

Translating the Universal Declaration of Human Rights into Practice: Ensuring the ‘Security’ of Teachers in South African Public Schools

Nicholus Tumelo Mollo
Edu-HRight Research Unit, North-West University
Nicholus.Mollo@nwu.ac.za

ABSTRACT

The United Nations (UN) has adopted the Universal Declaration of Human Rights (UDHR) to ensure that its member states promote and respect human rights. One of these rights is the right to security. There are studies that have been conducted about the right to security of teachers and learners; however, less is known about the translation of the UDHR security provision into practice to ensure the security of teachers in South African public schools. This qualitative study intended to close this gap by responding to the following research question: How is the UDHR translated into practice to ensure the security of teachers in South African public schools? The purpose of this article is to establish a human rights-based foundation for state support for ensuring teachers' right to security in public schools. To answer the research question and achieve the purpose of this article, data were sourced from South African education law and national policy sources, Department of Basic Education (DBE) reports, research reports and academic articles that focus on the security of teachers. Critical policy analysis was used as both a theory and a method in this study. This approach involved examining

various discourses and power relations that take place through the construction and functions of policy. The study provides two main findings. These findings are: (i) National law and policies align internationally, but some school-based safety policies fall short (ii) There is a difference between policy rhetoric and practiced reality on teacher security in South African public schools. It is recommended that despite the DBE's efforts to ensure teachers' security in public schools, the translation of the UDHR security provision into practice should be improved and impactful. This study contributes to the field of education law and policy, and it sheds light on how the UDHR provisions are translated into practice.

Introduction and Background

Teacher security is one of the important issues in the international agenda. The concept of security is used in a broad sense, encompassing both security and safety. The Universal Declaration of Human Rights (UDHR) provides a framework for ensuring the protection of workers across different countries that are signatories to it, including South African teachers. Given the increasing concerns about teacher security in public schools, this study focused on how the security provision of the UDHR as a foundational document have been translated into practical measures to protect South African teachers.

South Africa is a signatory to various UN human rights instruments, which mandate the government to ensure the implementation and practical application of these principles. The Universal Declaration of Human Rights (UDHR), proclaimed on 10 December 1948, just over three years after the Second World War, marked a significant milestone in the advancement of human rights (Noko, 2022). This date (10 December) also holds particular significance for South Africa, as it commemorates the adoption of the Constitution of the Republic of South Africa of 1996 (Constitution) into law. According to Noko (2022), this was Nelson Mandela's worldwide symbol. It has become a fundamental component of international relations and a universally recognised moral framework (Slye, 2001; Birinci, 2017). In this article, the UDHR is used as a foundational document for understanding the obligations of UN member states and other actors toward keeping teachers secured in public schools. Article 3 of the UDHR is one of the key Articles in the UDHR that promote the security of teachers. It states: "Everyone has the right to life, liberty



and security of person” (UN, 1948, Art. 3). The term “everyone” encompasses teachers as well.

The UDHR has been instrumental in preventing human rights violations and inspiring subsequent UN human rights instruments. Some of the subsequent UN human rights instruments and their provisions have been inspired by the UDHR to promote the right to security of everyone, including teachers. These instruments and provisions are Article 5(b) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICEAFRD) (UN, 1965), 9(1) of the International Covenant on Civil and Political Rights (ICCPR) (UN, 1966a), 7(b) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (UN, 1966b), 11(1)(f) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEFDW) (UN, 1979), 3(c) of the Declaration on the Elimination of Violence Against Women (DEVAW) (UN, 1993) and 14(1)(a) of the Convention on the Rights of Persons with Disabilities and Optional Protocol (CRPDOP) (UN, 2006). These UN human rights instruments align to the UDHR as they promote the right to security of everyone, including teachers.

However, the UDHR’s limited legal impact remains a challenge, as it is not a binding document, leaving room for foreign states to violate human rights (Şener, 2021). Similarly, Dolinger (2016) critiques the UDHR as a total failure, arguing that despite numerous UN proclamations, it has not fully achieved its objectives. MacNaughton and Frey (2015) highlight the need to view the UDHR holistically, as its drafters intended, emphasising the interconnectedness of all rights within the framework. Nevertheless, they note that many rights are still overlooked by human rights mechanisms, scholars and practitioners.

South Africa has developed various national law and policies to deal with the right to security of everyone, including teachers. These law and policies include the Constitution of South Africa (Constitution) of 1996 (RSA, 1996a), South African Schools Act (SASA) 84 of 1996 (RSA, 1996b), Occupational Health and Safety Act (OHSA) 85 of 1993 (RSA, 1993), Employment of Educators Act (EEA) 78 of 1998 (RSA, 1998), Protection from Harassment Act (PHA) 17 of 2011 (RSA, 2011), Labour Relations Act (LRA) 66 of 1995 (RSA, 1995a), Schedule 8 (Code of Good Practice:



Dismissal) of the LRA 66 of 1995 (RSA, 1995b), Regulations for Safety Measures at Public Schools (Safety Measures) 2001 (DBE, 2001), and the Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (Guidelines) 1998 (DBE, 1998). This study analysed how the national legislation and national policies align with the UDHR.

Studies highlight the pervasive negative effects of violence on teachers' social, emotional and psychological health. Venketsamy, Baxem and Hu (2023) state that teachers experience significant trauma due to school violence, leading to anxiety and diminished professional performance. Similarly, Mosito and Sitoyi (2024) reported that school violence produces 'narratives of disillusionment', which profoundly impact teachers' overall well-being. These findings align with Mangena and Matlala (2023), who identified various forms of violence, such as physical, verbal and nonverbal violence, which contribute to emotional distress and reduced teaching quality.

The psychological distress caused by vandalised schools exacerbates teachers' feelings of insecurity and lower morale (Mushoma, 2020). Likewise, Thobane, Artz and Ngubane (2023) documented emotional impacts, such as low self-esteem, embarrassment, anger, helplessness and sadness, as well as professional consequences like absenteeism, ineffective teaching and resignation.

Despite reported security measures, perceptions of security remain troublingly low. Masekela, Ngobeni and Sepeng (2024) found that while school principals reported improvements in security, teachers and learners continued to feel unsafe. Mpindo and Mphojane (2024) highlighted that teachers frequently fear humiliation and physical or emotional harm from both learners and parents. These findings emphasise a disconnect between policy-driven measures and on-the-ground realities.

