

# 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.

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## IN THE SPOTLIGHT: EDUCATION PORTFOLIO COMMITTEE HOLDS CLAUSE-BY-CLAUSE DELIBERATIONS ON THE BELA BILL

On [8 August](#), Members of the Education Portfolio Committee were presented with a consolidated report on the public hearings for the Basic Education Laws Amendment (BELA) Bill. On [15 August](#), before clause-by-clause deliberations began, MP Nodada highlighted flaws in the report. He noted that a substantial number of written submissions had not been accounted for and that the report had only chosen a sample of submissions. Upon the advice of the Committee Law Advisor who noted that meaningful public participation requires the Committee to account for and consider every submission made, the report was referred for corrections, and deliberations continued on [16 August](#) and [17 August](#) on the basis the submissions made orally and at the BELA public hearings.

During the deliberations between MPs and the Department of Basic Education (DBE), a number of changes to the Bill were proposed. For a summary of the key proposed amendments, see the table below.

Clause	Description	Status
2	The Bill proposes to increase the penalty for parents who fail to take their children of compulsory school-going age to school, or people who prevent such learners from attending school, potentially leaving learners without their guardians. Clause 2 increases the penalty from six months imprisonment to 12 months and allows for the imposition of both a sentence and a fine.	Kept
4	Clause 4 aims to establish intergovernmental committees for the purpose of assisting learners with acquiring documentation. Concerningly, members of the committee would include the Department of Home Affairs, the Department of Justice, and the South African Police Services (SAPS).	Removed
4	Clause 4 clarifies the powers of Heads of Department (HODs) and School Governing Bodies (SGBs), giving the HOD the final decision-making power over school admissions.	Kept
4	Clause 4 makes Grade R compulsory	Kept
5	This clause provides that the HOD may request a school to amend their language policy, taking into account factors such as the needs of the surrounding community and the best interests of the child.	Kept
8A	This clause allowed the limited sale and consumption of alcohol on school premises	Removed
14	This clause sought to strengthen the accountability of SGBs by stating that the SGBs codes of conduct must provide for mandatory disclosure of financial interests by SB members as it relates to a family member.	Removed
37	This clause aims to regulate the registration and quality requirements of home education	Kept, with rephrase
38	This clause creates a criminal offence in respect of parents or guardians who knowingly submit false or misleading information when applying for admission to a public school	Kept

Following these deliberations, the DBE will draft an A version of the Bill, including all the amendments that were discussed. This version will then be presented to the Committee one last time for deliberations, which will result in the B version of the Bill which is the final one that stands to be passed into law.

## OTHER DEVELOPMENTS IN THE EDUCATION SECTOR



### LAUNCH OF THE RIGHT TO READ CAMPAIGN

On 30 August, an alliance of civil society organisations will launch the [Right to Read Campaign](#) at Constitution Hill, Johannesburg with a keynote address from Justice Edwin Cameron. The Campaign advocates for early-grade literacy to become national priority and for Government to develop binding regulations on literacy in the foundation phase. These Regulations should cover:

- The amount of time that must be spent teaching literacy;
- Specialised training that all foundation phase teachers must undergo;
- The minimum amount and quality of texts and learning and teaching support materials (LTSM) that must be provided to teachers and learners; and
- The regular testing of learners' literacy abilities to gauge learners' ability to read for meaning.

The launch will be held from **09h30 – 14h00 on 30 August** at Constitution Hill, Johannesburg. RSVP for in person attendance [here](#).

**On 11 August, the DBE released [Government Gazette 49108](#) on the Improvement in Conditions of Service: Annual Cost-of-Living Adjustments for Educators Employed in Terms of the Employment of Educators Act, with effect from 1 April.**

## LAW AND POLICY SUBMISSIONS



### CALL FOR PUBLIC COMMENTS: DRAFT PUBLIC PROCUREMENT BILL

On 18 August, the Standing Committee on Finance put out a call for public comment on the [Public Procurement Bill 2023](#). The Bill aims to streamline and consolidate laws regulating public procurement, as well as enhance accountability and transparency measures to ensure cost effective and adequate service delivery and public administration.

The Draft Procurement Bill will significantly impact the delivery of services and resources to schools, such as infrastructure and the National School Nutrition Programme (NSNP). The current procurement framework arguably contributes to delays in delivery, increased costs and greater scope for non/underperformance and corruption. In 2020, the Equal Education Law Centre and Equal Education submitted comments on the Bill – for more information on how the Bill may impact school resource delivery, see our comments [here](#). Comments can be sent to the Committee Secretaries, Mr Allen Wicomb and Ms Teboho Sepanya at [awicomb@parliament.gov.za](mailto:awicomb@parliament.gov.za) and [tsepanya@parliament.gov.za](mailto:tsepanya@parliament.gov.za) by **no later than 12h00 on Monday, 11 September 2023**.

## INTERNATIONAL TREATY BODIES AND UPDATES IN EDUCATION



### CALL FOR INPUTS: HUMAN RIGHTS COUNCIL RESOLUTION 51/12 ON LOCAL GOVERNMENT AND HUMAN RIGHTS

The Office of the United Nations High Commissioner for Human Rights will hold a one-day expert meeting on enhancing capacity-building for local governments to incorporate human rights into their work, for the purpose of “developing guidance tools on human rights education for local governments, and to prepare and present a summary report for the fifty-sixth session of the Council”.

To inform the summary report and identify areas of concern, the Office of the United Nations High Commissioner for Human Rights is calling for inputs on topics including human rights capacity building initiatives implemented at local government level; the involvement of civil society and private sector; the capacity building gaps and needs in local government; and what the main challenges are in the promotion and protection of human rights at local level.

Local government plays a significant role in the delivery of Early Childhood Development (ECD). This call for inputs is an opportunity to highlight the importance of local government human rights obligations to deliver quality ECD services as well as assess the gaps in both implementation and capacity. Inputs may be sent by email to [janica.puisto@un.org](mailto:janica.puisto@un.org) by **29 September 2023**. More information can be found [here](#).



### CALL FOR INPUT: VIEWS OF YOUTH-LED AND YOUTH-FOCUSED ORGANISATIONS AND INSTITUTIONS ON THE FUTURE OF HUMAN RIGHTS FOR THE DEVELOPMENT OF THE HUMAN RIGHTS 75 YOUTH DECLARATION

The Office of the High Commissioner for Human Rights (OHCHR) is calling for inputs from youth-led and youth-focused organisations and institutions on the present challenges to and future of human rights. These inputs, together with the outcomes of the Global Youth Consultation, will inform the development of the Human Rights 75 Youth Declaration. Inputs are required on issues including the challenges the world is facing now and how they will affect the future of human rights; recommendations to decision and policymakers to advance human rights in the future; and what commitments and actions young people can take toward advancing human rights. Submissions are to be sent by email to [ohchr-registry@un.org](mailto:ohchr-registry@un.org) and [ohchr-youth@un.org](mailto:ohchr-youth@un.org) by **18h00 CEST 1 September 2023**. More information can be found [here](#).

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