

**9 December 2020**

**Equal Education media statement: Victories in 2020 in the struggle for quality and equal education for all in South Africa**

This year, EE members - learners (Equalisers), post-school youths, parents and teachers - have made important progress in the struggle for quality and equal education for all in South Africa. Our victories range from winning changes for specific schools (new infrastructure), to impacting the whole education system (getting daily school meals for over nine million learners). Here are some of them.

- **Parliament's Portfolio Committee on Basic Education emphasises the importance of school infrastructure to quality teaching and learning, and to matric results – January 2020**

[In its statement](#) on the matric results of the Class of 2019, the Basic Education Portfolio Committee said: "With regards to infrastructure challenges within the system, the committee has called for collaborative effort to ensure that all learners receive quality education in an environment that is conducive for teaching and learning and also calls for improved spending on infrastructure".

- **Noordgesig Primary School in Gauteng gets a brand new building, after EE campaigned for asbestos buildings at the school to be replaced – January 2020**

In January 2020, the Gauteng Department of Education ([GDE](#)) [officially opened](#) the newly rebuilt school, following years of advocacy by us. We have since 2013 campaigned for schools built of inappropriate materials, such as asbestos, to be rebuilt. In 2017, we [held a picket](#) outside the head office of the GDE to demand that 29 schools made entirely of asbestos must be replaced. One of these schools was Noordgesig Primary School in Soweto. The Norms and Standards for Public School Infrastructure demand that all schools made of inappropriate materials should have been replaced by 29 November 2016!

- **The draft KwaZulu-Natal scholar transport policy is published for public comment – April 2020**

Through our relentless campaign for scholar transport since 2014, and our legal challenge in the Pietermaritzburg High Court, we got the KwaZulu-Natal Department of Education (KZNDoe) to [release a draft scholar transport policy](#), for public comment. While we have already gotten the KZNDoe to provide buses and taxis to transport learners in 15 schools in northern KZN, we recognise how crucial a provincial policy is for making clear the responsibilities of the departments of education and transport for proper planning, budgeting and implementation. With the Equal Education Law Centre (EELC), we have highlighted problems in the draft policy, through a [submission](#) to the KZNDoe. The final policy has not yet been published.

- **The Constitutional Court says independent schools are not immune from the Constitution – June 2020**

In June, the Constitutional [Court ruled](#) that independent schools must give parents and learners a fair opportunity to be heard on whether a decision to end a contract with the school is in the best interests of the children involved. This case considered important questions on the right to basic education in independent schools. We were involved in the case as a friend of the Court (*amicus curiae*), represented by the Equal Education Law Centre (EELC). Our [submissions](#) to the Court included highlighting the rise of low-fee independent schools. The judgment of the Court affects the rights of pupils from poor and working-class families who attend low-fee independent schools.

- **The Department of Basic Education's Directions on COVID-19 and the reopening of schools includes key recommendations made by Equal Education (EE), Equal Education Law Centre (EELC) and SECTION27 – June 2020**

The Equal Education Law Centre (EELC), representing Equal Education (EE) and SECTION27, wrote to the Department of Basic Education (DBE) in June, to highlight our concerns about the DBE's original Directions on COVID-19 and the reopening of schools. Almost all of the EE, EELC and SECTION27 recommendations were included in the new versions of the Directions. Some of our [major gains](#) included:

1. The original Directions placed most of the responsibility of ensuring that schools are ready to reopen safely, on schools themselves. The Directions were silent on who would be responsible for determining that a school had met the correct safety standards and for consistently monitoring schools. The amended Directions clearly say that the provincial Head of Department (HOD) must support schools in meeting safety requirements; the HOD must continuously monitor and assess the return of the different grades; and the HOD must report to the DBE every two weeks on COVID-19 cases in schools.
2. The amended Directions clearly state that the HOD has a responsibility to make arrangements with schools to ensure that teaching and learning continues for learners who were unable to attend school this year.
3. The requirement that all learners must have certificates/permits when going to school, was removed.
4. The amended Directions require the Minister of Basic Education, in consultation with the Minister of Health, to regularly review the DBE's Standard Operating Procedures to ensure that the processes for screening for COVID-19 symptoms are in line with best practice.
5. The amended Directions make clear that the education departments must provide every learner with two cloth masks.
6. At first it was unclear under what circumstances parents could decide to keep learners at home, and what process these parents had to follow. This is explained in detail in the amended Directions.

