

HSLDA

Advocates for Homeschooling

J. MICHAEL SMITH, ESQ.
PRESIDENT (CA, DC, VA)

JAMES R. MASON III, ESQ.
SENIOR COUNSEL (DC, OR)

SCOTT A. WOODRUFF, ESQ.
SENIOR COUNSEL (VA, MO)

DARREN A. JONES, ESQ.
ATTORNEY (CA)

WILLIAM A. ESTRADA, ESQ.
ATTORNEY (CA)

MICHAEL P. FARRIS, ESQ.
CHAIRMAN (DC, WA)

DEWITT T. BLACK III, ESQ.
SENIOR COUNSEL (AR, SC, DC)

THOMAS J. SCHMIDT, ESQ.
ATTORNEY (CA)

MICHAEL P. DONNELLY, ESQ.
ATTORNEY (MA, NH, WV, DC)

SCOTT W. SOMERVILLE, ESQ.
OF COUNSEL (VA, MD)

MARY E. SCHOFIELD, ESQ.
OF COUNSEL (CA)

August 30, 2010

His Excellency Mr. Lapologang Caesar Lekoa
The Ambassador of the Republic of Botswana
1531-1533 New Hampshire Ave., NW
Washington, D.C. 20036

Re: Concerns about abuse of children's and family rights in Botswana

Dear Mr. Ambassador,

By way of introduction, the Home School Legal Defense Association (HSLDA) is an organization dedicated to protecting the right of parents to teach their children at home. Presently, we have more than 84,000 member families in the United States and in 36 countries around the world.

Our organization is closely monitoring the persecution of homeschool families in Mahalapye, Botswana. We are working with the Pestalozzi Trust, the legal defense fund for home education in South Africa, as it supports the Modimoothata, Sibande and Mutale families.

It has come to our attention that these three families have been visited and interrogated by the Botswana secret police, as well as investigated by the local office of the social welfare service. From the pertinent court records and other statements, it appears that the families may be suffering persecution simply because they have chosen to educate their children at home in accordance with their religious convictions.

The families have been ordered by Judge I.T. Molobe, of the magistrate's court in Mahalapye, to place the children in school by September 9, 2010 despite the fact that officials have found no evidence of educational neglect. The families were further ordered to relinquish to the state all teaching materials and to forbid two of the parents, who are qualified teachers, from teaching the children at all.

The families have filed an appeal against the court's judgment. Despite this fact, government officials are reported to have raided the families' homes and to have confiscated property in the form of teaching materials. In addition, one of the parents has been threatened that his application to become a naturalized citizen of Botswana will be opposed if he does not "cooperate" with the secret police.

We wish to point out that the actions of the local government officials in Mahalapye constitute the type of unacceptable behavior towards home educating parents for which other nations have recently been criticized. Over the past year, both Germany and Sweden have received significant

HOME SCHOOL LEGAL DEFENSE ASSOCIATION

NATIONAL OFFICE ■ P.O. BOX 3000 ■ PURCELLVILLE, VA 20134 ■ 540-338-5600 ■ 540-338-1952 FAX
CAPITOL HILL OFFICE ■ 119 C STREET, S.E. ■ WASHINGTON, DC 20003 ■ 202-547-9222 ■ 202-547-6655 FAX
EXPRESS & SHIPPING ■ ONE PATRICK HENRY CIRCLE ■ PURCELLVILLE, VA 20132

negative media attention because of their government's behavior both in denying parents the right to direct the education of their children and for persecuting parents who follow their religious and philosophical convictions to do so. These government-sponsored actions reflect poorly upon these nations. Such actions have provoked an outcry from private citizens and family and children's advocacy groups from around the world.

In January 2010, a German homeschooling family was granted political asylum in the United States because of persecution based solely on the fact that the family chose to educate their children at home. United States Federal Immigration Judge Lawrence Burman wrote in his opinion granting the family asylum, "No country has a right to deny these basic human rights." In his opinion he was referring to the natural right of parents to decide how their children should be educated. This right includes the right to educate their own children themselves at home.

The **UN Universal Declaration of Human Rights** itself states in Article 26 that parents have the prior right to choose the kind of education their children receive. In Article 18, paragraph 4 of the **UN International Covenant on Civil and Political Rights**, to which Botswana is also a signatory, parents are expressly given the right to teach their children in conformity with their own convictions. In addition, the **African Charter on Human and Peoples' Rights** states in Article 18 that the family is the custodian of moral values and so protects the instruction of children on the basis of religious conviction.

As you may know, scientific research and practical experience around the world have conclusively proven that homeschooling is at least as effective as public schools both academically and in producing well-socialized and productive members of society. In many cases, homeschooling has proved more effective. There is no other country in the world that has as much experience with this form of education as the United States. With over 2 million homeschooled students (nearly 3% of the school age population), the United States' experience has been overwhelmingly positive and demonstrates that measures to restrict home education are not necessary to safeguard the State's interest in education or in protecting children.

For more research, please read the enclosed reports on the achievements of homeschooled students.

For additional research, please also visit HSLDA's online research at <http://www.hsllda.org/research/default.asp>.

The Pestalozzi Trust has stated that the actions taken by the secret police, the welfare agency, and the police in Mahalapye against the Modimoothata, Sibande, and Mutale families may constitute "grossly arbitrary action against the families by organs of state, having the effect of unlawful harassment and intimidation."

We understand that nations have their own culture and laws but this right of parents is a universal human right and we are sure that your country wishes to be a protector of such rights. We hope that your country will act promptly to protect the rights of these children and their parents as the primary educators of their children. We ask you to inform the appropriate national and local authorities of our request and to impress upon them the importance of rectifying the

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damage that has been caused by their ill-advised actions with regard to these home educating families.

If we can be of any further assistance, please do not hesitate to contact me.

With kind regards,

A handwritten signature in black ink, reading "Michael P. Donnelly". The signature is written in a cursive style with a large, looped "M" and "D".

Michael P. Donnelly, Esq.
Director of International Relations

MPD/blp

Cc:

Congressman Todd Akin

Congressman Geoff Davis

Assistant Secretary Michael H. Posner, Bureau of Democracy, Human Rights, and Labor

Enclosures (3):

Homeschool Progress Report 2009

Homeschooling Grows Up

Fraser Institute study: "From the Extreme to the Mainstream"