

# Pro Bono & Human Rights

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## South Africa

- Freedom Day 2026: Basic education as the frontline of freedom



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## Freedom Day 2026: Basic education as the frontline of freedom

Freedom Day commemorates the attainment of democracy in 1994 and the constitutional order that followed. It also invites an ongoing assessment of whether the rights promised in the Constitution are being realised in practice. Among these, the right to basic education occupies a distinctive place. It is immediately realisable, foundational to dignity and equality, and indispensable to democratic participation. The condition of the public basic education system is therefore not a peripheral concern – it is a direct measure of the depth and durability of our freedom.

South African courts have repeatedly affirmed that basic education enables individuals to realise their potential and supports a more participatory and accountable democracy. Yet, despite these clear constitutional commitments, the trajectory of public basic education over the past decade has diverged from these ideals.

Persistent systemic failures have accumulated to the point where they now constitute a structural risk to both learners and the broader society.

Thirty years into constitutional democracy, important gains have been made. Access to schooling has expanded significantly, and the legal recognition of basic education as an unqualified right reflects the Constitution's transformative ambition. This right was intended to bridge historical inequalities and enable social and economic inclusion. However, these gains are increasingly threatened by entrenched deficiencies within the system.

The current trajectory is unsustainable. If left unaddressed, it will have far-reaching consequences, including reduced economic productivity, increased inequality, diminished social mobility and weakened democratic engagement. A poorly functioning education system constrains workforce readiness, limits innovation and entrenches cycles of poverty. Basic education must therefore be understood not only as a social service, but as a constitutional imperative and an economic priority.



### An overview of current challenges

Recent developments underscore the scale and urgency of the challenges:

- In **November 2025**, the South African Human Rights Commission released its School Readiness Monitoring Report. The report identified systemic inequities, widespread infrastructure failures, overcrowding and uneven access to quality education. It confirmed that learners' access to education remains heavily shaped by geography and socio-economic status.
- In **January 2026**, the Commission reported on systemic failures in scholar transport in the North West province. Thousands of learners were denied transport despite qualifying to access the service, while others were subjected to unsafe conditions, including overloaded and unroadworthy vehicles. These failures directly undermine attendance, safety and educational outcomes.
- In the same month, and as was widely publicised, 14 learners lost their lives in a scholar transport accident in Vanderbijlpark. This tragedy illustrates the human cost of regulatory and operational failures in learner transport systems.
- At the start of the 2026 academic year, approximately 5,000 learners in Gauteng alone remained unplaced. Annual migration to urban centres is a predictable trend, yet planning mechanisms remain inadequate. Delayed placement results in lost instructional time and deepens educational inequality.
- Parliamentary oversight has repeatedly highlighted infrastructure deficits, including unsafe buildings, inadequate sanitation, unreliable water access and the continued use of pit latrines. These conditions are incompatible with dignity and safe learning environments.
- Oversight visits in Limpopo in early 2026 revealed ongoing overcrowding and infrastructure challenges that negatively affect learner performance and safety.
- Parliament has also raised concerns about discrepancies between official reports and on-the-ground conditions. Inaccurate or incomplete data undermines effective oversight, weakens accountability and compromises the ability of institutions to respond appropriately.

While National Treasury's 2026 Budget reflects a modest increase in funding for basic education, the scale of investment remains insufficient relative to the depth of existing challenges. In particular, reductions in infrastructure grants risk exacerbating already critical deficits. Without substantial and sustained financial commitment, alongside improved governance and accountability, the system is unlikely to meet constitutional standards.



Freedom Day is not only a moment of reflection but also a call to action. The right to basic education is central to the broader project of true freedom – it shapes the ability of individuals to participate in economic life, to engage in democratic processes and to live with dignity. When this right is compromised, the promise of the Constitution is weakened.

This is why the state of basic education warrants attention on Freedom Day. It is where the abstract commitments of the Constitution meet lived reality. It is where equality is either advanced or undermined. And it is where the future trajectory of the country is, quite literally, being determined.

As a Pro Bono & Human Rights practice, we engage with these issues because they lie at the heart of constitutional accountability. Our work seeks to ensure that rights are not merely aspirational but enforceable and realised. However, this responsibility does not rest with legal practitioners alone. The condition of the education system affects all citizens economically, socially and democratically.

A functioning basic education system underpins a stable economy, supports social cohesion and strengthens democratic institutions. Conversely, systemic failure in education carries collective costs. It is therefore in the interest of all citizens to demand transparency, accountability and sustained reform.

Freedom is not secured by commemoration alone. It is sustained through vigilance, participation and a commitment to ensuring that constitutional rights are realised in practice. On this Freedom Day, the state of basic education should be recognised for what it is: a defining test of South Africa's commitment to its constitutional vision.

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