- **Progress on prioritising school safety in the Western Cape – June 2020**

Our determined and [persistent advocacy](#) about the importance of [funding](#), support for school-based committees and infrastructure, such as fencing, for creating safe schools, has placed it firmly on the agenda of the Standing Committee on Education in the Western Cape, which is the oversight committee for education in the province. Our work has directly informed the questions that members of the provincial legislature put forward to the Western Cape Education Department (WCED). Those questions include the budget allocated to safety and security, and the importance of safety training for teachers at schools. Mandela High and Nomsa Mapongwana Primary, schools which we have supported in [calling for better security](#), got new fencing this year.

- **We get the National School Nutrition Programme (NSNP) to be restarted under lockdown – July 2020**

After hearing through internal Equal Education (EE) member [surveys](#) and conversation with learners and their families and teachers around the country, about their experiences of having very little to eat during the national COVID-19 lockdown, Equal Education (EE) and two Limpopo school governing bodies took urgent legal action against the DBE and eight provincial education departments, to get them to roll out the NSNP to all learners that usually received school meals before the lockdown.

We went to court after we, along with other organisations, tried to reason directly with [the Department of Basic Education \(DBE\)](#), the Presidency, and [Parliament](#). We were represented in court by the Equal Education Law Centre (EELC) and SECTION27. In Gauteng and in the Eastern Cape, we held a series of peaceful protests on the bridges of major highways, against the failure of the education departments to keep their promises to restart the NSNP. We also protested at the head office of the DBE, and at the Union Buildings.

On 17 July 2020, acting Deputy Judge President Suleet Potterill ruled that Basic Education Minister Angie Motshekga and eight Education MECs neglected their Constitutional duties by failing to roll out the NSNP to all qualifying learners – whether those learners were back at school or at home. Judge Potterill ordered the DBE and provincial education departments to [submit plans](#) to show how they would roll out the NSNP to all qualifying learners (over nine million learners) within 10 days of the judgment of the court, and to after that provide the court with updated plans every 15 days.

EE, EELC and SECTION27 have closely monitored the rollout, which has had challenges. What we achieved includes getting the education departments to improve their monitoring and reporting on the rollout of the NSNP, and getting Director General of the DBE, Mathanzima Mweli, to give us a formal commitment to continue the rollout of the NSNP should South Africa experience a second wave of COVID-19 outbreaks.

- **We get scholar transport for two schools in the Eastern Cape – June 2020**

Mbulelo Benekane Secondary, a school that we are organised in, had been trying to get scholar transport to be provided by the Eastern Cape government for years. We tried to help the school with this, through numerous meetings with the Eastern Cape Department of Education (ECDoE). In June, learners at the school finally started to get access to scholar transport. While we were conducting [our COVID-19 surveys](#) with principals on how they were coping with the reopening of their schools, we found out that even though some learners had returned to their classrooms, scholar transport had stopped operating at Hertzog Primary School. We made the Eastern Cape Department of Education (ECDoE) aware of the problem, and got transport up and running again for learners along all the usual travel routes.

- **Our virtual, national Children’s Conference gets learners talking directly to education officials – July 2020**

Our [online Children's Conference](#), with learners as chairpersons and facilitators of the conference, was a platform for learners to speak directly with national and provincial education officials, about the impact of the COVID-19 pandemic on them, and about our longstanding campaign demands. Equalisers submitted campaign [demands](#) and our Charter for an Equal Education to the officials who participated. The Children’s Conference was an important element of our fierce advocacy to get Basic Education Minister Angie Motshekga to communicate with the public, with transparency and in detail, about the readiness of schools to reopen. It was also one of the many online platforms that we used this year to introduce our Charter for an Equal Education to the public, before it is formally launched next year.

- **Emergency water supply for Eastern Cape schools that we campaigned for – August 2020**

In July, as part of our persistent advocacy, we protested at the offices of the Eastern Cape Department of Education (ECDoE), and handed over a memorandum demanding that water and toilets be urgently provided, so that schools could safely reopen. According to a [report compiled for us by the ECDoE](#), 766 schools were given emergency relief in the form of water tankers, and some of these schools were put forward through our memorandum and consistent engagement with the ECDoE. Those schools include

Gobizizwe Senior Primary School, Nguberhamba Senior Primary School, and St Charles Sojola High School.

