



Homeschooling through

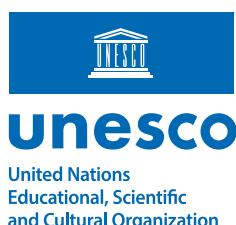
a human rights lens

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## SHORT SUMMARY

# Homeschooling and the right to education: What's at stake?

The practice of homeschooling is increasingly becoming a widespread phenomenon. However, this educational approach has been largely overlooked at the global level, particularly in terms of its human rights implications. The diverse contexts in which it occurs and the various reasons and motivations behind parents' or legal guardians' choice to homeschool may contribute to its escaping global attention. Nonetheless, safeguarding the right to education in every setting remains a core responsibility of the State.

International human rights law does not explicitly refer to the practice of homeschooling. Nevertheless, when rights and obligations pertain to the provision of any form of education, it is essential to consider how these apply to homeschooling.

This report examines how the right to education can be upheld with respect to homeschooling, highlighting existing tensions and offering considerations to guide policymakers in designing and monitoring homeschooling-related laws and policies.

As homeschooling continues to evolve, adopting a rights-based approach becomes crucial, balancing freedom of choice with the need for quality education (through established minimum education standards) and accountability.

Key considerations include ensuring that homeschooling fosters child well-being, acknowledges the diversity of homeschooled learners and encourages exposure to cultural diversity. Governments must implement oversight mechanisms such as registration and evaluations, while ensuring regulatory capacity and providing parental support. Strengthening research and consultations will help refine policies that protect the right to education and ensure that homeschooling serves both individual and societal needs.



Safeguarding  
the right to education  
in every setting remains  
a core responsibility  
of the State



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*"Since wars begin in the minds of men and women it is in the minds of men and women that the defences of peace must be constructed"*

Homeschooling through

a human rights lens

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# Introduction

Educational systems worldwide are seeking to transform in order to respond to significant challenges and societal changes, including the evolving needs and expectations of learners and parents and legal guardians. As a practice embodying the quest for alternative schooling models, homeschooling particularly strikes a chord in today's context.

Beyond homeschooling, upholding the right to inclusive and quality education for all is one of the major endeavours of our time. International human rights law (IHRL) imposes on States obligations concerning the provision of education. It also enshrines the principle of the best interests of the child and affirms parents' and legal guardians' right to choose how their children are educated. The choice of educational content raises important questions about the extent to which education is understood normatively as both an individual and collective concern – and what the appropriate balance could or should be.

This paper constitutes one of multiple contributions to discussions on the Initiative on the Evolving Right to Education.<sup>1</sup> The report explores trends, challenges and opportunities in homeschooling from a rights-based perspective. In addressing a knowledge gap, the report aims to contribute valuable insights to discussions about how to uphold rights and obligations as defined by the international human rights framework in the context of homeschooling.

Our education systems, as key elements of our societies, are subject to the multiple challenges that humanity is facing: climate change, inequalities, the rapid evolution of technology, changing labour markets, and the polarization of politics, as highlighted by the report *Reimagining Our Futures Together: A New Social Contract for Education* (UNESCO, 2021a). It is within this complex configuration that homeschooling, as a feature of contemporary societies, necessitates deeper examination.

<sup>1</sup> For more information, see here: <https://www.unesco.org/en/right-education/evolving>

## METHODOLOGY AND STRUCTURE

The report's analysis builds upon desk-based research, literature review, expert contributions and, to some extent, submissions from Member States. The literature on homeschooling predominantly comes from the United States of America because of the size of its homeschooling population and the attention that researchers give to the practice. However, recent research from several other countries has also emerged, making it possible to complement findings and provide an international perspective.

National examples were selected from the following list of countries: Australia, Brazil, Canada, Colombia, France, Germany, Indonesia, Ireland, Kenya, New Zealand, the Philippines, Portugal, the Russian Federation, South Africa, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. These countries were selected according to the proportion of homeschooled children and differing regulatory frameworks; regional representation was ensured. Research was conducted in the following languages: English, French, German, Spanish and Portuguese. While homeschooling may exist in other countries, qualitative research on the topic is very limited or non-existent, which hinders a global analysis of the phenomenon, as further explained in the limitations below.

The first chapter provides a general overview of homeschooling; it suggests a working definition for the term, explains the importance of distinguishing homeschooling from what occurred during the coronavirus disease (COVID-19) pandemic, and gives a brief overview of its history and current trends. The heart of the report, chapter 2, is structured around human rights principles that have been identified as having important implications for homeschooling. It presents the state of human rights obligations and responsibilities, as well as the rights of parents or legal guardians and children, and, in conclusion, offers insights into the complex points of tension that can emerge.

## LIMITATIONS

This report does not aim to provide a complete analysis of homeschooling, as substantial quantitative, qualitative and empirical data are lacking at both international and national levels. The considerations presented are exploratory rather than prescriptive, offering insights based on available research and country practices. This underscores the need for further research and highlights the importance for the international community to gather accurate, unbiased and reliable data on homeschooling in diverse country contexts.

## AUDIENCE

This report aims to provide topics for consideration with regard to homeschooling, which can assist policymakers in addressing the issue. Rooted in a rights-based approach, these topics for consideration are intended to inform the reader about Member States' international commitments and obligations concerning the right to education. They are also intended to serve as a useful resource for enhancing the debate on the State's role in regulating the practice, a debate in which the international community, policymakers, experts, researchers, practitioners, parents and former homeschooled children are engaging.



