

The Right of Pregnant Girls to Remain in School: Conflicting Human Rights

Authors : Ronelle Prinsloo

Abstract : Teenage pregnancy in South African schools is a growing concern. In South Africa, many young female learners end their schooling permanently, not because they have completed their studies, but due to pregnancy. The admission policy of public schools is determined by the governing body of such a school, and this policy can determine that a pregnant learner may not attend school during pregnancy and for a certain period after the birth of the child. This can be seen as an infringement of the rights of the teenage mother to be allowed to attend school. It can also be argued that this conflicts with the best interest of the child as well as the rights of the governing body to determine policy in accordance with the mandate as given to them by the parents and community served by the school. A pregnant learner can argue that the admission policy of a school is discriminatory if it does not allow the pregnant learner to continue her schooling. She may also argue that she is being unfairly discriminated against based on gender because in many instances, the baby's father is still allowed to go to school. The Constitution (Constitution of the Republic of South Africa, Act 108 of 1996), provides in section 9, that everyone is equal before the law; it goes on to provide that equality includes the full and equal enjoyment of all rights and freedoms and provides those grounds on which one may not be discriminated against including, gender, sex, and pregnancy. Schools should be encouraged to re-enroll students if they have a support system available to assist with the necessary childcare when they attend school. To dramatically increase the number of young people enrolled in alternative pathways such as Further Education and Training or Adult Basic Education and Training must be provided. In addition, alternative systems must offer viable exit opportunities for participants by cohering with further education and economic opportunities.

Keywords : admission policy, Constitution of South Africa, human rights, teenage pregnancy

Conference Title : ICFLCR 2022 : International Conference on Family Law and Children's Rights

Conference Location : Kuala Lumpur, Malaysia

Conference Dates : December 09-10, 2022