Challenges in addressing violence against teachers often stem from systemic and policy-related inadequacies. Makhasane and Majong (2023) mention obstacles such as insufficient policies, lack of parental involvement, inadequate support from the Department of Basic Education and limited engagement from other stakeholders.



Masekela, Ngobeni and Sepeng (2024) found that safety policies are not developed according to required standards in public schools. The study by Mollo (2024) emphasises that while South Africa has robust legal framework to ensure teachers' security, there is insufficient understanding and implementation of these provisions. Similarly, Mokonyane, Mampane and Mollo (2024) argues that the poor application of legal measures contributes to the perpetuation of violence against teachers.

Teachers have employed various strategies to cope with violence (Botha & Zwane, 2021). The strategies used include the directives from the department, collegial support, school-based training programmes, classroom monitoring, parental collaboration, and fostering positive environments. However, the need for more systematic support remains evident. Michael, Kgomotso and Malatji (2023) stressed the importance of empowering teachers with skills and knowledge to prevent teacher-directed violence (TDV), suggesting that security models could significantly improve outcome.

This article focuses on teachers and does not mean that other people, such as non-teaching staff members and learners, should not be safe in public schools. It begins by outlining the problem statement that necessitated the study. The theoretical framework underpinning this study is discussed to establish a scholarly foundation for the analysis. The methodology employed in the study is then presented. The South African education law and policies that guide teacher security are critically analysed. The findings are discussed in response to the research question. Recommendations to improve the quality of school-based policies and practice are made.

Problem Statement

Poor teacher security is a real-life problem in South African public schools. On the 2nd of June 2025, an article with a headline "Teacher safety crisis: 50 teachers assaulted in 2025" was published in the Cape August newspaper, indicating that teachers' security is a crisis in South African public schools (Serra, 2025).

Furthermore, the Mail & Guardian newspaper published the following headline: "Half of SA teachers want out because of violence, exhaustion" (Bakharia, 2025).

Journal of Contemporary Issues in Education

2025, 20(2), pp. 138-164. ©Author(s), Creative Commons Attribution 4.0 (CC BY 4.0)
licence <http://ejournals.library.ualberta.ca/index.php/JCIE>



These extracts from the media indicate how unsecured some of the teachers in South African public schools are. Several studies confirmed the lack of security of teachers in public schools (Badimo & Masisi, 2025; Madokhwe & Boboyi, 2025; Mokonyane, Mollo & Mampane, 2024). These are some of the studies that have left a knowledge gap regarding the translation of UDHR security provision into practice for ensuring teachers' security in public schools. This study intended to close this gap by posing the following research question: How is the UDHR translated into practice to ensure the security of teachers in South African public schools?

The purpose of this article is to establish a human rights-based foundation for state support for ensuring teachers' right to security in public schools. "The human rights-based approach (HRBA) is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights" (UNSDG, 2025, para. 2). The reason for using a HRBA to the problem identified in this study was to ensure that the study focuses on how the UDHR's right to security provision is translated into practice to ensure the security of teachers in public schools. The rationale for this study was to examine the translation of UDHR security provision to ensure teacher security in South African public schools.

Theory and Method

A critical policy analysis (CPA) was used as both a theory and a method in this study. CPA has been chosen as a relevant theory and method because it has been used to critically examine how law and policies are developed, implemented, and experienced within complex educational contexts.

According to Diem et al. (2014) and Young and Diem (2017), CPA is an important approach to policy studies. They state that scholars who use CPA

tend to incorporate one or more of the following critical practices: 1. CPA interrogates the roots and development of educational policy. 2. CPA probes the difference between policy rhetoric and practiced reality. 3. CPA examines the distribution of power, resources, and knowledge and the creation of "winners" and "losers." 4. CPA scrutinizes the complex systems and



environments in which policy is made and implemented. 5. CPA explores social stratification and the impact of policy on relationships of privilege and inequality. 6. CPA is interested in the nature of resistance to or engagement in policy by members of historically underrepresented groups (Young & Diem, 2018, p. 82).

Two of these practices were incorporated in this study. These practices are “interrogating the roots and development of educational policy” and “probing the difference between policy rhetoric and practiced reality”. These two practices were chosen because the study examined how the security provisions in South African education law and policies align with the UDHR security provision and how they are translated into practice in public schools.

Method

The CPA was employed as a method, which aligned with the interpretive paradigm and a qualitative research approach. While the author acknowledges the conceptual distinction between education law and education policy, this study draws on CPA, within which the concept “policy” is used in a broader sense. Accordingly, the concept “policy” was used in this study to refer to “UN human rights instruments”, “national legislation” and “national policies” that promote the security of teachers. To answer the research question, data were sourced from education law and policy sources. Education law and policy sources included the international law, Constitution (RSA, 1996a), national legislation and national policies. Furthermore, reports from the DBE were also examined to find out how security provisions are implemented in practice. Moreover, secondary data from academic articles were analysed, specifically those focusing on the implementation of security measures to safeguard teachers.

To ensure credibility, only sources from reputable institutions that addressed teacher security (or related themes) were selected, which include elements of teachers’ safety and/or security of teachers (or related concepts). These documents include the Constitution of South Africa (Constitution) of 1996 (RSA, 1996a), South African Schools Act (SASA) 84 of 1996 (RSA, 1996b), Occupational Health and Safety Act (OHSA) 85 of 1993 (RSA, 1993), Employment of Educators Act (EEA) 78



of 1998 (RSA, 1998), Protection from Harassment Act (PHA) 17 of 2011 (RSA, 2011), Labour Relations Act (LRA) 66 of 1995 (RSA, 1995a), Schedule 8 (Code of Good Practice: Dismissal) of the Labour Relations Act (LRA) 66 of 1995 (RSA, 1995b), Regulations for Safety Measures at Public Schools (Safety Measures) 2001 (DBE, 2001), and the Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (Guidelines) 1998 (DBE, 1998). Since no human participants were involved, the study posed no ethical risks. The analysed documents were publicly available and did not require confidentiality or anonymity, as all sources are referenced. Ethical approval was received from the ethics committee of the North-West University. CPA was used to facilitate the organisation and interpretation of information. The process of CPA involved scanning, detailed reading and interpretation of the material (Bowen, 2009). In addition to CPA, the HRBA was used to establish a human rights-based foundation for state support for ensuring teacher security in achieving the human right to education.

