



EQUAL EDUCATION LAW CENTRE

CELEBRATING 10 YEARS OF LEGAL ACTIVISM TOWARDS
EQUAL AND QUALITY EDUCATION IN SOUTH AFRICA

A collection of colorful, geometric patterns in shades of blue, green, yellow, and white, set against a dark blue background. The patterns include concentric circles, radiating lines, and dotted shapes, creating a vibrant, abstract design.

ANNUAL
REPORT
2022



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Message from the Chairperson

2022 marked the tenth anniversary of the founding of the Equal Education Law Centre. There was much to celebrate. In our first ten years, EELC has walked alongside our movement partner, Equal Education, and acting on their behalf won some landmark cases protecting and promoting the right to education of learners across South Africa. Our walk-in and online clinic serving communities across the country has grown since it was established in 2017 and in 2022 received more than 700 enquiries. Our research and advocacy work has matured. We were delighted that our anniversary celebration was marked by the first annual Arthur Chaskalson Memorial Lecture, which was delivered by Arthur's former law clerk at the Constitutional Court, and now a leading constitutional advocate, Tembeka Ngcukaitobi. Tembeka spoke on the theme of the rule of law in times of crisis, reminding us of the long history of the struggle to establish and protect the rule of law in South Africa.

But if there was much to celebrate in 2022, it was not a time for pause. The vision of equal education for all learners in South Africa still remains only a vision. The consequences of the COVID-19 pandemic, and the responses to it, deepened inequality within our educational system and there is much to be done. EELC is fortunate indeed to have a diligent, highly qualified and committed staff to carry forward its mission. On behalf of all the members of the board, I would like to thank the staff for all they have done over the last year.

Establishing a strong organisation inevitably requires organisations to evolve and change. It has been an honour and an inspiration to work with the team at EELC as chair of the Board over the last seven years, but at the end of the year I will step down. I am delighted that Geoff Budlender SC has agreed to take on the role of chairperson. EELC is fortunate to have Geoff take on this role. He is one of South Africa's finest constitutional lawyers, and one of the founders of the first public interest law centre in South Africa, the Legal Resources Centre (which he founded together with Felicia Kentridge and Arthur Chaskalson, the inaugural chairperson of the EELC board, and former Chief Justice). I have full confidence that EELC will continue to grow from strength to strength in the years ahead under the able leadership of Tshego Phala and the experienced stewardship of the Board led by Geoff Budlender.

Kate O'Regan



Word from the Executive Director

As we celebrated our 10th Anniversary in 2022, I would firstly like to thank our Board of Trustees who, through the years, have provided the EELC with solid governance, strategic direction and invaluable support and guidance. Each Trustee has contributed their time, expertise and support on a voluntary basis, all of which has helped steer the EELC to this point.

I would also like to thank the incredible team of lawyers, candidate attorneys, researchers, administrators, interns, media and communications and community coordinators who have worked with dedication, passion and determination to protect the right to education for every child in South Africa. It is an enormous privilege to work alongside each of you and to provide you with opportunities to work in this critical social justice sector.

To our comrades at Equal Education, we are so proud of all you have achieved in the struggle for education equality in South Africa – the struggle has been long and hard, but the victories have been many. As a youth led movement you give young people agency and voice – something which has been denied to them for so long. It is a privilege to work alongside you as your movement lawyers!

Finally, to our donors who have partnered with us over the years, we thank you for your continued support and belief in the work we do. Without your commitment to the social justice sector in South Africa and your recognition of the critical importance of promoting and protecting the right to education we would not have been able to achieve the significant victories that we have. Alongside our partners and comrades in public interest litigation and social justice we pledge to continue the struggle for equitable, inclusive and quality education for all in South Africa. Aluta continua!

Tshego Phala



Above: Tshego and Advocate Ngcukaithobi



Celebrating 10 years of Legal Activism

In 2022, EELC celebrated 10 years since its establishment. This was a significant milestone in the life of the organisation and offered an important opportunity for reflection: reflection on the accomplishments of the organisation, its approach as activist movement lawyers in the education sector, and the many areas in which it has grown.

Together, we celebrated this milestone at our inaugural Arthur Chaskalson Memorial Lecture on 28th July 2022. Arthur was the founding Chairperson of the EELC, and the organisation paid tribute to his legacy and displayed an exhibition of the EELC's first 10 years of work. This was followed by a compelling lecture titled, *'The rule of law in times of political crisis'*, delivered by Advocate Tembeka Ngcukaitobi SC.

The lecture was both relevant and challenging and the discussion which took place amongst the panellists and audience afterwards was a lively one. The EELC's Executive Director, Tshego Phala, facilitated the panel discussion and was joined by Adv Geoff Budlender SC, a longstanding defender of human rights in South Africa, colleague and friend of Arthur Chaskalson. Activist and Director of the Socio and Economic Rights Institute (SERI), Nomzamo Zondo, completed the panel.

EELC is grateful to all those who were able to join the celebration, both in person and virtually. Our team of activist lawyers is determined to build on the success of the last 10 years and to continue the struggle for education justice over the next 10 years.

About Us

The EELC advocates for a society in which equal and quality education is accessible to all learners and is not dependent on their socio-economic status. Our aim is to safeguard every learner's right to equal and quality education using the law and the constitution to address problems that are faced by the legal system.

How we Work

Over the past 10 years the EELC has utilised a number of tools in our quest for education justice in South Africa:

COMMUNITY LAWYERING We provide access to justice through a daily law clinic which offers legal advice and support to communities and individuals on education related issues. The clinic is accessible for clients to access remotely or at our offices in Khayelitsha.

MOVEMENT LAWYERING The EELC's lawyers are activists and remain actively engaged in the struggles of our sister organization, Equal Education. We are on hand to provide legal materials and advice where needed.

STRATEGIC LITIGATION We take strategic legal action to promote the fight for equal and quality education, both on behalf of our sister organization, Equal Education and on behalf of other movements, civil society organizations, individuals and communities.

LEGAL RESEARCH & ADVOCACY The EELC champions legal and policy development in education, including sending submissions to relevant government institutions, conducting legal and policy research related to emerging issues in education and where possible, assisting communities, community-based organizations and other institutions to formulate their own policy and legal perspectives.

