

An Education Law perspective on  
Early Childhood Development provision in rural Namibia

by

**Linea Peneyambeko Kandalindishiwo Nuugwedha**

Research report in partial fulfilment of the degree

*Philosophiae Doctor*

in

*Education Law*

Faculty of Education Sciences

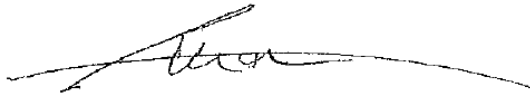
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November 2014

## DECLARATION

I, the undersigned, Linea Peneyambeko Kandalindishiwo Nuugwedha, hereby declare that the work contained in this thesis is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.



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Yours sincerely

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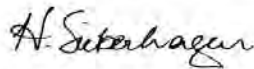
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## DEDICATION

I dedicate this thesis to:

- my beloved late grandmother Kamuwa Alma Lugambo 'Gwalugambo', my beloved dearest late father Kamati Festus Nuugwedha, my beloved dearest late mother Namupala Aili Andreas 'Gwaandili'; my dearest late uncle Gideon Mbudhi yaNepunda; my late beloved uncle Nekwiyu Leornard Lugambo; my beloved dearest late spiritual father Reverend Kasindani Titus Ngula; my beloved late aunt Tayiilombwele Jacobina Shuumbwa, my beloved dearest late uncle Angula Jason Shuumbwa; my dearest late uncle Nekwiyu Leonard Shuumbwa; my beloved late aunt Taapopi Hilma Aktofel 'Gwaakito'; my beloved dearest late uncle and godfather Kanguluwe Asser Sem; my beloved aunt and godmother Mwasheka Selma Shivute 'Gwashivute'; my beloved aunt Eva Ananias 'Gwaanani'; my dearest namesake Linea Hamukwaya; my beloved dearest uncle Reverend Kashululu Petrus Shipena and my dearest aunt Kapale Ruusa Usiku; all whose love, caring and enculturation have greatly contributed to the person I am today and who, through enrolling me at a Lutheran Evangelical church missionary kindergarten, indirectly taught me to appreciate the significance of early childhood development and education without then knowing its human right context;
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- my beloved friends and 'daughters' Tuyeni Namene and Megameno Ashipala,

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- All Namibian children in general in whose hands the future of our country lies, and all pre-grade one learners in ECDECCs in Oshikoto region where this study was conducted in particular.



- All the founders, leaders of, and participants in the liberation struggle for the democratic independence of our beloved country Namibia, for having, through their valuable unwavering sacrifices, enabled us to realise, exercise and enjoy our fundamental human rights in their entirety.
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- And above all, my Creator and Good Shepherd Who ceaselessly takes care of and timeously provides for all my needs at all times.

## ABSTRACT

*Background:* After independence education was declared one of the inviolable fundamental human rights of all persons entrenched in the Supreme Law of the country, the Constitution of the Republic of Namibia. It is an irrefutable fact proven by a number of research findings and confirmed by educational theorists and decided cases that appropriate and quality early childhood education is a foundation of all levels of education. In Namibia currently, public early childhood development and education is provided by community members in Early Childhood Development Community Centres in both rural and urban areas. It is against this background that the purpose of the study on which this research report is based was to determine, through stakeholder participants' eyes, how the presumed right to education of the pre- grade one learners in rural early childhood development and education community centres (ECDECCs) in Northern Namibia is adhered to.

*Research Design and Methodology:* The study was based on a qualitative interpretive hybrid case study of four (including pilot study) rural ECDECCs, review of early childhood development and education literature, legal literature, relevant legislation, case law, regulations, policies and International Human Right Instruments conducted before and after conducting research in the field. Empirical data were collected through semi-structured individual (one on one) face to face interviews with various stakeholder participants (such as heads of/teachers at ECDECCs, parents/guardians, community leaders/members, officials from the Ministry of Gender Equality, Ministry of Education and Human Rights Activists).

*The findings* of the study were *inter alia* that all participants had knowledge of and understood the fact that five to six years old children indeed have the right to education, and most of them also understood the significance of pre- grade one learners' education. As such, the communities were doing everything in their power to provide early childhood education. However, early childhood development and education community centres were ill-equipped in terms of physical facilities, human resources, and learning-teaching aids. In addition, heads of centres/teachers were not properly trained. There was no tap water, no electricity, and no toilet facilities. Most

children did not fully or not at all attend community centres for early childhood education, because of inability on the part of their parents/guardians to pay the prescribed fees. Buildings (structures) in which pre-grade one education was practised were not completed and therefore not suitable for human occupation, as community members who initiated them did not have sufficient funds to finance such undertakings. Literature studies of selected relevant legal literature, Constitutions, legislation, decided cases and international human right instruments confirm the fact that pre-grade one education is indeed a legally enforceable fundamental human right to basic education. To this end, there are legal determinants of the provision of pre-grade one learners early childhood development and education.

*Recommendations* were that the State (government) had to take over early childhood education, and that teachers have to be academically and professionally trained and accordingly paid salaries by the Ministry of Education. Because of the above obstacles experienced in rural ECDECCs, pre-grade one learners' right to education leaves much to be desired. Consequently, it is recommended that the Ministry of Education must, as of necessity, legally take over education of all pre-grade one learners (pre-primary learners) in entirety in order to comply with the provisions of International Human Rights Instruments in general, and Article 20 (1) of the Constitution of Namibia in particular. In addition, in order to ensure promotion, advancement, realisation and fulfilment of the pre-grade one learners' right to education, the current Namibian Education Act needs to be amended like the South African Schools Act, or a new Early Childhood Development and Education Act has to be promulgated altogether, to specifically and particularly cater for the pre-grade one learners' right to basic education. This is indispensable because, in the words of Smith (2011: 305): "The value and necessity of education is beyond dispute because education is both a human right in itself and a crucial means of realising other human rights."

*The study concluded* that early childhood education provision and practice in ECDECCs in rural areas in their current nature and status at the time of conducting this study in Northern Namibia leaves much to be desired. As such, it is not the best possible vehicle for the early childhood development and education provision of pre-grade one education for the five to six years old children in light of their human right to education.

## Keywords

Key words: democracy, human rights, right to education, education law, early childhood development and education, early child hood development and education community centres, access, equity, quality, 4 A's: availability, acceptability, adaptability, and accessibility of education, legal determinants of the right to education, policy and practice.

## **Opsomming:**

*Agtergrond:* Na onafhanklikheid is opvoeding/onderwys deur die Oppergesag in die land, die Grondwet van die Republiek van Namibië, tot onaantasbare mensereg van alle mense verklaar. Dit is 'n onbetwisbare feit, bewys deur talle navorsingsbevindings en bevestig deur opvoedkundige teoretici en hofuitsprake, dat geskikte en kwaliteit onderwys in die vroeë kinderjare die grondslag vorm vir enige onderwysvlak. In Namibië is ontwikkeling en onderwys in die vroeë kinderjare die verantwoordelikheid van die gemeenskap, en word voorsien in Vroeë Kinderontwikkeling en Onderwys Gemeenskapsentrums in stedelike sowel as plattelandse gebiede. Teen hierdie agtergrond het die studie wat gelei het tot hierdie navorsingsverslag, ten doel gehad om deur die waarneming van rolspelers en deelnemers te bepaal tot watter mate die veronderstelde reg tot onderwys vir voorskoolse leerders in plattelandse vroeë kinderontwikkeling en onderwysgemeenskapsentrums (ECDECC's) tot sy reg kom.

*Navorsingsontwerp en metodologie:* Die studie is gebaseer op 'n kwalitatiewe interpretatiewe gemengde studie van vier (loodsstudie ingesluit) plattelandse ECDECC's. Voordat die navorsing gedoen is, en ook daarna, is 'n omvattende studie van vroeë kinderontwikkeling en onderwysliteratuur, regs-literatuur, relevante wetgewing, hofsake, regulasies, beleide en Internasionale Mensereginstrumente onderneem. Empiriese data is ingesamel deur semi-gestruktureerde individuele onderhoude (een tot een) met verskeie rolspeler-deelnemers soos hoofde van of onderwysers aan ECDECC's, ouers/voogde, lede van die gemeenskap en gemeenskapsleiers, amptenare van die Ministerie van Geslagsgelykheid, Ministerie van Onderwys en Menseregte-aktiviste.

*Bevindings van die studie:* Die studie het, *inter alia*, bevind dat alle deelnemers kennis gedra het van, en die feit begryp het, dat vyf- tot ses-jaar oud kinders inderdaad geregtig is op onderwys. Die meeste van hulle het ook verstaan hoe belangrik voorskoolse onderrig is, en gemeenskappe het alles in hul vermoë gedoen om te voorsien in vroeë kinderonderwys. Nogtans was die ECDECC's swak toegerus ten opsigte van fisiese fasiliteite, mensekapitaal en onderrig- en leerhulpmiddels. Boonop was hoofde van hierdie sentrums swak, of glad nie opgelei, nie. Daar was geen lopende water, geen elektrisiteit en geen toiletfasiliteite nie. Die meeste kinders het nie ten volle nie, of glad nie, hierdie sentrums bygewoon nie, omdat hulle ouers nie die voorgeskrewe fooie kon betaal nie. Die geboustrukture waarin hierdie voorskoolse onderwys aangebied is, was meesal onvoltooid omdat die gemeenskap wat dit gebou het, nie die fondse gehad het om dit klaar te maak nie. Dit was dus glad nie geskik vir menslike gebruik nie. Literatuurstudie van uitgesoekte regs-literatuur, grondwette, wetgewing, uitsprake in hofsake en internasionale menseregte instrumente bevestig die feit dat voorskoolse onderwys inderdaad 'n wettig afdwingbare mensereg is as deel van basiese onderwys. Gevolglik word dit regtens bepaal dat onderrig en opleiding aan voorskoolse leerders voorsien moet word.

*Aanbevelings* was dat die Regering die verpligting van vroeë kinderonderwys en – opvoeding moet oorneem. Verder moet onderwysers akademies en professioneel opgelei word, en hulle salarisse betaal word deur die Onderwysministerie. Indien die probleme hierbo genoem in ag geneem word, is dit duidelik dat vroeë kinderonderwys en –opvoeding veel te wense oorlaat. Dit word gevolglik aanbeveel dat die Onderwysministerie wetlik die vroeë kinderonderwys en –opvoeding van alle voorskoolse leerders algeheel oorneem, ten einde te voldoen aan die vereistes van Internasionale Mensereginstrumente en veral van Artikel (20)1 van die Grondwet van Namibië. Verder behoort die Namibiese Onderwyswet gewysig te word soos die Suid-Afrikaanse Skolewet; anders moet 'n Wet op Vroeë kinderonderwys en –Opvoeding uitgevaardig word, om in die besonder te sorg dat omgesien word na die reg van voorskoolse leerders op basiese onderwys. Hierdie kan nie weggeredeneer word nie, want soos Smith (2011: 305) sê: “The value and necessity of education is beyond dispute because education is both a human right in itself and a crucial means of realising other human rights.”

*Gevolgtrekkings* was dat voorsiening van vroeë kinderonderwys en –opvoeding in EDECC's in plattelandse gebiede, tydens die duur van hierdie studie in die noorde van Namibië, veel te wense oorgelaat het. Die basiese reg van vyf en ses jaar-oud leerders in Namibië op vroeë kinderonderwys en –opvoeding word hierdeur aangetas.

Sleutelwoorde

Sleutelwoorde: demokrasie; menseregte; reg tot onderrig; onderwyswet; vroeë kinderonwikkeling en onderwys gemeenskap sentrums, toegang; ekwiteit; kwaliteit; die beskikbaarheid, aanvaarbaarheid, aanpasbaarheid en toeganklikheid van onderwys (four A's in Engels); wettige bepalers van die reg tot onderrig; beleid en praktyk.

## LIST OF ACRONYMS

CRC	Convention on the Right of the Child
ECCE	Early Childhood Care and Education
ECDC	Early Childhood Development centre
ECD	Early Childhood Development
ECDE	Early Childhood Development and Education
ECDCCE	Early Childhood Development Community Centre
ECDECC	Early Childhood Development and Education Community Centre
ECEC	Early Childhood Education and Care
ECE	Early Childhood Education

EFA	Education for All
ETSIP	Educational Training Sector Improvement Programme
GRN	Government of the Republic of Namibia
LAC	Legal Assistance Centre
MBESC	Ministry of Basic Education Sport and Culture
MGECW	Ministry of gender equality and Child welfare
MoE	Ministry of Education
NGO	Non- Governmental Organisation
NIED	National Institute for Educational Development
SASA	South African Schools Act
SOS	Save our Souls
SWAPO	South West African People's Organisation
UNAM	University of Namibia
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund
WHO	World Health Organisation

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Namibia is a semi-arid country covering an area of 825,000 square kilometres in Southern Africa (Thornberg, 2004: 3). It is located in the southwest of Africa as its former colonial name describes it: German South West Africa. Namibia is bordered by the Atlantic Ocean in the west, Angola in the North, Zambia in the northeast, Botswana in the east and South Africa in the south and southeast, (Nambala, 1994: 6).

The country obtained independence on 21 March 1990 after a protracted war of liberation. According to the Republic of Namibia Central Bureau of Statistics, National Planning Commission (2003: 3-4), the Namibian population was recorded at 1,830,330, of which 942 572 are female and 887 721 are male. The annual population growth rate stands at 2.6%. Namibia is a multi-cultural nation. The country is divided into 13 regions. The population size of the Oshikoto region is 161 007, of which 84 620 are female and 76 387 are male (National Planning Commission, 2004: 4). The latest Namibia 2012 Population and Housing Census Main Report (2012: 8) indicate that the Namibian population size is 2.11 million. The population size of the Oshikoto region where the study was conducted has slightly increased to a total of 181 973 of which 94 907 are female and 87 066 are male. It has been recorded that the five to fourteen year old children take up 26% of education, as seen from the 2012 Population and Housing Census main Report (2012: 20). The regions are characterised by differing stages of economic development which give rise to inequality. Consequently, there is (in Namibia) a tendency for people to move from rural areas to the urban settlements, mainly in search of better living standards, education and life-sustaining opportunities.

The South African colonial period in Namibia was characterised by apartheid in all spheres of life, including the education system. This situation also meant that some languages and ethnic<sup>1</sup> groups (people belonging to different races or cultures, for example black and white people) had greater access to education than others did.



Education was previously not regarded as an equal human right entitlement for all persons as it was parcelled upon racial grounds. This resulted in the prevailing inequality in all spheres of life in the then South West Africa (Ministry of Education and Culture, 1996: 5).

The legacy of inequality in the provision of education, especially in remote rural areas, has been a challenge inherited upon Namibia's independence. Hence this study was conducted to find out *inter alia*, the progress made, if any, pertaining to the advancement, promotion protection, realisation exercise, enjoyment and fulfilment of the presumed right to education of the pre-grade one learners in remote rural areas in northern Namibia.

## **1.2. GENERAL PROBLEM STATEMENT**

Before focusing on the research problem, I need to define early childhood and the specific group on which this study is based. Aubrey *et al.* (2000: 6) point out that early years or early childhood has been cited in official documents to mean the years before statutory schooling. Consequently, children who have not reached the age of statutory schooling are provided with early childhood development care and informal education programmes. The international definition of early childhood makes provision for children from birth to eight years and includes the early primary years, emphasizing the importance of the transition from early childhood programmes into the primary school (GRN, 1996: 13). According to lithete, Hengari and Haihambo-Mwetuthana (2000: 12), various terms are used in Namibia to describe early childhood development and education (ECDE) programmes for children before entering formal school. For example, preschool programmes include crèches which refer to programmes for children from birth to three years, and day care, which caters for children from three to six years of age, where custodial care is provided. The common provision of early childhood development and education (ECDE)

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<sup>1</sup> Race or the races of mankind, of a particular cultural group, any of several sub division of mankind sharing certain physical characteristics especially colour of skin, colour and type of hair, shape of eyes

programmes is referred to as kindergarten, including non-formal centre-based programmes for three to six year old (children) and pre-primary school programmes (pre-grade one), including formal programmes for children aged five to six - prior to entry into primary school at age seven. Pre-grade one education was formally discontinued by the Ministry of Education in 1994 (Iithete *et al.*, 2000: 17). The focus of this study is solely on pre-grade one learners' presumed right to education, since it has been a contentious issue in Namibia for some time.

For a long time ECDE was a privilege enjoyed only by those living and holding jobs in urban areas and who were able to have their children cared for and educated (UNESCO, 2002b: 39; GRN, 2005: 11). Similarly, as a result of the abolition of formal pre-primary school programmes (pre-grade one learners' education) in Namibia in 1994, these programmes are sought on behalf of the children by their parents/guardians who are literate, who value them and who can afford them. However, International Human Rights Instruments (which Namibia ratified), has underscored the importance of early childhood care and education as part of comprehensive approach to Education for All (EFA) (UNESCO, 2002b: 31). Consequently, the first goal of the six EFA goals which stipulate that education is a human right for all persons is: "...expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children" (UNESCO, 2002b: 38). In addition, UNESCO (2002b: 31) points out that education is a universal human right. Those who are denied access to it have their rights violated, and as with other human rights provided for, people's right to education is an obligation of government because market charity organisations are insufficient to secure their implementation.

The challenge in Namibia is therefore to ensure that pre-grade one programmes are also available to the less advantaged communities in need of them (GRN, 2005: 11). It follows that the intrinsic human right of education is underpinned by strong moral and legal foundations (UNESCO, 2002b: 14). Seeing that children and young people

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and nose, (Hornby, 1980: 689).

cannot secure their right to education themselves, but rely on their parents and teachers to do so on their behalf (UNESCO, 2002b: 31), it is prudent to investigate stakeholders' (heads of centres/teachers, parents/ guardians, community leaders and community members) perceptions of the presumed right to education for the pre-grade one learners in rural early childhood development and education community centres (ECDECC) in northern Namibia.

The Government of the Republic of Namibia (GRN) (1996: 23) states that before independence, historically the Ministry of Education used to provide a one-year pre-primary, education/ early childhood development and education (ECDE) experience for children. However, there has been great inequality in terms of government provision of education in general and, for children in the pre-grade one, specifically prior to and immediately after post- independence in Namibia. However, in *Cultura 2000 v Government of Namibia* (1993), the High Court held that the liberation war was fought for the recognition of fundamental rights for all persons. GRN (1996: 21-22; 2000: 70) further points out that in 1994 pre-primary education for five to six year old children (pre-grade one) was shifted from the Ministry of Education to early childhood development centres (ECDCs: places in communities where ECDE programmes are offered by community members) to the Ministry of Women Affairs and Child Welfare (MWACW) as it was then called, the current Ministry of Gender Equality and Child Welfare (MGE CW). This state of affairs led to much uncertainty and debates regarding the legal status and position of early childhood development and education for children in the pre-grade one classes in post-independence Namibian legislation and education system. Neither legislation nor case law has as yet stipulated whether or not the constitutional right to education could be construed to include early childhood education for pre-grade one learners. However, the presumption in this study is that pre-grade one learners have the right to education.

The right to education for all is guaranteed in the Bill of Rights; particularly in Article 20 of the Constitution of Namibia. Officially pre-grade one teaching enhances this right, therefore I wanted to find out what stakeholders' perceptions in this regard are, as pre-grade one teaching and learning basically takes place in community centres.

Merriam (2002: 11) points out that the basic question of one's study is set within what is called the problem statement. , Consequently, the objective of this study is:

- firstly to determine stakeholders' perceptions on whether ECDE to the pre-grade one children in rural community centres in northern Namibia adheres to the human right to education;
- secondly to determine legal determinants of the right to education and
- thirdly to investigate how stakeholders perceive the preparedness of teachers in rural early childhood development and education community centres (ECDECCs) to adhere to the presumed right to education of pre-grade one learners.

It is a proven fact that the majority of rural preschool children in Namibia receive their early childhood development and education in ECDCs in their respective communities, (Naanda, 2005: 172, GRN, 2001: 16). I prefer to refer to them as early childhood development and education community centres (ECDECCs) to emphasise the fact that early childhood development and education take place in community centres. In addition, according to GRN (2007: 5), early learning opportunities for young children outside the home are extremely limited, especially in rural areas. Although facility based ECDE programmes have mushroomed with an estimated fifty thousand (50 000) children attending these programmes, the quality of early learning services provided in these programmes is questionable (GRN, 2007: 5).

Jansen (2007: 3) explains that research questions are beacons that guide researchers in their research and researchers strive to answer those research questions. Based on the above-mentioned background, the following are the resultant research questions for the conducted study.

### **1.3 RESEARCH QUESTIONS**

The research questions that guided the study are the following:

### **1.3.1 Main research question**

What are stakeholders' perceptions on the presumed right to education of pre- grade one learners in rural ECDECCs in Northern Namibia?

### **1.3.2 Research sub-questions**

**1.3.2.1 What are the legal determinants of the right to education?**

**1.3.2.2. What are the perceptions of stakeholders of the extent to which teachers in rural ECDECCs in Northern Namibia adhere to the presumed right to education of the pre-grade one learners?**

## **1.4. RESEARCH PURPOSE**

In an attempt to answer the research question, the purpose of this study is the following:

### **1.4.1 Main research purpose**

The study intends to determine stakeholders' perceptions on how the presumed right to education for pre-grade one learners in rural ECDECCs in Northern Namibia is adhered to.

This study further aims to determine:

- The legal determinants of the right to education through literature study.
- Stakeholders' perceptions of the preparedness of teachers in rural ECDECCs in Northern Namibia to adhere to the presumed right to education of the pre-grade one learners by means of empirical data.

The next section provides a summary of relevant literature reviewed on the study.

## **1.5 BACKGROUND.**

The purpose of the review of relevant literature is to situate my research project within the broader picture of the relevant field of study and to set up a rationale for the need of this study (Badenhorst, 2008: 107). In addition, the literature study provided me with a knowledge base and platform to conduct the research and enabled me to better understand the research problem and field of study, (Ferreira, 2012: 33). Further literature study enabled me to identify the gaps between what has already been written on the topic and what has not been written (Maree & Van der Westhuizen, 2007: 24-25). The following sections provide an overview of the literature that I studied before embarking upon collection of empirical data through interview schedules with various categories of stakeholder participants for purposes of answering my research questions.

### **1.5.1 Early child development**

Historically, various scholars have expressed opinions on child development, learning and the human right to education. Authors such as Braun and Edwards (1972); Seefeldt and Barbour (1986); Wooddill *et al* (1992) and Essa (2003) discuss the historical background of, the human right to, significance of, and various theories of early childhood education (ECE). According to Seefeldt and Barbour (1986: 6-7), early childhood education can be traced back to philosophers such as Plato (427-347 B.C.) and Aristotle (394-322 B.C.) who advocate that a child's education starts well before age six, or to Comenius (1592-1670) who asserts that education begins on the mother's lap. They further state that some writers consider Rousseau (1712-1778) to be the founder of early childhood education in that he believed in the importance of beginning a child's education at birth. In addition they say that Rousseau and Pestalozzi (1746-1827) are referred to as naturalist philosophers as they both believe that education begins at home and that children learn naturally through play, observation, and concrete as well as sensory experiences. Pestalozzi especially emphasises the important role played by mothers during children's earliest years.

## 1.5.2 Theories on early Childhood Education

There are various but equally significant theories regarding early childhood education which have bearing on the research project. Sayeed and Guerin (2000: 11-12) state that Froebel (1782-1852) is credited with the beginning of “kindergarten” (a German word which literally means garden for children), a school for children under the age of six. He believes that the early years of life are the most critical because the foundation for later years is built during these years. For Froebel, play is equated with education. Similarly, Montessori (1870-1952) opened her first *Casa del Bambini* (Children’s House) in 1907, while working with slum children in Rome. She developed successful methods of early childhood education through play with materials appropriate to the child’s developmental stage. Essa (2003: 114-120) presents the key ideas of various philosophers and those of human development theorists. These are, *inter alia*, Rousseau for whom young children are innately pure, good and their way of learning is different from that of adults, and Pestalozzi (1746-1827) who advocates the right to education for all as he believes that all people, even the poorest of the poor, have the right to education to enable them to develop their moral and intellectual potential in accordance with their individual differences, through self- activity rather than rote memorisation. Some influential theorists of human development and learning, such as Piaget (1896-1980: cognitive developmental theory), Erikson (1902-1994: psycho-social theory) and Vygotsky (1896-1934: socio-historical theory), have had a significant positive impact on early childhood development and education provision. Essa (2003: 124-126) states that John Dewey’s theory of progressive education, which advocates more democratic and child centred education as well as children’s learning by doing, is shared by Maria Montessori, Jean Piaget and Levy Vygotsky. According to Mooney (2000: 24) Montessori believed that children learn language and other significant life skills without conscious effort from the environments where they spend their time. She further pointed out that children learn best through sensory experiences. Consequently, she advised that the environments for children need to be beautiful and orderly so that children can learn order from them.

The significance of education is highlighted in the fact that education is generally regarded as the cornerstone of everything, the key to a better life (Cooney, Cross & Trunk, 1993: 1; Black, 1996: 215; Cooper, 2002: 1; Fisher, 2002: 119, 127) and a means of improving life for individuals. It is also an irrefutable assumption that early childhood education is a foundation for primary and further education. The Namibian National Childhood Development Policy (1996: 15), GRN (2004: 96), GRN (2004: 96), Aubrey *et al.* (2000: 1), GRN, (2005: 11) and UNICEF (2005: 1), Ministry of Gender Equality and Child Welfare (2007: 10) echo the same sentiments. In addition, Hubbard (2009: 223) emphasises the fact that education should allow children to acquire the skills they need to negotiate an increasingly technical world. Moreover, the first of the Six Goals for Education For All which Namibia ratified advocates “expansion for early childhood development and education” (Ministry of Basic Education, Sport and Culture (MBEC), 2000: 3-4). Consequently, the Namibian government has vowed to invest society’s resources in educating children before they have passed this stage of the early years of childhood (GRN, 2000: i). It is therefore inevitably equally important and prudent to promote, protect and advance realisation and fulfilment of early childhood education as a human right entitlement of all children, regardless of their geographical situation or their social status in a given society.

In Brazil for example, early childhood education and care (ECEC) is a right guaranteed by Brazil’s Constitution which recognises it as an extension of the universal right to education from zero to six years old (UNESCO, 2002b: 12). It is therefore necessary to find out what the stakeholders’ perceptions are regarding early childhood education for pre-grade one learners that takes place in rural ECDE community centres in Namibia.

The following section deals with the provision of early childhood education in Namibia.



### **1.5.3 Provision of pre-primary education before and after independence in Namibia**

As indicated above, historically the Ministry of Education used to provide a one-year pre-primary education for children aged five to six years prior to 1990 and immediately post- independence in Namibia in particular. GRN (1996: 10, 23- 11) asserts that before independence in Namibia some pre-primary schools were located in purpose-built structures with good equipment, a multitude of play materials and well-trained teachers. On the other hand, some children were huddled together in dilapidated huts with nothing to play with, being supervised by adults who had no training in pre-primary education at all. It is important to take note that the group of children who 'were huddled in dilapidated huts' are similar to the ones which are educated in ECDECCs that have been introduced after independence. Not only does this state of affairs amount to gross discrimination, but it is also a manifestation of arbitrary denial and violation of children's entitlement to access to equal quality educational opportunities and public facilities.

Education in general and early childhood education in particular, has undergone tremendous reforms and changes in Namibia after independence. GRN (1996: 23) states that in 1994, while recognising the need to provide a quality preschool experience for all children and the need to extend it nationally in order to cater for all five to six year old children, the Ministry of Basic Education and Culture (MBEC) cited financial constraints as reason not to further support its pre-primary classes. Thus in 1994 the responsibility for pre-primary education for some 80 000 children was relocated to communities (Wainaina & Katjita, 2000: 340; National Society for Human Rights (NSHR), 2005: 17).

Generally, fundamental human rights should be extended and not abridged. That termination of the public formal pre-primary education for the five to six year old children from formal public schools rather than the gradual extension thereof to previously disadvantaged or marginalised communities, raises the question whether this termination was in the best interest of the child in terms of the Convention on the

CRC, which Namibia ratified and which is therefore binding upon Namibia (Ruppel, 2009: 54). The said abolition led to challenging consequences in the Namibian education system. These challenges are such as lack of infrastructure and the fact that the available private schools which offer early childhood education, including pre-grade one, are normally very expensive and cannot be afforded by ordinary citizens. Furthermore, ECDE is no longer a recognised profession in Namibia; the sustainability of centres is endangered due to the absence of incentives and there is no universal curriculum for caregivers and children (GRN, 2001: 16; GRN, 2004: 98; Ministry of Basic Education, 2005: 53). The Namibian Parliament has as yet neither amended the 2001 Education Act nor promulgated an Act that should govern provision and practice of early childhood education in ECDECCs, despite the fact that the vast majority of preschool children are educated in these centres (Naanda, 2005: 172; GRN, 2001: 16).

It is against this background that the study was undertaken to look into stakeholders' perceptions regarding the benefits, if any, which children experience from ECDECC in light of children's human right to education in a democratic society in which the rule of law, the values of equality, human dignity and justice for all are promoted, (Article 1 of The Constitution of Namibia).

The Namibian Ministry of Gender Equality and Child Welfare (2005: 1-20) has developed both physical and safety requirements for establishing an early childhood development centre. I used these requirements as benchmarks for documentary data that were collected to highlight differences and/or similarities, if any, between policy and practice regarding the phenomenon under study.

The question is, consequently, whether the manner in which Namibian rural ECDECCs deal with early childhood education for the pre-grade one learners will contribute towards enhancing learners' right to education in coming years, given the perceived and presumed irrefutable significance of this level or stage of education. I therefore want to determine what stakeholders' perceptions on this issue are, as

those will influence the way early childhood education is dealt with and prioritised by government.

#### **1.5.4 Research projects conducted on early childhood education in ECDECCs in Namibia.**

Only two relevant reported studies, namely by Naanda (2005) and by Eimann, Mostert and Hengarl (2005), have been conducted since the inception of community centres and the launching of Education for All in Namibia. Naanda (2005) and GRN (1996: 23) allege that academic literature on and research undertaken in the area of early childhood in Namibia is hard to find.

Although Namibia has a long early childhood education history, the study on which this research report is based was intended to contribute some data regarding early childhood education as a human right entitlement. Naanda (2005) conducted a study on the development of an inclusive approach to early childhood education in Namibia. This study was done by means of a survey research design based on a quantitative approach in which closed- and open-ended questionnaires were used. The study reveals that the institutions which provide early childhood education to the majority of children in Namibia are community centres, and that early childhood education in Namibia is the responsibility of communities. Out of the total number of 493 participants, 395 (72.8%) indicated that their centres are community centres; only 13.8% (68) and 12.0% (59) are churches and private sectors respectively. One of the major findings of Naanda's study is that the responsibility for ECDE in Namibia seems to be considered the domain of female teachers (Naanda, 2005: 172): out of a total number of 493 participants, 87.2% (430) are female while only 5.7% (28) are male. This study however, neither specifically discusses anything about the right to early childhood education *per se*, nor does it mention anything about the state of early childhood education practice that takes place or programmes offered in early childhood development centres in Namibia.

The study by Eimann *et al.* (2005) on early childhood care and development needs assessment was limited to ECDECC in the urban area informal settlements in Windhoek. It was in the form of a survey on the general structure of urban early childhood care and development centres: facilities available, operational aspects, networking, financial issues, curriculum matters and training of care-givers in Windhoek. The research reveals that 74% of the centres are registered with the Ministry of Women Affairs and Child Welfare (currently Ministry of Gender Equality and Child Welfare); however, only 33.3% have ever received official visits. Out of 39 sampled centres, 46% provide meals to children and 54% centres cater for orphans. School fees are said to range from N\$100 per month in informal settlement areas to N\$400 in affluent areas of Windhoek. It is also interesting to learn that most centres do not follow a prescribed curriculum (Eimann *et al.*, 2005: 6). However, the study does not deal with the issues regarding the five to six years old preschool children's right to education in rural ECDECC in Namibia, nor does it indicate how well equipped rural ECDECC teachers are to prepare children for primary schooling. The research findings of the said studies by Naanda (2005) and Eimann *et al.* (2005) do not provide significant information of qualitative nature as to stakeholders' perceptions of how beneficial education in ECDECC is pertaining to five to six year old children's human right to education; hence this proposed study.

### **1.5.5 Legal determinants for the right to Education**

The human right to education is historically well established in principle if not in practice, particularly in Article 26 of the Universal Declaration of Human Rights (Kent, 2004: 36, UNESCO, 2002b: 30). The Constitution of Namibia guarantees all persons' right to education in terms of Article 20 (1) which provides that "All persons shall have the right to education." In addition, Namibian legislation also provides for the children's rights including their right to education, such as the Education Act, 16 of 2001, the Combating of Domestic Violence Act, 4 of 2003, the Maintenance Act, 9 of 2003, the Children's Status Act, 6 of 2006 and the 1960 Children's Act (National Planning Commission of Namibia (NPC), 2011: 12,15). Similarly, Article 13 of the International Convention on Social and Cultural Rights (ICSCR) and Article 28 and

29 of the Convention on the Rights of the Child provide for the human right to education (Kent, 2004: 36). It is therefore crucial to discuss the legal determinants to the right to education in the literature review (see para 3.2).

I also studied International Human Right Instruments such as United Nations Children's Fund (UNICEF) and UNESCO as data base for the very reason that they normally provide annual reports and statistics on the state of the world's children, including ECDE programmes in various member states. I also consulted relevant educational and law journals for the latest articles and case law. Further, I included Legal Assistant Centre (LAC), National Planning Commission (NPC) and Law Reform Commission reports as well as the Ministries of Gender Equality and Child Welfare and Education policies for the latest developments, if any, in early childhood education in general and the presumed human right to early childhood education in particular.

## **1.6. ANTICIPATED PROBLEMS**

Hitchcock and Hughes (1995: 80) caution researchers that research makes practical demands in terms of time, energy, human/physical and financial resources. Considering this, my study solely focused on the community centre provision of early childhood education for the pre-grade one children as a presumed human right entitlement because this is the period in which children are deemed to be prepared for formal compulsory primary education. Further, the study was conducted in four rural community centres in the Oshikoto region (one district in northern Namibia) because this is where most of the formerly disadvantaged black majority of pre-primary school children live. Some participants might not be conversant in the English language, the medium in which the research report was to be written; Consequently, to ensure smooth communication during interviews, the research instruments were translated into Oshiwambo <sup>2</sup>.

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<sup>2</sup>. One of the local languages (in Namibia) spoken in the region where the study was conducted

## **1.7 EPISTEMOLOGY OF THE STUDY**

Seeing that the proposed study is, as indicated earlier, based on the qualitative research design which seeks to understand the meaning of a phenomenon from the perspectives of the participants, the interpretive theory of knowledge is appropriate for my study for the very reason that the purpose of the study is to explore stakeholders' perceptions regarding the problem under investigation. Put differently, the knowledge claim in the proposed study is that "Knowledge is constructed not only by observable phenomena, but also by description of people's intentions, beliefs, values and reasons, meaning making and self- understanding" (Henning, Van Rensburg & Smit, 2004: 20), seeing that the interpretivistic approach is based on the assumption that there is not only one reality but many (Maree & Van der Westhuizen, 2007: 37).

## **1.8 SITE OR SOCIAL NETWORK SELECTION**

Any human activity is bound to take place at a specific physical site. Neumann and Kruger (2003: 371) define a site as a context in which events or activities occur. Similarly, Merriam (2002: 12) states that for nearly every study, there are sites that could be visited and people who could be interviewed. Interpretive researchers therefore carry out their studies in natural contexts to reach the best possible understanding (Maree & Van der Westhuizen, 2007: 37). Consequently the proposed study was predominantly conducted in three rural ECDECCs in northern Namibia, to establish the community centres' educational experience pertaining to children's right to education. Semi-structured interviews were conducted at various rural ECDECCs in villages, because the epistemology of qualitative research requires a researcher to study the perceptions of the participants in their natural setting in order to grasp reality about the phenomenon under investigation (Wiersma & Jurs, 2005: 201). I have also drawn from Merriam (2009: 1) that through a qualitative research design, research which focuses on discovery, insight and understanding from the perspectives of those being studied, offers the greatest promise of making difference for people.

## **1.9 SELECTION OF PARTICIPANTS**

I purposefully selected participants for my study based on some defined characteristics (namely rural Oshikoto region, rural ECDECC learners, rural ECDECC heads of centres/ teachers, rural community members, rural community leaders, human rights activists and early childhood development and education policy makers) that make them holders of the data needed for the study. The motivation for choosing the participants is discussed in chapter four (see paragraph 4.4.4).

## **1.10 DATA COLLECTION STRATEGIES**

Merriam (2002: 12) points out that there are three major sources of data for qualitative research study namely: interview, observation and document analysis. I, however, employed only interviews due to my selected topic “An education law perspective of early childhood development provision in rural Namibia” in which my interest focused on the perceptions of stakeholders and the documented legal determinants of the right to education of the said level of education. The data collection strategies/methods that were used are discussed in Chapter Four (see paragraphs 4.4.8.1).

## **1.11 DATA ANALYSIS**

Cohen, Manion and Morrison (2000: 340) state that analysis is the process of making sense of data. Making sense of the data involves consolidating, reducing and interpreting what people have said, and what the researcher has seen and read (Merriam, 1998: 178). I employed an inductive approach because qualitative data analysis is primarily an inductive process of organising the data into categories which emerge from the data themselves. This process involved data organisation, generation, identification of themes and patterns, testing the emergent assumptions against the data, searching for alternative explanations of the data and writing the report, (Cohen, Manion and Morrison, 2000: 340). According to Maree and van der Westhuizen (2007: 37), interpretive researchers (naturalist paradigm) mostly prefer inductive data analysis, which is more likely to help me to identify multiple realities

potentially present in the data, and in doing so to gain a better understanding of the studied phenomenon.

## **1.12 ETHICAL ASPECTS OF RESEARCH**

I formally requested and was provided with written permission from the Ministry of Gender Equality and Child Welfare (see addendum A ), Ministry of Education (see addendum B ), and access to institutions (see addendum C ) to carry out my study in the selected early childhood development and education community centres. I also submitted the project outline explaining the nature of the study and my plan for using the results (Leedy & Ormrod, 2001: 147) to the heads of the institutions where the research was conducted to avoid deception and betrayal (see addendum D ). To ensure anonymity, confidentiality and honesty about the purpose of the study and the conditions of the research, I at all times remembered that people who agreed to participate in my study were doing me a favour, and informed them about their right to voluntary participation. I therefore notified the participants of the purpose and the procedure of the study, as well as of how their contributed information would be used. Each and every participant was asked to indicate in writing on informed consent forms whether or not he/she would like to participate in the study, (see addendum E). It is against this background that I was at all times sensitive to the rights of the participants while conducting the proposed study. All official authorities and/or sources consulted for the purpose of the study were acknowledged in the text as well as in the list of references. I also complied with the rules and ethics requirements stipulated by North-West University and received an ethical clearance certificate (see addendum F) (see paragraph 4.8).

## **1.13 SUMMARY**

This chapter covered the background to the study, the problem statement, and highlighted the puzzle experienced in Namibia after the abolition/suspension rather than extension of formal pre- education (pre-grade one education) in the public primary schools, and the subsequent shifting pre-grade one education from the



Ministry of Education (MoE) to the communities under the custodianship of the then Ministry of Women Affairs, the current Ministry of Gender Equality and Child Welfare (MGE CW). Based on this puzzle, the research questions that guided this study were also stipulated. The puzzle is consequently whether the manner in which Namibian rural ECDECCs deal with early childhood education for the pre-grade one learners will contribute towards enhancing learners' presumed right to education, given the perceived and presumed irrefutable significance of this level or stage of education. Taking cognisance of the fact that early childhood education is the foundation of, and crucial to all future levels of education, this inquiry is expected, through answering the research questions, to shed some light on the legal determinants of the right to education. It was also expected to learn about the stakeholders' perceptions on the pre-grade one learners' presumed human right to education in rural ECDECCs in northern Namibia as education comprises the protection of all human rights.

Before answering sub-research question 1.1 "legal determinants of the right to education" through literature study, I will address the historical background to early childhood education provision in the next chapter in order to place my study in historical context.

**CHAPTER 2**  
**HISTORICAL BACKGROUND TO EARLY CHILDHOOD  
EDUCATION PROVISION**

**2.1 INTRODUCTION**

Chapter One provided an introduction to the study on which this research report is based. It also highlighted the problems experienced in Namibia after the abolition/suspension (rather than extension) of formal pre- education (pre-grade one education) in the public primary schools, and consequent shifting pre-grade one education from the Ministry of Education (MoE) to the communities under the custodianship of the then Ministry of Women Affairs, the current Ministry of Gender Equality and Child Welfare (MGECW). The research questions that underpin this study were also accordingly pointed out. This chapter deals with historical background to early childhood education provision generally in an attempt to learn about the origin, rationale, regulation and the practice of early childhood education as a presumed human right entitlement.

The United States of America (USA), represented by Eleanor Roosevelt, played a vital role in creating the Universal Declaration of Human Rights on 10 December 1948 (UDHR, 1948), by affirming the inalienable rights (including the right to education of “all persons”) and freedoms of all human beings across the globe. Consequently, this section provides a report on the literature reviewed on the history of early childhood education law and the provision of pre-primary education (pre-grade one education) as a human right entitlement in general and in Namibia in particular.

Wiersma and Jurs (2005: 52) state *inter alia* that reviewing literature helps a researcher to put the proposed study in proper context and to devise inquiries that have not been done before. In reviewing literature on the human right to, and provision and practice of, preschool education in Namibia, I have found some

researchable issues, especially on pre-primary education provision for the five to six year old (pre-grade one learners) in community centres that have not been covered by the small number of research projects conducted on this topic in Namibia (Eimann *et al.*, 2005; Naanda, 2005).

The literature indicates that there are various approaches to early childhood development and care (ECDC) in different countries, and objectives vary from country to country. These objectives include child survival, childcare, socialisation, over-all child development, programmes that prepare children for school and rehabilitation programmes. In line with this, Seefeldt and Wastik (2006: 15) point out that in America children with disabilities are also believed to benefit from early education programmes, and federal laws ensure that every state offers early educational experiences for children with disabilities and developmental delays as well as for those who are at risk of developmental delays. In response to the perceived disadvantages of children from impoverished environments, Head Start was initiated in 1964 to provide educational, nutritional, health and parental support to enrol children (Essa, 2011: 16). The age of participating children, the goals and the models of delivery of such services are different in various countries (Woodwill *et al.*, 1992: 3; lithete *et al.*, 2000: 12). Similarly, Essa (2011: 11) points out that early childhood education (ECE) spans from birth to age eight, which includes infants, toddlers, preschoolers, kindergarteners and children in the primary grades. This study was solely meant to investigate the implementation of pre-grade one learners' human right to education. Therefore I will stick to the term pre-grade one. Woodwill, Bernard and Prochner (1992: 3) aver that all societies have specific approaches to raising and educating young children. They further state that what we now call early childhood education is the pattern of crèches, preschools and early intervention programmes found in most countries. According to lithete *et al.* (2000: 12) in Namibia preschool and child care programmes are grouped together and called early childhood education and development. Neither of these authors, however, point out as to whether or not early childhood education is regarded as one of the human rights, nor do they elaborate how it could be promoted, protected and fulfilled.

The Faculty of Education of the University of Namibia (1997: 57) asserts that early childhood programmes can be offered in centres designed specifically as preschools or child care centres, but they are also found in neighbourhood homes, in community centres in the market places, under trees, in health care centres and in church schools. In short, these programmes can exist anywhere where children are brought together in a group. The report further states that, on one hand, the benefit of ECD programmes in centres for children from three to six, seven years of age is that it provides them with the chance to socialise with the peers in ways not possible at home, and prepares them for the school environment. On the other hand, there is a potential conflict that can occur between home and centres in terms of language, values and beliefs, as well as an increase in the child's exposure to communicable diseases. However, the benefits derived from these programmes outweigh their disadvantages.

## **2.2 HISTORICAL BACKGROUND TO EARLY CHILDHOOD DEVELOPMENT COMMUNITY CENTRES (ECDCC'S)**

An understanding of the historical and cultural background of early childhood development community centres (ECDCCs) services is important for the analysis of their present position and the implementation of a policy favouring integration. The history of early childhood and education around the world, when analysed from the point of view of an integrated approach, has seen two phenomena. One refers to the parallel development of different types of institutions for young children, and the other, less evident, relates to the political, cultural and economic events that marked world history during particular periods. Some of these events are the Cold War, the Cultural Revolution of the 1960s and '70s, and globalisation (UNESCO, 2002a).

Informal education of young children is normally part and parcel of the socialisation process in every society. Braun and Edwards (1972: 4-5) state that the basic socialisation of the infant and young child in every society is seen as the responsibility of the mother and family. They continue to say that children are nurtured by their mothers within the supportive concentric circles of family,

community and society where they are taught the language of their people, of the community where they are born, through which they can learn. This perspective, however, has been tremendously challenged in the sense that with the advocacy of gender equality in parental duties as well, the role of socialisation cannot be saddled with the mother alone but is deemed to be one of the many parental roles to be equally played by both father and mother. Similarly, to this end, the Namibian Maintenance Act No 9 of 2003 provides in Section 3 *inter alia* that both parents are liable for the proper living and upbringing of the child. Therefore, both parents are equally obliged to provide for, *inter alia*, their children's educational costs inclusive of the pre-primary (pre- grade one).

### **2.3 FORMAL EARLY CHILDHOOD EDUCATION**

Historically, formal ECE is a product of major events in the world history. According to Braun and Edwards (1972: 5), the two main events that led to the introduction of formal early child education were western civilisation and industrial technology. They emphasise the fact that industrial technology has complicated the way of living in modern society to such an extent that some of what parents used to teach their children in the traditional fashion can no longer be taught for a long time and is not enough for children. In their words:

In the true sense modern early childhood education is itself a child of industrial revolution, it was born of the need to create for small children a milieu in which life comes to have meaning analogous to the meaning it had in an earlier time when the child played around his mother's feet in the kitchen or stumbled after his father down the ploughed furrows as he sowed seeds.

This is in line with the reasoning that "the beginning is the most important part of any work, especially in the case of a young and tender thing, for that is the time at which the character is being formed and the desired impression is more readily taken" (Braun and Edwards, 1972: 12).

Generally, education is regarded as the key to a better life (Black, 1996: 215) and a means of improving lives for individuals. Moreover, it is a proven fact that five to six year old children can intellectually benefit from formal teaching and learning. In Great Britain for instance, the statutory age for commencing school is five years, but most children start school even before they turn five years old (Curtis, 1992: 231). Various countries in the world guarantee and promote the right to pre-primary education in their legislation although their constitutions do not include ECE *per se*. For example, in Finland the Act and Decree on Children's Day Care of 1973 and the Finnish Basic Education Act 1998, provide for pre-primary educational right. Further, preschool education as part of the Finnish ECEC is the systematic education and instruction provided in the year preceding the commencement of compulsory education and has become a statutory obligation for the municipalities since 2001 (Finnish Ministry of Social Affairs and Health 2004: 3-5). In addition, in Brazil ECEC is a right guaranteed by Brazil's Constitution which recognises it as an extension of the universal right to education from zero to six years old" (UNESCO, 2002b: 12). Similarly, since 1993 the government of Uganda "[h]as committed itself to seeing ECE as crucial to the holistic development of the individual, a foundation for basic education, and the right to every child in the country and not the privilege of a few" (UNESCO, 2002b: 13).

In Sweden, the government's responsibility for preschool activities for children between one and five, and childcare services for school-age children between six and twelve, were transferred from the Ministry of Health and Social Affairs to the Ministry of Education and Science in 1996. Consequently, preschool classes were introduced for six year olds as part of the compulsory school system, sharing the same curriculum with primary schools and preschools which had catered for one to six years old before the transition became the first level of the country's education system (UNESCO, 2002a). This is different from Namibia. (See paragraph 1.5.3).

It is an irrefutable presumption that preschool education is a foundation for primary and further education. This fact is highlighted by Cooper (2002: 1), who, being an architect, submits that the choice of the word "foundation" to represent this stage of learning is a carefully selected metaphor intended to emphasise that that all future

achievement and attainment depend on this stage. Using the same metaphor, Fisher (2002: 127, 119) argues that no one would ever erect a building without first laying the highest quality foundations, because the consequences would be too dire. She further asserts that whatever life experiences and achievements are to be built on top of early learning, they need foundations that are rich, broad, varied and robust. Similarly, it is stated that ECD programmes provide children with a fairer and better start in life and enable them to experience long term benefits including future learning potential, educational attainment and adult productivity (GRN 2004: 96). Further, ECD and pre-primary education lay foundations for acquiring basic literacy and numeracy skills, and they considerably reduce dropout and repetition rates (GRN 2004: 96, Aubrey *et al.*, 2000: 1; GRN 2005: 11 and The United National Children's Fund (UNICEF) Report 2005: 1).

According to Myers (1992: 23), United Nations Educational, Scientific and Cultural Organisation (UNESCO) and UNICEF (of which Namibia is a member) are the two main United Nations agencies concerned with child development. Whereas UNICEF is mainly concerned with health and nutrition, UNESCO deals with the funding of educational programmes generally and early childhood education programmes in particular. Namibia participated in the World Conference on Education for All (EFA) in Jomtien, Thailand, from 5 to 9 March 1990 and ten years later in the Dakar Forum for Education for All (Ministry of Education and Culture, 1996: 4). The very first of the six EFA goals is "[e]xpanding Early Childhood Care and Education". There is a strong belief in Namibia that ECD programmes should be strengthened and expanded in order to give all children a smart start. Therefore, teachers (at such centres) should be well- trained, and the curriculum followed by early childhood development centres (community centres) must be harmonised to ensure that the same standards are maintained everywhere (GRN 2004: 5). It is against this background that Namibia launched the EFA Action Plan in 2003 in all thirteen political regions, with the purpose of implementing the resolution of the Jomtien and Dakar World Conferences resolutions (GRN, 2004: 5). According to UNICEF (2002: 14), where the right to education is guaranteed, people's access to as well as enjoyment of other rights is enhanced. UNICEF further states that providing the right to education is an obligation

of governments and requires that they (governments) translate their international commitments into legislation to which their citizen have legal recourse. Law is to take its course once such rights are denied, abridged, or violated. Without legislation it is difficult to monitor and enforce obligations.

Studies conducted in thirteen countries all over the world revealed, *inter alia*, that participating in preschool programmes prepares children to succeed in school (Lithete *et al.*, 2000: 14-15). There is a notion that schooling is an important avenue to social and economic mobility, and preschools are perceived as the first step along that avenue. In addition, preschool experience is said to prepare children to handle academic tasks in elementary school, and it improves children's skills at sharing and cooperating (Lithete *et al.*, 2000: 14 - 15). These studies, however, neither indicated that pre-primary school children have the right to education nor what these children were taught in those preschools, which were believed to have prepared them for primary school education.

According to UNESCO, (2002d) ECCE and family benefit services (FBS) such as maternity, paternity, parental leaves, tax benefits and child allowance, have, in industrialised countries, developed in tandem with increased female participation in the labour market. It follows that as more mothers work outside the home, the question arises as to how to take care of young children at home. Although the causality between female employment and the expansion of ECCE-FBS proves difficult to quantify, the interrelationship between the two is indisputable. Apart from female employment, other factors are child protection which becomes an important concern in the early 20<sup>th</sup> century, the enhancement of child development as well as the need to prepare children for (statutory) primary school. In addition, there is currently a growing value emphasis on pre-primary education as the foundation of the child's lifelong learning which has motivated many developed countries to formulate policies addressing ECCE as well as family benefits (UNESCO, 2002d). According to Essa (2011: 20,24), from all economic and social indications, it is reasonable to expect that a high percentage of families will continue to have two parents in the workforce and continue to need care for their young children. She



further points out that recent legislation has placed increased emphasis on accountability and assessment of young children. Similarly she avers that because of legislation ensuring that young children with disabilities are included in early childhood education, there will be continued efforts to integrate them into programmes with children who do not have disabilities.

Braun and Edwards (1972: 12) further point out that ECE programmes in the industrialised countries of the West were either resultant of social welfare efforts as in Montessori's *casa dei bambino* (house of the children) in Rome, or as a mode of enhancing experiences for privileged children in preparing them for regular school. They go on to say that there is now a perceivable paradigm shift in this regard in that educators are formulating ways to ensure every child's right to education, given the fact that they advocate that the first years of the child's life is crucial. Consequently education of the young children becomes a necessity, and an obligation that reaches beyond the boundaries of the institutions of the family and community. In addition to parental and community roles in early childhood education, it (early childhood education) in itself requires professional services of various other stakeholders such as professionally trained early childhood teachers, social workers, child psychologists, nurses, doctors as well as policy and law makers to regulate the provision of early child education in a specific society. Similarly, Essa (2011: 7-8) highlights the fact that recent research on the amazingly complex and rapid development of the very young child's brain has given people insight into the crucial importance of the early years. Consequently, Essa (2011: 8) points out that many professionals are outspoken and eloquent and advocate for rights for children. These pleas ring home to the public and legislative attention, the needs of children and families in poverty, as well as the need for affordable child care for families with moderate incomes.

Authors such as Braun and Edwards (1972); Seefeldt and Barbour (1986); Woodill *et al.* (1992) and Essa (2003) discuss various theories of early childhood education and historical backgrounds thereof as indicated below.

Seedfelt and Barbour (1986: 6-7) point out that early childhood education can be traced back to philosophers such as Plato (427-347 B.C.) and Aristotle (394-322 B.C.) who advocate that a child's education starts well before age six, or to Comenius (1592-1670) who recommends in his book entitled 'The School of Infancy' (1628) that education begins on the mother's lap. However, some writers assert that Rousseau (1712-1778) is the founder of early childhood education in that he believed in the importance of beginning a child's education at birth, and that such education should be based on the nature of the child. Rousseau and Pestalozzi (1746-1827) are referred to as naturalist philosophers as they both believe that education begins at home and that children learn naturally through play, observation, concrete and sensory experiences. Pestalozzi particularly emphasises the important role played by mothers during children's earliest years.

Essa (2003: 114-120) presents the key ideas of various philosophers and those of human development theorists. For Rousseau, young children are innately pure and good and their way of learning is different from that of adults. Pestalozzi, as a successful educator of young children, advocates the right to education for all as he believes that all people, even the poorest, have the right to education so as to enable them to develop their moral and intellectual potential in accordance with their individual differences, and through self-activity rather than rote memorisation.

Froebel (1782-1852) is credited with the beginning of "kindergarten" (a German word which literally means garden for children), a school for the children under the age of six. He believes that the early years of life are the most critical and are those on which the foundation for later years is built. For Froebel, play is equated with education; consequently, play, creativity, self-expression, and living in harmony with one another were the core of kindergarten programmes. He is further credited with the development of educational aids known as blocks, the standard of which was carefully designed for the early childhood stage. Further, Sayeed and Guerin (2000: 12) assert that Froebel sees play as a unifying force between the child, adult(s) and environment. He criticises rote-teaching and learning approaches and instead advocates play as making learning meaningful for children.

Similarly, Montessori (1870-1952), while working with slum children in Rome, developed successful methods of early childhood education through play with the appropriate materials that tally with the child's developmental stage, and which were based on the principle that young children learn in a way that is fundamentally different from that of adults. She believed that children have great capacity to learn a great deal during their early years.

Some influential theorists of human development and learning, such as Piaget (1896-1980), Erikson (1902-1994) and Vygotsky (1896-1934), also significantly impact positively on early childhood development and education provision. Piaget's cognitive developmental theory describes four stages of how children think and learn, of which the second one (pre-operational period) covers the preschool years. During this period children are not able to think logically, but their internal mental representations allow them to think of objects even if they are not physically present, therefore they can learn with the assistance of concrete objects. Erikson's psychosocial theory, on the other hand, submits that human development takes place through eight stages of which the third one (initiative versus guilt) covers the preschool years, and during which a children's curiosity and enthusiasm lead to exploration and learning about the world around them. Vygotsky's socio-historic theory emphasises the significance of the social context of development, and that early childhood learning is facilitated through the assistance of adults and or older peers who help the child to learn new skills within the zone of proximal development (Essa, 2003: 124-126).

There are at least three most important influential pioneers in early childhood education whose commonalities form the bedrock of the common law of early childhood education. They are Friedrich Wilhelm Froebel (1782-1852), Maria Montessori (1861-1925) and Rudolf Steiner (1861-1925). Each of these has an international reputation and influence, and has influenced schools in different parts of the world which decided to use their approaches; each has training colleges where teachers learn about their ideas. In addition they all were skilled practitioners and theorists. Consequently they all have significantly influenced mainstream education

in most countries in the world (Bruce 1993: 9). Bruce (1993: 9) summarises the philosophies of these three founders of EDC in ten principles:

1. Childhood is seen as valid in itself, as part of life and not simply a preparation for adulthood. Thus education is seen similarly as something of the present, and not just preparation and training for later.
2. The whole child is considered to be important. Health, physical and mental, is emphasised as well as the importance of feeling and thinking and spiritual aspects.
3. Learning is not compartmentalised, for everything is linked.
4. Intrinsic motivation, resulting in child-initiated, self-directed activity, is valued.
5. Self-discipline is emphasised.
6. There are particularly receptive periods of learning at different stages of development.
7. What children can do rather than what they cannot do is the starting point in the child's education.
8. There is an inner life in the child which emerges especially under favourable conditions.
9. The people, both adults and children, with whom the child interacts are of central importance.
10. The child's education is seen as an interaction between the child and the environment, including in particular other people and knowledge itself.

Combes (1992: 33) states that a majority of African governments have adopted policies favourable to child care and development. However, it is common knowledge that policy formulation is one thing and policy implementation is another. All African leaders gave their support to the 1990 Convention on the Rights of a Child (CRC).

According to Combes (1992: 35) in general, African countries have made significant strides in providing schooling for young children. Parents see education as vital catalyst for change and believe preschools give children a head start in formal schooling. However, the provision of preschool education is constrained by location (urban or rural areas), lack of resources, funds and inadequately trained personnel. In addition, access to preschools varies greatly from one area to another, depending on the level of poverty. Consequently, children from poorer families are less likely to attend preschool programmes than children from affluent families. Also, girls are less likely to be encouraged to attend preschool, particularly in rural areas (Combes 1992: 35). In most countries only a small percentage of children have access to preschool services of any kind, and the facilities that do exist are in inverse proportion to the demand and population size (Combes, 1992: 35).

These theories of development and learning discussed in this section need to be firmly grounded and to be applied in the daily work with children. Formal education must, of necessity, be provided and practised in accordance with prescribed curriculum which stipulates specific competences that learners have to master before they are promoted to the first grade of statutory primary education (The Constitution of Namibia: Article 20 (2)).

## **2.4 HISTORY OF ECE CURRICULUM**

The first kindergarten created by Froebel in Blankenburg catered for children aged one to seven from different socio-economic backgrounds and was open daily from 6 am to 7 pm (UNESCO, 2002a: 18). As far as early childhood education curriculum is concerned, Jackman (2005: 35) defines early childhood education curriculum as a multilevel process that encompasses what happens in early childhood education classroom each day, reflecting the philosophy, goals, and objectives of early childhood programmes.

There are different views on what is appropriate to teach this age group (pre-primary school children/pre-grade one learners) among educators from different

backgrounds. However, one should not lose cognisance of the fact that the irony regarding these most appreciated and widely accepted early childhood education curricula is that they were originally meant for impoverished children. However, these curricula have not only been employed in private pre-primary schools where preschool children of the elite, and to a certain extent the middle classes, were taught, but they have also been used to the exclusion of the vast majority of the very poor children for whom these curricula were initially intended. In addition to teaching and learning prescribed themes in a given curriculum, formal early childhood education is practised through specific relevant teaching and learning strategies. These strategies are discussed below.

## **2.5 RECOMMENDED INSTRUCTIONAL TECHNIQUES**

Because of their level of development, preschool children are to be taught, and to learn, by means of specialised methods and particular subject matter. According to Pickering and Pickering (1974: 12), the life of a young child is contingent to activities through which development and learning take place. They identify themes and activities that are suitable in a teaching-learning environment involving young children. These are activities which involve body movements. Examples of these approaches and activities are depicted in table 2.1:

**TABLE 2.1 Themes and activities suitable in teaching-learning of young children. Source: Adapted from Pickering and Pickering (1974: 12, 23-67)**

THEME	ACTIVITY
<b>Destruction:</b>	Children through curiosity often change the appearance of the objects with which they play, for instance clay and blocks.
<b>Looking at moving things:</b>	Children are fascinated by looking at objects that move.
<b>Shape:</b>	Children like manipulating objects which are the same and/or different, big and small, hard and soft.
<b>Texture:</b>	They can learn the concept texture through manipulating rough and smooth things.
<b>Sound:</b>	Young children get great pleasure in creating noises of their own for example by clapping, banging, scraping, shaking, blowing and using simple musical instruments.
<b>Tape recording:</b>	A tape recorder is a useful tool in the teaching-learning situation involving children. Children delight in listening to the sounds they have produced, and great enjoyment can be obtained by varying the speed and the volume.
<b>Light:</b>	Children are delighted by light; for example, they are fascinated by watching candles on a birthday cake.

In addition, Sayeed and Guerin (2000: 12-13) provide views of various early child education advocates on the significance of play as suitable method in teaching and learning situations involving children. To begin with, Friedrich Froebel, the pioneer of the kindergarten and nursery school movement, regards play as a unifying force between the child, adults and the environment. Consequently, Froebel criticises rote teaching and learning approaches and prefers meaningful play for children. Similarly,

according to Sayeed and Guerin (2000: 12), Isaacs sees the role of play within the early years curriculum as essential to the emotional and cognitive development of the child, while Margaret Mcmillan says that play has a significant place in education as a medium of skill development and experimentation; she consequently emphasises the significance of indoor and outdoor play areas (Sayeed & Guerin, 2000: 13). To Vygotsky, play is a vehicle for social interaction rather than a dominant form of activity for young children (Sayeed & Guerin, 2000: 13). He regards play as providing a child with a chance to experience confidence and mastery; therefore, pretend play is crucial for the development of the child's imagination and ideas that can be used in future. "Play can act as a facilitator for social interaction between the child's peers and adults helping him/her to make sense and to create meaning from experience within a shared cultural framework."

MacNaughton and Williams (2004: 55-201) identify, and give a comprehensive description of, how other indispensable early childhood education general teaching techniques can be employed. They are demonstration, describing, encouraging, praising, helping, feedback, grouping, listening, modelling, questioning, reading, recalling, singing, suggesting, telling and instructing.

## **2.6 ECD PROVISION IN SELECTED NON-AFRICAN COUNTRIES AROUND THE WORLD**

The following sections highlight the provision of early childhood development and education in some selected countries around the world. I selected only three non-African countries (Brazil, Britain and Finland) in the world because of their relevance to Namibian historical, religious, political and legal contexts.

### **2.6.1 Brazil**

Brazil is a country which is said to be one of the pioneers of providing and practising early childhood education (pre-grade one) as part and parcel of statutory basic education. Pre-grade one education is a constitutionally entrenched human right



entitlement in Brazil (UNESCO, 2002b: 12). Consequently, it is safe to conclude that Namibia can learn some lessons from Brazil regarding the provision, practice and legal regulation of pre-grade one education as a human right entitlement.

### **2.6.1.1 Historical background**

The history of Brazilian preschool is said to be divided in three periods namely the pioneer period (1896- 1973), the period between 1974 and 1989, and the period from 1989 to the present. During the pioneer period there was no federal agency directly involved in preschool operation. As a result, compared to France and the USA, preschool service started a bit late in Brazil because until the beginning of widespread industrialisation in Brazil in 1930s, most children did not have access to any formal preschool education outside the home. Preschool service was influenced by the pedagogical principles of educators such as Pestalozzi, Johan Heinrich, Friedrich Froebel and Maria Montessori. The first kindergarten modelled on Froebel's teaching was opened in Sao Paulo in 1930 and a teacher training programme was also founded at the same time (Vilarinho, 1992: 129). In addition, the specialized preschool service was created in the form of preschool classes for children three to four years old, also modelled after Froebelian kindergarten. However, the enrolment was restricted. In addition, preschool educational services in Brazil before 1974 were characterized by location and sponsorship, and most were in urban area of *inter alia* Sao Paulo, Rio de Janeiro and Piu Grande do Sui, where the process of industrialization and the living standards were high. It is worth mentioning that most of the preschool programmes during that period were private and were primarily serving the children of the Brazilian elite and middle class. On the other hand in the rural area 'child saving' was the prominent ideology of preschool before 1973. It was only in the mid 1970's that the holistic approach, the whole child approach became popular in Brazil, at the same time when UNESCO gave priority programmes on preschool children (Vilararinho 1992: 130-131).

The Brazilian government's interest in preschool education started in the 1970s with the introduction of the Education Sector Plan which emphasised preventive action directed at the performance of children from the low income households, since

preschool education was aimed at serving as a means of economic and social development; put differently, as a way of significant investment in human resources. Consequently, the Pre-school Co-ordination Authority was created in the Ministry of Education in 1973 which operated hand in hand with the federal Education council and legislation was enacted to set standard for the provision of preschool services. The Federal Education Council was to sensitise politicians and educators through awareness campaigns regarding the importance of preschool education and the development of pedagogies that were relevant to the Brazilian context. In addition the Brazilian Congress of Preschool Education which must meet every three years was founded in the late 1970 and the t Preschool Educational Centre was established by Bernard Leer in north-eastern Brazil (Vilarinho, 1992: 132).

In 1996 the ministerial auspices for Day Care Centres (for children 0-3years) and Preschools (for children 4-6 years) in Brazil were integrated under the Ministry of Education. The Ministry of Education revised legal guidelines for early childhood institutions which helped to register and accredit Day Care centres as well as other services that had been outside the orbit of government administration and sought to develop a comprehensive data set covering the 0-6 years age group before embarking on policy development (UNESCO, 2002d).

### **2.6.1.2 Curriculum**

Preschool which complements family education is designed to provide physical, psychological and intellectual development for children under the age of six. In addition "...a public policy for indigenous schools exists to prepare teachers to produce didactic material and to disseminate indigenous themes in school. Indigenous education is part of the Constitution of 1988" (UNESCO No13 2007, 7-8).

According to UNESCO (No 13 2007: 7), the national Council of Education announced the guidelines on the national curriculum for early childhood education in 1999. These guidelines are incorporated in a public policy document known as "*The Programa Primeira Infancia Melhor*" (the Better Early Childhood Development Programme) or *PIM* which was introduced in April 2003. *PIM* is headed by the State

Departments of Health and coordinates efforts by the State Departments of Education, Culture Justice and Social Development. *PIM*'s main goal is to promote children's holistic development in their early childhood years. To this end, the programme's goal is to "provide guidelines to families, based on their own culture and experiences, to allow them to promote their children's holistic development from pregnancy to six years of age." *PIM* operates with an aim of attaining the first goal of the World declaration on Education for All as outlined in the Dakar Framework for Action, namely "expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.". It is submitted that as of August 2008 *PIM* has been implemented in almost 50% of all towns in Rio Grande do Sul, (UNESCO No 13 2007: 7-9)

### ***2.6.1.3 Right to education***

In 1899 the Institute for the Protection and Assistance of Childhood was established, which included legal aspects related to child protection and the creation and the administration *inter alia* of day care centres and kindergartens. Unfortunately it was restricted due to lack of public resources (Vilarinho, 1992: 129). In 1961 Law No 4024/1961 was approved which included articles which represented for the first time educational legislation for the entire country dealt with preschool education (Vilarinho, 1992: 130).

In Brazil "...[e]arly childhood education and care (ECEC) is a right guaranteed by Brazil's Constitution which recognised it as an extension of the universal right to education from zero to six years old", (UNESCO, 2002b: 12). In 1988 the Federal Constitution declared that early childhood education is a right of every child and its provision is the duty of the state and family. Both Day Care Centres which were under the Ministry of Social Affairs and Preschools within the purview of the Education are included. With the introduction of The Guidelines for National Education (Law 93940 or *Lei de Diretrizes e bases da Educao Nacional*- LDB in 1996), the Ministry of Education became the responsible authority for both services but the provision responsibility for early childhood services is with the municipalities (UNESCO, 2002a).

Early childhood education for children under the age of six is a constitutional right in Brazil. The Constitution gives municipalities responsibility for providing education for young. The 1996 education law defined early childhood education as first stage basic education, catering for children aged 0-6+. The law recognised day care centres as services for 0 to 3+ -year-olds and preschools as provision for 4+ to 6+ -year olds and stated that, although these were non-mandatory, they should both be recognised as educational institutions. The law stipulated that all early childhood services should be integrated into the education system, and that policy development for care education services should be coordinated under the leadership of the education sector (UNESCO No. 13, 2007: 6, 7).

In 2000 the Ministry conducted a nationwide survey to collect baseline data on early childhood education, not only in Preschools but also in Day Care Centres, the first of its kind by the Ministry of education. The information obtained from the survey was used in the formulation of early childhood policy planning (UNESCO, 2002a).

There are pedagogical guidelines in the national policy for preschool education which stipulate the following aims and objectives:

- to provide suitable conditions for the child's physical, emotional, cognitive and social development
- to promote the application of children's experiences and knowledge, encouraging their interest in the process of transformation of nature and in dynamics of social life, and
- to play a role in ensuring that the child's social interaction and relations will reflect the values of solidarity, freedom, cooperation and respect.

The learning area and teaching-learning methods are however not indicated.

UNESCO (2006) further points out efforts which targeted vulnerable or disadvantaged children, in terms of the Brazilian law which guarantees that all children should be enrolled in mainstream schools. In addition it is stated that there

are national community based projects which are trying to expand and give quality to ECCE named *Movimento Interforum de Educacao Basica (MIEB)* and a staff training programme called *Pro-infantil*. It is reported that Brazilian government finances 72% of ECCE (UNESCO, 2006).

It is important to highlight the fact that Brazil, is a former colonised country (by Portugal during the 16th century) situated in South America which was historically regarded rural, (like northern Namibia where I conducted this study), compared to an industrial and urban North America, and where the African slaves contributed to agriculture, more specifically sugar plantations (Quirk, 2009: 38). In addition, Brazil, like Namibia, is a country with remarkable Christianity as demonstrated by a popular prominent statue entitled “Christ the Redeemer”, in Rio de Janeiro. According to Quirk (2009: 40) Brazilians were humiliated by references to their country as the last Christian nation that tolerated slavery.

## **2.6.2 Britain**

Britain is one of the countries which introduced statutory basic education at the age of five (Curtis, 1992: 231). It is therefore worth looking at how the British government provides and regulates ECDE as a human right entitlement.

### ***2.6.2.1 Historical background***

Great Britain has a long tradition of infant and nursery education (Curtis, 1992: 231). Education becomes compulsory from the age of five. As far as teacher training for early childhood education is concerned, there are two main groups of professionals working with young children: teachers and nursery nurses. Although their legal qualifications are different, their roles are complementing each other. Early years teachers are trained in either polytechnics, institutes of higher education or at universities in the department of education where they study for four years for a Bachelor of Education (B.Ed). Such training is rigorous and demanding, just like that

for teachers who are prepared to teach in the secondary school. Further, unlike some countries, the salary as well as the status of the early years' teachers is the same as those who teach older children (Curtis, 1992: 242).

The ideas of infant education for children from age two to seven developed early in the 19th century. According to Bertram and Pascal (2015: 7), the most famous innovator of that time was a Welshman called Robert Owen who established an "Institution for the Formation of Character" in New Lanark, Scotland in 1816. This is believed to have been the first infant school in Britain. Owen recognised the need to support families in that parents could focus on their work believing that their children were receiving high quality care and education ([www.oecd.org/ education school 2479205](http://www.oecd.org/education/school/2479205), OECD: The OECD Thematic Review of early Childhood Education and Care for the United Kingdom: 7).

### **2.6.2.2 Curriculum**

By late Victorian times, the upper and middle class parents were sending their children to Froebelian kindergartens or employed Froebel- trained governesses (Curtis, 1992: 231). Curriculum for preschool children was based on the common law principles of early childhood education in terms of which the curriculum for preschool children is concerned with the child, the context in which learning takes place and the content of learning. Curtis (1992: 240) points out: "In whatever setting the curriculum for young children is seen as complementary to the learning at home. Children are offered a wide range of materials and experiences to stimulate their curiosity and to enable them to learn through planned worthwhile play activities. These encourage them to explore their environments, to be imaginative and to plan and reflect upon their experience."

