

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

In our first newsletter for 2019, we provide a snapshot of some of our key areas of work over the first half of this year.

MOVEMENT LAWYERING

Constitutional Court: Developing the law on obligations of independent schools



Above from left: Chandre Stuurman, Adv Lerato Zikalala, Adv Nomonde Nyembe, Preciliar Moyo and Pila-sande Muzo

On 16 May 2019, the EELC represented Equal Education (EE) as a friend of the Court in the case of AB & CB v Pridwin Preparatory School & Others. The case raises important questions around the obligations and duties of private schools.

EE's submissions highlighted the significance of the case in light of the growth of independent schools in South Africa. In addition, EE made submissions on the proper interpretation of sections 29(1)(a) and 29(3) of the Constitution, including the interpretation of the obligation on private schools to maintain standards that are not inferior to comparable public educational institutions.

Read more about the case and submissions [HERE](#). Read an article by the EELC on the rights and responsibilities of private actors in education [HERE](#).

Spatial Justice - Equal Education files replying affidavit in #ReclaimTheCity case

On 24 of April 2019, Equal Education, represented by the EELC, filed a replying affidavit as a friend of the court in a matter highlighting the constitutional imperative of ensuring affordable housing and spatial justice in Cape Town.

The matter involves a challenge by, amongst others, the movement #ReclaimTheCity against a decision by provincial and city officials to sell publicly-owned land to a private school in the prime area of Sea Point.

#ReclaimTheCity argue that the relevant government officials have acted unlawfully by failing to redress spatial apartheid in the City of Cape Town.

As a friend of the Court, Equal Education's submissions highlights the need for government, at all levels, to recognise the interrelated nature of socio-economic rights, and the link between spatial justice and education justice.

The matter is due to be heard on 9 and 10 September 2019. Read more on the case and EE's submissions [HERE](#).

Solidarity and Learning Exchange: Oakland, California



In April 2019, EE and EELC joined parent, teacher and student activists in Oakland, California for a solidarity and learning visit. The visit was an inspiring opportunity for education justice advocates from South Africa and the US to engage on issues impacting on education in our respective contexts and strategies for mobilisation and intervention.

The EELC is grateful to all the organisations and individuals who shared their timeand insights with us, including Educators for Democratic Schools, Kitty Epstein, Mike Hutchinson from Oakland's Public Education Network, Frank Adamson, Jianbu Lee from Journey for Justice Alliance, Public Advocates, Californians for Justice, Black Organising Project and the Open Society Education Support Programme. We are also grateful to the students and educators of Oakland Technical High School, McClymonds High School, Oakland High and Skyline Senior High School for allowing us an opportunity to engage and learn.

COMMUNITY LAWYERING

The EELC runs a daily advice clinic, servicing individuals and communities across the country. From January to June 2019, the EELC assisted 180 clients on a range of issues. Some highlights are included below.



Learner safety: Long-awaited pedestrian bridge to be built over major highway

Construction is set to begin for a long awaited pedestrian bridge between Garden Village and Somerset West in the Western Cape. This pedestrian bridge will ensure that learners from the Garden Village as well as the train commuters who attend Danie Ackermann Primary School and Gordon High School, safely cross the busy N2 road when going to the school in peak hour traffic in the morning. The estimated cost of the steel arch bridge is R22 million and construction is due to take place over 15 months.

The commitment follows continuous engagement between EELC, on behalf of Danie Ackermann Primary and the Gardoncar Association, and the Western Cape Government since 2017.

Read a GroundUp news report on the matter [HERE](#).

Law on the Ground: Workshops and community engagement



Above: EELC Candidate Attorney, Sipho Mzakiwe, facilitating a workshop with learners in KwaZulu-Natal

In the first half of 2019, EELC's team have conducted a number of interactive workshops on education and children's rights with learners, parents, education activist organisers and paralegals. Workshops have been facilitated in the Western Cape, KwaZulu-Natal, Limpopo, Gauteng and the Eastern Cape.

