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1. MOVEMENT AND GRASSROOTS-LED LAWYERING

Movement and grassroots-led lawyering lie at the heart of the Equal Education Law Centre's (EELC) work. Our team of activists are committed to advancing access to justice and strengthening people's power through community-based legal work. This includes our daily advice law clinic situated in Khayelitsha, legal empowerment workshops, law and policy reform initiatives, and the development of accessible "Know Your Rights" materials.

WORKING IN PARTNERSHIP WITH EQUAL EDUCATION

The EELC prides itself in movement lawyering alongside our social movement partner Equal Education (EE). We support campaigns led by EE's learner members, known as *Equalisers*, to challenge systemic inequalities in South Africa's education system. Together, we coordinate legal strategies, advocacy efforts, and collective action to drive meaningful and lasting change.

PROTECTING THE RIGHT TO EDUCATION: CHALLENGING OPERATION DUDULA

In August, the Equal Education Law Centre (EELC) and Equal Education (EE) released a joint statement condemning Operation Dudula’s attempts to block migrant children from enrolling in public schools for 2026. We called on government to act decisively by publicly reaffirming that all children, regardless of nationality, have a constitutional right to basic education.

Our demands included that the Department of Basic Education (DBE) and the Gauteng Department of Education (GDE) reject any acts of violence or intimidation in and around schools, and ensure safe access to all 81 admissions walk-in centres. We also called on the Minister of Police,

the DBE, and the GDE to investigate Dudula’s activities, ensure accountability, and report on measures taken to protect learners.

On 4 November, the Johannesburg High Court delivered a significant judgment in *Koponang Africa Against Xenophobia & Others v Operation Dudula & Others*, confirming that only immigration officials and the police may request documentation related to immigration status. The court further interdicted Operation Dudula from interfering with access to schools or intimidating learners, teachers, or parents – an outcome strongly welcomed by the EELC.



PUBLIC DIALOGUE ON DRAFT SCHOOL CAPACITY AND ADMISSIONS REGULATIONS

On 27 September, EE, supported by the EELC, hosted a public meeting in Gauteng to discuss the DBE’s Draft Admission of Learners to Public Schools Regulations (School Admissions) and Draft Regulations on Minimum Uniform Norms and Standards for School Capacity (Capacity Norms). These Regulations, open for public comment until 5 December 2025 after two extensions, could significantly reshape school admissions and capacity planning.

The meeting offered parents, learners, teachers, and school governing bodies a vital platform to unpack the Draft Regulations, raise concerns, and push for improvements. Attendees also engaged directly with officials from the Department of Basic Education, Gauteng Province, and the Gauteng Department of Education, who were invited to listen and clarify their roles in implementing these Regulations.

These Draft Regulations are the result of years of advocacy, research, and campaigning by EE members, supported by the EELC, to hold government accountable for addressing chronic overcrowding and exclusionary admissions practices in public schools.

After the deadline for comment was extended, EE and the EELC welcomed the decision but stressed that the DBE must use this time to meaningfully engage the communities most affected, especially Black and working-class communities.

Community members at the public meeting criticised government’s failure to make these Draft Regulations accessible or to support meaningful participation. They noted that the DBE has not adequately explained the dense legal documents or guided the public on submitting comments despite its commitment to a national public awareness campaign intended to empower communities to make informed submissions.

We have created accessible resources to help the public understand the Draft Regulations. Download them below

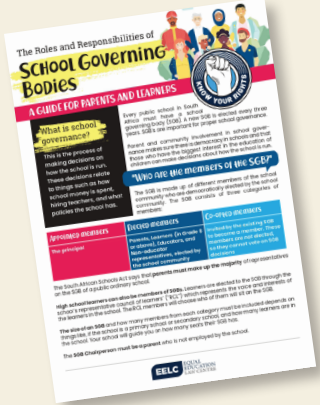


[School Admissions](#)



[Capacity Norms](#)





SCHOOL GOVERNING BODY WORKSHOP

On 11 October, the National Association of School Governing Bodies (NASGB), EE, and the EELC hosted a workshop for parents on the roles and responsibilities of School Governing Bodies (SGBs) and the legal framework that governs their work. Parents, community members, and SGB members actively participated in meaningful discussions, deepening their understanding of effective school governance. This workshop forms part of our Community Driven Accountability for Strong Governance in Education in South Africa project, co-funded by the European Union.

KWAZULU-NATAL SCHOLAR TRANSPORT FAILURES UNDERMINE LEARNER SAFETY

In October, to mark Transport Month, the EELC and EE released a joint statement calling for safe, reliable, and equitable scholar transport for all learners. For years, Equalisers (EE’s learner members), post-school youth, and community activists in KwaZulu-Natal (KZN) have driven EE’s scholar transport campaign. Their persistent efforts secured the KZN Learner Transport Policy – a significant victory at the time. However, it has become increasingly clear that the policy is not being effectively implemented by the KZN Departments of Education (KZNDoe) and Transport (KZNDOT). Learners continue to face systemic failures, including inconsistent transport provision, weak coordination between departments, and poor oversight of service providers.

EE and the EELC remain deeply concerned about the state of scholar transport in KZN. It is unacceptable that meaningful safety regulations are often only enforced after tragic incidents in which learners are injured or lose their lives – harm that could have been prevented through proper implementation of existing rules.