Owen applied free and unstructured play in educating young children, and his teaching was done through informal physical methods. A great deal of learning in preschool is based on purposeful, not free and wholly unstructured, play for which the teacher selects and provides material and equipment. In addition teachers are

also actively involved by commenting on and asking questions; in so doing encouraging children to learn from their activities (Curtis, 1992: 240).

### **2.6.2 3 Right to education**

In Great Britain, the statutory age for commencing school is five but most children start school even before this. The passage of Education Act of 1870 instituted elementary schools for all broods from the age of five (Curtis, 1992: 231). As far as the current scenario of preschool in the United Kingdom is concerned, government has been taking keen interest in developing the standards of the children studying in preschools. Early education centres are registered to provide early education. The Child Care Bill received the Royal Assent and has become the Child Act which ensures that all children will have access to high quality early learning and care, and better access to early childhood services ([preschools.indigedu.com](http://preschools.indigedu.com)). In terms of the 1988 Education Act, all pupils including those with special needs are entitled to a broad and balanced curriculum. Before that the Handicapped Children's Act of 1970 argues that no child is uneducable. Prior to the promulgation of that Act, children with severe learning difficulties had no legal right to education in Great Britain. Curtis (1992: 245) stresses the fact that with regard to special education, although the National Curriculum is regarded as a legal entitlement for all children, it can be modified for individual children, and it is also acceptable if it is considered advisable to exclude a subject or some subjects from a particular child's curriculum.

The right to education is stated *inter alia* in the United Kingdom Human Rights Act of 1998 which in terms of Article 2 states: "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the state shall respect the right of parents to ensure such education and teaching in conformity with their own religion and philosophical conviction" (Blaustein & Flanz, 1989: 22).

The right to education is also advocated by the Children's Legal Centre on Independent National Charity which aims at promoting children's rights in the United Kingdom worldwide. This institution has expertise in the area of education law and it

is one of the leading providers of education law advice and casework in England, (Children's Legal Centre on Independent National Charity, 2008: i). The Children's Legal Centre on Independent National Charity (2008: 13) points out that the law in England imposes a duty on Local Authorities to ensure that education is available to each child. In addition, Section 8 of Education Act of 1996 provides that education must be made available for children of compulsory school age, 5 to 16 years old.

British education law has remarkable influence in the Namibian education sector. According to United Nation Institute for Namibia (1988: 15) and Nambala (1994: 3), after the First World War, Namibia was administered by South Africa under a "C" - Mandate of the League of Nations on behalf of Great Britain. In 1920 the League of Nations gave a mandate for Namibia to South Africa to administer the territory under a "C" mandate on behalf of Britain and as a "sacred of civilisation" (including education) in terms of Article 22 of the League Covenant, (Nambala, 1994: 3). Consequently, Namibia became one of the commonwealth countries under the auspices of the United Kingdom because she was eventually colonised by South Africa, (which does not necessarily directly form part of this study). Nambala (1994: 61) further explains the fact that the very first missionaries to come to Namibia belonged to the London Missionary Society which was originally the Congregationalist Churches of England in 1805.

The link between Namibia and Britain is further founded in Article 3 (1) of the Constitution of Namibia which provides: "The official language of Namibia shall be English." However, nothing contained in the Constitution prohibits the use of any other language as a medium of instruction in private schools or schools financed or subsidised by the State, provided they comply with the requirements as may be imposed by law (Article 3 (2) of the Constitution of Namibia).



## **2.6.3 Finland**

One cannot discuss early childhood education in Namibia without mentioning the contribution and influence of Finish missionaries to education in general and to pre-grade one learners in particular. This justifies a closer look at Finnish early childhood education provision and practice. As previously stated, Naanda (2005: 172) reveals that early childhood education in Namibia is the responsibility of communities and to some extent of the churches and the private sector.

### ***2.6.3.1 Historical background***

The Scandinavian countries have been developing a highly professional and state funded ECEC system for more than thirty years. Local and federal intervention in the area of early childhood socialization is ideologically grounded in strong egalitarian traditions of Nordic welfare states. ECEC policies are universally available to all children and families who want them. These countries have made substantial investment in training ECEC professionals. Traditional Froebelian teacher training colleges have been enlarged while courses are longer and more varied, and brought up to date with new philosophical and practical references. The curriculum includes subjects such as social law, psychology, pedagogy, culture and communication, as well as a considerable period of practical training. ECEC programmes in this country show substantial increase in parental involvement. Close cooperation between parents and ECEC workers is considered necessary to guarantee continuity between the child's home life and that of the institution to ensure that institutional routines and practices respond to the interest of the families (UNESCO, 2002b: 38 - 39).

Finland was the first Scandinavian country to have offered day care services. The Finnish early childhood education is to a large extent influenced by Friedrich Froebel's ideas. Consequently, when Finland's first teacher training college was established in 1863, a crèche to care for the under four year old children and a kindergarten to cater for the educational needs of the four to ten year olds were established along with public schools (Ojala & Kuika, 1992: 193). Like Froebel, Cygnaeus believed that an intellectual and practical reform of education was

imperative as they regarded existing institutions to have lacked a pedagogical foundation operating through new methods and employing equipment which was pedagogically suitable to the education of young children. In addition Cyganeus also believed that children need to have educational experience before they begin school. Eventually, after the death of Cyganeus, Hanna Rothman who took over from him, led the kindergarten to be operated in the German style, (Ojala & Kuika 1992: 194).

Kindergarten teacher training was developed through the decisions taken by Government and the Ministry of Education. Consequently, the teacher training curriculum for kindergarten teachers was extended to three years at an institute (seminary) or at university, which study would lead to the same diploma qualification. As early as the 1970s there were two ways through which a person could become a kindergarten teacher. One could either opt to continue earlier practice and attend a private but state supported kindergarten Seminary College which was later operated by the state and administered by the National Board of General Education in 1977. Alternatively, since 1974, a person could also become a kindergarten teacher after having studied at a faculty of education at university (Ojala & Kuika, 1992: 201).

One of the major role players in the support and educational programmes of the parents of kindergarten children was the church; notably the Lutheran church which since 1840 had held Sunday school for the three to six year old children. In addition, the Lutheran church embarked upon the establishment of play clubs where children were brought to play together, at first three hours for two days a week, and later every day, in towns. This was later extended to rural areas.

### **2.6.3.2 Curriculum**

According to Ojala and Kuika (1992: 199), the main goal of kindergarten was to support children's development while taking into consideration their individual differences. Whereas kindergarten activity was based on the Christian ethics, their (kindergarten) pedagogical ideas were drawn from Froebel. In addition, one of the goals of child care system in Finland was to screen children with developmental delays, other delays or any other problems that might require early intervention.

Once it was concluded that a child needed special care, child care experts together with the child's parents and day care staff would prepare a rehabilitation plan for the concerned child. To this end, the first special day care was established in Helsinki in the 1950s for the deaf, for children with cerebral palsy, emotional disturbances and for children with speech problems.

The kindergarten curriculum includes subjects such as social law, psychology, pedagogy, culture and communication, as well as considerable periods of practical training. ECEC programmes in this country show substantial increase in parental involvement. "Close cooperation between parents and ECEC workers is considered necessary to guarantee continuity between the child's home life and that of the institution to ensure that institutional routines and practices respond to the families' interest" (UNESCO, 2002b: 39).

### ***2.6.3.3 Right to Education***

Since 1924 the kindergartens in Finland were governed by social welfare authorities until the enactment of the 1973 Day Care Act (Ojala & Kuika, 1992: 194). Preschool education as part of the Finnish early childhood education and care (ECEC) is the systematic education and instruction provided in the year preceding the commencement of compulsory education, and became a statutory obligation for the municipalities in 2001. Consequently, in Finland, the Act and Decree on Children's Day Care of 1973 and the Finnish Basic Education Act 1998 provide for pre-primary educational rights.

In terms of Section 16 of the Constitution of Finland "[e]veryone has the right to basic education free of charge." Provision of, or the privilege to, receive education is laid down by the Act. The public authorities shall, as provided in more details by an Act, guarantee equal opportunity for everyone to receive other educational services in accordance with their ability and special needs, as well as the opportunity to develop themselves without being prevented by economic hardship (Blaustein & Flanz, 1989: 4). In addition Article 80 of the Finnish Constitution prescribes that education in primary schools shall be free for all and compulsory (Hodgson, 1998: 13).

The relevance of the Finland education law to Namibia lies in the fact that the Finnish Lutheran Evangelical missionaries settled in the former northern South West Africa (currently Namibia), Nambala, (1994: 81). The Finnish missionaries arrived at Omandongo village in Oshikoto Region on the 9<sup>th</sup> July 1870, where they were received by the then Ondonga king Shikongo shaKalulu. It was there that the gospel was first preached and it then spread throughout the northern parts of Namibia. They later established congregations (churches), schools (from kindergartens/preschools to high school levels) as well as hospitals. Consequently, the 9<sup>th</sup> July is annually observed by the Evangelical Church in northern Namibia in commemoration of the arrival of the Finnish Lutheran Evangelical missionaries (Nambala, 1994: 81). The Namibians eventually erected a big wooden cross (monument which symbolises Christianity) at that place. Nambala (1994: 68) further emphasises the fact that the Lutheran influence was so strong in Namibia that it never occurred to most people that there were other missionaries before the Lutherans in Namibia. Over eighty-five percent of Namibians are Christians and sixty percent of Namibian Christians today are Lutherans, are for the most parts credited to the German and Finnish Lutheran missionaries who worked courageously in Namibia, beginning in the mid-1800s (Nambala, 1994: 68).

**TABLE 2.2: Summary of the provision of early childhood education as human right entitlement in some selected countries**

COUNTRY	BRAZIL
<b>Age to claim right to education</b>	4+ to 6+
<b>Authority</b>	<p>Law No 40424/1961</p> <p>Brazilian Congress of Preschool Education founded in the late 1970s</p> <p>The Pre-school Co-ordination Authority created in the Ministry of Education in 1973</p> <p>Federal Constitution 1988</p> <p>Law 93940 (LDB) in 1996</p> <p>National Child Education Department</p> <p>Ministry of Education</p> <p>State Education</p> <p>Secretary (Department of ECD)</p> <p>Municipal Education Secretary (Department of ECD)</p>
<b>Qualified teachers</b>	<p>Academically and professionally trained</p> <p>Pro-infantile programme</p>
<b>Curriculum</b>	<p>Available curriculum aims and objectives:</p> <ul style="list-style-type: none"> <li>• to provide suitable conditions for the child's physical, emotional, cognitive and social development</li> <li>• to promote the application of children's experiences and knowledge, encouraging their interest in the process of transformation of nature and in dynamics of social life and</li> </ul>

<b>COUNTRY</b>	<b>BRAZIL</b>
<b>Age to claim right to education</b>	<b>4+ to 6+</b>
	<ul style="list-style-type: none"> <li>to play a role in ensuring that the child's social interaction and relations will reflect the values of solidarity, freedom, co-operation and respect.</li> </ul> <p>The learning area and teaching-learning methods are not indicated.</p>

<b>COUNTRY</b>	<b>BRITAIN</b>
<b>Age to claim right to education</b>	<b>4 to 5</b>
<b>Authority</b>	<p>Education Act of 1870.</p> <p>White Paper on education titled "Education: A Framework for Expansion."</p> <p>Education Reform Act 1988.</p> <p>Desirable Outcomes for Children's Learning on Entering Compulsory Education 1996.</p> <p>The United Kingdom Human Right Act of 1998.</p> <p>Early Learning Goals (2000.)</p>
<b>Qualified teachers</b>	Academically and professionally trained four years for a Bachelor of Education (B.Ed).
<b>Curriculum</b>	<p>Available curriculum</p> <p>Personal, social and emotional development.</p> <p>Communication, language and literacy.</p> <p>Mathematics development.</p> <p>Knowledge and understanding of the world.</p>

<b>COUNTRY</b>	<b>BRITAIN</b>
<b>Age to claim right to education</b>	<b>4 to 5</b>
	Physical development and Creative development. Currently, eight main areas of learning namely aesthetic, creative, human and social, language and literacy, mathematics, physical, science, spiritual and moral and technology are emphasised.

<b>COUNTRY</b>	<b>FINLAND</b>
<b>Age to claim right to education</b>	<b>4 to 5</b>
Authority	Act and Decree on Children's Day Care of 1973. Finnish Basic Education Act 1998. Section 16 of the Constitution of Finland.
Qualified teachers	Academically and professionally trained: Certificate, Diploma, Bachelor degree.
Curriculum	Available curriculum: The curriculum includes subjects such as social law, psychology, pedagogy, culture and communication, as well as considerable period of practical training.

## **2.7 EARLY CHILDHOOD EDUCATION PROVISION IN AFRICA**

Having looked at the history of early childhood education provision in some selected countries around the world, this section deals with the history of early childhood education in Africa in general and in South Africa and Namibia respectively in particular.

## 2.7.1 Introduction

Historically, provision of early childhood education in traditional African societies differs slightly from those of the Western counterparts. According to Combes (1992: 35), early childhood education in traditional African societies is rooted in traditional ways of bringing up children in the nuclear and the extended family. He goes on to say that from early childhood, the sense of belonging to a family is established and stimulated in various ways, such as through regular visits to relatives and other members of the family. In traditional African society child-rearing and socialisation processes are handled with care and concern. The mother plays an important role through providing emotional support which eventually results into a warm relationship with the child, and this relationship is eventually extended to other members of the family and of the community. The child's education is regarded the responsibility of a great number of people, e.g. biological parents, siblings, grandparents, relatives and community members because "children are viewed as a resource to the family and community, as someone to help in the field or with the livestock, and later to provide care for younger siblings and as a source of old age security for the parents" (Combes, 1992: 35). Consequently, the child is the centre of affection, care and security during the early years, therefore the child's early education is everybody's business.

In developing countries especially in Asia-Pacific and in Africa, most women are assumed to have contributing unpaid family worker status (UNESCO, 2002d). However, it cannot be assumed that women in developing countries are freely available to serve as full-time child caretakers or that the demand for ECCE-FBS is huge; it is hidden because in rural areas relatives and grandparents help taking care of the children (UNESCO, 2002a). African countries have not been spared by aforesaid world major events that led to the introduction of formal preschool education. According to Combes (1992: 39), changes in socio-economic activities and family structure bring changes in attitudes and methods of looking after children. The socio-economic changes experienced by African countries, especially after independence, brought tremendous changes in child-rearing (Combes, 1992: 35); so



much so that they were not left with any option but to follow suit (to introduce the western based preschool system) to cater for the caring of the young children whose mothers are employed and work outside home.

Combes (1992: 41) states that in African context, early childhood care and education programmes cover various activities such as day care, nursery, preschool and child care centres as well as supplementary feeding, health and nutrition education, support, and education of parents regarding healthy development of children. Combes goes on to state that the establishment of educational care centres for young children is often a community involvement project.

### **2.7.2 Provision of Pre-primary Education**

It is important to point out that many independent African countries have acknowledged the significance of early childhood education as the realisation for human rights was one of the major themes in the history of their liberation struggle. Consequently, African Ministers of Education at their Seventh Conference of Ministers of Education of African Member States (MINEDAF), convened by UNESCO, held from 20 to 24 April 1998 in Durban, South Africa, pointed out that education is called upon to play a decisive role in shaping Africa's future. They also committed themselves, *inter alia*, to a new vision of Africa where knowledge, democracy, respect for human rights and a culture of peace will always guide their actions. They further reviewed the progress made in basic education since the Jomtien World Conference on Education For All and the Ammon Mid- Decade Meeting of International Consultative Forum on Education for All to whose goals they remain committed. One of the most important resolutions taken at that conference is the fact that African Ministers of Education present realised that access to basic education must include access to early childhood education programmes through the development of intensive skills, and training programmes for marginalised youths (UNESCO, 1998: 1-5). The question is, however, to what extent those member states have included and regulated access to early childhood education as part and parcel of basic education.

One of the significant resolutions taken by African Ministers of Education at their conference in Durban, was the fact that they appointed South Africa (who consented and therefore committed itself) to make its experience, expertise and existing infrastructures available to the rest of Africa (UNESCO, 1998: 8). It is therefore prudent to use South Africa as a benchmark for the provision and regulation of early childhood education as a human right entitlement in rural areas in a democratic independent Namibia.

It is against this background that the chapter titled “Legal Determinants of the Right to Education” investigates the provision of pre- grade one education in human right context in Namibia and in South Africa respectively.

### **2.7.3 South Africa**

Before its independence on 21 March 1990, Namibia (South West Africa as it was then called), was regarded as the fifth province of South Africa. “...Namibia has been treated, for all practical purposes, not only geographically, but also economically and politically as an extension of South Africa” (United Nations Institute for Namibia, 1988: 35). As such, Namibia and South Africa have a lot in common in all aspects of life, including ECD. Consequently, it is necessary to discuss ECD in South Africa before describing the Namibian position.

#### ***2.7.3.1 Historical background***

Like in many countries, preschool education in South Africa was a product of industrialisation. According to Jansen *et al.* (1992: 425) before the discovery of gold and diamonds in South Africa in the 19<sup>th</sup> century the population was mainly rural, depending on agriculture as a source of income. Children were raised at home in the comfort of the families where they were taken care of by the family and extended family members. Educating the young children was regarded one of the major responsibilities of the mother. Employment of women was unheard of in South Africa at that time. “The increasing industrialisation and urbanization in the early 20<sup>th</sup>

century in South Africa led to conditions conducive to the preschool education movement” (Jansen *et al.*, 1992: 426).

Interest in pre-primary education was a consequence of the British influence during colonial rule (1806-1919) through the ideas of Robert Owen, James Buchanan and the MacMillan sisters in Britain. Division in control was a norm in South Africa before 1994, and this division also affected provision of pre-primary education. The Cape Province, for instance, introduced pre-primary classes attached to primary schools and qualified pre-primary school teachers whose salaries were paid by the education department, while the Orange Free State<sup>3</sup> had some pre-primary schools subsidised, and others not subsidised (Jansen *et al.*, 1992: 428).

According to Phatudi (2004: 4), the preschool phase has been a neglected area of education for decades in South Africa. However, movements for establishing early childhood sectors can be traced back to the early 1940s. From that period the provision of early childhood services was based on racial lines all along until in 1994 with the commencement of a democratic era. Before that the white sector of the country continued to enjoy the training of the preschool teachers to the exclusion of the black communities. South Africa’s democratic government inherited a divided and unequal system of education (Phatudi, 2004: 4). Under apartheid, South Africa had nineteen different education departments separated by race, geography and ideology. As such, that education system prepared children in different ways in accordance with the positions which they were expected to occupy in economic, social, and political life under apartheid. “In each department, the curriculum played a powerful role in reinforcing inequality. What, how and whether children were taught differed according to the roles they were expected to play in the wider society” (Department of Education, 2002: 4). Preschool education was only revived in the early 1970s by the nongovernmental organizations and community movements which felt the need to bridge the gap between the child’s transition from home into school. The De Lange Commission was influential in that endeavour. In the South African

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<sup>3</sup> One of the provinces in South Africa

context early childhood education is defined as a phase starting from age zero (R) to nine.

The issue whether or not preschool is recognised as one of the basic human rights in a democratic South Africa and entails both the pre- primary and the primary phases is to be decided by the courts. The pre-primary phase is referred to as Grade R (reception), and is part of informal education which caters for the education of the five to six year olds (Phatudi, 2004: 4). However, in terms of section 5 (4) (a) (i) of the South African Schools Act (SASA) as amended by Education Laws Amendment Act 50 of 2002, the admission age of a learner to public school to Grade R is age four turning five by 30 June in the year of admission. The said section further provides that the Head of Department may admit a learner who is under the age indicated above provided that a good motivation is provided.

According to UNESCO (2006: 19) the admission age policy compels learners to be in Grade 1 by the year they turn seven. However, the South African Schools Act permits learners who are five years old, turning six by 30 June in the year of admission, to be admitted too, according to section 5 (4) (a) (ii) of the South African Schools Act (SASA). Further, subject to the availability of places, a learner may be admitted to Grade 1 at a younger age if it is in the child's best interest (South African Schools' Act, Section 5). Consequently, the South African national definition of pre-primary education refers to pre-grade 1 education directed at learners from age zero to six years. There are two components namely: Grade R, reception year preceding Grade 1 which caters for the five year old children, and Pre- Grade R which caters for children between zero and four years of age. South Africa also has an Early Childhood Development Policy which caters for the education of children from birth to nine years of age (UNESCO, 2006).

### ***2.7.3.2 Curriculum***

The curriculum for Grades R to 9 was approved by the Council of Education Minister on 29 September 1997. It comprised three policy documents, namely the Foundation Phase, the Intermediate Phase and the Senior Phase (Department of Education,

2002: 2). The curriculum of the Foundation Phase, grade R - 3, which is equivalent to the Namibian pre-primary phase, covers three major learning programmes, namely literacy, numeracy and life skills (Department of Education, 2002: 15-17). In addition the said curriculum also highlights the formal teaching time allocated per school week, expected learning outcomes as well as guidelines for assessment.

The Revised National Curriculum Statement aims at the development of a high level of knowledge and skills for all. Social justice requires that those sections of the population previously disempowered by the lack of knowledge and skills should now be empowered (Department of Education, 2002: 12).

### ***2.7.3.3 The Right to Education***

The right to education of the pre-grade one learners in South Africa (grade R) is discussed under the chapter entitled Legal Determinants of the Right to Education as compared to the Namibian one due to the historical similarities between Namibia and South Africa. Suffice to mention that historically, ECD in South Africa is governed by The Child Care Act 74 of 1983 and the ECD White Paper 5 of 2001. Currently, legislative frameworks such as six White Papers on Education, the National Education Policy, The South African Schools Act 84 of 1996, and the Employment of Educators Act, 1998, regulate the provision of education in South Africa (Department of Education, 2002: 16-17).

It is important to point out herewith that Section 5 of the South African School Act 84 of 1996 “provides for admission age requirements for public and independent school.” This provides that the admission age of a learner to public school to grade R is four turning five by 30 June in the year of admission, and that the Head of Department may admit a learner who is under the age indicated above if good cause is shown (Government GAZETTE, Vol. 449: 28 November 2002).

## 2.7.4 Namibia

It is important for this study on an educational law perspective on the provision of early childhood development in rural Namibia to outline some major aspects in the history of early childhood education in Namibia.

### 2.7.4.1 *Historical background*

It is worthwhile to have studied the Finnish early childhood education system because it has had a significant influence on the provision of early childhood education before independence, especially in the northern region of the then South West Africa (Namibia today). The Finnish Lutheran Evangelical Church sent missionaries *inter alia* to the northern part of the then South West Africa where they established not only congregations, but also schools and kindergartens simultaneously (Nambala, 1994: 81). I for one, like some students from northern Namibia, attended pre-primary education at a Lutheran Evangelical missionary kindergarten at Oshitayi Lutheran Evangelical church congregation as well as High School education at Oshigambo (Lutheran Evangelical church Private) High School.

According to GRN (1996: 10), Christian missionaries such as Lutheran, Roman Catholic and Anglican, initiated the provision of education programmes for young children in Namibia before and have continued to offer such programmes after independence. The primary form of early childhood provision has been kindergartens (preschools). Kindergartens provide the formal programmes for children three to six years of age and provide these children with educational experience within the context of a centre based programme that also addresses health and nutrition needs.

According to GRN (1996: 23), historically the Ministry of Education used to provide a one-year pre-primary experience for children. However, there have been great inequalities in terms of government provision of education in general and the experience of pre-primary education (children aged five to six) prior to 1990 and immediately post- independence in Namibia in particular. GRN (1996: 11) asserts that before independence in Namibia some pre-primary schools were located in

purpose-built structures with good equipment, a multitude of play materials and well-trained teachers who were responsive to, and supportive of children. On the other hand, some children were huddled together in dilapidated huts with nothing to play with, supervised by adults who had no training in pre-primary education at all.

Education in general and pre-primary education in particular has undergone tremendous reforms and changes in Namibia after independence. The GRN (1996: 23) states that in 1994 only 3013 children and 161 personnel were involved in formal state funded pre-primary programmes which were operated by MBEC, and which were inherited from the previous advantaged ethnic groups, while over 80 000 were excluded from such public education. While recognising the need to provide a quality preschool experience for all children, and also recognising that government could not afford to do this, the MBEC decided to suspend its pre-primary classes. Wainaina and Katjita (2000: 340) also point out that immediately after independence, the MBEC continued to maintain the inherited pre-primary classes and the bridging classes attached to primary schools. This provision was terminated when the government realised that it was expensive to extend it nationally in order to cater for all five to six year old children. In addition, the National Society for Human Rights (2005: 17) alleged that the Government of Namibia summarily phased out pre-primary education in 1994, citing financial constraints. At that time the responsibility for pre-primary education for some 80 000 children was unloaded squarely onto communities. Consequently, the pre-primary schools, which were operating within some government facilities, were permitted to operate as private institutions and the professionally qualified pre-primary school teachers were transferred to offer their services to lower primary schools. However, most qualified pre-primary teachers preferred to join private pre-primary schools (Wainaina & Katjita, 2000: 340).

This termination of the public formal pre-primary education for the pre-grade one learners from formal public schools, rather than the gradual extension thereof, raises a question whether it was in the interests of the child in terms of the Convention on the Rights of the Child which Namibia has ratified. Generally, fundamental rights should be extended and not abridged. The abolition of the public formal pre-primary

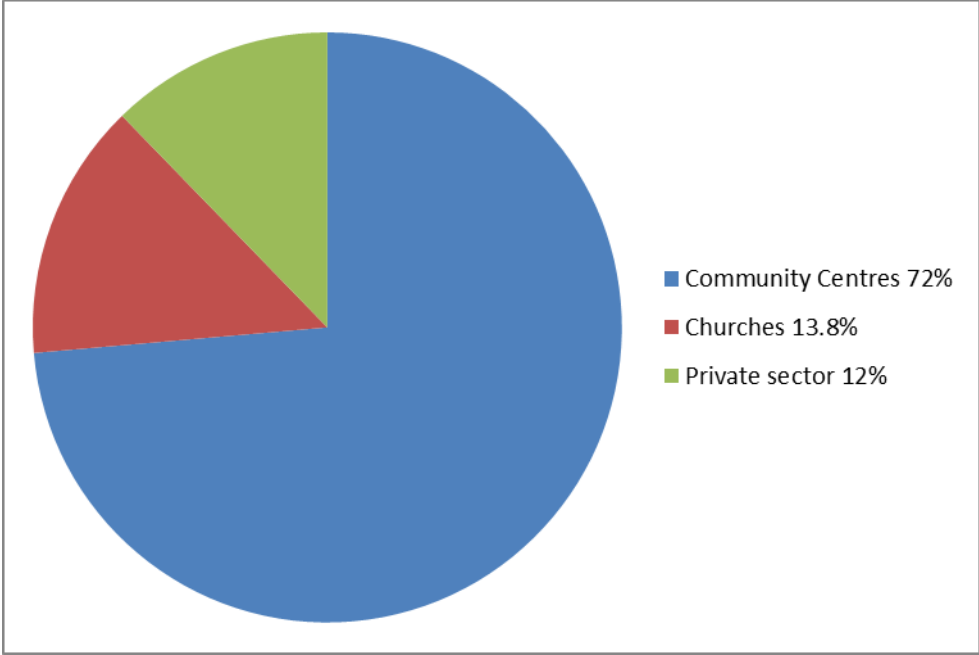
education for the pre-grade one learners meant the indirect and later direct abolition of pre-primary teacher training in colleges of education in Namibia. However, Early Childhood Education is one of the subjects that are offered at Masters Level in the Department of Educational Psychology and Special Education in the Faculty of Education at the University of Namibia. The said abolition therefore led to challenging consequences in the Namibian education system. First and foremost, (public) early childhood (pre-primary) education and development is now provided in community centres outside the formal education system, and is controlled by the Ministry of Gender Equality and Child Welfare. The available private schools, which offer early childhood education, including pre-primary education for the pre-grade one learners which is a foundation of primary and other levels of education, are normally very expensive and cannot be afforded by ordinary citizens (GRN, 2001: 16), therefore the majority of children in Namibia are assumed to receive their pre-primary education in ECDECCs.

According to the only two relevant academic studies conducted on early childhood education provision, by Naanda (2005) and Eimann *et al.* (2005), pre-grade one learners receive their education in community centres. Naanda (2005) alleges that academic literature on research undertaken in the area of early childhood in Namibia is hard to find. The same sentiments are expressed in the GRN (1996: 23), which refers to a lack of data on current ECD provision in the country. Several surveys on centre-based programmes have been conducted since independence. However, none of these have been comprehensive and no attempt has been made to collect data on the number of people being served through parent involvement programmes and/or children being educated in a non-formal setting.

The study conducted by Naanda (2005: 95) on the development of an inclusive approach to early childhood in Namibia indicated that, although Namibia has a long early childhood education history, literature on this subject is very scarce. Naanda's study (2005: 172) reveals that the institutions which provide early childhood education to the majority of children in Namibia are community centres. The study further reveals that early childhood education in Namibia is the responsibility of



communities and, to some extent, of the churches and private sector. As indicated in figure 2.1, out of the total number of 493 respondents, 395 (72.8%) indicated that their centres are community centres, with only 13.8% (68) and 12% (59) respectively being churches and private sectors.



**FIGURE 2.1** Institutions which provide early childhood development and education in Namibia Source: Adapted from Naanda’s study (2005: 172).

The findings of the research conducted by Naanda (2005) and Eimann *et al.* (2005) about ECE community centres in Namibia, as indicated earlier, show that community centres are predominantly the institutions where pre-grade one education is provided to the vast majority of pre-grade one learners (See paragraph 1.5 ).

GRN (1996: 10) highlights the fact that Christian missionaries such as Lutheran, Roman Catholic and Anglican, initiated the provision of education programmes for young children in Namibia before, and continue to offer such programmes after, independence. The primary form of early childhood provision has been kindergartens

(preschools), where the formal programmes for children three to six years of age provide these children with educational experience within the context of a centre based programme that also addresses health and nutrition needs. It is, however, not indicated what and how these children were taught.

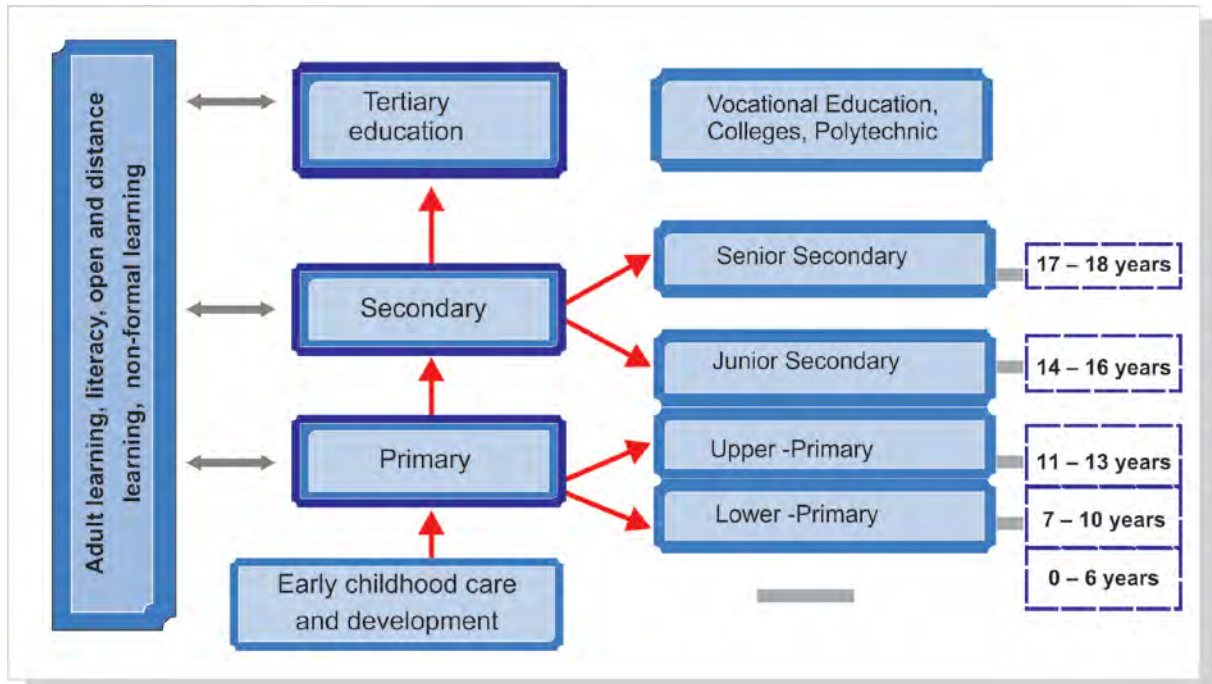
In addition, the National Society for Human Rights (2005: 17) alleged that the Government of Namibia summarily phased out pre-primary education in 1994, citing financial constraints and that at that time the responsibility for pre-primary education for some 80 000 children was unloaded squarely onto communities. Consequently, the pre-primary schools, which were operating within some government facilities, were permitted to operate as private institutions and the professionally qualified pre-primary school teachers were transferred to offer their services to lower primary schools. However, most qualified pre-primary teachers preferred to join private pre-primary schools (Wainaina and Katjita, 2000: 340).

This termination of the public formal pre-primary education for the five to six year olds from formal public schools rather than the gradual extension thereof, raises the question whether it was in the best interests of the child in terms of the Convention on the Rights of the Child which Namibia has ratified. Generally, fundamental rights should be extended and not abridged. The abolition of the public formal pre-primary education for the five to six year old children equally meant the indirect and later direct abolition of pre-primary (pre-grade one) teacher training in colleges of education in Namibia. However, Early Childhood Education is one of the subjects that are offered at Masters Level in the Department of Educational Psychology and Special Education in the Faculty of Education at the University of Namibia. The said abolition therefore led to challenging consequences in the Namibian education system. First and foremost, (public) early childhood (pre-primary) education and development is now provided in community centres outside the formal education system, and is controlled by the Ministry of Gender Equality and Child Welfare. The available private schools, which offer early childhood education, including pre-primary education for the five to six year old children which is a foundation of primary and

other levels of education, are normally very expensive and cannot be afforded by the ordinary citizens (GRN, 2001: 16).

The GRN (2004: 98) points out some of the predicaments in the provision of early childhood education after various educational reforms in Namibia since 1990 to date. These include the facts that early childhood development (and education) is no longer a recognised profession in Namibia; the sustainability of centres is endangered due to the absence of incentives, and there is no universal curriculum for caregivers and children (MBEC 2005: 53). It is against this background that the study was intended to look into stakeholders' perceptions on the legal status of the five to six year old pre-primary school children's education under Namibian law, and of the benefits they experience from ECD community centre pre-primary education in light of children's human right to education in a democratic society in which values of equality, human dignity and justice for all are promoted (Article 1 of The Constitution of Namibia). Consequently, government planned to embark upon a fully articulated sequence of professional development programmes for primary teachers as an element of tertiary education components to be operational in 2010/2011 (Ministry of Basic Education and Culture, 2005: 53). This noble dream has, however, not yet been realised. It is against this background that the study intended to look into stakeholders' perceptions of the legal status of pre-primary school children's education under Namibian law and of the benefits they experience from ECD community centre pre-primary education in light of children's human right to education in a democratic society in which values of equality, human dignity and justice for all are promoted (Article 1 of The Constitution of Namibia).

Figure 2.2 indicates the system of public formal provision of education in Namibia.



**Figure 2.2: Structure of the Education System in Namibia (Adapted from: GRN National Plan 2001: 20)**

It became evident from literature around the world that public formal pre-primary education is a necessity in, and an indispensable foundation for, all levels of education (Cooper, 2002: 1). Further, education is an entrenched fundamental and legally enforceable right of “all persons” in Namibia in terms of Article 20(1) of the supreme law of the Namibian Constitution. The puzzle is, however, whether the way Namibian rural ECDECCs deal with pre-primary education for the pre-grade one learners is beneficial in enhancing learners’ right to education, given the perceived and presumed irrefutable significance of this stage of education. Consequently, the study is expected to elicit opinions of stakeholders regarding the pre-grade one learners’ right to education in an attempt to enlighten law and policy makers about their views, suggestions and recommendations regarding the ECD community centres’ pre-primary education.

#### **2.7.4.2 The current scenario**

In Namibia there are various types of ECDCs, namely day care centres, nursery schools, kindergartens, preschools and crèches. The Namibian Ministry of Gender Equality and Child Welfare (2005: 1) provides guidelines for establishing and managing ECDECs.

Day care centres and Nursery Schools cater for the children of different ages, ranging from three months to three or four years. Kindergarten and crèches cater for children from two to five years old. Preschools cater for children of five to six years old, (which was the focus of the study) and according to the Ministry of Gender Equality and Child Welfare (2005: 1) "...serve as a preparatory course before entry into grade one in the primary school education cycle." The MGECW encourages the rural areas of Namibia to run preschools, and offers training in Early Childhood Development in conjunction with the Ministry of Education and Non-Governmental Organizations. Parents meet the total cost of running the preschool unit."

The availability of preschool facilities differs from institution to institution and from locality to locality. However, the said ministry stipulates specific requirements for the establishment of such ECDCs. These are safety, hygiene, health and nutrition. As far as physical requirements are concerned, it is expected that there must be enough space both inside and outside the centre to enable children to move and to play freely; enough and safe sleeping space, and the place must have enough light and it should be well ventilated. In addition it is required that suitable trees must be planted at the centres for shade in order to protect children from heat and sun. For safety's sake it is required that the ECDC has to be surrounded by a fence at least 1.5 metres high. Provision is made for early child development committees to approach the Directorate of Community and Early Childhood development for financial or material assistance in this regard. It is further required that clean or boiled water must be available and that the community must be responsible for the provision of water to the child centres (Ministry of Gender Equality and Child Welfare, 2005: 2).

Each and every centre is expected to have toilet facilities, flush toilets, pit latrines or potties. Further, it is imperative that children are protected from possible and or real harm and danger irrespective of whether care is given under a tree or in a building. For this purpose no dangerous objects or poisonous plants are permitted at the centre, and children should at no time be left unattended. For health purposes each and every ECDC is required to have a first aid kit. In accordance with the standard of the Ministry of Health and Social Services, children who have not been immunised should not be enrolled and parents are expected to present immunisation records of their children at registration. For this purpose, centres are expected to make arrangement for a mobile clinic to visit the centres once every two months, not only to detect children with disabilities, but also to give advice as to referring children with disabilities to ECDCs. There are strict requirements to enrol children with disabilities and the Ministry of Gender Equality and Child Welfare has committed itself to conduct training for the caregiver and provide material to assist in caring and educating such children. In addition it is advised that children are provided with well-balanced meals. It is compulsory for each and every centre to keep a record of children registered at the centre as well as the particulars of their parents or guardian (Ministry of Gender Equality and Child Welfare, 2005: 3-4).

At the time of this study, the latest report on early childhood education in Namibia to date was written by Bopoto (2012: 3-5). Bopoto (2012: 3-5) defines early childhood education as the formal teaching and care of young children by people other than families or in settings outside home. He highlights the fact that while a national early childhood development policy exists, there are no effective plans, institutional framework or adequate resources allocated to early childhood education. He further alleges that although the provision of early childhood education has reflected growth over the years, the services offered generally tend to be of poor quality with no professional standard. He continues that early childhood education in Namibia, at present, is characterised by few training opportunities and lack of recognition as a formal occupation. This situation is expected to change in future, seeing that the University of Namibia for the first time since the independence of Namibia, has introduced a four year lower primary teacher training course aimed at training, among

others, pre-grade one teachers, through a Bachelor of Education (Pre-primary and Lower Primary) Honours Degree (University of Namibia, Faculty of Education Prospectus, 2013: 38). In addition, both the Namibian College of Open Learning (NAMCOL) and the Institute of Open Learning have introduced early childhood education teacher training programmes for pre-grade one teachers as from 2012.

According to Bopoto (2012: 3-5), resources that are needed for the provision of early childhood education in Namibia was indicated as one of the predicaments thereof, seeing that "...this year, the Namibian early childhood programme received a mere N\$4 million of the more than N\$8 billion budgeted for the education sector." Bopoto further points out that some of the first graders (grade one learners) repeated grade one in 2009, and that this is an indication that the crisis is deeply rooted in early childhood education. He (Bopoto) concludes: "Unfortunately, given the relative scarcity of public resources, the care and education of young children will continue to fall at the bottom of the priority list until there is a shift in public understanding about the economics of raising the next generation." These challenges are also highlighted in the GRN (2004: 98), which points to some of the predicaments in the provision of early childhood education after various educational reforms in Namibia since 1990 to date. These include the facts that early childhood development (and education) is no longer a recognised profession in Namibia; the sustainability of centres is endangered due to the absence of incentives, and there is no universal curriculum for caregivers and children.

Bopoto's article, however, neither addresses the provision of early childhood education in rural Namibia nor the question whether it is a fundamental human right entitlement. The current study was therefore conducted to shed more light on the aforesaid phenomena.

It is worthwhile to mention that, because of the current state of early childhood education in Namibia, professionals/ experts in education have proposed the creation of the ECD National Trust Fund to be managed by National ECD Non- Governmental

Organisations (NGOs), to ensure access to quality improvement for ECDCs (Naanda, 2005: 103; Bopoto, 2012: 4-5).

### **2.7.4.3 Curriculum**

Since the introduction of ECDCs education in 1994 up to 2007, there has been no national curriculum for the pre-grade one learners. The Namibian Institute for Educational Development (NIED) has finalised the very first ever Pre - Primary Syllabus which has been piloted in selected public primary schools in 2008 and intended to be fully implemented in 2011 (Ministry of Education 2007 (MoE) cover page). However, this noble dream has not yet been realised as not all public primary schools have pre-grade one classes at the time of conducting this study.

According to GRN, MoE (2005: 5), in terms of the curriculum of the Lower Primary Phase, the focus is on the three areas: literacy, numeracy and the broad knowledge of the child's environment. Pre-primary education curriculum for the five to six years old should therefore prepare children in this age category to be able to master those skills in the first grade of lower primary phase. Further, pre-primary education should be in accordance with the holistic approach to child development and education as emphasised in the Namibian National Early Childhood Development Policy that "health, nutrition, education, social and emotional variables are interwoven" (GRN 1996: 18 and GRN 2000: 70). In addition GRN (1996: 58) states that the ECD curriculum shall take into consideration children's needs in health, nutrition, environment, education and psycho-social development and prepare children for both school and lifelong learning. Further, the ECD curriculum shall also be culturally sensitive in order to cater for the application of indigenous knowledge and practices in preparing children for a society based on access, equity, equality and democracy. GRN (2000: 70) points out that effective preschool programmes should help children, *inter alia*, to develop a sense of self and autonomy, a healthy personal identity, a sense of morals and personal rights as well as a sense of social responsibility and citizenship. As far as academic skills are concerned, such programmes should enable the preschool children to master language and to use it purposefully and



effectively; acquire concepts of space, time and objects; learn about symbols and the concept of culture, and learn how to get along with others.

It is against this background that the Namibian 2008 Pre-primary Syllabus is said to cover the pre-primary phase of formal basic education which covers a single year of school readiness before they begin with primary education. Admission to the pre-primary school year at the beginning of January requires that the child should have turned five years old by 31 December of the previous year. It is asserted that the purpose of the pre- primary phase is “to lay the foundation for Lower Primary learning, establishing self- confidence and self-worth through personal and social development. The pre-primary curriculum is designed to guide children through learner-centred approach in the most efficient manner according to their ability to cope with the formal learning situation primary grades,” (Ministry of Education 2007: 1). The aims of the pre-primary education are, *inter alia*, to provide a balanced, relevant and coherent programme of learning through structured play to develop the personal, social and emotional well-being of each child, to promote gender equality awareness and to encourage parental and community involvement (Ministry of Education 2007: 1-2). To this end, the competences that are expected to have been mastered by the pre-primary school learners at the end of the academic year are, Language, Preparatory Mathematics, Environmental Learning, Arts, Physical Development, and Religious and Moral Education. In addition, for learning to become meaningful to children, it should be done in mother tongue or in the locally most spoken language, based on cultural richness and in relation to the immediate contextual environment of the children. The themes and topics of Environmental Learning is said to be the vehicle of cross-curricular integration such as HIV and AIDS Education, Human Rights and Democracy and Population Education. As far as teaching and learning is concerned, the curriculum applies the holistic approach, by recognising the “whole child, each child’s unique interests, ability, personality, style of learning and rate of development” (Ministry of Education, 2007: 2-3).

GRN (2000: 70) points out that effective preschool programmes should help children *inter alia* to develop a sense of self and autonomy, a healthy personal identity, a

sense of morals and personal rights as well as a sense of social responsibility and citizenship. Academic skills should enable the preschool children to master language and to use it purposefully and effectively; acquire concepts of space, time and objects; learn about symbols and the concept of culture and to learn how to get along with others. In addition GRN (1996: 58) states that the ECD curriculum shall take into consideration children's needs in health, nutrition, environment, education and psycho-social development and prepare children both for school and lifelong learning. Further, the ECD curriculum shall also be culturally sensitive in order to cater for the application of indigenous knowledge and practices in preparing children for a society based on access, equity, equality and democracy.

Since democratic independence in 1990, Namibia has signed and ratified a number of international and continental conventions which provide for pre-primary educational right. For example, the right to early childhood education is highlighted in Article 2 of the United Nations Convention on The Right of the Child which provides *inter alia*, that every child has a right to intellectual stimulation, including education through play to develop language and learning skills. Further, the very first Jomtien and Dakar world conference resolution on Education for All (EFA) goal is: "[e]xpanding and improving comprehensive early childhood care and education especially for the most vulnerable and disadvantaged children (ECCE)" (GRN 2000: 28). This is in line with the submission that education is an indispensable necessity to mankind as a whole (Amukugo, 1993: 6). Pre-primary education is therefore no exception. Hence the study was conducted to find out whether the way Namibian rural ECDECCs deal with pre-primary education is beneficial in enhancing the learners' right to education in coming years. Moreover, seeing that before independence pre-grade one education was part and parcel of basic education in the then South West Africa (Namibia today), it is safe to conclude that it was by implication regarded one of the inviolable, inalienable fundamental human rights for all children. The irony is, however, that some children, based on their socio-economic and geographic situations (especially those who lived in remote rural areas) were deprived from this very basic human right, and one wonders as to whether Namibian independence has as yet improved their situation.

It goes without saying that human rights, inclusive of the right to education, are equally applicable to all persons by virtue of being human, hence the research report on the topic under discussion. For the purpose of this literature review, only findings of the research conducted on the right to education in general under Namibian law, as well as the provision of early childhood education as a presumed human right entitlement in ECDECCs in Namibia, are discussed in order to determine what has already been studied, and to identify the possible gaps or flaws in such research.

The literature reviewed on the topic under discussion revealed that only two relevant academic studies on the right to education in Namibia have been conducted since Namibian independence and the inception of community centres and the launching of Education for All in Namibia, namely by Nuugwedha (2011) and Shanghala (2011). Nuugwedha (2011) conducted a legal study in 2006 on which she based her article written in the Namibia Law Journal in 2011 entitled: “Enforceability of the constitutionally entrenched right to compulsory and free primary education.” The study was, however, solely intended to find out whether there were legally enforceable mechanisms and remedies, in the event of their violation, in place to secure compliance with the constitutionally entrenched right to compulsory free primary education provided for in Article 20 (1) and (2) of the Constitution of the Republic of Namibia. In addition the study undertook to highlight the legal obligation of the state, parents and other legal guardians, school learners and community leaders as stakeholders and partners in education.

Shanghala (2011: 3) generally outlines education legislation from the period when the then South West Africa became a colony of Germany between 1884 through 1915; the period of South African mandatory (administrative and legislative) over the then South West Africa from 1915 through 1989, as well as from 21 March 1990 when an independent Namibia was born to 2011. Shanghala’s study, however, does not address the plight of pre- grade one learners regarding the provision of, and their presumed right to, education in rural Namibia as such.

## 2.8 SUMMARY

This chapter addressed the historical background of early childhood education (in terms of history, curriculum and the right to education) in general in some selected countries such as Brazil, Britain and Finland, as well as in South Africa and Namibia in particular. It is worth mentioning that Namibia and South Africa have similar historical backgrounds in almost all political and socio- economic aspects, including the provision and practice of early childhood education. It was therefore prudent to compare and contrast the two countries regarding the topic under study to highlight differences and similarities, if any, thereof. The right to education in general, and that of the pre-grade one learners in particular, in both countries is therefore discussed in the next chapter in order to determine the legal determinants of the right to education.

## CHAPTER 3

# LEGAL DETERMINANTS OF THE RIGHT TO EDUCATION

## 3.1 INTRODUCTION

Chapter Two addressed historical backgrounds of early childhood education in terms of history, curriculum and the right to education in general in some selected countries such as Brazil, Britain, Finland, as well as in South Africa and Namibia in particular. It is worth mentioning that Namibia and South Africa have similar historical backgrounds in almost all political and socio-economic aspects, including the provision and practice of early childhood education. It was therefore prudent to compare and contrast the two countries regarding the topic under study to highlight differences and similarities, if any, and the way forward. This chapter therefore covers the legal determinants of the right to education in both countries. The first part focuses on the legal determinants of the right to education pre-independence in Namibia, the second part discusses current legal determinants. The third part focuses on the legal determinants of the right to education pre- and post-independence in South Africa, while the last part summarises the legal determinants of the right to education in both countries.

Harris (2007) states in the preface of his book that education is so fundamental to human development and the process of social reproduction, that its recognition as basic human right is uncontroversial. It is against this background that I regard it necessary to determine the legal determinants of the rights to education in general and that of the pre-grade one learners in particular, if any, in Namibia and in South Africa respectively. The rationale for referring to South Africa is first and foremost, not only because of commonalities between South Africa and Namibia in terms of historical, colonial, political, educational and socio-economic backgrounds, but also because, according to UNESCO (1998: 1-2), it was resolved at the Seventh Conference of Ministers of Education of African Member States (MINEDAF), convened by UNESCO, held from 20 to 24 April 1998 in Durban, South Africa, that

education is called upon to play a decisive role in shaping Africa's future. Consequently, those ministers of education who attended that conference also committed themselves, *inter alia*, to a new vision of Africa where knowledge, democracy, respect for human rights and a culture of peace will always guide their actions. They further reviewed the progress made in basic education since the Jomtien World Conference on Education for All and the Ammon Mid-Decade Meeting of International Consultative Forum on Education for All to whose goals they vowed to remain committed. One of the most important resolutions from that conference is the fact that African Ministers of Education present recognised that access to basic education must include access to early childhood education programmes through the development of intensive skills and training programmes for marginalised youths (UNESCO, 1998: 2-5). It is common knowledge that persons who live in remote rural areas of any given country in Africa do not have adequate access to even basic social public services. The question is, however, to what extent those member states in general and Namibia in particular, have promoted, provided, advanced and regulated access to early childhood education in general and in remote rural areas in particular as part and parcel of the human right to basic education.

Another significant resolution taken by African Ministers of Education at their conference in Durban, was the fact that they appointed South Africa (who consented and therefore committed itself) to make its experience, expertise and existing infrastructures available to the rest of Africa, (UNESCO, 1998: 8). It is therefore prudent to use South Africa as a benchmark for the provision and legal determination (regulation) of early childhood education as a human right entitlement in rural areas in a democratic, independent Namibia. Moreover, even though human rights are universal, some societies are more successful in exercising and implementing them (Diescho, 2010: 27). It is therefore necessary to learn good lessons from countries that not only advocate but also successfully implement and enforce the human rights inclusive of the right to education for all persons.

It is important to highlight the definition of law in general and that of human right to education in particular. Law can be defined as a body of enforceable rules that

governs any given society. Du Plessis (1999: 84) submits that academics who theorise about the law agree that law is a distinctive way of organizing society and that the legal norms are essentially different from social and moral norms of behaviour. Law entails the element of official authority and regulated coercion, and it (law) is the most institutionalised of the control mechanism operating in society. Law is regarded as the secular conception for the regulation of human conducts (Hosten *et al.*, 1998: 11). Similarly, according to Bray (2005: 10), law may be understood to be a body of clearly stipulated norms, rules, and legal principles which govern and have to be adhered to by all persons. As such, they are enforceable in a court of law.

According to Hodgson (1998: 8-9) the right to education emerged rather belatedly in the history of civil liberties, despite its importance. He further points out that the classical civil liberties instruments such as the English Bill of Rights of 1689, the Virginia Declaration of Rights of 1776, the American Declaration of Independence of 1776 and the French Declaration of the Rights of Man of 1789 did not contain any rights specifically related to education. These instruments only focused upon basic political and civil rights. However, two developments of the nineteenth century, namely the emergence of socialism and liberalism (through the writings of Marx and Engels) placed education more firmly in the catalogue of human rights (Hodgson, 1998: 9). Consequently, the right to education is regarded as one of the Socio Economic and Cultural rights.

Young children's right to education was recognised by the philosopher, Aristotle, when he, according to Braun and Edwards (1972: 20), pointed out:

Nobody would dispute the fact that education of young

requires the special attention of the lawgiver.

Negligence of this in states is injurious to their constitutions,

for education ought to be adapted to the particular form of constitution.

Education must necessarily be one and the same for all,

and this must be public and not on private lines

as matters of public interest ought to be under public supervision.

Similarly, Luther (1483- 1456) advocated education for all as he stated that girls as well as boys were to be educated (Braun and Edwards 1972: 25).

Harris (2007: 35) defines the right to education as follows:

The right to education is a social right that arises from and correlative to a positive duty to provide a child with learning that, while assumed by society and associated with the principle of parental responsibility, rests with and is carried out by the state.

Hodgson (1998: 9) points out that during the latter half of the nineteenth century, explicit recognition of educational rights and State responsibilities for promoting them occurred in national constitutions and legislation. He further explains that aspects of the human right to education have been enshrined in national constitutions and bills of rights or recognised in non-constitutional or ordinary pieces of domestic legislation, for example as of 1988, the right to education has been explicitly mentioned in the constitutions of about fifty – two countries. For example, Article 121 of the Constitution of Nicaragua (1986) proclaims that all Nicaraguans shall have free and equal access to education, with basic education being free and compulsory (Hodgson, 1998: 11-13). He further emphasises the fact that compulsory education laws were introduced to make the State responsible for providing public education, for supervising private education, and for providing children with basic general education and vocational training (Hodgson, 1998: 10).

Legal determinants of the right to education may therefore be construed to amount to education law; in other words, the law that regulates the education profession in terms of academic and professional training, access to, provision, practice and



assessment of education. To this end, Bray (2005: 37) outlines the sources of education law as follows:

Education law is a hybrid system of the law although most of its sources and its actions emanate from the public law sphere in which the public law relationship (vertical, with state authority) features predominantly. This also means that public law disciplines (e.g. Constitutional Law, the Constitution and the Bill of Rights, Administrative Law and Education Legislation have a significant impact on education law.

In addition, case law (judicial precedents) is also another source of education law as it is evident in some relevant decided cases discussed in this research report.

The significance of human rights is summarised by Bandman in Davel (2000: 152) as follows:

They [rights] enable us to stand with dignity, if necessary to demand what is our due without having to grovel, plead or beg or to express gratitude when we are given our due and to express indignation when what is our due is not forthcoming.

Similarly, Malherbe (2004: 875) highlights the fact that every person is entitled to the rights guaranteed in the Bill of Rights and that, at the same time, everybody is bound by the Bill of Rights in that everybody has rights as well as duties under the Bill of Rights. Human rights are not absolute; however, limitation thereof should be by means of law of general application, should not negate the essential content thereof and should not be aimed at a particular individual(s) (The Constitution of Namibia, Article 22). The requirements that should be met for the limitation of human rights are highlighted in the matter of *R v Oakes 1986 1 SCR 103* (Canada) where it was, *inter alia*, determined that limitation of human rights and freedom must not be arbitrary, unfair, or based on irrational consideration, and should impair as little as possible the

right or freedom in question. Human beings are entitled to rights regarding different aspects of their lives of which the right to education is but one.

Diescho (2010: 19) avers: “The debate(s) about rights generally and human rights specifically comprise a relatively new terrain of political discourse not only in Africa, but also in the whole democratic world.” He goes on to say that Thomas Paip published “The Rights of Man” in 1791 -1792 in response to Edmund Burke’s criticism of the French Revolution, and both publications appeared only after the Declaration of Independence in The United States of America. That declaration stated rather boldly how self-evident it was that all men were created equal and endowed by their Creator with inalienable rights among which were life, liberty and pursuit of happiness. Consequently the United Nations Declaration of Human Rights adopted on 10 December 1948, a few years after the infamous World War II, is a multi-national expression of the United States Declaration of Independence of 1776 (Diescho, 2010: 17-34). Having emphasised the universality of the right to education in general above, the following sections discuss the legal determinants in Namibia and South Africa in both pre- and post- independence respectively.

### **3.2 LEGAL DETERMINANTS OF EDUCATION PROVISION AND PRACTICE IN THE THEN SOUTH WEST AFRICA**

Shanghala (2011: 3) stresses the fact that analysing the law affecting education in the Republic of Namibia requires one to engage in a measure of archaeological exercises, through folios of official Gazettes prior to independence and Government Gazettes after independence, to find out what the legislature intended, at any given point in time, to achieve from legislating education. The then South West Africa had been under German rule between 1884-1915, and then under South African rule until 1990.

The then South West Africa (Namibia today) became a mandated territory of South Africa in terms of the Peace Treaty of Versailles which was signed on 28 June 1919. The Treaty of Peace and the South African Act 49 of 1919 gave effect to the

Mandate for South West Africa. That act delegated administration of the territory of South West Africa to the Governor General of South Africa, who was given both legislative and executive power. Consequently, the Governor General delegated administrative power over the territory of South West Africa to the administrator thereof. At that time the Administration of Justice Proclamation 21 of 1919 introduced Roman- Dutch law to South West Africa. In 1921 a Commission on South West Africa, established by the South African government, recommended that the territory be administered as a fifth province of South Africa. The South West Africa Constitution Act 42 of 1925 provided for the appointment of an Administrator and the election of an all-White Legislative Assembly and Executive Committee. This was the institution which was entrusted with the law-making function in the then South West Africa.

The legal determinants of the right to education in South West Africa as it was then known (although the right to education was neither expressly stipulated nor equally enjoyed by all persons) can be said to have emanated from the 1948 Universal Declaration of Human Rights which came into being as a resistance or reaction against the gross violations of human rights which took place before and during World War II. Article 26 thereof provides, *inter alia*, that every human being has the right to education. As human beings, children are also the bearers of fundamental human rights, because a natural person's legal subjectivity begins at birth and is terminated only by death. According to Kruger and Skelton (2010: 13), in legal interaction a person is called a legal subject, which means an entity that can have rights, duties and capacities. In fact all human beings are regarded as legal subjects. Their legal subjectivities begin at birth and are terminated by their deaths (Kruger & Skelton, 2010: 23, 43). It follows that all legal subjects, regardless of their age, are bearers of rights and have duties and capacities, although the content of their rights, duties and capabilities may vary, depending on factors such as their *iudicium* which is determined by variables such as their mental condition and age (Cronje, 2002: 9; Kruger & Skelton (2010: 16). It is against this background that the working assumption of this study is that pre-grade one learners are presumed to have all

undeniable and inviolable fundamental human rights inclusive of the right to education, by virtue of being human beings and therefore legal subjects.

The following pieces of legislation (in chronological order) were identified to have regulated the provision of education in the then South West Africa:

### **3.2.1 Education Proclamation 55 of 1921**

This was the first piece of legislation which was introduced by South Africa to regulate education in the then South West Africa. Section 3(b) of this Education Proclamation provides that “the control, supervision and direction of public education were the responsibilities of the Administrator (of the then South West Africa territory) as advised by an Education Advisory Council in the Department of Public Education.”

The Department of Education was tasked with *inter alia* “... the establishment, maintenance and general control of schools, the framing and application of syllabuses of instruction; the instituting and conducting of school examinations; the inspection of schools, teachers and pupils (including the practical application of the language provision and medical inspection” (Section 3 (b) of Education Proclamation 55 of 1921).

In terms of this Act there was a difference between European Education (dealt with in Part 2 of the Proclamation) for white children and Non-European Education (provided in Part 3 of the Proclamation) for non-white children. This differentiation can be construed to amount to *prima facie* evidence of discrimination on the ground of *inter alia*, race, colour, ethnic origin, social and economic status which is prohibited and therefore unconstitutional in terms of Articles 8 and 10 of the current Constitution of Namibia.

On the other hand, schools for European children were categorised as follows:

There were farm schools which were similar to primary school... (Sections 20-24). (Shanghala 2011: 11).

These types of schools do not exist in present day Namibia. Is it time to make a comeback, as touted by the former Deputy Prime Minister of Namibia, Honourable Libertine Amadhila, during the discussions at the National conference of education held on 27 June 2011 (in Windhoek), in order to focus on the plight of farm workers' children, or should the government absorb them into main stream schools?

One can argue that if government absorbs these schools in mainstreams, it goes without saying that Government will be responsible, in terms of Article 20 (2) of The Constitution of Namibia. It is worth mentioning that the plight of black commercial farm workers' children is presumed to be similar to that of most communal farmers' children in other remote rural areas in Namibia, hence the conducted research on which this report was based is entitled: "An education Law Perspective on Early Childhood Provision in Rural Namibia."

In terms of this Education Proclamation, primary schools catered for education for children below standard six. It is however, not mentioned anywhere in the said Education Proclamation whether or not pre-primary education (pre-grade one/pre-standard one education) was part and parcel of primary education. The question is whether or not this level of education was ever regulated.

Provisions were also made for secondary schools which catered for the educational needs for children in standards seven and eight respectively (sections 20-24). It is important to point out that in terms of this piece of legislation, education for the children aged seven to sixteen was compulsory for all European (white) children, and the magistrate was burdened with the duty to investigate the circumstances of any European child below the aged of sixteen who was not attending school (Sections 68-71). This, however, was not applicable to education of native children. As such, it also amounts to inequality in enforcing the law that was regulating education during that period. In addition, section 75 provides that education was free for European children up to standard six; consequently books as well as other school necessities were provided free of charge by the state.

On the contrary, in terms of Section 109 read with Section 107, education for “pupils of non-European parentage or extraction” (meaning non-white children) could only be provided in recognised Mission Schools (established by missionaries) and not by the state, since Section 107 *inter alia* provides “the control and management of all schools for non-European pupils shall vest in the church or missionary body responsible for the establishment of the school concerned.” It follows that Mission Schools were exclusively for non-European children, since Section 106 stipulates that, should a child of European parentage or extraction attend such schools, the parents or legal guardians of concerned children as of necessity had to seek the consent of the Administrator. The said Proclamation is silent on both the minimum and maximum school-going ages on one hand as well as on the curriculum to be taught to non-European children on the other hand; hence the literature review regarding the research on which this report is based. As it was pointed out in Chapter Two (see paragraph 3.2.1), it is significant to appreciate missionaries’ valuable contribution to education of indigenous persons, especially in northern Namibia where research on which this report is based was conducted.

Although the salaries of all teachers at both European and non-European schools were paid by the state, a pension fund was limited to teachers teaching at schools for European children, and consequently a pension fund stipulating their official age of retirement was established for European teachers to the exclusion of teachers who were teaching at schools for non-European schools, (Section 106 read with Sections 48, 54, 55 (ff) 126, 128 (a) (Shanghala 2011: 12). This can be construed to mean that not only were non-European children subjected to discriminatory inferior education, but the teachers who were teaching at those non-European schools were also discriminated against, seeing that they were excluded from pension benefits. Needless to say that there was a general misconception regarding educating indigenous persons (natives<sup>4</sup> as they were then called). This was demonstrated by

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<sup>4</sup> Persons born in a place/country and are associated with it by such persons as distinguished from immigrants, residents, visitors or tourist,( Hornby, 1980: 561).

the Administrator of the then South West Africa in his report to the League's Mandate Commission in 1925 (Noble 1977: 15 as cited in Shanghala, 2011: 13) by alleging:

"To take a native from his natural surroundings, housing him in expensive double-storied buildings, teaching him the use of saw-mills, steam ploughs [,] etc., is not educating him; it is rather a process of wrenching him from his people, confusing him by things he sees but does not appreciate and understand, and then turning him adrift, a thoroughly bewildered and.... useless individual."

### **3.2.2 South West Africa Constitution Act No 42 of 1925**

According to Odendaal (1964: 221) as cited in Shanghala (2011: 12), when the Union of South Africa promulgated the South West Africa Constitution Act No 42 of 1925, executive powers over the administration of education was passed to the administrator of the then South West Africa/Suidwes-Afrika territory, specifically to schools which were subsidised or maintained by revenue from the said territory. The then Union of South Africa had overall final authority over the then South West Africa territory. It goes without saying, therefore, that education of natives by that time was similar in both countries. Shanghala (2011: 12) points out that nothing in the South West Africa Constitution Act, or any law for that matter, forbade the (Union of South Africa) legislature from making laws applicable in the Republic of South Africa applicable in the territory of South West Africa as well; hence the comparison of the legal determinants of the right to education in Namibia and South Africa respectively.

### **3.2.3 Education Proclamation 16 of 1926**

This Education Proclamation, unlike the 1921 one, provides in terms of sections 87 (1) and 89 respectively that European Children as of necessity were to begin school at age seven and were not allowed to leave school before they reached age sixteen.

It shall be the duty of parent or guardian of every European child who has completed his seventh but not sixteenth year to cause that such child attends school until he has completed his sixteenth year....

This provision is similar to Article 20(2) of the Constitution of Namibia and the 2001 Education Act in Namibia today. It is evident from this Act that age seven has been the statutory age to start public school. Both the 1921 and the 1926 Education Proclamations Acts are, however, silent on pre-statutory education phase (pre-age seven). What is highlighted are obviously the differences between the provisions of the two education Proclamations, that in terms of Section 132 of the 1926 education Proclamation, (the government) Director of Education was also tasked to determine and regulate the curriculum of recognised mission schools where non-white children were educated. In addition, the government established schools providing free education for so-called 'coloured' and 'native' (non-white) children. In terms of the Education Proclamation 16 of 1926, coloured and native are construed to mean: "a person other than a European or native and a person both of whose parents are members of some aboriginal race or tribe of Africa." This categorization has been condemned in terms of the equality and freedom from discrimination (clause Article 10 of the Constitution of Namibia), which among others, stipulates: "No person may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status." Consequently the main research question was intended to find out what stakeholders' perceptions were on how the right to education of pre-grade one learners was adhered to in rural ECD centres in Northern Namibia. In addition, one of the research sub-questions on which this chapter's report is based attempted to highlight legal determinants of the right to education in the pre-independence and post-independence Namibia in general, and that of pre-grade one with special consideration of the plight of ages five to six children's early childhood education in remote rural areas in Namibia. More so, it was decided in *Cultura 2000 case* (1993) that the liberation war was fought for the realisation, exercise and enjoyment of all people's rights.

This inquiry was among others, expected to shed some light as to whether the legal determinants of the right to education during pre-independence and post-independence in Namibia and those of South Africa, have changed for the better, or whether the legacy of the then South- West Africa territory laws as administered by South Africa still prevails despite the hard-earned freedom for all persons. This



puzzle is addressed in the section entitled: “Legislation regulating education since Namibia’s independence to date” (see paragraph 4) as well as by the participants’ responses recorded in research findings Chapter Five paragraph 5.3).

Shanghala (2011: 13) points out: “Educational development in Namibia came to a virtual halt between 1925 and 1940.” The Education Proclamation Amendment Proclamation 24 of 1927, Education Proclamation Further Amendment Proclamation 38 of 1931, Children’s Act 1937 (31 of 1937), Native Education Finance Act, 1945 (9 of 1948) had not really introduced significant changes regarding the right to education of the education level (pre- grade one) on which this report is based.

### **3.2.4 Teachers’ Pensions Proclamation 39 of 1931**

In terms of this Proclamation, teachers are defined exclusively as ones who teach at the so- called Section 29 schools, namely schools for European children. This expressly means that both non-European and European teachers who were teaching at the so-called schools for non-European children were excluded from participating in the teachers’ pension fund. Shanghala (2011: 13) stresses the point that it was therefore worth one’s while to teach European children. After all, teachers at European children’s schools were better qualified whereas the education of African communities (non-Europeans) was ensured to remain of inferior quality to that of the European community. This situation has changed, since the terms of the statutory provisions (of the Pension Fund Act of 1956 as amended) that all civil servants (irrespective of their social status, race or colour) and their employers have to contribute to a recognised pension fund for the benefit of the employees upon retirement or in cases of eventualities such as ill-health or disability, have been strictly enforced and adhered to in Namibia after independence.

### **3.2.5 Bantu Education Act 47 of 1953**

This Act can be construed to have been promulgated to further the policy of apartheid in education, seeing the term “Bantu schools” refers to educational

institutions which were established or maintained by Bantu authorities, the so called homelands. The Act defines the term Bantu as synonymous to Native as explained above. In essence this piece of legislation is one of *prima facie* evidence that non-whites (non-European persons) and whites (European persons) were neither taught the same curriculum nor were their educations regulated by the same law. As such, this Act was simply another discriminatory legal determinant of education during that time. The situation was the same in South Africa because South West Africa used to be regarded a fifth province of South Africa that time.

### **3.2.6 Vocational Education Act 70 of 1955**

As indicated above, education and all forms of training were provided on racial basis. This Act too was another mere manifestation of racial discrimination in vocational training at that time, seeing there were vocational training schools for Non-European persons and for European persons which were not only different but also far away from each other. Needless to say their curricula were also different from those of the European learners. This was not altogether different from early childhood education training and provision. “Education in our country used to be enjoyed by the privileged few. It was not the right of everyone to have access to learning and its benefits” (Ministry of Education, Sport and Culture, 2000: 1).

### **3.2.7 Children’s Act 33 of 1960**

The Children’s Act 33 of 1960 also caters for the well-being and protection of children in terms of maintenance, health, adoption and education in general. Section 30 provides that children may be brought before a children’s court for inquiry regarding their well-being including their education. In addition, in terms of Section 31 of this Act, once the children’s court is satisfied that a child “is a child in need of care”, it may order *inter alia* “that the child may be placed in the custody of any suitable foster parent...[or] order that the child be sent to a school of industries (reform school/rehabilitation centre.” However, this Act does not necessarily provide for the right to education for the pre- grade one learners *per se*.

### 3.2.8 Education Ordinance 27 of 1962

The significance of this piece of legislation lies in the fact that it introduced special education for disabled children (children with various types of disabilities).

Section 4(1) c) thereof provides among others:

- (i) Education and upbringing shall have a Christian character forming the basis of a Christian way of life.
- (ii) The principle of parental authority in the education of the child shall be accepted:

Provided that the road educational policy shall be determined by the Legislative Assembly in the territory

- (d) For the purpose of giving effect to the educational policy referred to above, the Director's powers shall include the power from time to time to prescribe:
  - (i) for the primary education of pupils between the age of approximately six years and approximately thirteen years...

The school going age prescribed in this Ordinance differs from the earlier ones in that the approximate age six is said to be part and parcel of the primary school phase. It is worth emphasising that Section 113 of Education Ordinance 27 of 1962 provides that Government officially subsidised nursery schools for non-white children between the ages of two and six. However, it is not pointed out whether or not pre-grade one education was compulsory. In addition it goes without saying that not all non-white children, particularly those who lived in remote rural areas, in the then South West Africa benefited from the said nursery school subsidies. This was one of the reasons for the abolition of pre-primary schools and introduction of community centre early childhood education after independence in Namibia. Whether or not this was a

prudent and reasonable move, is answered in the data analysis and interpretation (see Chapter Five paragraph 5.3).

### **3.2.9 Bantu Special Education Act 24 of 1964**

Like the Bantu Education Act mentioned above, this piece of legislation provides for the establishment of special schools for Non-European persons apart from those of European ones. Provisions were made for early identification and interventions. In terms of this Act, provisions were also made for special pre-primary education. This Act is relevant to my study because it provides evidence of specific legal determinants of pre-primary education (pre-grade one education) which existed before independence in Namibia, to ensure early identification and intervention to enable children with special needs by providing equal opportunities of education from the outset. This Act further confirms this study's assumption that pre-grade one learners are indeed entitled to the human right to education in terms of Article 20 (1) of the Constitution of Namibia.

### **3.2.10 Education Ordinance 21 of 1975**

This Ordinance deals solely with education of the white children while education of the non-white children was provided in accordance with the provisions of the Development of Self-Government for Native Nations in South West Africa Act no 54 of 1968. In addition, in terms of 46 (i) of that Education Ordinance:

Instruction given at government school for primary education, government schools for secondary education, and government schools for special education, including the school books and other school requisites provided in connection with such instructions shall be free of charge.

