) maintain that a Rights-Based Approach to developing adequate school water infrastructure should ensure that the most vulnerable citizens have access to fundamental necessities such as water supplies for all schools. In South Africa, this is not a reality despite the Department of Basic Education's intention that the infrastructure's water supply should have reached 2,400 schools that lack access to clean water or have insufficient water supply as stipulated in the Norms and Standards for School Infrastructure (Department of Basic Education 2012 & Department of Education 2001).

CHAPTER 12

12.3.1.4 Library, laboratories, and electronic activities at school

Among the physical resource infrastructure needed at schools are proper and equipped libraries; laboratories with relevant instruments to be used by the learners; and electronic activities within the schools (UNICEF 2012 & StatsSA 2019). Sports and recreational facilities are not provided adequately in schools.

12.3.1.5 Perimeter security and school safety

UNICEF (2019) provides measures to deal with learner safety within a school to promote learners' rights to education, which includes the provision of proper school fencing to promote the safety of learners. These measures involve the participation of parents and the neighbourhood in attaining quality and proper education. The perimeter security measures, and school safety measures include environmental issues, school basic safety measures, minimum school functionality, and school enrichment, and are discussed below.

12.3.2 Environment

According to the Guidelines for Planning Public School Infrastructure (2012) proper school infrastructure; school-appropriate furniture; pertinent school equipment; books; and instructional material are necessary for efficient teaching and learning. However, there are steps a school can take to enhance the learning environment and thus support learners' rights to education. Learners' rights to a safe environment, free from harm, are pertinently reflected in Section 24 of the Bill of Rights of the South African Constitution. The provision of school infrastructure is categorized and graded as follows: fundamental safety, minimal

functionality, optimal functionality, and enrichment, for the purpose of debating the learners' rights to education being violated. The objective is that the physical environment of a school must be aesthetically pleasing and up to code to support learners' legal rights to education. Below is a discussion of specific categories of basic infrastructural needs that should promote and protect learners' rights to education.

12.3.2.1 Basic safety

A school's 'basic safety,' as set out by Nepal (2016), refers to the grading assessment of the school safety that looks at the factors that may cause pain and suffering to learners, which may drastically cause interruption of actual teaching and learning and eventually deny learners to recognise their respective right to education (Mollo 2015). The school infrastructure refers to providing an environment that may not cause any harm to learners which may eventually infringe on learners' rights to education (Nepal 2016). Therefore, by implication, a school's infrastructural environment must promote the basic safety of learners to enable effective teaching and learning as a core function of a school (Human Rights Watch 2021). School basic safety allows for school functionality (Nepal 2016).

12.3.2.2 Minimum functionality

The minimum functionality evaluates the school environment based on the school grading safety that focuses on the appropriate supply and provision of resources to enable teaching and learning to continue unhindered (Nepal 2016). According to Ruth Deakin, Barbara, Alice, Patricia and Marilyn (2007), a school environment should have appropriate resources and basic

facilities in the form of infrastructural provision to allow the core functionality of the school to operate and function unhindered. A conducive environment, with proper school facilities, promotes teaching and learning to aid the promotion of learners' rights to education (Cash & Twiford 2010). A direct link exists between minimum and maximum school functionality (Dawn 2010).

12.3.2.3 Optimum functionality

Optimum functionality in school refers to the grading of school environmental safety based on the provision of resources and facilities to achieve the basic functionality of a school (Earthman & Lemaster 2011). The learners' rights to education are protected and promoted when there are enough and adequate physical resources to function beyond the safety measures expected, as the safety of learners at school is promoted by a friendly environment (Dawn 2010). Hence school enrichment with appropriate resources is needed to equip schools with proper infrastructure. Both the school's maximum and optimum functionality promote school enrichment (Department of Education 2011).

12.3.2.4 Enrichment

The enrichment within a school environment refers to a school grading that verifies school resources' effectiveness in terms of specific objectives, as determined by the Minister of Basic Education in evaluating compliance to optimum functionality. Learners' interaction with a school's friendly environment creates an optimum functionality of the school by protecting all the learners against any physical and emotional harm (Department of Basic Education 2012, Department of Education 2011). The lack

of provision of the above discussed and categorised infrastructural items, leads to serious dire consequences and decaying school buildings.

12.4 The After-effects of Non-Provision and Decaying School Infrastructure

School infrastructural decay and non-provision cause harm and trauma to learners and result in the learners’ rights to education infringement (Bonal & Gonzalez 2020). Learners’ rights to education, similar to human rights, must not be ignored in any learning institution (Naicker, Myburgh & Poggenpoel 2014). Thus, Coetzee and Mienie (2013) emphasise the point that educators must always be the promoters and protectors of learners’ rights in school by acting in *loco parentis*. The after-effects of school infrastructure non-provision have serious ramifications as outlined in Table 12-1 below.

The Development Bank of Southern Africa (2022) gives a clear outline of the causes of poor school infrastructure, as juxtaposed with the results of poor and non-provision of school infrastructure, depicted in the table below.

Table 12-1: Causes and Results of Poor and Non-Provision of Proper Infrastructure

Causes of poor and non-provision of infrastructure	Results of poor and non-provision of proper infrastructure
Shortage of funds Insufficient provision of developmental resources	High learner drop-out rate. Poor academic performance

CHAPTER 12

Poor repairs of resources	Infringement of learners' rights to education
Poor maintenance of resources	Infringement of learners' rights to safety and health

Source: Development Bank of Southern Africa (2022)

The discussion of the transgression of learners' rights to fundamental education becomes incomplete without highlighting the appropriate solutions that can be used to redress the existing atrocious narrative of the lack of provision of adequate and proper infrastructure. Below is the flow chart provided by the Development Bank of Southern Africa (2022) that attempts to show a plan for dealing with problems emanating from the lack or non-provision of adequate school infrastructure. The plan can assist the officials of the Department of Basic Education to effectively make provision for the school infrastructure.

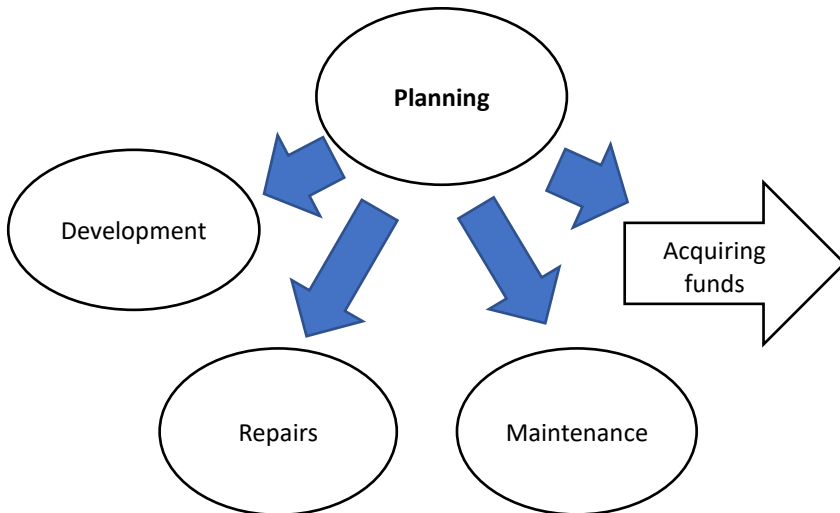


Figure 12-1: Solutions for the Provision of Infrastructure

Source: Development Bank of Southern Africa (2022)

The government must plan the provision of the school infrastructure: plan for the building and development, the repairs, and the maintenance. The Development Bank of Southern Africa (2022) emphasises that effective provision rests upon proper planning for adequate and equal distribution of relevant resources, through weighing repairs and maintenance that need to be done while planning for further development. Barrett, Traves, Shmis, Ambasz and Ustinova (2019) argue that acquiring enough funds will enable the Department of Basic Education to provide proper learning infrastructural facilities equally in South African schools.

