INTRODUCTION

THE STATE OF EDUCATION IN SOUTH AFRICA

South Africa has a long and well-known history of unequal education. The most famous instance of this is the apartheid-era Bantu Education Act of 1953, which built on older colonial education and saw the creation of multiple, racially-segregated education departments (including education departments in each ‘independent’ homeland) with different curricula and radically unequal funding.

Since the end of apartheid, the various departments of education have been united, and racially segregated schools have been outlawed. The amount of money spent by the government on school children has been equalised across races, and government has seen the creation of multiple, racially-segregated education departments (including education departments in each ‘former African schools’, lack of school infrastructure and mismanagement of good-quality teaching and the resulting low levels of skills. The Department of Education itself has reported that:

- In South Africa, virtually all children of a primary school-going age are now enrolled in school. But numerous local and international surveys conducted over the last decade or so have shown that the majority of these children are seriously underperforming in basic literacy and numeracy. In the Trends in International Maths and Science Study (TIMSS) of 2003 the average score for South African learners was the lowest out of the 46 participating countries in both mathematics and science at the Grade 9 level. Approximately 78% of South African children scored below what educational experts designated as a low benchmark score in PIRLS (Progress in International Reading Literacy Study).

According to the South African Human Rights Commission… South Africa has seen improvements in access to education… to benefit previously disadvantaged children. Since 1994 enrolment rates have improved, reaching 98% in Grades 1-9. The poorest 80% of schools are now no-fee schools. However, the education system is still deeply unequal, and many learners receive low-quality education, particularly at former ‘African’ schools. The Minister of Basic Education, Angie Motshekga, has gone so far as to describe South Africa’s education system as being in a state of ‘crisis’, and a ‘national catastrophe’. She stated that the system is plagued by ‘pockets of disasters’, including teacher absenteeism in ‘former African schools’, lack of school infrastructure and mismanagement in some provincial education departments, textbook shortages, and unfilled vacancies, among others. It can be inferred from the Minister’s remarks that the crisis in education in South Africa is both physical and pedagogical. The physical crisis can be seen in the lack of basic resources, such as sanitation, textbooks, furniture, and even classrooms. The pedagogical crisis, on the other hand, is represented by the absence of good-quality teaching and the resulting low levels of skills. The Department of Education itself has reported that:

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people can use the right to education as a lever for change, by arguing that it is being violated, and therefore, there must be some action taken. This can take place at different levels. At a local level, you could use the right to argue for taking action about issues such as:

- Unfair discrimination taking place in your school
- Exclusion of learners who cannot pay school fees (and the illegal charging of fees by no-fee schools)
- Disciplinary procedures
- Decision-making
- Teacher vacancies
- Lack of basic infrastructure.

At a national and provincial level, you might be interested in changing:

- Policy, such as campaigning for laws that specify the basic infrastructure a school needs to function
- Budgeting, such as participating in the budget-making process to make sure that there is enough money allocated to build the infrastructure required
- Implementation, for example by auditing whether infrastructure upgrades that were promised have been delivered.

The right to education is justiciable, which means that you can use the courts to hold government to its obligations in this area. But going to court can be costly, and is sometimes out of reach for learners and parents in poor communities. Also, the government does not always obey court orders.

For ordinary learners, parents and community members, a more viable first option (or a strategy to be used in combination with use of the courts) is to make their voices heard in a way that can influence school governance structures and policy-makers. In the main, this does not happen when they are speaking alone. Rather, public support for the issue needs to be mobilised, and supporters need to be organised into a structure that can lead the campaign and amplify the demands. Once this happens, you can take advantage of formal opportunities for public participation in decision-making, as well as staging your own events, such as protests.
HOW ARE SCHOOLS GOVERNED?

Although we tend to think of the principal as the most powerful person in a school, the South African Schools Act gives a lot of decision-making power to school governing bodies (SGBs). Their mandate includes:

• Managing a school’s money
• Recommending teachers to be appointed
• Drafting a school’s code of conduct, and deciding religious and language policy for the school
• Holding educators and principals accountable
• Ensuring children’s well-being at school

This is important, because SGBs are bodies that include democratically elected parents and learners. SGBs are made up of the following people:

• The principal
• A maximum of five teachers
• Two Representative Council of Learners (RCL) members
• Parents (there must be one more parent member than the other members of the SGB combined)

Parents thus have a majority voice in SGBs, and are able to decide issues that affect their children’s education. Learners themselves also have a voice.

