

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:

Minister of Finance Tables the 2024/25 Budget



Equal Education Protests Against Austerity and Cuts to the Basic Education in the 2024/25 Budget

On 21 February, Finance Minister Enoch Godongwana delivered his budget speech, setting out government's spending priorities for the 2024/25 financial year. While the extreme cuts to social spending predicted in the 2023 Medium Term Budget Policy Statement (MTBPS) did not take place, Treasury has continued to implement widespread austerity measures. The consolidated basic education budget for this year stands R324.5 billion. The increase in this budget is only a result of additional funds to cover teacher salaries. While this may seem promising, the increase in teacher salaries does not keep up with inflation and will not allow provinces to hire more teachers, even though there is a teacher shortage and a school overcrowding crisis.

The budget has not kept up with growing learner enrolments - per learner spending has been reduced by just over R300. This means that the quality of basic education will be reduced.

While the cuts made to the school infrastructure budget in the MTBPS were, for the most part, reversed, the 2024 budget has tabled significant reductions to school infrastructure over the next three years. The Education Infrastructure Grant is set to be reduced by R611 million and the School Infrastructure backlogs Grant reduced by R1.2 billion. In a [report](#) to parliament last year, the Department of Basic Education (DBE) estimated that it would need to spend at least R20 billion each year to eliminate all existing critical infrastructure backlogs by 2030. This means that at the current level of funding, the estimated 2030 deadline will also not be met, and infrastructure backlogs will likely only be eradicated in 2038.

The Early Childhood Development (ECD) budget was not immune to austerity measures either. While the President paid lip service to the importance of ECD in the State of the Nation Address, this did not carry through into the budget. Over the next three years, the ECD conditional grant will be around 5% less than we were told to expect in 2023. We have to ask: if ECD is such a priority, why is government pulling back on its funding?

We are particularly concerned that the ECD subsidy, which only reaches 35% of eligible children, has remained frozen at R17 for six years. Taking account of the rising cost of living – and especially the rising cost of food – the real value of has shrunk by around one quarter. This makes it much harder for ECD practitioners to provide a safe environment, nutritious food, and books, toys, and other learning materials. The lack of adequate state funding and support has serious consequences for young children. Of the fortunate minority of children who do access an ECD programme, more than half nonetheless fail to thrive by age five. One in every four children is stunted. 80% of Grade 4 learners cannot read and understand what they read.

For a more detailed analysis of the outcomes of the 2024/25 basic education budget, read Equal Education and Equal Education Law Centre's joint media statement [here](#). To learn more about whether education budget cuts are lawful, watch the EELC's explainer video [here](#).

OTHER DEVELOPMENTS IN THE EDUCATION SECTOR

NCOP HOLDS ORAL HEARINGS ON THE BASIC EDUCATION LAWS AMENDMENT BILL

On 26 October 2023 the Basic Education Laws Amendment (BELA) Bill was passed by the National Assembly. The BELA Bill, first published seven years ago in October 2017, has gone through two rounds of extensive public consultation and if passed, will bring the most significant changes to basic education laws in the last decade. It was referred to the National Council of Provinces (NCOP) for concurrence and the Select Committee on Education and Technology, Sports, Arts and Culture and the NCOPs deadline for public comment closed on 31 January. Oral hearings are set to take from 6 to 8 March, 2024.

In January 2024, EE and EELC made a joint written [submission](#) to the NCOP on 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.

General Notice 1914 of 2023: Basic education Minister Angie 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.

DBE BRIEFED PARLIAMENT ON THE IMPLICATIONS AND IMPACT OF THE SONA 2024 AND THE STATUS OF THE ECD MIGRATION

On 27 February 2024, the Department for Basic Education (DBE) briefed Parliament on the implications and impact of the President's State of the Nation Address 2024 and the status of the Early Childhood Development (ECD) migration.

The DBE noted that the President's pronouncements in SONA commit the DBE to key activities and outcomes, most notably a focus on expanding access to ECD, reducing learner dropout, improving early grade reading, maintaining the National School Nutrition Programme, and making use of teaching assistants provided by the Presidential Youth Employment Stimulus.

Some of the key activities the DBE is undertaking with regard to ECD include:

- A registration drive, targeting 20, 000 unregistered ECD programmes and giving them conditional registration for one year plus support to get fully registered.
- Short-term legislative reform to fix key problems in the Children's Act. The Children's Amendment Bill 2023 will be tabled in 2024. The Bill would simplify the registration processes, define different types of ECD programme and customise their regulation, clarify conditional registration, and provide a new standard municipal by-law for ECD.
- Offer parenting support for over 18, 000 parents in vulnerable communities.
- Securing funding from National Treasury for an Employment Initiative for ECD for 85, 000 jobs.

The EELC welcomes these initiatives and acknowledges DBE's commitment to achieving universal access to quality ECD services. However, much more needs to be done protect young children's rights and secure their futures. 

