

ASSOCIATION
LUXEMBOURGEOISE
pour la LIBERTÉ
d'INSTRUCTION



FHREE

Full Human Rights-Experience Education

CHAMBER OF DEPUTIES

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Ref. opinion / Bill 7977

Dear Mr. President,

Please find enclosed the opinion of the Association Luxembourgeoise pour la Liberté d'Instruction (Luxemburgish Association for Freedom of Education) and we would be grateful if you could add it to the parliamentary file concerning the bill 7977 on the extension of compulsory education.

Thanking you in advance, we wish you, dear Mr. President, our most respectful regards.

ALLI asbl Committee



BILL 7977

**OPINION OF THE LUXEMBOURGISH ASSOCIATION FOR FREEDOM OF EDUCATION
(ALLI asbl)**

General comments

Explanatory memorandum

Our association, ALLI asbl, has been working voluntarily for the freedom of education since 2013. The freedom to educate oneself is indeed essential to be able to exercise the "right to education" as it was conceived in 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 and approved by the law of 29 August 1953 in the Grand Duchy of Luxembourg.

Whether we speak in this context of the right to instruction¹, to education, or to teaching, or even of the right to information, this right has no other purpose than to enable the realisation of fundamental freedoms. Thus, this right must enable each individual, whatever his or her age, to discern in order to make informed, autonomous and responsible choices and thus to act in a society.

Consequently, in the context of respect for fundamental rights, it seems to us paradoxical and inconsistent to speak of compulsory education and the establishment of general standards applicable to all forms of education, when the complexity and diversity of contemporary society, from both a social and economic point of view, requires agility, adaptability, creativity and increasing individualisation.

In this sense, we appreciate in this bill the willingness to open up to the implementation of alternative paths, which we hope would truly allow for the diversification of the educational landscape, so that everyone can have access to a mode of instruction more adapted to their needs and thus develop their potential more fully, rather than being subjected to mediocrity, autocracy and the bureaucracy of imposed standards.

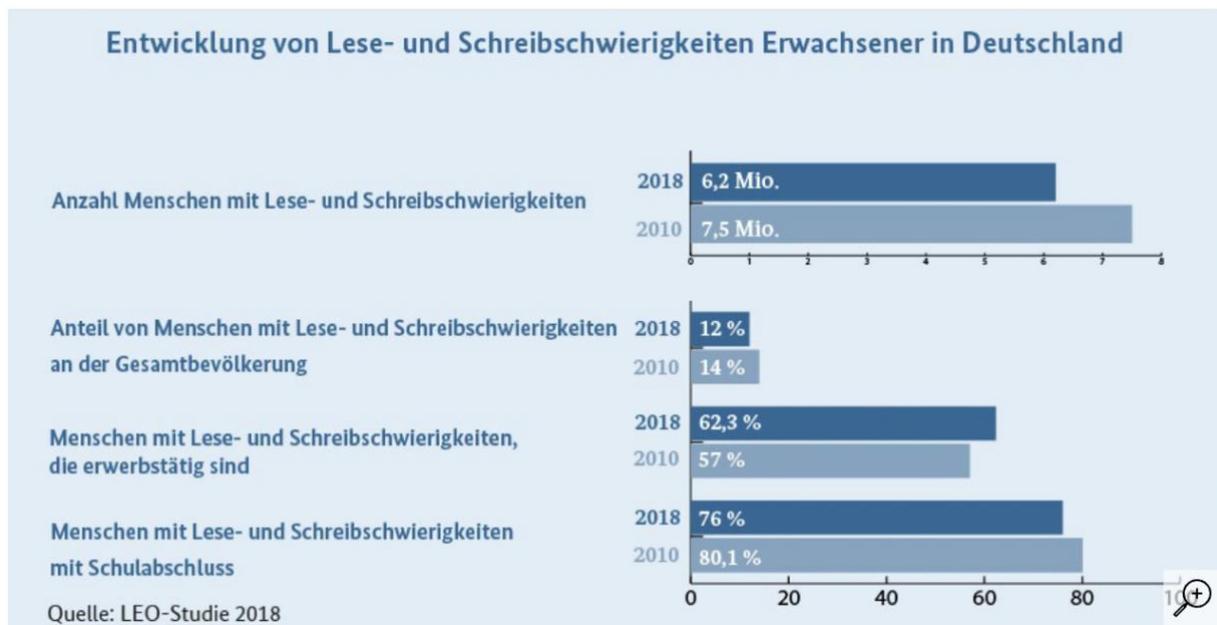
¹ 4-minute video explaining the right to education <https://www.youtube.com/watch?v=Ot7AJMI9SQ> produced by ALLI asbl.



About compulsory education

We can only support the efforts of the Ministry and all those working towards the greater realisation of the right to education. However, it is time to challenge false beliefs.

In Luxembourg, in the middle of the 19th century, three quarters of the population were illiterate in the countryside. In fact, contrary to what one might think, the situation has not changed much in developed countries, as the LEO study by the University of Hamburg, among others, shows. In 2018, 76% of school graduates in Germany have difficulties in reading and writing.



It is interesting to note that the LEO study associates low literacy with formal education, while the text of the bill indirectly emphasises the need to reconcile formal and non-formal approaches (p.7).

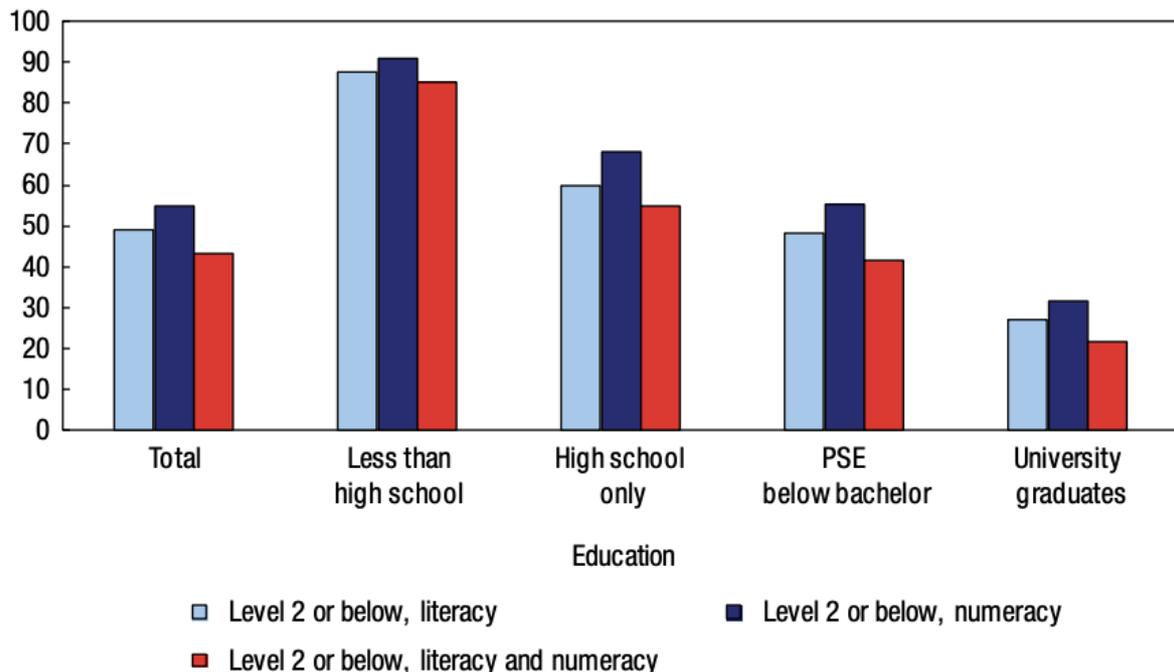
This OECD study for Canada also confirms the results of other studies in Europe² : in particular the fact that 30 to 40% of university graduates have difficulties in reading and writing.

² "Studies in England in 2011 found that 14.9% (more than 5 million) of the English are found to be functionally illiterate. The same studies in Germany showed that full illiterates (total deficit in reading and writing) constitute 4.5% of the German population in the 18-64 age group. Functional illiteracy concerns 10% of people in this age group. The population of fully and functionally illiterate people comprises in general 7.5 million citizens. In addition, more than 25% of the adult population (13.3 million) have serious difficulties with writing and reading. Overall, almost 40% of the adult population of Germany qualifies for the group of



Proportion of adults aged 25 to 65 at level 2 or below in skill proficiency levels, by educational attainment category

percentage



Note: PSE = Postsecondary education

Source: OECD, Programme for the International Assessment of Adult Competencies (PIAAC), 2012.

And the latest UNESCO report of 10 November 2021 on the Future of Education even states:

« Nearly half of all students worldwide graduate from secondary school without having acquired a minimum level of mastery of basic skills. This is an unacceptable situation, which demonstrates the failure of schools to deliver for students and for society. »

It is therefore wrong to claim that compulsory education is a cornerstone of democracy.

"A true democracy is a FREE and ACCOUNTABLE society, and one aspect cannot exist or make sense without the other. (Government of Ontario - 1965)

functional illiterates and people with insufficient reading and writing skills. Source;
<https://epale.ec.europa.eu/en/node/40675>



« To be RESPONSIBLE is to accept to do things because they are not ordered to us. We do things because we think it is right to do them. » (Emmanuel Lévinas, Philosopher)

Only responsible teaching could be a cornerstone of democracy.

