



# BROKEN AND UNEQUAL

THE STATE OF EDUCATION IN SOUTH AFRICA

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*Learners at an Eastern Cape school make the most of a break in their school day.*  
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# EXECUTIVE SUMMARY

***“School is key in life... Education is very important to me, just because I want a better life... It means a lot to me [but] my school is not 100% to learn in, just because [the] building is old so anything can happen”.***

Ntsomi, pupil, Phillip Mtywaku Secondary School, Eastern Cape

South Africa is failing too many of its young people when it comes to education. Although it has made significant progress since the end of apartheid in widening access this has not always translated into a quality education for all pupils. The system continues to be dogged by stark inequalities and chronic underperformance that have deep roots in the legacy of apartheid, but which are also not being effectively tackled by the current government. The result is many schools with crumbling infrastructure, overcrowded classrooms and poor educational outcomes.



Imiqhayi school, Mount Coke, King Williams Town, Eastern Cape. © Amnesty International



The state of education must be seen within the wider context of one of the most socio-economic unequal countries in the world. Black South African households earn on average less than 20 per cent of white households whilst nearly half of the black population is considered to be below the poverty line compared to less than 1% of the white community. Recent austerity measures have worsened the situation for the poorest and most disadvantaged. At the same time corruption is a major problem impacting on both available resources and confidence in government, culminating in the Zondo Commission on State Capture and Corruption established in August 2018.

Many schools and the communities they serve continue to live with the consequences of the political and economic decisions made during the apartheid era. The result is that a child's experience of education in South Africa still very much depends on where they are born, how wealthy they are, and the colour of their skin. A recent survey of school principals across OECD countries reported that 71% of South African teachers work in schools with over 30% of socio-economically disadvantaged students, more than treble the OECD average of 20%. Problems are further compounded by the multiple languages that exist in the country with 60% of teachers working in schools with more than 10% of students whose first language is not the language of instruction, compared to an OECD average of 21%.

Within this context it is not surprising that in terms of outcomes South Africa has one of the most unequal school systems in the world, with the widest gap between the test scores of the top 20% of schools and the rest. Children in the top 200 schools achieve more distinctions in maths than children in the next 6,600 schools combined. More than three quarters of children aged 9 cannot read for meaning in some provinces this is as high as 91% (Limpopo) and 85% (Eastern Cape). Of 100 learners that start school, 50-60 will make it to matric, 40-50 will pass matric, and only 14 will go to university.

Yet is this surprising when thousands of pupils and teachers are having to learn and teach in schools which have wholly inadequate infrastructure and an absence of essential facilities? According to the government's own statistics for 2018, out of 23,471 public schools 19% only had illegal pit latrines for sanitation with another 37 schools having no sanitation facilities at all; 86% had no laboratory; 77% had no library; 72% had no internet access and 42% had no sports facilities. 239 schools lacked any electricity. 56% of South African head teachers report that a shortage of physical infrastructure (compared to an OECD average of 26%) is hindering their school's capacity to provide quality instruction. 70% report a shortage of library materials compared to an OECD average of 16%.

Many of the shortcomings are in breach of not just the government's international human rights obligations but its own Minimum Norms and Standards for educational facilities. In 2013 the government enacted these binding regulations requiring the government to ensure that by November 2016 all schools have access to water, sanitation and electricity; all plain (unimproved and unventilated) pit latrines are replaced with safe and adequate sanitation; and schools built from inappropriate materials, such as mud and asbestos, are to be replaced. Yet as the government's own statistics show it has not met these targets.

The repeated failure of government – both at the national and provincial level – to meet its own targets with respect to infrastructure upgrades is not just a question of institutional accountability. It has consequences for the life chances of thousands of young people who have the right to a better life regardless of their status or circumstances.

As the government continues to miss its own upgrading targets, Amnesty International's research in Gauteng and Eastern Cape found numerous examples of schools with poor infrastructure and lacking basic facilities. These included badly maintained buildings that had never been renovated, many of them dating back decades to the apartheid era and even previously; hazardous buildings with

dangerous material such as asbestos; poor maintenance, in some cases putting the safety and security of learners at risk; unhygienic, poorly maintained and unsafe sanitation, with some schools only having pit latrines; overcrowded classrooms without basic equipment and materials such as furniture and textbooks; and lack of security exacerbating the problems of vandalism and burglary. All of these issues impact on the enjoyment of the right to education as well as pupils' other rights such as water, sanitation, privacy and dignity as highlighted by their testimonies.

