

Townships' High School Learners' Views on the Implementation of the Right to Education: A Social Justice Perspective

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The Universal Declaration of Human Rights asserts that education is a fundamental human right for everyone. Education promotes equality, but this can only be possible in the absence of social injustices within school systems. Social justice in education entails challenging any inequalities that may exist in the education system. This study focused on examining South African township high school learners' definition of their right to education and views on its implementation. Using a qualitative approach, 45 high school learners (26 female and 19 male) who were purposively sampled from two township public high schools participated in semi-structured, in-depth individual interviews. The study was grounded in the social constructivism paradigm and data were analysed thematically. The findings of this study showed several shortfalls in the implementation of the right to education in the two schools. Despite a few positive developments, learners generally felt dissatisfied with the implementation of their right to education. Based on these findings, this study recommends the need to monitor activities in public schools to ensure that the right to education is fully implemented, to promote social justice in schools.

Keywords: public school, right to education, social justice, the Constitution of South Africa, the Universal Declaration of Human Rights, township

Introduction

Several scholars have alluded to the fact that education is a right through which one can achieve other fundamental rights (Lahiri, 2019; Thapliyal, Vally, & Spreen, 2013) and as such it has the power to promote social justice through improving the lives of the socially disadvantaged. Thus, every child should be accorded this right in practice. This means that the kind of education the children are given should be equal, of good quality, and should enable them to gain knowledge that improves their futures and allows them to compete and participate equally, fully and productively as citizens (Berger, 2003). In South Africa, this right is enshrined in the Constitution of South Africa (hereafter the Constitution). This study aims to report findings on how township high school learners defined the right to education and their views on how this right was being implemented in their schools.

In South Africa, efforts have been made to ensure the right to education in order to close the equality gap created by the apartheid regime. This has seen the new government introducing no-fee schools (Patrinos, 2000) to cater for poor Black communities where people cannot afford school fees, allocating finances to

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formerly disadvantaged schools, providing stationery and introducing the National School Nutrition Programme in poorer public schools, to improve learners' ability to learn (Arendse, 2011; Harber & Muthukrishna, 2000). Corporal punishment, which degrades learners' dignity, and racial discrimination in admission to formerly white-only schools were also banned (South African Schools Act, 1996; 4 to make sure that qualified teachers are available (Wolhuter, 2006). The curriculum has also been revised to remove aspects of segregation that gave Black people an inferior type of education and prepared them only for the labour force (Mestry, 2017). These efforts can be regarded as positive measures towards the progressive achievement of the right to education. However, the provision of proper resources continues to be hindered by financial constraints (Independent Online, 2010), and in some cases, the policies remain only on paper.

Recent research on the right to education in South Africa has focused on legal aspects and legislation (Lafleur & Srivastava, 2019; Selvakumaran, Hee, & Yusoff, 2020). Only recently, studies that focus on COVID-19's impact on the education of learners have begun to expose the social injustices that exist in education (Pătrăuș, 2021). Although some research has focused on whether the present South African education system adequately fulfils the learners' constitutional right to education (Chürr, 2015), in the South African context, there seems to be a gap in such research done from the perspective of learners themselves, who are the holders of this right. There seems to be a tendency of speaking on behalf of children about matters that affect them, without directly consulting them to get their original views. It is from this perspective that this study aims to find out how township high school learners define the right to education and their views on the implementation of this right in their schools, through direct inquiry of the children themselves. This provides an understanding of how learners define their right to education and view its implementation from their own perspective, rather than that of policymakers who may have biased perspectives on this issue.

I argue that since learners are the recipients of the right to education, their views and experiences of the implementation of that right in their various school matters, as they help to evaluate the extent to which social justice is prevailing, as far as the implementation of the right to education is concerned. It is also important to know learners' views on this matter as their views can be the basis for any change, improvement, intervention, or continuity of existing systems. The type of education given to learners should be in line with the requirements of the available international and local human rights policies and legislation. It must ensure no discrimination based on differences between the learners, such as their background, race, gender, socio-economic background, or cultural status. All learners, therefore, need to be afforded quality education without any discrimination to ensure that any social, economic, or cultural disparities that learners may bring into the school system are challenged. In doing so, the following research questions were addressed:

1. What does the right to education mean for township high school learners?
2. How do township high school learners perceive the implementation of their right to education in their schools?

