

Riverstone Village 192-488 NPO

Postal - 10 Victoria Street, Kensington B, Randburg, Gauteng, 2194, **South Africa**

+27 (0)76 776 4454

info@riverstonevillage.org.za

Riverstone Village 192-488NPO inter alia advocates for young people's rights and assists young people in advocating for themselves. Riverstone Village (RsV) also runs a Democratic Self-Directed Education community essentially functioning as an alternative to ‘school’ attendance.

This submission was informed by input from members ranging in age from 5, through tweens and teens to adults of up to 54 years of age; ranging across 4 different gender identifications, at least 2 neurotypes, 3 different ‘race’ classifications according to South Africa’s current system, several different home languages and religious/philosophical family alignments, and socio economic circumstances ranging from a family of 4 living in one room in Soweto through various other circumstances up to a 2 car family with each child having a private bedroom and personal computer in the Northern suburbs of Johannesburg.

 RsV Meeting on 1st February 2024 mandated Je’anna Clements to compile this report conditional on final approval of the content by a nominated teen. All members of all ages are enabled to join the Meeting or have representation without sitting through it, and everyone has one vote regardless of age. The age range for this decision was 9-54 with unanimous support and none abstaining.

**We thank the Raporteur, Ms Farida Shaheed, for the opportunity to make this submission.**

We chose to focus on the following question:

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# 3. What do you consider to be (a) the main challenges to academic freedom, and (b) gaps in the legal framework for protecting academic freedom?

## Introduction

We focused on this question as it pertains to education for people 18 years of age and under in South Africa. Although RsV is currently the only fully Democratic Self-Directed Education community option in South Africa, we have answered this question taking into account the reality for all child-friendly microschools we are aware of, as well as all rights-affirming home education communities, regardless of specific pedagogical approach.

## Overview

Following pandemic lockdowns, rising fuel prices, and South African state incapacity to provide accessible child-friendly public education for all, an increasing number of families migrate to eclectic home education, micro schools, ‘pods’ and other community-based initiatives.

Failure to thrive in conventional classrooms, bullying, abusive educators, lack of special needs support as well as overcrowding and decaying infrastructure are all driving factors.

For an increasing number of families the active desire for rights-affirming child-friendly options that allow a choice of curricula, more eclectic, project based, or more emergent autonomous activity are actively sought even when access and success in mainstream settings is available.

While religious conservatism is a factor for some families, their existence is amplified by formal political representation by the ACDP.

Fully rights-affirming families and micro facilities have no current party-political champions and tend to ‘fly under the radar’ to avoid drawing negative attention from the state and, in less privileged neighborhoods, from ANC-aligned neighbours.

Those who don't choose the state curriculum (CAPS) have very few officially supported options. State spokespeople pay lip service to freedom of choice simultaneously defining “norms and standards” in ways that actually leave close to no room for any departure from CAPS. (It’s even unclear whether the increasingly popular Cambridge curriculum might occupy a grey area in the law. The general incapacity of the state to enforce its own laws, along with privileged freedom for wealthy families able to pay for such options, makes it hard to be sure.)

## a) We see three main challenges to academic freedom -

i) the state apparently interprets SDG 4 in ways that discourage academic freedom.

ii) the state appears to lack either the capacity or the desire to acknowledge, engage with or oversee anything other than the most easily centrally administrated options.

iii) due to i) and ii) the state creates legal and practical barriers to being simultaneously free and compliant. This creates uncertainty and fear, intimidating citizens out of openly exercising their rights to academic freedom.

### Discussion of these three challenges

**i) SGD4 encourages a focus on raising numbers and duration for formal school attendance.** Added to old colonial-style ideas of “school” and a misinterpretation of ‘equitable’ as ‘identical’, the state is disincentivised from exploring cost-effective community-inclusive educational innovation.

Instead the focus is on -

a) providing buildings with desks and chairs

b) getting children through the gates and keeping them there for enough years.

