

THE EDUCATION MONITORING BRIEF

The Equal Education Law Centre (**EELC**) uses legal advocacy, research, and litigation to advance the struggle for equal and quality education and early childhood development in South Africa. The EELC Education Monitoring Brief is a digital newsletter highlighting key legal and policy developments in education and early childhood development and providing the latest updates from parliament and our courts.

IN THIS ISSUE

EARLY CHILDHOOD DEVELOPMENT UPDATE 1

OTHER DEVELOPMENTS IN THE EDUCATION SECTOR 2

THE DBE BEGINS THE DEVELOPMENT OF A PREVENTION AND MANAGEMENT OF LEARNER PREGNANCY IMPLEMENTATION GUIDE FOR SCHOOLS 2

LAW AND POLICY SUBMISSIONS 2

CALL FOR COMMENTS: NATIONAL IDENTIFICATION AND REGISTRATION BILL 2

INTERNATIONAL TREATY BODIES AND UPDATES IN EDUCATION 2

CALLS FOR SUBMISSIONS: ASSIST LAW ENFORCEMENT BODIES IN THE CONTEXT OF PEACEFUL PROTEST 2

CALLS FOR INPUTS ON HUMAN RIGHTS COUNCIL RESOLUTION 49/12 ON THE RIGHTS OF PERSONS WITH DISABILITIES 3

CALLS FOR STAKEHOLDERS TO SUBMIT WRITTEN REPORTS ON SOUTH AFRICA'S STATE PRIOR TO ADOPTION OF THE LIST OF ISSUES 3

NOMINATIONS AND APPLICATIONS: APPOINTMENT OF SIX COMMISSIONERS TO THE SAHRC 3

EARLY CHILDHOOD DEVELOPMENT UPDATE



In an Education Portfolio Committee meeting on 6 June 2023, the Department of Basic Education (DBE) [presented the progress](#) it had made after one year since the ECD function shift from the Department of Social Development. Importantly, they noted that they are working toward reforming the ECD legislative framework (possibly through the development of a standalone ECD Act) but that the Draft Children's Amendment Bill that is currently being developed would be the most immediate means of legislative reform for the ECD sector. However, an update was given on the progress of the Bill, noting that the Bill would not be passed before elections in 2024 and thus, in the short term, the DBE will implement "red tape reduction" to identify regulatory barriers that can expedite reform.

Regarding service delivery, the DBE recognised that ECD provisioning is currently largely undertaken by private actors but noted that they are committed to developing and implementing a "publicly planned, publicly coordinated and publicly funded mixed provisioning model" underpinned by the social justice principles of access, redress, equity, quality, inclusivity and efficiency.

The DBE also acknowledged the need for nutrition support in ECD programmes and reported that they will be implementing a pilot programme to test provisioning models. The DBE noted that they are lacking data on children with disabilities but that they are working with the Department of Health to create a tool to help identify developmental delays. The full presentation can be found [here](#).

PARLIAMENT IN RECESS

Parliament will be in recess from 19 June and will resume on 28 August. In addition, the National Council of Provinces also has its constituency period between 26 June and 31 July.

OTHER DEVELOPMENTS IN THE EDUCATION SECTOR



THE DBE BEGINS THE DEVELOPMENT OF A PREVENTION AND MANAGEMENT OF LEARNER PREGNANCY IMPLEMENTATION GUIDE FOR SCHOOLS

A report by Statistics South Africa revealed that 90 037 girls aged 10 to 19 years old gave birth in the period between March 2021 and April 2022. On 1 June 2023, Member of Parliament Van Der Merwe asked Minister Motshekga:

“Considering the high rate of teenage pregnancy in the Republic, what are the full relevant details of plans that her department has in place to curb the teenage pregnancy crisis in schools?”

The Minister responded that “following the launch and dissemination of the DBE Policy on the Prevention and Management of Learner Pregnancy in Schools, currently the Department is developing a Prevention and Management of Learner Pregnancy Implementation Guide for schools in an effort to support the school leadership”. The Minister also referred to other programmes already in existence that aim to prevent learner pregnancy, such as the Integrated School Health programme and the Comprehensive Sexuality Education and peer education programmes. See the Minister’s full answer [here](#). In an [interview with SABC News](#), EELC candidate attorney Yolisa Piliso addressed the issue of high learner pregnancy rates and noted the importance of shifting the conversation from “learner pregnancy” to one of gender-based violence and sexual violence experienced by learners.