The article starts with a review of existing literature to identify the existing gap, followed by a discussion on the role of education in promoting social justice. The study is then positioned within the social justice framework, and the methodology, findings, and discussion sections are presented before making conclusions. The following section highlights the literature reviewed.

Literature Review

In South Africa, the right to education is a fundamental right that is enshrined in the Constitution. According to the Constitution (Republic of South Africa, 1996, p. 1257) section 29(1) (a), “Everyone has the right to a basic education”, and subsection (e) states that this right should take into account “the need to redress the results of past racially discriminatory laws and practices”. Although the Constitution does not define what basic education is, it guarantees this right for everyone. Chürr (2015) differentiates the right to basic education from the right to education by saying the latter is broader than the first. This is because basic education may be restrictive and can allude to just one’s basic learning needs and the basic learning content such as literacy, numeracy, knowledge, skills, values and attitudes. Furthermore, Chürr (2015) points out that the right to education is a universal entitlement to education, which bestows upon the state a responsibility to ensure basic education is provided for everyone. Thus, the right to education should be interpreted in the broader sense as an instrument that can facilitate the development of better life, not merely giving learners basic skills.

While the right to basic education may not focus on quality, the right to education entails quality too. Thus, the Education for All, goal 6 aimed to improve the quality of education by 2015 (Narayan, 2015). Quality education is defined by Slade (2017) as education that provides resources and promotes a healthy lifestyle, takes place in a physically and emotionally safe learning environment, and connects the learner to the community at large. Personalised learning, qualified and caring teachers, and a challenging curriculum which prepares learners for employment and global participation are also key elements of quality education (Slade, 2017). Sustainable Development Goal 4 of the United Nations focuses on quality education, which aims to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all” (United Nations Sustainable Development Summit, 2015, p. 1). Although quality can be contextual, quality education should add value to the lives of learners (Concern Worldwide US, 2019) so that they can break free from the vicious cycle of poverty that most black people in South Africa find themselves entrapped in.

The right to education does not only entail children going to school but also includes key factors like the provision of resources that are critical for achieving the goals of education, as this is the essence of the right to education under

international law (General Comment No 13 para 6(1), 1999). Resources such as classrooms, bathrooms, stationery, textbooks, libraries, science laboratories, and modern technology need to be available in the best state that facilitates effective learning if the right to education is to be fulfilled. Some scholars have argued that the lack of these provisions hampers the transfer and fulfilment of the right to basic education (Odeku & Nevondwe, 2014). Human resources also need to be available in the form of qualified, competent, and dedicated teachers as well as support staff. Furthermore, the school environment needs to be conducive to proper learning, allowing learners to fully enjoy their right to education (Che Ahmad & Amirul, 2018). Thus, security, violence, and discipline issues need to be addressed as part of defining the right to education and as processes that enable the right to education to be effectively implemented. If the education policies and systems do not pay attention to these aspects, it can be argued that they are failing to promote the right to education for learners.

Instruments on the Right to Education

The right to education is enshrined in several international and national legal instruments of human rights. These instruments advocate for various elements of the right to education. For example, the Universal Declaration of Human Rights (UDHR), Article 26 (1948), the United Nations Convention on the Right of the Child (CRC) Article 28 (1989), and the African Charter on the Rights and Welfare of the Child (ACRWC), Article 11(3), (1990), all advocate the right to education for everyone including adults. To enable everyone to get this right, these instruments further stipulate that primary education should be made compulsory and freely available for all. However, it is acknowledged that in some developing countries, according this right in totality may be difficult due to various challenges. Thus, the CRC (1989), Article 28 acknowledges that the “state recognises the right of the child to education with a view of achieving this right progressively and on the basis of equal opportunity”. This clause calls for governments to develop progress targets and to fund the public education system so that the disadvantaged are equally catered for. Equal opportunity refers to every person participating freely and equally (Westen, 1985). It, therefore, makes sense that one of the primary goals for the National Development Plan 2030 is to improve the quality of education and promote equal opportunities for Black African children (National Planning Commission, 2012).

The idea that every child has a right to education is further enshrined in the African Charter on Human and People's Rights (ACHPR, 1981), Article 17, which mentions that “States to the present Charter shall take all appropriate measures with a view to achieving the full realisation of this right.” Full realization implies that the right to education may not only focus on providing entry to school, but the provision of resources, safe school environments, and modern technology. Thus, the right to education can only be fully realised under these conditions where there is equality in the provision of resources for teaching and learning.

