Contribution by Association Luxembourgeoise pour la Liberté d'Instruction (ALLI asbl www.alliasbl.lu), also a founding member of the global movement "Rights-Centric Education Network" (RCEN https://rights-centric.education/), pulling education into alignment with human rights.

Objective & standpoint: Ensuring relevant and effective learning outcomes and inclusive and equitable quality education. This can be achieved only by pulling education into alignment with human rights.

Introduction

Let us first recall that the emergence of the right to education was a response to the instrumentalisation of compulsory schooling. Due to abuses by certain state authorities, it became necessary to establish a framework that would define a genuine right to education. In the aftermath of World War II, this right was conceived as a safeguard for peace and stability, aiming to reduce fear and ignorance. As such, it must be understood as a **right to autonomy**—empowering individuals to make informed and responsible choices, resist oppression, and fully exercise their fundamental freedoms.

On 20 March 1952, Protocol No. 1 to the European Convention on Human Rights was signed in Paris after more than two years of intense debate on the wording of Article 2 on the **right to education**.

Article 2 (1): Right to education
No one shall be denied the right to education. The State, in the exercise of its functions in relation to education and teaching, shall respect the right of parents to ensure such education and teaching in conformity with their religious and philosophical convictions.

It was clearly stated during the founding debates[1] that:

- the right to education does not discriminate on the basis of age;
- the natural rights of parents take precedence over the rights of the State;
- the State has a positive obligation to respect parents' freedom of conscience;
- a child's personhood is inalienable; children are independent human beings, not property, and their rights are inherent and non-transferable.
- children have the right to be educated in an **atmosphere of freedom that respects their own individuality and personality**;
- In all of the civil codes of European countries, minors *gain the legal capacity to act once they reach an age where they can exercise judgment. Parents have the right to introduce their children to their own religious or philosophical beliefs from an early age while leaving them free to make their own choices later on and develop their own personal convictions.*
- the aim is to give the child **immunity** against certain pressures;
- the **child's sacred right** to be brought up according to principles of open inquiry that foster the development of reasoning and critical thinking; **no doctrine or dogma should be imposed on him or her**.

The *child* belongs to no one, neither to the state nor to families. The child is a full subject of rights.
The right to education must defend the sovereignty of the human person in their state of vulnerability, and this requires full respect for a certain code of conduct, regardless of who is responsible for them.

[1] https://www.echr.coe.int/documents/d/echr/echrtravaux-p1-2-cdh-67-2-bil2292567

In theory, the full respect of the following ethical guiding principles is essential:

1. **A balance of power between all players within a misarchic regime** whose principle is the maximum reduction of power and domination.
2. **Prohibition of inhuman and degrading treatments**.
Violence against children means any deliberate, unwanted, and non-essential act, threatened or actual, against a child or children that results in, or has a substantial likelihood of resulting in, death, injury, or other forms of physical or psychological suffering.
3. **Human dignity is inviolable**. **It must be respected and protected.**
This requires not subordinating social life to the State, but shaping the State as an entity capable of judging fairly and equitably the diverse forms of human existence it must coexist with.
4. **Prohibition of discrimination**. Any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation is prohibited.
5. **Guaranteeing educational pluralism**. There is a clear contradiction between the State's monopoly on education and the guarantee of parents' right to choose how their children are taught or the respect of the self-determination (autonomy) of learners in their educational choice.

In practice, schools are seen as the link between individual rights and collective constraint. Yet it exercises intolerable violence against individuals under the guise of upholding so-called universal standards. We can see the malaise of the child's condition in the land of child kings. French historian, philosopher, and sociologist Marcel Gauchet offers this assessment[1][2] of the contemporary situation:

« Autonomy is not just a concept—it is a demand for the future. A society that breaks free from the grip of religious dogma is a society that takes charge of its own transformation. The world is no longer a fixed order dictated from above; it must now be imagined, questioned, and shaped collectively. In this shift, belief becomes a matter of personal conviction, and individuals step into a space where pluralism and democratic self-determination are the norm.

In this context of democratic resurgence, grading systems, hierarchical sorting, and the supposedly "natural" logic of selection are increasingly exposed for what they are: relics of an authoritarian past. They are the instruments of an outdated institutional violence, where the system's rules override the individual's dignity. If people are to thrive, they must be seen and valued for their uniqueness—not continuously ranked, judged, or reduced to their place in a prewritten script. They must be freed from the cold verdicts of machinery that pretends to measure worth while only reinforcing the old social order.