Theoretically, educators' understanding of learners' rights to education was viewed by the researcher through the lens and perspective of the Rights-Based Approach to education. The research inquiry offered insight into how teachers understood

learners' rights to education; how those rights were infringed upon; and suggested ways to stop the growing transgression of learners' rights to education in schools, particularly through the lack of school infrastructural provision.

12.5 Theoretical Framework

12.5.1 Rights-Based Approach to Learners' Rights to Education

Conceptualisation of the theory on the Rights-Based Approaches to education finds its primary connotations in human rights, conflicting class struggles and the battles opposing gender discrimination among individuals in various communities (Boerefijn, Brouwer & Fakhreddin 2001; Berglas, Constantine & Ozer 2014). Hurst (2001) strongly holds the opinion that the conceptualisation of a Rights-Based Approach to education is derived from efforts to recognize the integrity and virtues of people with disabilities, whereas Sen (1999) holds that the Rights-Based Approach to education finds its original essence in the immense spectrum of all human political struggle. As civil society fought for political rights with the goal of achieving financial emancipation, cultural freedom and societal emancipation, the Rights-Based Approach evolved over time. Consequently, the idea of a Rights-Based Approach shows that all people, whether natural or conventional, have rights within the human rights area that they are entitled to because they are people (Jonson 2003).

UNICEF (2007) and UNICEF (2015) argue that the Rights-Based Approach to education is a frame of denotation for the knowledge and acknowledgement of learners' rights to education and rights

in the learning and teaching profession, which aims to educate and enlighten. Therefore, education must be universal, inclusive, and approachable, and it must be interpreted considering human rights and ideals. It supports the defence of human rights and is established on universal global human rights standards. To combat discriminatory applications, it attempts to interpret responsibilities, disparities, inequalities, and vulnerabilities (Carnovalli 2017). UNICEF (2012) states that human rights in education include a human Rights-Based Approach to the developmental viewpoint, communal interaction, security, governance and integrating children's rights within the global education system. This approach considers six dimensions of learner well-being, namely money; safety, health, and protection; security and learners' well-being in the classroom; relationships with family and peers; behaviours; and risks (Makwarela, Mammen & Adu 2017; UNICEF 2012).

The Rights-Based Approach theory to education takes a comprehensive approach that highlights the key issues that need to be resolved to comprehend fundamental rights within the contextual education background. The fundamental right to education is defined as a right to access education, and the Rights-Based Approach to education explores accessibility and availability in terms of adequate and relevant educational infrastructure (Human Rights Commission 2006). Since the needs of learners should be met through the provision of adequate infrastructure by the government, the Rights-Based Approach, as a philosophical world view, places a great deal of emphasis on the transformation and promotion within the human rights realm (Harris-Curtis 2003).

The Rights-Based Approach and the requirement to uphold learners' rights in schools are highly comparable. As a result, the Rights-Based Approach serves in a process of corrective action to address human needs directly and as a means of achieving goals, objectives, and results (Harris-Curtis 2003; Slim 2001). For example, the provision of clean water; proper school sanitation and ablution facilities; adequate school infrastructure; and healthcare facilities to enable basic education to take place in a conducive environment only are a few examples of the essential services which all learners should have access in the school context (Broberg & Sano 2018; Sano 2000).

To promote and preserve learners' rights to education, this investigative research aimed to examine how unequal distribution and lack of school infrastructural provision infringe on learners' rights to education within the South African schooling system. Below follows a discussion on how the Rights-Based Approach can be applied to redress the unequal distribution of school infrastructure in the interest of promoting and protecting learners' rights to education.

12.5.2 The Role of Government in the Implementation of Rights-Based Approach in Correcting and Promoting Democratic Principles in Schools

Tahamata, Ashiri, Riza and Salle (2019) and Maboe (2019) argue that the government has a direct responsibility for the education system. As a result, the government is required to play a crucial part in advancing learners' right to education. The government must oversee the right to education by creating measures for monitoring the human-rights oriented system of education. Hence

the government, through the Basic Department of Education, is required to provide specific systematic standard levels and a proper education system for all learners. The availability, accessibility, affordability, and adaptation of human rights in education are the next benchmarks for tracking and observing their fulfilment and use of the Rights-Based approach to education (UNESCO & UNICEF 2009).

12.5.3 Availability

The government is obliged to erect proper school infrastructures with adequate and relevant resources to be utilised by learners within the schools regularly, without failure. The school infrastructural provision by the government is a compulsory obligatory matter; hence decline to provide it leads to the infringement of learners' right to education (Tahamata, Ashiri, Riza & Salle 2019).

12.5.4 Accessibility

Schools must be accessible to all learners or be granted entrance to educational institutions without prejudice in terms of colour, gender, or race. Accessibility in the basic education phase includes free primary education to all individual learners within reasonable years (Human Rights Commission 2006). The school infrastructural facility must cater for all learners, including the impaired learners owing to disabilities. Accessibility caters for learners who are economically challenged (Tahamata, Ashiri, Riza & Salle 2019).

12.5.5 Affordability

The learning institutions must be affordable with regard to school fees to ensure that learners are given an opportunity to attend school and attain their respective goals. Affordability plays an incredibly significant role in learner achievement and in setting affordable standards (Tahamata, Ashiri, Riza & Salle 2019).

12.5.6 Adaptability

The learners are to be provided with an opportunity to adapt to circumstances, and the environmental changes need to be made to permit adaptation to variables that learners might come across or encounter throughout their learning in a learning institution environment. Special arrangements for a particular learner with exceptional needs or compromising cultural background or inadequacies must be considered for a special type of education (Tahamata, Ashiri, Riza & Salle 2019).

12.6 Empirical Investigation

An empirical research investigation was conducted in this study. Empirical investigation refers to the systematic gathering and analysis of data that is based on direct observation or experience (Foley, Allmon, Sieck & Sinson 2011). Due to the lack of proper school infrastructure, this study investigates the realization of learners' rights to education. The empirical investigation assisted the researcher in digging deeper into participants' experiences. It involves using evidence from the real world to support or refute a hypothesis or theory and is a fundamental aspect of scientific research (Salgaro 2021). This section thus provides and explains various important aspects of the empirical investigation, looking

into research methodology, research paradigm, research approach and research design, as guided by the aim of the investigation illustrated below.

Aim of the Investigation

The aim of the empirical study was to investigate how the lack of school infrastructure infringes on learners' rights to education.

