

Realising equal education in South Africa: Issues and challenges

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Abstract

The apartheid regime left a deeply fragmented and unequal education system with noticeable inequalities between schools serving different racial groups. Following the advent of democracy in South Africa, the educational reform aimed at addressing these inequalities brought by the enactment of Bantu Education Act, by enacting the South African Schools Act, which aimed at providing a uniform system for democratic governance, organisation and funding of schools. Despite efforts to transform the educational system, several challenges persist, impacting accessibility of quality education for millions of learners. Lately, the Basic Education Laws Amendment Act (BELA), was enacted to amend the South African Schools Act and to further, address the key challenges that hindered equal education. Against this background, the paper aims to examine the role and impact the BELA will have on improving the quality of education in South Africa considering the challenges that are prevalent, to ensure equal education for all learners despite their social backgrounds. Methodologically, the paper uses a desktop research method usually used in legal research and rely on materials including but not limited to journal articles, books, reports and online materials.

Keywords: BELA Act, equal education, realization, socio-economic, South Africa

1 Introduction

During apartheid regime, the then government deliberately hindered access to quality education for South African black majority and passed the legacy of deeply unequal schools to the first democratic government (Fairhead, 2013). This system has left an unforgettable mark, resulting in a great sociological, technological, legal, political, educational, psychological and economic imbalance (Chitsauko-Muyambi and Kwasi-Atiso-Ahiaku, 2025). Over 30 years into democracy, the post-apartheid government is still struggling to redress the inequalities in the schooling system (Masweneng, 2023). The system continues to reflect deep-rooted inequalities, especially between the urban and rural areas. This is so despite the enactment of legislation, policies and guides to ensure every child in South Africa receives quality education despite their social background and economic condition. Although education is a fundamental right and in the words of the late president Nelson Mandela “the most powerful weapon one can use to change the world”, equal access remains a dream unfulfilled for many (The Borgen Project, 2018).

Currently, the South African educational system is still witnessing crumbling and poor infrastructure, overcrowded classrooms and a curriculum that fails to prepare learners for institutions of higher learning or real-world opportunities and many other issues. While the apartheid system has laid a foundation for inequality, it is the current time leadership, policy enactment and implementation, as well as resource allocation that continues to delay the change South Africa needs. The purpose of this paper is to look closely at equal education from the post-1994 reforms and the ongoing inequalities and differences despite policy changes.

2 International law promoting quality education

Article 26(1) of the Universal Declaration of Human Rights (UDHR) recognises the right of everyone to education and that education shall be free, at least in elementary and fundamental stages. It further states that elementary education shall be compulsory (UDHR, 1948). This in the context of South Africa entails that education shall be free in primary and secondary school and further to that, primary education being compulsory. Article 4(a) of the United Nations Educational Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education, requires the government to “promote equality of opportunity and treatment in the matter of education and in particular to make primary education compulsory and free” (Arendse, 2011).

South Africa has also ratified and signed the International Convention on Social, Economic and Cultural Rights (ICESCR) that in Article 13 recognises the right to education and provides a framework on achieving the full realisation of this right, including free education (ICESCR, 1966). This means, the government is bound by international law to meet its obligations to provide for the right to education, including making access to public schooling economically accessible (Stuurman and Cooper-Bell). Moreover, Article 28 of the Convention on the Rights of the Child (CRC), protects the right to education (CRC, 1990). The state is obliged to make primary education compulsory, and free and while Article 28(1)(b) provides that secondary, general and vocational education available and accessible to every child (CRC, 1990).

3 Current state of education in South Africa

The current state of education in South Africa reflects both progress and persistent inequality. Since the advent of democracy in 1994, the government has made progress in expanding access to education, increasing enrolment rates, and promoting inclusivity through policies such as the National Development Plan (2030), the South African Schools Act, and the new Basic Education Laws Amendment Act (NDP, 2030 Chapter

9; SASA, Act 84 of 1996; BELA, Act 32 of 2024). These reforms aim to strengthen governance, improve access, and ensure that education contributes meaningfully to social and economic development. South Africa prioritizes inclusive growth, with education at the core and while the country has achieved near-universal access to basic education, quality and equity remains deeply uneven (World Bank Group, 2025).