MEDIA AND COMMUNICATIONS The EELC utilizes both traditional news channels and social media to ensure that our key messages reach a wide audience, to position ourselves as thought leaders and to influence public discourse.

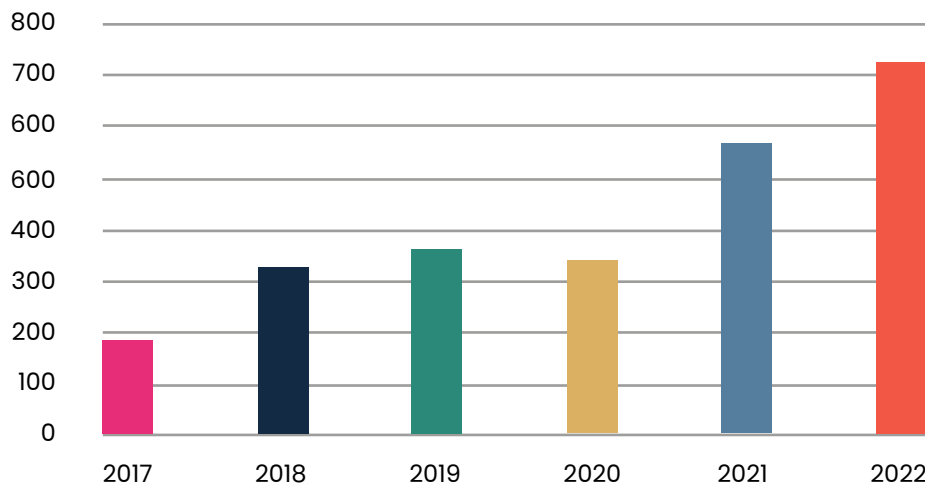
Increasingly, we are using each of these tools in a mutually supportive and concerted way to maximize our impact.

Towards Access to Education Justice

THE EELC WALK-IN CLINIC

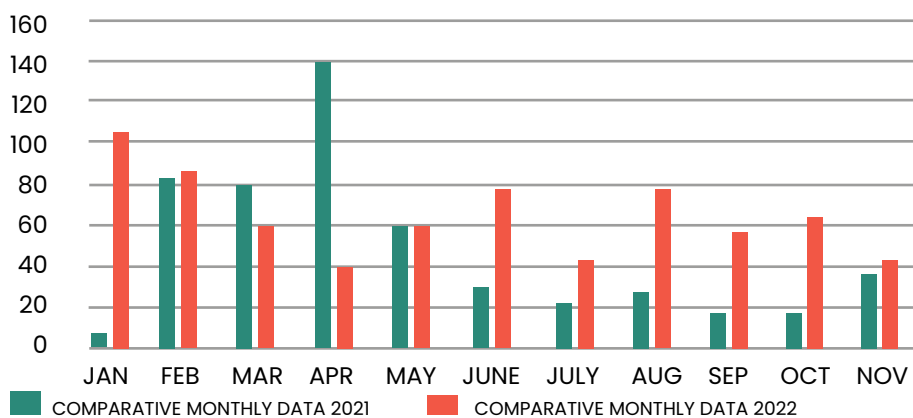
In 2022, the law clinic provided much needed access to education justice for over 720 people across the country. The issues that were dealt with by our clinic during the course of 2022 included matters relating to unlawful school admission practices, school fee exemptions, unlawful disciplinary proceedings, and discrimination against learners in schools. After a slight dip in numbers in 2020 – largely due to school closures during the COVID-19 pandemic – the clinic saw a 64% increase in matters received in 2021 and a further 30% increase in 2022. Our numbers have therefore doubled in the past two years, evidencing the continued demand for access to education justice for learners and communities.

NUMBER OF ENQUIRIES



The graph above shows a historical comparison of the total number of matters which the EELC has received from 2012-2022

COMPARATIVE MONTHLY DATA 2021-2022



An average of 63 matters were received each month as compared to the average of 48 in 2021. These consolidated monthly statistics are shown in the graph above.

Matters were received from all nine provinces, with an average of 63 matters received each month. Over the years, we've experienced a trend of high numbers in the first quarter of the year with numbers dipping mid-year and either remaining relatively low until the end of the year or beginning to increase again from around September onwards. In 2022, however, the numbers remained consistent and high throughout the year.

In order to respond to the increasing demand for the services of the law clinic, and in order to maintain a high quality of assistance and legal advice, the EELC welcomed a paralegal to the team in November 2022. The paralegal coordinates the intake process and administration of the walk-in clinic.

Increasingly, we are putting the walk-in clinic at the centre of the work we do. Not only do we provide quality advice for individual clients, but we also identify trends in the matters we are seeing and use the tools of research, advocacy and litigation to address the issues in a systemic way. Our Metro East litigation, regarding admissions, and our research and advocacy around school discipline are good examples of this.

TYPES OF MATTERS RECEIVED AT THE LAW CLINIC

While we received matters covering a wide range of issues admissions related matters remained the highest. There was a notable increase in the number of disciplinary matters, with close to 200 cases accounting for over a quarter of the total number of matters for the year. We also received high numbers of matters relating to withholding of report cards and school fee related queries.

Admissions

Year on year, the number of admissions matters dealt with by the walk-in clinic remains high. 2022 was no exception, remaining the highest than any other type of matter. To address this issue on a systemic level, we brought litigation against the Metro East District, which covers disadvantaged areas like Khayelitsha, and has some of the highest number of unplaced learners each year (see further below).



School discipline matters

In many of the law clinic's matters in 2022, we have seen schools approaching disciplinary procedures in a way that seriously prejudices the rights of learners to basic education.

One learner had been out of school for nearly five months and did not write his June examinations due to a procedurally unfair expulsion. The EELC intervention led to the learner returning to school and continuing with his education, while the KZN Education Department investigates the matter.

To address this issue in a systemic way, we produced a research report, analysing the dominant trends in the matters we received as well as gaps and flaws in the existing regulatory framework, and we used this report as a basis to

engage with the DBE on legal and policy reform as well as better training for SGBs.

