

Summit on Human Rights and the Impact of Disinformation – South African Human Rights Commission

Submitted by the Equal Education Law Centre (EELC). The EELC is a public interest law organisation dedicated to advancing the right to quality and equal education in South Africa. Founded in 2012, the EELC provides legal support, advocacy, and strategic litigation to address systemic inequalities in the education sector. EELC has done advocacy on the Basic Education Laws Amendment Act since 2017. Our pamphlet on debunking disinformation on BELA can be found [here](#).

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Written Commentary on Disinformation and the Basic Education Laws Amendment Act

Introduction

In 2024, the Basic Education Laws Amendment (BELA) Act was signed into law. BELA, *inter alia*, aimed to make schools more equitable and accessible, while aligning education law with jurisprudence that had developed over nearly three decades. Its passing marked a significant milestone in education law, after almost eight years since the first draft Bill was published, extensive public debate and [unprecedented numbers](#) of public submissions to Parliament. Yet, what should have been an opportunity for South Africa to collectively reimagine our education system based on substantive policy discussions and educational equity, instead became a battlefield of disinformation and political opportunism that threatened to undermine democratic discourse and human rights protections.

This commentary examines how deliberately false claims about BELA exploited historical fears and cultural anxieties to obstruct progressive reforms. Further, we argue that these false narratives reveal deeper contestations in South African society that extend far beyond education policy. Schools often reflect society's deepest tensions—between centralised governance and local autonomy, between redress for historical inequities and protection of cultural identities, between pragmatic policy implementation and ideological positioning. BELA became a lightning rod for these tensions precisely because education policy touches on fundamental questions of identity, belonging, and power.

Context and History

During apartheid, Bantu Education was deliberately designed as an instrument of oppression—to reproduce racial hierarchies by providing inferior education to Black South Africans while

privileging white learners. The education system became perhaps one of the most effective tools for implementing and sustaining apartheid ideology and oppression, demonstrating how curriculum, resource allocation, language policy, and school governance can shape society's power relations.

Simultaneously, education was a site of resistance. The 1976 Soweto uprising—sparked by opposition to Afrikaans as a medium of instruction—reflected education's centrality in the liberation struggle. This history explains why post-apartheid education reforms touch on such sensitive nerves; they represent not merely technocratic adjustments but efforts to dismantle deeply entrenched systems of privilege and exclusion.

It is unsurprising then that as South Africa approached its democratic transition, education governance and transformation became a critical point of negotiation. Education White Paper 2, developed during this period of transformation, captured this tension. The document noted:

"While this document has been in preparation, the Ministry and Department of Education have received visits from a number of delegations representing organs of the Afrikaans speaking population [. . .] they have warned of a rising tide of grassroots disenchantment and anxiety among their communities, based on the perception that government is not protecting linguistic and cultural diversity in the education system [. . .] The delegates have advised that actions of one or more education authorities have given their constituents the impression that a campaign is being waged to eliminate schools which teach only through the medium of the Afrikaans language."

As will be shown below, this passage is so strikingly similar to contemporary rhetoric around BELA that one could be forgiven for mistaking it as recent commentary. The almost identical narratives – spanning nearly three decades – reveal the persistence of these tensions in South African education.

The South African Schools Act (SASA) of 1996 emerged from this contested terrain. As Blade Nzimande, who chaired the education portfolio committee when SASA was drafted, explained:

"Remember these were the days of the Government of National Unity. It was important at that time to secure the transition. The situation was explosive and we were on the brink of civil war. Our policies were therefore crafted in a context where ensuring a smooth transition was as important as developing progressive policies for social transformation."

The resulting governance structure for schools represented a pragmatic compromise rather than an ideal system. School Governing Bodies (SGBs) retained significant powers over school policy, including admissions and language, while the State maintained ultimate responsibility for oversight. This compromise, necessary for a peaceful transition, left unresolved tensions that would eventually require legislative clarification and amendment.

In the decades following SASA's implementation, South Africa's courts became the primary arena for resolving tensions between school autonomy and the state's obligation to ensure equitable access to education. A pattern emerged: privileged schools, often represented by organisations like the Federation of Governing Bodies of South African Schools (FEDSAS), defended their autonomy through litigation.