We teach (show) what we are. Education must therefore be exemplary.

Let us rejoice, a new era has begun, for it is by coming out of denial that we can move towards quality education with more equity.

Dropouts, dropping out, dropped-outs?

In the text of the draft law, "school exclusion" is equated with "social exclusion". In fact, not conforming to a school standard makes social integration practically impossible or at least very difficult. There is also talk of drop-outs. Thus the individual is somehow considered *guilty of not* having conformed to school norms. Did they exclude themselves in an autonomous and responsible way or were they excluded because we do not really tolerate the right to be different? Or have they not received a good *education* in the sense that within their family and institutional environment they have not been accompanied in life with mutual respect and shown a good example? Are we not rather talking about dropped-outs here?

If efforts to reduce school dropouts have not succeeded as hoped, it is undoubtedly because deeper causes have not been sufficiently questioned. In this case, the issue of educational and, above all, institutional violence is completely hidden from the text of this bill. The right to education aims to promote peace and tolerance. It should bring us closer to the heart of our humanity, stimulating the heart as well as preserving a healthy mind. According to a leading Canadian mental health association³, the core values of mental health are social justice and self-determination. The right to education is a right to autonomy. Providing an administrative and coercive response to a human problem will not solve anything.

The right to education is an option. If there is an obligation in return, it is mainly to ensure that learning and the ability to make informed choices and thus become an autonomous and responsible individual are not hindered. Therefore, everyone, regardless of age, should be able to benefit from quality education in an equitable manner. However, imposing general school standards with the same prerogatives on every child is not equitable and therefore can only perpetuate inequalities. In a collectivist approach to education, governance can only be arbitrary (i.e. not truth-seeking) and therefore discriminatory, whereas positive discrimination would be desirable.

³ <https://ottawa.cmha.ca/about-cmha/vision-mission-and-core-values/>



We all appreciate the facts that support our beliefs, but we must experiment with new ways and take risks. Fear always feeds regression. If we focus on positive values, we can give hope. But the state prevents the creation of a collective desire when the individual is not an actor. State barriers that prevent the innovation and pluralism necessary for the realisation of the right to education must be dismantled and thus open the way for new models where actors define their own norms. Fundamental rights then provide a solid ethical basis for this. This implies, however, that governments and their representatives must be made fully accountable for the respect of human rights in education and thus end institutional violence. All unnecessary and avoidable violence must be sanctioned. In the sense of fundamental rights this requires a balance of power between all actors.

Teaching is showing

It must be noted that there are still very strong imbalances of power, particularly between the representatives of the state authority, the legal guardians of young people and the so called *minors*. This is despite the numerous international texts and the many recommendations of their defenders on good practices that would allow for the effective participation of all actors as subjects of rights and therefore for the respect of the fundamental values that this bill claims.

The feedback from the real world is clear:

- In a recent court case, a 14 year old's wish to learn outside of school in a way that meets minimum educational standards was completely ignored. The youngster was placed in a home as a delinquent. But what crime did he commit? It is very unfortunate that this judge did not really give a chance to the proposals of the mediators and the Ombudsman, because they could have been the solution that suited everyone. Maybe it wouldn't have been, but at least it would have allowed us to go down other paths, off the beaten track. They would have allowed for learning, even making mistakes and growing from it. The young person had already shown cooperation in seeking a solution. What prevented this judge from leaving this path open: fear, ignorance, power, a bad day, too much work? Was it really necessary and fair? What is the way out for this young person when an appeal to the ECHR takes years and has little effect? ⁴

⁴ As a concrete example, this eloquent letter outlines the reasons for a young person refusing to participate in a chemistry course https://drive.google.com/file/d/1_-8BYQa65bCSym8OJPCP-HZCC1ayWUV9/view



- Recently, the police raided the home of a family that had been anonymously declared suspicious because their 15 year old was not attending school further to a school phobia. Why are parents who genuinely care about their children's well-being and respect their children's choices being stigmatised in this way? And if the police came to your house at 8am, because of legitimate educational choices, how would you feel? What prevents us from trusting? Fear? Ignorance?
- For years we have been receiving numerous testimonies from families denouncing institutional violence and the non-respect of international treaties, often resulting in their child's ill-being. These families, when they try to remedy these problems, are victims of numerous misunderstandings, and sometimes even of abuse of authority, intimidation and lies on the part of certain officials. Yet how many ombudsmen and mediators do we have in Luxembourg to support them and sort things out? Is this not disproportionate? And what about the possibilities of appeal? It is a real obstacle course that not everyone is capable of completing.
- Recently it was reported that the administrative authorities refused to certify the competences of a young person who had successfully educated himself independently at home (following the Covid period). He wanted to enrol in a university abroad. The family knocked on many doors, but to date without success. The family followed the instructions of the Ministry's representatives, which were perfectly in line with the law. At this stage they are waiting for the answer of the Minister of Education Claude Meisch. The text of the bill states that in a complicated economic and social context, the situation of people with few or no qualifications is getting worse by the day. The skills required on the labour market are more and more demanding and even qualified people do not always meet the needs. During an interview at the Ministry in 2016⁵, there was talk of creating gateways to value skills acquired outside the school system. What happened to that good intentions? Is it fear or ignorance that handicaps bureaucrats? Why penalise young people who have learnt differently and enthusiastically in their own way, outside the traditional channels? Does this make sense?
- The projects of alternative learning spaces that strive to implement participatory governance systems, such as LuDUS asbl (www.ludus.lu), also often arouse enthusiasm or curiosity. Indeed, they could be of real interest to the collective, if they could be exercised under good conditions, in an equitable manner. But here again we ask ourselves what prevents us from fully supporting this form of divergence and stepping out of our comfort zone? Is it still fear and ignorance?

