

Our land: our constitution: our rights: our future  
Righting the wrongs: dismantling drivers of inequality: changing lives

**TOGETHER FOR LAND AND EDUCATION RIGHTS:  
TOGETHER FOR SOCIAL JUSTICE**

**LRC**

**Legal Resources Centre**

**Legal Resources Centre Strategy 2020-2025**





**The greatest threat to justice is inequality. The forces pushing the inequality barometer are changing. We're rising to the changes, and we're changing the way we rise.**

The Legal Resources Centre was established in 1979 to use the law as an instrument of justice, challenging the legal structures of apartheid. Apartheid is abolished in South Africa, but is replaced with structures and forces that aggravate inequality gaps and frustrate the realization of human rights for all.

Obscene gaps between the education and security of tenure of the rich and poor remain, deepening the lines of discrimination and inequality.

We believe that righting the wrongs and tackling the inequalities demands transparency, unbridled will and commitment to social and economic justice. To respond to our prevailing realities and to carve a transformative presence, we have concluded a strategic planning process to deliver measurable change.

**We're changing the way we work and shifting resources to focus our energies on dismantling two identifiable fundamental bastions of inequality.**

With a targeted process we will make it possible for more people in South Africa to know and experience their land and education rights - both in their lifetime and inter-generationally. **Our strategic focus on land and education** arises from **a review of** the persistent inequalities that underlie the structural and inter-generational economic and social injustice in the country.

Together with our partners and supporters, we'll apply more pressure domestically and internationally for visible results, placing substantive transformative change at the heart of our efforts.

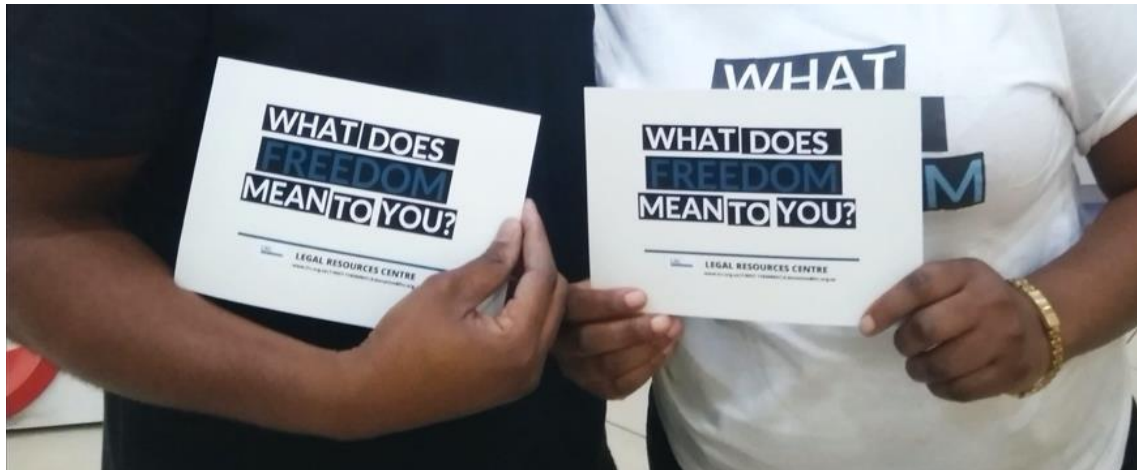
Our legacy of fighting for freedom, social justice and equality in South Africa will propel us, and help us reignite a truly transformative organisation.

At the LRC, over the past 40 years in South Africa we have, *inter alia*, played a significant role in dismantling apartheid, abolishing the death penalty and corporal punishment, advancing and protecting the constitutional rights of women, girls and people with disabilities, and made important breakthroughs in healthcare and environmental justice, as well as established significant precedents in land and education rights.

**Together with our supporters, we will continue to honour our legacy.**

## OUR VISION

*is a democratic, accountable and transparent society in which equitable and inclusive access to justice, dignity and human rights are lived realities for all.*



## OUR MISSION

*is to undertake evidence-informed action focused on advancing the transformation of South Africa as a democratic society, using the law as an instrument to remove persistent and pervasive structural obstacles to human rights - with a targeted focus on land and education rights over the next 5 years.*

## WHY A STRONG FOCUS ON LAND AND EDUCATION RIGHTS?

Inequalities in the realisation of land and education rights for all in South Africa are complex. It's not just about lack of access. It's also about a profound lack of choice and power.

