



Enfance Libre



Paris 5 January 2021

Group Press Release

Project of Law to “Respect the Principals of the Republic” and restrict the freedom of home education: the home education associations demand a moratorium.

In France, as in numerous other democracies, **education is compulsory, not schooling** ¹. Beginning the 18 January 2021 in a special commission of the National Assembly, the bill to “Reinforce the Respect of the Principals of the Republic” retains, in Article 21, the principle of compulsory schooling for all children from 3 to 16 years old, making the free practice of home education conditional to prior administrative authorisation .

Parental authority questioned by the French State

Despite the unfavourable opinion of the Council of State, Article 21 of the bill still translates a **desire for the general abolition of the freedom of choice of home education**, which is nonetheless a form of freedom of education which has been recognised in France since the Jules Ferry Laws (1881-1882). Disregarding any respect for parental authority and individual freedoms, the state aims to impose its own vision of the best interests of the child, even if this means going against the will of the parents, under threat of heavy penalty (six months imprisonment and a 7500 euro fine)².

According to the government impact study, currently approx. 30,000 home educated children, may no longer be able to benefit from this type of education. In addition, parents and children wishing to home educate in the future would be prevented from doing so.

This project is all the more shocking as it is not based on any objective data: home educated children are neither radicalised, nor asocial, quite the contrary².

For rational decision-making respectful of the democratic process

On the 30 December 2020 we submitted a request to the President of the Republic that a ³ moratorium be decided on the restrictive provisions on the freedom of home education for the following reasons :

- the lack of relevant ⁴ study to evaluate such reform which was highlighted by the Council of State in their recommendation
- the inadequacy of the parliamentary procedure implemented (emergency procedure) considering the multiple legal and social implications that the adoption of this text would imply
- the constitutional obstacles that this reform faces, in particular:

¹- « Compulsory education may be provided in either public or private, establishments or schools, or within the family (...) » (article L 131-2 of the Education Code).

²- Reread our common stance: « Il faut sauver l'instruction en famille » (14 décembre 2020) https://droit-instruction.org/wp-content/uploads/2020/12/20201214_PositionCommuneArticle21_vf.pdf

³- Letter to the President of the Republic (30 décembre 2020) : <https://droit-instruction.org/demande-de-moratoire/>

⁴- « This suppression is not supported by reliable elements and documented by reasons, conditions and results of the practice of home education: the elements we have, show that this reality is very diverse. However the government plan could, according to the indicators of the impact study, lead to the compulsory schooling of three quarters of currently home educated children » (CE, Avis from the 9 December 2020)

1. A fundamental freedom can not be subject to prior administrative authorisation, in which case it is no longer a freedom
2. When guaranteeing individual freedoms, only the judicial authority is competent, to the exclusion of the administration, to decide against the will of the parents and in the best interests of the child.

In requesting a moratorium, our aim is to enable parliamentarians to act in full possession of the facts, on a base of rationality, once the nature and the impact of such a reform on home educating families has been properly clarified by the Economic, Social and Environmental Council (CESE)⁵ and where appropriate, by additional studies.

There is no reason to require parliamentarians to validate such sensitive provisions to restrict the freedom of education with such urgency, without first gathering the necessary impact study elements for informed decision-making and particularly since the law on the "School of Trust" already drastically strengthened the supervision of home education in 2019 .

L'association LED'A

L'association UNIE

Le collectif EELM

L'association LAIA

Le collectif FELICIA

Enfance Libre

L'association CISE

Presentation of the Signatory Organisations and Contacts

The Association LED'A (Les enfants d'abord - Children First), created in 1988, regroups more than 1300 member families who home educate their children. The association exists to provide information on home education, to defend this right and to enable meetings to facilitate the sharing of experiences and information. www.lesenfantsdabord.org/ Contact: libertedelinstruction@lesenfantsdabord.org / 0689987526 ou 0670100140 ou 0608950100

The Association LAIA (Libres d'Apprendre et d'Instruire Autrement - Free to Learn and Educate Otherwise) represents approx 450 member families throughout France. The association has existed for 14 years and publishes the only magazine dedicated to home education in France, the quarterly "Les Plumes". Contact: contact@laia-asso.fr /0699338996 ou 0671938772 ou 0695955526.

The Association CISE (Choisir d'instruire son enfant - Chose to Educate Your Child) is an association in support and defence of home education, encouraging parental education which is diverse, progressive and responds to the needs of the child to enable them to become an enlightened and responsible citizen. www.cise.fr Contact: therese.pour.cise@gmail.com / 06 84 94 66 28.

The Association UNIE (Union Nationale pour l'Instruction et l'Epanouissement - The National Union for Education and Fulfilment) is invested in mutual aid and cooperation between families. Open to all for whom education is done with respect for the development of the child. UNIE provides advice and assistance to 5300 member families and to 12,000 Facebook group members. association-unie.fr. Contact: Armelle - unie.association@gmail.com / 07 68 47 76 40.

The Federation FELICIA represents local associations and more than 4400 member families of the group [https:// www.facebook.com/groups/fedefelicia/](https://www.facebook.com/groups/fedefelicia/), to defend the freedom of choice of education and learning. <https://www.federation-felicia.org/> contact@federation-felicia.org / 06 19 10 37 88.

The Collective l'Ecole est la Maison (EELM - School is at Home) represents and defends formal home education. Source of proposals for a proper supervision of family education. www.lecoleestlamaison.blogspot.com. Contact: Laurence Fournier - lecoleestlamaison@gmail.com / 06 62 92 84 70.

Enfance Libre - Free Childhood a movement in defence of the autonomy of families with regard to education. Prioritises facilitating children's access to public and political speech. www.enfance-libre.fr. Contact : mouvement.en-fance.libre@gmail.com

⁵ - On the 22 December 2020, we also asked the Economic, Social and Environmental Council (CESE) to make a decision on this sensitive issue in order to enlighten decision-makers before any infringement of this fundamental freedom occurs (<https://droit-instruction.org/saisine-du-cese/>)

⁶ - Before the Senate on the 18 June 2020 the Education Minister himself recognised: «This freedom of home education [...] really has a powerful constitutional basis which one can only recognise and which I think is positive [...] There was a need for more supervision, and that is what we did [with the law on the School of Trust in 2019] [...] In terms of legal principles, it seems that we have reached a certain stage which is the right one.»