12.6.1 Research methodology

Qualitative research methodology is a research approach that seeks to understand human behaviour, experiences, and perspectives through non-numerical data such as interviews, observations, and textual analysis (Durrheim 2009). This type of research is often used to explore complex social phenomena and generate theories or hypotheses (Leedy & Ormrod 2005). In this empirical research study, the researcher followed a qualitative research approach to collect and analyse the facts and details obtained through individual interviews. A concrete plan and set of actions leading from a general grasp of assumptions through a thorough process of data collection, analysis and interpretation are referred to as the 'research strategy' (Creswell & Poth 2018). In contrast to selecting from predetermined responses, the open-ended questions and the researcher's probing allowed participants to respond in their own diction. The researcher used a multiple case study design to investigate how teachers understood learners' rights to education regarding the absence of adequate provision of learning institution infrastructure.

12.6.2 Research design

This study on the investigation of the lack of realization of learners' rights to education due to lack of infrastructural provision, is a multiple case study design of 5 different schools. In a multiple case design, the researcher can gather an in-depth explanation of information holistically on the subject under investigation (Brink 2018). Daymon and Holloway (2011) argue that the interpretation of a multiple case study results in multiple realities and truths. Each case or school in a multiple case design takes place in a natural setting with the aim of producing a vivid descriptive elucidation of the phenomenon under investigation (Creswell 2015). The qualitative multiple case study assisted the researcher in exploring and examining the phenomenon under investigation in its natural setting (Baxter & Jack 2008).

12.6.3 Research paradigm

The researcher moved from the phenomenological presumption that participants' direct experiences would yield considerably more data in the investigative pursuit of the knowledge of the larger idea under study. The investigative research study on the investigation of the realisation of learners' rights to education based on the infrastructural provision departs from the interpretive paradigm focusing on actors, meanings, actions, and social environment (Gall, Gall & Borg 2007:31). The interpretive paradigm is combined with the post-positivism, a naturalistic paradigm, qualitative investigative research, and the constructivism dimension (Dean 2018). The interpretive paradigm resembles an all-embracing notion that incorporates clearly defined schools of thought, including phenomenology, critical theory,

ethnomethodology and recently, feminist theory (Gall, Gall & Borg 2007:31). The interpretive paradigm enabled the researcher to comprehend data collected from the participant interviews as their independent elucidation of learners' right to education.

Following the dimensional interpretative exposure with the information received from the participant interviews, the researcher was able to interpret and gather sufficient data from the participants' actual life experiences.

12.6.4 Research data collection method

Individual interviews were used as the primary technique of data collection in this study on educators' understanding of learners' rights to education given the current shortage of provision of proper learning institution infrastructure. During the third term of the year, there were two rounds of telephone interviews for the confirmation of the data collected. A semi-structured individual interview was used to interview five school principals, five Departmental Heads from five schools, and five teachers from various schools. Individual interviews are useful for gathering comprehensive data on people's perceptions (Adhabi & Anozie 2017; Alshengeeti 2014). Participants in the study were invited to share their own original life experiences, ideas, and sentiments during individual interviews. By conducting individual interviews, the researcher had the opportunity to gain insight into how people understand and approach sensitive subjects that they otherwise might have been reluctant to discuss in a group environment (Snauwaert 2013).

CHAPTER 12

However, this data collection process would not have happened had it not been for the proper application of the ethics approval process. The researcher subscribed to ethical guidelines to guarantee the protection of the individual rights of research participants. Creswell (2015) indicates that to implement ethical measures, the researcher must ensure that the research participants are reported anonymously and that data are kept confidential and safe. Confidentiality, respect for privacy and the securing of research participants' transcripts were maintained using pseudonyms both for the schools and the research participants. All the research hard-copy materials, including audio taped records, are securely kept at the University of South Africa for safe storage as recommended by the Ethics Review Committee. Compliance with the ethical consideration was submitted to the research committee in the College of Education for approval at the University of South Africa. The actual research commenced after acquiring ethical clearance to engage in the investigative research on "Educators' perceptions of learners' right to education in secondary schools in Mpumalanga," from the Department of Education and the various schools.

Subsequently, the analysis of data acquired from the research site is discussed.

12.6.5 Analysis of Data

In qualitative data analysis, the data are transformed into pertinent chunks of findings by fundamental interpretation of the gathered data to address the study issue. Likewise, the information received in response to the research study question was organized thematically into understandable parts (Bertram & Christiansen

2014). Consequently, through patterns and sequence, themes emerged from data analysis and the data were used to determine the significance of the data collected for the study. According to Burnard (2006), the thematic approach is reviewing recorded interview transcripts to establish themes. To ensure an initial understanding of the data and to get a broad picture of the data gathered, the thematic analysis first entails familiarizing oneself with the data by perusing the interviews’ recorded transcripts (Hancock, Ockleford & Windridge 2009). Following the research questions presented above, the following themes emerged:

Table 12-2: Themes

No	Themes	Sub-themes
1	Understanding of learners’ rights to education	The Constitutional understanding of learners’ rights to education
2	The violation of learners’ rights to education	The prevalence of the infringement of learners’ rights to education
3	Measures to deal with the violation of learners’ rights to education	Lack of official school documentation to record school decaying infrastructure

The themes above that emerged from the research are discussed in the findings below, and for purposes of understanding the participant groupings, the table below is used.

Table 12-3: Code of each Research Participant

No	Participants	Pseudonym	Number of participants
1	Principals	P	5
2	Departmental Heads	DH	5
3	Teachers	T	5

Taking from the participant’s coding illustrated above, the following table reflects on the gender and race of the sampling population.

Table 12-4: Race and gender

No	Black	White	Indians	Coloureds	Male	Female
	10	3	1	1	5	10

The research participants' population sampling was dominated by females and the most dominating race that participated was mostly Black individuals, followed by Whites and the least Indians and Coloureds. This investigative research on learners’ right to education used purposive sampling and selected elements from the population that are informative and illustrative concerning the phenomenon under discussion (McMillan & Schumacher 2015). Purposive sampling enabled the researcher to be specific in the utilisation of the sampling criteria in the process of selecting relevant research participants from the entire population size (Polit & Hungler 1999).

The schools that participated in the research included those that have educators who are knowledgeable and have experiences on matters that pertain to human rights issues and the selection of educators was based on educators' knowledge of the subject under study. To balance the selection of schools and participants the researcher considered gender, race group and age group by selecting schools based on the ranking of the quintiles. Five (5) secondary schools were therefore selected based on their respective quintile ranking which demonstrated the socio-economic context of various schools in this research report.

Hereunder are findings based on the interaction with the above-mentioned participants by means of semi-structured interviews from the selected five secondary schools.

12.7 Findings

The information acquired through semi-structured individual interviews is condensed and explained in this section. The findings are displayed to indicate how teachers perceive the inefficient supply of educational infrastructure as the primary cause of the transgression of learners' rights to education. The following are findings from semi-structured interviews.

12.8 Semi-structured interviews

The primary research question is addressed by the following research findings:

How are learners' rights to education infringed upon by the lack of school infrastructure?

