

NATIONAL ASSEMBLY

WRITTEN REPLY

QUESTION 1868.

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1868. Ms H O Mkhali (EFF) to ask the Minister of Basic Education: to ask the Minister of Basic Education:

Whether she has been informed about the alleged decision by the eThekweni Metropolitan Municipality not to supply water to schools that owe money to the municipality, which clearly violates the constitutional rights of learners for access to basic water supply and sanitation services; if not, what is the position in this regard; if so, what steps will she take to ensure that the constitutional rights of learners are not violated?

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Response

The Minister of Basic Education has not been formally informed of an official decision by the eThekweni Metropolitan Municipality to suspend water supply to schools based on outstanding municipal debts. However, any action that results in learners being denied access to basic water and sanitation services would raise serious constitutional and legal concerns.

Section 29(1)(a) of the Constitution of the Republic of South Africa, 1996, guarantees that everyone has the right to a basic education, which is immediately realisable. The right to basic education is closely linked with the rights to dignity; health care, food, water and social security; and a healthy environment, as well as the constitutional imperative to ensure that the best interests of children are considered paramount. Access to clean water and adequate sanitation in schools is fundamental to creating a safe and enabling learning environment and is an essential component of the right to basic education.

In terms of the South African Schools Act, read with the Government Immovable Asset Management Act, the provisioning, management and maintenance of public school infrastructure – including water and sanitation facilities – are the responsibilities of Provincial Education Departments. Municipalities also have a constitutional duty to ensure access to basic services within their jurisdictions, especially where such services affect the rights of children.

The Minister of Basic Education will raise the matter with the MEC for Education in KwaZulu-Natal to ascertain the full extent of the issue and to ensure that urgent measures are taken to restore water supply to any affected schools.

The Department of Basic Education remains committed to upholding the constitutional rights of learners and will not tolerate actions that compromise their health, safety or access to education.