Further advocating the right to education, Articles 28 and 29 of the CRC (1989) say “States Parties shall promote and encourage...the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods.” This implies that schools need to be equipped with functional facilities that promote the acquisition of scientific and technological knowledge such as science laboratories, libraries, and internet facilities. Given the advent of the fourth industrial revolution and the impact that Covid-19 has had on the transformation in learning and teaching strategies, the provision of technological facilities for learning can no longer be treated as a luxury, but as a basic necessity. Access to such facilities can also enable learners to compete equally on a global platform.

South Africa also ratified the UNESCO Convention Against Discrimination in Education (1960) which compels the state to develop local policies and legislation establishing the right to education for everyone. This has seen the development of domestic policies like the Constitution of South Africa and the South African Schools Act (SASA). These instruments echo the same sentiments of the right to education for everyone and endorse the role of the state to ensure the full realisation of the right to education on an equal basis (Republic of South Africa, 1996). Furthermore, various instruments such as the CRC and the Constitution of South Africa also spell out the aims of education, to improve the lives of people, promote social justice and democratic societies, and redress the inequalities created by past discriminatory laws (CRC, 1989; Republic of South Africa, 1996). Thus, the right to education is well documented locally, regionally, and internationally.

Although Nevondwe and Odeku (2013) argue that the right to education in South Africa was being adequately provided given that the government had introduced policies and legislations that are in line with the constitutional obligations, evidence from some public schools show otherwise, as what is promised on paper is not what is happening on the ground. In terms of policy implementation, Amnesty International South Africa (2020) notes that the government continued to miss set targets of improving learning facilities, hence failing to comply with their constitutional and international human rights commitments in terms of the right to education. This right cannot be achieved in a school where learners are unsafe to learn and have inadequate infrastructure and facilities. Unfortunately, this is the case for many schools in South Africa which continue to have unhygienic and poorly maintained facilities, unsafe school environments, and overcrowded classrooms which lack basic materials such as furniture and textbooks (Amnesty International South Africa, 2020). Thus, the notion of progressive achievement of the right to education needs to be revisited and the pace of progress examined, given that some of these domestic policies and legislations are over two decades old in South Africa.

Social Justice in Education and the Role of Education

Simply put, social justice in education refers to a commitment to challenging social, cultural, and economic inequalities imposed on individuals arising from any differential distribution of power, resources, and privilege (MILLS, 2019). Similarly, education has the power to level such inequalities. However, one of the challenges that continue to exist in the education system is the lack of social justice (Donohue & Bornman, 2014). The Preamble of the Constitution of South Africa pledges to “heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights” (Republic of South Africa, 1996, p. 1). According to van der Berg (2017), education is one such right that has the power to take the centre stage in bringing about social transformation and promoting social justice. This is so because the right to education is seen as a multiplier that is instrumental in providing access to other opportunities, hence achieving other rights (Thapliyal Vally, & Spreen, 2013). Thus, denying children the right to education means denying them other rights that can be achieved through being educated. All formal education intends to facilitate success through the attainment of the learners’ educational aspirations (Scott, 2018). This success can be economic, social, or political and as such may lead to one’s inclusion and equal participation in these sectors, which is the essence of social justice.

Divisions of the past referred to in the Preamble of the Constitution were created by the racial system of the apartheid government which separated people according to race. This saw Blacks being oppressed in every sector and denied them their rights (Thompson, 1996). Compared to their White counterparts, Blacks did not receive good quality education and many of them did not even have access to education (Lowenberg, 1997). Thus, the multiplier effect of this right did not apply to Blacks as they were not educated enough to improve their lives economically, socially, and politically or to participate in these sectors fully and equally. Hence, social justice was denied to them. Social justice in education implies that education is used as a tool to bring justice and equality among all people despite their differences (Gebremedhin & Joshi, 2016). This means the kind of education offered to all must be the same in quality and value. This can be achieved through providing quality teaching, learning resources, and infrastructure, and creating a safe and conducive school environment for teaching and learning. The constitutional pledges can only be achieved through according the right to education in totality to facilitate social justice and promote other fundamental human rights.