Report cards and fee-related issues

In 2022 many parents approached the law clinic seeking assistance with cases where schools, both public and private, made use of irregular or unlawful practices when collecting outstanding school fees. Issues included the cancellation of contracts (in the case of private schools), withholding school reports, exclusion of learners where parents are unable to pay school fees and preventing learners from writing exams.

One of our candidate attorneys and an EELC intern published an [article](#) on Ground highlighting how the Matric dance is used to compel payment of school fees.

Discrimination

One of our walk-in matters involved a Muslim learner who had been discriminated against on the basis of her religion and gender. As a female learner, she was required by her school to comply with the dress code for 'girls' and to wear a short school dress in the summer and a short school skirt in the winter. The learner felt this was immodest and incompatible with her faith. In addition, she liked to play sport during breaktime and the school skirt prevented her from running freely and comfortably. The only exemption that the school was willing to grant was to force her to wear an ankle-length skirt – a concession which she did not feel met her needs.

We attempted to resolve the matter with the school but found them unwilling to compromise. Hence, we prepared an application to the Equality Court, due to be filed in the first quarter of 2023. We are asking the court to declare that the school's conduct constitutes discrimination under the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) and that it infringes on learners' rights to equality, dignity, freedom of religion, freedom of expression, best interests of the child, right to basic education and cultural rights.



The learner felt this was immodest and incompatible with her faith.



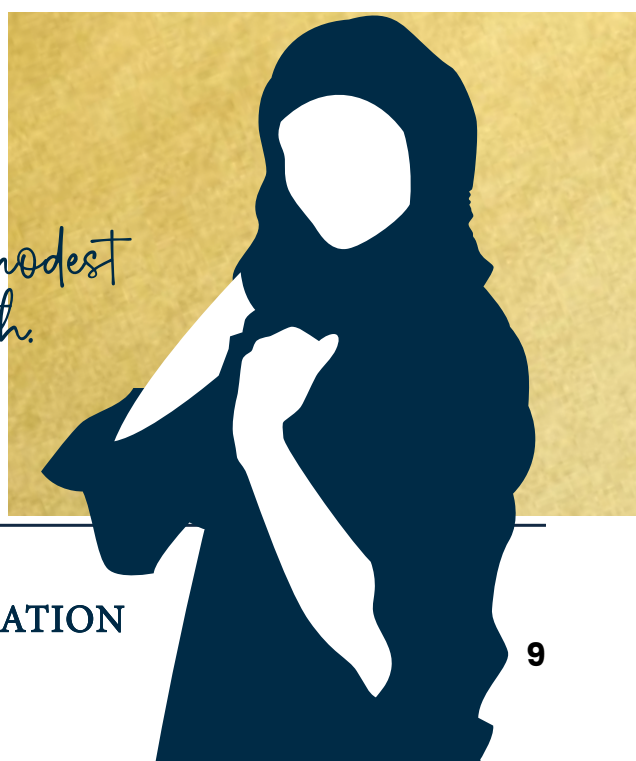
No school fees? Then no matric dance!

Some schools are trying to stop learners going to the dance because their parents haven't paid school fees. This is illegal

15 November 2022 | By Tasneem Ferreira and Anathi Canham
Opinion | South Africa



EELC's Article on School Fees



Building the Power of People

THROUGH COMMUNITY ENGAGEMENT AND LEGAL EMPOWERMENT

CONTRIBUTING TO THE DEVELOPMENT OF SOCIAL JUSTICE LEGAL PROFESSIONALS

► The EELC's relationship with Community Advice Offices South Africa (CAOSA) continued in 2022 with our involvement in the Dullah Omar School of Paralegalism, where we gave a two-day training workshop to the CAOSA paralegals on education law and policy. The feedback was extremely positive with participants reporting that they valued the practical nature of the training.



Above and below: EELC at the Dullah Omar School of Paralegalism

The feedback from paralegals was extremely positive



► Contributing to the entry of young social justice lawyers to the Public Interest Litigation Sector is important to the EELC. To this end, we sponsored the **UCT Moot Society's first novice moot competition for 2022**. Anathi Canham, one of our candidate attorneys, alongside one of our senior lawyers, set the moot question and the EELC candidate attorneys acted as adjudicators – an experience they thoroughly enjoyed.



Below: Tasreeq Ferreira – Canon Collins intern

► Through our partnership with **Canon Collins Trust** and with support from the Joffe Charitable Trust, the EELC once again hosted two interns during 2022. The interns had the opportunity to get involved in a wide range of activities including assisting with law clinic matters, legal research and movement lawyering. The internship helps to give young law graduates an opportunity to gain some exposure to work in the sector and a chance to develop some of the skills that will stand them in good stead for their articles.

Above: Anathi & Yolisa adjudicating the UCT Novice Moot competition.





LEGAL EMPOWERMENT OF COMMUNITY ORGANISATIONS

Throughout the year, the EELC ran a series of community-based workshops on education law and constitutional rights across the country. These included “Know Your Rights” workshops on education related topics to community organisations including Outliers and Yabonga. Both organisations support after-school programmes.

Left: Pila-Sande facilitating a workshop with Outliers

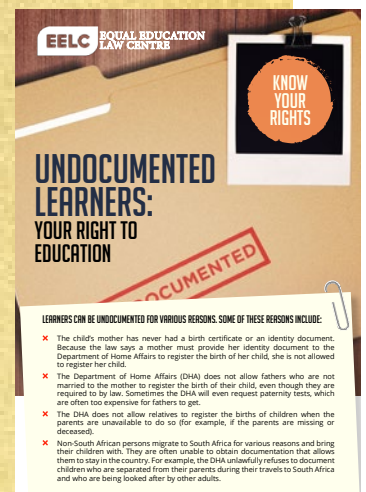
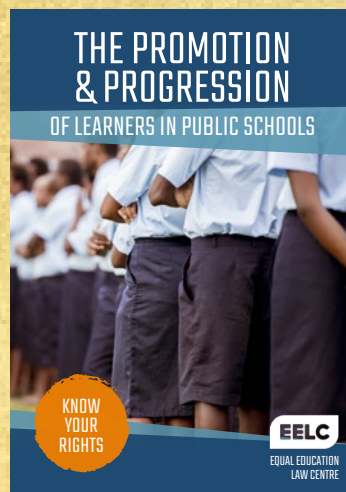
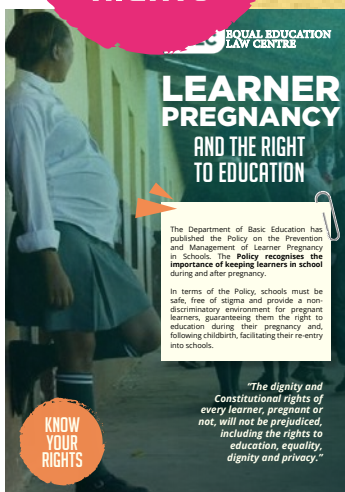
CONTINUED DEVELOPMENT OF “KNOW YOUR RIGHTS” MATERIAL

