



## **Universal Periodic Review for the Republic of South Africa**

### **Focus on Education**

#### **Marist International Solidarity Foundation (FMSI)**

**March 2022**

##### **Preamble**

1-.The Republic of South Africa may have made a lot of significant progress since the end of apartheid in widening access to education. According to Amnesty International, South Africa has spent relatively a large proportion of the GDP (6%) on education, more than other BRICS countries. This however has not always translated into a quality education for all pupils.

2-.Amnesty International further asserts that by some measures South Africa has made great strides in Education. Educational participation amongst 5year-olds increased from about 40% in 2002 to 85% in 2018. Primary and Secondary School completion rates increased considerably, especially amongst black Africans. In spite of these gains a lot still needs to be done.

3-.This UPR submission document for South Africa will focus on Education and different categories of themes as highlighted below providing an over of these themes: **Quality of Education; Right to Education; Refugee Children; Children with disabilities**

##### **4-. Quality of Education**

In spite of the fact that the South African government spend as much as 6% of its GDP on education and just to note that according to Amnesty International, South Africa is one of the richest countries in Africa with an estimated GDP of over US\$368 billion with a diverse economy and boasts to be the most industrialized country in Africa and has the largest economy after Nigeria.

As a country and according to its constitution, South Africa is obliged under both its Constitution and a range of international and regional human rights treaty such as the African Charter on the Rights and Welfare of Children to implement the right to quality education for all its children.

This right to education is composed of many key factors and goes beyond the provision of free and compulsory primary education to all, inherent is the right to good quality education.

According to UNICEF, South Africa has challenges in bringing about quality education because a good number of schools lack a healthy, hygienic and safe learning environment, with adequate water and sanitation facilities. This was exposed by the Covid-19 pandemic.

The other challenge that South Africa has in the provision of quality education is good quality teaching and learning processes with individualized instruction appropriate to each child's developmental level, abilities and learning style. There is indeed also a lack of professionally qualified teachers in South African schools.

According to Mail and Guardian, (3<sup>rd</sup> October 2021) there is need to improve the quality of teachers as the quality of an education system cannot exceed the quality of its teachers.

The poor state of South African Schools leave a lot to desire. According to the department of education's 2018 statistics, out of 23 471 public schools, 20 071 have no laboratory, 18 019 have no library, while 16 897 have no internet, 239 have no electricity, and 37 have no sanitation facilities at all. At the back drop of this reality it becomes challenging to have the provision of quality education.

UNICEF, the UN Children's Fund asserts that healthy classrooms, healthy policies, and practices such as schools free of drugs, corporal punishment and harassment.

In the last cycle of the UPR, South Africa was recommended by Canada to improve the quality of basic education A/HRC/36/16/Add.1 and to prioritize the most disadvantaged schools infrastructure programmes. There is very little progress into this.

### **Recommendations**

1. The government of South Africa is encouraged to continue towards improving school infrastructure especially in rural areas.
2. The government of South Africa is encouraged to put more efforts and resources in running quality teacher training programs as this will help in improving the quality of education.

### **5-.Right to Education for Refugee Children**

Another issue worth highlighting is the issue of the right to education for refugee children in South Africa. According to UNICEF's latest Data Snapshot of Migrant and Displaced Children in Africa. More than 642 000 migrant or displaced children currently live in South Africa. Making it the country with the largest child migrant population on the continent.

China also urged South Africa in the last cycle of recommendations to further increase investment as to improve education in rural areas and not much has also been done in this area.

These numbers alone put enormous pressure on the provision of the right to education for refugee children in South Africa. Many refugee children do not have access into South African schools as some schools demand these children to produce Identity Documents and permits which many of these children do not possess. Yet according to the Constitution of South Africa, section 29 (1) states that everyone has a right- to a basic education, including adult basic education; and (B) to further education, which the state through reasonable measures must make progressively available and accessible. This is not the case with many refugee children.

Unfortunately in some instances this has fuelled xenophobic attacks of these children by their teachers and other students. Hence there are several initiatives which seek to address this imbalance and one of these is a project by the Marist Brothers Congregation and supported by our Foundation (Marist Foundation for International Solidarity) called Three2Six Refugee Children's project which seeks to provide access to quality bridging education for refugee and migrant children and to support them integrate into a public school (<https://three2six.co.za/>).

