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The unequal access to the right to education among Black children with disabilities in the Eastern Cape Province of South Africa

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Abstract

In Africa, and specifically in South Africa, the multidimensional barriers continue to impede equitable access to the constitutional right to education for Black children with disabilities. The study aimed to explore the problem in rural and other marginalized communities of the Eastern Cape province. *Ubuntu* philosophy is used as the framework to articulate the African worldview of inequalities experienced by Black children with disabilities in access to education. The study used a qualitative research methodology and a case study in Komani and Qonce. Through purposive sampling, 22 participants were selected who were parents, guardians, Eastern Cape Department of Education officials, and South African Human Rights Commission officials. The data were analysed using Braun and Clark's thematic analytic approach. The participants expressed that access to education by children with disabilities is affected by infrastructural barriers, the feeling of gloom and despair, and the exclusionary nature of equality in South Africa. There is a need for further research to inform policymakers and implementers on the inequalities experienced by children with disabilities concerning access to education. This paper also contributes to the broader discourse on disability rights and educational equity in South Africa's most disadvantaged regions.

Keywords Disability, Social justice, Inequality, Rights, Infrastructure

1 Introduction and background

Africa remains characterised by socio-economic inequalities rooted in colonial atrocities. Ndlovu-Gatsheni [1] notes that even post-colonial Black leaders have failed to address these inequalities. With some leaders being scared to upset cognitive empires, while some imbibed colonial consciousness [2]. Across the African continent, the inequalities are inclusive of access to quality education. Khethiwe [3] laments that despite significant global advocacy for inclusive and equitable education, millions of children in Africa are still denied the opportunity to attend school. This problem is especially pronounced for children with disabilities and children who face multiple and intersecting barriers that hinder their access to education. UNESCO [4] reported that

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more than 32 million children of primary school age in sub-Saharan Africa are out of school, with children with disabilities disproportionately represented among them. Inter alia, limited infrastructure, a shortage of qualified teachers, stigma, discrimination, and socio-economic factors create an educational environment that is largely inaccessible for this marginalized group [5, 6].

South Africa cannot be exempted from the above, more especially after being found to be 'the most unequal country in the world' [7]. The South African situation presents a disjuncture where things are seemingly better on paper due to a progressive legislative and policy framework, but it remains deeply troubling in practice. The Constitution of the Republic of South Africa, 1996, under Section 29(1)(a), guarantees everyone the right to a basic education. This right is described as immediately realisable and not subject to progressive realisation, meaning the state has an obligation to ensure its fulfilment without delay [8]. In theory, this constitutional mandate affirms South Africa's commitment to upholding the fundamental right to education for all. It is corroborated by corpus text that the broken and unequal access to education in South Africa is not compliant with the constitution and human rights [9]. The article further highlights that South Africa has not afforded decent education to every child. South Africa's Transformative constitution with the right to equal access to basic education is an empty promise to Black children [10]. In reality, the promises remain largely unfulfilled, especially in rural provinces such as the Eastern Cape, Mpumalanga, and Limpopo, where infrastructural deficits and systemic inequality severely limit access for children [11]. The post-1994 era has failed to eradicate colonial and apartheid created disparities, where Black schools are still without proper infrastructure and learning technologies [12]. Three decades later of 'democracy', different kinds of news platforms are still reporting a large number of Black children in many communities having to cross rivers to attend school [13].

The unequal access has been much worse for children with disabilities, despite the White Paper 6 on Special Needs Education, 2001. There is still a huge disparity between White and Black children with disability in access to schools, with Black children coming from poor backgrounds [14]. The implementation of inclusive education in South Africa has been slow and inconsistent [15]. Rural communities bear the brunt of this failure, with their schools lacking basic facilities such as wheelchair ramps, accessible toilets, and specialized learning materials [16]. Sarkar and Parween [17] also share the same argument that children with disabilities, particularly in rural areas, continue to experience systemic exclusion from the education system. McKenzie et al. [18] assert that there is also a chronic shortage of trained educators capable of addressing the diverse needs of children with disabilities. On the same account, 70% of children with disabilities are out of school, with the majority from underprivileged communities and provinces like the Eastern Cape [19]. This is due to several reasons, which, among many, include a lack of nearby schools that can accommodate them, or because transport systems are inadequate or non-existent. This directly undermines the constitutional principle of equality and the right to education, reducing it to an ideal rather than a lived reality.