The EELC developed several additions and updates to our extensive “Know your Rights” series of pamphlets. Following the publication of the long-awaited Department of Basic Education learner pregnancy policy, to which EELC had made extensive submissions, we updated our [learner pregnancy](#) pamphlet to outline the rights and responsibilities of pregnant learners and the support they can expect to ensure their right to education is not interrupted on grounds of their pregnancy, as set out in the new policy.

We updated our [admissions guide for parents](#) and we also created an admission pamphlet specific to parents in Gauteng and a pamphlet on [undocumented learners](#).



DEVELOPMENT OF KNOW YOUR RIGHTS MATERIAL



EELC DEVELOPED NEW KNOW YOUR RIGHTS MATERIAL IN 2022.



Movement Lawyering

EELC CONTINUES TO SUPPORT OUR PARTNER ORGANISATION, EQUAL EDUCATION

As movement lawyers, the EELC provides legal advice and support, including but not limited to strategic litigation, to further EE’s campaigns for equal and quality education.

LEGAL EMPOWERMENT OF OUR MOVEMENT PARTNER

► A highlight of our community engagement in 2022 was having the opportunity to physically engage at a grassroots level once again and in particular the opportunity to re-engage, in-person, with EE membership for the first time since the start of COVID-19 pandemic. Our activist lawyers conducted a number of workshops with Equalisers, parents, and EE staff, on topics ranging from school admissions, promotion and progression, early childhood development and disciplinary procedures in schools.



Left: Tshego leading the Constitution session at EE Congress



Above: EELC training EE parents on ECD function shift and admissions

► In the build-up to Equal Education’s **4th National Congress**, EELC Chaired the Constitutions Committee. We facilitated sessions with EE staff and members and produced material for EE members on proposed constitutional amendments, as well leading the session at Congress to adopt changes to the constitution.

“A highlight of 2022 was the opportunity to physically engage at grassroots level once again”



In 2022, the EELC managed five active litigation matters. In addition, we also monitored implementation of four court orders through ongoing advocacy and engagement. EELC is cited in its own name in two of the five litigation matters and acts on behalf of Equal Education in one matter. We represent EE in two of the matters in which we are monitoring implementation. In 2022, Judgment was handed down on three of the active matters.

METRO EAST LITIGATION – A HIGHLIGHT OF 2022



Above: EELC attorneys and clients during the court case against the metro east district

At the beginning of each academic year, the EELC sees a notable increase in the number of parents and caregivers who approach the law clinic seeking assistance with placement of learners, particularly within the Western Cape. This situation is fuelled by insufficient schools, inadequate year on year planning, weak administrative systems within education districts, and an online system which is not accessible for all parents and caregivers.

This problem disproportionately affects parents and caregivers from less advantaged socio-economic backgrounds and is especially prevalent in the Metro East District of the Western Cape. The Metro East district includes Khayelitsha, Kraaifontein, Strand, Macassar, Somerset West and Kuilsriver and routinely has one of the highest numbers of unplaced learners each year.



Left: Parents and guardians of unplaced learners visiting the Metro East District with EELC lawyers

The EELC received more than 250 individual admissions enquiries in 2022. We identified seven parents and caregivers who highlighted concerning practices which were taking place within the Metro East District. In a bid to assist the seven caregivers and other similarly placed learners, EELC instituted strategic litigation against the WC Education HOD, Director of the Metro East District and the MEC in the Western Cape High Court.

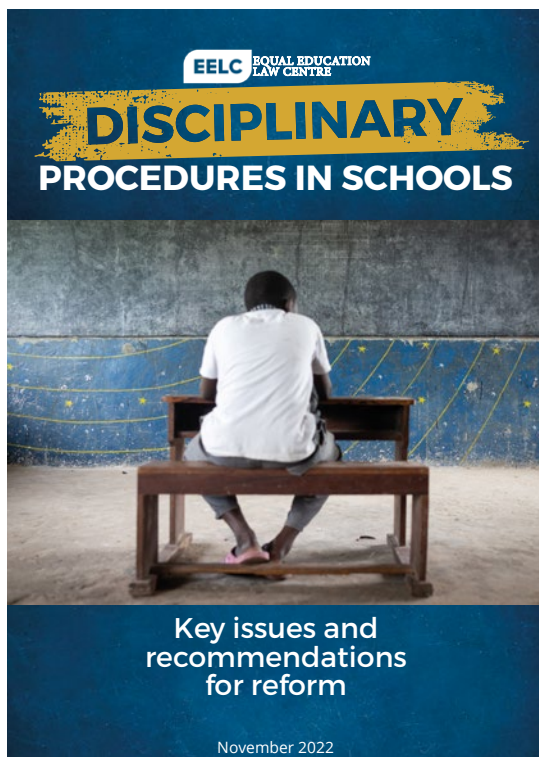
On Friday 3rd June 2022, Justice Gamble issued a favourable order directing the HOD and the District Director of the Metro East Education District to place the seven learners in school by Friday 10th June 2022 with academic and psychosocial support and a catch-up plan for each learner. The Court Order further instructed the District Director and the HOD to take all reasonable and necessary steps to ensure that all learners who were placed in a similar position and who had remained at home for the 2022 academic year were also placed in school.

In order to assist in identifying similarly placed learners, the court directed the HOD and District Director to circulate a notice on local radio stations and newspapers, calling on all parents and caregivers of unplaced learners in the Metro East District to approach the department for assistance. Since the court order was granted, the EELC identified over 100 unplaced learners who had come forward. The WC Education Department has indicated that over 200 learners came to their attention following the litigation and court ordered notices.

