



SA Childcare Association

Nurturing Winners!

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Urgent Application against Minister and MECs of Social Development in the High Court

Brought by SA Childcare Association; Centre for Early Childhood Development; The Reverend Tembela Magadla; Busy Bee Creche; Soshanguve for Early Childhood Development Forum; Bonang Day Care Centre; the Communities, Children and Responsible Care Organisation, and the Feed the Babies Fund

More than a month after Hon. Minister Zulu lost her bid in the High Court to keep Early Childhood Development Centres (ECD centres) closed, many ECD centres **of all kinds** are still closed across the country, rural, urban, registered, unregistered, funded by DSD and unfunded.

The ECD sector is staggering under the weight of nearly five months of closure. Practitioners are out of options and children lack food and care. Not only has the department failed to provide any support, we have evidence of the following heartless and unlawful conduct by those who are tasked with caring for the most vulnerable in our society:

1. Regarding subsidies

Despite numerous undertakings to continue to pay subsidies during lockdown at media briefings, followed two months too late by directions to continue to pay subsidies, almost all provinces have failed to pay full subsidies. In some shockingly callous cases, in desperately poverty-stricken regions, ECD centres have received no subsidies at all since January.

2. Regarding intimidation

DSD officials have intimidated and threatened ECD centres with closure, torn up NPO and partial care certificates and even frightened ECD centre owners/supervisors with jail time if

they do not wait for a date from the President to re-open'. The majority of ECD centres are unfunded. Unless they can open and earn fees, they earn nothing.

The Department's unlawful Directions are riding roughshod over the limited protections afforded to ECD centres in the Children's Act and violating a long list of basic human rights.

3. Regarding the re-purposing of funds

The Minister has 'repurposed' funds from money that was allocated to upgrading ECD centres to fund PPE and touted this as a generous move to support ECD centres in their hour of need. How can it be supportive to take away the funds which should have been used to improve the quality of ECD centres to pay for PPE? There is no sign of this PPE's. Unless it comes now, it will be too late.

To that end we have launched another urgent application, along with 7 other applicants, **against the Minister of Social Development as well as the MECs of Social Development of all the provinces (other than the Western Cape) to demand:**

- the immediate payment of the subsidies that were already allocated before COVID19 and since 'repurposed' or simply not paid at all.
- clarification of the court order handed down by Judge Fabricius to stop the intimidation and human rights abuses being perpetrated against ECD owners
- a declaration of unlawfulness of large parts of the Minister's Directions

The most recent news of the allocation of R1.3 billion to employ 36,000 youth workers to aid with 'compliance' is simply unconscionable. The ECD Sector needs help and support. Not further policing.

The Minister has yet again made it abundantly clear that the needs of the poorest of the poor, especially women, and defenceless children, are not being given the appropriate attention it needs.

We are privileged to be able to stand up and speak out for the rights of children and the people who care for them. We thank our legal team of Van Wyk and Associates, and Advocate Anne-Lize Lourens.

Together we are stronger!

SA Childcare Association

Arno vd Merwe