CHAPTER 12

The formulation of the first theme emerged from the *participants' understanding of the infringement of learners' rights to education* based on the lack of proper school infrastructure. The first theme emanates from the participants' responses from the first secondary question. The teacher participants in this research reflected their understanding of learners' rights to education infringement as brought upon by the discrepancy between what the policy implementation of school infrastructure indicates and the actualization of the delivery of the resources. Teacher T1 said "The department promises but they don't bring to school," T3 stated "We have been waiting for the supply of classrooms" and T5 uttered, "Lack of school building hinders proper schooling." On the contrary, the DH participants perceive learners' rights to education as a right that must be promoted and protected. To support their understanding, DH 1 indicates that "The supply of school infrastructure will promote effective teaching" and DH 4 agrees with DH 5 by saying, "Lack of proper school infrastructure hinders teaching and learning' and 'does not protect the right to learn."

Generally, principals who participated in the study showed knowledge and understanding of the constitutional implication of not supplying proper school infrastructure by indicating that "lack of school infrastructure denies learners the opportunity to learn." All the principal participants view the understanding of the phenomenon under discussion in line with the literature on the promotion of the learners' right to education to be balanced with the constitutional obligations (Draga 2017; Zwane 2017 & Mampane 2021). Emanating from the principals' understanding of the phenomenon based on their constitutional viewpoints, several reasons for the failure to supply schools with proper school

infrastructure are a major predicament in the promotion and protection of learners' right to education.

According to various studies related to the school infrastructure by Chabalala (2022); Nepal (2016); Amsterdam (2010); Chilufya, Muleng and Ngoma (2021), the primary reason for the government's inability to support and defend learners' rights to education is the lack of provision of adequate and proper school infrastructure that denies learners access to different learning institutions (UNICEF 2012; Singh 2015; Motha 2020; & Human Rights Watch 2021). In most instances, lack of adequate and proper school infrastructural provision makes learners unable to adapt to school environments due to their personal physical needs and challenges (UNICEF 2019 & Draga 2017).

In the effort to redress the foregoing, the Rights-Based Approach seeks to reshape and advance worth in human rights. Accordingly, this approach invests in meeting the requirements of learners; builds on the advancements made in the educational field; and offers support services that encourage the necessary stakeholders to take proper action. According to Harris-Curtis (2003), the Rights-Based Approach places a strong emphasis on structures and procedures within the educational field that encourage empowerment as a key component of learner development.

In conclusion, this study on the investigation of the realization of learners' right to education in terms of the school infrastructure, confirms findings by Chabalala (2022) and Mampane (2021) and highlights the negative impact of school infrastructural inadequate supply on the South African public school. Learners in schools are

CHAPTER 12

still disadvantaged in terms of infrastructural provision due to the State's uneven expenditure on school infrastructure, which is especially true in rural South African schools. The impacted schools are in rural areas with insufficient school amenities, ranging from outdated school buildings without proper restrooms. All research participants eminently demonstrate that the current government has failed to establish appropriate and proper school infrastructure through the establishment of School Norms and Standards, which are crucial in terms of the achievement of the right of learners to education (Department of Basic Education 2012; Department of Basic Education 2017; Department of Education 2011).

The formulation of the sub-theme on the understanding of learners' right to education emerged when the researcher probed into the *constitutional understanding of learners' right to education*. All the participants seemed to understand learners' rights to education based on the constitutional prescripts and clearly understood their respective roles although unable to promote and protect learners' right to education. P1 and P2 indicated that "according to the constitution learners have a right to learn," but most of the departmental heads echoed a different sentiment saying, "We are unable to deal with the school infrastructure," thus they are unable to promote and protect learners' right to education. Most teachers are aware of the constitutional directives but gave an outcry that learners seem to have more rights than responsibilities.

The formulation of the second theme emanated from the *various infringements brought upon by the lack of proper school infrastructural provision*. The second theme emanates from the

second secondary research question. Teachers and departmental heads indicated that the lack of school infrastructural provision directly infringes on learners' respective right to education. They strongly feel that learners are 'entitled to receive education,' and, as such, the lack of various school resources and lack of proper school infrastructure directly infringe on learners' rights to education. All the teachers and Departmental Heads in this study had a common viewpoint that fixing the decaying school infrastructure, providing proper infrastructure and supplying resources can promote and protect learners' rights to education. The principal indicated a need for accelerated progress to redress the alarming scourge on the existing school infrastructural condition. Their respective outcry is recorded in their sentimental views as follows: P1: "We urgently need proper sanitary infrastructure," P2: 'Decaying school buildings may fall on learners," P4: "We had to pay for our own toilets renovations"; and P5: "Maintaining school buildings consumes our school budget." Hence the views collected on this theme reflect various constitutional infringements.

Several learners' constitutional rights are infringed by the government's failure to fund proper and adequate school infrastructure (Mampane 2021). In essence, it violates learners' rights to human dignity when learners in a particular region of the country are coerced into using pit toilets. The interviewed school principals and the departmental heads lamented that the lack of proper school infrastructure results in learner girls not attending school during their monthly periods due to the unbearable health hazards emanating from unhealthy ablution facilities. Indication of girl learner absenteeism is also confirmed by all the teachers

CHAPTER 12

interviewed when stating that “we have serious girl learner absenteeism during their monthly menstrual periods,” due to poor sanitation infrastructure.

Furthermore, learners in any school must be guaranteed their fundamental rights to life and a clean environment. The general participants' protest bemoans the fact that the government must at all costs support and uphold the health and wellbeing of every pupil to ensure their safety in classrooms. These findings concur with the ideas by Singh (2015) indicating that the government is obliged to protect teaching and learning through the provision of relevant resources. According to the findings of the study, the strongest barrier to school infrastructure development is a lack of unilateral funding, which also makes it difficult to safeguard and advance learners' right to education and to conduct actual teaching and learning. According to the Department of Basic Education, the government is unable to offer fairly and adequately across the nation due to a lack of resources, which is the root cause of the violation of the right to basic education. The right to basic education gradually becomes unachievable due to the lack of fair and reasonable school infrastructure. Practical measures thus are of paramount importance in dealing with equal distribution and adequate supply of school infrastructure within the schools in South Africa, to promote and protect the learning process in schools.

The formulation of the sub-theme on the infringement of learners' rights to education emerged when the researcher probed into the *prevalence of the infringement of learners' right to education*. This research reveals that almost all the research participants acknowledge that there is a high level of learners' rights

infringement due to inadequate provision and school infrastructure decay. P4 indicates that “.... decaying buildings make teaching and learning difficult” and most of the departmental heads honestly reiterated that “there is nothing we can do if the government does not supply proper school infrastructure,” almost all the research participants stipulated that the shortage of school infrastructure is extremely alarming. T1, T4, T2, DH4, DH2, DH5, P3 and P5 strongly feel that adequate and proper school infrastructural supply can improve learner performance and promote learners’ right to education.

The formulation of the third theme emerged from the participants’ responses in terms of their views on how to practically eradicate the infringement of learners’ right to education due to the lack of proper and adequate supply of school infrastructure. The third theme emanates from the third secondary research question. Teachers who participated in the study were aware of the atrocities brought upon by the lack of school infrastructural provision but seemed not to have a practical solution. They all kept on saying, “The department must provide,” showing a lack of interest in leadership, management, and administrative matters because they say, “this is not our problem.’