The EELC looks forward to Part B of the application, which will be heard on a semi-urgent basis in 2023. Part B aims to direct the role-players within the WCED to fulfil their statutory obligations by adequately planning for the admission and registration of all learners at ordinary public schools. Through Part B, the EELC also seeks to have the failure to take a decision on the placement of the seven learners declared unconstitutional and unlawful.



Legal Research AND THOUGHT LEADERSHIP IN THE EDUCATION SECTOR



Above: EELC’s report on school discipline

The EELC published two research reports in 2022 to contribute to thought leadership in the education sector and to support our advocacy and law reform work. One of these was our ‘Disciplinary Procedures in Schools: Key Issues and Recommendations for Reform’ report, published in November 2022.

This report grew out of our analysis of walk-in clinic matters. We decided to use the school discipline matters received in 2022 as an evidence-base for research into the key issues in this area, to analyse the legal and regulatory framework in light of the issues we see, and to make recommendations for reform.

This is a good example of synergy between EELC’s different ways of working: community lawyering in the walk-in clinic; research; and policy engagement and advocacy.

An early draft of this report was shared with the DBE and helped us to establish a good working relationship with them by sharing concrete proposals for reform. Overall, the research and report have been

instrumental in starting a process of reforms which should ensure that fewer learners are subject to unfair, rights-violating disciplinary procedures, fewer learners are unfairly sanctioned, and more learners are able to continue accessing education when they are expelled or suspended.

THE REGULATORY FRAMEWORK FOR QUALITY LEARNING OUTCOMES – A SPOTLIGHT ON UNDERPERFORMING SCHOOLS

Our research over the years has shown that once chronically underperforming schools are identified, which are typically schools in rural and township areas, there is a lack of meaningful support sensitive to their context, which results in a failure to improve learning outcomes. Noting these concerns, the EELC undertook research which specifically assesses the existing regulatory framework for underperforming schools to determine whether it can address systemic underperformance. On 1 July 2022, EELC released



Above: EELC’s report on underperforming schools

a report, titled [“Improvement in quality learning outcomes & equity in public education in South Africa: A spotlight on “underperforming” Schools](#). The report examines the current inadequate and stigmatising treatment of underperforming schools, and the significant policy and implementation gaps that exist in the provision of support interventions to assist them. Among the recommends made in the report is that the focus of the regulatory framework should be less on exam results and should look at each school, in its unique context, to identify the challenges facing the school and the appropriate support interventions to address them.

This report finds that the regulatory framework for school underperformance has not succeeded in reversing educational inequality and makes recommendations for reform aimed at unlocking effective and sustainable interventions for all schools who need them.

The release of the report in the media garnered significant attention, so much so that the DBE was compelled to respond. The EELC conducted several radio and TV interviews during this time.





Parliamentary Engagement AND LAW AND POLICY REFORM

The EELC continues to bring about social change within education through working towards strengthening legislative and policy frameworks and increasing accountability and transparency in education in order to improve and safeguard unqualified access to the right to basic education for all learners.

In 2022, the EELC made [ten submissions](#) in respect of the following laws and policies:

- ▶ **Basic Education Laws Amendment Bill**
- ▶ **Proposed amendments to the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure Draft**
- ▶ **Amended Local Government Municipal Planning and Performance Management Regulations**
- ▶ **Children’s Amendment Bill**
- ▶ **Constitution Eighteenth Amendment Bill**
- ▶ **Second Children’s Amendment Bill**
- ▶ **The Sixth Annual Compliance Report on the implementation of the White Paper on the Rights of Persons with Disabilities**
- ▶ **Social Development Bill**
- ▶ **Medium-Term Budget Policy Statement 2022**
- ▶ **National Infrastructure Plan 2050 Phase 2**

PROTECTING THE NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE

Together with EE, EELC made a joint written submission to the DBE on its proposed drastic changes to the Minimum Uniform Norms and Standards for Public School Infrastructure (the Norms and Standards). The [draft amendments](#) to the Norms and Standards were quietly published in the Government Gazette on 10 June 2022 without adequate notice to basic education stakeholders.

The DBE's initial closing date for feedback from the public on its proposed changes was 10 July 2022. The closing date was only changed to 31 July 2022 after EE and EELC called the DBE out for not informing the public (including school communities) of the publication of the document. [EE and EELC wrote two letters of concern](#) to the DBE. Our [second letter](#) was written alongside five other organisations. Following these letters and public outcry, the DBE put the draft amendments on its website and on its social media.

Our submission included individual comments on the draft amendments from EE members (learners and parents). Of grave concern in the proposed amendments is the DBE's intention to remove all the deadlines, reporting periods and guidance on reporting. These measures are important for monitoring government's performance, and for accountability and are vital for enabling schools to claim the tangible deliverables that learners are entitled to in accessing their right to basic education.

Intentional about the need for active youth citizenship in legislative and policy processes, alongside EE, we also created a template for learners to use when making submissions on the proposed amendments to the Norms and Standards.

While there has been progress in government's delivery of safe and decent school infrastructure since Basic Education Minister Angie Motshekga adopted the Norms and Standards in 2013, progress has been painfully slow, with far too many schools still having pit toilets, overcrowded classrooms, and buildings that are falling apart. The current school infrastructure law, with clear deadlines for infrastructure delivery, is crucial for fulfilling the right to quality education. Any changes made to the law must take us forward, not backward.

"I want my daughter to get a dignified education as anyone should. The law affects me because I, as a parent, want something to hold the government accountable in ensuring equal and fair education for everyone."

– Community member from Dimbaza, Eastern Cape.



Above: EE Protest against proposed amendments to the Norms and Standards with EELC staff in support

THE BASIC EDUCATION LAWS AMENDMENT BILL (BELA BILL)



Alongside EE, EELC made both oral and written submissions on the BELA Bill to the Basic Education

Portfolio Committee in Parliament. The BELA Bill provides a crucial opportunity for civil society and communities to contribute to shaping the laws which will apply to schooling in South Africa for the foreseeable future.