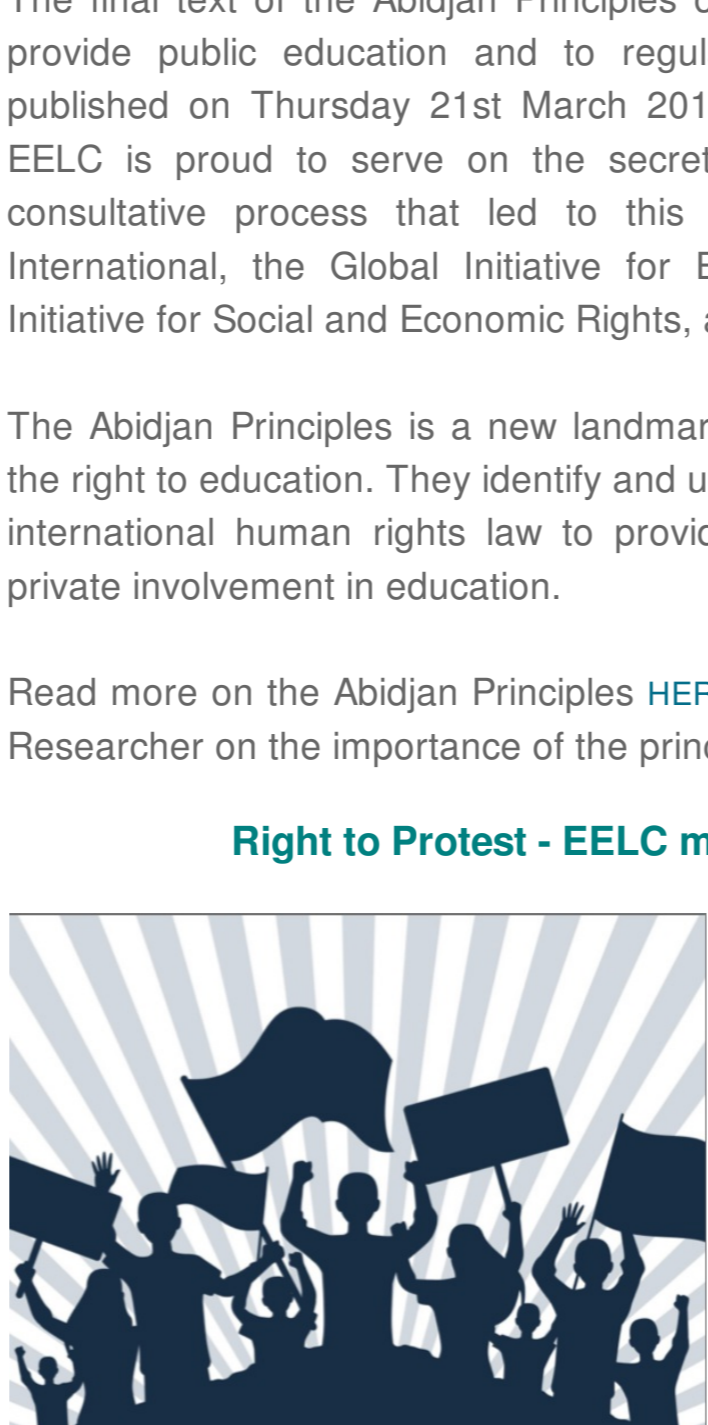
The workshops have covered a range of themes including the right to adequate school sanitation, inclusive education, the right to protest for children, the right to learner transport and general constitutional literacy.

Feedback from workshops has been positive with one participant reflecting:

"I would like the information that I learned here to be out there for other people as well because most things were new to me and will be for others too."

See more on the EELC's accessible Know Your Rights material [HERE](#).

Know your Rights series



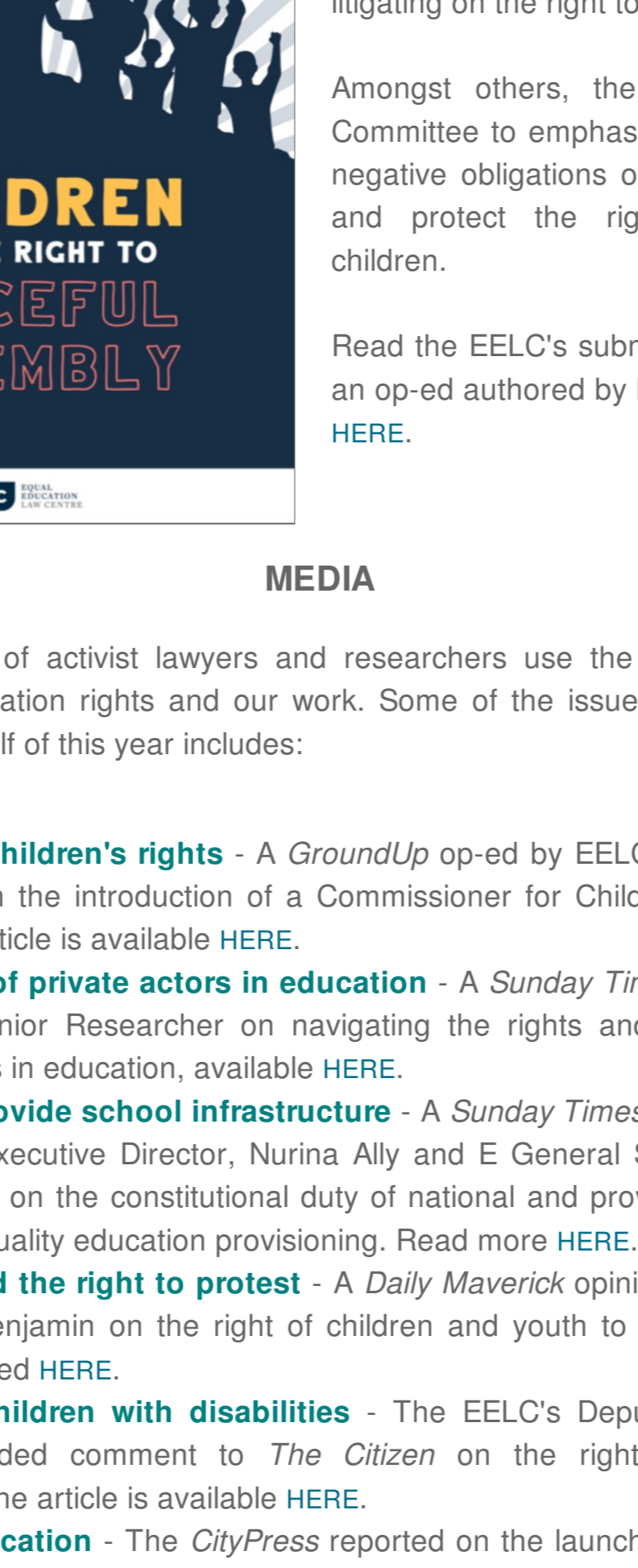
The EELC develops and distributes a range of accessible legal materials for parents, learners and school stakeholders.