A longer-term strategy is to focus on SGB elections. These happen every three years for parent members, and every year for learner representatives. However, if a parent member leaves the governing body (for example, if their child finishes school), there must be a by-election to choose a parent who will replace them within 90 days of the vacancy. You can use SGB elections to help advance your issue, by:

• Attending SGB elections, and asking questions about the candidates’ views on the issue you are concerned about
• Encouraging parents to attend and vote in the SGB elections
• Encouraging parents and learners who support the issue you are concerned about to stand for election, or stand yourself.

In order to get your issues onto the agenda, or to elect members who agree with your agenda, you will need to build support for the issue, by convincing learners and parents that this issue is important, and showing them a way that they can take action about it – such as voting in a particular way, or joining a march. This is known as mobilising, and it can take many forms. It can simply be people going door-to-door in a community, and asking people to support their action.

However, even if you manage to mobilise parents and learners, you may not be able to win the changes you seek immediately. Your SGB may not be willing to change your school, or it may not be able to. It may not have the money to repair the toilets, or the facilities to set up after-school programmes. The conditions in township and rural schools are shaped by broader structures of inequality. Given this, you may need to take your campaign further than just one school.

• Are other schools also experiencing these issues?
• How can you link up with them?
• Who, in a position of power, can you make demands on?

A danger inherent in mobilisation is that it often doesn’t last. While the public may come out in their masses and support your campaign enthusiastically, they can easily become discouraged if there is no quick victory. Not everyone will have the determination to follow through and continue to put pressure on decision-makers. As an activist in this field, it is your job to make sure that the issue does not disappear from the public’s mind. You must make it clear that the campaign may take time, explaining each development that occurs, and being sensitive to what your supporters think about the strategies used.

More than this, though, to build a campaign which is strong and popular and that can last long enough to achieve meaningful change, you must start to organise. This means to set up structures that can lead the campaign – an organisation of some sort. Organising is a way of bringing supporters, or affected people, into a campaign in a way that goes deeper than mobilising: it often includes a process of political education or conscientisation, which gives them the skills and political analysis needed to take strategic action. This allows them to help direct the way the campaign goes. A strong organisation will be better at thinking about the strategies used, and that can last long enough to achieve meaningful change, you must start to organise. This means to set up structures that can lead the campaign – an organisation of some sort. 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Equal Education (EE) is an education rights social movement that works to organise learners in poorer and working-class schools. EE’s activism centres on the power of youth. In five provinces, high school members – known as equalisers – attend weekly youth groups. Here they learn about inequality in the education system, receive political education, and work on and discuss campaigns. Equalisers are empowered, and mobilise to challenge injustices in their own schools through collective actions: they have been many-school level protests around issues, from teacher vacancies to corporal punishment and exclusion of pregnant learners. They also form part of a growing, informed and vocal community of people who are no longer prepared to accept an unequal, low-quality education system: equalisers give force and moral weight to EE’s broader campaigns.

Moral justification is a key part of Equal Education’s success. Its campaigns have gathered wide support and have won funding, policy and practical victories for poor, under-resourced schools and learners – in part because they have tapped into what many people think is right, and what the government accepts (in theory) that it should be doing. While moral justification is not enough to bring education to the fore in the public agenda – mobilisation is still required – it helps to mobilise people’s moral instinct into political support – it is a factor that improves greater mobilisation, such as the 20,000 people who were prepared to march to parliament in support of Norms and Standards for School Infrastructure.

SOCIAL AUDITS

Recently, Equal Education has begun using social audits as a powerful tool to hold government to account. A social audit is a process whereby communities measure whether promises made about services have been kept, and services delivered. EE members in Gauteng have audited sanitation in schools, and members in the Western Cape have audited sanitation and school safety. These audits were not conducted by EE members alone. Crucial to the social audit process has been building partnerships with community organisations and civil society, who extend the reach of the audit into their own areas, and add voters to the movement – most EE members are not old enough to vote yet.

In Gauteng, EE members based in Tembisa audited the state of sanitation in their schools. In total, they audited 11 high schools, or over two-thirds of the high schools in Tembisa. They found that at over half the high schools audited, more than 100 students shared a single working toilet. Many schools also had broken or non-functioning taps. EE met with government officials, who ignored requests to develop a plan to solve this sanitation crisis. Finally, in September 2014, 2,000 EE members marched to the Gauteng Department of Education offices. The MEC, Panyaza Lesufi, responded by promising R150 million to upgrade sanitation in 580 schools across the province.

