



ADF INTERNATIONAL

## The *Wunderlich vs. Germany* Homeschooling Case

**Case Name:** *Wunderlich v. Germany* (no. 18925/15)

**Significance:** The Wunderlich homeschooling case at the European Court of Human Rights is challenging Germany's blanket ban on the internationally recognized right of parents to raise their children in accordance with their own convictions.

**Background:** Dirk and Petra Wunderlich are a German couple with four children. As a result of deciding to educate their children at home, the German state has vigorously pursued the family, insisting that the children must attend a public school.

On 29 August 2013, more than 20 police officers and social workers stormed the family home and carried their crying children away. The children were subject to a battery of testing which demonstrated that they were performing on a par with most students attending a public school. In light of this, the children were returned three weeks later, but the government retained some of the parents' rights for a further year. To this day, the obligation for the children to be sent to a government-approved institution remains.

Germany is one of the only European countries which does not recognize the right of parents to educate their children at home. However, Germany has signed human rights treaties that explicitly protect the right of parents to direct the upbringing and education of their children.

### Key Principles

- *The right of parents to direct the upbringing of the children.* The right of parents to direct the upbringing of their children is a fundamental right protected in all of the major human rights treaties including Article 2 of the First Protocol to the European Convention on Human Rights.
- *The right to family life.* The right to family life is explicitly protected under Article 8 of the European Convention on Human Rights. This fundamental right places a very high threshold on the state before it has any license to intervene on family matters.

### Key Facts

- The children were carried away from their parents by a group of more than 20 police officers and social workers on 29 August 2013.
- The custody order was solely related to the children being educated at home.
- Following the removal of their children, the parents asked the authorities if they could leave Germany for France where homeschooling is allowed. This request was refused.
- At the root of Germany's ban on homeschooling is the idea that homeschooling harms children. When the Wunderlich children were tested by the state, they performed above average in some areas, and just below average in others. Numerous studies indicate that homeschooled students across the world perform at the same level as those attending public schools and, in some cases, even better.

**What's at Stake?** A victory at the European Court of Human Rights would strengthen the fundamental right of parents across Europe to raise their children in conformity with their own convictions. Without such a victory, German families may continue to be harassed and victimized by the government for seeking to home educate their own children, and the Wunderlich family will continue to face aggressive actions by the state authorities.

**Bottom Line:** Children are born to parents not the government. The Wunderlich family has simply exercised the right of parents to choose the upbringing and education of their children. This right is protected under international law. Germany should respect this fundamental parental right.