Ethnic Culture, Human Rights, and Social Justice: A Dilemma for School Teenage Pregnancy and Policy Implementation

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ABSTRACT

Teenage pregnancy should be one of the main issues addressed by every education system, since early teenage pregnancy can have harmful long-lasting implications for girls' physical, psychological, economic and social status, and is a concern from both the human rights and social justice perspectives. An Afrocentric qualitative research approach was adopted to analyse the conflict between retaining South African hybrid cultural values and complying with the prescripts of learner pregnancy policy, in line with the South African constitution. Culture encompasses the learned patterns of behaviour and range of beliefs which are attributed to a specific group and are passed down through generations. People from culturally and linguistically diverse backgrounds often require culturally appropriate communication and interaction services which are sensitive to their specific cultural, spiritual, dietary and linguistic needs. We used "Afrocentric-Ethnological Method" mediated focus group and body language observation methods to collect data on learner pregnancy policy implementation in public schools. Afrocentric thematic analysis, as a method, was adopted to analyse the data from five conveniently sampled public high school principals. The findings indicate that the implementation of a learner pregnancy policy was problematic, due to conflict between hybrid cultures and the law. We proffer that education for a pregnant girl child is severely compromised due to a failure by stakeholders to synchronise the appropriate use of cultural practices and the law.

Keywords: Ethnic culture; human rights; policy implementation; school teenage pregnancy; social justice.

INTRODUCTION

Education is central to the development of young people, as it prepares them for the world of work and for life. As young people spend longer periods in education, as part of the natural course of their development, sexual experimentation and maturity are increasingly coinciding with secondary schooling. For most, it remains at the level of experimentation and, if sex occurs, indications are that it is more likely to be protected when young people are still at school. For a minority, however, it results in unwanted pregnancy, HIV, other sexually transmitted infections, and lost opportunities. In a rights-based society, young girls who fall pregnant should not be denied access to education, and this is entrenched in South African law, through the Constitution of the Republic of South Africa, Act 108 of 1996 (RSA, 1996a) and the South African Schools Act (SASA), 84 of 1996 (RSA, 1996b). In 2007, the Department of Basic Education released *Measures for the Prevention and Management of Learner Pregnancy* (DBE, 2007). Not without controversy, these guidelines continue to advocate for the right of pregnant girls to remain in school but suggest up to a two-year waiting period before they can return to the classroom, in the interest of the rights of their infant/child. Any proposed shift in policy and practice needs to be informed by a well-rounded understanding of the context of teenage pregnancy. It is important to recognise that teenage pregnancy also has a cultural, economic, political, emotional, and spiritual impact on the community, state and society. School leadership's responsibility is to improve the quality of education in the community. That responsibility includes providing not only education, but also ensuring that counselling and financial assistance are available to all those affected by a teen's pregnancy. A further responsibility is to work towards resolving the conflicts that exist between a girl child's cultural practices, and her constitutional rights. School leadership thus extends beyond the walls of the organisation/school, to include participation in a community's engagement in the prevention of teenage pregnancy.

RESEARCH PROBLEM STATEMENT

Approximately 30 % of teenagers in South Africa report 'ever having been pregnant', the majority[i], unplanned (Ardington, 2012; Jewkes, Morrell & Christofides, 2009; Lince, 2011; The figure is for all teenagers (13–19 years of age), but motherhood for an 18- or 19-year-old has very different implications than for a young adolescent, one who is aged 15, for example. Teenage pregnancy in South Africa is driven by many factors, including gender inequality; gendered expectations of how teenage boys and girls should act; sexual taboos (for girls) and sexual permissiveness (for boys); poverty; poor access to contraceptives and termination of pregnancies; incorrect and inconsistent contraceptive use; the judgemental attitudes of many healthcare workers; high levels of gender-based violence; and poor sex education (Bearinger, 2007; Chigona & Chetty, 2007; Jewkes et al., 2009; Pettifor et al., 2009).

In 2007, the DBE in South Africa developed a policy to regulate the management of teen mothers in schools. The learner pregnancy policy (LPP), as it is commonly known, compels principals to provide support to teen mothers, by encouraging them to proceed with their schooling. Despite the introduction of the LPP, however, the rate of teenage pregnancy has not declined significantly.