DBE estimates that, as of 30 September 2023, just 882, 128 benefitted from the ECD subsidy out of 1, 284, 725 eligible children currently in ECD programmes – leaving an access gap of 551, 966 children. It is true that the DBE's registration drive may assist unregistered ECD programmes to get one step closer to unlocking the government subsidy. However, as the DBE itself notes, this will not guarantee funding. An increase in the number of eligible children requires a concomitant increase in the budget for the subsidy. This is not on the cards according to the most recent Budget.

Even if more programmes can access the subsidy, its value is much too low. It has been frozen at just R17 per child per day since 2019 which, in real terms, means that its value has dropped by a quarter. Perhaps more importantly, the registration drive will offer little assistance to the 1.3 million children aged three to five who are not accessing an ECD programme at all. It is concerning that only a small portion of the ECD conditional grant – less than R157 million – is going to towards establishing new, lost-cost ECD programmes for under-resourced communities.

More details on the DBE analysis of SONA and the activities planned to meet commitments can be found [here](#).

LAW AND POLICY SUBMISSIONS

CALL FOR COMMENT: TREASURY REQUESTS COMMENT ON PROPOSED AMENDMENTS TO REGULATIONS UNDER THE MUNICIPAL FINANCE MANAGEMENT ACT

The Minister of Finance Enoch Godongwana has made a call for comment on the [proposed amendments](#) to the Municipal Public-Private Partnership Regulations, under the Municipal Finance Management Act. Municipalities are responsible for the delivery of key public services such as water and sanitation, and these proposed amendments have the potential to impact on service delivery to early childhood development sites.

Comments on the Municipal Public-Private Partnership Regulations can be emailed to commentsPPPDraftLegislation@Treasury.gov.za by no later than **20 March 2024**. More information can be found [here](#).

CALL FOR COMMENT: NATIONAL TREASURY REQUESTS PUBLIC COMMENT ON DIVISION OF REVENUE BILL & THE 2023/24 SECOND ADJUSTMENTS APPROPRIATION BILL

The Standing and Select Committees on Appropriations has called for written submissions on the [2024 Division of Revenue Bill](#) and the [2023/24 Second Adjustments Appropriation Bill](#). These Bills were tabled together with the 2024/2025 national budget by the Minister of Finance on 21 February 2024. Treasury has argued that the 2024/25 budget aims to strike a balance between growing the economy, reducing debt servicing costs and supporting the vulnerable amid limited resources. This is, however, in the context of many years of cuts to social spending, including basic education, which has had devastating consequences on the realisation of the right to basic education.

INTERNATIONAL TREATY BODIES AND UPDATES IN EDUCATION

CALL FOR INPUT: OHCHR REQUESTS INPUT ON THE CENTRALITY OF CARE AND SUPPORT FROM A HUMAN RIGHTS PERSPECTIVE

Pursuant to resolution 54/6 on the centrality of care and support from a human rights perspective, the Office of the High Commissioner for Human Rights (OHCHR) is calling for input in preparation of an expert workshop to address the human rights of women, persons with disabilities, children and older persons as caregivers, as well as receivers of care and support, and for their self-care from a gender equality and human rights perspective. The purpose of this workshop is to evaluate experiences, good practices and main challenges regarding the effective recognition of the rights of caregivers and those receiving care and support. In addition, Member States will also each prepare a thematic study regarding specific national contexts.

A specific call has been made for inputs from children, and a child-friendly call can be found [here](#). The deadline for comments is **13 April 2024, 18h00 CEST**. Comments can be emailed to ohchr-registry@un.org with [ohchr-wohchr@un.org](#) in CC. More information can be found [here](#).



CALL FOR INPUT: OHCHR REQUESTS INPUT ON “THE FISCAL SOCIAL CONTRACT AND THE HUMAN RIGHTS ECONOMY” THEMATIC REPORT

The Independent Expert on foreign debt and human rights launches the process of gathering inputs from States and other stakeholders to inform her thematic report on The Fiscal social contract and the human rights economy. The report will be presented at the 79th session of the United Nations General Assembly, in October 2024. The report aims to emphasise “ways to address a growing disconnect between citizens and the institutions that serve them, with many feeling left behind and no longer confident in the system, with a distrust increased by a loss of shared truth and understanding.” The independent expert seeks information of, amongst others:

- The human rights economy;
- The roll of taxation in the fiscal social contract;
- Mechanisms and practices to ensure transparency and accountability in the allocation of public funds;
- The intersection between the fiscal social contract and a human rights economy;
- The financial responsibility of a State as regards to human rights and tax collection and, in this context, how the State obligations to immediate and progressive realisation of human rights can be assessed.

Submissions can be send to hrc-ie-foreigndebt@un.org by **20 April 2024**. More information can be found [here](#).

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