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**7.4 million people** in South Africa **experience hunger** every day.

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Structural **unemployment rose to 29.1% in Q4 of 2019**. Youth unemployment was 58.2% (15-24 age cohorts).

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Poverty rates are highest for those without formal education. **79.2% of South Africans with no formal education were poor** in 2015, compared with 35.6% of those with Matric.

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**13.6% of South Africans live in "informal dwellings"** that are polluted and which impact their well-being.

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**2.3 million families** are currently affected by South Africa's **housing backlogs**.

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More than **2 million children**, of which over **40%** are aged 0-5 years, live in backyard dwellings or shacks in informal settlements.

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**67, 531 claims** were submitted via the **Land Restitution Programme** by the cut-off date in 1999.

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**72% of arable land is controlled by white people**, who account for fewer than 10% of the total population.

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**2 million tons** of waste is **dumped illegally** every year on land that impacts informal and poor communities.

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**78% of Grade 4 learners** (grade age norm is 10 years old) in South Africa **cannot read for meaning in any language**, including their home language.

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**40% of learners will drop out** of school before writing their matric examination.

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**Only 15-20% of learners entering school in grade 1** leave school with a **high school pass** that grants them access to higher education, and the majority of those learners come from high fee-paying schools.

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**80% of state schools** in the country are classified as **broadly “dysfunctional”** and these are exclusively “no-fee” state schools catering exclusively for black learners.

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**In 2018, 72% of public primary and secondary schools** had **no internet access**, and the majority of these schools are catering for black learners.

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**854,000 children were not in school** in 2017, of whom **600,000 were excluded** on account of their disability.

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Photo credit: <https://www.dailymaverick.co.za/article/2012-05-23-brainstorm-the-state-of-income-inequality-in-south-africa/>

## GOAL 1: REALISING SUBSTANTIVE LAND RIGHTS

**A society in which land justice, absent of discrimination and the inter-generational legacy of apartheid is a lived reality.**

In South Africa, access to land is complex, and has long been on both the political and social justice agenda. Land dispossession is a blight from our country's history, since colonisation and exacerbated during apartheid with private land ownership concentrated in the hands of the white minority.

Inequitable access is characterized by ineffectual and ill-defined legislative frameworks, policies and a lack of political will that spans successive cabinets.

Since 1994, securing land rights progress has been slow, cumbersome, costly and has failed to give effect to the notion of "equitable access to land". Farm dwellers, labour tenants, subsistence farmers and communities living on communal or indigenous land are particularly restricted from realising their land rights, which further impacts multiple other human rights.

Rampant state corruption and maladministration has not assisted the process.

Inequitable access to land extends to urban land, with a large proportion of South Africans living in informal settlements or dilapidated urban areas; starkly illuminating the failure to enable access to healthy and safe urban living.

In both rural and urban contexts women are disproportionately affected by land rights violations and constitute a key group identified for our land rights support.

To realise our land rights goal, we have shifted our focus from narrow interventions redressing legal rights violations towards a broader, long-term approach that addresses land rights substantively.