The principals and the departmental heads displayed more interest in trying to provide solutions in dealing with the phenomenon under discussion. Their personal interest demonstrated a keen sense of understanding their responsibility, leadership, and managerial convictions. The summarised captured views of the principals as well as of the departmental heads are reflected as follows: DH 2 stated that “more awareness is needed to promote learners’ right to education” while P3 said,

CHAPTER 12

“the department must provide proper school infrastructure and we need to support their implementation processes.” The DH 4 vehemently indicated that “there must be transparency when supplying schools with toilets, classrooms, and other resources,” while P4 indicated that “the government must deal with the pit-toilets in all the rural schools”. A sense of leading and managing is reflected when all the principals uttered the idea that “we will support any implementation that seeks to promote a conducive atmosphere for teaching and learning.” In line with the literature on school infrastructure, particularly poorly maintained schools (Draga 2017), the principal participants and the departmental heads who participated in the study gave the impression that learners’ right to education was infringed upon by lack of proper and adequate supply of infrastructure by the government. These research findings confirm what Motani and Harding (2022) indicated in terms of an unfavourable learning atmosphere created by a lack of school infrastructural provision. A principal (P1) stated that “the lack of classrooms and other resources needs special attention from the department’ and P2 indicated that “solutions must be from the department” because according to DH 3 “schools have no sufficient budget for classes, toilets and repairs.”

The formulation of the sub-theme on measures to deal with the violation of learners’ right to education emerged when the researcher probed into the *control and documentation on the proper recording of school infrastructural decay and the supply thereof*. The schools do not have the School Infrastructural Building Improvement Plans, as confirmed by the principals when saying “the department does not supply us with clear guidelines on how to develop a plan for school infrastructure.” Most of the

principals interviewed indicated that “it is frustrating, we keep on submitting complaints about the decaying buildings, nothing is done,” not realizing that documentation is not properly done for submission purposes. Lack of documentation in the aspect of school infrastructure delays and results in lack of provision of proper school infrastructure, although the principals, as well as the departmental heads in this study, continue to lament that they are extremely neglected by the Department of Basic Education.

The following section discusses what the literature says in terms of the findings of the study with regard to the infringement of learners’ right to education as brought upon by the lack of proper school infrastructure.

12.9 Discussion

Infringing on a learner’s right to education has complex implications. Bonal and Gonzalez (2020) reveal that the most severe trauma suffered by learners who are deprived of the right to education is psychological rather than physical in nature. When human rights are ignored in the learning institution, it justifies itself through shame and low self-esteem (Naicker, Myburgh & Poggenpoel 2014). Coetzee and Mienie (2013) emphasize that teachers must always operate in *loco parentis* while acknowledging that learners are exposed to a variety of risks from people that may have a detrimental impact on the development and defence of learners’ right to education.

The research participants recognized that, in accordance with Chapter 2, Section 29 of *The Constitution of the Republic of South Africa, 1996*, learners have a fundamental right that must be

CHAPTER 12

upheld, supported and protected. By affirming that the learners' right to education must be promoted and preserved in accordance with legal principles and the pertinent legal procedures, as specified by the South African Schools Act of 1996, participants divulged that the preservation and the advancement of learners' rights is currently a mere statement and not achievable. This idea of not advancing and preserving learners' rights to education demonstrated the sentiments echoed by Eksteen (2009) and Mollo (2015) respectively. Most of the teacher participants stated that "teachers are very much aware that every learner at a school has rights." And others additionally mentioned that "learners need to get education," independent of infrastructural provision by the State.

Most of the teachers who participated in the study indicate that, in addition to their individual rights to education, learners also have other rights that are relevant to education and that are related to the structures and practices at schools, all of which make up the educational system. The idea of learners' right to proper school infrastructure originated as a concept that supports research conducted internationally by Omar (2010) and Mubangizi (2015). This learners' right to proper school infrastructure is confirmed by most of the departmental heads when indicating that '*learners' right to education*' are equivalent to basic human rights. As a decisive step to overcome temporary imbalances, the right to adequate infrastructure fosters a certain level of knowledge and empowerment among all stakeholders (Goldstone 2017). The General Household Survey (GHS) for 2018 data reveals issues, comparable to the findings of this study, which obstruct learners' realization of their fundamental right to education, namely:

crammed classrooms, a dearth of student transportation, and deteriorating infrastructure (Stats SA 2019). Teacher participants echoed the following sentiments in expressing their own frustrations and the seriousness of the lack of adequate infrastructure: "We have a lack of classrooms, poor sanitary ablution facilities, decaying buildings, and it affects teaching and learning in schools." The literature discussed above confirms that lack of classrooms, poor ablution facilities and decaying buildings impact negatively on teaching and learning and hinder the promotion of learners' right to education (Singh 2015; Stats SA 2019; O'Railly & Louis 2014; Naicker, Myburgh & Poggenpoel 2014).

Although teachers acknowledge that the government is gradually trying to eradicate the infringement of learners' right to education through policies, this remains insufficient. The Department of Basic Education needs to focus more of its efforts on eradicating pit toilets; repairing deteriorating school infrastructure; constructing enough schools; providing enough essential resources; improving learner transportation; and enhancing water and sanitary infrastructure. The General Household Survey for 2018 revealed that learners face obstacles that directly infringe upon their personal right to education (Stats SA 2019). These obstacles include, but are not limited to, severely overcrowded classrooms, and an alarming rate of deteriorating school infrastructure. Most of the participants in this investigative research study concur with the sentiments echoed by the literature provided by the General Household Survey for 2018, as captured by Statistics South Africa (Stats SA 2019).

The government's inability to support and preserve learners' right to education has been confirmed throughout the participants' responses as being caused by a lack of adequate school facilities, human resources, and financial resources. According to Singh (2015), it is obvious that the government must supply and protect the right to basic education through pertinent legislation that supports and defends learners' right to education. The respondents concur that the State's inability to advance and safeguard learners' right to education is an infringement of such a right. According to the literature, the education fraternity requires specific transformational quality levels of excellence, through the creation of measurement indicators, to track educational improvements located on human rights to advance learners' right to education.

12.10 Contribution to the Body of Knowledge, Policy Framework, and Recommendations

This study confirms through its findings that basic education involves transmitting skills and knowledge to learners in a conducive learning atmosphere in which most learners are denied, worldwide (Chur 2015). The participants' engagement corroborates that the government has failed to promote and protect learners' right to education through the lack of provision of school infrastructure in the South African schooling system. Participants' corroboration concurs with Tahamata et al. (2019) and Maboe (2013) that the government has an obligation to play a role in the promotion and protection of learners' right to education by supplying adequate and proper infrastructure. Therefore, in this regard, the government's failure to make

adequate and proper provision of school infrastructure constitutes an infringement in terms of the South African Constitution.

This study highlights that the infringement of learners' right to education due to lack of proper and adequate school infrastructure vindicates that the promotion and protection of learners' rights remains unclear for the Department of Basic Education; thus resulting in learners being forcefully maltreated by the education system. Zwane (2017) and Ersoy (2012) point out that learners' right to education falls within the human rights domain and the infringement thereof contradicts human rights values.

Generally, this investigation captured participants' rich experiences and views in terms of policy changes; thus highlighting the need for continuous and constant engagement to improve practical measures to promote and protect learners' right to education. The ideal envisaged supply of proper and adequate school infrastructure depends on the fruitful engagement of all relevant stakeholders in the teaching fraternity. Hence there is a need for recommendations to improve the current related predicament experienced in schools.

