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Le 8 décembre 2020

Président Emmanuel Macron
Palais de l'Elysée
55 rue du Faubourg-Saint-Honoré
75008 Paris
France

Objet : *Instruction en famille en France*

Cher Président Macron,

En préambule, l'Association de défense du droit à l'instruction en famille ou HSLDA (*Home School Legal Defense Association*) est une structure internationale basée aux Etats-Unis dont le siège est à Washington, DC. Notre mission est de protéger le droit des parents à mener l'éducation de leurs enfants et de promouvoir l'instruction en famille. Nous comptons plus de 100 000 familles membres dans les 55 états et territoires des Etats-Unis et dans 36 autres pays dans le monde. Je vous écris donc au nom de nos membres et des organisations soussignées qui représente des millions de personnes.

Nous sommes extrêmement inquiets par votre projet d'interdiction de l'instruction en famille en France et vous demandons respectueusement de reconsidérer la question. Une telle proposition affecterait des dizaines de milliers de vos concitoyens qui éduquent leurs enfants consciencieusement et avec compétence. Elle influencerait aussi beaucoup d'autres pays qui prennent la France en exemple. Avec tout le respect du à la souveraineté du peuple français, la France se doit de respecter ses engagements envers les droits de l'homme fondamentaux

et la dignité d'autrui et doit, de ce fait, protéger le droit des familles à faire l'école à la maison.

L'instruction en famille était déjà la forme d'éducation connaissant la plus forte augmentation dans le monde avant la pandémie et elle a même doublé dans certains pays. L'instruction en famille est un mouvement planétaire qui a donné d'excellents résultats tant au niveau académique et social qu'émotionnel et civique, au bénéfice des enfants et des pays. Dans toutes les nations du monde fleurissent des réseaux d'instruction en famille qui contribuent à un cadre éducationnel robuste, divers, pluraliste et de qualité. Les recherches montrent que les enfants scolarisés à la maison excellent au niveau académique et réussissent aussi bien ou mieux que leurs homologues scolarisés au sein des écoles institutionnelles et ce, dans toutes les disciplines. Aucune donnée sérieuse n'indique que l'éducation à la maison contribue au séparatisme, à l'établissement de sociétés parallèles, ou n'aie quelque autre effet délétère pour la société. Les enfants instruits en famille sont tout aussi intégrés dans la société que les enfants éduqués différemment.

J'aimerais souligner aussi que la France a signé et ratifié de nombreux accords internationaux concernant les droits de l'homme qui protègent le droit des parents à instruire leurs enfants en famille.

L'article 26.3 de la *Déclaration universelle des droits de l'homme* déclare que "les parents ont, par priorité, le droit de choisir le genre d'éducation à donner à leurs enfants.". Il est important de noter que cette section de la DUDH fut incluse dans la Déclaration universelle des droits de l'homme en réponse à la nationalisation de toutes les écoles par le Parti national socialiste allemand en vue d'endoctriner la population à des fins belliqueuses.

La Charte des droits fondamentaux de l'Union Européenne dans l'article 14.3 déclare aussi que "les droits des parents d'assurer l'éducation et l'enseignement de leurs enfants conformément à leurs convictions religieuses, philosophiques et pédagogiques, sont respectés..."

Le Pacte international relatif aux droits économiques, sociaux et culturels (1966) ainsi que le *Pacte international sur les droits civiques et politiques* déclare : “Les États parties au présent Pacte s’engagent à respecter la liberté des parents et, le cas échéant, des tuteurs légaux, de choisir pour leurs enfants des établissements autres que ceux des pouvoirs publics, mais conformes aux normes minimales qui peuvent être prescrites ou approuvées par l’Etat en matière d’éducation religieuse et morale de leurs enfants, conformément leurs propres convictions (Article 10.1 et 13.3).” Les deux conventions requièrent l’Etat de protéger le droit des parents à assurer l’éducation de leurs enfants “conformément à leurs convictions religieuses et philosophiques”.