Furthermore, the inequities in access to education are compounded by deeply entrenched social attitudes. Stigma and discrimination remain pervasive in many rural communities, where disability is often misunderstood or stigmatized [20]. This exacerbates the exclusion of children with disabilities from mainstream schooling. Human Rights Watch report titled Complicit in Exclusion, children with disabilities in South

Africa are often subjected to prolonged waiting periods for school placements and are sometimes referred to under-resourced special schools that offer limited curricula and few prospects for future employment or independence [21, 22]. Children with disability continue to grow old waiting for schools with skyrocketing numbers that continue to increase yearly [23]. On April 23, 2025, as South Africa observes National Autism Acceptance Month in April, Basic Education Minister Siviwe Gwarube confirmed in her speech that South Africa has a severe shortage of schools for children with special needs [24]. Hence, children with disabilities start school at a later stage than those without disabilities. The evidence presents that dual racial disparities entrenched by apartheid persist, with Black children with disabilities being systematically denied their constitutional rights to basic education, equality, and dignity [20]. It further highlights the chronic underfunding of the few available schools in Black communities [20]. The built walls, which are referred to as being schools for children with disabilities, lack equipment, materials, and technologies to support their learning. Hence, Makoelle and Burmistrova [25] argue that South Africa's school funding has failed to achieve the ideals of inclusive education. Therefore, while South Africa's constitutional and policy frameworks reflect a commitment to inclusive education, the gap between legal provisions and actual implementation remains a disjuncture. This study investigates the questions of how parents/guardians in Komani and Qonce describe infrastructural and administrative barriers to basic education for children with disabilities; how would they describe the inequalities with the Constitution enshrining equality?.

The first part of the article presents the introduction, problem statement, followed by theoretical framework. The framework is grounded in the *Ubuntu* philosophy to articulate how African philosophy pronounces the social injustices. The third part presents the methodology, followed by thematic findings extracted from the broader study. The fourth part of the article is followed by a discussion that interprets the subject of the study through different articulations of these exclusions. Lastly, the conclusion of the study is presented.

2 Problem statement

South Africa's democratic transition in 1994 was celebrated as the beginning of a new era defined by non-racialism, inclusivity, and social justice [26]. The "Rainbow Nation" narrative symbolized national reconciliation and a collective commitment to redressing the injustices of colonial-apartheid [27]. Central to this liberation narrative was the promise of equal opportunities and the realization of fundamental human rights for all South Africans, including the right to education. These ideals are enshrined in the Constitution of South Africa and affirmed by the country's ratification of international treaties, such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). However, the lived experiences of people with disabilities, particularly Black children in marginalized provinces like the Eastern Cape, expose a stark contradiction between these constitutional promises and the persistent realities of exclusion and inequality.

Despite legislative and policy reforms aimed at promoting inclusive education, access to quality basic education for children with disabilities remains profoundly unequal [12]. The continued lack of accessible infrastructure, specialized support services, and effective policy implementation constitutes a form of systemic violence, reinforcing patterns of marginalization. These structural barriers impede the realization of children with

disabilities' right to education, undermining their dignity, agency, and full citizenship in a democratic South Africa. The ongoing struggles of children with disabilities challenge the legitimacy of the "Rainbow Nation" narrative. The failure of the post-apartheid state to dismantle exclusionary practices entrenched in the education system is not merely an administrative oversight but reflects a deeper continuity of historical injustice. Consequently, the right to education for children with disabilities in South Africa remains an unrealized ideal, raising urgent concerns about the state's commitment to substantive equality and social justice.

The study is conducted in the Eastern Cape province with a qualitative case study in Komani and Qonce. This study answered the following two questions: how do parents/guardians in Komani and Qonce describe infrastructural and administrative barriers to basic education for children with disabilities?; how would they describe the inequalities with the Constitution enshrining equality?. The questions helped to interpret the unequal access to basic education among Black children with disabilities in South Africa. The questions also helped to interpret the broader implications of this exclusion for social justice and the full realization of democratic citizenship in post-colonial-apartheid South Africa. The article contributes to both the theory and practice of the social justice subject.

3 Theoretical framework

3.1 Ubuntu philosophy

Justice remains an elusive concept [28], which makes defining social justice a daunting task. Epistemologically, social justice has been conceptualised differently, informed by different political contexts and philosophies. However, the Western *Weltanschauungen* have been universalised through colonisation, which *de facto* universalised the conception of social justice. Nevertheless, in Africa, social justice has long been conceptualised and founded on *ubuntu*, which is an overarching African philosophy that has been named differently across different communities and languages [29, 30]. Inter alia, aphorisms and principles of *ubuntu feta kgomo o tshware motho* are fundamental to social injustice. The Sotho aphorism means 'if and when a choice must be made between preservation of human life and the possession of wealth that may be dispensed with, then it is imperative to choose for the preservation of human life' [29]. In post-1994 South Africa, as it was in the colonial-apartheid era, the majority of Black people are living in precarious conditions [1, 31], which include inaccessibility to education by children with disabilities. In the colonial-apartheid era, the minority got wealthier while excluding the majority of Black people; it has been the same case in the post-1994 government, where the African National Congress (ANC) leaders became billionaires while the majority of children with disability are out of schools [32]. It is indeed clear that the government chose wealth over the preservation of human life. Compelling evidence of corruption in South African governance spells out choosing wealth in place of service delivery and building schools as enshrined in the constitution [33].