The following recommendations are based on the research findings of the discussed sub-questions:

- There must be awareness of the infringement of learners' right to education through stakeholder involvement to clearly understand how to promote and protect learners' right to education.
- Since the study revealed the infringement of learners' right to education through lack of supply of proper and adequate

school infrastructure, the government must improve school infrastructural conditions, and the decaying school buildings, and supply proper and adequate school infrastructure; and

- The study reveals an inequitable distribution of school infrastructure within South African schools. There is therefore a growing need for a well-coordinated program of school infrastructural distribution in all the schools.

12.11 Conclusion

The intent of this investigative research highlight both the lack of provision of adequate learning institutional infrastructure and school infrastructural decay experienced by South African schools. The Department of Basic Education is to be blamed for the lack of provision of proper and adequate school infrastructure which directly results in the violation of learners' right to education. According to the results of the current study, learners' right to education is grossly infringed upon by infrastructural degradation and, more commonly, by lack of infrastructural provision. The research study will contribute to the body of knowledge in the debate that informs policy decisions, especially in the promotion and protection of learners' right to education regarding the supply of school infrastructure and its prioritization.

REFERENCES

Chapter 1

Azcona, M.C. 2021. 'Education, a key to a harmonious world', *Academia Letters*, July, Article 2302. Available at: <https://doi.org/10.20935.AL>

AZ Quotes. 'Top 25 quotes by Carol Bellany'. Available at: <https://www.azquotes.com> (Accessed: 20 July 2023)

Babbie, E. & Mouton, J. 2007. *The Practice of Social Research*. Cape Town: Oxford University Press.

Baggini, J. 2023. *How to Think Like a Philosopher*. London: Granta Books.

Banda, M. 2023. 'Resilient class of 22 rises above Covid chaos', *Daily Maverick* 168, vol. 3, issue 14.

Barnard, M. 2023. 'Misdaad: SA se kinders is in gevaar', *Beeld*, 31 May 2023, Network 24.

Barrett, S.R. 2009. *Anthropology*. Toronto: Toronto University Press.

Beeld, 2022(b). 'Bly stil,' toe skiet 16-jarige glo onnie', 27 October 2022, Network 24.

Beeld, 2022. 'Leerling(21) in arres na mesdood by skool', 19 November 2022, Network 24.

Bellany, C. AZQuotes.com. Available at: https://www.azquotes.com/author/1176-Carol_Bellamy (Accessed: 26 January 2023)

Beukman, B. 2023(c). 'Swak leesvermoë beroof die land van sy toekoms', *Beeld*, 18 May 2023.

William, D. & Leahy, S. 2016. *Embedding formative assessment*. Hawker Brownlow Education.

World Health Organization. 2005. 'Statement on the second meeting of the International Health Regulations (2005) Emergency Committee regarding the outbreak of novel coronavirus (2019-nCoV).' Available at: [https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-healthregulations-\(2005\)-emergency-committee-regarding-the-outbreakof-novel-coronavirus-\(2019-ncov\)](https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-healthregulations-(2005)-emergency-committee-regarding-the-outbreakof-novel-coronavirus-(2019-ncov)) [Accessed 09 September 2020].

Yin, R.K. 2011. *Qualitative research from start to finish*. New York, NY: The Guilford Press.

Chapter 12

Adams, G. 2020. 'The Impact of the Quintile Funding System in Reducing Apartheid-Inherited Inequalities in Education.' Unpublished LLM dissertation, Stellenbosch University.

Adhabi, E. & Anozie, C.B. 2017. 'Literature Review for the Type of Interview in Qualitative Research.' *International Journal of Education*, 9(3), pp.86-97.

Alshengeeti, H. 2014. 'Interviewing as a Data Collection Method: A Critical Review.' *English Linguistic Research*, 3(1), pp.39-45.

Amiroso, J., Teixeira, L. & Gresham, J. 2017. 'Why Education Infrastructure Matters for Learning.' Blogs. World Bank. Available at: <https://blogs.worldbank.org/education/accessed> [Accessed 2 May 2023].

Amsterdam, C. 2010. 'School Infrastructure in South Africa: Views and Experiences of Educators and Learners.' Presented at Canada International Conference on Education, Toronto, Canada.

Barrett, P., Trevers, A., Shmis, T., Ambasz, D. & Ustimovaa. 2019. 'The Impact of School Infrastructure on Learning: A Synthesis of the

REFERENCES

- Evidence.' *International Development Focus*, The World Bank, Washington.
- Baxter, P. & Jack, S. 2008. 'Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers.'
- Bertram, C. & Christiansen, I. 2014. *Understanding Research: An Introduction to Reading Research*. Pretoria: Van Schaik Publisher.
- Boerefijn, I., Brouwer, M. & Fakhreddine, R. 2001. 'Linking and Learning in the Field of Economic, Social and Cultural Rights.' SIM Special No. 27, The Hague: The Netherlands Institute of Human Rights.
- Bonal, X. & Gonzalez. 2020. 'The Impact of Lockdown on the Learning Gap: Family and School Divisions in Times of Crisis.' *International Review of Education*. Available at: <http://doi.org/10.1007/>.
- Berglas, N.F., Constantine, N.A. & Ozer, E.J. 2014. 'A Rights-Based Approach to Sexuality Education: Conceptualization, Clarification and Challenges.' *Perspectives on Sexual and Reproductive Health*, 46, pp.63-72. <https://doi.org/10.1363/46e1114>
- Bray, M., Clark, P. & Stephens, D. 2002. *Education and Society in Africa*. Braamfontein.
- Brink, R. 2018. 'A Multiple Case Design for the Investigation of Information Management Processes for Work-Integrated Learning.' *International Journal of Work-Integrated Learning*, Special Issue 19(3), pp.223-235.
- Broberg, M. & Sano, H.O. 2018. 'Strengths and Weaknesses in a Human Rights-Based Approach to International Development: An Analysis of a Rights-Based Approach to Development Assistance Based on Practical Experiences.' *International Journal of Human Rights*, 22(5), pp.664–680.
- Burnard, P. 2006. 'Documenting Possibility Thinking: A Journey of Collaborative Inquiry.' *International Journal of Early Years Education*, 14(3), pp.243-262.