PRIMARY OBJECTIVE OF THE STUDY

There is a gap in the research regarding reconciling ethnic[1] hybrid cultural values, and the Bill of Rights in South Africa (RSA, 1996a). Existing research on teenage pregnancy fails to clearly break down conflicts, thereby contributing to difficulties in the implementation of the LPP in this country's public schools, especially in rural areas (Mutshani, Malovela, Lebese & Mashau, (2015); Nkani & Bhana, (2016); Majabu, (2009) Runhare, 2010). The primary objective of this article is to analyse the views of public-school leadership on the implementation of the policy in South Africa's public schools. Also discussed here are the meanings which public-school leadership attach to the embedded conflicts that exist between ethnic hybrid cultural values and practices, and LPP implementation.

RATIONAL-LEGAL AUTHORITY

Rational-legal authority is one of the pillars of authority that make up sociologist Max Weber's (1978, see also Rawls, 1971, p. 6) tripartite classification, alongside traditional and charismatic authority. Under the doctrine of rational-legal authority, authority is derived from rational societal constructs, legal legitimacy, compliance with established legal norms, and with the bureaucratic system. Citizens and subjects in rational-legal systems accept authority because it is congruent with historical and established legal doctrines (Weber, 1978). Lawlessness occurs when citizens perceive the state's actions to be incompatible with established legal doctrines, and with the citizen–establishment relationship (Weber, 1978). States that use the rational-legal system are entitled to employ the legitimate use of force, to ensure compliance. Most modern states use this system of authority.

By the same token, the legal framework entrenched in the constitution (RSA, 1996a) was used to test the challenges facing principals in terms of readmitting teen mothers to public secondary schools, once those young women have given birth. Three important principles of the constitution underpin this framework: the right to equality, the right to education, and the rights of the child (including the new-born) (DBE, 2007). In South Africa, it is illegal to expel pregnant learners, because such an action would violate their basic right to education, and may, at the same time, be regarded as unfair discrimination on the ground of pregnancy. Section 9(3) of the constitution (RSA, 1996a) states that the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth. This is supported by SASA (RSA, 1996b), which compels public schools in this country to admit all learners and serve their educational requirements without unfair discrimination. Within this legal framework, teen mothers have the right to be readmitted back in class, unconditionally, after giving birth. Failure to admit them amounts to an infringement of their right to basic education, as afforded by the constitution (RSA, 1996a). By contrast, the best interests of the child new-born are of paramount importance in every matter concerning the child (RSA, 1996a). That infant is entitled to parental care, protection from maltreatment (e.g., neglect), and the recognition of its special needs (e.g., health). This creates a conflict of interest between the rights of the new-born, and those

of the teen mother seeking to return to school after giving birth.

LITERATURE REVIEW

The readmission of teen mothers to school is underpinned by South African laws that prohibit the exclusion of pregnant teenagers and young parents from school (Madhovan & Thomas, 2005). After giving birth, teen mothers are expected to attend school to complete their studies, without being discriminated against in terms of the constitution (RSA, 1996a, s9 (3)). This call is supported by the *African Charter on the Rights and Welfare of the Child*, that advocates the right to education of every child (Unesco, 2003), including a pregnant learner. The LPP allows pregnant learners to remain at school, and to be readmitted once they have given birth. The policy stipulates, however, that no learner may be re-admitted in the same year that she left school due to pregnancy (DBE, 2007 p. 49). Bray (in Joubert & Prinsloo, 2009, p. 66) states that the right to education in terms of the constitution belongs to everyone, including children, and emphasises that it is a socioeconomic right. As Joubert and Prinsloo (2009) argue, any attempts to expel pregnant learners from school are illegal in terms of the constitution.