Un rapport du Rapporteur spécial des Nations Unies sur le droit à l’éducation, M.Vernor Muñoz Villalobos confirme que l’instruction en famille fait partie des droits protégés par les conventions.

« ... l’instruction en famille représentent des options valides qui pourraient être développées dans certaines circonstances, en gardant à l’esprit que les parents ont le droit de choisir le type d’éducation qu’ils trouvent approprié pour leurs enfants, comme stipulé dans l’article 13 du Pacte International relatif aux droits économiques, sociaux et culturels. La promotion et le développement d’un système éducatif public financé par l’Etat ne doit pas entraîner la suppression d’autres formes d’éducation ne nécessitant pas une présence à l’école. »

La *Convention relative aux droits de l’enfant* reconnaît également le droit des enfants à une éducation, guidée et soutenue par leurs parents. Bien que la CRDE souligne l’obligation d’instruction et encourage la présence à l’école, elle reconnaît aussi dans l’Article 29(2) le droit des individus à une éducation hors institutions gouvernementales. L’éducation ne peut pas être réduite à la simple attendance scolaire et l’instruction en famille a plus que démontré qu’elle était une alternative légitime aux modèles éducatifs institutionnels.

Pour finir, nous tenons à souligner l’importance du pluralisme en matière d’éducation. Le risque qu’un système éducatif d’Etat uniforme

ferait courir à la démocratie et à la liberté est la raison pour laquelle l'Article 26(3) donne aux parents et aux familles un rôle prééminent dans l'éducation des enfants ; toute société libre doit garantir ce principe fondateur. Ainsi, en protégeant le droit à l'instruction en famille, un pays démontre son attachement à la liberté. Un attachement que le monde entier attend d'une grande démocratie telle que la France.

La légitimité indéniable de l'instruction en famille étant actée sous l'égide du droit international et des principes fondamentaux des droits de l'homme, nous vous invitons respectueusement à reconsidérer votre proposition d'interdire l'instruction en famille en France.

Cordialement,



Michael P. Donnelly, JD, LL.M.
Avocat Principal, Portée
Mondiale

MPD :tam

Annexe : Liste des organisations signataires

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December 8, 2020

President Emmanuel Macron
Palais de l'Élysée
55 rue du Faubourg-Saint-Honoré
75008 Paris
FRANCE

Re: Home Education in France

Dear President Macron,

By way of introduction, the Home School Legal Defense Association is an international organization located in the United States with our headquarters in the Washington, DC area. Our mission is to protect the right of parents to direct the education of their children and to advance the cause of homeschooling. With over 100,000 member families in all 55 of the United States and its territories and in 36 countries. I write on behalf of our members and undersigned organizations who represent millions of persons.

We are gravely concerned about and respectfully ask you to reconsider a proposed ban on the practice of home education in France. Such a proposal would affect tens of thousands of your fellow citizens who conscientiously and competently educate their children, but also many others whose governments look to France as an example. With all deference to the sovereignty of the French people, France's commitment to respecting fundamental human rights and dignity requires that families be protected in their right to choose home education.

Home education was already the fastest growing form of education in the world before the pandemic and has grown substantially in many countries. Homeschooling is a global movement that has been proven to deliver excellent academic, social, emotional and civic outcomes for children and countries. Scores of nations have large and growing homeschool networks that contribute to a robust, diverse, pluralistic and quality educational framework. Solid scientific research indicates that homeschooled children excel academically and do as well or better than their peers in other measures of attainment when compared to institutional school settings. There is no evidence that homeschooling contributes to separatism, parallel societies, or other harmful effects on society. Home educated children are as integrated into society as children educated in any other way.

I would like to point out that France has signed and ratified numerous international human rights agreements and declarations which protect the rights of families to choose home education.

The Universal Declaration of Human Rights, article 26(3) states that "parents have the prior right to decide" what kind of education their children shall receive. It is important to note that this section of the UDHR was included in response to the German National Socialist Party's nationalization of all schools for purposes of indoctrination and aggression.

