

Bouwe van der Eems

From: Bouwe van der Eems <bouwe@diemoot.net>
Sent: Thursday, February 14, 2013 10:07 PM
To: 'AskDOJ@usdoj.gov'
Cc: 'pretoriapress@state.gov'
Subject: Romeike v. Holder case and parental rights in South Africa

TO: U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

COPY: US Diplomatic Mission to South Africa
877 Pretorius St, Arcadia, Pretoria, South Africa

Dear sir/lady

The **Homeschooling Association in South Africa** endeavours to obtain the recognition of the right of parents to educate their children within the family. During apartheid, home education was illegal in South Africa. The parents Andre and Bokkie Meintjies were jailed in 1994, and their children were placed in an orphanage, because they educated their children at home. However, a few years later, the Mandela government legalised home education with the publication of the South African School Act in 1996. Since it was legalised, homeschooling has grown exponentially in South Africa.

In contrast, German homeschooling parents are currently being prosecuted on the basis of a ban on homeschooling introduced by the Nazi government in 1938. In the court case against the Dudek family in Archfeldt, it was testified: "*The 'Schulpflicht' – the laws that require school attendance – are on the books in the German states and have been traced back to the Reichsschulpflicht Gesetz' [federal compulsory attendance laws] which was passed in 1938 by the Nazi government.*"

Uwe Romeike, a music teacher, and his family have fled from their home country to the United States. They fear that they will lose custody over their children, be jailed or have their bank accounts confiscated, if they return to Germany. This family has applied for political asylum in the USA. On Tuesday Jan 26 2010, Tennessee Judge Lawrence Burman granted political asylum to the family and called Germany's actions with the Romeike family a violation of their human rights and "*repellent to everything we believe as Americans*" before passing a ruling that allowed them to stay in the U.S.

The Romeikes' case is however before the United States Court of Appeals for the Sixth Circuit. The case for the government is officially in the name of the Attorney General of the United States. The case is called **Romeike v. Holder**.

The South African constitution stipulates that a court "*may consider foreign law*". This means that the outcome of this case may also influence the freedom that South African parents enjoy.

The Homeschooling Association in South Africa would therefore urge the Attorney General to take into account that their appeal against the Romeike ruling will not only affect the human rights of parents in Germany, but also the rights of parents in countries such as South Africa where courts may consider foreign law. If rights are infringed on, many parents might be forced to place their children in South African public schools, which are ranked among the worst in the world.

Regards



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