What happens inside the gates isn’t prioritised and even when impressive policies and plans are drafted, they’re seldom implemented. Overcrowded (even >1:100[[1]](#footnote-0)) under-resourced dysfunctional classrooms are common.[[2]](#footnote-1)

**ii) No capacity and/or no openness to support diversity in the education landscape.** The form to apply to register an independent school is not publicly accessible online; when we emailed the stipulated address to obtain it, we received no response. Obtaining a copy of the alleged form through the grapevine, confirmed that current requirements exclude the possibility of us registering as an independent school. This was also confirmed by the Independent School’s Association (ISASA). Additionally, registration costs are estimated around R170 000 just initially - unrealistic for small, community based initiatives to apply even if they agree to follow the state curriculum. CAPS is content-heavy, riddled with mistakes and contradictions, and highly prescriptive with lesson-by-lesson outlines allowing no teacher autonomy[[3]](#footnote-2); many children find it both boring and irrelevant.[[4]](#footnote-3)

*Snapshot - consolidated from two real stories.*

*At the end of term 1 of Grade 1, a teacher with 52 x 6 year olds to keep on track with a content-heavy curriculum tells a mother that her child will definitely repeat the year as there is no capacity to help her keep up. The mother decides to homeschool the child and discovers a passion for music and gymnastics that the school could never have supported - either in terms of curriculum time or in terms of resources. A few years on and from a single-room dwelling the mother has managed to support the child in becoming a keen reader, and has used NGO and community resources and money she saved on uniforms, to take the child to gymnastics, and even horse-riding and violin lessons! However, there’s no viable way to do everything inside one shared room, she cannot afford to pay assessors, and the child cannot stomach CAPS, plus they’ve been attending RsV part time when transport is possible, and RsV has no ability to register - so this mother won’t get home education permission. She ‘flies under the radar’ and is too frightened to speak out against the BELA Bill, until a custody battle strikes. Legal recognition for her flexible home-education approach and/or for the micro facility they attend, would enable her to easily win the custody battle as she is demonstrably the more capable and caring parent and actively chosen by her child. However, her ‘illegal’ choices might be seen as educational neglect - safer to send the child back to the school (where two children were abducted in the past year.) It’s not in the best interests of her child - but neither is being jailed, leaving her child motherless with a father who uses the child as a pawn in his power games.*

## b) gaps in the legal framework for protecting academic freedom

#### Microschools

The Schools’ Act of South Africa (SASA)[[5]](#footnote-4) is currently in the final stages of being amended by the Basic Education Laws Amendment[[6]](#footnote-5) (BELA) Bill of 2022.

Neither document allows for Democratic Self-Directed Education communities to even be defined as ‘schools’ nor any of the more usual kinds of progressive micro-schools to register as independent schools.

Instead BELA quadruples the possible jail term for founders of unregistered independent schools - to intimidate them out of existence?

The Department of Basic Education (DBE) was repeatedly petitioned to use the BELA Bill process to consult with stakeholders for inclusive provision for registration of independent micro-schools as well as online schooling options. Instead, BELA allows only two possibilities - public and registered private schools that are large (even public schools must now have more than 135 learners at primary level and over 200 learners for secondary), and home education.

Previously, families could migrate to child-friendly micro schools offering children support to work at their own pace and choose activities, under the guise of home-educating.

BELA seeks to close that gap by increasing the jail term for parents whose children don’t attend a registered school, intimidating them into homeschooling within narrower registration parameters.

### Home education

Home education communities are incensed about what amounts to imposition of the national curriculum (CAPS) - a simplification of the task of setting ‘norms and standards’.

BELA also insists that the majority of home education must take place in social isolation inside the learner’s house, preventing social integration with children from different backgrounds and creating the exact echo chamber of family culture recognised as being a major drawback of home education. Financial requirements also exclude less affluent families.

The Minister has power to grant or deny permission to homeschool, and has notified families that associating themselves with any unregistered microschool or using any online learning program is likely to lead to a withdrawal of permission.[[7]](#footnote-6)

## What we believe is required

### Internationally

The successes of informal educational initiatives such as reading clubs and mobile toy libraries, as well educational interventions in crisis circumstances could be mined for ideas on how to develop community-based education options that are more affordable and easier to implement in child-friendly ways than are formal brick and mortar schools, especially in rural and shack-town areas. **Developing countries need messaging from the UN that these are valid options** to develop and explore, and **development milestones need to focus more on national measures of skills actually attained and less on attendance registers.**

### Nationally

##### i) Creation of actual and inclusive ‘norms and standards’ for South Africa

**Norms and standards should give guidance on the absolute minimum that is actually necessary** for the empowerment of each and every child such as literacy, numeracy, digital literacy, and a lived understanding of human rights for all, **and beyond that, allow for freedom**. Freedom of educational **choice must be legally protected** to allow for many curricula as well as flexible learning paths that the child can navigate and adjust as their needs change.

