

DEPARTMENT OF BASIC EDUCATION

CONVENTION AGAINST DISCRIMINATION IN (BASIC) EDUCATION

Note* The legislation within the Education system often echoes the constitutional rights of learners, however the challenge to implementation include a lack of the popularisation of policy, lack of implementation strategies as well as a lack of monitoring of implementation.

| CONVENTION AGAINST DISCRIMINATION IN (BASIC) EDUCATION | | | |
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| MANDATES | MANDATE | STATUS | CHALLENGES TO IMPLEMENTATION |
| LEGISLATION, POLICIES AND REGULATIONS TO ELIMINATE DISCRIMINATION IN EDUCATION | 1. The Constitution of the Republic of South Africa | The Equality clause of the constitution is the basis upon which all forms of discrimination are abolished. As such all other legislation is underwritten by the Equality Clause including the South African Schools Act (SASA). The department has been working in collaboration with the department of Justice and has distributed slim line copies of the constitution to grade 12 learners across the country. Furthermore, the values of the constitution have been institutionalised via the Life Orientation Curriculum in schools. | The high levels of inequality and the legacy of apartheid in the country continues to make the constitution irrelevant to the lives of many learners. |
| | 2. Promotion of Equality and Prevention of Unfair Discrimination Act | Section 10 of the National Education Policy Act of 1996 pronounces that: No learner may be suspended from classes, denied participation in sporting or cultural activities, denied a school report or transfer card or victimised as a result of his or her parent's inability to afford and cannot pay school fees. The South African Schools Act of 1996 says: <ul style="list-style-type: none"> • All parents or caregivers who cannot afford to pay school fees should be exempted from doing so. • The principal and the School Governing Body must inform all parents about their right to apply for school fees exemption. • The principal has the responsibility to assist parents or caregivers to apply for school fees exemption. | Adherence to the legislation has been difficult to monitor. Given that some of the progressive intentions of the legislation are flouted by the School Governing Bodies, the department is currently reviewing the SGB policies. Although, the department is responsible for school sports, much of the budget is located in the |

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| | | | department for Sports and Recreation, thus making it difficult to provide schools with the infrastructure to participate in school sports. |
| | 3. The National Education Policy Act (NEPA) | NEPA pronounces that: (a) every person to be protected against unfair discrimination within or by an education department or education institution on any ground whatsoever; (b) every person to basic education and equal access to education institutions; (c) parent(s) or guardian in respect of the education of his or her child or ward; (d) every child in respect of his or her education; (e) every learner to be instructed in the language of his or her choice where this is reasonably practicable; (f) every person to the freedoms of conscience, religion, thought, belief, opinion, expression and association within education institutions; (g) every person to establish, where practicable, education institutions based on a common language, culture or religion, as long as there is no discrimination on the ground of race; and (h) every person to use the language and participate in the cultural life of his or her choice within an education institution. | The challenge to implementation is due to a lack of the popularisation of legislation, lack of implementation strategies as well as a lack of monitoring of implementation |
| | 4. The South African Schools Act (SASA) | Undertakes to combat racism, sexism and all other forms of unfair discrimination and intolerance. The South African Schools Act was enacted to promote access, quality and democratic governance in the schooling system | Currently schools remained locked into their apartheid spatial patterns which promoted racial segregation. Hence, the promotion of racial integration is challenged. |
| STRATEGIES AND ACTION PLANS TO ELIMINATE | 1. Social Cohesion in Education | Programmes aimed at promoting social cohesion include: -Bill of Rights/Responsibilities developed to educate learners about their rights and accompanying responsibilities. | The Bill of Responsibilities programme should be cross cutting in the school |