## We will work to create a South Africa in which:

5 structural changes are realized:	We will do this by:
<b>Result 1.1: Implementation of national and international laws and policies governing land redistribution is equitable and accountable</b>	<ul style="list-style-type: none"><li>• Instituting strategic interventions to protect, and promote equitable land redistribution to vulnerable groups, in particular women</li><li>• Challenging decisions that prioritise signing over land and compensation to the elite over equitable access and gender equity.</li></ul>
<b>Result 1.2: The state complies with its Constitutional obligations in respect of restitution of land rights</b>	<ul style="list-style-type: none"><li>• Requiring equitable and transparent post-settlement support whereby tenure is secured;</li><li>• Requiring that accessible alternative dispute resolution mechanisms are provided to beneficiaries of land restitution projects;</li><li>• Supporting appropriate reform of the Land Claims Court;</li><li>• Defining the instances in which expropriation without compensation is appropriate for land reform.</li></ul>
<b>Result 1.3: There is progress in the alignment of the powers and structures created by land legislation, the Constitution and international law</b>	<ul style="list-style-type: none"><li>• Undertaking strategic interventions in the development of a land title recordal system to acknowledge de facto rights for land occupiers;</li><li>• Strategically challenging instances of arbitrary action against land occupants.</li></ul>
<b>Result 1.4: People living under traditional leadership structures are not deprived of their international and constitutional land rights</b>	<ul style="list-style-type: none"><li>• Establishing equal rights and access to land for those inside and outside land administered by traditional leadership;</li><li>• Defining the constitutional right to security of tenure on communal land.</li></ul>
<b>Result 1.5: People in urban areas live in safe, healthy and equitably located living spaces</b>	<ul style="list-style-type: none"><li>• Requiring that the state redistribution of land prioritises housing for people who are poor;</li><li>• Requiring an audit of state-owned and state-leased urban land and buildings for the equitable redistribution of vacant, under-utilized and inefficiently used property;</li><li>• Enforcing judgments that order the state to improve the living environment, substandard housing and basic services in urban and peri-urban areas;</li><li>• Requiring the state to prioritise the transformative value of state owned land in its lease, transfer and disposal over its capital-asset value.</li></ul>

## GOAL 2: REALISING EQUITABLE AND EQUAL EDUCATION RIGHTS

**A society in which education rights and justice are lived realities, absent of discrimination and inter-generational poverty.**

South Africa's public education system is in crisis. The majority of the country's near 24 000 public primary and secondary schools are failing to provide access to quality, inclusive and equitable basic education.

Systemic failures in the basic education system include: the inequitable distribution of education resources; a literacy crisis beginning at the foundation level; unaccountable delays in the provision of crucial early childhood development; and neglectful accountability in implementing legislative frameworks designed to mitigate barriers to accessing quality, inclusive basic education. Consequently, South Africa structurally maintains one of the most unequal education systems in the world.

Black learners in South Africa continue to suffer from multiple forms of intersecting disadvantages and barriers to access a quality, equitable and inclusive education. Access rates are especially low for children with disabilities and special educational needs, and drop-out rates and poor attainment levels are particularly high for black learners, resulting in lifelong impacts on generations of learners' ability to enjoy their socio-economic rights, fulfil their potential and fully participate in society.

We must shift the equity barometer towards equality and justice by helping structurally marginalised, discriminated and vulnerable communities and groups to access the information and justice they need to claim and experience their constitutional education rights.





## We will work to create a South Africa in which:

5 structural changes are realized:	We will do this by:
<b>Result 2.1: Education resource provisioning is equitable and accountable</b>	<ul style="list-style-type: none"><li>• Challenging the current funding model for primary and secondary education to promote pro-poor allocations and inclusive education;</li><li>• Challenging procurement laws and procedures that result in irregular and under spending;</li><li>• Requiring faster implementation of “norms &amp; standards frameworks” on access to safe and appropriate schools and adequate, qualified teachers;</li><li>• Challenging laws and policies that block learner access to data, technology, and the internet in public schools, 72% of which had no internet access as of 2018.</li></ul>
<b>Result 2.2: Barriers preventing access to basic education for all are tangibly reduced</b>	<ul style="list-style-type: none"><li>• Challenging laws and policies that exclude learners on grounds of race, financial ability, gender, sexual orientation, nationality status, disability, religion, language, culture and ethnicity;</li><li>• Advocating through strategic litigation for the promulgation of regulations to implement the provision of scholar transport;</li><li>• Requiring the state to provide equal education to undocumented learners.</li></ul>
<b>Result 2.3: Compulsory, free, quality, and inclusive pre-primary provision is accessible to all</b>	<ul style="list-style-type: none"><li>• Ensuring that free, inclusive, accessible, equitable, quality pre-primary education is included within the right to education.</li></ul>
<b>Result 2.4: The most marginalised experience quality public basic education</b>	<ul style="list-style-type: none"><li>• Requiring testing of teachers on “core competencies”;</li><li>• Requiring effective state interventions in dysfunctional schools to be regulated by norms and standards;</li><li>• Expanding the definition of “serious misconduct” by teachers to include absenteeism, sexual and gender-based violence, and complicity in school dysfunction;</li><li>• Establishing the right of parents and learners to representation in bargaining and consultations between the state and teacher unions.</li></ul>
<b>Result 2.5: Improved literacy levels at the foundation level are realized</b>	<ul style="list-style-type: none"><li>• Establishing progressive educational outcomes within the right to basic education that are assessed annually, such as the ability to read for meaning by age 10.</li></ul>