Critical Analysis of South African Education Law and Policies that Guide Teacher Security

In South Africa, the implementation of the legal principles that are provided by the UDHR (UN, 1948) and its subsequent UN human rights instruments to promote teachers' security have experienced both successes and challenges, particularly in the education sector. This section critically analyses how South African education law and policies that promote the right to security of teachers align to the UDHR and, how they assist in translating the UDHR into practice. The alignment of South African education law and policies is critically analysed against the UDHR as the foundational UN human rights instrument, making further analysis of subsequent UN instruments unnecessary since they reiterate the same clause already established in the UDHR and introduced in the background of this article. The documents that have been analysed include the Constitution of South Africa (Constitution) of 1996 (RSA, 1996a), South African Schools Act (SASA) 84 of 1996 (RSA, 1996b), Occupational Health and Safety Act (OHSA) 85 of 1993 (RSA, 1993), Employment of Educators Act (EEA) 78 of 1998 (RSA, 1998), Protection from Harassment Act (PHA) 17 of 2011 (RSA, 2011), Labour Relations Act (LRA) 66 of 1995



(RSA, 1995a), Schedule 8 (Code of Good Practice: Dismissal) of the LRA 66 of 1995 (RSA, 1995b), Regulations for Safety Measures at Public Schools (Safety Measures) 2001 (DBE, 2001), and the Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (Guidelines) 1998 (DBE, 1998). The critical analysis examined the roots and development of South African education law and policies that promote the right to security of teachers (from UN to South African education law and policies to school level). Furthermore, it examined the difference between policy rhetoric and practiced reality.

The Roots and Development of South African Education Law and Policies that Promote the Right to Security of Teachers

As stated in the introduction, relevant laws and policies that apply to the security of teachers include various national laws and national policies such as the Constitution (RSA, 1996a), SASA (RSA, 1996b), OHSA (RSA, 1993), EEA (1998), PHA (RSA, 2011), LRA (RSA, 1995a), Schedule 8 (Code of Good Practice: Dismissal) of the LRA 66 of 1995 (RSA, 1995b), Safety Measures (DBE, 2001), and the Guidelines (DBE, 1998). This study analysed how the national legislation and national policies align with the UDHR.

Constitution of South Africa of 1996

The development of the Constitution is rooted in post-apartheid transformation that promotes the democratic values, social justice and fundamental human rights (Preamble, RSA 1996a). In addition, Section 1 of the Constitution promotes values such as human dignity, equality and advancement of human rights (RSA, 1996a). Furthermore, Section 2 of the Constitution states that the Constitution is the supreme law of the country. Therefore, all legislation and policies that are developed in South Africa should adhere to it and promote the values and human rights that are promoted in the Constitution.

The Constitution promotes and protects most of the human rights that are found in the UN human rights instruments, including the right to security of teachers (Slye, 2001). The UDHR was so inspirational to President Nelson Mandela that on its



anniversary, he signed the acclaimed South African Constitution (Noko, 2022). To enhance the recognition and the application of international law, Section 39(1)(b) of the Constitution mandates that courts, tribunals or forums must consider international law when interpreting the Bill of Rights (RSA, 1996a). Moreover, Section 231(1) of the Constitution entrusts the duty to participate in negotiations and entering into agreements regarding all international agreement to the national executive (RSA, 1996a). Furthermore, Section 231(4) of the Constitution provides that international agreements become legally binding only when they form part of the national legislation and are approved as the law of South Africa (RSA, 1996a). These security provisions underscore the commitment by South Africa to align its national law and policies to UN human rights instruments, such as the UDHR. They also ensure that the UDHR security provision is translated into practice. One of the achievements is that the Constitution substantively provides for security of everyone, including teachers. Section 12 states that “everyone has the right to freedom and security of the person” (RSA, 1996a, s. 12). As in the UDHR, the term “everyone” encompasses teachers as well. This provision aligns with Article 3 of the UDHR and with related provisions in other UN human rights instruments.

South African Schools Act 84 of 1996

The development of SASA intended to address the challenges of the past system of education which was based on racial inequality and segregation (Preamble, RSA 1996b). It was also developed to ensure that teaching and learning environment is safe for everyone, including teachers. Section 9(1)(a)(i) of SASA states that the governing body of the school may, on reasonable grounds and as a precautionary measure, suspend a learner who violates the right to security of other people, including teachers. It states:

“The governing body may, on reasonable grounds and as a precautionary measure, suspend a learner who is accused of serious misconduct from attending school, but may only enforce such suspension in the following manner:

(a) Where a learner is accused of committing the following acts of serious misconduct—



(i) physical assault of a learner, employee, or other person related to the school, with the intention to cause grievous bodily harm, or the imminent threat to commit such an act, while on school premises or during any school activity, or in any circumstance that could reasonably be connected to the school” (RSA, 1996b, s. 9(1)(a)(i)).

Section 9(1)(a)(i) of SASA use the term “employee” which also refers to teachers. Section 9 of SASA outlines other forms of serious misconduct that learners must not commit against employees, fellow learners, or any persons associated with the school.

Furthermore, the Head of Department (HoD) in a Provincial Department of Education is required by Section 58B(1) and 58B(2)(c) of SASA to ensure the security of teachers in schools. Section 58B(1) provides: “The Head of Department must, annually, from the report contemplated in section 16A(1)(b) and from other relevant reports, identify any public school that is underperforming in relation to any matter referred to in subsection (2)(a), (b) or (c)” (RSA, 1996b, s. 58B(1)). This means that the HoD should identify the school that is underperforming in relation to the security in schools, including the security of teacher. Furthermore, Section 58B(2)(c) mentions that “[t]he Head of Department must issue a written notice to the school contemplated in subsection (1), if he or she is satisfied that the safety of learners or staff is threatened” (RSA, 1996b, s. 58B(2)(c)).