LAW AND POLICY SUBMISSIONS



CALL FOR COMMENTS: NATIONAL IDENTIFICATION AND REGISTRATION BILL

The Department of Home Affairs has issued a call for comment on the draft [National Identification and Registration Bill of 2022](#). This Bill seeks to:

“Provide for the compilation and maintenance of a population register and identification database; provide for the assignment of national identity numbers and reference numbers; and provide for the issuance of national identity cards and temporary identity, deaths, births and marriage certificates; and to provide for matters connected therewith.”

Despite laws guaranteeing the right to basic education regardless of documentation status, many undocumented learners still face challenges when attempting to enrol in school. This Bill is important as it could either assist or hinder the enrolment of undocumented learners. Comments can be sent to Advocate Moses Malakate at Moses.Malakate@dha.gov.za and Advocate Luvo Vena at Luvo.Vena@dha.gov.za by **no later than Friday 30 June 2023**. Enquires can be directed to Advocate Malakate on (012) 406 4273 or Advocate Vena on (012) 406 4276.

INTERNATIONAL TREATY BODIES AND UPDATES IN EDUCATION



UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS CALLS FOR SUBMISSIONS ON THE DEVELOPMENT OF PRACTICAL TOOLS TO ASSIST LAW ENFORCEMENT BODIES IN PROMOTING AND PROTECTING HUMAN RIGHTS IN THE CONTEXT OF PEACEFUL PROTEST

Resolution 50/21 mandates the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association to develop “specific technical and practical tools to assist law enforcement in promoting and protecting human rights

in the context of peaceful protests". The resolution raises concerns over human rights violations committed by State and non-State actors in the context of peaceful protests and recognises the potential role of law enforcement in promoting and protecting human rights in the context of protests. The Special Rapporteur seeks input with a view to gathering examples of protocols, guidelines, and other tools available to law enforcement relevant for facilitation of the right to peaceful assembly, as well as positive examples of strategies, measures, and practices undertaken by law enforcement around the world in promoting and protecting human rights in the context of peaceful protests. More information and guiding questions can be found [here](#). Responses should be submitted by **30 September 2023** to hrc-sr-freeassembly@un.org.



UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS CALLS FOR INPUTS ON HUMAN RIGHTS COUNCIL RESOLUTION 49/12 ON THE RIGHTS OF PERSONS WITH DISABILITIES

The Human Rights Council has made a call for input on resolution 49/12 on the rights of persons with disabilities for the purpose of informing the Office's next thematic report on "good practices on support systems to ensure community inclusion of persons with disabilities, including as a means of building forward better after the COVID-19 pandemic" to be presented at the 55th session of the Human Rights Council. The report aims to illustrate framework for community inclusion with good practices. Find more detail and guiding questions [here](#) and contact the Human Rights and Disability Unit at ohchr-disability@un.org for more information. Inputs must be submitted by **1 August 2023** to ohchr-registry@un.org.



UNITED NATIONS COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES CALLS FOR STAKEHOLDERS TO SUBMIT WRITTEN REPORTS ON SOUTH AFRICA'S STATE PRIOR TO ADOPTION OF THE LIST OF ISSUES.

The United Nations [Committee on the Rights of Persons with Disabilities](#) (CRPD) is calling for written submissions by organisations of persons with disabilities and civil society organisations to engage in the review process of the reports by State parties. On 12 September during the 18th Pre-Sessional Working Group, the committee will adopt List of Issues prior to reporting regarding the periodic report of South Africa. Stakeholders are invited to **submit written reports by 1 July** to Jorge.araya@un.org. More information on the session can be found on the [OHCHR website](#) and the [Committee's webpage](#).

NOMINATIONS AND APPLICATIONS: APPOINTMENT OF SIX COMMISSIONERS TO THE SAHRC

The Portfolio Committee on Justice and Correctional Services invites nominations and applications for six Commissioners to the South African Human Rights Commission. Nominations and applications must be emailed to sahrc@parliament.gov.za by **no later than 14 July 2023 at 17h00**. Find more information [here](#).

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