### GOAL 3: HONOURING OUR LEGACY WORK

#### **Strategically winding down the LRC's legacy work to focus on developing South Africa's shared realities on land and education.**

Since its inception in 1979, the Legal Resources Centre has engaged in strategic legal interventions aimed at ensuring that people living in conditions of poverty or who were marginalised in the country had an organisation they could rely on when their rights were violated, or an unjust law needed to be challenged.

When the Interim Constitution was enacted by South Africa's first democratically elected Parliament in 1994, the Legal Resources Centres' work billowed out into nine thematic focus areas. The historical focus of civil and political litigation was extended to include the socio-economic rights entrenched in our Bill of Rights. Our work during this period changed the lives of many South Africans. From establishing a series of important Constitutional Court judgments on key human rights issues that have reverberated internationally, to invitations to train international NGO's and membership of international human rights institutions, the work of the Legal Resources Centre has been widely recognised in the human rights sector.

During this period the Legal Resources Centre launched strategic litigation, set down oral and written national and international submissions, assisted with legal issues from walk-in clients, and published a surfeit of reports and articles on various human rights issues. In an effort to once again serve as a catalyst for change and with a desire to influence the essential decision making in South Africa the Legal Resources Centre has identified land and education as the two issues underpinning South Africa which need dedicated legal interventions: land and education (Strategic Goals 1 and 2). The Legal Resources Centre will therefore work towards assimilating the current work of the organisation that is linked to Goal 1 and Goal 2, wind down and ethically exit from its other focus areas to focus its energies and resources towards the realisation of land and education rights for the next five years.

Currently, the Legal Resources Centre executes between 30 and 36 grants at any one time and approximately 200 cases, and is a member of, or in partnership with, a number of international organisations and institutions that deal with either one or a number of current thematic areas of our work. The Legal Resources Centre is therefore bound to work out its obligations within the current nine thematic areas, until we finalise our last grant obligation.



## We will honour our heritage and legacy work by ensuring:

4 changes are realized:	We will do this by:
<b>Result 3.1: All of LRC's cases that are not linked to land or education but linked to funding are concluded.</b>	<ul style="list-style-type: none"><li>• Reviewing the non education and land cases and assisting each office to expedite;</li><li>• Fulfilling our obligations and reporting on the progress to our donors;</li></ul>
<b>Result 3.2: Our cases that are not linked to strategic education or land and not funded are expedited.</b>	<ul style="list-style-type: none"><li>• Communicating effectively with clients on the planned actions to fulfil the mandate or otherwise expediting these cases.</li><li>• Ensuring the human resource balance between the legacy work and the new strategic land and education work during the transition</li></ul>
<b>Result 3.3: Incorporate current land and education cases that align with Goal 1 and Goal 2 into the operations plan</b>	<ul style="list-style-type: none"><li>• Reviewing the current land and education cases to ensure adequate secured funding to achieve a strategic outcome;</li><li>• Communicating with the experts and legal teams identified by the LRC to confirm the strategic impact and achieve the necessary support in progressing these cases.</li></ul>
<b>Result 3.4: The Legal Resources Centre's reputation is maintained</b>	<ul style="list-style-type: none"><li>• Protecting donor relationships during the transition period;</li><li>• Developing opportunities for renewed support from existing donors;</li><li>• Ensuring compliance with the Legal Practice Act and ethics during the transition to strategic land and education work;</li><li>• Maintaining our international collaborations and obligations with various institutions and organisations.</li></ul>

## GOAL 4: MANAGEMENT & ADMINISTRATION

**A transformative organisation promoting, defending and realizing land and education rights for all.**

Our ability to make changes in the lives of millions of disadvantaged people and to deliver on our strategic goals depends on our unbridled will, integrity and commitment to social and economic justice.