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| DISCRIMINATION IN EDUCATION | | <p>-Care and Support for Teaching and Learning (CSTL) which the Department of Basic Education developed a school level handbook to support the implementation of the Care and Support for Teaching and Learning Programme in order to turn schools into socially inclusive and supportive spaces. Trainings. The programme assists the education system to respond systematically to the needs of vulnerable learners. To-date, there are 1786 CSTL schools nationally</p> <p>-School Safety in Education's Bullying - The booklet <i>Safer Schools for All: Challenging homophobic bullying</i> was developed as part of the National School Safety Framework aimed at promoting safety for all within South African schools. The booklet was developed by the Department of Basic Education. It specifically targets the School Management Team (educators, principals and their management teams as well as the school governing bodies) and learners. It encourages SMTs to create affirming and safe environment for learners, educators and parents who are Lesbian, Gay, Bisexual, Transgendered or Intersex (LGBTI) or parents with children who are LGBTI to support and accept their children. The book further dispels the myths that exist around LGBTI identities to ensure that LGBTI individuals within the schooling community are not discriminated against.</p> | <p>curriculum and not limited to the Life Orientation Curriculum. The mass implementation of the CSTL programme remains a challenge due to budget and human resources deficits. The insidious and subtle forms of bullying are difficult to identify thus making immediate intervention a challenge.</p> |
| | 2. Action Plan to 2019 Towards Realisation of Schooling 2030 | <p>The Action Plan has identified areas of improvement pertaining to access including:</p> <p>Goal 11: Improve the access of children to quality Early Childhood Development (ECD) below Grade 1.</p> <p>Goal 13: Improve the access of the youth to Further Education and Training (FET) beyond Grade 9.</p> <p>Goal 19: Ensure that every learner has access to the minimum set of textbooks and workbooks required according to national policy.</p> <p>Goal 25: Use schools as vehicles for promoting access to a range of public services amongst learners in areas such as health, poverty alleviation, psychosocial support, sport and culture.</p> <p>Goal 26: Increase the number of schools that effectively implement the inclusive education policy and have access to centres that offer specialist services.</p> | <p>The progressive realization of Action Plan 2019 creates a challenge since communities are impatient and expect immediate realisation of the goals.</p> |
| | 3. The human rights of learners, parents | <p>Section 10 of the National Education Policy Act of 1996 highlights that: No learner may be suspended from classes, denied participation in sporting or cultural activities, denied</p> | <p>The low levels of literacy and awareness of their</p> |

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| | <p>and teachers born outside of South Africa</p> | <p>a school report or transfer card or victimised because his or her parent has not or cannot pay school fees.</p> <p>The South African Schools Act of 1996 highlights:</p> <ul style="list-style-type: none"> •All parents or caregivers who cannot afford to pay school fees should be exempted from doing so. •The principal and the School Governing Body must inform all parents about their right to apply for school fees exemption. •The principal has the responsibility to assist parents or caregivers to apply for school fees exemption. <p>Age</p> <p>Section 10 (1) of the Admission of Learners to Public Schools highlights:</p> <p>A district senior manager must establish fast track programmes in his/her district to accommodate learners who –</p> <ul style="list-style-type: none"> a) Have been out of school for such periods as are likely to have impaired their learning opportunities; b) Have had no schooling; or c) Are three years or more above the age-norm grade. | <p>rights among poor and working class parents has made their children vulnerable to unfair treatment.</p> |
| | <p>4. Rights and Responsibilities Advocacy with Young People</p> | <p>The DBE has organised co-curricular activities on social cohesion, nation building, citizenship, rights & responsibilities and constitutional values, these include:</p> <p>- Girls' Education Movement/Boys' Education Movement (GEM/BEM): The key objective for the GEM/BEM is captured by the phrase "Making education a social issue" espoused by the Social Mobilisation and Support Services Branch of the Department of Basic Education. With the recognition that sports can play a pivotal role in terms of promoting social cohesion in a school environment, the GEM/BEM has extended the programme further by introducing GEM/BEM Sports for Development initiative. With GEM/BEM Sports for Development, every learner is encouraged to participate in school sports and part of making the school environment socially inclusive. Unless with traditional school sports, at the heart of this initiative is participation per se and not sports competitiveness. The values of team work, collaboration and empathy are promoted through sporting activities. The clubs are supported by both the National and</p> | <p>The funding and resources for mass participation remains a challenge in the provinces</p> |

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| | | <p>Provincial Departments of Basic Education and UNICEF. GEM/BEM programmes are also built into the UNICEF and the Government of South Africa's Child Friendly programme.</p> <p>-School Moot Competition- The Competition aims to create greater awareness in schools and communities in South Africa about the Constitution and the values that it embodies through active participation.</p> <p>-Youth Citizens Action Campaign-Is a programme aimed at promoting the active implementation of human rights through engaging with legislation and local government structures. Learners undertake to use the law and their agency to resolve local problems.</p> <p>-National Heritage Education Schools Outreach Programme of the National Heritage Council – The Heritage Education Outreach programme is a joint initiative between the Department of Basic Education (DBE), the National Heritage Council (NHC), and the South African National Parks (SANParks). The NHC is a statutory body under the Department of Arts, Culture and Heritage. Its vision is 'to build a nation that is proud of its African heritage'. Its mission is to transform, protect and promote South African heritage for sustainable development, focusing more on the Intangible Cultural Heritage.</p> <p>-The iNkosi Albert Luthuli Oral History programme a great success. The programme creates an opportunity for learners not only to gain knowledge on the values shared within their community but also to afford them the opportunity to become catalysts of change within their communities. The DBE established this programme as a way to sensitize the youth about the social ills and injustices of the past and the valuable lessons that can be drawn from this history.</p> | |
| | 5. Teacher Training | <p>In 2015 the National Department of Basic Education undertook to train officials in the provinces as master trainers to promote gender equity and gender transformation. A total of 498 officials were trained, of whom 175 were male and 323 were female.</p> <p>Furthermore, teachers have been trained on addressing racism through a partnership with the Institute for Justice and Reconciliation that trained teachers on a programme entitled "Respect for ALL"</p> | The challenge is the lack of reach of a large number of educators and officials due to cost and time constraints. |
| | 6. Curriculum Interventions | A Ministerial Task Team (MTT) was established to review Textbooks with the aim of uncovering the any discriminatory portrayals within the texts. The process also aims to advise the LTSM development Directorate on their screening policies and to develop policy for publishers and material developers that promote diversity. | Monitoring of the impact of the programmes remains a challenge. |