- Carnovalli, S. 2017. 'The Right to Inclusive Education of Persons with Disability in Italy: Reflections Perspective.' *Athens Journal of Education*, 4(4), pp.315-326.
- Cash, C. & Twiford, T. 2010. 'Improving Student Achievement and School Facilities in a Time of Limited Funding.' *The Connexion Project*.
- Chabalala, F. 2022. 'A Critical Analysis of The Effect of School Infrastructure on the Realization of the Right to a Basic Education in South Africa and Accountability Measures.' Mini-dissertation, Med LLM, University of the Free State.
- Chilufya, L., Muleng, R.M., & Ngoma, A. 2021. 'Learning Infrastructure and Delivery of Education: A Case of Zambia's Private Teachers' Training Colleges.' *International Journal of Research and Innovation in Social Sciences (IJRISS)*, V(IX), pp.2456-6186.
- Chur, C. 2015. 'The Realization of a Child's Rights to a Basic Education in the South African System: Some Lessons from Germany.' *Potchefstroom Electronic Law Journal*, 18(7), pp.1-24.
- Coomans, F. 2007. 'Content and the Scope of the Right to Education as a Human Right and Obstacles to its Realization.' In *Human Rights in Education, Science and Culture: Legal Development and Challenges*, UNESCO Publishing/Ashgate, Paris/Aldershot, pp.183-229.
- Coetzee, S. & Mienie, C. 2013. 'South African Educators' Mutually Inclusive Mandates to Promote Human Rights and Positive Discipline.' *Perspectives in Education*, 31(1), pp.269-276.
- Creswell, J.W. & Poth, C.N. 2018. *Qualitative Inquiry and Research Design: Choosing among Five Approaches* (4th ed.). Thousand Oaks, CA: Sage Publications.
- Creswell, J.W. 2015. *A Concise Introduction to Mixed Methods Research*. Thousand Oaks, CA: Sage.
- Dawn, B.C.A. 2010. 'Exploring Characteristics of Public-School Facilities and Resources and Their Relationship with Teacher Retention.' Boone: Appalachian State University.

REFERENCES

- Daymon, C., & Holloway, I. 2011. *Qualitative Research Methods in Public Relations and Marketing Communications* (2nd ed.). New York, NY: Routledge.
- Dean, B.A. 2018. 'The Interpretivist and the Learner.' *International Journal of Doctoral Studies*, 13(1), pp.1-8.
- Department of Basic Education. 2012. *Guidelines Relating to Planning for Public School Infrastructure*. Pretoria: Government Printers.
- Department of Basic Education. 2017. *School Infrastructure Safety and Security Guidelines*, First Version. Pretoria: Government Printers.
- Department of Education. 2001. *Regulations for Safety Measures at Public Schools*. Pretoria: Government Printers, Notice 1040 of 2012.
- Department of Education. 2011. *Regulations for Safety Measures at Public Schools (2011)*. Pretoria: Government Printers, Government Gazette 22784.
- Development Bank of Southern Africa. 'Accelerated Schools Infrastructure Delivery Initiative (ASIDI).' Available at: <https://www.dbsa.org/case-studies/accelerated-schools-infrastructure-delivery-initiative-asiidi#:~:text=The%20main%20goal%20of%20ASIDI,the%20Division%20of%20Revenue%20Act> [Accessed 27 October 2022].
- Draga, L. 2017. *Basic Education Handbook-Education Rights in South Africa*. Johannesburg: Section 27 Publications.
- Durrheim, K. 2009. 'Research Design.' In M. Terre Blanche, K. Durrheim & D. Painter (Eds.), *Research in Practice: Applied Methods for the Social Sciences* (pp.33-59). Cape Town: UCT Press.
- Earthman, G.I., & Lemasters, L.K. 2011. 'The Influence of School Building Conditions on Students and Teachers: A Theory-Based Research Program (1993-2011).' *The ACEF Journal*, 1(2), pp.15-36.
- Eksteen, T. 2009. 'Educators' Understanding of the Roles of a School of Skills.' Master's Dissertation, Stellenbosch University.

- Ersoy, A.E. 2012. 'An Area Neglected in Citizenship Education: Children's Education at Home and at School.' *International Online Journal of Educational Sciences*, 4(2), pp.359-376.
- Gall, M.D., Gall, J.P. & Borg, W.R. 2007. *Educational Research: An Introduction*. Boston: Pearson Education.
- Foley Nicpon, M., Allmon, A., Sieck, B., & Stinson, R. D. 2011. 'Empirical Investigation of Twice-Exceptionality: Where Have We Been and Where Are We Going?' *Gifted Child Quarterly*, 55(1), pp.3-17.
<https://doi.org/10.1177/0016986210382575>
- Goldstone, C.G. 2017. 'Managing the Behavioural Rights of Teachers and Learners: A Case Study in North Metropolitan District of Cape Town.' MEd. University of South Africa, Pretoria.
- Hancock, B., Ockleford, E. & Windridge, K. 2009. *An Introduction to Qualitative Research*. The University of Nottingham: The NIHR RDS EM/YH.
- Human Rights Commission. 2006. *Baseline Study: Human Rights Education in Early Childhood Centres and Schools*. Auckland: HRC.
- Human Rights Watch. 2021. 'Greece: Stop Denying Refugee Children on Education> Ensure All Asylum-Seeking Children Are Enrolled in Coming School Year.' *The World's Top Human Rights News*. Greece.
- Hurst, R. 2001. 'Rights Now!' in Active.' Derby: British Council of Disabled People of Great Britain.
- Harris-Curtis, E. 2003. 'Rights-Based Approaches.' *Development in Practice*, 13(5), pp.558-564.
- Jenkins, M.W. & Sugden. 2006. 'Rethinking Sanitation: Lessons and Innovation for Sustainability and Success in the New Millennium.'
- Jonson, U. 2003. 'Human Rights Approach to Development Programming.' UNICEF.

REFERENCES

- Kekana, E. 2022. 'Eight Years after Michael Komape's Death: We Visited Limpopo Schools to See If Their Toilets Have Improved.' Available at: <https://www.groundup.org.za/article/the-devastating-state-of-pit-toilets-at-limpopo-schools/> [Accessed 21 November 2022].
- Kumar, R. & Misra, P. 2016. 'Right to Education: A Critical Evaluation of the Right of Children to Free and Compulsory Education Act 2009 in the Light of 4 A's Framework.' *Bharati Law Review*.
- Lebuso, S. & Dlamini, P. 2023. 'Light Out: Load Shedding Worse than COVID-19 Pandemic - Business Owner.' *City Press*, 28 February 2023.
- Leedy, P.D. & Ormrod, J.E. 2005. *Practical Research: Planning and Design*. International Edition. The United Kingdom: Pearson Education International.
- Liebenberg, S. 2016. 'Remedial Principals and Meaningful Engagement in Education Rights Disputes.' *Potchefstroom Electronic Journal*, 19(1), pp.2-43.
- Maboe, T. 2013. 'A Model to Assist Teachers in Implementing Children's Rights in Schools.' Thesis, North-West University.
- McMillan, J.H. & Schumacher, S. 2015. *Research in Education*, 9th ed. Baton: Pearson.
- Makwarela, M.C., Mammen, K.J. & Adu, E.O. 2017. 'An Assessment of the Implementation of Do and UNICEF Guidelines for Creating Safe, Caring and Child-Friendly School: A South African Case Study.' *Journal of Social Sciences*, 50(1-3), pp.1-7. DOI: 10.1080/09718923.2017.1311720.
- Mampane, K.B. 2013. 'Educators' Experiences and Perceptions of Teacher Absenteeism.' Dissertation, University of Pretoria, Pretoria.
- Mampane, K.B. 2021. 'Educator Perception of Learners' Right to Education in Secondary Schools in Mpumalanga.' Thesis, University of South Africa, Pretoria.

