

Consequences of legal approach in The Netherlands

Mrs Sperling spoke to you about the differences in the legal approach of home education between Flanders and Holland. I am giving you a short impression of the practical consequences of the Dutch approach nowadays, in a time when home education has drawn more attention than ever before.

By my rough estimation, around 50 criminal court sessions concerning home education have been held in the Netherlands this year. Around as many children have begun to be home-educated. Some families meet no obstacles, while others have to deal with criminal court procedures and even child protection investigations for 4 years or more. If found guilty, some parents are not punished at all, while others are fined or even have a probational prison sentence.

The current Dutch Compulsory Attendance Law does not provide room to a criminal judge to take the expected quality of home education into consideration; 'to school or not to school' is basically the only remit of this law, especially for children younger than 14.

Whether the parents' appeal for exemption of school attendance is recognized or not, depends on the previous school registration (if any), on the content of the parental objections raised against schools, and on the educational views and convictions dominant within the municipal administration. Some municipalities always file criminal charges, others do not.

Do the parents who are punished offer a lower quality of home education? Not at all, at least not that anyone is aware of. Moreover, the available research on home-education gives no ground to whatever kind of distrust of parents who intend to home-educate their children. I have seen research reports from 6 countries, and the conclusions are all the same: home-educating parents are able to provide a successful academic and social development for their children, regardless of income, race, level of education, teaching degree, etc. This research base includes adults who were home-educated as a child. 95% of those adults felt satisfied having been home-educated.

I may conclude by saying that the difference in legal treatment between home-educating families in the Netherlands is not objectively justified. The only distinction given by law and investigated in the courts is highly subjective: only those opinions that object against the religious or life-philosophical orientation of the available schools (including public schools) may lead to school exemption. All parents having other sorts of objections are found guilty of truancy, regardless if these opinions are based on respectable religious or life-philosophical grounds or not.

I now refer to article 26 of the Covenant for Civil and Political Rights. As far as relevant, it states: "*The law shall prohibit any discrimination (...) on any ground such as religion and political or other opinion.*"

In my humble view, the Compulsory Attendance Law discriminates between parental opinions, and this practice seems to be continued in the Netherlands. The Ministry of Education wants to make home-education on school-exempt children subject to inspections, but without any change in the entry criteria. Can this be justified? Is this a practical way to go? Not in my eyes...

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