In five provinces, high-school members – known as equalisers – attend weekly youth groups. Members of this coalition audited the sanitation conditions in over 200 schools around the province. The audit found a sanitation crisis in schools around the province. In 30% of the high schools audited, over 100 learners were sharing a single working toilet. One in five toilets were either broken or locked. About 70% of schools did not provide access to soap, and 40% did not provide access to toilet paper or sanitary pads. Over 25% of schools had more than 400 students for one maintenance staff member. These findings were released at a summit, and the MEC accepted all demands to specifically the situation ‘unconventionally’.

Social audits have similarly mobilised, educated and politicised supporters and members on the issues of school infrastructure, sanitation and safety. Mobilisation occurs because the process of running the audit provides people with a way to participate. Education occurs because to conduct the audit, people had to learn about the issues, such as school sanitation. Pr agitation occurs because through the process, people see and express how political inequalities affect them directly.

COALITION-BUILDING

By organising, you are acting as an enabler, bringing people into knowledge, and structures, that will help them to demand change. This can spread far beyond the campaign you could have run on your own. When you organise, you will probably reach beyond your own community too. This is how you can link up with other schools. It is also possible that there will already be organisations, or community members, who are active in those areas. Forming links with them can help by:

• growing the size of your campaign
• extending the campaign geographically without having to organise from scratch in new areas
• adding politically important groups to the campaign. For example, if you are directing your campaign towards government, forming links with adult activists or organisations can increase the pressure on elected officials, because they can be voted out of power by adults. As learners, you are largely not yet allowed to vote. But this is not the only kind of coalition that can form another example is forming links with an organisation representing a constituency that you don’t cover. For example, if you are mostly organised in urban schools, it would be powerful to link up with an organisation that works in rural schools as well.

You should start by speaking to locals about what is going on in that community, and who is active in it. Try to gain an understanding of who holds power in the community, and what assets that community has. When deciding who to reach out to, ask yourself:

• Do they share some/all of your goals?
• Will working together be strategic?
• Is the campaign flexible enough to accommodate them, and possibly include some of their demands?

Coalition-building is more likely to be successful when it doesn’t try to take over or dissolve the existing organisations to form a new one (although eventually this may happen). Rather, you need to work with the partner organisation, and share decision-making about the direction of the campaign.

As the campaign grows, you will need to make demands at the right level. Schools are clustered into circuits, and then districts. A few districts make up a provincial department of education. Find out which circuit and district your school falls into, and who is responsible for the issue you are working on. If they will not help you, you can take your demands to a higher level of government. But in order to convince them, you need to continue growing your support.
You will probably start a campaign on education rights by trying to speak to people who have the power to change it – a teacher, the SGB, a district official, or even the Minister of Basic Education. However, they may not listen to what you have to say, or even agree to meet with you. A common next step is to protest. The success of protest depends on mobilising well, so that there are plenty of supporters ready to take part in the protest. It draws public attention to your issue, and shows the person or organisation in question the strength of the support behind your demands. Protests are an important way in which the right to education can be advanced.

Protests are protected by provisions in the Bill of Rights, but are also regulated. Many people have criticised the laws concerning protests as being relics of apartheid control, and possibly unconstitutional. It is also true that police suppression of protests often goes far beyond what is allowed by law. However, it is nonetheless important to know your rights and the regulations to do with protests. The following information is drawn from Right2Know’s guide, ‘Protesting Your Rights: The Regulation of Gatherings Act, Arrests and Court Processes’.

**KNOW YOUR RIGHTS**

The Bill of Rights has three provisions, which – taken together – protect the right to peaceful political protest.

- **Section 16** protects your right to freedom of expression, so long as it does not involve distributing war propaganda, or inciting violence or hatred.
- **Section 17** protects your right to assemble, picket, demonstrate and present petitions, so long as you behave peacefully and are unarmed.
- **Section 18** protects your right to freedom of association. The government is only allowed to limit these rights in very specific circumstances. In the terms stated in Section 36, these limitations must be ‘reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom’. It is up to the courts to decide whether government limitations meet this requirement.

**DEMONSTRATIONS VS. GATHERINGS**

In terms of the Gatherings Act, a demonstration is a march or picket of 15 people or fewer. This can happen without the authorities being notified. A gathering is a march or picket of more than 15 people. It is also understood as an event that expresses criticism or contestation. A gathering requires that you notify the local authorities in advance.

**NOTIFICATION**

You need to notify the responsible officer of the local municipality, by filling in a form called ‘Notice under Regulation of Gatherings Act’.

