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REPUBLIC OF SOUTH AFRICA

Report on the Convention against Discrimination in Education

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Abbreviations Used in the Text

ABET	Adult Basic Education and Training
BPA	The Beijing Platform for Action
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
DoE	Department of Education
ECD	Early Childhood Development
ESS	Education Support Services
EMIS	Education Management Information System
GER	Gross Enrolment Ratio
GPI	Gender Parity Index
Gr.	Grade
HEDCOM	Heads of Education Departments Committee
HSRC	Human Sciences Research Council
LIEP	Language in Education Policy
LPHE	Language Policy for Higher Education
LSEN	Learners with special education needs
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
SGBs	School Governing Bodies
SADC	Southern Africa Development Community
SASA	The South African Schools Act
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund
WSD	Whole School Development

1. Introduction

The Convention against Discrimination in Education aims at affirming the principles of non-discrimination and equality of opportunity in education. The Convention, as UNESCO's first international instrument to have a binding force in international law, draws its inspiration from two distinct and fundamental principles found in both the UNESCO Constitution (1945) and the Universal Declaration of Human rights (1948), Articles 2 and 26 which proscribe any form of discrimination and seek to promote the right to education for all (Espeill, 1960).

The Convention came into effect on 22 May 1962, and has been ratified by 91 member states as of December 2004. It seeks not only to eliminate discrimination in education but also to adopt positive measures to promote equality of opportunity and treatment in that field. Member States therefore committed themselves to implementing the principles of the Convention in their respective countries.

The Republic of South Africa ratified the Convention on 09th March 2000. As such, it is obligated to submit a progress report on the eradication of discrimination in education. This report therefore outlines the progress made by the South African government in eradicating discrimination in education since 1994, when political democracy was attained.

2. Background

During the pre-1994 era, discrimination in the South African education system took various forms namely: race, class, gender, religion, location, sexual orientation and language. To address this, the South African government has since 1994 put in place a transformation agenda that includes:

- Overhauling the legislative framework upon which the edifice of institutionalised racial discrimination was based;
- Creating new institutional arrangements and structures to combat racism;
- Transforming government services in line with the principle of broad representation;
- Expanding the delivery of social services; and
- Creating institutions to inculcate a culture of human rights. The “Chapter Nine” institutions of the Constitution Republic of South Africa include: the South African Human Rights Commission, the Constitutional Court, the Commission on Gender Equality, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities and the Public Protector

While the Constitution clearly lays an excellent foundation for the construction of a non-racial and non-sexist society and although considerable progress has been made with the enactment of a number of anti-discrimination laws, it is well known that legislation alone will not eliminate these and other forms of discrimination.

Deeply entrenched social attitudes are reproducing new forms of racial prejudice. In addition, there are signs that some sections of South African society may be in a state of racial denial.

For example, in the first few years of its establishment, the South African Human Rights Commission conducted investigations into racism in schools, in the media, and held inquiries into specific racial incidents in the army. The Commission found that in many instances, the problems of race and racism were invariably tackled in reaction to significant racial incidents rather than a proactive stance on race.

The Reconstruction and Development Programme (RDP) in 1994 mandated government to plan the development of the education and training system for the benefit of the country as a whole and its entire people. This was a response to

the challenge the government of national unity was facing in creating a system to fulfil the vision to "open the doors of learning and culture to all". The paramount task was to build a just and equitable system, which provides good quality education and training to learners young and old throughout the country. This was a national task, acknowledged by the government as a fundamental priority of the Reconstruction and Development Programme (RDP). Developing the human resources of the country was both a goal of the RDP and a requirement for achieving other RDP goals. The RDP was grounded in the notion that appropriate education and training can empower people to participate effectively in all processes of democratic society, economic activity, cultural expression, and community life, and can help citizens to build a nation free of race, gender and every other form of discrimination (DoE, 1995).

In response to the requirements of RDP, the South African government mandated the Department of Education (DoE) to develop policies and strategies to ensure that all learners have equal access to basic education as stipulated in the Constitution. In compliance with the Constitution, the South Africa government promulgated a number of laws to eliminate discrimination in education. This includes: the Promotion of Equality and Prevention of Unfair and Discrimination Act (RSA, 2000), The South African Schools Act (RSA, 1996b) and the National Education Policy Act (RSA, 1996c).

