

## **YOUTH DAY: PAWNS IN ANOTHER'S BATTLE**

*By Rebecca Sibanda: Legal Assistant, Centre for Constitutional Rights*

16 June - Youth Day - is commemorated annually in South Africa in remembrance of the schoolchildren who died at the hands of the apartheid police in 1976. The protests were in response to Bantu Education and the imposition of Afrikaans as a medium of instruction in schools. The movement spread like wildfire across the nation and this year marks the 40<sup>th</sup> anniversary of what is now referred to as the Soweto Uprising.

The Soweto Uprising serves as a reminder of the importance of education to young people. It is thus important to reflect on the significance of the day for youth and for education today. Section 29 of the Constitution enshrines the right to education and provides that "everyone has the right to basic education". Basic education is covered in the years leading up to and including matriculation.

Over the past few months the media has been awash with reports of violent protests that have had an adverse impact on the right to education. The most notable of these are the Vuwani protests (in Limpopo), which took place in May, and saw the torching of over 25 schools in the area, with close to 100 other schools being affected by the violence. Between 20 000 and 60 000 learners were affected. The reason for the protests was the Municipal Demarcation Board's decision to merge parts of Vuwani and Malamulele to form a new municipality - reportedly without much public consultation.

Disgruntled members of the community torched the schools as an expression of their displeasure over the Municipal Demarcation Board's decision. This action has taken a heavy toll on learners who are, as a result, unable to attend school. It has further meant that over 2000 matric learners may fail to write their final examinations because of the disruption of their classes. This is despite the Department of Basic Education's (DBE) delivery of mobile classrooms, desks and textbooks in an attempt to alleviate the situation.

To date the damage to the schools stands at an estimated R175 million. All this took place in Limpopo, a province with a troubled history regarding access to educational resources. In the much-publicised Limpopo textbooks case, the Supreme Court of Appeal (SCA) held in December 2015 that each learner has the right to a full complement of textbooks at the commencement of the school year. According to a Statistics SA report published in 2015, *Education Series I, Focus on schooling in Limpopo*, only 10.8% of schools in Limpopo had access to a library, 25% had an administration block, less than 7.8% had a laboratory, and less than 67.4% had access to piped water. These figures point to a province failing its young people in the realisation of their constitutionally enshrined rights.

It is not the first time that community protests have negatively impacted on the rights of young people. In 2014, in Kuruman in the Northern Cape, protests in five villages - arising from demands for the tarring of a road - resulted in the closure of schools, affecting close to

17 000 learners. Learners were essentially held ransom to the demands of their communities. As in Vuwani, this negatively affected their right to education.

In February 2016, it was reported that more than 50 schools in Port Elizabeth closed down due to a shortage of teachers and as a result, overcrowding in schools. Parents demanded attention from the Department of Education and when they did not receive it, some parents kept their children at home in further protest. This stay-away lasted over three weeks. Other schools sent their students home for fear of their safety.

These examples are just a few of the reported protests in which the rights of young people were subjugated by the demands of the community at large.

Today, the image of Hector Pieterse's young body being carried after a gunshot injury during the Soweto Uprising has become synonymous with Youth Day. Whilst there are no iconic images of wounded children to symbolise the plight of learners affected by the protests that have infringed on their rights, the deprivation of education should shake society to its core, in the same way that the image of Hector Pieterse does.

Section 17 of the Constitution protects the right to assembly, demonstration, picket and petition. This right involves *peaceful* and unarmed gatherings. It does not give protesters the right to disrupt education and to deprive young people of their constitutional right to education.

40 years after young people lost their lives for the right to decent education, it is ironic that some communities think nothing of mortgaging the future of young people in a bid to score political points. It is unacceptable that protesting communities use learners as pawns and that young people have become collateral damage. The anniversary of the June 16 Soweto Uprising serves as a reminder of the importance of education, particularly with regard to the key role that it plays in transforming lives and changing communities for the better.