

Open letter to the Department of Basic Education

RE: Urgent action needed to address school infrastructure backlogs as we look back on ten years of failure to meet the deadlines set out in the Norms and Standards for Public School Infrastructure

Dear Minister Motshekga,

We write to you as a collective of deeply concerned civil society organisations. We express our utmost disappointment that, despite the passage of 10 years since you issued the Regulations relating to [Minimum Uniform Norms and Standards for Public School Infrastructure](#), many schools' infrastructure conditions have not improved. Learners in under-resourced township and rural public schools are the most impacted by failures in eradicating backlogs nationally.

These regulations guarantee the essential infrastructure required for public schools to operate efficiently. Since the regulations include precise and unambiguous timeframes for infrastructure delivery, learners and school communities are guaranteed certain facilities and services at particular times.

The Department of Basic Education committed to replacing all schools constructed of inappropriate materials, including mud, asbestos, zinc, and wood, and to provide schools with electricity, running water, and proper sanitation facilities by 2016. Along with enough classrooms, electricity, running water, and functional toilet facilities, you also promised to supply schools with electronic connectivity (telephones and the internet) and perimeter security (fences) by November 2020. You also committed to providing schools with labs and libraries by November 2023.

Due to the complete failure of national and provincial education departments, the pledges made regarding these deadlines have not been fulfilled. It is unacceptable that, ten years after the law's passage, the national and provincial education departments have continuously neglected to properly implement and abide by it, leaving school communities to contend with deplorable conditions daily.

You will remember, Honourable Minister, that it required a great deal of lobbying and court battles to convince you to approve the regulations. Equal Education (EE) activists marched and picketed, petitioned, wrote countless letters to the Minister (you), went door-to-door in communities to garner support for the campaign, and even spent nights fasting and sleeping outside of Parliament.

When you finally signed the regulations into law in 2013, it was a historic triumph because it set the foundation for guaranteeing that all learners in South Africa, regardless of race or socioeconomic status, could attend schools with the necessary facilities. Despite this hard-fought victory for learners and school communities, we are greatly disappointed that education departments have not met any of the commitments and deadlines set in the regulations.

Honourable Minister, we would like to raise some of the serious repercussions arising from your department's disregard for the law and the Constitution regarding learners and school communities. When the regulations were passed in 2013, they outlawed the use of plain pit latrines in schools and

mandated that provincial education departments urgently remove and replace these hazardous structures. Soon after, Michael Komape, age five, tragically lost his life after falling into a dilapidated plain pit latrine at his Limpopo school. By November 2016, all plain pit latrines should have been replaced with safer toilets. However, in 2018, another pit-related tragedy struck; this time involving five-year-old Lumka Mketwa at her Eastern Cape school. Despite the occurrence of such heart-wrenching incidents, the provision of sanitation in schools has not been expedited as expected.

We are deeply concerned that school infrastructure backlogs, especially sanitation backlogs, persist despite focused interventions like the Accelerated School Infrastructure Delivery Initiative (ASIDI) and the Sanitation Appropriate for Education (SAFE) initiative, and will probably do so in the absence of prompt, decisive action. We note in particular that [728 schools](#) across the Eastern Cape, Limpopo and KwaZulu-Natal still rely on pit toilets as their only form of sanitation. It is no secret that many of the country's public schools still need basic infrastructure and services for conducive learning and teaching environments. Despite the clear need for relief, the schooling sector has been facing a poly-crisis characterised by resource, infrastructure, and learning deficiencies.

Education departments have consistently missed key targets, including those for libraries and laboratories by 2023, as well as those set for 2020 and 2016. It's alarming to discover that 82% of schools do not have a laboratory, while 74% of our public schools lack a library, and the ones that do have libraries are often inadequately stocked. This is happening in a country where 81% of children cannot read for meaning in any language by the age of ten. School libraries are crucial for establishing and promoting an encouraging environment for children to develop a love of reading. Accessing this infrastructure is therefore as vital as having learning resources.

The consistent failures to meet the deadlines in the regulations not only represent missed opportunities to address the historic backlogs endangering the lives and future of learners but also missed chances to improve learning outcomes in the sector. We believe that the missed deadlines and targets, along with the sluggish pace of infrastructure development, point to a lack of political will and urgency in addressing the most fundamental and winnable problems facing the industry.

For a long time, lack of funding has been cited as the reason for the provincial and national departments of basic education's failure to achieve targets and plans, particularly regarding school infrastructure. Although we share departments' concerns over inadequate funding for basic education, the sector needs to take responsibility for its spending problem that leads to poor service delivery. Even though funding for basic education is insufficient to address the numerous issues, both national and provincial education departments are notorious for irregular, wasteful, and fruitless spending.

In addition to the department's failure to meet their obligations in terms of the Norms and Standards, we have identified a significant data issue within the department, which, together with spending inadequacies, has the potential to severely impact the provision of services to school communities. Before the discontinuation of the National Education Infrastructure Management System (NEIMS) reports, public data on infrastructure backlogs was frequently inconsistent with current realities. Insufficient reliable and accurate public data on school infrastructure not only hinders civil society's ability to hold education officials accountable but suggests that departments do

not know the true extent of the crisis they are meant to address. While we acknowledge the department's recent publication of its Education Facility Management Report, we urge the department to provide updated and properly audited information through these reports.

Adequate school infrastructure is a critical component of the full enjoyment of the right to basic education, an immediately realisable right that requires proactive measures for its progressive realisation. Persistent infrastructure backlogs not only infringe on learners' constitutional right to basic schooling; they threaten the achievement of the Sustainable Development Goal 4 target of "free, equitable and quality primary and secondary education for all girls and boys leading to relevant and effective learning outcomes by 2030".

Given the concerns we have raised above, we demand that:

- National and provincial education departments urgently fulfil their legal obligations in terms of the Norms and Standards for Public School Infrastructure and eradicate infrastructure backlogs to ensure school communities are safe and conducive for teaching and learning;
- National and provincial Treasuries prioritise and provide adequate infrastructure funding, as well as ensure efficient spending by education departments, implementing agents and contractors involved in infrastructure provisioning to schools;
- The Department of Basic Education (DBE) conducts a thorough audit of schools to ascertain the true extent of the infrastructure crisis across the country for better planning, project delivery, and monitoring.

[END]

This open letter is written by Equal Education, Equal Education Law Centre, SECTION27, The Bookery, Centre for Child Law, Legal Resources Centre and the Right2Protest