Our findings were reinforced by a survey we conducted with the National Association of School Governing Bodies (NASGB) amongst 101 school governing body representatives in three provinces – Gauteng, Eastern Cape and Limpopo. Some of the key findings are that only 17% of respondents indicated that either all or most school buildings in their area had been renovated in the last 20 years; 37% said that in their area at least some schools did not have enough classrooms, including 11% who said that none of the schools in their area did; 24% responded that none of the schools in their area had any sports facilities and 38% said that none had a library.

Breaking the results down by province also reveals some stark differences. In Gauteng 48% stated that no schools had been renovated and 41% said that only a few or some had been. Only three respondents (10%) said that all schools in their areas had sufficient classrooms, while 28% indicated that most schools did have enough. 48% said that few or none had a sufficient number of classrooms. 75% indicated that few or no schools had their own sports facilities with only 11% stating that most did. Half of respondents said that either few or no schools in their area had a library. In Eastern Cape 62% indicated that few or no schools had been renovated in the last 20 years compared to only 12% indicating that all or most had been; 47% that stated few or no schools in their area had enough classrooms; 56% said either few or no schools had sports facilities whilst 74% indicated that few or no schools had a library.

One of the key infrastructure issues is poor sanitation which impacts on a range of rights including not just education, water and sanitation but also health, privacy and dignity. Amnesty International researchers found numerous examples of badly maintained, broken or unsanitary toilets, including pit latrines. This is despite the fact that a key requirement of the 2013 Minimum Norms and Standards is that plain pit latrines are eradicated. Of the students Amnesty International interviewed, 67 out of 87 who identified toilets as an issue in Gauteng said the toilets were dirty and/or unhealthy; 32 out of 45 did so in Eastern Cape. Issues of particular concern included lack of sufficient toilets for the number of pupils in line with the learner to toilet ratio of the Norms and Standards for School Infrastructure of 1:30; lack of an adequate and/or reliable water supply often requiring use of a borehole; poor hygiene with associated health problems among learners; leaking septic tanks; broken sanitation infrastructure that could not be repaired owing to lack of funds and an inability to remedy vandalism or theft in sanitation facilities.

Looking at the bigger picture in the joint survey carried out with the NASGB, 47% of respondents across the three provinces indicated that schools in their area had pit toilets, including 21% where either all or most schools had them. Eastern Cape scored the worst, with 63% of respondents indicating that at least some schools still had pit toilets, with 25% stating that all or most schools still had them. In Limpopo, 59% still had schools with at least some pit toilets. In Gauteng, 14% still had schools with at least some pit toilets.

The lack of safety and security for learners and staff also continues to be a significant problem. Among the examples that Amnesty International came across were a school that had been burgled six times in the last year but still depended on volunteers to provide security instead of paid staff; a school whose repeated calls for better security to the Provincial Education Department (PED) have gone unheeded, despite suffering an average of one break-in per month and a school that had

been burgled more than 10 times in a year still had no security guard, relying instead on a voluntary school patrol.

Beyond infrastructure there are additional barriers that children in South Africa face to access a quality education. Pupils experience a lack of sufficient transport, which often impacts on not just their ability to access education but also can put their safety at increased risk. The problems with transport were confirmed by the NASGB survey with 26% of respondents saying that either all or most learners have to travel more than 2km to school in their area with a further 45% stating that some have to; at the same time 54% said no transport is provided by the PED for pupils who need it. 60% thought that lack of transport affects pupil attendance. When broken down by province, differences are notable: In Eastern Cape 76% stated that all or most learners have to walk more than 2km to school compared to 58% in Limpopo and 27% in Gauteng. In Limpopo 59% said no transport was provided for pupils who need it compared to 51% in Eastern Cape and 37% in Gauteng. 59% in Eastern Cape thought that lack of transport affects pupil attendance, compared to 52% in Gauteng and 39% in Limpopo.

Nationally the picture is just as bleak. According to the 2013 National Household Travel Survey of the 17.4 million learners who attended educational institutions, about 11 million walk to school. Of these 22% (or more than 2.4 million children) walk for between 30 minutes and an hour to get to their educational institution meaning it is likely to be more than 3km. This is despite the fact that the Department of Transport, in collaboration with the Department of Basic Education, is required to ensure that transport is provided to grades R to 12 pupils who live more than 3km from the nearest school. Children in the lowest income groups are also more likely to walk to school than those in the highest income group. In KwaZulu-Natal alone, where more learners walk to school than in any other province, more than 210,000 pupils walk for more than an hour each way, and 659,000 walk for between 30 minutes and an hour each way.