These provisions are on the one hand, to some extent, similar to those of the Constitution of Namibia, section 20, which provides *inter alia* that “ Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right For every resident within Namibia.....primary education will be

provided free of charge.” There are on the other hand substantial differences from the provisions of the Namibian Education Act in that the latter stipulates payment/contribution (by parents or legal guardians of primary school children) to the school development fund of government schools.

These were legal determinants of education provision which were active before independence in the then South West Africa. The question is consequently whether the independence of Namibia from South African colonial rule has improved these legal determinants of education for the better, to ensure that all persons exercise and enjoy their undeniable fundamental human right to education.

It is important to point out that in terms of Article 66 of the Constitution of Namibia, the validity of all laws (customary law and common law, and pre-independence legislation) are tested against the provision of this Supreme law (the Constitution of Namibia. If such laws are in conflict with the Namibian Constitution they are to be declared invalid and of no effect. Consequently, all pre- independence (discriminatory ordinances and legislation were done away with, following first and foremost the constitutional dispensation in general and the promulgation of Education Act 16 of 2001 in particular. The preamble of this new Education Act stipulates that its aim is *inter alia*: “To provide for the provision of accessible, equitable qualitative and democratic national education.” The question remains, however, whether these noble principles are applicable to pre-grade one learners’ right to education.

### **3.3 LEGISLATION REGULATING EDUCATION SINCE NAMIBIA’S INDEPENDENCE TO DATE.**

The supreme law upon the independence of Namibia is the Constitution of Namibia. Discho (2007: 50) points out:

On 21 March 1990 what was formerly the territory of South West Africa, first under German rule and later under South Africa, became an independent and self- governing country, the Republic of Namibia. From

that day, Namibia has been an independent and sovereign country under its own laws as well as under international law.

It was unfortunately not humanly possible to do away with all colonial laws overnight. Instead, the framers of the Constitution of Namibia worked around the clock to produce the supreme law on 9 February 1990. The laws that do not pass the Constitutional test have to be declared unconstitutional by a competent court and therefore invalid and powerless (Article 66 of the Constitution of Namibia).

This results in that generally all the laws and the ones which regulated education in particular, in the then South West Africa remained operational upon independence. With regard to education, the first thing was to introduce a unifying education system for all Namibians, regardless of being European or Non-European. Article 144 of the Constitution of Namibia provides: “unless otherwise provided by this Constitution or Act of Parliament, the general rules of public international agreements binding upon Namibia under this constitution shall form part of the law of Namibia.” This by implication includes the entrenched Bill of Rights of which the right to education for all persons is but one.

This is in adherence to the equality clause, Article 10 (1): “All persons shall be equal before law,” as well as Article 10 (2): which provides: “No persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.”

It follows that, in an independent Namibia, education is generally regulated by both positive law and natural law; that is, the Namibian Constitution which is the supreme law of the country which includes the entrenched Bill of Rights founded in natural law principles, Acts of Parliaments, various National Policies (although policies are not laws *per se*) and International Conventions which Namibia has signed and ratified since independence. All these legal determinants and policies are briefly discussed below.

### 3.3.1 The Constitution of Namibia

Article 1 of the Constitution of Namibia states: “The Republic of Namibia is hereby established as a sovereign, secular, democratic and unitary State founded upon the principles of democracy, the rule of law and justice for all.” In terms of the Preamble and Article one of the Constitution of Namibia the Constitution is the fundamental and supreme law of Namibia.

Namibians have come to call their Constitution the “Mother of All Laws”. The Constitution is not simply a set of rules that guides and regulates people’s conduct with respect to one another and to the government. It is supreme, has the force of law and is actually the most important law, standing above all other laws that exist or will be adopted in future (Diescho, 2007: 44, 47). Therefore, the Constitution of the Republic Namibia is the most important law of the country, *inter alia* in order to stop once and for all any kind of discriminating behaviour that was exhibited by the colonial governments (Diescho, 2007: 45). According to Mahomed A J (as he was then referred to) in *S v Acheson* “the Constitution is not simply a statute which mechanically defines the structures of a government and the relations between the government and the governed. It is a mirror reflecting the national soul.” Similarly, in *Ex parte Attorney –General, Namibia: In re Corporal punishment by Organs of State* (1991), it was held that the Constitution expresses the commitment of the Namibian people to the creation of a democratic society based on respect for human dignity, protection of liberty and the rule of law.

As to the interpretation of the Constitution, it is submitted that a constitution is an organic instrument. Although it is enacted in the form of a statute, it is *sui generis*. It must be broadly, liberally and purposively interpreted to avoid austerity of tabulated legalism so as to enable it to continue to play a creative and dynamic role in the expression and achievement of the ideals and aspirations of the nation in the articulation of the values bonding its peoples, and in disciplining its government. It must not be interpreted in a narrow, mechanistic, rigid and artificial manner. It must be given interpretation which is most beneficial to the widest possible amplitude

interpreted (as per Mohamed C J in *Government of the Republic of Namibia v Cultura 2000 & Another* (1993)).

According to Naldi (1995: 23), “the denial of many basic rights during Namibia’s illegal occupation has bequeathed a legacy that makes protection of human rights upon independence, psychologically and morally at the very least, but importantly legally, necessary.” To this end, the whole of Chapter 3 of the Constitution, Articles 5-25, is devoted to the protection of fundamental human rights and freedoms (Naldi, 1995: 28). The provision guaranteeing human rights is entrenched and any amendment that would repeal, diminish or detract from these rights is prohibited, (Article 131 of the Constitution of Namibia).

At independence, in terms of Article 66 (1) of The Constitution of Namibia, “ Both customary and the common law of Namibia (including education laws) in force on the date of independence shall remain valid to the extent to which such customary or common law does not conflict with the constitution or any other statutory law.” Consequently the Legislature (which is the State organ responsible for law making in terms of Article 1) has been saddled with reforming inherited colonial apartheid/discriminatory laws in general and discriminatory education laws in particular. Article 1, read with Article 144 of the Namibian Constitution, stipulates *inter alia* that unless otherwise provided by the Constitution or Act of Parliament, the General Rules of Public International Law and international agreements binding upon Namibia under the (Namibian) Constitution, form part of Namibian law, since the equality and freedom from discrimination clause provided in Article 10 is an entrenched fundamental human right in terms of Article 131 of the Constitution of Namibia which prohibits diminishing or detracting from the fundamental rights and freedom stipulated in Chapter 3 thereof. This is in line with Joubert and Prinsloo (2001: 21) who emphasise the fact that all laws and the bodies that make them, like the Parliament, are subject to the Bill of Rights, as it is part of the supreme Constitution. As such, Namibian law is deemed to guarantee, promote and protect pre-grade one children’s human educational right.



Recognising the fact that the United Nations had played a very significant role in the Namibian struggle for liberation, it would have been ironic for the new state not to value the provisions of human rights, seeing that these values were also the very principles Namibians had fought for. In fact, the basic rights and freedoms in the Namibian Constitution are largely but not exclusively derived from the Universal Declaration of Human Rights in 1948 (*Bosl et al.*, 2010: 97). It follows that the framers of the Constitution of Namibia felt so strongly about human rights that they decided to include them in the Constitution (*Bosl et al.*, 2010: 98). In Namibia, human rights in general and the right to education in particular, are entrenched in Chapter Three of the Constitution of Namibia. Article (1) provides that all persons shall have the right to education. However in addition, Article 20 says that Education is one of the Social Economic and Cultural Rights that are catered for in public facilities through public services. Chapter Eleven of the Constitution of Namibia provides for the promotion of the welfare of the (Namibian) people under the heading “Principles of State Policy”. In terms of the latter, the state shall actively promote and maintain the welfare of people by adopting policies aimed *inter alia* at (e) ensuring that every citizen has a right to fair and reasonable access to public facilities and services within the law.

It is against this background that’ upon Namibia’s independence in 1990, extending and consolidating South West People’s Organisation (SWAPO) -led government, education became a legally recognised fundamental human right provided for in the supreme law, The Constitution of Namibia: “All persons shall have the right to education” (Article 20 (1)).

The Constitution (of Namibia), however, does not expressly elaborate as to what “all persons” entails. It can be argued that the word “all” is unambiguous, it is inclusive of every person as opposed to some people only. Further, Article 20 (2) of the Namibian Constitution and the Namibian Education Act 2001 provide for compulsory primary/basic education, and stipulate that children are not allowed to leave school before they have completed primary school or before they have turned sixteen. Consequently, the Namibian government has a legal duty to provide basic/primary

education to all children in Namibia. This Act does not cover pre-grade one learners' right to and the duty (of the state) to provide and regulate pre-grade one education, despite the fact that the Constitution of Namibia states: "All persons shall have the right to education" (Article 20(1)). In addition, pre-primary (pre-grade one) education is indisputably the foundation of and indispensable for all other levels of education (Cooper, 2002: 1; Fisher, 2002: 127,119; United National Children Fund (UNICEF), 2005: 1).

The legal questions are therefore whether the Namibian Education Act 2001, read with Article 20 sub-Article 1, imposes:

- (1) Any limitation to the provision of early childhood education to the pre- grade one learners.
- (2) Any duty on the state to provide compulsory early childhood education to the pre-grade one child.

It is worth mentioning that although the right to pre-grade one (pre-primary) education is not expressly stipulated in Article 20 (2) " Education" in its entirety *per se*, it is safe to assume that it is per implication included by Article 20 (1) "All persons shall have the right to education." More so, the duty of interpreting law in general and fundamental human rights in particular is placed squarely on the judiciary in terms of Articles, 78, 79 and particularly Article 80 (2) which stipulates:

The High Court shall have original jurisdiction to hear and adjudicate upon all civil disputes and criminal prosecution, including cases which involve the interpretation, implementation and upholding of this Constitution and the fundamental rights and freedom guaranteed thereunder.

Based on this provision, one may want to determine whether or not, in terms of the equality clause Article 10 read with the right to education of all persons stipulated in Article 20 (1), pre-grade one learners' right to education is also covered. In addition, one has to approach the Namibian High Court for a broad and purposive

interpretation of this very fundamental human right. In the *Mwandinghi v Minister of Defence* and *Minister of Defence v Mwandinghi* cases (1991) respectively, it was held that a Constitution with a Declaration of Rights calls for a generous interpretation “to give to individuals the full measures of fundamental rights referred to, (Naldi, 1995: 37).

This thesis is first and foremost based on the notion that human rights are inherent in all human beings by virtue of their humanity alone; are inalienable, within qualified legal boundaries, and are equally applicable to all. Heward (1996: 15) asserts that human rights are by definition the rights one has simply because one is a human being. Human rights are inviolable, undeniable and are equal to all as founded in natural law principles, highlighted in the Universal Declaration of Human Rights (1948) and enshrined in Chapter Three (the Bill of Rights), of the Namibian Constitution.

Human rights are stipulated in various internal human rights instruments. Some of the human rights instruments that are relevant to the right to education are briefly discussed below (see paragraph 3.6).

The NPC (2011: 14) specifically points out that the children’s right to education falls under the Survival and Development Rights category in terms of the CRC which Namibia signed and ratified in 1990. It is therefore necessary to promote, protect and advance the right of all children to education in Namibia. The human right to education was defined in the *Belgian linguistic case* as “(a) a right to an effective education, (b) a right of access to existing educational institutions, (c) a right to be educated in the national languages, (d) a right to obtain official recognition of the completed studies.” Kent (2004: 37) states that many different parties share responsibility for the realisation of human rights, but the primary obligation to respect, protect and fulfil human rights lies with national government. Consequently the right to education is usually thought of in terms of the obligation of government to directly provide educational services.

UNICEF (2010: 8) alleges that the most marginalised children, especially within the poorest communities and rural areas, are often deprived of their rights in multiple ways. In addition, UNICEF (2011: 30) cautions member states that allowing a child to suffer avoidable setbacks in the most formative stages of development is a breach of the most basic principle of the Convention on the Rights of the Child. Consequently the least advantaged children are also more likely to experience, *inter alia*, lower educational achievements, lower skills and aspirations.

Obiakor and Utlely (2004: 143) emphasise the fact that the 1954 landmark case *Brown v Board of Education (1954)* in Topeka, Kansas, has far-reaching effects on general and special education today. Obiakor and Utlely further argue that the Brown case demonstrated, among other things, that denial of equal educational opportunities is wrong and cannot be condoned; that right to education cases can be upheld in courts, and that obtaining a quality education can be advanced through legal avenues. The question is whether the principles deduced in the Brown case are, according to the stakeholders' perceptions, adhered to for the pre-grade one learners in rural ECDECCs in northern Namibia.

Upon Namibia's independence in 1990, education became a legally recognised fundamental human right provided for in the supreme law, the Constitution of Namibia: "All persons shall have the right to education" (Article 20(1)). The Constitution of Namibia, however, does not elaborate as to what "all persons" entails. According to Cronje and Heaton (2008: 7, 28) children are the bearers of fundamental human rights (including the right to education), because it is acknowledged that a natural person's legal personality begins at birth and is terminated by death. They further point out that all human beings have the capacity to have rights, irrespective of their personal qualities. Consequently, the Namibian government has a legal duty to provide education to all children in Namibia. The Constitution further provides in Article 10 that no person may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status. Similarly, Article 95 provides that the State shall actively promote and maintain the welfare of the people by adopting, *inter alia*, policies ensuring that

every citizen has a right to fair and reasonable access to public facilities and services in accordance with the law (Article 95 (e)). Education is one of the social and economic human rights of all persons.

Formal public early childhood education for the pre-grade one children was moved away from the Ministry of Education and saddled to the communities as indicated above. Consequently, Namibian Government seems not to be under any legal obligation to provide formal public early childhood education for the pre-grade one learners. However, the current debates and deliberations on the improvement of Namibian education and training systems indicate that pre-grade one should be relocated to the Ministry of Education (GRN, 2005: 11, GRN, 2007: 22) and should be viewed as part and parcel of basic education because of its constitutional primacy based on the human right to education (The Constitution of Namibia, Article 20(1)).

I concur with Beeckman (2004: 75) that the fundamental human rights principle of non-discrimination compels us to identify those suffering discrimination and disadvantage in educational context. This will enable us to measure overall *de facto* inequality and the harm this causes to the most vulnerable within society.

### **3.3.2 Education Act 16 of 2001**

It is important to point out that this was the first piece of legislation which the Legislature promulgated to regulate education in Namibia after independence in 1990. Put differently, it took the Namibian Legislature eleven years to come up with a new Education Act. This means that the legal determinants of education of pre-primary, primary, junior, secondary and high schools had been ones which were enacted by South Africa during colonial period as tested against the Constitution in terms of Article 66. Consequently terms such as education for European or non-European persons as well as Bantu education were done away with.

The aim of this Education Act is to:

provide for the provision of accessible, equitable, qualitative and

democratic national education service; to provide for the establishment of National Advisory Council of Education; national Examination Assessment and Certification Board, Regional Education Forums, School Boards, Education Development Fund: to provide for the establishment of schools and hostels; to provide for the Teaching Service and the Teaching Service Committee and to provide for incidental matters.

Section 1 (1) of this Act does not define what is meant by education; however, basic education is said to mean:

the formal education which is provided from the level of the first grade to the level of the twelfth grade and includes

- (a) adult education
- (b) special education
- (c) education of any other nature which the Minister under sub-section 1 declares to be basic education

In addition, primary education is defined as the basic education provided at primary school level, while primary school is said to mean a school or part of a school in which basic education from the level of the first grade to the level of the seventh grade is provided. Compulsory school attendance is provided in section 53 (1) as follows:

school attendance is compulsory for every child from the beginning of the year in which the child attains the age of seven years until-

- (a) the day the child completes primary education before reaching the age of 16 years

- (b) the last school day of the year in which the child reaches the age of 16 year

It is evident from the above provisions that despite the Namibian Constitutional provision of the right to education for all persons (Article 20 (1)), early child education (Grade R) for the children aged five to six is not catered for by this piece of legislation Education Act 16 of 2001 that regulates provision of basic education in an independent Namibia. This Act does not provide for pre- grade one education at all. The question is therefore, given the fact that the Constitution of Namibia provides in Article 20 (1) "All persons shall have the right to education," what are the legal determinants of the right to education of the pre- grade one learners in an independent Namibia? Could this be an omission by the law makers? And if so, is it now the time for the amendment of the Namibian Education Act? The recognition of pre-primary early childhood education as opposed to primary education provision is neglected in the Namibian Education Act. On the contrary, the South African schools Act 84 of 1966 was amended to cater for the admission age to be four years for the Grade R children as part and parcel of basic education as discussed below. In so doing, South Africa has specifically regulated early childhood education for pre-primary school children since 2002.

### **3.3.3 Maintenance Act No 9 of 2003**

The Maintenance Act No 9 of 2003 provides for the general parental duty to render support which children reasonably require for their proper living and upbringing. In terms of Section 3 (l), both parents are under a legal duty to maintain their children who are unable to support themselves. Section 3 (3) further highlights the fact that the parental duty to maintain a child includes provision of food, accommodation, clothing, medical care and education. In addition, the Act specifically stipulates all the procedures to be followed in securing and enforcing maintenance orders after been granted.

It is noteworthy mentioning that the Maintenance Act No 9 of 2003, unlike the Education Act No 16 of 2001, expressly provides for an enforceable human right to preschool education (early childhood development and education). In terms of Section 16 (3) (a):

Where the beneficiary is a child the court must also have particular regard to the financial and developmental needs of the beneficiary, including but not limited to housing, water, electricity, food, clothing, transport, toiletries, child care services, education (including preschool education and medical services).

In addition, common law (Roman Dutch law which is similar to the one in South Africa) The Combating of Domestic Violence Act No. 4 of 2003 and the Children's Status Act 6 Of 2007 also cater for the general well-being of children and the protection of children's rights, including their right to education.

### **3.4 CASE LAW REGARDING THE RIGHT TO EDUCATION IN NAMIBIA SINCE INDEPENDENCE TO DATE**

There is a big role placed upon parents/guardians to ensure that their children receive appropriate education as stipulated in the Education Act above. This was emphasised by the philosopher John Stuart Mill in the eighteenth century as follows:

Hardly anyone indeed will deny that it is one of the most sacred duties of the parents after summoning a human being in the world, to give that being an education fitting him to perform his part well in life towards others and towards himself...To bring a child into existence without a fair prospect of being able, not only to provide food for its body, but instructions and training for its mind, is a moral crime, both against the unfortunate offspring and against society.



It goes without saying that in most cases parents are unable to provide education for their children on their own and solely look upon the state to do so. When the state fails to do so, some parents normally approach courts of law to enforce their children's right to education as discussed in the following cases.

There are very few decided cases (precedents) on the right to education in Namibia in general and there is not even a single one on the pre-grade one learners' right to education so far in particular. Consequently I mainly relied on foreign decided cases on the right to education for persuasive reasoning.

Generally, the leading case law on the right to education is highlighted in the mostly celebrated USA *Brown v Board of Education, Topeka case*, in which the US Supreme Court, enforcing disabled children/children with special needs' right to education, held:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our society. It is required for the performance of our most basic public responsibilities, even services in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be

made available on equal terms.

In another USA leading case on the right to basic education, *San Antonio School District v Rodriguez*, the US Supreme Court held:

By denying these children a basic education, we deny them the ability to live within the structure of their civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our nation.

The principle of precedents (*stare decisis*) is applicable in Namibia as source of law. As such, in search of the legal determinants of the right to education in an independent Namibia, I found it proper to research on relevant decided cases that have been adjudicated in the Namibia High Court and Supreme Court respectively so far.

Despite the provision of Article 20 (1) of the Constitution of Namibia that “All persons shall have the right to education”, at the time of conducting research on which the report is passed, not all children attend school in Namibia (Nuugwedha, 2011: 69). In addition, despite this state of affairs, at the time of the writing of this research report, litigation regarding the right to education was also minimal - so much so that there were only three relevant decided cases about the right to education which were adjudicated in the High Court of Namibia. These are the *Ex Parte Attorney General, Namibia: In Re Corporal Punishment by Organs of State* (1999), *the Karuaihe – Sampofu v Ministry of High Education* (2005) and *the Adda K Angula & Others v The Board for Legal Education & Others* (2009). In *Ex parte Attorney General case* (1991) the Supreme Court was approached to decide whether the imposition and infliction of corporal punishment by State institutions was in conflict with Article 8 of the Constitution. The court held that corporal punishment of both adults and juveniles was inhuman or degrading punishment and as such it was a violation of Article 8 (respect for human dignity) in general and in schools in particular. The legal principle

in this case later formed part of legislation in terms of section 56 (1) of the Education Act which provides:

A teacher or any other person employed at a state school or hostel or private school or hostel commits misconduct, if such teacher or person in the performance of his or her official duties imposes or administers corporal punishment upon a learner, or causes corporal punishment to be imposed or administered upon a learner.

Although this case was not specifically about the right to education *per se*, given the fact that human rights are generally interrelated, it instils the human dignity of all learners in teaching learning environments which consequently enhances their right to education.

*The Karuaihe case* dealt with the right to education of pregnant learners at high school level. In this case the mother of a pregnant teenage high school girl challenged the ministerial teenage pregnancies policy that required teenaged mothers to take a year off school to take care of their babies. The court held that Karuaihe's right to education was not being denied as she would be allowed to return to school after a year. The appeal was accordingly dismissed. The court balanced the right to education of a teenage school girl with that of the new born baby's right to be taken care of and fed by the mother. This case is the only one so far held in the High Court of Namibia. Although *the Karuaihe case* does not necessarily deal with the human right to early childhood education, it has demonstrated the fact that Namibian Courts are fulfilling their constitutional duty to protect and enforce fundamental human rights and freedom in general and the right to education in particular. Certainly, upon approach by aggrieved persons, the Namibian Courts shall, without delay, protect and enforce the pre-grade one learners presumed right to education.

None of these ground breaking decisions in these cases regarding the right to education addresses the pre-grade one learners' right to education *per se*; however, it can be argued that the principle therein could be applied to the pre-grade one learners' right to education in terms of Article 20 (1) of the Constitution of Namibia, hence the research on which this report is based. However, the Magistrate's Court, which has jurisdiction to adjudicate maintenance cases, is ever hectic on an official daily basis. In terms of the 2003 Maintenance Act, maintenance is defined to have included among others, all levels (including preschool) of education expenses, the Magistrate's Court indirectly enforces the right to education for the pre-grade one learners in Namibia.

*The Adda K Angula & Others case* (2009) is about some twenty-four Candidate Legal Practitioners (Justice Training Centre students) who allegedly did not meet the prescribed 80% lectures attendance required for writing their final examination. The Justice Training Centre under the custodianship of the Ministry of Justice in conjunction with the University of Namibia denied those students entrance to examinations. Consequently the students approached the High Court of Namibia on an urgent application basis, alleging that such refusal/denial amounts to the violation by the Board for Legal Education of their right to education in terms of Article 20 of the Constitution of Namibia. Consequently, the court granted the Candidate Legal Practitioners' application. This case is also another example of the fact that the right to education is enforceable in court of law.

Apart from the Constitution of Namibia, which is the supreme law, the Education Act which is the piece of legislation which regulates basic education and case law discussed above, there are also policy documents, though neither law nor binding as such as per Coetzee J's ruling in *the Minister of Education v Doreen Harris case* (2001), which echoes the right to education for all clause. They are briefly discussed below.

### **3.5 POLICY DOCUMENTS**

Generally social policy may be defined as any planned set of actions directed at solving problems or attaining a social goal. On the contrary, public policy refers to the law and governmental programmes designed to improve current conditions (Berk, 2002: 35). Government policies are normally initiated by government and they guide and influence decisions about a particular governmental undertaking (such as education). Olmsted (2002: 7) defines early childhood policy as statements setting forth what a government hopes will be the outcomes of its programmes for young children. Berk (2002: 35 & 37) submits that sound public policies are essential for protecting children's well-being. He goes on to say that for a policy to be most effective in meeting children's needs, research should guide it at every step along the way, during its design, and implementation of programmes. Furthermore, there are policies regarding requirements for the establishment and registration of ECD centres.

Given the fact that Namibian Government acknowledged that the future of the country lies in the hands of today's children, it (the government) created a policy known as the National Early Childhood Development (ECD) Policy for Namibia. The Namibian ECD policy was officially launched in February 1996 and it provides guidelines for roles and responsibilities of all partners involved in the ECD programmes (GRN, 1996: 12, lithete *et al.*, 2000: 33). In addition there is "Towards Education for All", which (the name says it all) advocates education for all in light of the constitutional right to education clause.

#### **3.5.1 Towards Education for All**

This is said to be a policy document which translates the Namibian philosophy on education into concrete and implementable government policies. In terms of this policy, since independence the Namibian government has placed education at the top of its national priorities. Taking cognisance of the fact that education is the key to a better life, the largest share of the national budget goes to education. It is stated that access of same should not be limited to a select elite, but should rather be

opened to all those who need it, especially children and those adults who previously had no opportunity to gain education (GRN, 2000: i). Consequently, the major goals of education in an independent Namibia are access, equity, quality and democracy (GRN, 2000: 32).

The policy further provides for early childhood programmes and activities. It is pointed out that children's first six years are critical to their intellectual and emotional and social welfare, and if these developmental needs are not met at this crucial stage their growth potential is likely to be affected for the rest of their lives (GRN, 2000: 69). It is further highlighted that effective care and preschool programmes should help children *inter alia* to:

- Master language and use it purposefully and effectively.
- Acquire concepts of space, time and objects.
- Learn about symbols and the concepts of culture.

In addition, it is submitted that imaginative and effective early childhood protection and development programmes also benefit society more generally. The Ministry of Education recognises the importance of early childhood education (preschool and kindergarten levels). Accordingly, the Ministry believes that this level of education can best be developed under the direct auspices of communities with the assistance of the then Ministry of Local Government and Housing, the current Ministry of Women and Child Welfare (GRN, 2000: 70-71).

The policy emphasises the fact that, like basic education, early childhood programmes must be learner-centred to enable the children to reach their potential (GRN, 2000: 71). The policy further acknowledges the fact that uneven access to preschool can be a powerful mechanism for perpetuating privilege, as for most children the principal determinants of real equal opportunity in education and in other areas are largely established during those early years. An analogy of a foot race is used to demonstrate this point: "If some runners arrive at the starting line much better

trained and equipped than others, then the competition is unlikely to be a fair test of the runners' abilities" (GRN, 2000: 71).

### **3.5.2 National Early Childhood Development Policy**

The Namibian National Early Childhood Development policy is the institutional framework for the delivery of preschool/pre-primary programmes. The policy strives *inter alia* to make the public more aware of the situation of young children and the importance of ECD provision and to clarify the role of the government, governmental agencies, non-governmental organisations (NGOs), churches, the private sector, communities and families in the provision of and support for ECD services. Further, the policy provides guidelines and standards for the development of quality ECD programmes and consolidates and systematises existing laws, and programmes and activities related to ECD for the maximum benefit of all children, particularly those in rural areas and those living in difficult circumstances (GRN 1996: 25). Namibia is a member of, and has signed and ratified a number of International and Continental Conventions which in terms of Article 144 of the Namibian Constitution are part and parcel of the Namibian Law and therefore co-regulate the provision of Early Childhood Development and education. Examples of these conventions are The Universal Declaration of Human Rights, which provides in Article 26 that everyone has the right to education; the International Covenant on Economic, Social and Cultural Rights of which Article 13 states-that parties to this convention recognise the right of everyone to education and agree that education shall be directed to the full development of the human personality. Similarly the African Charter which Namibia ratified also provides in Article 17 that every individual has the right to education. Similarly the Convention on the Rights of the Child as well as the Organization of African Unity's African Charter also provide for the right to education. In addition, the World Health Organization (WHO) adopted a resolution in 1977 which states *inter alia* that educational activities are viewed as the very best way of encouraging people from all walks of life to participate in health care and making them true artisans of health development (Iithete *et al.*, 2000: 1).

I consulted a number of relevant national policy documents, guidelines regarding the establishment and operation of early childhood development centres (ECDs), as well as international human rights instruments in order to compare the provision of law and policy to the provision and practice of pre-primary education in rural EDCs. The results based on the data collected from same are discussed below.

### **3.5.3 Guidelines for Establishing and Managing Early Childhood Development Centres in Namibia**

In an attempt to fulfil its mandate regarding the provision of quality early childhood development and education for all preschool children in Namibia, the Ministry of Gender Equality and Child Welfare (MGE CW) has introduced “Guidelines for Establishing and Managing Early Childhood Development Centres in Namibia.”

This guidelines policy clearly stipulates various requirements in respect of establishment of ECDECCs as follows:

- Space must be enough both in and outside the centres for the children to move and play freely, should be well ventilated and have enough light.
- There must be enough safe space for children to sleep.
- Children must be educated and play in the shade. There is a need for planting appropriate trees and using plastic sheet, corrugated iron or thatch roof.
- The fence should be at least 1.5 metres high and for that purpose ECD centres may approach the Directorate of Community and Early Childhood development for financial or material assistance.
- There should be clean water available for drinking, cooking, washing and cleaning; drinking water from rivers and wells has to be boiled and kept covered, and the community should also take responsibility of providing water to childcare centres.



- There should be toilet facilities which can be flush toilets, pit latrines or potties.

The policy further stipulates safety, hygiene, health, and nutritional requirements, enrolment procedures as well as management structure of an ECD centre (Ministry of Gender Equality and Child Welfare, 2005: 1-6).

### **3.5.4 Education for all (EFA) National Plan of Action 2001-2015**

In line with the EFA international efforts spearheaded by UNESCO, the Minister of Education established a National EFA Forum in February 2002 which aims to reach to the grassroots, parents who need to be sensitised in order meet the target set in the six EFA goals in 2015 (GRN, 2000: 27).

The EFA goals are as follows:

EFA GOAL I: Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.

EFA GOAL II: Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality.

EFA GOAL III: Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programmes.

EFA GOAL IV: Achieving a 50% improvement in levels of adult literacy by 2015, especially women, and equitable access to basic and continuing education for all adults.

EFA GOAL V: Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015 with focus on ensuring girls full and equal access to and achievement in basic education of good quality.

EFA GOAL VI: Improving every aspect of quality education and ensuring excellence so that recognised and measurable learning outcomes are achieved by all, especially in literacy, numeracy, and essential skills (GRN, 2000: 28).

This policy document further points out that there is evidence that children who attend early childhood centres are better prepared for formal school. The policy goes on to state that in order to expand the provision of early childhood education in the country, the then Ministry of Women Affairs and Child Welfare (the current MGEWCW), *inter alia* initiated the following strategies and programmes that are in line with EFA:

- Expansion and strengthening Early Childhood Development Programmes.
- Rationalisation, improvement and strengthening of preschool and other forms of early childhood care services and facilities for all children in Namibia, especially those in rural and disadvantaged areas (GRN, 2000: 29).

The year 2015 is just around the corner. This study is opportune and relevant to shed some light regarding the progress made in respect of EFA Goal 1 so far. Further, given the fact these two are highlighted as national objectives regarding early childhood education in general and pre-grade one education in particular, it became necessary to find out how these noble objectives have been regulated and monitored; how much progress has been made so far and whether or not all children, especially those in remote rural areas in Namibia, exercise and enjoy their rights to education in this regard. The answers to these questions are found in Chapter Five below in which research data are presented, analysed and interpretations thereof are recorded.

Some of the National EFA programmes are as follows:

- Setting up standards and guidelines (minimum per child facilities, health, nutrition, safety, staff training and programmes) for the operation of preschool centres and providing necessary assistance.

- Designing appropriate experiences and teaching-learning materials to ensure relevance and transferability to cater for the particular needs of a variety of children in ECD centres.
- Establishment of a system of monitoring and evaluation of ECD centres across the country, particularly in rural areas and informal settlements (GRN, 2000: 29).

### **3.5.5 National Policy on Disability**

According to this policy, highlighting the Constitutional provision that all persons have the right to education (Article 20), the government of Namibia shall ensure that children and youth with disabilities have the same right to education as children without disabilities. The policy further emphasises the fact that early intervention such as early stimulation and education shall be provided to children as soon as possible in order to prevent developmental disabilities. The state vowed *inter alia* to ensure that children with disabilities have equal opportunities and equal access to education (GRN, 1997: 4).

### **3.5.6 National Policy option for Educationally Marginalized Children**

In terms of this policy, “educationally marginalized children are children, who for one or other reasons have difficulty in getting access to basic education or who drop out prematurely, or who have been pushed from formal education system by the system itself” (GRN, 2000: 2). In addition, the following groups of children have been categorised as educationally marginalized in Namibia:

- Children of farm-workers.
- Children in remote rural areas, e.g. San (bushmen) and Ovahimba children.
- Street children.

- Children in squatter areas and resettlement camps.
- Children with physical or mental impairments/children in need of community-based rehabilitation.
- Children over-aged according to existing policies.
- Children of families in extreme poverty (GRN, 2000: 2-3).

Like all other Namibian national policies that promote education for all, this policy also emphasises the Constitutional provision that all persons have the right to education (GRN, 2000: 1). However, the terminology used regarding the name of this policy leaves much to be desired. Ideally, in the light of the constitutionally entrenched compulsory primary school attendance in article 20 (2), one needs not to have a group of school going age referred as educationally marginalized children at all, seeing the constitution mandatorily stipulates: “All persons shall have the right to education.”

### **3.5.7 Namibian Vision 2030**

This is a policy document that contains framework for long-term national development. As far as early childhood development and education is concerned, this policy takes cognisance of the fact that sustainability of early childhood development centres (ECDCs) is endangered due to the absence of incentives for ECDCs care-givers, particularly in poor communities. In addition, early childhood development (ECD) is not recognised as a profession in Namibia, consequently ECDCs care-givers are not motivated. Similarly, the policy points out that a significant number of parents do not feel that ECD is important therefore they are reluctant to send children to ECDCs. Another flaw is lack of a universal curriculum for ECDCs care-givers and children, which results in inadequate care (GRN, 2004: 98). The policy, however, points out that GRN intends to review and amend the current National Early Childhood Development Policy to become an Act of Parliament (but this has not yet materialised at the time of conducting this study), to develop a universal curriculum for care-givers to be used in training institutions and a universal

curriculum for children to be used in ECDCs, as well as to strengthen parental education to reach inter alia the enrolment of 90% of children aged three to six (GRN, 2004: 98).

### **3.5.8 Education Training Sector Improvement Programme (ETSIP)**

This is currently the master policy document aiming at improving Namibian education system in terms of training of teachers at all levels, provision and practice of education in order to realise the four major goals of education, namely access, equity, quality and democracy. It stipulates that pre-primary education for the five to six year old children is to be shifted from the Ministry of Gender Equality and Child Welfare back to the Ministry of Education. Hence one of the questions this study attempted to answer was what justification the government of Namibia has in effecting this change.

## **3.6 INTERNATIONAL HUMAN RIGHTS INSTRUMENTS**

The human right to education is historically well established in principle if not in practice, particularly in Article 26 of the Universal Declaration of Human Rights (Kent 2004: 36; UNESCO, 2002c: 30).

Human rights in general, and the right to education inclusive of that of pre-grade one learners in particular, have become a major concern of the United Nations Conventions. For example, it is highlighted in UNESCO PRESS -65/2004 that improving early childhood care and education, especially for the most vulnerable and disadvantaged children, is the very first of the six goals of Education for All, set by more than 160 countries (including Namibia) at the World Education Forum in Dakar in Senegal (UNESCO, 2000d: 4). UNESCO also asserts that the member states, in affirming the dignity of every individual, reaffirm that Early Childhood Care and Education in its widest sense is part and parcel of Basic Education and is essential for all children to maximise their learning potential. Consequently "Every child should

have the right to early childhood care and education. Early childhood education programmes should be made available to all children” (UNESCO, 2000d: 4).

Namibia (like South Africa) has ratified a number of international and continental conventions which in terms of Article 144 of the Constitution of Namibia form part and parcel of Namibian law. Examples of these conventions are The Universal Declaration of Human Rights, which provides in Article 26 that everyone has the right to education; Article 13 of the International Convention on Social and Cultural Rights, as well as Articles 28 and 29 of the Convention on the Rights of the Child which provide for the human right to education (Kent, 2004: 36). Further, NPC (2011: 14) specifically points out that the children’s right to education falls under the Survival and Development Rights category in terms of the CRC which Namibia signed and ratified in 1990.

The International Covenant on Economic, Social and Cultural Rights states in Article 13 that state parties to this convention recognise the right of everyone to education and agree that education shall be directed to the full development of the human personality. According to Smit (2011: 311-312) and (2008: 34), the International committee for Economic, Social and Cultural rights had accepted the so called Four A’s; for the **provision** and **regulation** [my emphasis] of the right to education as an appropriate standard (yardstick) by which the state’s compliance with its obligation to provide basic education can be measured.

Consequently, from international human rights instruments’ point of view, the right to education can be summarised as follows:

- **Availability** - meaning that functioning educational institutions and programmes should be made available in sufficient quantity by the state.
- **Acceptability** – meaning quality of education, including curricula and teaching methods in terms of relevance, culturally appropriate for learners and parents to a certain extent; mainly the quality of education must be in line with the standards set by the state.

- **Adaptability** - meaning education system should adapt to the diverse and changing needs of learners, parents and communities. In addition, schools should adapt to the needs of the learners by applying the CRC principle of the best interest of the child.
- **Accessibility** - meaning in the words of Netshitahame (2008: 34) that education must be accessible to all, including people with disabilities, without unfair discrimination: schools should be within safe physical reach, and education must be affordable to all.

Similarly, the African Charter states in Article 17 that every individual shall have the right to education. Furthermore, the 1989 United Nations Convention on the Rights of the Child and the Organisation of African Unity's African Charter on the Rights and Welfare of the Child deal specifically with the rights of the child, including its right to education. In addition, the World Health Organization (WHO) adopted a resolution in 1977 which states, among others, that educational activities are viewed as the very best way of encouraging people from all walks of life to participate in health care and making them true artisans of health development (Iithete *et al.*, 2000: 1).

According to Myers (1992: 23), the United Nations Educational, Scientific and Culture Organisation (UNESCO) and UNICEF (of which Namibia is a member) are the two main United Nations agencies concerned with child development. Whereas UNICEF is mainly concerned with health and nutrition, UNESCO deals with the funding of educational programmes generally and early childhood education programmes in particular. Namibia participated in the World Conference on Education for All (EFA) in Jomtien, Thailand from 5 to 9 March 1990, and ten years later in the Dakar Forum for Education for All (Ministry of Education and Culture, 1996: 4). The very first of the six EFA goals is "[e]xpanding Early Childhood Care and Education." There is a strong belief in Namibia that Early Childhood Development programmes should be strengthened and expanded in order to give all children a smart start. Therefore, teachers at such centres should be well trained and the curriculum followed by early childhood development centres (community centres) must be harmonised to ensure that the same standards are maintained everywhere (GRN, 2004: 5). It is against this

background that Namibia launched the EFA Action Plan in 2003 in all thirteen political regions with the purpose of implementing the Jomtien and Dakar World Conferences resolutions (GRN, 2004: 5). According to UNICEF (2002: 14), where the right to education is guaranteed, people's access to and enjoyment of other rights are enhanced. UNICEF further states that providing the right to education is an obligation of governments and requires that they (governments) translate their international commitments into legislation to which their citizen have legal recourse. The law is to take its course once such rights are denied, abridged or violated. Without legislation it is difficult to monitor and enforce obligations.

### **3.7 LEGISLATION WHICH REGULATED EDUCATION IN SOUTH AFRICA BEFORE DEMOCRATIC INDEPENDENCE.**

Before democratic independence, South African education had been regulated by various apartheid education legislations, which are not necessarily part of this discussion *per se*. This is so because the focus of the study is, among others, to find out the legal determinants of right to education in an independent Namibia and in a democratic independent South Africa respectively.

Phatudi (2004: 4) points out that under apartheid rule, South Africa had nineteen different educational departments separated by race, geography and ideology. As such, those education systems prepared children in different ways in accordance with the positions which they were expected to occupy in economic, social, and political life under apartheid. "In each department, the curriculum played a powerful role in reinforcing inequality. What, how and whether children were taught differed according to the roles they were expected to play in the wider society" (Department of Education, 2002: 4).

Bray (2005: 3-5) cited UNISA (2001-2004: 26-30) by pointing out that the history of a country has a major impact on the development of its legal system and South Africa is no exception. It follows that the South African law in general and education law in particular were influenced by Roman law via the Netherlands as Roman-Dutch law



which was brought along by Jan van Riebeeck at the Cape in 1652 when he came there to establish a refreshment station for the Dutch East India company. English law also had a major influence on the South African legal system when Britain occupied South Africa in 1806. Although South- Africa became independent from the British rule in 1961, Blacks were still excluded from participating in central government.

Netshitahame (2008) conducted research on learners' perceptions of the human right to education, arguing that South Africa emerged from the apartheid system of education where the existence of human rights, especially the learners' right to education, was not fully recognized. The aim of her study was to analyse learners' knowledge and understanding of their right to education.

According to Netshitahame (2008: 5):

In the era prior to 1994, South Africa was governed by a white minority and was characterized by apartheid policy. Human rights were neither protected nor respected and violation of majority's rights was the order of the day. Learners did not enjoy the right to education on equal terms. The government of the day introduced the Bantu Education system designed to promote white supremacy and black dependency by providing black learners with an education of inferior quality.

Fourie as cited by Netshitahame (2008: 5) alleges that the then Prime Minister of South Africa was quoted to have uttered the following words in 1953 when he introduced the Bantu Education system:

I just want to remind you the Honourable members of parliament

that if the native in South Africa [ and therefore in the then South West Africa] is being taught to expect that he will lead his adult life under the policy of equal rights he is making a very big mistake. The native must not be subjected to a school system which draws him away from his own community and misleads him by showing him the green pasture of European society which he is not allowed to graze.

It is important to record that the then South West Africa (Namibia today) became a protectorate of South Africa in terms of the Peace Treaty of Versailles which was signed on 28 June 1919. The mandate for South West Africa was established pursuant to that treaty, and was reprinted in Government Notice 72 of 6 June 1921. The Treaty of peace and South Africa Mandate Act 49 of 1919 gave effect to the Mandate for South West Africa. This Act delegated administration of South West Africa to the Governor-General of South Africa who was given both legislative and executive power. The Governor General delegated administrative power over South West Africa to the Administrator of South West Africa in South African Proclamation 1 of 2 January 1921.

The Administration of Justice Proclamation 21 of 1919 introduced Roman-Dutch law to South West Africa. Consequently in 1921 a Commission on South West Africa, established by the South African government, recommended that South West Africa be administered as a fifth province of South Africa.

It is evident from above submissions that the apartheid education system which prevailed in South Africa then, was expressly extended to its “fifth province”, the then South West Africa as well, as indicated earlier (see Chapter One paragraph 1.1.1). Suffice to draw the major differences that have taken place regarding legal determinants of education for the pre-grade one learners after the two countries obtained democratic independence. This is in light of the fact that the Constitutions in both Namibia and South Africa aim at redressing the past apartheid imbalances and

protecting the rights of all persons by virtue of being human, including the right to education in Article 20 of the Constitution of Namibia and Section 29 of the Constitution of South Africa respectively.

### **3.8 LEGISLATION WHICH HAS REGULATED EDUCATION SINCE SOUTH AFRICA'S DEMOCRATIC INDEPENDENCE TO DATE**

South African democratic independence brought an end to apartheid (discriminatory) education legislation in general and in respect of education in particular. Once tested against the Supreme law, the Constitution of South Africa as discussed in the following section, such legislation becomes null and void.

#### **3.8.1 The Constitution of South Africa Act 108 of 1996**

Upon her democratic independence in 1994, South Africa promulgated the 'new' Constitution of South Africa which is the supreme law of the country. Joubert and Prinsloo (2001: 15) state that the final Constitution (Act 108 Of 1996) of South Africa was adopted on 8 May 1996 and took effect on 4 February 1997. They go on to define the Constitution as follows:

A Constitution is a document that sets out the rules for the running of the country. It also protects democratic principles and the rights of citizens. In other words it is a blue print for running the country.

Section 28 of the Constitution of South Africa specifically provides for children's rights with an emphasis on "the child's best interest in every matter concerning the child." It also defines a child as "a person under the age of 18."

Marais J points out in *Nortjie v Attorney – General of the Cape* (1995) that a supreme constitution is *sui generis*: in the main, it provides a set of societal values to which

government and its agencies have to comply in carrying their functions. Similarly it was held in *S v Acheson* that the Constitution is the frame of reference within which everything must function and against which all actions must be tested. Consequently, the Constitution *is lex fundamentalis* (fundamental law) of South Africa.

It follows that Section 39 of the Constitution provides that when the Bill of Rights (inclusive of the right to education) is interpreted, the interpretation “must promote the values that underlie an open and democratic society based on human dignity, equality, and freedom.”

According to Bray (2005: 1, 2, 6, 25, 30) the most important source of South African law is the Republic of South Africa Constitution Act 108 of 1996. “The Constitution is our most important legal document and South Africans have through our representatives contributed in its adoption as our supreme law.” She emphasises the fact that the Constitution is the supreme law of the land which has brought far-reaching changes in the legal system as follows:

It embodies norms, values and principles that underscore the new constitutional democracy and also contain a Bill of Rights which enshrines the fundamental human rights of every person in South Africa.

A constitution of a state/country contains the most important rules of law concerning its political system, it also determines the powers and the functions of the government of the state.

The constitution is the supreme law of the land and parliament and all other bodies are subordinate to the Constitution.

If the laws and actions of these government bodies are inconsistent with the Constitution, they may be

declared invalid or unconstitutional in a court of law.

According to section 29 of the constitution of South Africa:

29(1) Everyone has a right to basic education including adult basic education

29(2) Everyone has the right to receive education in the official language or

languages of their choice in public educational institutions where that education is reasonably practicable

In order to ensure the effective access to, and implementation of this right, the State must consider all reasonable educational alternatives including single medium instruction taking into account:

29(2)( a) equity

(b) practicability

(c) the need to redress the results of past racially discriminatory laws and practice

29(3) Everyone has a right to establish and maintain, at their own expense, independent educational institutions that;

29(3 )(a) do not discriminate on the basis of race...

Smit (2011: 312) shares the same sentiments by pointing out that in South Africa education at all levels, including tertiary education is a functional area of national and provincial competence in terms of the Constitution. He goes on to say the Schools Act provides for public and independent schools (similar to Article 20 (3) of the

Constitution of Namibia and the provisions of the Namibian Education Act), and three types of public school: ordinary public schools; public schools for learners with special needs and gender specific schools.

Historically, ECD in South Africa is governed by The Child Care Act 74 of 1983. Currently, legislative frameworks such as six White Papers on Education, the National Education Policy, The South African School Act, Act 84 of 1996 as amended, the Employment of Educators Act 76 of 1998, and the ECD White Paper 5 and 6 of 2001 regulate the provision of education in South Africa (Department of Education, 2002: 16-17). In South Africa, early childhood development is defined as a comprehensive approach to policies and programmes for children from birth to nine years of age with the active participation of their parents and care givers, and its purpose is to protect the child's rights to develop his or her full cognitive, emotional social and physical potential (The Education White Paper 5 on Early Childhood Education of South Africa Department of Education, South Africa, 2001: 14 & Education Laws Amendment Act No 50 of 2002).

### **3.8.2 National Education Policy Act 27 of 1996**

This Act was enacted to provide for the determination of national policy for education and to amend the National Policy for General Education Affairs Act of 1984. Its preamble emphasises the need to adopt legislation that facilitates the democratic transformation of the national system of education into the one which serves the needs and interests of all the people of South Africa and upholds their fundamental rights. These fundamental rights are inclusive of the right to education. Section 2 of this Act provides, among others, the determination, publication, and implementation of national education policy as well as the monitoring and evaluation of education.

### **3.8.3 South African Schools Act 84 of 1996 (SASA)**

According to Joubert and Prinsloo (2001: 35), this piece of legislation came into operation on 1 January 1997 and it constitutes overall national legislation for schools

in South Africa. They further observed that (like the Namibian Education Act) the SASA is strangely silent on learners' right to education. However, they were quick to point out that it is immaterial because the right to education is provided for in Section 29 (1) of the Constitution (which is similar to Article 20(1) of the Constitution of Namibia). Given the supremacy of the Constitution in both countries, the provisions of the Constitution automatically apply to all other laws in the country. Joubert and Prinsloo (2001: 36) indicate in a diagram that the right to education is interdependent to all other fundamental human rights in the Bill of Rights in the Constitution of South Africa. This is in line with Smit (2011: 305) by confirming the United Nations' perception of education as an "empowering right" when he states: "education is both a human right itself and a crucial means of realizing other human rights".

This legislation was promulgated to "provide for a uniform system for the organization, governance and funding of schools as well as to amend and repeal certain laws relating to schools and to provide for matters connected therewith.

Section 3 (1) of SASA provides for compulsory school attendance as follows:

Every parent must cause every learner for whom s/he is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade whichever occurs first.

In addition, section 6 (a -b) states:

any parent who, without just cause and after a written notice from the Head of Department fails to comply with Section 3 (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

Or any other person who, without just cause prevents a learner who is subject to compulsory attendance from attending school, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

The above mentioned provisions highlight the fact that provision of education and school attendance is legally regulated so much so that failure to comply with these provisions warrants sanctions against the offenders.

#### **3.8.4 Education Law Amendment Act 100 of 1997**

This piece of legislation amended the South African Schools Act 84 of 1996 to, *inter alia*, enable public schools to appoint educators and non-educators additional to the establishment determined by the members of Executive Council. Such educators must in terms of Section 7 be registered as an educator with the South African Council for Educators. Section 4 (2) stipulates that different salaries and conditions of services of educators may be determined in respect of different ranks and grades of educators.

#### **3.8.5 Employment of Educators Act 76 of 1998**

Employment of Educators Act 76 of 1998 provides, *inter alia*, for the employment of educators by the State, for the regulation of the conditions of services, discipline, retirement and discharge of educators. Qualifications of teachers are not expressly stipulated; however, in terms of Section 1 (of the Employment of Educators Act) “due regard shall be had to equality, equity and other democratic values, factors such as (a) the ability of the candidate and need to redress the imbalance of the past” (Section 7(1)).



### **3.8.6 South African Council for Educators Act 33 of 2000**

This piece of legislation provides for the continued existence of the South African Council for Educators. Section 1 of this Act provides for among others, the definition of an educator: “Educator means any person who teaches, educates, or trains other persons or who provides professional educational services including professional therapy and educational psychological services at an institution.” This exclusive definition of an educator is similar to the one in Section 1 of the Employment Act 76 of 1998.

This definition of educator is very important because it differentiates professional educators from non-professional educators. Needless to say, as a profession, education is to be dealt with/conducted by professionally qualified educators.

### **3.8.7 Education Laws Amendment Act No 50 of 2002**

It is evident from both the Namibian Education Act 2001 and South African Schools Act 84 of 1996 that education for pre-grade one, pre-primary education (Grade R) learners was not expressly provided in such legislation. This necessitated amendment of the South African Schools Act to cater for the provision and regulation of Grade R education in South Africa. It follows that Section 5 of the School Act 84 of 1996 has been amended by Education Laws Amendment Act No 50 of 2002, to “provide for admission age requirements for public and independent school.” The said amendment provides that the admission age of a learner to public school to grade R is age four turning five by 30 June in the year of admission, and that the Head of Department may admit a learner who is under the age indicated above if good cause is shown (Government GAZETTE, Vol. 449: 28 November 2002).

The Significance of this Amendment Act is that it has altered the admission age of compulsory school attendance from age seven to age four which covers early childhood education as a human right entitlement. This means that early childhood education (Grade R) is provided and regulated in terms of a specific piece of legislation in South Africa. On the contrary, this is not yet the case under Namibian

education law; hence this study is about an education law perspective of early childhood development provision in rural Namibia.

### **3.9 CASE LAW**

South Africa, like Namibia, employs the principle of precedents (*stare decisis*) as a source of law. According to Smit (2011: 306), the *Brown* case discussed above, is also regarded the leading case most quoted in South African education law jurisprudence and legal literature. To this end, unlike Namibian Courts which up to date have only adjudicated two cases (namely the *Karuaihe* and the *Angula* cases) specifically about the right to education of pregnant learners and about admission to examination respectively, and no single case about the pre-grade one learners' right to education *per se*, South African Courts have been busy adjudicating various education law matters since independence. As a result there is an endless list of such decided cases (from which Namibia can learn a lot in relation to education law matters) some of which are briefly discussed below.

In *Matukane and Others v Laerskool Potgietersrus* (1996) the court held that the School admission policy refused to admit black children on racial grounds in violation of Section 8 (2), 10, 24 and 32 of the South African Constitution (108 of 1996) as well as Section 8 (2) of the South African School Act (84 of 1996).

In an appeal case, *Minister of Education v Doreen Harris* (2001), the Minister of Education published a notice on 18 January 2000, stating that a learner may not be enrolled in grade one in an independent school if he or she does not reach the age of seven in the same calendar year. Talya Harris was one of the children who had enrolled at the age of three in the King David pre-primary school where she was prepared for entry to primary school in the year 2001. Her parents challenged the validity of the said Minister's notice and approach the court to permit her to be enrolled in grade one in the year she turned six seeing the school was satisfied that she was to enter grade one in the year she turned six. On 15 January 2001, J Coetzee declared in the Transvaal High Court that the notice was unconstitutional

and invalid, and accordingly authorised King David Primary School to admit Talya in Grade 1 at the age of six. He also made the following findings:

The Minister's actions discriminated unfairly on the ground of age Talya and similarly situated children, was not justified and accordingly violated the right to equality guaranteed by the Constitution.

By requiring Talya and other children in her position to repeat the final year of pre-primary school or to sit at home waiting for the year to pass, the Minister's actions unjustifiably violated section 28 (2) of the Constitution which provides that a child's best interests are of paramount importance in every matter concerning the child

In light of the ruling in this case, it is safe to conclude that this ground breaking decision has to a certain extent contributed to the enactment of the South African Education Law Amendment Act 50 of 2002, which "provides for admission age requirements for public and independent schools in that the admission age of a learner to public school to grade R is age four turning five by 30 June in the year of admission, and that the Head of Department may admit a learner who is under the age indicated above if good cause is shown."

The significance of the decision in this case to the research topic is that it highlighted the fact that denying children below the so called statutory age (seven years old) to be admitted at public or private primary schools amounts to unfair discrimination on the ground of age. I am of the opinion the same principles would be invoked to provide formal public education for the pre-grade one learners in Namibia. Put differently, Namibia could learn and emulate the relevant lesson from South Africa.

In *Motala v University of Natal* the right to education was enforced when the applicant approached the court for a declaratory order that denial by the University of Natal to admit their daughter on racial grounds amounted to unfair discrimination and therefore unconstitutional. The court held that the framers of the Constitution intended the courts to be the custodians of human rights including the right to education. Consequently the state must honour the entrenched rights in both in legislation and in administration.

The *Christian Education SA v Minister of Education of the Government of the RSA* case (1999) demonstrates that if the right to culture is in conflict with the right to education, the latter (the right to education) prevails because it is favourably considered when the courts balance the two. The High Court held that corporal punishment was indeed unconstitutional. Further, to allow corporal punishment to be administered in the applicant's school even if it is done in the exercise of the religious beliefs or culture of those involved, would be to allow applicant's members to practise their religion or culture in a manner in consistence with the Bill of Rights and section 31 (2) of the South African Constitution which is similar to Article 8 of the Constitution of Namibia.

The ruling in this case is similar to the one in the Namibian case *Ex parte Attorney, Namibia: In Re Corporal punishment by Organs of the State* (1991) discussed above. This is evidence that the South African law and the Namibian law in general and the two countries' Constitutions are similar in many aspects.

Smit (2011: 314) discusses the *Western Cape Forum for Intellectual disability v Government of the Republic of South Africa* case in which the Court held that the Western Cape Education (the Department) had failed to take reasonable measures to make provision for the educational needs of the severely and profoundly intellectually disabled children (children with IQ lower than 35) in the Western Cape, in breach of the rights of those children to basic education, protection from neglect or degradation; equality and human dignity. The holdings in this case are a clear

demonstration of the fact that the right to education is not only an empowering right, but it is also interdependent to other fundamental human rights.

It goes without saying that the decision in this case is also a confirmation of the USA *Brown case* about the inviolable human right to education in particular and human rights in general which South Africa has ratified as briefly outlined.

### **3.10 KEY LEVEL DEVELOPMENTS IN THE PROVISION OF ECD EDUCATION IN SOUTH AFRICA**

It is not possible to discuss the development of early childhood provision of ECD education in its entirety within this piece of work. However, I just want to highlight the key development thereof.

Children were ordinarily raised at home where they were taken care of by their family. Educating the young children was regarded as one of the major responsibilities of the mother. According to Jansen *et al* (1992: 425), like many countries in the world, early childhood education was a product of industrialisation in South Africa. They further stress the fact that the employment of women, the increasing industrialisation and urbanisation in the early 20th century in South Africa necessitated the establishment of preschools. It is submitted that pre-primary education was a consequence of British influence during her colonial rule during 1806-1919 in South Africa through the ideas of Robert Owen and others in Britain (Jansen *et al*, 1992: 428). According to Phatudi (2004: 4), the preschool phase has been a neglected area of education in South Africa. However, during the 1940s provision of early childhood education service was based on racial lines all along. Under Apartheid regime South Africa had nineteen different education systems. She further explains that preschool education was revived in the early 1970 by nongovernmental organisation and community movements which realised the need to bridge the gap between the child's transition from home into school.

The democratic independence and constitutional dispensation in 1994 brought about a change in respect of apartheid laws in general and in education law in particular.

Consequently, post-democratic independence South African national definition of pre-primary education refers to pre-grade R which caters for children between zero and four years old, and pre-grade one education: Grade R, reception year preceding Grade one which is directed at five year old children. In addition South Africa also has an Early Childhood Development Policy which caters for the education of children from birth to nine years of age (UNESCO, 2006 19).

The Education Laws Amendment Act 50 of 2002 introduced admission age (in the SASA) to Grade R in public school to be five year old. This provision allows children to begin formal schooling earlier than before.

### **3.11 INTERNATIONAL HUMAN RIGHT INSTRUMENTS RATIFIED BY SOUTH AFRICA**

Since democratic independence, South Africa, like Namibia, has also signed and ratified international human right instruments in general and the ones that are relevant to education in particular. Netshitahame (2008: 34) cites Davel to have said that South Africa ratified the human rights treaties such as UDHR of 1948, UNESCO CDE of 1960, ICESCR of 1966 CRC of 1989, ECCPR and ACRWC during the period 1994-1996. As such, South Africa has recognised the learners' right to education in general and the right to basic education in terms of international law.

At international level, children's rights (inclusive of their right to education) are generally provided for and protected in terms of the Universal declaration of Human Rights (UDHR), all Human Rights Instruments, and by the CRC in particular.



THE THEN SOUTH WEST AFRICA	THE THEN UNION OF SOUTH AFRICA
<ul style="list-style-type: none"> <li>– Bantu Special Education Act No. 24 of 1964</li> <li>– Development of Self- Government for Native Nations in – South West Africa Act no 54 of 1968.</li> <li>– Education Ordinance 21 of 1975</li> </ul>	<ul style="list-style-type: none"> <li>– The Child Care Act 74 of 1983</li> </ul>
Namibia	South Africa
<ul style="list-style-type: none"> <li>– All education laws in force at independence in terms of Articles 66 and 144 of the Constitution of Namibia</li> <li>– The Constitution of Namibia</li> <li>– <b>Namibia</b></li> <li>– Education Act, 16 of 2001</li> </ul>	<ul style="list-style-type: none"> <li>– All education laws in force at democratic independence were in force and were tested against the 1996 Constitution of South Africa</li> <li>– 4 The Constitution of South Africa Act 108 of 1996</li> <li>– <b>South Africa</b></li> <li>– National Education Policy Act 27 of 1996</li> <li>– South African Schools Act 84 of 1996 (SASA)</li> <li>– Education Amendment Act 100 of 1997</li> <li>– Employment of Educators Act 76 of 1998</li> <li>– South African Council for Educators Act 31 of 2000</li> </ul>



THE THEN SOUTH WEST AFRICA	THE THEN UNION OF SOUTH AFRICA
<ul style="list-style-type: none"> <li>- Combating of Domestic Violence Act, 4 of 2003</li> <li>- The Maintenance Act, 9 of 2003</li> <li>- Children's Status Act, 6 of 2006</li> </ul> <p>Major goals of education for all:</p> <ul style="list-style-type: none"> <li>- Access</li> <li>- Equity</li> <li>- Quality</li> <li>- Democracy (Ministry of education and Culture, 2000: 32-41)</li> <li>- International Human Right Instruments</li> <li>- The four "A's"</li> </ul>	<ul style="list-style-type: none"> <li>- South African Council for Educators Act 33 of 2000</li> <li>- Education Laws Amendment Act 50 of 2002</li> <li>- ECD White Paper 5 of 2001</li> </ul> <p>Major goals of education:</p> <ul style="list-style-type: none"> <li>- Equity</li> <li>- Practicability</li> <li>- The need to redress the results of past racially discriminatory laws and practice (SASA Section 29 (3))</li> <li>- International Human Right Instruments</li> <li>- The four "A's"</li> </ul>

### **3.12 SUMMARY**

Taking cognisance of the significance of early childhood education, many countries apart from providing in their constitutions that all persons have the right to education, have also enacted special legislation and/or introduced national early childhood development policies to that effect. The conclusion made from literature reviewed is that early childhood education is indeed a human right issue.

As indicated earlier, historically there are similarities in terms of the provision, practice, as well as policy regulations (legal determinants) of early childhood education between South Africa and Namibia. However the major difference between the two countries is that unlike Namibia, South Africa has after her democratic independence amended Education Acts to specifically provide for grade R (pre-grade one) education. This Education Act further provides for flexibility regarding statutory age too, so as not to delay gifted children to begin and progress in accordance to their intellectual capabilities. In addition, children with special needs can also begin school early enough, which makes early intervention and therefore assistance possible.

It is also important to remember that both countries repealed all discriminatory education legislation which prevailed before their democratic independence in accordance with their new Constitutions.

The following chapter describes the methodology employed in investigating stakeholder participants' perceptions on the pre-grade one learners' presumed right to education in ECDECCs in rural Namibia.

## CHAPTER 4

# RESEARCH DESIGN AND METHODOLOGY

### 4.1 INTRODUCTION

Chapter Three covered the legal determinants of the right to education and as such answered research sub-question 2.1: what are the legal determinants of the right to education? In this chapter I discuss the research design upon which this study, “An education law perspective on early childhood development provision in rural Namibia,” is based, and the methodology through which the data thereof were collected, analysed and interpreted in an attempt to answer the research questions underpinning this study through the eyes of the stakeholder participants. The main research question for this inquiry is: what are stakeholders’ perceptions on the pre-grade one learners’ presumed right to education in rural ECDECCs in northern Namibia? Research sub-question: What are the legal determinants of the right to education (covered in Chapter Three), and what are the perceptions of stakeholders of the extent to which teachers in rural ECDECCs in northern Namibia adhere to the presumed right to education of the pre-grade one learners?

I have drawn from Creswell (2008: 13) that research is a process of steps to be used to collect and analyse information to increase our understanding of a topic or issue. This is generally done by posing question(s), collecting data to answer the question(s) and presenting answer(s). Consequently, in order to answer the research questions of this study I had to choose between two major research approaches, namely a quantitative approach which emphasises objectivity in measuring and describing a phenomenon by using numbers and statistics, and a qualitative approach which emphasises gathering data in the form of words (rather than numbers) on naturally occurring phenomena (McMillan & Schumacher, 2010: 21, 23).

I have selected the qualitative approach because of the nature of my inquiry which is based on the knowledge claim discussed in the next section.

## 4.2. EPISTEMOLOGY OF THE STUDY

Every study is undertaken in terms of a specific epistemological paradigm which provides a lens through which the results of the study can be interpreted. Henning *et al.*, (2004: 15) state that the term epistemology comes from the Greek word *episteme* meaning knowledge. Similarly, Ferreira (2012: 35) explains that epistemological paradigm provides a frame of reference for acquiring and communicating knowledge to others. Epistemology is therefore the philosophy of knowledge, which explains how we come to know things in the universe. According to Morgan and Sklar (2012: 73) the main philosophical tradition underpinning qualitative research is interpretivism. They further point out that that the proponents of interpretivism argue that human experience can only be understood from the viewpoint of (concerned) people.

Based on above submission, this study seeks to explore, analyse and interpret stakeholder-participants' understanding of the pre-grade one learners' right to education in ECDECCs in northern rural Namibia. As such, I have to submit that I believe in and subscribe to the naturalistic interpretive-constructive paradigm which advocates that knowledge is constructed not only by observable phenomena, but also by description of people's intentions, beliefs, values and reasons, meaning making and self- understanding (Henning *et al.*, 2004: 20). Similarly, Baxter and Jack (2008: 545) emphasise the fact that the philosophical underpinnings of the constructive paradigm are that truth is relative and dependent on individual persons' subjective perspectives. Consequently, the interpretive-constructive paradigm is appropriate to my selected research design namely the qualitative approach in which I consider multiple subjective meanings of individual experiences; meanings that are socially and historically constructed with an intention of developing a theory or pattern (Creswell, 2003: 18).

The knowledge claim in the qualitative approach based on naturalistic, interpretive, constructive paradigm on which I founded my study is therefore an opposite of the knowledge claim in the quantitative approach. In the latter, researchers use a post-positivist knowledge claim which is associated with the nineteenth century August

Comte whose doctrine holds that all genuine knowledge is based on sensed experience and can only be advanced by observation and experiment. It emphasises the importance of verification and argues that unverified statements are meaningless (Cohen *et al.*, 2000: 8). It further claims to develop knowledge that is cause and effect thinking; reduction to specific variables and hypotheses and questions; use of measurement and observation to test theories and employ strategies of inquiry such as experiments and surveys, and also collects data on pre-determined instruments that yield statically data (Creswell, 2003: 18; Creswell, 2009: 7).

As the underpinning research question of this study indicates, I conducted the research to learn about the perceptions of the stakeholders regarding early childhood development and education provision as a human right entitlement in ECDECCs in rural areas in northern Namibia. I consequently employed a naturalistic interpretive, constructive paradigm because I believe that it would enable me to learn and interpret the knowledge and experiences regarding the pre-grade one (equivalent to grade R in South African context) learners' right to education through the eyes of various concerned people (stakeholders) as participants in my study. I have drawn from Mertens (2003: 11) that the basic assumption guiding the interpretive paradigm is that knowledge is socially constructed by people active in the research process and that I should therefore attempt to understand the complex world of lived experiences regarding provision of early childhood development and education in ECDECCs in rural areas from the point of view of those who live in those areas. I have also drawn from McMillan and Schumacher (2010: 323) who argue that the knowledge claim in qualitative inquiry is constructive in that it (knowledge) is not acquired deductively but rather developed inductively through multiple perspectives of participants.

The next section sheds some light on the ontological assumption underpinning this study. It is important at this stage to move to the ontology of the study in order to learn, based on the research design, how stakeholder participants ascribe meaning to the event (McMillan & Schumacher, 2010: 346); in other words, the topic under

discussion. In this case, the pre-grade one learners' assumed human right to education.

### **4.3 ONTOLOGY OF THE STUDY**

Whereas epistemology is concerned with how something can be known as explained above, ontology refers to reality; i.e. what can be known (Morgan & Sklar, 2012: 70).

I learnt about and had to choose between two major ontological assumptions guiding two different types of research; quantitative and qualitative designs. Whereas the quantitative research is based on some form of positivism which advocates that there are stable, social facts with single reality separated from the feelings and beliefs of individuals, the qualitative research (on which I have chosen to base my study) is founded more on constructionism (interpretivism) which assumes that there are multiple realities which are socially constructed through individual and collective perceptions or views of the same situation (McMillan & Schumacher, 2010: 12). The basic ontological assumption of the interpretive/constructive paradigm on which this study is founded is therefore that there is not only one single reality, but the world is made up of multiple realities which could be holistically studied while acknowledging the context in which such experiences occur (Henning *et al.*, 2004: 21; Maree & Van der Westhuizen, 2007: 37). I have therefore distanced myself from the positivist assumption that knowledge is solid, absolute and founded in universal truth.

Since my study is about various relevant stakeholders' perceptions on the pre- grade one learners' presumed right to education, I believe that the interpretive/constructive paradigm ontological assumption is appropriate, because I expected to learn about various (multiple) truths/realities about the topic at hand as experienced by various stakeholder participants in their natural context. This is in line with the submission that qualitative researchers deal with multiple socially constructed realities, and that knowledge is arrived at through interpretation of various perspectives of and interactions with participants in their natural settings (Glesne & Peshkin, 1992: 6). Similarly, Creswell (2003: 18) explains that qualitative researchers deal with socially

constructed realities and qualities that are complex and indivisible into discrete variables. Therefore, as a researcher, my task has been trying to describe, understand and interpret how various participants in their social setting construct meaning regarding pre-grade one learners' presumed right to education in the world around them.

Having explained the specific knowledge claim and ontological assumption of this study, the following section covers the research design on which I based my study: "An education law perception of early childhood development provision in rural Namibia."

#### **4.4 RESEARCH DESIGN**

Generally research consists of three major steps, namely: identification of a problem and posing question(s); collection of data to answer the question(s), and presenting answer(s) to the question(s), (Creswell, 2008: 3). These three steps are further elaborated on in detail under research design which I discuss in this section.

According to Creswell (2009: 5), research design refers to the plan or proposal to conduct research, and as such it involves the intersection of philosophy, strategies of inquiry, and specific methods. Similarly, Seabi (2012: 81), Mouton (2001: 55), and Punch (2005: 53) explain that a design is a plan of how one intends to accomplish a particular task, and in research this plan provides a structure to the researcher as to on which theories, methods and instruments the study is based. Consequently, in this section I am discussing the genre or the descriptor of the way in which the study was developed and also the way in which it will be presented to its readers (Henning *et al.*, 2004: 32). Put differently, this section covers "planning and executing the research project, starting from the identification of the problem and progressing through to analysis of data" (Seabi, 2012: 81). As such, in this section I therefore discuss the plan or structure for selecting participants, research sites and data collection procedures which I employed to provide credible answers to the research questions, (Seabi, 2012: 81). This section also includes the research instruments and

the methods which I employed in collecting, analysing and interpreting the data. It is important to point out that the research design of this study was mainly determined by the guiding (main) research question and purpose of the study (Ferreira, 2012: 35) as discussed in Chapter One of this research report.

Hittleman and Simon (1997: 30) submit that there are two basic major research designs based on the way data or information is collected and analysed, namely quantitative and qualitative research. In addition, Best and Kahn (2006: 246) point out that research methodology can be divided into two major paradigms, namely the logical positivism (quantitative) and the phenomenological inquiries (qualitative). Recently many researchers also use mixed methods, (a combination of qualitative and quantitative designs (Creswell, 2009: 203; McMillan & Schumacher, 2010: 7).

I, however, preferred a qualitative design for the purpose of this inquiry. In the words of Merriam (2009: 5), “Qualitative researchers are interested in understanding how people interpret their experiences, how they construct their worlds, and what meaning they attribute to their experiences.” I further agree with Babbie and Mouton (2007: 270-271) who state that qualitative researchers study human actions from the perspectives of the social actors and therefore view the world through the eyes (perspectives) of the actors themselves. Having that submission in mind, I concluded that qualitative design is appropriate to the nature of my research problem and questions (Merriam, 2009: 50), which are about the perceptions of stakeholder participants, and beg for the understanding of their experiences in relation to pre-grade one learners’ right to education in their communities.

There are distinctive ways of investigating phenomena in terms of the quantitative and the qualitative approaches (which do not form part of this study). Creswell (2009: 3) explains that the distinction between qualitative and quantitative research lies in the using of words (qualitative) rather than numbers (quantitative), or using closed questions (quantitative hypothesis) rather than open-ended questions (qualitative interview questions). He further emphasises the fact that whereas qualitative research is a means for exploring and understanding the meaning individuals or



groups ascribe to a social or human problem, quantitative research is a vehicle for testing objective theories by examining the relationship among variables. Further, while the qualitative approach to the world assumes that there are multiple realities that are socially constructed, quantitative research assumes that social facts exist that have a single, objective reality (Seabi, 2012: 82).