The Charter of Fundamental Rights of the European Union also states in Article 14(3): "the right of parents to ensure education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected...".

The International Covenant on Economic, Social and Cultural Rights (1966) and *International Covenant on Civil and Political Rights* (1966) states: "The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with

their own convictions (Article 10.1 and 13.3).” Both Covenants require the state to protect the right of parents to ensure that the education of their children “conforms to their religious and philosophical convictions”.

A report by United Nation’s Special Rapporteur on the Right to Education Mr. Vernor Muñoz Villalobos confirms home education is part of those rights protected by the covenants.

“... home schooling represents valid options which could be developed in certain circumstances, bearing in mind that parents have the right to choose the appropriate type of education for their children, as stipulated in article 13 of the International Covenant on Economic, Social and Cultural Rights. The promotion and development of a system of public, government-funded education should not entail the suppression of forms of education that do not require attendance at a school.”

The *United Nations Convention on the Rights of the Child* recognizes the right of children to an education and also to the guidance and direction of their parents. Although the UNCRC emphasizes compulsory education and encourages school attendance it also recognizes in Article 29(2) the right of individuals to provide for education outside of state-run institutions. Education cannot be reduced to mere school attendance and home education has been conclusively demonstrated to be a legitimate alternative to institutional forms of education.

Finally, the importance of pluralism in education cannot be overstated. The risk posed to democracy and freedom from uniform state-run education for all children is the very reason Article 26(3) provides for the pre-eminent role of parents and families in the education of children; all free societies must strive to uphold this foundational principle. Thus, protecting the right of home education demonstrates a strong commitment to the principles of freedom, which are to be expected from democratic societies such as France.

Re: Home Education in France

December 8, 2020

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Considering the recognized legitimacy of homeschooling in practice, under international law, and in light of the fundamental principles of Human Rights we respectfully request and urge that you reconsider the proposal to effectively ban home education in France.

Sincerely,

A handwritten signature in blue ink, appearing to read "m p d" followed by a flourish.

Michael P. Donnelly, JD, LL.M.
Senior Counsel, Global
Outreach

MPD/tam

Enclosure: Table of Signing Organizations

Liste des organisations signataires

Coordination des Associations et des Particuliers pour la Liberté de Conscience
NGO with ECOSOC consultative status
Registration on EU Transparency Register 628479527756-78
Civil society platform of Fundamental Rights created by the EU FRA
Member : European Federation for Freedom of Belief
Member : European Network Of Religion & Belief ENORB
CAP Liberté de Conscience

Greg Mitchell
Chair, International Religious Freedom Roundtable

Faith J.H. McDonnell
Institute on Religion and Democracy

Shariq Abdul Ghani
Director
Minaret Foundation

Patricia Duval
Human Rights Attorney
Paris, France

Alan Rick Miranda
Brazilian federal deputy
Brazilian Chamber of Deputies

Dr. William T. Devlin
co-chair, Khartoum Sudan International Religious Freedom Roundtable

Michelle Nguyen, Coordinator, Vietnam Coalition Against Torture

Kathy Kistler, Director, Pioneer Family Academy

Carlos Vinícius Brito Reis
Director of Institutional Relations of the National Association of Home Education
in Brazil - ANED
Board Member at the Global Home Education Exchange - GHEX

Angélica Pineda Franky
Founder and researcher Family 21 Foundation. Bogotá D.C., Colombia.

Director Assistant and Advisor Clonlara School Spanish Speaking Program
LatinAmerica

Marek Budajczak, PhD, prof. at the University of A. Mickiewicz in Poznan,
Poland, president of Instytut Educatio Domestica.

CESNUR - Center for Studies on New Religions

Bitter Winter - an international magazine on religious liberty and human
rights

Freedom2Care

White Mountain Research Group

Dr. Gregory P. Seltz
Executive Director, LCRL
Speaker Emeritus, The Lutheran Hour

Inez Stepman
Senior Policy Analyst
Independent Women's Voice

Brandon Dutcher
Senior Vice President
Oklahoma Council of Public Affairs

Maureen Blum
Executive Director
Invest in Education Foundation

Gabriel Curcubet
Found & President
Romanian Home Schooling Association

John J. Collins
Chief Financial Officer
Classical Conversations, Inc.