3. Legislation, Policies and Regulations to Eliminate Discrimination in Education

a. The Constitution of the Republic of South Africa

The Constitution of the Republic of South Africa (RSA, 1996a) requires that education be transformed and democratised in accordance with the values of human dignity, equality, human rights and freedom, non-racism and non-sexism. Chapter 2 of the Constitution, the Bill of Rights makes the following provision:

Everyone has the right to a basic education, including adult basic education; and to further education, which the state, through reasonable measures, must make progressively available and accessible.

Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account, equity; practicability; and the need to redress the results of past racially discriminatory laws and practices.

Everyone has the right to establish and maintain, at their own expense, independent educational institutions that do not discriminate on the basis of race; are registered with the state; and maintain standards that are not inferior to standards at comparable public educational institutions (RSA, 1996a).

The fact that the right to basic education is enshrined in the Constitution provides assurance and commitment to the Convention against Discrimination in Education. If citizens feel that they had been discriminated in education, they can approach the Constitutional Court to challenge the government on their rights. In the event that a person requires legal representation, use can be made of the Legal Aid Board that provides free legal services to citizens who cannot afford to pay for their legal matters.

b. Promotion of Equality and Prevention of Unfair Discrimination Act

Section 9 of the Constitution of the Republic of South Africa (RSA, 1996a) provides for the enactment of national legislation to prevent or prohibit unfair discrimination and to promote the achievement of equality among its citizens. This implies the advancement, by special legal and other measures, of historically disadvantaged individuals, communities and social groups who were deprived of their human dignity and continue to endure the consequences of the apartheid legacy.

The Promotion of Equality and Prevention of Unfair and Discrimination Act (RSA, 2000) seeks to facilitate the transition to democracy, to a nation united in its diversity, marked by human relations that are caring and compassionate, and guided by the principles of equality, fairness, equity, social progress, justice, human dignity and freedom. The Act aims to prevent and prohibit unfair discrimination and harassment as well as to prevent and prohibit hate speech. The Act represents one of the most the drastic measures adopted by the government to root out discrimination in South African society.

c. The National Education Policy Act

The National Education Policy Act (RSA, 1996c) is directed at the advancement and protection of the fundamental rights of every person, which are guaranteed in terms of The Bill of Rights and in terms of international conventions ratified by South Africa, in particular the right

> *(a) of every person to be protected against unfair discrimination within or by an education department or education institution on any ground whatsoever;*

(b) of every person to basic education and equal access to education institutions;

(c) of a parent or guardian in respect of the education of his or her child or ward;

(d) of every child in respect of his or her education;

(e) of every learner to be instructed in the language of his or her choice where this is reasonably practicable;

(f) of every person to the freedoms of conscience, religion, thought, belief, opinion, expression and association within education institutions;

(g) of 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) of every person to use the language and participate in the cultural life of his or her choice within an education institution.

Among other provisions in NEPA is the commitment towards achieving equitable education opportunities and the redress of inequality in education provision, including the promotion of gender equality and the advancement of the status of women.

d. The South African Schools Act

In its preamble, The South African Schools Act (SASA) (RSA, 1996b) 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. It ensures the right of all learners, including non-citizens with official status and residing in the country, to access quality education without discrimination. It makes schooling compulsory for children aged 7 to 15 years or from grade 1 to grade 9, whichever comes first.

4. Strategies and Action Plans to Eliminate Discrimination in Education

4.1 Race and values in Education

In 2002, the Department of Education established a Unit: *Race and Values in Education* to implement programmes that were aimed at eliminating racial and other related forms discrimination in South African schools. The targeted values were: democracy, social justice, equity, equality, non-racism and non-sexism, ubuntu (human dignity), an open society, accountability (social responsibility), the rule of law, respect and reconciliation (DoE: 2007)

The Race and Values Unit developed educational strategies through which it hopes to address and appropriately respond to the ten values highlighted above. The strategies are:

1) *Nurturing a culture of communication and participation in schools;*
2) *Modelling: Promoting commitment as well as competence among educators;*
3) *Ensuring that every South African is able to read, write, count and think;*
4) *Infusing the classroom with a culture of human rights; making Arts and Culture part of the curriculum;*
5) *Putting History back into the Curriculum;*
6) *Introducing Religion Education into schools;*
7) *Making Multilingualism happen;*
8) *Using sport to shape social bonds and nurture nation building at schools;*
9) *Ensuring equal access to education; promoting anti-racism in schools;*
10) *Freeing the potential of girls as well as boys;*
11) *Dealing with HIV/AIDS and nurturing a culture of sexual and social responsibility;*
12) *Making schools safe to learn and teach in and ensuring the rule of law;*

13) *Ethics and the environment and nurturing the New Patriotism, or affirming our common citizenship* (Department of Education, 2007).

These strategies have been the bedrock of the work of the Department in promoting anti-discrimination values. These strategies have been translated into various programmes that have been implemented in schools since 2002. The following are some of the current initiatives in the Department of Education:

4.2 Key elements of the Strategies against discrimination

a. The Racial Integration Strategy

This Strategy seeks to promote racial integration as a positive aspect in the South African schooling system. It operates within a broader framework of anti-discrimination and maintains that racial discrimination can only be dealt with as the nexus with other articulating forms of discrimination like ethnicism, sexism, xenophobia, etc.

The Strategy is implemented in all schools throughout South Africa. It encourages dialogue on race and racism and is premised on the notion that racism can only be addressed by talking about it. To this end a series of workshops are taking place throughout the country and in all schools to encourage young people to talk about their own experiences of racism, and their suggestions on how these can be addressed.

b. Whole School Development (WSD) on Values and Human Rights

The WSD programme aims to encourage schools to implement the educational strategies outlined above as part of a holistic approach to establishing a culture of human rights and values. Any attempt of promoting human rights, values or

integration in schools must focus on all aspects of the schooling experience and involve all stakeholders. Human rights and values education therefore implies a whole school development approach (Department of Education, 2007).

For whole school development to succeed, educators and communities need to shift from one set of assumptions, beliefs, values, norms, relationships, behaviours and practices to another, which entails a fundamental reculturing of learning and teaching. Learning and teaching should embrace values that reflect a supportive and caring environment that celebrates diversity and promotes equal opportunities and access to education. The WSD was piloted in 20 schools in two provinces, the Western Cape and Mpumalanga, and would be extended to the other provinces in the 2007/2008 financial year.

c. Rights and Responsibilities Advocacy with Young People

This programme focuses specifically on promoting the responsibilities that are related to particular rights. The Department of Education works with a number of civil society organizations to promote fundamental human rights amongst South African learners. These organizations include Amnesty International, the South African Human Rights Commission, the Electoral Institute of Southern Africa, and many others.

d. Teacher Training

Teacher training and in-service training has been key strategies for the establishment of a culture of anti-discrimination in our schools. The Department of Education introduced an Advanced Certificate in Education on Human Rights and Values in seven universities in 2004. Nearly 1000 teachers graduated from this programme in 2006 and a formal evaluation of the course suggests that it has had great success in impacting classroom practice of educators. The course is continuing at the seven universities.

e. Curriculum Interventions

The curriculum has been identified as a key lever of change in the struggle against discrimination. In research conducted by the Department in 2003 it was found that many schools do not have access to quality values and human rights teaching and learning materials. The Department developed a box of materials that has been provided to more than 1000 schools across all the provinces. A guide for teachers on how to infuse human rights and values issues into the curriculum has also been provided to all schools in the country.

5. Languages in Education

As highlighted above, the Constitution of the Republic of South Africa prohibits unfair discrimination based on language. It recognises the use of 11 official languages without discrimination. The Language in Education Policy (LIEP) of 1997 and Language Policy for Higher Education (LPHE) and National Language Policy Framework of 2002 (Department of Arts and Culture, 2002), promote the use of African languages to ensure redress in the light of historical discrimination and the recognition of and respect for language diversity, language variety and language choice.