This report is based on an interpretive-constructive hybrid case study based on the qualitative approach. Mukherji and Albon (2010: 29) explain that, as the name suggests, a case study research focuses on a series of cases such as a family, a children's centre, a child at local authority, with the emphasis on developing a detailed understanding of the case under study. In this study, the case is early childhood development and education centres (ECDECs) in rural Namibia in relation to the pre-grade one learners' right to education. The purpose is to explore and learn more about the unknown or poorly understood situation (Leedy & Ormrod, 2005: 108). In addition, Baxter and Jack (2008: 545) state that a qualitative case study is an approach to research that facilitates exploration of a phenomenon within context by using a variety of data sources. Similarly Cohen *et al.* (2000: 181) point out that a case study is a study of an instance in action. I selected to term my research a qualitative hybrid case study because I am in agreement with Merriam (2009: 40) that a case study is an in-depth description and analysis of a bounded system in which I could gain insight regarding participants' perspectives and interpretation of pre-grade one learners' right to education and legal determinants of the right to education rather than testing hypotheses thereof (Merriam, 2009: 40-42).

I chose to conduct a hybrid case study because I wanted to gain an in-depth understanding, through the eyes of the stakeholder participant, of the social reality (McMillan & Schumacher, 2010: 12) regarding early childhood education provision for the pre-grade one learners in ECDECCs in the northern rural areas of Namibia in light of their human right to education in an independent Namibia. This undertaking is in line with Creswell (2009: 8) who asserts that the goal of research is to rely as much as possible on the participants' views of the situation which is being studied. I therefore intended to uncover the meaning of the phenomenon under investigation

from and through those who are involved (Merriam, 2009: 11; Athanasau *et al.*, 2012: 73). In addition, I am convinced that by employing a qualitative hybrid case study research approach, I ensured that the issue at hand was not only explored through one lens, but rather a variety of lenses to allow for multiple facets of the phenomenon to be revealed and understood (Baxter & Jack, 2008: 544).

I am of the opinion that the research questions of this study are better answered through a qualitative descriptive explorative hybrid case study because on one hand the stakeholder participants were expected to explain their perceptions on pre-grade one learners' right to education provision in their rural ECDECCs. On the other hand, stakeholder participants were also expected to describe rural ECDECCs heads of centres/teachers' preparedness to adhere to the presumed pre-grade one learners' right to education. This is in line with Nieuwenhuis (2007: 51) who advises that phenomena are better understood by interacting with people concerned in their natural environment. Similarly, Baxter and Jack (2008: 5450) assert that the case (in this study, pre-grade one learners' right to education) cannot be studied without the /context; namely ECDECCs where such right is assumed to be exercised enjoyed and fulfilled.

I have also drawn from Merriam (1998: 7) and MacMillan and Schumacher (2010: 320-321) that qualitative research is an accepted methodology for many important questions with significant contribution to both theory and practice. Based on this notion, it was evident from the literature that I reviewed on community centre early childhood education practice in Namibia that there is a dearth of evidence to judge whether or not such mode and practice (ECDECC education practice) is suitable for the provision of public formal pre-grade one education to the five to six year old children in preparation for their primary schooling.

By means of a qualitative hybrid case study I could learn and understand the meaning pre-grade one learners' right to education has for those who are involved (Henning *et al.*, 2004: 22). This is in line with the submission that it is important to understand a phenomenon of interest from the participants' perspectives (the *emic* or

insider's perspective and not the researcher's perspective (the *etic* or outsider's view) (Merriam, 2009: 14, 22). In addition, Creswell (2008: 496; 2009: 4) points out that a qualitative problem requires exploration and understanding the meaning that individuals or groups ascribe to a social or human problem. As such it is suitable for my study which is about stakeholders' perceptions of the pre-grade one learners' right to education in ECDECCs in rural Namibia. As a qualitative researcher, I have to try to reconstruct reality from the standpoint of participants' perspectives (McMillan & Schumacher, 2010: 323). Furthermore I preferred to base my study on the qualitative approach because qualitative design employs an inductive strategy, which is not based on predetermined or pre-conceived ideas but on theories that emerge from data (Merriam 1998: 7; McMillan & Schumacher, 2010: 323).

Any given research design has its limitations or shortcomings. A descriptive, exploratory, explanatory/ interpretive case study, founded on a qualitative paradigm in which literature study was done and face-to-face individual interviews were conducted with people in remote rural areas, was expensive, time consuming and lengthy.

The shortcomings of a case study lie *inter alia* in the fact that results are too lengthy and too detailed; in this case so much so that I had to spend much time and money to devote to such an undertaking. A case study's strengths outweigh its shortfalls; therefore it plays an important role in advancing a field's knowledge base (Merriam, 2009: 51). It is noteworthy mentioning that I conducted research at four ECDECCs. This study is therefore a single case with embedded units (Baxter & Jack, 2008: 550).

The strength of a qualitative case study lies in the fact that it offers a means of investigating complex social units consisting of multiple variables of potential importance in understanding the phenomenon (Merriam, 2009: 50). In addition, because it (qualitative case study) is anchored in real-life situation, its results offer insight and illuminate meaning that expands its readers' experiences. "Case study has proven particularly useful for studying educational innovations, evaluating

programs and informing policy.” (Merriam, 2009: 51) As such, I found it appropriate to my study through which I intended to learn from stakeholder participants’ perspectives their understanding of and adherence to the pre-grade one learners’ right to education in rural ECDECCs in northern Namibia.

The major advantage of this paradigm lies in the fact that qualitative research design stresses the promise of quality, depth and richness in the research findings (McMillan & Schumacher, 2010: 321).

In sum, by employing a qualitative hybrid case study approach, I could formulate the problem statement and research questions for my study as discussed in Chapter One (see paragraphs, 1.2, 1.3), select representative stakeholder participants, and methods of collecting, analysing and interpret data as well as write up the findings, recommendations and conclusion of the study. All these aspects (of the gathering and interpreting of data on naturally occurring of the phenomenon under study, namely the stakeholders’ perceptions on the pre-grade one learners’ right to education in the form of words rather than numbers) enabled me to achieve a deep understanding of the study at hand (McMillan & Schumacher, 2010: 23).

Having explained the research design of the study, I shall next highlight what my role was as a researcher in the study which I conducted, before discussing the procedures that I followed and the methods which I employed in the collection, analysing and interpreting the data.

#### **4.4.1 Researcher’s role**

My role as a researcher was first and foremost to adhere to all ethical requirements related to conducting research as per North-West University directives. Merriam (2009: 39, 52) points out that the researcher is the main instrument of data collection and analysis in a qualitative case study. I was therefore the main research tool in the study, seeing that according to Henning *et al.* (2004: 10) the instrument of research in qualitative research is the human mind. I was therefore the main research tool in reviewing relevant literature, writing my research proposal, preparing my research

instruments, testing them accordingly, collecting, analysing and interpreting the data and in writing the research report under the indispensable and valuable guidance of my promoter. Put differently, my role as a researcher was to listen, to observe, to inquire and to write up notes (Shank, 2006: 126; Strydom, 2007: 277). In brief, I entered into a collaborative partnership with the participants in order to collect and analyse data with the main aim of creating an understanding of the phenomenon under investigation through those directly and indirectly involved (Maree & Van der Westhuizen, 2007: 41; Baxter & Jack, 2008: 545).

I am a Namibian citizen, an education academic who served on the Education for All Forum. I am an admitted legal practitioner of the High Court of Namibia and law lecturer currently heading the department of public law and jurisprudence law at the University of Namibia, in which Human Rights is one of the subjects. I also conducted and facilitated Human Rights workshops in some remote rural areas (but not in the areas where the study was conducted) in northern Namibia.

My personal training and experiences influenced my choice of research problem and approach to the study thereof, (Creswell, 2009: 19). It follows that I have a special professional interest in the fulfilment protection, advancement, promotion and enhancement of the human rights of all persons' rights in general, and their right to education in particular. I therefore herewith acknowledge the fact that the lenses through which I look at my qualitative research data might possibly, to a certain extent, have a subjective influence on my interpretation thereof. I therefore declare possible subjectivity to that effect. However, I have to point out that I have always been cognisant of the fact that I was reporting and interpreting stakeholder participants' perceptions on the topic under study and not mine.

The next section covers the means through and the ways in which I collected, analysed and interpreted the data on which I based this research report.

## **4.4.2 Methodology**

My search for knowledge about the study at hand was conducted via the employment of some specific procedures, means and ways which I discuss in this section.

Methodology is all about how we come to know about a phenomenon by investigating it in certain ways. Put differently, methodology is concerned with specific ways, the methods used to try to understand the phenomenon under investigation better. Cone and Foster (2004: 119) refer to methodology as “How you’re Gonna Do What You’re Gonna Do!” According to Glesne and Peshkin (1992: 24), qualitative researchers use multiple data collection methods which contribute to the trustworthiness of the data among which literature study, observation, and interview are the dominant ones. Denzin and Lincoln (2005: 3) assert that qualitative research as a set of interpretive activities privileges no single methodological practice over another but rather involves a variety of empirical materials, case study, personal experience, interviews and observation to mention but a few. Similarly Creswell (2009: 178-179) asserts that in many qualitative studies, inquirers collect multiple forms of data and spend a considerable time in natural setting, gathering information. I however chose literature study and face to face in-depth interview which I employed to collect, analyse and interpret relevant data in an attempt to shed some light on the puzzle discussed in Chapter One.

Creswell (2009: 178) further advises that the research design should also include the purposeful selection of certain groups of people as participants, and sites that would best help the researcher to understand the problem and the research question. Therefore, the following section elaborates from where, how and who I identified as participants in this study.

## **4.4.3 Site or social network selection**

Any human activity is bound to take place at a specific physical site. Neumann and Kruger (2003: 371) as well as Baxter and Jack (2008: 545) define a site as a context in which events or activities occur. Similarly, Merriam (2002: 12) states that for nearly

every study, there are sites that could be visited and people who could be interviewed. It follows that one of the important characteristics of qualitative research is that it is typically conducted in the field on the participants' turf, which are called natural setting in which participant manifest their normal behaviour, (Creswell, 2008: 213; McMillan & Schumacher, 2010: 348). As a qualitative researcher therefore, I had to go into natural environment (the field) where stakeholder participants were located in order to collect credible data for the study- data that was typically collected in the participants' setting. (Theron & Malindi 2012: 96; McMillan & Schumacher, 2010: 321-322,326; Creswell, 2009: 4).

Consequently, I focused on a specific context in which participant stakeholders live and work in order to make sense of the meaning they have about their world (Creswell, 2009: 8). As a naturalistic, interpretive, constructive researcher, I therefore purposefully selected sites and participants who would best help me to understand the problem and answer the research questions (Creswell, 2009: 178). I therefore carried out my study in natural contexts, namely in rural ECDECCs in northern Namibia, because it is in these settings (Baxter& Jack, 2008: 545) that pre-grade one learners' right to education is presumed to be advanced, fulfilled and exercised. I believed that this would enable me to reach the best possible understanding about the topic at hand (Maree & Van der Westhuizen, 2007: 37).

I agree with Merriam (2009: 7) that naturalistic studies take place in real-world settings rather than in laboratories; such inquiries are discovery-oriented and the findings are not predetermined. It follows that I conducted my study in real-life settings in four (including a pilot study) rural ECDECCs where pre-grade one learners' education (as a presumed human right entitlement) was practised because I, among other things, expected the stakeholder participants to explain how this human right; education for pre-grade one learners, was adhered to. I have drawn from Seabi (2012: 88) who emphasises the point that the first step in data collection is to gain access to the subject of the research in order to obtain credible data. Similarly, I concur with Creswell (2008: 12, 219) who advises *inter alia* that it is important to respect the site in which the research takes place. I consequently

followed above-mentioned pieces of advice, and having been guided by the research questions of this study as discussed in Chapter One, the selection of rural ECDECCs was justified as an appropriate site for the study at hand.

In sum, I purposefully selected the setting (ECDECCs) where the research took place, the participants (the actors) who were interviewed and the event (presumed human right to early childhood education) about which the stakeholder participants were interviewed (Creswell, 2009: 178).

I scheduled fieldwork to include visits to rural ECDECCs and rural villages for six weeks, because it was aimed at gathering empirically rich data about pre-grade one education practice at community centres as a presumed human right entitlement through the eyes of relevant selected participants as discussed in the section that follows.

#### **4.4.4 Selection of participants**

The selection of participants for interview purposes is an indispensable undertaking in a qualitative case study design. Strydom and Delport (2005: 334) assert that the purposeful selection of participants is a key decision point in qualitative study. Similarly, as of necessity, I had to select stakeholder participants on the basis of what they could contribute to my understanding of the phenomenon under study (Merriam, 2009: 105). Such selection is in line with the submission that qualitative researchers attempt to view the world through the eyes (perspective of the actors themselves (Babbie & Mouton, 2007: 271). Consequently, apart from data collection from relevant literature study, I purposefully selected a number of stakeholder participants for voluntary participation in individual (one-on-one) face to face interviews to share their experience, appreciation and concerns (Mc Millan & Schumacher, 2010: 118), if any, regarding the study at hand. I identified stakeholder participants through key informants in relevant governmental ministries (MGECW, MOE), community and private organisations (Merriam, 2009: 105).



In my selection of the participants, I was guided by the research topic, research questions, the purpose and the focus of the study, the data collection strategies and the availability of the stakeholder participants (McMillan & Schumacher, 2010: 328). I have to admit that it was humanly impossible for me to interview each and every stakeholder in, and parents/guardians of the beneficiaries of the provision and practice of, early child education in all rural ECDECCs in Namibia. In qualitative research the data collection tends to consist of *inter alia* gathering words (text), which means collecting information from a small number of individuals or sites (Creswell, 2009: 55). The advantage is, however, that a few cases studied in depth yield much insight about the topic (McMillan & Schumacher, 2010: 326). As a result, I could merely purposefully select a few participants from some of the rural northern geographical areas that represented the full range of typical sites (four ECDECCs, centres) age group, educational level and practice, heads of centres/teachers, parents/guardians, community leaders and community members under study. I conducted purposeful selection of participants through a clear identification and formulation of criteria that illustrated some specific features or processes that are of interest for this particular study (Strydom & Delpont, 2005: 334).

Consequently, through such purposeful selection of participants, I was able to identify groups and individuals, with defined characteristics relative to the phenomenon under study, namely rural Oshikoto region, rural ECDECCs, rural ECDECC heads of centres/ teachers, rural community leaders, rural community members, human rights activists and early childhood development and education policy makers, that make them holders of the data needed for the study (Wiersma & Jurs, 2005: 203). The main reason for my selection of those participants was to obtain the richest possible sources to answer the research questions of my study (Niewenhuis, 2007: 79; Strydom & Delpont, 2005: 333). This is in line with Merriam (2002: 12) who avers that since qualitative inquiry seeks to understand the meaning of a phenomenon from the perspectives of the participants, it is important for me to have selected a sample from which I could learn the most.

I employed a purposeful/purposive selection method because the number of participants in qualitative case study research design is normally small and the purpose in selecting such cases is to develop a deeper understanding of the phenomenon under investigation, seeing the goal is to select cases that are likely to be information-rich with respect to the purpose of the study (Gall, Borg & Gall, 1996: 217-218), namely rural ECDECCs, rural ECDECC heads of centres/ teachers, rural parents/guardians, rural community leaders and rural community members.

I consequently, purposefully selected one ECDEC for pilot study purposes and three (3) ECDECCs suitable for a case study of rural community centres in Oshikoto Region Northern Namibia where ECDECC education takes place, in order to gain diversity of stakeholders' opinions/perceptions and a deeper understanding of the early childhood provision and practice in the rural ECDECCs under investigation (Strydom & Delpont, 2005: 335-336; Gall, Borg & Gall, 1996: 217). The participants whom I so purposefully identified were likely to be conversant in terms of the problem under investigation. I intended to obtain various participants' perceptions, suggestions and recommendations on the current law, policy and practice of pre-grade one education for the five to six year olds learners in rural ECDECCs.

#### **4.4.5 Pilot study**

Strydom (2002: 219) explains that a pilot study represents the first-hand direct involvement of a researcher with a social environment where the study will take place. I therefore conducted a pilot study first and foremost to orientate myself to the project I had in mind, Strydom (2005: 205), (see addendum N). It follows that I conducted a pilot study with sample questions of each category for participants in the above mentioned categories (see paragraph 4.4.6) which preceded data collection phases in order to test research instruments and research methodology that were to be used in the study.

I conducted a pilot study in one typical rural ECDECC where I interviewed typical rural area participants, viz. head of centres/teachers/caretakers, parents, community

leaders, community members as well as rural Ministry of Gender Equality and Child Welfare officials, in their respective rural settings. The rationale of such an undertaking was to find out whether my research structure and instruments were appropriate for the objectives of the study I envisaged; to find out possible flaws in the research design, and to determine whether the planned procedures would actually produce the desired data.

I could test my interview questions to determine whether or not they were clear and unambiguous (Theron & Malindi, 2012: 101).

What transpired from the pilot study was that there were no different positions of such as head/deputy head of centre and of teachers *per se*. The one individual in charge of a typical remote rural ECDECC was deemed to fulfil multiple tasks as head of centre, teacher, (commonly referred to as a caretaker) secretary and cleaner. Consequently I had to slightly adjust my interview instruments by combining heads of centres and teacher interview questions in order to avoid interviewing the same person twice.

#### **4.4.6 Main study data collection schedule**

During the data collection schedule, I was guided by the phases of data collection and analysis strategies suggested by McMillan and Schumacher (2010: 329-330). These were planning, during which I located and gained permission to use the sites and networks of persons; followed by the beginning of data collection during the first days in the field, followed by basic data collection and tentative analysis. I eventually closed data collection by conducting the last interview in the field, and completed the process by analysing and interpreting the data.

I conducted this research in two consecutive phases. In phase one I conducted interviews with heads of centres at their respective ECDECCs, parents/guardians, community leaders, and community members in their respective rural community settings for the quest of explanation and understanding, through an in-depth inquiry

which is one of the major characteristics of the qualitative paradigm (Henning *et al.*, 2004: 20).

Data collection took place within six weeks and was divided into two phases as follows:

In **phase 1** I conducted interviews with twelve (12) participants: three (3) heads/ deputy heads of centres, three (3) parents/ guardians, three (3) community members, and three (3) community leaders at the rural ECDECC and in villages in order to elicit their experiences, suggestions and recommendations on possible better ways of providing pre-primary education to the pre-grade one children in rural areas. To avoid possible misunderstanding and/or misinterpretations, being privileged to be an Oshindonga speaking person myself, I was able to translate interview questions for participants at rural ECDECCs and in villages into Oshindonga, the participants' vernacular.

In **phase 2** I interviewed officials: one (1) from The Ministry of Education, two (2) from the Ministry of Gender Equality and Child Welfare at their head offices to determine from those stakeholders the intentions of policy makers regarding early childhood education experience in community centres, as well as the legal status of the pre-grade one learners regarding their assumed human right to education and their position in the Namibian education system. I also conducted interviews with two (2) human right activists: one (1) from the National Society of Human Rights and one (1) from civil society at their head offices in order to elicit their opinion regarding the current provision and practice, the legal status and the position of community centres' pre-grade one education in the Namibian education system in terms of the constitutional provision of all persons' human right to education, Article 20 (1).

Further, such interviews were intended to enable the interviewees (participants) to enlighten me about possible developments in and reforms, if any, of the Namibian National Early Childhood Development Policy and Education Act regarding intended pre-grade one education practice in accordance with the human right to education.

The categories of participants in the study are indicated in table 4.1.

**TABLE 4 1: Depicting the number of interviews for phase 1 of data collection at three different centres**

HEADS OF CENTRES	PARENTS	COMMUNITY MEMBERS	COMMUNITY LEADERS
3	3	3	3

**Total number of centres: 3. Total number of participants in phase 1: 12**

**TABLE 4.2: Depicting the number of interviews for phase 2 of the data collection**

MINISTRY OF EDUCATION	MINISTRY OF GENDER EQUALITY AND CHILD WELFARE	NATIONAL SOCIETY OF HUMAN RIGHTS	CIVIL SOCIETY
1	2	1	1

**Total number of participants in phase 2: 5**

**Total number of participants in phase 1 and 2: 17**



**Figure 4.1 Various categories of stakeholder participants**

Figure 4.1 gives a holistic view of the different groups of stakeholders from which individual participants were selected.

The following section covers the research instruments and techniques which I used in the collection of the data on which this research report is based.

#### **4.4.7 Research Instruments**

Badenhorst (2008: 96) explains that research is about making a claim about what is out there, then putting procedures in place to provide arguments and evidence for how we know; to prove the claim out there. Consequently, I conducted my study by employing selected research instruments (means) and methods (ways/ strategies) to collect and interpret information (data). As such, research instruments are indispensable for data collection purposes. The research instruments and techniques which I used in this study were not only determined by the research questions and purpose of the research, the type of the needed data and the intended stakeholder

participants, but also by the research approach of the study. In order to place my study in contextual perspective of the field of study to which it belongs, namely education law, I had to consult relevant literature to that effect before preparing interview questions.

Merriam (2009: 87) stresses the fact that in all forms of qualitative research, some (and occasionally all) of the data are collected through interviews. According to Merriam (2009: 102) the interview guide or schedule as it is sometimes called, is actually a list of questions a researcher intends to ask in an interview. Similarly, Creswell (2009: 182) explains that an interview protocol (interview guide) is useful for asking and recording answers during qualitative interviews. Such interview protocol comprises, among others, a heading, date, place, interviewer and interviewee, as well instructions for the interviewer to follow in order to maintain standard procedures for all interviews. Keeping this advice in mind, I prepared different interview schedules, guides, protocols (see addendum G) for different categories of stakeholder participants as indicated in tables 4.1 and 4.2 respectively. Each interview schedule consisted of a set of predetermined semi-structured open-ended interview questions which were meant to guide the interviews. Similarly, Merriam (2009: 90) avers that in many instances interviewing in qualitative studies is more open-ended and less structured. Further, the in-depth interview should "use open-response questions to obtain data on participants' meaning, how individuals conceive of their world and how they explain or make sense of the important events in their lives" (McMillan & Schumacher, 2010: 355). As such, they would enable the individual participants to define, explore and understand the world in their own unique ways. I also sent my research schedule to at least three experts in the field to ensure that the questions would be relevant means of collecting the needed data.

In addition I consequently conducted key informant interviews (in-depth interviews) with individuals who I believe have special knowledge in relation to the topic under discussion (McMillan & Schumacher, 2010: 355). Each interview session was planned to last for approximately forty-five minutes to allow participants sufficient time to share their experience, understanding and views on the phenomenon under study.

Since the primary data of qualitative interviews are verbatim accounts of what transpired in the interview session (McMillan & Schumacher, 2010: 361), I deemed it indispensable and prudent to use a tape recorder audiotape to record one-on-one face-to-face in-depth interviews with participants, to ensure that everything said during interview sessions is preserved for analysis (Merriam, 2009: 109). In case the recording equipment (audiotaping) would fail, I also took (handwritten) notes during interview sessions (Creswell, 2009: 183) as a risk management procedure. Consequently, I recorded such interviews with a battery audiotape recorder and ninety minutes audiotapes. In addition, I used an audiotape recorder and earphones in transcribing interviews. I manually coded the data and used a computer in designing the results tables and figures as well as in writing this research report.

Because of the anonymity requirements in conducting qualitative research, I avoided using a videotaping recorder at all times, though it would have been even more complete if I could have captured a vivid picture of ECDECC practice in rural Namibia during the study. I instead decided rather to use those research instruments (audiotaping recorder and audio tapes and handwritten) notes because I was convinced that they would enable me to preserve the data and meanings on tapes and paper. In other words, I believed that audiotape recording the interviews would ensure completeness of the verbal interaction and provide material for reliability checks (McMillan & Schumacher, 2010: 360). Doing all of this by myself helped me to get *au fait* with the data. Moreover, due to the qualitative nature of my study, I became the main research instrument, seeing I had to prepare the research proposal, review relevant literature, ask questions and interact with research participants during interview sessions. I also analysed and interpreted the research data and wrote the research report. I will also be expected to defend this research report.



#### **4.4.8 Research Methods**

Having outlined the research instruments which I used in the preceding section, I will now discuss the research methods which were employed in the study.

I am cognisant of the fact that, in academic context all studies are based on previous research (Badenhorst, 2008: 155). Before embarking upon conducting research in the field, I undertook a literature study of research methods to acquaint myself with various research methods and to select the most suitable ones for my research problem and questions. Further, literature study helped in updating me with existing knowledge in my field of study (see Chapters Two and Three), namely ECD and education law. Through the literature study I engaged in a critique of the status of relevant knowledge about my carefully defined topic (McMillan & Schumacher, 2010: 108). The information from the literature study served as a broad orientation and as knowledge enrichment to my intended study (Strydom, 2005: 206) before collecting interview data. In addition, a literature study provided me with a knowledge base or platform to conduct my study, and enabled me to better understand the research problem and field of study (Ferreira, 2012: 33).

Given the fact that the study was about stakeholders' perception of pre-grade one learners' assumed right to education, the bulk of the empirical data were obtained through one-on-one individual face to face interviews with various categories of stakeholder participants as discussed in the next section.

##### **4.4.8.1 Interviews**

An interview is a direct purposeful conversation in which one person (the interviewer) asks prepared questions and another (the participant), answers them, in an attempt to elicit views and opinions from the participants (Creswell, 2009: 181). Nieuwenhuis (2007: 87) also defines interview as a two way conversation in which the interviewer asks the participants questions to collect and learn about ideas, beliefs, views, opinions and behaviour of participants. It follows that in all forms of qualitative research, some and occasionally all the data are collected through interview

(Merriam, 2009: 87). Following that advice, I collected most data for this study through interviews. I employed interview as a research method of data collection by asking participants open-ended question to learn about their ideas, beliefs, views and opinions (Seabi, 2012: 89). He further adds that the general aim (of conducting open-ended questions interview) is to acquire rich and descriptive information which enables the researcher to understand the social reality of the participants and to saturate data. Having this in mind, I decided to interview various categories of participants, because I was interested in their stories regarding the provision and practice of pre-grade one learners' education in rural ECDECCs in terms of the constitutional entrenched human right context in an independent democratic Namibia.

In order to have learnt more about the phenomenon at hand through the stories of the concerned persons, I had to initiate some conversation with them. I was able to do that by conducting in-depth semi structured face-to-face interviews with seventeen (17) participants (see paragraph 4.4.5).

In-depth interviews are much more like conversation and are methods of data collection that may be described as an interaction involving the interviewers and the interviewees, the purpose of which is to obtain valid and reliable information (McMillan & Schumacher, 2010: 355). Consequently, I selected to employ face-to-face, one –on -one (individual) interviews because they provide the interviewees and the interviewer with an opportunity to clarify questions and answers. This ensured accurate responses and therefore provided a true reflection of the participants' opinions on the question under study. Following the advice by Johnson and Turner (2003: 305) and McMillan and Schumacher (2010: 358) I used probing method when needed during interviews session in relation to my study, because it is my belief that interview probing would elicit elaboration of detail, provide further explanations and clarifications of participants' responses. I was non-judgmental to the responses provided by the interviewees to help reduce the potential biases.

I relied on in-depth interviewing as a data collection technique which enabled me to quickly get large amounts of data (Merriam, 2009: 87-88), and allowed immediate follow up questions and answers that were necessary for clarification. I used prepared sets of semi-structured interview questions (see addendum G) consisting of different specified questions for the identified categories of respondents indicated above.

To avoid possible misunderstanding and/or misinterpretations I (being privileged to be Oshindonga speaking myself) was able to translate interview questions (for participants at rural ECDECCs community centres and in the villages) into (Oshindonga language) participants' vernacular (mother tongue). I also conducted interviews in English with two (2) officials, from the Ministry of Gender Equality and Child Welfare, one (1) from the Ministry of Education, two (2) human right activists, one (1) from the National Society for Human Rights and one (1) from civil society were conducted at their head offices to determine the intentions of policy makers from the horses' mouths regarding pre-grade one education practice in community centres as well as the legal status of the 5-6 years old pre-grade one school children regarding their human right to education and their position in Namibian education system. Further, I thought, through such interviews, interviewees would enlighten me about new developments, if any, of the Namibian National Early Childhood Development Policy and possible amendment of the Education Act.

Figure 4.1 demonstrates multiple data collected through interviews with various categories of stakeholders participants in respect of their perceptions on pre-grade one learners' presumed right to education.

## **4.5 DATA ANALYSIS METHOD**

Nieuwenhuis (2007: 99) explains that qualitative data analysis is an ongoing iterative process, implying that data collection, processing and reporting are intertwined and not merely a number of successive steps. This means to say when I was analysing data that I collected as explained in the preceding sections, I was involved in

organising the data (what I had read and heard) in order to make sense of what I had learnt. I therefore organised and coded into themes and interpreted them, (McMillan & Schumacher, 2010: 167). I thus embarked upon a process of bringing order, structure and meaning to the mass of the data I collected through semi-structured In-depth face to face individual interviews with stakeholder participants.

#### **4.5.1 Analysis of interview data**

Merriam (2009: 175) explain that analysis is the process of making sense of data which involves consolidating, reducing and interpreting what participants said and what I, as a researcher heard and read. I personally worked with the data I collected for my study in order to answer my research questions (Merriam, 2009: 175).

First and foremost, I organised collected data in such a way that I could easily locate them during intensive analysis (Merriam, 2009: 203). After transcribing interview data I begin reading and re-reading the interview transcripts followed by identifying segments (texts) which contain pieces of relevant information in my data that were responsive to my research questions (Merriam, 2009: 176, 178). I manually coded the data. Following the advice by McMillan and Schumacher (2010: 370-377) in relation to data analysis in terms of coding, I consequently, analysed those pieces of relevant information (segments) and coded (labelled) them using participants' wording (*in vivo codes*). In other words, the codes emanated from the data.

At the beginning data appeared to be disconnected and extensive, but as I was analysing them through coding I could make sense of it and arrived at findings. These findings were in the form of themes which cut across the data (Merriam, 2009: 176) collected from all categories of the stakeholder participants. Put differently, as I was reading those pieces of information, I tried to understand what participants were talking about and I thought of the best possible clauses to describe them. These clauses were the themes -major ideas that I used to give meaning to the grouped/combined coded data (McMillan & Schumacher (2010: 376). Themes refer to similar codes aggregated together to form a major idea in the database (Creswell,

2008: 252). When I was identifying those themes I was cognisant of and tried to answer my research questions and searched to understand the phenomenon at hand (through the stakeholder participants) (Creswell, 2008: 254). Consequently, I identified five major themes that were relevant to answer my research questions. I also grouped together participants' suggestions, comments and questions under the headings entitled, suggestions/recommendations and questions respectively.

I followed that systematic process of coding, and repeatedly applied themes to suit codes and data segments, and give meaning (interpreting the data) by referring to both supporting and contrary evidence from the data (McMillan & Schumacher, 2010: 376-377). As I mentioned in paragraph 4.1, I preferred to base my study on the qualitative approach because qualitative design employs an inductive strategy, which is not based on predetermined or pre-conceived ideas but on themes that emerge inductively from a careful examination of the coded data themselves (Merriam, 1998: 7p; Di Fabio & Maree, 2012: 139).

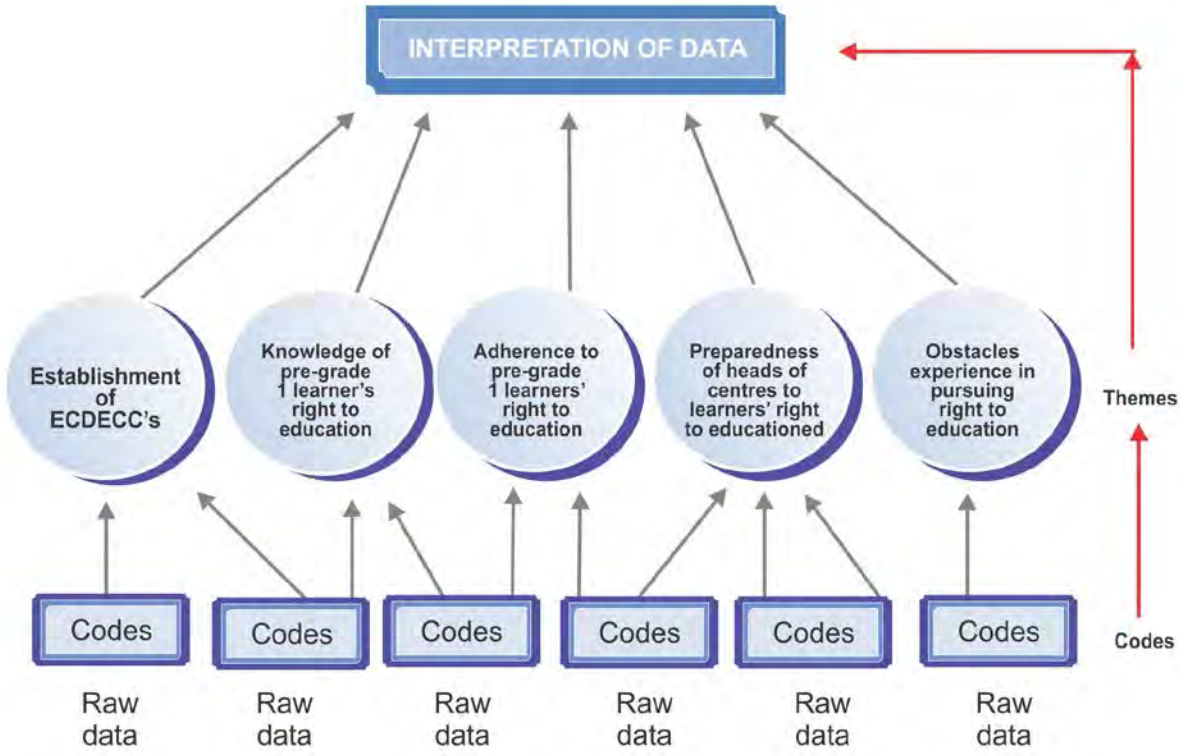
I employed an inductive data analysis method with the emphasis on inductive reasoning (McMillan & Schumacher, 2010: 323, 376) for interview data because qualitative data analysis is primarily an inductive process through which I synthesised and made meaning from the data by starting with specific interview data from various categories of participants, codes and ending with themes, presented the results, and thereafter interpreted the data in a narrative. According to Maree and Van der Westhuizen (2007: 37) interpretive researchers (naturalist paradigm) mostly preferred inductive data analysis, which had helped me to identify multiple realities which were present in the data, and in doing so gained a better understanding of the studied phenomenon.

Further, McMillan and Schumacher (2010: 323) argue that qualitative researchers do not formulate hypotheses and gather data to prove or disprove them (deduction), as is the case in positivistic paradigm. This process involved consolidating, reducing and interpreting what people have said, and what I have read and heard (Merriam, 2009: 175-176). Therefore, the information contained herein is credible reflection of

stakeholder participants in the study. In order to work reliably with the spoken words of the participants, I had to transform those spoken words in a written text. Consequently, participants' recorded interviews answers were transcribed and manually coded and interpreted in accordance with selected emerged themes.

In sum, I conducted data analysis by employing analytic procedures the process in which I first organised the data into segments to facilitate coding, I then described, themes data, and make meaning from the data, (starting with specific data coding them and ending with themes. (Creswell, 2009: 185; McMillan & Schumacher, 2010: 369-370). It follows that the themes emerged from the (coded) data, rather than been predetermined before data collection (McMillan & Schumacher, 2010: 365-366).

Figure 4.2 demonstrates how I conducted the data analysis of my study.



**FIGURE 4.2: The process of interviews data analysis coding and clustering of the codes into themes**

## **4.6 VALIDITY AND TRUSTWORTHINESS OF DATA**

The importance of presenting/ providing an authentic account in relation to the conducted study is indispensable in research. I therefore had to ensure that the data on which the research report is based are trustworthy in terms of credibility, confirmability, transferability, dependability and authenticity (Di Fabio & Maree, 2012: 139). It is noteworthy from the outset of this section that the concept validity in qualitative research is different from the validity in quantitative research. Whereas validity in qualitative research is concerned with whether the findings captured what is really there (in the field), reality that is “holistic, multidimensional and ever-changing, reality in quantitative research is believed to be only one, fixed and can be obtained through observation and measurement and the finding thereof can therefore be generalised (Merriam 2009: 213; Di Fabio & Maree, 2012: 139).

Creswell (2009: 190-191) explains that validity in qualitative studies amounts to checking for and determining (by a researcher) the accuracy of the findings by employing certain procedures. Having followed this piece of advice, I followed specific steps while collecting and interpreting the data in relation to my study. In order to ensure validity of the findings, which is also understood to amount to authenticity and trustworthiness and credibility of data in qualitative research approach context, (Di Fabio & Maree, 2012: 139), I personally conducted and audiotape recorded interviews with various categories of stakeholder participants at their natural settings (context) sites to make them easily retrievable. I consequently described and interpreted community education practice at the selected pre-grade one ECDECCs centres and the right to education through the lens of the participants in order to understand it (practice) from those who were directly involved. I also use

thick detailed description of the participants' perceptions in narrating the findings Creswell (2009: 191-192).

In addition, I have clarified my possible biases due to my interest, professional training and career (see Chapter Four paragraph 4.4) that might have, to a certain extent, influenced my interpretation of the finding. By so doing I presented an open and honest narrative of my study (Creswell, 2009: 192).

Further, I ensured validity of the findings by using the following strategies.

- Member check: I employed member check strategy, that is-taking data and tentative interpretations back to the participants to verify and to determine whether my account, (interpretation of data) is accurate or credible (Merriam, 1998: 204-205; Creswell, 2008: 266-267; McMillan & Schumacher, 2010: 356).
- Conducting interviews with various categories of stakeholder participants: Through this strategy I compared and contrasted as McMillan and Schumacher mention (2010: 369) different stakeholder participants' perceptions in their answers to the interview questions to see whether there were some similarities and differences, if any. Moreover, the primary data in qualitative interviews are verbatim accounts of what transpired in the interview sessions (Creswell, 2008: 360). As such, they are original and therefore trustworthy records of information about participants' opinions in relation to the issue under study.

## **4 .7 LIMITATIONS AND DELIMITATION OF THE STUDY**

This section covers the limitation and delimitation of the nature, the procedures and the scope of the study upon which this research report is based.



### **4.7.1 Limitations**

Hitchcock and Hughes (1995: 80) caution researchers that research makes practical demands in terms of time, energy, human/physical and financial resources. As such those factors (time and financial resources limiting factors to my study in that I could not spend longer period than six weeks in the field. Because of the qualitative (case study) nature of my study, although I ensured trustworthiness of the findings of my study, they cannot be generalised, as they cannot be replicated. Put differently, if the study is to be repeated it will not provide the same results because unlike objects in natural science, human behaviour is never static (Merriam, 2009: 220-221).

My study solely focused on community centre provision and practice of pre-grade one education as a presumed human right entitlement for the five to six years children because this is the period in which children are deemed to be prepared for formal compulsory primary education. My study was also conducted in only one region of the rural areas of northern Namibia where public early child education was conducted. The research was conducted only in four (including pilot study) ECDECCs centres, one in each of the four constituencies in one of the Northern Namibian rural regions. A limitation inherent to qualitative inquiry is that findings cannot be generalised. As an explorative inquiry qualitative studies indeed may generate hypotheses for further research which my inquiry did.

### **4.7.2 Delimitations**

My study was solely carried out in one of the rural areas in Northern Namibia (ECDECCs in the Oshikoto region) because it is where most of the formerly disadvantaged black majority of pre- grade one learners live. I have deliberately decided not to research and discuss the provision of pre- grade one education in rural private day-care centres or kindergartens, because I am interested in the provision of public pre-grade one education by the Namibian government in terms the constitutional human right to education for “all persons” in terms of Article 20 (1) of the Constitution of Namibia. If similar inquiries would be conducted at private day

care centres, the findings and recommendations thereof might be different to the findings of this study.

## **4.8 ETHICAL CONSIDERATIONS**

Ethical considerations in relation to human participants in qualitative research consist of issues such as confidentiality, anonymity, right of privacy, voluntary participation, and protection from harm and trust (Ferreira, 2012: 37).

Being a carefully well planned and systematic undertaking, research as of necessity, is conducted and reported in accordance with strict prescribed rules and regulations and has to satisfy recommended ethical requirements failure which will result in disapproval of the research findings and the report thereof. To this end, data on which this research report is based were collected and recorded by attentively adhering to the stipulated ethical rules of North–West University after receiving an authentic Ethical Clearance Certificate (see addendum F) to that effect. The ethical procedures that were followed in the collection of data and analysis thereof are briefly discussed below.

Neuman and Kruger (2003: 116) state that the ethical issues are the concerns, dilemmas and conflicts that arise over the proper way to conduct research. Ethics define what is or is not legitimate to do, or what moral procedure involves. Creswell (2008: 219) explains that respect for the site where the study is conducted and for the participants in the study should be shown by gaining permission before entering the site, gaining access through gatekeepers and by ensuring that the rights of human participants are protected. Taking cognisance of this indispensable requirement, my study was strictly undertaken in accordance with the prescribed ethical principles of social legal research in terms of permission (see addenda A and B), access to institutions (see addendum A and B) and acceptance by relevant authority (see addendum C), participants' informed consent (see addendum E), privacy, anonymity, confidentiality and freedom from deception and betrayal. Similarly, participants were informed about the nature of the research, explained to

that they are free to participate or decline to participate or to withdraw from the research. Cohen, Manion and Morrison (2003: 56, 71) state that social scientists generally have a responsibility not only to their profession in search of knowledge, but also for the subjects (participants) they depend on for their work. It was important for me as a researcher to reveal fully the procedures of my research to the subjects at the outset.

I built trust with the stakeholder participants by fully introducing myself, providing permission letters from relevant authorities and by explaining the purpose and the significance of the study. I also maintained good relationship with the stakeholder participants by avoiding being judgemental and respecting the norms of the situation in which the study was conducted (McMillan & Schumacher, 2010: 332).

I at all times remembered that people who agreed to participate in my study were doing me a favour, and at the outset informed them about their right to voluntary participation. I therefore notified the participants of the purpose and the procedure of the study as well as how their valued contributed information would be used. Each and every participant was requested to orally agree or to indicate in writing on consent forms (see addendum D) whether or not he/she would like to participate in the study.

It is against this background that I was at all times sensitive to the rights of the participants while conducting the proposed study. All authorities (sources) consulted for the purposes of the study are acknowledged in the text as well as in the list of references sections. Possible interested persons may consult the copies of the research report which will be made available in some public and private institutions' libraries for consultation.

## **4.9 SUMMARY**

In this chapter I discussed the qualitative research approach design based on naturalistic interpretive constructive paradigm in terms of my knowledge claim, my role as a researcher, research instruments and sampling methods for the selection of

the stakeholder participants in the study. I explained the sites and methods of data collection and analysis thereof. In addition I pointed out the limitations and delimitations of the study. I have also highlighted the validity and trustworthiness of the study.

Chapter Five covers research results, analysis and interpretation of data in order to answer the research question which is: “What are stakeholders’ perceptions on pre-grade one learners presumed right to education in rural ECDECCs in northern Namibia?”

## CHAPTER 5

# DATA PRESENTATION, ANALYSIS AND INTERPRETATION

### 5.1 INTRODUCTION

Chapter Four describes the research design and methodology which were employed in collection of data which are presented, analysed and interpreted in this chapter. Consequently, this chapter provides the results and interpretation that emanated from and related to the data that were collected in respect of “An Education Law Perspective on Early Childhood Development Provision in rural Namibia”. The data on which these results and interpretation are based were collected by means of individual face to face in-depth semi-structured interviews with various relevant stakeholders. It is important to point out that I also reviewed legal literature in the form of legislation, case law and other works of legal writers. I have drawn from Taiwo (2011: 2) that “doctrinal legal research involves analysis of case law statutory provisions by application of power of reasoning.” It follows that the results of the study are interpreted by presenting the interview results from stakeholder participants (heads of ECDECC/teachers/caretakers, parents/guardians, community leaders, community members, officials from the Ministry of Gender Equality and Child Welfare, officials from the Ministry of Education and from Human Rights activists), and by referring to literature review information. It is important to point out from the outset that literature review information and the interview results data are complementary to each other and are therefore discussed and interpreted as such to highlight the benchmark aspect in this study (see paragraph 5. 3).

The major purpose of conducting a qualitative hybrid case study was to obtain an in-depth understanding of the phenomenon under investigation not only from literature studies but also from various stakeholders’ perceptions. Consequently, semi - structured individual face to face interviews were conducted with relevant different categories of information from key participants in order to learn and interpret how the right to education of pre-grade one learners in rural ECDECCs in northern Namibia is

adhered to, from the stakeholder participants' point of views. It is against this background that the section that follows a summary of literature review in this chapter relates the participants' experiences, opinions, appreciation as well as their concerns regarding realization, exercise, advancement and promotion of the right to education in ECDECCs in rural Namibia.

## 5.2 SUMMARY OF LITERATURE REVIEW

According to Taiwo (2011: 9) traditionally “legal research has been concerned with the development or elaboration of legal doctrine and the normative purpose of law, using such raw materials as laws, regulations, rulings and cases.” Having followed this recommendation, I reviewed various relevant legal literatures, legislation, and decided cases in general (and the South African ones in particular for benchmark purposes in terms of the 1998 MINEDAF resolution on education in Durban), before and in addition to interview data. Both South Africa and Namibia have similar colonial history in all aspects of life in general and in education law in particular. (see paragraphs 3.1, 3.2, 3.3, 3.7, 3.8, 3.9, 3.10, 3.11 and table 3.1). Both countries obtained democratic independence in the late nineteenth century (Namibia in 1990 while South Africa in 1994 respectively). As such, one would have expected the two countries to be on par in terms of ECD provision and education law in particular. The review of relevant legal literature revealed the fact that Namibia, just like South Africa, is a democratic, independent State with a Constitution entrenching the Bill of Rights as it is accepted and adopted Fundamental Supreme Law. This is clearly stipulated in Article 1 and the Preamble of the Constitution of Namibia respectively. Article 1 (1) provides: “The Republic of Namibia is hereby established as a sovereign, secular, democratic and unitary State founded upon the principles of democracy, the rule of law and justice for all.” In terms of Article 1 (6): “This Constitution is the Supreme Law of Namibia.” The Preamble of the Constitution *inter alia* states:

*Whereas* the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is indispensable for freedom, justice and peace;

*Whereas* the said rights include the right of the individual to life, liberty and pursuit of happiness, regardless of race, colour, ethnic origin, sex, religion, and creed or social economic status;

*Whereas* the said rights are most effectively maintained and protected in a democratic society....

*Whereas* these rights have for so long been denied to the people of Namibia by colonialism, racism and apartheid,

*Now therefore*, we, the people of Namibia accept and adopt this Constitution as the fundamental law of our Sovereign and independent Republic.

These above submissions are demonstrated in relation to the pre-grade one learners' presumed right to education in terms of Article 20(1) which provides that "All persons shall have the right to education" as depicted in Figures 5.1 and 5.2 respectively. It is emphasised that the right to education is a very important right in that "education is an essential component of an open and democratic society and enhances human dignity and equality" Prinsloo (2009: 43).

Figure 5.1 depicts the major role players (State and parents/guardians) in the provision, promotion advancement, fulfilment and enforcement of the right to education, and in doing so enables children/learners to exercise and enjoy their right to education. In terms of Article 95(e) the State shall ensure that every citizen has a right to fair and reasonable access to public facilities and services in accordance with the law. Prinsloo echoes this (2009: 32) when he explains each role players' duties in detail. He points out that this duty requires that the State actively informs people of their right to education and explain how they can gain access to this right. Further, Prinsloo (2009: 32) emphasises the fact that this duty places an obligation on the State to take measures to advance the right to education. Similarly parents have a duty to send their child/children of compulsory school-going age to school (Prinsloo, 2009: 33). The main role player in providing and ensuring the realization and exercise of the right to education of all persons is irrefutably the State.

Article 15 of the Constitution of Namibia provides for the children's rights in general whereas the Maintenance Act, specifically section 3(3), obliges parents and guardians to take care of the children in their custody (including sending them to educational institutions) as discussed in Chapter Three (see paragraph 3.3.3). Section 2 of the Children's Status Act provides that the objectives of this Act are *inter alia* to promote and to protect the best interests of the child and to ensure that no child suffers any discrimination or disadvantage because of the marital status of his or her parent. In terms of Section 3(3) of the Maintenance Act, the parental duty to maintain a child includes the rendering of support which the child reasonably requires for his or her proper living and upbringing; this includes provision of food, accommodation, clothing, medical care and education.

Section 16(3)(a) provides that where the beneficiary of maintenance is a child:

the court must also have particular regard to *inter alia*, the financial, educational and developmental needs of the beneficiary, including but not limited to housing, water, electricity, food, clothing, transport, toiletries, child care services, education (including preschool education) and medical services.

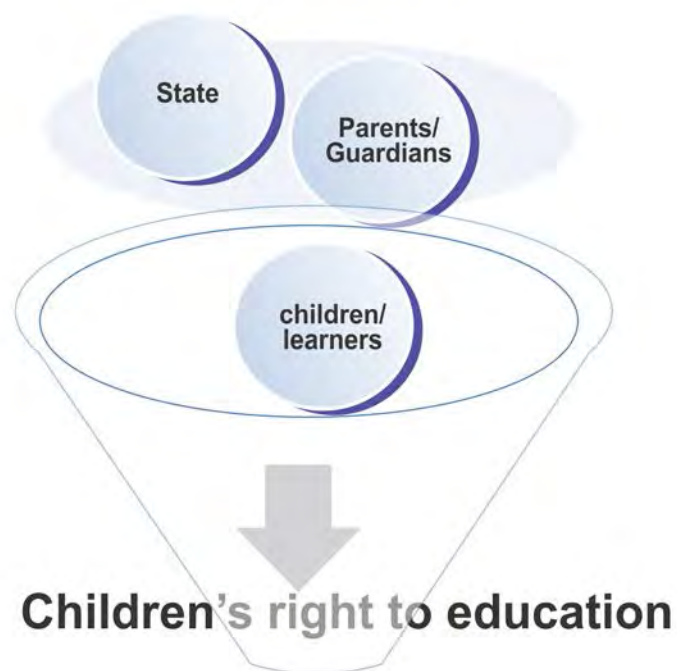
It is important to point out that SASA was amended by Education Law Amendment Act No 50 of 2002 to specifically provide for public pre-grade one education (Grade R). On the contrary, despite the fact that the aim of the Namibian Education Act 16 of 2001, (which is a piece of legislation which currently regulates the provision and the practice of primary (basic) education), stipulates "...to provide for the provision of accessible, equitable, qualitative and democratic national education service; to provide for the establishment of schools and hostels", it does not expressly (unlike the Namibian Maintenance Act and SASA) provide for pre grade one learners' education (preschool) *per se*. This is due to the fact that Section 1 of the Education Act provides:

basic education means the formal education which is provided from the levels of the **first grade** level [my emphasis] to the level of the twelfth grade, and includes (a)



adult education; (b) special education; (c) education of any nature which the Minister under subsection (2) declares to be basic education.

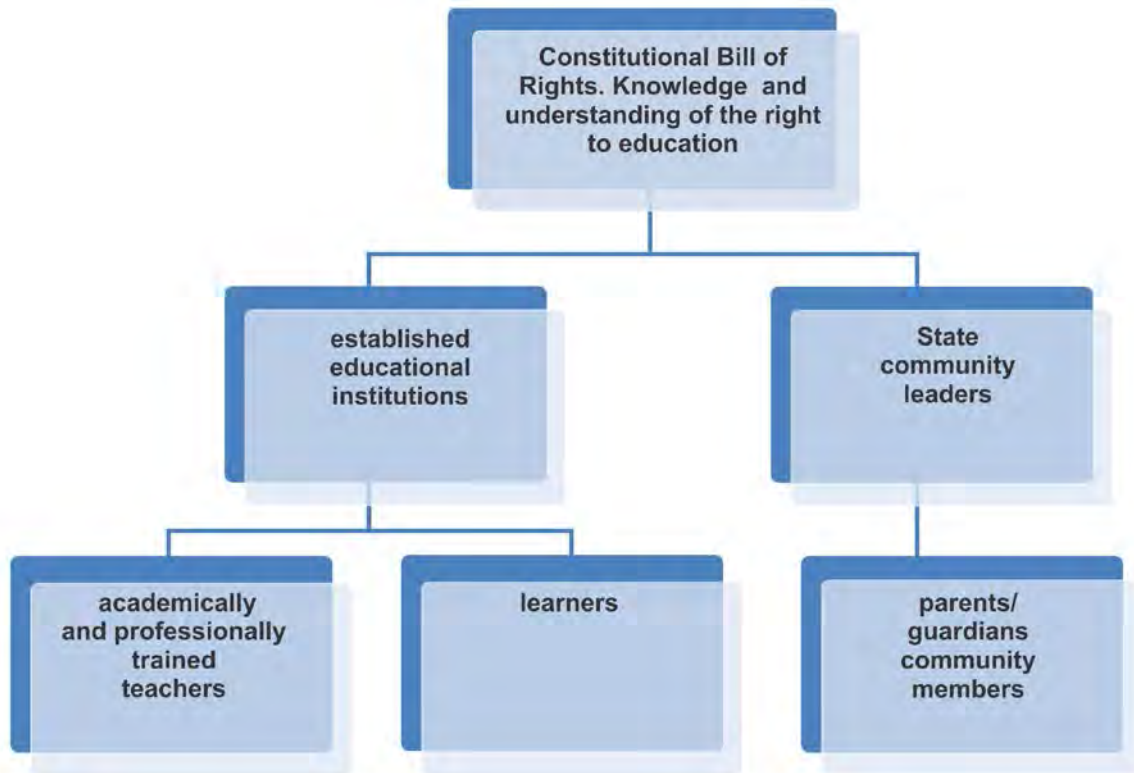
The above mentioned Namibian Education Act provision is different (lagging behind) from SASA which was amended to include pre-grade one education (Grade R) for the five year old learners as part and parcel of statutory basic education in South Africa.



**FIGURE 5.1** The three unequal role players in the right to education in a democratic independent state

Figure 5.1 represents the State as the main role player in the provision and regulation of education, the parent guardian's contribution because of parental duties by sending their children to educational institutions to be educated, and the children/learners as bearers and beneficiaries of the human right to education.

Figure 5.2 demonstrates an ideal situation of a democratic state in which the human right to education of the pre-grade one learners is adhered to.



**FIGURE 5.2 An ideal situation in which the right to education is adhered to in a democratic independent State**

It is important to point out from the outset (before relating perceptions of stakeholder participants that the South African concepts “pre-grade one education/learners, grade R/grade R learners/ Reception year” are equivalent to “pre-primary education/learners” in Namibian context. Consequently, for certainty purposes, I recorded participants’ responses verbatim, hence the more often use of the term “pre-primary education/learners” rather than “pre grade one education/learners”, hereunder.

The term “Early Childhood Development Centres (ECDC)” is generally used in Namibian ECDE literature to describe institutions (both private and public) which provide ECDE in Namibia. However, there is a clear distinction between privately owned educational institutions and State (public) owned institutions, for the very reasons that the establishment, funding, staffing and maintenance of these education institutions are also dealt with completely differently.

An ideal State/Public early childhood development centre as a development and education institution, as depicted in figures 5.1 and 5.2 respectively, is established, funded and maintained by the State, which also trains and remunerates teachers who are employed to educate children in such educational institutions (in this case ECDCs). In fact Article 95(e) of The Constitution of Namibia provides that the State shall adopt policies aimed at, *inter alia*, ensuring that every citizen has a right to fair and reasonable access to public facilities and services in accordance with the law. This is in line with the principles in judge Thring’s ruling in *the Governing Body of Micro Primary School and Another* case (1995) (a South African case) in which the Judge held, *inter alia*, that equal access to educational facilities is guaranteed by the equality principle. The question however remains as to what extent these legal principles have been applied in relation to pre-grade one learners’ right to education.

Article 20(1) and 20(4) of The Constitution of Namibia provides among others:

- (1) All persons shall have the right to education.
  
- (4) All persons shall have the right, at their own expense, to establish and maintain private schools, or colleges, or other institutions of tertiary education: provided that:
  - a) such schools, colleges or institution of tertiary education are registered with Government department in accordance with any law authorizing and regulating such registration;
  - b) the standards maintained by such schools, colleges or institutions of tertiary education are not inferior to the standards maintained by

comparable schools, colleges or institutions of tertiary education funded by the state...

The above-mentioned Namibian Constitutional provisions from Article 20(1), which are equivalent to Sections 29(1) and 29(3) of the Constitution of South Africa, are also highlighted in the *Gauteng School Education Bill* case where it was held among others, that Section 29(3) of the Constitution of South Africa creates a positive obligation on the State to accord to every person the right to require the State to establish, where practicable, education institutions. It is worth mentioning that even the so-called private or independent schools (institutions) in terms of Article 20(4) of the Constitution of Namibia and the organs of the State are to abide by the Constitutional Supremacy. This was demonstrated in the *Minister of Education v Harris* (2001) case in which an independent School's refusal to admit an under-aged learner, based on the South African Schools Act regarding the age limit requirement for admission of learners to independent school was successfully challenged and tested against the Constitution. The Constitutional Court's ruling favoured Harris' claim in that it held that the notice published by the Minister was *ultra vires* that the requirement limiting admission of learners to [independent] schools if the child does not turn seven in grade one was against the best interests of the child and had likewise discriminated against the child, based on age.

I had purposefully selected to add the terms "education" and "community" to "early childhood development centres (ECDCs) to read: "Early Childhood Development and Education Community Centres" (ECDECCs) rather than "Early Childhood Development Centres, (ECDCs), not only to differentiate between privately owned Early Childhood Development Centres from the community based Early Childhood Development Centres, but also to emphasise the fact that pre-grade one learners' education as a presumed fundamental human right entitlement, which is the focus of the undertaken study, is actually (or is assumed to be) conducted at those centres. Consequently, the main research objective was to determine stakeholders' perceptions on how the presumed right to education in rural early childhood development and education community centres (EDCECCs) in rural northern

Namibia was adhered to. It is also important to mention that all EDCECCs visited were dully registered with the Ministry of Gender Equality and Child Welfare of the Republic of Namibia. This is in line with the Ministry of Gender Equality and Child Welfare (Ministry of Gender Equality and Child Welfare, 2005: 15) requirement:

Any person taking care of or educating children between the ages 0-6 other than their own, or for employment, should register with the Ministry of Gender Equality and Child Welfare under the Directorate of Community Development, through Community Liaison Officer or Community Activator.

This submission does not only prescribe the registration requirement of early childhood development centres but is also indicative of the fact that “education of the children between the age zero to six” does indeed take place in those early childhood development centres. A sample of an Application to Register an Early Childhood Development Centre is hereto attached (see addendum H).

The stakeholder participants’ perceptions through individual face to face semi-structured interviews are herein recorded and interpreted. It is important to point out from the outset that in presenting and interpreting interview results I will also refer to literature study data results discussed in Chapter Three, because the two sets of data are complementary to each other in explaining adherence or alternatively non-adherence to the pre-grade one learners’ presumed right to education as follows below.

### **5.3 EMPIRICAL DATA: PERCEPTIONS OF STAKEHOLDERS ON HOW THE PRESUMED RIGHT TO EDUCATION OF PRE-GRADE ONE LEARNERS IN RURAL ECDECC’S IN NORTHERN NAMIBIA WAS ADHERED TO**

In this section I discuss the empirical data by using the five themes that evolved through the data analysis process (see figure 5.3), while also referring to the relevant literature that I reviewed for complementary purposes.

In Chapter Three the literature review information was presented and interpreted in relation to the legal determinants of the right to education, thus answering research sub-question 2.1, namely what are the legal determinants of the right to education in Namibia? (see paragraph 3.2). For logical presentation and completeness in interpretation of the information from the literature review and interviews data, the legal determinants of the right to education are summarised in paragraph 5.2.1 and will where necessary be referred to in this section as framework for interpreting empirical data.

In this section, I am presenting, and interpreting interview results, data from various categories of participants' perceptions on the topic under discussion in accordance with the themes which evolved through manual data analysis and coding. Firstly I present the tables (see addendum I) to demonstrate how data analysis was conducted in terms of coding, as well as what themes emanated from data analysis. Secondly, I present and interpret all data from various categories of stakeholder participants as one single hermeneutic unit under the five major themes which emanated from data coding. In interpreting the data, I also refer to relevant legal literature, legislation and case law resultant from the literature review (on the right to education in general, and in South Africa in particular for benchmark purposes) which I continuously conducted throughout the duration of my research.

As indicated in Chapter One, data collection in relation to "An Education law perspective of early childhood development provision in rural Namibia" was conducted in the participants' vernacular (Oshiwambo / Oshindonga) and was translated into English. The translated interview raw data are herewith attached (see addendum J).

The research questions that guided data collection and on which this data presentation and interpretation is based, were as follows:

**Main research question:**

- What are the stakeholders' perceptions on the presumed right to education for pre-grade one learners in rural ECDECCs in Northern Namibia?

**Sub- research questions:**

- What are the legal determinants of the right to education in Namibia? (This sub-research question was answered through literature study in Chapter Three of this research report.)
- What are the perceptions of stakeholders of the extent to which teachers in rural ECDECCs in Northern Namibia adhered to the presumed right to education of the pre-grade one learners?

There are ten constituencies in Oshikoto Region. It is important to point out that I visited four ECDECCs (pilot study included) in remote rural areas in Oshikoto Region in rural northern Namibia. In order to obtain various or common experiences, if any, of participants in the region under study, I conducted individual face to face semi-structured interviews. In addition, I also conducted interviews with relevant officials for the reasons discussed in Chapter Four (see paragraph 4. 4. 4).

Taking cognisance of the qualitative nature of my study and the fact that human beings are unique and as such perceive and experience phenomena from different points of views, I purposefully selected my participants (see paragraph 4.4.4) and interviewed the following participants: three heads of ECDECCs, three parents/guardians ; three community leaders , three community members, two officials from the Ministry of Gender Equality and Child Welfare, one official from the Ministry of Education and two human rights activists.

**Keys/indicators to data analysis**

The following codes are used as key indicators to identify different categories of participants for purposes of quotations of participants' perspectives:

1. Teachers/Heads of centres: *HC1, HC2, HC3*
2. Parents/guardians: *PG1, PG2, PG3*
3. Community leaders: *CL1, CL2, CL3*
4. Community members: *CM1, CM2, CM3*
5. Officials from the Ministry of Gender Equality and Child Welfare: *MG1, MG2*
6. Official from the Ministry of Education: *ME*
7. Human rights activists: *HR1, HR2.*

Total number of participants: seventeen versus proposed number of participants: twenty.

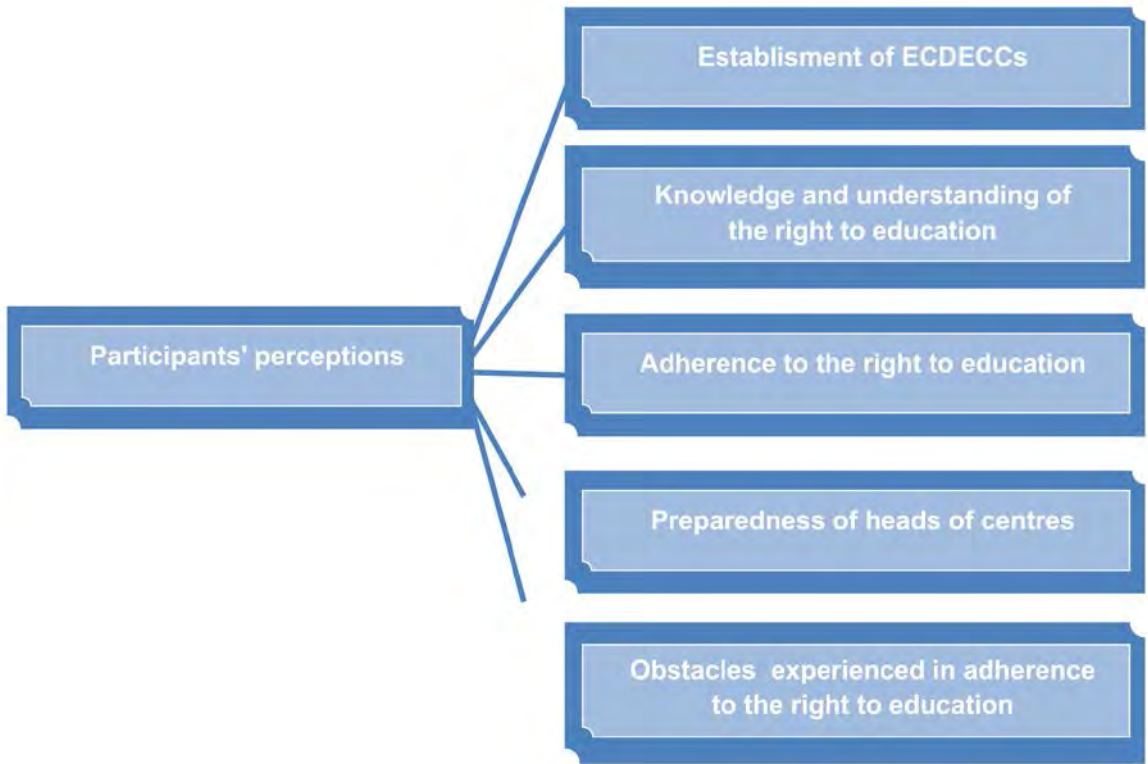
I manually transcribed raw data and then manually coded all the data from the interviews. While data collection was a huge pull, I ended up with an enormous amount of codes. In the process of getting order in the data, I clustered the coded data into specific themes. I eventually organised the themes and clustered codes until the final five themes evolved, namely (see figure 5.3):

1. Establishment of ECDECCs: responsibilities of stakeholders.
2. Knowledge of the pre-grade one learners' right to education: understanding of human right to education.
3. Adherence to the pre-grade one learners' right to education: mode of adherence
4. Preparedness of heads of centres to the pre-grade one learners' right to education: academic and professional training, lesson presentation.



- 5. Obstacles experienced in pursuing adherence to the pre-grade one learners' right to education: physical facilities, infrastructures, teaching- learning aids, human and material resources.

The Naturalistic interpretive qualitative case study paradigm on which this study was founded regards every person unique and therefore attaches subjective meaning to experienced phenomena. The different groups of participants' data were analysed separately into these themes. Data from all different categories of participants evolved into the same themes. The evolving of themes from each different group of participants will not be discussed per group, but the tables summarizing this process are attached (see addendum K). However, a combined and holistically narrated interpretation of all five themes that evolved from data analysis is discussed as one single hermeneutic unit to highlight similarities and differences in perceptions, if any.



**FIGURE 5.3** Themes that evolved from participants' perceptions

Having outlined the codes (see addendum I) and themes that emerged from interview data from various stakeholders, I will now discuss and interpret them holistically as one single unit under those identified themes.

### **5.3.1 Establishment of early childhood development community centres (ECDECCs): responsibilities of stakeholders**

It is evident from The Constitutions and Education Acts of Namibia and South Africa respectively, as well as from relevant International Human Rights Instruments that establishment of educational facilities in which the right to education could be realised and enjoyed is indispensable. According to the relevant literature that I reviewed as discussed in chapters two and three, early childhood development and education for the pre-grade one learners in Namibia is conducted in ECDECCs.

I learnt that all ECDECCs that I visited were duly registered with the directory of early childhood development, under the custodianship of the MGECEW in accordance with the “Guidelines for Establishing Early Childhood Development Centres in Namibia” (Ministry of Gender Equality and Child Welfare, 2005: 15). It is emphasized that if a centre does not comply with the guidelines, official registration will not take place. The centres will be asked to follow the requirements and will be given a date for a second visit, (Ministry of Gender Equality and Child Welfare, 2005: 15-16). Consequently, one would expect that as such, the ECDECCs that I visited would meet the requirements stipulated in those guidelines as discussed in Chapter Three (see paragraph 3.5.3) and prescribed in a sample of an “Application to Register an Early Childhood Development Centre” (see addendum H). Having this in mind, I wanted to learn about the responsibilities of various stakeholders in relation to the establishment of those ECDECCs. It is against this background that stakeholder participants shared their experience and views on the establishment and maintenance of ECDECCs.

According to the heads of centres, those ECDECCs were established in 1989, 1995 and 1999 respectively. This indicates that only one ECDECC (the 1989 one) was established on the verge of Namibia's independence which took place on 21 March 1990. This particular ECDECC was also registered as an ECDECC in accordance with the "Guidelines for Establishing Early Childhood Development Centres in Namibia" (Ministry of Gender Equality and Child Welfare, 2005: 15).

Some of the participants' responses in relation to the establishment of ECDECCs are as follows:

I serve as an advisor advising the community members about the need of establishing an ECDECC in our village seeing children used to walk long distances. First children were taught under a tree, then in a shack. Community members sold millet, beans and pumpkins. We used the money from those sales to buy bags of cement and make bricks and also to pay the builder (CL3 page: 1),

I have to see to it that everything is in order in the village. I have to look after every person and everything in the village. Community members are responsible for their children's education. Community members pay teachers' salary in money or in kind (CL1 page: 1),

We were provided with few bags of cement to build the ECDECC but we have no skills we are struggling a lot (PG2 page: 1),

Both men and women work together. Women normally assist in building the centre by fetching water and carrying sand (PG3: page 1),

I provide assistance in the establishment of the ECDECC by requesting financial assistance and give it to the ECDECCs I also assist in organising

training for ECDECCs teachers. Government just provides basic material.(CM1: page 1).

It is evident from the responses of the participants that heads of ECDECCs, parents/guardians, community leaders and community members worked hand in hand to establish ECDECCs (in pursuit of adherence to the pre-grade one learners' presumed right to education) in their villages. Community members took initiatives to collect money to develop their own facilities and physically got involved in constructing the buildings. This also implies that not the State, but community members themselves, having concern for the need of their children's education, took initiatives to establish institutions where their pre-grade one children could be prepared for the statutory grade one primary education in terms of the Namibian pre- and post-independence Education Acts.

This fact was also confirmed by all other participants in the study, namely officials from the Ministry of Gender Equality and Child Welfare (MGECW), Ministry of Education and human rights activists. One of the latter put it:

The State has not done enough in all aspects. The State has achieved on universal enrolment, it is doing good in terms of numbers but it is doing extremely bad in terms of quality. There is a huge disparity between institutions of education (pre- primary, primary or secondary levels) in rural areas and those in urban areas. Pre-primary education is being treated as informal hence it is left to community kindergartens where whoever wants to establish one can do so. The result is neglect of pre-primary education (HR2: page 1).

Community leaders are, in terms of section 10(1) of the Traditional Authority Act, 25 of 2000, custodians of *inter alia* customary law, the promotion of peace and social welfare including adherence to the right to education of community members under their authority. However, one would not expect them to have entirely taken over the responsibility of the State which has mechanisms and

means to ensure that the right to education of all persons including the pre-grade one learners, is adhered to.

The fact that community members themselves, under the leadership of their community leaders, literally established and maintained ECDECCs and were paying heads of centres' allowances (salaries), may be construed to amount to shifting the State's obligations to provide education to the communities who are entitled to benefit from the public services to be provided by the State. This is therefore contrary to the Constitutional provision, promotion, advancement, exercise and enjoyment of the human right to education in terms of Articles 20(1) and 20(2), presuming that ECDE for the pre-grade one learners is part and parcel of basic education.

According to Ministry of Gender Equality and Child Welfare (2007: 11):

- The former Ministry of Education (MOE) made provision for a ten week bridging course for seven year-olds attending selected primary and preschools, but in 1994, in the interest of equity and due to budgetary constraints, the MOE suspended its support for all pre-primary classes.

It is interesting to note that all the interviewed heads of ECDECCs were females aged 57, 55 and 28 respectively. This does not only mean that the majority of heads of ECDECCs are citizens of advanced age, but it also confirms Naanda's findings (2005: 172) that the majority of care takers at ECDCs were females. When comparing the ages and sexes of the participant community leaders to those of the parents/guardians and heads of centres, it was interesting to note that, whereas parents/ guardians and heads of centres comprised a mixture of young, middle aged and retired persons, all community leaders were of retirement age category. While all parents/guardians and heads of centres interviewed were females, all community leaders were males (only one male community leader was represented by a female community member who served as an ECDECC committee member). This could be considered to highlight the specific gender

roles in traditional communities where women were regarded as caretakers and burdened with the task of socialization, including educating young children, while men were regarded as heads of families as discussed in the historical background of early childhood development and education in Chapter Two (see paragraph 2.2). However, what was more interesting was that, despite those differences in that regard, when it came to the establishment of the ECDECCs for the education of their children in their communities, everybody gave a helping hand.