The values of *Ubuntu* have not been practiced by the post-1994 government of South Africa, where the majority of underprivileged Black communities do not have schools for children with disabilities. The corruption and other conduct that are against the promises of the constitution contradict with value of *ubulugisa* in Xhosa [34]. The above

value means justice and doing things with fairness and integrity. *Ubulungisa* in South Africa's governance is significantly lacking.

Ramose [31] argues that justice in African philosophy is realised through the restoration of equilibrium. As it is articulated in the introduction, colonial-apartheid created the disequilibrium through racial policies, with its legacies being felt today. The systematic and institutional injustices are the ones that cause the imbalances where Black children with disabilities are in precarious positions. *Ubuntu*, if fully embraced as an ethical and operational framework, would shift education policy and practice towards a more holistic and community-oriented approach. This includes recognizing the inherent worth and dignity of every learner, addressing inequality not just through access, but through belonging, and ensuring that children with disabilities are active participants in their communities and schools.

4 Methodology

The study used a qualitative research approach to gain in-depth insights into the lived experiences of parents, guardians, and stakeholders navigating systemic barriers to education for children with disabilities in the Eastern Cape. A qualitative methodology was chosen for its flexibility and capacity to prioritize subjective experiences, allowing the research to explore the complex realities of marginalized communities [35, 36]. These subjective accounts formed the core of the study's findings, offering a deeper understanding of the persistent inequalities embedded within South Africa's post-apartheid education system. The qualitative approach also emphasized observation beyond verbal responses, incorporating participants' motions and tones as important indicators of meaning [37]. In this study, participants' emotional responses and non-verbal cues were carefully observed to enrich the data. The operationalization of the methodology was informed by the *Ubuntu* tenets. The language used was IsiXhosa, with other guiding principles of conversation from the Xhosa culture being observed. The principles include not writing while someone is talking, and sometimes extending conversations beyond the scope of the research.

Purposive and snowball sampling strategies were employed to recruit participants who could provide rich and varied insights. Purposive sampling ensured representation from parents, guardians, district education officials, and a disability rights advocate. Snowball sampling, particularly among parents and caregivers, helped reach individuals in remote areas who would have otherwise remained inaccessible due to geographic and socio-economic barriers [38, 39]. The total number of participants was n = 22 (14 parents/guardians; 7 Eastern Cape Department of Education (ECDoE officials; 1 South African Human Rights Commission (SAHRC) official); racial composition was 1 White and 21 Black; and gender composition was made up of 17 females and 05 males. The inclusion criteria of the study were based on being parents/guardians of children with disabilities, ECDoE officials working with inclusive education policies, and SAHRC officials. Those who did not meet the above criteria were excluded. All participants were interviewed without saturation, and the sample size was informed by the availability and willingness of the participants. The participants with direct involvement in policy development and implementation, as well as inclusive education initiatives, shared their experiences of the challenges related to policy execution, while parents and guardians provided vivid

accounts of their daily struggles with systemic injustices. This method allowed for the portrayal of their lived realities in navigating exclusionary educational structures.

Understanding systemic injustices was made possible by privileging the voices of those most affected by the denial of educational opportunities. Following a constructivist and interpretivist paradigm, the research acknowledged that realities are subjective, context-bound, and influenced by socio-cultural dynamics. Therefore, this study intentionally centred the knowledge and experiences of parents and guardians of children with disabilities in rural Eastern Cape communities, while remaining mindful that their experiences may differ from those in more urbanized contexts.

The research engaged with the social worlds of participants, constructing meaning through interpretative interactions and observations of the environment. Infrastructural inadequacies were directly observed in the public spaces visited during data collection. The researchers engaged in an iterative process of knowledge production, continuously refining understanding through dialogue with participants. The participants were treated as co-creators of knowledge, contributing actively to the generation of data that illuminates the intersections between systemic exclusion.

This study's explorative nature required an ontological and epistemological commitment to understanding multiple realities shaped by human interaction. It uncovered how parents and guardians navigate exclusionary practices within the basic education system of the Eastern Cape, rather than imposing pre-existing assumptions. Knowledge emerged dialogically, as participants' lived experiences and subjective interpretations shaped the findings. The research process was iterative, and data collection and analysis were dynamic, ensuring responsiveness to emergent themes. The inductive nature of the study aligned with interpretivist principles, deriving findings from participant engagement rather than predetermined hypotheses. This approach allowed for the organic emergence of patterns and themes that authentically reflected participant experiences of exclusion and marginalization in education.

Through an ontological lens, the study critically examined the interactions between policy frameworks, infrastructural challenges, and lived realities. Engaging with diverse participants, including Eastern Cape Department of Education representatives, parents, guardians, and human rights advocates, enabled the study to capture a wide spectrum of perspectives on systemic barriers. Semi-structured interviews facilitated the co-construction of knowledge, ensuring that the voices of marginalized communities informed the analysis of educational exclusion. In this way, the study produced nuanced insights into the interplay of systemic violence, policy failures, and infrastructural neglect that perpetuate educational inequity.

