

To The South African Human Rights Commission
Per Email: complaints@sahrc.org.za
Date Thursday, 15 June 2023
Subject Request for an Urgent Investigation into the Closure of Umzimkhulu School

To Whom It May Concern,

The abovementioned matter bears reference.

I hereby lodge a complaint about the closure of a school on KwaZulu-Natal's South coast that has been closed since 24 April 2023 which has seen the violation of 413 school learners owing to uninhabitable infrastructural conditions.

This comes after ActionSA yesterday visited the school having received numerous complaints from disgruntled parents and members of the School Governing Body (SGB) at Corinth Senior Primary, located in the Umzimkhulu Local Municipality, about the sad state in which this school and its learner currently finds itself.

While school gates were closed by parents on the 24 April 2023 due to the poor infrastructure of the school in fear of the safety of pupils and teachers, parents are not happy that their children have not been able to attend school since its closure which has real consequences for these learners who are falling further and further behind in their schooling.

Located in a rural area, the school's issues are said to date back to the early 1980s where it was reported to us by parents and members of the SGB that there were two deaths at the school, after corrugated roofing sheet fell due to poor infrastructure, and took the lives of these learners.

Furthermore, the roof flew off the school's infrastructure in 2012, and no permanent solution was found by the Department of Education to fix the problem. History repeated itself in this regard on two separate occasions in January this year and cannot be allowed to continue any longer.

Currently, the school sits as an empty shell without proper roofing infrastructure, mould infested ceilings that pose a huge threat to the health of pupils, teachers and other staff.

The Department has provided 10 temporary containers to be used as classrooms from the school, which are also not enough to accommodate the 400+ learners and staff.

It is also disheartening to learn that the containers have not been evaluated for quality assurance purposes to determine whether they meet all requirements before classes can resume.

While pupils have been forced to not attend classes due to these circumstances, nevertheless, teachers can be seen 'reporting to work' by completing the school's sign-in book, and park outside the school before heading home at end-of-day, and this has been done on a daily basis since the closure of the school which is a complete waste of resources.

While assessing the situation of the school, it became clear that the school is beyond repairs, and the Department should rather look into building new school infrastructure that will be safe and permanent and conducive for a proper education as demanded by the Bill of Rights.

Furthermore, the school has pit toilets that are not safe. Our visit to the school indicated the presence of open pit toilets full of sewerage into which learners can fall and drown. The national story of Michael

Komape is still fresh in the minds of South Africans and I urge you to avoid a repeat of such a sad and horrific situation. Numerous pit toilets at the school also have no doors.

I direct you to the education rights contained in section 29 of the Constitution of the Republic of South Africa. In terms of section 29, everyone has the right to a basic education, including adult basic education; and to further education, which the state, through reasonable measures, must make **progressively available and accessible**. These rights place a duty on the state to respect an individual's right to education. It also imposes a positive obligation on the state to promote and provide education by putting in place and maintaining an education system that is responsive to the needs of the country.

All children of school-going age have a constitutional right to schooling and I assert that the Human Rights Commission is dutybound to address this matter as a matter of urgency if we are to salvage what remains of this academic year.

Kind Regards

(unsigned as electronically sent)

Zwakele Mncwango
ActionSA Chairperson, KwaZulu-Natal