

« Homeschooling »

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I. Why not schooling?

There are various reasons why some families decide not to send their *children* to school. These include :

- a. the desire to respect *children's* rhythms and motivations;
- b. the desire not to place the *child* in a dominant/dominated relationship;
- c. the desire not to put the *child* in a situation of unhealthy competition;
- d. the desire to maintain a high-quality family life;
- e. the desire to play a full part in their *child's* education;
- f. the need to deal with problems of ill-being in the school environment;
- g. the need to adapt instruction to the *child's* profile or condition: autism, disability, illness, giftedness, etc;
- h. respect for the *child's* choice as a subject with rights;
- i. the choice to rely on human and moral values that encourage collaboration, mutual aid and social inclusion, in a form of governance that is more horizontal than that practised within the school system;
- j. the need to adapt *children's* education to family travel, whether professional or personal;
- k. the lack of alternative educational provision to the conventional school system.

As confirmed by the results of various university research studies, this educational choice is the result of a humanist family approach, based on the spirit of fundamental rights and having absolutely nothing to do with individualism, separatism or radicalisation.

In practice, each family seeks and finds the path that suits them: formal or informal learning, or even a mixture of the two, in a flexible way and *ultimately* by adapting to the particular needs of the learner.

It should be emphasised that the official term "homeschooling" does not reflect reality, as it immediately situates this form of education in a limited, restricted domestic setting and gives the impression that it is confined to the family environment, without conveying the richness of its openness to the outside world.

Outside school, learning can take place in a variety of social contexts, with others, in real life and in the world.

Outside school, socialisation is not limited to a pseudo-compulsory gathering of young people by age group or social category, subject to vertical governance.

Every family and every young person is a special case!

2. What does "compulsory education" mean?

The term "compulsory education" emerged in the context of the debates that took place during the drafting of the Universal Declaration of Human Rights (UDHR), in reaction to the atrocities committed during the Second World War.

By signing it in 1948, the Member States undertook to promote universal respect for, and observance of, fundamental freedoms and human rights. Merging fundamental freedoms and human rights into a single document represented a significant philosophical and diplomatic advance.

The process of drafting Article 26 on the **right to education**¹ began in June 1946, when the United Nations set up the Commission on Human Rights to help prepare and draft the first international declaration of human rights.

The right to education is intended to enable the realisation of other fundamental rights. Consequently, it is a right to autonomy, a right to **peace** and to the protection of **dignity in** order to preserve our **humanity**.

This right must be exercised within a **balance of power**, to protect individuals from the arbitrariness of a State that would be judge and jury.

Consequently, the word "compulsory education" must be interpreted as meaning that no one (neither the State nor the family) can prevent a *child from* receiving elementary education, but that **the idea of coercion can in no way be applied to it**.²

The term "compulsory education" means that all young people have the opportunity to learn, so that they can develop as individuals in society.

This **obligation** to respect every young person's right to education **therefore applies to the State and the family**, but in no way implies that the young person is forced to attend a school.

¹ 4-minute video script produced by ALLI asbl explaining the right to education (subtitles in 8 languages)
<https://www.youtube.com/watch?app=desktop&v=Ot7AJMJ9SQ>

² <https://unesdoc.unesco.org/ark:/48223/pf0000380161>

3. Know your rights

At present, while national governments are supposed to provide free and compulsory education for all without delay, the right of parents to choose their *child's* mode of education is, according to the UN, "violated to a greater or lesser extent in all countries of the world". This failure to recognise the right of parents is detrimental to the *child's* right to education. It is therefore essential to be fully aware of one's rights, both as a parent and as a *child*.

A. Fundamental rights (superior laws)

According to article 26 of the Universal Declaration of Human Rights :

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory³. Technical and vocational education shall be made generally available; access to higher education shall be open on a basis of full equality to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial and religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have, as a matter of priority, the right to choose the kind of education to be given to their children.

For the international community, Article 26 represented a significant break with the past and introduced a new definition of the right to education, explicitly stating the **prior right of parents to choose as a matter of priority the mode of education of their *child***, imposing **significant new restrictions on the nature and extent of State intervention**.

The right to education, as defined in Article 26, is based on the principle that the State must guarantee universal access to education, but that the primary responsibility for this education and the right to determine it rests with the parents. Control of education could not be left to the sole discretion of the State; parents had to be free to determine the spirit in which they wished their *children* to be educated.⁴

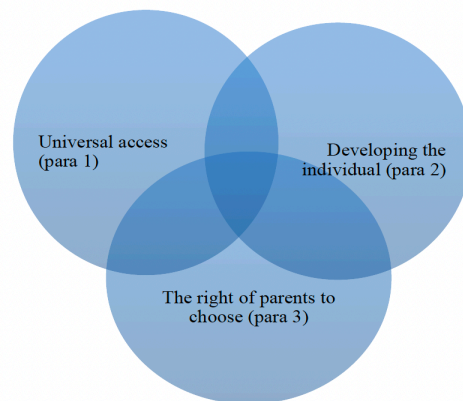
This principle corresponds to article 16 of the UDHR, which states that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State", and to article 12, which guarantees that "no one shall be subjected to arbitrary interference with his privacy, family or home.... Everyone has the right to the protection of the law against such interference or attacks" (UN, 1948).

³ See chapter 2 on the meaning of the term "mandatory".

⁴ <https://unesdoc.unesco.org/ark:/48223/pf0000119720> World education report, 2000: The right to education; towards education for all throughout life p.92-107

In the diagram below, the right to education is represented by three interdependent components, which interact not only with each other but also with the surrounding environment, without implying any hierarchical order:

- the first deals with access to education,
- the second with the content or objectives of education and
- the third affirms the primary right of parents to choose the type of education to give their *children*.



It is only when the three components interact together that the right to education is guaranteed - the whole (the right to education) is therefore greater than the sum of its parts. This interpretation of Article 26 also confirms that the three components are interconnected and that a change in policy affecting one of them will also influence the others.

This underlines the importance of recognising and taking into account the hidden costs and unintended consequences that are so often associated with government interventions in education. **Indeed, neither government policy nor parental choice should undermine the objectives of education.**

Parents' real freedom of choice is proportional to the reality of the educational diversity available. Are there enough different schools and are they affordable for all parents?

Moreover, there is an obvious contradiction between the state's monopoly on education and the guarantee of parents' right to choose how their *children* are educated. As Huxley (1951) has already pointed out, this contradiction is comparable to the guarantee of citizens' right to choose their representatives in one-party countries.

In other words, if parental choice cannot be exercised because of the lack of diversity in the educational landscape, non-schooling remains the only area accessible to the greatest number that allows genuine freedom of educational choice while respecting fundamental rights.

B. Luxembourg legislation

a. Constitutional law and the European Charter of Fundamental Rights

Article 2 of the new Luxembourg Constitution, which came into force on July 1st, 2023⁵ states that the Luxembourg nation is founded on the principles of the rule of law and respect for human rights.

On education, article 33 states that :

(1) Everyone has the right to education.

(2) The State shall organise education and guarantee access thereto.

The length of compulsory education is determined by law.

Public elementary and secondary education is free.

(3) Freedom of education shall be exercised with respect for the values of a democratic society based on fundamental rights and *public freedoms*⁶.

State intervention in private education is determined by law.

(4) All persons are free to study in Luxembourg or abroad and to attend the universities of their choice. The conditions for the recognition of diplomas are determined by law.

In Article 15 §5, the Luxembourg Constitution also states that :

"The best interests of the *child* shall be a primary consideration in any decision affecting the child. Every *child* may express his or her views freely on any matter affecting him or her. His or her views shall be taken into account, having regard to his or her age and understanding. Every *child* has the right to such protection, measures and care as are necessary for his or her well-being and development.

In the hierarchy of laws, the Luxembourg Constitution has supreme legal value, taking precedence over all other national laws⁷.

It is also important to remember that, since it involves implementing European Union rights, in particular the right to education and the rights of the child, the European Charter of Fundamental Rights - a *very modern catalogue of human rights* - is legally binding on the Grand Duchy of Luxembourg as a Member State of the European Union.

The European Parliament has emphasised that "national authorities (judicial authorities, law enforcement agencies and administrations) play a key role in giving practical effect to the rights and freedoms enshrined in the Charter".

This European Charter of Fundamental Rights has the same value under Luxembourg law as international treaties, as well as other charters or covenants that are just as relevant.⁸

⁵ <https://legilux.public.lu/eli/État/leg/constitution/1868/10/17/n1/consolide/20230701>

⁶ We will explain what is meant by the notion of *public freedoms* and that of *dignity* in a forthcoming publication.

⁷ <https://op.europa.eu/en/publication-detail/-/publication/ed1f87aa-e244-11e8-b690-01aa75ed71a1/language-fr/format-PDF>

⁸ Examples include Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the European Charter for Regional or Minority Languages and the Charter of Social Rights.

b. International treaties under Luxembourg law

In Luxembourg, the law of **29 August 1953** (Mém. 53 of 29 August 1953, p.1099) approved the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, and the Additional Protocol, signed in Paris on 20 March 1952, so that :

"No one shall be denied the right to education. The State, in the exercise of its functions in the field of education and teaching, shall respect the right of parents to ensure such education and teaching in conformity with their religious and philosophical convictions".

In Luxembourg, it has also been accepted for several decades by the courts that an international treaty takes precedence over national law.

The European Convention on Human Rights (ECHR) was incorporated into Luxembourg domestic law on 3 September 1953. Since then, it has been clearly stated that the Convention applies in Luxembourg law, as do other texts of international law (treaties), as long as **their content is sufficiently clear and precise**. This means that any citizen can invoke one of the articles of the Convention directly before a court, whether it be a criminal court, a civil court, a commercial court, etc.⁹

The **International Convention on the Rights of the Child (CRC)** was ratified by the Luxembourg Chamber of Deputies in December 1993. With this ratification, the Grand Duchy undertook to respect the rights set out in this text: the right to the best possible health care, to education, to protection against all forms of violence, to protection against discrimination, to intimacy and protection of privacy, to participation, and so on.

The United Nations has issued a number of recommendations to clarify the content and interpretation of human rights¹⁰ and the Convention on the Rights of the Child (CRC)¹¹.

Noting that *children* and young people are the silent victims of global bureaucracies, whose creative statistics and evasive vocabulary mask their inability to translate their promises into reality, the late UN Special Rapporteur Katarina Tomaševski drew up her conclusions in a global report in 2006¹² and launched a website entirely dedicated to protecting the right to education¹³.

⁹ Source : La Charte Européenne des droits fondamentaux et son application en droit luxembourgeois - Une avancée modérée pour les droits de l'homme François Moysse Dossier Europäische Verfassung Forum 244 März 2005 - Internet

¹⁰ UN recommendations on the interpretation of human rights

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=fr&TreatyID=5&DocTypeID=11

¹¹ UN Recommendations on the interpretation of the Rights of the *Child*

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=fr&TreatyID=5&DocTypeID=11

¹² <http://katarinatomasevski.com>

¹³ <https://www.right-to-education.org/page/understanding-education-right>

c. National law

Finally, the humanist values of fundamental rights are also reflected in national legislation.

The **new law of 20 July 2023**¹⁴, which came into force on 31 July 2023, repeals the law of 6 February 2009 on compulsory education.

However, the amended law of 6 February 2009 on the organisation of elementary education is still in force.¹⁵

- The law of 20 July 2023 extends compulsory schooling by 2 years until the age of **18**, so the State must provide every young person with a place in a school until the age of 18 **from the start of the school year in 2026**.
- **Authorisation** must now be sought from the regional director for home schooling at elementary level, and from the Ministry of Education for home schooling at secondary level.
- The **Minister** is responsible for **monitoring** compliance with compulsory education.
It is no longer necessary to inform the local authority of the choice of home schooling.
- However, the **local authority** must be **informed** if the young person is enrolled in a **private** educational establishment¹⁶.
- In the event of enrolment in a **foreign** educational establishment, a **certificate** must be **sent to the Minister within eight days** or any **change** in the arrangements for meeting compulsory schooling must be notified (art. 8).

The Ministry of Education is now responsible for monitoring compliance with compulsory schooling. To do this, data from the national register of natural persons is cross-referenced on a monthly basis to detect any persons holding parental authority who fail to comply with the law. They are then given formal notice to comply by registered letter.

If they fail to provide a certificate of enrolment or a home education authorisation within 8 days from the date of receipt of the formal notice, the Minister will inform the youth court with territorial jurisdiction.

¹⁴ A 460 - 3 JOURNAL OFFICIEL du Grand-Duché de Luxembourg MÉMORIAL A - 460 of 27 July 2023
<https://www.legilux.public.lu/eli/État/leg/loi/2023/07/20/a460/jo>

¹⁵ Law of 20 July 2023 on compulsory education - Article 13: Only Article 42 of the [Law of 6 February 2009](#) on the organisation of elementary education has been amended.

¹⁶ Law of 20 July 2023 on compulsory education - Article 7 (3) Persons with parental authority who intend a minor in elementary education to fulfil the compulsory education requirement other than by enrolment in a public elementary education establishment in the school district of their place of residence inform the burgomaster in writing. If necessary, the Burgomaster will immediately remove the minor from the public school within the jurisdiction of his or her place of residence.

In fact, article 9 of the law of 20 July 2023 stipulates that :

Art. 9.

- (1) The Minister is responsible for monitoring compliance with compulsory schooling on a continuous basis and at least once a month.
- (2) Checks are carried out by cross-referencing the data in the national register of natural persons concerning minors subject to compulsory education with the data provided for in article 8.
- (3) If the Minister finds that a minor is subject to compulsory education :
 - 1° failure to enrol in the compulsory courses, activities and placements provided for in Article 5(1), or
 - 2° in the event of failure to enrol as referred to in point 1°, the absence of **authorisation for home teaching**, or
 - 3° the absence of at least forty-eight lessons in the course of a school year from the compulsory courses, activities and placements provided for in Article 5(1) without justification on one of the grounds referred to in Article 10(2), it shall give formal notice by registered letter with acknowledgement of receipt to the persons having parental authority to comply with the law.
- (4) **In the event of failure to enrol in the compulsory courses, activities and training provided for in Article 5(1) or to obtain authorisation for home education within eight days from the date of receipt of the formal notice, or in the event of a further unjustified absence from the date of receipt of the formal notice, the Minister shall inform the youth court with territorial jurisdiction.**

The law of 20 July 2023 imposes **compulsory schooling from the age of 4, which will be extended from 16 to 18 by the start of the school year in 2026**¹⁷ :

Art. 4.