The research design was a qualitative case study in Komani and Qonce, well-suited to the constructivist paradigm. This design allowed for an in-depth exploration of the experiences of parents and guardians in Komani and Qonce, two rural towns that exemplify the exclusionary conditions facing persons with disabilities in the Eastern Cape. The case study design provided a structured yet flexible framework for analysing systemic issues in their specific contexts, enabling the researchers to uncover how individuals interpret and navigate exclusionary structures. Through immersion in participants' lived realities, the researchers were able to observe firsthand the physical and systemic barriers to education, ensuring an authentic and context-driven understanding of the phenomenon under study.

Komani and Qonce were purposively selected as study sites due to their persistent socio-economic inequalities and historical marginalization. Both towns, reflective of the broader systemic inequities entrenched in the rural Eastern Cape, remain characterized by inadequate public services, deteriorating infrastructure, and limited access to specialized educational facilities. Komani, also known as Queenstown, is a small rural town in the Eastern Cape province, South Africa. It serves as the administrative seat of the Enoch Mgijima Local Municipality and is situated along the N6 highway, connecting larger urban centres such as East London and Bloemfontein. It is characterized by a mix of urban and rural elements, with a significant portion of its population residing in townships such as Mlungisi, Ezibeleni, and Lesseyton. The town is predominantly occupied by isiXhosa-speaking Black Africans, reflecting the wide-ranging demographic composition of the Eastern Cape. Many residents still live in informal housing or RDP houses that lack proper maintenance. Komani's struggles with service delivery and infrastructure development can be linked to governance inefficiencies at the municipal level. Similar to Komani, Qonce (also known as King William's Town) is a historically and politically significant small rural town in the Eastern Cape province of South Africa. Qonce remains a stronghold of the IsiXhosa language and culture, with deep connections to traditional leadership and practices. Despite being one of the older towns in the Eastern Cape, Qonce struggles with underdeveloped infrastructure and inadequate public services. These conditions disproportionately impact children with disabilities, exacerbating their exclusion from equitable educational opportunities. The intersection of poverty, underdevelopment, and systemic neglect in these regions offers critical insights into how structural and spatial inequalities continue to undermine the constitutional rights of children.

Data collection methods included semi-structured interviews and field notes, enabling a comprehensive understanding of participants' experiences. The interviews were predominantly conducted in IsiXhosa, the primary language spoken in the Eastern Cape, to foster a culturally and linguistically appropriate research environment. The interviews were guided by a semi-structured interview guide that was translated into IsiXhosa. This approach not only enhanced participants' comfort but also encouraged richer, more authentic narratives [40, 41]. By minimizing language barriers, the use of IsiXhosa facilitated rapport and trust between the researchers and participants, which was critical for eliciting nuanced insights. The interviews of the parents/guardians were conducted in person (face to face) in their homes at Komani and Qonce. ECDoE officials were also interviewed in person at the above-mentioned locations, while the SAHRC was interviewed through the online system. The interviews took a duration of 45 min to 60 min. All interviews were audio-recorded with informed consent and subsequently transcribed for rigorous analysis. The transcription of the recorded interviews was translated back by a professional language translator. Complementing the interviews, observational field notes documented the physical conditions of schools and public facilities, providing contextual depth to the data and corroborating participants' accounts of infrastructural challenges. The notes were written in English and needed no translation. Thematic analysis guided the data interpretation process [42]. The analysis and formation of themes was done manually without the use of software since the interviews were conducted in IsiXhosa. In following Braun and Clark's steps, the researchers firstly engaged with the data by reading and rereading transcripts, interview notes, and

listening back to the audio recording to gain a thorough understanding of the content. Secondly, the researchers systematically identified and labelled interesting features and patterns in the data through coding. This involved assigning descriptive labels or codes to segments of the data that represented important concepts and ideas. Thirdly, themes emerged by organizing and categorizing codes based on their similarities and relationships. The researchers grouped related codes to identify broader patterns or themes within the data. The themes were later reviewed and refined to ensure they accurately captured the essence of the data. This included revisiting the data, reevaluating codes, and considering alternative interpretations. The fifth step entailed giving each theme a concise and meaningful name that reflected its content. Lastly, the researchers wrote up the findings, presenting the themes along with supporting evidence from the data. This involved structuring the findings section to provide a coherent narrative that outlined the key findings and their implications.

The researchers ensured trustworthiness by enhancing confirmability, where the employed techniques, such as bracketing, maintaining reflexivity, and engaging in peer debriefing and member checking to ensure that interpretations were grounded in the data. Credibility was ensured through the prolonged engagement, member checking, and peer debriefing. In this study, dependability was ensured through the purposive selection of participants, allowing for relevant and insightful contributions. Additionally, the consistency of responses across various participant groups further reinforces the reliability of the findings. Moreover, a well-documented research methodology and a transparent data collection process enhance the study's dependability by providing a clear framework for replication and validation. The researchers enhanced transferability by providing rich and detailed descriptions of the research context, participants, and data collection methods. The transferability was confirmed by providing rich and detailed descriptions of the research context, participants, and data collection methods. Additionally, purposive sampling was used to select participants who represented diverse perspectives and experiences, thereby increasing the likelihood that the findings would be relevant to other contexts or populations.

