

EELC Newsletter - September & October 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

Gauteng school feeder zone breakthrough - spatial justice and access to education

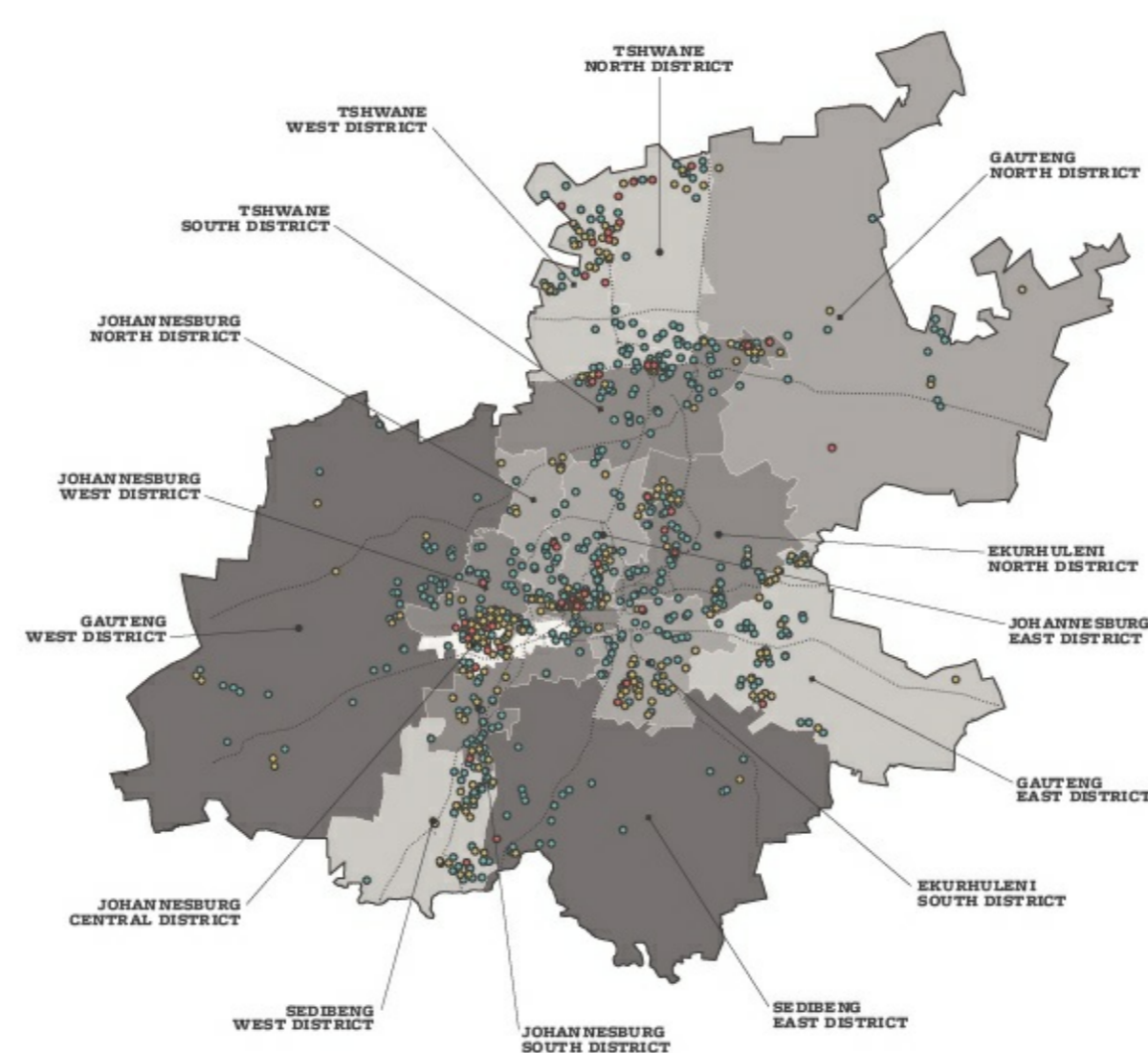


Illustration from Gauteng City Region Observatory

Access to quality education should not depend on your address. The Gauteng Department of Education (GDE) is attempting to disrupt legacies of apartheid geography through proposed amendments to provincial admission regulations.

The proposed amendments follow a Constitutional Court judgment in 2016 in which the EELC represented Equal Education (EE) as a friend of the court. EE highlighted the manner in which the current feeder zone determination reinforces racial disparities in access to education.

While EE and the EELC have critiqued aspects of the proposed amendments, we welcome the shift in the approach of the GDE in re-imagining spatial justice and equity in education access through new criteria for determining the feeder zone of a school.

Read more on EE and the EELC's joint submission [HERE](#).