LIEP aims at promoting the use of a learner's home language for learning and teaching in at least all lower grades (Foundation Phase), while encouraging learners to acquire additional languages. LPHE seeks to encourage all higher education institutions to develop strategies for promoting proficiency in designated languages of tuition, including provision of language and academic literacy development programmes to develop a curriculum in South African languages and literature to provide earmarked institutional development funds for research and to offer short courses in African languages.

Institutions of higher learning in particular regions are encouraged to invest in the development of a local language as a medium of instruction over time or at least to develop that language significantly. Below is the suggestion by the Ministerial Committee on the Development of Indigenous African Languages as Medium of Instruction in Higher Education (DoE, 2003) of how this can take place at university level.

Table 1: Development of African Languages by universities

Language	Higher Education Institutions
Ndebele	Pretoria, UNISA
Zulu	Johannesburg; KwaZulu Natal; North West; UNISA; Zululand
Xhosa	Cape Town; Fort Hare; Free State; Nelson Mandela Metro; Rhodes; Stellenbosch
Sepedi	The North; Johannesburg; Pretoria; UNISA; Lebowa; Venda
Sotho	Wits; Stellenbosch; Cape Town; Free State; UNISA
Tswana	North West; Pretoria; UNISA
Swati	UNISA; Zululand
Venda	The North; UNISA; Venda
Tsonga	The North; UNISA; Venda

Table 2 below indicates the medium of instruction in schools. It is obvious that English occupies a dominant position, as it is the language of instruction in 65.3% of all schools, even though English is the home language of only 8.3% of the total learner population.

The low level of use of home language as a medium of instruction in schools is one of the major challenges facing education. One of the reasons for this problem is the powers granted to School Governing Bodies (SGBs) to determine the medium of instruction in schools. SGBs generally select English as a medium of instruction as parents often associate English with progress.

The Department of Education is cogniscent of this problem, and the Minister of Education is considering making home language a compulsory medium of instruction in lower grades.

Table 2: Number of Schools by language of instruction, 2004

Language	No of Schools	% of the total
Afrikaans	2 398	9.3%
English	16 796	65.3%
Venda	44	0.2%
Tsonga	1 681	6.5%
Zulu	2	8.9%
Xhosa	280	2.2%
Sepedi	558	2.7%
Sotho	703	3.3%
Tswana	842	0.3%
Swati	69	0.7%
Venda	186	0/7%
Tsonga	179	0.7%
TOTAL	**25 736**	

Source: Annual School Survey (2004), EMIS Directorate, Department of Education.

6. Immigration Formalities

The South African Immigration Act (RSA 2002) makes provision for facilitating the movement of students and academics staff within the Southern African Development Community (SADC) for study, teaching and research. In addressing the question of study permits, the Immigration Act 13 of 2002 treats foreign students alike and makes no distinction between the application of SADC students and any other international student (RSA, 2002).

7. Access to Education

In 2003, the government announced proposals for improving the targeting of funding for schools and the regulations governing school fee exemptions, especially for poor households. Parents who cannot afford to pay, or who can only afford a lesser amount, are granted an exemption or reduction in fees. The plan of action to progressively improve access to free and quality education for all was made public in June 2003 and includes mechanisms to ensure the following:

- Greater inter-provincial equity so that learners with similar levels of poverty receive the same minimum level of school funding.
- The abolition of compulsory school fees, where adequate levels of resourcing are reached for 40% of learners in the poorest schools.
- A national norm based on a minimum basic package of R450 per school term in 2004, to be allocated per learner for non-personnel recurrent items, starting with the poorest 20% of learners.
- The granting of automatic fee exemptions to learners who qualify for certain social service grants and payments.

By 2005 South Africa achieved near universal enrolment in primary schooling with a total Gross Enrolment Ratio (GER) for primary phase at 103%. For the secondary phase the GER was 89%, a relatively high figure in comparison to similar medium-income countries.

Table 3: Gross Enrolment Ratios (GER) 2005

Indicator	Value
GER for Primary Schools	103%
GER for Secondary Schools	89%
GER for GET Band (Gr. R-9)	96%
GER for FET Band (Gr.10-12)	82%

Source: Statistics at a Glance (DoE, 2006)

8. Gender Equity

South Africa has committed itself with other international instruments in taking appropriate measures in the elimination of gender discrimination in the field of education. Such instruments include:

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This is where state parties commit to take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.