- This must happen at least seven days before the protest.
- If this is not possible, you must still notify the authorities, and explain why seven days’ notice was not given.
- If notice is given less than 48 hours before a protest, the responsible officer is allowed to prohibit the protest without providing any reasons.
- However, if you submit notice seven days in advance, and the local authorities have not contacted you to meet within 24 hours of your submission, the gathering is automatically legal.

**THE GATHERINGS ACT**

The Regulation of Gatherings Act (1995) sets out rules for how any gathering that takes place in a public place, and involves protest or criticism, may take place. This protest can be directed towards an individual or an organisation, whether private or public, and can be about an issue, or a specific law or policy.

**PROHIBITION OF GATHERINGS**

In exceptional circumstances, a gathering can be prohibited by the responsible officer. However, this is not the same as refusing permission. ‘Permission’ implies that it is up to the authorities to decide whether or not to allow the protest. In fact, protests are legal except in very specific cases. In these cases, it is the job of the authorities to show why the protest cannot be permitted. They must do the following:

- Have an affidavit saying that the gathering will result in serious disruption of traffic, injury to participants/others, or extensive damage to property.
- Meet the convenor to discuss the notice and try to negotiate a safe gathering.
- Give a letter to the convenor with written reasons for prohibiting the gathering.

If a protest has been prohibited, anyone participating in it is committing an offence. However, if you feel your protest has been unfairly prohibited, you may approach a court (no lawyer required) to ask them to allow it to go ahead.

**ORGANISING A PROTEST**

In terms of the Gatherings Act, you need to choose a convenor for the protest. This is the person who leads the protest. They must submit the notification form to the local authorities, and meet with the authorities when required. A deputy convenor must also be chosen, in case the convenor is unavailable.

Planning a protest is not just about mobilising supporters and submitting notice. You also need to spend time thinking about how to manage (and possibly transport) a large group of people. The organisers should clearly define roles between themselves. It is a good idea to have marshals, to keep the protest in a defined area. Make sure to keep a copy of the notification of protest form and all communication with the authorities with you during the protest. The police may well ask to see it, or question whether you have received permission for the march. The convenor should be available to speak with them.

**CREATIVE PROTEST**

Protests are about making your voices heard. Marches and pickets are popular kinds of protest, but there is no limit to the different kinds of protest you can organise. Creativity in protest is important as a form of self- or communal expression, but also because you need to find new and exciting ways to grab people’s attention, and shape the way that people talk about and understand your issue. ‘Read-in’, ‘teach-in’, solidarity visits, fasting, participating in co-ordinated action: all of these are forms of protest.
During April 2015, Equal Education held sleep-in protests in three cities: Cape Town, Pretoria and King Williams Town. To members were demanding that the Minister of Education, Angie Motshekga, publicly disclose the nine provincial plans for implementing the Minimum Norms and Standards for Public School Infrastructure. These demonstrations followed multiple letters and a request in terms of Section 18(1) of the Promotion of Access to Information Act, which reports on the required notice in terms of the Gatherings Act to the Participation Unit, which reports to the Union Buildings without the permission of the Presidency. The City of Cape Town stipulated that the permit was conditioned on government agreeing to receive Equal Education’s memorandum, but this condition was eventually deleted. The implication of claiming that you cannot protest until the state acknowledges you means that a recalcitrant department could avoid a protest by simply refusing requests to receive memoranda at protests.

The Gatherings Act does require the additional permission of the Chief Magistrate of Cape Town for marches to Parliament, but in numerous marches to Parliament, Equal Education has never been the subject of the Speaker’s lack of authority over protests. In light of this, Ben-Zeev and Waterhouse have explained that access to committees requires input can shape funding priorities. Engaging on the budgeting process itself can therefore allow activists past the claim of budgetary constraints. Despite the fact that the Speaker’s permission was raised as a prerequisite to the event, the City of Cape Town initially refused to issue a ‘permit’ and instead instructed a city official to review all of Equal Education’s requests to receive memoranda at protests.