The purpose of the BELA Bill is to bring laws dealing with schools, namely the South African Schools Act (SASA) and the Employment of Educators Act (EEA), in line with the significant developments in education law over the last decade. EELC and EE made submissions on what we believe are necessary changes to the Bill to ensure that schools have safe and workable policies that protect learners' basic rights, such as the prohibiting the sale of alcohol in schools and ensuring that parents are not unduly criminalised if learners are not attending school.

Assisting school communities, learners, community-based organisations, and other institutions to formulate their own policy and legal perspective is critical to our work. Our approach to advocacy around the BELA Bill has focused on supporting active citizenship, facilitating critical thinking and self-determination on the part of learners, and centring learner voices. In the weeks leading to the BELA submission deadline, we created and published a child-friendly version of the Bill, in order to empower learners to engage in the submission process. We further engaged with the Western Cape Children's Commissioner, who used our child-friendly version of the Bill and a facilitated WhatsApp engagement to support children in making submissions.

ENGAGEMENT WITH INTERNATIONAL TREATY MONITORING BODIES

In addition to our national-level submissions – and recognising both the direct and indirect impact and interpretative importance of regional and international law instruments on the formation of laws and policy – [five submissions](#) were made by the EELC to international and regional bodies:

- ▶ Universal Periodic Review (UPR)
- ▶ UN Committee of the Rights of Persons with Disabilities (UN CRPD)
- ▶ UN Committee on the Rights of the Child (UN CRC)
- ▶ African Committee of Experts on the rights and welfare of the child (ACRWC)
- ▶ Human Rights Defenders positive stories to the UN Special rapporteur

The various submissions contextualise the state of basic education in South Africa and discuss various issues impeding the realisation of the right to a basic education in South Africa including, but not limited to, safety in schools and the continued use of corporal punishment and the many barriers to accessing basic education which learners with disabilities still face in South Africa.



Recognising the importance of young learners engaging with treating monitoring mechanisms and being provided with the space to express their own lived experiences and to make submissions in their own voices, we conducted three workshops in Eastern Cape, Western Cape and Gauteng with over 150 high school members of Equal Education, aimed at informing them about the UN Childrens Rights Charter and the work and mandate of the Committee on the Rights of the Child. Together, Equalisers in these provinces identified the issues they face in their schools and selected those that they wished to bring to the attention of the Committee on the Rights of the Child.



Top: Pila-Sande engaging Equalisers with child friendly material.
Above: Tshego & Robyn facilitating Equalisers in Gauteng.

PARLIAMENTARY MONITORING AND ENGAGEMENTS WITH PARLIAMENTARY PORTFOLIO COMMITTEES

The EELC continued to monitor national and provincial legislature meetings in 2022, most of which were conducted virtually, particularly, meetings of the Portfolio Committee on Basic Education and the Western Cape Standing Committee on Education. Key to this work was monitoring of government reporting, budgeting and law reform. We continued to keep members of parliament informed of key concerns in education as well as directing critical questions and key recommendations for reform to them.

The EELC made two oral submissions to the Western Cape Standing Committee on Education. One presenting the findings from our Inclusive Education report and one on admissions following the EELC highlighting key challenges to the Committee.



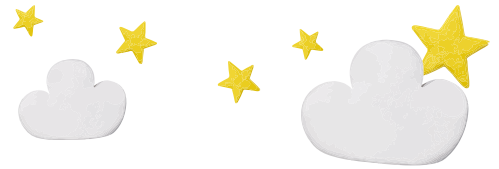
Above: EELC’s education monitoring brief

The EELC has continued to produce its monthly Education Monitoring Brief, a digital newsletter highlighting key legal and policy developments in education. It provides information on the most recent developments in the basic education and ECD sectors and highlights opportunities for engagement and influence. This digital resource is distributed to over 400 local and international recipients, monthly.

COALITION WORK

The EELC has continued to take an active part in a number of coalitions made up of both national and international civil society organisations with a direct and/or indirect interest in education in 2022. Each coalition had a specific area of focus including budget justice, ECD and children rights. The organisation has contributed to these coalitions in various ways, as founder members, committee members and ordinary members. The coalitions in which the EELC works include: The Real Reform for ECD Campaign, The Budget Justice Coalition, Privatisation in Education and Human Rights Consortium and the South African National Child Rights Coalition.

Thematic Focus



ON EARLY CHILDHOOD CARE AND EDUCATION

In 2022, significant gains were made through the work of the EELC relating to early childhood development (ECD). Through our ECD work, we were able to secure concrete legislative wins through the Second Children's Amendment Bill (SCAB) process. As part of the joint DSD / DBE technical task team, EELC made substantial recommendations on the draft SCAB as well as on the Integrated Norms and Standards for ECD. The organisation also gave comment on proposed amendments to the ECD regulations. Collectively, these documents will be essential in ensuring less onerous registration requirements and improved protection of the right to early childhood care and education.

The EELC continued to monitor and engage around plans to implement the migration of ECD responsibilities from DSD to DBE, which officially took place as of 1 April 2022.

The EELC began a process of consulting with EE parents on ECD related issues. This was in an attempt to foreground the largely silent voices of parents in the ECD sector. Developing accessible materials for parents to understand the key aspects of the function shift of ECD from DSD to DBE and carrying out a survey to better understand parents needs within the sector can also be counted as one of EELC's accomplishments in 2022.



