

THE BELGIAN STATE VERSUS HOME SCHOOLING: THE PERSECUTION OF DR ALEXANDRA COLEN AND DR PAUL BELIEN

Professor John Kersey
(with an Afterword by Dr Sean Gabb)



Professor John Kersey

John Kersey is an educational consultant and an advocate of private sector educational alternatives. Educated initially at the Royal College of Music in London, he earned his doctorate at Knightsbridge University, Denmark, and is now Dean and Visiting Professor of Music there. In addition to his work as a musician and music critic, he has held teaching and management positions at a number of independent colleges in the UK, and has been a private tutor for several homeschooled students.

Educational Notes No. 38
ISBN 1 85637 652 4
ISSN 0953-7775

© 2006: Libertarian Alliance, John Kersey & Sean Gabb

The views expressed in this publication are those of the author and not necessarily those of the Libertarian Alliance, its Committee, its Advisory Council, or its subscribers.

Dr Chris R. Tame (1949-2006): Founder
Dr Tim Evans: President
Dr Sean Gabb: Director
Nigel Meek: Editorial Director
David Farrer: Financial Director
David Carr: Legal Affairs Spokesman
Mario Huet: Libertarian Alliance Forum Listmaster

**Libertarian
Alliance**

For Life, Liberty, and Property

Suite 35
2 Lansdowne Row
Mayfair
London
W1J 6HL

Telephone: 0870 242 1712
Email: admin@libertarian.co.uk
Website: www.libertarian.co.uk

THE BELGIAN STATE VERSUS HOME SCHOOLING: THE PERSECUTION OF DR ALEXANDRA COLEN AND DR PAUL BELIEN

Professor John Kersey (with an Afterword by Dr Sean Gabb)

Introduction

Homeschooling in Belgium is on the increase. During the past five years, the number of children being homeschooled has quadrupled, bringing the present total to a small if significant minority of 513 in both primary and high schools.

While homeschoolers are generally a highly diverse group, choosing alternatives to mainstream education for a variety of reasons, it is not unreasonable to speculate that at least part of this increase may be attributed to a state education system that has become dominated by socialist and politically correct ideas, and that has serious problems with drugs and violence. The decision to opt out may be one of conscience; it may equally be one of survival.

The case for homeschooling has been put vigorously in many other places; as a result there is no need to repeat it in detail here. Summative data concerning the academic results of homeschooling has been presented, for example, in “Home Schooling Achievement”, published by the Home School Legal Defense Association (HSLDA) in the United States.¹ Data concerning the social results of homeschooling is presented in the National Home Education Research Institute (NHERI) survey of 2003.² These studies find strongly in favour of homeschooling on both academic and social grounds, and that in particular areas the performance of homeschooled individuals substantially surpasses their insti-

tutionally-educated peers. Homeschoolers do not suffer adverse social effects from their mode of education (quite the reverse, with the majority actively involved with community life as adults to a far greater proportion (71%) than those who have attended school (37%)³), and are typically academically advanced for their age.

Homeschooling is, of course, a method of schooling far older and historically more widespread than collective education, which is largely a phenomenon of the late nineteenth-century onwards. It is presumably in recognition of its history, importance and value as a movement that the Belgian Constitution of 1831 permits homeschooling. Its Central Examination Board enables students who have been homeschooled or who have retaken high school examinations to obtain a state high school certificate.

Two Belgian dissidents

This now brings us to the case of Dr Alexandra Colen and her husband Dr Paul Belien.⁴ Both are currently homeschooling their youngest child, having successfully done so with their other four children, who are currently at university. Viewing the position empirically, it would appear that they have chosen a path that has benefited their children and that as homeschoolers they can count themselves highly competent.

Unfortunately, life is not so simple in Belgium. Dr Colen is a member of parliament for the conservative Vlaams Belang party and a former university lecturer. Dr Belien is a prominent journalist of conservative and libertarian views, co-founder of the Centre for a New Europe and a trained lawyer. Neither is a supporter of the authoritarian socialist views of the current powers-that-be in Belgium, instead advocating positions which are generally economically libertarian and morally conservative. Both are people whom those powers-that-be find inconvenient at best.

Two months ago, Dr Belien received a registered letter from the government Centre for Equal Opportunities and Opposition Against Racism (CEOOR) ordering him to take down an article from his website and informing him that they were considering prosecution.⁵ This was followed by similar calls from politicians of the governing parties and journalists from the mainstream press (including radio and television) that he be prosecuted. He has not heard from the CEOOR since, but would not be surprised if they do indeed prosecute him.