Education is to take place in venues that are conducive to teaching and learning. Needless to say, shelter is one of the pre-requisites for the realization and enjoyment of the right to education. This by implication was taken into consideration by the drafters of the Guidelines for the Establishment of Early Childhood Development Centres when they prescribed some specifications in terms of the construction of ECDECCs. However, such specifications were apparently not taken any further, hence the nature and status of ECDECCs as related by the stakeholder participants in communities where the study was conducted. As such, they were not in compliance with the Guidelines for the Establishment of ECDCs in Namibia, notwithstanding the fact that they were duly registered and were operational. I consequently deduced the fact that there was a big discrepancy between policy and practice of early childhood development and education provision. Put differently, there is a difference between what ECD policy stipulates and the practice thereof in ECDECCs.

I was also curious, not only to find out the rationale of the establishment of ECDECCs as vehicles of early childhood development and education of the pre-grade one learners, but also to learn how such Ministry (MGECW) promoted, advanced and fulfilled pre-grade one learners' presumed right to education in rural ECDECCs in Northern Namibia under its custodianship. Consequently I interviewed two participants, officials from the Ministry of Gender Equality and Child Welfare. The female participant held a position as Chief Community Liaison Officer whereas the male participant was a Training Officer in the Ministry

of Gender Equality and Child Welfare, herein referred to as *MG1* and *MG 2* respectively.

When asked what the rationale for the establishment of ECDECCs was, the participants submitted two justifications of such mode of ECD as follows:

Before independence, only few parts of rural areas in the vicinity of churches benefitted from early childhood development and education programs. It is to extend ECD programs to all sectors of society (MG1: page 1).

This confirmed the fact that missionaries were indeed the forerunners of formal early childhood development and education in Namibia in general and in the rural areas thereof in particular.

They are intended to improve the existing standard of early childhood development and education, to sensitise all concerned parties to early childhood education to be actively involved and to make parents aware of the significance and of their active involvement in education of their children (MG2: page 1).

The second justification was once more not only an evidence of the discrepancy between policy and practice of early childhood development and education provision, but also of the fact that parents/guardians and the communities at large were burdened with the formal early child education of their children rather than the State. Since Namibia's independence, public educational institutions have been generally established by the State and not by the communities as such, in accordance with the provisions of Article 20(2) and Article 95 of the Constitution of Namibia, and specifically in terms of separate enabling Acts; for example the Education Act, University of Namibia Act, Polytechnic of Namibia Act, Vocational Training Act and the Namibian College of Open Learning Act. On the contrary, public ECD institutions are established in terms of ECD Policy and Guidelines for

establishing of ECDCs in Namibia. Needless to say, guidelines and policies are not law and as such are not necessarily directly enforceable in courts of law.

Entrusting establishment of public educational institutions of ECD of the pre-grade one learners to communities which do not have means and specialised skills to do so in order “to improve the existing standard of early childhood development and education” and in an attempt “to extend early childhood programmes to all sectors of society” is rebuttable if not questionable.

One would have expected the Ministry of Gender Equality and Child Welfare as the custodian of early child development and education in ECDECCs, to at least build such ECDECCs and provide some fiscal allowance to the heads of centres/teachers at registered ECDECCs. This would to a certain extent lessen the burden of community members regarding adherence to the presumed right to education of pre-grade one children in rural areas. Participants view this as gross negligence from the Ministry of Education, and as an indication that the State is expected to do more about pre-grade one learners’ education, as it can be deduced from the following statements by some of the participants:

It seems government does not to take pre-primary education seriously because ECDECC teachers’ salaries are currently not paid by the government (CM1: page1),

The requirement of payments of school fees even from those who are unable to do so is difficult to understand (HR1: page 1).

Unavailability of public educational facilities for the pre-grade one learners’ education in the area where the study was conducted may be considered to be contrary to the Constitution of Namibia equality and freedom from discrimination clauses in terms of Articles 10(1) and 10(2) which state that “all persons shall be equal before the law” and that “no persons may be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status.” In addition, Article 95 provides that the State shall enhance the welfare of people by *inter alia* (e):



ensuring “that every citizen has a right to fair and reasonable access to public facilities and services in accordance of the law.” Furthermore, Article 131 of The Constitution of Namibia provides for the entrenchment of fundamental rights and freedoms and emphasises the fact that no repeal or amendment that diminishes or detracts from the fundamental rights and freedoms that are contained in Chapter Three of The Constitution shall be permissible. Such purported repeal or amendment shall neither be valid nor shall it have any force or effect.

Flowers (2000: 4) describes human rights as those rights that belong to every human individual, simply because he/she is a human being. Similarly, Van Vollenhoven (2005: 38) emphasises the fact that human rights are held to be equally important for all human beings independent of their economic, social, political, cultural and/or religious context in which they live. To this end, Currie and De Waal (2013: 23) point out that one of the most important principles of our law is expressed in the maxim *ubi ius ubi remedium* (where there is a right there is a remedy). “This means that the existence of a legal rule implies the existence of an authority with the power to grant a remedy if that rule is infringed.” Currie and De Waal further explain that socio-economic rights (inclusive of the right to education) oblige the State to do as much as it can to secure for **all members of society** [my emphasis] a basic set of social goods, education, healthcare, food, water, shelter, access to land and housing. The issue of unavailability of public educational facilities for Namibian ECD public education (as explained by the participants’ responses in paragraph 5.3.1) was addressed in a number of similar decided cases in South African courts of law. To this effect, Judge Thring held, *inter alia*, in the *Governing Body of Micro Primary School and Another* case (1995): “Furthermore, equal access to educational facilities is guaranteed by the equality principle”.

Similarly, in the case of *Governing body of the Juma Musjid Primary School v Essay No Centre for Child Law and Another 2* (2011), the judge ruled in favour of the learners who needed educational facilities. This case is about a public school which was on a private property owned by the Juma Musjid Trust in Kwa Zulu Natal which applied to evict the school from its property. The Constitutional Court held, among

other things, that the responsibility for making available the facilities of education falls squarely with the remits of the MEC for Basic Education. According to the participants' responses in paragraph 5.3.1, this was not the case in the region where the study was conducted, However, Skelton (2013: 4) comments on this case (the Juma Masjid) and asserts that the State's responsibility to any rights obligation, including the right to basic education, applies vertically in that it operates between the individual rights bearers and the State. Similarly, according to the dissenting judgment in *the Road Accident Fund v Mdeyide* case (1995), one of the most important purposes of the transformation envisioned by the Constitution is to ensure that the realisation of socio-economic rights will allow people disadvantaged by their social and economic circumstances to become more capable of enjoying a life of dignity, freedom and equality.

The participants' responses (regarding the establishment of ECEDCCs) revealed the fact that the communities, and not the State, established ECDECCs. This alleged omission by the State was further dealt with in another South African case about the obligation of the State to establish public education infrastructures namely; *Centre for Children Law v Government of the Eastern Cape High Court, Bisho, case no 504/10* ('*The Mud Case*').

In this case, seven schools in the Eastern Cape had been battling for almost a decade to get any attention from the (Eastern Cape Education) department regarding their severe infrastructure problems. The schools faced problems with dilapidated mud buildings; in some cases roofs were missing and classes were held in neighbourhood dwellings. In addition, there was no running water and also no sanitation. Chairs and desks were also inadequate for the number of learners who were attending those schools.

The Legal Resource Centre in Grahamstown took the matter to court on behalf of the seven schools and the Centre for Child law acted in the public interest and on behalf of other learners in schools in similar situations. The matter was settled in that a far-reaching Memorandum of Understanding was signed between the parties on 4

February 2011. In terms of that Memorandum of Understanding, the Department of Education undertook to provide a budget of R8.2 billion over a three year period with specific amounts earmarked for the establishment of educational facilities for the seven schools concerned. The National Department of Basic Education was compelled to make interim arrangements in the form of pre-fabricated buildings as well as the installation of tanks of water at these schools.

Owing to the very reason that the main objective of the research conducted was to learn about the stakeholders' perceptions on how the pre-grade one learners' presumed right to education was adhered to in the rural ECDECCs in northern Namibia, I also decided to interview one official from the Ministry of Education. This was firstly necessitated by the fact that early childhood development and education is ideally best placed under the custodianship of the Ministry of Education where it was before it was shifted to the Ministry of Gender Equality and Child Welfare as discussed in Chapter One (see par 1. 2) and Two (see paragraph 2.7.1) respectively. Secondly, it transpired through documentary study and interviews with participants that all the pre-grade one level of early childhood education was to be shifted back to the Ministry of Education.

The other important observation was that, presuming early childhood education is part and parcel of primary education (as it is the case in South Africa), and provided for in terms of Articles 20(1) and 20(2), pre-grade one education is not free (free in its Constitutional technical meaning: "free of charge") in rural ECDECCS in northern Namibia, because parents and guardians are expected and have to pay for their children's education. Articles 20(1) and 20(2) respectively stipulate:

All persons shall have the right to education.

Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right to every resident within Namibia by establishing and maintaining State school at which primary education will be provided free of charge.

This means that only primary education from grade one to grade ten is compulsory and free, since pre-grade one learners' education is neither mentioned in Article 20(2) nor covered by the Education Act. Needless to mention that teaching and learning (formal education) does not necessarily commence with primary education, seeing that many countries including South Africa provide for statutory pre-primary education as discussed in Chapter Three (see paragraph 3.8.7).

When comparing the participants' responses in relation to the establishment of ECDECCs and the rationale thereof, it became evident that such ECDECCs were indeed educational institutions established and run by community members, and in which the pre-grade one learners were educated. It was also evident that community members carried an unreasonably heavy burden in contributing to the adherence to the pre-grade one learners' right to education in rural areas in Namibia. This was evidenced by the fact that community members had not only literally established and were maintaining ECDECCs, but they were also responsible for the salaries of the heads of ECDECCs. This in itself is contrary to the broad interpretation of the Constitutional provision of the right to education of all persons, Articles 20(1) and 20(2) respectively.

### **5.3.2 Knowledge of the pre-grade one learners' presumed right to education: understanding of human right to education**

Human rights (inclusive of the right to education) are the cornerstones of Namibian independence, democracy and the rule of law as stipulated in the Preamble and in Article 1 of the Constitution of Namibia. Chapter Three of the Constitution of Namibia is dedicated to Fundamental Rights and Freedoms.

As such, all Namibians have, as of necessity, not only to know and understand their rights but, more importantly, should experience and actually exercise and enjoy their rights, irrespective of their geographic situation. Having this in mind, I was curious to learn about participants' knowledge and understanding of the right to education. In order for one to adhere to the law which regulates specific

behaviour, actions or undertakings, one has to know what that law actually is all about, because ignorance concerning the law is not an excuse.

Knowledge is power. In order for stakeholders to adhere to the presumed right to education of the pre-grade one learners at their ECDECCs, they first and foremost needed not only to know but also to understand what that right is all about. Consequently, I wanted in the first place to learn from the participants what their views were on the pre-grade one learners' right to education before asking them how such right is adhered to in their ECDECCs in rural Namibia.

Some of their responses not only expressed evidence of their knowledge and understanding of the right to, significance of, and benefit derived from education, but also of their commitment to and concerns about adherence thereto. The following are examples:

I heard about human rights in general and the right to education in particular. Education is the key to a better life, therefore we send children to be educated in order to take care of us in future. Pre-grade one learners have the right to education like any other learners because education is equally important to all learners. ...children also learn a lot at this level before going to primary school (CM3: page 1),

They have the right to education. Education is equal for all. Parents desire their children to be educated (PG1: page 1),

Pre-grade one learners have the right to education, because education is the same. If a child is not educated at this tender age he/she will not understand (CM2: page 1),

I understand that all children from kindergarten onwards have the right to education. I understand there is free education for all but such does not apply to our ECDECCs in rural areas. Some children are taught under trees, some are taught under uncompleted buildings (HC1: page 1),

Yes they have the right to education because early childhood education is an eye opener for further education (PG2: page 1),

Education is a social service need. It is a right to each and every child. It could be promoted and protected through the existence of kindergarten [ECD centres], through informing parents about the importance of early childhood education and in advising them to send their children to ECD centres (CM1: page 1).

It transpired from all participants' responses that the issue was not necessarily lack of knowledge or understanding (on the part of the heads of centres, parents/guardians, community leaders community members and the communities at large) of the fact that all persons, including the pre-grade one children in rural areas, have equal right to education as entrenched in Article 20(1) of the Constitution of Namibia. On the contrary, it was more about lack of equal provision of well-equipped educational institutions to enable all persons, including those who are living in remote rural areas in northern Namibia, to exercise and enjoy their Constitutional fundamental human right to education.

The irony, however, lies in the fact that parents/guardians were also required to pay for their children's education at ECDECCs, despite the fact that participants were cognisant of the right to free education of all children.

Community members pay teachers' salary in money or in kind

Parents pay N\$25. 00 per month as decided by the ECDECC

committee (HC1: page 1).

One cannot escape the conclusion that the requirement for such payment was probably attributed to the fact that ECDECCs teachers/heads of centres were not on government (Ministry of Education) pay roll, which leaves much to be desired.

However, because of their seemingly unwavering commitment to the education of their children, community members, notwithstanding their lack of fiscal income, did everything humanly possible to both establish and maintain ECDECCs in which their children could receive ECDE.

The Guidelines for establishing early childhood development centres provide for specific age for admission at those centres.

Admission requirement is three years old for those who are living in the vicinity of ECD community centre (HC1: page 1).

This is in line with the policy in terms of the MGEW (2005: 5) which stipulates an age range for children admission at ECDECCs to cater for children between zero and six years. The Namibian Education Act 2001 is not only silent on the admission age for the pre-grade one learners, but also on pre-grade one education in its entirety. This state of affairs results in the legally unregulated provision of pre-grade one learners' education in Namibia currently. However, the Act stipulates that the statutory age for admission in grade one is seven years. Some participants expressed disappointment about the prescribed admission age at both pre-primary and primary level, as it meant pre-grade one education only took place one year before the learners would begin primary school.

Starting educating children when they turn five to six years in an attempt to prepare them one year only for school is too late. I am not in agreement with starting educating children only when they turn five years old. I prefer education from birth to death. The best way to educate a child is to start from zero to death, because education is the right of every Namibian from birth to death by virtue of being a legal subject in terms of the Constitution of Namibia (HR1: page 1).

Unlike the Namibian post-independence Education Act, the South African Education Act was amended to cater for flexibility regarding admission age of learners in both public and private educational institution as a result of judicial intervention in *The*

*Minister of Education v Doreen Harris* case (2001) decision which was adjudicated shortly before such amendment. According to Imber and Van Geel (2010: 4) the Courts resolve conflict by applying Constitutional provisions, legislation and regulation to specific situations. Normally the Courts rule on the Constitutional validity of statutes, policies and action. This is evidently demonstrated in various decided cases in general and in the *Minister of Education v Doreen Harris* case (2001) in particular as follows:

In an appeal case, *Minister of Education v Doreen Harris* (2001), the Minister of Education published a notice on 18 January 2000, stating that a learner may not be enrolled in grade one in an independent school if he or she does not reach the age of seven in the same calendar year. Talya Harris was one of the children who had enrolled at the age of three in the King David pre-primary school where she was prepared for entry to primary school in the year 2001. Her parents challenged the validity of the said Minister's notice and approach the court to permit her to be enrolled in grade one in the year she turned six since the school was not prepared to allow her to enter grade one in the year she turned six.

On 15 January 2001 Coetzee J declared in the Transvaal High Court that the notice was unconstitutional and invalid, and accordingly authorised King David Primary School to admit Talya in Grade 1 at the age of six. He also made the following findings:

The Minister's actions discriminated unfairly on the ground of age Talya and similarly situated children were not justified and accordingly violated the right to equality guaranteed by the Constitution.

By requiring Talya and other children in her position to repeat the final year of pre-primary school or to sit at home waiting for the year to pass, the Minister's actions unjustifiably violated section 28 (2) of the Constitution which provides that a child's best interests are of paramount importance in every matter concerning the child.



Ideally the ruling in this case would address participants' expectation of "education from birth to death".

Some participants expressed dismay about the entire concept of the establishment of EDCECCs in relation with the pre-grade one learners' education.

It was noteworthy that some participants expressed the need for either an amendment to the existing Namibian Education Act or for the promulgation of a new one altogether to specifically cater for the pre-grade one learners' right to education.

- While the Constitution makes provision for pre-primary education, the State has not yet promulgated an ad hoc law that deliberately concentrates on pre-primary education. The Constitution is very clear in terms of its letter and spirit, it makes provision for that pre-primary education (HR2: page 4),

The current Education Act does not cover pre-primary education (HR2: page 2).

In countries such as Brazil, Britain and Finland, children start statutory (basic) primary school (grade one) at the age of five as discussed in Chapter Two (see paragraph 2.6). Similarly, South Africa which I used as a benchmark for this study for the reasons stipulated in Chapter Three (see paragraph 3.1), has recently followed suit. Unlike Namibia as pointed out by both legislation in the literature study and participants' responses in this study, South Africa has expressly statutorily legalised and is enforcing the grade R learners' right to education (pre-grade one learners' right to education) not only in terms of Constitutional provision but also in terms of the specific Education Act which was purposefully amended to that effect. Section 5 4(a)(i) of South African Schools Act *inter alia* provides:

Admission age to a public school to grade R is four turning five by 30 June in the year of admission. Section 5 4 (a) (ii) admission to Grade 1 is age five turning six by 30 June in the year of admission.

Section 5 4(b): subject to the availability of suitable school places and other educational resources the Head of Department may admit a learner who

4(b) (ii) is under the age contemplated under paragraph (a) if good cause is shown and complies with the criteria contemplated in paragraph (c).

5 4(c) The Minister may by regulation prescribe criteria for the admission to public school at an age lower than admission age of an underage learner who complies with the criteria.

This is in line with the decision in the *Ministry of Education v Harris* case (2001) in which refusal to admit an under aged learner in grade one was declared contrary to the best interest of the child, since it discriminated against the child on the basis of age. In addition, assuming pre-grade one education is indeed part and parcel of basic (primary) education, the requirement for payment of school fees would be contrary to free basic (primary) education in terms of Article 20(2) which provides:

Primary education shall be compulsory and the State shall provide reasonable facilities to render effective this right for every resident within Namibia, by establishing and maintaining State schools at which primary education will be provided free of charge.

Identity documents such as birth certificates are mandatory pre-requisites for admission to educational institutions. This fact was highlighted by participants' responses in paragraph 5.3.2. This fact is further confirmed, but also constitutionally successfully challenged, in one case of The United States of America (US), *Plyler v Doe*, regarding illegal immigrant children's right to education. The legal question that the Court had to answer was whether refusal by the state of Texas to admit illegal undocumented immigrants' children to free public education was in accordance with

the Equal Protection Clause of the Fourteenth Amendment. The US Supreme Court ruled in favour of the illegal undocumented school children in that it found that the Equal Protection Clause of The US Constitution prohibits a state to discriminatorily deny education to undocumented aliens.

UNICEF (2006: 4) reports that without official documents such as birth certificates and identity documents it is difficult for persons to benefit from public services such as education. “For a third of Namibian children, invisibility begins with their births not even being registered. Without a birth certificate, these children experience difficulties getting into school and accessing other support services grants.” In addition, according to Ministry of Gender Equality and Child Welfare (2007: 6), birth registration provides an essential means of protecting a child’s rights and ensuring that he/she is not prevented from accessing basic service and education. Similarly, birth certificates were prerequisites for admission to statutory grade one at primary schools. This could be construed to serve as an enforcement mechanism for adherence to legal proof of nationality/ identification and to the seven years old requirement in terms of the Education Act of 2001. The National Planning Commission (NPC) (2010: 61) also reaffirms the fact that both the Constitution and CRC require that every child be given a legal identity, because without a birth certificate a child cannot get into school, be registered for assistance if he or she needs it, or obtain a passport or gain access to any number of services that require positive identification. This fact is emphasised by CRC which provides for the child’s right to education in Article 29. In addition, Article 7 of the CRC states that birth registration is a fundamental right, because when children are unregistered, their enjoyment of a range of rights, including education and health care participation and protection, is jeopardised.

We require a valid birth certificate but some children do not have birth certificates at all. For admission at ECD community centres is a valid birth certificate and/or baptism certificate. However, children without such documents are also admitted (HC3: page 1).

This relaxation of the requirement of birth certificates is an indication that heads of centres understood, were promoting and adhering to the right to education for the pre-grade one children at their ECDECCs. It is, however, common that parents and guardians experience challenges when applying for their children's admission to statutory grade one at primary schools, because children without valid birth certificates are not even considered. This is evidenced by a nine year old female learner at one of the ECDECCs.

She has been attending ECD community centre for almost four years now. She knows everything and at times she becomes unruly because she is bored. I sometimes ask her to act as a teacher. She could not be admitted at primary school without a birth certificate... (HC3: page 1).

Ministry of Gender Equality and Child Welfare (2005: 5) points out that ECDCs should also register children who are older than six years but who cannot enter grade one that particular year because their birthdays fall after January (government only registers children if they have reached the age of six by January of that specific year).

It is also worth noting that the Constitution of Namibia does not prescribe an age limit regarding commencement of primary education at all. It however demarcates exit age for compulsory education with some proviso; Article 20(3):

Children shall not be allowed to leave school until they have completed their primary education or have attained the age of sixteen (16) years whichever is the sooner save in so far as this may be authorised by Act of Parliament on grounds of health or other considerations pertaining to the public interest.

This, by implication, means that when the nine year old girl who according to (HC3: page 1) had been attending ECDCs for almost four years, eventually obtains a valid birth certificate, she will be admitted to grade one at primary school despite the statutory prescribed age of seven in terms of Namibian Education Act of 2001 due to

the supremacy of the Constitution. In addition, it can be argued that in terms of Article 20(1) “[a]ll persons shall have the right to education” pre-grade one learners are by virtue entitled to formal public education and public educational facilities.

The legal principle that all persons have the right to education is an inclusive one that also caters for learners with special needs regardless of their social status or geographical setting. It is against this background that I wanted to know whether children with special needs were also admitted at ECDECCs. The participants responded in the affirmative that such children were taught together with other children, but they gave them special attention. This is in line with the legal principle established in the *Brown case* (see paragraph 3.4).

There is evidently one learner with special needs. I taught her together with other learners but she is reluctant to participate in lesson activities because of her condition. She only participates a bit when they are singing. Other learners appear as such due to poverty (HC1: page 1).

The other heads of centres said that they had never experienced such applications but they were willing to admit children with special needs. This was in line with the principles of inclusive education found in the most celebrated and leading case on the disabled children’s right to education, namely the *Brown case* discussed in Chapter Three (see paragraph 3.4 and 3.9), the Namibian Inclusive Education Policy, and highlighted in the MGECEW’s Guidelines for Establishing Early Childhood Development Centres in Namibia. It followed that admission of children with disabilities was one of the prerequisites for training of ECDECC teachers and provisions of teaching learning aids in ECDECC. According to Ministry of Gender Equality and Child Welfare (2005: 5):

Enrolment of children with disabilities in Early Childhood Development Centres is highly encouraged and should be promoted. Early Childhood Development Centres with children with disabilities will receive priority in training and will be provided with necessary materials to help those children.

This appeared not to be the case as indicated through participants' responses regarding the obstacles they experienced in their pursuit of adherence to the ("pre-primary learners") grade one learners' right to education (see paragraph 5.3.5).

It is evident from participants' responses that media, especially radios, are more suitable means to enlighten many people in remote areas about their human rights and freedoms in general and the pre-grade one learners' right to education in particular.

I heard over the radio that we must send all children to school  
(PG2: page 1).

Consequently, it is important to highlight the fact that due to the remoteness of rural areas, radios and occasionally cell phones are the only effective media of communication available. Needless to say it was interesting to note that despite the absence of electricity, community members often travel long distances to charge their cell phones in towns. It is against this background that community members learnt, mainly via radios, not only about the right to education, but also the necessity of sending their children to educational institutions.

In addition, there are also Human Rights organizations such as Legal Assistance Centre (LAC), Ombudsman Office, Nam Rights, as well as individuals who advocate adherence to human rights of which the pre-grade one learners' presumed right to education has been a bone of contention in Namibia since the removal of pre-primary education from the then Ministry of Education Sport and Culture (the Current Ministry of Education) to the then Ministry of Women Affairs (the current Ministry of Gender Equality and Child Welfare) to date.

Under this theme I explained, with reference to participants' responses, that they (participants) were indeed conversant with the right to and the importance of education in general, and with that of the pre-grade one learners in particular. The following theme covers the ways through which participants adhered to pre-grade one learners' presumed right to education in their communities.

### **5.3.2.1 Adherence to the pre-grade one learners' presumed right to education: mode of adherence**

Having learnt that the participants did indeed not only know but also understand the right to education in general and the significance of pre-grade one learners' right to education in particular, I became curious to find out how exactly they then adhere to such right. Consequently, having been satisfied that participants were to a certain extent directly and indirectly cognisant of the existence of education law, I asked the participants how the pre-grade one learners' presumed right to education was promoted, advanced, fulfilled, and protected (in other words, adhered to) in ECDECCs in their different villages.

The first step that participants in communities (heads of centres, parents/guardians, community leaders and community members at large) took to ensure adherence to the right of education of the pre grade one learners' right was to work together to establish the basic need, shelter, ECDECCs in which pre grade one learners' right to education was to be practised, adhered to, exercised and enjoyed by beneficiaries thereof: namely: pre-grade one learners in their communities.

We discuss contribution for the completion of the building, payment for children's education and problems regarding poor attendance (PG2: page 2).

This is also an indication that human rights are indeed interrelated, interlinked and interdependent to one another. One cannot provide rights and freedom to some and deny others and *vice versa*, or provide them without protecting and enforcing them. The ideal situation is that all fundamental human rights and freedoms provided for in the Constitution should holistically and simultaneously be realised, exercised, and enjoyed. This was indirectly demonstrated in the participants' responses as follows:

I help the child to revise what was taught at ECDECC. I wash the child before going to school. I also prepare food for school (PG1: page 1),

We normally discuss about our children's education, about ECDECC buildings about our needs such as water, electricity and toilet facilities at our ECDECCs (PG1: page 2).

It can be deduced from participants' responses that, in order to adhere to, and allow learners to exercise and enjoy their right to education to the fullest, other relevant fundamental human rights, freedoms and basic needs have to simultaneously be taken care of. For example, human rights to basic needs such as shelter, food, the right to health, hygiene, safe and peaceful environment, to mention but a few, are prerequisites for the promotion, fulfilment, exercise and enjoyment of the right to education. These could be demonstrated in terms of the Constitution of Namibia provisions as follows:

**TABLE 5.1 Interdependence of fundamental human rights and freedoms in relation to the right to education**

RIGHT TO EDUCATION	OTHER INTERDEPENDENT RIGHTS	CORRESPONDING RESPONSIBILITIES/OBLIGATIONS/DUTIES
<p><i>Article 20</i> Education</p> <p><b>Article 144:</b> International Law</p>	<p><b>Article 15:</b> Children's rights</p> <p><b>Article 10:</b> Equality and freedom from discrimination</p> <p><b>Article 19:</b> Culture</p> <p><i>Article 16:</i> Property</p>	<p><b>Article 6:</b> Protection of life</p> <p><b>Article 7:</b> Protection of Liberty</p> <p><b>Article 5:</b> Protection of fundamental rights and freedom</p> <p><b>Article 8:</b> Respect for human dignity</p> <p><b>Article 12:</b> Fair trial</p> <p><b>Article 18:</b> Administrative justice</p> <p><b>Article 22:</b> Limitation upon fundamental</p>



	<p><b>Article 21</b> Fundamental Freedoms</p>	<p>rights and freedom</p> <p><b>Article 95:</b> Promotion of welfare of people</p> <p><b>Article 25:</b> Enforcement of fundamental rights and freedom</p> <p><b>Article 78:</b> The Judiciary</p> <p><b>Article 81:</b> Binding nature of the decision of the Supreme Court</p> <p><b>Article 91:</b> Functions of Ombudsman</p>
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It came to light that adherence to early childhood development and education in ECDECCs was indeed a collective effort by most members of the community under the leadership of their community leaders in the rural area where the study was conducted.

It is when ECDECCs community teachers teach children to prepare them for grade one. When children are taught under proper shelter to protect them from flu and cough especially during winter time (PG1: page 1),

Men normally look after the cattle to enable children to go to school and women attend teacher-parents meetings. Even children at this level feel good and are motivated to learn when their parents/guardians attend teacher-parents meetings. On the other hand children whose parents / guardians do not attend teacher- parents meetings feel bad and are not motivated. Primary school children normally escort pre-grade one learners to ECDECCs on their way to school (CM2: page 2),

During rainy season I escort children to ECDECCs during rainy seasons by my “sikoloskolo” (old vehicle). I also assist them to cross the water pans on their way to ECDECCs (CL1: page 1),

It is done by making sure that qualified primary school teachers from Colleges of Education are recommended to teach the five to years old so that they can lay the foundation at the early age (ME1: page 1),

We help the child to revise what was taught at the centre. I wash the child before going to school (PG2: page 1),

We attend teacher parents meetings to learn more about children’s education, to motivate children to learn and normally to support our children (PG1: page 2).

It is equally evident from these participants’ responses that parents and guardians were fulfilling their obligations to maintain the minor children under their care in terms of the Maintenance Act and were in compliance with their duties to send them to school and to actively be involved in their children’s education in terms of the Education Act. Similarly, heads of centres for instance availed themselves to educate children who were sent to ECDECCs. However, what was not mentioned was the State’s role apart from occasionally providing insufficient building material in some communities and the awareness campaign by the Ministry of Gender Equality and Child Welfare.

- After independence there have been interventions to bring a balance between urban and rural areas. It is done through educating parents about the significance of early childhood education (MG1: page 1),

Campaigns are conducted by staff members known as community activators on a monthly basis, to sensitise community members of the significance of early childhood education (MG2: page 1).

Yes, it is a daily activity. Awareness campaigns are conducted to sensitise inhabitants in rural areas about the human right to education for all in general and the significance of early childhood education in particular (MG1: page 1),

The major aspects of such campaigns are: importance of early childhood education and establishment of early childhood management (MG1: page 1),

It is done through educating parents, cooperating with primary schools in the vicinity that only children from ECD centres are admitted in grade one, and encouraging parents and guardians to send children for pre-primary education (MG2: page 2).

It is doubtful whether campaigning alone for early childhood development and education without providing sufficient means to realise it would make much difference. There were however major sponsors for early childhood development and education.

NGO associations [Non-Governmental Organizations], UNICEF and UNESCO (ME1: page 2),

It depends on which non-governmental institution is approached for example, UNICEF ETSIP and SOS which provides educational toys (MG1: page 3).

In as much as such donations are gratefully and wholeheartedly welcomed and appreciated at all times because education is a collective effort by all stakeholders, one cannot, because of its significance, leave an important public undertaking such as education at founding level solely to the mercy of sponsors. On the contrary, sufficient budgetary allocation should be made to that effect.

There is, in fact, a South African case law addressing the issue at hand. In the case of *Centre for Child Law v MEC for Education Gauteng* (2008), the legal

representatives for the MEC for Education proposed that charity organisations could be approached to provide sleeping bags to keep children warm who were living in poor conditions in public school. J Murphy ruled: “The respondent’s further proposal that efforts be undertaken to raise funds from the Red Cross and the non-governmental sector, is way off the mark and reflects fundamental misunderstanding of its constitutional duty...”.

According to Prinsloo (2009: 32), human rights places an obligation on the State to take measures to advance the right to education. This is in line with the *Brown case* ruling: “Today, education is perhaps the most important function of State and local governments...”.

It transpired that payment in the range of N\$20.00, N\$25.00 and N\$30.00 respectively per month was required for the pre-grade-one learners’ education in ECDECCs. Some participants had this to say:

No Not at all. Some children do not attend ECDECCs due to inability on the part of the parents/ guardians to pay ECDECCs fees. Some children may stay up to two months without attending ECDECCs because some parents and guardians do not have income to be able to pay ECDECC **fees** (HC3: Pages 2-3),

Not at all. Some parents/guardians are unable to pay the minimum required N\$ 25.00 for their children’s education. Most children drop out due to inability of parents to pay (HC1: page 2).

One cannot escape the conclusion that inaccessibility by all pre-grade one learners to ECDECCs in rural areas may primarily be attributed to the State’s insufficient - if not total lack of - funding of those early childhood development and educational institutions.-

According to Ministry of Gender Equality and Child Welfare (2007: 11):

The former Ministry of Education (MOE) made provision for a 10 week bridging course for seven year-olds attending selected primary and preschools, but in 1994, in the interest of equity and due to budgetary constraints, the MOE suspended its support for all pre-primary classes.

If the argument is that early childhood education is expensive, one should consider the cost of ignorance. The latter is even worse! States spend considerable amount of money on adult literacy programmes which could be minimised if not prevented by timeously investing in early childhood development and education.

At this particular ECDECC the head and committee members are not very strict since they know their area and community problems. They do not punish children whose parents/ guardians are unable to pay. They do not deny them education opportunity (CL2: page 2).

Such failure to pay school fees was attributed to many factors (see paragraph 5.3.2) ranging from poverty due to unemployment and therefore inability to pay ECDECC fees, long distances and little understanding of the importance of early childhood education.

As a result, despite the establishment of ECDECCs, relaxation of admission requirements, occasional exemption from school fees payment, and the threat that pre-grade one attendance was a pre-requisite for admission to the statutory grade one education at primary schools, there were still some pre-grade one children who did not attend ECDE which was provided at the ECDECCs in the area in which the study was conducted.

What could be inferred from the participants' responses about adherence to the right to education is that it is one thing to know and understand one's fundamental human rights and freedoms, but it is another to appreciate how and where such rights can be protected and enforced.

This indicates that at the time the research on which this report is based was conducted, the legal principles of “...all persons’ right to education, equality and freedom from discrimination” in terms of Articles 20(1) and 10 of the Namibian Supreme law, the Constitution of Namibia respectively, the Namibian major goals of “Towards Education for All” namely access, equity, quality and democracy (GRN, 2000: 31-41) as well as in terms of the Four A’s: availability, acceptability, adaptability and accessibility of basic education, stipulated by the International Committee for Economic, Social and Cultural Rights (Smit, 2011: 311-316) had not been fully complied with in remote rural ECDECCs in northern Namibia. This could be construed to amount to unfair discrimination on the basis of social status and age in terms of Article 10 of the Constitution of Namibia and International Human Rights Instruments which Namibia ratified and are therefore part of Namibian law in terms of Article 144 of the Constitution.

The Constitution of Namibia not only highlights various fundamental human rights and freedoms, but also remedies how they are to be promoted, advanced, protected and enforced by the Judiciary in terms of Article 78, read with Articles 26(2); 26(3) and 26(4) which *inter alia* provide:

- (1) Aggrieved persons who claim that a fundamental right or freedom guaranteed in this Constitution has been infringed or threatened shall be entitled to approach a competent Court to enforce or to protect such a right or freedom and may approach the Ombudsman to provide them with such legal assistance or advice they require...
- (2) ..the Court referred to in Sub-Article (2) shall have the power to make such orders as shall be necessary and appropriate to secure such applicants the enjoyments and freedom conferred on them under the provision of this Constitution...
- (3) The power of the Court shall include the power to award monetary compensation in respect of any damage suffered by the aggrieved person in consequence of such unlawful denial or violation of their fundamental rights and freedom...

Considering these, it was evident from the participants' responses that the issue was not really non-adherence on the part of stakeholder participants to the pre-grade one learners' right to education *per se*; but it was apparently about lack of knowledge and understanding as to how to vindicate such rights.

***5.3.2.2 Preparedness of heads of centres to adhere to the pre-grade one learners' presumed right to education: academic and professional training, lesson presentation***

Research sub-question 1.3.2.2 of this study reads: "What are the perceptions of the stakeholders of the extent to which teachers in rural ECDECCs in Northern Namibia adhere to the presumed right to education of the pre-grade one learners? This research question was answered by the stakeholder participants through empirical data under this theme: preparedness of heads of centres to the pre-grade one learners' presumed right to education as herein discussed.

Strictly legally and professionally speaking, a head of an educational institution, or a teacher for that matter, is someone who is academically and professionally trained as such. This is evidenced by the definition of an educator as discussed in Chapter Three (see paragraph 3.8.6). In trying to learn about the preparedness of heads of centres to adhere to the assumed right to education of the pre-grade one learners, I concentrated on what their main responsibilities at ECDECCs were and how they executed their duties.

This was summarised by one participant as follows:

My major responsibilities are to establish kindergarten and to teach children  
(HC3: page 1).

The establishment of ECDECCs in this context means that they (heads of centres), together with other community leaders and community members, literally set up structures where pre-grade one learners were taught (see paragraph 5.3.2). Assuming pre-grade one is part and parcel of primary (basic) education, this could be construed to be contrary to Article 20(3) of the Constitution of Namibia which *inter*

*alia* provides that “...the State shall provide reasonable facilities to render effective this right to every resident within Namibia by establishing and maintaining state schools...”. The same principles and the definition of the right to education was highlighted in terms of the holdings in the most celebrated *Belgian Linguistic Case* in which it was held that the right to education means *inter alia* access to established[by the State] educational institutions.

Expecting teachers/heads of centres to physically be involved in the establishment of ECDECCs is too way off the duties of a teacher in their technical meaning. Teacher preparation ordinarily entails training, which leads to academic and professional qualifications in education, lesson planning, lesson presentation and learners’ assessment. Education normally takes place through a specifically chosen/agreed upon language as medium of instruction. The right to education as defined in the *Belgian Linguistic case* means, among other things, where practicably possible, being taught in a person’s mother tongue.

Heads of ECDECCs where this study was conducted seemed to have adhered to the right to education in relation to the medium of instructions as founded in the *Belgian Linguistic case* in that vernacular was the medium of instruction in those ECDECCs although this was not really appreciated by some community members as pointed out:

ECDECC education in rural areas is of poor quality compared to the ones in urban areas. Our children are taught by old people who do not know how to speak English. We also want our children to be taught in and learn English (CM2: page 1).

The first part of above quotation confirms Ministry of Gender Equality and Child Welfare (2007: 5) which among others states:

Early learning opportunities for young children outside the home are extremely limited, especially in rural areas. Although facility-based ECD programmes have mushroomed, with an estimated 50 000 children



attending these, quality of early learning service provided in these programmes is questionable. In Namibia, more children drop out of schooling during or at the end of Grade 1 than in any of the lower primary grades, indicating low levels of early learning capacities among young children entering the formal school system.

The need (expressed by participants in this study) for teaching English as a subject and or a medium of instruction in ECDECCs is justifiable and may be addressed by invoking Article 3(1) of the Constitution of Namibia which provides: “The official language of Namibia shall be English.” In terms of human development, acquisition of language is effortlessly easy during early childhood developmental stage. Needless to say, in light of globalization, it is argued that learning English or through English will be an advantage to learners in general and in rural areas in particular. Although this is a contentious discourse, it was not part of the focus of this inquiry. There are also other schools of thoughts on using English as a medium of instruction. It was held in *the Belgian Linguistic case* that the right to education means *inter alia* the right to be taught in one’s vernacular where practicably possible; however, the State has no obligation to do so. In the *Governing Body of Micro Primary School and Another case* (1995), Judge Thring held among others: “Mother tongue education is, as a matter of fact, a powerful tool to extend educational opportunities to all South Africans. Research has established the correlation between mother tongue instruction and optimal educational progress.” The ruling by Thring J in this case is to some extent relevant to my study “An education law perspective on early childhood development provision in rural Namibia”, in terms of the meaning of the right to education (as explained in *The Belgian Linguistic case* in Chapter Three) in general. It is particularly applicable to this theme on preparedness of the heads of centres in relation to teaching and learning in light of the right to education. In the first place, it highlights the rights (in this study the desire) of the parents/guardians to choose, on behalf of their children, the medium of instruction English, (which is the official language in terms of the Constitution of Namibia, despite recommendation of mother tongues media of instructions at foundation levels in terms of language policy) as opposed to their

vernacular, which is the case in this study. In the second place, it covers the prerequisites of academic and professional training including English (official language) competence in the enhancement of lesson presentation as lamented by participants in this study:

ECDECC education in rural areas is of poor quality compared to the ones in urban areas. Our children are taught by old people who do not know how to speak English. We also want our children to be taught in and learn English (CM2: 1). [repeated here for emphasis purposes].

As to the teacher: learner ratio at ECDECCs, ideally one would have expected at least two staff members who are academically and professionally trained teachers. One could act as the head of an ECDECC who should be the ECDECC chief administrator with some teaching responsibilities and at least one teacher whose main duties would be to pay undivided attention to teaching and to supervise the pre-grade one learners. There is also a need of at least one cleaner to adhere to hygiene requirements in compliance with the Guidelines for the Establishment of ECDECCs.

The participants indicated the challenges in relation to teacher learner ratio as follows:

I am both head of the centre and the only care giver/ teacher at the centre (HC2: page 1),

Most of the time for instance when I, due to any reason, was absent from work, learners would not be taught for the duration of my absence (HC1: page 1),

Occasionally some female community members offer to stand in for me when I am absent, however they do not teach but they simply look after the children (HC 3: page1).

Pre-grade one learners benefit more by being taught through colourful concrete teaching learning aids.

Again my responsibilities are to look for teaching-learning aids of the centre, to make teaching and learning aids and being both head of and teacher at the centre (HC1: page 1).

This is an indication that heads of ECDCs in rural areas have, to a certain extent, some idea of some early childhood education teaching and learning methods. However, the challenges they faced were inadequate training to use, and lack of resources to buy, needed teaching learning aids, seeing that the line Ministry of Gender Equality and Child Welfare neither established ECDECCs equipped with teaching learning aids nor gave money (budget) to buy such needed teaching learning aids as confirmed by MGECW. This could be construed to be contrary to Article 95(e) of the Constitution of Namibia which provides that the State shall actively promote and maintain the welfare of the people by adopting, *inter alia*, policies ensuring that every citizen has a right to fair and reasonable access to public facilities in accordance with the law.

It transpired that apart from teaching learners at ECDECCs some heads of centres went an extra mile as follows:

My duties are to establish the kindergarten to teach/educate children and to advise parents and guardians to prepare children for school in terms of food and neat clothes (HC3: page 1).

This is in compliance to the parental legal duties towards their children in terms of Article 15(1) of the Constitution of Namibia which provides for, among others, the right to be cared for by their parents. This right to be cared for by their parents is comprehensively stipulated in Section 3 of the Namibian Maintenance Act.

This part of preparing children for school in terms of providing food and clothing is a very significant fundamental aspect and it is in fact a prerequisite for enabling learners to benefit from education provided in ECDECCs. Pre-grade one children are at a developmental stage where they need enough nutrition to be able to pay

attention in class. It goes without saying that food and clothing are basic needs that go hand and hand with the right to education (see paragraph 5.3.4).

Academic and professional training are prerequisites for a career in education. To this end one of the sub-research questions was about finding out the preparedness of teachers in rural ECDECCs to adhere to the pre-grade one learners' presumed right to education. I learnt from the horses' mouths as follows:

I have not undergone proper training I attend some workshops only once because I experience difficulties in attending such workshops due to required payment thereof (HC3: page 2),

I attended ECDECCs workshop at Ongwediva, Oniipa and Ondangwa (HC 2: page 1),

I am a former unqualified primary school teacher. I attended in-service training (HC1: page 2),

I am willing and long to attend in- service training (HC2: page 1).

It is evident from heads of centres' responses that they were not academically and professionally trained in early childhood development and education. As such, they answered my sub-research question 1.3. 2.2: "What are the perceptions of stakeholders of the extent to which teachers in rural ECDECCs in northern Namibia adhere to the presumed right to education of the pre-grade one learners." It followed that heads of centres (teachers) in rural ECDECCs were not fully prepared to adhere to the pre-grade one learners' right to education because in order to do justice in teaching children at this tender age, they should have undergone specialised training to do so because early childhood development and education is a special and unique field of study.

The heads of centres' responses to the question on their training were also confirmed by other stakeholder participants:

We need qualified teachers to teach children at that level. Such qualified teachers are to be provided by government (CL1: page 1),

I have an objection to the issue of having entrusted early childhood development education to communities. I have an objection to the use of terms such as 'caregivers' and 'caretakers' when talking about education. I think that the best qualified teachers are to be entrusted with education of these children at this early stage of their development (HR1: page 1).

HR1 further remarked that the training undergone by those who were teaching pre-grade one learners in community centres was not sufficient in light of those children's presumed right to education, consequently ECDECCs teachers were not fully prepared to adhere to the pre-grade one learners' right to education.

She further pointed out that the submission that parents/guardians were the child's first educators was not always realistic because some of them were irresponsible in various senses and therefore not exemplary at all.

Government's idea that the parent is the first educator is not realistic because of the situation of many parents nowadays. Some are not responsible at all (HR1: page 3).

She continues to say:

They are not, because not only because it has been entrusted to communities which cannot provide education as they are not qualified teachers, but also because they are not in the right places. They cannot afford it. They have other responsibilities. They are not employed. They cannot, not even with the best will in the world (HR1: page 2).

*HR1* further pointed out that the nature and conditions of ECDECCs (at the time when this study was conducted) did not provide for the best possible venues and vehicles for the provision of quality pre-grade one education in an independent

Namibia. Teachers could not be adequately qualified after being trained for one, three or four week(s).

They are because the Ministry of Education shifted its responsibilities to other ministries. The Ministry of Gender Equality and Child Welfare must be occupied with gender related issues and not with professional early childhood education. Some communities are poor while some are rich. They are not experienced or qualified to teach after being trained for a week, three or four (HR1: page 2),

Teachers are not trained. They are poorly prepared. There are no strict requirements. Any willing person can operate kindergarten without being formally trained. No, the personnel is not properly trained (HR2: page 2).

All these statements confirm the submission in ETSIP GRN (2005) that early child education has not been a recognised profession in Namibia. However, the latest development in this regard is that in light of adherence to the requirements of the Namibian Vision 2030 (GRN, 2004), the University of Namibia which has been offering Early Child Education as one of the courses at Master's level only, introduced a four year BEd pre-primary education degree from 2011. At the time of writing this research report there was, however, no professionally trained early childhood education teachers trained from Namibian teacher training institutions, since the former teacher training colleges were entrusted with the training of lower primary and upper primary teachers, grade one to three and grade four to seven respectively.

Teaching and learning at all levels of education is a complex undertaking. As such, it is as a matter of principle, done by adhering to relevant well-designed curricula, stipulating not only the philosophy and methods, but also the aims, objectives and content; in other words, the expected competences to be mastered by learners. It is as of necessity regulated by a specific Act of Parliament. When asked whether ECDECC teachers were teaching pre-grade one learners in terms of a specific curriculum, they replied as follows:

Not really but we were provided with some guidelines similar to curriculum. I did not participate in drafting the curriculum but hopefully issues that are discussed by ECDECCs to teachers during workshops are considered (HC1: page 2).

It is a proven fact that children at the foundation stage learn better through play and by manipulating teaching learning aids during lesson presentation (Sayeed & Guerin 2000: 12-13; Macintyre, 2000: vii). This is in line with early childhood philosophers such as Froebel and Montessori regarding early childhood teaching methods discussed in Chapter Two (see paragraph 2.5).

As to what heads of centres did in preparing children for statutory grade one education, the participants replied as follows:

We teach children poems, singing, jumping, running, through play method, dramatization. Showing concrete objects were possible and pictures, and singing (HC1: page 2),

I teach them maths; to count from one to hundred, writing; to be able to write their name, how to identify different line, how to properly greet people, to apologise when they are late for classes and to ask permission when they want to leave the class. I teach them through telling stories, songs, showing pictures and sometimes through play method, but play method is difficult due to lack of educational toys (HC3: page 3),

Presentation of lessons is done both indoors and outdoors, those who mastered the lesson are sent outside for playing purposes and those who still struggle remain indoors for sometimes before sending them outside to play (HC1: page 2).

These responses of heads of centres are indicative of the fact that, apart from common sense about informal early childhood education in general, they did indeed attend to some sort of training in early childhood education methodology. Such training is said to have been conducted; the Ministry of Gender Equality and Child Welfare was responsible for the training of heads of centres/teachers, (caregiver/caretakers as they were referred to by the participants from the Ministry of Gender Equality and Child Welfare).

[Specialised training before taking up the task of educating children] Yes, but it is a challenge. It is done through NIED [National Institute for Education]. The minimum duration of the training is one and two weeks if I am not mistaken (MG1: page 2),

The minimum period is one year and two weeks if I am not mistaken (MG1: page 2),

Yes, training was conducted in all eight constituencies in the region. We are now aiming at conducting training in each village in every constituency (MG2: page 2). Yes, not many, perhaps 20%” [of all heads of centres attend ECD training sessions] (MG1: page 2).

It is evident from the answers of the custodians of early childhood development and education that there is still a need for much to be done about the training of ECDE, as they themselves admitted that it was a “challenge”. Needless to say, training in workshops alone cannot amount to a specialised professional training resulting in an academic or professional qualification to teach pre- grade one learners. Normally workshops are conducted to refresh and update professionals about latest developments in their fields of study or careers. The issue was therefore not that heads of ECDECCs did not receive any training at all but it was rather that they did not undergo formal specialised academic and professional training in ECDE.



In an attempt to learn whether heads of centres were equipped and prepared for adherence to the pre-grade one learners' presumed right to education, I was also curious to determine what exactly was taught in such training sessions.

Toy making, appropriate teaching methods, e.g. play method, significance of manipulating teaching learning aids, real objects or pictures, involving children in various activities through action (MG2: page 2),

Playing education through play, combination of all methods (MG1: page 2),

[The Ministry recommends] teaching through play, manipulating objects, and using pictures (MG2: page 2-3).

This fact was also confirmed by the heads of centre, because according to them (heads of centres), they could not afford the cost of such training, leave alone transport to and from towns where ECD training took place.

To the question as to how the Ministry rewarded heads of centres that underwent training and who were entrusted with educating pre-grade one learners, both participants answered that community members were responsible for the salaries of ECDECCs staff members.

Community members (MG1: page 3),

Community members meaning parents and guardians (MG2: page 3).

Again this submission confirmed the literature that the responsibility of ECDE in ECDECCs, and therefore adherence to the pre-grade one learners' presumed right to education, was placed more on the shoulders of indigent community members rather than on the custodian, namely: MGECW. Unlike community members, the State through MGECW is in a sound financial position to facilitate adherence since ministerial undertakings are normally taken care of budgeted for in terms of fiscal year national budget.

The cliché says desperate moments call for desperate measures. It is worth mentioning that notwithstanding the fact that MGECW is responsible for ECDE provision in Namibia, community members in remote rural areas have taken initiatives themselves to educate their children as far as they could. This is evidence that community members were committed to their children's right to education and appreciated the contribution of the heads of centres in that regard. This is indicated by their responses to the question how they perceived the preparedness of heads of rural ECDECCs to adhere to the presumed right to education of the pre-grade one learners:

Good, because some of former learners of ECD community centres are now in grade 12 (PG3: page 2),

It is satisfactory, the only major problem is lack of teaching learning aids (PG2: page 2),

Children learn something at ECDECCs, e.g. alphabet letters, some know at least the first letters of their names, how to write their names (PG1: page 2),

Children who attend ECDECCs are different from those who do not, the former are more active than the latter (PG1: page 2),

Children learn something. They are able to identify alphabet letters and some are able to write alphabet letters (PG2: page 2),

There is a big difference between a child who attends and who does not attend ECD centre. The one who attends ECD centre has got a lot of knowledge and understanding of his/her future (CL3: page 2).

This means to say that at least pre-grade one children in their communities were somehow exposed to some sort of formal ECDE (though of poor quality) in ECDECCs before they turn seven years old to be enrolled at statutory primary schools. Consequently, it safe to point out at the time this was conducted, pre

grade one learners' right to education was to a great extent neglected and therefore it was not fully adhered to in ECDECCs in rural communities. This is because the community members who are teaching in such centres are not professionally qualified teachers. In addition, the venues in which such education is conducted are neither suitable for human occupation nor adequately equipped with necessary teaching-learning aids.

There is need for much improvement. They need teaching and learning aids like other well-equipped ECDECC (PG2: page 2),

The ECDECCs are poor. It seems government does not take pre-primary education seriously because ECDECCs teachers are not paid by the government. Community members are the ones who struggle to buy materials and teaching and learning aids. Teachers do not have enough books and stationaries. There are no guidelines on how to deal with kindergarten learners, consequently, everybody uses his or her own experience (CM1: page 1),

ECDECCs education in rural areas is of poor qualities compared to the ones in urban areas. Our children are taught by old people who do not know how to speak English. We also want our children to be taught in and learn English (CM2: page 2-3).

Having said that, it is impossible to refute or rebut the fact that at the time this study was conducted heads of centres/teachers in ECDECCs in rural areas northern Namibian were not adequately prepared to adhere to the pre-grade one learners' presumed right to education. This was attributed to a variety of impediments that are enumerated in the following section.

### ***5.3.2.3 Obstacles experienced in adherence to the pre-grade one learners' presumed right to education***

In their pursuit of adherence to the pre-grade one children's presumed right to education in rural Namibia as evidenced by participants' responses, community

members were experiencing a host of obstacles. The major ones are related in this section. Seeing that I have used South Africa as a benchmark for my study, it is important to point out that some challenges in the provision of education to all persons in Namibia were also experienced in South Africa. According to Skelton (2013: 2) a critical analysis of case law demonstrates that there are problems in the delivery of basic education in South Africa in relation to the four A's: availability, accessibility, acceptability and accountability. Similarly Mbaha J pointed out in *Governing body of Rivonia Primary School v MEC for Education Gauteng Province* (2012): "The delivery of basic education to all South Africa's children in the context of the legacy of their apartheid history is a gargantuan challenge".

The difference between South Africans and Namibians is, however, that, unlike the Namibians, the former invoke the obligation of the judiciary in the enforcement of the right to education in general and that of the pre-grade one in particular. Consequently, they are ceaselessly approaching Constitutional Courts in all provinces to vindicate their learners' right to education in general, and pre-grade one learners' right to education in particular, in terms of admission, facilities, unavailability of teachers, teaching-learning resources and even long distances. Some of the decided South African cases are discussed within this section to demonstrate as to how the experienced impediments to the right to education in the region where the study was conducted may as well, be resolved in the courts of law in a democratically independent Namibia. In addressing (interpreting) the endless list of predicaments experienced in adhering to the pre-grade one learners' right to education in ECDECCs in rural Namibia, it is important to understand the nature of the right to education in order to appreciate how to enforce it accordingly.

The presumption of this study (which was also confirmed by the participants' responses in paragraph 5.3.2) is that that pre-grade one learners have the right to formal basic public education in terms of Article 20 (1) of the Constitution of Namibia. This was further defined in the case of *Governing body of the Juma Masjid Primary School v Essay No Centre for Child Law and Another* (2011) which sheds light on the

court's interpretation of the right to basic education, where Nkabide J delivered a unanimous ruling as follows:

*It is important for the purpose of this judgment to understand. the nature of the right to 'a basic education' under section 29 (1) (a) [which is similar to Article 20 (1) and(2) of the Constitution of Namibia assuming that pre-grade one education is part of basic education (primary education, my emphasis)]*

*Unlike some of other socio economic rights, this right is immediately realizable. There is no internal limitation that the right be progressively realised within available resources subject to reasonable legislative measures.*

*This right to a basic education in section 29 (1) (a) may be limited only in terms of a law of general application which is reasonable and justifiable in an open and democratic society and freedom. This right is therefore distinct from the right to further education provided for in section 29 (1) (b).*

This interpretation of the right to basic education echoes Article 22 of the Constitution of Namibia: Limitation upon Fundamental Rights and Freedoms as follows:

*Whenever or wherever in terms of this Constitution the limitation of any fundamental rights or freedoms contemplated by this Chapter is authorised, any law providing for such limitation shall:*

*Be of general application, shall not negate, the essential content thereof, and shall not be aimed at a particular individual.*

*Specify the ascertainable extent of such limitation and identify the Article hereof on which authority to enact such limitation is claimed to rest.*

Some participants pointed out some of their experienced predicaments in adherence to the pre-grade one learners' right to education as follows:

*Conditions prevailing in rural areas are virtually the same. Schools in rural areas are ever impoverished. The conditions are not good, regardless whether pre-primary, primary or secondary education (HR 2: page 1),*

*Parents/guardians are unable to pay N\$ 25. 00 for their children's education (HC1: page 2).*

Some children drop out of ECDECCs due to inability on the part of their parents/guardians to pay. At the time the research was conducted, the required payment at the three centres was N\$20.00, N\$25.00 and N\$30.00 per month respectively. This was stated:

*Some parents/guardians pay N\$30.00 or in kind; chicken, meat, dried traditional spinach, whatever (HC3: page 2).*

This is an indication that without employment education is costly in the absence of State's provision of free and compulsory basic education. Most parents could simply not afford such amount of money though it seems to be minimal. However, it is interesting to note that different persons facing the same or similar problems react differently. They say where there is a will, there is a way. For the majority of parents and guardians, because of their unwavering commitment to have their children educated and therefore adhered to their pre-grade one children's presumed right to education, there was a way. Others sat back and were waiting for the State to do its part. As a result, their children never benefitted from ECDE offered in ECDECCs in their communities.

*Most children drop out due to inability of parents to pay (HC1: page 2),*

*Some children did not attend ECD, due to inability to pay for their education. Many children do not go to the centre (PG2: page 1).*

Life in remote rural areas can be very difficult at times, and because of unemployment, money, apart from social grants from government (N\$200. 00 per child for orphan children and N\$600.00 per person for pensioners and disabled persons who have national identification documents), is a scarce commodity.

Assuming that pre-grade one learners' education is indeed part of basic (primary) education, requesting payment from parents/guardians and payment by parents/guardians for pre-grade one learners' education could be construed to be a violation of Article 20(2) of the Constitution of Namibia. The solution to this problem is provision (by the State) of free and compulsory public ECDE to all children, regardless of their geographic situation.

Shortage of staff was highlighted as one of the predicaments in adhering to provision for education in rural ECDECCs. This means that even for those children who were enrolled at ECDECCs and whose parents/guardians paid for their education, they were not taught on all school days.

*Being the only staff member at the centre, the centre is closed when I attend workshops. Nobody volunteers to supervise learners at the centre when I am absent, remarked (HC1: page 2).*

The provision of teachers and other school staff members was addressed in the case of *Centre for Child Law vs Minister of Basic Education Eastern Cape* (2012) in which it was found that the department is obliged to declare posts establishment for, and fill the posts for both teaching staff and non-teaching staff in public schools.

Shelter is a prerequisite for education practice and therefore for the exercise and enjoyment of the right to education. As such it is one of the requirements for the establishment of ECDECCs as discussed in Chapter Three (see paragraph 3.5.3). Teaching young learners especially, (or any learner for that matter) in an environment which is not conducive is not only degrading and a violation of the right to human dignity, but it is also a health risk.

*We need proper venues and teaching learning aids for the realization of children's right to education. There is a lot of obstacles. There are no chairs. Children are taught sitting on a dusty floor in an incomplete building (PG2: page 2).*

It transpired from the participants' responses that there was a lack of almost all basic needs for an ideal or even reasonable provision of ECDE. It is difficult to comprehend how they cope under such circumstances. One could only really appreciate their effort. They commented:

*No water, no electricity, no proper building, no toilets, hunger, no feeding programmes, lack of proper venue and failure by parents and guardians to pay for their children's education (HC2: page 2),*

*We need a lot of things; however, the major problem is lack of water (PG3: page 2).*

They say water is life. One can do nothing without water. Consequently, it was explained that because of absence of taps/water tanks/running water at ECDECCs learners were expected to carry bottles of water from home to school on daily basis. Access to clean drinking water is actually a right of human beings in general and of the learners in particular, which is not only indispensable for their survival but also a necessary prerequisite for the realisation of their right to education. Mungunda (2011: 80) conducted a study in Namibia entitled "Access to water: a human right", in which she points out that access to drinking water for all is a unique right that needs to be identified so that it can be protected. To this end, she cited the definition in the General Comment No 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR):

*The right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.*



In South Africa, the issue of lack of availability of educational facilities and related infrastructures (which was also experienced by the participants in this study (see paragraph 5.3.2.3) was addressed in various decided cases. *Governing body of the Juma Masjid Primary School v Essay No Centre for Child Law and Another 2* (2011) is a case about a public school which was on a private property owned by the Juma Masjid Trust in Kwa Zulu Natal which applied to evict the school from its property. The Constitutional Court held, among other things, that the responsibility for making available the facilities of education falls squarely with the remits of the MEC for Basic Education. Similarly, according to Skelton (2013: 4), the state's responsibility to any rights obligation including the right to basic education applies vertically in that it operates between the individual rights bearers and the State.

In addition, another South African case which addressed lack of infrastructures at educational institutions is the case of *Centre for Children Law v Government of the Eastern Cape High Court, Bisho, case no 504/10* ( 'The Mud Case'), which was discussed earlier in this chapter (see paragraph 5.3.1) which is briefly repeated here for emphasis purposes. Skelton (2013: 8), commenting on the *Mud case*, asserts that the 'Mud Schools' litigation became necessary because repeated requests by seven schools had fallen on deaf ears. She further advises that whilst litigation is often seen as adversarial, it can open the door to an appropriate exchange with the executive, which results in improved access to the right to basic education.

It is advisable that early childhood development education institutions should be established close to homesteads within a working distance to enable young children to effortlessly reach school, especially in rural areas where transport is yet another challenge. The following quotation is not only indicative of the fact that attending ECDECs in remote rural areas might be risky but it also explains why some parents/guardians simply wait until their children turn seven years old to let them attend primary school, perhaps for safety and security reasons.

*There is a long distances from home to ECDECCs, there is no electricity.  
There is no water. ECDECC is isolated in the bushes. Children are*

*exposed to wind. Children suffer from thirst. There are no toilet facilities*  
(PG1: page 1).

The problem of long distance to schools (experienced by participants in this study) was addressed in another South African the case of *Adam Legoale v MEC for Education North West, North West High Court Mafikeng case (2011)* unreported. In this case the Court ordered among other things that public transport be made available to learners to enable them to attend school.

It goes without saying that one cannot run an educational institution without teaching learning materials because they are indispensable to successful teaching and learning. Lack of teaching learning aids was also one the challenges experienced in ECDECCs where this study was undertaken.

*No money. There is lack of stationeries; pens, pencils and books. I use old notebooks, manuscripts and often buy stationeries from my own pocket. I also cut pencils into small pieces for children* (HC3: page 3).

In addition, failure to provide necessary educational material (to ECDECCs in this study) was addressed in the case of *Freedom Stationery (Pty) Ltd v MEC for Education Eastern Cape unreported (59/2011) 2011 ZAECBHC1 2010-3-10*. In this case the applicant successfully sought an interim relief pending review of procurement decision. The ruling in this case was that, whatever decision was to be reached, the children should not be left without stationery because stationery was a critical part of the right to education.

In a similar case of *Section 27 v Minister of Education 2013 2 SA 40 (GNB)* ('*Limpopo textbook case*'), the Public Interest Law Centre Section 27 brought an urgent application before the North Gauteng High Court in which it sought a declaratory order that failure by the Department of basic Education to provide textbooks to schools in Limpopo was a violation of the right to basic education, equality and dignity. Consequently, an order was granted directing the department to

urgently, without any delay, provide textbooks for Grades R, 1,2,3 and 10 by no later than 31 May 2012 to the schools that had not yet received textbooks.

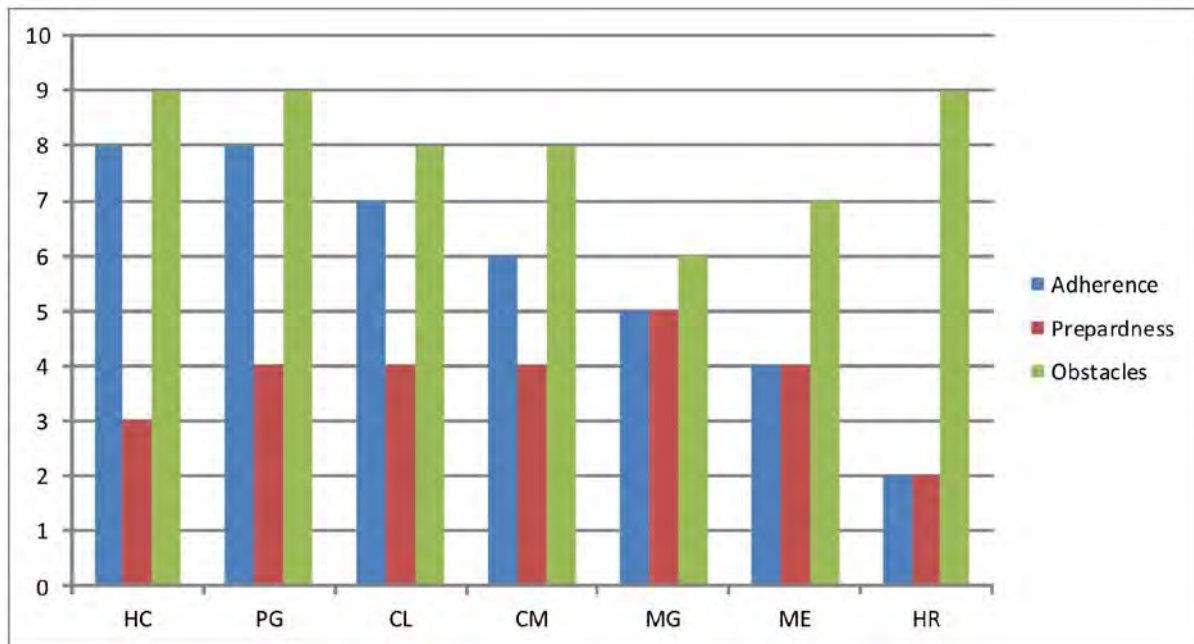
Kollapen J cited the *Juma* case and ruled that children have an immediately realisable right to education. The Court further ruled that textbooks are essential components of quality learning and teaching. The court further granted a declaratory order that the department had to deliver textbooks and prepare a 'catch up' remedial measure, for example arrangement of extra classes.

It became evident from stakeholder participants' responses that in pursuing adherence to the pre-grade one learners right to education in ECDECCs in their communities, they experienced endless lists of challenges. Challenges are part and parcel of any significant undertaking; however, lack of basic needs and skills in terms of human and material resources is a regrettable prohibiting factor to successful accomplishment of any well-planned mission.

Because stakeholder participants were the ones experiencing those challenges, I deemed it prudent to take their recommendations to possible solution of their problems into consideration. I have accordingly recorded their recommendations in Chapter Six as recommendations forthcoming from this thesis.

## **5.4 SUMMARY**

In this chapter I explained how I analysed, presented and interpreted data collected from various stakeholder participants in my study on which this report is based. As indicated earlier the purpose of the study was to learn about participants' perceptions in relation to the pre-grade one learners' presumed right to education in ECDECCs in rural areas in Namibia. Stakeholder participants whom I interviewed shared their experiences, raised their concerns, expressed their suggestions and posed their questions (see Addendum L). To better illustrate a summary of data presentation and interpretation, I selected to use a graph/chart (figure 5.4) and a table (table 5.2).



**FIGURE 5.4** Chart representing the perceptions of participants in the provision of the pre-grade one learners' presumed right to education in rural ECDECCs in northern Namibia

As indicated by figure 5.4 and the keys thereof, blue indicates participants' perceptions of the extent of adherence; red preparedness of ECDECCs heads of centres/teachers to and green obstacles experienced in pursuit of promoting, advancing and realisation of the pre-grade one learners' presumed right to education in ECDECCs in rural areas where the study was conducted. This means that stakeholder participants are conversant of the right to education in general and that of the pre grade-one learners in particular, as well as the importance of ECDE. Consequently, community members are trying their very best under the circumstances to promote, advance and therefore to enable pre-grade one learners in their care to a certain extent to realise and enjoy their presumed right to education. However, their efforts are outweighed by various impediments which are explained in paragraph 5.3.2.5.

The summary of data presentation and results is highlighted in table 5.2.

**TABLE 5.2 Summary of data presentation and results**

THEME	SUMMARY OF THE RESULTS
<b>Establishment of ECDECC</b>	<ul style="list-style-type: none"> <li>• Community leaders, heads of centres, parents, guardians, community members</li> <li>• Sometimes communities received building material from MGECW</li> <li>• Sometimes communities receive donations from UNICEF, SOS and other NGO'S</li> </ul>
<b>Knowledge and understanding of the right to education</b>	<ul style="list-style-type: none"> <li>• Participants know and understand that all persons including pre-grade one learners in rural ECDECCs</li> <li>• Stakeholder participant not aware of available remedies for violation/infringement of right to education</li> </ul>
<b>Mode of adherence to the right to education</b>	<ul style="list-style-type: none"> <li>• Construction of ECDECCs by community members</li> <li>• Providing food, clothes</li> <li>• Sending children to ECDECCs escorting children to ECDECCs</li> <li>• Teaching learners</li> <li>• Advising parents/ guardians about the right to and significance of early childhood education.</li> <li>• Attending teacher- parent meetings</li> </ul>
<b>Preparedness of ECDECC teachers</b>	<ul style="list-style-type: none"> <li>• Teachers are poorly academically and professionally trained in early childhood education but trying their best under the circumstances</li> </ul>

THEME	SUMMARY OF THE RESULTS
<b>Obstacles experienced in pursuit of the right to education</b>	<ul style="list-style-type: none"> <li>• Lack of qualified human resources</li> <li>• Lack of infrastructure, water, toilet facilities, electricity, computers</li> <li>• Teaching learning aids, stationery and books</li> <li>• Inability to remunerate teachers,</li> <li>• Long distances</li> <li>• Lack (by some parents/guardians) of understanding of the right to and importance of early childhood education.</li> <li>• Teacher absenteeism</li> <li>• Poor Governmental involvement.</li> <li>• Lack of Early Childhood Development and Education Act.</li> <li>• Lack of serious commitment from the State.</li> <li>• Presence of ECD programmes under the Ministry of Gender Equality and Child Welfare rather than under the Ministry of Education</li> </ul>

I am satisfied that the stakeholder participants' responses to semi-structured interview questions greatly answered the research questions of my study as follows:

The responses under the themes entitled "Establishment of ECDECCs", "Knowledge and understanding of the right to education", as well as "Adherence to the right to the right to education" shed light on their perceptions and are demonstrations that they (stakeholder-participants) do understand the right to education in general. In addition, they are in particular convinced that pre-grade one learners are indeed entitled to the constitutional provision of the human right to education at their level of development. In education, because of the stakeholder participants' knowledge and understanding of not only the right to, but also the necessity and importance of early childhood education, they took

initiatives to establish and send their children to be educated in ECDECCs in their villages. These articulations thus answered the main research question of my study namely: What are the stakeholders' perceptions on the presumed right to education to the pre-grade one learners in rural ECDECCs in northern Namibia?

It was interesting to have learnt about the honesty among the head of centres/teachers when they themselves also acknowledged that they were not sufficiently academically and professionally trained in early childhood education, and longed to study accordingly. These responses therefore answered sub-research question 1.3. 2.2, namely: What are the perceptions of stakeholders of the extent to which teachers in rural ECDECC in northern Namibia adhere to the right to education of the pre-grade one learners?

The participants' responses under the theme "Obstacles experienced in pursuit of the right to education" are indicative of the impediments experienced by the communities in pursuit of the provision of early childhood education in rural ECDECCs in general and by the teachers therein in particular. Most, if not all, these obstacles were successfully challenged in decided cases in South African courts of law as discussed in this section. Consequently, Namibia could learn a lot from South African education law jurisprudence.

The next chapter (Six) covers an overview of the findings, conclusions and recommendations of the study.

**CHAPTER 6**  
**OVERVIEW OF FINDINGS, CONCLUSIONS AND  
RECOMMENDATIONS**

**6.1 INTRODUCTION**

In Chapter Five, I briefly narrated a summary of relevant literature that I reviewed and presented, analysed and interpreted the empirical data resultant from the stakeholder participants' interview responses in an attempt to answer the research questions in respect of "An education law perceptive on early childhood development provision in rural Namibia." In this chapter I am providing a summary of the research, an overview of findings, conclusions and recommendations which emanated from data collected in the inquiry on which this report is based. The following section covers the summary of the research report.