# 1. Overview of homeschooling

## 1.1 Defining homeschooling

There is no internationally agreed-upon definition of “homeschooling”. The practice, which has evolved over time, is also known as “home education”, “home-based learning”, “home instruction”, or “parent-led education”, among other terms. For the purpose of this report, homeschooling is defined as follows:

*Education directed by the parent (or legal guardian or caregiver) for children of compulsory-school age, and possibly the children of other families, conducted at home for the majority of the time. This replaces full-time attendance at a physical school at least for a certain period.<sup>2</sup>*

It is important to note that families that homeschool do not always see homeschooling as a permanent approach to education. Parents, caregivers or legal guardians (hereinafter generally referred to as “parents” to avoid repetition) may opt for homeschooling temporarily, based on evolving needs and circumstances, and then return to traditional schooling when appropriate. For example, according to a study conducted in the United States of America<sup>3</sup> (Cheng, 2024), 43% of adults have been homeschooled for only one to two years. In three urban French departments researched (Glasman, forthcoming), 73% to 78% of homeschooled children aged 6 to 16 years are homeschooled for one to two years. In two rural departments researched, the duration of homeschooling tends to be longer; however, the majority (54%) still homeschool for only one to two years. On the other hand, for 11% of homeschooled children, the decision to homeschool was indeed a long-term commitment, lasting continuously from the first to the twelfth grade (ibid.). The definition of

homeschooling is also still evolving, and as access to diverse information and digital technology increases, there is a blurring in the distinctions between homeschooling and virtual schooling. This requires greater clarity, a matter which will be further discussed in section 2.3.3.

Even though many activities take place in the home, homeschooling parents can use community resources and surroundings, as well as public facilities, to enrich children’s learning. Furthermore, while in some contexts, homeschooled children may be enrolled part-time at a campus-based school, or share instruction with other families (for example, through learning pods consisting of a few families gathering together to create learning environments), most of their education is provided by parents. This creates an important distinction between homeschooling and other forms of non-public schooling, such as online education, tutoring or private schooling.

Tutoring is often provided by someone who is external to the family and has expertise in a particular subject or set of subjects. This form of individualized learning can take place in different settings, substituting or complementing other forms of schooling. For instance, homeschooling parents can resort to private tutors for subjects they themselves may not be able to teach, but because the parents are still directing their children’s education, this use of private tutors is still considered homeschooling.

Even though many activities take place in the home, homeschooling parents can use community resources and surroundings, as well as public facilities, to enrich children’s learning.

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2 The working definition elaborated for the purpose of this report is inspired by the definitions provided by Watson, A. (2023) and by Lines, P. (1999), p. 5. It is important to note that depending on the national context, homeschooling is defined differently.

3 The Understanding America Study, administered by the University of Southern California’s Center for Economic and Social Research, is a nationally representative panel of approximately 14,000 adults who are at least 18 years old.

Private schooling differs from homeschooling in that the education provided is not administered by the individual parent, but by the school. Private schools, whether State-subsidized or not, whether for profit or not for profit, are operated by private individuals or organizations and have their own teachers and administrators. Private schooling also generally takes place in physical institutions (virtual schools are an exception), in which multiple students are taught collectively. However, as regulations on homeschooling and private schooling vary across countries, in some contexts, legal questions can arise where entities operate under homeschooling regulations when they should instead be registered as private schools.<sup>4</sup> For example, microschools and learning pods run by experts or instructors, depending on the context, could be considered forms of private school. Therefore, what might be considered homeschooling in one country would be considered private schooling in another.

Making a distinction between what constitutes homeschooling, tutoring and private schooling is important from a human rights perspective.

This is because broadening the definition of homeschooling risks blurring the lines of responsibility among duty-bearers — whether the State, parents, or non-State actors — and complicates efforts to ensure accountability. If homeschooling were to include educational arrangements not primarily led by a parent, human rights obligations applicable to non-State actors, such as private educational providers and tutoring services, should apply. Clear boundaries are essential to safeguarding children's right to quality education, and they are essential to delineating the roles of various actors in upholding educational standards and protections.

Finally, homeschooled children are not considered **out-of-school children**. The latter are children who are in the official age range for the corresponding level of education, but who are not enrolled in school and do not receive any kind of formal or structured education. However, there are cases where children are registered as homeschooled when, in reality, they are not receiving any education and should be counted among those out of school.

## 1.2 How homeschooling is different from what happened during the COVID-19 pandemic

The COVID-19 pandemic resulted in unprecedented school closures, forcing millions of children to endure extended periods of distance learning or, in some cases, no learning at all. Throughout the pandemic, governments implemented diverse responses to the educational disruption, ranging from no-tech solutions, such as mailed worksheets, to low-tech options, such as radio and television broadcasts, and high-tech solutions involving online platforms.

It is crucial to distinguish homeschooling from the distance-learning responses employed during the school closures. McCabe et al. (2021) note that the lone, albeit important, similarity is children's absence from physical schools (as well as perhaps an increase in the time spent with their parents). During the closure period, families supported students at home in engaging with pedagogical activities provided by teachers, who were to adhere to their schools' curricula during a specific day schedule. In contrast, homeschooling entails children no longer being enrolled in a traditional school, with

parents being responsible for either choosing or partly choosing and administering the curriculum (beyond core subjects) and organizing the duration and schedule of the learning activities of the day.

