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To: Honourable Minister Motshekga
Minister of the Department of Basic Education
Per e-mail: mabua.s@dbe.gov.za

Re: Clarification Questions:
Comprehensive Sexuality Education (CSE) – Opt-out

From: Michael Swain
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Per e-mail: michael.swain@forsa.org.za

Date: 13 November 2019

Dear Honourable Minister Motshekga,

1. Freedom of Religion South Africa (FOR SA) notes your [written reply](#) dated 4 November 2019, to the following question by Honourable Mrs NI Tarabella Marchesi MP:

“How did [the Department of Basic Education] ensure that the views of (a) parents, (b) religious groups and (c) relevant nongovernmental organisations are taken into consideration in respect of the Comprehensive Sexuality Education (CSE) programmes;”.

2. Firstly, and with regard to process, we note your statement that *“Since the introduction of Comprehensive Sexuality Education in 2000, the Department of Basic Education has held continuous consultative engagements with education stakeholders at National and Provincial level. The views of parents are represented by School Governing Body Associations who form part of the National Consultative Forum of the DBE, where CSE programmes are continually discussed.”* You will however be aware of media statements made by, amongst others, the Federation of Governing Bodies of South African Schools (FEDSAS), the South African Teachers Union (SAOU) and the National Professional Teachers’ Organisation of South Africa (NAPTOSA) to the effect that they had not been consulted with regard to the specific content that has come to light, following a request therefor by Members of the Parliamentary Portfolio Committee on Basic Education.

3. Secondly, we note your response that “*Parents have a right to opt out of the current curriculum, provided that they can produce an alternative curriculum that meets the required CAPS criteria for competence*”. While this is a welcome acknowledgement of the legitimate concerns and rights of parents to ensure that their children are raised in accordance with their own convictions, values and beliefs, unfortunately raises as many questions as it provides answers.
4. Without a more inclusive process and detailed response from the Department of Basic Education (the Department), it is likely that the confusion that has surrounded this matter will continue (and even worsen). This is highlighted by the subsequent [statement](#) from the Department’s spokesperson and Head of Communications, Mr Elijah Mhlanga, that “*there is no opting out*” and explained that “*if you want other alternatives you can choose to take your child to a private school or home school, because those two options offer other curricula that is not CAPS.*”
5. **Hence FOR SA is writing this open letter to ask you for the Department’s official response to the following critical clarification questions:**
 - 5.1. Given that there is confusion about the Department’s official position (as seen above), will your response to Parliament be formulated into a policy or will an existing policy be amended, to reflect your response as the Department’s official position?
 - 5.2. Given that CSE is a component “*embedded in*” the Life Skills and Life Orientation curricula, would parents who want to teach their children alternative sexuality education content (rather than the Department’s chosen route of CSE), be able to do so with regard to only the CSE component - or would they have to teach an entirely alternative curriculum that contains all the other aspects of the Life Skills and Life Orientation curricula in order to comply with the “*the required CAPS criteria for competence*”?
 - 5.3. What exactly are “*the required CAPS criteria for competence*” which will be used to evaluate alternative sexuality education, and/or Life Skills and Life Orientation curricula?
 - 5.4. Will a parent be allowed to opt-out their child/ren completely from all CSE components in the structured Life Skills and Life Orientation CAPS curricula?
 - 5.5. Given the large number of parents that will choose to teach such alternative curricula, what process is the Department putting in place for evaluating and approving such alternative curricula, and what are the details of such process (e.g. who at the Department should parents contact; would the approval of such an alternative curricula entail an application; to whom must such an application be made; by when; how; etc.)?
 - 5.6. What are all the practical steps that must be taken by a parent who wishes to opt-out their child/ren from CSE classes?

- 5.7. How will the children of parents who opt-out, be managed during CSE class time to ensure that such learners are not discriminated against and do not feel any (direct or indirect) pressure, either from the school and/or other learners?
- 5.8. How will the convictions, values and beliefs of children with no parents or in child-headed households be accommodated? Or will they be compelled to participate in and learn the Department's revised CSE content in the Life Skills and Life Orientation curricula?
- 5.9. Will the opt-out principle also apply to individual public schools to give them an option of teaching an alternative curriculum and/or approach to sexuality education, should they believe this to be in the best interest of their learners and/or should their teachers have conscientious objection to teaching the revised CSE content?
- 5.10. Will the opt-out principle also apply to individual provinces, who believe it in the best interest of their learners that that province's public schools teach an alternative curriculum and/or approach to sexuality education?
- 5.11. Given that section 9(2) of the Constitution states that "*Equality includes the full and equal enjoyment of all rights and freedoms*" and section 9(3) states that "*the State may not unfairly discriminate against anyone on the grounds of [inter alia] religion, conscience, belief (and) culture...*", how will the rights of teachers be accommodated in the event that they have conscientious objections to teaching some and/or all of the Department's revised CSE content in the Life Skills and Life Orientation curricula?

6. Finally, we note your answer

We look forward to hearing the Department's comprehensive responses to these important clarification questions.

Kind regards,

Michael Swain

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