



20 March 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 Clive Roos: clive.roos@westerncape.gov.za

Dear Mr Grant

UNLAWFUL EXCLUSION OF SIKHOKELE DINISO

1. We write to you on behalf of Equal Education (EE) and on the instructions of Sikhokele Diniso, an 18-year old Grade 10 learner at Siphamandla High School in Khayelitsha. Sikhokele recently sought the assistance of EE after he was unlawfully excluded from school by his principal, Mr Magadla.
2. Sikhokele advised EE as follows:
 - 2.1. He adheres to the Rastafarian faith and was growing his hair into dreadlocks as this is one of the religious practices associated with his faith.
 - 2.2. During February 2013 one of the teachers at his school took issue with his hair and informed him that the school does not welcome learners with dreadlocks and that he should either cut his hair or comb out the dreadlocks.
 - 2.3. On 13 March 2013, the same teacher referred Sikhokele and his friend, who also wore dreadlocks, to the principal. The principal affirmed the teacher's viewpoint and indicated that Sikhokele and his friend should return to school with their parents and with their hair shaved or combed.
 - 2.4. His friend returned to school on 14 March 2013 with his hair combed and with his parents accompanying him, and our client indicates that this enabled the friend to remain in school.

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Trustees:

- 2.5. Sikhokele's mother was, however, unable to visit the school due to work commitments, with the result that he was again chased away from the school on 14 March 2013.
 - 2.6. The principal excluded him despite his pleas to remain in school as he was scheduled to write tests for History on 14 March, Mathematics on 15 March and Life Sciences on 18 March. He has been unable to write these tests due to his exclusion.
 - 2.7. His attempts at explaining his religion and culture to the principal proved fruitless as the principal simply informed him that they do not welcome his religion and culture at Siphamandla High.
 - 2.8. On 20 March 2013, Sikhokele went to the school accompanied by his religious leader, however, they were not permitted to see the principal and explain his religious beliefs.
3. It is clear from the above that Sikhokele has been unlawfully and unconstitutionally deprived from accessing his school, has already lost a week of learning time and has been unable to take his tests in certain subjects. Our clients accordingly call on your urgent intervention to secure Sikhokele's return to school and to ensure that appropriate arrangements are made so that Sikhokele is given an opportunity to complete the tests that he was unable to take during the period of his unlawful exclusion.
 4. We trust that all the necessary steps will be taken to ensure that our Sikhokele returns to school by no later than **Monday, 25 March 2013**.
 5. In addition it remains of much concern to our client, EE, that learners in Western Cape schools continue to suffer discrimination due to their religious beliefs. The case of Sikhokele serves once again to emphasise the gravity of the problem and the need for appropriate intervention by the Department.

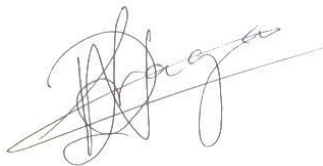
LEARNER DRESS CODES

6. Our client, EE, has had cause to contact the Western Cape Education Department ("the Department") before on behalf of Rastafarian learners who have been unlawfully excluded from or denied admission to school because of their religious beliefs. In this regard, our letter dated 26 February 2013 attached hereto bears particular reference.
7. Amongst other things, the abovementioned letter calls 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. We kindly remind you of the impending deadline for the Department's response to this issue, i.e. no later than **Tuesday, 26 March 2013**.
8. EE is of the opinion that Sikhokele's case once again underscores the reoccurring nature of this problem in Khayelitsha schools and elsewhere in the Western Cape (as in the recent case of the Muslim learners in Kuilsriver). The situation is clearly

untenable as learners are not only being denied access and admission to school, but are also being deprived of valuable schooling time to the extent that in Sikhokele's instance, the learner's tests have been disrupted. This unfair victimisation cannot be allowed to persist. Sikhokele's case once again highlights the need for a more wholesale and comprehensive response to this issue.

9. In this regard we wish to reiterate the initial suggestion that was made to the Head of Department, Ms Penny Vinjevold, in a meeting attended by Yoliswa Dwane, Dmitri Holtzman and Brad Brockman (then all of Equal Education) more than two years ago, on 17 March 2011. In that meeting EE suggested that the HOD inform principals, possibly in the form of a circular, about the law and the need for schools to respect and, where reasonable, accommodate the religious and cultural rights of children when implementing learner dress codes. Our client also informs us that during the course of this meeting the HOD undertook to inform principals about the law in the context of children's religious and cultural rights and school dress codes. If this has not already occurred our client is of the view that it would be one of the best steps to appropriately address the matter.
10. We look forward to receipt of your response but reserve our clients rights to take any further action necessary to ensure that the issues raised herein are resolved.
11. 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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