A teen mother's chances of returning to school after having given birth, are significantly dependent on the availability of a childminder. One of the requirements of readmission, in terms of the LPP (DBE, 2007), is that the teen mother must demonstrate that proper childcare arrangements have been made. The survival and development of children under care, as recognised by the right to family or parental care, requires the help of an adult person, since teen mothers are often regarded as too immature to properly care for their offspring (Unicef, 2009. Bhana, Morrell, Shefer, & Ngabaza, (2010) report that teen mothers identified childcare, child-related illness, and financial strain as the most significant barriers to them attending school, particularly in poor communities. The LPP expects schools to offer support to child-bearing learners in the form of advice and counselling on motherhood and child rearing (DBE, 2007).

What is Culture, and What Does it Mean to be "Culturally Diverse"?

Culture is a term that refers to a large and diverse set of mostly intangible aspects of social life. According to educationists, culture consists of the values, beliefs, systems of language and communication, and practices that people share, and that can be used to define them as a collective and includes those material objects that are common to a particular group or society (Idang, 2015; Taylor, 1897). It is distinct from social structure and economic aspects of society, but is nonetheless connected to them, continuously informing those aspects, and being informed by them (Taylor, 1897). Culture includes the patterns of learned and shared behaviour and beliefs of a particular social, ethnic, or age group (Hofstede & Hofstede, 2005). At the other extreme is a well-known simple and narrow definition of culture are shared "mental software", "the collective programming of the mind that distinguishes the members of one group or category of people from another" (Hofstede & Hofstede, 2005).

The term "culturally diverse" is often used interchangeably with "multiculturalism", which is defined as a system of beliefs and behaviours that recognizes and respects the presence of all diverse groups in an organization or society, acknowledges and values their socio-cultural differences, and encourages and enables their continued contribution within an inclusive cultural context which empowers all within the organization or society. (Nye, 2007, p.6)

Cultural diversity in a community is evident where people hail from diverse ethnic and cultural backgrounds yet live together. The life of communities is not based on a monoculture or closed system, but rather on the values of the entire vertical and horizontal configurations thereof (Nyoni, 2021; Nye, 2007). The cosmopolitisation of diverse communities has its own advantages and disadvantages, in terms cultural infusion and assimilation (Nyoni, 2021).

African Culture and Values

Taylor (1897) sees culture as a complex whole which includes the knowledge, beliefs, art, morals, law, customs, or any other capabilities and habits, acquired by individuals as members of a certain society. Despite expecting this definition to be univocal, that is not the case. In fact, there are as many definitions of culture as there are scholars who are interested in the phenomenon (Idang, 2015; Taylor, 1897). Culture embraces a wide range of human phenomena, material achievements and norms, beliefs, feelings, manners, and morals (Hofstede & Hofstede, 2005). It is the patterned way of life which is shared by a particular group of people who claim to share a single origin or descent (Idang, 2015; Taylor, 1897). Bello (1991, p. 189) views it as "the totality of the way of life evolved by a people in their attempts to meet the challenge of living in their environment, which gives order and meaning to their social, political, economic, aesthetic and religious norms, thus distinguishing a people from their neighbours".

Colonialism significantly altered the beliefs and values of Africans, practically eroding familial and community structures (Bello, 1991). Today, the argument oscillates between a return to the 'glorious' precolonial past as the minimum requirement for moral rearmament, and a total break with the past. The whole process of a return to precolonial times is hampered by the colonial forced cosmopolitanising of different ethnicities, who were lumped together only to be used as a reservoir of cheap labour (Bello, 1991). The practice significantly altered the way in which African practised their cultural and traditional rituals, to the detriment of their survival as a people. Sacred rituals of morally bringing up boys and girls were diluted by the introduction of Western influences.

The Convergence of Culture and Constitution

The South African constitution (RSA, 1996a) uses the concept "culture" in three clear ways: first, culture is used to refer to a specific tradition based on ethics. It can be employed to describe the development or improvement of a situation: for example, one of the functions of the South African Human Rights Commission (HRC) is to promote a "culture of human rights". Second, it is used as a collective term for aesthetic expression, inter alia, in the fields of literature, theatre, music, and sculpture. The Culture Promotion Amendment Act, 59 of 1998 (RSA, 1998), serves as an example of legislation dealing with culture in such a sense. Third, "culture" is used as a modality that identifies and binds a specific group of people. In that sense, it is understood as a determining source of identity, drawing a distinction between people, on grounds of a few characteristics such as language, religion, beliefs, and traditions (Promotion Amendment Act, 59 of 1998 (RSA, 1998).