OPEN LETTER TO MAYOR GEORDIN HILL-LEWIS CALLING OUT SPATIAL APARTHEID DENIALISM

On 17 October, the EELC, EE, and Ndifuna Ukwazi, released a joint letter to City of Cape Town Mayor Geordin Hill-Lewis, expressing our deep concern over his remarks dismissing spatial apartheid as mere “propaganda language that is no longer rooted in reality.”

This claim is not only factually incorrect – it is politically irresponsible. Spatial apartheid is not propaganda. But denying its ongoing impact is.

Our public response resonated widely. The letter was viewed and engaged with more than 34,400 times, underscoring the urgent public demand for honesty, accountability, and a commitment to dismantling spatial injustice rather than denying it.

Read our full open letter [here](#).

POST-CONGRESS AND LEGAL EDUCATION YOUTH GROUP SESSIONS

On 31 October and 1 November, the EELC brought movement lawyering to life in Gauteng in a joint Youth Group.

On Friday, 31 October, our Access to Justice Legal Support Intern, Vuyolwethu Tswelekile, led a post-Congress Youth Group session where Equalisers (EE learner members) unpacked their newly adopted constitutional amendments. The space was energised by critical thinking, bold questions, and a strong collective commitment to justice.

The momentum continued on Saturday as our Attorney, Pila-sande Mkuzo, facilitated the Access to Justice Youth Group session focused on legal education and direct support. Through our mobile law clinic, Equalisers accessed legal advice and deepened their understanding of their constitutional rights, not as abstract principles, but as tools for everyday justice.

These two days were a powerful reminder that when young people understand the law, they can transform it. And when justice is made accessible, it becomes a tool for liberation.



ACCESS TO JUSTICE WORKSHOPS IN THE EASTERN CAPE

In November, our Mobile Law Clinic joined forces with EE in the Eastern Cape to host Access to Justice workshops, facilitated by EE staff and Equalisers.

On 7 November, attorneys Chandre Stuurman and Pila-sande Mkuzo, together with Access to Justice Legal Support Intern Vuyolwethu Tswelekile, led an engaging legal education session with EE facilitators. The workshop covered crucial topics, including school governance, the role of school governing bodies, and addressing bullying and violence in schools.



The sessions were rich with learning, exchange, and collective empowerment.

The following day, 8 November, the team worked directly with EE Equalisers, equipping young activists with the legal knowledge and practical tools to challenge injustice in their schools and communities. Participants actively engaged, asking questions, sharing experiences, and receiving real-time advice.

These two days were a powerful demonstration of movement lawyering in action, showing that when justice is made accessible, it becomes a tool for liberation.

WCPSEA MATTER: TRAIN-THE-TRAINER AND YOUTH GROUP ENGAGEMENTS AHEAD OF SCA HEARING

In the lead-up to our appeal before the Supreme Court of Appeal (SCA) on 9 December concerning sections of the Western Cape Provincial School Education Act, the EELC and EE hosted a series of sessions to deepen engagement within EE membership spaces.

On 4 November, a train-the-trainer session equipped facilitators and Youth Group leaders with the knowledge needed to strengthen member education and mobilisation around EE and the EELC's ongoing legal challenge to intervention facilities, and to explore concerns regarding collaboration schools and donor-funded schools. This was followed by a joint Youth Group session on 6 November, helping Equalisers deepen their understanding of key provisions of the Act, including intervention facilities, collaboration schools, and donor-funded schools.

On 15 November, a vibrant membership space brought together Equalisers, post-school youth, and parents, providing a platform for collective learning and critical discussion on the Act and what is at stake for public education.

EE, represented by the EELC, will appear before the SCA to appeal the Western Cape High Court judgment of November 2022, which dismissed EE's challenge to intervention facilities and the legal framework for collaboration and donor-funded schools. While the High Court ruling was not in EE's favour, it granted leave to appeal on 27 February 2024, paving the way for this crucial fight for equitable and accountable public education to continue at the SCA.

Access an accessible fact sheet about the court case [here](#)



2. SOLIDARITY

STANDING IN SOLIDARITY WITH SERI

On 17 July, the EELC stood in firm solidarity with the Socio-Economic Rights Institute of South Africa (SERI) and the communities and organisations it represents.

On this day, SERI faced a series of personal and public attacks from Operation Dudula, culminating in a march to SERI's Johannesburg offices in an act clearly intended to intimidate human rights defenders.

We stand for justice, dignity, and equality for all. We reject the targeting of human rights organisations and community activists, and we denounce xenophobia, hate, and fearmongering in all its forms.

As movement lawyers, we reaffirm that everyone has the right to live free from discrimination and to be treated with dignity, regardless of nationality or background.



STANFORD LAW SCHOOL VISIT

In September, we welcomed Professor Jamie O'Connell and his students from Stanford Law School to the EELC. Our exchange reaffirmed that the struggle for justice in education transcends borders.

We are grateful for the meaningful dialogue, thoughtful reflections, and shared commitments that emerged from the visit. Moments like these strengthen the bridge between global solidarity and our local struggles for justice in South Africa's education system.



AFRICA HUMAN RIGHTS HUB VISITS THE EELC

In October, the EELC and EE co-hosted members of the Africa Human Rights Hub from the University of the Western Cape. Their visit provided an important opportunity to engage deeply with our work, share insights, and explore collective strategies for strengthening education rights across the continent.

