

# Home Education: the Right to Home Educate is Upheld by the Senate but Remains Under Threat.

Paris 8 April 2021

On Tuesday 6 April 2021, the freedom of choice to home educate was upheld by senators in plenary session. By 225 votes to 114, they chose to maintain the declarative system and refused the introduction of a system of authorisation endorsed by the government (Article 21 of the bill confirming respect for the principles of the Republic) (1).

With this vote, the senators sent a clear message to the government executive and showed their attachment to freedom of educational choice, a right protected by the constitution, of which home education is one of the pillars.

They also heard the Minister of National Education describe the removal of Article 21 as "provisional". The government therefore probably plans to impose its political vision by returning to the front at the Joint Committee stage, and subsequently the final vote in the National Assembly, where the presidential party has a majority.

## **Refusal to endorse "collective punishment" and generalised suspicion of families.**

Like many deputies from all parties (2), the senators denounced the suspicion aimed at home educating families.

They underlined the disproportionate interference with freedom of education that a system of administrative authorisation would constitute: "This text is liberticidal [...] No justification is given either in the impact study, or in the various hearings. . ."

The system of authorisation has been called a "collective punishment", the effect of which is "to reverse freedom of education" by making prohibition, rather than freedom of choice, the rule.

## **Does not oppose the rights of children and families**

The Civil Code affirms that parents are the primary guarantors of the interests of their children (Article 371-1 relating to parental authority (3)). One senator with knowledge of the home education system stressed that home education "is not doing what you want with your children, it is doing the best for your children."

School is not the only possible means of socialisation, emancipation and education. Contrary to prejudices, home educated children are highly socialised (4). According to the results of the checks carried out by the National Education

Department, the right of a child to receive an education is respected in more than 98% of cases, demonstrating the involvement and the ability of parents who make this choice to assume their responsibility towards their children.

### **Fostering educational diversity for the benefit of children**

Home education is on the rise all over the world. The French government regards it as a form of "separatism" while in other countries the phenomenon is explained by the growing interest of families in forms of education in which **the learner is more active in the learning process.**

This type of education also benefits the school system, for which it acts as a "outlet". Home education is thus a **useful and complementary alternative** to school as an institution.

### **Such an already tightly regulated freedom should be preserved**

As home education is already very strictly regulated in France, **the existing provisions should be applied.** Recognising that citizens have the capacity to work in the best interests of their children means maintaining the freedom to home educate without additional constraints for families.

We urge parliamentarians not to reintroduce, in either the Joint Committee or the National Assembly, Article 21 and its regime of prior authorisation, despite the stubbornness of the executive.

There is no rational element to justify restricting this form of education, which guarantees an educational diversity essential to the richness of our democracy. In order to respect the principles of the Republic, it is absolutely necessary to preserve the right and the freedom of children to be home educated.

Signed

**LED'A, LAIA, UNIE, CISE, Liberté Éducation, Félicia, the Pi Courses**

#### **Notes and reference :**

**1- The administrative authorisation system proposed by the government in article 21 of the bill reinforcing respect for the principles of the Republic, aims to restrict home education (reread the letters from the heads of cabinet, the Minister of National Education and the Prime Minister – <https://blogs.mediapart.fr/coordination-inter-asso-ief/blog/190321/lettre-au-premier-ministre-pour-le-libre-choix-de-linstruction-en-famille>). It was deleted in the Education and Culture Committee of the Senate on 15 March, 2021. The government and some senators tried to reintroduce it through amendments during the plenary session of the Senate on Tuesday 6 April. Voting details : <http://www.senat.fr/scrutin-public/2020/scr2020-101.html>**

**2-** <https://blogs.mediapart.fr/coordination-inter-asso-ief/blog/240221/vers-la-scolarisation-obligatoire-au-pays-de-la-liberte>

**3-** Article 371-1 of the Civil Code: "Parental authority is a set of rights and duties whose purpose is the best interests of the child. Parents should until the age of majority or the emancipation of the child, protect them concerning safety, health and morality, to ensure their education and allow their development, with due respect to their person. "**4-** *Reread the questions and answers in our documentary file and the testimonies of families and professionals:* <https://droit-instruction.org/2021/02/02/dossier-documentaire>