The upside of basic liberties, as elucidated in the constitution (majority rule government, transparency, regard for human existence and respect) (RSA, 1996a), are differentiated from values in "other" frameworks, inferring an inclination for legislation from the pre-imperialism periods to change, to adjust to the norms embodied in the postcolonial constitutional Bill of Rights. A

"hybrid society" such as that of South Africa poses a significant risk to the ability to abide by the tenets outlined in the Bill of Rights. From one perspective, the state has the obligation to guarantee – contrary to the 1996 constitution – that the qualities cherished in the Bill of Rights are implemented and applied to all citizens. The greatest challenge is the clash of hybrid societal cultural rituals and traditions with the Bill of Rights, as enshrined in the constitution (RSA, 1996a). Many Africans find it difficult to practise their cultural values and norms, as doing so might violate the laws of the country: for instance, they are no longer allowed, under the law, to discipline their children in the way they used to, before the dawn of democracy in South Africa. Now parents are obliged to consider the terms and conditions of the law, before disciplining a child.

The Clash between the Sexual Rights of Girl Children, and Culture

The constitution accommodates cultural practices – both conventional and social – yet some clearly are contrary to specific basic human rights, as well as the sexual and conceptive rights of women (including those of the girl child). The Children's Act, 35 of 2005 (RSA, 2005), for example, requires girls to give consent before any virginity testing can be done on them. Of the relative multitude of global common freedoms, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Office of the High Commissioner on Human Rights [OHCHR], 1979) may be the most significant. In outlining women's sexual and conceptive freedoms, CEDAW (OHCHR, 1979) states that women's rights are imperative to their prosperity, therefore nation states should go to certifiable lengths to guarantee that, amongst others, regenerative medical care is accessible and available to all women.

CEDAW (OHCHR, 1979), Article 16, of the Convention states that the issue of marriage and family relations, asserting the equal rights and obligations of women and men regarding the choice of spouse, parenthood, personal rights and command over property. States are therefore obliged to include advice on family planning in the education process (article l of OHCHR, 1979) and to develop family codes that guarantee women's rights "to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights" (article 16.e of OHCHR, 1979). Sex education in schools traditional focus on contraception and the risks of teen pregnancy but young girls deserve the full story about fertility and its limits, so that they can make informed decisions about their future.

Under Article 16(2) of CEDAW (OHCHR, 1979), the betrothal and marriage of children are prohibited, and states are required to take all necessary action to specify a minimum age for marriage. In similar vein, the 1989 Convention on the Rights of the Child (CRC) (OHCHR, 1989) requires protection against "all forms of sexual exploitation and sexual abuse". States parties are obliged to take appropriate measures to prevent the "inducement or coercion of a child to engage in any unlawful sexual activity [and] to prevent the abduction, the sale or traffic in children for any purpose or in any form" (OHCRC, 1989). Arguably, the failure to reconcile African cultural practices with the Bill of rights in the Constitutional may have contributed to the confusion about the up bringing of young girls.

As indicated by Campo-Arias (2010), sex personality is, "the level of acknowledgment which an adult show in terms of behavioural qualities and emotions expected for an individual, as per sex, to

indicate interaction with others". Such definitions, among many, incorporate a range of qualities connected to sexual orientation character, and its social setting – sexual orientation being generally characterised by the public, to the degree to which someone distinguishes him/herself as manly or ladylike. Children are raised to adhere to certain cultural values and traditions, as a means of showing respect. By learning about, and adhering to, those cultural tenets, young people are receiving psycho-social training for the world of tomorrow.

