

# 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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## WE ALWAYS APPRECIATE YOUR

**FEEDBACK!** As we close off this year with our 39th issue of the education law and policy monitoring brief we would appreciate your feedback. Kindly take a moment to click on the link on the right and answer a few questions to help us assess whether we are meeting your expectations with this brief.

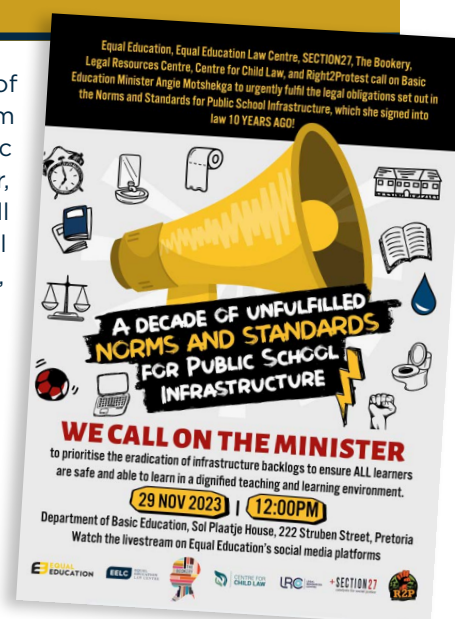
**CLICK HERE**

## IN THE SPOTLIGHT:

# 10th Anniversary of the Norms and Standards for Public School Infrastructure

10 years have passed since the Minister of Basic Education published the Minimum Uniform Norms and Standards for Public School Infrastructure. On 29 November, the day of the final deadline by when all schools should have had libraries, Equal Education, Equal Education Law Centre, SECTION27, Legal Resources Centre, Centre for Child Law, the Bookery, and Right2Protest held a press conference outside of the Department of Basic Education in Pretoria to Demand that Minister Motshekga urgently address the infrastructure crisis in the sector.

At the press conference, representatives from these organisations read a joint [open letter](#) addressed to Basic Education Minister Angie Motshekga. The letter expressed concern and disappointment that despite it being 10 years since the promulgation of the Regulations relating to Minimum Uniform Norms and Standards for Public School Infrastructure, many schools' infrastructure conditions have not improved.





In Zwelitsha, Eastern Cape, hundreds of Equal Education learner members (Equalisers) marched to the Eastern Cape Department of Education (ECDoE) on 28 November to repeat their call for safe and dignified school infrastructure, and demand that the Department release its Norms and Standards Progress Reports for 2021 and 2022.

## OTHER DEVELOPMENTS IN THE EDUCATION SECTOR



### EELC HOSTS SCHOOL ADMISSIONS IMBIZO

On 23 November, the EELC hosted a School Admissions Imbizo – an inclusive dialogue where stakeholders, including parents, government officials, educators, researchers, and community members, debated solutions to address some of the profound challenges inherent in the school admissions crisis, drawing on specific examples from the Western Cape and Gauteng provinces.

#### Topics of discussion included:

- The context and experiences of parents and government in finding placements for learners in schools;
- The intersections between spatial injustice and school admissions;
- Obligations to plan and budget for school admissions; and
- The Regulation of school admissions.

As part of our admissions advocacy, with invaluable support from [Eh!Woza](#), learners made a short documentary on how late school placements (and sometimes not being placed in a school at all) impacts them and infringes on their right to basic education. See the video [here](#).



**General Notice 1914 of 2023:** Minister Motshekga announces that the period for 2024 School Governing Body (SGB) elections will be from 1-31 March 2024, and that newly elected SGBs will assume their responsibilities from the moment they are declared to be freely and fairly elected SGB members.



### UNESCO AND UNFCCC TO HOST WORKSHOP ON EDUCATION AND CLIMATE JUSTICE POST COP28

On **12 December**, UNESCO and the UNFCCC will host a Post-COP28 [webinar](#) entitled *Greening schools: Where do we go from here?* The webinar will look back at COP28 and discuss its key takeaways, achievements, commitments, and ways forward on how to promote climate change education for social transformation, including greening schools. Find more information [here](#) and register for the webinar [here](#).

