



Cape Home Educators

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To members of the CRL Commission

We as representatives of the Cape Home Educators (CHE), hereby wish to draw your attention and respond to the following troubling excerpts in your recent report:

*"viii. Subjecting members to control by **extremists/fundamentalists such as forbidding children to attend school...**"*

*"15.2 The Constitution leaves scope for all kinds of beliefs and opinions. Even views that some may regard as extreme are allowed and should not be regulated. However, when views lead to the **abuse of human rights** (for example, hate speech as indicated in article 16(2)), or to the violation of the law, there is cause for concern. For example, it is a matter of concern when religious freedom is taken to the level where **children are prevented from attending school**, as it is a violation of the Constitution and existing law."*

Whatever the motive behind, basis for and intended purpose of the above statements (in particular those in bold print), we submit to the Commission that these allusions can be misleading and potentially harmful to those committed parents who simply exercise their right to not send their children to school, and instead educate their children at home.

We appreciate and respect the concern the CRL expresses over abuse within religious groups and organizations in our country, and sympathize with proposed measures and attempts to curtail financial exploitation of the poor, unethical, pseudo 'healings', 're-cycling of graves', or 'feeding of snakes, grass and petrol' in the name of so-called religion. (<http://www.iol.co.za/news/south-africa/gauteng/crl-reveals-evidence-of-abuse-in-religious-sector-2078720>). We as an Association too, strongly condemn these bizarre and absurd actions. However, we equally strongly urge the Commission to distinguish between the obvious abuse and distortions of philosophical persuasions, and the basic, legal, universal right of a parent to provide his or her child with the best possible education at their discretion and disposal.

Above references to schools and the abstinence there-of, assumes education to be limited or exclusive to and synonymous with schools only, which, with all due respect, suggests a fundamentally flawed understanding of the term 'education' and disconcerting ignorance of local and international laws concerning education proper.

Firstly, '**education**' per se, involves the 'full' development of the "whole' child or person, and according to UNESCO's Convention of the Rights of a Child Art 29, **is directed towards the child's "personality, talents, mental and physical ability to their fullest potential"**, as well as **"the development of respect for the child's parents, his or her own cultural identity, language and values"**.

This endeavour is certainly not exclusive to or restricted to 'school' as it is generally presented. On the contrary, the confines of school fences, standardized testing, age-segregated allocations (never to be repeated in adult life), stand in stark contrast to the freedom of flexi-hours,

customized curriculum catering for each child's unique needs, age-integrated social interaction, parental supervision, among untold other benefits.

UFS Vice Chancellor Prof Jonathan Jansen, in a Times Live article discussing the school system, states, "I have bad news for you. While most of you have been schooled, few of you have been educated. There is a difference. "These mechanical routines that lock students in classrooms and compress information into their heads in limited periods have morphed into an industry where past exam papers are rehearsed, class notes are memorized and test questions "scoped" to ensure as many of those in attendance as possible, achieve some passing grade".

The Universal Declaration of Human Rights Art 26 (3) states that **parents have a "prior right to choose the kind of education that shall be given to their child"**. According to a White paper on Education and Training, Notice 196 of 1995, by the Department of Education, **parents or guardians have "the primary responsibility for the education of their children" and have "an inalienable right to choose the form of education which is best for their children..."**.

According to the UN Declaration of the Rights of a Child, **"the best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents"**.

The African Charter on the Rights and Welfare of the Child Art 20 states that **parents "...shall have the primary responsibility of the upbringing and development of the child and shall have the duty: (a) to ensure that the best interests of the child are their basic concern at all times"**.

Keeping in mind, that education in its proper, comprehensive sense, involves the full 'development' of the child. Wholistic education comprises infinitely more than mere 'textbook and teacher'.

The South African Charter of Religious Rights and Freedom (2009) states that **"7. Every person has the right to be educated or to educate their children, or have them educated, in accordance with their religious or philosophical convictions. 7.1. The state, including any public school, has the duty to respect this right and to inform and consult with parents on these matters. Parents may withdraw their children from school activities or programs inconsistent with their religious or philosophical convictions"**.

It's imperative that **clear distinction** is made between "forbidding" or "preventing" a child from attending school, thus by implication 'abuse' or forcibly refusing a child his basic right to 'education' (believed, in ignorance, to equate to 'school'), as opposed to exercising a basic 'prior right' to choose an education most suitable for, and 'in the best interest of a child', as the above laws evidently and unequivocally undergird.

Not only is home education a prior right and legally justifiable, statistics too reveal an increasing interest in, plus progressive prevalence and endorsement of Home Education across the international cultural and demographic spectrum. Several member of the Intelligentsia are applauding and advocating their support of Home education, including Britons famed Sir Ken Robinson (<https://www.youtube.com/watch?v=q8tCpmgCmyc>) and Prof Christian Beck from the Dept of Education at Oslo University. The popular Ted Talks regularly host speakers advocating education outside of public school confines.

Virtually all ivy-league universities in the United States, incl Harvard, Princeton, Stanford, MIT, endorse Home Education and provide generous incentives for homeschool students, as they recognize the potentially added value and worth to their institutions. As a Stanford University admissions officer told the Wall Street Journal, "home schoolers bring certain skills—motivation, curiosity, the capacity to be responsible for their education—that high schools don't induce very well". (<http://mitadmissions.org/apply/prepare/homeschool> and [http://www.princeton.edu/admission/applyingforadmission/tips\\_for\\_home\\_schooled/](http://www.princeton.edu/admission/applyingforadmission/tips_for_home_schooled/))

These commendations certainly do and would not support the stereotypical 'extremist, fundamentalist' educational offsprings, let alone 'abusers of human rights'. Considering too, the above

information is a fractional summation and peripheral panoramic view only, of a vast and otherwise well-researched subject matter, the content of which the CHE would gladly share in order for the CRL to make an informed, educated decision with regards to the clause in question.