The exchange sparked meaningful conversations, thoughtful reflections, and reaffirmed our shared commitment to advancing safe and inclusive schooling environments in communities across Africa.



Watch the video of the visit [here](#)

3. KEY ENGAGEMENTS AND COLLABORATIONS

SA EDUCATION LAW ASSOCIATION: 29TH ANNUAL INTERNATIONAL EDUCATION LAW CONFERENCE

From 3–6 August, the EELC team attended the South African Education Law Association’s 29th Annual International Education Law Conference.

Attorney Ebrahiem Daniels, Senior Attorney Anjuli Maistry, and Researcher Daniel Peter Al-Naddaf presented on key legal and policy issues affecting learners and school communities.

Ebrahiem delivered a presentation on the importance of community-centred decision-making in school governance, emphasising that public-private partnerships must strengthen – not erode – the democratic foundations of public education.

Daniel and Anjuli examined the implications of government’s now-shelved proposal to publish the National Register for Sexual Offenders (NRSO). They argued that making the NRSO public could unintentionally undermine child safety by reducing the reliability of the information it contains and discouraging the reporting of abuse.

We are proud to have contributed to the critical conversations shaping education law and policy in South Africa and beyond. We are also delighted to celebrate Ebrahiem’s election to SAELA’s Executive Committee, where he will serve for the next three years.



PRESENTING ON ACCESS TO JUSTICE FOR LAW STUDENTS

The EELC Attorney Ebrahiem Daniels and Access to Justice Legal Support Intern Vuyolwethu Tswelekile joined TSL Legal (Pty) Ltd and GL Attorneys to present on “Access to Justice: Real World Issues” as part of their joint Vacation Work Programme for law students.

Their presentation shed light on the everyday barriers and challenges that communities face when navigating the justice system. They also emphasised the vital importance of legal empowerment in advancing equity and ensuring that people can meaningfully realise their rights.



CONSTITUTIONAL PROMISES VS BUDGET REALITIES: THE FUTURE OF BASIC EDUCATION IN SOUTH AFRICA

On 30 September, our Senior Researcher, Katherine Sutherland, attended and participated in the Basic Education Seminar: Constitutional Promises vs Budget Realities, hosted by the South African Human Rights Commission (SAHRC) and Cliffe Dekker Hofmeyr.

Katherine took part in a panel discussion titled “The State of Funding and the Budget Cuts in Basic Education”, joining stakeholders from government, civil society, academia, the private sector, and education sector. Together, they engaged meaningfully on the current state of basic education funding and the impact of budget reductions on learners across the country.

The discussion explored the real-world consequences of persistent funding constraints and examined innovative, rights-based solutions to address the financial challenges that threaten the fulfilment of the constitutional right to quality basic education.



PRESENTING AT THE 17TH ANNUAL ECD CONFERENCE

On 1 October, our Senior Researcher Katherine Sutherland, Senior Attorney Tarryn Cooper-Bell, and Researcher Daniel Peter Al-Naddaf presented at the Centre for Early Childhood Development’s 17th Annual ECD Conference.

Their presentation, “Abandoned by Government, Trapped by Law: Unfunded Grade R Entangles Grade R Providers in Regulatory Webs,” unpacked a critical issue, the persistent lack of government funding for Early Childhood Development.

After years of development, the Basic Education Laws Amendment Act (BELA) has made Grade R compulsory, transforming it into a clear constitutional obligation. Yet this achievement masks a troubling contradiction: while Parliament has mandated universal access, Treasury has provided no funding to make it possible. This contradiction has left Grade R providers caught in regulatory requirements without the resources needed to meet them.

Read the full presentation [here](#).



ENGAGING FUTURE LAWYERS AT STELLENBOSCH UNIVERSITY

On 14 October, our Executive Director, Tshegofatso Phala, and Candidate Attorney, Hope Mokadi, engaged with undergraduate LLB students at Stellenbosch University through the new Integrated Legal Studies (ILS) module.

The session encouraged students to think more holistically about the law and its real-world application as they prepare to transition from academic study into legal practice.

Drawing from the EELC's work, including direct client engagement and case management in our law clinic, as well as our broader approaches to movement lawyering and strategic litigation, the discussion offered students practical insights into community-centred, justice-driven legal work.

DEFEND OUR DEMOCRACY CONFERENCE FOR DEMOCRATIC ADVANCEMENT AND GROWTH

On 25 October, our Access to Justice Legal Support Intern, Vuyolwethu Tswelakile, attended the Defend Our Democracy Conference for Democratic Advancement and Growth - a convening of civil society, academics, and activists committed to critically reflecting on the state of South Africa's democracy.

The conversations centred on the health of our democracy, measured not only by the strength of our institutions but also by how effectively they protect the rights of the most vulnerable. Participants explored the intersections of law, democracy, and advocacy, and reflected on the role of litigation, community lawyering, and civic participation in strengthening democratic accountability.

The EELC remains committed to advancing democracy through access to justice, working to ensure that justice and equality are not only constitutional principles but lived realities for all.





PUBLIC INTEREST LAW GATHERING

On 22 and 23 October, the EELC participated in the Public Interest Law Gathering at the University of the Witwatersrand, held under the theme “Unfinished Freedom: Interrogating the Leaps Between Legal Promises and Lived Realities.” We contributed to two powerful panel discussions.