Above: EELC engaging EE parents on ECD

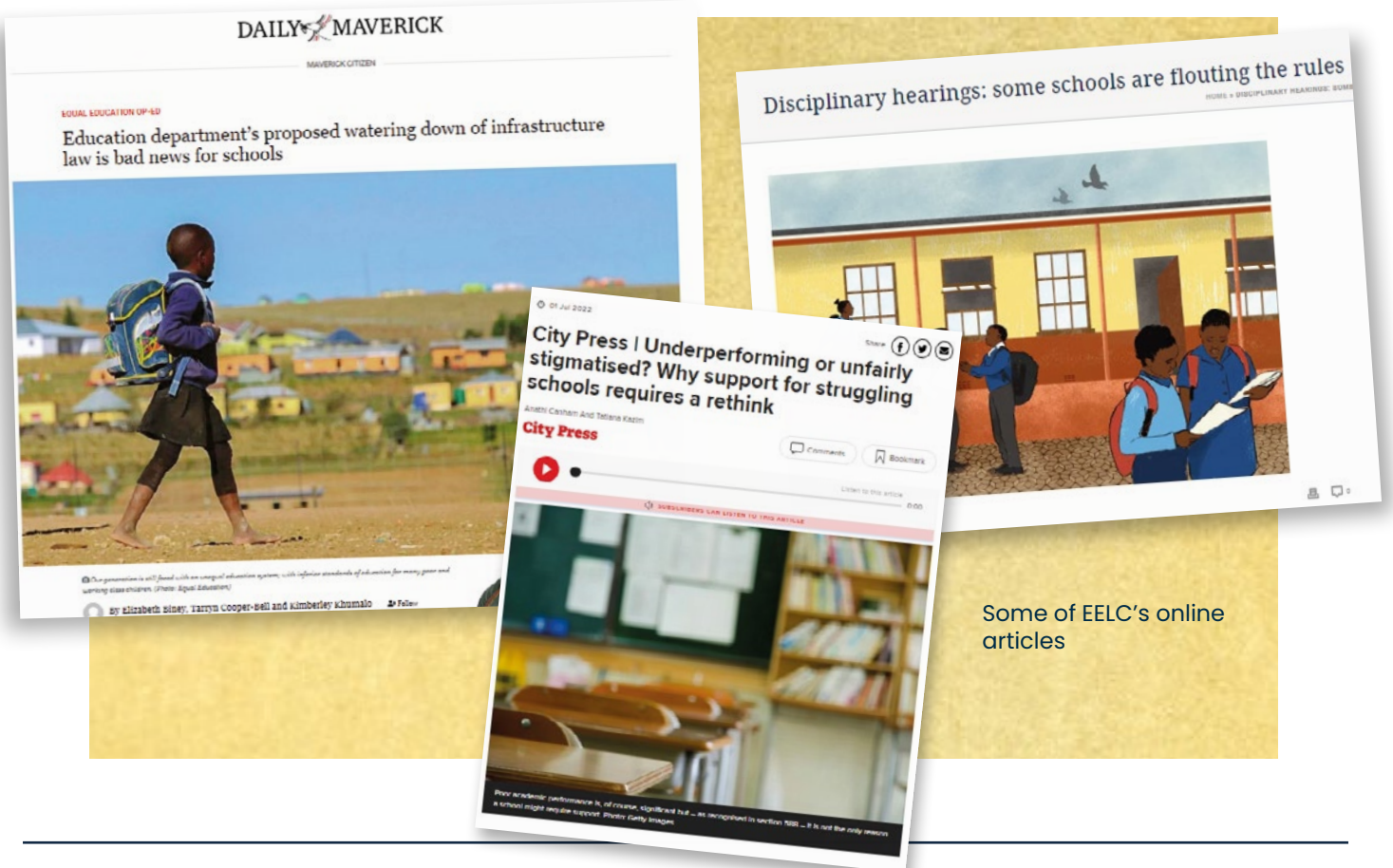


Left: Early Childhood Development Pamphlet and Twitter Post.

EELC IN THE MEDIA

The EELC recognises the media as a critical tool in our work, capable of being an effective catalyst for social change. Our advocacy and media engagement assists us in raising the voices of the thousands of learners in South Africa who continue to face great injustice in the education system. Through the creation of popular education material, publication of opinion pieces and engagements through television and radio interviews we have been able to draw attention to the rights violations and legislative shortcomings in order to shape public discourse and demand accountability. During the course of 2022 the EELC's media engagement included:

- ▶ 23 TV and radio interviews
- ▶ 14 news articles and opinion pieces
- ▶ 54 media mentions
- ▶ A multi-platform audience of 17 000 users on social media.



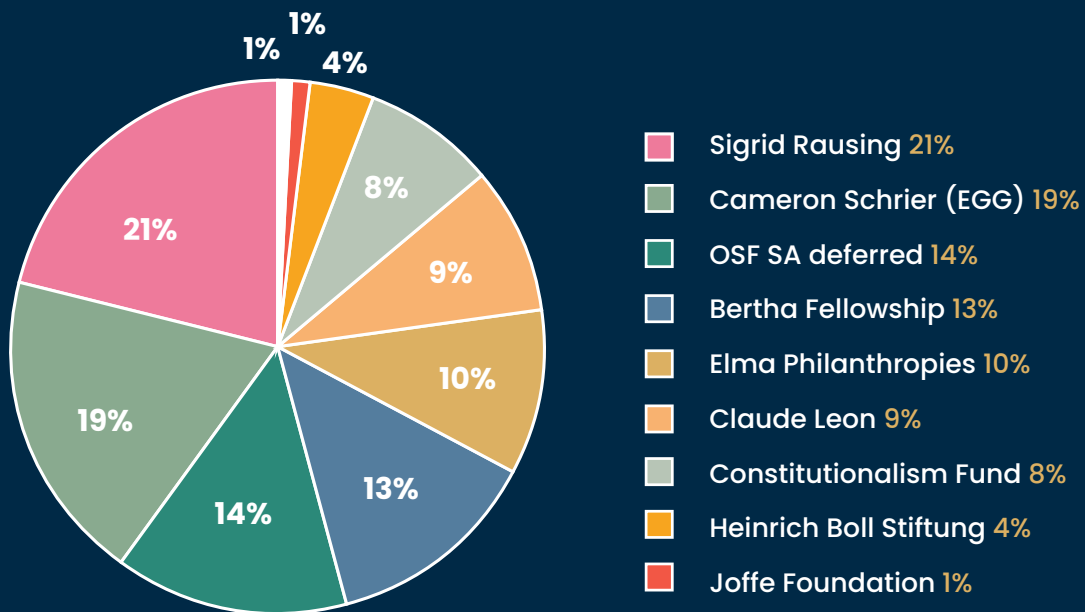
Financial

REPORT

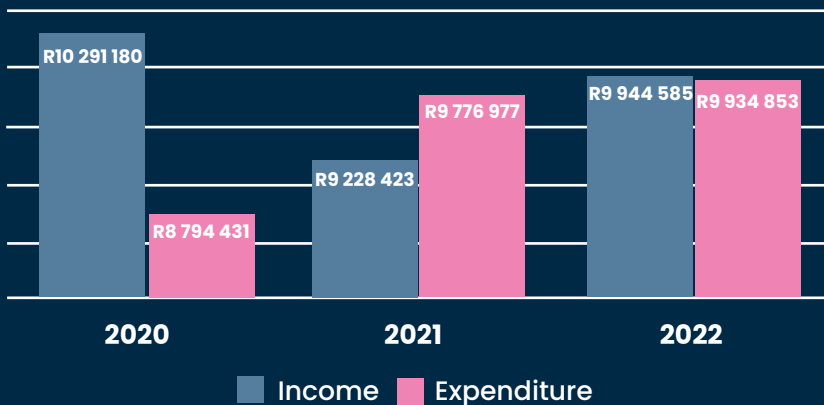
Extracted from the audited annual financial statement for the year ending 31 December 2022

