



ALE - Asociación para la Libre Educación

TO THE ATTENTION OF THE JURY OF EDUCATION, NUMBER 4, SANLUCAR DE BARRAMEDA

Re: Dil. Previas 1324/2007, Negociation 4

We, the undersigned of this petition, are interested in the case that is being considered in the aforementioned Court. We would like to **make known that:**

Upon learning that the Court has files charges in Penal Court against **Francisco Jesus Caceres Galan and Dolores Roldan de la Rosa** for the alleged crime of family abandonment, we would like to make known that we support this family. We understand that they have chosen the method of Homeschooling for their son, and we consider that this decision is in line with their constitutional and legal rights in Spain, given that there does not exist any prohibition in the various international treaties signed by Spain. On the contrary, it is a right recognized by the **United Nations**.

We understand that the actions of the Caceres family is a the result of a conscious decision and that the parents, aware of their rights and responsibilities, have fully assumed the responsibility of homeschooling, with the support of the Spanish Constitution, articles 27.1 and 27.3, which recognize the freedom of education and the right of the parents to choose the form of education for their children.

We would also like to make known that homeschooling in Spain has been deemed legitimate on numerous occasions. The courts, when they have had opportunity, have ruled that freedom of education is protected and guaranteed not only by institutional means and the integration of the student in the educational system designed by the law, but also that "education effected outside of official schooling is perfectly acceptable in the range of freedoms designed by the Consitution" (verdict of the court of Barcelona, 14 February, 1996). On this same subject, the Supreme Court, verdict of October 30, 1994, ruled that the right of education is compatible with Homeschooling, outside of official instruction, and that the manner established by the State should not be exclusive. There exist other similar verdicts which would take a long time to describe. However, we would like to point out that in places such as the Basque Country and Cataluña, among others, there already exists jurisprudence recognizing the legality and viability of Homeschooling, as well as the recognition that this method of education is a legitmate and growing option not only in Europe and the world in general, but also in Spain in particular. It has the approval of the courts, rendering the rights enumerated in the Spanish Constitution, article 27.3. We would like to remind you that in Andalucia there is jurisprudence as well (verdict of District Court of Granada, 29 February 1996 and of Sevilla, 23 November 1998) in which is it reiterated that education outside of "official" schooling is perfectly acceptable within the parameters of the Constitution.

We know that the **Caceres family** is educating their son, and that they are giving him adequate formation in the exercise of the freedom of teaching which is constitutionally recognized; having opted for the education they deem most appropriate for their son, taking into account his well-being and his integral education, both delineated in articles 26.2 and 26.3 of the **Universal Declaration of Human Rights**.

Having said all this, we want to reiterate that we consider this not as a case of failure of responsibility on the part of the parents nor of negligence, nor absenteeism and even less of abandonment. On the contrary, it could be called an excess of zeal to offer the best education possible with respect to the child and in keeping with the values of the family, values inscribed within the democratic values of the Spanish state, and therefore fully respectable.

We know that at this moment in Spain there does not exist a regulated recognition of alternative forms of education. However, being a permissible educational option in a democratic state such as ours, we request that this case not be considered as abandonment but as a case of alternative education which is permitted under the Spanish Constitution.

May this letter serve as an indication of our solidarity with the accused family and the manifestation that we fully share the same ideals and feelings which encourage these parents to educate their child at home.

Sincerely,

Asociación para la Libre Educación, ALE. CIF. G63033468.

Reg. N. A. nº170702, Ministerio del Interior

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