The first panel, “Beyond Promises: Confronting the Exclusion of Learners with Disabilities in South Africa’s Education System,” explored the gap between South Africa’s constitutional commitment to inclusive education and the lived reality of many learners with disabilities, who remain excluded or placed in residential schools far from their families and communities. Our Researcher, Daniel Peter Al-Naddaf, moderated the discussion, with Senior Attorney Anjuli Leila Maistry and Blind SA President Christo de Klerk serving as panelists.

The second panel, “Beyond the Court Order: The Limits of Legal Remedies,” examined the tension between legal victories and their implementation – how rights affirmed in court can still be denied in practice. This difficult but necessary conversation reflected on the role of the Equality Court as a tool for transformation and social justice. Daniel Peter Al-Naddaf once again moderated, while our Executive Director, Tshegofatso Phala, Attorney Ebrahiem Daniels, and Dr Eileen Carter, Provincial Manager of the Eastern Cape Office of the South African Human Rights Commission, offered critical insights.

We are honoured to participate in spaces that challenge, inspire, and sharpen our work. These conversations not only celebrate hard-won victories but also centre the lived experiences of the communities we serve, reminding us of the urgent work that still lies ahead.



ADVOCATING FOR GRADE R FUNDING AT THE PEOPLE AGAINST BUDGET CUTS MARCH

On 12 November, the EELC joined fellow social justice organisations at the People Against Budget Cuts march outside Parliament. Together, we called on government to make Grade R funding a national priority as the Minister of Finance, Enoch Godongwana, delivered the Medium-Term Budget Policy Statement.

The march followed the launch of our new report, “Left Behind Before They Begin: Law, Funding, and Equity in Grade R”, which reveals how the State’s persistent failure to properly fund Grade R undermines its constitutional obligation to ensure that basic education is immediately available and accessible. The report further highlights how this failure amounts to indirect unfair discrimination, particularly for learners in under-resourced communities.





STRENGTHENING EDUCATION FUTURES THROUGH C20 ENGAGEMENT

Our Attorney, Pila-sande Mkuzo, was elected as the Co-Lead Facilitator of the Civil 20 (C20) South Africa Working Group on Quality Education for Future Sustainability (WG9).

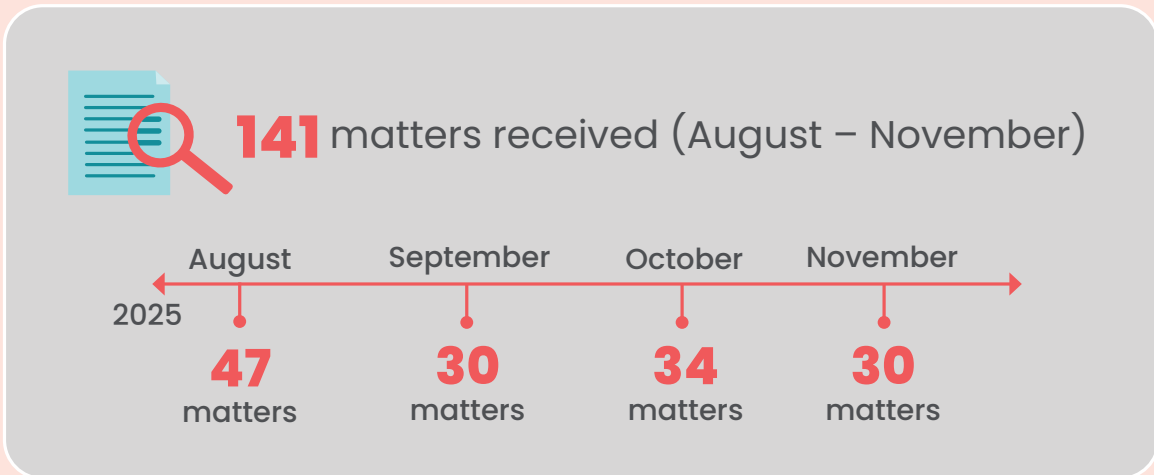
In this role, Pila-sande played a key role in steering the development of policy recommendations aimed at shaping South Africa’s education agenda. Her responsibilities included guiding and supporting the process of defining the working group’s goals and objectives, facilitating robust discussions, and providing strategic and technical insight throughout.

The working group’s significant achievement was reaching consensus on a set of policy recommendations that respond to education challenges from a global perspective.

4. ACCESS TO JUSTICE

The Equal Education Law Centre offers legal advice and support through our daily law clinic, available both remotely and at our office in Khayelitsha. This service ensures that individuals and communities can access legal assistance and guidance on education-related matters with dignity.

The number of matters received by the law clinic so far (August – November)



LAW CLINIC SUCCESS STORIES

Standing against Learner Discrimination in Schools

At the EELC, our law clinic supports learners facing a wide range of challenges from school admissions and disciplinary matters to cases of discrimination.

This year, we intervened in several matters where learners’ rights were undermined, helping to restore dignity, fairness, and access to education.

Two learners share the impact of the EELC’s support:

STORY 1

"I was suspended from school because of my hairstyle, without even being given a chance to speak.