- Mangipudy, R. & Venketa, S. 2010. 'The Impact of Eliminating Extraneous Sound and Light on Students' Achievement: An Empirical Study.' Florida: Florida International University.
- Mollo, N.T. 2015. 'Education Managers' Understanding and Implementation of Due Processes during Learner Discipline.' PhD Thesis, University of Pretoria.
- Motani, Z. & Harding, M. 2022. 'Eastern Cape Judgment Reaffirms That Textbooks and Stationery Are Essential to Basic Education.' Available at: <https://www.dailymaverick.co.za/article/2022-05-08-eastern-cape-judgment-reaffirms-that-textbooks-and-stationery-are-essential-to-basic-education/> [Accessed 22 November 2022].
- Motha, S. 2020. 'Education and Learning in the Times of COVID-19.' *City Press*, 8 April 2020.
- Mthombeni, J.S. 2010. 'Teacher Absenteeism in Schools within Ekurhuleni South District Education Department.' Master's Dissertation (Labour Law and Employment), The University of Johannesburg.
- Mtsweni, T.M. 2022. 'The Fourth Industrial Revolution: A Case for Educational Transformation.' *Pretoria Student Law Review*, 14(2), pp.1-20.
- Mubangizi, J.C. 2015. 'Human Rights Education in South Africa: Whose Responsibility is it Anyway?' *African Human Rights Law Journal*, 15(2), pp.1-8.
- Murray, C. 2010. 'Children's Rights in Rwanda: A Hierarchical or Parallel Model of Implementation?' *International Journal of Children's Rights*, 18, pp.387-403.
- Naicker, A., Myburgh, C. & Poggenpoel, M. 2014. 'Learners' Experiences of Teachers' Aggression in a Secondary School in Gauteng, South Africa.' *Journal of Interdisciplinary Health Sciences*, 19(1), pp.1-20.

REFERENCES

- Nepal, B. 2016. 'Relationship among School's Infrastructure Facilities, Learning Environment and Students' Outcome.' *International Journal for Research in Social Sciences and Humanities*, 2(1), pp.1-57.
- O'Railly, K. & Louis, E. 2014. 'The Toilet Tripot: Understanding Successful Sanitation in Rural India.' *Health & Place*, 29(11), pp.43-51.
- Omar, M. 2010. *Constitutional Protection of the Right to Education in Tanzania and South Africa: A Comparative Study*. Centre for Human Rights, Dissertation, University of Pretoria.
- Polit, D.F. & Hungler, B.P. 1999. *Nursing Research Principles and Methods*, 5th edition. Philadelphia: Lippincott.
- Phiri, G.G. & Phiri, W. 2017. 'Negative Factors Affecting ICT Implementation in Selected Secondary Schools in Chipata District.' *The International Journal of Multi-Disciplinary Research*. Conference ID: CFP/292/2017.
- Republic of South Africa. 1996. *The Constitution of the Republic of South Africa*. Pretoria: Government Printers.
- Ruth Deakin, C., Barbara, M., Alice, H., Patricia, B., & Marilyn, T. 2007. 'The Ecology of Learning: Factors Contributing to Learner-Centred Classroom Culture.' *Research Paper in Education*, 22(3), pp.267-307. doi: 1088/02671520701497555.
- SAHRC. 2012. *Charter of Children's Basic Education Rights: The Right of Children to Basic Education*. South African Human Rights Commission.
- Sano, H.O. 2000. 'Development and Human Rights: The Necessary but Partial, Integration of Human Rights and Development.' *Human Rights Quarterly*, 22(3), pp.734-752.
- Saba, A., Macupe, B. & Pather, R. 2018. 'Another Child Dies in a Pit Latrine.' Available at: <https://mq.co.za/article/2018-03-16-00-another-child-dies-in-a-pit-latrine/> [Accessed 15 August 2022].

- Salgaro, M. 2021. 'The History of the Empirical Study of Literature from the Nineteenth to the Twenty-First Century.' In: Kuiken, D. and Jacobs, A. ed. *Handbook of Empirical Literary Studies*. Berlin, Boston: De Gruyter, pp.515-542. <https://doi.org/10.1515/9783110645958-020>
- Sen, A.K. 1999. *Development as Freedom*. Oxford: OUP.
- Seroto J. 1999. 'A Historical Perspective of Formal Education for Black People in the Rural Areas of South Africa with Reference to Schools in the Northern Province.' Unpublished Master's Dissertation, University of South Africa.
- Singh, K. 2015. 'Report of the Special Rapporteur on the Right to Education.' Human Rights Council. Twenty-Ninth Sessions. Agenda Item 3. Advance Edited Vision.
- Singh, S. 2010. 'Right to Education and Right to Educate: A Study of the Impact of Right to Education Act on Unrecognised Schools in Delhi.' Working Paper, no. 242. Centre for Civil Society. CCS Research Reality Internship.
- Sizani, M. 2022. '300 Learners, Five Classrooms, No Toilets at This Eastern Cape School.' Available at: <http://www.groundup.org.za/article/300-learners-five-classrooms-no-toilets-eastern-cape-school> [Accessed on 22 November 2022].
- Slatter, L. 2020. 'Court Battles Looms over Reopening of Schools.' *City Press*, 3 May 2020.
- Slim, H. 2001. *Not Philanthropy but Rights: Rights-Based Humanitarianism and the Proper Politicization of the Humanitarian Philosophy in War*. Oxford: CENDEP.
- Snauwaert, T. 2013. 'Toward a Hermeneutical Theory of International Human Rights Education.' *Educational Theory*, 63(4), pp.389-412.
- Sofia, M.A. 2017. 'Violation of Human Rights in Schools and Its Impacts on School-Going Children at Secondary Level.' *International Journal of Advanced Education and Research*, 2(4), pp.39-41.

REFERENCES

South African School Act, 1996 (ACT No. 84 of 1996) Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure.

Statistics South Africa. 2019. *General Household Survey for 2018*. Pretoria: Stats SA. Analysis by Katharina Hall & Winnie Sambu. Children's Institute, UCT. Pretoria.

Tahamata, L.C.O., Ashri, M., Riza, M. & Salle, A. 2019. 'A Human Rights-Based Approach to Education: Role of Local Government.' *Journal of Law, Policy, and Globalization*, 85(1), pp.194-199.

UNESCO & UNICEF. 2009. *A Human Rights-Based Approach to Education: A Framework for the Realization of Children's Right to Education and Rights Within Education*. URL: <www.unicef.org>.

UNICEF. 2007. *A Human Rights-Based Approach to Education for All*.

UNICEF. 2012. *Together for Girls: We Can End Sexual Violence*. Retrieved from <<http://www.unicef.org/protection/file/Together-for-Girls-Sexual-Violence-Factsheet-July-2012.pdf>>.

UNICEF. 2015. *Introduction to the Human Rights-Based Approach: A Guide for Finnish NGOs and Their Partners*.

UNICEF. 2019. *Turkey Annual Report*. UNICEF Country Program of Cooperation, 2020.

World Health Organization. 2017. 'Finding Universal Water, Sanitation and Hygiene Under the Sustainable Development Goals.' *GLASS 2017 Report*.

Zuid, V., Delaire, C., Peltz, R., Cock-Esteb, A., Khush, R. & Albert, J. 2019. 'Policy Diffusion in the Rural Sanitation Sector: Lessons from Community-Led Total Sanitation (CLTS).' *Elsevier World Development*, 124(2019), pp.104643.

Zwane, R.P. 2017. 'Educators' Understanding of the Learners' Right to Human Dignity in Secondary Schools.' Mini-Dissertation, Pretoria: University of Pretoria.