

05 JUNE 2023

## DEPARTMENT OF BASIC EDUCATION RESPONSE TO THE FAKE CIRCULAR ON ENCOURAGING AND FACILITATING STUDENTS IN DISCOVERING THEIR SEXUAL ORIENTATION

The Department of Basic Education (DBE) has noted with discontent the fake circular from the “Department of Education” that is circulated on social media. The circular seems to be directed at School Administrators, Principals and Educators, making pronouncements effective from 2024.

The DBE wishes to declare this circular as untrue and calls on all members of the public to dismiss the allegations. The DBE has developed two draft documents, namely: the *Protocol for the Elimination of Unfair Discrimination in Schools*, as well as the *Guidelines for the socio-educational inclusion of diverse Sexual Orientation, Gender Identity, Expression and Sex Characteristics(SOGIESC) in Schools*. The DBE is currently undertaking stakeholder consultations regarding these two documents in districts and provinces, as directed by the Heads of Education Departments Committee (HEDCOM) and the Council of Education Ministers (CEM).

The DBE is compiling a log of comments emerging from the consultations and will ultimately present these comments and the revised documents to HEDCOM and CEM for approval. So far, seven (7) provinces have undertaken stakeholder consultations, with the remainder of Limpopo and Mpumalanga, likely to conclude before the end of June 2023. Thereafter, the revised document will be published for public comment.

The documents are a product of the collaborative effort with members of the Social Inclusion in Education Working Group (SliEWG), supported by the South African Council for Educators (SACE), South African Human Rights Commission (SAHRC), Commission on Gender Equality (CGE) and Equal Education Law Centre (EELC).

These two documents are developed in response to the litigation previously levelled against the Provincial Education Departments (PEDs) for poor observance of human rights of children with diverse sexual and gender identities in schools, and the need for the DBE to ensure the basic education, as a public service, remains human-rights-compliant.

### Media Enquiries:

Elijah Mhlanga - Head of Communication: 083 580 8275 | Hope Mokgathe - Spokesperson to Minister: 079 817 0427

Terence Khala - Media Liaison Officer: 081 758 1546



Since the receipt of the report from the committee that was established by the Minister of Basic Education in 2016 to look into racism, sexism and other forms of discrimination in Learning and Teaching Support Materials (LTSM) and Textbooks, the DBE is advancing the recommendations to guide schools on elimination of unfair discrimination.

The intention is to collaborate with LTSM publishers to review prejudiced content in LTSM and Textbooks.

**It should be further noted that:**

- The DBE has the mandate and obligation to protect constitutional rights of ALL children in their diversity.
- These rights are enshrined in the Constitution of the Republic of South Africa, 1996 and some legislative and policy frameworks such as the Public Service Act 103 of 1994, the South African Schools Act 84 of 1996, the Children's Act 38 of 2005, Policy on the South African Standard for Principalship, the Professional Teaching Standards of SACE and the South African National Action Plan to Combat Racism, Discrimination, Xenophobia and Related Intolerances.
- This social inclusion work of the DBE is supported by regional, continental and global instruments such as the United Nations Convention on the Rights of the Child (CRC) of 1990, African Charter on the Rights and Welfare of the Child of 1990, the Universal Declaration of Human Rights of 2000 as well as the Yogyakarta Charter, adopted in 2007, emphasizing the need for, among others, social inclusion of SOGIESC in schools.

The DBE calls on all members of the public to treat this matter responsibly, as it pertains to the protection of the Constitution. We further call on the public to allow the stakeholder consultations and public comments to conclude. Ultimately, the DBE will make an official pronouncement that takes into consideration the comments gathered from these participatory processes.

**ISSUED BY THE DEPARTMENT OF BASIC EDUCATION**

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