- The Beijing Platform for Action (BPA). BPA identifies education as a human right and an essential tool for achieving the goals of equality, development and peace.

Since 1994, the South African government has embarked on a deliberate campaign to reverse its odious history of gender oppression. No doubt it will take a very long time of hard work before this challenge could be fully and adequately addressed. The Government has introduced a number of policies to tackle gender inequalities in society. This includes establishing the Commission on Gender Equality and entrenching equality of opportunity for all citizens regardless of their gender in the Constitution. The equality of opportunity approach focuses on the creation of opportunities for the empowerment of women in all-important spheres of our socio-economy. Only through this way can society learn to accept the equality of women as capable human beings deserving of equal treatment, respect and full citizenship (DoE, 2007).

In terms of section 14(6)(d) of Further Education and Training Act, 1998 (FETA) (Act No. 98 of 1998) the public further education and training institution must take into account the need for representivity when they appoint staff members addition to the establishment determined by the MEC. Section 16(2) of FETA determines that the provincial must in particular deal with measures to curb racism, sexual violence and sexual harassment.

The preamble to the Higher Education Act, (HEA) (Act No.101 of 1997), provides for the redress of past Discrimination and representivity and equal access to higher education. In terms of section 8(2)(d) of HEA ordinary members of the Council on Higher Education (CHE) must consist of equal numbers of women and men. Section 31(1)(ii) provides that the Institutional Forum must advise the Council on race and gender equity policies.

The Department of Education is also ensuring that all learners are accessing education regardless of their gender. To this effect the Education Statistics at a Glance in 2005 indicated the remarkable achievement to this regard. Table 4 below provides the Gross Enrolment Ratio (GER) and Gender Parity Index (GPI) in the ordinary school sector, by province and gender, in 2005 (DoE, 2005). This show is a positive sign and the commitment in government's endeavour to eliminate all forms of discrimination especially towards women and girl learners.

The Gender Parity Index (GPI) in the FET band was 1.13, much higher than the GPI in the primary phase (0.96) which indicates that, relative to the appropriate school age population, there were more female learners in the FET band than there were in the primary school phase between 1999 and 2000 (DoE, 2006).

In the Higher Education Sector, there are more females than males enrolled. Table 4 below indicates that female students comprised 53% of Higher Education enrolment as compared to 47% of male student enrolment.

Table 4. Education indicators: Gender Parity

Indicator	Value
GPI for Primary schools	0.96
GPI for secondary schools	1.08
GPI for GET Band (Gr. R-9)	0.97
GPI for FET Band (Gr. 10-12)	1.13
Headcount enrolment of female students in contact and distance public higher education	257,643 53% of total
Headcount enrolment of male students in contact and distance public higher education	224,952 47% of total

Source: Education Statistics, South African at Glance, 2006

With respect to gender equity issues among teaching staff in schools, we find that female teachers make up 66% of the total teaching population in schools, a figure that has increased significantly since 2000. However, while two thirds of teachers in public schools are women, men are still disproportionately represented in promotional posts and school management (DoE, 2007).

Table 5: % male/female teachers, 2000-2004

Indicator	2000	20001	2002	2003	2004
% female to male teaching staff at school level (total)	65.4	65.7	64.8	65.4	66.3
% female to male teaching staff at tertiary level (total)	42	38	39	41	41

Source: Department of Education

a. The Girls Education Movement (GEM)

In South Africa, GEM was launched in the form of the girl's parliament, which took place on the 7 March 2003 in the National Assembly. All provinces, but Western Cape, North West and Free State have launched thus far. Below is the activities and progress of GEM initiatives. The period between 2000 and 2002 is characterised by key studies being undertaken, to develop the scenario experienced by both girl and boy children, and to understand the context of education in South Africa. The studies, carried out through UNICEF funding, are:

- **An Illustrative examination at Inequity in School Resources: a View of one District**

UNICEF Girls' Education undertook to participate in a research project to look at the inequity of school resources. By 2002, protocols and instruments were developed and data gathering commenced. A publication resulted.