*Dangile primary school, Peddie Eastern Cape. © Amnesty International*

When children do make it to school, they often find that teaching is hampered by a range of factors. These include an insufficient number of trained teachers many of whom have to teach in overcrowded classes with an increasing workload, while the government struggles to address teacher retention and recruitment. In some schools, classroom shortages impact on learning as more and more students are put into already overcrowded spaces. In one school we visited a shortage of classrooms meant that two years – Grades 1 and 2 – had to be taught together but only received 2.5 hours tuition per day owing to lack of available staff. In another, there are 16 classrooms for 978 pupils, leading in some cases to a teacher to pupil ratio of 1:70 double the stipulated ratio of 1:35. In our joint survey with the NASGB, 48% of respondents indicated that the average class size was more than the official stipulated figure of 1:35 in all or most schools in their areas; 41% responded that either no or few schools in their areas had sufficient numbers of teachers; 21% stated that it was hard to recruit new teachers; and 32% responded that schools in their area had a problem with teacher absenteeism.

Teachers who spoke to Amnesty International expressed concern about a number of challenges. These included multiple changes to the curriculum and the trend towards more content with consequently less time for preparation and creative pedagogical input. They added that the increasing complexity has meant teachers have become facilitators rather than educators. At the same time, they reported, support for teachers is often lacking, with insufficient professional development and engagement from curriculum subject advisors. For many teachers, this has resulted in increasing stress with a consequential impact on the right to education of their pupils.

Another issue is the amount of actual teaching time that is being conducted during lessons. During a typical lesson, teachers spend on average 66% of classroom time on actual teaching and learning compared to an OECD average of 78%. Actual teaching and learning time is lower in schools with high concentrations of students from socio-economically disadvantaged homes - an equivalent of more than 3 minutes of actual teaching and learning per 60-minute lesson. Unsurprisingly this also means that classroom management practices are also more common in South Africa, with 84% of teachers reporting frequently calming students who are disruptive (compared to an OECD average of 65%).



*July High school, nr Peddie, Eastern Cape. © Amnesty International*



In these circumstances it is not surprising that teacher retention and recruitment is a significant challenge. Vacancies continue to be a major problem, with serious consequences for the ability of learners to access a quality education. Again, it tends to be the poorer provinces that have the most vacancies such as Limpopo, Eastern Cape and Mpumalanga. The problem of teacher numbers is borne out by the NASGB survey with 41% responding that either no or few schools in their areas had sufficient numbers of teachers (48% in Eastern Cape, 46% in Gauteng, and 22% in Limpopo); and 54% stating that they faced problems recruiting new teachers (70% in Eastern Cape, 64% in Gauteng and 29% in Limpopo).

South Africa also faces major challenges in the level of teacher skills and ability, particularly in specialist areas such as mathematics and science, with thousands being either unqualified or under-qualified. A study in March 2018 found that South African teachers could not pass simple mathematics and English tests, with some scoring as low as 10% for English first additional language and 5% for mathematics. Another study by Stellenbosch University found that Grade 4 to 7 (Intermediate Phase) mathematics teachers in under-resourced schools in the Eastern Cape are not proficient in English, the language in which they are supposed to teach, and that they lacked knowledge of mathematics.

Clearly adequately fulfilling the right to education requires both sufficient resources and an effective means of allocating these resources to meet particular needs. South Africa has historically spent relatively well on education. Yet during the last decade spending has plateaued and then fallen both as a share of public expenditure as well as a percentage of GDP. Most significantly real annual per learner spending has continued to fall year on year during the last decade as austerity budget cuts took their toll.

Amnesty International visited numerous schools that had insufficient resources to address even basic needs. Issues included budgets not taking constant thefts into account; budgets that are not needs-driven; insufficient additional funding from the Department of Basic Education (DBE) to compensate for the lack of school fees; insufficient allocation of funds provided by the DBE for maintenance and delayed payments due to a lack of planning by the PED resulting in money running out for activities later in the year.

Instead of an adequately funded system that ensures that primary education should be compulsory and available free for all in line with a core human rights obligation and that concrete and targeted steps to do the same at the secondary level, South Africa chooses to persist with a different system. Significant number of public schools which are still permitted to charge fees can raise additional revenue compared to those that are solely reliant on state funding which is often insufficient. Our joint survey with the NASGB found that only 30% of respondents indicated that either all or most schools in their area have sufficient funding. This is often compounded by delays with 31% responding that either none or few schools in their area receive funding on time impacting their ability to adequately resource the running of the institutions.