I felt like my rights were being abused, and I was being mistreated for simply wanting to express myself through my hair. I reached out to several organisations, but only the Equal Education Law Centre responded. At one point, I almost gave up, but the EELC's support gave me hope.

Eventually, the school agreed to meet with us, and we reached an agreement that now allows all learners to wear their proud African hair freely.

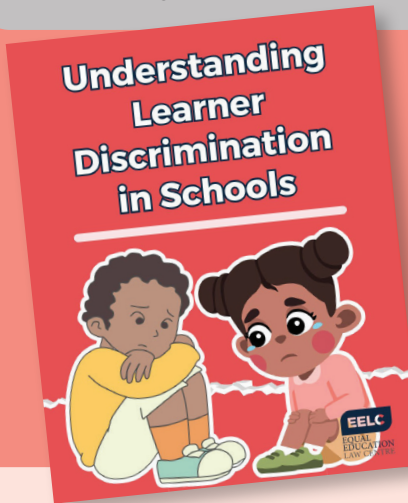
That moment showed me the power of standing up for what's right."

STORY 2

"Just before our trial exams started in August 2025, I was called into the principal's office. He had found out that I was pregnant, and he told me I had to go home and only come back next year to repeat Grade 12. He said it wouldn't be safe for me to stay at school because I was far along in my pregnancy.

I felt shocked and confused, I didn't want to fall behind or miss out on finishing my matric year. So, I reached out to the EELC and asked them to help me. They reached out to the school and after that, the principal agreed to meet with me and my mom.

We had the meeting, and in the end, it was decided that I could return to school and continue with my exams. I was really relieved. I just wanted to be treated fairly and have the chance to finish my year like everyone else."



SUPPORTING FAMILIES AFFECTED BY THE USINDISO FIRE

On 27 October, Senior Attorney Chandre Stuurman, Legal Intern Sith'enkosi James, and Access to Justice Legal Support Intern Vuyolwethu Tswelekile visited parents of young children affected by the Usindiso fire, as well as families who continue to face barriers to early childhood care and education.

Parents shared their experiences of displacement and the ongoing challenges their children face in accessing safe and appropriate learning environments. The EELC provided updates on the ongoing court case aimed at securing their children's right to learn.



In Part A of the application, the EELC and parents secured a court order in November 2024 compelling the Gauteng Department of Education and others to place out-of-school children in appropriate learning environments.

Access the court order [here](#).

As we move toward Part B, the EELC and the parents are working to strengthen the legal recognition of the right to early childhood care and education. This includes challenging the Gauteng Admission Regulations and the National Admission Policy, both of which currently fail to account for emergency situations, such as fires, evictions, or displacement, that disrupt children's access to learning.

#FixSchoolHostelsNow

BLIND SA RETURNS TO COURT TO DEMAND ACCOUNTABILITY FOR LEARNERS WITH VISUAL DISABILITIES

On 10 November, Blind SA, represented by the EELC, returned to the Pietermaritzburg High Court to demand accountability and cooperation in a matter of grave concern.

Earlier this year, Blind SA approached the Court seeking the appointment of a curator ad litem to represent learners at Arthur Blaxall School for the Blind, following deeply troubling reports of abuse, neglect, inadequate infrastructure, and poor nutrition.

In March 2025, Blind SA and the EELC took Arthur Blaxall School for the Blind and the KwaZulu-Natal Department of Education (KZNDoe) to court, asking for the appointment of an independent curator to visit, document, and monitor conditions at the school. In July 2025, the Court granted this order, appointing a curator to investigate and requiring her to file a report with findings and recommendations. The Court set a return date of 10 November.

Since her appointment, however, the curator has faced significant obstacles. Despite multiple attempts, she has been unable to interview learners and other key individuals. She has also requested information from the KZNDoe – a respondent in the matter – but none has been provided. Her request for a consultation with the school itself has similarly gone unanswered.

As a result, Blind SA returned to Court to ask that the respondents be compelled to cooperate with the curator and provide the information she reasonably requires.

The court has ordered the respondents to compile and submit the information requested by the curator in her letter to the KZNDoe. The court has further directed the respondents to respond to her request for a meeting at the KZNDoe offices in Pietermaritzburg.





ADVOCATING FOR WATER, DIGNITY, AND EDUCATION RIGHTS IN THE EASTERN CAPE

On 18 November, the EELC, together with I_Menstruate, appeared before the Mthatha High Court seeking leave to intervene as amicus curiae (friends of the court) in a matter brought by the Centre for Applied Legal Studies (CALs) on behalf of eight individuals from the Amathole District in the Eastern Cape.

The case concerned the ongoing lack of access to water in three villages, a violation of the constitutional rights to sufficient water and to human dignity. Our intervention aimed to draw the Court’s attention to the disproportionate impact of water shortages on girls’ access to basic education and early childhood development. While CALs was successful in securing their order and the EELC and I_Menstruate were formally admitted as amici, the Court elected not to hear oral argument from the amici and limited its order to general references to “constitutional rights”, rather than issuing more specific declaratory relief. Despite this, our participation ensured that the gendered and educational dimensions of the crisis are firmly placed before the Court.