One of the roles of education is to help people transform their future (Walker, Pearce, Boe, & Lawson, 2019). Accessing the right to education means the child can gain knowledge that can help them to be employable in high-end jobs. This can result in the formerly disadvantaged and poor being able to improve their lives and compete equally with their White counterparts who have always been privileged. To achieve this, there is a need to create social justice by removing discriminatory practices that may exist in the education system. In this way, everyone is assured of equal access to quality education. Thus, education is a

powerful tool through which issues of social injustice can be addressed and equality is achieved. The government must therefore play its part in providing the needed equality for the poor and disadvantaged, to make sure that they have equal and quality resources needed to equally compete in the education sector.

Unfortunately, in South Africa, the dream of achieving social justice in education is an illusion for some, as the education system continues to be in crisis as it falls short of the required equality in terms of allocation of resources and services between formerly white and black schools (van der Berg, 2017). These inequalities are reflected in the findings of Legal Resources Centre (2013, p. 1), which indicated that only half of schools in South Africa have water and sanitation while 93% lack proper libraries and another 95% do not have science laboratories. Given this situation, it can be argued that the constitutional promises of according the right to education, healing the divisions of the past, and promoting social justice remain unfulfilled. Unless there is social justice in education, the real meaning and purpose of education may never be realised by some learners, and some learners may never fully enjoy their right to education.

Theoretical Framework – The Social Justice Theory

Social justice is based on the principles of equal distribution of resources, rules and procedures that preserve individual and group basic rights, and the treatment of human beings with dignity and respect (Jost & Kay, 2010). This calls for no discrimination based on any criteria like one's background, race, gender, religion, socio-economic status, and (dis)ability. This is because social justice strives for a socially just world, anchored in the premise of human rights and equality and how these rights – such as the right to education – are exhibited in the daily lives of people. Having close ties with the conflict theory, social justice aims to redress wrongs of the past and continued conflicts due to inequalities in society, as propounded by Karl Marx (Marx & Engels, 1848). To achieve social justice, there is a need for redistribution of resources, usually in favour of the disadvantaged groups to create equality with the advantaged ones (Walters, 2020). The area of education in South Africa is one such sector that has been affected by past wrongs of apartheid laws and exhibits inequalities, hence the calls for redistribution of resources. This can be done peacefully through government policies. Given that this study focuses on the implementation of the right to education and issues of equality in education, this theory is a good fit to explain findings on how learners view the implementation of this right in their schools. Although social justice as a theory has been criticised for lacking a proper definition (Novak, 2000), it still remains a valuable lens to use when interpreting issues of injustice in society. The right to education, being one of those rights that gives access to other rights, yet still being marred by injustices, can therefore best be interpreted within the social justice framework.

Methodology

A qualitative research method was used in this study as it is suitable in addressing questions pertaining to participants' meaning, perspective, and experiences from the participant's viewpoint (Hammarberg, Kirkman, & de Lacey, 2016). The study was grounded in the social constructivism paradigm which argues that knowledge is constructed through interaction with others (Gergen, 1985). This was a good fit for this study as the study aimed to explore how learners construct the meaning of their right to education. Furthermore, the aim was to see how they add to the existing knowledge of this right (Galbin, 2014). Since learners actively engage in their own learning experiences by collaborating with others (Glaserfeld, 1995), this paradigm helped to further explore how learners reshaped their understanding of the right to education through their personal experiences of the implementation of that right in their own school environments. Specifically, semi-structured interviews were used because of their flexibility and ability to get open-ended responses from participants for more in-depth information (DeJonckheere & Vaughn, 2019). The interviews were in-depth as the study sought views of high school learners on the meaning and implementation of their right to education in their respective schools; it aimed to get an understanding of how the participants experienced the implementation of their right to education from their own perspective (Hammarberg, Kirkman, & de Lacey, 2016).

Participants

Data were gathered from a small sample of 45 high school learners, as the aim was not to generalise the findings but to get a deep understanding of how the participants experienced the phenomenon under study (Denzin, 1983). All learners were from township public schools. The term township, in South Africa, refers to the underdeveloped urban areas which are racially segregated and were meant for non-Whites during apartheid (Pettman, 1913). Both schools were in Johannesburg south district in South Africa and were about 15 km apart. In a South African context, public schools are state controlled and receive funding and supplies from the government for their daily functioning. The poorest schools receive a higher grant than the wealthier ones depending on the quintile in which they fall. Some of the public schools are fee-paying while others are no-fee schools and are categorised into the quintiles 1 to 5 as assigned by the state (Grant, 2013). The public schools selected for this study were no-fee schools falling into quintile 2, which is considered to be a poor quintile as they are only one level above the poorest. The participants were aged between 13 and 17 years (26 females and 19 males) from grade eight to 12, and an average of eight participants from each grade participated.