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| | | <p>The department has also included awareness material, classroom activities and scripted lesson plans on various topics covering issues of discrimination and intolerance.</p> <p>The department in partnership with the Foundation for Human rights have conducted dialogues on addressing Xenophobia across all the provinces</p> | |
| | 7. Languages in Education | <p>Most refugees in South Africa are from countries where Arabic, French, Lingala, Swahili and Portuguese are the main languages. Most refugees wish to return back home once political and economic conditions are suitable. Some schools have denied refugee children admission because they cannot speak English. This is wrong.</p> <p>Section C of the Norms and Standards for Language in Public Schools in part aims to: Support the learning and teaching of all other languages required by learners, used by communities in South Africa, including languages which are important for international trade and communication.</p> <p>Section D of the Norms and Standards for Language in Public Schools says: Languages other than the official languages can be offered as school subjects</p> <p>Introduction of Indigenous Official Languages</p> | <p>The implementation of the Incremental implementation of African languages in schools is still in the pilot phase and mass implementation remains a challenge for various reasons namely: Lack of proficient language teachers; resistance from SGBs; African languages remain underdeveloped creating challenges at the secondary school level.</p> |
| | 8. Immigration Formalities | <p>The presence of migrants, refugees and asylum seekers has required the Department to implement the current education policies; and to ensure that the existing policies are recognised and applied in schools by educators, Principals and School Governing Bodies so as to recognise the rights of migrants, refugees and asylum seekers.</p> <p>(a) The last report card issued by the previous school; (b) other equivalent documentation from the previous school; or (c) a written affidavit by the parent stating the reason for not having the transfer card and the grade the learner attended at the previous school.</p> | <p>The challenge to implementation is due to a lack of the popularisation of legislation, lack of implementation strategies as well as a lack of monitoring of implementation</p> |

| ACCESS TO EDUCATION | 1. Admission at public ordinary schools | <p>The figures for admission in public ordinary schools per province, according to preliminary EMIS 2016 data is as follows:</p> <table><tr><th rowspan="2">Province</th><th>Public</th></tr><tr><th>Learners</th></tr><tr><td>EC</td><td>1,898,723</td></tr><tr><td>FS</td><td>671,712</td></tr><tr><td>GT</td><td>2,048,558</td></tr><tr><td>KZ</td><td>2,822,942</td></tr><tr><td>LP</td><td>1,706,725</td></tr><tr><td>MP</td><td>1,046,234</td></tr><tr><td>NC</td><td>288,515</td></tr><tr><td>NW</td><td>810,260</td></tr><tr><td>WC</td><td>1,063,349</td></tr><tr><td>South Africa</td><td>12,357,018</td></tr></table> | Province | Public | Learners | EC | 1,898,723 | FS | 671,712 | GT | 2,048,558 | KZ | 2,822,942 | LP | 1,706,725 | MP | 1,046,234 | NC | 288,515 | NW | 810,260 | WC | 1,063,349 | South Africa | 12,357,018 | None |
|---------------------|---|---|----------|--------|----------|----|-----------|----|---------|----|-----------|----|-----------|----|-----------|----|-----------|----|---------|----|---------|----|-----------|--------------|------------|------|
| | Province | Public | | | | | | | | | | | | | | | | | | | | | | | | |
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| | 2. Admission of non-citizens in public ordinary schools, the Policy states the following: | <p>In respect of the admission of non-citizens, the Policy states the following:</p> <ul style="list-style-type: none">• The South African Schools Act, 1996 and this policy apply equally to learners who are not citizens of the Republic of South Africa and whose parents are in possession of a permit for temporary or permanent residence issued by the Department of Home Affairs.• A learner who entered the country on a study permit must present the study permit on admission to the public school. <p>Persons classified as illegal aliens must, when they apply for admission for their children or for themselves, show evidence that they have applied to the Department of Home Affairs to legalise their stay in the country in terms of the Aliens Control Act, 1991 (No. 96 of 1991).</p> | | | | | | | | | | | | | | | | | | | | | | | | |