For many parents who were at home during the COVID-19 period, distance learning required their active involvement in the monitoring of their children's learning. However, this was the result of a global health emergency, not a decision. The extent to which teachers were able to provide support varied, based on the quality and type of communication between schools and families. In some countries, classes continued via online video platforms. Nonetheless, faced with numerous constraints or desiring to enhance their children's learning experience, some parents began sourcing their own educational materials (UNESCO, 2023). As a result, some of them began to consider homeschooling a viable option for the future.

<sup>4</sup> In Portugal, according to Decree-Law No. 152/2013 and No. 70/2021, home education is that which is taught in the student's home, by a family member or by a person who lives with the student. Similarly, in France, according to a law of 24 August 2021, only children of the same family can be taught together. In the United States, however, the distinction from private schools is not so clear-cut, as there are hybrid schools where the learning process is monitored equally by the school and the parents, but the students are still considered homeschooled.

According to the UNESCO publication *An Ed-Tech Tragedy?*, “while the choice to home-school children has numerous motivations, there is evidence that large numbers of families made this transition due to concerns and complications stemming from the pandemic” (UNESCO, 2023, p. 162). The report also highlights how this decision was often driven by parents’ “exhaustion and disillusionment with technology-first modes of remote learning”, coupled with worries about excessive screen time. An example of an increase in homeschooling during this period can be found in the United Kingdom, where research indicates a significant increase in the percentage of homeschooled children between 2019 and 2021 (United Kingdom Explore Education Statistics, 2024).

However, research has also revealed that the period of school closures exacerbated social and educational inequalities, both between countries and within countries. Even in high-income countries, socioeconomic conditions frequently determined the level of support schools and families could offer children during distance learning, leaving many students behind. These inequalities extended beyond access to digital devices and Internet connectivity; parental capacity to provide the necessary support for fulfilling school requirements also varied. Families with high economic and cultural capital had the means to seek alternatives, further deepening disparities in child well-being and academic outcomes.

This report aims to analyse homeschooling outside the context of the COVID-19 pandemic.

### 1.3 Brief overview of homeschooling history and current trends

Since the late 1960s, many have critiqued school as a highly structured institution with negative consequences<sup>5</sup> – from the reproduction of social inequalities to inefficiency in terms of learning outcomes to the generation of several negative social experiences for children. The initial critique of schools was at the origin of the current homeschooling movement in the United States (Kunzman and Gaither, 2020). This movement contrasts with earlier instances of homeschooling, which primarily stemmed from limited access to traditional schooling. Specifically in the context of the United States, homeschooling also became popular among certain conservative religious groups, which did not support the values promoted in public schools.

The history behind homeschooling does vary considerably depending on the country. For example, in France, the Ferry Act of 1882, which established compulsory primary education, initially allowed it to be provided by families. However, subsequent amendments tightened regulations and controls, particularly in the late 1990s because of a fear of sects, and after the 2015 terrorist attacks because of a fear of radicalization (Glasman and Bongrand, 2018). This led to increased scrutiny of family instruction, but also to a paradoxical increase in visibility associated with the Government’s attention to the practice (*ibid.*).

Researchers have explored the phases of contemporary homeschooling expansion in the United States of America since the early 1970s. A study conducted in the United States in 1985 suggested that between 200,000 and 300,000 families were involved in homeschooling at that time (Knowles et al., 1992). Just before the pandemic, in 2019, data from the United States’ National Center for Education Statistics (NCES) indicated that 2.8% of school-age children (around 1.5 million) were homeschooled in the United States (US Department of Education, 2023). Smith and Watson (2024) note that following the pandemic, in 2023/24, the percentage of self-reported homeschool participation rose to 6%. In other countries, numbers are comparatively lower, with an estimated 111,700 homeschooled children in the United Kingdom (Government of the United Kingdom of Great Britain and Northern Ireland Explore Education Statistics, 2024)<sup>6</sup>, 50,000 in Canada and 30,000 in Australia (Brabant and Dumond, 2021). In France, in 2018, there were approximately 30,000 children (0.36% of school-aged children) who were instructed at home (Glasman and Bongrand, 2018). Nevertheless, overall homeschooling, along with its legitimacy, has been steadily increasing (Neuman, 2020).

However, because of the lack of mandatory reporting and parents’ reluctance to declare homeschooling — in cases where the legal frameworks are unfavourable, for example — accurate data on homeschooled

5 The works of Pierre Bourdieu, Paulo Freire, John Holt and Ivan Illich are a reference in this period.

6 These estimates are likely to understate the total number of home-educated pupils because registration with the local authority is voluntary.

children are often unavailable. Another issue is how administrations in different contexts define and quantify students who are educated outside of school (Glasman and Bongrand, 2018). Consequently, researchers frequently suspect the actual numbers to be higher than those officially reported to authorities.

The legal frameworks for homeschooling differ highly from country to country, mirroring the diverse positions adopted by national governments regarding this practice. In South Africa, the Schools Act 84 of 1996 provides, in section 51 (1), that “a parent may apply to the Head of Department for the registration of a learner to receive education at the learner’s home” as long as this is in the interests of the learner and meets the minimum requirements of the curriculum, and the standard is not inferior to that of the education provided in public schools, *inter alia*. In Portugal, Decree-Law No. 70/2021 defines the rules and procedures relating to enrolment, monitoring and certification of learning. Students who are homeschooled must be enrolled in a school, with which a collaboration protocol is established, ensuring compliance with the curricular references defined by the Ministry of Education. In the Philippines, the Department of

Education strengthened its homeschooling programme as an alternative delivery mode (ADM) — introduced in 1997 — through the issuance of DepEd Order No. 001 (2022). This programme can be offered by any public or private school as a response to the needs of learners who are unable to attend formal school on account of medical conditions or family circumstances. The policy guidelines for the programme include guidelines, standards and implementation procedures.