Data Collection

The data were collected through semi-structured interviews using an interview guide that was designed by the researcher. The questions were guided by the literature reviewed, the research questions of this study, the topics that needed to be addressed during the interviews, as well as expert opinion. All participants were uniformly asked four open-ended questions, and several follow up questions were used to probe further or to seek clarity of issues raised. All interviews were audio-recorded with the participants' permission and were later transcribed verbatim for data analysis. The researcher collected data until the point of data saturation when no new ideas were coming up from the participants (Fusch & Ness, 2015). This was also done to maintain the validity of the content as well as to capture the most critical and common views from the participants.

Data Analysis

The data were analysed qualitatively using a thematic data analysis approach. This process was guided by Braun and Clark's (2006) six steps of thematic data analysis. Firstly, the researcher reread the interview transcripts several times to become familiar with the data. In the process, codes were assigned to data that had similar meanings or ideas that were constantly repeated, using descriptive words or short phrases. Expert opinion was also sought on the codes assigned to ensure consistency (Linneberg & Korsgaard, 2019). Codes that showed similar patterns were then combined to form themes and those that made sense on their own also formed themes (Braun & Clark, 2006). To ensure that the themes were sensible, they were reviewed by comparing them against the transcribed data and were further refined for accuracy. The themes that emerged were then defined and assigned a name that would be easily understood by the readers (Linneberg & Korsgaard, 2019). Finally, the themes were used to write up the findings, and some extracts from the interviews were used verbatim as supporting evidence for the themes. This process yielded three themes which are presented below in the findings section.

Findings

From the data analysis, three themes emerged which were interpreted and presented to address the research questions of this study. Pseudonyms and codes were used to protect the identities of participants and their schools. For example, Blue(A) mean Blue from school A. The themes were: meaning of the right to education, non-implementation of the right to education, and implementation of the right to education. Several sub-themes also emerged under theme two, which are presented below.

Meaning of the Right to Education

Participants were asked what the right to education meant to them, and it was apparent from the responses that, generally, there was a good understanding of the meaning of the right. Several key issues were raised which characterised the right to education. A common view amongst participants was that education was a means to achieve success and a better future. For example, Blue(A) said: "I feel that education, like, allows you to have a better future...because most people that don't have education end up...on the streets as beggars...or with low-income jobs..." Some felt that it meant being allowed to go to school and having teachers teaching them and giving them knowledge. Asa(B) posited: "I understand that I am allowed to go to school and to do my responsibilities and that I respect the teachers and that the teachers will teach me..." Lesego(B) added: "I think it means, every child has a right to go to school, have the knowledge and be successful in life. They say without education there is no success." The element of non-discrimination was also voiced by some learners as they emphasised that every child should get an education despite their differences. This is evident from Mac(A)'s words: "...as a child, institutions need funds for you to go there, so you have a right no matter if you are poor, rich every child has a right to get an education because it will empower them for the future." Also, Thandi(B) opined: "So, they always say education is the key to success, so that's why they say every child has a right to go to school and to know everything they wanna know and no one must be discriminated."

Non-implementation of the Right to Education

When asked about their views on whether the right to education was being implemented in their schools, issues related to partial implementation were particularly prominent in the interview data. Several reasons for this were given and these are presented as sub-themes.

Unconducive School Learning Environment

Over half of those interviewed expressed dissatisfaction with their school environments, which they expressed as not suitable for advancing their right to education and achieving their goals. Anna(A) said: "Very, very dirty and some of us are very sick? You find dust, and with people like us, we are affected and you cannot learn in classes with so much dust." Yaya(B) concurred: "The school is also dirty. Our classes have to be cleaned, especially the toilets, sus, they are a disgrace... then you get infections and stuff like that." Lala(A) expressed concern over the noise and lawlessness in the school: "Others disturb, and others they talk. If the others have bunked the class, they will stand at the door and talk. And the teacher will be in class and he chase them away. The school is also corrupt. Children are misbehaving. They are smoking weed, everything." Taka(A) added: "There are learners who smoke. If you go that way, you will see them and some

learners have asthma, so these smoking learners come into class smelling of weed, cannabis...and this affects you especially if you have asthma and you can't learn. There are also teachers that smoke, they smoke very close to the classrooms." JJ(B) pointed: "There are those that gamble because when we are learning, this gambler starts a gambling game at the corner and then other learners go there to gamble. The teacher is disrupted and then fails to teach us. If they can expel those people that smoke maybe the school might be alright. Because those are the people who disrupt."