**6.2 SUMMARY OF THE RESEARCH REPORT**

In Chapter One I introduced and discussed the background to my study, highlighted the problem statement by indicating the lacuna in terms of the omission of the provision for pre-grade one education (pre-primary education) under the Namibian education legislation. I also highlighted the fact that that state of affairs could be construed to have been resultant from the abolition of the pre-primary education in public schools in 1994 and the shifting early childhood development and education from the Ministry of Education to the communities in early childhood development centres (ECDs) which I preferred to term early childhood development and education community centres (ECDECCS) under the custodianship of the then Ministry of Women Affairs (the current Ministry of Gender Equality and Child Welfare). The problem statement gave rise to/resulted in determining the research questions. The main research question: what are the stakeholders' perception on the presumed



right to education for pre-grade one learners in rural ECDECCs in Northern Namibia? and sub research questions: 2.1 What are the legal determinants of the right to education in Namibia?, and 2.2 What are the perceptions of stakeholders of the extent to which teachers in rural ECDECCs in Northern Namibia adhere to the assumed right to education of the pre-grade one learners? The purpose and the rationale of the study were also indicated as they would contribute to the subject area, namely education law, and lastly I presented the structure of chapter division.

In Chapter Two I deemed it necessary to present an overview of the historical background and the rationale of early childhood education provision as a human right entitlement in some selected countries. The purpose of that discussion was to place my study in context of its relevant field of study, namely education law, with specific reference to pre-grade one (pre-primary education). This means I needed to find out what other countries have been doing over the years in respect of the provision of pre-grade one education and to learn good lessons from their success.

Given the fact that my study is entitled “An education law perspective of early childhood in rural Namibia”, in Chapter Three I discussed the legal determinants of provision and practice of the right to education pre- and post- independence in Namibia and in South Africa respectively. Because of the fact that South Africa is Namibia’s only neighbouring country which experienced historical similarities in terms of political and legislative education systems, I indispensably relied on the Constitution of South Africa, South African Schools Act, other relevant legislation, case law, international human rights instruments, education law literature and other sources of education law from South Africa and from other jurisdictions for persuasive purposes, as discussed in Chapter Two. In Chapter Four, I explained in details the research design and the knowledge claim (epistemology and ontology) of the study. It followed that I conducted a qualitative empirical hybrid case study approach through descriptive, exploratory, interpretive, constructive paradigm. I described my role as the researcher, and how I purposefully selected the setting of and the participants in the study on the basis of what they could contribute to the understanding of the topic at hand. I also elaborated on the methods of data

collection, namely individual face to face (one-on-one) interview schedules of different categories of participants. In addition I explained how I inductively analysed and interpreted the collected data in relation to the study. Further, I discussed the strategies that I employed to ensure that the data on which the research report is based are valid and trustworthy. I concluded Chapter Four by highlighting the limitation and delimitation of the study as well as suggesting further research in relation to the pre-grade one learners' presumed right to education in this (Education Law) field of study.

The research data resultant from both literature study and individual face to face semi-structured interviews were presented, discussed and interpreted in Chapter Five. According to Oosthuizen (2009: 10), research projects are to be regarded as primary sources in any legal study. It is therefore important to stress the fact that, seeing this study is the first of its kind in Namibia so far, apart from secondary sources in literature study, I mainly relied on primary sources from relevant literature study of legal authorities such as, The Constitution of Namibia and The Constitution of South Africa, legislation, case law, early childhood development policies, international human rights instruments, and one-on-one face to face semi-structured interviews with participants from relevant early childhood development and education stakeholders categories. All these sources were studied to answer the research questions which underpinned the study on which this report is based.

### **6.3 MAIN RESEARCH FINDINGS**

I have divided the findings of my study firstly in accordance with the two main categories of sources of information, namely literature review and interview results. Secondly, I discuss the findings which emanated from interview data in accordance to the themes which emerged from the data in order to address the research questions.

### **6.3.1 Literature review**

As indicated in Chapter Four (see paragraph 3.2), before embarking upon conducting my research in the field, I undertook to review existing literature to learn about the origin of early childhood development and education generally, and in light of the right to education in particular to place my study in historical context. My inquiry also included education law in general and the legal determinants of the right to education in particular. The findings from the literature study are divided into two categories. Firstly the legal determinants of the right to education, and secondly a brief overview of the current developments in pre-grade one learners' education in Namibia as discussed in the following sections.

#### ***6.3.1.1 Legal determinants of the right to education inclusive of the pre-grade one learners' presumed right to education***

The literature review in terms of the history of early child education provision in Namibia revealed that before and immediately after independence pre-primary education (pre-primary phase for the five to six year old learners) was provided at some public primary schools. Thereafter, pre-grade one learners' education (pre-primary education for the five to six year old children) was abolished / suspended from all public primary schools in 1994 and was entrusted to communities under the custodianship of MGECW. Since then public early childhood development and education has been provided by communities in the ECDECCs (ECDCs) under the custodianship of MGECW in terms of ECD Policy (see paragraph 2.1).

Seeing the study was about "An Education law perspective of early childhood development provision in rural Namibia", I deemed it proper, based on the legal literature, to briefly highlight what education law is all about as well as the sources thereof. This is for the very reason that at the time the study on which this report is based was conducted, unlike in South African context as well as of other parts of the world, the term "Education Law" was not a familiar concept or field of study in education or in legal education curricula as such in Namibia, despite the fact that it is being practised in various educational settings/situations on a daily basis.

Oosthuizen (2009: 23) explains that the concept Education Law as it is known in South African context is referred to as Law in Education, School Law, the Law of Public Education, Educational Policy and the Law. In sum, education law may therefore be defined as the law that regulates the provision, promotion, protection, realization, exercise, enjoyment, fulfilment and enforcement of the right to the profession, and the practice of education. The sources of education law in Namibia are, among others, consequently, The Constitution of Namibia, Acts of Parliament - particularly the Education Act, other legislation which has a bearing on the right to education, education profession and practice, including but not limited to the Labour Act which regulates the relationship between employer(s) and employee(s), Maintenance Act, Children's Act, relevant Acts related to establishment of various educational institutions, case law and all relevant International Human Rights instruments as elaborated on in Chapter Three (see paragraph 3).

It transpired that in South Africa, Grade R (Reception grade, pre-grade one) learners' right to education is not only generally provided for in terms of the Constitution of South Africa if broadly interpreted (as it is the case in terms of The Constitution of Namibia), but also in terms of the SASA to specifically cater for Grade R.

In Namibia, however, in the absence of a specific piece of legislation dealing with pre-grade one learners' education, it might be challenging to enforce the pre-grade one learners' presumed right to education. To this end Currie and De Waal (2013: 23) have this to say: "A legal rule will be deficient if there is no means of enforcing it and if no sanction is attached to a breach of a rule. However, in terms of the Supremacy of the Constitutions in a democratic country, my submission is that it is safe to point out that the ground law regulating the provision of early childhood development and education is the Constitution of Namibia (when broadly interpreted) in terms of the Bill of Rights in general and Article 20(1) and Article 95 in particular.

In the *S v Mlungu* case, Lord Wilberforce stated that a constitution is an organic instrument. Although it is enacted in the form of a statute, it is *sui generis*. It must be interpreted broadly, liberally and purposively. Similarly in *S v Zuma* it was held that

the Constitution requires a generous interpretation that is suitable to give individuals the full measure of the fundamental rights and freedoms referred to therein. As such, applying those legal principles, the pre-grade one learners' presumed right to education has to be construed to be enforceable by law. Motala and Pampallis (2001: 8) argue that the right to basic education, for example, is more strongly affirmed in the Constitution than in other legislation. Motala and Pampallis (2001: 16) further emphasise the fact that the Bill of Rights (inclusive of the right to education) is a far-reaching document which enjoins the State to respect, protect, promote and fulfil the rights (of all people) in the Bill of Rights.

The study also found that NPC (2010: 14-15) states that seven pieces of legislation which have a bearing on children development and welfare have been passed since 2001. They are as follows:

- Education Act, 2001 (Act NO. 16 of 2001)., However this Act does not necessarily specifically provide for pre- grade one/Rr learners' education as such
- Combating of Domestic Violence Act, 2003 (Act No. 4 of 2003)
- Maintenance Act, 2003 (Act No. 9 of 2003). This Act is the only one which expressly specifically provides for pre-grade one education “pre-school education” in terms of section16 (3) (a)
- Criminal Procedure Amendment, (Act No.24,2003)
- Prevention of Organised Crime 2004, (Act No. 29 of 2004)
- Children Status Act, 2006 (Act No.6 of 2006)
- The Labour Act of 2007 (Act No. 11, 2007).

There is also a Children's Act 1960 in force which was enacted before independence.

According to Ministry of Gender Equality and Child Welfare (2007: 14), Namibia has ratified various relevant conventions and treaties, which is an indication of the government's commitment to fulfilling the rights (including the right to education) of and promoting the well-being of children and their families. These are, *inter alia*:

- Universal Declaration of human Rights (UDHR)
- UN Convention on the Right of the Child (CRC)
- UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- World Declaration on Education for All
- Declaration and Plan Action of the World Summit for Children
- UN Millennium Development Goals
- According to NPC (2010: 14) Namibia also ratified the African Charter on the Rights and Welfare.

All these Conventions and Treaties form part and parcel of the law of Namibia in terms of Article 144 of the Constitution of Namibia which provides:

“Unless otherwise provided by the Constitution or Act of Parliament, the general rules of public international and international agreements binding upon Namibia under the Constitution shall form part of the law of Namibia.”

The study partially made reference to South African legal determinants of the right to education in general and of pre-grade one learners' presumed right to education in particular. Not only was this reference necessitated by the fact that the two countries have similar historical, political, economic and legal systems, but also for the very reason that it was resolved at the African Ministers of Education Conference in 1996 in Durban that South Africa had to take the lead in improving education in general and in early childhood education in particular.

The findings of such references regarding the pre-grade one learners' right to education are *inter alia* that:

- South African education law (in relation to pre-grade one/grade R learners' right to education) is very much advanced; so much so that the South African Schools Act was amended to specifically regulate the provision and practice of early childhood education as well as the training of pre-grade one learners' (grade R) teachers.
- Unlike the Namibian Education Act which expressly excludes pre-grade one learners' right to education, in terms of the South African Education Act, ages of admission to grade R and to grade one respectively are flexible depending on the intellectual abilities of individual learners.
- Such amendment emanated from the rulings in a host of education law cases brought to the South African Constitutional Court about learners' right to education as discussed in Chapters Three and Five respectively. In sum, South Africa has comprehensive jurisprudence in terms of the learners' rights to education in general and in relation to Grade R learners' right to education in particular which is equivalent to pre-grade one (pre-primary) learners' presumed right to education in Namibia.

Namibia could emulate her South African neighbouring country in amending her current Education Act; alternatively in promulgating a new separate Act to specifically cater for and therefore regulate adherence to pre-grade one learners' presumed right to education in general and the provision and practice thereof in rural ECDECCs in particular.

### ***6.3.1.2 Current development in the provision of early childhood development and education in the Namibian education system***

Given the fact that I have a professional interest in, and passion for excellence in public early childhood education as a presumed human right entitlement in a democratic independent Namibia, and the fact that the relevant literature that I have

reviewed emphasises the necessity and importance of early childhood education, I have been closely following ECDE progress in Namibia. I consequently here record the latest findings (at the time of conducting my study) to that effect.

Since the introduction of ECDECCs education in 1994, there has been no national curriculum for the pre-grade one learners' education to be used in such ECDECCs. As discussed in Chapter Two, there are current deliberations in respect of moving early childhood development and education from the Ministry of Gender Equality and Child Welfare (MGECW) back to the Ministry of Education (MoE). Consequently, future research about early childhood development and education provision as a presumed human right entitlement during the proposed transitional period from MGECW back to MoE is hereby suggested.

It also came to light that currently the MoE (through the Namibian Institute for Educational Development (NIED) has recently finalised the very first ever Pre-primary Syllabus which is being piloted in some selected public primary schools and which had been intended to be fully implemented in 2011 at all existing public primary school in Namibia (Ministry of Education 2007: cover page). However, this noble dream has not yet been realised, seeing implementation thereof is still being piloted in this year 2014, and therefore not all public primary schools have pre-grade one classes to date. Needless to say, such document was not even known at the rural ECDECCs where the study was conducted.

In addition, the University of Namibia has for the first time since its inception, as of 2011 enrolled the Bachelor of Education in pre-primary education degree (BEd Pre-primary education) students who are fully sponsored by the Ministry of Education. Those who will complete their study within the minimum prescribed study period are expected to begin their early childhood education teaching career from 2015. Hopefully some of these potential graduates will be deployed in remote rural areas including the ECDECCs where this study was conducted.



All these recent developments are beyond the scope of the study on which this report is based. Suffice to say that further relevant research in that respect will be informative and appreciated.

The following sections cover the empirical findings resultant from interview data.

## **6.3.2 Interview results findings**

The findings under this section are reported in accordance with the five themes that emanated from data analysis and interpretations.

### **6.3.2.1 *Establishment of ECDECCs***

Pre-grade one learners' education (pre-primary education for the five to six year old children in Namibian context) was abolished from all public primary schools in 1994 and was entrusted to communities under the custodianship of MGECW. It transpired that:

- All community leaders, heads of centres, parents/guardians and community members, (not the State), are the ones who establish ECDECCs and are responsible for the ECDECCs where the study was conducted, were duly registered with MGECW.
- ECDECCs are indeed educational institutions in rural areas where pre-grade one learners receive some sort of education.
- Community members pay allowances (salaries) of those who teach in those institutions.
- This inquiry found that community members literally took initiatives to collect money for building materials, construct ECDECCs and to reward ECDECCs heads of centres/teachers in money and in kind due to unemployment rates in rural areas.

- MGECW occasionally provides some building materials and in-service training to ECDECCs teachers.
- NGOs such as UNICEF and SOS also sometimes sponsor ECDECCs.
- Owing to the fact that most community members do not have fiscal income and skills in construction, ECDECCs are incomplete and of poor quality.
- ECDECCs were established by community leaders, heads of centres, parents/ guardians and community members.

### **6.3.2.2 *Knowledge of the pre grade one learners' presumed right to education***

- All participants had a general knowledge and understanding of the right to education in general **and** that of pre-grade one learners.
- Participants also understood the significance of the pre-primary education.
- As such, the community members were doing everything in their power to provide early childhood education.
- Community members were not aware of available legal remedies for non-provision and therefore violation of the right to education.
- The issue was not necessarily lack of knowledge and understanding of the right to education on the part of community members but rather lack of equal distribution of material and human resources.
- Consequently, ECDECCs were ill-equipped in terms of physical facilities, human resources and teaching-learning aids.
- As such, ECDECCs were not constructed and run in accordance with the Namibian Guidelines of the Establishment of Early Childhood Development Centres and Early Childhood Development Policy.

### **6.3.2.3 Adherence to the right to education**

Adherence to the right of education was done in the following manners:

- Establishment of ECDECCs in villages.
- Providing children with food and clothes.
- Sending and escorting children to ECDECCS.
- Attending teacher-parent meetings.
- Rewarding heads of centres/ teachers in money and in kind due to unemployment.
- Teaching children in ECDECCs.
- Advising community members (parents and guardians) about the right and significance of early childhood education.
- Some children did not fully (or not at all) attend early childhood education in ECDECCs, because of long distances to and from ECDECCs and inability on the part of their parents/guardians to pay the prescribed fees.

### **6.3.2.4 Preparedness of heads of centres/teachers to adhere to the pre-grade one learners' presumed right to education**

Academically and professionally trained teachers are prerequisites for the advancement, realization, fulfilment, exercise and enjoyment of the right to education. The findings of the study in this regard were that:

- Teachers did not have ideally required academic and professional qualifications in early childhood education
- Teachers were also not teaching learners in accordance with any syllabus

- Teachers occasionally attended some in-service training in early childhood development and education, but due to lack of funds they could not attend most of such training sessions They were to some extent conversant in some basic teaching methodology such as teaching and learning through play
- They were very keen to learn more about and obtain relevant qualifications in early childhood education.

### ***6.3.2.5 Obstacles experienced in pursuing adherence to the pre-grade one learners' right to education***

In pursuit of adherence to their children's right to education community members were faced with a host of impediments, some of which are as follows:

ECDECCs were ill-equipped in terms of physical facilities and human resources. As such the inquiry found that there was lack of:

- Academically and professionally trained early childhood education teachers.
- Learning-teaching aids.
- Stationery, books, computers.
- Early childhood development and education curricula.
- Clean tap water at two (the majority) of ECDECCs.
- Feeding programmes.
- Electricity.
- Toilet facilities.
- Sufficient support from the State.
- Specific legislation to regulate provision and practice of early childhood education.

In addition, buildings (structures) in which pre-grade one education was practised were not completed and therefore not suitable for human occupation, as community members who initiated them did not have sufficient funds to finance and skills to accomplish such undertakings.

Other impediments were:

- Absenteeism of both heads of centres/ teachers and learners.
- Inability on the part of parents and guardians to remunerate heads of centres/ teachers. Long distances to and from ECDECCs.

Having listed the findings of the study, I will now discuss the conclusions of the study in the next section.

## **6.4 CONCLUSIONS OF THE STUDY**

Based on literature study and the interpretation of legal authorities (such as The Constitutions of Namibia and South Africa respectively, post–and pre-independence ordinances, legislation, case law, international human rights instruments and legal literature) and despite the absence of a specific piece of legislation regulating pre-grade one education provision and practice in Namibia, the study concluded that:

- There are legal determinants of the right to education of early childhood development and education which form part and parcel of education law and which of necessity have to be adhered to. In other words, the study concluded that pre-grade one education (for five to six year olds) is indeed a human right entitlement and there are legal determinants jurisprudence to that effect.
- ECDE provision and practice in rural ECDECCs in Northern Namibia in the current nature and status at the time of conducting this study was not the best possible vehicle for the provision of pre-grade one (the five to six years

old children) learners' education, seeing the statutory age of schooling is age seven as a human right entitlement.

- As such, there is a big discrepancy between ECDECCs in rural areas and their counterpart in urban areas, which translates into apparent gross neglect of pre-grade one learners' right to education in rural Namibia.
- Consequently, because of the above stated and experienced obstacles in rural ECDECCs, advancement, fulfilment, realisation, exercise and enjoyment of pre-grade one learners' right to education leave much to be desired.

The following legal principles were not fully adhered to in rural ECDECCs where the study was conducted in Northern Namibia:

- a) All persons' right to education, equality and freedom from discrimination, in terms of Articles 20(1) and 10 of the Namibian Supreme law, the Constitution of Namibia respectively.
- a) The Namibian major goals of "Towards Education for All" namely access, equity, quality and democracy, (GRN, 2000: 31-41).
- a) The Four A's: availability, acceptability, adaptability and accessibility of basic education stipulated by the International Committee for Economic, Social and Cultural Rights, Smit (2011: 311-316) had not been fully complied with in remote rural ECDECCs in northern Namibia.
- The provision/implementation and current practice of ECDE in rural ECDECCs could be construed to amount to unfair discrimination of the pre-grade one learners (in relation to their right to education) on the basis of social status and age in terms of Article 10 of the Constitution of Namibia and International Human Rights Instruments which Namibia signed and ratified and therefore part of Namibia law in terms of Article 144 of the Constitution.

In summary, it is concluded from the literature review in the words of Skelton (2013: 2), that “it is sometimes necessary to use the judicial avenue which is available in a constitutional democracy towards the achievement of the right to basic education”.

## **6.5 RECOMMENDATIONS**

The inquiry recommended the following interventions:

- With regard to ECDECC buildings, it is recommended that government has to provide proper up to standard facilities in which early childhood education could be conducted. Needless to say, it is the legal duty of the State which in terms of Articles 20(1) and 20(2) shall provide education to all persons and “shall provide reasonable facilities to render effective this right to every resident within Namibia by establishing and maintaining State schools...”
- ECDECCs have to be built in areas that are not prone to flooding to avoid education being interrupted.
- Teachers who live far away from ECDECCs have to be provided with accommodation in order to avoid late coming and absenteeism due to long distances.
- The Ministry of Education must take full responsibility for early childhood development and education in terms of educational facilities, infrastructures (such as tap water, electricity and toilet facilities) teaching learning aids, books, stationery, computers, training and payment of teachers’ salaries.
- Because of poverty in monetary form experienced in rural areas due to unemployment and therefore inability to cater for the basic need such as lunch boxes for children, government has to provide feeding programmes at all rural ECDECCs.
- Early childhood development in rural ECDECCs has to be free of charge. This would be in line with the Universal Declaration of Human Rights that basic education must be free of charge as well as the Namibian

Constitutional Provision Article 20(2) which *inter alia* stipulates that the State shall establish and maintain State schools in which primary education will be provided free of charge.

- Assuming that pre-grade one is indeed part and parcel of basic (primary) education, it will then be provided free of charge in public basic education schools as per constitutional provision. This in return will provide parents with options between sending their children to private early childhood institutions (for those who are able to do so) and public ECDE (for those who are not in a sound financial position to do so.) Either way, in doing so all children will be afforded opportunities to exercise their fundamental human right to education.
- In light of the interpretation of the current legislation in respect of the fact that pre-grade one education is not included under the right to public basic education it is recommended that there is need to amend the current Education Act to cater for the provision and practice of early childhood development and education. Alternatively, there is a need for the promulgation of a separate Early Childhood Development and Education Act which would clearly define pre-grade one education, stipulate requirements as to by whom and how it should be conducted.
- In order to enable all pre-grade one learners to exercise and enjoy their presumed human right to education to the fullest, it is recommended that early childhood development and education in Namibia in general, and in rural ECDECCs in particular, as of necessity has to be provided and practised in accordance with the legal principles in the most celebrated *USA Brown case* in which the Supreme Court found that education is the most important duty of the State which has an obligation to avail it to all persons in order to prepare citizens for later professional careers in order to reasonably succeed in life.



In another USA leading case on the right to basic education, *San Antonio School District v Rodriguez*, the US Supreme Court held:

By denying these children a basic education, we deny them the ability to live within the structure of their civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our nation.

These legal principles are, in my opinion, relevant and should be applied to ensure adherence to the pre-grade one/grade R learners' right to education in rural ECDECCs in Namibia as well.

## **6.6 SIGNIFICANCE OF THE STUDY**

I intended my study to elicit opinions of stakeholder participants regarding adherence to the pre-grade one learners' presumed right to education in rural ECDECCs in northern Namibia, which it has achieved. Consequently, the next section highlights the contribution of my study to the field of education law knowledge.

### **6.6.1 Contribution of the study to the subject area, namely Education Law**

I would state that the greatest contribution of my study to the education law field of study is that through this study I have indicated the importance of ECDE in ensuring the full development of any legal subject (natural person). Through legal literature, legislation and case law from national, regional and international jurisdictions, I further indicated that pre grade one education (grade R) is indeed crucial and of necessity has to be part and parcel of the constitutionally entrenched fundamental human right to education in terms of Article 20 of the Supreme law, The Constitution of Namibia, "...broadly, generously and purposively interpreted" as per Wilberforce J.

The study demonstrated the challenges experienced in adherence to the right to education in terms of the promotion, protection and advancement of formal early

childhood education as a presumed human right entitlement to the pre-grade learners in rural ECDECCs in Namibia.

This study is significant because law and policy makers, scholars and members of communities at large might be interested in considering the results of the study for possible education and law reform as they (stakeholder participants) have shed some light on the stakeholders' perceptions regarding ECDECCs educational experience of the pre-grade one learners in terms of their presumed human right to education as well as how ill-equipped ECDECCs teachers are in preparing children for primary schooling.

The study also highlighted major significant and valuable roles played by parents/guardians in fulfilling their parental legal obligations towards children under their custody and community members moral obligations in ECDECCs in the provision of pre-primary education in rural areas and therefore in the advancement and fulfilment of the pre-grade one learners' presumed human right to education.

In addition, the study was aimed at contributing to theories of early childhood educational provision. The inquiry also evoked suggestions and recommendations on possible better ways of adherence to the pre-grade one learners' right to education in general and in remote rural ECDECC in Namibia in particular.

Although this study could not be generalizable it however generated hypotheses for further research.

I concur with Scott (2002: 76) who stresses the fact that it is essential not only to raise the profile of the early years, but also to defend children's entitlements to experience education that is appropriate to their developmental stages.

The findings of the research conducted by Naanda (2005) and Eimann *et al* (2005) about ECDECC's in Namibia (see Chapter 2. 7.4.1) showed that community centres are predominantly the institutions where ECDE is provided to the vast majority of the pre-grade one learners. It is for this very reason that the study on which this report is

based was worth undertaking to explore the stakeholders' perceptions regarding the nature and status of pre-grade one learners in ECDECCs in terms of their presumed human right to education, Article 20(1) of the Constitution of Namibia.

Further, this study is significant because law and policy makers, scholars and members of communities at large might be interested in considering the results of the conducted study for possible law and education reform as they have indeed shed some light on the stakeholders' opinions regarding adherence to pre-grade one learners' presumed right to education in rural ECDECCs in northern Namibia. To this end Merriam (2009: 1-2) advises that research focusing on discovery, insight and understanding from the perspectives of those being studied offers the greatest promise of making a difference in people.

The study also revealed and acknowledged with appreciation the valuable contributions of community members and noted with concern various impediments experienced by community members in pursuit of the promotion, protection and fulfilment of the pre-grade one learners' presumed right to education under their care as a human right entitlement. The study enumerated various obstacles experienced in education provision. South African has had similar experiences which the study also highlighted by referring to relevant decided education law cases (case law) as proposed possible legal solutions to that effect.

The study has contributed to theories (emerging from data) of pre-grade one learners' educational provision as it has demonstrated that the rural ECDECCs in their current nature and status are not an appropriate vehicle for the provision of public formal pre-grade one learners' education (for the five to six year age brackets) in terms of their presumed human right to education. Another theory which emerged from the data is that pre-grade one learners' right to education is best adhered to when it is provided and practised in terms of a specific legislation that regulates and enables it to be enforceable by law.

Further, the study demonstrated the challenges experienced in the provision of public formal pre-primary education to the pre-grade one learners in rural ECDECCs in

Namibia. I was able to learn about stakeholders’ perceptions which will in all likelihood inform the policymakers and legislators about the reality of the current provision and practice of pre-primary education in rural ECDECCs, and in so doing might persuade them to revisit the current policy and law respectively in order to cater for the identified educational needs of the pre-grade one school learners, particularly those who are living in remote rural areas in Namibia.

The study has not only highlighted the legal determinants of the right to education (inclusive and specifically of the pre-grade one learners’ right to education) in rural Namibia, but it has also proposed further future research in education law generally and in the advancement of pre-grade one learners’ right to education in remote rural areas in particular.

**TABLE 6.1 Summary of recommendations of the study**

	SUMMARY
<b>Recommendations: Establishment and equipment of ECDECCs</b>	<p>Recommendation emanated from the study</p> <ul style="list-style-type: none"> <li>• Because of the above experienced obstacles in rural ECDECCs pre-grade one learners’ right to education leaves much to be desired. Consequently, it is recommended that the Ministry of Education must, as of necessity, take over education of all the grade R (pre-primary children) like its South African counterpart in order to comply with the provisions of International Human Rights Instruments in general and Article 20 of the Constitution of Namibia in particular.</li> <li>• The State “government” has to take over early childhood education.</li> <li>• Teachers have to be academically and professionally trained and accordingly paid salaries by the Ministry of Education.</li> </ul>
<b>Recommendation: Legal determinants</b>	<ul style="list-style-type: none"> <li>• In order to ensure promotion, advancement, realisation and fulfilment of the pre-grade one learners’ right to education,</li> </ul>

SUMMARY	
<b>to ensure advancement of pre-grade one learners' human right to education</b>	<p>the current Namibian Education Act needs to be amended like its South African counterpart; South African Schools Act: a new Early Childhood Development and Education Act has to be promulgated altogether to specifically and particularly cater for the pre-grade one learners' right to basic education.</p> <ul style="list-style-type: none"> <li>• Education law specific legislation is indispensable because, in the words of Smit (2011: 305): "The value and necessity of education is beyond dispute, because education is both a human right in itself and a crucial means of realising other human rights."</li> </ul>

The recommendation regarding the pre-grade one learners right to education may be summarised as that: "...litigation or in some cases the threat thereof does play an important role in the realization of the right to basic education through resolving disputes and ensuring the allocation of services and resources for learners" (Skelton 2013: 2). This was demonstrated by the holdings and rulings in favour of learners' right to education in various relevant decided cases in Supreme Courts/ Constitutional Courts in various jurisdictions as discussed in this research report.

It is important to emphasise the fact that the study's conclusions, recommendations and significance were arrived at through answering the research questions that guided this study. They are as follows:

The research questions underpinning this study are:

Main research question: 1.3.1 What are the stakeholders' perceptions on the presumed right to education to the pre-grade one learners in rural ECDECCs in Northern Namibia?

Research sub-questions:

1.3.2.1 What are the legal determinants of the right to education?

1.3.2.2 What are the perceptions of stakeholders of the extent to which teachers in rural ECDECCs in Northern Namibia adhere to the presumed right to education of the pre-grade one learners?

It is of vital importance to indicate that the main research question 1.3.1 and sub-research question 1.3.2.2 were answered through empirical data via individual face to face interviews with various identified categories of stakeholder participants in Chapter Five. In addition, research sub question 1.3.2.1 was answered through literature study discussed in Chapter Three.

#### **6.4 SUMMARY:**

It was encouraging to have learnt that community members, despite an endless list of the challenges they experienced, were doing everything humanly possible in their power to provide education to children under their care. Not only did they literally construct ECDECCs in their villages to which they contributed in terms of, labour, money and other commodities, but they also rewarded (in money and in kind) those who volunteered to at least introduce their children to some sort of formal ECDE. In doing so, they were to a great extent advancing and adhering to the pre-grade one learners' right to education.

It was, however, disturbing to have learnt that, despite community members' effort, there were still many pre-grade one learners who, due to justifiable reasons, either dropped out from or never attended ECDECCs. Various challenges are summarised in the theme which is entitled obstacles experienced in pursuit of the right to education, such as inability on the part of parents/guardians to pay the required school fees and long distances to and from ECDECCs. These challenges and other listed education related problems could be addressed *inter alia* by the enactment of a specific piece of legislation which

would make provision for early childhood education enforceable at law. In the words of Skelton (2013: 2) “litigation or in some cases the threat thereof does play an important role in the realization of the right to basic education through resolving disputes and ensuring the allocation of services and resources for learners.” Moreover, “*ubi ius ubi remedium* (where there is a right there is a remedy)”, (Currie and De Waal, 2013: 23).

Having expressed all those sentiments, narrated and interpreted relevant legal principles about adherence to the presumed fundamental human right to education to the pre-grade one learners in general and in rural ECDECCs in northern Namibia in particular, what then? Perhaps the long and short of it is: we need to refresh our memories by irrefutable facts that pre-grade one learners are indeed human beings and that “all human beings are born free and equal in dignity and rights” (Article 1 of UDHR).

Accepting that pre-grade one learners are indeed human beings (legal subjects) and as such are bearers of **all** (and **not** only some) fundamental human rights, we cannot and should dare not escape the fact that the fundamental human right to education is indeed a lawful right (entitlement) of all pre-grade one learners as well. Consequently, there will be no ground in law for delaying or diminishing if not denying them their rightful right to formal quality education in a constitutionally democratic independent state such as Namibia which guarantees “the inherent dignity and the equality and inalienable rights of all members of the human family” (in terms of the preamble of the Constitution of Namibia). Justice delayed is justice denied.

Nobody can therefore possibly be in doubt as to the lawful existence and presence of pre-grade one learners’ universal human right to education.

“If there is a winner coming out of this unfortunate episode then, Mr Chairman, it is the Constitution of Namibia” (GJC Strydom, now retired Honourable Chief Justice of Namibia, 11-13 September 2000).

In conclusion I concur with the submission: “education is so intimately connected with what is of vital importance for human life that it is essential that it be granted to **all (including pre-grade one learners [my emphasis])** as of right” (Hodgson, 1998: 17, citing Ivan, A. *et al* .1979).



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*S v Zuma 1995 (2) SA 642 CC*



**ADDENDUM A:**

**PERMISSION TO DO RESEARCH FROM THE MINISTRY OF GENDER  
EQUALITY AND CHILD WELFARE**

**ADDENDUM B:**

**PERMISSION TO DO RESEARCH FROM MINISTRY OF EDUCATION**

**ADDENDUM C:**

**PERMISSION TO DO RESEARCH IN INSTITUTION**

**ADDENDUM D:**

**PROJECT OUTLINE TO HEADS OF INSTITUTIONS  
TO GAIN APPROVAL**

**ADDENDUM E:**

**INFORMED CONSENTS FORM FOR PARTICIPANTS**

**ADDENDA F:**

**ETHICAL CLEARANCE CERTIFICATE FROM NWU**

**ADDENDUM G:**

**INTERVIEW SCHEDULE**

**ADDENDUM H:**

**APPLICATION TO REGISTER AN EARLY CHILDHOOD  
DEVELOPMENT CENTRE**

**ADDENDUM I:**

**TABLES DEPICTING DATA ANALYSIS AND CODING**

**ADDENDUM J:**

**TRANSLATED RAW DATA**

**ADDENDUM K:**

**FIGURE SUMMARISING THE PROCESS OF  
DATA ANALYSIS**

**ADDENDUM L:**

**PARTICIPANTS QUESTIONS AND CONCERNS**

**ADDENDUM M:**

**PILOT STUDY INTERVIEW QUESTIONS  
AND SUMMARY REPORT**

**ADDENDUM N:**

**ELECTRONIC VERSION OF THESIS.**

Addendum A



REPUBLIC OF NAMIBIA

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**MINISTRY OF GENDER EQUALITY AND CHILD WELFARE**

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Tel: +264 61 283 3111  
Fax: +264 61 238 941/240 898  
E-mail: [genderequality@mgccw.gov.na](mailto:genderequality@mgccw.gov.na)

Private Bag 13359  
Windhoek  
Namibia

Our Ref.: .....  
Your Ref.: ...Ms. E. Nghitwikuwa.....  
Inquiries: .....

18 February 2011

Ms. L.P.K Nuugwedha  
PO. Box 80860  
Olympia  
Windhoek

Dear Ms. Nuugwedha

**RE: REQUEST FOR PERMISSION TO CONDUCT AN EARLY CHILDHOOD EDUCATIONAL RESEARCH IN ECD COMMUNITY CENTRES IN OSHIKOTO REGION, NORTHERN NAMIBIA**

Reference is made to your letter dated 15 February 2011 with the above subject.

The Ministry hereby inform you that permission has been granted for you to do your research as requested in the Oshikoto region. I wish to advise you to consult the Ministry of Education since it is the Ministry responsible for children aged 5-6.

We wish you all the best with your research, and kindly share your findings with us.

Yours sincerely :



Sirkka Auliku (Ms)  
PERMANENT SECRETARY

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All official correspondence must be addressed to the Permanent Secretary.

Date/Time: 7.Mar. 2012 10:10

Addendum B

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
4474	Memory TX Claretta	00027182994558	P. 1	OK	

Reason for error

- E. 1) Hang up or line fail
- E. 2) Busy
- E. 3) No answer
- E. 4) No facsimile connection
- E. 5) Exceeded max. E-mail size

FROM : DIRECTOR/ITE - FOR

FRM NO. : 051 2933922

Mar. 06 2012 03:12PM PT



REPUBLIC OF NAMIBIA

MINISTRY OF EDUCATION

Tel: 264 61 2933200  
 Fax: 264 61 2933922  
 E-mail: [mshahai@mec.gov.na](mailto:mshahai@mec.gov.na)  
 Enq: +264 61 2933922

Private Bag 13186  
 Windhoek  
 NAMIBIA  
 18 April 2011

File: 11/2/1

Ms L.P.K Nuugwedha  
 P. O. Box 80880  
 OLYMPIA  
 WINDHOEK

Dear Ms L.P.K Nuugwedha

**RE: REQUEST FOR PERMISSION TO CONDUCT STUDY IN ECD COMMUNITY CENTRES IN OSHIKOTO REGION**

Your letter dated 29 March 2011, requesting permission to conduct a research in ECD Community centres in the aforesaid region, has reference.

Kindly be informed that the Ministry of Education does not have any objection, in principle, to your request to carry out a research study in the centre concerned, provided that permission had been obtained from the Ministry of Gender Equality and Child Welfare.

The Ministry of Education wishes you the best of luck in study endeavors.

Yours faithfully

*A. Ilukena*  
 A. Ilukena  
 PERMANENT SECRETARY





**NAMIBIAN RIGHTS AND RESPONSIBILITIES INC**  
**(FORMERLY NATIONAL SOCIETY FOR HUMAN RIGHTS)**

Head Office ♦ Liberty Center ♦ 116 John Meinert Street  
Windhoek West ♦ P.O. Box 23592 ♦ Windhoek ♦ Namibia  
Tel: +264 61 236 183 or +264 61 253 447 ♦ Fax: +264 61 234 286  
E-mail: nshr@nshr.org.na ♦ Website: www.nshr.org.na

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14 December 2012

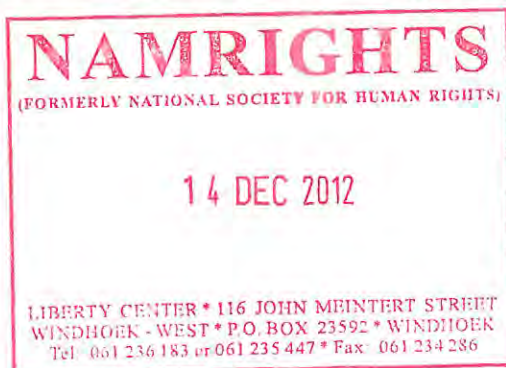
**Research Permission Letter**

This is to certify that Ms. Linea P.K. NUUGWEDHA has been granted research permission at NamRights with regards to Pre-primary Education Rights as reflected on our records.

At the same time we wish encourage her in her endeavours to work towards the promotion of human rights in general and Child rights in particular.

Faithfully yours

Namibian Rights and Responsibilities Inc  
Per Leonard RUTAGARAMA  
Chief Administrative Officer and Project Manager



Addendum D

**P .O. Box 80860**

**Olympia**

**Windhoek**

**Namibia**

**12 April 2012**

**The heads of early childhood development and education community centres (ECDECC)in Oshikoto Region, Republic of Namibia**

Dear Sir/Madam

**Request to conduct research at your ECDECC**

My name is Kandali Nuugwedha, a lecturer in the Faculty of Law at the University of Namibia (UNAM). I am conducting research on early childhood development and education in relation to the human right to education. The focus of this study is specifically the five to six years old pre-primary school children. I have been granted permission by the Permanent Secretary of Ministry of Gender Equality and Child Welfare as well as by the Permanent Secretary of Education to conduct this research.

The topic of my research is: *An Education law perspective on early childhood development provision in rural Namibia.*

This undertaking is part of staff development programmes at UNAM and is also a requirement for the fulfilment of my *PhD* studies in *Education Law Studies with the North –West University (Potchefstroom campus).*

I am herewith requesting your permission to conduct interviews related to my study at your institution.

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions

will solely be used for a good course, namely the improvement of the provision of the pre-primary school children's education, -in our country.

Participants in the interviews are at liberty to terminate their participation in this project at any time, if need be.

Thank you very much for your favourable consideration.

Yours sincerely

LPK Nuugwedha

Telephone numbers: 061 2063088(work) 061260681 (Home)

(cell phone 0811274674)

## Addendum E

### **Interview Consent Form:** Heads of Centres

An Education Law perspective on Early Childhood provision in rural Namibia.

Dear Sir/Madam

You are hereby kindly requested to sign this consent form to participate in an interview in this research project aimed at an investigation of how the human right to education for the 5-6 years pre-primary school children is promoted, protected and fulfilled/realised in early childhood development community centres in the rural areas northern-Namibia. Your participation in this research interview is voluntary and confidential. You will not be asked to reveal any information that will allow your identity to be established. Should you declare yourself willing to participate in this interview, your confidentiality, privacy and anonymity will be guaranteed. You may decide to withdraw at any stage should you wish not to continue with the interview.

Accompanying this letter is a document explaining the participant's role in the research process.

The results of this study might be used by national and regional leaders, community leaders, community members at large, academics, scholars, education law and policy reformers in an attempt to cater for the identified educational needs of the 5-6 years old pre-primary school children particularly those who are living in rural areas in Namibia. This may lead to an improvement in the provision and the practice of pre-primary education in our country.



If you are willing to participate in this study please sign this letter as a declaration of your consent to be interviewed. This means that you will participate in this project willingly and that you understand that you may withdraw from the research project interview at any time, should you wish to do so. Your participation is voluntary confidential and under no circumstances will your identity be made known to any party/organisation that may be involved in the research process and/or which has some form of power over you, the participant.

Participant's name.....Date.....

Researcher's  
signature.....Date.....

Yours sincerely

L.P.K. Nuugwedha

**Interview Consent Form: Community Members**

An Education Law perspective on Early Childhood provision in rural Namibia.

Dear Sir/Madam

You are hereby kindly requested to sign this consent form to participate in an interview in this research project aimed at an investigation of how the human right to education for the 5-6 years pre-primary school children is promoted, protected and fulfilled/realised in early childhood development community centres in the rural areas northern-Namibia. Your participation in this research interview is voluntary and confidential. You will not be asked to reveal any information that will allow your identity to be established. Should you declare yourself willing to participate in this interview, your confidentiality, privacy and anonymity will be guaranteed. You may decide to withdraw at any stage should you wish not to continue with the interview.

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Participant's name.....Date.....

Researcher's  
signature.....Date.....

Yours sincerely

L.P.K. Nuugwedha



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NOORDWES-UNIVERSITEIT  
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Privaatsak X6001, Potchefstroom  
Suid-Afrika, 2520

Tel: (018) 299-1111/2222  
Web: <http://www.nwu.ac.za>

**SVO**

Tel: (018)-299 4566  
Faks: (018)-299 4558

**Interview Consent Form: Parent/Guardian**

An Education Law perspective on Early Childhood provision in rural Namibia

Dear Sir/Madam

You are hereby kindly requested to sign this consent form to participate in an interview in this research project aimed at an investigation of how the human right to education for the 5-6 years pre-primary school children is promoted, protected and fulfilled/realized in early childhood development community centres in the rural areas northern-Namibia. Your participation in this research interview is voluntary and confidential. You will not be asked to reveal any information that will allow your identity to be established. Should you declare yourself willing to participate in this interview, your confidentiality, privacy and anonymity will be guaranteed. You may decide to withdraw your participation at any stage should you wish not to continue with the interview.

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The results of this study might be used by national and regional leaders, community leaders, community members at large, academics, scholars, education law and policy reformers in an attempt to cater for the identified educational needs of the 5-6 years old pre-primary school children particularly those who are living in rural areas in Namibia. This may lead to an improvement in the provision and the practice of pre-primary education in our country.

If you are willing to participate in this study please sign this letter as a declaration of your consent to be interviewed. This means that you will participate in this project willingly and that you understand that you

may withdraw from the research project interview at any time, should you wish to do so. Your participation is voluntary confidential and under no circumstances will your identity be made known to any party/organisation that may be involved in the research process and/or which has some form of power over you, the participant.

Participant's name.....Date.....

Researcher's signature.....Date.....

Your sincerely

L.P.K. Nuugwedha



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**SVO**

Tel: (018)-299 4566  
Faks: (018)-299 4558

**Interview Consent Form:** Officials: Ministry of Gender Equality and Child Welfare

An Education Law perspective on Early Childhood provision in rural Namibia

Dear Sir/Madam

You are hereby kindly requested to sign this consent form to participate in an interview in this research project aimed at an investigation of how the human right to education for the 5-6 years pre-primary school children is promoted, protected and fulfilled/realized in early childhood development community centres in the rural areas northern-Namibia. Your participation in this research interview is voluntary and confidential. You will not be asked to reveal any information that will allow your identity to be established. Should you declare yourself willing to participate in this interview, your confidentiality, privacy and anonymity will be guaranteed. You may decide to withdraw your participation at any stage should you wish not to continue with the interview.

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Participant's name.....Date.....

Researcher's signature.....Date.....

Your sincerely

L.P.K. Nuugwedha



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**SVO**

Tel: (018)-299 4566  
Faks: (018)-299 4558

**Interview Consent Form:** Officials: Ministry of Education

An Education Law perspective on Early Childhood provision in rural Namibia

Dear Sir/Madam

You are hereby kindly requested to sign this consent form to participate in an interview in this research project aimed at an investigation of how the human right to education for the 5-6 years pre-primary school children is promoted, protected and fulfilled/realized in early childhood development community centres in the rural areas northern-Namibia. Your participation in this research interview is voluntary and confidential. You will not be asked to reveal any information that will allow your identity to be established. Should you declare yourself willing to participate in this interview, your confidentiality, privacy and anonymity will be guaranteed. You may decide to withdraw your participation at any stage should you wish not to continue with the interview.

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If you are willing to participate in this study please sign this letter as a declaration of your consent to be interviewed. This means that you will participate in this project willingly and that you understand that you may withdraw from the research project interview at any time, should you wish to do so. Your participation is voluntary confidential and under no circumstances will your identity be made known to any party/organisation that may be involved in the research process and/or which has some form of power over you, the participant.

Participant's name.....Date.....

Researcher's signature.....Date.....

Your sincerely

L.P.K. Nuugwedha



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SVO  
Tel: (018)-299 4566  
Faks: (018)-299 4558

**Interview Consent Form:** Human Rights Activists

An Education Law perspective on Early Childhood provision in rural Namibia

Dear Sir/Madam

You are hereby kindly requested to sign this consent form to participate in an interview in this research project aimed at an investigation of how the human right to education for the 5-6 years pre-primary school children is promoted, protected and fulfilled/realized in early childhood development community centres in the rural areas northern-Namibia. Your participation in this research interview is voluntary and confidential. You will not be asked to reveal any information that will allow your identity to be established. Should you declare yourself willing to participate in this interview, your confidentiality, privacy and anonymity will be guaranteed. You may decide to withdraw your participation at any stage should you wish not to continue with the interview.

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Participant's name.....Date.....

Researcher's signature.....Date.....

Your sincerely

L.P.K. Nuugwedha



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**SVO**

Tel: (018)-299 4566  
Faks: (018)-299 4558

**Interview Consent Form:** Community Leaders

An Education Law perspective on Early Childhood provision in rural Namibia

Dear Sir/Madam

You are hereby kindly requested to sign this consent form to participate in an interview in this research project aimed at an investigation of how the human right to education for the 5-6 years pre-primary school children is promoted, protected and fulfilled/realized in early childhood development community centres in the rural areas northern-Namibia. Your participation in this research interview is voluntary and confidential. You will not be asked to reveal any information that will allow your identity to be established. Should you declare yourself willing to participate in this interview, your confidentiality, privacy and anonymity will be guaranteed. You may decide to withdraw your participation at any stage should you wish not to continue with the interview.

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If you are willing to participate in this study please sign this letter as a declaration of your consent to be interviewed. This means that you will participate in this project willingly and that you understand that you may withdraw from the research project interview at any time, should you wish to do so. Your participation is voluntary confidential and under no circumstances will your identity be made known to any party/organisation that may be involved in the research process and/or which has some form of power over you, the participant.

Participant's name.....Date.....

Researcher's signature.....Date.....

Your sincerely

L.P.K. Nuugwedha

Addendum F



NORTH-WEST UNIVERSITY  
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NOORDWES-UNIVERSITEIT

Private Bag X6001, Potchefstroom  
South Africa 2520

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Faks: (018) 299-4910  
Web: <http://www.nwu.ac.za>

**ETHICS APPROVAL OF PROJECT**

**Ethics Committee**

Tel +27 18 299 4850  
Fax +27 18 293 5329  
Email [Ethics@nwu.ac.za](mailto:Ethics@nwu.ac.za)  
2014/04/22

This is to certify that the next project was approved by the NWU Ethics Committee for prof W Van Vollenhoven and his participating students, the formal ethics certificates are addressed to only the project leader:

**Project leader: Prof. W Van Vollenhoven Student: LPK Nuugwedha, 22612203**

**Project title: An Education Law perspective on Early Childhood Development provision in rural Namibia**

**NWU Ethics no.: NWU-00043-13-A2 Approval date: 9 May 2013**

The Ethics Committee would like to remain at your service as scientist and researcher, and wishes you well with your project. Please do not hesitate to contact the Ethics Committee for any further enquiries or requests for assistance.  
Yours sincerely

A handwritten signature in black ink, appearing to read 'Me. Marietjie Halgryn'.

Me. Marietjie Halgryn  
NWU Ethics Secretariate

## **Interview Schedule: Questions for community leaders**

### **Introduction**

Good morning/afternoon madam/sir. My name is Kandali Nuugwedha, a lecturer in the Faculty of Law at the University of Namibia (UNAM). I am conducting research on early childhood development and education in relation to the human right to education. The focus of this study is specifically the five to six years old pre-primary school children. The topic of my research is: *An Education law perspective on early childhood development provision in rural Namibia.*

This undertaking is part of staff development programmes at UNAM and is also a requirement for the fulfillment of my *PhD* studies in *Education Law Studies with the North –West University (Potchefstroom campus).*

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions will solely be used for a good cause, namely the improvement of the provision of the pre-primary school children's education, -in our country.

You are at liberty to terminate your participation in this project at any time, if need be.

### **A warm welcome to this interview sir/madam**

1. Sex (m) male (f) female
2. Age category

(a) 21-24

(b) 25-29

(c) 30-34

(d) 35-39

(e) 40-44

(f) 45-49

(g) 50-54 (h)

55-59 (i) 60-above

3. Kindly tell me about your major responsibilities as a head of this village/councilor of this constituency.

4. Would you please tell me about your responsibilities regarding education for children in your village/ constituency?

5. What is your opinion about the human right to education in an independent Namibia?

6. Kindly tell me how the five to six years old pre-primary school learners's education is

a) promoted

b) protected

c) realised



in early childhood development and education community centres ECDECC's in your village/ constituency?

7. Have you ever attended any meeting/workshop at which the human right to education for all was discussed?

7. 1. Briefly elaborate.

7.2. If the answer in 7 is no, would you like some officials to enlighten you about the human right in general and the human right to education in particular?

8. How do your community members

a) promote and...

b) assist in the provision of the 5-6 years old pre-primary school children's education in the ECD community centres in your region?

9. Tell me about your experience in then regarding the provision of early childhood education in your village.

10. Do most if not all the five to six years old pre-primary school children attend ECDECC's in your village/constituency?

11. As a Head of village/councilor what do/might you do about parents/guardians who do/might not send their 5-6 years old pre-primary school children under their care to ECD community centres in your village/constituency?

12. In your opinion, what is the best way to..

a) promote

b) protect

c) fulfill

the five to six years old pre-primary school children's education in the ECD community centres in your village/ constituency.

13. As a head of village/councilor, what do you think is the best way to ensure that all five to six years old pre-primary school children attend ECD community centres in your area?

14. Kindly tell me what you expect the state to do in order to ensure that all the 5-6 years old pre-primary school children in your village/ constituency receive quality pre-primary education

15. Do you have any

b suggestion

regarding the provision of pre-primary education in your area?

16. In your opinion, what benefits does society in general and learners in particular derive from pre-primary education? Please elaborate in details.

17. Do you have any question about our discussion?

Conclusion

Thank you very much for your time any valuable contribution.

# **Interview schedule: questions for community members**

## **Introduction**

Good morning/afternoon madam/sir. My name is Kandali Nuugwedha, a lecturer in the Faculty of Law at the University Of Namibia. I am conducting research on early childhood and education in relation to the human right to education. The focus of this study is specifically the five to six years old pre-primary school children. The topic of my research is *An Education law perspective on early childhood development provision in rural Namibia*

This undertaking is part of staff development programmes at UNAM and is also a requirement for the fulfillment of my *PhD* studies in *Education Law with North- West University (Potchefstroom campus)*

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions will solely be used for a good course, namely the improvement of the provision of the pre-primary school children's education in our country.

You are at liberty to terminate your participation in this project at any time if need be.

## **A warm welcome to this interview sir/madam**

1. Sex (m) male (f) female
2. Age category
  - (a) 21-24

(b) 25-29

(c) 30-34

(d) 35-39

(e) 40-44

(e) 45-49

(e) 50-54

(f) 55-59

(i) 60-above

3. Kindly tell me about your major responsibilities as a head of this village/councilor of this constituency.

4. Would you please tell me about your responsibilities regarding education for children in your village/ constituency?

5. What is your opinion about the human right to education in an independent Namibia?

6. Kindly tell me how the five to six years old pre-primary school children's education is..

a) promoted

b) protected

c) realised

in the ECD community centres in your village/ constituency?

7. Have you ever attended any meeting/workshop at which the human right to education for all was discussed?

7. 1. Briefly elaborate.

7.2. If the answer in 7 is no, would you like some officials to enlighten you about the human right in general and the human right to education in particular?

8. How do you community members assist in the provision of the five to six years old pre-primary school children's education in the ECD community centres in your region?

9. Please tell me about your experiences about education:

of the five to six years old pre-primary school children's education in your community?

10. Do most if not all the 5-6 years old pre-primary school children attend ECDECC in your village/constituency?

11. As a community member what do/might you do about parents/guardians who do/might not send their 5-6 years old pre-primary school children under their care to ECD community centres in your village/constituency?

12. In your opinion, what is the best way to..

a) promote

b) protect

c) fulfill

the 5-6 years old pre-primary school children's education in the ECDECC 's in your village/ constituency.

13. As a community member in your village/ constituency, what do you think is the best way to ensure that all five to six years old pre-primary school children attend ECD ECC in your area?

14. Kindly tell me what you expect the state to do in order to ensure that all the five to six years old pre-primary school children in your village/ constituency receive quality pre-primary education?

15. What is the best way to provide pre-primary education in your area?

16. In your opinion, what benefits does society in general and learners in particular derive from pre-primary education? Please elaborate in details.

17. Do you have any question about our discussion?

Conclusion

Thank you very much for your time any valuable contribution.

## Interview schedule: questions for Heads of Centre

### Introduction

Good morning/afternoon madam/sir. My name is Kandali Nuugwedha, a lecturer in the Faculty of Law at the University Of Namibia. I am conducting research on early childhood development and educational in relation to human right to education. The focus of this study is specifically the five to six years old pre-primary school children. The topic of my research is: *An education law perspective on early childhood development provision in rural Namibia.*

This undertaking is part of staff development programmes at UNAM and is also a requirement for the fulfillment of my *PhD* studies in *Education Law with North - West University (Potchefstroom campus)*

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions will solely be used for a good course, namely the improvement of the provision of the pre-primary school children's education in our country.

You are at liberty to terminate your participation in this project at any time if need be.



**A warm welcome to this interview sir/madam**

1. Sex (m) male (f) female

2. Age category

(a) 21-24

(b) 25-29

(c) 30-34

(d) 35-39

(e) 40-44

(f) 45-49

(g) 50-54

(h) 55-59

(i) 60-above

Would you please tell me what your major responsibilities are as head of early childhood development and education community centre ECDECC?

What is your opinion about the provision of human right to education in an independent Namibia?

Kindly tell me about how the five to years old pre-primary school children's education at your centre

is i promoted  
t protected  
and i fulfilled

Kindly tell me about e your experiences in..

the promotion

the protection

realization of pre-primary school children's education?

) In your opinion how best would the five to years old pre-primary school children's educational right could be

promoted

protected

c fulfilled?. What are the admission requirements at your centre?

Do you admit learners with special needs?

. If yes, how do you assist learners with special needs at this centre?

. If no; why not? Please elaborate.

. Will you please tell me about any relevant training which you underwent before taking up your current position at this centre?

Have you ever attended any workshop or in-service training regarding the management of ECD centres? Kindly elaborate.

Would you be interested in attending in-service training should chances avail them selves?

What actually would you like to learn about ECD Early Childhood Education?

Do you have a curriculum for early child development and education inclusive of the five to six year olds pre-primary school children at your centre?

. Have you s participated in the drafting of that curriculum?

. What are the main components of the curriculum for the five to six year olds children at your centre?

. Which methods do you use when teaching the five to six year olds at your centre?

. Do you present your lessons

a) outdoors why or why not

b) indoors why or why not

c) both outdoors and indoors why?

. Would you say that your centre is well-equipped with necessary resources and well-trained staff to prepare the 5-6 years old children for pre-primary school? Please elaborate.

Please tell me about your experiences regarding your responsibility as head of centre? Please elaborate.

There are various opinion/theories regarding the best way of teaching pre-primary school children, which ones does your centre apply/use

Please tell me about your experience in the

a) promotion and provision of pre-primary education at your centre.

. In your opinion how best should the five to six pre-primary school children's r to education be

a) promoted,

b) protected

c)fulfilled by the governmen

. From your experience, what benefits does society in general and learners in particular derive from pre-primary education? Please elaborate in details.. In your opinion what is the best way of providing pre-primary education in your area?

. Do you have any question about our discussion?

# **PILOT STUDY Interview questions for Heads of Centre**

## **Introduction**

Good morning/afternoon madam/sir. My name is Kandali Nuugwedha, a lecturer in the faculty of Law at the University Of Namibia. I am conducting research on early childhood development and educational in relation to human right to education. The focus of the study is specifically the five to six years old pre-primary school children. The topic of my research is: *An education law perspective on early childhood development provision in rural Namibia* .

This undertaking is part of staff development programmes at UNAM and is also a requirement for the fulfillment of my *PhD* studies in *Education Law with North - West University (Potchefstroom campus)*

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions will solely be used for a good course, namely the improvement of pre-primary education in our country.

You are at liberty to terminate your participation in this project at any time if need be.

**A warm welcome to this interview sir/madam**

1. Sex (m) male (f) female

2. Age category

(a) 21-24

(b) 25-29

(c) 30-34

(d) 35-39

(e) 40-44

(f) 45-49

(g) 50-54

(h) 55-59

(i) 60-above

2) Would you please tell me what your major responsibilities are as head of early childhood development and education community centre (ECDECC)?

3. What is your opinion about the provision of human right to education in an independent Namibia?

4. Kindly tell me about how the five to years old pre-primary school children's education at your centre

is promoted

protected

and is fulfilled

5. Kindly tell me about your experiences in..

a) the promotion

b) the protection

c) realization of pre-primary school children's education?

10) In your opinion how best would the five to years old pre-primary school children's educational right could be

a) promoted

b) protected

c) fulfilled?

11. What are the admission requirement at your centre?

12. Do you admit learners with special needs?

12. 1. If yes, how do you and your staff members assist learners with special needs at this centre?

12. 2. If not; why not? Please elaborate.

13. Will you please tell me about any relevant training which you underwent before taking up your current position at this centre?

14. Have you ever attended any workshop or in-service training regarding the management of ECD centres? Kindly elaborate.

15. Would you be interested in attending in-service training should chances avail themselves?

16. What actually would you like to learn about ECD Early Childhood Education?

17. Do you have a curriculum for early child development and education inclusive of the five to six year olds pre-primary school children at your centre?

18. Have you or any of your staff members participated in the drafting of that curriculum?



19. What are the main components of the curriculum for the five to six year olds children?
20. What do you expect teachers/caretakers to do regarding preparing the five to six year olds for pre-primary school?
21. Which methods do you expect your staff members to use when teaching the 5-6 year olds at your centre?
22. Do you encourage them to present their lessons
- a) outdoors why or why not
  - b) indoors why or why not
  - c) both outdoors and indoors why?
23. Do you have necessary resources and staff members to prepare the five to years old children for pre-primary school? Please elaborate.
24. Please tell me about your experiences as you experience regarding your responsibility as head of centre? Please elaborate.
25. There are various opinion/theories regarding the best way of teaching pre-primary school children, which ones does your centre else apply
25. 1. why?
26. Do you experience some hindr

a) promoting

b) protecting

27. In your opinion how best should the five to six pre-primary school children's development and education

a) promoted,

b) protected

c) fulfilled by the government

From your experience, what benefits does society in general and learners in particular derive from pre-primary education? Please elaborate in details.

. What is the best way of providing pre-primary education in your area?

27. Do you have any question about our discussion?

# **Interview Questions schedule for Human Right**

## **Activists.**

### **Introduction**

Good morning/afternoon madam/sir. My name is Kandali Nuugwedha, a lecturer in the Faculty of Law at the University Of Namibia. I am conducting research on early childhood development and education in relation to the human right to education. The focus of this study is specifically the five to six years old pre-primary school children. The topic of my research is *An Education Law perspective on Early Childhood Development provision in rural in Namibia.*

This undertaking is part of staff development programmes at UNAM and it is also a requirement for the fulfillment of my *PhD* studies in *Education Law with the North- West University f Potchefstroom campus*

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions will solely be used for a good course, namely the improvement of the provision of the five to six years old pre-primary children's education in our country.

You are at liberty to terminate your participation in this project at any time if need be.

**A warm welcome to this interview sir/madam**

1. Sex (m) male (f) female

2. Age category

a 21-24

(b) 25-29

(c) 30-34

(d) 35-39

(e) 40-44

(f) 45-49

g) 50-54

(h) 55-59

(i) 60-above

**2. What are your opinions about the right to education in an independent Namibia?**

3. From the Human Right's point of view, how would you describe the provision of the pre-primary education in the ECD community centres in rural areas in Namibia?

4. In your opinion what has the State has made in the

a) promotion

b) protection

c) fulfillment of the five to six years old pre-primary children education in the rural areas?

5. From human rights point of view, how best should the five to six years old pre-primary school children education be

a) promoted

b) protected

c) realised in early childhood development centres in the remote rural areas in Namibia?

6. Do you think the type of training undergone by the ECD community centre pre-primary school teachers/caretakers in Namibia is sufficient to facilitate the

a) promotion and

b) fulfillment of the five to six years old pre-primary children in light of human right to education?

7. The Constitution of Namibia provides in Article 20 sub Article that All persons shall have the right to education while the Education Act provides for basic primary and other levels of education,

7. 1. Do you think we need a separate Early Childhood Education Act

7.2. or could the Constitution of Namibia and the Education Act be broadly interpreted to cover the provision of pre-primary education for the five to six years old children's (a year before starting primary education?) Please elaborate.

8. According to ETSIP, the pre-primary education phase for the 5-6 years old children is said to be shifted from the Ministry of Gender Equality back to the Ministry of Basic Education in future. In your opinion what are possible justifications for such a move?

9. From human right point of view, what difference would such a shift make in terms of the

a) promotion

b) protection

c) fulfillment and..

d) protection of the five to sixyears old pre-primary school children education in light of the right to education.

10. Would you submit that the ECDECCc teachers/ caretakers in rural areas are adequately equipped with the necessary skills to teach early ccildhood education and to prepare the five to six years children for primary and other levels of education?

11. From human right point of view, would you say that the nature and the current conditions of ECD community centres in the rural areas in Namibia are the best possible venues and vehicles for the provision of quality pre-primary education in an independent Namibia? Please elaborate.

In your opinion what should the state do in order to provide pre-primary education that meets the standards of human right to education/

In terms of

a) Facilities

b) Resources, materials (teaching learning)

c) Training of human resources

12. What are parents/guardians` obligations in the education of pre-primary school children education under their care?

13. What are community leaders` obligations in terms of the

a) promotion

b) protection

c) fulfillment of the 5-6 years old pre-primary school children education in the community under their leadership?

12. From human right`s point of view what is the legal status of pre-primary education provision in Namibia.

.

What is the best possible way regarding the provision of pre-primary education in rural areas in line with human right to education in Namibia?

14. From human right point of view what benefits does society in general and learners in particular derive from pre-primary education? Please elaborate in details.

15. Do you have any questions about our discussion?

Thank you very much for your time and valuable contribution.

# Interview Schedule: questions for officials

Ministry of Gender Equality and Child Welfare and Ministry of Basic Education.

## Introduction

Good morning/afternoon madam/sir. My name is Kandali Nuugwedha, a lecturer in the Faculty of Law at the University Of Namibia. I am conducting research on early childhood development and education in relation to the human right to education. The focus of this study is the five to six years old pre-primary school children. The topic of my research is *An Education Law perspective on Early Childhood Development provision in rural Namibia*.

This undertaking is part of staff development programmes at UNAM and is also a requirement for the fulfillment of my *PhD studies in Education Law and policy Studies with the North -West University (Potchestroom campus)*.

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions will solely be used for a good course, namely the improvement of the provision of the five to six years old pre-primary children's education in our country.

You are at liberty to terminate your participation in this project at anytime if need be.



**A warm welcome to this interview sir/madam**

1. Sex (m) male (f) female

2. Age category

(a) 17-19 (b) 20-24 (c) 25-29

(d) 30-34 (e) 35-39 (f) 40-44

(g) 45-49 (h) 50-54 (i) 55-59 (j) 60-above

3. Would you please briefly tell me about your responsibilities as a co-ordinator of ECD community centres in this region?

4. When the Ministry of Gender Equality and Child Welfare took over the task of Early Childhood Development and Education, what exact role were the ECD community centres intended to play?

5. How is the 5-6 years old pre-primary school children's right to education

a) promoted

b) protected

c) fulfilled in the ECD community centres under your management?

6. Has the Ministry of Gender Equality and Child Welfare of Basic Education ever conducted awareness campaigns to sensitise inhabitants in the rural areas about the human right to education for all in general and the significance of early childhood education in particular?

a) if yes, briefly explain what the major aspects of such campaign were /are

b) if not, what is the ministry's position in this regard?

c) what policy is in place to deal with parents/guardians that are/may not send children under their care to ECD community centres for pre-primary education?

7. What law regulates the provision of Early childhood education in Namibia?

8. As a co-ordinator/officer of ECD community centres, how do you ensure that the 5-6 years old pre-primary school children's human right to education is..

a) promoted

b) protected

c) fulfilled in ECD community centres in the remote rural areas in Namibia?

9. Given the fact that teaching is one of the professions that requires comprehensive study and specialized training before one takes up the task of educating children at any level,

a) where are the ECD community centres teachers caretakers trained before taking up this challenge?

b) what is the minimum period of such training?

10. Briefly discuss the skills that the Ministry expects an ECD community centre teacher/ caretakers to master/possess in order to teach the 5-6 years old pre-primary school children?

11. In your own opinion have most if not all ECD community centres teachers/ caretakers in rural areas undergone such training?

a) if yes, briefly elaborate

b) if no, what does the ministry do to ensure that all ECD community centre teachers are appropriately trained?

12. There are various theories/opinions regarding the best way of early childhood education practice..

a) which ones does the Ministry recommend

b) and why

13. Does the Ministry provide curriculum for Early Childhood Education inclusive of that of the 5-6 years old pre-primary school level?

a) if yes, what are major competences that the Ministry expects the 5-6 years old pre-primary school children to have mastered before commencing the first grade of primary education?

14. One of the major roles of early childhood education in general and that of pre-primary education in particular is said to be the preparation of children for primary school and other levels of education. Taking cognisance of this fact how does the Ministry expect this role to be fulfilled in the rural ECD community centres in Namibia?

15. How does the Ministry determine whether or not rural pre-primary school children are adequately prepared for primary school?

16. What are the major obstacles experienced by the Ministry regarding the..

a) promotion

b) protection

c) fulfillment of the 5-6 years old pre-primary school children's human right to education in rural ECD community centres in Namibia?

17. What should be done to minimize if not to overcome these obstacles?

18. Apart from the state budget for early childhood education if any, which institutions are major sponsors of early childhood education in Namibia?

19. Who is responsible for the salaries if any, of the ECD community centres staff?

20. According to ETSIP, pre-primary education is to be shifted back to the Ministry of Basic education, are there some valid reasons for such a shift/move, could you please explain in details?

21. In the Ministry`s and indeed your opinion what difference would this shift make regarding the...

a) promotion

b) protection

c) fulfillment of the pre-primary school children`s human right to education.

22. Would you please tell me about some current development if any in the National Early childhood Development policy.

23. Do you think the provision of pre-primary education need to be regulated by a New Early childhood Act or would you say the Namibian Constitution and the Education Act No of 2001 are broad enough to cover the needs of pre-primary education?

Please elaborate.

24. From your experience, what benefits does society in general and learners in particular derive from pre-primary education? Please elaborate in details.

25. Do you have any questions about our discussion?

Thank you very much for your time and valuable contribution

# Interview Schedule: questions for officials

## Ministry of Education

### Introduction

Good morning/afternoon madam/sir. My name is Kandali Nuugwedha, a lecturer in the Faculty of Law at the University Of Namibia. I am conducting research on early childhood development and education in relation to the human right to education. The focus of this study is the five to six years old pre-primary school children. The topic of my research is *An Education Law perspective on Early Childhood Development provision in rural Namibia*.

This undertaking is part of staff development programmes at UNAM and is also a requirement for the fulfillment of my *PhD* studies in *Education Law and policy Studies with the North -West University (Potchestroom campus)*.

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions will solely be used for a good course, namely the improvement of the provision of the five to six years old pre-primary children's education in our country.

You are at liberty to terminate your participation in this project at anytime if need be.

**A warm welcome to this interview sir/madam**

1. Sex (m) male (f) female

2. Age category

(a) 21-24

(b) 25-29

(c) 30-34

(d) 35-39

(e) 40-44

(f) 45-49

(g) 50-54

(h) 55-59

(i) 60-above

3. Would you please briefly tell me about your responsibilities as an officer in the Ministry Education?

4. What exact roles are the ECDECC's intended to play?

5. How is the 5-6 years old pre-primary school children's education



- a) promoted
- b) protected
- c) fulfilled in the ECDECC's?

6. Has the Ministry of Education ever conducted awareness campaigns to sensitise inhabitants in the rural areas about the human right to education for all in general and the significance of early childhood education in particular?

- a) if yes, briefly explain what the major aspects of such campaign were /are
- b) if not, what is the ministry's position in this regard?
- c) what policy is in place to deal with parents/guardians that are/may not send children under their care to ECDECC's for pre-primary education?

7. What law regulates the provision of early childhood development and education in Namibia?

8. How should the State ensure that the five to six years old pre-primary school children's to education is..

- a) promoted
- b) protected

c) fulfilled in ECD community centres in the remote rural areas in Namibia?

9. Given the fact that teaching is one of the professions that requires comprehensive study and specialized training before one takes up the task of educating children at any level,

a) where are the ECDECC's teachers caretakers trained before taking up this challenge?

b) what is the minimum period of such training?

10. Briefly discuss the skills that the Ministry of Education expects an ECDECC teacher/ caretakers to master/possess in order to prepare the five to six-years old pre-primary school children for primary education?

11. From the record of the Ministry, have most if not all ECDECC's teachers/ caretakers in rural areas undergone such training?

a) if yes, briefly elaborate

b) if no, what does the Ministry do to ensure that all ECDECC's teachers are appropriately trained?

12. There are various theories/opinions regarding the best way of early childhood education practice..

a) which ones does the Ministry recommend

b) and why

13. Does the Ministry provide curriculum for Early Childhood Education inclusive of that of the five to six years old pre-primary school level?

a) if yes, what are major competences that the Ministry expects the five to six years old pre-primary school children to have mastered before commencing the first grade of primary education?

14. One of the major roles of early childhood education in general and that of pre-primary education in particular is said to be the preparation of children for primary school and other levels of education. Taking cognisance of this fact how does the Ministry expect this role to be fulfilled in the rural ECDECC's in Namibia?

15. How does the Ministry determine whether or not rural pre-primary school children are adequately prepared for primary school?

16. How do you describe the provision of the five to six years old pre-primary school children's education in rural ECDECC'S in Namibia?

18. Apart from the state budget for early childhood education if any, which institutions are major sponsors of early childhood education in Namibia?

19. Who is responsible for the salaries if any, of the ECD community centres staff?

20. According to ETSIP, pre-primary education is to be shifted back to the Ministry of Basic education, are there some valid reasons for such a shift/move, could you please explain in details?

21. In the Ministry`s and indeed your opinion what difference would this shift make regarding the...

a) promotion

b) protection

c) fulfillment of the pre-primary school children`s human right to education.

22. Would you please tell me about some current development if any in the National Early childhood Development policy.

23. Do you think the provision of pre-primary education need to be regulated by a New Early childhood Act or would you say the Namibian

Constitution and the Education Act No of 2001 are broad enough to cover the needs of pre-primary education?

Please elaborate.

24. From your experience, what benefits does society in general and learners in particular derive from pre-primary education? Please elaborate in details.

25. Do you have any questions about our discussion?

Thank you very much for your time and valuable contribution

# **Interview questions for community leaders**

## **Introduction**

Good morning/afternoon madam/sir. My name is Kandali Nuugwedha, a lecturer in the Faculty of Law at the University Of Namibia. I am conducting research on Early Childhood Educational right for the 5-6 years old pre-primary school children. The topic of my research is *Management of the Right to Education in Rural Early Childhood Education Development Community Centre in Namibia*.