In addition, Section 10A(3)(a) of SASA is against the use of initiation practices because they violate the right to security of a person, including teachers (RSA, 1996b). It states: “For the purposes of this Act, “initiation practices” means any act which in the process of initiation, admission into, or affiliation with, or as condition for continued membership of, a school, a group, intramural or extramural activities, interschools sports team, or organisation—(a) endangers the mental or physical health or safety of a person” (RSA, 1996, s. 10A(3)(a)). Section 10A(3)(c) of SASA provides that they infringe the right to human dignity (RSA, 1996b). The achievements are that the above provisions accommodate teachers and substantively align with Article 3 of the UDHR and with related provisions in other UN human rights instruments. They also align with the provisions of the



Constitution (Section 12) that promote the right to security of everyone in South Africa, including teachers.

Occupational Health and Safety Act (OHSA) 85 of 1993

The OHSA was developed to provide for the health and safety of persons at work (RSA, 1993). Section 8(1) of the OHSA provides that employers should ensure that the workplace is safe (RSA, 1993). It states: “Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees” (RSA, 1993, s. 8(1)). Furthermore, Section 14 of the OHSA states that precautions should be taken to protect everyone who is in the workplace (RSA, 1993). Moreover, Section 14 of the OHSA requires employees to safeguard themselves (RSA, 1993). It mentions: “Every employee shall at work (a) take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions” (RSA, 1993, s. 14(a)). This means that teachers should follow the security protocols and report any act that threatens their security. They should avoid any act that may harm them. These security provisions align with the UDHR security provision (Article 3 of the UDHR) and with related provisions in other UN human rights instruments. They further align with Section 12 of the Constitution.

Employment of Educators Act (EEA) 76 of 1998

EEA was developed to regulate the employment conditions of teachers (RSA, 1998). Section 18(1)(e) of the EEA provides that a teacher who endangers his or her own life while on duty commits a misconduct (RSA, 1998). It indicates that “... an educator commits misconduct if he or she in the course of duty endangers the lives of himself or herself or others by disregarding set safety rules or regulations” (RSA, 1998, s. 18(1)(e)). Furthermore, Section 6(2) of Schedule 2 (Disciplinary code and procedures for educators) of the EEA gives permission to an employer to suspend or transfer a teacher who takes a risk with his or her own life (RSA, 1998). These security provisions require teachers to safeguard their own lives in the workplace. The provisions align with the UDHR security provision (Article 3 of the UDHR) and provisions from the additional UN human rights instruments. They also align with Section 12 of the Constitution.



Protection from Harassment Act (PHA) 17 of 2011

In the preamble of the PHA, it is clearly stated that any person who becomes a victim of harassment, should be assisted by the courts (RSA, 2011). Section 2(1) of the PHA indicates that a person may apply for a protection order from the court (RSA, 2011). Furthermore, Section 2(3)(a) of the PHA also allows another person, such as a colleague or a union representative to apply for a protection order on behalf of a person who is facing harassment. It states: “Notwithstanding the provisions of any other law, the application for a protection order may, subject to paragraph (b) [paragraph (b) deals with right to also lodge a criminal complaint], be brought on behalf of the complainant by another person who has a material interest in the well-being of the complainant or related person” (RSA, 2011, s. 2(3)(a)). It specifies that an application for a protection order may be submitted by another person with a vested interest in the complainant’s well-being or a related individual. This implies that teachers who face harassment may apply for a protection order on their own or another person who has a material interest in the well-being of the complainant or related person may apply for them. The above security provisions align with the UDHR security provision (Article 3 of the UDHR) and with related provisions in other UN human rights instruments. The provisions of the PHA also align with Section 12 of the Constitution.

Labour Relations Act (LRA) 66 of 1995

The Labour Relations Act was developed to regulate trade union rights, facilitate collective bargaining, and to provide guidance on strikes and lockouts. It was also developed to enhance employee participation, provide dispute resolution procedures, establish a Labour Court, simplify union registration, and fulfil South Africa's international labour law obligations. Section 84(5)(a) of the LRA requires that workplace forums should be consulted by employers when the workplace safety policies and programmes are developed and implemented (RSA, 1995a). It provides: “Subject to any applicable occupational health and safety legislation, a representative trade union and an employer may agree- (a) that the employer must consult with the workplace forum with a view to initiating, developing, promoting, monitoring and reviewing measures to ensure health and safety at work” (RSA, 1995a, s. 84(5)(a)). Furthermore, Section 84(5)(b) of the LRA provides that an agreement between trade union representatives and employers regarding safety



meetings should be reached. These safety meetings should be organised and held according to the legislation. The safety policies, safety programmes and meetings should ensure the security of teachers. Moreover, Section 3(4) of Schedule 8 (Code of Good Practice: Dismissal) of the Labour Relations Act (LRA) 66 of 1995 indicates that any person who wilfully violates the security of another person, should be charged with serious misconduct. It states: “Examples of serious misconduct, subject to the rule that each case should be judged on its merit, are gross dishonesty or wilful damage to the property of the employer, wilful endangering of the safety of others” (RSA, 1995b, s. 3(4)). These provisions align with the UDHR security provision (Article 3 of the UDHR) and with related provisions in other UN human rights instruments.

Regulations for Safety Measures at Public Schools 2001

The Regulations for Safety Measures at Public Schools was developed in 2001 to improve security in public schools. It was amended in 2006 to improve other aspects of safety in public schools. Item 5(1)(a) states: “Subject to the Constitution, laws and national and provincial policies, the HOD or principal of any public school may and for such timeframes as may be necessary – (a) take such steps as he or she may consider necessary for the safeguarding of the public-school premises, as well as for the protection of the people therein” (DBE, 2001, Item 5(1)(a)). The security of the learners is the main concern of the regulation. The term ‘people’ in the provision encompasses teachers as well. This provision aligns with the UDHR’s security guarantee (Article 3), security provision from other UN human rights instruments, Section 12 of the Constitution, and Section 9(1)(a), 10A(3), 16A(1) and 58B(1 & 2) of SASA.

Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (Guidelines) 1998

The Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (Guidelines, 1998) was developed to guide school governing bodies on how to develop a code of conduct for learners. Item 1.3 of the Guidelines requires that the code of conduct for learners should reflect the constitutional human rights, including the right to security of teachers. Item 11 of the Guidelines provides for offences that may lead to suspension, including conduct which



endangers the security and violate the rights of others. The term “others” includes teachers. Item 11(a) of the Guidelines states: “Offences that may lead to such suspension include but not limited to the following: a. conduct which endangers the safety and violates the rights of others; ...” (DBE, 1998, Item 11(a)). Furthermore, it outlines other forms of serious misconduct that learners must not commit against others. These provisions align with the UDHR’s security guarantee (Article 3), security provisions from other UN human rights instruments, Section 12 of the Constitution, and Section 9(1)(a), 10A(3), 16A(1) and 58B(1 & 2) of SASA.

