

EELC Newsletter - July 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

Victory for equalisers - Court rules in favour of Equal Education in #FixTheNorms #FixOurSchools case



On 19 July 2018, the Bhisho High Court ruled entirely in Equal Education’s (EE) favour in the landmark #FixTheNorms case, including declaring aspects of the school infrastructure law that allowed government to indefinitely delay fixing the unsafe and inadequate infrastructure in South African schools, as “unconstitutional” and “invalid”.

The Court gave a Constitutionally sound interpretation of the State’s duties to properly address the crisis conditions of South African schools. In doing so, acting Judge Nomawabo Msizi reinforced the nature of the right to basic education and honoured Michael Komape and Lumka Mkhethwa.

This momentous victory has strengthened the ability of learners, teachers, parents, communities and civil society organisations to hold the State to its duty of protecting learners’ right to dignity, equality and education.

Victories such as this validate the necessity of organising young people to demand rights that would otherwise not be freely afforded to them.

The EELC thanks our team of activist lawyers, as well as Advocates Geoff Budlender SC and Aymone du Toit for their support in this matter.

Read Equal Education’s full statement [HERE](#) and listen to an interview with our Daniel Linde explaining this case [HERE](#).

Watch a short video with background on the case and scenes from court [HERE](#).

COMMUNITY LAWYERING



Securing counselling for learner and readmission to school

A client’s foster child was suspended from school after an altercation with another learner at school. The EELC mediated between the school and parent to ensure that the parent, as well as the school, followed the required procedures relating to the learner’s suspension and disciplinary hearing. The client was sent a comprehensive memorandum advising him of the learner’s rights before, during and after the disciplinary hearing.

The EELC advised the client about the mitigating factors that could be raised at the hearing should the learner be found guilty, to ensure that the school does not recommend expulsion (including that the child had been bullied). The parent followed the advice and rather than expulsion, the learner will attend counselling. The child was admitted back to school when schools re-opened for the third term.

Learner readmitted to school following unlawful exclusion due to transport difficulties

A learner had been absent from school for 3 weeks during a bus strike. The learner’s grandmother, the guardian, could not afford the means by which to inform the school of the reason for the learner’s absenteeism.

The school refused entry to the learner just before exams because of their absenteeism. The EELC urgently intervened to explain the learner’s rights to the parent and guardian. The learner’s mother eventually met with the principal on the basis of the EELC’s advice. The child was subsequently assured that they would be able to write exams when the school re-opens for the third term.

The learner was also given school assignments to complete during vacation in order to facilitate her catch up.

RESEARCH AND ADVOCACY

EELC co-hosts workshop for activist lawyers on defending the right to protest



On Monday 30 July 2018, the EELC’s Tarryn Cooper-Bell and Yolanda Mnyengeza supported a workshop on the right to protest, co-hosted by EELC, R2K Western Cape and the Right2Protest. The workshop was aimed at legal practitioners’ to engage on information and strategies to defend the rights of protesters, including understanding the laws governing (and restricting) freedom of assembly in South Africa and exploring strategic interventions against criminalisation of protest.



Inclusive education - EELC presents at DISES

In July 2018, Chandre Stuurman, an Attorney at the EELC, and Robyn Beere, the former Director of Inclusive Education South Africa, co-presented on ‘Realising the Right to Education for Children with Disabilities’ at the Division of International Special Education and Services (DISES) International Conference.

The presentation highlighted the challenges facing South Africa with the implementation of Inclusive Education and made recommendations on how to address some of these issues.

DISES hosted its 2018 International Conference ‘Embracing Inclusive Approaches’ in Cape Town from 3 to 5 July. The conference brought together over 500 delegates from 30 different countries to share expertise in meeting the needs of children with special educational needs.

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