5 Ethical approval and accordance

The study adhered to the ethical guidelines and protocols approved by the University of the Witwatersrand (WITS) Human Research Ethics Committee. Ethical clearance was obtained before the commencement of data collection, with the protocol number H25/05/15. Ethical considerations were rigorously upheld throughout the research process, ensuring respect for participants' rights, informed consent, confidentiality, and voluntary participation in accordance with WITS University's ethical standards. Given the sensitive nature of the research topic, psychosocial support referrals were available to participants who experienced distress during the study. The research was guided by the principles of *ubuntu*, ensuring respect, dignity, and recognition of participants as co-creators of knowledge. This ethical commitment emphasized the pursuit of social justice and the collective aim of advancing inclusive education for all.

6 Limitations

Collecting data in two towns was a challenge due to financial constraints, since the study was not funded. The snowball sampling led to homogeneity bias because parent/guardian participants referred researchers to people within their social networks who shared similar traits. However, purposive selection of the participants with direct involvement in policy development and implementation allowed for more heterogeneous insights. It was not within the scope of the study to capture categories of disabilities. There was a reluctant participation by ECDoE that may have been influenced by factors such as organizational policies restricting engagement with external research. A significant portion of the participants, particularly parents and guardians, spoke isiXhosa during interviews. As a result, transcription was followed by translation into English for analysis. This introduced the potential for meaning to be lost or altered during translation, particularly for culturally nuanced expressions. The linguistic and cultural nuances inherent in isiXhosa may not be fully captured in the English transcripts. Conducting research in South Africa presented a range of practical challenges, from bureaucratic delays to resistance from stakeholders and logistical difficulties. Power dynamics between researchers and participants and political sensitivities further complicate the process. Conducting research in the education sector requires navigating multiple bureaucratic hurdles, which can result in significant delays. Research in education and policy spaces is often shaped by political considerations. Government institutions are sometimes reluctant to grant access to researchers whose findings could reveal inefficiencies or failures in service delivery.

7 Study findings

The study successfully met the intended number of participants, with a total of $n = 22$ participants included in the sample. The following are the code names of each group of participants (Table 1):

- Eastern Cape Department of Education officials. Code name = ECDoE-O (1–7).
- Parent/Guardian: Code name = P/G (1–14).
- South African Human Rights Commission official: Code name = SAHRC-O.

Table 1 Demographic information

Participants	Race		Gender		Occupations	
22	Black	21	Male	05	ECDoE	07
					Parents/Guardian	14
					SAHRC	01
	White	01	Female	17		

7.1 Thematic findings

See Table 2

7.2 There is a lack of accessible infrastructure, which include buildings and ramps

7.2.1 Infrastructural barriers

One of the most pervasive challenges identified in this study is the lack of accessible school infrastructure in rural areas of the Eastern Cape. P/G1 shared that "many

Table 2 Themes

Question	Codes	Theme	Sub-theme
What are some of the issues that contribute to the inaccessibility of education for children with disabilities?	Buildings and classrooms Furniture Assistive technology	There is a lack of accessible infrastructure, which includes buildings and ramps	Infrastructural Barriers
The question was a follow-up to understand their emotional position, which is necessary when following *Ubuntu*.	Hopelessness We are forgotten by the government	Loss of interest and giving up on trying to take the children to school	Gloom and Despair
The question was based on their views with regard to the problem faced, while the South African Constitution enshrines equality.	Equality is for certain people; Equality is only in policy; Equality has not arrived in rural areas, townships, and informal settlements	The equality promises are not meant for everyone in South Africa	Exclusionary Nature of Equality in South Africa

mainstream schools are not equipped to accommodate children with disabilities". P/G6 noted that "buildings frequently lack ramps, wide doorways, accessible toilets, and tactile paving for children with visual challenges". Classrooms are often overcrowded, and furniture is not adapted to meet the needs of children with physical disabilities. The above physical inaccessibility of schools effectively directly and indirectly excludes many children with disabilities from attending, and *de facto* violation of their constitutional right to basic education. While the government's White Paper 6 on Special Needs Education highlights the importance of adapting infrastructure for inclusion, its implementation has been inconsistent and poorly monitored [43]. In Komani and Qonce, many schools remain physically lacking adequate infrastructure for inclusion. As a result, children with disabilities are pushed out of school by these conditions.

