



EQUAL  
EDUCATION  
LAW CENTRE



CENTRE FOR  
CHILD LAW

**CENTRE FOR CHILD LAW TAKES MINISTER OF BASIC EDUCATION TO COURT TO  
PROTECT THE RIGHTS OF LEARNERS WITH DISABILITIES DURING COVID-19**

**FOR IMMEDIATE RELEASE:**

**20 July 2020**

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**#SafeSpecialSchools #LeftBehindAgain #ProtectDisabledLearners  
#EducationEqualityNow**

On Friday, the Centre for Child Law (CCL), represented by Equal Education Law Centre (EELC), launched an urgent application in the North Gauteng High Court against the Minister of Basic Education for her failure to adequately provide support, as well as proper health and safety measures, to all learners with disabilities who are returning to special schools and special school hostels, as well as to those who remain at home during the COVID-19 pandemic.

The litigation is a culmination of various attempts since April this year, by civil society organisations, including Organisations for Persons with Disabilities, to engage as a collective with the Department of Basic Education's (DBE) Inclusive Education Directorate (IED), to monitor progress being made to ensure that the necessary health and safety measures are put in place for learners with disabilities. These include the provision of adjusted and appropriate personal protective equipment (PPE) to officials and learners, as well as ensuring the provision of educational and therapeutic support to learners with disabilities during lockdown, during their phased return to school, and for those learners who continue to remain at home.

EELC also wrote letters of demand to the Minister of Basic Education on behalf of CCL requesting information on the re-opening of schools, with a particular focus on, amongst others, the provision of adjusted PPE such as masks and sanitisers to special schools, special school hostels and special care centres, the criteria that will be used to monitor school readiness, and continued support to those learners who are at home.

Despite attempts to meaningfully engage with the DBE IED, civil society has received delayed, and unsatisfactory responses from the Minister which have left organisations concerned that the very specific needs of thousands of learners with disabilities across the country are not taken into consideration in the DBE's COVID-19 Directions, planning and guidelines.

The DBE's most recent Directions regarding the reopening of schools (published on 23 June 2020) address, for the first time, some aspects relating to learners with disabilities such as the

provision of Guidelines to assist schools with learners who are blind or partially sighted, Deaf or hard of hearing and learners with Autism.

While this is commendable, the DBE's Directions and Guidelines exclude all other categories of learners with disabilities, including learners with physical disabilities, intellectual disabilities, severe to profound intellectual disabilities, and learners with Epilepsy. These learners need very specific educational and therapeutic support services while they remain at home, and appropriate and adjusted health and safety measures to be put in place when they return to special schools and special school hostels. It is therefore imperative that the Minister develop comprehensive guidelines for these learners.

Considering the disappointing feedback we have received through our engagements with the DBE, and the lack of assistance provided to the excluded categories of learners with disabilities in the DBE's Directions and Guidelines, CCL, represented by EELC, is taking the Minister of Basic Education to court, to urgently request:

That the DBE's Directions be reviewed and set aside, or that they be declared invalid and that, within 3 weeks, the Minister fix the defects as they relate to health and safety measures for learners with disabilities, special school hostels, the excluded categories of learners with disabilities, and continued educational and therapeutic support, including the provision of assistive devices, for those learners with disabilities who remain at home;

That the DBE's Guidelines be amended to include measures to assist learners with physical, intellectual, and severe to profound disabilities and learners with Epilepsy,

That the amended Directions and Guidelines be published for public comment before their finalisation.

CCL has requested that the matter be heard on an urgent basis and on 4 August 2020 in the North Gauteng High Court, Pretoria.

**Ends.**

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For more information, please contact:

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