Despite the progress made and the legislative development, a stark divide still persists between well-resourced urban schools and under-resourced rural and township schools. Learners in disadvantaged areas continue to face poor infrastructure, inadequate learning materials, and shortages of qualified teachers. The basic education sector is also increasingly confronted with financial constraints, as budget allocations have declined in real terms over recent years (World Bank Group, 2025). This fiscal pressure coincides with the growing demand for education, with projections indicating that the system will need to accommodate an additional 1.2 million learners by 2030 (World Bank Group, 2025).

As it stands, more than 8000 schools in the country are overcrowded and it is estimated that R32 billion is needed to fix the crisis (Chabalala, 2025). In Limpopo, there are 1 620 schools in need of additional classrooms, KwaZulu-Natal with 1 395, Gauteng with 1 156 and the Eastern Cape with 1 139 (Chabalala, 2025). In addition, more than 100 learners in Limpopo at *Ketlane* Primary school share a classroom (Siaga, 2025). In Gauteng, it was reported by the Department of Education that about 206 primary school pupils and 79 high school pupils from Diepsloot have not attended school at all since the beginning of this year 2025 (Chabalala, 2025). The report provides that there is overcrowding in the area, with primary schools bearing the brunt of the problem (Chabalala, 2025).

While learner enrolment in the early grades has improved significantly since 1994, retention rates decline sharply from the intermediate phase onwards, with a substantial number of learners leaving school before grade 12 (Desai

et al, 2024). Research indicates that fewer than half of the learners who enter grade 1 ultimately compete matric, reflecting systemic inefficiencies and entrenched socio-economic barriers.

Socio-economic hardship is among the most significant drivers, as learners from impoverished households often leave school due to financial constraints, food insecurity, teenage pregnancy, grade repetition etc. In rural areas, schools being far from villages, poor infrastructure can be one of the contributory factors to early withdrawal. It has been shown that reasons for dropout mostly was due to poverty, family needing help with household income, and many more other reasons (Desai *et al*, 2024).

The consequences of high dropout levels extend beyond learners to a broader society and economy. It limits access to higher education and training, reduces the chances of being employed, and perpetuates cycles of poverty and inequality (Desai *et al*, 2024). Addressing this challenge therefore requires a comprehensive response, one that integrates social protection, targeted learner support and a system that identifies at-risk learners. Strengthening the quality of teaching, improving school engagements, and creating pathways for re-entry into the education system are also crucial for achieving the goals of inclusive and equitable education as provided in the National Development Plan 2030 (NDP, 2030).

4 The national educational legislative framework

In line with South Africa's constitutional democracy, the country's inclusive education policy protects the right of all school-going children to access education from foundation phase to intermediate through to senior phase (Seeko and Mathebula, 2023). This is because the right to education is one of the most important rights, serving as a foundation for the realisation of other human rights (Mathenjwa, 2017). Accordingly, the Constitution guarantees everyone in the country the right to basic education, and to further education, which the state through reasonable measures must make progressively available and accessible (Constitution, 1996 sec 29(1)). As a

socio-economic right that is deemed to be unqualified, the government is obliged to make education available and accessible for everyone despite its available resources.

To ensure realisation of this right, the South African School Act (SASA), was enacted to address the injustices caused by the Bantu Education system that created segregation within the education system and to ensure access to quality education for all learners and emphasising compulsory education (SASA, 84 of 1996). There were also several policy reforms, mainly to ensure access to education by those who were previously excluded. Amongst them is the National Education Policy Act (NEPA), which established the framework for national education policy, amended previous Acts and addressed matters related to quality education (NEPA, 1996).

These two Acts play a role in ensuring that they provide a uniform system for the organisation and governance also funding of schools. Additionally, the quintile system was introduced in 1996 by the then Minister of Education Sibusiso Bengu to address the inequalities in funding of schools and to ensure that schools in poorer communities receive adequate resources to close the inequality gap (Isaacs, 2020). Therefore, this can be seen by the No-Fee School Policy that the government introduced in 2007 again to bridge the inequality gap, which now benefits over 80% of public-school learners. The National School Nutrition Programme (NSNP) was introduced in 1994 as one of the projects of the late Nelson Mandela to provide nutritious meals to support the ability of children to learn and more than 9.6 million children in South Africa depend on it (Isaacs, 2020).