As a result, children with disabilities are frequently referred to special schools, which are few and far between, or left in mainstream classrooms without appropriate support [32]. This places them at risk of academic failure and social isolation. While a few remote schools slightly accommodate children with disabilities but the transportation remains a significant barrier. P/G3 shared that "their children in rural areas are unable to travel long distances to school due to the absence of accessible and affordable transport services". P/G2 and 4 agreed with the one who stated that "sometimes we have to carry our children to schools and this practice is exhausting and unsustainable in the long term". ECDoE-O1 also acknowledged that "the absence of accessible transportation creates insurmountable obstacles for children with disabilities living in rural areas". Without reliable transportation, these children remain confined to their homes, cut off from educational institutions and the broader society. The above expressions from the parents, guardians, and education specialist correspond to what Madlingozi regards as being the 'forgotten one' in the new South Africa [44]. The two ECDoE-O 2 and 4 shared similar views that the Eastern Cape remains behind on infrastructural support for inclusive education in South Africa entirely.

7.3 Loss of interest and giving up on trying to take the children to school

7.3.1 Gloom and despair

The participants conveyed a shared feeling of despair regarding service delivery and specifically access to education by their children with disabilities. The participants frequently portrayed a gloomy situation of not having seen the light like others who are benefiting from the democracy. In several instances, participants have shown to have

ended up accepting the situation. P/G5 expressed that "with the state of government corruption, one should accept the situation". This acceptance of exclusion within marginalized communities reflects a troubling complicity in sustaining systemic oppression [32]. P/G7 and 10 expressed that earlier post-1994, they had hopes with the Black government, but things had not turned out as expected. The affected parents and guardians, through prolonged exposure to exclusion, have internalized their subjugation, which has led them to a sense of powerlessness and acceptance of their circumstances. It underscores how the denial of access to education not only limits opportunities but also reinforces cycles of social and psychological subjugation, further entrenching inequality. The following was a comprehensive verbatim from the participant supplementing this evidence:

> *P/G8: "I didn't bother enrolling her at school anymore because that would mean she would be hundreds of kilometres away from home. Instead, I found someone to look after her during the day when I am at work. That's how we've been doing it since".*

This choice is often not born out of preference but rather due to the constraints imposed by systemic inequities. This also highlights how children with disabilities and their caregivers in the Eastern Cape have been forced by these circumstances to internalize their exclusion due to systemic barriers such as inadequate infrastructure, limited access to resources, and the absence of supportive educational frameworks. The psychological impact of such exclusion has contributed to a cycle of disenfranchisement, where the marginalized groups have come to believe that their exclusion is an inevitable reality. This goes to show how social injustices, when left unaddressed, lead to the normalization of inequality and hinder systemic change. Verbatim from the participant corroborates this claim:

> *P/G9: "I did go to the department when I started trying to figure out where to start this, and one of the guys that I spoke with told me the same thing that I knew, that no schools accommodate my son, which means I have to accept the reality."*

The forced acceptance of exclusion by parents and caregivers of children with disabilities is the consequence of systemic injustice, which spells social marginalization for children with disabilities. It is a social marginalization because injustices and inequalities deny the children their rights and social dreams. This condition nullifies their agency, voice, and societal value. The inequalities make them mere spectators in a post-1994 democracy that promised protection of human rights, inclusion, and justice [32]. Then loss of hope and despair becomes a coping mechanism for survival in a society that has failed parents, guardians, caregivers, and children with disabilities.

P/G13 explained that her decision to informally homeschool her son stemmed from the systemic failure of the mainstream education system to provide reasonable accommodations for his needs. Before arriving at this decision, she had thoroughly explored available options within the mainstream education system, only to find it unsuitable and unresponsive to the unique challenges faced by children with disabilities.

> *P/G12: "I didn't just give up; I tried to seek assistance from the Department of Education, and rather you are told to keep him in the mainstream because there's no other place, and I knew the school was doing nothing for him."*

Over time, the powerlessness to change systems and persistent rejection foster a sense of discouragement and helplessness. This was confirmed by P/G11 that "the government has pushed us and our children to feel like they are abnormal, because when we seek help with school, we get one response that the few schools in the Eastern Cape have no accommodation, which leads to just giving up for good".

7.4 The equality promises are not meant for everyone in South Africa

7.4.1 Exclusionary nature of equality in South Africa

The operational definition of equality extracted from the Constitution of the Republic of South Africa means equal enjoyment of all rights and freedoms without any direct or indirect discrimination against anyone on the grounds inter alia race and disability. However, the 'equality' in South Africa is exclusionary and contradicts the constitution. The participants expressed with emphasis this exclusion when it comes to the education of their children with disabilities. P/G13 expressed that equality in South Africa is not experienced equally by all, particularly for people with disabilities. This disparity contradicts the core principles of *ubuntu*, which emphasize collective humanity, equality, and respect for all individuals. While *Ubuntu* advocates for inclusivity and shared responsibility, the exclusion of certain groups from equal access to education and resources highlights a failure to uphold these values in practice.