#### ii) Collaborative co-creation of realistic registration protocols

Whether through direct government oversight or oversight by accountable civic associations, it **must be made possible to legally register, support for best-practice attainment, and quality control microschools and community-based initiatives** to allow a wide range of approaches and types of educational support.

**Home education registration requirements must allow for many possibilities** including flexible attendance at microschools, community-based and spontaneous cooperative options, as well as for individual children in the same family to have their differing needs met.

## Individual comments from young people

Direct transcriptions of a 17yo’s interviews with all ages at RsV.

#### 1. Should the Minister of Education be able to decide where you learn, in terms of school or home or some specific school?

*It’s their responsibility to make sure that I have a proper education but they don’t know me personally and it doesn’t make any sense for them to make personal decisions about my life without knowing my best interests. Beyond making sure that the basic requirements are met I should have free choice as to where and how I learn. Scientifically that seems to be the best way for people to learn - when they have free choice on what they learn, where they learn and how they learn it.*

*No. Generally a normal public school that a person would go to is more stressful than a school like this, and if someone is being held back they won’t be able to get a diploma - last year one of our staff members graduated here. I think this environment is more child-friendly.*

*No. It should be me because I am the person learning. I learn in different ways.*

*No. It could generally be up to the parents, but if the kid isn’t liking the school then the kid should decide. It’s pretty important that you like where you’re learning so that you learn more because you enjoy learning, but if you don’t enjoy learning then you’re not going to learn anything because it’s just going to go through your head.*

*No. It should be a family choice, the child and the parents, but mostly the child because it is the child’s future they’re going to be creating.*

*I think you should go to school so that you can learn a little more. I think the kid should decide, like the way that Riverstone does.*

*No, I do not think the Minister should be allowed to decide where I learn, or where any kid learns. It is not their life, it is my life and they’re just trying to control it. I don’t want to be forced to go to a specific place that I know will not work for me, a specific school I know won’t work for me. I know of schools that don’t have very good reputations, teachers there are not very good people, so I wouldn’t trust them, so why should I be forced to go to a school I don’t trust.*

*No. Obviously the child will need help every now and then, so it should be a healthy mix of child and parent.*

*No, I wouldn’t like to be forced to do stuff, why would our parents want us forced? Why would our parents force us to do stuff that other people are forcing us to do?*

*When I was in class I was scared, and the teacher says WHY!! DON’T DO THAT!! She’s screaming at me, I don’t understand…. Right now we know we are free! You can dance your thing and I can dance my thing, and when I say can I teach you this and you say uh-uh I don’t want it, and I say ja come otherwise I will call the cops to arrest you, I don’t want that. Government can’t force us to get in the school. (This child had very recently left public school.)*

*The government should have minimum standards, but your parents should decide what school you go to, and you should decide what you do at those schools.*

*My parents and myself, but mostly myself. My parents because they are nice, but some other parents aren’t nice. I want to decide what my future is.*

## A collective comment

*Group members aged 5-15, close to verbatim. Some children previously attended government schools, some learned entirely through 'self-direction' lifelong.*