The Supremacy of the Constitution

Given that some cultural practices violate the rights of young girls, such as virginity testing and *ukuthwala* (marrying off young girls without their consent), the Children's Act (RSA, 2005) is of critical importance. Under section 12(i), "every child has the right not to be subjected to social, cultural and religious practices which are detrimental to his or her well-being". Section 12(2)(a) prohibits the giving out of a girl in marriage or engagement when she is below the minimum legal age. Even if she is above the minimum age, she may not be given out in marriage or engagement without her consent. Female genital mutilation is specifically prohibited, so too is virginity testing for girls under the age of 16 years. Strangely, virginity testing is allowed for children older than 16 years, under certain circumstances (RSA, 2005). Notably, the Choice on Termination of Pregnancy Act, 92 of 1996 (RSA, 1996c) allows a minor pregnant girl to terminate her pregnancy without the consent of her parents or guardians.

Challenges with the Implementation of the Learner Pregnancy Policy in Schools

Discrimination on the grounds of pregnancy is explicitly prohibited by the South African constitution (RSA, 1996a): in terms of Section 9(3), "[t]he state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including pregnancy". Despite this strong legislative backdrop, apparently this country's policy on teen pregnancy recently took a step backwards, towards a more restrictive approach (Hubbard, Munyinyi, Eggerman et al., 2008; Mutshaeni, Malovhela, Lebese, & Mashau, 2015), when pregnant learners were excluded from school through the learners' code of conduct. Nkani & Bhana (2011) found that objections to pregnant girls attending school were based on moral grounds, drawing on discourse related to sexual stigma. The LPP was accused of being too permissive and was cited as proof of the nation's moral decay (Runhare, 2010).

Numerous gender-based cultural and traditional practices are harmful to women, including female genital mutilation (FGM), marriage by abduction *(ukuthwala)*, virginity testing, early/child marriages, polygamy, and other practices that are inherently harmful – including those that directly or indirectly result in violence against women. All these practices, which have the potential of violating the sexual and reproductive rights of women, exist to varying extents in many African countries, including South Africa. What some might consider to be outmoded cultural practices, pose a threat to those constitutional stipulations (RSA, 1996a) which seek to safeguard the rights of all people, including girl children.

RESEARCH METHODOLOGY

In accordance with the doctrine of rational-legal authority (Rawls, 1971; Weber, 1978), authority is derived from a society's rational constructs, the notion of legal legitimacy, a compliance with established legal norms, and the tenets of a bureaucratic system. The research study on which this article is based, was conducted in Limpopo

province, in South Africa, to analyse the views of public-school leadership on the implementation of the LPP, in line with the South African constitution (RSA, 1996a). The purpose of using an interpretive paradigm was to highlight the socially constructed reality of the phenomenon under study (Johnson & Parry, 2015, p. 16). In that regard, the researchers relied on the participants to construct knowledge on the challenges facing school leadership, in implementing the LPP.

Instrument and Procedure

A qualitative *Afrocentric-Ethnological Method (AEM)* is a mediated hybrid focus group that combines spoken word and body language cues to collect data. It differs from the conventional focus group methodology in the sense that it seeks to contextualise spoken words and body language cues within a given culture. It was used to collect data from school leadership, which included the principals, members of the school management team (SMT) and members of the school governing body (SGB) (Nyoni, 2021). An *AEM* mediated qualitative data collection method links the spoken words by the study participants, with their accompanying body language/gestures (Nyoni, 2021). The mediator observes the use of facial expressions, eye and shoulder movement, hand gestures, and the nodding of the head. Such non-verbal communication is then matched with the spoken words, prior to the interpretation and analysis of the data (Nyoni, 2021). Convenience sampling, that was used, is a generic term that covers a wide variety of ad hoc procedures for selecting participants. Convenience sampling means that the sampling units are accessible, convenient and easy to measure, cooperative, or articulate. In this study, each focus group discussion/session underpinned by AEM lasted between 40 and 50 minutes. Documents, such as records from the South African School Administration and Management System (SA-SAMS), were obtained to help establish how many learners were pregnant at the time of the study, as well as how many had given birth and come back to class. The school policies guided the researchers on how learners' pregnancies were regulated, while the registers indicated the number of learners who were given permission to return home, and the reasons for this.