What has Dr Belien done to deserve this? Well, he opposes the immigration into Europe of islamic fundamentalists, and he is not afraid to argue this case publicly. He and his website, *Brussels Journal*,⁶ have been assiduous and consistent in pointing out that the contemporary state cultural landscape in Belgium, and particularly the CEOOR, has assumed an aggressive partisanship that is explicitly Marxist and follows the long-discredited methods of Marcuse. Under this ideology, the values of the majority are systematically attacked while those of minority groups, including muslim fundamentalists, are defended, with the aim being to destroy the culture of the

majority and then reformulate it on Marxist lines.

Throughout this, *Brussels Journal* has called for free speech for all, tolerance of all viewpoints (including both those that advocate discrimination and those that oppose it) and an end to state partisanship in favour of minority groups. In short, it has stood up for the civilised values of an open society in which opinions, whether popular or not, are subject to rational debate rather than being shouted down by those with the loudest voices. This is the sort of language that Marxist authoritarians least like to hear.

And so Dr Belien was summoned to the police station on June 13th, this time to face a different set of accusations. This time, the state turned directly to his family.

The state versus the homeschooler

Dr Belien has been accused of neglecting his duty as a parent by failing to educate his children adequately. He has been told that the Ministry of Education has asked the judiciary to press charges and the judiciary have therefore asked the police to investigate and collect a statement from him.

Three years ago, presumably prompted by concern that a growing number of children were escaping the clutches of the state, Belgium passed a law requiring homeschooling parents to fill out a questionnaire and sign a declaration. The declaration requires them to agree to school their children “respecting the respect [sic] for the fundamental human rights and the cultural values of the child itself and of others.” This is directly inspired by the United Nations Convention on the Rights of the Child.⁷

At first glance the declaration looks pretty innocuous. Then the small print kicks in. The definition of “respecting the respect” etc. is formulated by government inspectors. If two of them report negatively on a child’s homeschooling, the state has the right to force the child to attend a government school. In other words, parental autonomy over homeschooling in Belgium is at an end. The state has assumed the right to impose its own educational agenda, and its definitions of “respecting the respect”, in an act designed to ensure that no one has the opportunity to question its opinions.

Dr Belien and Dr Colen have refused to sign such a declaration in protest. This has allegedly placed them in breach of the law. Dr Belien has refused to sign a statement for the police, and has been told he may soon be asked to appear in court.

Dr Colen presents a powerful case that this is part of a move that is intended effectively to eliminate homeschooling as an option. She writes that,

Parents who sign away their right to educate their own children are subsequently harassed and intimidated. Three families that we know have had to allow inspectors into their homes who interrogate and intimidate their children, then write a report that they are not in compliance with the minimum requirements (viz. the cultural values clause) set out in the signed document, announce that they will return for further inspection and that the children who fail to qualify will be forcibly sent to schools that are officially recognised by the government. ⁸

The inspectors are held to no objective standards. They are not required to state what they are inspecting, what criteria they apply, and what levels of performance need to be met. Their questioning of children is reported as being random and arbitrary. Their only purpose, it seems, is to act as a state rubber stamp for the purpose of removing children from homeschooling and forcing them into state schools. What is more, there is no right of appeal against their verdict, because by signing the declaration, parents have signed away their right to appeal to a higher educational authority or to the courts. And if, like Dr Belien, they refuse to sign the declaration in the first place, they are regarded as failing to educate their children at all and thus are guilty of a criminal offence.

The threat to homeschooling from the UN Convention

The UN Convention on the Rights of the Child has been identified by homeschooling groups as a potential threat to homeschoolers. Michael Farris of the Home School Legal Defense Association writes that activist judges may seek to apply the convention to the United States even though the United States has not ratified it. Moreover,

Under the Convention, severe limitations are placed on a parent's right to direct and train their children. As explained in a 1993 Home School Court Report by the HSLDA, under Article 13, parents could be subject to prosecution for any attempt to prevent their children from interacting with material they deemed unacceptable. Under Article 14, children are guaranteed freedom of thought,

conscience and religion in other words, children have a legal right to object to all religious training. And under Article 15, the child has a right to freedom of association.

If this measure were to be taken seriously, parents could be prevented from forbidding their child to associate with people deemed to be objectionable companions, the HSLDA report explained.

