

## **An Analysis of the Constitutionally Guaranteed Right to Basic Education in South Africa**

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**ABSTRACT** The paper looks at the context and interpretation of the right to basic education as entrenched in the South African Constitution and determines whether this right is being realised. In determining the latter, the paper looks at the effect of the history and legacy of apartheid on education in South Africa. It is argued that the right to basic education in South Africa remains one of the fundamental rights in the Constitution which if realised adequately will contribute towards empowerment of the people, capacity building, economic growth and prospect. The attainment of South Africa democratic government in 1994 should have brought about good educational service delivery to the people, but this is not the case as basic education in South Africa still faces major challenges which are evident in the recent Limpopo textbook saga and lack of sanitation (infrastructure) in schools in the Limpopo Province. This saga clearly shows that the realisation of the right to standard basic education in South Africa is still far from being achieved. The lack of teaching materials, accountability by the accounting officers in the Department of Education, dedicated teachers and also the dysfunctional School Governing Bodies, poverty and illiteracy of parents are some of the factors that are hampering the delivery and realisation of basic education post 1994. It is further argued that when compared to other African countries, South Africa has good legislative framework and policies on basic education but, there are great challenges of the enforcement and implementation of this right. This paper concludes that an governments effective communication between the national and provincial governments has to be strengthened to ensure that basic education in South Africa is fully realised.