However, it is not just the amount of funding that is an issue. It is the way that funds are distributed which often fails to tackle or actually in some cases reinforces South Africa's stark inequalities. Instead of reflecting the longstanding structural and demographic issues of poorer provinces the funding formula that is currently deployed often discriminates against them. For example, the two poorest provinces – Limpopo and Eastern Cape – allocated more of their equitable share to basic education than any other province in 2016/17 (50.6% and 48.6% respectively but ended up with the lowest education allocations per learner. By contrast, Western Cape and Gauteng, the two richest provinces with among the lowest proportion of their population in school, actually spent more per learner. This is a major defect of the formula and is driving and deepening inequality. The Limpopo Education



Department has stated that based on its current budget, it would take an estimated 14 years to replace all pit latrines in the province's public schools.

For South Africa to comply with both its own constitutional and international human rights obligations with respect to education major change is needed. Not only do budget cuts need to be reversed but resourcing needs to be increased incrementally at least in line with inflation but also to meet demand. At the same time funding needs to be invested in a way that reduces inequalities and ensures the availability and accessibility of good quality education for all its children. The government should urgently review the current system of funding education including ensuring that the equitable share formula that it takes into account (a) that it is cheaper to provide education in urban areas owing to economies of scale and population density together with a better provision of goods and services and (b) the unequal starting points of historically disadvantaged and under-funded schools. The government should also set a goal of ensuring that all public primary schools move as expeditiously as possible to becoming free for users with all schools at secondary level also progressively moving to end user fees whilst ensuring that any loss of funding is met through sufficient government budgetary allocations.

Crucially South Africa needs to prioritise investment in order to stop missing and to actually meet its own targets on critical infrastructure. The complete removal of all pit toilets must be a key priority. Other key issues such as scholar transport, teacher recruitment and retention, capacity and training also need to be given urgent attention. In so doing the government can ensure that all schools including those serving the poorest communities can deliver a quality education for pupils.

The government should seek to do this in a way that applies its human rights obligations – both constitutional and international – as a means of monitoring progress and ensuring effective participation, transparency and accountability whilst tackling inequality and discrimination. The use of human rights compliant monitoring tools that encompass appropriate indicators and benchmarks would be an important means of achieving this. Such a process could be aligned to a more comprehensive inspection system.

The report builds on and acknowledges the work of a number of national experts and NGOs who have been working on the issue of education in South Africa for many years. It also highlights the scrutiny by a range of international and regional human rights bodies during the last five years with respect to South Africa's obligations concerning the right to education. Different bodies have repeatedly raised many issues highlighted in this report, such as poor infrastructure, teaching challenges, and widespread and persistent inequality.

We would like to acknowledge and thank all those who cooperated with us and gave their time to assist us with this research. By publishing this report now, with the government and President recommitting to tackling some of the key issues we highlight, Amnesty International seeks to contribute to the debate concerning this vital issue whilst offering constructive and concrete recommendations to ensure a better educational future for all children in South Africa. Above all our report seeks to give a voice to those key stakeholders in the system – pupils, parents, teachers – to get a direct sense of how education is being delivered on the ground. Their words together with some striking photographic evidence present a stark picture of the state of education for many in the country.

# CONCLUSIONS AND RECOMMENDATIONS

## CONCLUSIONS

South Africa has made significant progress on ensuring the right to education for pupils since the end of apartheid. Access has widened to the point where there is almost universal participation although the numbers of pupils dropping out before completing their basic education is concerning.

However, in certain key areas as this report highlights the government – at both national and provincial levels - is not doing enough to meet its own domestic and international legal obligations. Too many schools suffer from poor infrastructure compromising the quality of education available for learners. These include poorly maintained and unsafe buildings; inadequate sanitation facilities for pupils including pit toilets; and the lack of essential facilities such as a library, computer facilities and information technology.

Beyond infrastructure there are additional barriers that children in South Africa face to access a quality education. Pupils experience a lack of sufficient transport, which often impacts on their ability to access education and may put their safety at risk. Teaching is hampered by an insufficient number of trained teachers many of whom have to teach in overcrowded classes with an increasing workload, while the government struggles to address teacher retention and recruitment.

The government's approach to resourcing the education system is at the heart of many of these problems. Instead of an adequately funded system that ensure that primary education should be compulsory and available free for all in line with a core immediate obligation and that concrete and targeted steps to do the same at the secondary level, South Africa chooses to persist with a system whereby a significant number of public schools are still permitted to charge fees. Inequality is further compounded by the way that funds are disbursed both between and within provinces to the extent that poorer communities and regions are disproportionately impacted.

South Africa needs to better monitor and inspect the quality and nature of education being delivered.