The data obtained from the interviews were transcribed verbatim. To ensure accuracy and authenticity, after data transcription the individual transcripts were sent back to each participant, to verify. In the early stages of the research, the transcribed data were analysed using thematic content analysis, to allow the researchers to identify patterns (Creswell, 2014). Similar responses were grouped under one category, and these were subsequently sorted into the four main themes that emerged from the data. After developing codes, forming themes from the codes and organising the themes, the researchers could attach meaning and significance to the data. The data were reported and interpreted by using the participants' own words, to reflect their reality, and that of the situations studied (Lodico et al., 2010).

Several ethical issues were considered in this research study. Confidentiality and anonymity were respected; the participants' names were protected by using codes (e.g., Participant A–F). Ethical approval was obtained from the University of South Africa, prior to the interviews being conducted. Permission was also obtained from the Limpopo Department of Education to conduct the research study in its schools. Participation was voluntary, and informed consent was obtained from each participant, before the data-collection process. The nature of the research study was clearly explained to the participants, who were informed that they were free to withdraw from the study at any

time, without fear of penalty. The participants were comfortable with being interviewed in English, which made the translation of the data unnecessary. The researchers juxtaposed the Afrocentric mediated focus group discussions with Afrocentric non-verbal communication cues, thus linking the focus group discussion with what was observed from the participants' body language and gestures.

ANALYSIS AND INTERPRETATION

Afrocentric Thematic Analysis – A Modified Process

Afrocentric thematic analysis is used in research studies to perform rigorous thematic analyses on qualitative data, to make interpretations from those data. Non-reading competencies and cues that are group and ethno-specific are often ignored by researchers in South Africa, due to cultural, linguistic, and racial inadequacies (Nyoni, 2021). A competent ethno-specific body language reader may not necessarily know all the rules of the other culture but must be able to analyse and interpret non-verbal expressions with a degree of accuracy and certainty, in combination with other conventional data-collection methods, to comply with the requirements for rigour (see figure 1). An *Afro-ethno-specific* mediated method involves the matching of spoken words by the participant, with accompanying non-verbal cues. In certain cultures, people use specific racial and/or ethno-specific gestures in combination with spoken words to convey important meanings.

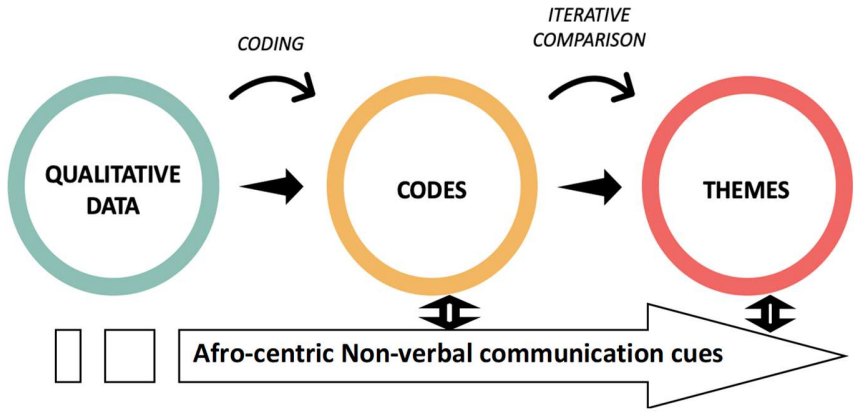


Figure 1: Analysis of qualitative data

Adapted from Creswell (2014)

Creswell (2014) discusses the "spiral of analysis," where details of the various iterations of qualitative research processes are meticulously followed. Afrocentric qualitative data analysis begins with the gathering of data; moves into data management; the importance of writing, reading, reflecting, and memoing; then on to the art of describing, classifying, and interpreting, categorising, and comparing; and finally, representing and visualising the data (Creswell, 2014; Nyoni, 2021). The researchers juxtaposed this analysis process by embedding qualitative AEM to make meanings of body language in conjunction with spoken words (Nyoni, 2021). Before representing and visualising the data, for rigour purposes, the analysis included the meanings derived from what was observed in the participants' non-verbal body language cues, to arrive at the stated interpretations and findings.