Several landmark cases shaped this jurisprudence. For example, in the 2009 case concerning language policy at Ermelo High School, former Deputy Chief Justice Dikgang Moseneke criticised the school's SGB for arguing "*that it is entitled to determine a language policy having regard only to the interests of its learners and of the school in disregard of the interest of the community in which the school is located and the needs of other learners.*" This judgment established that SGBs cannot exercise their powers in isolation from broader community needs and constitutional imperatives.

Despite this clarifying jurisprudence, exclusionary practices persisted. The Equal Education Law Centre regularly encounters cases where language and admissions policies serve as tools of discrimination. Importantly, however, state overreach has also occurred, with provincial education departments sometimes acting in administratively unfair ways when attempting to intervene in school governance.

It is against this backdrop that the BELA Bill was introduced, setting the stage for the disinformation campaigns that would follow.

What does the BELA Bill Do

BELA amends SASA and the Employment of Educators Act. BELA's substantive provisions primarily serve to codify established judicial principles, address administrative *lacunae*, and advance educational equity in accordance with constitutional imperatives. BELA is comprehensive, and thus the following description is limited to the key provisions around which contestation was most rife.

BELA preserves SGBs' powers to formulate admission and language policies. However, it introduces clarifying provisions stipulating that such policies must account for factors previously articulated by the judiciary, including the needs of the surrounding community, the paramountcy of children's best interests, constitutional imperatives of equality and equity, and the efficient utilisation of public resources. BELA institutes a requirement that SGBs review admission policies every three years to ensure their continued relevance and compliance with evolving demographic realities.

Significantly, while provincial education departments retain ultimate authority regarding learner placement, such decisions may only be made after consultation with affected schools. Furthermore, departments must furnish reasons when overriding SGB learner placement decisions. Schools and learners maintain the right to appeal departmental decisions, thus preserving a system of institutional checks and balances.

Among BELA's most contentious provisions are those concerning language policy implementation. The Act empowers provincial education departments to direct schools to offer additional languages of instruction when necessary to serve community needs. BELA maintains existing language offerings while permitting the addition of instructional languages only when demographically warranted. Furthermore, BELA imposes corresponding obligations on the state to provide requisite resources, including additional educators, learning materials, and infrastructure. Prior to implementation, consultation with school communities is mandatory, and affected institutions retain the right to appeal departmental decisions.

BELA further advances educational access through several noteworthy provisions. First, the Act lowers the compulsory school enrolment age to Grade R (age 6) – a step toward recognising the foundational importance of early childhood education. Second, BELA explicitly prohibits the exclusion of undocumented learners from schools. Third, the Act authorises the Minister to promulgate regulations on learner pregnancy, addressing a significant factor in educational discontinuation among girl learners. Such regulations, when drafted, will be subject to public consultation processes.

The BELA Act represents a measured legislative approach to balancing competing interests within South Africa's educational landscape. It respects SGB autonomy while ensuring alignment with constitutional values; preserves linguistic and cultural diversity while expanding access and mother tongue-instruction for historically marginalised communities;

and protects parental involvement while recognising the state's oversight role to ensure equity. Rather than constituting the radical transformation portrayed by its detractors, the BELA Act largely codifies principles established through nearly three decades of constitutional jurisprudence. The most noteworthy aspect of the legislation may not be its substantive content but rather the extraordinary disinformation campaign that accompanied its passage.

BELA Bill Misinformation and Disinformation – Who and What?

Misinformation refers to false information that is spread regardless of intent to mislead, whereas disinformation constitutes deliberately fabricated falsehoods designed to deceive and manipulate public opinion. This is an important distinction to make in the context of BELA - while some actors may have genuinely misunderstood the legislation's provisions and propagated falsehoods in good faith, substantial evidence suggests coordinated efforts to deliberately misrepresent the BELAs content for political advantage.¹

The disinformation surrounding BELA can be categorised into several themes, each leveraging different anxieties and targeting different constituencies.

The first category is disinformation regarding the undermining of parental authority, particularly with respect to reproductive health decisions. This narrative gained substantial traction despite having no textual basis in the legislation. An example appeared in a widely circulated social media [post](#) claiming:

"Please familiarise yourself with the Basic Education Laws Amendment Bill (BELA Bill), this government of ours wants to pass and introduce. Some shocking changes, should it be passed and implemented... they can send your 12-year-old for an abortion without letting you know or telling you afterwards."