STATEMENT OF FINANCIAL POSITION		
Figures in R	2022	2021
Assets		
Non-current assets		
Property, plant and equipment	91,716	139,838
Total non-current assets	91,716	139,838
Current assets		
Trade and other receivables	116,877	49,242
Cash and cash equivalents	14,211,918	17,088,600
Total current assets	14,328,795	17,137,842
Total assets	14,420,511	17,277,680
Trust funds and liabilities		
Trust funds		
Trust capital	500	500
Accumulated surplus	3,629,010	3,223,705
Sustainability Reserve Fund	8,066,218	7,651,266
Total trust funds	11,695,728	10,875,471
Liabilities		
Current liabilities		
Provisions	101,517	79,166
Trade and other payables	28,524	76,633
Financial liabilities	-	28,853
Deferred income	2,594,742	6,217,557
Total current liabilities	2,724,783	6,402,209
Total liabilities	2,724,783	6,402,209
Total trust funds and liabilities	14,420,511	17,277,680

GRANTS UTILISED DURING 2022



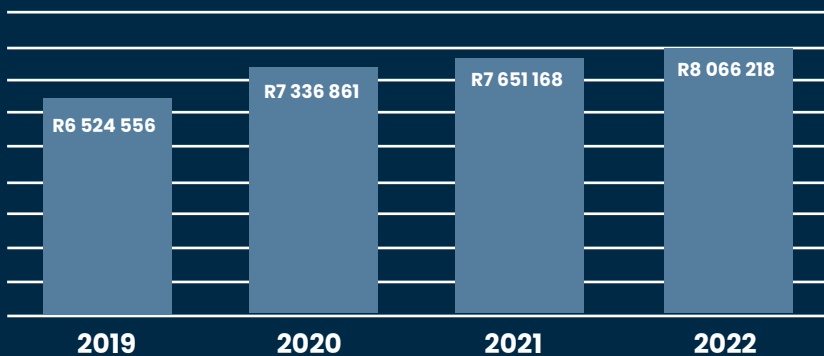
INCOME AND EXPENDITURE



NOTE ON THE FINANCIAL POSITION OF THE EELC DURING 2022

During 2022 we had an underspend on our budget largely as a result of a vacant position in our research department. This resulted in a breakeven position where we did not have to spend any of our retained surplus. We were able to maintain our sustainability reserves at our goal of 12 months cover for core operating expenses.

SUSTAINABILITY RESERVE FUND GROWTH





Gratitude to EELC's Activist Team of Staff

The work presented in this annual report has been made possible by the exceptional work and unwavering commitment of EELC's dedicated team who we wish to acknowledge and thank:

- ▶ **Tshegofatso Phala** – Executive Director
- ▶ **Robyn Beere** – Deputy Director
- ▶ **Chandre Stuurman** – Senior Attorney
- ▶ **Tarryn Cooper-Bell** – Senior Attorney
- ▶ **Anjuli Maistry** – Senior Attorney
- ▶ **Pila-sande Mkuzo** – Junior Attorney
- ▶ **Yasmina Shabodien** – Senior Administrator
- ▶ **Ebrahiem Daniels** – Candidate Attorney
- ▶ **Yolisa Piliso** – Candidate Attorney
- ▶ **Anathi Canham** – Candidate Attorney
- ▶ **Gertrude Quan** – Legal Researcher
- ▶ **Phophi Madiehe** – Paralegal
- ▶ **Anele Gcwabe** – Media and Communications Coordinator
- ▶ **Tasreeq Ferreira** – Intern
- ▶ **Khanyisile Booi** – Intern
- ▶ **Tatiana Kazim** – Legal Research Consultant



GOVERNANCE

EELC appreciates the clear guidance and support that the organisation has received from our esteemed Board of Trustees:

- ▶ Justice Kate O'Regan – Chairperson
- ▶ Tatum Howie – Treasurer
- ▶ Zukiswa Kota
- ▶ Achmat Toefy
- ▶ Michael Mbikiwa
- ▶ Michelle Norton
- ▶ Sisesakhe Ntlabezo
- ▶ Geoff Budlender SC

“The most striking thing about Kate’s leadership and guidance has always been her ability to remain calm, extremely thoughtful and nurturing even when presented with challenging or difficult scenarios. Her considered approach to all that she does has been invaluable to the governance of the EELC”

Tshego Phala, EELC Executive Director

In December 2022, after seven years service to the Board of Trustees as its Chairperson, Justice Kate O'Regan, handed over the reigns to Adv Geoff Budlender SC. We are deeply grateful to Kate for her wise counsel and strategic vision which has helped to steer the EELC for most of our 10 year journey as a maturing social justice organisation.

DONOR SUPPORT

The work of the EELC is made possible by our donors who continue to support and believe in the work which we do. EELC is thankful for the contribution of the following donors to the struggle for equal and quality education for all:

- ▶ Bertha Foundation
- ▶ Canon Collins Trust
- ▶ Constitutionalism Fund
- ▶ Cameron Schrier Foundation
- ▶ Claude Leon Foundation
- ▶ Elma Foundation
- ▶ Heinrich Böell Stiftung Southern Africa
- ▶ Open Society Foundation for South Africa
- ▶ Sigrid Rausing Trust
- ▶ Joffe Charitable Trust

Thank You!



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EDUCATION
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**For more information, visit
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