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| | 3. Other Initiatives to improve access to basic education | <p>National School Nutrition Programme (NSNP)</p> <p>This programme contributes to food and nutrition security through the provision of one school meal to over 9,9 million learners in 21 219 no-fee paying schools on a daily basis. The National School Nutrition Programme has to date reached 20 256 schools. This total is comprised of 15 287 from Quintile 1-3 (77.63%) primary schools and 4969 (80%) secondary schools. The NSNP feeds 9 182 103, 6 205 251 (Quintile 1-3) (79.50%) learners are fed in primary schools and 2 976 852(67.36%) are fed in Secondary schools.</p> <p>Integrated School Health Programme (ISHP)-</p> <p>1. A total of 1 019 730 learners have been reached through the Integrated School Health Programme:</p> <ul style="list-style-type: none"> a. Of this total, 790 176 learners have received health screening, onsite health services and health education. b. The remaining 229 554 accounts for girl learners who received the Human Papilloma Virus (HPV) vaccination. c. The Draft DBE National Policy on HIV, STIs and TB was approved by the Council of Education Ministers on 20 May 2016. The DBE is in a process of developing an implementation plan. <p>All Grade R-7 learners in Quintiles 1-3 primary schools are participating in the deworming programme</p> | Decentralisation of the programme and monitoring and evaluation |
| GENDER EQUITY IN BASIC EDUCATION | 1. The Girls and Boys Education Movement (GEM/BEM) | <p>The GBEM is partnership with the MiET collaborated to implement the <i>Keeping Girls in School Programme</i>, aimed at mitigating the risk of learners' pregnancy by targeting at risk girls through a sexual reproductive health programme embedded within a curriculum support model.</p> <p>It targeted three high risk provinces namely Mpumalanga, Eastern Cape and KwaZulu-Natal.</p> | Mass participation in the programme remains a challenge. |

| | 2. Gender Equity in the Teaching Profession | <p>As at 2015, the Funza Lushaka Bursary Scheme has provided bursaries to a total of 3474 educators of whom 66.8% are female.</p> <table><tr><th>Gender</th><th>2007</th><th>2008</th><th>2009</th><th>2010</th><th>2011</th><th>2012</th><th>2013</th><th>2014</th><th>(blank)</th><th>Total</th></tr><tr><td>F</td><td>2342</td><td>1910</td><td>3874</td><td>2594</td><td>1170</td><td>3814</td><td>4443</td><td>2716</td><td>33</td><td>22896</td></tr><tr><td>M</td><td>1320</td><td>968</td><td>1825</td><td>1151</td><td>552</td><td>1720</td><td>2240</td><td>1578</td><td>24</td><td>11378</td></tr><tr><td>Total</td><td>3662</td><td>2878</td><td>5699</td><td>3745</td><td>1722</td><td>5534</td><td>6683</td><td>4294</td><td>57</td><td>34274</td></tr></table> | Gender | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | (blank) | Total | F | 2342 | 1910 | 3874 | 2594 | 1170 | 3814 | 4443 | 2716 | 33 | 22896 | M | 1320 | 968 | 1825 | 1151 | 552 | 1720 | 2240 | 1578 | 24 | 11378 | Total | 3662 | 2878 | 5699 | 3745 | 1722 | 5534 | 6683 | 4294 | 57 | 34274 | Teaching remains a feminised profession with female teachers unable to break the glass ceiling in the terms of managerial positions and taking on subjects previously dominated by men like maths and Science. |
|---|---|---|---|------|------|------|------|------|---------|-------|------|---------|-------|---|------|------|------|------|------|------|------|------|----|-------|---|------|-----|------|------|-----|------|------|------|----|-------|-------|------|------|------|------|------|------|------|------|----|-------|--|
| Gender | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | (blank) | Total | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| EDUCATION FOR LEARNERS WITH SPECIAL EDUCATIONAL NEEDS (LSEN) AND BUILDING INCLUSIVE EDUCATION AND TRAINING SYSTEM | 1. Participation of leaners with disabilities in education institutions | <p>White Paper on Inclusive Education speaks to the inclusion of learners with disability within the education system.</p> <p>Braille</p> <p>The Department has printed and delivered Grades R-9 Volume 1 Braille workbooks to 22 Special Schools. A total of 31 462 Braille workbooks has been printed and delivered to Special Schools and these include Mathematics workbook 1 and 2 as well as Home Language workbook 1 and 2.</p> | <p>This information is still required from the Inclusive Education directorate.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 2. Full Service Schools | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |