



Press release

Paris, December 4, 2020

## French Council of State about to declare Macron's ban of Homeschooling unconstitutional

***The highest French administrative jurisdiction plans to dismiss forced schooling for 3-years-olds in its notice on the government's law project against radical Islam and separatism. Ignoring this notice would take the French government down a slippery road, potentially leading to the law being rejected later on by the French Constitutional Council.***

"I took a decision, the most radical one since the 1882 laws and the one ensuring gender diversity in schools in 1969," said French President Macron about his proposal to completely ban homeschooling in France except for medical reasons. Too radical? The question was discussed this Thursday by the Council of State, which is about to issue a notice on the law project against separatism.

In a press article published in this Thursday's edition of *Le Parisien: Aujourd'hui en France*, one can learn that the working document for the Council of State's notice declines all proposals about homeschooling: *"This ban is not supported by reliable and documented evidence on the reasons, conditions and results of the practice of teaching within the family; it has not been established, in particular, that the parents' motives relate in a significant way to a desire for social separatism or a challenge to the values of the Republic. In these conditions, the transition from a regime of framed and controlled freedom to a regime of prohibition does not seem sufficiently justified and proportionate."* It then adds: *"The Council of State, therefore, excludes from the law project the provisions relating to home education."*

This eagerly awaited notice has to be confirmed in the general assembly of the State Council. The government, which will make the law project public on December 9, is not required to follow this notice, but then the president would take a major risk, on both legal and political fronts. Indeed the Council of State considers his homeschooling ban “unconstitutional.” Therefore, this measure would likely be censored by the Constitutional Council at the law’s promulgation, and never be applied.

Resources:

“Le Parisien”

<https://www.leparisien.fr/politique/lutte-contre-les-separatismes-la-scolarisation-obligatoire-a-3-ans-sur-la-sellette-03-12-2020-8411974.php>

Petition to maintain the right for home education in France:

[https://www.mesopinions.com/petition/enfants/maintien-droits-instruction-famille/107871?fbclid=IwAR0UOXEieUogcP0Q86jnHH0Q9ECMnjpmCAC\\_LSiB1P-12OZyJD5kB\\_Jw\\_2w](https://www.mesopinions.com/petition/enfants/maintien-droits-instruction-famille/107871?fbclid=IwAR0UOXEieUogcP0Q86jnHH0Q9ECMnjpmCAC_LSiB1P-12OZyJD5kB_Jw_2w)

**About FELICIA, Unie, EELM and Cours Pi**

**Felicia - Federation for the free choice of instruction and learning, links up more than 30 national and local home education associations, online curricula and independent schools.**

**Unie association links up 5,300 schooling and homeschooling families where mutual aid is the key word.**

**EELM collective represents and defends formal learning within home education.**

**Cours Pi - correspondence school since 1993, accompanying 3400 pupils from kindergarten to high school in France and around the world**

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