While laws and policies may guarantee equal rights and protections for all individuals, their implementation often fails to account for the diverse and unequal starting points of marginalized groups [3, 5]. This gap is particularly evident in the experiences of children with disabilities and their families, revealing that systemic inequities undermine the promise of equality [19, 20]. While legal frameworks like the South African Constitution of 1996 and international agreements such as the UNCRPD affirm the rights of vulnerable and marginalized groups, for children with disabilities and their families, this gap is particularly stark, as systemic inequities undermine the realization of these rights [20, 21]. Formal equality assumes that treating everyone the same yields equitable outcomes, yet this approach overlooks disparities in resources, opportunities, and barriers [32]. For instance, children with disabilities in rural areas like the Eastern Cape face compounded challenges, including a deficit in inadequate infrastructure, limited transport, and untrained educators, making their legal rights inaccessible in practice. These inequalities are further exacerbated by intersecting factors such as socioeconomic status, gender, and geography, with girls with disabilities facing additional discrimination and stigmatization. Inequality is not just about income; it is a reflection of unequal access to opportunities and resources, which perpetuates cycles of poverty and exclusion [45].

Participant expressed.

> *P/G13: "and you also find that children without disabilities have access to better-equipped public schools as compared to schools that claim to cater to children with disabilities".*

Another participant expressed her frustration.

> *P/G10: "Available schools for children with disabilities often charge fees, while children without disabilities can attend schools without paying a single cent. I don't think that's fair to us as parents."*

Systemic inequities are entrenched in societal structures, where schools and public services are designed with able-bodied norms, perpetuating exclusion and completely erasing people with disabilities [32]. The consequences of unequal equality are profound, perpetuating cycles of exclusion and systemic violence, denying children with disabilities opportunities for social and economic participation, and subjugating families, where they are erased from full societal engagement [9]. This failure erodes trust in the education system, weakens social cohesion, and reinforces generational inequities. Foucault's concept of biopower, which delves deeper into how social institutions regulate and control populations, is applicable in this context. The failure of the Department of Basic Education (DBE) to accommodate children with disabilities in mainstream education reflects a societal power structure that controls who is seen as capable and worthy of participation in society, relegating children with disabilities to invisibility and exclusion.

The policies like the South African Schools Act 84 of 1996 and White Paper 6 on Inclusive Education 2001 aim to guarantee equal rights; however, there remains a disjuncture between what is sought and the reality [43, 46]. These conditions, more especially in provinces such as the Eastern Cape, violate all the principles of justice where historical and systemic inequities, compounded by poor resource allocation, deny children with disabilities equal access to education and opportunity. While formal policies align with the ideal of justice, their failure to address the realities of this marginalized group renders them ineffective. The other participant shared her experiences in the following sentiments:

> *P/G6: "It is practical to have a school in each district. I think that should be something that the department looks into because there are people with disabilities everywhere. Going to other districts to place children is not practical. Our waiting lists are very long, and a large number of children need to be accommodated. And these districts can only accommodate so many kids because they also have children from their districts to place."*

Uba and Nwoga [47] confirm exclusion remains a significant barrier for people with disabilities in accessing inclusive education. UNICEF also noted that individuals with disabilities experience discrimination and exclusion across various sectors, including education [48]. SAHRC-O noted that despite the development of inclusive education policies aimed at ensuring quality education and equal opportunities for all children Eastern Cape is challenged by rife inequality. SAHRC-O further noted that corruption has affected the implementation of these policies is a *de facto* violation of human rights.

8 Discussion

Despite the post-1994 aspirations of addressing the colonial-apartheid atrocities and a transformative constitution that sought to socially and economically transform the country, South Africa is still overwhelmed by infrastructural inequalities [49]. The promised transformations, among many aspects, include the education system and ensuring equal access. Although the 1995 White Paper for Education and Training and the South African Schools Act, 84 of 1996 (SASA), and many other instruments were significant steps, unequal access to education is still high [50, 51]. The White Paper recognizes a need for infrastructural distribution to ensure everyone has access to education through government commitments [51], while section 3(3) of SASA encourages equal access to

quality education without discrimination. Nonetheless, as reflected in the introduction and by findings, access to education is affected by infrastructural barriers that facilitate exclusion. Levy [23] reflected that in 2017, more 300,000 children with disability were not in school and were forced to be. This unequal access to education sustains the cycle of poverty [9], and this needs to be interpreted through other lenses of literature. The exegesis above is one of the elements that make South Africa the most unequal country in the world [7]. Eclectic literature in both statistical and qualitative studies presents a compelling impact of infrastructural barriers on access to education by children with disabilities [52]. Other studies have confirmed that the Eastern Cape Department of Education is continuously experiencing infrastructure challenges and a lack of necessary facilities that affect access to inclusive education [53]. Chirowamhangu [19] further points out that disparities and a lack of adequate education infrastructure violate in all angles the rights of children with disabilities. Kavese and Mbali [54] corroborate the above that unbearable infrastructural barriers to education push people with disability to leave school early and have a lower education level. The unequal access to inclusive education in the underprivileged communities due to poor infrastructure symbolizes an exclusive reality of equality [55]. The other studies have also argued in the same manner that the lack of infrastructure to deliver inclusive education is a form of discrimination towards equality and demonstrates a profound justice gap [56, 57].