On the other hand, Germany considers compulsory education to be schooling provided by a State-organized or State-controlled institution, and the Federal Constitutional Court has ruled that parents are not entitled to prevent children from attending school (Research Services of the German Bundestag, 2009).

The table below provides an overview of the legal status of homeschooling in various countries, based on available and identifiable information in countries where this practice is regulated. A binary approach has been adopted to provide a simplified overview; however, the sources indicated can provide more information on legal status and related conditions and requirements.

**Table 1: Legal status of homeschooling in selected countries**

Country	Legal status of homeschooling <sup>7</sup>	Source
Australia	Legal (restricted depending on the state)	Department of Education, School Education Act 1999
Canada	Legal (but the practice is restricted in Quebec)	Ministère de l’Éducation du Québec (Homeschooling Regulation of Quebec) and Ontario Ministry of Education
France	Legal (but restricted)	Service Public, Law No. 2021-1109 of 24 August 2021
Germany	Illegal (except in rare circumstances)	German Bundestag, Civil Code
Indonesia	Legal	Act of the Republic of Indonesia on National Education System (2003)
Ireland	Legal	Citizens Information, Education (Welfare) Act, 2000
New Zealand	Legal	Ministry of Education
Portugal	Legal	Ministry of Education
Philippines	Legal	Department of Education
Russian Federation	Legal	Federal Law of 29 December 2012 N 273-FZ “On Education in the Russian Federation”
South Africa	Legal	Department of Basic Education, South African Schools Act No. 84 of 1996 as amended by the Basic Education Laws Amendment Act 32 of 2024
Switzerland	Legal (restricted depending on the canton)	For example, see the canton of Valais’ Directives of 2017
United States	Legal (restricted depending on the state)	Johns Hopkins Homeschool Hub

<sup>7</sup> The term “restricted” is used to indicate that there are very specific conditions that need to be met or very specific circumstances that need to exist.

## 2. Human rights as applied to homeschooling

The right to education, a fundamental pillar of IHRL, is enshrined in numerous instruments, including most notably, the Universal Declaration of Human Rights (1948), the Convention against Discrimination in Education (1960), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989) and the Convention on the Rights of Persons with Disabilities (2006).

As is the case for other human rights, the right to education presents the potential for tensions that require interpretation with regard to specific matters, such as issues related to homeschooling. These tensions are especially pronounced because of the nature of the right to education: it is a right that is for the benefit of, simultaneously, the individual and the collective.

This analysis aims to discuss and clarify these tensions through a rights-based approach, examining

existing legal frameworks in various countries. This chapter will cover freedom of choice (section 2.1), free and compulsory education (section 2.2), quality education (section 2.3), equality, non-discrimination and inclusion (section 2.4), duty of the parents and/or legal guardians (section 2.5), children's well-being and children's rights (section 2.6), freedom of thought, conscience and religion and cultural diversity (section 2.7), and finally, accountability and monitoring (section 2.8).

### 2.1 Freedom of choice

#### 2.1.1 What is freedom of choice?

Parents' right to freedom of choice regarding their children's education is widely present in IHRL, particularly in: article 5.1.b. of the Convention against Discrimination in Education (1960); article 18.4 of the International Covenant on Civil and Political Rights (1966); articles 13.3 and 13.4 of the International Covenant on Economic, Social and Cultural Rights (1966); and article 14.2 of the Convention on the Rights of the Child (1989).

#### Box 1: Convention against Discrimination in Education (1960)

##### Article 5

**1.b.** It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to **choose for their children institutions** other than those maintained by the public authorities but conforming to such **minimum educational standards** as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the **religious and moral education of the children in conformity with their own convictions**; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction; *[emphasis added]*

Parents' freedom of choice (or educational freedom), as stated above, is guaranteed through the possibility of:

- Choosing educational institutions for their children other than those maintained by public authorities;
- Providing the religious and moral education of their children in conformity with their own convictions.

Whether a homeschool, where a parent administers education, qualifies as an educational institution is, however, not explicitly recognized in IHRL. The United Nations' Special Rapporteur on the right to education, Farida Shaheed, stated in her 2023 report: "Homeschooling may therefore be considered as part of educational freedom, with families retaining the liberty to ensure the education of their children at home. Nevertheless, the same guarantees must apply to the right to education in all dimensions."

Therefore, this right is not absolute. Article 5.1.b of the Convention against Discrimination in Education (1960) outlines limitations on parental liberties. These constraints arise from the complexities of this issue.

For instance, in the context of homeschooling, it is necessary to guarantee that parental freedom of choice does not weaken children's access to various other rights, such as the right to freedom from violence (Convention on the Rights of the Child, art. 19) or the right to be protected from work that interferes with the child's education (Convention on the Rights of the Child, art. 32). Consequently, legislation concerning homeschooling must be aligned with the internationally agreed standards.

The concept of educational freedom is applied very differently across countries, depending on the history of a given State. This is particularly visible, for instance, when it comes to the allocation of public funds to education; some countries have developed schemes that create an environment more favourable to school choice than others, in terms of the diversity of public schooling, for instance. The Global Education Monitoring (GEM) Report 2021/22, *Non-State Actors in Education*, found that 171 out of 204 countries had government-aided non-State schools (UNESCO GEM Report, 2021). These different stances also translate into different approaches regarding the financial support provided to homeschooling families (see section 2.2).

### 2.1.2 What are the reasons for which parents choose homeschooling?

Research on the reasons why parents choose homeschooling dates back to the 1980s and has resulted in various taxonomies attempting to categorize homeschooling parents based on their motivations. One of the earliest and most influential taxonomies was developed by Jane Van Galen in 1988; it classifies homeschooling parents as either "ideologues" or "pedagogues". According to Van Galen, ideologues criticize schools for the values taught, while pedagogues question traditional teaching methods and believe that children learn best when education taps into their innate desire to learn.

Among the ideologues, the critiques are varied and reveal the complexity of homeschooling. Often these are rooted in religious beliefs. Other parents choose to homeschool because they believe that the education system does not prepare their children adequately for life in the twenty-first century (Guterman et al., 2024). Some homeschooling parents are convinced that public schools do not provide quality instruction, and they therefore choose to homeschool on a temporary basis until they find a schooling solution that responds to their expectations (Bongrand, 2023). Another motivation for

parents to choose homeschooling is, in the context of the United States of America, the racial injustice faced by African-Americans in schools (Puga, 2019; see also section 2.4). Some parents are simply on the move, whether because of professions that require considerable travel, nomadic lifestyles or even the need to escape conflict. Indeed, some families may need to relocate because of a lack of access to education alternatives; some are pushed to homeschool their children elsewhere because of the educational ideologies/restrictions imposed by their host countries.

Research subsequent to Van Galen's work introduced additional taxonomic categories such as: competitors, rebels and compensators (Blacker, 1981); and religious, academically motivated, social-relational and new-age (Mayberry, 1988). A growing lack of trust in the education system can also be a significant factor driving parents to choose homeschooling. However, recent studies emphasize the need to avoid binary classifications, as parents who homeschool often articulate a mix of reasons for their choices, or sometimes simply resort to homeschooling because of a lack of alternatives (Bongrand, 2018).

Furthermore, research has shown that the hierarchy of reasons for homeschooling varies widely, depending on different contexts (Rothermel, 2008) or even on the methodology adopted by the researchers who study the subject (Spiegler, 2010). Some authors categorize families based on how they make their decision, distinguishing between those that view homeschooling as a voluntary choice and those that see it as a response to what they perceive as impossible schooling (Bongrand, 2018). Parents in the latter category might feel that they have no other choice but to homeschool because their children are experiencing trauma due to bullying, physical or psychological violence, and they lack adequate institutional support. Indeed, turning to homeschooling can be the result of: poor school safety; a lack of reasonable accommodation for people with disabilities; the non-representation of the worldview, culture or history of minorities to which some children belong; persistent gaps in student learning; or other complex issues within the school environment. For example, according to a 2019 survey in the United States, among the most prominent reasons for parents to homeschool is the fear for their child's safety, the fear of drug use or the fear of negative peer pressure (National Center for Education Statistics, n.d.). These reasons significantly influence the methods and approaches parents adopt for homeschooling, as elaborated on in section 2.3.2.

## 2.2 Free and compulsory education

The International Covenant on Economic, Social and Cultural Rights (1966) clarifies States' obligations in respect of two essential features of the right to education: it stipulates that primary education must be compulsory and that it must be free and available to all. The Education 2030 Framework for Action further requires States to provide "12 years of free, publicly funded, equitable quality primary and secondary education, of which at least nine years are compulsory and "at least one year of free and compulsory quality pre-primary education" (Incheon Declaration, Preamble, para. 6).

### Box 2: International Covenant on Economic, Social and Cultural Rights (1966)

#### Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education [...].
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
  - a. Primary education shall be **compulsory and available free to all**;
  - b. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the **progressive introduction of free education**;
  - c. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the **progressive introduction of free education**; *[emphasis added]*

### 2.2.1 Compulsory education

As stated in General Comment No. 11 of the Committee on Economic, Social and Cultural Rights, "the element of compulsion serves to highlight the fact that neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to whether the child should have access to primary education" (para. 6). The European Court of Human Rights (ECHR, 2022) noted that there appears to be no consensus with regard to compulsory attendance at primary school, with some countries permitting home education and others providing for compulsory attendance at State or private schools. While in countries such as Germany, existing laws enforce compulsory school attendance in order to respect

the right to compulsory schooling, in other countries, such as the United Kingdom, a distinction is made between compulsory schooling and compulsory education, which creates a space for homeschooling.

In the United Kingdom, despite there not being mandatory registration, in order to guarantee the protection of the right to compulsory education in the context of homeschooling, local authorities have the duty to identify children not receiving a suitable education and to intervene in such cases (United Kingdom Department for Education, 2019). Similarly in Ontario, Canada, *Policy/Program Memorandum 131: Home Schooling* (PPM 131, 2002/2024) specifies that if a school board has "reasonable grounds to be concerned that the instruction provided in the home may not be satisfactory, the board should investigate the matter"; PPM 131 provides a list of some of the possible reasons for which a board might investigate a particular instance of home schooling. In France, although the Ferry Act of 1882 made primary education compulsory, it also authorized compulsory education to be provided by families. However, the adoption of the Law of 24 August 2021 introduced a new requirement: families must obtain administrative authorization to provide education at home (Bongrand, 2023).

On the other hand, while generally states in the United States of America require registration, in a few states, homeschooling laws do not mandate parents to contact state or local education officials. Concerns have been raised that lack of registration may not align with the obligation to protect, which requires States to take measures that prevent third parties, including parents (referred to in CESCR General Comment No. 13, para. 50), from interfering with the enjoyment of human rights, in this case, the right to education (Bartholet, 2019). In most states in the United States of America, child abuse and neglect laws define and proscribe "educational neglect"; such laws require the state to intervene when instances of educational neglect are brought to the authorities' attention. However, while these laws are essential, their enforcement may be limited in cases where children live in extreme isolation, which makes it difficult to report any abuse or neglect. This can consequently result in a failure to protect.

In many of the countries where homeschooling is allowed, several monitoring and accountability tools (registration, authorizations, tests, home inspections, and so on) exist in order to fulfil States' obligation to protect children's right to compulsory education, as will be further discussed in section 2.8.

### 2.2.2 Free education

Every individual must have the possibility to exercise the right to free education. Homeschooling, like non-State education, may come at a cost. For the purpose of this report, it is useful to look into what expenses are incurred, what measures are taken to reduce the financial burden, and the possible reduction of education costs to understand potential barriers.

The amount parents and caregivers allocate to homeschooling their children varies considerably according to the choices made by the parents. Nevertheless, certain comparisons can be drawn between the costs related to homeschooling and those related to public-school education, where, depending on the school level, education is to be free.

Families use educational "goods" — school supplies, IT (information technology) equipment, subscriptions to resources (particularly digital resources) for educational purposes, visits to cultural institutions and so on (Bongrand, 2023) — which come at varying costs, depending on country policies. These goods are the same as those used in schools. Bongrand (*ibid.*) notes that while profit-making activities involving the creation, promotion and sale of educational goods and services are not new, they are intensifying with the accentuated commercialization of education brought on by the expansion of digital technology in education (see section 2.3.3). As homeschooled children are more likely to rely on distance learning platforms, they face this additional

cost. Besides, homeschooling can also lead to the consumption of specific goods and services (such as teaching guides or methods, training and coaching for parents, legal advice, and so on) that are often produced by the private sector (Bongrand, 2023).

On the other hand, homeschooling can lead to a reduction in consumption, favouring domestic production or non-monetary exchanges whereby parents choose to do things by themselves and by helping others (*ibid.*). For some parents, homeschooling is also a way to eliminate childcare and education costs, and as the parent generally does not engage in income-generating activities, care is taken to restrict consumption.

States also have different approaches regarding the possible financial burden on homeschooling parents. In New Zealand, for instance, homeschooling parents are eligible for the home-education supervision allowance, which is calculated based on the number of children homeschooled (New Zealand Ministry of Education Website, 2023). In Portugal, students who are homeschooled have free access to textbooks and extracurricular activities (Decree-Law No. 70/2021). Similarly, in Quebec, Canada, the school service centre must provide homeschooled students (at the request of parents and in accordance with the conditions it determines) with access to the free approved textbooks required for their learning projects (Homeschooling Regulation, art. 20). In France, homeschooling families do not qualify for the back-to-school allowance unless they require the provision of homeschooling, are provided with an authorization to homeschool in accordance with a set of defined reasons, and register with the National Centre for Distance Learning (CNED) (Official French Administration website, 2023).

## 2.3 Quality education

Quality is an intrinsic component of the right to education. The Education 2030 Framework for Action gave new impetus to this aspect of this right by placing quality education at the centre of the efforts to achieve the goals of the 2030 Agenda. This shift in the global agenda emerged from the recognition that, in many contexts, school access often did not translate into students mastering basic literacy and numeracy skills.

In complying with their obligations, States need to guarantee both that public education is of good quality and that separate educational systems and private-education institutions conform to minimum education standards laid down by the State (Convention against Discrimination in Education, articles 2.b, 2.c and 5.1.b). These standards serve as benchmarks for quality, ensuring consistency across different education providers.

When the education provided fails to meet such standards, States fall short of meeting their obligation to protect the right to education (referred to in CESCR General Comment No. 13, para. 50). While not explicitly mentioned, if the freedom to choose homeschooling is protected by the right to education, then the obligation to protect the right to education should be interpreted as extending to homeschooling, that is, the obligation entails ensuring that the quality of education provided by homeschooling is of an appropriate standard.

### Box 3: Convention against Discrimination in Education (1960)

#### Article 1

**2.** For the purposes of this Convention, the term "education" refers to all types and levels of education, and includes access to education, the **standard and quality of education**, and the conditions under which it is given.

#### Article 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of article 1 of this Convention: [...]

**b.** The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided **conforms to such standards as may be laid down or approved by the competent authorities**, in particular for education of the same level;

**c.** The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided **conforms with such standards as may be laid down or approved by the competent authorities**, in particular for education of the same level.

What constitutes quality education is, however, much more challenging to define; the notion has, furthermore, evolved over time. General Comment No. 13 of the Committee on Economic, Social and Cultural Rights specifies that "education in all its forms and at all levels shall exhibit the following interrelated and essential features: (a) availability [...] (b) accessibility [...] (c) acceptability [...] (d) adaptability" (para. 6). Acceptability (i.e., education that is acceptable in form and substance, including relevant, culturally appropriate and quality

curricula and teaching methods) and adaptability (i.e., education that is flexible in order to adapt to the needs of society and communities) are particularly relevant in terms of quality education. These aspects are covered further both in this section and in section 2.4.

