



## Enfance Libre

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Paris, January 5, 2020

Joint press release

### Bill "respect for the principles of the Republic" and restrictions on the freedom of family education: associations ask for a moratorium

In France, as in many democracies, **education is compulsory, not schooling** <sup>1</sup>.

Examined from January 18, 2021 in a special committee of the National Assembly, the bill "consolidating respect for the principles of the Republic" retains, at the **article 21**, the principle of **compulsory education for all children aged 3 to 16**, subordinating the exercise of freedom of education within the family to a **prior administrative authorization** <sup>2</sup>.

#### Questioning of parental authority by the French State

Despite the unfavorable opinion of the Council of State, the **article 21** of the bill thus always reflects a **desire for the general abolition of the free choice of family education**, which is nevertheless a modality of freedom of education recognized in France since the laws of Jules Ferry (1881-1882).

Disregarding respect for parental authority and individual freedoms, the **The State aims to impose its vision of the best interests of the child, including against the will of the parents**, under penalty of heavy penalties (six months imprisonment and a 7,500 euro fine) <sup>2</sup>.

According to the government's impact study, around 30,000 children currently educated in families risk no longer being able to benefit from this mode of education. In addition, parents and children wishing to use it in the future would be prevented.

This project is all the more shocking as it is not based on any objective data: children educated in families are neither "radicalized" nor desocialized, on the contrary. <sup>2</sup>

#### For rational decision-making, respectful of the democratic process

On December 30, 2020, we submitted a request to the President of the Republic for a **moratorium is decided on the restrictive provisions of the freedom of education within the family** for the following reasons <sup>3</sup>:

- the absence of relevant work to assess such a reform, highlighted by the Council of State in its opinion <sup>4</sup>;
- the inadequacy of the parliamentary procedure implemented (emergency procedure) given the multiple legal and social implications that the adoption of this text would imply;
- and **the constitutional obstacles facing this reform, in particular:**

<sup>1</sup>- "Compulsory instruction can be given either in public or private establishments or schools, or in families (...)" ([article L 131-2 of the Education Code](#)).

<sup>2</sup>- Reread our common position: "Wem usts ave family education" (December 14, 2020)

[https://droit-instruction.org/wp-content/uploads/2020/12/20201214\\_PositionCommuneArticle21\\_vf.pdf](https://droit-instruction.org/wp-content/uploads/2020/12/20201214_PositionCommuneArticle21_vf.pdf)

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

<sup>4</sup>- "This suppression is not supported by reliable and documented elements on the reasons, conditions and results of the practice of teaching within the family: the elements available above all allow us to know that this reality is very diverse. . However, the government project could lead, according to the indications of the impact study, to obligatory schooling more than three quarters of the children currently educated in family. » (CE, Opinion of December 9, 2020).

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

With this request for a moratorium, our objective is to **allow parliamentarians to make an informed decision, on a rational basis, once this subject and the impact of such a reform on families have been properly clarified** by the Economic, Social and Environmental Council (CESE) and, where appropriate, by additional studies.

There is no reason to require parliamentarians to validate **restrictive provisions on freedom of education as sensitive** urgently, without the impact study elements necessary for enlightened decision-making having been gathered, and while the law on the school of trust has already drastically strengthened the supervision of the family education in 2019.

**The LED'A association  
LAIA association  
The CISE association**

**The UNIE association  
The FELICIA collective**

**The EELM collective  
Free Childhood**

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5- On December 22, 2020, we also asked the Economic, Social and Environmental Council (CESE) to

self-reference this sensitive issue in order to enlighten decision-makers before any infringement of this fundamental freedom (<https://droit-instruction.org/saisine-du-cese/>)

6- The Minister of National Education himself again acknowledged on June 18, 2020 before the Senate that: " This li-

Berté d'Instruction à domicile [...] really has a powerful constitutional basis and that we can only recognize and which I think is positive [...] We needed more supervision, and that's what we did [with the law on the school of trust of 2019, editor's note] [...] In terms of legal principles, it seems to me that we have reached a certain stage which is the right one. "

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#### Presentation of signatory organizations and contacts

**The LED'A association** (Children first), created in 1988, brings together more than 1,300 member families educating their children. It is mobilized to provide information on family education, to defend this right and to allow meetings to facilitate the sharing of experiences and information. [www.lesenfantsdabord.org](http://www.lesenfantsdabord.org) Contact: [libertedelinstruction@lesenfantsdabord.org](mailto:libertedelinstruction@lesenfantsdabord.org) 0689987526 or 0670100140 or 0608950100

**The LAIA association** (Libres d'Apprendre et d'Instruire Autrement) represents around 450 member families spread throughout France. It has existed for 14 years and publishes the only magazine dedicated to family education, the quarterly "Les Plumes". [laia-asso.fr](http://laia-asso.fr) Contact: [contact@laia-asso.fr](mailto:contact@laia-asso.fr) 0699338996 or 0671938772 or <https://www.laia-asso.fr>

**The CISE association** (Choosing to educate your child) is an IEF's support and defense association encouraging diversified, progressive parental education that meets the needs of the child to enable him to become an enlightened and responsible citizen. [www.cise.fr](http://www.cise.fr) Contact: [therese.pour.cise@gmail.com](mailto:therese.pour.cise@gmail.com) 0684946628.

**The UNIE association** (National Union for Instruction and Development) is invested in mutual aid and cooperation between families. It is open to all those for whom education must be carried out with respect for the development of the child. UNIE provides advice and assistance to 5,300 member families and 12,000 people in the Facebook group. [association-unie.fr](http://association-unie.fr) Contact: [Armelle-unie.association@gmail.com](mailto:Armelle-unie.association@gmail.com) 0768477640.

**The FELICIA Federation** represents local associations and more than 4,400 families who are members of the <https://www.facebook.com/groups/fedefelicia/group>, to defend the freedom to choose education and learning. <https://www.federation-felicia.org/> contact: [federation-felicia.org](mailto:federation-felicia.org) 0619103788.

**The collective 'Ecole est la Maison' (EELM)** represents and defends for many family education. It is a force for proposals for a proper supervision of family education. [www.lecoleestlamaison.blogspot.com](http://www.lecoleestlamaison.blogspot.com) Contact: [LaurenceFournier-lecoleestlamaison@gmail.com](mailto:LaurenceFournier-lecoleestlamaison@gmail.com) 0662928470.

**Free Childhood** is a movement to defend the independence of families in educational matters. Its priority is to facilitate children's access to public and political speech. [www.enfance-libre.fr](http://www.enfance-libre.fr) Contact: [movement.enfance.libre@gmail.com](mailto:movement.enfance.libre@gmail.com)

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