Based on the above analysis senior laws and policies have shaped the development of subordinate laws and policies at a national level. South Africa’s commitment to uphold the international standards that promote human rights, especially the right to security of teachers, is clearly articulated in the South African education law and national policies. At the national level, education law and policies that provide for the security of teachers include the Constitution (RSA, 1996a), SASA (RSA, 1996b), OHSA (RSA, 1993), EEA (RSA, 1998), PHA (RSA, 2011), LRA (RSA, 1995a), Schedule 8 (Code of Good Practice: Dismissal) (RSA, 1995b), Safety Measures (DBE, 2001), and Guidelines (DBE, 1998).

At the school level, school governing bodies are required to adopt school policies, including a code of conduct for learners and safety policies (Section 20 of SASA, RSA, 1996b). In a study conducted by Masekela, Ngobeni and Sepeng (2024) some of the schools did have school policies that promote the security of everyone in public schools, but these policies were not updated. They also found that some of the safety policies are developed by principals without being discussed with teachers, learners, and parents. They stated: “To sum up, these policies were either bought or developed by individuals (like the Principal or School Safety Officer) only to comply with Departmental directives” (Masekela, Ngobeni & Sepeng, 2024, p. 22). This means that some of the schools’ safety policies are not developed according to the required standards.



The Difference between Policy Rhetoric and Practiced Reality on the Right to Security of Teachers

It is not enough to have national law and policies, and school-based policies that comply with the UDHR. These national law and policies, and school-based policies should be implemented so that teachers enjoy their right to security. South Africa has experienced achievements and challenges on the implementation of the UDHR, national law and policies, and school-based safety policies.

Achievements on the Implementation of the Right to Security of Teachers

The Department of Basic Education (DBE) has made efforts to implement the security provisions of the UDHR to protect teachers in South African public schools (DBE, 2022; DBE, 2024). Although the analysed DBE reports are not empirical studies, they show efforts of ensuring that teachers are safe. The DBE used the Employee Health and Wellness Programme aimed at managing the security, health and well-being of teachers. This programme demonstrates a commitment to creating a supportive and secure working environment for teachers (DBE, 2022).

Furthermore, the DBE collaborated with multiple partners to address issues affecting teacher security. In 2022, the DBE, alongside its Multi-Departmental partners, launched a campaign in Gauteng, Limpopo and Mpumalanga provinces to combat violence, bullying, gender-based violence and substance abuse in public schools (DBE, 2022). Teachers were actively involved in this campaign. By 2024, the DBE's Health and Safety Committee was tasked with monitoring risks and ensuring adherence to security measures at public schools (DBE, 2024). The DBE's approved Health and Safety Policy provided clear guidelines for maintaining security and protecting employees, including teachers, in their workplaces (DBE, 2024).

Challenges on the Implementation of the Right to Security of Teachers

Despite having a well-developed UDHR, national legal and policy framework and school-based safety policies in some schools, teachers' rights to security continue to be threatened. Thobane, Artz and Ngubane (2023) state that many teachers still



feel unsafe in public schools. They reported: “When asked if educators felt safe in and around the school, 23 (39%) said yes, 27 (46%) said no and 9 (15%) said they do not know. It was shared during the validation workshops that educators do not feel safe on the school premises” (Thobane, Artz & Ngubane, 2023, p. 11). In a study conducted by Masekela, Ngobeni and Sepeng (2024), it was found that some of the public schools in South Africa have not yet reached a stage of being effective on the implementation of policies that promote the security of teachers. They stated: “The study findings revealed that schools partially implemented school safety policies, often without communicating them to learners and/or stakeholders” (Masekela, Ngobeni & Sepeng, 2024, p. 11).

Scholars such as Venketsamy, Baxem and Hu (2023), Mangena and Matlala (2023), and Mosito and Sitoyi (2024) provide examples of violence in schools, showing a disconnect between policy intent and practical enforcement. Venketsamy, Baxem and Hu (2023, p. 59) mentioned that “... participants are experiencing extreme social, psychological and emotional trauma due to violence. They are in constant fear and anxiety, yet the education system expects these teachers to perform optimally.” Mosito and Sitoyi (2024) mentioned that violence has caused other teachers to resign from public schools. They stated: “Teacher 3 summed up the devastation felt by teachers who experience violence in schools. The prolonged stress manifested into a physical ailment that led to her resigning from her previous job as a teacher. These stressful teacher experiences led to further probing to understand how teachers or the school intervenes when they have been through episodes of violence” (Mosito & Sitoyi, 2024, p. 140). These incidents illustrate the failure of implementing the intention of law.

Despite the presence of a wide array of legal and regulatory mechanisms in South Africa, a challenge of effective enforcement remains. Research by Makhasane and Majong (2023) identifies recurring challenges such as ambiguous policy language, lack of support from education departments, and minimal stakeholder consultation. They stated: “These challenges include parents who refuse to support schools, ineffective policies, constrained support networks from other stakeholders, and a lack of departmental support” (Makhasane & Majong, 2023, p. 179). Similarly, Mollo (2024) observed that gaps in institutional capacity and