Learning outcomes are among the most common indicators for assessing the quality of education, as they are supposed to measure whether learners are actually learning. Scientifically sound research on the effectiveness of homeschooling is lacking, with some experts arguing that the individualized approach provides better results, while others claiming that parents lack the necessary training to teach. It is also important to note that research on educational outcomes from a variety of country contexts is also lacking. However, there is no information on the performance of pupils in public or private schools. In those educational contexts, the extent to which sociodemographic factors, such as family background, correlate more strongly with educational success than they do in homeschooling is a question that remains largely unanswered (Research Services of the German Bundestag, 2009).

Over the years, there have been several studies on the learning outcomes of homeschooled children, conducted through self-reported scores on standardized testing. However, extrapolating significant conclusions from these results remains challenging; an examination of the existing research conducted by Kunzman and Gaither (2020) reveals that many of the most frequently cited studies — particularly those pertaining to academic achievement, socialization, civic engagement, and the psychological and physical health of homeschooled children — "contain serious design flaws that limit their generalizability and reliability". These methodological flaws are often related to self-selection and self-reporting bias.

It is also necessary to take into consideration current discussions on assessment, which consider that, beyond the foundational skills (including literacy and numeracy skills) which are at the core of the right to education, "much important learning cannot be measured or counted", as stated by the International Commission on the Futures of Education (UNESCO, 2021a, p. 55). Sikkink and Skiles (2015) also explain that homeschooling success is often evaluated using the same criteria used for traditional schooling; instead, the focus should be on whether homeschool environments are meeting their intended goals.

Yet, while assessment should adapt to account for the homeschooling setting, it should nonetheless also determine whether the standards laid down by the State are met. An additional layer of difficulty lies in that the decision to homeschool is not necessarily a permanent one, making it increasingly challenging to examine which setting had what effect on a student. Furthermore, the profiles of homeschooled children (e.g., children with disabilities, those who experience bullying, those who live a nomadic lifestyle) and the diverse approaches to homeschooling make it difficult to have a comprehensive assessment.

### 2.3.1 Aims of education

The aims and functions of education have been central to philosophical reflections on the subject. What does education aim to achieve? Does education serve the individual, a group and society as a whole?

Article 29.1 of the Convention on the Rights of the Child (1989) sets out the aims of education. In its interpretation of this article in its General Comment No.1, the Committee on the Rights of the Child (CRC) specifies that “the article attaches importance to the process by which the right to education is to be promoted. [...] This includes not only the content of the curriculum but also the educational processes, the pedagogical methods and the environment within which education takes place, whether it be the home, school, or elsewhere” (para. 8). The Committee on the Rights of the Child adds: “Education must also be aimed at ensuring that essential life skills are learnt by every child and that no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life. Basic skills include not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life” (para. 9). Aspects of the learning processes and the content of education are discussed further below.

Beyond its immediate objectives, purpose and aims, education also has a wider function for society, one which extends past the child’s individual development and encompasses various collective dimensions. Emphasis is given to the importance, for society as a whole, of education’s role in combating racism, racial discrimination, xenophobia and related intolerance.

Education has a role to play for the individual and society by fostering an understanding and appreciation of the principles outlined in Article 29.1 of the Convention on the Rights of the Child (1989), such as respect for diversity, while also actively combating all forms of discrimination and prejudice (CRC General Comment No. 1).

#### Box 4: Convention on the Rights of the Child (1989)

##### Article 29

1. States Parties agree that the education of the child shall be directed to:
  - a. The development of the child’s personality, talents and mental and physical abilities to their fullest potential;
  - b. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - c. The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
  - d. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - e. The development of respect for the natural environment.

While States are the primary duty-bearers, they need to ensure that parents who homeschool include all these dimensions in the education they provide. This requires the provision of human rights education. However, homeschooling has been practiced by families with very different worldviews, some aligned with the Convention on the Rights of the Child (1989) and others, not.

For some homeschooled children (not all, as discussed in chapter 3), the variety of experiences and interactions with a wider diversity of individuals is limited, which might undermine important aspects of citizenship development.

Therefore, concerns have been raised about the need to ensure that the aims of education are respected by families with opposing values and views, particularly with regard to human rights. Related topics will be further discussed in sections 2.4 and 2.7 and in chapter 3.

Education also needs to equip learners to fulfil their role in society. The Committee on the Rights of the Child notes that “the education to which every child has a right is one designed to provide the child with life skills” (CRC General Comment No. 1, para. 2). The Committee on the Rights of the Child also notes that “the participation of children in school life, the creation of school communities and student councils, peer education and peer counselling, and the involvement of children in school disciplinary proceedings should be promoted as part of the process of learning and experiencing the realization of rights” (*ibid.*, para. 8). These considerations prompt inquiries into how homeschooling can adequately provide children with essential life skills and diverse experiences. Some homeschooling parents actively facilitate their children’s interactions with the local community (including involvement in local governance councils or non-profit organizations) to mitigate the constraints of the home environment (as discussed in chapter 3). These participatory experiences offer hands-on learning and skill development that encourage a strong sense of community. Nevertheless, ensuring that homeschooling effectively replicates the broad range of experiences and interactions inherent in traditional school settings can be challenging. Such shortcomings can also be present in certain schools; however, given that there is a larger number of students in a school than in a home, the concern is amplified in the latter setting, which is the focus of this report.

