

**EELC Newsletter - April 2018**

Movement lawyering | Community lawyering | Research and Advocacy

The Equal Education Law Centre (EELC) uses legal advocacy, research, and litigation to advance the struggle for equal and quality education in South Africa.

**MOVEMENT LAWYERING**

**Scholar Transport: Equal Education secures scholar transport for Nquthu learners #LongWalkToSchool**



Above: Learners celebrating after buses and taxis arrive at their school.

In a significant victory for KZN Equal Education members, buses and taxis were delivered to 12 schools in Nquthu in KZN on 10 April 2018. This follows a court order in the Pietermaritzberg High Court last year, after a challenge was brought by Equal Education against the inadequate transport provisioning in Nquthu and the province.

Significantly, the court order required the KZN Department of Education to provide scholar transport to learners in 12 schools, and to report on broader issues relating to scholar transport provisioning in the province - including the status of the provincial learner transport policy and cooperative governance. The KZN Education MEC filed a report with the court, which EE and the EELC are currently analysing. The EELC is emboldened by this victory, which demonstrates the power of mass social movements to hold the state accountable to its commitments and to court orders. A short film covering the victory of the learners is available [HERE](#).

**EELC represents #UniteBehind to ensure accountability at PRASA**



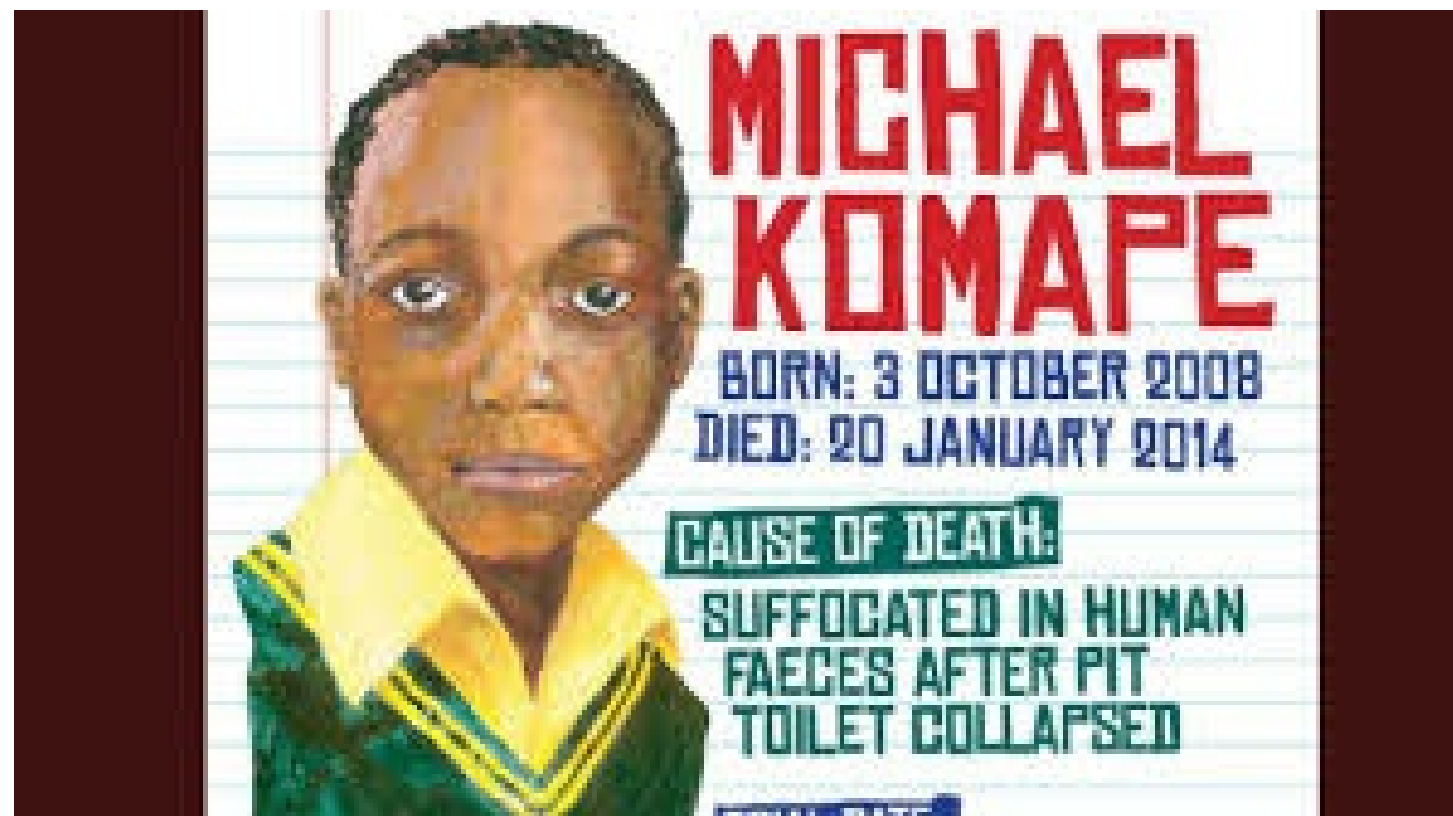
Above: Earlier this year #UniteBehind protesters entered a PRASA meeting in Cape Town, calling for the dismissal of top management (Courtesy of GroundUp)

