

## BERLIN DECLARATION

We signatories of this declaration presented on November 3, 2012 at the first Global Home Education Conference in Berlin, Germany hereby,

*Remind* all nations that numerous international treaties and declarations recognize the essential, irreplaceable and fundamental role of parents and the family in the education and upbringing of children as a natural right that must be respected and protected by all governments,

*Affirm* home education as a practice where parents and children undertake the activity of education themselves to pursue learning that meets the needs of the family and children,

*Note* that in Article 26 part 3 of the Universal Declaration of Human Rights of 1948 stating that “parents have a prior right to choose the kind of education that shall be given to their children” elevates and indicates the preeminence of the right of parents and the family in relation to the State,

*Further* note that the International Covenant on Economic, Social and Cultural Rights states in Article 13.3 that the “States Parties to the present covenant undertake to have respect for the liberty of parents [...] to choose for their children schools, other than those established by public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure that religious or moral education of their children is in conformity with their own convictions,”

*Further* note that the International Covenant on Civil and Political Rights provides in Article 18, paragraph 4 that “the States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions” and that this convention designates these rights as non-derogable in Article 4 paragraph 2,

*Further* note that Art. 5 of the UN Convention on the Rights of the Child demands that state parties “respect the responsibilities, rights and duties of parents ... to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention” including the right to education,

*Further* note that the Doha Declaration issued on 30 November 2004 by the Doha International Conference for the Family, welcomed by the UN General Assembly (A/RES/59/111) emphasized that “Parents have a prior right to choose the kind of education that shall be given to their children and the liberty to ensure the religious and moral education of their children in conformity with their own convictions” and called to “Strengthen the functioning of the family by involving mothers and fathers in the education of their children” and to “Reaffirm that parents have a prior right to choose the kind of education that shall be given to their children” (Call to Action, nn. 16-18),

*Further* note that the United Nations Special Rapporteur in Education recognized that home education should be a legitimate educational option specifically in a March 2007 report on an official observation mission to Germany,

*Further* note that the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 provides in Article 2 of Protocol 1 that “in the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions,”

*Further* note that Article 14.3 of the Charter of Fundamental Rights of the European Union guarantees that “the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right,”

*Further* note that the European Parliament in its resolution of 23 October 2012 on an Agenda for Change: the future of EU development policy (P7\_TA(2012)0386, n. 15) “Emphasizes the importance of solidarity between generations; in this respect, invites the [European] Commission to adopt family mainstreaming as a universal guiding principle for achieving the EU development goals” and that home education should be viewed as an important part of the family mainstreaming in the educational policies,

*Further* note that Art. 27.1 of the CIS Convention on Human Rights and Fundamental Freedoms states: “In the exercise of any functions which the Contracting Parties assume in relation to education and to teaching, they shall respect the right of parents to ensure for their children such education and teaching as corresponds with their own convictions and national traditions,”

*Further* note that credible and scientific research indicate that home education is an effective

means of educating children to become literate and productive citizens and members of civil society and that there is no evidence at all of harm to children or an increased risk of harm on the basis of home education,

Wherefore we now,

1. Condemn the policies of those nations that prohibit the practice of home education and permit the persecution of home educating families through excessive or coercive fines, threats to parental custody and application of criminal sanctions;
2. Urge all members of the international community to take concrete steps to affirm in their law, policy, and civil and criminal procedures that parents have a natural and fundamental right to direct the education and upbringing of their children which includes the right to choose the type of education their child shall receive including home education;
3. Encourage states to consider the growing body of research about home education and take steps to review laws, policies and procedures to make it possible for all parents to participate in this activity;
4. Urge the assistance of human rights bodies, governments, NGOs, elected and appointed government officials and individual citizens to seek greater respect for the fundamental right of parents to choose the kind of education their children receive including home education;
5. Request the global home education community take active steps to communicate this resolution to their governments and to take all steps necessary to recognize the right of families to home education as a non-derogable and fundamental human right regardless of the motivation or methodology of those who chose it;
6. Commit to support freedom, diversity and pluralism in education through formal and informal coordination with the goal of making home education a legitimate educational option in every nation and the right of every family and child.

Presented this day, the Third of November, 2012 in the City of Berlin at the First Global Home Education Conference.