



Our ref: [Withheld]/Admission Appeal/MEC
Enquiries: L Draga

26 February 2013

MEC: Education Western Cape: Mr D Grant
Private Bag X9161
Cape Town
8000

By email c/o: Irene.King@westerncape.gov.za

MEC c/o Mr Micheal Wilter: edumin.edumin@pgwc.gov.za

Dear Mr Grant

LEARNER DRESS CODES IN SCHOOLS

1. We write to you on behalf of Equal Education (EE). The purpose of this letter is threefold:
 - (a) To draw your attention to discriminatory acts against Rastafarian learners by the principal of Bulumko High School. This includes the refusal to admit a learner, [name withheld], on the basis of his Rastafarian beliefs which decision forms the subject matter of an internal appeal enclosed herewith.
 - (b) To request that urgent steps be taken to address the Principal's behavior in this regard.

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by the Equal Education Law Centre Trust.**

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(c) To call on the Department to advise on what steps have been/are being taken to ensure that schools are aware of the relevant statutory and policy framework which recommends the reasonable accommodation of learners religious and/or cultural beliefs when implementing school dress codes.

2. Since January 2012 Equal Education has been contacted, on no less than three occasions, by Rastafarian learners complaining that they had suffered discriminatory behavior at the hands of their principal, Mr Hlongwane of Bulumko High.

2.1 The first incident was in 2012 and involved [name withheld], a learner at Bulumko who was summarily and unlawfully expelled from the school by the Principal because he refused to cut his dreadlocks. This notwithstanding that [the learner] had drawn to the Principal's attention that growing his hair in this manner formed part of his religious/cultural belief system. The Equal Education Law Centre (EELC), acting upon the instructions of EE, then arranged a meeting with the Principal and attempted to resolve the matter. The Principal was uncooperative and was unwilling to allow [the learner] to return to school. After an appeal to the relevant role players [the District Director - Mr Melvine Caroline and the Circuit Team Manager - Ms Verna Stuurman] the WCED successfully intervened to ensure [the learner's] return to Bulumko. At that stage the learner had already been deprived of almost two weeks of schooling. We enclose herewith, for your benefit, copies of the relevant correspondence with the WCED in this regard. We point out that in EE's previous correspondence concerning this matter, it called on the Department to take steps to prevent this situation recurring.

2.2 The second incident arose at the beginning of 2013 and concerned [name withheld]. After successfully enrolling at Bulumko he was instructed to leave the school and to return only once his dreadlocks had been cut. After his

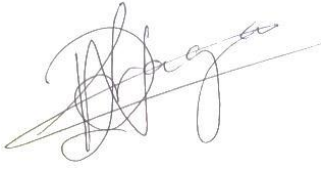
mother's attempt to intervene in order to secure her son's return to school proved fruitless, he turned to EE for help. Representatives from both EE and the EELC accompanied [the learner] to a meeting with the Principal. Even after the relevant laws and policies in this regard were pointed out to the Principal, he remained adamant that he would not let [the learner] into the school until he had cut his hair. The Principal went on to say that [the learner] must go and find a school elsewhere where they accept Rastafarians and took the position that schools were entitled to enact any dress code that they wanted. Following numerous appeals to the Metro East District Director and the IMG Manager - Mrs Mjila (copies of which are enclosed herewith for your benefit) and after almost three weeks of valuable learning time had passed, [the learner] was allowed to return to Bulumko.

2.3 On the same day that [the above learner] was allowed to return to school another matter concerning a Rastafarian learner, [another learner], was brought to EE's attention. [The learner] was refused admission into Bulumko because of his dreadlocks. Enclosed herewith is an internal appeal, on behalf of the grandmother of the learner, against the Principal's decision in this regard.

- 3 EE is of the view that it is clear from the previous incidents at Bulumko as documented herein and from [the learner's] matter that there is a pattern of discrimination and disrespect by the Principal of Bulumko towards Rastafarian learners. EE therefore calls on the Department to ensure that the necessary steps are taken to urgently and adequately address the unlawful conduct of the Principal of Bulumko High. EE calls on the MEC to advise by no later than **Tuesday, 26 March 2013** as to what measures have been/are being taken to ensure that similar patterns of discrimination at the instance of the Principal of Bulumko do not occur again in the future. These issues have continuously arisen at Bulumko and although they are later resolved they cause undue hardship on Rastafarian learners as they are forced to lose many weeks of vital and precious learning time.

- 4 EE is concerned that it appears that schools in general remain unaware of how they should respond to issues of cultural and religious rights when determining and applying learner dress codes. This is borne out by the incidents at Bulumko High, as well as the recently publicised case concerning Muslim learners at Eben Dönges High School.
- 5 EE therefore calls on the MEC to advise on what steps have been/are being taken to ensure that schools are aware of the relevant statutory and policy framework which recommends the reasonable accommodation of learners' religious and/or cultural beliefs when implementing school dress codes.
- 6 Due to the urgency of the internal appeal, in respect of [the learner], we request that a decision in this regard be made by no later than **Friday, 1 March 2013**.
- 7 We trust that a more comprehensive response will be forthcoming by no later than **Tuesday, 26 March 2013** in respect of:
 - 7.1 the remedial measures implemented at Bulumko; and
 - 7.2 the Department's more systemic approach to ensure that learners' rights to freedom of religion/culture/belief/opinion and their right to a basic education in the context of school dress codes are adequately safeguarded.
8. Kindly acknowledge receipt of this letter and please feel free to contact the writer hereof if any further clarity is required.

Yours faithfully,



EELC

PER: Lisa Draga

CC

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