The government also introduced National Policy for Equitable Provision of an Enabling School Physical Teaching and Learning Environment in 2008, which aimed at addressing the state of infrastructure to ensure that all learners, regardless of their background are taught in a safe and supportive physical environment. The policy set out minimum standards for school

infrastructure, including ensuring that there is access to water, sanitation, electricity and laboratories. While these policies or reforms have shown significant progress, implementation has been inconsistent.

It is within this context that the government introduced the Basic Education Laws Amendment Act (BELA), a legislative reform intended to address many of the shortcomings that have hindered effective transformation (BELA, 2024). The BELA Act builds on the foundations of post-1994 education legislation but seeks to update and harmonise them to meet contemporary challenges related to governance, accountability, inclusivity, and early childhood education.

5 The overview of the BELA Act

The BELA Act, signed into law in 2024, represents a legislative reform in the education sector since the adoption of the SASA (BELA Act 2024; SASA, 1996). The BELA Act seeks to modernise the governance and regulatory framework of basic education in line with the constitutional principles of equality, accountability and inclusivity. It responds to the long-standing concerns about policy inconsistencies, governance inefficiencies, and unequal access to quality education across the country.

At its core, the Act introduces a number of amendments aimed at strengthening oversight and aligning the education system with contemporary developmental needs. Among its key provisions is the extension of compulsory schooling to include grade R, thereby promoting early childhood development as a foundation for lifelong learning (BELA Act, 2024 sec 2). A particularly notable amendment made in the Act that is contested is the centralisation of authority regarding language policies and school admission (BELA Act, 2024 sec 4 and 5). This provision seeks to advance inclusivity and address inequalities that persist in the allocation of school spaces and language access.

However, it is argued that this shift undermines the democratic governance model established by the SASA, which placed decision-making power in

the hands of communities through School Governing Bodies (SGBs) (Hugo, 2024). Additionally, there are concerns that officials may override admission policies, potentially overcrowding schools that are already operating efficiently (Hugo, 2024). Supporters contend that state intervention is essential to guarantee equitable access to education for all learners, particularly in cases where schools employ language or admission policies that indirectly or deliberately exclude certain groups of students (Hugo, 2024). While opponents on the other hand, maintain that local communities should retain authority to manage schools according to their distinct context and needs, cautioning that excessive centralisation could result in a uniform approach that disregards local diversity and specific circumstances (Hugo, 2024).

This paper aligns with the view held by the opponents who emphasise the importance of preserving local autonomy and participatory governance within the basic education system. Community involvement has been the cornerstone of democratic education since the enactment of the SASA, reflecting the constitutional principle that education should be responsive to diverse cultural and linguistic realities of local communities (SASA, 1994). Over-centralisation, as introduced by the BELA Act, risks imposing a standardised administrative system that may overlook the distinct needs, values, and challenges faced by individual schools (BELA, 2024).

Nonetheless, this position recognises that it is necessary to have some degree of oversight to prevent exclusionary practices and ensure that the right to education is realised equitably for all learners. The most favourable approach, therefore, lies in achieving a balanced model of shared governance, where provincial authorities provide policy guidance and accountability frameworks, while local communities retain meaningful decision-making power over matters such as language, culture, and school identity. The Act also introduces stricter accountability mechanisms for educators and school management, alongside improved data collection systems to monitor learner attendance and performance. These measures

are intended to enhance transparency, strengthen school governance and curb absenteeism (BELA, 2024 sec 2 and 3).

While the BELA Act reflects the state's commitment to addressing inequality and inefficiency within the basic education system, its success will depend on adequate resourcing, effective implementation and collaborative engagement with key stakeholders, including educators, parents, and the community. If properly implemented, the Act holds potential to bridge persistent gaps in access and quality. However, if poorly managed, it risks increasing tension between community participation and central authority, further complicating efforts to build a more responsive and equitable education system.