Lack of Teacher Commitment

Only a small number of participants indicated that they were happy with their teachers, while the majority was not happy with most of the teachers they had, citing several reasons such as lack of care, passion and commitment. Pitso(B) mentioned that: "...I think they just provide teachers to go and teach just to get money, you know, maybe to just go and teach and they don't care about other things." Pat(A) also opined that: "If our teachers would sacrifice their time and stay with us to make us understand some of the things we usually don't understand, things would be good", and Koko(B) also stated that: "I feel like some teachers are just doing it because they had no choice, especially teachers at this school, they don't have passion." Sasha(A) supported this: "He always comes in the class when he feels like coming into your class...he is always drunk and smelling weird." Babido(B) mentioned that: "Another thing is that teachers like staying in their staffroom and drinking tea and talking whatever they wanna talk. We are left with no class and no teacher, so we basically stay outside and doing whatever during lesson time."

Poor Teacher-learner Relationships

In their accounts of the events happening in their schools, the findings of this study further revealed that the relationship between teachers and learners was generally not conducive to proper teaching and learning that advances the right to education. Connie(A) said: "I think the teachers should stop bullying school children, the bullying is going on, in this school, there is too much bullying like I don't feel comfortable in this school." Katlego(B) mentioned that: "Some of the children don't have discipline in some other classes. They tell the teachers to get off. There are many children that were suspended for disrespecting the teachers, and some were even, like, chased out of the classes because of the behaviour they do. I think children don't have a good relationship with teachers, but some are good." Tik(A) commented: "Some of them [learners] are fighting with teachers during period time and we are getting affected, you get the whole class failing. In term 1, only one person managed to pass term 1 in the class of over 40 learners." Some learners further pointed out specific teachers whom they felt did not have a good relationship with learners. Lorna(A) said: "Sir, he is sometimes late for the class. It's because they are not respecting him in the classroom. They are always

laughing at him. They don't listen to him while he is talking, they are playing in class. So, they don't learn nothing."

Unavailability of Resources

The majority of the participants agreed that they had almost all the books they needed but lacked essential resources like the library, computer and science laboratories, and Wi-Fi. The single most striking observation to emerge from the data was that in one of the schools, despite all these resources being available in the school, they were not accessible to learners. This is evident in the words of Kala(B): "...we do have a library, but it's at the corner that side, but then we don't go there because it is a teacher's office. It's always locked." Gina(B) concurred with Kala: "Open this lab please, this computer lab. We don't use these computers. Have more things to work to like library center, science lab and, because some of the science lab is locked, we cannot read there." Kelee(A) also expressed that: "There is a Wi-Fi here, but it's locked, no one is being given access to it, no one is using it, only them [teachers]. So, we have our smartphone, why can't we use them because nowadays technology is being talked about and we are using technology a lot." To access library facilities, several participants revealed that they had to walk long distances to go to community libraries in other areas as they did not have any in their nearby community. Jay(A) said: "Yea, it's [the library] in Park but it's too far. I walk there more than 30 minutes and I come here from school 3 o'clock then I get there 4 o'clock. Then I have to study and then the library closes at 5 o'clock." The issue of overcrowded classrooms due to lack of teachers was elaborated by Mpho (B): "...in my class, we are 60 and we have been fighting to be divided into two...our educators cannot provide for us all, like give us attention...the principal said it's beyond her hands...they [government] have to find new teachers."

Implementation of the Right to Education

While there were several negative views about the implementation of the right to education, some participants expressed the belief that some positive developments were taking place to fulfil this right in the sampled schools. For example, they appreciated the no school fees policy which they said was enabling everyone to have an education. Jabu(B) said: "We don't pay school fees. It's good because some children cannot afford...but everyone can come to school." Furthermore, many participants agreed that the stationery they were being given was helpful although some would have wanted more to last them a year. Mary(B) said: "The government plays its role, I mean like at our school, we get stationery. Every year, we get two exam pads, pens, and pencils. Yea, and a maths set. Oxford, for free you just get. But I wish they could give us more pens and writing books because we write a lot." Some also appreciated the supply of textbooks but also highlighted some shortfalls in this area. This is clear from what Janny(A) said: "Yes we do have books. But some of them no, like IsiZulu, we are short with short stories."