# RECOMMENDATIONS

## TO THE SOUTH AFRICAN GOVERNMENT:


- Withdraw the declaration in relation to Articles 13(2)(a) and 14 of the UN International Covenant on Economic, Social and Cultural Rights.
- Ensure that all key education strategies and policies are human rights-compliant with aligned benchmarks, targets and indicators.
- Ensure that, before any budget cuts are taken with respect to the funding of education, all less restrictive alternatives are considered; and that even during a period of resource scarcity the most disadvantaged are protected and prioritized.
- Reverse recent budget cuts and ensure that spending per learner increases incrementally in line with inflation to meet actual needs.
- Progressively phase out fees at all remaining public schools that still charge pupils for education, prioritizing the primary level, whilst ensuring that any loss of funding is met through sufficient government budgetary allocations.
- Review and reform the equitable share formula to ensure that it fairly allocates resources to all provinces taking into account the respective needs of each. In particular, ensure that it takes into account (a) that it is cheaper to provide education in urban areas owing to economies of scale and population density together with a better provision of goods and services and (b) the unequal starting points of historically disadvantaged and under-funded schools.
- Ensure that provincial education departments have sufficient funds to comply with the 2013 Minimum Norms and Standards for School Infrastructure.
- Set concrete targets and deadlines for addressing all school infrastructure that requires upgrading and commit to meeting them by 2023 at the latest.
- Ensure all schools have access to adequate and safe water and sanitation, including replacing all unsafe and unsanitary pit toilets by end of 2020 and eradicate all pit toilets completely by 2023.
- Ensure that where targets are not met, appropriate remedial action is taken including holding both ministers and officials to account for any failings.
- Review and amend the policy on scholar transport to ensure that it provides sufficient and clear guidance to provinces to ensure that all learners who require and qualify for state-subsidized transport to school receive it. Specifically ensure criteria reflect the range of challenges pupils face in travelling to school in addition to distance.
- Ensure that no school exceeds the teacher-pupil ratio of 1:35 per class at primary level and 1:27 at secondary level.
- Review the workload of teachers, including by exploring ways for reducing the amount of paperwork in order to free up more time for teaching.
- Review teacher training to ensure that teachers are equipped with the necessary practical skills as well as content.
- Urgently address teacher retention and recruitment by examining and addressing the root causes.
- Enhance the capacity of School Governing Bodies through increased resources and training particularly those serving schools in poorer/disadvantaged communities.

- Review and reform the means by which all schools including private schools are inspected to ensure that there is a comprehensive and effective system for assessing the quality of education.
- Strengthen the regulatory framework with respect to private sector actors drawing on the Abidjan Principles.
- Ensure that the government's data collection system is able to collect comprehensive and reliable data, disaggregated by all prohibited grounds of discrimination and other relevant criteria, in order to enable the assessment of the level of enjoyment of the right to education, particularly among disadvantaged and marginalized individuals and groups.
- Conduct a participatory needs-assessment involving learners, parents, teachers, administrators and civil society to build consensus on the steps necessary for providing quality education for all.

#### **TO PROVINCIAL GOVERNMENTS:**

- Ensure that poverty classifications of schools better reflect the poverty characteristics of the actual learners who attend those schools, and not just those of the surrounding communities, through collecting and analysing accurate and up to date data.
- In combination with the national government set concrete targets and deadlines for addressing all school infrastructure that requires upgrading by 2023 at the latest and develop appropriate policies and plans to deliver.
- Ensure that all schools have access to adequate water and sanitation, including replacing all pit toilets by 2023.
- Ensure that all schools do not exceed the teacher-pupil ratio of 1:35 per class at primary level and 1:27 at secondary level.
- Ensure that all learners who require and qualify for state-subsidized transport to school receive it. Specifically ensure criteria reflect the range of challenges pupils face in travelling to school in addition to distance.
- Improve data-collection, with a view to collecting comprehensive and reliable data, disaggregated by race, gender, province and other relevant criteria, in order to enable the assessment of the level of enjoyment of the right to education, particularly among disadvantaged and marginalized individuals and groups.
- Develop and apply appropriate human rights compliant indicators regarding the implementation of the right to education as well as other economic, social and cultural rights.





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South Africa needs to prioritise investment in order to stop missing and to actually meet its own targets on critical infrastructure. The complete removal of all pit toilets must be a key priority. Other key issues such as scholar transport, teacher recruitment and retention, capacity and training also need to be given urgent attention. In so doing the government can ensure that all schools including those serving the poorest communities can deliver a quality education for pupils.

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