**Prompt - Our group would like the Minister to know that:**

*You learn faster when you* ***want*** *to learn. School breaks creativity. In school at grade 4 all the toys and games and creativity stopped. Here we can still draw, do music, and play at all ages. Every child is different. A few of the things we do with our unique talents that we could never have time for, if we were in government school and had to follow CAPS - deep musical knowledge and time to practise as much as needed - animal care (this child responsibly cares for several agricultural animals acquired with money earned through micro entrepreneurship) - build a fully mobile radio control tank out of Lego, without any kit just parts and planning - outings during the week. School had an absolutely unnecessary* ***amount*** *of work that's just there to clutter up time. Like learning the difference between a city and a town, why is that kind of simple thing even there, it's a waste of your time, you would figure it out on your own anyway, and you would learn it faster at a younger age if you used life experience instead of school. Each kid is unique and everyone needs their own time to focus. We're all naturally better at different things, let us get better at what we are really good at. In real life learning history won't help you be a doctor. CAPS and school make you learn a lot of irrelevant stuff you will never need, and it's a waste of time, instead of letting you focus on learning what you actually need for your* ***own*** *life. And as for tests – some of us don't mind tests but some of us don't work well under pressure. Tests don't show what we can do, and they are all about short term memory not long term memory. I used to keep it buzzing in my mind all the way to the year end tests, but I can't remember it now, and my parents could never recognise the stuff, they didn't remember it either, so what is the point? Tests are not an accurate representation. The difference between what a test shows, and reality of what you know, is like looking at something through a bent lens, or showing your swimming skills in a pool with the cover still on. School is like giving you a set of tools for woodwork when what you want to do is metalwork – stuff that just doesn't help. School can be* ***very*** *stressful. Our friends in school seem to have zero time at all. Homework is a terrible thing. My one friend I went to visit couldn't play because he had 300pages! He sometimes stays up to 1am to finish and just gets exhausted. All those kids can do is school and TV, they never get to do anything else. Our friends in school don't want to know interesting stuff; we're curious and interested in things now they think are boring just because they're so sick of it. In school everything you learn is from a book, nothing is real. My mom gives me the card and I go do the grocery shopping on my own if I want. Most kids say “I hate school”, but kids who come here, love it. Like most kids are “ah, no!” that they have to go to school in the morning, but kids in this kind of place are so happy that they get to come this morning. Putting parents in jail is a bit much. A small fine would do. It's really overkill. You shouldn't be able to punish them anyway. It should be my personal choice what I learn. If they take us to court they will find that they can't actually. They're trying to intimidate us. It's like putting people in jail for late library books. Jail is where murderers go! I mean come on. Your parents refuse to put you in an institution so they get put in a worse institution. The government are saying they own us! Governments are at least supposed to* ***try*** *to disguise that they're controlling us, don't make it so obvious, try a* ***bit*** *harder, LOL. There is literally no way to* ***make*** *a person learn. School corrupts kids, it's a kind of brainwashing. There's peer pressure and drug abuse. At school the teachers all stood by the tuckshop, so behind the building they couldn't see, so we always got dragged there by the bullies. One time I told the teacher the guy was calling me names, and because he owned up, then* ***I*** *got punished!? When you try to explain to them how so much of what you learn in school is not that useful, they can't see it, they're not open to other ideas generally, they have such limited experience and simplistic ways, it's all about conformity and uniforms. I was one of two atheists in the whole school, there wasn't much diversity, kids wouldn't even believe me and thought I was lying, they couldn't understand. Here, you can follow a religion if you want, or not. If you want to do a religious event you can just put it on the list to discuss, of things to do. The government should allow places like here instead of trying to shut us down or make it be the same. Kids here are free to do what* ***we*** *choose. Teachers in school used to say “I am not your friend” but here the staff, you really connect. Some of us found that it was harder to find real friends at school – because you have to change yourself at least 50% to fit in. Here you can be yourself and discover who you are. The world would be a better place if this kind of learning was normal, people who do bad things are just really stressed, nobody is bad at birth. (Some disagreement disagreement flared up, then they decided to get back on track.) Here, I don't really notice which colour our friends are, I mean, I have got eyes, but it just doesn't make a difference. People are people. They're all different anyway. And we have conflict resolution so both sides win. Kids here are HAPPY. And that's why government should support us instead of stopping us.*

Many thanks for your consideration, Ms Shaheed

From the community at Riverstone Village

1. “Some Schools Have Over 100 Learners In A Class In South Africa”, Hanna Edwards, 2023 [↑](#footnote-ref-0)
2. <https://equaleducation.org.za/campaigns/overcrowding-gauteng/> [↑](#footnote-ref-1)
3. IMPLICATIONS OF THE CURRICULUM AND ASSESSMENT POLICY STATEMENT ON TEACHER PROFESSIONALISM IN PRIMARY SCHOOLS, THEKO MOKGOHLOA, 2018 <https://repository.up.ac.za/bitstream/handle/2263/69932/Mokgohloa_Implications_2018.pdf?sequence=1&isAllowed=y> [↑](#footnote-ref-2)
4. <https://caps123.co.za/the-pros-and-cons-of-implementing-the-caps-curriculum-in-south-african-schools/>, <https://www.linkedin.com/pulse/five-reasons-why-caps-harming-our-children-marina-goetze/> [↑](#footnote-ref-3)
5. <https://www.gov.za/documents/south-african-schools-act> [↑](#footnote-ref-4)
6. <https://static.pmg.org.za/B2B-2022-basic-education-2023-ag_B2B-2022-basic-education-2023-ag.pdf> [↑](#footnote-ref-5)
7. Policy on Home Education 2018, 10.1.k.2 <https://www.gov.za/sites/default/files/gcis_document/202005/Home%20Education%20Policy%20.pdf> [↑](#footnote-ref-6)