Farris explains that, in 1995, “the United Kingdom was deemed out of compliance” with the Convention “because it allowed parents to remove their children from public school sex-education classes without consulting the child”. Farris argues that, “by the same reasoning, parents would be denied the ability to homeschool their children unless the government first talked with their children and the government decided what was best. This committee would even have the right to determine what religious teaching, if any, served the child's best interest.”⁹

It may be seen, then, that the combination of this convention with socialist legislators is one with profound and negative implications for the freedom of parents to decide the education of their children.

Conclusion

This may well sound like something out of the farther reaches of Orwell, but the fact is that it is happening in a country that makes at least the outward pretence of being a liberal democracy.

Some may say that this case is not actually about homeschooling at all. Dr Belien has incurred the wrath of the authorities as a result of expressing opinions that they find

inconvenient, and as a result, any cause is being found to make his life difficult. This is not an unreasonable explanation, and calls for the general resistance to the authoritarian state that accompanies a commitment to democracy, human rights, free speech and an open society.

Equally, that this case has revealed such a palpable threat to the homeschooling movement should be a major concern to homeschoolers in Europe and beyond. In countries where homeschooling is presently permitted, legal steps need to be taken to ensure that it is not subsumed under commitments to international law that ride roughshod over individual rights and freedoms, and that it cannot be destroyed by those who would ensure that state power and ideology goes unchecked and unopposed.

Since Dr Colen's article detailing these matters first appeared, other Belgian homeschoolers being threatened with prosecution have come forward. One has been told categorically by two inspectors that he is not allowed to homeschool his son. The inspectors give no reason for their interference with what, in Belgium, is a constitutional right. The family is now considering moving to Poland.

It is difficult to offer Dr Belien and Dr Colen anything more concrete than a generalised pledge of support at this stage. They face in the state an opponent which has stacked the deck comprehensively in its favour. If they do not succeed, it will be a dark day indeed for freedom. There are already countries in the world where homeschooling is an underground movement, carried out in secrecy and hidden from the repression of the authorities. Bel-

gium should be ashamed to join their ranks.

<http://www.lifesite.net/ldn/2006/may/06052502.html>

Notes



(1) HSLDA, 2001. Available at <http://www.hslda.org/docs/study/comp2001/HomeSchoolAchievement.pdf>

(2) Brian D. Ray, Ph.D., “Home Educated and Now Adults”, National Home Education Research Institute, Oregon, USA, 2004. Details at <http://www.nheri.org/content/view/171/47/>

(3) Ray, *ibid.*

(4) Alexandra Colen, “Brussels Journal Editor Threatened with Prosecution over Homeschooling”, *Brussels Journal*, 15 June 2006, <http://www.brusselsjournal.com/node/1114>

(5) See discussion in “Dirty Hetero”, Luc Van Braekel, *Brussels Journal*, 27 May 2006, <http://www.brusselsjournal.com/node/1084>, section commencing half-way down the page.

(6) <http://www.brusselsjournal.com>

(7) UN Convention on the Rights of the Child, 1989, <http://www.unhchr.ch/html/menu3/b/k2crc.htm>

(8) Alexandra Colen, “Brussels Journal Editor Threatened with Prosecution over Homeschooling”, *Brussels Journal*, 15 June 2006, <http://www.brusselsjournal.com/node/1114>

(9) Terry Vanderheyden, ‘International Law Threatens Home Schooling Warns Home School Legal Defense’, 25 May 2006,

AFTERWORD BY DR SEAN GABB

The intention of this pamphlet is to publicise the case of Dr Alexandra Colen and Dr Paul Belien. They are devout Catholics. They are home educators. They are social conservatives. They are economic liberals. They are Eurosceptics. They are opposed to unlimited immigration from Islamic countries. They speak their minds. As such, they are dissidents. Their government dislikes them. They are persecuted.

They are persecuted. Therefore, we defend them. However, it is not enough for us to get their case before as many people as we can throughout the world. We must look to those people to act. A political establishment is frightened by exposure. It is frightened still more by exposures that prompt large volumes of complaint. Complaints are embarrassing. Complaints often force officials to more cautious uses of power.

