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Home education: Court rules against German Christian family

German parents whose four children were taken into care because they refused to send them to school did not have their human rights breached, the European Court of Human Rights (ECHR) has ruled.

BBC (10.01.2019) - <https://bbc.in/2Cq2L6T> - Home education is banned in Germany but the Wunderlich family, from Darmstadt, who are Christian, wished to educate their children in this way.

Their four children were taken into care for three weeks in 2013.

Afterwards the parents took their case to the ECHR in Strasbourg,

They claimed their right to respect for private and family life under Article 8 of the European Convention on Human Rights had been breached.

But the court has now ruled that taking the children into care was justified.

The ECHR said officials in Darmstadt, near Frankfurt, were reasonable in assuming the parents had "endangered their children by not sending them to school".

"Based on the information available at the time, the domestic authorities had reasonably assumed that the children were isolated, had had no contact with anyone outside of the family, and that a risk to their physical integrity had existed," the court added.

In a statement released through the religious advocacy group ADF International, the father, Dirk Wunderlich, described the court's ruling as "disheartening".

"After years of legal struggles, this is extremely frustrating for us and our children," he said. "It is upsetting that the European Court of Human Rights has not recognised the injustices we have suffered at the hands of the German authorities."

The family are now considering appealing the decision, by taking their case to the Grand Chamber of the ECHR.

'Unwanted influences'

The lengthy dispute began in 2005, when the parents - who are deeply religious - refused to enroll their eldest daughter at school.

Home-schooling is essentially banned in Germany, except for in very rare circumstances - such as severe illness, or if the child's parents are diplomats.

But the parents argued that even Christian private schools could leave their children exposed to "unwanted influences".

The couple was repeatedly issued with fines, and even had criminal proceedings brought against them. However, they simply paid off the fines and continued educating their children at home.

Police eventually seized the children from their parents' home in Darmstadt on 29 August 2013.

Authorities claimed the children were growing up in a "parallel world", and that they would struggle to become part of the community and learn crucial social skills, such as tolerance.

The children were temporarily moved into care for three weeks between August and September 2013, and were enrolled in school for a year until 2014.

After that year was up, the parents took their children out of school again.

European court rules against German homeschooling family

The court found that German authorities did not violate the parental rights of the Wunderlich family by forcing their children to attend school. Homeschooling has been illegal in Germany since 1919.

By Andrea Grunau and Elizabeth Schumacher

DW (10.01.2019) - <https://bit.ly/2Mmnr17> - The European Court of Human Rights (ECHR) on Thursday ruled against a German family from the state of Hesse that has been fighting for years for the right to homeschool their children, a practice that is illegal in Germany.

The Wunderlich family had argued that the government had violated Article 8 of the European Convention on Human Rights, which guarantees protection for the privacy of home and family life, by forcing their four children to attend a local school.

The court found, however, that the family had not provided sufficient evidence that the children were properly educated and socialized, and that a government removing children from their parents to ensure they receive an education did not violate Article 8.

In their ruling, the ECHR also noted the troubling statement by father Dirk Wunderlich that implied children were the "property" of their parents.

"The authorities...have a duty to protect children," due to "reasonably held concerns," the court noted.

'The most horrible day'

"August 29, 2013, as 40 officials stood before our door, was the most horrible day for us," Dirk Wunderlich told DW. He said the authorities were contacted by neighbors who claimed he had said he would rather kill his children than send them to school.

"What nonsense," said Wunderlich, calling the accusations "invented." Their children were returned to them after three weeks.

Wunderlich and his wife, Petra, are both gardeners, who themselves graduated from a normal high school, which they attended "not reluctantly," Dirk said.

But school has changed since his day, Wunderlich has argued. He believes that now, teachers do less in the classroom and expect children to do most of their work and learning as homework anyway. He further emphasized that he and his wife taught their children with the assistance of a Christian distance-learning school, and had offered to have the relevant authorities check up on them at any time.

He has disputed the allegations that his offspring were not properly socialized, highlighting their participation in various clubs and organizations. He added that he believed the family circle to be the best environment for children.

Dirk Wunderlich said they had considered moving to an EU country in which homeschooling is legal, such as France, but he said they were not allowed to move as they didn't have full custody of the children at that time.

Rare exceptions for homeschooling ban

Obligatory schooling has been part of German law continuously since 1919, and is enshrined in several state constitutions as well.

"A general exemption from compulsory education for pedagogical or religious reasons is not allowed," the Conference of German Culture Ministers (KMK) told DW. The rare exceptions are for severe illnesses, the children of diplomats, and in rare instances for working children, such as child actors.

The KMK said it believes there are between 500 and 1,000 cases of parents homeschooling their children across Germany.

While private schooling exists in Germany, it is far less common than in many other countries; German private schools also broadly follow the curriculum of the state where they're based.