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PRO BONO & HUMAN RIGHTS ALERT

IN THIS ISSUE

Jubilation as 65 undocumented children from the Field Of Dreams Children's Centre are enrolled at school with the assistance of CDH's Pro Bono Practice

In January this year, our Pro Bono Practice (Practice) published an [alert](#) about the ground breaking judgment handed down by the Eastern Cape High Court in the matter of the *Centre for Child Law, the School Governing Body of Phakamisa High School & 37 Children // the Minister of Basic Education & 4 Others* (Phakamisa), in which the Court upheld the right to a basic education of undocumented children.

Jubilation as 65 undocumented children from the Field Of Dreams Children's Centre are enrolled at school with the assistance of CDH's Pro Bono Practice

Our Practice is proud to report that subsequent to the handing down of that judgment and as a result of interventions on our part on behalf of the Field of Dreams Children's Centre, 65 undocumented children from the Centre have been admitted into the formal schooling system.

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Our Practice is proud to report that subsequent to the handing down of that judgment and as a result of interventions on our part on behalf of the Field of Dreams Children's Centre, 65 undocumented children from the Centre have been admitted into the formal schooling system. This illustrates the beneficial impact that the judgment is having.

Field of Dreams is a registered NGO that aids indigent children living in the Hartebeespoort/Brits area through learning programmes, feeding schemes and health care services. In August 2016, it took in approximately 200 children from surrounding informal settlements who had been forced out of state schools with immediate effect or refused entry into schools because they were undocumented - this in line with the state policy that was challenged in the Phakamisa matter. Field of Dreams admitted these children

into its learning centre which has been providing these children with an informal education over the intervening years. For more information about Field of Dreams and its programmes, go to <https://www.fieldofdreamsfoundation.org.za/>.

During our involvement in the Phakamisa matter, our Practice was made aware of the predicament of these children and heeded a call for assistance. In October 2019, members of our Practice spent days consulting with family members and parents of many of the affected children in order to gather as much information as possible with a view to assisting the children.

Meanwhile, subsequent to the aforementioned judgment in February 2020, the Minister of Basic Education issued circular 1 of 2020, which essentially confirms the findings of the Court in Phakamisa and withdraws previous circulars dealing with the admission of undocumented learners. It emphasises the right to basic education of all learners throughout the country and advises all schools, Principals, School Governing Bodies and Heads of Provincial Education Departments to comply with the order in Phakamisa. Essentially allowing all undocumented children access to public school's subject to their parent or guardian providing alternative proof of identity for the child such as an affidavit or sworn statement.

Jubilation as 65 undocumented children from the Field Of Dreams Children's Centre are enrolled at school with the assistance of CDH's Pro Bono Practice ...continued

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After meeting with a relevant school in the area and after extensive engagement with the Gauteng Department of Education, we were overjoyed to hear that in February 2020, approximately 65 learners have been enrolled at various schools in the Brits area. This is a truly important event for these children and their parents/guardians and CDH is proud to have been involved in the placement of these learners at schools. The significance of this development for the children and families is reflected in the generous words of thank you extended to us by Lee den Hond, founder of Field of Dreams:

"I want to say thank you for the phenomenal work which has been done at the Field of Dreams Centre by CDH..."

Their engagement with the parents, school, learners and the Field of Dreams resulted in truly remarkable results.

...

Due to the tenacity, hard work and commitment of ...your team, I am excited to share that tomorrow morning [many] learners...will start school again and essentially step into the rightful education system.

Words are inadequate to express the gratitude from myself and the Field of Dreams Operation Team.

Life changing for these children and for their families as of tomorrow morning."

We hope that going forward many more vulnerable undocumented children will benefit from the Phakamisa judgment and start to receive the basic education so necessary to their dignity and self - development and to which they are entitled under our Constitution.

Jacquie Cassette and Tricia Erasmus

CDH is a Level 1 BEE contributor – our clients will benefit by virtue of the recognition of 135% of their legal services spend with our firm for purposes of their own BEE scorecards.

OUR TEAM

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