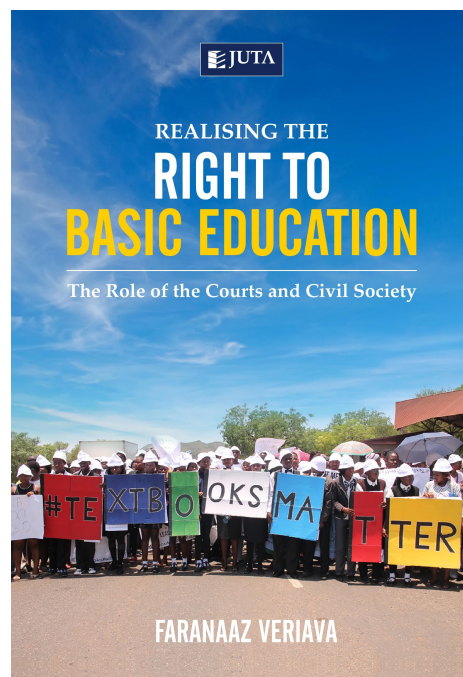


Realising the Right to Basic Education

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About this Publication:

Realising the Right to Basic Education examines the crucial roles of civil society and the courts in developing the right to education in South Africa amid substantial and persistent inequalities in education provisioning.

Unlike other socio-economic rights in the Constitution, the right to basic education is framed as an unqualified right – it is not subject to qualifiers such as ‘progressive realisation’ and ‘within the state’s available resources’. Yet, two and a half decades into South Africa’s constitutional democracy, the apartheid legacy of unequal education still lingers. Poor, predominantly black learners continue to attend historically disadvantaged schools that are often severely under-resourced, producing poor learner outcomes. This has given rise to a wave of civil society activism since around 2008 – and organisations have been utilising legal mobilisation as a key tool to effect change in historically disadvantaged schools. The litigation initiated by these organisations has contributed to a rich and evolving jurisprudence on the right to basic education as a substantive right. However, in a significant number of these cases, the relevant education departments have not complied with court orders, requiring litigants to seek increasingly innovative, experimentalist and even coercive remedies to ensure that judgments are implemented.

Realising the Right to Basic Education presents an overview of these education-provisioning cases and the roles played by civil society and the courts. It analyses the contribution of these two role-players in the normative development of the right to basic education. The book also aims to identify a viable framework for interpreting the right to basic education – one that can guide South Africa towards adequate education provisioning and, ultimately, facilitate transformation of basic education in South Africa’s historically disadvantaged schools.

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Of Interest and Benefit to:

- Human rights advocates
- NGOs
- Public and private schools
- Educators
- Principals