If you are angry at or merely concerned about the persecution of this family, the Libertarian Alliance recommends that you write or send e-mails to one or more of the following persons:

1. Guy Verhofstadt
Prime Minister
Rue de la Loi, 16
1000 Bruxelles
Belgium
Tél.: 02/501.02.11
Fax: 02/512.69.53
Email: guy.verhofstadt@premier.fed.be

In your communication with Mr Verhofstadt, enclose a copy of this pamphlet or an Internet link to it. Point out that the right of parents to bring up children in their own values is as fundamental as a journalist's right to freedom of speech. Such rights are almost by definition respected in a liberal democracy. That both these rights are being violated, indicates that Belgium is neither liberal nor a democracy. Ask that all action against the Belien family should be dropped at once. Say that you are watching the case, and that you are in touch with the media and politicians in your own country, and with the relevant international bodies.

You might also consider contacting:

Frank Vandenbroucke, the minister of Education

Email:
kabinet.vandenbroucke@vlaanderen.be

Ann Van Causenbroeck, the civil servant at the ministry dealing with homeschoolers.

Email:
ann.vancausenbroeck@ond.vlaanderen.be

Kristien Arnouts, the inspector-general at the ministry:

Email: kristien.arnouts@ond.vlaanderen.be

2. To the Editor of any media organisation in your own country.

In your communication, enclose a copy of this pamphlet or an Internet link to it. Point out that the right of parents to bring up children in their own values is as fundamental as a journalist's right to freedom of speech. Such rights are almost by definition respected in a liberal democracy. That both these rights are being violated, indicates that Belgium is neither liberal nor a

democracy. Suggest that the media organisation should further investigate this case, and report its findings in the general news.

3. To any of your political representatives.

In your communication with any of the above persons, enclose a copy of this pamphlet or an Internet link to it. Point out that the right of parents to bring up children in their own values is as fundamental as a journalist's right to freedom of speech. Such rights are almost by definition respected in a liberal democracy. That both these rights are being violated, indicates that Belgium is neither liberal nor a democracy. Whether you are or are not a citizen of a member state of the European Union, suggest that your representative should press the Belgian Government directly to respect the human rights of its citizens. If you are a citizen of a member state of the European Union or the Council of Europe, further suggest that your representative should press through the European Commission or the European Parliament.

4. Thomas Hammarberg
Commissioner for Human Rights

Council of Europe
Avenue de l'Europe
67075 Strasbourg Cedex
France

Email: commissioner.humanrights@coe.int

In your communication with Mr Hammarberg, enclose a copy of this pamphlet or an Internet link to it. Point out that the right of parents to bring up children in their own values is as fundamental as a journalist's right to freedom of speech. Such rights are almost by definition respected in a liberal democracy. That both these rights are being violated, indicates that Belgium is neither liberal nor a democracy. Point out

that Belgium is a member state of the Council of Europe. Remind him that the Mandate on his website says:

“The Council of Europe Commissioner for Human Rights is an independent institution which promotes the awareness of and respect for human rights in the 46 member states of the Council of Europe.” [http://www.coe.int/T/Commissioner/About/mandate_en.asp]

Ask Mr Hammarberg to enquire into the actions of the Belgian Government, and say that you look forward to learning the results of his enquiry.

5. Franco Frattini

Vice-President; Justice, Freedom, & Security
The European Commission
B-1049 Brussels
Belgium

In your communication with Mr Frattini, enclose a copy of this pamphlet or an Internet link to it. Point out that the right of parents to bring up children in their own values is as fundamental as a journalist’s right to freedom of speech. Such rights are almost by definition respected in a liberal democracy. That both these rights are being violated, indicates that Belgium is neither liberal nor a democracy. Point out that Belgium is a member state of the European Union. Remind him that the Treaty of Amsterdam on the European Union (EU) which came into force on 1 May 1999 states that the EU: “must be maintained and developed as an area of freedom, security and justice”.

Ask Mr Frattini to enquire into the actions of the Belgian Government, and say that

you look forward to learning the results of his enquiry.

6. To Paul Belien

Email: paul.belien@pandora.be

Tell the Belien family that they are not alone in their troubles, and that they have all your sympathy and your best wishes.

Please do something. You may be a devout Roman Catholic. You may educate your children at home. You may be a social conservative. You may be an economic liberal. You may be a Eurosceptic. You may be opposed to unlimited immigration. You may just be a decent human being.

And remember—what the Belgian State gets away with doing today to the Belien family, any European State may do to any of its citizens tomorrow.

Oh yes—and do remember this. Eurosceptics are always being told that they should be less parochial in their sympathies, and that they should pay attention to what is happening in other European countries. Here is a chance to show that we are doing just that!