



27 November 2023

PRESS RELEASE

A victory for Equality! - unfair and exclusionary uniform policies in schools must be changed.

Last year we were approached by a courageous young 15-year-old Muslim learner who had been discriminated against on the basis of her religion and gender. She refused to conform to a dress code that contradicted her expression and religious beliefs. This learner was forced by her school to wear a school skirt which she believed did not comply with her religious obligations of dressing modestly. As such, she decided to wear school pants.

As a result of this, the school victimized her, made discriminatory comments against her, placed her in numerous detentions, forced her to sit outside the principal's office for a month, and held a disciplinary hearing against her as the school's disciplinary policy did not allow female learners to wear pants. The only exemption that the school was willing to grant was to force her to wear a long skirt up to her ankles – a concession which she was not comfortable with.

Our intervention began by writing two letters to the school requesting them to refrain from victimizing her and discriminating against her. The responses to our letters were not forthcoming and after sending a letter of demand we met with the school in August 2022.

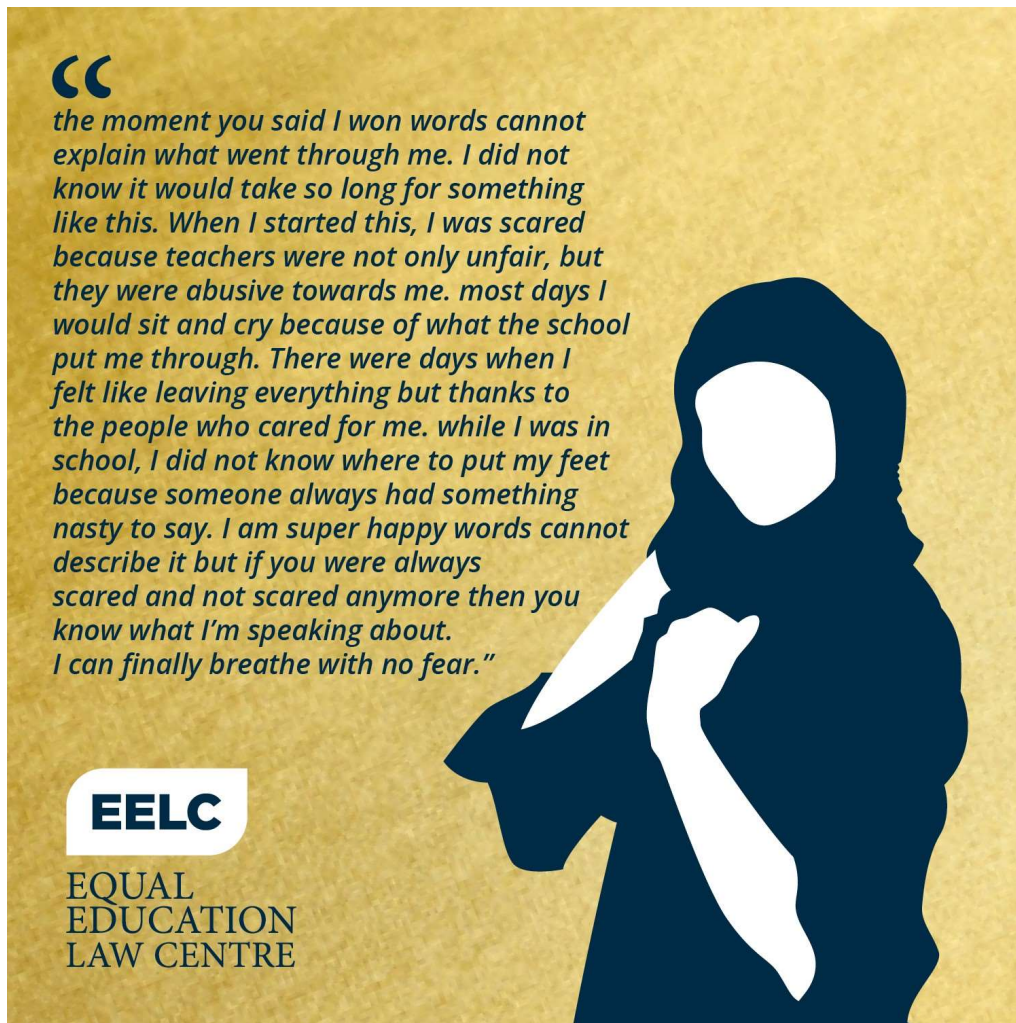
With the school unwilling to compromise, we took the case to the Equality Court. We asked the court to declare the decisions by the school to constitute discrimination under the Promotion of Equality and Prevention of Unfair Discrimination Act, and that the decision and school policy infringes on the learner's rights to equality, dignity, freedom of religion, freedom of expression, best interests of the child, right to basic education and cultural rights. We also asked that the school be ordered to amend their policy and to remove all disciplinary sanctions from her record.

After a relentless fight, the school chose not to contest the matter and agreed to settle. The settlement agreement was made an order of court on **15 November 2023**.

This victory is a triumph for the learner's resilience and determination to stand for her rights and is a victory not only for herself but for other learners at the school as well. As a result of her strong will, the school policy will now be amended to be more inclusive for all. We hope that schools will take heed of this matter and ensure that their policies are inclusive, non-discriminatory and in line with the constitution so that learners do not have to run to a court to affirm their rights.

This victory is a beacon of hope and a reminder that every voice, no matter how young, can catalyze social change.

When presented with the news, the learner said:



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To arrange a media interview please contact:

Ebrahiem Daniels

Junior Attorney

Equal Education Law Centre

ebrahiem@eelawcentre.org.za | 0214611421 | WhatsApp 0730588622