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### **SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

**INVESTIGATIVE HEARING :**

**INEQUALITY IN ELDORADO PARK AND SURROUNDING AREAS**

**AND**

**SCHOOL DISRUPTION AT KLIPSPRUIT WEST**

**TERMS OF REFERENCE**

1. In terms of article 13(5)(d), Unless otherwise determined by the Provincial Manager, the format of an investigation may include appearance of a person before the Provincial Manager or any member of staff, as duly designated, for purposes of obtaining or clarifying information (investigation hearing), or to produce any articles or documents.
2. The investigation hearing is called:
	1. To investigate incidents of racism or racial discrimination, if any, at Klipspruit West Secondary School and surrounding schools in the Eldorado Park community;
	2. In particular, investigate allegations of racial abuse by and against learners, teachers and parents;
	3. To examine how these manifest themselves;
	4. To establish the underlying causes;
	5. To assess how they impact on an effective learning and teaching environment and the observance of fundamental rights;
	6. To note what steps were taken at all levels to address these problems; and
	7. To investigate allegations that the coloured community of Eldorado Park and surrounding areas feel marginalised, ostracised and alienated by the South African government;
	8. To examine allegations inequality, lack of service delivery and infrastructure development in Eldorado Park and surrounding areas;
	9. To investigate allegations of excessive force by the South African Police Service during service delivery protests in Eldorado Park;
	10. To explore the correlation between poverty, unemployment and service delivery protests;
	11. To make findings and recommendations, as appropriate.
3. The investigation hearing shall inquire into, make findings, report on and make recommendations concerning the issues for investigation above, taking into consideration the Constitution and other relevant legislation, policies and guidelines.
4. The findings and recommendations of the Commission must address and set out mechanisms that can be employed to:
	1. Ensure the best interest of learners are guaranteed at all times;
	2. Ensure effective learning and teaching is prioritised and not unnecessarily interrupted;
	3. Ensure that fundamental rights of all affected parties is protected;
	4. Enhance social cohesion in Eldorado Park and the surrounding areas;
	5. Provide an appropriate and lasting resolution of allegations of racism, abuse of learners and ineffective learning and teaching at Klipspruit West Secondary School and schools in the surrounding areas.
5. The investigation hearing may, in order for the Commission to exercise its powers and perform its functions, require any person by notice in writing under the hand of a commissioner, addressed and delivered by a member of staff or a sheriff, in relation to an investigation, to appear before it at a time and place specified in such notice and produce to it all articles or documents in the possession or custody or under the control of any such person and which may be necessary in connection with that investigation.
6. The terms of reference may be amended at any time in consultation with the Commissioners