- **Unpaid Domestic Labour and School Attendance**

UNICEF provided support for this research project. This study considered the way in which children's household responsibilities influence attendance and performance at school by means of a qualitative study of the social and economic concerns facing the broader school community and how these influence access to school. The study included 18 schools situated in rural areas

of KwaZulu-Natal and the Northern Province. The finalised report was shared with wide range of government and non-government stakeholders.

- **Study on School Responses to Violence and Harassment of Girls**

This research looked at the nature and dynamics of gender violence in schools and school responses within their socio-cultural context in order to identify effective strategies to deal with and prevent violence against girls in schools. The three areas of focus of this study were:

The dynamics of violence, both psychological and physical, against girls within the context of patterns of gender behaviour, attitudes, sexual behaviour and violence across age, gender and social position;

Schools' perceptions, responses to and prevention of violence against girls identifying mechanisms and constraints schools face in addressing this problem; solutions for addressing violence against girls in schools through the initiatives and voices of members of these schools governing bodies and communities.

9. Education Support Services

Education Support Services (ESS) encompass all education-related health, social work, vocational and general guidance and counselling, and other psychological programmes and services, and services to learners with special education needs (LSEN) in mainstream schools. Parents, teachers and students in both formal and non-formal sectors of the education and training system are beneficiaries of and participants within these services, which until now have tended to function separately, and to be administered separately with poor co-ordination.

The Ministry of Education deemed it essential to increase awareness of the importance of ESS in the education and training system which is committed to equal access, non- discrimination, and redress, and which needs to target those sections of the learning population which have been most neglected or are most vulnerable. This includes ensuring visibility in representation of ESS personnel, learners with special education needs, and their legitimate representatives, on all statutory or consultative bodies which deal with ESS matters, and to ensure representation on bodies dealing with general education policy (DoE, 1995).

10. Education for Learners with Special Educational Needs (LSEN) and Building Inclusive Education and Training System

The Department of Education seeks to provide access to all learners, which is a basic right enshrined in the South African Constitution. The Education White Paper 6 acknowledges that many children experience barriers to learning. Some of these barriers lie within the learners themselves, while some barriers are systematic, socio-economic and cultural. In its quest to accommodate learners who experience barriers to learning, the department has field-tested inclusive education in 30 districts in the nodal areas. Some of the recommendations that came out of this study were the following:

- Between 2005 & 2006 some of the selected primary schools were expected to be made more accessible to learners with physical disabilities
- Assistive devices will also be made available for learners in need
- Educators will be trained and empowered to teach children with diverse learning needs
- District based support teams will be developed to provide support mainly to educators in these full service school

This will open doors for children, the majority of whom could not access education in the past because of the unavailability of specialized services and support in rural and previously disadvantaged areas, to gain access to education. Once the first phase of implementing inclusive education is completed, the lessons learnt will be applied to the wider education sector incrementally. Meanwhile, existing special schools will be strengthened so that some of them can serve as resource centres for full service schools and ordinary schools in their areas.

In addition, Education White Paper 1 on Education and Training (DoE, 1995) acknowledged the importance of providing an effective response to the unsatisfactory educational experiences of learners with special educational needs, including those within the mainstream whose educational needs were inadequately accommodated.

Table 6 below shows efforts that have been put in ensuring that LSEN are accommodated in the education system. The following table 6 shows the distribution of special schools, learner enrolment and individual learner expenditure across all provincial departments of education in 2001.

Table 6: Distribution of special schools, learner enrolment and individual learner expenditure across all provincial departments of education in 2001

Province	No. of Special Schools	No. of learners in Special Schools	% of learners in Special Schools	% of total No. of Special Schools in Province	Per Learner Expenditure
Eastern Cape	41	6 483	0.28%	10.79%	13 746
Free State	19	3 127	0.40%	5.00%	22 627
Gauteng	96	25 451	1.62%	25.26%	11 049
KwaZulu-Natal	58	7 631	0.28%	15.26%	21 254
Limpopo	19	4 250	0.23%	5.00%	16 609
Mpumalanga	15	2 962	0.29%	3.95%	17 839
Northern Cape	8	1 392	0.68%	2.11%	15 749
North West	42	4 364	0.46%	11.5%	13 015
Western Cape	82	9 213	0.96%	21.58%	28 635
Total	**380**	**64 603**	**0.52%**	**100.00%**	**17 838**