The experiences articulated in the findings align well with what Madlingozi pronounces as being 'left behind the proverbial bridge to the new South Africa' [44]. The promises of the new South Africa included equal access to education for everyone. Therefore, the inaccessibility of education by children with disabilities spells being left behind. Chirowamhangu [19] notes that the failures of the post-1994 government have seen the lion's share of Black children with disabilities being out of school. The persistence of inclusive educational inequalities is pervasive in underprivileged settings of South Africa, and that justifies a need to ask the question of equality [58]. These are the "New" educational injustices in the "new" South Africa [59] that continue to privilege certain groups over others, are responsible for the ongoing exclusion of learners with disabilities. Kenyon and Madlingozi [60] protest that post-1994 was characterised by false narratives of nation building and the "rainbow nation" slogan that was supposedly symbolising radical changes which did not equalise access to education. Kometsi [61] appreciates Long's of Friedrich Nietzsche's concept of ressentiment associated with Black shame and envy for that which the university (and a post-1994 South Africa) promises, and yet which structurally becomes less accessible to Blacks than Whites. The existential experience of children and their systematic exclusion from education creates the same ressentiment.

The continuing social injustices are perpetuated by the post-1994 government's failure. Ndlovu-Gatsheni [1] notes that 'instead of delivering services to the people, they are engaged in deluding their own people by pretending to be in charge and inviting the hungry and angry population to partake of annual celebrations of flag independence that did not change their well-being'. More [2] pronounced the above and government failures as a 'colonial consciousness (mentality) where the current Black leaders resemble colonizers with precarious living conditions for Black people remains ubiquitous. Furthermore, this pretence has been through the production of several policies without results of change, affected by chronic corruption. It is this corruption that sustains

historical exclusions and injustices. The colonial consciousness (corruption) maintains the Manichean structure [62] where Black children with disability are excluded from the education system, with the economic condition preventing them from attending private schools that have all the resources. Sithole explains the Manichean as the binaries of existence between Black and White. With Black exclusion while Whites are enjoying 'human' rights. Pertinently, Black children with disability experience the Manichean elements.

If then the systematic exclusion from education is *de facto* to poverty, as noted by Amnesty International, so is it to economic exclusion. There is an inextricable link between education and economic opportunities. Therefore, the exclusion from education leads to exclusion from the workforce and economic participation. It would suffice to pronounce the above as social alienation, disconnecting children with disability from social structures. This isolation deprives children the essential social and cognitive development. Aldersey et al. share the same view that the exclusion of children with disabilities from education has repercussions on economic and social isolation [63].

9 Conclusion

The article conveys the unequal access to the right to education by Black children with disabilities. Primarily, the thesis enunciates that inasmuch as post-1994 South Africa is founded on 'equality', that remains theoretical. The above is conveyed through exegesis showing that the majority of Black children with disability are systematically excluded from accessing their rights to education as enshrined in the constitution. The article presented is a huge disjuncture between Inclusive education polices and the reality, more especially in the Black underprivileged communities. We have argued that this disjuncture is not by accident and amplify Madlingozi, who argues that those experiencing these conditions in post-1994 are "the forgotten" and experience neo-apartheid. The forgetting, which is inextricable from corruption, is a colonial mentality [44]. We have also conveyed that the corruption is *de facto* to colonial consciousness that sustains the Manichean structure where children with disability are on the precarious side.

Ubuntu has been used as the framework to interpret social justice through the African worldview. The interpretations present that the post-1994 government has been using *ubuntu* as a conduit to justify other agendas, while in reality, leaders lack *ubuntu*. The thematic findings present infrastructural barriers that perpetuate unequal access to education. The second theme deals with conditions that come with the exclusion of equal rights, which leaves people with gloom and despair. The poor service delivery forced affected people to internalise the position they are put in as a coping mechanism. The last themes present the exclusionary nature of South Africa's equality. The essential position of this article is to demonstrate the need for an alternative discourse on the current surviving systematic exclusions. The study recommends that the SAHRC take a proactive role and engage with government agencies to ensure the implementation of disability-inclusive policies. The government needs to strengthen the existing special schools by equipping them with trained personnel, assistive technologies, and adequate learning resources. To address the existing geographical barriers to special needs education in the Eastern Cape, concerted efforts are needed from government authorities, educational institutions, and community organizations. Investing in transportation infrastructure to improve access to special schools and support services for families in rural

areas. Partnerships with the Department of Transport are essential to ensure that safe and accessible transport services are integrated into education planning. Thereafter, the implementation of a monitoring mechanism should be in place to ensure that learners with disabilities receive consistent and reliable services.

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Data availability
The datasets generated during and/or analysed during the current study are available from the corresponding author on reasonable request.

Declarations

Ethics approval and consent to participate
The research was ethically approved by the University of the Witwatersrand Human Research Ethics Committee (Non-Medical) and the Eastern Cape Department of Education. The participants signed formal consent forms, while some approved verbally and were recorded.

Consent for publication
In the consent form, participants approved the publication.

Competing interests
The authors declare no competing interests.

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