- (1) All minors who have reached the age of four before 1^{er} September and who are habitually resident in the Grand Duchy of Luxembourg are subject to compulsory education.
- (2) Compulsory schooling ends at the age of eighteen or, before the age of eighteen, on obtaining :
 - 1° a diploma or certificate certifying completion of secondary education or vocational training, awarded by a Luxembourg public establishment or by a private establishment approved by the Luxembourg State; or
 - 2° another diploma or certificate recognised as equivalent to one of the diplomas or certificates referred to in the previous point by law or by decision of the Minister responsible for National Education, hereinafter referred to as the "Minister".

For young people aged between 4 and 12 on 1 September, who are involved in elementary education, authorisation must be sought from the director of their district, stating the reasons for the request, in order to teach at home.

¹⁷ https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2023/07-juillet/13-meisch-scolarité.html

However, articles 19 and 21 of the law of 6 February 2009 on the organisation of elementary education remain valid:

Art. 19.

Every *child* living in the Grand Duchy **must attend the communal school in the school district of his or her commune of residence, unless** he or she is enrolled in another communal school in his or her commune of residence, in a State or European school, in a public school or in a school abroad or **if he or she receives home education.**

Art. 21.

Parents who wish to have their *child* home-schooled must state their **reasons** in their application and request authorisation from the district inspector. This authorisation may be limited in time. Home schooling must be aimed at acquiring the **core** skills defined in the curriculum. In duly justified circumstances, in particular if the parents wish their *child to receive* distance education, the district inspector may grant **exemption** from one or other of the subjects provided for in article 7. Home schooling is subject to supervision by the inspector.

If it is found that the education provided does not meet the **criteria** defined above, the pupil will be automatically enrolled in the school in his or her commune of residence. The same will apply if the inspector refuses to carry out the inspection.

The list of directors of elementary and secondary education is available from this link <https://men.public.lu/fr/support/annuaire.html> (if the link no longer works, do a search on 'MENJE' + 'annuaire')

Below is an example of a request for authorisation for a young person who is in elementary education:

Mr or Mrs Director X

Address....

L-....

Place, Date

Sir, (Madam)....

In accordance with article 21 of the law of 6 February 2009 on the organisation of elementary education and the law of 20 July 2023 on compulsory education currently in force, we request your authorisation to teach our *child* X (Matricule nr....) at home from.....

Reasons:

Indicate your reasons, which must be in the child's best interests

We look forward to meeting you in the very near future to explain our educational choices, which will enable our *child* to benefit from and have access to an education appropriate to their needs.

Sincerely

Family....

On request, we can proofread your draft letter to check compliance with the law.

For young people aged between 12 and 16 on 1 September, and 18 from 1^{er} September 2026, home schooling at secondary level is now also subject to authorisation. However, there are no specific regulations, as there are for home schooling at elementary level.

Yet, article 1 of the law of 20 July 2023 on compulsory education specifies that:

Art. 1

"All education shall contribute to imparting to the person receiving it, in addition to knowledge and skills, **respect for oneself and one's identity, a sense of responsibility, respect for others, respect for pluralism of opinions and beliefs, respect for the values of a democratic society based on fundamental rights and public freedoms, respect for the national culture, respect for pluralism of cultures and respect for the natural environment.** It fosters personal **fulfilment and autonomy**, creativity, confidence in one's abilities, and the development of one's gifts and mental and physical aptitudes to the full extent of one's potential, without distinction of any kind. It enables them to acquire a general culture and prepares them for further studies and lifelong learning, for **shaping their own lives and life in society, for professional and social life and for exercising their rights and responsibilities as citizens in a free democratic society, in a spirit of understanding, peace, respect, gender equality and friendship between all peoples and ethnic, national, philosophical and religious groups.** It enables those who benefit from it to acquire a culture of the contemporary information and communication society and enables them to observe and **understand the society of today and tomorrow**, as well as to grasp how it functions and the challenges that lie ahead.

The law of 20 July 2023 does not specify the reasons for the request. All that is required is a simple request for authorisation, addressed to the person in charge of home schooling at secondary level, whose contact details are given below:

Secondary Education Department (ES)

Telephone	Name	Title	Function	Email
85246	BARTOCCI Yannick	Professor	Home teaching	yannick.bartocci@men.lu

<https://men.public.lu/fr/support/annuaire.html?idMin=646>

Finally, it should be remembered that, according to article 2 of the law of 16 December 2008 relating to child and family support:

"In all decisions concerning *children*, the *child's* best interests must be a primary consideration..."

For more details or additional questions, see the comments in the following chapters ("In practice..." and "FAQ") or contact us by email at alliasbl@gmail.com.

4. In practice...

Human rights were created to protect individuals from arbitrary government action. In this context, it is worth noting the following declaration¹⁸, which is very timely, especially as freedom of education must be exercised with respect for the values of a democratic society founded on fundamental rights and public freedoms under the Luxembourg Constitution.

"If the highest ideals of truth can only be pursued in a free society, it is extremely important that education, the official cradle of truth-seekers, reflects an awareness of the factors in our society that can impede the free flow of individual thought and action.

Democracy implies the freedom to think, to disagree and to make lawful changes in the interests of all. It is a flexible and responsive form of government, difficult to describe in fixed terms.

Democracy is not the result of imposed or structured political practices, but a dynamic and liberating force, fuelled by the people themselves. It can only thrive and flourish if its citizens are free to constantly seek out new ideas, new models and new theories to replace outdated knowledge, in an effort to serve an ever-growing population in the future.

A true democracy is a free and responsible society, and one of its aspects cannot exist or make sense without the other".

In its opinion of 18 March 2008¹⁹, the Conseil d'État noted the need to develop alternative methods and deplored the fact, fifteen years later, that "attractive alternative teaching methods are still not in place for all young people subject to compulsory education and, in particular, for those at risk of dropping out of school".²⁰

While all education should promote personal **fulfilment** and **autonomy**, creativity, confidence in one's abilities, and the development of one's gifts and mental and physical aptitudes, what we see in practice is that teachers, whether in institutions or at home, are all too often reduced to sacrificing teaching freedom on the altar of a diktat of bureaucratic and dogmatic standards.

How can we teach autonomy without allowing autonomy?²¹

¹⁸ This statement comes from the committee set up in 1965 by the Ontario government to conduct a study into the aims and objectives of education in the province. The authors begin a chapter entitled "The Search for Truth in a Democratic Society".

¹⁹ Opinion of the Conseil d'État (18.3.2008) N° 57585 Chambre des Députés Ordinary session 2007-2008 - Draft law on compulsory education.

²⁰ Opinion of the Conseil d'État (23.12.2022) Chambre des Députés Ordinary session 2022-2023 - Bill relating to compulsory schooling n° 7977.

²¹ <https://www.banquedesterritoires.fr/le-senat-adopte-une-proposition-de-loi-dautonomisation-des-ecoles#:~:text=The%20parents%20of%20the%20enrolled%20children,article%20of%2027%20september%202022>

In Luxembourg, generally speaking, as far as we know, there are very few refusals of authorisation and school enrolment orders are also rare.

Families often say that they are very satisfied with their dealings with the people responsible for monitoring home schooling at elementary level, but less so with certain district directors. Opinions are more mixed regarding monitoring at secondary level.

In the event of disagreement, the family's posture and commitment will be decisive. Dialogue based on mutual respect and a spirit of cooperation is essential. Drawing on their experience, families are generally able to defend their educational choices and values. Most of them will therefore be able to avoid having an educational approach imposed on them that they do not agree with and that they feel is harmful, while at the same time being able to listen to what might be relevant and beneficial to promote learning in each situation, in the best interests of the *child*.

A. The most frequent cases of disagreement :

a. Students with special needs

The headmaster's office sometimes feels it has to impose schooling on young people with *special needs* because, in its view, its teams of experts are more competent than parents to deal with certain categories of special needs, particularly in the case of learning disabilities.

It is then up to parents to show that remedial action, if necessary, can also be taken outside school, or that a specific need can be better catered for thanks to their commitment, supplemented by external private help, or even managed in a very different and effective way, thanks to the particularities of the learning environment outside school.

To mark Dyslexia Day, our association interviewed a number of out-of-school educational players who shared their experience of providing support for dyslexia and learning to read. These interviews can be viewed in French and English [here](http://www.fhree.org/4-10-dys-sde/)²² and automatic translations from Youtube are available in many languages. We did not have the opportunity to do this work for other specific needs, in non-standard contexts, but it would undoubtedly be enriching and any testimony is welcome.

In a society that claims to be democratic, it is important to defend the right to be different and to let families explore other ways, so as to inspire change in the interests of all.

²² <http://www.fhree.org/4-10-dys-sde/>

b. Assessment practices

Many non-schooling families are very critical of the way in which some directorates carry out assessments and control tests.

It has been reported that :

- a control interview was conducted solely in French, the secondary language, for a Luxembourgish-speaking learner in the first year of Cycle 4 (10-year-old *child*);
- tests carried out in the first year of nursery school (*spillschoul*) were not adapted to the *child's* age or to the expectations of the curriculum. This led to an abusive schooling injunction being brought before the court in summary proceedings, which is still awaiting judgment;
- a maths test was taken in French for a young Luxembourg secondary school pupil, despite an exemption for learning French as part of his home schooling authorization.
This led to an abusive schooling injunction being brought before the court, which is still awaiting judgment;
- some directorates carry out tests lasting several hours on young people in their second year of elementary school, or even nursery school (*spillschoul*);
- checks are very often experienced as intrusive and authoritarian, stressful and distressing, especially for young people, and also questionable from the point of view of fulfilling the right to education.

The practice of standardised assessment is widely questioned within the school environment, as a deleterious practice that can have a negative impact on self-esteem when imposed in an authoritarian manner²³ and therefore prejudice the realisation of the right to education.

Self-assessment practices are entirely possible, but not systematically implemented according to the directorates, which do not necessarily make the effort to adapt to the situation as required by article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Luxembourg.

At a recent conference²⁴ organised by Harvard University in the USA, representatives of *microschools* and *charter schools*, which have proliferated in recent years as more nimble alternatives to state schools, albeit supported and controlled by public funds, said that what hampers their performance is clearly the incompatibility of assessment practices and the imposition of an overly rigid curriculum.

Across the world, this observation is similar and deplorable.

²³ In the UK, this site has a wealth of information on the subject <https://www.morethanascore.org.uk/>

²⁴ <https://www.hks.harvard.edu/centers/taubman/programs-research/pepg/events/emerging-school-models>

c. Mastery of the skills set out in the syllabus

Although the Luxembourg elementary education study plan was made more flexible in 2011 and is currently being modernised (see 5. FAQ point c), it is still far from being sufficiently flexible in relation to what would be needed to better realise the right to education.

For example, the private study programme of the American organisation Clonlara is adaptable to the pupil so that learning takes place at the right time, according to his or her interests, needs and objectives.

Some Ministry of Education officials require families to undertake to "respect the study plan". Article 21 of the law of 6 February 2009 on the organisation of elementary education states that: "Home schooling must be **aimed at acquiring the core skills** defined by the study plan".

In the context of homeschooling in Luxembourg, what is meant by "respecting the study plan" is therefore at the mercy of the Ministry of Education staff's appreciation, their open-mindedness and their ability to overcome their own fears in order to let go and trust, so as to enable the path to autonomy.

Although recognition of non-formal learning has gained ground, independent learning is still a cause for concern. However, the slogan of Summerhill School, where independent learning has been practised for over 100 years, is explicit in this respect: « Freedom not licence! ». Freedom does not mean that everything is allowed. In this school, everyone is *free* to behave as they wish, as long as their behaviour is not excessive and remains respectful of others. And because they have been given a sense of responsibility in this way, the pupils become autonomous and responsible adults.

This stance is entirely consistent with the spirit of human rights. The important thing is not to prevent learning and to do what is necessary to enable it to take place, and not to impose what must supposedly be learned, under such conditions, at such time and in such order, while continuing to believe that it is effective, despite empirical evidence to the contrary.

Unfortunately in Luxembourg, some families continue to pay the price for a rigid and bureaucratic application of the skills base expectations, left to the free will of a directorate supported by its ministry, which makes no real attempt to distinguish between the two, even though this would be in everyone's interest.

d. The issue of multilingualism

Article 4 §1 of the Luxembourg Constitution states that the language of the Grand Duchy of Luxembourg is Lëtzebuergesch and that the law regulates the use of the Lëtzebuergesch, French and German languages.

In order to meet the needs of the population and society, school provision has diversified in terms of languages of instruction and continues to become more flexible²⁵. However, the development of multilingual skills remains on the agenda (Art. 3 §2(1°) law of 20 July 2023) and makes sense from the point of view of social cohesion.

In the past, allophones have been refused permission to leave school, and schooling has been ordered on the grounds that a young person does not have a sufficient command of German or French, for example (except in the case of "visiting" families).

Since elementary education in state and public schools can also be provided in German, French or English, by analogy and fairness, this possibility should also be granted to families outside schools.

However, the authorities encourage families to learn the Lëtzebuergesch language. Only those families who are genuinely committed to this approach, make the effort to learn²⁶ and maintain multilingual social contacts, will ensure that their *children have* a real command of Lëtzebuergesch, which will promote their social inclusion within Luxembourg society.

So it's a question of choice and will.

But not everyone is equal when it comes to language learning.

To add insult to injury, this imposed multilingualism leads some young people to fail at school, so the diversity of choice of languages of instruction is a real boon to individual development.

²⁵ Example of this Grand-Ducal regulation in 2022: <https://legilux.public.lu/eli/etat/leg/rgd/2022/07/08/a353/jo>

²⁶ What you can do for free on the www.llo.lu platform

B. The issue of justiciability

There is no denying that there is an imbalance of power that has a negative impact on the right to be heard. There is also an undeniable problem with the justiciability of this right.²⁷

In particular

- the UN protocols are not really respected and young people are not heard impartially, nor in a context of ideological neutrality; they are insidiously influenced and manipulated in their choices and when this results from State representatives, it is very problematic.
- in the event of a request for an appeal for clemency in the face of a refusal by a director, the Ministry is not impartial and takes the side of its civil servants. In response to precise questions adapted to each case, we receive evasive answers that do not seek to distinguish between the best interests of the *child*.
- if a case is challenged in court by way of summary proceedings²⁸, the legal procedure is long and costly²⁹ and in the meantime, *the child* has to attend school even though the case has not been decided, without any consideration for the *child's* rights or those of the parents.
- the *children's* rights body, Okaju, although responsive and fair, is practically powerless in the face of such situations.
- school mediators also have to have their cake and eat it too, and don't really have much power to change the situation.

In the end, these two bodies, which are supposed to act as safeguards against the arbitrariness of the State, are relatively ineffective and under-represented, so that by the time they take their case to the European Court of Human Rights, *children* are adults.

So what can be done to hasten justice, so that *children's* right to education is preserved, according to their needs, during their childhood?

²⁷ See UN report of 10 May 2013 A/HRC/23/35 on the justiciability of the right to a fair trial.
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/135/65/PDF/G1313565.pdf?A/HRC/23/35>

²⁸ <https://guichet.public.lu/fr/entreprises/sectoriel/justice/recours-administratifs.html>

²⁹ <https://guichet.public.lu/fr/citoyens/citoyennete/voies-recours-reglement-litiges/frais-avocat/demandeur-assistance-judiciaire.html> If you are not eligible, consider taking out legal expenses insurance with your insurer.

Imagine challenging the construction of a building to ensure compliance with environmental laws. As long as the court has not handed down its summary judgment, the building continues to be built and the environment destroyed.

It's the same situation for this *child*, a director is presumed to be abusing his power, the family lodges a complaint, but the 5-year-old *child* has to go to school.

After two and a half months of summary proceedings, still without a ruling, the child withered away, lost weight, sank into despair and nobody really *cared*, except the parents, who were left unable to protect him.

A *child* who was doing perfectly well is made ill, because a director and the Ministry think they know better than he does what he needs and are primarily concerned with his academic development rather than his personal development. Is this really in his best interests³⁰ ?

By what right? How can we not talk about oppression and authoritarianism?

Parents are caught in a trap: if they don't take their *child* to school, despite the suffering that schooling generates for the *child*, they risk having to deal with the youth court. But there is no guarantee that the court will be impartial, and the fear of losing custody of their *child* is far too great.

In short, the family is the victim of an absurd and oppressive system.

What's the only way out?

Political action and a change in society's perception of what education could and should be, and constant and relentless demands for fundamental rights to be respected. But for this young man, it will be too late.

In a state that calls itself democratic, this is absolutely unacceptable.

A state that violates human rights will never be a good educator.

What can we do but continue to fight, denounce and demand ever more loudly what should be. Power corrupts if it is not held accountable.

³⁰ 5-minute speech by French judge Edouard Durand on the best interests of the *child*
<https://www.youtube.com/watch?v=3pqc3Zq8W2o>

5. FAQ...

a. Can I leave school during the year?

As stipulated in the law of 29.08.1953 approving the Paris Convention of 20 March 1952, *the State, in the exercise of the functions it assumes in the field of education and teaching, shall respect the right of parents to provide such education and teaching in accordance with their religious and philosophical convictions.*

The above-mentioned law implies that children subject to it do not necessarily have to attend a public educational establishment. We have found nothing in the law stipulating that children may not be withdrawn from school during the school year, which would be in contradiction with the right to withdraw from school and fundamental rights.

We know of families who have withdrawn from school during the year. In practice, however, when the request is made during the course of the year, some directors have sometimes been slow to give their authorisation, so if possible, it's better to make arrangements in advance, or even to insist that authorisation be given as soon as possible.

b. Can a director refuse to give authorisation?

A director cannot arbitrarily refuse to give permission. He must have a serious reason for doing so, for example that it is not in the best interests of the *child*, or that the educational environment proposed by the parents is deficient or negligent. If this is the case, remedies are available.

As mentioned in Chapter 4, this rarely happens, and when it does, it's a real obstacle course over the long term that requires a great deal of resilience. It's best to avoid such situations as much as possible. Sometimes a directorate refuses to renew an authorisation when it considers that the foundations of the syllabus have not been met (see our comments on points c, d and e on this subject).

c. Where can I find the elementary school curriculum?

Luxembourg has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 13³¹ deals with the right to education. Elementary education must be universal and take into account the culture and needs of the community.

A Grand-Ducal regulation of 11 August 2011 sets out the curriculum for the four cycles of elementary education. The elementary education syllabus can be consulted at the following link in French:

<https://men.public.lu/dam-assets/catalogue-publications/courriers-de-leducation-nationale/numeros-speciaux/plan-etudes-ecoles-fondamentale.pdf>

A German, English and Portuguese version also existed, which may still be available on request from the Ministry of Education or the directorates.³²

The syllabus is a reference framework designed to teach the "fundamental educational needs" for living in our society, including reading, writing, arithmetic, language learning and basic general knowledge. The current Luxembourg curriculum is no longer adapted to the needs of society and will be amended.

A new study plan³³ for elementary education is currently being drawn up and will be based on four thematic pillars:

- students' well-being (nutrition, movement, motor skills, emotional and sexual education, resilience, digital consumption);
- participation (responsibility, commitment, giving students a voice, contributing to the transformation of society with a view to sustainability);
- multilingualism (literacy in German or French, clarification of the role of vehicular languages) and
- digitality (media literacy, information and communication skills, critical thinking, creativity and problem solving (e.g. coding), data protection and cyber security in the digital world).

Article 2(18) of the Law of 6 February 2009 stipulates that mastery of the core skills set out in the elementary education curriculum is expected at the end of each cycle. This mastery requirement does not apply to pupils with special needs (Art. 2 §16).

³¹ Education is a fundamental right and one of the keys to exercising the rights inherent in the human person. It is the main tool enabling economically and socially marginalised adults and *children* to escape poverty and acquire the means to participate fully in the life of their community.

³² On this link you will also find an example of the European School's syllabus in several languages:
<https://www.eursec.eu/fr/European-Schools/studies/syllabuses2023>

³³ Source : <https://men.public.lu/fr/actualites/communiqués-conference-presse/2023/10/04-plan-etudes-ef.html>

Article 6 of the same law stipulates that the aim of elementary education is to ensure that pupils progressively develop the skills required by the curriculum. The provisions of this article also apply to home education and private education.

The State is thus relieving itself of an obligation to achieve results in terms of the acquisition of skills, which it is, moreover, illusory to try to guarantee, and it would therefore be discriminatory to demand an obligation to achieve results on the part of families teaching children outside school. If this were the case, there would be discrimination in violation of Article 14 of the Universal Declaration of Human Rights.

In her 2006 global report³⁴, UN Special Rapporteur Katarina Tomaševski stressed that governments must be held to account for human rights violations. She noted that rich countries set the criteria and evaluate the performance of poor countries, but do not monitor their own performance.

Did you know? 91.3% to 98.7% of 15-year-olds who have attended school in OECD countries are unable to read short, simple texts with some critical thinking. These are the findings of the PISA study. And we're only talking about reading, not writing. In fact, around 2/3 of pupils have mastered level 2 reading in the PISA test and have already been overtaken by artificial intelligence!