- **Guidelines for appointing implementing agents (who build schools on behalf of government) are published by the Department of Basic Education – September 2020**

Significant progress has been made in getting better accountability of implementing agents (IAs), who build schools on behalf of the national and provincial education departments. A very important step is that the Department of Basic Education (DBE) has implemented one of the key recommendations of our 2018 IAs [report](#), by publishing [guidelines](#) for appointing IAs. At the time we published our report, there was no requirement for a department to check the technical skill of the IA or to research the ability of the IA complete the work, before appointing the IA. These guidelines help with ensuring that the right people, who can do the job and complete it on time, are building our schools. This progress builds on our previous victories around IAs, which got education departments to exclude underperforming IAs from getting new contracts.

- **Western Cape High Court confirms government’s responsibility to provide affordable housing in central Cape Town – August 2020**

A four-year long battle led to the August [victory in the Western Cape High Court](#), led by Ndifuna Ukwazi (NU) and Reclaim the City (RTC). The court judgment, which is being appealed by the Western Cape government and the City of Cape Town, has an important impact on the right to education. The judgment affirmed that the Western Cape government and the City of Cape Town have a duty placed on them by the Constitution to make sure that poor and working class households have access to affordable housing in central Cape Town.

Equal Education (EE) was a friend of the court (amicus curiae) in the case, represented by the Equal Education Law Centre (EELC). We drew attention to the connection between the right to housing and the right to basic education. We have been part of [protests](#) and [occupations](#) over the last few years, demanding that spatial apartheid be fixed, alongside our Comrades from NU and RTC. Some of the information that we submitted to the court included interviews with learners and principals about how travelling long distances between home and school negatively affects learners.

- **The proposed changes to the South African Schools Act (SASA) include the proposals made by Equal Education and the Equal Education Law Centre – October 2020**

The Department of Basic Education (DBE) is proposing big changes to the South African Schools Act (SASA) and has already included some of the proposals made by us and the Equal Education Law Centre (EELC) in the latest version of its draft law. The Basic Education Laws Amendment Bill (BELA) was originally published for comment in 2017. At the time, Equal Education (EE) and EELC submitted [comments](#) to the DBE.

In October this year, the DBE [presented](#) a revised version of BELA to Parliament’s Portfolio Committee on Basic Education, which includes some of our recommendations, such as: strengthening collaboration between the government and school governing bodies on school admissions to avoid unnecessary delays, taking steps to ensure that language policies are not used to discriminate against learners, and making sure that communities have more of a say in the closure of small schools. There are still some important problems with the proposed changes - such as allowing for the sale of alcohol at schools. We will continue to push for more changes!

- **The building of new toilets at Lutholi Junior Secondary in the Eastern Cape is almost finished – December 2020**

The building of new toilets at Lutholi Junior Secondary School is finally almost finished. A learner [fell into an unlawful, exposed plain pit latrine](#) last year - three years after we gave the Eastern Cape Education Department (ECDoE) a [report](#) on how the toilets at the school were dangerous and violated the dignity of learners. Since then, we have consistently raised the problems at the school in our quarterly meetings with the ECDoE. The building of new toilets and fencing, and the fixing of classrooms, was supposed to start last September, but had not started by early December. When we followed up, the ECDoE then promised us that the construction work would be completed by January this year. We are relieved that, finally, there is real progress, and that the ECDoE has delivered the infrastructure that is morally and legally owed to learners.

- **President Cyril Ramaphosa makes performance contracts for Ministers, including Minister Motshekga, public – December 2020**

Following President Cyril Ramaphosa's [announcement](#) of his new cabinet and that Ministers would be held accountable according to performance contracts, we [urged](#) the President to make these contracts public. We believe that because Minister of Basic Education Angie Motshekga is a public servant, the public must be able to measure her performance against the criteria in her contract. We drew up our own [performance contract](#) for Minister Motshekga and held a [people's performance appraisal](#) to check her progress. Then, in his [State of the Nation Address](#) (SONA) this year, President Ramaphosa said that once performance contracts were signed, they would be made public, "...so that the people of South Africa can hold those who they elected into office to account." Finally, this week, those [contracts have been made public](#) and one of [Minister Motshekga's key performance areas](#) is delivering proper school infrastructure.

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