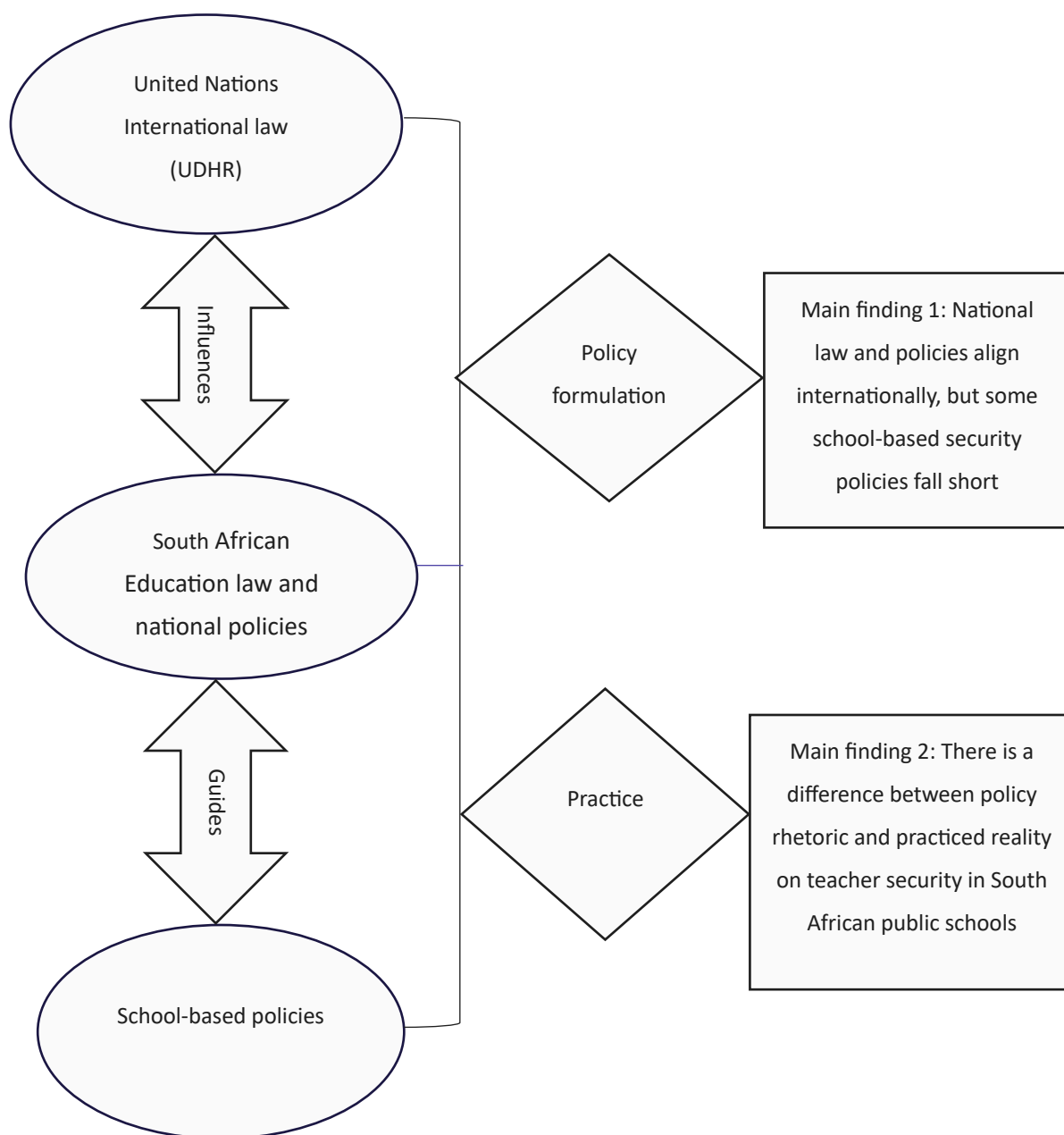
fragmented inter-departmental collaboration continue to hinder meaningful implementation of teacher safety policies. He indicated: “The findings revealed that there is sufficient provision of education law in South Africa that regulates functionaries’ duty to act to protect teachers’ right to safety from violence in public schools. However, the challenge lies in the insufficient understanding and implementation of the provisions outlined in education laws. It is recommended that functionaries be trained on the duty to act to protect teachers’ right to safety from violence” (Mollo, 2024, p. 177). Furthermore, Mokonyane, Mampane and Mollo (2024) argued that the poor application of legal measures contributes to the perpetuation of violence against teachers. They stated: “The main finding of the study is that, while there are sufficient legal measures that regulate teachers’ safety, there is a lack in the application thereof to ensure teachers’ safety in public secondary schools” (Mokonyane, Mampane & Mollo, 2024, p. 90). These challenges make teachers not to enjoy their right to security in public schools.

Findings

This section discusses a summary of findings based on the analysis. There are two main findings that respond to the research question: *How is the UDHR translated into practice to ensure the security of teachers in South African public school?* Figure 1 provides a diagrammatic presentation of different levels of education law and policy, and related findings on translating the UDHR into practice.



Figure 1: Different levels of education law and policy, and related findings on their impact in practice



There are four findings in this study: Findings 1.1, 1.2, 2.1, and 2.2. These four findings are organised under two main findings, which are main finding one and main finding two.



Main Finding 1: National Law and Policies Align Internationally, But Some School-Based Safety Policies Fall Short

There are two findings under main finding one. The first finding (finding 1.1) highlights that South Africa's commitment to uphold the international standards that promote human rights, especially the right to security of teachers, is clearly articulated in the South African education law and national policies. The second finding (finding 1.2) is that at the school level, policies that promote the security of everyone, including teachers, are not developed according to the required standards.

Main Finding 2: There is a Difference Between Policy Rhetoric and Practiced Reality on Teacher Security in South African Public Schools

There are two findings under main finding two. Finding three (finding 2.1) of this study shows that the government of South Africa, through the Department of Basic Education does make attempts to promote the rights of teachers to security. Finding four (finding 2.2) reveals that some of the public schools are still not safe for everyone, including teachers. The attempt by the Department of Basic Education should be appreciated, however, if it does not achieve the goal of ensuring the security of everyone at public schools, including teachers, it does not meet the UDHR standards of practice. This means that the policy intent in the UDHR, national law and policies, and school-based policies are disconnected with the practiced reality in teacher security in South African public schools. Bridging the gap between policy intent and practical enforcement requires effectiveness on the implementation of law and policies. Furthermore, it requires effective monitoring systems, sustained resource investment, accountability and structural reform to ensure the security of teachers. Policy intent without practical enforcement is null and void.

Recommendations to Improve the Quality of School-Based Policies and Practice

It is good that South Africa has law and policies that align with the UDHR security provisions. What is needed now is that the DBE strengthens the implementation thereof. Clearer enforcement mechanisms should be developed to translate the



security provisions into practice. These enforcement mechanisms need collaboration between various stakeholders who have the role of ensuring that teachers are secured. The following recommendations are made in relation to the four findings:

The National Law and Policies Should Be Translated into Practice

It has been made clear in the findings that the national law and policies align with the UDHR and additional UN human rights instruments that promote the security of teachers. The government should start to implement the existing law and policies. The national implementation plan to ensure the security of teachers should be developed and implemented.