Robert Bortins
CEO
Classical Conversations, Inc.

Susan Johnson
Graceducators

Julianne Sherman
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St Thomas Aquinas Home Academy

Kimberly S. Winters
Director of Operations
MICHN - Michigan Christian Homeschool Network

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Chairman
The South Carolina Association of Independent Home Schools (SCAIHS)

Zan Tyler
Founding Board Member
The South Carolina Association of Independent Home Schools (SCAIHS)

Angie Rouse
Board Member
Westside Christian Homeschool Co-op

Shirley Erwee
Spokesperson for the Liberty in Learning Coalition
South Africa

Christine Sybert
PharmD, Clinical Pharmacist (and homeschooling mom)
Ascension St. Agnes Hospital

Dr. Stephen M. Krason, Esq.
President
Society of Catholic Social Scientists

Julie a. Schaul
Owner
Santa Cruz Fulltimers

Takahiro Sasaki,
Director
Homeschool Association of Japan

John C Poe
Former President
DE Home Education Association

Jennifer Fashian
President
Firstfruits Homeschool Group

David Watkins
Chairman of the Board of Directors
National Alliance of Christian Home Education Leadership

Janine Schneider
Director Emeritus
Rockford Area Roman Catholic Home Educators

Elisabeth Dunn
Registrar
High Day Homeschool Co-op

Jennifer Swanson
Fieldhaven Academy Homeschool

Timothy J Vince BA(Hons) MSc
Director
The European Academy of Christian Homeschooling

Agnė Kundrotienė
Executive
Lithuanian Homeschooling Association

Mr. Jeffrey G. Denninger
Homeschool Parent
Immanuel Academy

Mrs. Susanna L Denninger
Homeschool Parent & Teacher
Immanuel Academy

Krista L. France
President & Executive Director
N-TECH, Inc.

David Jones
President of CAPE-NM.

Debra A. Bell, PhD
Executive Director, Aim Academy
Vice-Chair, Global Home Education Exchange

Davis Carman
President
Apologia Educational Ministries

Laksmi Maluya
President
Homeschool Association of the Philippine Islands Inc.

Terri Mathews
Director
Cahaba Academy

Brooke Carsey
Head of School
Rancho Camino Academy

Viktor Kostov, Ph.D.
Lawyer, *Freedom for All*, Bulgarin Human Rights and Publishing Organization

Aubry Dyakon
Director of Classical Education
Granite Classical Tutorials

Name: Janet Wunder, M.Ed.
Founder & CEO
Flexonedu, GERMANY

Imre Szoke
President
Hungarian Homeschooling Association

Anjoli Gallo
Organizer
Dade Broward Homeschoolers

Cam Highfield
Founder and CEO
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Emily and Christopher Lauderback
Co-Founder and Administrator
CHRSM (Catholic Homeschool Resource and Support Ministry)

Peter Stock
Executive Director
Canadian Centre for Home Education

Gretchen Lee
Co-Administrator of Sigonella Homeschoolers,
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Jonathan Erwee
Manager
Online GED Prep, South Africa

Martin Woods & Allison Carmichael
Indigoextra

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Homeschool Mom of 25 years, Group Leader/Facilitator
MEMO (Moms Encouraging Moms of Okeechobee)

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Founder & CEO
SPED Homeschool

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Dr. Terry Harding
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Nebraska Homeschool - The Home Educators Network, Inc
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Jessica Howell, Secretary/Treasurer
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Julie Knutson, Member-at-Large; Legacy Yearbook Coordinator

Maria Cooksley, Member-at-Large; Field Trip Coordinator
Tricia Croushorn, Member-at-Large; Past President

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Instruire en Liberté – Vaud, Switzerland

UNITED SIKHS

Church or Scientology National Affairs Office

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