Other books are also torn apart.” Participants further alluded to the fact that the feeding schemes in their schools were a positive aspect that helped them to learn comfortably without hunger. Jack(A) said: “There is a feeding scheme and everyone who wants can have. Because some learners are poor and cannot afford food...It is for free and yes, it’s nice.”

Discussion

This study aimed to explore township high school learners’ views on the meaning and implementation of the right to education in their respective schools. It is interesting to note that all participants had a good understanding of this right compared to findings of other studies on participation rights (Lundy, 2007; Middel, Post, López López, & Grietens, 2021), where children were found to have a lack of knowledge about their right to participation. The way participants defined the right to education aligned with that given in the constitution (Republic of South Africa, 1996), that everyone has the right to basic education, and concurs with Mestry (2017) who states that education is a fundamental right that extends equally to all learners. This spells out the non-discriminatory aspect in acquiring this right which many participants in this study echoed. Furthermore, participants defined the right to education as a means to facilitate a better future which concurs with sub-section (e) of the constitution, which notes that this right should aim to redress the results of past racially discriminatory laws and practices. These laws and practices disadvantaged Black people from improving their lives by providing them with an inferior education which only made them suitable for menial and low paying jobs, perpetuating poverty among the Black populace (Mestry, 2017). The definitions further support the purpose of social justice, which is to improve the lives of the socially disadvantaged through promoting equality and poverty alleviation (van der Westhuizen & Swart, 2015). This kind of justice can only be achieved if all learners are given quality education and training regardless of their differences, which du Plessis (2013) argued enables learners to gain lifelong learning and the ability to be productive and provide meaningful participation in society.

School Learning Environment

The findings of this study highlighted an uncondusive learning environment as infringing on their right to education. This finding corroborates the ideas of Chonghui (2020) who argues that unfavourable learning environments impede learners’ learning abilities and can be a precursor to learner misbehaviour, due to low motivation and lack of interest in learning. Joshi, Pandit, and Kuma (2005) found that in Nepal, 89% of government schools had poor environmental conditions which resulted in health problems for the learners. Kiley (2016) also found that in America, safety and orderly learning environments were key factors for student achievement. Some scholars further argue that factors such as poor sanitation

prohibit the delivery and realisation of the right to basic education (Odeku & Nevondwe, 2014). It can thus be suggested that the lack of a conducive learning environment in the sampled schools was a hindrance in the provision of the right to education in totality, as it affects the delivery of quality education and impacts overall outcomes. Despite the new government in South Africa introducing policies meant to redress these inequalities and promote social justice, I argue that a lot still needs to be done in terms of implementing the policies.

Teacher Commitment

Another important finding of this study was the lack of teacher commitment in delivering the child's right to education. The role of the teacher in determining the effectiveness of teaching and learning cannot be undermined. Alsalamah and Callinan (2020) note that contentment with the teacher contributes to the transfer of skills and knowledge delivered through teaching. Effective teaching is what brings about success in education and improvement in life, hence achieving social justice. Thus, commitment to student learning calls for teacher diligence, to assist learners despite their academic difficulties or social backgrounds (Yildiz & Celik, 2017). In this way, no child is left behind and social justice can be achieved in providing all learners with quality education. The lack of commitment of some of the teachers in this study can be argued to be contributing to a lack of social justice in education.

Teacher-learner Relationship

A good learner-teacher relationship is very essential to foster positive learning environments in the classroom and improve learner engagement and achievement. Mabunda and Mulovhedzi (2020) found that the relationship between teachers and learners plays a significant role in the academic performance of learners and that positive relationships between teachers and learners facilitate the positive academic performance of learners. This study reported poor teacher-learner relationships due to bullying and students' ill-discipline and lack of respect for teachers. This supports findings of the Talis Report (2019), which shows that one out of three principles reported that bullying and student intimidation happened at least weekly. This may result in learner dropout and poor academic performance, and as such, teachers should strive to make learners feel comfortable at school to reduce such risks (Federico, Bartolucci, & De Carlo, 2019). Wolhuter and van der Walt (2020) further state that learner indiscipline remains a serious problem in schools, as evidenced by numerous reports of learners who hit or threaten teachers (Dhlamini, 2018; Daniel, 2018). The negative relationships aired in this study could therefore result in poor implementation of the right to education due to dissatisfaction of the concerned parties. Attention needs to be given to the prevailing conditions which result in the right to education being just a policy in theory, rather than in practice.