FROM EXCLUSION TO EQUALITY: A DECISIVE WIN FOR LEARNERS’ DIGNITY

On 28 November, the Western Cape High Court delivered a **groundbreaking judgment** in favour of EE and the EELC confirming that learners from the Metro East have an equal right to basic education. On 24 April 2025, EE and the EELC appeared in the Western Cape High Court to ask that the court declare the Western Cape Education Department’s (WCED) failure to plan for and timeously place late applicant learners in schools unconstitutional and in violation of their rights to dignity and equality, among others. For over a decade, the WCED has continued to approach late and extremely late learner admission applications in a way that excludes learners from poor and working-class backgrounds.

The Court struck down clause 13 of the WCED’s Learner Admission Policy – the section of the Policy that governs late admissions. The Court held that clause 13 fails to accommodate late, extremely late, and transfer applicants, and produces discriminatory outcomes. The Court has ordered that the WCED produce a revised, rights-aligned, admissions management plan within six months. Importantly, the Court noted that in the process of the review of the WCED’s Learner Admission Policy,

the public must be consulted. The plan must include: clear timelines, designated responsible officials, systems for engaging parents who lack documents and hotspot-based planning for high-demand, low-capacity areas.

This victory is for all learners from poor, working-class backgrounds who, for long enough, have faced persistent systemic barriers to accessing education in the Western Cape, due to the Western Cape government’s exclusionary, non-poor approach. Finally, the Western Cape High Court has decisively ruled against this unjust approach.

We are deeply grateful to our exceptional legal team – Adv Tembeka Ngcukaitobi SC, Adv Lerato Zikalala, Adv Nicola Soekoe, Adv Dasantha Pillay, Chandre Stuurman, Yolisa Piliso, Malixole Sikhungo, and Sith’enkosi James – whose expertise has been central in our school admissions court case and the victories we have secured.

Moments like these affirm that the powerful intersection of law and activism drives tangible, systematic change.

The Story of the Metro East Case
In search of a school place for all in the Western Cape

#Sofundasonke
#imfundoYethuZikoloZethu
#Right2BasicEducation

EELC
EQUAL EDUCATION LAW CENTRE

DEFENDING DEMOCRACY IN EDUCATION: OUR BATTLE AGAINST PRIVATISATION OF PUBLIC SCHOOLS

On 9 December 2025, EE represented by the EELC, appeared at the Supreme Court of Appeal (SCA) to challenge the Western Cape High Court’s decision regarding collaboration schools, donor-funded schools, and intervention facilities introduced under the Western Cape Provincial School Education Amendment Act 4 of 2018 (the Amendment Act).

EE first raised concerns about collaboration schools, donor-funded schools, and intervention facilities in 2016, when the proposed changes were published in draft legislation. Despite numerous objections, the Amendment Act was passed in November 2018.

In November 2022, as a last resort, EE and the EELC took the matter to the Western Cape High Court, challenging the constitutional validity of collaboration schools, donor-funded schools, and intervention facilities. In July 2023, the High Court ruled against us. We were deeply concerned by this outcome and believe there are significant issues with the court’s reasoning in the judgment. After careful analysis and consultation with EE’s membership, we decided to appeal to the SCA.

The WCED has allowed private organisations to assume significant control over public schools without clear criteria to ensure they possess the necessary education expertise or a genuine commitment to learners’ best interests. There are effective means to encourage private sector funding and expertise-sharing without undermining the democratic foundations of public schools. Our responsibility remains to safeguard the democratic rights of parents in school governing bodies and beyond, ensuring that education remains rooted in accountability, equity, and community voices.

WESTERN CAPE AMENDMENT ACT

What is a collaboration school?

A collaboration school is a type of school allowed by the Western Cape Provincial Schools Education Amendment Act that allows donors to **give money to schools** on condition that their representatives are **given 50% or more voting rights** on the school governing bodies.

50%

EQUAL EDUCATION

WESTERN CAPE AMENDMENT ACT

What is a donor-funded school?

A donor-funded school is also introduced by the provincial act and allows a donor to **give money to a school** and because of that be given **up to 50% voting rights** on that school’s governing body.

EQUAL EDUCATION

WESTERN CAPE AMENDMENT ACT

What is an intervention facility?

This is a facility that can be residential (in house) where a learner **can be referred** by the Head of Department in a situation where the learner has been found guilty of **serious misconduct**.

EQUAL EDUCATION

WESTERN CAPE AMENDMENT ACT

What are we asking for in the appeal?

Intervention Facilities: Foreseeable Rights Violation

The High Court said our challenge to intervention facilities was premature. We believe this is wrong. We argue that we should not wait for harm, and that the current law fails to protect learners’ **best interests**.

EQUAL EDUCATION



5. KNOW YOUR RIGHTS

SUPPORTING PARENTS AND LEARNERS THROUGH ADMISSIONS

From 1 August, we developed easy-to-understand “Know Your Rights” content on school admissions for social media. This included a series of videos and social media cards in both English and isiXhosa, aimed at helping parents and learners navigate key aspects of the admissions process – from application closing dates to understanding the appeals process and timelines for transfer applications. By sharing this content across our platforms, we ensured continued support for parents and learners during this crucial period. These resources also build on and strengthen the foundation laid through our #SofundaSonke campaign, ensuring that vital information regarding school admissions remains accessible to all.