Equality cannot be achieved through comparison and competition. It emerges through the active mixing of singularities—where each person's voice, identity, and story can exist alongside others, without the interference of an external authority deciding who is worth more. Yet the system reveals its contradictions the moment it collides with the world outside, where traditional structures still cling to their power through the same old hierarchies. This is where the fight continues. »

In Luxembourg, we observe the difficulty for the Government and society to overcome institutional violence and fully promote a new form of education that would be democratic, self-organised and adaptable.

[2] Marcel Gauchet, *La démocratie contre elle-même*, 2002, Ed. Gallimard

1) What are the main barriers to public pre-primary education available free to all in law, policy, and practice in your country, and what is their impact on the rights of the child? Please consider the specific situation of marginalized children and those in vulnerable situations in your response.

In Luxembourg, pre-primary education is compulsory from the age of 4 and accessible from the age of 3. This is often where the problem begins: parents report that their once joyful and thriving children become anxious and withdrawn after starting school. Clearly, many of them are not ready to be separated from their primary attachment figures, and forcing this separation does not serve their best interests. Young children are perfectly capable of expressing distress and non-consent, yet they are expected to suppress their feelings from a very early age.

Their need for emotional security is overlooked, their dignity disregarded—and this form of institutional violence is neither necessary nor justifiable. A child's right to education should not come at the cost of being abruptly separated for most of the day from those they rely on most. Such harsh approaches do not serve human development; rather, they breed insecurity, a loss of trust, and fear.

Children from marginalized backgrounds suffer even more. Their parents are often viewed as less competent caregivers and receive no financial support if they choose to homeschool or seek an alternative path to avoid their child's distress. At present, aside from homeschooling, there are no truly non-violent options available to fulfill the right to education. Learning should not require coercion or emotional harm.

2) What are the main barriers to public secondary education available free to all in law, policy, and practice in your country, and what is their impact on the rights of the child? Please consider the specific situation of marginalized children and those in vulnerable situations in your response.

The barriers are mainly access to a quality education that makes sense in today's world.
This was clearly expressed by an association of Luxembourg pupils in a document[3] dated February 2024, summarized in English below by ChatGPT:

The High School of Tomorrow: Recommendations for the New Government on Education and Student Participation

The National Student Conference of Luxembourg (CNEL), which represents elected student committee members from secondary schools across the country, welcomes the coalition agreement's priorities on secondary education and student participation. However, they also present additional reflections and demands for future reforms.

The CNEL argues that current teaching methods are outdated and no longer suited to the complexities of modern society. They advocate for an education system that prepares students for real-world challenges, promotes citizenship, and ensures equal opportunities.

Key Recommendations:

- **Languages**: Prioritize speaking skills in all four national languages (LU, DE, FR, EN); offer flexibility in choosing the language of instruction for certain subjects.
- **Interactive Learning**: Replace traditional lecturing with participative methods such as discussions, collaborative projects, expert talks, and excursions.
- **Updated Curriculum**: Include recent historical topics, societal issues chosen by students, critical thinking, mental health, geopolitics, digital literacy, and financial education.
- **Vocational Education**: Improve the status and visibility of trades and manual professions.
- **Digital Tools**: Encourage smart use of technology rather than banning it, promote digital skills and responsible AI use, and maintain a balance between digital and paper-based learning.

[3] https://www.cnel.lu/wp-content/uploads/2024/02/AVISCNEL2024.pdf

- **Misinformation & Media Literacy**: Help students access reliable news sources.
- **Internships and First Aid**: Promote internships and ensure all students receive first aid training.

Mental Health: The CNEL stresses the importance of mental well-being, proposing:

- The right to disconnect;
- More visible, proactive, and transparent roles for school counseling services (SePAS);
- Inclusive education for students with special needs;
- Awareness campaigns on bullying, substance abuse, and sexual harassment.

Sustainability: Despite past climate protests and CNEL's ClimateXchange report, progress on sustainability in schools remains limited. CNEL recommends:

- Promoting reuse of textbooks;
- Better school transport;
- Safe bike paths and storage facilities.