Teaching and Learning Resources

The fact that the sampled schools lacked libraries and computer and science laboratories is unbelievable given that these are essential resources for teaching and learning and are pertinent in advancing the right to education. This supports the findings of the Amnesty International South Africa report (2020) which indicated that according to the DoBE 2018 statistics, 20,071 out of 23,471 public schools did not have laboratories, while 18,019 had no library and 16,897 had no internet. Adequate infrastructure and learning facilities are some of the essentials that entail the right to quality education. Amnesty International South Africa (2020) further argues that lack of these conditions perpetuates social injustice, hence, disadvantages many learners in poor public schools. Given this situation, it can be argued that the constitutional promises of according the right to education, healing the divisions of the past and promoting social justice remain unfulfilled. While physical resources and infrastructure are by themselves insufficient to guarantee the right to education, they are unquestionably imperative for this given their direct effect on the quality and viability of education and the human dignity of learners. Provision of resources and infrastructure must, therefore, be prioritised if education is to achieve social justice and assist in poverty reduction (Veriava 2016). Given the prevailing situation as evidenced by the findings of this study, it is evident that the war to promote the right to education based on the principles of social justice is far from being won.

Advancement of the Right to Education

To promote social justice in terms of access to resources, the government exempts certain schools from charging school fees, provides some resources such as textbooks, stationary and feeding schemes. Although the idea of no-fee schools was most welcomed by participants, Harber and Mncube (2011) argue that public schools in richer communities charge high fees to maintain excellent facilities and employ more teachers while schools in poorer communities cannot afford that. This has possibly created another form of social injustice and inequality among public schools where the relatively opulent schools will be better resourced than the poorer ones which solely depend on state funding for survival. This results in children from poorer communities not fully enjoying their right to education due to a lack of essential facilities.

While the supply of stationary to learners could be viewed as a positive development, the shortages mentioned by participants can be argued as government failure to fully cater for the educational needs of poor learners, hence, maintaining the social justice gap. This phenomenon is also common in other provinces such as Limpopo where there have been reports of book and stationary shortages (Samuels, 2021). However, given that many children in South Africa go to school hungry (Spren & Vally, 2006), the feeding schemes mentioned in the sampled schools assist in closing this gap in social justice by making sure that the learners do not learn on empty stomachs. Despite several reports of food poisoning from school

feeding schemes in various schools across South Africa (Shange, 2017), the National School Nutrition Programme is a crucial social protection instrument in South Africa that caters for over 9 million children every school day and has proved to contribute to better education access and learning outcomes among other things (Devereux et al., 2018). Thus, credit should be given to efforts by the government and various non-governmental organisations who are responsible for this crucial programme.

Conclusion

This article aimed to explore South African township high school learners' definitions and views of the implementation of the right to education in their schools. The findings of the study are novel in that they highlight the persistent lack of delivery of quality education within the poor Black communities which can be argued to be a non-fulfilment of the right to education. This area calls for urgent government attention if social justice is to be achieved in education. Based on the findings of this study, I concur with van der Berg (2017) who argues that the persistent lack of proper learning and teaching facilities in poor Black communities shows that the government may be infringing the right to education, human dignity and equality as given in the constitution (Republic of South Africa, 1996). Using semi-structured interviews, this study found that learners' definitions of the right to education aligned with the parameters of the Constitution as well as those of the social justice framework. Furthermore, the learners indicated various factors that they attributed to hindering them in from the right to education such as non-conducive learning school environments, poor teacher-learner relationships, lack of teacher commitment and lack of resources. The positive development in terms of no-fee schools, textbook and stationary supplies and feeding schemes were noted but still need some improvement. This study shows that as much as the state is trying to level the inequalities in education, more still needs to be done to close the social justice gap that was created during apartheid. This study recommends urgent attention to matters that have been raised here such as the provision of proper facilities such as libraries, science laboratories, clean toilets and clean and conducive school environments to facilitate the provision of quality education. The issue of the non-commitment of teachers needs to be further investigated and addressed.

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