This undertaking is part of staff development programmes at UNAM and is also a requirement for the fulfillment of my *PhD* studies in *Education Law and policy Studies with the University of Pretoria*.

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions will solely be used for a good course, namely the improvement of the provision of the five to six years old pre-primary children's education in our country.

You are at liberty to terminate your participation in this project at any time if need be.

**A warm welcome to this interview sir/madam**

1. Sex (m) male (f) female

2. Age category

(a) 17-19 (b) 20-24 (c) 25-29

(d) 30-34 (e)35-39 (f) 40-44

(g) 45-49 (h) 50-54 (i) 55-59 (j) 60-above

3. Kindly tell me about your major responsibilities as a head of this village/councilor of this constituency.

4. Would you please tell me about your responsibilities regarding education for children in your village/ constituency?

5. What is your opinion about the human right to education in an independent Namibia?

6. Kindly tell me how the 5-6 years old pre-primary school children's right to education is..

a) promoted

b) protected

c) realised

in the ECD community centres in your village/ constituency?

7. Have you ever attended any meeting/workshop at which the human right to education for all was discussed?

7. 1. Briefly elaborate.

7.2. If the answer in 7 is no, would you like some officials to enlighten you about the human right in general and the human right to education in particular?

8. How do your community members

a) promote and...

b) assist in the protection of the 5-6 years old pre-primary school children's right to education in the ECD community centres in your region?

9. Have you ever experienced obstacles in the..

a) promotion

b) protection

c) realization of the 5-6 years old pre-primary school children's right to education in your community?

10. Do most if not all the 5-6 years old pre-primary school children attend ECD community centres in your village/constituency?

11. As a Head of village/councilor what do/might you do about parents/guardians who do/might not send their 5-6 years old pre-primary school children under their care to ECD community centres in your village/constituency?

12. In your opinion, what is the best way to..

a) promote



b) protect

c) fulfill

the 5-6 years old pre-primary school children's right to education in the ECD community centres in your village/ constituency.

13. As a head of village/councilor, what do you think is the best way to ensure that all 5-6 years old pre-primary school children attend ECD community centres in your area?

14. Kindly tell me what you expect the state to do in order to ensure that all the 5-6 years old pre-primary school children in your village/ constituency receive quality pre-primary education?

15. Do you have any

a) recommendation

b) suggestion

regarding the provision of pre-primary education in your area?

16. In your opinion, what benefits does society in general and learners in particular derive from pre-primary education? Please elaborate in details.

17. Do you have any question about our discussion?

Conclusion

Thank you very much for you time any valuable contribution.

Addendum H

F. Application to Register an Early Childhood Development Centre:

For official use only Registration No. _____
--

Complete in duplicate using block letters:

1. NAME OF CENTRE: .....
2. GEOGRAPHICAL (RESIDENTIAL) ADDRESS OF THE ECD CENTRE:  
.....
3. POSTAL ADDRESS: .....
4. NAME OF PERSON IN CHARGE: .....
5. SIGNATURE: .....
6. DATE OF BIRTH: .....
- IDENTITY NO: .....
7. NUMBER OF EARLY CHILDHOOD DEVELOPMENT CENTRE COMMITTEE OR BOARD MEMBERS:  
.....
8. CATEGORIES OF CHILDREN: .....

Destitute and Neglected Children	( )
Children with Disabilities	( )
Children of Working Mothers	( )
Other	( )

9. TOTAL NUMBER OF CHILDREN: .....
10. AGE RANGE: .....
11. NUMBER OF EARLY CHILDHOOD DEVELOPMENT WORKERS:.....
12. HIGHEST EDUCATIONAL LEVEL OF EARLY CHILDHOOD DEVELOPMENT WORKERS:  
ECD WORKER 1: .....

ECD WORKER 2: .....

ECD WORKER 3: .....

ECD WORKER 4: .....

ECD WORKER 5: .....

ECD WORKER 6: .....

13. NAME OF QUALIFICATIONS/TRAINING IN ECD:  
 .....  
 .....

14. HOW LONG WAS THE TRAINING? (TICK ONE BELOW)

MORE THAN ONE WEEK, LESS THAN ONE MONTH	( )
MORE THAN ONE MONTH, LESS THAN SIX MONTHS	( )
MORE THAN SIX MONTHS, LESS THAN ONE YEAR	( )
MORE THAN ONE YEAR	( )
NO TRAINING	( )

15. NUMBER OF YEARS WORKING IN ECD: .....

16. TYPE OF BUILDING ( TICK ONE BELOW)

PERMANENT	( )
TRADITIONAL	( )
SHACK (BOARD, IRON SHEETS)	( )
NO BUILDING (UNDER A TREE)	( )

17. HOW MANY ROOMS DOES THE CENTRE HAVE? (TICK ONE BELOW)

ONE ( )    TWO ( )    THREE ( )    MORE THAN THREE ( )

18. IF IT IS A RENTED BUILDING, GIVE THE FOLLOWING INFORMATION:

NAME OF OWNER: .....

MONTHLY RENTAL: .....

HAS A LEASE BEEN SIGNED:    YES ( )    NO ( )

19. IS THE CENTRE FENCED?      YES ( )      NO ( )
20. NUMBER OF TOILETS: .....
21. TYPE OF TOILET (TICK BELOW)
- |         |     |             |     |
|---------|-----|-------------|-----|
| FLUSH   | ( ) | PIT LATRINE | ( ) |
| BUCKETS | ( ) | POTTIES     | ( ) |
22. DOES THE CENTRE PROVIDE MEALS AND/OR REFRESHMENTS?
- YES      ( )      NO      ( )
23. HOW MANY TIMES A DAY? .....
24. DOES THE CENTRE HAVE COOKING FACILITIES?
- YES      ( )      NO      ( )
25. TYPE OF COOKING FACILITIES:
- |                |     |
|----------------|-----|
| OPEN FIRE      | ( ) |
| GAS STOVE      | ( ) |
| ELECTRIC STOVE | ( ) |
26. DOES THE CENTRE HAVE ACCESS TO CLEAN WATER?
- YES      ( )      NO      ( )
27. WHERE DO YOU GET WATER?
- |       |     |          |     |
|-------|-----|----------|-----|
| TAP   | ( ) | WELL     | ( ) |
| RIVER | ( ) | BOREHOLE | ( ) |
| OTHER | ( ) |          |     |

28. DO YOU COLLECT YOUR WATER FAR FROM THE CENTRE?

YES

( )

NO

( )

29. ON WHICH DAYS WILL THE CENTRE BE OPEN? .....

30. DURING WHICH HOURS WILL THE CENTRE BE OPEN? .....

---

I certify that the information given above is true and correct to the best of my knowledge.

.....  
**Signature of Applicant/Person-In-Charge**

Date: .....

**Capacity:**

Manager

( )

Chairperson of Early Childhood Development Centre Committee

( )

Caretaker

( )

Other (Specify): .....

( )

---

**The Senior Community Liaison Officer:**

**Name:** .....

**Signature:** ..... **Date:** .....

**Raw data: Codes and themes in relation to various categories of stakeholder participants' perceptions**

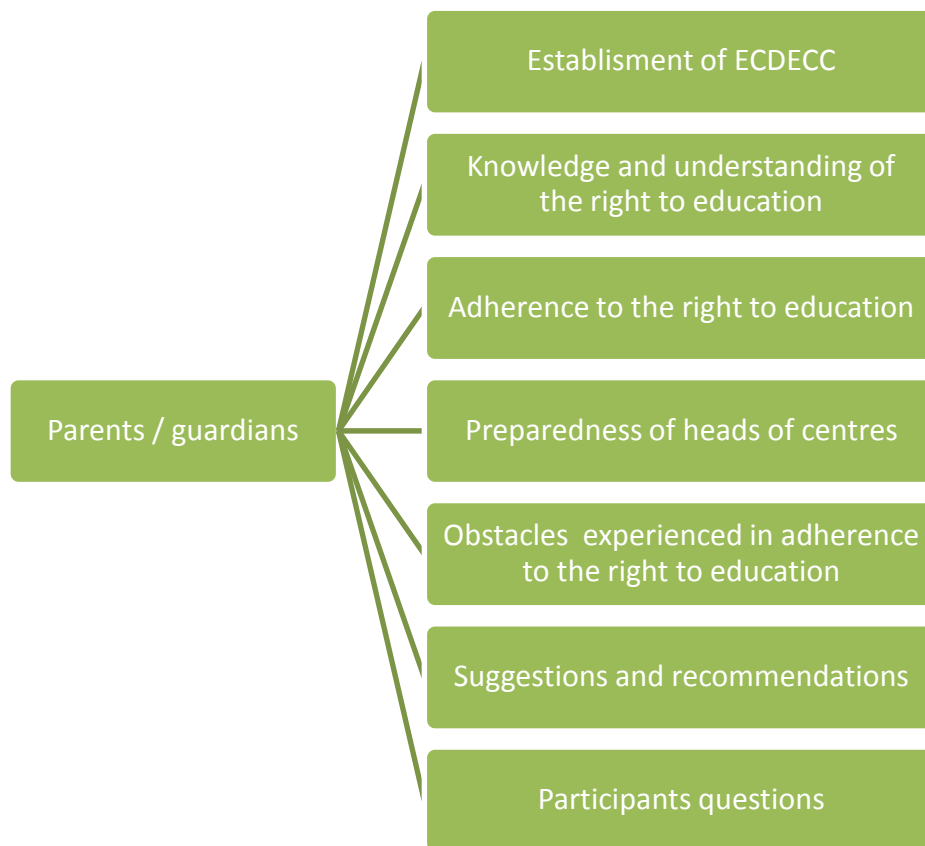
**Table 4.1 Data emanated from heads of centres' interviews**

Theme	Codes in relation to heads of centres' perceptions
Establishment of ECDECC	<ul style="list-style-type: none"> <li>• <i>Heads of centers established ECDECC in 1989, 1995 and 1999 respectively</i></li> <li>• <i>Parents/guardians</i></li> <li>• <i>Community members</i></li> <li>• <i>MGECCW often provides building materials</i></li> </ul>
Knowledge and understanding of the right to education	<ul style="list-style-type: none"> <li>• <i>All children have the right to education. Aware of the fact that all children have the right to free education</i></li> <li>• <i>All children from kindergarten onwards have the right to education</i></li> <li>• <i>There is free education but it seems it does not apply to us in rural areas</i></li> </ul>
Mode of adherence to the right to education	<ul style="list-style-type: none"> <li>• <i>Establishment of ECDECC.</i></li> <li>• <i>Making and buying teaching- learning aids</i></li> <li>• <i>Teach children</i></li> <li>• <i>Advise parents and guardian to send children to ECDECC</i></li> <li>• <i>Invite parents/guardians to attend teacher/ parents meeting</i></li> <li>• <i>Available to teach children with for little allowance or nothing at all</i></li> <li>• <i>Teach all children sent to centres even those whose parents do not pay</i></li> <li>• <i>Register all children even those without</i></li> <li>• <i>Birth certificates</i></li> <li>• <i>Teach disabled children together with those who are not disabled</i></li> </ul>
Preparedness of ECDECC teachers	<ul style="list-style-type: none"> <li>• <i>Not properly trained.</i></li> <li>• <i>No formal training.</i></li> <li>• <i>Former unqualified lower primary</i></li> <li>• <i>School teacher</i></li> <li>• <i>Not qualified teachers</i></li> <li>• <i>occasionally attend in service training for a week or two per year due to lack of funds</i></li> </ul>
Obstacles experienced in pursuit of the right to education	<ul style="list-style-type: none"> <li>• <i>Some children are taught under trees No curriculum available.</i></li> <li>• <i>Lack of equal well-equipped educational institutions</i></li> <li>• <i>Some are taught under uncompleted building.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Unemployment has led to poverty.</i></li> <li>• <i>Parent/guardians inability to contribute required N\$20.00, N\$25.00 and N\$30.00 respectively. Hunger because there were no feeding programmes.</i></li> <li>• <i>Lack of teaching –learning aids</i></li> <li>• <i>Lack of educational toys</i></li> <li>• <i>Lack of stationaries, crayons, pencils and books Lack of educational toys.</i></li> <li>• <i>Some parents do not fulfil their responsibilities.</i></li> <li>• <i>They do not pay for their children’ education</i></li> <li>• <i>Not all children attend ECDECC.</i></li> <li>• <i>Some Children do not attend ECDECC because parents/guardians are unable to pay school fees.</i></li> <li>• <i>Some children stay away up to two months</i></li> <li>• <i>Lack of water,</i></li> <li>• <i>Lack of electricity</i></li> <li>• <i>Inability to attend workshops / in-service training due to lack of funds.</i></li> <li>• <i>Only one staff member per ECDECC, being both teacher and head of ECDECC.</i></li> </ul>
<p>Suggestions &amp; Recommendations</p>	<ul style="list-style-type: none"> <li>• <i>Government must provide relevant teaching and learning aids. Government must build proper and up to standard venues</i></li> <li>• <i>Ministry of education must take over pre-primary education</i></li> <li>• <i>Government must provide feeding programmes.</i></li> <li>• <i>Government must pay salaries of ECDECC teachers. When teachers are rewarded for their service, they will be motivated to do their very best at least two teachers at the centre are needed</i></li> <li>• <i>Need academic and professional training.</i></li> <li>• <i>Need electricity, water, toilet facilities, computers</i></li> <li>• <i>Age restriction must be revisited.</i></li> </ul>
<p>Participants’ questions</p>	<ul style="list-style-type: none"> <li>• <i>Where can ECD teachers be trained because of the need for need proper training</i></li> <li>• <i>What benefits/ advantages does community derive from this research?</i></li> </ul>

**Figure 4.1.1. depicts categories evolved from heads of centres’ perceptions**





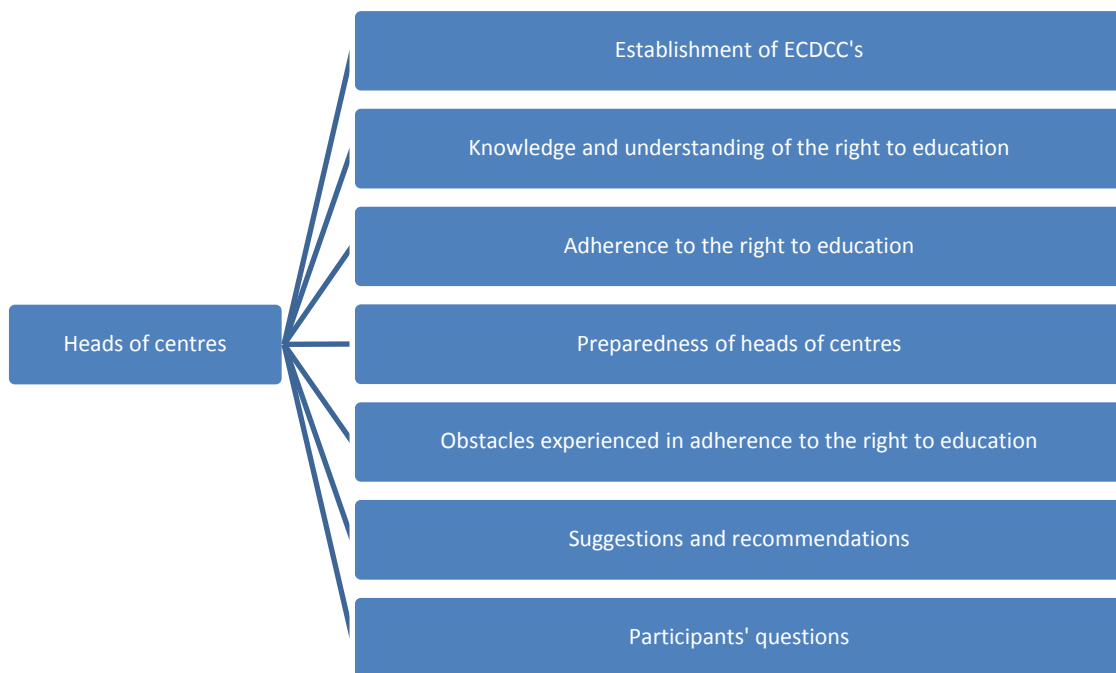
**Table 4.2 Data emanated from parents/ guardians’ interview**

<b>Themes</b>	<b>Codes in relation to parents / guardians’ perceptions</b>
Establishment of ECDECC	<ul style="list-style-type: none"> <li>• <i>Parents/guardians, community leaders</i></li> <li>• <i>Community members both women and men contribute in form of labour.</i></li> <li>• <i>Women carry water and sand for building.</i></li> <li>• <i>Men build ECDECC.</i></li> <li>• <i>Pay builder.</i></li> <li>• <i>ECDECC teachers</i></li> <li>• <i>Community members</i></li> <li>• <i>Community members</i></li> <li>• <i>Government provides some material e.g cement and congregated irons</i></li> <li>• <i>Community members make bricks</i></li> <li>• <i>Community members build ECDECC</i></li> </ul>
Knowledge and	<ul style="list-style-type: none"> <li>• <i>All children have the right to education</i></li> </ul>

<p>understanding of the right to education</p>	<ul style="list-style-type: none"> <li>• <i>They have the right to education because early child education is an eye opener for further education,</i></li> <li>• <i>Education is equal for all</i></li> <li>• <i>They have the right to education because early childhood education is an eye opener for further education</i></li> </ul>
<p>Mode of adherence to the right to education</p>	<ul style="list-style-type: none"> <li>• <i>Parents/guardians desire their children to be educated. By establishing ECDECC.</i></li> <li>• <i>Paid builders.</i></li> <li>• <i>By sending children to ECDECC, pay 20, 25, 30 N\$ per month or in kind in form of live chicken, millet, traditional spinach, pumpkins or cultivate teachers,(mahangu) crop fields.</i></li> <li>• <i>When ECDECC teacher teach children to prepare them for grade one primary education</i></li> <li>• <i>When children are taught under proper shelter to protect them from flu and cough</i></li> <li>• <i>Prepare children for ECDECC education, provide them with food wash clothes prepare food for school, help children in revising what taught at ECDECC</i></li> <li>• <i>Attend teacher-parents meeting</i></li> <li>• <i>Contribute to teacher's salary</i></li> </ul>
<p>Preparedness of ECDECC teachers</p>	<ul style="list-style-type: none"> <li>• <i>Teachers are not qualified.</i></li> <li>• <i>Teachers need more training.</i></li> <li>• <i>Children are taught vowels, stories, poems and how to write their names.</i></li> <li>• <i>It is satisfactory. Children are prepared for primary school. When they start primary school they do not experience learning difficulties. Children who attend ECDECC are different from those who do not. The former are active than the latter.</i></li> <li>• <i>Good because some former ECDECC are now in grade 12.</i></li> <li>• <i>Children learn some things</i></li> <li>• <i>Children are able to identify and to write alphabet letters</i></li> </ul>
<p>Obstacles experienced in pursuit of the right to education</p>	<ul style="list-style-type: none"> <li>• <i>Long distances.</i></li> <li>• <i>Lack of infrastructures. Lack water, electricity.</i></li> <li>• <i>Centre is isolated in the bushes.</i></li> <li>• <i>Children suffer from thirst.</i></li> <li>• <i>There are no toilet facilities.</i></li> <li>• <i>There are no chairs.</i></li> <li>• <i>Children are taught on dusty floors.</i></li> <li>• <i>Some children do not attend ECDECC due to inability to pay.</i></li> <li>• <i>Some parents/guardians simply keep children at home until they turn seven years old to begin primary education.</i></li> <li>• <i>Some parent/guardian lack understanding of significance of early childhood education.</i></li> <li>• <i>Poor quality incomplete buildings.</i></li> </ul>
<p>Suggestions &amp; Recommendations</p>	<ul style="list-style-type: none"> <li>• <i>ECD centre education must be promoted to properly develop children.</i></li> <li>• <i>There is a need for more teachers.</i></li> <li>• <i>Need for teaching –learning aids. Need more enlightenment about</i></li> </ul>

	<p><i>significance of early childhood education.</i></p> <ul style="list-style-type: none"> <li>• <i>Need for beautiful things like what is found in ECD centres in town.</i></li> <li>• <i>All the obstacles need to be addressed</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Whether government can pay ECDECC Teachers' salaries</i></li> <li>• <i>What to be done with children with special need</i></li> </ul>

**Figure 4. 1.2 depicts categories evolved from parents/ guardians' perceptions**

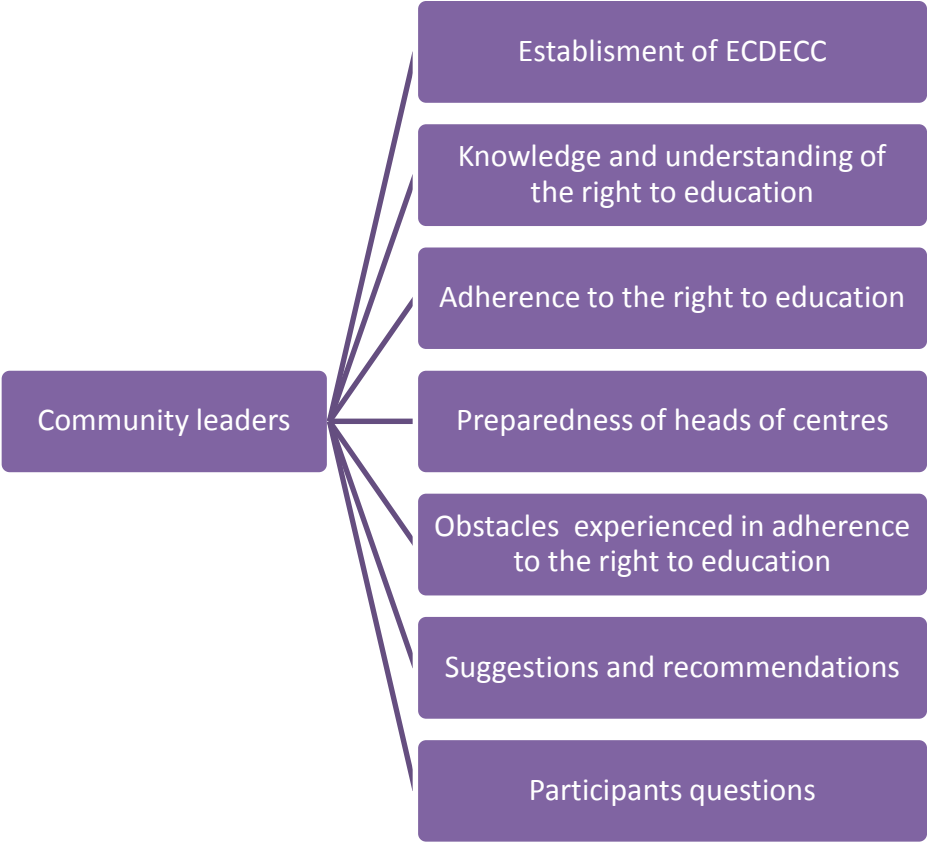


**Table 4.3 .3 Data emanated from community leaders' interview**

<b>Themes</b>	<b>Codes in relation to community leaders' perceptions</b>
Establishment of ECDECC	<ul style="list-style-type: none"> <li>• <i>Community members sold millet, beans pumpkin and other commodities. Proceed obtained from such sales used to establish ECDECC</i></li> <li>• <i>Parents/guardians</i></li> <li>• <i>Community members</i></li> </ul>
Knowledge and understanding of the right to education	<ul style="list-style-type: none"> <li>• <i>Knowledge and understanding of the right to education</i></li> <li>• <i>All children have the right to education. Children have the right to be educated.</i></li> <li>• <i>Most people in the village understand the right to education of the pre-primary school children.</i></li> <li>• <i>Nowadays without education will not have good life in future.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>It is very important for every child to attend ECDECC.</i></li> <li>• <i>Most children in the villages understand that pre-grade one children have the right to education.</i></li> <li>• <i>Being aware that early child education is important to build a strong foundation for children's education.</i></li> <li>• <i>We heard about it over the radio that every person in the country need to send children to school.</i></li> </ul>
Mode of adherence to the right to education	<ul style="list-style-type: none"> <li>• <i>By establishing ECDECCs Community members are responsible for their children's education.</i></li> <li>• <i>Making sure that children are provided with water.</i></li> <li>• <i>Community members pay ECDECC teachers' salaries in money or in kind.</i></li> <li>• <i>By contributing to ECDECC teachers' salary in kind or in money at least N\$25.00 per month</i></li> <li>• <i>By preparing children for ECDECC education, giving them food and clothes, contributing to payment of teacher's salary N\$20.00 or in kind per month.</i></li> <li>• <i>At this particular ECDECC head and committee members are not very strict since they know their area and community problems.</i></li> <li>• <i>They do not punish children whose parents' guardians are unable to pay.</i></li> <li>• <i>They do not deny them education opportunity.</i></li> </ul>
Preparedness of ECDECC teachers	<ul style="list-style-type: none"> <li>• <i>Need qualified teachers.</i></li> </ul>
Obstacles experienced in pursuit of the right to education	<ul style="list-style-type: none"> <li>• <i>Experience endless list of problem.</i></li> <li>• <i>Lack of proper venue for ECDECC education.</i></li> <li>• <i>Lack of teaching learning aids.</i></li> <li>• <i>Lack of qualified teachers paid by government</i></li> <li>• <i>Seemingly some children are not sent to ECDECC. Many children do not go to ECDECC.</i></li> <li>• <i>Some parents do not send children to ECDECC because they do not have money.</i></li> <li>• <i>Some parents do not make their contributions to the teacher's salary.</i></li> <li>• <i>Because ECDECC building is not complete during rainy season teacher and children suffer. In August and September it is very windy children suffer.</i></li> </ul>
Suggestions & Recommendations	<ul style="list-style-type: none"> <li>• <i>Government to take over ECDECC. Government to provide qualified teachers and to pay their salaries</i></li> <li>• <i>Provide employed teachers not volunteer ones. Government to provide qualified teachers to encourage parents to send children to EDCECC</i></li> <li>• <i>Teachers to be on time every day.</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Whether researcher can inform authorities about community members' plight.</i></li> <li>• <i>Whether researcher can inform government about the plight</i></li> </ul>

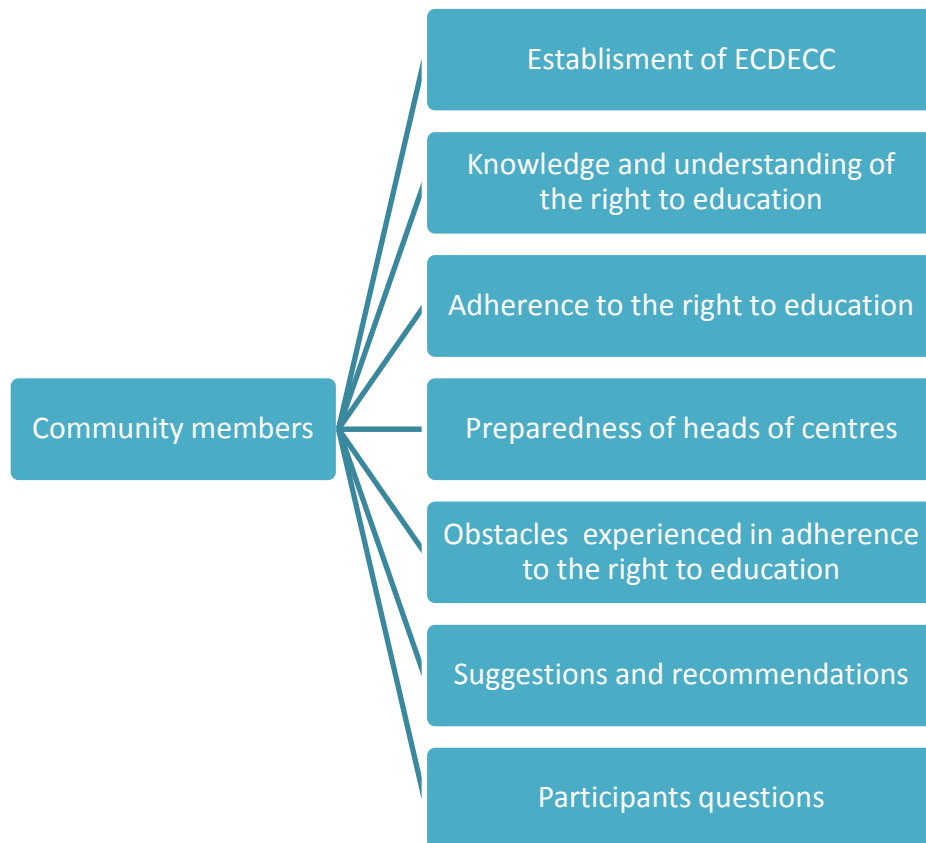
**Figure 4.1.3 depicts categories evolved from community leaders' perceptions**



**Table 4.1.4 Data emanated from community members' interviews**

Categories	Codes in relation to community members perceptions. emanated of community members)
Establishment of ECDECC	<ul style="list-style-type: none"> <li>• <i>Community members volunteer themselves because of being aware that ECDECC is to their benefit</i></li> <li>• <i>Community members assist in brick making and building, pay the wage of the builder.</i></li> <li>• <i>Community leaders gave land on which ECDECC is built.</i></li> </ul>
Knowledge and understanding of the right to education	<ul style="list-style-type: none"> <li>• <i>Have heard about the right to education. Have been empowered by the right to education. Education is the key</i></li> <li>• <i>We understand right to education. Have been empowered by the right to education.</i></li> <li>• <i>Unlike pre- independence, nowadays human rights are respected rights, even young children have their right to education.</i></li> </ul>
Mode of adherence to the right to education	<ul style="list-style-type: none"> <li>• <i>Assisting in building ECDECC.</i></li> <li>• <i>By sending children to be educate in order to take care of us in return.</i></li> <li>• <i>Parents/guardians pay for their children's education.</i></li> <li>• <i>Parents/guardians provide food for children to eat on their way to and at school to pay attention in class.</i></li> <li>• <i>Encourage ECDECC teachers not to give up.</i></li> </ul>
Preparedness of ECDECC teachers	<ul style="list-style-type: none"> <li>• <i>Good children learn a lot.</i></li> <li>• <i>Learners learn a lot at that level before going to primary school.</i></li> <li>• <i>Poorly equipped because community helps itself.</i></li> </ul>
Obstacles experienced in pursuit of the right to education	<ul style="list-style-type: none"> <li>• <i>Unavailability of water at ECDECC. Children carry water from home.</i></li> <li>• <i>There is no water no electricity.</i></li> <li>• <i>No teaching and learning aids.</i></li> <li>• <i>Some children travel long distances</i></li> </ul>
Suggestions & Recommendations	<ul style="list-style-type: none"> <li>• <i>Government to build proper and up to standard school</i></li> <li>• <i>State to meet communities half way regarding ECDECC's needs.</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Whether it was possible for government to assist ECDECC's</i></li> <li>• <i>Whether community will benefit from the study or whether researcher is only conducting research to benefit herself.</i></li> </ul>

**Figure 4.1.4 depicts categories evolved from community members' perceptions**



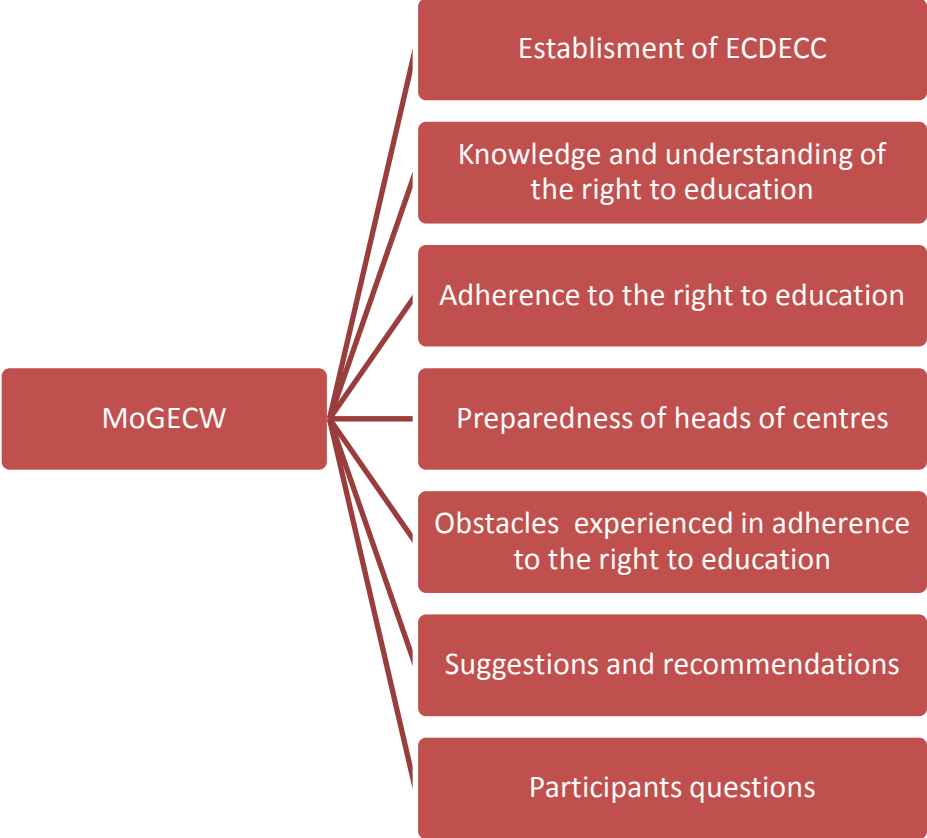
**Table 4.3.1.5. Data emanated from Ministry of Gender Equality and Child Welfare officials' interviews**

Themes	Codes in relation to Ministry of Gender Equality and Child Welfare officials' perceptions
Establishment of ECDECC	<ul style="list-style-type: none"> <li>• <i>Community members are responsible for establishment of ECDECC.</i></li> <li>• <i>Community members are responsible for payment of ECDECC teachers' salaries</i></li> <li>• <i>Donations from UNICEF, UNESCO and other NGO's</i></li> <li>• <i>Rationale thereof is development and education</i></li> </ul>
Knowledge and understanding of the right to education	<ul style="list-style-type: none"> <li>• <i>Constitutional provision of the right to education includes pre-grade one learners</i></li> </ul>
Mode of adherence to the right to education	<ul style="list-style-type: none"> <li>• <i>Community activators conduct awareness campaign about the right to education and the significance of early child development and education. Community activators encourage parents/ guardians to send their children to ECDECC.</i></li> <li>• <i>Existence of ECD policy that children from zero to six years old have to undergo early childhood development and education.</i></li> <li>• <i>Working hand in hand with primary schools that only children who attended ECDECC to be admitted at primary school.</i></li> <li>• <i>Encouraging community member to establish ECDECC</i></li> </ul>
Preparedness of ECDECC teachers	<ul style="list-style-type: none"> <li>• <i>Receive in- service training for twelve weeks: four weeks per year. Yes, they receive special training but it is a challenge.</i></li> <li>• <i>They learn how to make toys, making and manipulating teaching – learning aids, trained in using play method</i></li> <li>• <i>Using real objects or pictures.</i></li> <li>• <i>Only about 20% of ECDECC teachers attend training</i></li> <li>• <i>There was no curriculum to that effect but there were guidelines.</i></li> </ul>
Obstacles experienced in pursuit of the right to education	<ul style="list-style-type: none"> <li>• <i>Lack of commitment on the part of community member s, lack of training.</i></li> <li>• <i>Lack of proper facilities, lack of resources, lack of necessary equipment</i></li> </ul>
Suggestions & Recommendations	<ul style="list-style-type: none"> <li>• <i>Caregiver to prepare children practically, psychologically and theoretically.</i></li> <li>• <i>Teachers to employ play method, education through play and combination of all play methods because children learn best through play.</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Interviewee wanted to know why researcher decided to conduct research in early childhood education</i></li> <li>• <i>Whether interview would be treated confidentially.</i></li> </ul>



• Whether researcher will give participant feedback seeing in most cases researchers conduct research and are never seen again by participants in their research..

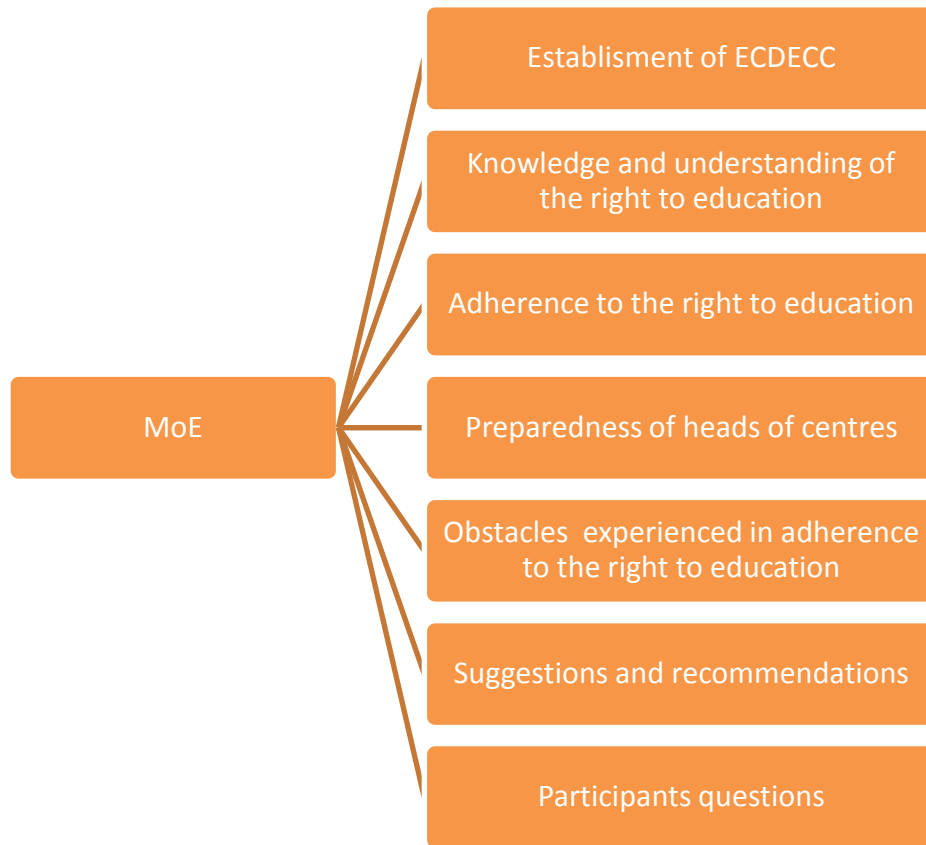
**Figure 4.1.5. depicts categories evolved from Ministry of Gender Equality and Child Welfare officials' perceptions**



**Table 4.3.6 Data emanated from Ministry of Education official's interview.**

Themess	Codes in relation to ( Ministry of Education official's perception
Establishment of ECDECC	<ul style="list-style-type: none"> <li>• <i>Community members are responsible for the establishment of ECDECC.</i></li> <li>• <i>Community members are responsible for payment of ECDECC teachers' salaries</i></li> <li>• <i>Donations from UNICEF, UNESCO and other NGO's</i></li> <li>• <i>The rationale of introducing ECDECC is to train community members/families to take care of their children, to teach early child education, to encourage parents/guardians to send their children to early childhood development and education programmes to take children for vaccination</i></li> </ul>
Knowledge and understanding of the right to education	<ul style="list-style-type: none"> <li>• <i>The Constitution of Namibia provides the right to education for all persons and that also applies to pre-grade one learners in ECDECC</i></li> </ul>
Mode of adherence to the right to education	<ul style="list-style-type: none"> <li>• <i>Ministry of Education compiled Pre-primary curriculum being piloted at some selected public primary schools</i></li> </ul>
Preparedness of ECDECC teachers	<ul style="list-style-type: none"> <li>• <i>ECDECC teachers were trained through in-service training three times per year.</i></li> <li>• <i>They are trained how to make educational toys, suitable pedagogical teaching and learning methods such as play and child psychology.</i></li> <li>• <i>Such training is not enough because it does not cover all aspects of early childhood education</i></li> </ul>
Obstacles experienced in pursuit of the right to education	<ul style="list-style-type: none"> <li>• <i>The main one is training, thousands of rural ECDECC teachers have not been properly trained.</i></li> </ul>
Suggestions & Recommendations	<ul style="list-style-type: none"> <li>• <i>Could best adhered to by making sure that relevant qualified pre-primary school teachers teach in community centres .</i></li> <li>• <i>Teachers are appointed to teach at ECDECC.</i></li> <li>• <i>Stick to proper quality training.</i></li> <li>• <i>Encourage to attend meeting where the importance of their children's education is explained.</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Whether in researcher's views, current training offered to ECD caregiver is sufficient.</i></li> <li>• <i>Whether researcher think newly introduced lower primary teacher training system in ECD is enough.</i></li> </ul>

**Figure 4.1.6. depicts categories evolved from Ministry of Education official's perceptions**

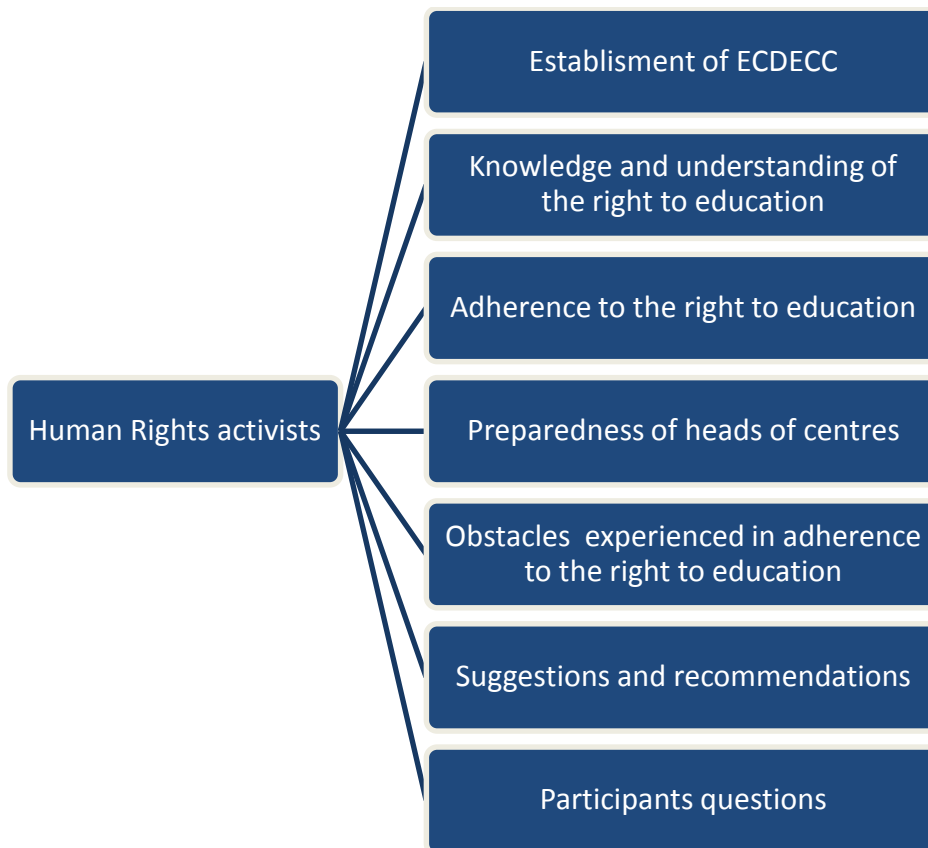


**Table 4.3.7 Data emanated from Human Rights activists' interviews**

Themes	Codes in relation to Human rights activists' perceptions
Establishment of ECDECC	<ul style="list-style-type: none"> <li>• <i>Community members</i></li> </ul>
Knowledge and understanding of the right to education	<ul style="list-style-type: none"> <li>• <i>The Constitution provides for equality for all persons regardless of their geographic location.</i></li> <li>• <i>Article 20 (1) of the Constitution is inclusive of pre-grade one learners' education.</i></li> </ul>
Mode of adherence to the right to education	<ul style="list-style-type: none"> <li>• <i>Early childhood education was left to communities therefore whoever, without any relevant qualifications, wanted to conduct.</i></li> </ul>
Preparedness of ECDECC teachers	<ul style="list-style-type: none"> <li>• <i>Training undergone by ECDECC teachers is not sufficient.</i></li> <li>• <i>Teachers could not be adequately qualified after being trained after being trained for one, three or four weeks.</i></li> <li>• <i>ECDECC teachers were not fully prepared to adhere to the right to education.</i></li> <li>• <i>Teachers/ caregivers in rural areas are not adequately equipped with necessary skills to teach pre-grade one learners.</i></li> <li>• <i>They are not qualified teachers and that they are not in the right place. They cannot afford it.</i></li> <li>• <i>They got other responsibilities. They cannot even with the best will in the world.</i></li> </ul>
Obstacles experienced in pursuit of the right to education	<ul style="list-style-type: none"> <li>• <i>Lack of facilities.</i></li> <li>• <i>Lack of qualified teacher.</i></li> <li>• <i>Requirement of payment of school fees even from those who are unable to do so is difficult to understand</i></li> <li>• <i>Lack of serious commitment on the part of the State to early child hood education.</i></li> <li>• <i>Requirement of payment of school fees even from those who are unable to do so is difficult to understand</i></li> <li>• <i>There is a huge disparity between educational institutions in all educational institutions in rural areas and those in urban area</i></li> <li>• <i>State has achieved/is doing good in number of universal enrolment of learners in educational institutions but quality is thereof is not good.</i></li> <li>• <i>Parents and guardians must be educated to enforce the educational right for their children.</i></li> <li>• <i>Community leaders should join campaign for government to execute its duty to provide free compulsory education from birth to death.</i></li> </ul>
Suggestions & Recommendations	<ul style="list-style-type: none"> <li>• <i>There must be physical facilities, buildings built in areas that are not prone to flooding to avoid education being interrupted.</i></li> <li>• <i>Teachers must be provided with accommodations</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Preferably education from birth to death.</i></li> <li>• <i>Best way to educate a child is to start from zero to death.</i></li> <li>• <i>The best qualified teachers are to be entrusted to teach children at this early stage of their development.</i></li> <li>• <i>Submission that parents/ guardians are children's first educators is not always realistic seeing some of them are not exemplary.</i></li> <li>• <i>MGECEW must be occupied with gender issues and not with professional early childhood Education. Ministry of Education has to take up its responsibility of educating all persons from birth to death.</i></li> <li>• <i>There is a need for the promulgation of a separate Early Childhood Development and Education Act.</i></li> <li>• <i>Pre-grade one learners ought to be taught by professionally trained teacher for that purpose, in the absence of qualified teachers, ECD education provided in ECDECC is a dead letter.</i></li> <li>• <i>Namibia has to emulate countries such as Finland and Sweden which have good education policies and have invested in education for all.</i></li> </ul>
<p>Participants' questions</p>	<ul style="list-style-type: none"> <li>• <i>Why researcher specifically interested in rural ECDECC</i></li> <li>• <i>Whether researcher would provide participants with copies of research report.</i></li> </ul>

**Figure 4.1.7. depicts categories evolved from Human Rights activists' perceptions**



#### **4.8 Validity and trustworthiness of data**

Addendum J

**INTERVIEW WITH COMMUNITY LEADER (CM2)**

	<b>Sex</b>	Female
	<b>Age category</b>	43
	Would you please tell me about your major responsibilities as a head of the village/ councilor of this constituency?  I am sorry, my condolences. Ok thank you very much.	I am a community member, but I have been asked by our head man to act in his position because he cannot come. There is death in his family and he is attending the funeral.
	What are your responsibilities regarding education for children in your village/constituency	I am an ECDECC committee member. The head of the village is also an ECDECC committee member. We prepare children for ECDECC c by giving them food and clothes and by contributing to payment of teacher's salary, N\$20.00 (twenty Namibia Dollars) or in kind per month.
	Would you please tell me your opinion about the human right to education in an independent Namibia?	Children have right to be educated.
	How the 5–6 years old pre-primary school children's education is 1. promoted 2. protected 3. realized in the ECDECC's in your village/constituency	It is done by preparing children for ECDECCC, by giving them food and clothes Community member built ECDECC where children are taught.
	Have you attended meetings/workshops at which the human right to education for all was discussed?	We heard about it over radio.
	Can you please elaborate what was said?	They say every person in the country needs to send children to school.
	Do you think there is still a need for some officials to come to explain more about human rights in general and the human right to education in particular?	Yes, for community to understand the importance of early childhood education more
	How do community leaders promote and assist in the protection/ fulfillment of the 5-6 years old pre-primary school children's education in the ECDECC in your village/ constituency/ area?	Provide children with food and clothes Help building community centre Paying teachers' salaries in money or in kind
	How do you describe education ( pre-primary education which is provided in ECDECC's in your village/ constituency/	Many children do not go to ECDECC's Some parents do not send children to ECD centre, because they do not have money

	area?	<p>Some parents/guardians do not make their contribution to teacher's salary  Because ECDECC building is incomplete, during rainy seasons children and teacher suffer.  In August and September it is very windy and children suffer.  We need additional teachers to assist and share ideas</p>
	Are most, if not all, 5-6 years old pre-primary school learners attend ECDECC's in your village/ constituency? Why?	<p>No, there are many who do not go to ECDECC's because parents/guardians cannot pay prescribed fee  They simply keep children at home.</p>
	What do heads of villages/councilors/ might do about parents/guardians who do/might not send their 5-6 years old pre-primary school children under their care to ECD community centre in your village/ constituency?	<p>At this particular ECDECC c head and community members are not very strict since they know their area and community problems.  They do not punish children whose parents/guardians are unable to pay.  They do not deny them education opportunity  We are waiting for government policy in that regard</p>
	<p>What are your opinions regarding the best way to</p> <ol style="list-style-type: none"> <li>a) Promote</li> <li>b) protect</li> <li>c) fulfil</li> </ol> <p>the five to six years old pre-primary school learners' right to education in the ECDECC's in your village/constituency?</p>	<p>Government has to pay teachers' salaries.  Government to provide education.</p>
	What do you think is the best way to ensure that all 5-6 years old pre-primary school children attend ECD community centres in the area?	<p>Community members (parents/guardians) must send children to ECDECC's centre to be prepared for Grade 1 to get knowledge.</p>
	<p>Kindly tell me what your expectations are from the state in order to ensure that all the 5-6 years old pre-primary school children in your village/constituency receive qualify pre-primary education.</p> <p>Do you have any question about our discussion?</p>	<p>Government has to provide relevant teaching learning materials to be used in teaching process.  Government must pay teacher's salary.</p> <p>No question. Thank you.</p>

Thank you very much for your valuable contribution.



## INTERVIEW WITH COMMUNITY LEADER (CL3)

1.	Sex	Male
	Age category	73
	Would you please tell me about your major responsibilities as a head of this village/ councilor of this constituency?	I serve as an advisor advising community members about the need of establishing ECDECC in the village seeing that children used to walk long distances. Has been entrusted leadership in the village
	What are your responsibilities regarding education for pre-primary learners in your village/constituency?	I make sure that the teacher always comes to ECDECC on time. First children were taught under a tree, then in a shack. Community members sold millet, beans and pumpkins. We use the money from those sales to buy bags of cement and made bricks and also pay the builder. I also ensure that all parents/guardians fulfill their duties in terms of teacher's monthly allowance in money or kind.
	What are your opinions about the human right to education in an independent Namibia?	I fully understand human rights. Nowadays without education children will not have a good life in future It is very important to every child to undergo early childhood education. Most people in our village understand the right to education of pre-primary school children. However seemingly some children are not sent to ECD centres.
	Have you attended meetings/workshops at which the human right to education for all was discussed?	Yes.
	Please elaborate	It is conducted by officials from Ondangwa sometimes.
	How does community members promote and assist in the protection of the 5-6 years old pre-primary school learners' presumed right to education in the ECDECC's in your village constituency?	We make sure that children are provided with water.
	Do most, if not all five to six years old pre-	Some children attend ECD centre but there are

	primary school learners attend ECDECC's in ECDECC's your village/ constituency?	some children who do not attend. ECDEC 's.
	As head of village/councilor what do you do/ might do about parents/guardians who do not/might not send their 5-6 years old pre-primary school children under their care to ECD community centre in your village/ constituency	I encourage community members to send their children to ECD centre to be educated.
.		
	As head of village/councilor, what do you think is the best way to ensure that all five to six years old pre-primary school learners attend ECDECC in your village/constituency?	It is by encouraging parents to send children to ECD centres and to emphasise the significance of early childhood education. Government to take care of the responsibility of parents to pay the salary of ECD centre teacher.
	What benefits does society in general and learners in particular derive from pre-primary education?	There is a big difference between a child who attends and who does not attend ECD centre The one who attends ECD centre has a lot of knowledge/understanding of his/her future
	<b>Do you have questions about our discussion?</b>  <b>Yes, by means of this research report.</b>	Will you please inform the authority about community members' plight in remote rural areas?
	Any other question?	None.
	Thank you very much for your valuable contribution.	Thank you.

## INTERVIEW RESULTS: COMMUNITY LEADER (CL 1)

1.	<b>Sex</b>	Male
2.	<b>Age category</b>	71
	Would you please tell me about your major responsibilities as a head/village councilor of this constituency	I have to see to it that everything is in order in the village I have to look after every person and everything in the village
	What are your responsibilities regarding education for children in your village/constituency	I escort children to ECDECC's during rainy season by my "sikoloskolo" [old vehicle] I also help them to cross the water pans on their way to ECDECC's.
	What are your opinions about the human right to education in an independent Namibia?  Do you think that pre- school learners have the right to education?	I am aware that early childhood education is important to build a strong foundation for children education We need qualified teachers to teach children at early childhood level Such qualified teachers must be provided by government.  Yes. They have the right to education.
	How is the five to six years old pre-primary school learners' presumed right to education is promoted protected fulfilled in the ECDECC's in your village/constituency?	Community members are responsible for their children's education Community members pay teacher's salary in money or in kind
	Do you attend/have you attended meetings/workshops at which the human right to education for all was discussed?	Yes.
	Please elaborate	I have attended meetings at secondary school, not at ECDECC's.
	Do you think that there is a need for some officials to come to your village to enlighten you about the human rights in general and the human right to education in particular?	Yes, very much, I cannot wait to see them.
	How do community members promote the five to six years old pre-primary learner's right to education in the ECDECC's in your village / constituency?	They do it by contributing to ECDECC teacher's salary in kind or in money, at least N\$25 per month.

	Would you please tell me about your experience regarding pre-primary education for the five to six years old learners at the ECDECC's in your village /constituency?	We are experiencing endless list of problems. Lack of proper venue for ECD education. We need qualified teacher paid by government.
	Do most, if not all, five to six years old pre-primary school children attend ECDECC's in your village/ constituency?`	Yes.
	As the head of village/councilor what do you do/might do about parents/guardians who do/might not send their five to six years old pre-primary school learners under their care to ECDECC's in your village/ constituency?	I also advise parents and guardians to send children to ECD centre, however some parents/guardians ask whether head of village would pay for their children's education
.	In your opinions what is the best way to promote protect fulfil the five to six years old pre-primary school learners' right to education in the ECDECC's in your village/constituency?	Children must be provided with education toys. Teachers to be on time every day. There is a need to provide an employed teacher and not a volunteer one. There is a need to emphasise the significance of early childhood education.
	What should be done to ensure that all five to six years old pre-primary school learners attend ECDECC's in your village/ constituency?	Government must take over ECD centres Government must provide qualified teachers and to pay their salaries. Government to provide teaching learning aids. Government to provide qualified teacher to encourage parents/guardians to send children to ECD centres.
	What benefits does society in general and learners in particular derive from pre-primary education?	There is an endless list of benefits. ECD education makes children independent, active and free.
	Do you have some questions about our discussion?	I have no questions, but I am thankful and happy. Would you please inform authorities about community members' plight?
	Yes through this research report.	

Sex: male Age: 43	Interview responses: Community member three (CM1)
Would you please tell me about your responsibilities as a community member?	I am responsible for administrative work in the councillor office. Assist the honourable councillor in various social services.
What are your responsibilities in relation to the provision of pre-primary education in in early childhood development and community centres in your area?	I provide assistance in the establishment of kindergartens, and in requesting financial assistance on behalf of ECDECC's an supply it to ECDECC's I also assist in organising training for ECDECC's.
What are your opinions about the human right to education in an independent Namibia?	Education is a social service need.
Do you think the five to six years old pre-primary school learners have the right to education?	It is a right to each and every child.
How is the five to six years old pre-primary school children's education promoted, protected and realised in ECDECC's in your village/ constituency area?	It could be promoted and protected through the existence of kindergartens, through advising parents to take children to ECDECC's and through informing parents about the importance of education
Have you attended meetings/workshops where the human right education for all was discussed?	No.
Particular?	Yes, the community needs more information.
How do community members assist in the promotion and protection and realisation of the five to six years old learners' education in your village/ constituency/ area?	Government just provides the basic materials. Community members do it by construction of ECDECC's, donating money, collecting money to buy basic materials which are not provided by the government and paying the allowance of the teachers.
How do you describe early childhood education for the five to six years old learners in ECDECC's in your area village/ constituency/ area?	The ECDECC's are poor. It seems government does not take pre-primary ion seriously because ECDECC's teachers are not paid by the government. Community members are the ones struggling to get education materials and teaching and learning aids. Teachers do not have enough books and stationaries. There are no guidelines how to deal with kindergarten learners. Consequently everybody uses his/her own experience.
Do most of if not all the five to six years old pre-primary learners attend ECDECC's in your village/ constituency?	Yes, most e it is compulsory attend ECDECC's because it is compulsory that children are not admitted to grade one before attending and promoted from kindergarten?
What does the head of village/ councillor do/ might do about parents/ guardians who do not/ might not send the five to six years old pre-primary school learners under their care to	They experience difficulties in enforcing compulsory attendance because some community members have financial problems. Indigent community members and orphans are

ECDECC's?	identified by headmen and sent to councillor's Office to be registered for a monthly grant. Some of such allowance is used to pay for ECDECC's education.
In your opinion, what is the best way to promote, protect and fulfil the five to six years old pre-primary school learners' right to education in ECDECC's in your village, constituency/ area?	It can be done best by conducting community meetings inform parents about the importance of education at this stage. Community activators have to do their work in the communities by informing parents to send their children to ECDECC's and providing salaries for the teachers. The law must be passed for this level of education in the Ministry of Education and people must adhere to that law.
In your opinion, what can be done to ensure that all five to six years old pre-primary school children attend ECDECC's in your village, constituency area?	The government must pay the salaries of ECDECC's. The government has to pass law to encourage community members to send children to ECDECC's and community activators must advise community members to ECDECC's.
In your opinion what benefit does society in general and learners in particular derive from pre-primary education?	Children who attend pre-primary education will not have difficult in primary school like those who did not attend pre-primary education.
Do you have questions about our discussion?	Will the community benefit from this (your ) research or are you only conducting research to benefit yourself ?
Both the community and I will benefit. The study is meant to improve early childhood development and education in the rural areas and I will receive a degree (certificate) for having conducted this study.	Ok thank you.

Thank you very much for your valuable

Interview questions	Interview responses: Community member Two (CM2) responses. Sex female age : 63
<p>Would you please tell me about your responsibilities as a community member? Would you please tell me about your responsibility if any, in relation to the provision of pre-primary education in early childhood development community centres?</p>	<p>I am thankful because early childhood development and education community centre is near. Children no longer walk long distances in our village. As a community we work together to build this centre in our village</p>
<p>What are your opinions about the human right to education in an independent Namibia?</p>	<p>Our children are being educated. I understand the right to education. We have been empowered by the right to education.</p>
<p>Do you think that the five to six years old children have the right to education?</p>	<p>Yes, they have the right to education unlike before independence, nowadays human rights are respected. Everybody has human rights even young children have their human rights.</p>
<p>How do community members contribute to the promotion, protection and fulfilment of the five to six years old pre-primary school learners' education in ECDECC;s in their village/ constituency?</p>	<p>We contribute to the establishment of the centre in our village. We also paid the wage of the builder. As community members, we volunteered ourselves because we are aware of the fact that ECDECC is to our benefit. We always encourage the teacher not to give up. We contribute the teachers' workshop cost and we pay the teacher's salary</p>
<p>What is your experience regarding the provision of the five to six years pre-primary school learners in ECDECC's in your village/ area?</p>	<p>We have a lot of problems. Poverty is the major problem here. Some of the parents do simply not contribute to the required payment of the building cost. Consequently, we have insufficient funds to complete the building.</p> <p>We do not have water at our centre. The children at this centre have to carry water from their homes. We need a tap of water at the centre, We need money to complete the ECDECC building. We need educational toys for the children. We need money for the payment of the teacher's salary. Some children travel long distances to and from ECDECC.</p>
<p>Do you attendance meetings at ECDECC's in your village/ constituency / area?</p>	<p>Ye s. I attend the meetings at the centre in our village.</p>
<p>What are the major themes discussed at such meetings?</p>	<p>We discuss about the significance of our children's education, about the salary of the teacher and we encourage the teacher not to give up.</p>

How do you as community members contribute to the pre-primary education to the five to six years old in the village / constituency?	Community members are responsible for the education of their children. They are responsible for providing food to the children. Community leaders gave land on which the ECDECC is build. We need assistance from the government.
Can you please tell me about your experience regarding how ECDECC's in your village are equipped for the education of the five to six years old pre-primary school learner? (Yes please, I mean in terms of material and human resources).	Equipped? The centre is poorly equipped because community helps itself, the building is incomplete. There is a lack of teaching and learning aids. There is only one staff member who is both the teacher and the head of centre
What are your opinions regarding the benefit of pre-primary education in the society in general and to the learners in particular?	Good, because the learners who undergo ECDECC education do not fail at future level of education. Yes, in the past children have never attended early childhood education. They used to wait until they turn seven years old to start primary school. Nowadays children start their education earlier.
Have you attended meetings /workshops where human right to education for all was discussed? Do you need some officials to come to your area to enlighten you about human right in general and the right to education in particular?	No, this is the first time to attend discussions about human right to education. Yes, we need information
In your opinion what should be done to ensure that the five to six years old pre-primary school children in your area receive quality education in ECDECC's in your area?	Poverty is the major problem. Officials and regional councillors have to visit ECDECC's in rural areas. We need feeding programmes. Regional councillors must be known to the people in remote areas and they have to provide for the needs of the people in remote rural areas.
Any question about our discussion?	I do not have any question. Ok thanks.

Thank you very much sir for your valuable contribution.



## INTERVIEW RESPONSES WITH COMMUNITY MEMBER THREE (CM3)

	<b>Sex</b>	Female
	<b>Age category</b>	60
	<p>Would you please tell me about your responsibility as a community member?</p> <p>Would you kindly tell me about the provision of pre-primary education in ECDECC's in your village/ constituency/ area?</p>	<p>My responsibility is to work together with other community members.</p> <p>Good, children learn a lot.</p>
	What are your opinions about the human right to education in an independent Namibia?	<p>I heard about the human rights and the right to education.</p> <p>Education is the key.</p> <p>We send our children to be educated in order to take care of us in return in future.</p>
	Do you think that the 5–6 years pre-primary school learners have the human right to education?	Yes, because children learn a lot at that level too before going to primary school.
	How is the 5–6 years old pre-primary school learners' education is promoted protected fulfilled in the ECDECC's in village/constituency/ area?	Children are taught well at ECDECC.
	How do community members contribute to the advancement/promotion protection fulfillment of the five to six years old pre-primary school learners' rights to education in your village/ constituency/ area?	<p>By sending children to attend ECDECC</p> <p>Parents/guardian pay their children</p> <p>Parents/guardian provides food for children to eat on way to and at ECDECC's to enable children to pay attention in class.</p> <p>By working together with other community members.</p> <p>By assisting in building ECDECC's.</p>
	Would you tell me your experience regarding Promotion and the realization of the right to education of the five to six years old pre-primary children learners in your village/ constituency/ area?	<p>There is no water</p> <p>No electricity</p> <p>We need:</p> <p>teaching learning aids</p> <p>educational toys</p> <p>toilet facilities</p>
	Have you attended meeting/workshop at which the human right to education for all	I cannot remember anything of that nature.

	persons was discussed?	
	Do you need officials to come to region to enlighten you about human right in general and that of education for all	Yes
	About what exactly?	We need to be enlightened about own human rights
.	How would you describe pre-primary education provided for the 5–6 years old children in ECDECC's in your village/constituency/ area?	Children learn a lot, e.g. reading, writing and singing.
.	Do you attend of teacher-parent/ community meetings regarding pre-primary education for the 5–6 years old at the ECD community centres in the village/constituency	Yes. We are invited every term.
	What are the major themes of discussion at those meetings?  And the men?	We discuss about education, about the needs for ECDECC, about the need for an additional teacher, but more women than men attend meetings. Most of the time they are busy with other things
.	Would you kindly tell me how ECDECCC's in your area are equipped for the education of the 5–6 years old pre-primary learners chi?	We have a lot of problems The major problem is water. There are very few chairs
		We need electricity We need a lot of things
		Educational toys
		But the major problem is that we is need water
.	In your opinion, does the teaching learning in the ECDECC's in your village/constituency adequately enable the 5–6 years pre-primary school learners for primary education?	Yes
	Please elaboration	When they start primary school, they do not experience learning problems
.	I	Children are well prepared for primary school We are thankful for the teacher
	Is there a need for improvement for pre-primary education to the 5–6 years old in ECD community centres in the village/constituency	Yes. A lot of things
.	What should be done to ensure that the 5–	We need additional teacher

	6 years old pre-primary school children in area are adequately prepared for the first grade of primary education and other levels of education	We need water WE need electricity We need all goods things enjoyed by other children
	What the state should do to ensure that the 5–6 years old pre-primary school children receive quality education in ECD community centres in the area	The State must build proper and up to standard school.  The State has to meet communities halfway regarding ECDCC's needs
	How do community members contribute to the promotion, protection and fulfillment of the 5-6 pre-primary school learners' education in your village/ constituency/ area?	Both parents/guardians assist in building ECD centre, by fetching water and carrying sand Government has to build proper and up to standard school
	In your opinion what benefit does early childhood education have to society in general and to learners in particular?	Most learner will pass examination at other levels of education
	Do you have questions about our interview discussion? Yes, I would think so, perhaps the community has to make a formal request/ application to that effect.	Is it possible for government to assist community regarding ECDECC's education?  Thanks.

Thank you very much for your valuable contribution

## Interview with Heads of centres (EDCECC's)

	<p><b>Head of Centre one (HC 1)</b>  <b>Sex: Female age: 54</b>  <b>Centre established 1996</b></p>
<p>Would please tell me about your responsibilities at this centre?</p>	<p>We establish the centre with other members of the community ourselves. My responsibilities are that I am the only teacher at the centre. Again my responsibilities are to look for teaching learning aids of the centre, to make teaching learning aids and being both the head and the teacher at the centre.</p> <p>I experience a lot of problems. Most of the time for instance I, due to any reason was absent from work, the learners would not be taught for the duration of my absence.</p>
<p>What are your opinions about the right to education in an independent Namibia?</p>	<p>I understand that all children from kindergarten onwards have the right to education. I understand there is free education for all but such does not apply to our ECD ECC's in rural areas.</p>
<p>What are the admission requirements at this ECDECC?</p>	<p>We admit all children before grade one. Admission requirement is from three years for those who are living in the vicinity of the community centre. Normally it is five to six years before they start grade one.</p>
<p>Are there learners with special need at this centre?</p>	<p>Yes. We admit learners with special needs.</p>
<p>Please elaborate, how many</p>	<p>There is evidently one learner with special need I taught her together with other learners but she is reluctant to participate in lesson activities because of her condition</p>
<p>There is only one girl?</p>	<p>Yes.</p>
<p>How severe are her special needs?</p>	<p>She only participates a bit when they are singing. I also do not force her to do so because she is stammering. Other children appear as such, as if they have special needs but only because of poverty.</p>
<p>Who is responsible for the payment of teachers' salaries in ECDECC's ?</p>	<p>Community members pay teachers' salaries in money or in kind. Parents are required to pay N\$25.00 per month as decided by the ECDECC's committees.</p>
<p>How is the five to six years old pre-primary learners' right to education promoted, advanced, fulfilled and realised in your village/ constituency/ area?</p>	<p>Communities work together to establish ECDECC, parents and guardians send their children to the centre to be educated.</p>
<p>Do all children in your village/ constituency/area</p>	

attend ECDECC'S?	Not at all. Some parents/guardians do not fulfil their responsibilities. Some do not allow children to come to ECDECC's. Most children are just at home.
Have you undergone some training in early childhood education before taking up the responsibility of teaching learners at this ECDECC? Where exactly?	Not really in early childhood education, but I am a former unqualified primary teacher. I attend in service training. Sometimes we attend training offered by the Ministry of Gender equality and Child Welfare, but the problem is that I do not go there always because lack of money. We have to pay the transport to and from those workshops. I cannot afford it
Which themes (things) are taught at those workshops?	We are taught many things, for example how to make educational toys.
Are you provided with curricula at those workshops?	Not really, we were provided with some guidelines similar to curriculum.
Did you participate in the writing of those guidelines?	I did not participate in drafting the guidelines but hopefully issues that are discussed by ECDECC teachers during the workshops are considered.
How do you conduct your lessons?	Presentation of lessons is done both indoors and outdoors, those who mastered the lesson are sent outside for playing purposes and those who still struggle remain indoors for sometimes before sending them outside to play.
What do children learn at this centre?	I teach children poems, singing, jumping and running. We teach them through play methods, dramatization, showing concrete objects were possible and pictures and singing.
Do you teach them indoors or outdoors or both, and if so why?	I teach them both indoors and outdoors. Indoors is when I teach them about objects inside the centre and outdoors is for physical education for jumping and running purposes.
Do all children in your village attend early childhood development and education at ECDECC's?	Not at all. Parents / guardians are unable to pay N\$25.00 for their children's education. Most children drop out due to inability of parents to pay.
Can you please share with me your experiences as an ECDECC teacher/ head of centre?	Being the only staff member at the centre, the centre is closed when I attend workshops. Nobody volunteers to supervise the learners at the centre when I am absent. Most children drop out due to inability on the part of the parents to pay.
In your opinion what should be done to ensure that all pre-primary learners attend ECDECC's in your village/ constituency/ area?	Government has to pay ECDECC teachers' salaries, build proper and up to standard venues and provide relevant teaching learning aids and

In your opinion what benefit do society in general and learners in particular derive from early childhood education?

Any questions about our discussion?

I would say the main purpose of this research is contribution to improvement of early childhood development and education provisions in rural areas. It also provides you with an opportunity to air your views about the topic under discussion. The research report will be provided to stakeholders to learn about early childhood education provisions in your areas.

Thank you very much for your valuable contributions.

educational toys. Once government takes over and provides for the needs of ECDECC's most parents would send their children to ECDECC's. Primary school must work hand in hand with ECDECC's. We have to enforce the policy that states that children who have undergone early childhood education are to be admitted at primary schools.

Early childhood education is the foundation for further education. It makes children free and active. In the near future government has to take over and provides for the needs of ECDECC's

What benefits/ advantages does community derive from this research?

Thank you.

	<p><b>Head of Centre Two (HC 2)</b>  <b>Sex: Female age:57</b>  <b>Centre established 1989</b></p>
Would please tell me about your responsibilities at this centre?	I am both the head of the centre and the only caregiver/ teacher at this centre
What are your opinions about the right to education in an independent Namibia?	I understand that all children have the right to education and I am concerned about our children's future.
What are the admission requirements at this ECDECC?	Children must be at least four years old to be able to walk to ECDECC. We require birth certificates and or baptism certificates. Parents/guardians have to complete admission forms to c
Do you admit learners with special need at this centre?	Yes but, there is none enrolled at the moment.
Will you admit learners with special needs in future if they come to your ECDECC?	Yes, all children are welcome here, even those with special needs.
Who is responsible for the payment of the ECDECC's teachers/ heads of department?	Parents and guardians. Some parents / guardians send their children to ECDECC. Some parents/ guardians contribute to the education of their children by paying money or in kind.
How is the five to six years old pre-primary school learners' right to education, promoted advanced, protected/ fulfilled in your village/ constituency/ area?	The community established ECDECC's where children are taught. We were given some building material by the government but they are not enough. Children are educated at this centre.
Have you undergone some training in early childhood education before you start teaching at ECDECC?	Yes. I was trained as a caregiver in early childhood development centre.
Where exactly?	I attended ECD workshops at Ongwediva, Oniipa and Ondangwa. Yes. I am willing to attend in-service training.
For how long were you trained?	I attended workshops for two weeks sometimes.
Which themes/things are taught at those workshops?	We were trained how to teach children play, songs and physical education.
Have you been provided with curricula at those workshops?	No. No curriculum.