6 Critical analysis of the BELA Act

As the BELA Act represents a progressive step towards transforming South African' basic education landscape, its ability to address the system's deep-rooted structural challenges remains uncertain. The Act's provision on compulsory grade R attendance and strengthened oversight mechanisms are commendable, as it aligns with the broader goals of equity, inclusivity, and early learning development. By prioritising early childhood education, the Act acknowledges that foundational learning is critical for improving long-term academic outcomes and reducing dropout rates.

However, several concerns over implementation and policy coherence persist. The Act introduces centralisation of authority, particularly in matters related to admission and language policies, which-while intended to combat exclusionary practices-may unintentionally weaken democratic participation through SGBs. This could lead to a tension between provincial education departments and local communities, potentially undermining school-level accountability and autonomy (Hugo, 2024).

Furthermore, the Act's transformative ambitions are constrained by financial and capacity limitation within the education system. This is because, the education budget in the country has declined in real terms, while the system must accommodate a growing learner population. Without sustained investment in infrastructure, teacher development, and learner support services, the objective of the BELA Act may remain a goal to be achieved.

Critically, the Act does not directly tackle persistent issues such as inequitable resource distribution, teacher shortage and high dropout rates, which will continue to undermine educational quality and learner outcomes. Although its emphasis on inclusivity and governance reform is significant, the Act lacks strong mechanisms to ensure equitable funding, teacher retention, and system-wide accountability for learning outcomes.

In essence, while the BELA Act provides an important legislative foundation for a new system to improve the quality of education, its effectiveness will depend on the state's fiscal commitment, political will, and inter-sectoral collaboration. Meaningful progress will not only require policy reform but also a comprehensive approach that addresses the socio-economic, institutional, and infrastructure barriers that continue to deepen inequality in South African education. The following section therefore explores the core issues and challenges that continue to shape the state of basic education, providing context for understanding both the limitation and urgency of legislative intervention like the BELA Act.

7 Issues and challenges

7.1 Inequitable resource distribution

One of the most persistent challenges confronting the South African education system is the distribution of educational resources that is not equal across schools. Despite the efforts of the government to redress historical inequalities through policies such as National Norms and Standards for School Funding (NNSF), clear differences remain between

former model C schools and those located in rural of township areas (NNSSF, 2024).

Mestry is of the view that schools in affluent communities continue to benefit from a strong financial background, better infrastructure, and access to advanced learning material and technology (Mestry, 2014). By contrast, many public schools serving disadvantages communities suffer from overcrowded classrooms, facilities that are poorly maintained, inadequate sanitation, and limited access to digital tools (Mestry, 2014). In many urban schools, there has been a shift away from physical textbooks to fully digital learning environment with learners using advanced technologies - from smart devices, interactive whiteboards and online learning platforms (Sathorar, 2025).

Yet, in comparison it was reported that 80% of schools in South Africa, primarily rural and township areas, lack basic technological infrastructure. In some cases, there are not enough textbooks for every learner, let alone internet access or in extreme cases, even electricity (Sathorar, 2025). These inequalities are often compounded by inconsistent provincial funding, delayed budget allocations and mismanagement of resources at schools and district levels. This raises a fundamental question as to who is responsible for addressing such systematic failures.

7.2 Poor infrastructure

In South Africa, school infrastructure is generally understood to refer to the provision of essential facilities such as classrooms, access to running water, sanitation and electricity (Mokgwathi *et al*, 2023). According to the reports by the Department of Education, a number of schools still lack basic amenities such as libraries, laboratories and safe ablution facilities. This can be found mostly in some rural areas around Limpopo, Eastern Cape, Mpumalanga and Kwazulu-Natal, where learners are forced to study in dilapidated structures or temporary classrooms that fail to provide a conducive learning environment.

In 2022, the Department of Education in Kwazulu-Natal province reported that 248 schools were damaged by heavy floods, one of the schools being *Macingwane* Secondary School, which was provided with mobile units (Mudau, 2025). However, to this day the school is still using mobile units that cannot withstand floods, and mobile toilets are still being used to respond to the pressing need of replacing unsafe pit latrines (Mudau, 2025).