UN Committee on Economic, Social and Cultural Rights affirms EELC joint submissions



International Covenant on Economic Social and Cultural Rights

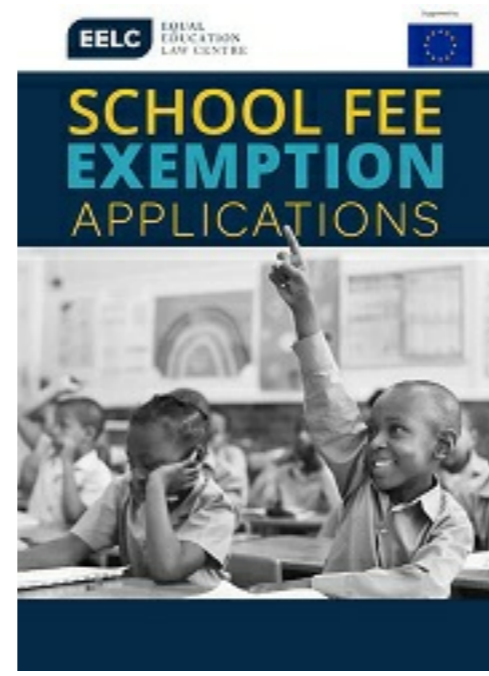
The EELC and EE made joint submissions to the UN Committee on Economic, Social and Cultural Rights on South Africa's track record on the right to education. In its Concluding Observations, the Committee has made recommendations to the South African government in line with EE and EELC's submissions. Amongst others, the UN Committee has recommended that South Africa intensify its efforts to improve school infrastructure, review the requirements for fee exemptions, improve the regulatory framework for private actors in education, guarantee high quality early education for all children, and ensure access to education for learners with disabilities.

Significantly, the Committee has also recommended that South Africa withdraw its declaration in relation to the right to basic education, so as to ensure that the government's commitment is in line with the Constitution.

EELC welcomes the Committee's recommendations which the South African government must consider seriously. Read our submission [HERE](#); an op-ed by EE and the EELC [HERE](#); and the UN Committee's concluding observations [HERE](#).

COMMUNITY LAWYERING

Know your rights series - School fee exemptions



Every child is entitled to education, regardless of their background or whether they are able to pay school fees. The EELC's daily walk-in clinic regularly receives matters relating to fee exemption processes. The EELC has published an updated pamphlet on school fee exemptions which sets out information on "No-Fee" and "Fee-Charging" schools, and the criteria and processes for obtaining a school fee exemption. Read the full pamphlet [HERE](#).

RESEARCH AND ADVOCACY

Early Childhood Education - Submissions on Children's Act amendments



Access to quality early childhood education and development is a crucial foundation for every child, and important to redressing inequality in South Africa. In submissions on draft amendments to the Children's Act, the EELC has emphasised the need for a clear and coherent legislative framework regulating early childhood development, including progressive measures to properly fund and support ECD facilities and programmes. Read our submission [HERE](#).

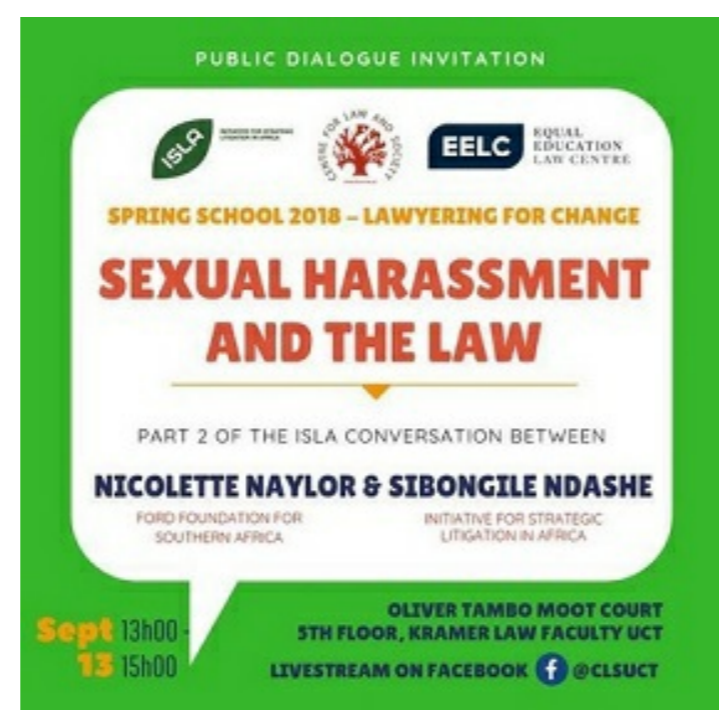
EELC participates in annual Public Interest Law Gathering



Above: EELC legal advisor, Mbekezeli Benjamin, participated in a panel hosted by Ndituna Ukwazi at this year's Public Interest Law Gathering

The EELC is one of various organisations that assist in the preparation and planning of the annual Public Interest Law Gathering. This year's gathering focused on the question of access to justice. The EELC was pleased to host a discussion on how activist lawyers utilise claims for financial compensation. The session also examined the challenges in ensuring that financial claims can assist with fundamental changes where needed. Sheniece Linderboom of Section27, Sheena Swemmer of Centre for Applied Legal Studies and Lunga Siyo from the Johannesburg Bar provided thought provoking case studies. The EELC's Mbekezeli Benjamin also participated in a session convened by Ndituna Ukwazi, which examined the relationships between lawyers and movements and questions of agency.

Sexual harassment and the law - EELC co-hosts UCT discussion



The EELC was proud to co-host a public event on Sexual Harassment and the Law with the Centre for Law Society at the University of Cape Town.

Nicolette Naylor and Sibongile Ndashe engaged students and other members of the public on developments and challenges in the law relating to sexual harassment, particularly in the workplace.