



CENTRE FOR CHILD LAW

**Protection of the Rights of Learners Facing Eviction of Their Farm School
From a Private Property**

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The Centre for Child Law is acting for the learners of Grootkraal Primary School in the Western Cape High Court this week. The private farm owners of the land on which the farm school has been located for about 85 years seek to evict the school. The MEC for Education in the Western Cape failed to conclude a lease agreement with the farm owners, leaving the children in their current predicament. The litigation has been ongoing since 2011 and the new farm owners are eager to develop the land into a game farm.

The Western Cape High Court appointed the Centre for Child Law as legal representative for the learners of Grootkraal Primary School in 2012 to place the views and wishes of these learners before the Court and to also advise the Court on how the potential eviction of the school would affect the learners' access to education. The MEC's proposed solution is to "relocate" Grootkraal Primary School to premises where another primary school is situated, which is about 17 kilometres away from the current premises of Grootkraal Primary School.

The Centre for Child Law argued, on 11 April 2017, that the proposed "relocation" of Grootkraal Primary School does not take into account the real life circumstances of the children who are from an impoverished farm community who already have to travel long distances to attend the school where it is currently situated.

Karabo Ozah, appearing for the Centre for Child Law argued that:

"The MEC needs to realise that constitutional rights are interdependent and not pay lip service to the "the best interests of children". The paramountcy of the best interests of the children read together with the right to access education in this case supports the retention of the school at its current premises. Therefore, the MEC needs to explore all the possible options to retain the school at its current premises to avoid the eviction."

The MEC has also failed to meaningfully engage with the school community affected by the threatened eviction and argues that she will do so once the eviction order is granted. Ozah pointed out to the court that this approach is contrary to the approach taken by the Constitutional Court in the case of Juma Masjid where similarly, a public school on private property faced eviction. In the Juma Masjid case the Constitutional

Court ordered meaningful engagement and made an extensive provisional order for the MEC to comply with prior to the Court deciding on whether or not to evict the school. This provisional order was aimed at ensuring that the best interests of the children and their right to education would be safeguarded.
The hearing continues.

Ends.

For comments contact Ann Skelton, Director - Centre for Child Law on 012 420 4502.

The CCL's heads of argument can be downloaded in PDF [here](#).