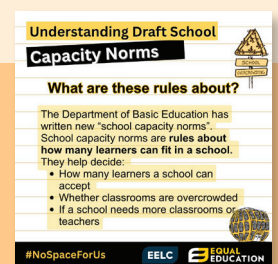
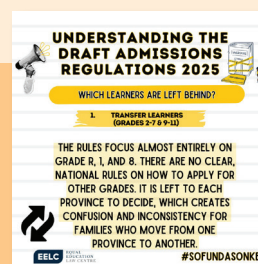
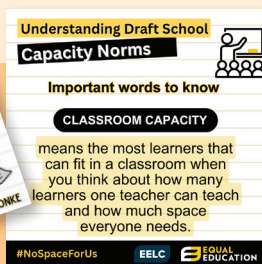


A MAJOR STEP FORWARD: NEW DRAFT REGULATIONS ON ADMISSIONS AND SCHOOL CAPACITY

With the release of the Draft Regulations on the Admission of Learners to Public Schools and the Draft Regulations on Minimum Uniform Norms for the Capacity of Ordinary Public Schools, the EELC and EE celebrated a significant milestone in the fight for equal and quality education. These Draft Regulations are the culmination of years of persistent advocacy, research, and campaigning by EE members, supported by the EELC, to hold government accountable for two urgent challenges facing South African schools: chronic overcrowding and exclusionary admissions practices.

The Draft Regulations were open for public comment, with the final deadline for submissions, after two extensions, set for 5 December 2025.

To ensure that parents, learners, and school communities are empowered to engage meaningfully with this process, we developed accessible “Know Your Rights” materials. These resources explain the purpose behind the Draft Regulations, outline their positive elements, highlight learners who remain overlooked, and provide clear guidance on how to make a submission. Our “how to make a submission” content is particularly important, as the public is often encouraged to participate without being given practical instruction on how to do so effectively. On 5 December, the EELC together with EE submitted the draft School Admission Regulations and draft Capacity Norms to the Department of Basic Education, marking an important step in shaping equitable access to schooling.



PROTECTING QUEER LEARNERS: RENEWING THE CALL FOR INCLUSIVE SCHOOL GUIDELINES

October marked Pride Month, and throughout the month we strengthened our advocacy for the urgent finalisation and publication of the Guidelines for the Socio-Educational Inclusion of Diverse Sexual Orientation, Gender Identity, Expression and Sex Characteristics (SOGIESC Guidelines). First released in draft form by the Department of Basic Education in 2018, these Guidelines are a crucial tool to help schools create safe, equitable, and socially just environments for all learners. Yet, seven years later, the delay persists – leaving learners with diverse sexual orientations, gender identities, expressions, and sex characteristics vulnerable to ongoing discrimination and violence in our schools.

Since 2018, the Equal Education Law Centre, Gender Dynamix, and Triangle Project have consistently called for the adoption of the SOGIESC Guidelines.

This year, EELC attorney Pila-sande Mkuzo amplified this call through an op-ed published by News24, highlighting why the immediate finalisation of the Guidelines is essential to protecting learners' rights and dignity.

ANTI-BULLYING WEEK: REAFFIRMING EVERY CHILD'S RIGHT TO SAFETY

For Anti-Bullying Week, observed from 11–15 November, the EELC reaffirmed our unwavering commitment to protecting every child's right to feel safe, valued, and respected at school. This call to action comes in the wake of several recent bullying incidents across the country, underscoring the urgent need for stronger accountability and safer school environments.

Section 10 of the South African Constitution guarantees everyone's inherent dignity and the right to have that dignity respected and protected. Bullying – whether through humiliation, intimidation, or abuse – directly violates this right. It erodes a learner's sense of self-worth and undermines the nurturing, supportive spaces that schools are meant to provide.

Throughout the week, we shared "Know Your Rights" content on our social media platforms outlining what bullying looks like, including physical, sexual, verbal, emotional, mental, and cyberbullying. We also highlighted who may be involved in bullying, the effects of bullying, learners' rights in these situations, the responsibilities of schools, and what steps to take when bullying is not adequately addressed.

As the Equal Education Law Centre, we stand firmly against bullying in all its forms and remain committed to building school communities where dignity is protected, and every child can learn and thrive.

DID YOU KNOW?

It's not enough to say "we don't discriminate" – schools must actively create inclusive environments. That means training teachers, updating policies, and ensuring that LGBTQIA+ learners are safe from bullying, violence, and erasure in classrooms and corridors

#PrideMonth2025

DID YOU KNOW?

In 2018, the Department of Basic Education released the first draft of the Guidelines for the Socio-Educational Inclusion of Diverse Sexual Orientation, Gender Identity, Expression and Sex Characteristics (SOGIESC). These guidelines are designed to help schools become safer, more inclusive spaces - where every learner is affirmed, protected, and free to be themselves

#PrideMonth2025

DID YOU KNOW?

Uniform rules, pronouns, and names must respect learners' identities. The SOGIESC Guidelines say learners must be allowed to express their gender identity - including through uniform choices, preferred names, and pronouns - without fear of punishment or exclusion.

#PrideMonth2025

ANTI-BULLYING WEEK UNDERSTANDING BULLYING IN SCHOOLS

11-15 NOVEMBER 2025

WHO CAN BE INVOLVED IN BULLYING?