According to Dr. Mark Potterton<sup>1</sup>, the Director of this project, in a correspondence interview on the 8<sup>th</sup> of March 2022 in Johannesburg, South Africa, stated that the project currently supports 225 vulnerable refugee and migrant children from the ages of 5 to 14 years who for various reasons cannot access government schools in the area.

The current focus of the project is to:

- Provide safe, quality education to primary school refugee children who cannot access public education (offer three hours of tuition a day covering numeracy, literacy and life skills).
- Build the children's resilience and prepare them to leave the project and enter mainstream schools (current exit point Grade 5).
- Provide employment and professional development for refugee teachers.
- Advocate for the right to education of refugee children. A simple, but effective, model has allowed children to start school and transition to public schools. Children and families have been offered opportunities to integrate more fully into South African society (The model has been captured in a toolkit which can be used by other institutions to establish similar projects)

In the same interview, Dr.Potterton stated that in spite of these efforts, there are hundreds of refugee and migrant children who are not in schools in Johannesburg and they have a long waiting list of children who want to join the project.

According to Thee2Six project track record: "Catching up and 'getting up to speed' for children who have been out of school for a long time, and who don't speak much English is a challenge. There are many psycho-socio challenges facing children coming from impoverished families".

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<sup>1</sup> Dr. Mark Potterton has given consent to use his name.

## **Recommendations**

1. The South African government is encouraged to ensure provision of safe, quality education to primary school refugee children who cannot access public education.
2. The South African government is urged to work with the civic society in establishing and running refugee children's resilience programs.
3. The South African government is urged to provide employment and professional development to refugee teachers.
4. The South African government is encouraged to implement and advocate for the right to education for refugee children.
5. The South African government is urged to introduce and incorporate xenophobia/racial/minority groups social awareness studies in its primary and secondary school curriculum.

## **6-. Children with disabilities**

Edward Ndopu in his website<sup>2</sup> said that there wasn't a culture of accessibility institutionalized in the school because people with disabilities have to make it work. These words still echo in the heads of many South Africans when we look at the state of children with disabilities and their access to an inclusive education system.

South Africa was one of the first countries to ratify the Convention on the Rights of Persons with Disabilities (CRPD) in 2007 and is a party to five key international human rights treaties and two African treaties protecting and guaranteeing children economic and social rights. Since 1996, the government has also introduced strong constitutional protections and legal and policy measures to safeguard every child's right to education free from discrimination.

According to two previous investigations carried out by Human Rights Watch in 2001 and 2004-Scared at School: Sexual Violence against Girls in South African Schools and Forgotten Schools: Right to Basic Education for Children on Farms in South Africa. The report finds that progress on paper for children with disabilities has not translated into equal opportunities or protections on the ground.

This literary shows that the government of South Africa has not prioritized children with disabilities' access to quality, inclusive education-as it committed to do 13 years ago.

According to evidence in this report the government has not reached 'universal' education because it has left over half a million children with disabilities out of school, and hundreds of thousands of children with disabilities, who are presently in school, behind.

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<sup>2</sup> <https://www.unsdgadvocates.org/edward-ndopu>

Eddie Ndopu is a South African activist, humanitarian and public intellectual. He is one of seventeen eminent global advocates appointed by the Secretary-General of the United Nations for the Sustainable Development Goals.

A lot needs to be done to make sure that the government of South Africa and all its stakeholders do not breach the Convention on the Rights of Persons with Disabilities. Barriers to inclusive education begin in the very early stages of children's lives because children are classified according to their disabilities.

### **Recommendations**

1. The South African government must affirm its commitments to guarantee the right to inclusive education for all children with disabilities.
2. The South African government must require all public schools, as defined in the Schools Act, to ensure reasonable accommodation for all children with severe learning difficulties and multiple disabilities.
3. The South African government is encouraged to amend the Schools Act to bring it fully in line with the country's international obligations with the effect of explicitly making primary education in all public schools free and compulsory for all children, ensuring meaningful access to quality education for children with disabilities and enforcing the right to access Adult Basic Education and skills programs for people with disabilities who have not completed basic education.

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