Student Participation: While democratic ideals are promoted in theory, students feel they are often not taken seriously. CNEL calls for:

- Official recognition of student representatives;
- Greater consultation by school administrations;
- Better support and release time for student representatives;
- End-of-term reports written in cooperation with school leadership;
- Equal representation in school councils;
- Regular meetings with the Ministry of Education;
- Support for voluntary voting rights from age 16.

In conclusion, CNEL believes that education must evolve with society. Schools should serve the students—not the other way around—and reforms must embrace 21st-century skills, digital innovation, and inclusive governance. Students are key stakeholders in shaping the future of education.

We seek to amplify the clarity and authenticity of these young people's voices. Yet we must ask: to what extent are they truly aware of their social condition—and of the ways in which they may participate in their own voluntary servitude? Like generations before them, have they perhaps been too thoroughly educated into conformity, to the point of losing sight of their own agency?

3) What are examples of innovative and sustainable financial mechanisms to support the full and effective implementation of public pre-primary and secondary education available free to all children in your country?

An effective public education system—at both pre-primary and secondary levels—must guarantee that every child has access to a learning environment that upholds their dignity and responds to their individual needs. This includes fostering autonomy and empowering learners to take an active role in their education.

Educational models based on democratic principles, self-determination, and personal responsibility—eschewing rigid curricula and traditional teaching structures—have long existed across cultures. Far from being utopian, these approaches have demonstrated their viability. In such settings, students and educators engage as equals, and learning unfolds through self-directed exploration, play, and real-life experiences.

The Council of Europe itself promotes horizontal governance through its campaign *"Free to Speak, Safe to Learn."*[4] Yet in Luxembourg, these learner-centered approaches receive little meaningful support, either politically or financially. As a result, we find no innovative or sustainable funding mechanisms that enable a more diverse and learner-led educational landscape. Educational pluralism is severely limited by a vertically governed, coercive system that remains largely uniform and resistant to alternative models.

4) What steps is the Government taking to remove barriers and make public pre-primary and secondary education available free to all, including through the allocation of adequate resources and cross-sectoral and international cooperation? Please provide examples of specific laws and regulations, measures, policies, and programmes.

Article 33(3) of the new Luxembourgish Constitution, in force since July 1st, 2023, states: *"Freedom of education is exercised with respect for the values of a democratic society founded on fundamental rights and public freedoms."*

However, it appears that the government is more intent on imposing its own vision of education than on creating the conditions necessary for learners to thrive in accordance with this principle. True education, at its highest ideal, should foster critical thinking and personal development. This does not require an authoritarian or coercive environment. On the contrary, autonomy and responsibility are inseparable, and supporting personal agency calls for a libertarian approach—one that is both secure and rooted in ethical misarchic values.

Families who choose such an educational path—fully aligned with democratic values and fundamental freedoms—frequently report subtle forms of harassment and psychological manipulation by public authorities. It seems that relinquishing control unsettles the government, which instead appears to double down on expanding its oversight, thereby eroding individual autonomy.

This growing concentration of public power not only challenges the appropriate role of the state in education but also threatens the genuine realization of the right to education and, by extension, the rights of the child, and eventually this harms the whole society.

Conclusion

Transforming our educational culture to align it with the foundational ethical principles of the right to education is a profound and complex challenge. It begins with the ability to unite beyond our differences, drawing on the boundless creativity of collective intelligence. Equally crucial is cultivating the art of dialogue, as defined by Edgar Morin—exchanging ideas without the intent to dominate.

This transformation requires inner work: becoming aware of our wounds, understanding their origins, and reclaiming our dignity. Healing from trauma, rebuilding ourselves, and fostering emotional maturity are all essential to establishing an ethic rooted in mutual respect and equality.

To achieve this, we must foster a regenerative culture—one that integrates inclusive, trauma-informed practices of collective intelligence. These practices support the necessary transformations within groups and consistently aim to uphold and deepen respect for the dignity of every individual.

The state's mission should be to uphold self-determination and ensure full compliance with fundamental rights by cultivating a regenerative culture. Its duty should be to safeguard an ethical framework aligned with these rights and to guarantee access to objective, democratic educational resources—without imposing bureaucratic or dogmatic content and methods on the learning process.

[4] https://www.coe.int/en/web/campaign-free-to-speak-safe-to-learn