



Bill to Uphold the Principals of the Republic (Article 21): Home Education Must be Saved.

14th December 2020



Article 21 of the bill to uphold the principals of the republic aims to eradicate the liberty to choose one of the modalities of educational freedom: Home Education. This objectively unfounded restriction of freedom is contrary to fundamental rights.



Summary (Key Points) of the Shared Position.



- **In France education is compulsory, not schooling.** Parents therefore have the possibility to choose to either delegate the education of their child to a school structure or to home educate.
- Home education is a **fundamental right** anchored in French law for 150 years. In practice this concerns a mere 0.4% of the school aged population but greatly contributes to the **resilience** of the French school system.
- On the 2 October, during an announcement on a bill on “separatism” the President of the Republic announced his desire to **ban home education** and make school attendance compulsory from the return to school in 2021, for all children aged 3 to 16 years.
- **Article 21** of the project of law upholding the principals of the republic presented to the National Assembly on the 9 December 2020, confirms this intention. In the event of non compliance with **compulsory school attendance**, a penalty of **6 months in prison** and a **fine of 7,500 euros** is incurred. As a reminder, in Germany schooling became compulsory in 1938 under penalty of imprisonment, for children 6 years upwards not 3 year olds.
- The **Impact Study** which carries the project is **poor** and full of **allegations** contradicting the body of research in Education Science on the subject of home education.
- The aim of the government is to **drastically reduce the number of home educated children** by subjecting the use of this freedom to a **pre-authorisation**.
- An **exemption from compulsory school attendance** would only be obtainable by authorisation from a recognised state authority, for one year only and under **very restrictive conditions**.
- Invoking the reasons for exemption which could mean a **doubly stigmatising constraint** for certain children and leaves space for **arbitrary** decisions and **discrimination against certain parents**. “The existence of a particular situation specific to the child, provided that the persons responsible can demonstrate their ability to provide home education while respecting the best interests of the child.”
- With this bill, the state increases its **domination of the private sphere**, replacing parents, to impose its vision of the “best interests” of the child.
- Wanting to ban home education is not the answer to the existence of clandestine forms of indoctrination outside the control of the state: **the government has the wrong target**. This disproportionate interference with freedom of education is unanimously denounced.
- Indicative of the inconsistency of the justifications put forward by the government to justify this measure, **a new language element**, the fear of a form of **“social separatism”** made an appearance in the Impact Study of the bill. **Home educated children and their parents** are however **perfectly integrated into society**.
- Scientific studies show that home educated children are particularly **independent and capable of easy adaptation** to the school system and the working world if they choose to return to school or follow a path of training.



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- If the restrictions were adopted **30,000 children** currently home educated could no longer be. Home education is often the **only solution** for children suffering at school due to an atypical profile which does not necessarily constitute a recognised handicap, or in the event of institutional dysfunction.
- Banning home education with the exception of certain exemptions would constitute an **infringement on public freedom, neither suitable or proportionate**, generating much suffering and a loss of an asset to the country.
- **Defending freedom of education and educational diversity also means protecting the law of the land.**
- **We are depending on the members of parliament and senators to entirely remove Clause 21 from the bill. There is no place for liberticide.**



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