This narrative gained institutional legitimacy when propagated by elected officials. Member of Parliament, Marie Sukers, representing the African Christian Democratic Party (ACDP) publicly [asserted](#) that BELA will allow “for children as young as 12 to be able to have access to abortions without their parents even knowing about it.”

Another social media [post](#) amplified this [misrepresentation](#):

¹ Misunderstandings by the public were often furthered and exacerbated by disinformation from political parties. These political parties were actively engaging in the deliberation of the Bill, and so would have known the actual contents of BELA.

"If it were not for Marie Sukers MP, ACDP how many of us would know that the BELA Bill will grant the education minister the right to insist teachers advise children AS YOUNG AS 12 to have abortions?"

These claims fundamentally misrepresent the BELA's content. Clause 39 merely authorises the Minister to create regulations supporting pregnant learners' continued education—a provision addressing South Africa's high rate of educational discontinuation among pregnant adolescents. The clause contains no reference to reproductive health services, abortion access, or circumventing parental consent.

A second category of disinformation portrayed BELA as imposing gender ideology on schools and undermining parental authority regarding gender identity. This narrative [gained momentum](#) on social media platforms. One [post](#) with over 11,000 views asserted:

"On Friday Ramaphosa will sign the BELA Bill that will replace parents' authority over their children with the state, meaning your child can go to school and say she is a boy. This bill will allow the school to change her gender and give her hormone blockers without the permission of the parents. Children both male and female will be allowed to use the same bathroom and little children from primary will be taught about the LGBTQ and transgenderism. Any parent against this will be jailed."

This claim has no textual basis in the legislation, which contains no provisions regarding gender identity, medical interventions, bathroom policies, or LGBTQIA+ curriculum content.

The third category of disinformation spoke of alleged provisions regarding sexual education curriculum. A viral social media [post](#) claimed:

"Government will have the final say over the curriculum policy of your school, which will include comprehensive sexuality education. Sexuality education teaches your child from as young as the age of four that they have sexual rights and... sorry to say it and even mention it, but they even teach children how to masturbate."

BELA contains no provisions regarding curriculum content generally or sexuality education specifically.

A fourth category of disinformation regarding health-related provisions extended to claims about mandatory vaccination requirements. One widely shared assertion [stated](#):

"Under the bill, in order to secure a place at school, parents will need to provide proof of vaccination."

A fifth category of disinformation portrayed BELA as an existential threat to cultural and linguistic rights, particularly those of Afrikaans-speaking communities. This narrative emanated primarily from certain political parties and right-wing organisations like AfriForum and Solidariteit.

AfriForum [characterised](#) BELA as *"an attempt at cultural ethnic cleansing by the ANC government,"* asserting that *"the implementation of the Bill will enable the destruction of a linguistic and cultural community's schools, thereby jeopardising the group's cultural existence."* Similarly, AfriForum's CEO [maintained](#) that BELA represented *"a process of destroying Afrikaans schools" and constituted "an attack on the cultural survival for many people."*

The trade union Solidarity likewise [claimed](#) that *"the government wants to deprive parents and governing bodies of their rights in order to exercise more control over schools so that functional schools can be hijacked."* The Democratic Alliance echoed similar [concerns](#), referring to *"Lesufi-clauses' that seeks to remove the power to determine admissions and language policies from school governing bodies while also curtailing the local communities' ability to oppose the policy changes."*

We identified three primary spreads of disinformation that had the loudest and most influential voices, and merit particular attention.

First, political actors leveraged BELA for partisan advantage, with certain opposition parties, like the Democratic Alliance and the ACDP, framing the legislation in apocalyptic terms. The motive behind this this became particularly evident during the 2024 election cycle, when parties incorporated opposition to BELA into their campaign messaging.

Second, established cultural organisations with substantial public following deployed their institutional platforms to disseminate mischaracterisations of the legislation. Organisations like AfriForum and Solidariteit, which position themselves as defenders of minority rights, framed BELA as an existential threat to cultural survival—a characterisation that resonated with historical anxieties among their constituencies.