11. Challenges / Obstacles in the Process of the Implementation of the Convention/Recommendation

Given the historical background of democracy in South Africa, it is obvious that it cannot be an easy road to the implementation of some of the recommendations of the Convention. Some of such challenges are summarized as follows:

- The current legal framework is broadly adequate with regards to access to good quality education for learners. With some exceptions, males and females have good access to education, especially when compared with the rest of the continent. There are some possible gaps that require consideration specifically relating to Early Childhood Development.
- Difficulties arise with translating policy into practice. Although issues of equality are discussed in policy making contexts, they are not efficiently fed through national, provincial, regional and district structures, down to school level. There is also a lack of articulation between national/provincial and district levels of the system.
- Inadequate mechanisms are available to monitor, evaluate and research issues in all areas of education. The result is that policy is being made and executed non systematically and without regard to its cost, benefit, impact or how it is qualitatively experienced by stakeholders and intended beneficiaries.
- The experiences of girls and boys who are currently at school vary enormously according to where they go to school. In well-resourced urban schools, many of the former model C schools, children have an excellent environment for learning.
- Although there have been important gender shifts in the occupational and managerial structures of education, female educators are still grouped in the lowest levels of the occupational structure. More attention needs to be given to career development of female educators although this should not

be done separately from gender training. Simply promoting women into managerial positions or improving their pay and status will not necessarily contribute to gender equity in schools, even though it is itself one such measure.

- With regards to ECD, studies from around the world have now established the fact that women and girls spent more time than males looking after children but also that gender stereotypes and notions of power inequalities that contribute to this fact are developed at a young age.
- The work of educators and the progress of learners are profoundly influenced by the health status of the school population. The number of educators who are ill or who have died as a result of HIV/AIDS is steadily rising. The disease affects large numbers of learners especially in the most impoverished areas. The causes and consequences of the pandemic are complex but it is apparent that the current corps of educators cannot deal with this new challenge alone.

12. Strengths In The Process of the Implementation of the Convention/Recommendation

Strengths in this process can be summarized as follows:

- The current legal framework that strongly advocates for the human right perspective including the rights of children serves as a step in the right direction. However, as mentioned earlier that the challenge still lies with translating policies into practice.
- Though it is still on a limited scale, research work does serve as a springboard in raising critical issue that the department needs to respond and act upon. For an example some useful initiatives have been undertaken with regard to curriculum development and the promotion and advancement of women educators. On elaborating further, the GEMC (Gender Equity Ministerial Report, 2006, has this specific recommendation with regard to legislation and policy:

- A fuller and more comprehensive analysis of current legislation and policies to identify gaps and suggest where new legislation or policy needs to enacted. In addition a review of these policies should be undertaken with regards to implementation. This should also look at the intersection with other role players.
- One of the achievements within the department has been the development of a measure of gender equity. This was developed as a means of measuring gender equality in education that goes beyond enrolment and retention and tries to incorporate some of the insights of those who have worked on the human development index.

13. Conclusion

"In our country much remains to be done to redress the legacy of immense inequalities based on race. The need for the protection, promotion and monitoring of the right to equality is outlined in various pieces of legislation, inter alia, the Promotion of Equality and Prevention of Unfair Discrimination Act and the Employment Equity Act. However, the Equality Act is by far the most comprehensive and the most important piece of legislation that prohibits unfair discrimination after the Constitution" (Keynote address, by Dr Essop Pahad, Minister in The Presidency at National Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 15 December 2005).

Despite the strong regulatory measures to eradicate discrimination in education, the legacy of apartheid remains a burden for South Africa. Discrimination in practice is extremely difficult to engage with, and it is only with time and with the kinds of proactive programmes on race, gender and values that the Department of Education promotes, that changes in attitudes can be brought about.

The commitment of the South African government and the Department of Education to this cause, bestows hope that in few years to come discrimination in education would be a thing of the past.

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