Four themes emerged from the data analysis: the erosion of cultural norms and traditions; the balancing act between the law and culture; the lack of community involvement in dealing with teenage pregnancies; and schools' incapacity to implement the LPP.

DISCUSSION OF THE FINDINGS

Erosion of Cultural Norms and Traditions

In sub-Saharan Africa, societies and cultures have largely become indistinguishable. There is, however, no dispute that what makes any human culture unique is its people's way of life. For a public to be cultural it should thus be social; along these lines, society and culture are irrefutably interwoven. The hypothesis of natural determinism holds that the way of life of any public is, to a great extent, directed by its geopolitical disposition (Taylor, 1871; Wahab, Odunsi & Ajiboye, 2012).

In respect of LPP, this is what one school principal participant had to say:

> *... looking at the huge number of learners who are falling pregnant, we are not surprised at all. It will appear the community is not involved in the upbringing [of] girl children anymore. Of course, our policy should be in line with the policy of the Department of Education, but if such laws do not reconcile with cultural norms and values, the policy is bound to fail.* (Participant D)
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> *School Principal (E) .... Often parents complain that these policy guidelines and pieces of legislation exclude what we believe in as a community. For example, we used elders who dealt with issues of teenage pregnancies in communities*

These participants' responses clearly indicate material gaps between theory and practice, when it came to the LPP. Disregarding some apparently useful features of imperialism, like education in general, expansionism contrarily affected Africans adversely: as (Rodney, 1972) explains, due to the West's expansionist approach which disregarded African cultural practices and knowledge systems. African improvement was "blunted, ended and turned around". Consequently, many African societies are no longer involved in bringing up children in the traditional ways. Western expansionism gradually yet significantly eroded African cultural practices and observances, whose manifestations have had a detrimental impact on the upbringing of children. To increase parent/guardian engagement in sexual education for girls, schools must make a positive connection with these important stakeholders, and leadership, likewise, ought to offer an array of culturally appropriate opportunities for engagement with those stakeholders by addressing any difficulties in keeping them engaged. Constitutional norms that are predominantly Western influenced make pronouncements on human rights and social justice, but these must accommodate cultural teachings and observances. For example, in African cultural practices, aunts or grandmothers in the extended family gave guidance to girl children on matters pertaining to sex and sexuality. Indeed, it took a whole village to raise a child. Thus, failure to infuse a girl-child's upbringing with the appropriate cultural norms and teachings, will exacerbate teenage pregnancies in our society. Despite increased access to contraception and sex education programmes, the rate of teenage pregnancy remains unacceptably high in South Africa.

The Balancing Act between the Law and Culture

SASA (RSA, 1996b), s16(1), assigns the professional management of a public school to the principal, acting under the authority of the provincial Head of Department (HoD) of Education, while s16(3) assigns the governance of such a school to the SGB.

Society has great flexibility in deploying laws to intervene in situations of cultural conflict. In determining the nature of possible interventions, it must be decided by the school leadership, first, *what* values or laws should be used to sustain certain values, and second, *how* the laws ought to be used to sustain those values (e.g., as regards empowering girl children). The latter question will frequently turn on an important variable that has not yet been made explicit here: the distinct jurisprudential requirements of different forms of legal action. As indicated earlier, culture encompasses those general attitudes, views of life and specific manifestations of civilisation that give a particular people their distinctive place in the world, along with their attitudes and behavioural patterns, as a group. Therefore, all human beings are born in a complex culture which strongly influences how they live and behave throughout their lives. Such practices may be directly in conflict with the law, human dignity, human rights, and the values and principles of social justice.

Lack of Community Involvement in Dealing with Teenage Pregnancies

In South Africa, awareness campaigns to combat teenage pregnancy are beginning to bear fruit: official statistics from the Department of Health revealed a 13.2 % drop between 2009 and 2010, while numerous organisations are spearheading initiatives to bring down this number even further (Dube, 2011).

Community involvement or engagement can play a significant role in reducing teenage pregnancy. Included here are parents, businesses, community centres, NGOs (non-governmental organisations), community clinics or healthcare centres, which should launch targeted programmes aimed at preventing teen pregnancy.