The right to education is precisely a bulwark against fear and ignorance, and we should not hinder it in any way!

⁵ https://alliasbl.lu/wp-content/uploads/2018/04/ALLI_doc_290616_LU-FR-EN.pdf



Education in respect for fundamental rights and freedoms can only be achieved by setting an example. The role of the state would then be subsidiary in guaranteeing this, but as long as superior laws are not considered as truly fundamental, there will never be social justice and the history of violence will continue. Yet it is possible to break out of this vicious circle.

We are living in an unprecedented time of freedom of speech, particularly concerning certain taboo forms of violence that should never have been spoken of and which form the basis of much violence. Some truths are difficult to hear, because they awaken many repressed wounds, and reactions can be violent, confusing and even unjust. This is a turning point and it is not the time to remain silent, whatever the victims may think. It will require great resilience and courage if we are to take the bull by the horns.

Breaking the deadlock...

As the text of the bill emphasises, a democratic society needs informed citizens who are able to participate in complex debates. Developing critical thinking and the ability to judge is absolutely essential and is the purpose of the right to education. But in a coercive and vertical education system based on adult domination, imposing standards and judging, integrating on the basis of academic expectations, what room is left for truth and justice?

In the reality of the school institution, what room is left for real debate? In our so-called democratic society, how much room is left for real dialogue to enable discernment?

The realisation of the right to education in the historical sense of the European Convention on Human Rights is based on the development of critical thinking, yet the text of the law places schooling and state authority before the development of critical thinking and thus before respect for the right to autonomy of the subject in Article 10. In fact, this is contrary to democratic values and fundamental freedoms and we are all already indirectly suffering the deleterious effects.

As the text of the bill also points out, there is a need to develop alternative routes. This aspect should be developed and demanded much more boldly as it is becoming increasingly necessary. We had already shared the beginnings of reflections and experiences during a colloquium organised in 2017⁶ and have commented extensively on these aspects recently in a letter of response to UNESCO on the subject of the Futures of Education and taking up many examples and resources from divergent practices across the world.⁷

⁶ www.freetolearnluxembourg.eu

⁷ <http://www.fhree.org/2021/11/08/unesco-response-call-to-unite/>



In September 2021, we co-organised a conference in Luxembourg which showed that although progress is encouraging, it is still too timid.⁸ We have also selected 159 quotes from the UNESCO report of 10 November 2021 for a radical change⁹. As long as we do not dare to fundamentally rethink learning, or even decolonise it, extended schooling will only be a small band-aid on a very large wound.

CONCLUSION

There are many possibilities, what is lacking is a real political and civic will, boldness, courage, space and time to explore, discover, learn and innovate, support for alternative initiatives, whether institutional or not, and real constructive dialogue allowing the effective participation of all those concerned and wishing to commit themselves to the realization of the right to education.

We hope that this bill will be an opportunity to open a profound citizen debate on the real issues, the deep-seated ills that we need to treat to prevent abuses of power and to achieve fundamental freedoms in the collective interest.

We expect the government to fulfil its mission as guarantor of the respect of the values of international treaties by taking its responsibilities when this is not the case.

This bill, although interesting, is insufficient and inadequate in this sense, but it invites serious and fair debates in order to co-construct together, through our collective intelligence, better futures, which we sincerely hope for.

In his speech at the round table "Towards a holistic, conscious and living education", Minister Jean Asselborn, a fervent defender of human rights, rightly reminded us that

"It is up to us to act ... by learning to sharpen our critical thinking skills to generate the genuine, respectful and informed debate of ideas that our societies so desperately need.

Let's get on with it!

ALLI asbl Committee

⁸ <http://www.fhree.org/2021/11/23/towards-a-holistic-conscious-and-living-education/>

⁹ <http://www.fhree.org/2021/12/02/diy-159-memes/>