The City of Cape Town initially refused to issue a ‘permit’ and instead instructed a city official to review all of Equal Education’s requests to receive memoranda at protests. When the meeting was reconvened, the City of Cape Town stipulated that the permit was conditioned on government agreeing to receive Equal Education’s memorandum, but this condition was eventually deleted. The City of Cape Town began preparing an urgent application to the Union Buildings without the permission of the Presidency. The City of Cape Town stipulated that the permit was conditioned on government agreeing to receive Equal Education’s memorandum, but this condition was eventually deleted. The implication of claiming that you cannot protest until the state acknowledges you means that a recalcitrant department could avoid a protest by simply refusing requests to receive memoranda at protests. The Gatherings Act does require the additional permission of the Chief Magistrate of Cape Town for marches to Parliament, but in numerous marches to Parliament, Equal Education has never been the subject of the Speaker’s lack of authority over protests. In light of this, Ben-Zeev and Waterhouse have explained that access to committees requires

Members of the public can petition parliament about an issue. They can also make written or oral submissions to parliamentary committees.

Members of parliament sit on different committees. The committees are intended to provide oversight for different areas of the government’s work. At times the committees make a call for submissions from the public, but you can make a submission at any time, by sending it to the secretary and chairperson of that committee. In cases where no call for submission was made, it is largely at the secretary and chairperson’s discretion whether or not the committee considers your submission. This is difficult when they are members of the party of government: they may have little interest in a submission that is critical of government. In light of this, Ben-Zeev and Waterhouse have explained that “access to committees requires” investment into relationship-building with MPs and Chairpersons... Although this approach can be frustrating, taking into account that engagement between MPs and the public should not be dependent on personal relationships, it can be fruitful in some instances. Organisations need to be adaptable to the political nature of parliament. You can attend committee meetings and sit on committees to make these connections; all MPs’ email addresses are also provided on the parliament website. Once a relationship with an MP has been established, you can use them to ask questions of government for you. When it comes to flagging important issues or asking pertinent questions, it is best to move between the different political parties that make up a committee, rather than align too closely with one or another. Opposition MPs tend to be more receptive to your requests for information or clarity on particular issues than those of the ruling party.

**PUBLIC PARTICIPATION**

This chapter began by looking at governance structures within schools, and opportunities to participate in them. As your campaign grows, you may take advantage of the formal provisions for participation in national structures, particularly parliament, which is intended to be open and responsive to the public. This can help to shape policy and budgeting, as well as contributing towards holding the government accountable.

**EDUCATION POLICY**

There are two parliamentary committees that oversee basic education: the Portfolio Committee on Basic Education (which is part of the first house of parliament, the National Assembly), and the Select Committee on Education and Recreation (which is part of the second house of parliament, the National Council of Provinces). Members of the public can petition parliament about an issue. They can also make written or oral submissions to parliamentary committees.

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**EDUCATION RIGHTS**

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**BUDGETS**

Oversight of the National Treasury, and budgeting, falls to the Standing Committee on Appropriations. As part of the process leading to parliament approving the Division of Revenue Bill (which outlines government spending for the year), the Committee calls for public comment. Despite the immediately realisable nature of the right to education, government’s defence against a lot of education activism is the claim of budgetary constraints. Engaging on the budgeting process itself can therefore allow activists past this roadblock, into a space where their input can shape funding priorities.
It is important to remember, as Ben-Zeev and Waterhouse have warned, ‘Organisations should maintain awareness of and be responsive to the political landscape and the power struggles at play.’

Once it was clear that EE’s contribution towards the BRRR process was not going to work, EE had to re-strategise.

In November 2014, the Standing Committee on Appropriations put out a call for submissions, inviting stakeholders to comment on the Minister of Finance’s Mid-term Budget Policy Statement. Because the Shadow Report dealt with the DBE’s overall performance for that particular financial year, as well as the manner in which their budget had been utilised, EE could use the report originally intended for the Basic Education Committee – with slight amendments – for this particular case.

Another direction EE took was collaboration. The Public Service Accountability Monitor (PSAM) came on board, and made an extensive contribution to the amended Shadow Report. After the amended Shadow Report was submitted to the Standing Committee, EE and PSAM were invited to make an oral presentation. In its report to National Treasury, the Appropriations Committee included two of the recommendations highlighted in the submission, one of which was the need to establish a conditional grant specific to scholar transport.

Through this process EE has built a strong relationship with the Standing Committee on Appropriations, and regularly makes submissions on matters relating to budget allocations for the basic education sector. However, this is a precarious relationship dependent on a number of factors, including the political climate. The recommendation of a conditional grant for scholar transport was a step forward, as this is an important plank of EE’s campaign on scholar transport. However, it should also be noted that to date, this recommendation has not been taken up by National Treasury.