## LAW AND POLICY SUBMISSIONS

### » NATIONAL TREASURY RESPONDS TO COMMENTS ON THE PUBLIC PROCUREMENT BILL

This year, Equal Education Law Centre and Equal Education made a joint [submission](#) on the Public Procurement Bill. [On the 17th](#) and 24th of November, National Treasury responded to public submissions and stakeholder inputs during a Finance Standing Committee meeting. On the 17th, stakeholders raised concerns regarding the legitimacy of the public consultation process because, due to time constraints, only 20% of the comments submitted had been responded to. In addition, procedural issues were raised regarding the amount of time Treasury had given stakeholders to respond to the proposed amendments.

Treasury agreed to extend the processing of the Bill and schedule further follow up meetings with stakeholders, which were then scheduled for the [24th](#), 28th and 29th of November. Thus far, discussions have largely focused on Preferential Procurement. Preferential procurement has been a point of contention, as some welcome the proposed amendments and the transformation it seeks to achieve, while others believe that it goes against the Constitutional principles underlying public procurement – fairness, equitability, transparency and competitiveness and cost effectiveness. In response, Treasury has sought legal opinion.

### » CALL FOR PUBLIC COMMENT BY NCOP SELECT COMMITTEE ON THE BASIC EDUCATION LAWS AMENDMENT (BELA) BILL

On 26 October 2023 the Basic Education Laws Amendment (BELA) Bill was passed by the National Assembly. The BELA Bill, first published six years ago in October 2017, has gone through two rounds of extensive public consultation if passed, will bring the most significant changes to basic education laws in the last decade. It has been referred to the National Council of Provinces (NCOP) for concurrence and the Select Committee on Education and Technology, Sports, Arts and Culture of the NCOP now invites the public to submit written comment in another round of public consultation.

In June 2022, EE and EELC made joint written and oral [submissions](#) to Parliament on the Bill. We raised concerns and suggested amendments regarding particular provisions, some of which have now been included in the final version of the Bill. Concerningly, the Bill retains multiple clauses that extend jail time for parents, caregivers and any other individual that disrupts school activities or prevents a learner from going to school. This does not address the underlying reason why learners sometimes do not go to school and risks separating children from their caregivers.

**Comments** can be emailed to Ms Noluthando Skaka at [belabill@parliament.gov.za](mailto:belabill@parliament.gov.za) by no later than **Friday, 19 January 2024 at 16:00**. Enquiries can be directed to Ms Noluthando Skaka on 083 709 8520. More information can be found [here](#).

### » CALL FOR PUBLIC COMMENT: DRAFT POLICY ON SOCIAL DEVELOPMENT SERVICES TO PERSONS WITH DISABILITIES

The Department of Social Development has called for public comments on the [Policy on Social Development Services to Persons with Disabilities](#) (Gov N3966, GG49505, 16 October 2023). The Policy aims to strengthen the delivery social services to persons with disabilities, particularly those living in rural communities, women, and youth, by mainstreaming “*disability issues in all programmatic interventions as well as target investments that will specifically benefit persons with disabilities.*” This requires the DSD to adopt a disability responsive planning, budgeting, monitoring, and evaluation approach. Comments can be emailed to Ms Sophie Molifi at [DSDdisabilityservices@dsd.gov.za](mailto:DSDdisabilityservices@dsd.gov.za) by no later **Friday, 15 December 2023**.

## INTERNATIONAL TREATY BODIES AND UPDATES IN EDUCATION



### UNCRC COMMITTEE CONSIDERS SOUTH AFRICA'S STATE REPORT AT THE 96TH PRE-SESSIONAL WORKING GROUP

South Africa will be reviewed by the Child Rights Committee in the [95th Session](#) at **15h00 on 24 January 2024 and 10am on 25 January 2024**. The pre-sessional working group for the United Nations Convention on the Rights of the Child concluded on 29 September. EELC submitted an [alternative report](#) to the Committee in response to [South Africa's 3rd – 6th Country report](#) to inform the Committee's concluding observations regarding children's rights in South Africa. The report was informed by a series of workshops with Equalisers in the Eastern Cape, Western Cape, and Gauteng – it included Equaliser testimony on various issues as well as Equaliser recommendations. South Africa's report, the List of Issues, and Complementary reports can be found [here](#) and the link to register for [in person attendance](#) can be found [here](#).

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