The perceived determinants of teenage pregnancies include a lack of life and social survival skills, a lack of knowledge on how to avoid pregnancy, low acceptance/use of contraceptives, neglect by parents, sexual abuse, pressure to contribute to family welfare through early marriage or sexual transactions, lack of community responsibility, media influence, peer pressure, cultural beliefs that promote early marriage/childbearing, and a lack of role models (Nkani & Bhana, 2016).

In respect of maternity leave, principal participant (A) made the following comment:

> *We prompt them not to require long periods of take-off, since they will drop behind in terms of the syllabus scope. We don't grant teen mothers a month pre-birth care […]; some of the time they are given fair a week and come back.* (Participant C)

Schools' Incapacity to Implement the Learner Pregnancy Policy

Some school managers are not aware of, or are ignorant about, the policy and guidelines of the Department of Education when it comes to teenage pregnancy. Majavu (2009) reports that the principal of Rosendal High School suspended between seven and 20 pregnant pupils from school – before their pregnancies even became visible. He explained that girls could not be "running

around the school" because they might get hurt (Majavu (2009). The challenge that school principals face, is how to handle pregnant learners. In this reported case, the principal was violating the constitution (RSA, 1996a) and SASA (RSA, 1996b), which grant teenagers the right to education, irrespective of pregnancy.

This is what one participant had to say on the topic of LPP:

> *The policy is there, though we haven't implemented it. The policy says if a learner falls pregnant during the year maybe, the last three months, the parents should accompany her here and remain here to take her after school, because we advise them that we don't have any expertise at the school to deal with pregnancy. We only deal with teaching, so if any complication happens, the mother should take care of that. We also advise them that our cars are not ambulances. She will see how to organise that. Unfortunately, that was not done, but earlier next year, that is going to be done because of the escalating pregnancy that we have now.* (Participant C)

Strategic partnerships must be established with stakeholder groups and organisations, such as other social sector departments, NGOs, educator unions, academic and research institutions, SGBs and SGB-associations, parent bodies, and faith-based, traditional, and cultural organisations. These partnerships must be leveraged to support bottom-up initiatives to underpin the LPP and synchronise it with those of partner departments and organisations, and to provide strategic information, prevention approaches, referrals, counselling, care, and support for pregnant learners.

SMTs face the challenge of learner pregnancies almost daily and are required by law to keep pregnant learners in school. Despite the dictates of the constitution and the LPP, principals continue to expel pregnant learners. Thus, the Department of Basic Education should come up with clear guidelines on how to manage learner pregnancy at school, and SMTs should be trained in this regard.

CONCLUSION

The findings of this study have exposed public school leadership's lack of culturally appropriate and sensitive initiatives, to assist pregnant young girls in coping with traumatic physiological changes. The four Afrocentric thematic findings, namely the erosion of cultural norms and traditions; the balancing act between the law and culture; a lack of community involvement in dealing with teenage pregnancies; and schools' incapacity to implement the LPP, point to a serious conflict that exists between the law, and cultural values and practices. Furthermore, the findings indicate that the implementation of the LPP remains a challenge in schools, due to conflict between hybrid cultural practices and the law. The researchers note that education for pregnant teens is severely compromised, due to a failure on the part of stakeholders (school leadership, the education ecosystem and the community) to synchronise the appropriate use of cultural values, practices, and the law.

RESEARCH ETHICS STATEMENT

An ethical clearance certificate was granted by College of Education Research Ethics Committee (REC) as required by the University of South Africa. Written informed consent was obtained from each participant – a compulsory requirement for research involving human subjects. We, the researchers, provided facts and information

about all the details of the research study, including (but not limited to) the purpose of the study and the potential for harm and benefits to each participant, prior to obtaining written consent. The participants were free to use the provided information to decide whether to participate in the study. Importantly, obtaining informed consent also entailed voluntary participation in the research study and ensuring the confidentiality of the research participants. Therefore, the researchers completed the following ethical considerations as part of their observational study: voluntary participation, explaining the potential for harm and benefits, and protecting participants' identity, confidentiality, and information, in line with the POPI Act (2013)

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