

## **SECTION27, EQUAL EDUCATION AND EQUAL EDUCATION LAW CENTRE DEMAND REINSTATEMENT OF NUTRITION FOR ALL LEARNERS, WILL CONSIDER LITIGATION**

3 June 2020 - SECTION27 and the Equal Education Law Centre (EELC), representing Equal Education (EE) and the school governing bodies of schools in Limpopo, are considering taking the Department of Basic Education (DBE) to court if it fails to roll out the National School Nutrition Programme (NSNP) to all eligible learners when schools re-open, as it has promised to do previously.

The DBE stated it would roll-out nutrition for all learners from 1 June 2020 - including learners not yet returning to school - at a meeting of the National Education Collaboration Trust (NECT) on 26 May 2020 and in a [briefing](#) on 19 May 2020. The DBE now seems to be backtracking on this commitment. At a press briefing on 1 June 2020, where the decision to postpone the re-opening of schools until 8 June 2020 was [announced](#), the Minister for Basic Education Angie Motshekga stated:

*“We would have wished also even to provide nutrition for grades that we have not phased in. But I had requested the sector and the MEC[s] to say maybe we need to wait a little. Get ourselves to acclimatise to the new environment, manage that which we are still struggling to get right before we can introduce new programmes...”*

SECTION27, the EELC and EE reject the DBE’s reversal on its commitment to deliver nutrition to all eligible learners. Not only is the NSNP not a ‘new programme’, but it ordinarily benefits nine million learners across the country who are now severely prejudiced as a result of the halting of school feeding programme. Food insecurity is at crisis levels in South Africa, and the DBE’s backtracking is an astounding betrayal of its previous undertakings.

Learners who attend predominantly no-fee schools across the country rely on the NSNP for daily meals. The DBE has failed to replace these meals during the period in which schools have been closed due to the pandemic, and it now appears as though learners across the country may not have access to the NSNP for an even longer period of time. The government itself has long lauded the link between the NSNP and improved learner outcomes. Learner hunger or malnutrition in this period is therefore a situation which we cannot allow to continue. Providing meals to learners, significantly supports the entire school community, including by alleviating some of the stress upon caregivers.

When asked how they felt about the lockdown and about how not being able to access enough food made them feel emotionally and physically, learner members of EE - known as Equalisers - said:

*"Bad, because it was better when I could get food at school, and it's stressful as well seeing my mother struggling to provide for us." - Western Cape Equaliser*

*"Angry and disadvantaged, and I feel like we are not considered. Most of the provinces receive food parcels but in Limpopo there is no progress." - Limpopo Equaliser*

*"It's a struggle for me and my family as we don't have enough food to sustain us throughout the lockdown, even for a single month because we are depending on one source of income (my father)... it's physically exhausting and emotionally draining to stay hungry most of the time, because we also can't get any food parcels as they clearly stated that [food parcels are] for those without any source of income at all, including those who depend on SASSA'. " - Eastern Cape Equaliser*

*"It becomes stressful because I have no food to eat and life needs to go on." - Limpopo Equaliser*

In earlier statements, Motshekga stated that provinces would be responsible for the development and implementation of programmes to ensure the feeding of all learners when schools reopened. Appropriate mechanisms, which took into account the need for hygiene and social distancing measures, would be worked out by provinces. This could include, the DBE suggested, the delivery of food parcels or staggered opening times for meal collection.

Some provinces have made strides in that direction: the Eastern Cape, Gauteng and the Western Cape have considered options for the reinstatement of the NSNP when schools reopen. The DBE and some provincial departments have recognised, therefore, the importance and appropriateness of feeding learners in this time, regardless of whether their school based learning has recommenced, and have established ways to do so safely.

The DBE's [Standard Operating Procedures](#) for COVID-19 also make specific reference to safety in food preparation and serving. Should these procedures be met, there should be no reason why reopening the NSNP for all learners is unsafe.

We have written to the DBE stating that the Minister's retracting of plans to reinstate the NSNP for all learners is irrational, unreasonable and unlawful. The proposed suspension of the NSNP is a regressive measure in violation of various rights enshrined in the Constitution, including the rights of learners to basic nutrition as provided for in section 28(1)(c) of the Constitution. If the DBE fails to reinstate the NSNP, we will consider instituting legal action.

[END]

**To arrange an interview, contact:**

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