States that have signed up to the ICESCR, such as Luxembourg, which has ratified it, are obliged to set up and maintain a transparent and **effective** system to ensure that education contributes to the full development of the human personality.

The obligation to respect the right to education requires States Parties to avoid taking any measures that would hinder or prevent the enjoyment of this right, in particular by seeking to impose unproven teaching methods and by failing to support alternative approaches.

Governments that do not respect human rights are bad educators. Education must teach us that rebellion against all forms of oppression is an innate right.

³⁴ http://katarinatomasevski.com/images/Global_Report.pdf Introduction p. XXV

d. What should you do if an assessment is deemed inadequate?

Learning is not a linear process, and it is not the job of public officials to check that learning has been acquired, but to ensure that the educational environment does not hinder the acquisition of that learning.

By ratifying the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Luxembourg State is obliged to guarantee free choice of education, without interference from the State or third parties, provided that it conforms to "such minimum standards as may be laid down or approved by the State in matters of education" (art. 13, par. 3 and 4). However, the effectiveness of these standards is never really called into question.

Most of the time, assessments and tests are based on dogmatic criteria that are purely academic and therefore questionable. They are not necessarily adapted to the pedagogical approach of families and often fail to value the acquisition of skills that are not referenced in the syllabus and yet are in line with educational objectives.

Families need to learn how to highlight the progress they have made and present their practices in a way that reassures the most conservative directorates. Despite this, state officials remain both judge and party, and families sometimes find themselves faced with what Edgar Morin might call the totalitarianism of a single party.

So, although parents' educational choices take precedence over those of the State, they are sometimes brushed aside in the banality of arbitrariness bordering on obscurantism. In response to specific questions about the appropriateness of the evaluation methods used, the Ministry of Education gives only evasive answers. In other words, if it fails to provide a real answer, it is content to adopt its arbitrary stance.

Families and young people are being held hostage by a State that has only an obligation of means and not of results, and shamelessly abuses its power with complete impunity. As we mentioned in point 4, the justiciability of the right to education is in no way guaranteed under the Luxembourg *rule of law*. Yet there is no shortage of legal arguments.

It is time to make a responsible effort as a citizen to bring these outrages before the highest courts, because above all law, it is a question of our humanity as a community. The right to education can only be exercised if it is accompanied by **academic freedom** for both teachers and students, whether in an institutional environment or in a non-institutional environment such as the family.

e. Secondary school curriculum ?

The International Covenant on Economic, Social and Cultural Rights (ICESCR) states that secondary education must also meet the same criteria of availability, accessibility, acceptability and adaptability as elementary education.

It is designed to complement elementary education and to strengthen the basis for lifelong learning and personal development. It prepares students for vocational and higher education. For these reasons, it requires flexible curricula and varied training systems.

So there is an official study plan at secondary level for different sections and subjects. What interests the authorities, in accordance with the law, is that :

The education provided enables pupils to acquire a general culture and prepares them for further study and lifelong learning, for **building their own lives and life in society**, for **professional and social life** and for **exercising their rights and responsibilities as citizens in a free democratic society...**

But there are many ways of achieving this goal.

f. Do I have to sign this or that form?

Elementary level:

Article 5(3) of the new law of 20 July 2023 on compulsory education (repealing article 10 of the previous law of 6 February 2009) stipulates that:

"Minors with special educational needs fulfil their compulsory schooling obligation by receiving an education adapted to their needs, as determined by the national inclusion committee or an inclusion committee.

However, the law of 6 February 2009 on the organisation of elementary education is still in force, and the following article specifies that parents must be consulted and give their consent to the school being taken in charge:

Art. 29

At least one **school inclusion committee** is set up in each arrondissement. Its role is to determine, either at the request of the parents, or at the request of the teacher and provided that **the parents have given their agreement**, how the pupils in question will be cared for.

In other words, nobody can force you to sign up to the school inclusion committee. If you have signed it and regret it, human rights dictate that it should be possible to reverse the decision by challenging it, but we have no experience of this to share.

Secondary level:

The Ministry's secondary home education officer recently asked families to sign the form below:

Projet de formation scolaire à domicile

Veuillez ajouter une présentation écrite du projet d'enseignement en précisant :

- 1) le programme scolaire (branches enseignées, objectifs d'apprentissage, niveaux scolaires) ;
 - 2) le matériel pédagogique (livres scolaires et ressources pédagogiques) ;
 - 3) l'organisation de l'enseignement (horaire, lieux, mesures de soutien pédagogique) ;
 - 4) le cas échéant, la reconnaissance des apprentissages à l'étranger.
-
- ☐ En cochant cette case, je déclare avoir pris connaissances des droits, principes et libertés à respecter dans le cadre de l'enseignement à domicile et je m'engage à assurer sérieusement un enseignement régulier tout en favorisant le développement physique et le développement des facultés affectives et sociales de l'enfant.
- ☐ En cochant cette case, je déclare de documenter l'enseignement à domicile ainsi que le développement de l'enfant et ses apprentissages.

Ces données sont traitées aux fins du contrôle du respect de l'obligation scolaire, de l'assiduité et de la gestion du parcours scolaire de l'élève conformément à la loi modifiée du 18 mars 2013 relative aux traitements de données à caractère personnel concernant les élèves.

Signature de la/des représentants légaux de l'enfant

Représentant 1

Représentant 2

Date :

Date :

This form reflects a very academic approach to teaching and is questionable. At the same time, it shows a certain flexibility with the possibility of developing a portfolio by ticking the second box.

In the spirit of human rights, checks and balances, and reciprocity, shouldn't the representatives of the State also sign that they undertake to respect the law, otherwise what right would they have to force you to sign such a form?

g. Do I have to follow the Luxembourg curriculum?

According to art. 21 of the law of 6 February 2009 on the organisation of elementary education:

"Home teaching must be aimed at acquiring the core skills defined in the curriculum. In duly justified circumstances, in particular - i.e. for example - if the parents intend to have their *child* taught at a distance, the district director may grant an exemption from teaching one or other of the subjects provided for in Article 7 of the Education Act."

It is therefore possible to follow a curriculum other than the Luxembourg curriculum at the elementary level, subject to the agreement of the director. It should also be noted that "aiming for the acquisition of the core skills defined in the curriculum" does not mean that it is compulsory to achieve them, but that *children* must be given the opportunity to achieve them, because they have a right to education, and no one can be forced to learn. Not all schoolchildren achieve these standards. However, the curriculum is relatively flexible in relation to the different rhythms of pupils, providing for a low, medium and high level. It represents a kind of skills reference framework.

Furthermore, there are serious empirical and scientific arguments against forcing certain learning or requiring the acquisition of certain skills at a given age. For example, if an individual cannot read at the age of 10 or 14, this in no way predicts their future reading skills. However, it would be unacceptable not to allow them to develop this skill.

Yet, advocates of autonomous learning sometimes have to argue their case and be well versed in the law in force to defend their educational position against the authorities.

h. How is family education organised?

In practice, each family educates according to its own convictions and skills.

In general, parents teach their *children* themselves, adapting to their offspring's personality, which they normally know well. They follow alternative teaching methods or use everyday events as inspiration.