- Learner-on-learner
- Learner-on-educator
- Educator-on-educator
- Educator-on-learner

WHAT DOES BULLYING LOOK LIKE

Cyberbullying is the use of online platforms like the internet or mobile apps (e.g. TikTok) to tease, insult, harass, spread rumours, or share harmful content, such as videos or pictures, with the intent to hurt someone.

UNDERSTANDING THE EFFECTS OF BULLYING

- Low self-confidence
- Poor academic performance
- Anxiety and depression
- Difficulty with social relationships
- In severe cases, thoughts of self-harm

6. RESEARCH: SPOTLIGHT ON LAW AND POLICY REFORM

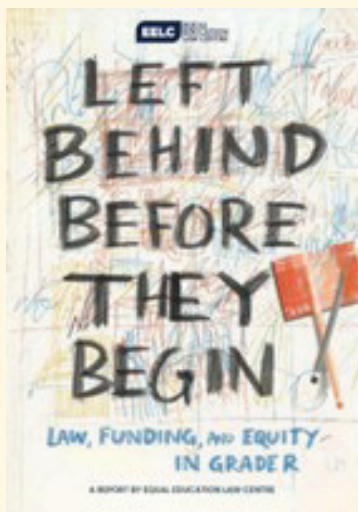
Contributing to the development of equitable and inclusive law and policies remains crucial to our work. This year we have made the following contributions to law and policy reform:

- **Written submissions**

- ◊ [Submission on the Children’s Amendment Bill 2025](#)
- ◊ [The Budget Justice Coalition \(BJC\) Submission to the Select and Standing Committees on Finance on the 2025/26 Mid-Term Budget Policy Statement \(MTBPS\).](#)

- **Oral submissions**

- ◊ Oral Submission to the Portfolio Committee on Basic Education as part of the Stakeholder Engagement on Statutory Rape



MEDIUM TERM BUDGET POLICY STATEMENT: THE EELC CALLS FOR ACTION ON GRADE R FUNDING

On 11 November, ahead of the Medium-Term Budget Policy Statement, the EELC launched our Grade R report titled [Left Behind Before They Begin: Law, Funding, and Equity in Grade R](#).

The inclusion of Grade R as the first compulsory year of basic education marks an important milestone for South Africa. Yet without dedicated funding, this milestone risks becoming an empty promise.

Our report highlights how the State’s failure to allocate sufficient funding for Grade R undermines its constitutional obligation to make basic education immediately available and accessible and amounts to indirect unfair discrimination against the country’s youngest learners.

7. AMPLIFYING OUR VOICE: MEDIA AND COMMUNICATIONS IN 2025


TRADITIONAL MEDIA

Media and Communications remain a cornerstone of the EELC’s advocacy and public awareness work. This year has been particularly impactful, with the team strengthening our voice in national conversations on education justice. By the time of publication, the EELC had participated in 85 media engagements, including radio and television interviews, written commentary for print and digital platforms, and the publication of opinion pieces.


Our team contributed five op-eds, took part in 29 radio interviews, provided written comment 41 times, and featured in 10 television interviews ensuring that the legal and lived realities of learners remain firmly in the public eye and on the national agenda.

Some media highlights

Article
[Gauteng's R68bn education budget is insufficient to address key issues, warn experts](#)



Article
[Treasury's decision not to allocate extra funding imperils compulsory Grade R roll-out](#)




Opinion
[Beyond Solam's story: Why SA's schools remain unsafe for LGBTQ+ pupils](#)



Watch
[Focus on sexual assault of pupils by teachers](#)





SOCIAL MEDIA

The EELC's social media following has grown consistently throughout the year. From January to November the EELC's social media following has grown by the following:



8. THANK YOU TO THE CONSTITUTIONALISM FUND

On 29 and 30 October, the EELC attended the Close Out Convening and Farewell Dinner of the Constitutionalism Fund. The event provided a meaningful moment to reflect on and honour a fund that has played a vital role in advancing our work and championing transformative constitutionalism in South Africa.

It also created a valuable space to connect, share insights, and engage with fellow social justice partners who remain deeply committed to building a more just and equitable society.



9. MEET THE EQUAL EDUCATION LAW CENTRE TEAM



TSHEGOFATSO PHALA
Executive Director



DR MUFARO MAGIDI
Head of Support Services



CHANDRE STUURMAN
Senior Attorney



TARRYN COOPER-BELL
Senior Attorney



ANJULI MAISTRY
Senior Attorney



PILA-SANDE MKUZO
Attorney



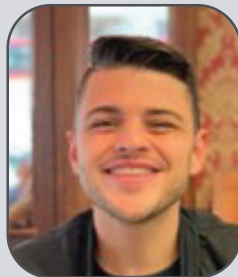
YASMINA SHOBODIEN
Finance Administrator



INNOCENTIA MASHIANE
EU Project Coordinator



EBRAHIEM DANIELS
Attorney



DANIEL PETER AL-NADDAF
Legal Researcher



KEAMOGETSE HOPE MOKADI
Candidate Attorney



SAMUKELISIWE MSANE
Candidate Attorney



KATHERINE SUTHERLAND
Senior Legal Researcher



JAY-DEE BOOYSEN
Media and Communications Specialist



VUYOLWETHU TSWELEKILE
Access to justice legal support intern



SITH'ENKOSI JAMES
Intern



PAPAMA MABOTSHWA
Communications Intern



CYNTHIA SONWABI
Office Housekeeper