School-Based Policies Should Align with the UDHR and National Law and Policies

The findings indicated that some of the schools do not adhere to national law and policy standards. The Department of Basic Education should train the school governing bodies on how to develop safety policies that ensure the security of everyone, including teachers. These policies should meet the UDHR and the national law and policy standards. They should require evidence of involving stakeholders such as parents, teachers and learners in the safety policy development process.

Translating Law and Policies in Public Schools

The security of teachers should be practiced at public school level. Therefore, the implementation should be impactful in public schools, which is not a case to some of the public schools and teachers.

Suggestions for Further Research

It has been stated that this study did not use human participants. There is a need for an empirical study that will explore the translation of UDHR security into practice by obtaining information from human participants. An empirical study is necessary because it will allow participants to provide their lived experiences concerning the implementation of the UDHR to ensure the safety of teachers. Such a study can use various data collection techniques such as interviews and survey to



identify gaps between policy and practice. It can involve participants such as teachers, school leaders, parents and learners. Teachers can provide firsthand accounts of safety challenges and rights-based issues. School managers and leaders can provide information about the development and implementation of school safety policies. Parents can express their opinion about how safety challenges of teachers affect the safety of their children. Learners can share how they perceive safety in their schools. A study about how policy is developed at the school, district, and national level that includes how different policy actors are involved, can also be conducted.

Conclusion

The security of teachers in public schools can be improved if the UDHR security provisions are properly translated into practice. The study provides two main findings. These findings are: (i) National law and policies align internationally, but some school-based safety policies fall short (ii) There is a difference between policy rhetoric and practiced reality on teacher security in South African public schools. These findings imply that South Africa should not waste time in developing new national law and policies to align with UDHR security provision. Such law and policies already exist. Policy development improvement is needed at a school level. It is recommended that despite the DBE's efforts to ensure teachers' security in public schools, the translation of the UDHR security provision into practice should be improved and impactful. This study contributes to the field of education law and policy, and it shed light on how the UDHR provisions are translated into practice.

REFERENCES

- Badimo, T. P., & Masisi, I. M. (2025). Educators' experiences and coping strategies in response to learner violence in Mopani district, Limpopo. *The Journal for Transdisciplinary Research in Southern Africa*, 21(1), 1527. <https://doi.org/10.4102/td.v21i1.1527>
- Bakharia, U. (2025, April 22). Half of SA teachers want out because of violence, exhaustion. *Mail & Guardian*. <https://mg.co.za/education/2025-04-22-half-of-sa-teachers-want-out-because-of-violence-exhaustion/>
- Birinci, G. (2017). İnsan Hakları Evrensel Bildirgesi'nin Kısa Tarihi I: Milletler Cemiyeti'nden Birleşmiş Milletler'e. *Nevşehir Hacı Bektaş Veli Üniversitesi Sbe*



Dergisi, 7(2), 50–81.

<https://dergipark.org.tr/tr/pub/nevsosbilen/issue/33522/339814>

Botha, R. N., & Zwane, R. P. (2021). Strategies to prevent learner-on-educator violence in South African schools. *International Journal of Learning, Teaching and Educational Research*, 20(9), 1–17. <https://doi.org/10.26803/ijlter.20.9.1>

Bowen, G.A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, 9(2), 27–40. <https://doi.org/10.3316/ORJ0902027>

Department of Basic Education (DBE). (1998). Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners. Pretoria: Government Printers. <https://www.gov.za/documents/notices/south-african-schools-act-guidelines-consideration-governing-bodies-adopting-code>

Department of Basic Education (DBE). (2001). *Regulations for Safety Measures at Public Schools*. Government Printers.

Department of Basic Education (DBE). (2022). *Annual Report 2021/2022*. Department of Basic Education. <https://www.gov.za/documents/annual-reports/department-basic-education-annual-report-20212022-19-oct-2022>

Department of Basic Education (DBE). (2024). *Annual Report 2023/2024*. Department of Basic Education. <https://www.gov.za/documents/annual-reports/department-basic-education-annual-report-20232024-18-sep-2024>

Diem, S., Young, M. D., Welton, A. D., Mansfield, K. C., & Lee, P. L. (2014). The intellectual landscape of critical policy analysis. *International Journal of Qualitative Studies in Education*, 27(9), 1068–1090. <https://doi.org/10.1080/09518398.2014.916007>

Dolinger, J. (2016). The failure of the universal declaration of human rights. *The University of Miami Inter-American Law Review*, 47(2), 164–199. <https://repository.law.miami.edu/umialr/vol47/iss2/4>

MacNaughton, G., & Frey, D. (2015). Teaching the transformative agenda of the Universal Declaration of Human Rights. *The Radical Teacher*, (103), 17–25. <https://doi.org/10.5195/rt.2015.232>

Madokhwe, P., & Boboyi, A. (2025). Teachers' Perspectives on the Prevalence of School Violence: Implications for School Social Work. *Journal of Inquiry Based Activities*, 15(1), 42–59. <https://files.eric.ed.gov/fulltext/EJ1471299.pdf>