<p>If there is a chance for further training will you avail yourself?</p>	<p>Yes. I am willing and longing to attend in-service training.</p>
<p>How do you conduct your lessons?</p>	<p>I teach them by telling stories, drawing and by showing them pictures. I teach them to read and write.</p>
<p>What do children learn at this centre?</p>	<p>Writing, reading, art, poems songs and physical education</p>
<p>Do all children in your village attend early childhood development education at this or other or at EDCECC's?</p>	<p>Not at all. Parents /guardians do not fulfil their responsibilities. They do not pay. Some do not allow their children to come to ECDECC. Most children are just at home.</p>
<p>What do you do about such absenteeism?</p>	<p>Nothing.</p>
<p>Will you please share with me your experiences as a head of centre in this area?</p>	<p>We have a lot of problems, no water, no electricity, no proper buildings, no toilet facilities no feeding programmes. We heard that children are given food at some centres but not at our centre. We also want our learners to benefit from such feeding programmes. Lack of proper venue and failure by some parents to pay for their children's education.</p>
<p>Do you have some questions about our discussion?</p>	<p>No.</p>
<p>Thank you very much for your valuable contributions.</p>	<p>Thank you</p>



	<p><b>Head of Centre Three (HC 3)</b>  <b>Sex: Female age: 28</b>  <b>Centre established</b></p>
<p>Would please tell me about your responsibilities at this centre?  And the men?</p>	<p>My major responsibilities are to establish the kindergarten and to teach the children. My duties are to establish the kindergarten, to teach/ to educate children and to advice parents and guardians to prepare children for school in terms of food and clothes. I tell them that children must eat before they come to school and that they must wear clean clothes when they come to school. Occasionally some female community members offer to stand in for me when I am absent, however, they do not teach but they simply look after the children. They watch them while they are playing. It is always female members that assist in looking after the children in my absence.</p>
<p>What are your opinions regarding the human right to education in an independent Namibia?</p>	<p>I think it is good. All people have the right to be educated.</p>
<p>Do you think the five to six years old pre-primary school learners also have the right to education?</p>	<p>Yes, all children have the right to education from kindergarten.</p>
<p>How is the five to six years old pre-primary school learners' right to education promoted, advanced/ protected and fulfilled in your village/ constituency/ area?</p>	<p>Community members established ECDECC, children are sent to attend pre-primary education here.</p>
<p>What are the admission requirements at this ECDECC ?</p>	<p>We require a valid birth certificate, but some children do not have birth certificate at all. For admission at ECD centre, children must have valid birth certificates and or baptism certificates for the proof of age. However, children without such documents are also admitted. We cannot refuse to children to come to the centre to be taught even if they do not have the required documents. For example there is this learner [name omitted for anonymity purposes, my emphasis]. She has been attending ECD community centre for almost four years now. She knows everything and at times she becomes unruly because she is bored. I sometimes ask her to act as a teacher. She could not be admitted at primary school without a birth certificate. He grandparents are trying to get her a birth certificate but her parents' identity documents are required too. Her mother is in the South, she needs to come to do it.</p>
<p>Are there learners with special need at this centre?</p>	<p>Yes, there are some.</p>

<p>Please elaborate.</p> <p>How do you teach the children with special need?</p>	<p>They are withdrawn, they are passive in class. I teach them together with other children, however, I usually consult their parents/guardian to learn more about the child's behaviour at home.</p>
<p>Who is responsible for the payment of teachers' salary in ECDECC's? How much do they contribute per child per month?</p>	<p>Community members are the ones who contribute. Some parents/guardian pay N\$30.00 or in kind, chicken, meat, dried traditional spinach, whatever.</p>
<p>Have you undergone some training in early childhood education before you undertake the challenge of educating young children at your ECDECC?</p> <p>How many workshops you have attended so far? Are you required to pay for the training you pay for the workshops?</p>	<p>I have not undergone proper training I only attend some workshops.</p> <p>Only once a year because I experience difficulties in attending such workshops due to the required payment thereof. Yes, we have to pay for the transport to and from the workshops. We are very far from the place where workshops are conducted. It is expensive.</p>
<p>Which themes/ things taught at those workshops?</p>	<p>We are taught how to make teaching learning aids and how to teach children.</p>
<p>Are you provided with curricula at those workshops?</p> <p>Do you normally teach the children indoors or outdoors or both and why so?</p> <p>How do you conduct your lessons?</p> <p>What do children learn at this centre?</p>	<p>No.</p> <p>I teach them both indoors and outdoors. During winter indoors is cold, even the children themselves request me to conduct the lessons outdoors. Sometimes we conduct our lessons indoors because sometimes it is windy.</p> <p>I teach them through telling stories, through songs, showing pictures and sometimes through play, but play method is difficult due to lack of educational toys.</p> <p>I teach them maths, to count from one to hundred, writing, to be able to write their names, how to identify lines, how to properly greet people, to apologise when they are late for classes and to ask permission when they want to leave the class. I teach them through telling stories, songs, showing pictures and sometimes through play method, but play method is difficult because of lack of educational toys</p>
<p>Do all children in your village attend early</p>	<p>No, not at all. Some children do not attend</p>

<p>childhood development education at this ECDECC?</p>	<p>ECDECC's due to inability on the part of their parents/ guardians to pay ECDECC's. Some children stay up to two months without attending because some parents do not have income to be able to pay. We just encourage parent to send them to ECDECC' but they do not come.</p>
<p>Would you please share with me your experiences as head of ECDECC in your village/ constituency/ area?</p>	<p>We have a lot of challenges. No money. There is lack of stationaries; pens pencils and books. I use old notebooks, manuscripts and often buy stationaries from my own pocket. I also cut pencils into small pieces for children. Most of the time I told the children to write in the sand. I am the only one responsible to teach children here, both the teacher and the head of centre. Sometimes ECDECC is closed when I am absent due to workshops or meetings.</p>
<p>In your opinion what is the best way of ensuring that all the five to six years old pre-primary school learners attend early childhood education in your village/ constituency/ area?</p>	<p>The government has to:</p> <ul style="list-style-type: none"> <li>- provide buildings for ECDECC's,</li> <li>-send teacher trainers to this region to properly train ECDECC's teachers</li> <li>- give ECDECC's teacher even an allowance. ECDECC's teachers have to be trained. Government has to pay ECDECC's teachers or even to give them an allowance. When teachers are rewarded for their services, they will be motivated to do their very best.</li> </ul>
<p>In your opinion, what benefit do society in general and pre-primary school learners in particular derive from early childhood education?</p> <p>Do you have some questions about our discussion?</p> <p>Thank you very much for your valuable contribution,</p>	<p>It is good for the preparation for grade one. Those attended ECDECC's got better understanding compared to those who did not attend ECDECC.</p> <p>No.</p> <p>Thank you very much.</p>

## INTERVIEW WITH HUMAN RIGHTS ACTIVISTS (HR1 )

	<b>Sex</b>	Female
	<b>Age category</b>	60
	From a human rights point of view how do you describe the five to six years old learners' pre-primary education which is provided in early childhood development and education community centres (ECDECC's) in rural areas in Namibia?	<p>Starting educating children when they turn 5-6 years of age in an attempt to prepare them only one year only school is too late</p> <p>The requirement of payments of school fees even from those who are unable to is difficult to understand.</p> <p>I wonder whether the whole concept of understanding that parents/ guardians have actually the right to send the children at that level, is rebuttable</p> <p>I have no knowledge how it is practical in rural areas.</p> <p>I am not aware as to how many schools are offering pre-primary education.</p>
	In your views what progress has the State done/is doing enough in the promotion, protection, fulfillment of the five to six years old pre-primary learners' presumed right to education in the rural areas?	I do not think government is doing enough.
	In your views what could be the best way in which the five to six years old pre-primary school learners' presumed right to education could be promoted, protected, realized in the ECDECC's in the remote rural areas in Namibia?	<p>I am not in agreement with starting educating children only when they turn five years of age</p> <p>I prefer education from birth to death.</p> <p>The best way is to educate children from zero to death, seeing education is the right of every Namibian from birth to death by virtue of being legal subject in terms of the Constitution of Namibia</p>
	What are your views regarding the training undergone by the ECDECC's teachers/caretakers in rural area Namibia in relation to the promotion, fulfillment of the five to six years old pre-primary learners' presumed right to education?	<p>I have objection to the issue of having entrusted early childhood education to communities.</p> <p>I have objection to the use of the term <i>caregiver</i> when talking about education</p> <p>I think that the best qualified teachers are to be entrusted with the education at this stage of their development.</p> <p>Such training is not sufficient.</p>
	The Constitution of Namibia provides in Article 20 (1) that all persons shall have the	It is broad enough.

	right to education, while the Education Act provides for basic primary and other levels of education. Do you think there is a need for a separate Early Childhood Education Act?	
	What are the Possible justifications for education and training sector's programmes' (ETSIP's) intention to shift pre-primary education from the Ministry of Gender Equality and Child Welfare back to Ministry of Education?	<p>I have problems with age limit prescribed by ETSIP</p> <p>I fail to understand why ETSIP considered it necessary to increase to start education at five and not to include the not yet five years old children.</p>
	What possible difference such shift would make in terms of the promotion, protection, fulfillment and protection of the five to six years old pre-primary school learners' presumed right to education?	Not much, as it is proper for Ministry of Education to take up its responsibility, namely educating persons from birth to death.
	What are your opinion regarding equipment of the ECDECC's teachers/ caregivers in relation to the preparation of the five to six years learners for primary and other levels of education?	<p>They are not, not only because it has been entrusted to committees which cannot provide education as they are not qualified teachers, but also because they are not in the right places.</p> <p>They cannot afford it</p> <p>They have other responsibilities.</p> <p>They are unemployed.</p> <p>They cannot, even with the best will in the world.</p>
	Do you think the nature and the current conditions of ECD community centres in the rural areas in Namibia are the best possible venues and vehicles for the provision of quality pre-primary education in an independent Namibia?	<p>They are not, because education Ministry shifted its responsibilities to other Ministries</p> <p>The Ministry of Gender Equality has to deal with gender issue and not with education</p> <p>Some communities are poor while some are rich, there is no equity</p> <p>They do not have experience or qualifications to teach after being trained for a week, or three, or four</p>
	What should be done to provide pre-primary education that meets the standards of human rights to education in terms of facilities, resources, materials (teaching learning) and training of human resources?	<p>The Ministry of Education has to take responsibility for its portfolio, namely education from birth to death, in the same way the Ministry of Home Affairs takes responsibility for passports from birth to death</p> <p>Education must be free and compulsory from</p>

		<p>birth to death.</p> <p>Parents and guardians have to be educated to enforce the educational rights of their children</p> <p>The Ministry of Education must take its responsibility to provide education, should not go to Ministry of Local Government or other Ministry for teachers</p> <p>Education should be in the same way health falls under Ministry of Health. Ministry of Education does not give people medicine since disease is a health issue.</p>
	In your views what are parents/guardians' obligations in relation to the education of pre-primary school learners under their care?	Government's idea is that the parent is the first educator but this is not realistic because of the situation of many parents and lack of being responsible.
	What are community leaders' obligations in terms of the promotion, protection, fulfillment of the five to six years old pre-primary school learners' presumed right to education in the community under their leadership?	Community leaders should join the campaign for government to execute its duty to provide free compulsory education from birth to death.
	What is the Legal status of pre-primary education provision in Namibia?	<p>There is government policy that early childhood education should be provided and run by the communities, meaning that if the community is poor education will also be poor, it is illegal.</p> <p>The fact that government legally gives communities the right to run education is illegal.</p> <p>Once education is run by communities one cannot talk about equity and quality.</p> <p>Entrusting communities to run education is perpetuating inequality, for communities are different in terms of abilities, apartheid and their income</p>
	In your pinion how should pre-primary education provided in rural areas in line with the human right to education in Namibia?	<p>In terms of the Constitution all persons are equal from birth to death consequently it is the Ministry of Education to provide equal education to all.</p> <p>It is a human right to provide equal education</p>
	What benefits do society in general and learners in particular derive from pre-primary education?	<p>To the children, pre-primary education provided only from five years old and upwards is too late.</p> <p>I am very skeptical about that it starts only at age five.</p>

		<p>Early childhood education is inclusive.          To the society research findings have proved that children who had undergone proper early childhood education got a stake in the society.          They are to get good jobs          Further, these children are less likely to turn to crime          The whole society benefits from proper education          Those who drop out opt to avenge themselves on society by committing crime.          Hence countries like Finland and Sweden which invested in educating every human being have fantastic policies.</p>
	<p><b>Do you have some questions about our discussion?</b>  <b>I will do so. Thank you very much for your valuable consideration.</b></p>	<p>No question, I am just requesting you to see your research report.           Thank you , Bye.</p>

## INTERVIEW) WITH HUMAN RIGHTS ACTIVISTS (HR2)

	<b>Sex</b>	Male
	<b>Age category</b>	54
	<p>From human rights point of views how would you describe the provision of the pre-primary education in early childhood development and education community centres in rural areas in Namibia?</p> <p>I am sorry sir but it is because education is broad and I have specifically confined my study on pre-primary education in rural areas due to resources and financial constraints.</p>	<p>I am wondering why you are specifically referring to rural areas because the Constitution provides equally for all persons, irrespective of geographical location Whether rural or urban is of no consequence. Conditions prevailing in rural areas are virtually the same prevailing in urban areas. Schools in rural areas are ever impoverished. The conditions are not good regardless whether pre-primary education or primary education.</p>
	<p>In your views what progress has the State done/is doing in the promotion, protection, fulfillment of the five to six years old pre-primary school learners' right to education in the rural areas in Namibia?</p>	<p>The State has not done enough in all aspects. The State has achieved on universal enrolment. The State is doing good in terms of number, but doing extremely bad in terms of quality There is a huge disparity between institution of education (pre-primary, primary or secondary levels) in rural areas and those in urban areas. Pre-primary education is being treated as informal hence pre-primary education is left to community kindergarten whereby whoever wants to establish one can do so, which results in the neglect of pre-primary education.</p>
	<p>From human rights point of views, what is the best way to promote, protect, and fulfil the five to six years old pre-primary school learners' right to education in early childhood development education community centres (ECDECC's) in the remote rural areas in Namibia?</p>	<p>Start by making law that defines what constitutes pre-primary education and provision thereof. That law must be based on the Constitution, especially Article 20(1)(2) which provides that reasonable facilities have to be created to give effect to the realization of that right Education should be made free of charge.</p> <p>There must be physical facilities, buildings, built in areas that are not prone to flooding to avoid education being interrupted.</p>



		<p>Well-qualified teachers must be employed  Teachers are to be provided with accommodation  Education must be accessible.  Education which is provided must be adaptable.</p>
	<p>From human rights points of views would you say that the type of training undergone by the ECDECC's teachers/caretakers in Namibia is sufficient to facilitate the promotion, advancement and fulfillment of the five to six years old pre-primary school learners' presumed right to education?</p>	<p>Teachers not trained.  That is poor preparation.  There are no strict requirements any person can operate kindergarten without being formally trained.</p>
	<p>The Constitution of Namibia provides in Article 20 (1) that all persons shall have the right to education, while the Education Act provides for basic primary and other levels of education, would you say the five to six years old pre-primary school learners have /do not have the right to education in an independent Namibia?</p>	<p>The Constitution should not to be literally interpreted on face value.  Although pre-primary education is not specifically mentioned, Article 20(1) Provides that all persons have the right to education which also includes pre-primary education.  Basic education is inclusive of pre-primary education just like Article 10 among others, prohibits discrimination against disabled persons without specifically mentioning it therein.  The intention of the legislature was to entrench and provide all persons with the right to education.</p>
	<p>Is there a need for a separate Early Childhood Education Act?</p>	<p>Yes, it is necessary because the current Education Act is not sufficient  Current Education Act does not make reference to or cater for pre-primary education</p>
	<p>Or should the Constitution of Namibia be broadly interpreted to cover the provision of pre-primary education for the five to six years old learners (a year before starting primary education)?</p>	<p>The Constitution is to be broadly interpreted  It indeed provides for pre-primary education since it states that all persons have the right to education.  The rights of a child are inclusive of their right to education as also entrenched in Article 15 of the Constitution of Namibia.  The current Education Act does not cater for early childhood education.  Legislature has to incorporate the United Nations (UN) Conventions provisions of early childhood education in a separate Act of</p>

		Parliament to make it is evocable in Namibian law.
	What are the possible justifications for education and training sector programmes' (ETSIP's) intention to shift pre-primary education from the Ministry of Gender Equality and Child Welfare back to Ministry of Education?	Government finally realized that pre-primary education is to be formalized. Government realized that it cannot do it otherwise but to start from early childhood with education in order to have an educated society. This has always been part of human rights advocacy by human rights activists.
	What possible difference such shift would make in terms of the promotion, protection, fulfillment and protection of the five to six years old pre-primary school learners' presumed right to education?	It will minimize if not solve problems in current education system It is necessary to start providing education of the children as early as possible.
	Do you think the ECDEC's teachers/caregivers in rural areas are adequately equipped with the necessary skills to prepare the five to six years learners for primary and other levels of education?	No, the personnel is not properly trained They are ill-equipped to provide pre-primary education including early childhood education. Pre-primary education has to be taught by trained teachers for that purpose. In the absence of relevant trained teachers, pre-primary education is a dead letter
	From human right point of views do you think that the nature and the current conditions of ECDECC's in the rural areas in Namibia are the best possible venues and vehicles for the provision of quality pre-primary education in an independent Namibia?	Not at all, definitely not for the reasons given earlier in this interview.
	What should be done in order to provide pre-primary education that meets the standards of human rights to education in terms of facilities, resources, materials for teaching learning and training of human resources?	First of all, the State has to start with law-making for pre-primary education Secondly, facilities have to be established (schools have to be built) Teachers have to be trained to conduct pre-primary education. Budgetary allocation for early childhood education inclusive pre-primary education have to be made Conditions of service of teachers must be

		<p>improved. Conducive conditions for teaching and learning must be created.</p>
	<p>In your opinion what are parents/guardians' obligations in the education of pre-primary school learners, under their care?</p>	<p>Parents have to play a role but the State has major responsibilities, seeing every person is a subject of the State The State has responsibility to ensure that going to school is compulsory. The State has mechanisms such as police to enforce the law (in this case pertaining to compulsory pre-primary (early childhood) education). They do have an obligation, but it is also an obligation of the State to make people (parents and guardians) why it is necessary that children go to school Parents and guardians must be enabled through education to understand their obligation.</p>
	<p>What are community leaders' obligations in terms of the promotion, protection, fulfillment of the five to six years old pre-primary school learner's presumed right to education in the community under their leadership?</p>	<p>They definitely have an obligation to do Since traditional leaders are recognized as part of the State in terms of their council which is to, inter alia, advise the President and the government on the utilization of communal land where these people live. They need to be capacitated (by the state) to play their role effectively to help the state in helping people to realize their rights, among others their right to education as well as their corresponding responsibilities.</p>
	<p>In your opinion what is the legal status of pre-primary education provision in Namibia?</p>	<p>While the Constitution makes provision for pre-primary education, the State has not yet promulgated an ad hoc law that deliberately concentrates on pre-primary education There is lack of an ad hoc law that makes provision for the nitty gritty the what to when and how of pre-primary education.  The Constitution is very clear in terms of its letter and spirit. It makes provision for that pre-primary education.</p>
	<p>In your opinion what should be done to ensure that the provision of pre-primary education in rural areas is done in line with</p>	<p>There must be decentralization of power in terms of government services.</p>

	<p>human rights to education in Namibia?</p>	<p>People in the rural areas should be regarded as having the same rights as those who are in urban areas.</p> <p>Rural communities must be empowered in terms of everything: personnel, facilities and finances to bring government services much close to people living in the rural areas.</p>
	<p>What benefits do society in general and learners in particular derive from learners' pre-primary education?</p>	<p>By making people feel good, feel right. By improving people's living conditions Quality pre-primary education enables learners to receive further effective education They will be in a position to work for themselves to look after their dependents and to lead a health life.</p>
	<p>Do you have some questions about discussions?</p> <p>Thank you very much for your valuable contribution.</p>	<p>No question. Thank you.</p>

<b>Sex: Female</b> <b>Age: 59</b>	<b>Interview responses: Ministry of education Official (ME)</b>
Would you kindly tell me about your responsibilities as an officer in the Ministry of Education?	I deal with the training of early childhood development caregivers and I monitor the training and inspect the teaching materials. I also teach caregivers how to make toys.
What are the exact roles intended to be played by the early child development centres (ECDC)? I refer to them as early childhood development and education community centres (ECDECC's).	They are to train teachers, to train community people like families to take care of their children and to encourage families to take their children for vaccination and teach the children.
Do you think that the five to six years old pre-primary learners have the right to education?	Yes. The Ministry of Education has to take over the pre-primary education to lay the foundation of their education.
Does the Ministry of Education conduct awareness campaign to sensitise inhabitants in rural areas about human right to education for all in general and the significance of early childhood education in particular?	Yes.
What are the major aspects of the campaign?	It is about advising parents/ guardians how to help their children, to encourage parents/ guardians to be fully involved in their children's education.
Is there a policy in place that reprimands parents/guardians who do/ might not send the children under their care to ECDECC's?	Yes, there is a policy stipulating that all parents are to send their children to pre-primary education. Children are to be prepared for school readiness.
Which law regulate the provision of early childhood education in Namibia currently?	It is the Constitution of Namibia which provides for education for all.
As an officer in the Ministry of Education how do you ensure that the five to six years old learners' presumed right to education is promoted and fulfilled in ECDECC's in rural areas in Namibia?	It is done by making sure that qualified teachers from colleges of education are recommended to teach five to six years old children so that they can lay the foundation at the early age.
Do ECDECC's teachers undergone special training before taking up the task of educating children?  Where are they trained and what is the minimum period of training?	Yes. At the ministry of Education pre-primary teachers are trained through in-service training programmes. They are trained in the regions by the regional training officers. Three months per year
Which skills does the Ministry of Education expect an ECDECC teacher to have mastered in order to teach the five to six years old pre-primary school learners?	They are trained how to make toys for the children. They are trained about suitable methodology, pedagogical methodology of early age. They are trained about child psychology.

How do you describe the training undergone by the EECDECC teachers/ caregivers in rural area? Elaboration	They get insufficient training. Because such training does not cover all aspects.
What does the Ministry do or plan to do to ensure that all ECDECC's teachers are appropriately trained?	Not answered.
From education point of views which ones are the suitable theories regarding early childhood education?	Piaget's, Montessori's, Brunner's Erickson's and others'.
Which one does the Ministry of Education recommends and what are the reasons thereof?	It is the combination of all because most of them have good ideas regarding how children develop from stage to stage.
What are the major competences does the Ministry expect to have been mastered by the five to six years old pre-primary school learners before commencing grade one?	Assessment is conducted to determine whether a child is able to: catch the ball, write his or her name, can balance without help,/ jump over tyres without help.
What is the major role of pre-primary education?	Children learn to count at least from one to ten. To write numbers from one up to five, to learn road signs, to identify items in the shops, incidental reading.
Is there a pre-primary education curriculum?	Yes the new 2007, which is being piloted in some selected primary schools.
What are your opinion regarding the provision, promotion and fulfilment of the five to six years old learners' presumed right to education in ECDECC's in rural areas?	The main problem is training. Thousands of rural ECDECC's teachers have not been properly trained.
Apart from the State budget for early childhood development and education if any, who are the major sponsors of early childhood development and education Namibia?	NGO's associations, UNICEF, UNESCO
Who is responsible for the payment of the salaries if any of the ECDECC's teachers?	The community members are responsible for the allowances of ECDECC staff members.
What are the reasons of the education and training sector programmes (ETSIP) for shifting pre-primary education from MGECW back to MoE.	It is for the improvement of delivery system for quality and assessment of early childhood development programme, to enhance early childhood management, for the development of pre-primary teacher support and for the development of early childhood education material.
From the Ministry of Education's point of views what difference if any, will be made by in such a shift in the provision of pre-primary education in Namibia in general and in rural areas in particular?	Once early childhood development and education is shifted back to MoE there will be improvement in formal early childhood education, There will be provision of quality education and of the laying of the strong

	foundation
What are the current developments in the national early childhood Development Policy?	After reviewing early childhood development policy and the Gender curriculum, they have decided to include programmes such as vaccination and HIV and AIDS
Is there any need for Early Childhood Development and education Act to regulate pre-primary education in Namibia?	Yes. We need the one which also include early child childhood development or pre-primary education.
In your opinion what benefit does society in general and learners in particular derive from pre-primary education?	It is the reduction of high number of drop out and reduction of high failure rate.
I have been asking you many questions. Do you perhaps have some questions about our discussions?  I would say every undertaking/ activity needs continuous, monitoring, evaluation and improvement.	In your views do you think the current training offered to ECDECC caregivers is sufficient? Do you think the newly introduced lower primary teacher training system in ECDC is enough? Ok, thank you very much.
Thank you very much for your valuable contribution.	Bye!

## INTERVIEW WITH OFFICIALS: MINISTRY OF GENDER EQUALITY AND CHILD WELFARE (MG1)

	<b>Sex</b>	Female
	<b>Age category</b>	52 – 53
	Would you please tell me about your responsibilities as an officer in the Ministry of Gender Equality and Child Welfare (MGECW)?	I am a chief community liaison officer I coordinate early childhood development programmes in the Ministry of Gender Equality and Child Welfare.
	What are the exact intended roles for the early development centres (ECDC's)? [ I refer to them as early childhood development and education community centres ECDECC's]	Before independence only few parts of rural areas in the vicinity of churches benefited from early childhood development programmes. It is to extend early childhood programmes to all sectors of society.
	How is the five to six years old pre-primary school learners' education promoted protected fulfilled in the ECDECC's?	It is done through training, and giving basic training for early childhood development caregivers.
	Do you conducted awareness campaigns to sensitise inhabitants in rural areas about the human right to education for all in general and the significance of early childhood education in particular?	Yes, it is a daily activity. Awareness campaign are conducted to sensitise inhabitant in rural areas about the right to education in general and the significance of early childhood education in particular.
	What are the major aspects of such campaigns?	Importance of early childhood development Establishment of early childhood development centres management.
	Do you think that the five to six years old preprimary school learners have the human right to education?	Yes. They have the right to education.
	Is there a policy in place to deal with parents/ guardians that do/may not send children under their care to ECDECC's for pre-primary education?	Yes, stipulating that all children from zero to six years old have to undergo early childhood development (ECD )programmes.
	Which Law regulates the provision of early childhood education in Namibia?	I do not think there is a specific one.



		Article 20 of the Namibian Constitution
	How coordinator/officer of ECDECC's ensures that the 5-6 years old pre-primary school learners' presumed human right to education is promoted, protected, fulfilled in ECD community centres in the remote rural areas in Namibia?	Not answered.
	Do ECDECC's teachers/ caregivers undergo specialised training before taking up the task of educating pre-primary school learners?	Yes, but that is a challenge.
	Where are the ECDECC's teachers/ caretakers trained before taking up this challenge?	It is done through Namibia Institute for Education Development ( NIED)
	What is the minimum duration of training?	The minimum period is one year and two weeks, if I am not mistaken.
	What skills does the Ministry of Gender Equality and Child Welfare (MGEWC) expect the ECDECC's teachers/caretakers to master/possess to teach the 5-6 years old pre-primary school children?	Provision of proper and quality education provision of proper care To be creative To create teaching learning aids from local materials.
	Do ECDECC's teachers/caretakers in rural areas undergo training?/Have they undergone training.	Yes.
	Kindly elaborate such training.	Not many, perhaps about 20%
	What does the(MGEWC) do to ensure that all ECDECC's teachers are appropriately trained?	To train more teachers when the new curriculum piloting is completed depending on regulations, policies, guidelines and budget.
	Which theories/methods are the best in early childhood education practice?	Not answered.
	Which teaching and learning theories/methods does the MGEWC recommend for early childhood education practice?	Playing – education through play. combination of all methods.
	What are the reasons thereof?	Because children learn best through play.
	Does the MGEWC provide curriculum for early childhood education inclusive of that of the five to six years old pre-primary school level?	No answer

	Which major competencies does the MGECW expect the five to six years old pre-primary school learners to have mastered in ECDECC's before commencing the first grade of primary education	No answer
	What is the major role played by early childhood education IN ECDECC's?	It is the foundation for other levels of education.
	What roles does the MGECW expect the teachers/caregivers to play in ECDECC's in Namibia in general and in rural areas in particular?	Caregivers are to prepare children practically, psychologically and theoretically
	How does the MGECW Min determine whether or not rural pre-primary school children are adequately prepared for primary school?	Through assessment forms, through monitoring
	Can you please share with me your experience in coordinating ECDECC's in rural areas in Namibia?	The major problem is lack of commitment on the part of the parents. Financial constraints Lack of commitment on the part of community members Lack of training
	What should be done to minimize such challenges?	They might be minimized by conducting ongoing mobilization, looking for funds from other institutions, non-governmental organizations and by having a budget.
	Apart from the state budget for early childhood education, if any, what are major sponsors of early childhood education in Namibia?	It depends on which non-governmental institution is approached, e.g. SOS, which provides educational toys.
	Who is responsible for the salaries of the ECDECC's staff members?	Community members.
	What are the possible reasons for education and training sector improvement d programmes (ETSIP) proposal to shift pre-primary education from MGECW back to the Ministry of Basic Education?	The government has realized the need for Ministry of Education to be fully involved. For children's early childhood education to be taken care of, for the preparation of children's primary education.
	In your view what differences would be made by such shifting ?	Children will be specially and specifically prepared for formal education. Children will be cared for by fully-qualified teachers and not caregivers.
	What are the current developments in the National Early Childhood Development Policy?	Not answered
	Do you think that there is a need for an Early Childhood Development and Education Act to regulate pre-primary education in	

	Namibia?	Yes
	<p>What benefits do society in general and learners in particular derive from early childhood education?</p>	<p>Children will be good students in future  Children will like going to school  They will not become street children  National economy will be improved through children when they become professionals in many fields of studies</p>
	<p>Do you have some questions about our discussions?</p> <p>Yes it is confidential as I explained in that document entitled informed consent. Yes I will surely give your office a copy of my research report?</p> <p>Thank you very much for your valuable contribution</p>	<p>Will the interview would be treated confidentially?</p> <p>Will you give us (the participants) feedback as in most cases researchers conduct research and are never seen again by the participants in their research.</p> <p>Thank you too. Bye!</p>

## INTERVIEW WITH OFFICIALS MINISTRY OF GENDER EQUALITY AND CHILD WELFARE (MG1)

	<b>Sex</b>	Male
	<b>Age category</b>	25 – 29
	Would you please tell me about your responsibilities in the Ministry of Gender Equality and Child Welfare MGECW?	I am a training officer. My duties are to impart knowledge to early child development centres' (ECDC's) caregivers regarding suitable environment for young children.
	What are the exact intended roles for the ECDC's? [I refer to them as early childhood development and education community centres (ECDECC's).	There are intended to improve existing the standard of early childhood and education provision To sensitise all concerned parties to early childhood education to be actively involved To make parents aware of the significance of their active involvement in education of their children
	How do you describe early childhood education in an independent Namibia?  In your opinion do the five to six years old pre-primary school learners' have the right to education ?  How does the MGECW to six years promote/ advance and fulfill the five to six years old pre-primary school learners' presumed right to education?	After independence there have been interventions to bring a balance between urban and rural areas  Yes they have the right to education.  It done through educating parents about the significance of early childhood education.
	Do you conduct awareness campaigns to sensitise inhabitants in rural areas about the human right to education for all in general and the significance of early childhood education in particular	Yes, awareness campaigns are conducted on a monthly basis.
	What are the major themes/ aspects of such campaign	Campaigns are conducted by staff members known as community activators on a monthly basis to sensitise community members about the significance of early childhood education.
	Is there a policy in place to deal with parents/ guardians who do/may not send children under their care to ECD community centres for pre-primary education	I am aware of the existence of a policy stipulating that children have to attend pre-primary education before being admitted in Grade 1.

	Which law regulates the provision of early childhood education in Namibia?	Constitution of Namibia, Article 20; Band the Education Act.
	How do you ensure that the five to six years old pre-primary school learners' presumed human right to education is promoted, protected, fulfilled in ECDECC's in the remote rural areas in Namibia?	It is done through educating parents Cooperating with primary schools in the vicinity that only children from ECD centre are admitted in Grade 1. It is also done by encouraging parents/guardians to send children to ECDECC's for pre-primary education.
	Do ECDECC's teachers / caregivers undergo specialised training before taking up the task of educating children?	Yes.
	Where are the ECDECC's teachers/ caretakers trained before taking up this challenge?	They are trained at Namibia institute of education and development (NIED).
	Would you please elaborate more on that training?  What is the duration of training?	Training was conducted in all eight constituencies in the region Now aiming at conducting training in each village in every constituency.  The minimum period is one year and two weeks, if I am not mistaken.
	Which skills does the MGECW expect and ECDECC's teacher/caretaker to master/possess to teach the five to six years old pre-primary school learners?	Toy making Appropriate teaching methods, e.g. play method Significance of manipulating teaching-learning aids, real objects or pictures. Involving children in various activities/ through action.
	What does the MGECW do to ensure that all ECDECC's teachers are appropriately trained?	There are training officers who conduct training to caregivers (teachers). They teach the caregivers how to make toys and teach them appropriate method used for teaching young children namely play, showing objects or pictures and being involved in activities
	What are the best methods/ theories regarding early childhood education	Teaching through play. Manipulating objects and

	practice?	using pictures.
	Does the MGECW provide curriculum for early childhood education inclusive of that of the five to six years old pre-primary school learners?	No, we simply gives guidelines.
	What are the major competencies that the MGECW expects the five to six years old pre-primary school learners to have mastered before commencing the first grade of primary education?	No answer given.
	What is the major role of early childhood education?	It is starting preparing children for education at early stage of their development.
	How does the MGECW expect learners to be taught in ECDECC's in the rural area in Namibia?	Teachers are expected to put what they learnt into practice.
	How does MGEWC determine whether or not rural pre-primary school learners are adequately prepared for primary school?	By encouraging teacher to use locally made toys and locally available materials.
	Would you please share with you experience regarding early childhood education practice the in ECDECC's in rural area in Namibia?	There is lack of proper facilities, Lack of resources and lack of necessary equipment.
	What should be done to minimise such challenges?	It can be done through putting effective monitoring and evaluation systems into place and by sharing collective responsibilities with all stakeholders.
	Apart from the state budget for early childhood education, if any, who are the major sponsors of early childhood education in Namibia?	UNICEF and ETSIP
	Who is responsible for the payment of the salaries of the ECDECC's staff members?	Communicating members, meaning parents and guardians.
	What are the possible reasons for ETSIP to shift pre-primary education from MGECW back to the Ministry of Education?	It is for training purposes. To improve the standard of early child development in the country.
	In your views what difference would such shifting do?	It is to retain ECDECC's teachers by giving them salaries or even allowances.
	What are the current developments in the National Early Childhood Development Policy, if any?	No answer.
	Do you think that there is a need N for an Early Childhood Development Act to	

	regulate pre-primary education provision in Namibia?	No, rather improving the existing one
	What benefits do society in general and learners in particular derive from pre-primary education?	<p>The whole society benefits in that it will reduce expenses spent in health, i.e. diseases like HIV AIDS, Malaria</p> <p>Educated people will use preventative measures.</p> <p>For learners early childhood education is a foundation, one cannot build a house starting from the roof.</p>
	<p>Do you have some questions about our discussions? Participants’.</p> <p>I have a professional interest and passion in human rights in general and the right to education inclusive of the presumed right to education of the pre-grade one learners in particular. In short, the purpose is to improve early childhood education provision in our country?</p> <p>Thank you very much for your valuable consideration.</p>	<p>Why did you decide to conduct research on early childhood education?</p> <p>Ok, thank you.</p>

## INTERVIEW WITH PARENT/ GUARDIAN (PG 1)

	<b>Sex</b>	Female
	<b>Age category</b>	35
	Would you please describe the provision of pre-primary education in early childhood development centres ECDC's in your village/constituency/ area? [I refer to them as ECDECC's]	We were provided with cement and corrugated irons Community members made breaks and we built the centres.
	What are your opinions about the human right to education in an independent Namibia?	Parents desire for children to be educated.
	Do you think that the five to six years old pre-primary school learners have the human right to education?	They have the right to education Education is equal for all. If the child is not educated at this tender age he will not understand
	How are the five to six years old pre-primary school learners' presumed human right to education is promoted protected fulfilled in the ECDECC's in your village/constituency/area?	It is when ECDECC's community teachers teach children, to prepare them for Grade 1 (primary education) When children are taught under proper shelter to protect them from flu and cough, especially during winter time.
	How do you as parents/guardians contribute to the advancement/promotion protection fulfillment of the presumed human right to education of the five to six years old pre-primary school learners under your their custody?	I help the child to revise what was taught at ECDECC's I washes the child before going to school I also prepares food for school.
	Would you please share with me your experience regarding the provision of ECDECC's education in your village/constituency /area?	There is a long distance from home to ECDECC's. There is no electricity and water. ECDECC is isolated in the bushes. Children are exposed to wind. Children suffer from thirst. There are no toilets, children simply go to bushes when nature calls.
	Have you attended meetings/workshops at which the human right to education for all persons was discussed?  Is there a need for officials to come to	No.  Yes we need to be enlightened about our children's education and



	your region to enlighten you about human rights in general and that of education for all in particular?	about the significance of ECDECC's and education.
	How would you describe the pre-primary education that is provided to the five to six years old learners in ECDECC's in your village?	Children are taught vowels, stories, poems and how to write their names.
	Have you ever attended some teachers-parents meetings regarding pre-primary education for the five to six years old at the ECDECC's in the village/constituency/area?  What were the major themes of discussion at those meetings?	Yes. We attend teachers- parents meetings to learn more about our children's education, to motivate our children to learn and normally to support our children.  We normally discuss about our children's education, about ECDECC c building, about our needs such as water, electricity and toilets at our ECDECC.
	How do you describe ECDECC's preparedness/ competence in educating the five to six years old pre-primary school children in your area in terms of: facilities teaching learning aids staff/human resources?	There are no books, pens/pencils, writing boards, educational toys, swings or any beautiful things like what are found at ECDECC 's in towns. The building is incomplete, there is no floor There is only one teacher. There is a need for at least two teachers, one for the 2-3 years olds and the other for the 5-6 years olds.
	In your opinion, does the teaching learning in the ECDECC's in your village/constituency adequately prepare the five to six years pre-primary school learners for primary education?	Children learn something at ECDECC's e.g. alphabet letters, some know at least the first letter of their names. They learn how to greet people, e.g. kneeling and nodding when greeting adults.
	Do you think that there is a difference between learners who attend ECDECC's and those who do not attend ECDECC's regarding their preparation for primary school?	Children who attended ECDECC's are different from those who did not go to ECD ECC's, the former are more active than the latter
	Do you think there is a need for improvement regarding pre-primary education offered to the five to six years old learners in ECDECC's in your village/constituency/area?	We need one more teacher We need teaching learning aids.
	What should be done to ensure that the five to six years old pre-primary school learners	ECDECC's education must be promoted in order to properly develop children.

	<p>in your area are adequately prepared for the first grade of primary education and other levels of education?</p>	<p>The State has to provide teaching learning aids, educational toys, water, electricity, to provide for proper venue for education purposes?  pay ECDECC's teacher's salaries like any other teachers and to provide buildings that are conducive to teaching and learning.</p>
	<p>How do you and fellow parents/guardians community members contribute to the education of your children in ECDECC's in your area</p>	<p>We attend teachers-parents meetings to learn more about our children's education.  We motivate children to study.  We normally support our children. We also built ECDECC.</p>
	<p>Do you have some questions about our discussions?</p>	<p>I do not have questions.</p>
	<p>Thank you very much for your valuable contribution.</p>	<p>Thank you.</p>

## INTERVIEW WITH PARENT/GUARDIAN (PG 2)

	<b>Sex</b>	Female
	<b>Age category</b>	27
	Would you please tell me about the provision of pre-primary education in early childhood development centres in your area?[I refer to them as early centres childhood development and education community centres ECDECC's]	<p>There are a lot of obstacles</p> <p>There are no chairs</p> <p>Children are taught while they sit on dusty floor in an incomplete building</p> <p>Were provided with a few bags of cement to build the ECD centre</p> <p>We do not have skills at all, we are struggling a lot.</p>
	What are your opinions about the human right to education in an independent Namibia?	There is a need for proper venue and teaching learning aids for realization of children's right to education
	Do you think that the five to six years pre-primary school learners have the human right to education?	Yes, they have the right to education because early childhood education is an eye-opener for further education. I head over the radio that we must send the children to school.
	How is the five to six years old pre-primary school learners' presumed human right to education is Promoted/protected Fulfilled in the ECDECC's in your village/constituency?	We need teaching learning aids, equipment such as chairs.
	As parents/guardians how do you contribute to the advancement/promotion protection fulfillment of the presumed human right to education of the five to six years old pre-primary school learners under your custody?	<p>By sending children to ECDECC's.</p> <p>By paying for children in education, N\$20 per month, or in kind such as dried spinach, chicken, millet.</p> <p>We help children to revise what was taught at the centre. I wash the child before going to school.</p>
	Would you kindly share with me your experienced regarding the five to six years old pre-primary school learners' education in ECDECC's in your village/ constituency?	<p>Some children do not attend ECDECC's, due to inability to pay for their education</p> <p>In some cases lack of understanding on the part of parents/guardians</p> <p>There is lack of teaching learning aids and lack of proper venue.</p>
	Have you attended meetings/workshops at which the human right to education for all persons was discussed?	Yes.
	Please elaborate	No answer.
	Is there a need for officials to come to your region to enlighten you more about human	Yes.

	rights in general and that of education for all?	
		<p>It is really necessary</p> <p>We need for information</p> <p>We need knowledge about the significance of early childhood education</p> <p>Some parents/guardians simply keep children at home until the child turns seven to start primary school.</p>
	How do you describe the pre-primary education provided to the five to six years old learners in ECD ECC's in your area?	<p>There is a need for much improvement</p> <p>There are needs for teaching learning aids to be at the required standard, like other well-equipped ECDECC's. We need proper venue.</p> <p>There is a lot of problems. There are no chairs. Children are taught sitting on the dusty floor in an incomplete building.</p>
	Do you attend of teachers-parents meetings regarding pre-primary education for the five to six years old learners in at the ECDECC's in your village/constituency?	Yes, but women do more than men
	What are the major themes of discussion at those meetings?	<p>Contribution for completion of the building.</p> <p>Payment for children's education.</p> <p>Problems regarding poor attendance.</p>
	Do you think ECDECC's teachers are well-prepared for the education of the five to six years old pre-primary school learners in your area in terms of:	
	facilities	There are incomplete buildings
	Teaching learning aids	There is lack of teaching learning aids
	Staff/human resources?	There is one staff member only who is both head of centre and teacher.
	Do you think the teaching and learning in the ECDECC's in your village/constituency a enables the five to six years pre-primary school learners to exercise/enjoy/ realise their presumed human right to education?	Yes.
	Please elaborate.	It is satisfactory; the only major problem is lack of teaching learning aids
	From your experience what do the five to six years old learners learn in ECDECC's in preparation for primary school?	<p>Children learn something</p> <p>They are able to identify names of alphabet letters.</p> <p>Some are able to write alphabet letters</p>

.	In your pinions is there a need for improvement of the pre-primary education offered to the five to six years old in ECDECC's in your village/ constituency?	Yes, to encourage/enlighten parents/guardians on the significance of education
	What should be done to ensure that all the five to six years old pre-primary school learners in your area are adequately prepared in ECDECC's for the first grade of primary education and other levels of education?	Government to provide up to standard and beautiful ECDECC's buildings. There is a need for the: Provision of teaching learning aids Provision of water Provision of electricity Provision of computers Provision of up to standard children toilets.
	What should be done to ensure that all the five to six years old pre-primary school learners attend ECDECC's in your constituency your village/ area?	The State must assist communities in terms of teaching programmes, teaching learning aids, water, electricity toilet facilities and Payment of teacher's salaries.
	How do you and fellow parents/guardians community members contribution in assisting the ECDECC's teachers in the promotion, protection and fulfillment of the five o six years old pre-primary school learners' presumed human right to education in the region?	Parents/guardians, community members contribute in the form of labour, carrying building sand, water when people are building ECDECC's. Parents/guardians prepare children for school, e.g. washing their clothes and sometimes prepare drinks and food for school.
	Do you have any addition or questions about our discussions?	Government must pay teacher's salaries. Age restriction must be revisited reinvestigated, children who turn six years in January should not repeat pre-primary education but they must be allowed to start Grade 1.
	Do you have some questions about interview discussion?  Thank you very much for your valuable contribution.	None.

## INTERVIEW WITH PARENT/GUARDIAN (PG 3)

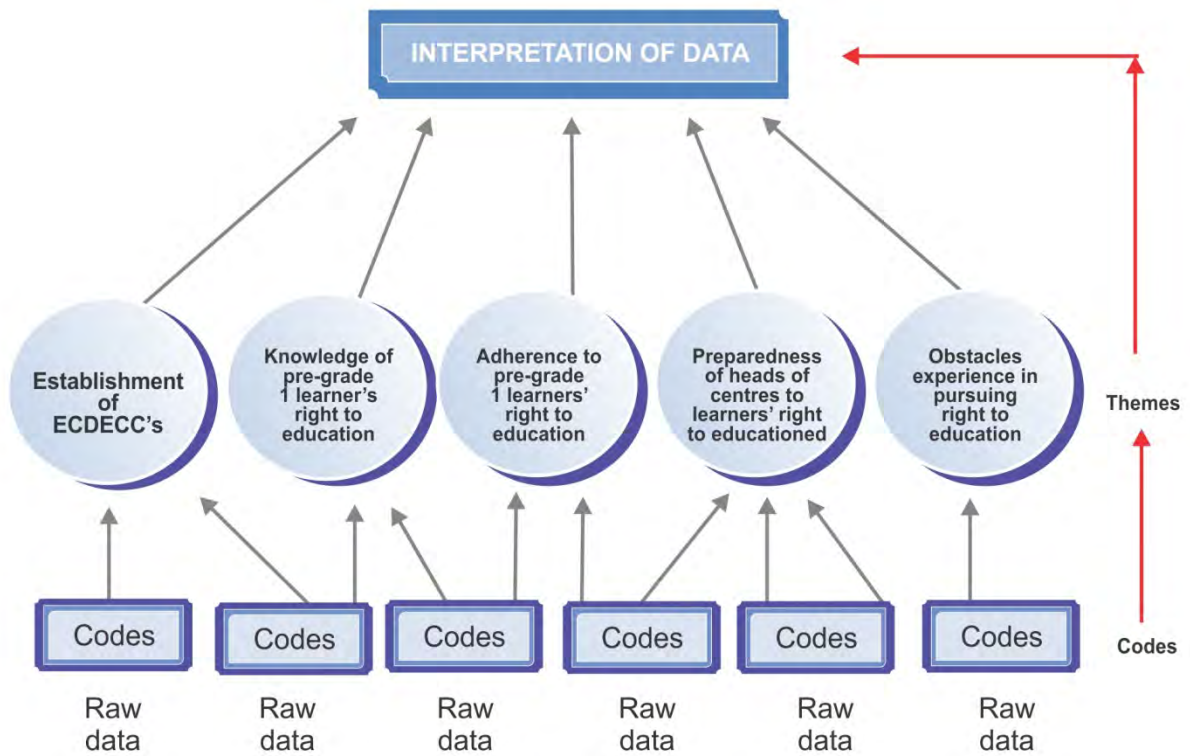
	<b>Sex</b>	Female
	<b>Age category</b>	62
	Would you please describe the provision of pre-primary education in early childhood development centres (ECDC) in your village/constituency/ area? [I refer to them as early childhood development and education community centres (ECDECC's)].	Good, children learn a lot
	What are your opinions about the human right to education in an independent Namibia?	We heard about the rights and the right to education. Education is the key. We send children to be educated in order to take care of us too in return in future.
	Do you think that the five to six years old y pre-primary school learners have the human right to education?	Yes, because a child learns a lot at that level too before going to primary school
	How is the five to six years old pre-primary school learners' presumed right to education promoted, protected and fulfilled in the ECDECC's in your village/constituency/area?	Children are taught well at ECDECC.
	How do you as a parent/guardian contribute to the advancement/promotion protection/fulfillment of the presumed human right to education of the five to six years old pre-primary school learner/learners under your custody?	When sending a child to attend ECDECC. 's I pay for children's education. I provide food for child to eat on way to and at ECDECC to enable the child to pay attention in class. I also work together with other community members and assist in building ECDECC.
	Would you please share with me your experience regarding the Promotion protection and the realization of the presumed right to education of the five to six years in ECDECC's in your village/constituency/	There is no water No electricity. We need teaching learning aids, educational toys We need toilet facilities.

	area?	
	<p>Have you ever attended meeting/workshop at which the human right to education for all persons was discussed?</p> <p>Do you think that there is a need for officials to come to your region to enlighten you about human right in general and that of education for all?</p>	<p>I cannot remember anything of that nature.</p> <p>Yes.</p> <p>I need to be enlightened about my own human rights.</p>
	How would you describe pre-primary education provided for the 5–6 years old children in ECD community in the area	Children learn a lot, e.g. reading, writing and singing.
	<p>Have you ever attendance teachers-parents meetings regarding pre-primary education for the 5–6 years old at the ECDECC's in your village/constituency/ area?</p> <p>What are the major themes of discussion at those meetings?</p> <p>Needed themes to discuss with the teachers about the pre-primary education of the children under custody</p> <p>Why?</p>	<p>Yes, we are invited every term.</p> <p>We discuss about education, about the needs for ECDECC, the need for an additional teacher but more women than men attend meetings. Men are usually busy with other responsibilities.</p>
	<p>Can you please describe ECDECC's for the education of the five to six years old pre-primary school learners in your area in terms of:</p> <p>Facilities</p> <p>Teaching- learning aids</p> <p>Staff members (human resources)</p> <p>teaching learning aids</p> <p>Staff/human resources</p>	<p>We need a lot of things, however the major problem is lack of water.</p> <p>We have got very few chairs</p> <p>We need electricity</p> <p>We need a lot of things</p> <p>educational toys</p> <p>The major need /problem is water.</p>
	In your opinion does the teaching- learning in the ECDECC in your village/constituency/ area adequately prepare the five to six years pre-primary school learners for primary school education?	<p>Yes It is good, because some former learners of ECDECC are in grade 12 now.</p> <p>When they start primary school, they do not experience learning problems</p>

	What are your observation /comments on the pre-primary education regarding the preparation of the 5–6 years old children for primary school	Children are well-prepared for primary school We are thankful for the teacher.
	How do parents contribute to the promotion/ advancement and fulfillment of the presumed right to education of the five to six years old pre-primary school learners?	Parents /guardians pay N\$20.00 from pension allowance, pay in kind e.g chicken, traditional dried spinach.
	What should be done to ensure that the five to six– ears old pre-primary school learners in your area are adequately prepared for the first grade of primary education and other levels of education?	We needs additional teacher We need water. We need electricity. We need all good things enjoyed by other children in ECDECC in urban areas.
	What should be done to ensure that all the five to six years old pre-primary school learners attend ECDECC’s in your village/constituency/area?	The State has to build proper and up to standard schools. State to meet community halfway regarding ECDECC’s needs.
.		
	How do you and fellow parents/guardians community members contribute in assisting the ECDECC’s centre teachers in the promotion, protection and fulfillment of the five to six years pre-primary school learner’s presumed human right to education in your village/ constituency/ area?	Parent / guardians assist in the construction of ECDECC. Both men and women work together. Both parents/guardians assist in building ECDECC centre, by fetching water and carrying sand.
	Do you have any addition/question to our discussion regarding the provision of pre-primary education in ECDECC in your village/ constituency/ area?	Government has to build proper and up to standard school.
	Do you have some questions about our discussion?	Is it possible for the government to assist communities regarding ECDECC’s education? I need more advice about what to do with children with special need?
	Yes, I would think so, perhaps communities should just find out about the procedures from councilors in your area.  Thank you very much for your valuable contribution.	Thank you.







**FIGURE 4.2: The process of interviews data analysis coding and clustering of the codes into themes**

## Addendum L

Participants' questions	<ul style="list-style-type: none"> <li>• <i>Where can ECD teachers be trained because of the need for need proper training?</i></li> <li>• <i>What benefits/ advantages does community derive from this research?</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Whether government can pay ECDECC Teachers' salaries</i></li> <li>• <i>What to be done with children with special need</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Whether researcher can inform authorities about community members' plight.</i></li> <li>• <i>Whether researcher can inform government about the plight of communities living in remote rural areas.</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Whether it was possible for government to assist ECDECC's</i></li> <li>• <i>Whether community will benefit from the study or whether researcher is only conducting research to benefit herself.</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Interviewee wanted to know why researcher decided to conduct research in early childhood education</i></li> <li>• <i>Whether interview would be treated confidentially.</i></li> <li>• <i>Whether researcher will give participant feedback seeing in most cases researchers conducts research and are never seen again by participants in their research.</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Whether in researcher's views, current training offered to ECD caregiver is sufficient.</i></li> <li>• <i>Whether researcher think newly introduced lower primary teacher training system in ECD is enough.</i></li> </ul>
Participants' questions	<ul style="list-style-type: none"> <li>• <i>Why researcher specifically interested in rural ECDECC</i></li> <li>• <i>Whether researcher would provide participants with copies of research report.</i></li> </ul>

**Interview Schedule:**

**Introduction**

Good morning/afternoon madam/sir. My name is Kandali Nuugwedha, a lecturer in the Faculty of Law at the University of Namibia (UNAM). I am conducting research on early childhood development and education in relation to the human right to education. The focus of this study is specifically the five to six years old pre-primary school children. The topic of my research is: *An Education law perspective on early childhood development provision in rural Namibia.*

This undertaking is part of staff development programmes at UNAM and is also a requirement for the fulfillment of my *PhD* studies in *Education Law Studies with the North –West University (Potchefstroom campus).*

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions will solely be used for a good course, namely the improvement of the provision of the pre-primary school children's education, -in our country.

You are at liberty to terminate your participation in this project at any time, if need be.

**A warm welcome to this interview sir/madam**

## Pilot study Research Schedule

### Introduction

Good morning/afternoon madam/sir. My name is Kandali Nuugwedha, a lecturer in the Faculty of Law at the University Of Namibia. I am conducting research on Early Childhood Educational right for the 5-6 years old pre-primary school children. The topic of my research is *Stakeholders perceptions on the right to education in rural early childhood development and education community centres in Namibia.*

This undertaking is part of staff development programmes at UNAM and is also a requirement for the fulfillment of my *PhD* studies in *Education Law Studies with the North-West University Potchestroom campus, Republic of South Africa.*

Your participation in this project is entirely voluntary and I am assuring you of the highest degree of anonymity and confidentiality. Your experience and opinions which you share with me in your responses to the interview questions will solely be used for a good course namely the improvement of pre-primary education, promotion and realization of the 5-6 years old pre-primary children's educational right in our country.

You are at liberty to terminate your participation in this project at anytime if need be.

## **Pilot study: Interview questions for teachers/ heads of centres**

**NB (There were no differentiation between teachers and head of centres seeing there was only one staff member at the centre (Early childhood development and education community centre (ECDECC)**

### **A warm welcome to this interview madam**

1. Sex female

2. Age category 45

. Q=Question

Q Kindly tell me about your responsibilities at this institution

*I am a kindergarten teacher and head of this community centre*

Q. What are your opinion about the right to education in an independent Namibia?

*It is good, everybody has the right to education*

Q. Do you think pre-primary school learners have the right to education?

*Yes they have the right to education that is why we teach them in community centres.*

Q. Would you please tell me about any training you have undergone before you took up your current position at this centre?

*I attended early childhood development (ECD) training conducted by the Ministry of Gender Equality and Child Welfare at Ondangwa.*

Q What were you taught during the training?

.

*We were taught how to take care of the children at the community centre, how to prepare teaching –learning aids from local material and how to keep record of the learners*

Q. Who is responsible for the payment of your salary if any?

*It is the members of the community especially whose children attend kindergarten at this community centre who contribute some money sometimes, but not everybody have money. Sometime they give me whatever they have, they also assist in working in my field.*

Q. Do you have a curriculum for the 5-6 years old pre-primary school children?

*I have some guidelines from the workshop./training*

Q. Which methods do you normally use when you teach your learners?

(b) Why have you selected these methods in your lesson presentation ?

17. Do you prefer indoor or outdoor lesson?

(a) indoors why?

(b) outdoors why?

18. Are there some obstacles that hinder you in the

(i) preparation (ii) presentation of your lesson-briefly elaborate

19. There are various opinions/theories about the best way of teaching pre-primary school children, which ones do you agree with / apply?

-why?

7. Kindly tell me about how you perceive the 5 years pre-primary school children's educational right at your centre.

(1) How is it promoted?

(2) How is it protected?

(3) How is it fulfilled?

(4) How is it realized?

8. Have you ever experienced some impediments in the promotion protection realization of pre-primary educational right at your centre?

9. Kindly give me some examples thereof.

10. In your opinion how best would the 5-6 years old pre-primary school children's educational rights could be:

(1) promoted?

(2) protected?

(3) fulfilled?

20. One of the major objects of pre-primary education is said to be the preparation of the 5-6 years old children for primary schooling.

21. How do you fulfill this obligation at your centre? In your opinion are you comfortable and well-equipped in preparing the 5-6 years old for at least their grade in primary school.

22. How often do you attend in service training regarding pre-primary education?



23. Would you like to improve your qualification in early childhood education should chances avail themselves to do so?

(1) If yes why?

(2) If no why not?

24. Please tell me who is responsible for the payment of your salary if any?

25. How often do you receive your salary weekly, monthly every end of the term?

26. How do parents/guardians,

(1) participate in the education of their children?

(2) contribute to the education of their children at this centre?

27. How do community leaders assist in the promotion, protection and fulfillment of the 5-6 years old pre-primary educational right in this region?

(1) If yes why,

(2) If no why not

28. From your experience does the community in this region promote pre-primary educational right?

(1) If yes kindly explain

(2) If not what in your opinion should be done to sensitise the community about pre-primary school children's educational right?

29. In your opinion is the government doing its best in promoting protecting and fulfilling the 5-6 years old pre-primary children's educational right.

(1) If yes please elaborate

(2) If no what are your suggestions about this issue?

30. Do you have some questions about our discussion?

Thank you very much for your time and valuable contribution. 😊

Goodbye.

### **Pilot study: Interview questions for teachers/caretakers**

#### **A warm welcome to this interview sir/madam**

1. Sex (m) male (f) female

2. Age category

(a) 17-19 (b) 20-24 (c) 25-29

(d) 30-34 (e) 35-39 (f) 40-44

(g) 45-49 (h) 50-54 (j) 55-59 (k) 60-above

3. How long have you been teaching at this centre?
4. Would you please tell me about any training you have undergone before you took up your current position at this centre?
5. Kindly share with me about your responsibilities at this institution.
6. What is your opinion about the right to education in an independent Namibia?
7. Kindly tell me about how you perceive the 5 years pre-primary school children's educational right at your centre.
  - (1) How is it promoted?
  - (2) How is it protected?
  - (3) How is it fulfilled?
  - (4) How is it realized?
8. Have you ever experienced some impediments in the promotion protection realization of pre-primary educational right at your centre?
9. Kindly give me some examples thereof.
10. In your opinion how best would the 5-6 years old pre-primary school children's educational rights could be:
  - (1) promoted?
  - (2) protected?
  - (3) fulfilled?
11. Do you have a curriculum for the 5-6 years old pre-primary school children?
  - (b) If the answer is yes did you or did any of your colleagues participate in the drafting of this curriculum?

(c) If the answer is no how do you determine what should the 5-6 years old taught?

12. What are the main components of the curriculum for the 5-6 years old children?

13. How do you prepare your lessons?

14. Would you please explain to me what exactly you do when presenting your lesson to the learners in your class?

15. How do your learners participate in the lessons?

16. Which methods do you normally use when presenting your lesson?

(b) Why have you selected these methods in your lesson presentation ?

17. Do you prefer indoor or outdoor lesson?

(a) indoors why?

(b) outdoors why?

18. Are there some obstacles that hinder you in the

(i) preparation (ii) presentation of your lesson-briefly elaborate

19. There are various opinions/theories about the best way of teaching pre-primary school children, which ones do you agree with / apply?

-why?

20. One of the major objects of pre-primary education is said to be the preparation of the 5-6 years old children for primary schooling.

21. How do you fulfill this obligation at your centre? In your opinion are you comfortable and well-equipped in preparing the 5-6 years old for at least their grade in primary school.

22. How often do you attend in service training regarding pre-primary education?

23. Would you like to improve your qualification in early childhood education should chances avail themselves to do so?

(1) If yes why?

(2) If no why not?

24. Please tell me who is responsible for the payment of your salary if any?

25. How often do you receive your salary weekly, monthly every end of the term?

26. How do parents/guardians,

(1) participate in the education of their children?

(2) contribute to the education of their children at this centre?

27. How do community leaders assist in the promotion, protection and fulfillment of the 5-6 years old pre-primary educational right in this region?

(1) If yes why,

(2) If no why not

28. From your experience does the community in this region promote pre-primary educational right?

(1) If yes kindly explain

(2) If not what in your opinion should be done to sensitise the community about pre-primary school children's educational right?

29. In your opinion is the government doing its best in promoting protecting and fulfilling the 5-6 years old pre-primary children's educational right.

(1) If yes please elaborate

(2) If no what are your suggestions about this issue?

30. Do you have some questions about our discussion?

Thank you very much for your time and valuable contribution. 😊

Goodbye.

**Onayena Constituency Councillor's office Community leader**

**Greetings and welcome as per research schedule**

Sex - Male

Age - (40 – 44)

Q Kindly tell me about your major responsibility as r in this constituency.

*I am a Chief Control Officer a this office, responsible for administrative work and I am also responsible for organizing budget at the constituency level, and ensure the cleanliness of the town, because this is the settlement I am responsible for settlement area, so where we have to clean up the town settlement, and I am also responsible for the constituency at large, so we have to I have to assist the honourable councilor in the various matters, as we all know that honourable councilor is responsible for social matters for the community members so we have to take their problems and needs to the relevant Ministries.*

Q Education is a social undertaking would you tell me your responsibilities or your councillors responsibilities regarding education for children in your constituency?

*My councilor is also taking part in education, basically he, he provide assistance or he can help the – the Ministry to establish the kindergartens. He request the financial assistance and to supply, to the kindergarten, so he is also assisting them in – in—organizing the training of the teachers.*

*Would you please tell me what your opinion is about human rights to education in an independent Namibia?*

*Education is a social need in – is the right to each and every child has right to --- to education. That is why in Namibia the children from 5-6 years they they --- are, education is compulsory so --- so simply because they have, is whereby they have to to learn various things, is where they can get basic education, so whenever she start she or he start grade one, so she, the child knows*

*how to write a- her or his name, so she knows how to greet parents or she knows the difference between parents and children.*

Q Would you now tell me, the 5-6 years old pre-primary school children's right to education is promoted, in community centres in your constituency?

*We, in our constituency we have many kindergartens (how many around --- would you tell me the number) I cannot just guess plus minus. Plus, minus I think ten registered kindergartens.*

(Are you referring to the state ones or are you including the private ones, (because I am only interested in the state ones)

I have include the private ones.

Q Sir would you tell me have you ever attended any meetings – workshop at which the human right to education for all was discussed?

No, not at all

Q How do your community members assist in the promotion and the protection of the 5-6 years old pre-primary children's right to educate in the centres in your region?

Hm, the the pre-primary school is normally, they – they are just getting a support from the government. They, just are just provided with the basic materials, so the community members they, they assist through constructing of the classrooms, so they also donate some money, collect money to buy the basic materials which are not provided by the government.

Q How about the payment of the caretakers/or teachers.

*They are just paid by the parents.*

Q. Do you have a limitation regarding the minimum and maximum rate?. How much should parents contribute or does each centre just decides? “ Do you regulate the contribution of the parents?

*That one is just depends on the area where the --- the the kindergarten is. So it is they, the teacher themselves determine how much the people should contribute. Because he has to look*



*tot eh financial status of the community, let us say, for example in the rural area, so, some of the parents --- they, they do not have any income. So, therefore she --- in order to to, to have a school with a number of people she has to look at that. Ec, at the income of the parents, so whether they are, mostly the children in the rural area they are just paying, their school fee paid by the pensioners. So he cannot charge something like twenty, thirty so depends, but when you come to town (like here for instance) so people can charge even N\$300-00 so depends (OK)*

Q How do you describe would you say that there are some obstacles, impediments or problems that you, your have experienced regarding the promotion and protection of and the realization of the 5-6 years old pre primary school children's right to education in your community?

Yes, they are some problems, because the government does not take this hm,hm these pre-primary school, they are not taking it very serious – Because teachers are not paid by the government, they are just getting their salary through the payment they which they receive from the parents (the community members) so, that is one of the main problem. If the government

*These poor teachers who are teaching the pre-primary, so they are struggling to get materials, by books, so they have to get one there and they do not have books at all. It is only they are using those old books or if those were teachers before those books in Sub A, or they are using their own experience. So there is no guideline on how the kindergarten should be address (so, it means that everybody is using his/her own experience in teaching these children.*

Q Are they not with at least the universal curriculum, or guideline as to how they should teach?

*I think they are given curriculum, I do not know but as far as I know, so this, if*

*you attend to one kindergarten, what they are doing there is different from what other kindergartens do.*

Do the teachers attend training before taking up the teaching responsibility in

Oh, maybe I do not know how they conduct the training. If it is conducted in English, then sometimes it could be difficult for these teachers to get it and to catch.

Q Do you think that most if not all of the 5-6 years old children in your constituency are attending pre-primary school in the centres we have just mentioned?

*Yes, most, they do because it is compulsory that, that children cannot go to grade one before the kindergarten. So, it forces each and everybody to take the children to kindergarten.*

Q What do you do or what should be done to parents some /guardians who do not or might not send the 5-6 years old children ECD centres?

*So currently the orphans they are getting grants so the parents they do not have the children to school. They do not have any excuse. So those who do have a problem the community, the community some of the head men so they identify them they bring to the office of the councilor and the councilor co-ordinate with the Ministry of Gender which is responsible for this, they they have the community activator The other thing is that the government have to should realize, should take care of these teachers. So as soon as the teachers are earning a salary so they can also promote the education to they also share this information with the community members.*

*The other thing is that the government should take care of these teachers. So as soon as the teachers are earning a salary so they can also promote the education to they also share this information with the community members.*

where he get money. So if the government also have to work together with the teachers, to promote this. I think it will really help.

Q I understand that the Ministry of Education is about to take over the community centres. Do you know anything about that? ?

*No that was the things the Honourable Councillors were trying to to to --- tell the Ministry that they must take this as part of Education. And I really do not know how far.*

Q. But why do they think that it is important for this to be taken to the Ministry of Education?

*It is very important because there are people there especially teachers they are doing the same job but their incomes is totally different. Because some of them, those who are in urban area t*

*are suffering. So to have an equal share, I think it will be good and the training should be conducted because some of the teachers think it is private, although they are getting the support from the government.*

Q What do you think is the best way to ensure that all the (5-6 years) old pre-primary school in your constituency attend early childhood education in ECD centres?.

*I think law must be introduced for this grade within the Ministry of Education because if there is something on paper then people can follow.*

Q There is an Education Act, do you think that it is not sufficient?

*As they say education is a right, it is covered, when it came to the practice here at the grass root level, nothing has been done. Sometime it is difficult for me because I am not good at education matters..*

*You see what happen in those years, the government provide material even to construct the shelter so now they bringing the materials just the zinks and the cement to the people. The teachers, will receive this material sometime he does not have any income, and the parents they do what to --- they also have the same problem, so it is not easy to set up a shelter.*

Q You do not have any question about our discussion?

*No.*

Thank you very much for your valuable contribution.

**Omunyamkwe: Okankolo Constituency**

**Greeting Community member**

**= Sex Female**

**Age 45**

Q = Can you please tell me about the provision of pre- primary education in early childhood development and education community centre in your village?

*Pre-primary education that is provided in our kindergarten in our area is aimed at preparing the children for education, so example to prepare them for [formal] education. Fr example to prepare them on how to be in the classroom, how to speak, to write, to pray , to relate to each other and so on.*

Q What is your opinion about the human right to education in an independent Namibia?

*Kids [children] have the right to be educated as well as the right to do different activities in the classroom. .*

Q In your opinion, do the 5-6 years old pre-primary school children have the right to education?

*Yes of course, so because, during those ages kids have to be educated. They can share [participate] in education activities in kindergarten.*

Q How is the five to six years old pre-primary school children's right to education is promoted in this area?

*The kids need many things from the government and from the community, And we are expected to do/ to give something for/to teachers who teaches that pre-primary education, because the community is the one which gives something to them but is not enough for them.*

Q. As a community member, how do you contribute to promotion of these children's right to education?

*We do prepare our kids by giving them food and clothes so that they can go to school even though the journey is too long. That is the distance. So but at least we do try so that our kids can get something from pre-primary education.*

Q. I understand you mentioned that the community are the ones who give something to the teacher. How much do they give?

*They just give a little, when they can but sometimes when they do not have, they cannot give anything. So the teachers be struggle to do their efforts.*

Q. So how much, plus minus how much do they contribute per month.

*Just twenty dollars, only twenty dollars. Only a few of them, who could give chickens sometimes when they do not have money. It is the only support they can do.*

Q. I can see that this building is incomplete/ still being built.

*The community [members] are the one who make these bricks, then they try again to build that part but we are waiting to finish to making bricks so that so that we can finish the class.*

Q. So this is not done by the people from the Ministry?

*The building? No, only the community itself.*

Q Can you please tell me about your experience regarding the promotion of the 5-6 years children's right to education in your village?

. I do experience problems, because there is no tools, that materials to use in the class such as eh. Toys, books and food also is very needed because some of the kids they come to school without food. Then when they listen to the teacher, they cannot pay attention because they are feeling hungry so they can sleep and because they are feeling hungry so they can sleep and sometimes, is just because they are tired because of the long journey.

Q. OK, now that do you think should be done about these issues that you have just mentioned?

*We just request from the government to transport the materials so that teachers can give education properly so, at least to give food, books, pens and toys.*

Q. Do you attend/ or have you ever attended workshops where people discussed about the human right to education in your area?

*At least learned through the radio so and I have experienced that in the whole country, so people need their kids to be educated, through this programme, and they are requesting also teachers to be paid from the government.*

Q. Can you please tell me whether that there are some 5-6 years old children in your village who are not attending school (kindergarten)?

*Yes, yes, there are many because parents they do not have money to pay. So they just say "I cannot take my kids to that kindergarten because I cannot pay the fee which is supposed to be paid.*

Q. Do you think that there is a difference between children that attended pre -primary school and those who did not attend pre-primary school when they start grade one?

*There is a big difference because those kids they start in grade one, without attending kindergarten those kids have a big problem, sometimes they are just there sleeping s they can they cannot listen to the teacher while is teaching. These kids from kindergarten so they are well-prepared, they know how to sit in class, they know how to hold pens.*

Q Do you think you have enough equipment suitable for teaching pre-primary school learners?

*We still need help from the government.*

Q. Why are you saying from the government only?

Because the government it is the one who can provide us with those equipment, you see. OK, so that we can finish to build our classroom.

Q Do you have some questions about our discussion?

*No.*

Thank you very much for your valuable consideration.

**Pilot study interview: Parent/Guardian**

**GREETINGS**

Sex: Female

Age: 52

(Q= question)

Q. Would you please tell me about the provision of pre-primary education in your Village?

*Children are taught at the centre.*

Q. What are your opinions about the right to education in an independent Namibia?

*All learners have the right to education.*

Q. Do you think pre-primary school learners have the right to education?

*Yes.*

Q. How is the pre-primary school learners promoted/advance fulfilled in ECDECC?

No answer.

Q. Have you attended meetings/workshops at which the right to education was discussed?

*No.*

Q. How many teachers are at ECDECC in your village?

*There is only one teacher*

Q. As guardians, how do you contribute to the promotion of the pre-primary school learners' right to education?

*I cannot talk on behalf of other people, maybe when we attend meetings they will share ideas.*

Q. Do you have some suggestion regarding the best way to provide pre-primary education in your village?

*I cannot make any suggestion I am not a committee member.*

Q. Do you have some questions about our discussion?

*No*

Thank you very much for your valuable contribution.