We will focus on building a resilient public interest and strategic litigation organisation of lawyers, partners and supporters, who are proactive about promoting and defending land and education rights.

And we will make the necessary structural institutional and organisational shifts, to ensure we are equipped to deliver results that achieve the strategic goals set out in this document.

### **We will work to achieve a Legal Resources Centre in which:**

<b>4 institutional changes are realized:</b>	<b>We will do this by:</b>
<b>Result 4.1: The LRC is financially sustainable, with reserves equivalent to 6 months operating expenditure</b>	<ul style="list-style-type: none"><li>• Increasing donations and grants in support of land and education strategies by established targets;</li><li>• Keeping administrative costs below 30% of annual expenditure;</li><li>• Developing immersive relationships between supporters and the work that they fund to demonstrate how their contributions are changing lives;</li><li>• Adapting our fundraising strategies to support the evolving land and education programmatic work.</li></ul>
<b>Result 4.2: The LRC has well harnessed capacity to achieve human rights, especially education and land rights impact</b>	<ul style="list-style-type: none"><li>• Investing in staff and partner expertise in land and education rights;</li><li>• Demonstrating results and disseminating evidence of impact of the work in land and education;</li><li>• Acquiring and implementing ICT systems which include programme management, case management and knowledge management;</li><li>• Developing and rolling out a Monitoring, Evaluation, Accountability and Learning (MEAL) strategy and system, aligned with this strategy and including; i) A Results Framework and system to track/monitor outputs and outcomes and ii) A Quality Assurance and Review protocol and tools to strengthen the efficacy and accountability of our funding proposals and reporting;</li><li>• Reviewing and realigning our HR policy and procedures to support a performance and impact driven organisation which will include implementing performance management contracts for all staff;</li><li>• Raising the public profile of the LRC's work on land and education and harnessing communications tools to advance that work.</li></ul>
<b>Result 4.3: The LRC has a strong reputation as a thought leader in securing</b>	<ul style="list-style-type: none"><li>• Engaging with evidence-based research to support the legal strategy on the barriers to equitable and equal access to land and education rights;</li></ul>

land and education rights justice	<ul style="list-style-type: none"> <li>Strengthening partnerships with relevant national, regional and international social justice networks to realise the objectives of the land and education strategies.</li> </ul>
Result 4.4: The LRC has strategically developed sustainable land and education rights impact	<ul style="list-style-type: none"> <li>Ensuring the voices of disenfranchised people on land and education rights are heard;</li> <li>Consciously linking grassroots land and education movements with national advocacy, public-awareness raising and policy dialogue;</li> <li>Augmenting strategic, viable and agile partnerships with academia, the legal fraternity and social justice organisations to advance the land and education strategic imperatives.</li> </ul>

## A PRINCIPLED APPROACH TO THE WAY WE WILL WORK

**To achieve substantive and lasting transformative change in the lives of tens of thousands of marginalised, excluded, oppressed and disadvantaged children and adults in South Africa, we will ensure we always:**

- Analyse why land and education rights abuses happen, guided by evidence and the people whose rights are denied;
- Interact with all those we engage with in accordance with our commitment to human rights, equality, equity, good governance, and transparency;
- Identify the most effective and efficient ways to create and sustain change;
- Work with partners who share our commitment and determination;
- Engage in partnerships and relations that align with our approach to ethical sustainability and accountability, and confront institutions and corporate entities that we identify do not;
- Support a culture of learning, to ensure that the impact of our land and education work is sustained for generations to come;
- Adopt not only an 'inwards-outwards' lens (monitor that our work is progressing and influencing change), but also an 'outwards-inwards' lens (track and learn from ways in which the public and other stakeholders can inform our strategic agenda).