Quite often, but not necessarily, parents begin by *homeschooling* in a fairly formal way and end up favouring more informal learning that proves more satisfying, depending on the circumstances, or they find a happy medium between the two, adapting to the young person, his or her particularities and interests. It all depends on their view of the *child*, their ability to let go of normative expectations and their philosophy of life or convictions.

Some families delegate part or all of their children's education to external teachers, depending on their income, availability and skills.

Many parents opt for correspondence courses.

However, according to the law of 6 February 2009 on the organisation of elementary education and the law of 20 July 2023 on compulsory education, correspondence courses are not compulsory.

Home schooling at elementary level is subject to supervision by the regional director. If it is found that the education provided does not meet the criteria defined by law, the pupil is automatically enrolled in the school in his or her commune of residence. The same applies if the carrying out of the inspection is refused.

In the end, everything will depend on the director's assessment, but everything is debatable, particularly from a legal and educational point of view, and ideally you need to be able to establish a good working relationship.

In general, inspections go well when everyone pulls their weight.

i. Which correspondence courses and teaching aids should I choose?

On reading Article 21, we therefore understand that correspondence courses in French or German are possible, insofar as most of the subjects in Article 7 on the skills to be developed are included.

For English speakers, some English courses may be accepted, depending on the particular situation of the family and the director.

Text of the law (Art. 7 page 86)

If the director refuses a choice of correspondence courses or teaching aids, insofar as these courses respect the criteria of the law and in particular the purpose of the right to education, this will be debatable.

The school's mission is to prepare *children* for adult life and for certain social values. It is in this context that the choice of curriculum must be assessed.

Below are some examples of correspondence courses:

In French:

CNED, Hattemer, Legendre, Valin, EAD (Belgium), Sainte-Anne, PI, Cours Académiques, KerLann, Clonlara in French...

In German:

Clonlara Schule , www.flex-fernschule.de, www.kern-bildung.de,
www.web-individualschule.de , www.vhs.de, www.methodos-ev.org

In English:

Clonlara, West River Academy, ... given that home schooling is very widespread in the United States, there are many online course offerings.

In Luxembourg, e-learning opportunities have been set up at secondary level (see www.ecampus.lu).

There is also a plethora of opportunities to learn and even assess yourself on all sorts of subjects, both paid and free: tutorials, videos, games and online applications (Khan Academy, MOOCs, Duo lingo, Udemy, etc.).

Artificial intelligence tools such as the paid version of GPT chat or Code Interpreter are also increasingly changing the educational landscape.

Correspondence courses are often expensive, with the exception of the Belgian EAD, which does not issue a school-leaving certificate. The baccalauréat and other similar school-leaving qualifications can be taken on an unaccompanied basis.

Given that compulsory education will be extended to the age of 18 by 2026, the State will now have to provide validations enabling young people to enrol in higher education establishments and obtain professional diplomas.

j. Is it possible to re-enrol children after they have left school?

Many *children* who have never been to school want to have this experience at some point, or for other reasons are forced to do so.

We are not aware of any *child* for whom this has posed a problem, either in terms of adapting to the school rhythm, or from the point of view of the *child's* or even the adolescent's skills.

Given that compulsory education has been extended to 18 years by 2026, the State is now obliged to allow young people to attend state schools until they are 18. If, however, it is suggested that *children* should be placed in a class below their age and level, you should know that you can challenge this under article 23 of the law of 6 February 2009 on the organisation of elementary education.

Art. 23

By decision of the teaching staff, a student who, after one year of teaching, has mastered the objectives defined for the end of the cycle may be admitted to the next cycle.

By decision of the teaching staff during the cycle, a student may spend an extra year in the cycle to enable him/her to achieve the objectives set for the end of the cycle.

If **parents** disagree with the educational team's decision, they can **appeal** to the district inspector, who will give a ruling within one month.

Students taking an extra year in the cycle receive teaching that avoids repeating activities they have already mastered and is specially adapted to their learning needs.

As soon as the teaching team establishes that a pupil cannot achieve the end-of-cycle objectives within the maximum time allowed, he/she will benefit from the measures provided for in section 4 of this chapter (*i.e. Art. 22 (4) support measures decided at the end of the cycle to be implemented in the following cycle according to the pupil's needs*). The total duration of a pupil's stay in the three cycles corresponding to elementary education may not exceed eight years.³⁵

As far as secondary schools are concerned, this does not seem to be regulated by law, and it is a matter of reaching an agreement with the school headmaster concerned. We have not been informed of any particular problems in this respect.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Rights of the Child (CRC), which have been ratified by Luxembourg, suggest that young people should receive an education adapted to their abilities. If this were not the case, it would be questionable, at least from a legal point of view.

j. What is the procedure for recognising years of schooling and obtaining diplomas?

Although there are always solutions for catching up on a course, they can be more time-consuming. So this is an important point that can be discussed with the ministry if necessary.

In France, for example, it is possible to sit the baccalauréat as an independent candidate.

Some young people often take the baccalauréat by returning to a lycée in the year of the diploma, or earlier, to build up the academic record needed for entry to certain higher education establishments.

If you take correspondence courses that issue a certificate of attendance, the problem of validating skills will be avoided. Some teenagers therefore go to lycée in order to have an academic record that is required by certain schools after the baccalauréat, particularly in France, but we should bear in mind that in the end, what really counts is not so much diplomas as skills.

Some fee-paying organisations, such as Clonlara.org or Kern-Bildung.de, help *children* who have been educated informally to comply with school requirements or prepare for the baccalaureate, for example.

³⁵ <https://data.legilux.public.lu/filestore/eli/etat/leg/trep/2014/09/04/n2/jo/fr/html/eli-etat-leg-trep-2014-09-04-n2-jo-fr-html.html#1-1-4-3-3->

In Luxembourg, just one example is the e-learning www.ecampus.lu for secondary schools and the following organisation is also aimed at home-schooled *children*, but we have no feedback on this: www.reussitschool.lu You can also learn Luxembourgish for free online at this site www.llo.lu and many other things here www.lifelong-learning.lu

These sites are not an exhaustive list. It's up to you to do your research and find the medium that suits you, whatever your age. We can expect more and more similar tools to be developed to help people learn.

k. Are we preparing our *children* for a better future by taking them out of school?

Every parent generally wants the best for their *child's* future, and the question that often arises is whether the *child* will perform better academically if educated at home.

There is an important dogma to be deconstructed: the belief that individual teaching is more effective than group teaching. The researcher Alan Thomas from the Institute of Education at the University of London began his research into family teaching to study the effectiveness of individual teaching and he discovered all the richness of informal teaching (which does not prevent the use of formal tools that can be very useful).

It is also wrong to believe that one system or another will be better; it all depends on what you experience and how you experience it. It is essential to warn against abuse, whether in or out of school.

In Luxembourg, home schooling is monitored and there are remedies if the authorities fail to comply with basic laws. So people need to be well informed about their rights and the remedies available to them, whether they are educated at home or in an institution, because even a well-intentioned government cannot guarantee that all its public servants will behave in an exemplary manner and in accordance with the ethical values of the law.

The debate about school or no school, free school or traditional school will never be over, because it's up to each individual to decide whether they prefer more formal or informal, more freedom or obligation, and to choose the way they want to learn according to their needs.