In this first half of this year, the EELC has published 11 booklets in multiple languages on water and sanitation in schools, withholding of school reports, the rights of pregnant learners and more.

The EELC's Know Your Rights material is available to download [HERE](#).

RESEARCH AND ADVOCACY

Report launch: The State of Education in South Africa (2014-2019)



In May 2019, the EELC launched its Report on the State of Education in South Africa, which provides a point of critical engagement with the challenges encountered over the period 2014-2019 and offers some proposals to reverse the regressive trends which have characterised the last five years.

Having conducted research across some of the EELC's central thematic areas of work, the report reveals shrinking education budgets, chronic underspending and a consistent failure to meet set targets as trends cutting across the entire education system. The report also reveals further system failures relating to the quality and availability of data, the lack of coordination and cooperation of government departments and other stakeholders, as well as severe legislative and policy gaps and implementation barriers.

Read the full report [HERE](#). Read an article by City Press covering the report [HERE](#).

Landmark Abidjan Principles on the right to education published



The final text of the Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education was published on Thursday 21st March 2019 (South Africa's Human Rights Day). The EELC is proud to serve on the secretariat of organisations which facilitated the consultative process that led to this important document, along with Amnesty International, the Global Initiative for Economic, Social, and Cultural Rights, the Initiative for Social and Economic Rights, and the Right to Education Initiative.

The Abidjan Principles is a new landmark reference point in terms of understanding the right to education. They identify and unpack the existing obligations of states under international human rights law to provide quality public education and to regulate private involvement in education.

Read more on the Abidjan Principles [HERE](#). Read an op-ed authored by EELC Senior Researcher on the importance of the principles [HERE](#).

Right to Protest - EELC makes submissions in Geneva

In March 2019, the EELC made written and oral submissions to the UN Human Rights Committee on the importance of the right to protest for children. The EELC's submissions draw on its experience supporting child activists and litigating on the right to protest.

Amongst others, the EELC asked the Committee to emphasise the positive and negative obligations of states to promote and protect the right to protest for children.

Read the EELC's submission [HERE](#). Read an op-ed authored by Mbekezeli Benjamin [HERE](#).

MEDIA

The EELC's team of activist lawyers and researchers use the media to advance awareness of education rights and our work. Some of the issues highlighted in the media in the first half of this year includes:

- **Victory for children's rights** - A *GroundUp* op-ed by EELC researcher, Astrid Coombes, on the introduction of a Commissioner for Children in the Western Cape. The article is available [HERE](#).
- **Regulation of private actors in education** - A *Sunday Times* op-ed authored by EELC Senior Researcher on navigating the rights and responsibilities of private actors in education, available [HERE](#).
- **Duties to provide school infrastructure** - A *Sunday Times* op-ed co-authored by EELC's Executive Director, Nurina Ally and E General Secretary, Noncedo Madubedube on the constitutional duty of national and provincial governments in ensuring quality education provisioning. Read more [HERE](#).
- **Children and the right to protest** - A *Daily Maverick* opinion piece by EELC's Mbekezeli Benjamin on the right of children and youth to peaceful assembly. Read the op-ed [HERE](#).
- **Rights of children with disabilities** - The EELC's Deputy Director, Robyn Beere, provided comment to *The Citizen* on the rights of children with disabilities. The article is available [HERE](#).
- **State of education** - The *CityPress* reported on the launch of EELC's State of Education report, with comment from EELC's Senior Researcher, Rubena Parker. Read the article [HERE](#).