It was briefly mentioned by the opposition the report during the meeting on the BRRR. This submission is better known as EE’s Budget Review and Recommendation Report (BRRR). Although there had been some years, and had in some instances resulted in challenges in the education sector. However, this is a precarious relationship dependent on a number of factors, including the political climate. The recommendation of a conditional grant for scholar transport was a step forward, as this is an important plank of EE’s campaign on scholar transport. However, it should also be noted that to date, this recommendation has not been taken up by National Treasury.

In 2014, for example, EE made a submission to contribute towards the draft BRRR. This submission is better known as EE’s Shadow Report. Contributing to the BRRR had been one of the tactics used by EE for several years, and had in some instances resulted in EE’s recommendations being included in the final BRRR. Although there had been some traction in the previous years with MPs, and the chairperson in particular, on engaging with the report; this changed in 2014. EE did not receive an acknowledgement of receipt from the committee after the submission was made; neither did the committee engage with the report during the meeting on the BRRR. It was briefly mentioned by an opposition MP, but overall, it was not recognised.

Prior to the national elections of 2014, EE’s relationship with the Portfolio Committee on Basic Education was fairly robust. The chairperson of the committee, at the time, was receptive towards EE’s contributions. If a written submission had been made by the social movement, more often than not the committee would invite EE to make an oral presentation, and a dialogue would ensue.

These written submissions were not always prompted by the calls for submissions that are put out by committees, but were also prompted by the tabling of particular reports; for example, the Basic Education Annual Report, the Minister of Basic Education’s Budget Vote speech, or the Committee’s Budget Review and Recommendation Report.

After the elections, the make-up of the Basic Education committee was altered. With the arrival of new MPs and the departure of others, the relationship with the committee became fractious. As opposed to previous years, MPs from the tiring party were not as willing to meet with EE to discuss the challenges in the education sector, or to engage with any written contributions. Nor was there willingness to engage in one-on-one meetings, outside of the committee rooms.

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NOMS AND STANDARDS FOR SCHOOL INFRASTRUCTURE

The Norms and Standards campaign is a textbook example of Equal Education’s methods. EE was concerned about the unacceptable state of school infrastructure in many of the country’s schools, and initiated a sustained campaign to force the Minister of Basic Education to issue legally binding regulations concerning norms and standards for school infrastructure. This would describe the basic infrastructure every school needs in order to function.

EE members marched and petitioned, wrote countless letters to the Minister, went door-to-door in communities to garner support for the campaign, and even spent nights fasting and sleeping outside parliament. EE lobbied parliament and politicians, and on Human Rights Day in March 2011, it led 20,000 learners and supporters in a march to parliament to demand that the Minister and the DBE keep their promise and adopt legally-binding Minimum Norms and Standards to ensure that all learners in South Africa, regardless of race or wealth, are able to learn in schools with adequate infrastructure.

EE also used the media – both traditional, and social – to raise awareness and support for the campaign. Learners wrote newspaper articles about their struggles, and journalists covered the campaign.

EE parent members wrote to Basic Education Minister Angie Motshekga as one group of parents to another. The letter appeared in newspapers. EE also produced a series of animated videos, explaining the campaign – and the dire state of school infrastructure – in an accessible way. The organisation used Twitter hashtags such as #FixOurSchools and #BuildTheFuture as a way of spreading the campaign. It was also able to confront government officials more directly, and in the public domain, via their Twitter accounts.

EE’s approach was to win gains politically rather than through the courts. However, in 2012, with the Minister remaining stubborn in the face of mass mobilisation, it became increasingly clear that resorting to the courts to achieve norms would be necessary. Section 29(1)(a) of the Constitution provides that ‘everyone has the right to a basic education’. Unlike other socio-economic rights, this right is unqualified and immediately realisable. So on 2 March 2012, the Legal Resources Centre (LRC), on behalf of EE and the infrastructure committees of two applicant schools in the Eastern Cape, filed an application in the Bhisho High Court against the Minister, all nine MECs for Education, and the Minister of Finance, to secure national minimum uniform norms and standards for school infrastructure. This was done while simultaneously applying political pressure. In fact, EE members were planning to camp outside the Bhisho High Court, where the case was going to be heard.

Before the case was heard, the Minister settled out of court and agreed to adopt norms and standards. She then delayed releasing them, out of court and agreed to adopt norms and standards. She then delayed releasing them, until 29 November 2013, when EE members were planning to camp outside the Bhisho High Court, where the case was going to be heard.

The first deadline in the Norms is 29 November 2016. The campaign has shifted to monitoring the government’s implementation of these laws.
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