Note well, in stating our case, we prefer to refrain from exploiting the vices of the school system and instead rely on the virtues of education at home. However, the Commission would do well to consider the numerous failures and faults of the school system, when dogmatically pronouncing schools as the sole means of proper education, while indiscriminately vilifying (whether overtly or covertly) those who prefer to not delegate their child's education to a system that has repeatedly been seen to fail.

The CRL would be, for example, rightfully indignant at rape and drugs within ecclesiastical institutions, but schools are not exempt either. Patric Solomons, director of child rights NGO Molo Songololo, says it is a "big problem that children were often too afraid to speak up against teachers who had sexually assaulted or raped them...In Cape Town, we have dealt with a quite a number of cases involving educators, and these relationships should be discouraged at all costs." <http://www.iol.co.za/southern-suburbs-tatler/news/rape-shock-at-girls-school-5222068>

Children have even been subjected to porn in class, due to unscrupulous teacher's conduct. (<http://www.sowetanlive.co.za/news/2014/05/22/johannesburg-teacher-to-be-suspended-for-screening-porn-in-class>)

Bullying is rife in most schools. Statistics show up to 57% of children claim they have been bullied in school. (<http://www.timeslive.co.za/local/2013/01/24/57-of-SA-children-claim-to-have-been-bullied-at-school1>). "The survey polled 2064 pupils aged between 13 and 21 and 1015 family members aged between 18 and 34. According to the survey, 68% of pupils were worried about being physically assaulted or threatened with a weapon at school. 71% of the females said they felt threatened, compared to 63% of males. 69% of young blacks and 54% whites worried about being attacked at school".

On an academic level, there is growing concern among many academic institutions, over the shortcomings of standardized testing and formulaic pedagogy in the typical classroom. (<http://www.telegraph.co.uk/education/educationnews/9124555/Bright-students-cannot-write-essays-say-Cambridge-dons.html> and <http://www.usnews.com/opinion/articles/2013/04/11/why-excessive-standardized-testing-is-causing-american-schools-to-fail>). The quote popularly attributed to Einstein, "*if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid*", perfectly applies.

More disconcerting is the 2016 (together with recent years) World Economic Forum survey revealing SA's school results to be of the lowest, and often *the* lowest in the world. Our country's Mathematics and Science performance ranked a dismal 148<sup>th</sup> out of 148 countries in 2014 and again is placed bottom of the log in 2016, i.e. worse than Angola, Malawi, Mozambique and Gabon. SA's overall ranking in terms of quality of education is 137 out of 139! (<https://mybroadband.co.za/news/general/171141-south-africa-finishes-last-in-wefs-2016-mathematics-and-science-education-ranking.html>)

Prof Jansen, again lamenting the dismal SA schools landscape, asserts: "... Passing Grade 12 in South Africa is actually quite easy and it means very little. The standards are low and the marks are adjusted upwards for most subjects. Those of you with six or more distinctions are particularly vulnerable to self-deception because "smart" means much more than conquering the rules of the examination game"... "Remember the exams are rigged to make the weakest students pass, not to make the brightest students excel. Or more directly, the exams are designed to compensate for the dysfunction in most of our schools because the politicians are too scared to confront those who hold hostage the potential of all our pupils".

He continues, "To be educated, in this broader sense, means that you dare not conceive of your university education in the same way you thought of school – which is to pass your subjects and get a degree. That is not education. Read as many good books outside of your discipline as you

can so that your knowledge of science, society and humanity prepares you for a much bigger encounter with the larger world you will enter one day". (<http://www.heraldive.co.za/opinion/2017/01/05/jonathan-jansen-educate-widely/>). Education at home is perfectly and especially suited for the latter, all-encompassing concept of education.

Based on the above troubling statistics (a mere drop in the ocean of objections), we as concerned, committed parents, conversely submit to the Commission that *compelling* your child to in fact *attend* school could constitute 'extreme' irresponsibility and 'fundamentally' flawed judgement, thereby 'abusing' the rights of a child to receive a basic education in his or her best interest.

The point of the above criticism being, it is a perfectly plausible, rational and logical decision, to not send ones child to school, in order to provide an environment more suitable for and, as Trynie (Dave) Boezaart, Prof of Private Law at the University of Pretoria, in her paper In the Best Interest of a Child says, "**a place most conducive to harmonious and coordinated education**", otherwise referred to as "**the best place to realize this right of children**". For many this place constitutes the home.

In conclusion, we accept that the statements in discussion could have been made with sincere motives to protect a child's basic right to "education" as the Commission defines (albeit grossly incomplete definition of) 'education'. Perhaps the clause is rooted in ignorance or possible overreaction to extreme examples. Or, the statements were indeed spawned by philosophical prejudice and bias. Whether one, some or all of the above motivations, we nevertheless urgently appeal to the Commission to clearly distinguish between and clarify potentially inflammatory and misleading terminology and phraseology, in order to protect the rights of the many innocent and law-abiding citizens and devoted, committed, involved parents of this country, lest they fall prey to needless, unjust victimization and marginalization due to ill-informed and ignorant public pronouncements.

We appreciate your time

Yours sincerely

Victor Sabbe

CHE Chairman