Another school in the Limpopo province, *Elim* High School has been applying for new classrooms for more than a decade. The school is faced with shortage of classrooms and inadequate sanitation as it is reported to only have 14 classrooms, which are now in bad condition to cater for more than 2000 learners, with more than 80 learners in one classroom (Mukwevho, 2025). The chairperson of the SGB Katekani Nabela alluded that,

“We are faced with a crucial shortage of classrooms at our school, and this is not something new as we have faced this problem for years and nothing is being done, while our learners are suffering. Most of our classrooms are overcrowded and it makes teaching and learning impossible” (Mukwevho, 2025).

It is clear that the condition in the school is not conducive to teaching and learning as despite the issue of overcrowding, the condition of the infrastructure is not up to standard. According to Manzini, academic performance is highly influenced by school infrastructure and lack of basic facilities to support teaching and learning affects how education develops (Manzini, 2024).

Furthermore, the school does not have adequate toilets for learners and some of these sanitations do not even have doors. Nabela is of the view that these harm the learners' right to dignity (Constitution, 1996 sec 10). The South African Human Rights Commission supported this view in their investigative report on challenges faced in rural school concluded in February 2025, that the continued reliance on unsafe sanitation facilities constitutes a violation on the

constitutional rights to human dignity, healthy environment, safety and education of learners (Constitution, 1996 sec 10 and sec 24; South Africa Human Rights Commission Report, 2025). This lack of dignity is compounded by the fact that it is a violation of their right to education and creates a learning environment that is unequal where some children have access to safe facilities while others do not.

7.2.1 Maintenance of school infrastructure

In 2025, the Department of Basic Education reported that 90% of the schools were assessed to be in fair, good, or very good condition and about 2 240 schools remained in poor or very poor condition (Parliamentary Monitoring Group, 2025). This is despite the Accelerated School Infrastructure Delivery Initiative launched in 2011 to eradicate schools with poor infrastructure. The initiative, the pace of repairs and upgrades has been slow, furthermore weak monitoring systems, corruption, and lack of accountability at provincial and district levels makes the situation worse. Rural schools are in the same position due to insufficient maintenance of infrastructure (Manzini, 2024).

7.3 Shortage of teachers

The shortage of teachers in South Africa poses a major challenge to the quality and stability of the education system. Many schools, especially in rural and township areas, face lack of qualified teachers in key subjects such as mathematics, science and technology. It has been shown that nearly half of the teachers in public schools will retire in 10 years' time, with South Africa facing a likelihood of teacher shortage by 2030 (Luneta, 2024). This shortage is worsened by an ageing teaching workforce, high attrition rates, and a limited recruitment of new teachers.

As it stands, over 460 schools in South Africa have stopped offering mathematics with provinces like the Eastern Cape, Limpopo, KwaZulu-Natal and the Western Cape affected (Maggs, 2025). Maluleke revealed that this is due to lack of human resource training or rather synergy between

primary and secondary education with institutions of higher learning or education in regard to the needs of quality of educators that ought to be produced in the subject (Maggs, 2025). There is also a migration of qualified teachers to other countries, mainly developed countries due to better conditions.

In addition, poor working conditions, overcrowded classrooms, and inadequate support contribute to low morale and burnout among educators. As a result of this, learner performance suffers, and the goal of achieving equitable, quality education remains difficult to realise. Addressing this issue requires better retention incentives especially for schools in rural areas, improved working conditions and strategic teacher training.

7.4 Food insecurity

Food insecurity is one of the problems that poses a challenge in South Africans schools that is less researched (Buthelezi *et al*, 2025). It remains a critical socio-economic challenge affecting the learning outcomes and overall wellbeing of learners in the country. Many children, particularly those from low-incomes households, attend school without having eaten a proper meal, which directly impairs concentration, attendance, and academic performance. The persistence of hunger in schools reflects broader structural inequalities between poverty and education.

The National School Nutrition Programme introduced by the Department of Education, has played a role in mitigating the effects of food insecurity by providing daily meals to learners in public schools. However, the major challenge posing this programme is the delayed payment of service providers, which hinders the effective implementation of school feeding programs (Buthelezi *et al*, 2025). Historical policies and local-based disparities make rural provinces like Eastern Cape, Limpopo and Kwazulu-Natal have the highest prevalence of poverty-stricken communities (Mbajjorgu and Odeku, 2022).