- Makhasane, S. D. & Majong, N. S. (2023). Exploring the school management team's perspectives about the challenges of addressing learner-on-teacher violence in secondary schools: Implications for invitational leadership. *Journal of Culture and Values in Education*, 6(2), 172-191.
<https://www.cultureandvalues.org/index.php/JCV/article/view/236>
- Mangena, M. C., & Matlala, S. F. (2023). Teachers' Lived Experiences of Workplace Violence and Harassment Committed by Learners from Selected High Schools in Limpopo Province, South Africa. *Healthcare*, 11(18), 1-12.
<https://doi.org/10.3390/healthcare11182602>
- Masekela, N. A., Ngobeni, E. T., & Sepeng, P. (2024). Implementation of school safety policy in primary and secondary schools. *Research in Educational Policy and Management*, 6(1), 11-31. <https://doi.org/10.46303/repam.2024.2>
- Michael, M., Kgomotso, M. L., & Malatji, K. S. (2023). Teachers' safety within the teacher-directed violence: a model for advancing teachers' safety in South African schools. *Russian Law Journal*, 11(3), 3047-3059.
<https://cyberleninka.ru/article/n/teachers-safety-within-the-teacher-directed-violence-a-model-for-advancing-teachers-safety-in-south-african-schools/viewer>
- Mokonyane, A., Mampane, K. B., & Mollo, N. T. (2024). Challenges experienced by public secondary school teachers in the application of the legal framework for their safety. *Journal for Juridical Science*, 49(3), 90-109.
<https://doi.org/10.38140/jjs.v49i3.7419>
- Mollo, N. T. (2024). Functionaries' 'duty to act': Ensuring teachers' right to safety from violence in public schools. *Perspectives in Education*, 42(1), 177-197.
<https://doi.org/10.38140/pie.v42i1.7219>
- Mosito, C., & Sitoyi, Z. M. (2024). School violence and its impact on teachers' well-being. *Perspectives in Education*, 42(1), 131-147.
<https://doi.org/10.38140/pie.v42i1.7215>
- Mpindo, E. & Mphojane, C. (2024). Human rights education: Exploring the safety of teachers in South African secondary public schools. *E-journal of Humanities, Arts and Social Sciences*, 5(3), 247-256.
<https://doi.org/10.38159/ehass.2024538>
- Mushoma, T. (2020). *Violent community protests and their impact on teachers: A case study of Vuwani, Limpopo Province* (Doctoral dissertation).
<https://uir.unisa.ac.za/handle/10500/27741>
- Noko A. (2022). 10 December marks two anniversaries: South Africa's Constitution and Universal Declaration of Human Rights. United Nations in South Africa (UNSA). <https://southafrica.un.org/en/211139-10-december-marks-two->



[anniversaries-south-africa%E2%80%99s-constitution-and-universal-declaration](#)

- Republic of South Africa (RSA). (1993). *Occupational Health and Safety Act (OHSA) 85 of 1993*. Government Printers.
https://www.gov.za/sites/default/files/cis_document/201409/act85of1993.pdf
- Republic of South Africa (RSA). (1995a). *Labour Relations Act 66 of 1995*. Government Printers. <https://www.gov.za/documents/labour-relations-act>
- Republic of South Africa (RSA). (1995b). *Labour Relations Act 66 of 1995: Schedule 8 – Code of Good Practice: Dismissal*. Government Printer.
https://www.gov.za/sites/default/files/gcis_document/201409/act66-1995labourrelations.pdf
- Republic of South Africa (RSA). (1996a). *Constitution of the Republic of South Africa of 1996*. Government Printers.
<https://www.gov.za/documents/constitution/constitution-republic-south-africa-1996-04-feb-1997>
- Republic of South Africa (RSA). (1996b). *South African Schools Act (SASA) 84 of 1996*. Government Printers.
https://www.gov.za/sites/default/files/gcis_document/201409/act84of1996.pdf
- Republic of South Africa (RSA). (1998). *Employment of Educators Act (EEA) 78 of 1998*. Government Printers.
<https://www.gov.za/documents/employmenteducators-act>
- Republic of South Africa (RSA). (2011). *Protection from Harassment Act (PHA) 17 of 2011*. Government Printers.
<https://www.gov.za/documents/acts/protectionharassment-act-17-2011-05-dec-2011>
- Şener, M.B. (2021). A review of the meaning and importance of the Universal Declaration of Human Rights. *Uluslararası Politik Araştırmalar Dergisi*, 7(3), 15–25. <https://doi.org/10.25272/icps.962292>
- Serra, G. (2025, June 02). Teacher safety crisis: 50 teachers assaulted in 2025. *Cape Augus*. <https://capeargus.co.za/news/2025-06-02-teacher-safety-crisis-50-teachers-assaulted-in-2025/>
- Slye, R. C. (2001). International law, human rights beneficiaries, and South Africa: some thoughts on the utility of international human rights law. *Chi. J. int'l L.*, 2, 59.



https://heinonline.org/HOL/Page?handle=hein.journals/cjil2&div=8&g_sent=1&casa_token=&collection=journals

- Thobane, M., Artz, L., & Ngubane, M. (2023). Educators' perceptions of school-related gender based violence: a case study of four schools in Mbombela and Emalahleni, Mpumalanga. https://health.uct.ac.za/sites/default/files/media/documents/health_uct_ac_za/806/Mpumalanga%20MNSP_%20Research%20Report_FINAL_8June2023.pdf
- United Nations (UN). (1948). The Universal Declaration of Human Rights (UDHR). United Nations. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- United Nations (UN). (1965). International Convention on the Elimination of All Forms of Racial Discrimination (ICEAFRD). United Nations. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>
- United Nations (UN). (1966a). International Covenant on Civil and Political Rights (ICCPR). United Nations. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- United Nations (UN). (1966b). International Covenant on Economic, Social and Cultural Rights (ICESCR). United Nations. <https://www.ohchr.org/sites/default/files/cesr.pdf>
- United Nations (UN). (1979). Convention on the Elimination of All Forms of Discrimination Against Women (CEAFDAW). United Nations. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>
- United Nations (UN). (1993). Declaration on the Elimination of Violence Against Women (DEVAW). United Nations. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>
- United Nations (UN). (2006). Convention on the Rights of Persons with Disabilities and Optional Protocol (CRPDOP). United Nations. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>



United Nations Sustainable Development Group (UNSDG). 2025. Human Rights-Based Approach. UNSDG. <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>

Venketsamy, R., Baxen, E., & Hu, Z. (2023). Student-on-teacher violence in South Africa's Tshwane South District of Gauteng Province: Voices of the victims. *African Journal of Teacher Education*, 12(1), 49–69. <https://doi.org/10.21083/ajote.v12i1.7077>

Young, M. D., & Diem, S. (2017). Introduction to critical policy analysis. In M. D. Young & S. Diem (Eds.), *Critical approaches to education policy analysis: Moving beyond tradition* (pp. 1–13). Gewerbestraße, Springer International Publishing. <https://link.springer.com/book/10.1007/978-3-319-39643-9>

Young, M. D., & Diem, S. (2018). Doing critical policy analysis in education research: An emerging paradigm. In *Complementary research methods for educational leadership and policy studies* (pp. 79–98). Springer International Publishing. https://link.springer.com/chapter/10.1007/978-3-319-93539-3_5