Third, social media platforms facilitated the rapid dissemination of unverified claims about BELA's provisions. Social media platform algorithms prioritise engagement over accuracy,

creating favourable conditions for emotive, alarmist content to achieve widespread circulation without factual scrutiny. EELC's own anecdotal evidence suggests that the prevalence of disinformation on social media platforms was exacerbated and increased substantially when *Meta* and Elon Musk's *X* ended fact checking programmes.

These three groupings complimented each other, with disinformation originating from institutional sources gaining credibility through political endorsement and achieving rapid dissemination through social media networks. This created a self-reinforcing information ecosystem wherein the public received identical falsehoods from multiple seemingly independent sources, thereby enhancing perceived credibility.

Analysis

The disinformation campaign around BELA reveals an important trend in South African politics today: fear sells, and it often serves to protect privilege. Looking at the different false narratives that emerged against BELA, we see a clear pattern – groups took modest reforms aimed at making education more equitable and portrayed them as existential threats. This manufactured panic was not just about genuine concern. It was a political strategy to resist changes that might disturb existing power arrangements. Groups like AfriForum and Solidariteit claimed BELA would lead to "cultural ethnic cleansing" of Afrikaans-speaking communities, and often what they meant was *white* Afrikaans speaking communities. This extreme language bears no relationship to what BELA actually does. The legislation simply allows schools to add an additional language of instruction when needed, while keeping existing languages.

It would be wrong to assume that these organisations accurately represent the views and concerns of most Afrikaans-speaking South Africans, rather they were effective at capitalising on and exploiting real concerns about cultural and linguistic preservation through the education of children. By framing multilingualism as a threat rather than an opportunity for inclusion, these organisations turned educational reform into a false battle for cultural survival.

The rhetoric also connects to global patterns of right-wing mobilisation, where perceived threats to traditional identities and values are leveraged to resist progressive reforms. As in other contexts, South African conservative groups have developed [transnational connections](#) and adopted similar discursive strategies. Educational policy becomes a proxy battleground for broader ideological conflicts about national identity, authority, and social change—a pattern evident in education [discussions](#) globally. Religious conservative groups and parties like the

ACDP used similar tactics but focused on parental authority. MP Sukers' claim that BELA would grant the education minister the right to insist teachers advise children to have abortions is simply not in the text of the law, yet it effectively scared parents. Similarly, viral social media posts regarding gender confirmation treatment generated outrage.

A common thread throughout these claims is that they serve to protect existing privilege by making equity reforms seem threatening. Behind concerns of cultural survival often lies resistance to opening up historically advantaged schools. Behind claims about parental rights frequently lies opposition to policies that might make schools more inclusive. Fear becomes a useful tool to mobilise people who might otherwise support greater educational equity if they understood what the law actually does.

Social media has supercharged these fear campaigns. Platforms like Facebook and X (formerly Twitter) are designed to amplify emotional content – especially fear and outrage – over factual information. EELC found that disinformation increased dramatically when these platforms [ended fact-checking programs](#). When parents see the same scary claims about BELA from multiple sources – politicians, religious leaders, and community members – these false narratives gain unearned credibility. What makes fear particularly effective is that it hides its real purpose. By framing opposition to BELA as protecting culture, parental rights, or traditional values, opponents avoid directly defending the advantages that equity reforms might reduce. Fear provides cover for the protection of privilege, making resistance to equity seem principled rather than self-interested.

The controversy surrounding the Basic Education Laws Amendment Act reveals much more than disagreement about education policy—it exposes fundamental challenges to South Africa's democratic project. When legislation aimed at expanding educational equity becomes buried under an avalanche of manufactured fears and deliberate falsehoods, the possibility of meaningful democratic engagement vanishes. The striking similarities between opposition to BELA and resistance to educational reform during the immediate post-apartheid period demonstrate that disinformation functions as a consistent strategy to slow transformation and protect established privilege. This is not unique to South Africa, as connections between local organisations and global conservative movements demonstrate, but it has particular significance in our context of deep historical inequality. The BELA case warns us that addressing disinformation is not merely about correcting facts but about confronting how fear serves as political currency to obstruct necessary social change and further human rights.