The EELC is representing #UniteBehind and Equal Education in a case in the Western Cape High Court to review the appointment of the interim board of PRASA, and that board's decision to suspend its legal panel. This case is of critical importance because corruption and maladministration at the rail agency has led to thousands, including learners, suffering from unsafe and inefficient train operations.

In addition, in April 2018, the EELC represented #UniteBehind in an urgent application seeking to ensure that PRASA does not make payments relating to potentially unlawful settlement agreements. Subsequent to launching the urgent application, the chair of the interim board resigned, and the Minister of Transport has since appointed a new board. As a result of this, and of the work of PRASA's legal division, PRASA itself launched an application for an interdict against the payments, which was granted.

The EELC continues to act for #UniteBehind to ensure accountability and good governance at PRASA.

**#Justice4Michael - Polokwane High Court Judgment is a mixed result**



On 23 April 2018, the Polokwane High Court handed down judgment in *Komape v Minister of Basic Education*. Equal Education, represented by the EELC, was an *amicus curiae* (friend of the court) in the case. The judgment is a mixed result. The Judge correctly indicated that children and parents continue to have their dignity and other rights violated by the state of sanitation in schools, and ordered the Limpopo department of education to audit the state of school infrastructure in the province and report back to the court in July 2018.

However, despite this progressive structural relief, the judgment failed to afford the Komape family adequate compensation for the significant grief that they experienced as a result of Michael's death. The matter is expected to go on appeal. The High Court judgment is available [HERE](#).

**COMMUNITY LAWYERING**

**Inclusive education - EELC secures support for child with dyslexia**

In 2016 a mother approached the EELC for assistance with her child who has barriers to learning.

The learner was diagnosed with dyslexia in 2014. Since being approached in 2016, the EELC has been engaging with the Department of Education on placing the learner in a special school for children with severe barriers to learning.

Finally, in 2018 the Department committed to assisting the learner by sending a special needs education specialist to monitor the child. This will give the learner the support she needs to flourish in school and achieve her potential.

**School fee exemption - Parent granted full exemption**

In March 2018, a single mother of a learner applied for a fee exemption without the information of her ex-husband. The mother was only granted a partial fee exemption, but was of the view that she qualified for a total fee exemption.

The parent approached the EELC for assistance. Based on the information the client provided, the EELC was able to ascertain that she qualifies for a total fee exemption.

The EELC assisted the client with her appeal of the decision, which has been successful. Parents requiring support with fee exemption processes can contact the EELC for assistance.

**RESEARCH AND ADVOCACY**

**Mexico conference: EELC presents on public private partnerships**



Above: EELC's Mbekezeli Benjamin (far right) presenting on Public/Private Partnerships in Mexico.

At the end of March 2018 the Equal Education Law Centre attended the Comparative International Education Society (CIES) conference in Mexico City, Mexico. The CIES conference is one of the largest gatherings on education globally, with a diverse group of attendees including academics, practitioners, lawyers, funders and activists in education. The EELC was invited to present in a panel discussion on public/private partnerships (PPPs) in education - specifically on whether these are acceptable from a human rights perspective.

The panel included speakers who shared different experiences of education PPPs from Uganda, Pakistan and from the work of international organisations such as Oxfam and the Global Initiative for Economic, Social and Cultural Rights. The discussant for this panel was Professor Antoni Verger, a social and education policy expert from the Universitat Autònoma de Barcelona. The EELC's Mbekezeli Benjamin presented on legal and equity concerns around the Western Cape Education Department's Collaboration Schools pilot project - which is a private intervention in the funding and management of public schools.

**The EELC presents on discrimination against foreign and undocumented learners**



Above: EELC's Ziphokazi Sisilana presenting at UCT.

On 4 April 2018, the EELC's Daniel Linde and Ziphokazi Sisilana presented at a conference on refugee rights and empowerment, hosted by the UCT Refugee Rights Clinic. The EELC shared experiences assisting clients facing discrimination based on their status or documentation, and struggling to access quality education, and on the use of legal advocacy to combat this.

**Contact the EELC**

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