In some of these provinces, delayed or mismanagement results in interruptions of meal provisions, leaving learners vulnerable to hunger. This is most prevalent in KwaZulu-Natal whereby most schools in the province find themselves without feeding scheme. During the COVID-19 pandemic era (2020/2021), expenditure on the National School Nutrition Programme (NSNP) decreased in the rural provinces mentioned with the highest decline in Limpopo and KwaZulu-Natal (Stats SA, 2024). In May 2025, thousands of pupils went hungry due to delay payments to service providers (Enca news, 2025). This does not only affect physical health but also contributes to psychological stress, reduced motivation, and lower participation and focus on classroom activities.

Consequently, schools in impoverished communities are unequally affected, perpetuating the cycle of educational disadvantage. Ultimately, ensuring food security in schools is not merely a measure to ensure children in schools are well taken care of but a crucial constitutional right and for development of learners. Adequate nutrition underpins the right to basic education, as it enables learners to benefit fully from teaching and learning processes. Therefore, a nutrition programme that is transparent and well managed is important to promoting equity, improving educational outcomes, and breaking the cycle of poverty and underdevelopment in the country.

9 Conclusion

The transformation of South Africa's basic education system remains central pillar in the country's broader pursuit of social justice, human development and equity. Since 1994, legislation and policy reforms enacted have sought to redress the imbalances of the past and realise the constitutional right to basic education and establish a system that is inclusive, equitable and responsive to developmental needs of learners. However, as it was demonstrated in this paper, the persistent challenges such as inequitable resource distribution, poor infrastructure, teacher shortages, food insecurity, and high dropout rates among others remain

entrenched and continue to undermine the effectiveness of the educational system. These challenges are reflective of the broader socio-economic inequalities that shape the learning environment and influence outcomes.

While new policy developments like the BELA Act signal the commitment of the government to meaningful reform, it can be affirmed that education reform cannot succeed through legislation alone, there ought to be a balanced governance model where national and provincial authorities provide a strategic oversight and equitable funding, while local communities retain meaningful participation through SGBs. This means the focus should shift from enacting new policies to effective execution and enforcement, ensuring that existing frameworks are monitored, adequately resourced and responsive to local realities.

The future of South Africa's education system lies in its ability to balance equitable access and excellence, to provide every learner, regardless of the social background, with access to quality education that empowers and transforms. Real change in the education system will not emerge from legislation alone but through consistent investment, sustained collaboration between government, educators and communities together with capable and willing leadership. Only through such willing effort can the promise of education as a tool to success and national development truly be realised.

9 Recommendations

In light of the analysis presented, it is evident that the success of the BELA Act and the transformation of the education system depend on coordinated and well-resourced interventions. Therefore, addressing resource inequities must be the main priority. Targeted investment in under-resourced rural and township schools is required to close the infrastructure gap and improve access to essential learning materials and technology. Teacher development and retention should be promoted through incentives, professional training and mentorship, particularly for educators serving in disadvantaged areas.

Furthermore, policies should recognise the important relationship between learner well-being and academic performance by strengthening initiatives like the National School Nutrition Programme (NSNP) and establishing psychological support within schools that will help mitigate the effects of poverty, absenteeism and drop-outs. The department must also improve its accountability systems by establishing independent bodies to regulate investments and to allow more transparent monitoring of learner outcomes and resource utilisation.

Curriculum reform should remain an ongoing process aimed at ensuring relevance and post-school alignment. Integrating digital literacy, vocational training and partnership with higher education will prepare learners for demands on the current evolving economy. Ultimately, the success of the BELA Act and other reform measures will depend on the capacity of the state and its political will.

Lastly, the Department of Education should strengthen cooperative governance by promoting collaboration between provincial authorities, local communities and school leadership. Preserving the role of the SGBs is important to ensuring that education remains responsive to socio-economic, cultural and linguistic diversity of South African communities. At the same time, provincial oversight should be enhanced to guarantee compliance with constitutional mandates and prevent exclusionary practices.

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