

EELC Newsletter - May 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

Confronting power, sexism and inequality in civil society



In recent weeks, our partner organisation and client, Equal Education (EE), has grappled with allegations of sexual harassment against three senior members of the movement. As movement lawyers we have been deeply concerned by the allegations which have emerged. We extend our respect and appreciation to those who have come forward. Whilst there is much more to be done going forward, we have noted the steps which EE has resolved to institute, including an emphasis on prioritisation of complainants' needs, independent and fair processes, and a broad assessment of the organisation's culture, policies and practices. The reflections and lessons from these processes must be used to strengthen the values of equality, transparency and accountability, not only within Equal Education but for all of us working within the social justice sector. The EELC welcomes this crucial and long overdue conversation on the complexity of power, patriarchy and inequality within civil society. Collectively, we can and must do better. Read a reflection from EE [here](#).

#Justice4Michael - EE supports leave to appeal, secures variation of court order



From left: Ziphokazi Sisilana (EELC candidate attorney); Advocate Hasina Cassim; Precilliar Moyo (EELC attorney)

The Polokwane High Court has granted leave to appeal in the case of *Komape v Minister of Basic Education*. The case will now go to the Supreme Court of Appeal, which will decide whether the High Court was wrong to deny the family compensation for their grief.

The court also granted Equal Education, as *amicus curiae*, the right to reply to the education department's report on fixing school sanitation in Limpopo. The High Court had ordered the national and provincial departments of education to fix the dire state of unsafe school sanitation in the province, and had given the Komape family the right to comment on its report to the court on those efforts. However, the court failed to grant EE the same right of response. The EELC filed an application to vary the court's order, which was granted. While the appeal on compensation proceeds to the SCA, the state is still obliged to report to the High Court by 31 July, after which both the Komapes, represented by Section27, and EE, represented by the EELC, will be able to respond.

#UniteBehind secures commitments from PRASA and Minister of Transport



Above: The #UniteBehind team after handing out material and speaking to commuters in Mitchell's Plain during rush hour (Photo credit: #UniteBehind)

The EELC represents the #UniteBehind coalition and Equal Education in litigation to address governance issues at PRASA, which ultimately impact on the rail agency's ability to properly address issues of corruption and maladministration. The EELC is hopeful that positive engagements with the new Transport Minister and PRASA's new board will lead to a speedy resolution of this litigation, which seeks to declare the previous board's disbanding of its legal panel unlawful.

The EELC has also been supporting #UniteBehind in engagements on the development and implementation of adequate safety measures to protect children and learners who use PRASA's services to access their schools. Following a meeting with the new Board Chairperson, #UniteBehind secured an undertaking that chaperones for children are to be reintroduced this year. The EELC will continue to support #UniteBehind to ensure that the rights of all children and learners are protected.

COMMUNITY LAWYERING

EELC successfully challenges flawed disciplinary processes

A Grade 11 learner registered at a high school in Khayelitsha was accused of theft and subjected to a disciplinary process. Despite his assertion of innocence, the learner was not given the opportunity to place his version of events before the disciplinary committee. The school subsequently recommended expulsion of the learner. The EELC engaged with the provincial department and the school highlighting the flawed and unfair processes that were followed.

Through these interventions, the EELC successfully secured the learner's return to the school as well as the appointment of various tutors to assist the learner to catch up work he had missed. All learners have a right to fair disciplinary processes, which schools must uphold.

"In all my years I have never met or dealt with a more thorough and caring person...you held my hand throughout this daunting, mammoth task and gave me the courage I needed to get the results we fought so very hard for"

~ A message from a single mother who the EELC supported through a process of securing a fee exemption at her child's school. The EELC thanks all our clients for supporting us in the struggle to expand access to education and access to justice.

EELC assists EC school receive new classrooms

The EELC has successfully assisted an Eastern Cape school which had been struggling with dilapidated school infrastructure. The school's poor structural conditions led to learners being unable to attend school because learning materials were destroyed by water leaking through the ceilings.

After several unsuccessful attempts at engagement, the school requested the EELC's assistance.

The EELC engaged with the provincial department of education and ultimately a contractor was sent to evaluate the school. The school principal has since confirmed that the poorly-built classrooms are now being replaced. This is a significant victory for the school and the learners.

RESEARCH AND ADVOCACY

EELC supports Department of Basic Education in drafting Protocol Against Discrimination in Schools

The EELC, along with other NGOs and social justice organisations, is assisting the DBE with the formulation of a national protocol to deal with discrimination in schools. On 31 May 2018, the EELC met with the DBE and other organisations at the DBE offices in Pretoria. The purpose of the meeting was to discuss the scope of discrimination in schools, to understand the complexities in dealing with discrimination, and to begin the process of drafting the Discrimination Protocol on the basis of a proposed framework prepared by the EELC.

Contact the EELC

021 461 1421 | info@eelawcentre.org.za | www.eelawcentre.org.za