But it is important to ensure that education, whether it takes place out of school or in a school, does not prevent individuals from developing their potential, whether in academic or other forms, which in no way means trying to turn them into little geniuses. The aim of education is fulfilment and development, and that's much more than academic achievement.

l. Is schooling necessary to prevent the emergence of parallel societies?

In Germany, the "Schulzwang" inherited from Hitler's youth movement is still in force. On the pretext of preventing the emergence of parallel societies, Germany and other countries are questioning the freedom of education in order to combat radicalism. However, these positions are debatable.

It is utopian to think that we can teach tolerance and democratic values in an authoritarian system that does not allow young people to participate in all the decisions that affect them.

As the Swiss paediatrician Remo H. Largo points out in an article in German entitled "We already have burn-out *children*"³⁶, we are beginning to see from the biographies of terrorists that it is the lack of security, of established social status, the fact of feeling excluded and the lack of self-determination that has led them to commit to the SI where they finally feel they exist.

"...You can see this in the biographies of terrorists, which are becoming increasingly well known. They have not experienced security or sufficient social recognition, they have no fixed social status and feel marginalised. They feel completely determined by others. When they go to I.S., they are finally somebody. This isn't even a new phenomenon, it was already observed in the 17th century during the Thirty Years' War. People were totally lost existentially, they had no permanent social position in the community and were also starving and sick. So they went off to war.

Moreover, are there more parallel societies and radicalism in England than in Germany, even though in England not only is schooling not compulsory, but there is no compulsory curriculum? Finally, what proof is there that the school system as it exists prevents the emergence of parallel societies and radicalisation?

m. Should allophone families be sent to school in order to integrate them?

This question has arisen because some allophone families - i.e. those who do not speak any of the Grand Duchy's official languages - have not obtained authorisation not to send their child to school, because they could not pass on the Luxembourg language to their still young *child*. In terms of current school law, this is difficult to defend, as the derogation is granted by the director giving the authorisation, unless it can be proved that it is not in the best interests of the *child* (*child* traumatised at school).

Is it really worth getting involved in a legal battle to assert human rights? In fact, asserting one's right as a parent in a court of law is practically a lost cause in this context, and what lawyer would be prepared to defend a *child* as a subject of

³⁶ <https://www.tagesanzeiger.ch/wir-haben-jetzt-schon-kinder-mit-burn-out-336732491644>

human rights? What judge would be open enough to recognise this freedom of choice? In our society, it is rare for *children's* opinions as subjects to be seriously taken into account, even less so when they are very young.

Nor can anyone prove that it is not in the interests of these *children's* social integration to attend school so that they can easily learn Lëtzebuergesch, when this is not possible within the family or elsewhere. However, for some families, these refusals and the consequences they have entailed have been rather unpleasant and have ultimately encouraged them to flee.

The proportion of foreigners living in Luxembourg was 47.4% at 1 January 2023. In 1961, the proportion of foreigners was just 13.2%. Around 180 nationalities were represented on 8 November 2021. It is hardly surprising that language teaching occupies a central place in the Luxembourg education system. This is why the range of schools on offer has been adapted to include non-Luxembourgish courses, and the trend is towards greater flexibility for Luxembourg speakers too.

It has to be said that foreign *children* living in a country can, in spite of everything, naturally learn the usual languages of that country, provided that they have sufficient contact with those languages. The best form of inclusion involves creating living spaces in a caring environment that sets an example to be followed, rather than on the basis of injunctions such as "Do as I say, not as I do".

n. How many *children* leave school in Luxembourg?

According to a Ministerial Question in 2011, there were around 20 of them at the time, 18 more precisely in 2011/2012 according to an article in the daily newspaper Wort of 16.11.2016 and 70 in 2016/2017 compared with 50 in January 2016, i.e. around 1 *child* per thousand in elementary education.

Below are the latest figures from the Ministry of Education:

School year	Number of pupils in homeschooling (elementary)	Number of <i>children</i> in home schooling (secondary)	comments
2023/2024	128	49	Provisional figures
2022/2023	133	52	Year-end figures
2021/2022	160	60	
2020/2021	153	40	
2019/2020	118	35	
2018/2019	113	39	
2017/2018	119	11	

By way of comparison, in the USA, the country with the highest number of 'non-schoolers', this figure is around 2 million, or more than 3% of the American school population.

In Luxembourg, as in other countries, the trend is towards growth, but this choice remains very marginal. Few parents want or feel able to take responsibility for their *child's* academic education.

As an association for freedom of education, we are not seeking to proselytise for homeschooling. What matters to us is that every parent should be able to offer their *child* access to an education that respects the ethical values of fundamental rights.

Is the Grand Duchy not capable of reforming a school system that is "too vertical, too uniform and too rigid"? It's not a question of spending more, but of rethinking everything. School should be a haven of peace where it's good to live together.

o. Socialisation of out-of-school *children*

This Wikipedia article says it all

A common fear - more common among the general public than among homeschooling parents - is the potential isolation suffered by children deprived of contact with other schoolchildren. The associations promoting home schooling all mention the subject on their websites. Many parents shun this very 'socialisation', which is made up of conformity, social pressure from other schoolchildren, bullying and bad influences. For most supporters of home schooling, their choice actually improves their children's social development. Indeed, for them, the years spent in an institution are the only ones during which schoolchildren will be artificially separated into cloistered groups of the same age (out of economic efficiency rather than concern for quality). These proponents claim that home-schooled children experience healthier and more natural socialisation, as they interact more with people of all ages. This leads to more influence from adults and less from other children, producing more mature young citizens.

In the United States and the United Kingdom, a number of studies, often funded by organisations promoting home schooling, have attempted to assess the impact of home schooling on children's "sociability". The results are generally extremely positive (studies by Larry Shynes & alt.).

Some authors, such as Robert Epstein, former editor-in-chief of Psychology Today, believe that the extension of compulsory schooling and the fact that teenagers are 'parked' among themselves infantilise them, whereas personalised teaching in closer

contact with adults, such as home schooling, enables them to mature more quickly and avoid the crisis of adolescence. This crisis is largely a consequence of the long period of compulsory schooling, during which teenagers are treated like children and have only other teenagers as role models and companions.

In her recent book "L'école à la maison au Québec : Un projet familial, social et démocratique", published by Broché, researcher Christine Brabant also takes an impartial look at numerous studies on the subject.

According to **the independent study by Robert Kunzmann of Indiana University and Milton Gaither** of Messiah College, published in 2013 and updated in 2020³⁷, the socialisation that its detractors consider to be one of its weak points has not been proven.

³⁷ https://icher.org/files/Kunzman_and_Gaither_An%20Updated_Comprehensive_Survey.pdf

q. Meet and talk?

Regular activities take place between families who do not attend school. You are welcome to come and meet them and talk to them, to help you decide whether or not to drop out of school, and to make new acquaintances.

Send an email to alli.connect@outlook.com to get in touch.

There is also a signal group for **teenagers**, and the contact person is janicehammersmith@gmail.com.

You can also ask questions and send private messages to our **Facebook** group "**Home Education in Luxembourg**".
<https://www.facebook.com/groups/248275408672476>.

The general contact for the association is alliasbl@gmail.com.