Nevertheless, school attendance does not automatically translate to developing all life skills. Furthermore, schools can lead to peer pressure, where children feel “constricted by [the schools’] limited world view and the sometimes even physical compulsion to conform to their thoughts” (Thomas, Alan, 2007, as cited in the report of the Research Services of the German Bundestag, 2009).

As highlighted in the recent report of the International Commission on the Futures of Education (UNESCO, 2021a), a new social contract for education must be founded on two fundamental principles: the right to education and a commitment to education as a public societal endeavour and a common good. Two essential features characterize education as a common good: it is experienced collectively, connecting people with one another and with the world, and it empowers individuals to utilize and contribute to humanity’s knowledge heritage. Hence, education is seen as “a collective act of co-creation”.

### 2.3.2 Minimum education standards

The international human rights framework clearly sets out the importance of establishing minimum education standards (Convention against Discrimination in Education, art. 2.c. and art. 5.1.b.), and there are indications as to how they should relate to admission, curricula and the recognition of certificates (CESCR General Comment No. 13, para. 29). While article 5.1.b. of the Convention against Discrimination in Education (1960) refers to “institutions other than those maintained by the public authorities” and these institutions are not defined, it is clear from article 1.2. of the same Convention that the term “education” encompasses all types and levels of education and includes access to education, education standards and quality, and the conditions under which education is provided, thereby covering homeschooling. Nevertheless, there continues to be no clear definition of exactly what the minimum education standards are, especially when it comes to homeschooling.

At a national level, countries significantly differ in how they define and implement minimum education standards for homeschooling. Not only do the approaches vary widely across different regions, but the regulations also directly align with the historical and philosophical foundations of the States, often reflected in their constitutions.

For example, in the United Kingdom, homeschooling parents are required to comply with the minimum education standards as defined in article 7 of the Education Act 1996, which requires parents to ensure that their children receive efficient full-time education suitable to their age, ability and aptitude, and to any special educational needs, either by regular attendance at school or otherwise.

The United Kingdom’s Department for Education (*Elective Home Education Departmental Guidance for Parents*, 2019) clarifies the meaning of “suitable”, explaining that “even if there is no specific link with the National Curriculum or other external curricula, there should be an appropriate minimum standard” that enables the child, upon reaching adulthood, to function as an independent citizen in the United Kingdom and, potentially, beyond the community in which he or she was raised, if that is the choice made in later life by the child. It emphasizes that education at home should not conflict with fundamental British values and should not lead to excessive isolation from the child’s peers, hindering social development.

Ireland's Department of Education and Science (2003) also elaborated guidelines that define what constitutes a certain minimum education. This includes suitability to the age, ability, aptitude and personality of the child. Education should also be responsive to the child's individual needs, should take cognizance of the areas of learning that are of interest to the child, and should ensure that his/her personal potential is enhanced and not suppressed. It should develop the personal and social skills of the child, in preparation for the responsibilities of citizenship; in addition, it should ensure the development of basic skills including oral language, literacy and numeracy.

In contrast, in other countries, minimum education standards may require parents to guarantee that children acquire specific knowledge. One of the most common requirements in homeschooling regulations is the following of a national curriculum, which can vary in strictness across countries. This will be further discussed in section 2.3.4.

A critical factor in the success of a child's home learning experience is the parent's capacity to teach effectively. While some countries (such as Switzerland; more specifically, the Swiss cantons of Fribourg and Valais) require parents to have a certain qualification to homeschool, others (e.g., Portugal) require parents to have achieved a certain level of education, and others still (e.g., United Kingdom), impose neither of these requirements. According to research conducted by Cheng and Watson (2024), in the United States, about half of homeschooled children had a parent who had obtained at least a bachelor's degree.

Some might consider parents not fit to teach their children because of a lack of proper pedagogical training and sufficient subject knowledge, an argument particularly used against homeschooling beyond primary education (McCabe et al., 2021). However, according to the 2021 report published by McCabe et al., such arguments are unfounded. Nevertheless, research consistently highlights teacher qualifications as a key determinant of educational quality, raising questions about how homeschooling can maintain equivalent standards. While national contexts have a deep impact on whether parents are considered capable of teaching, considering whether certain requirements should be met would align with the broader international human-rights framework, which requires teacher training in formal education systems (see the Recommendation concerning the Status of Teachers [1966] and paragraph 18 of General Comment

A critical factor in the success of a child's home learning experience is the parent's capacity to teach effectively.

No. 1 of the Committee on the Rights of the Child), to ensure pedagogical competence. While parental autonomy should allow for flexibility, minimum qualification thresholds could be necessary to safeguarding children's right to a quality education, ensuring that parents are equipped to teach and provide an education which is in line with human rights standards. Mechanisms such as mandatory training could therefore be envisioned.

Further details about regulatory instruments enforcing minimum education standards are provided in section 2.8.

### 2.3.3 Learning process and environment

#### Methods of and approaches to homeschooling

In order to understand the development of methods of and approaches to homeschooling, it is necessary to understand the evolution of research on these topics. Early research often categorized homeschooling into two distinct approaches based on the degree of structure of the pedagogical methods: structured and unstructured homeschooling, the latter commonly referred to as "unschooling".

Structured homeschooling closely resembles traditional schooling, mirroring aspects of the grammar of schooling (Tyack and Tobin, 1994), such as dividing time into school subjects, designating a specific learning space at home, adhering to a predetermined curriculum and assigning grades.

In contrast, unstructured homeschooling, or unschooling, which is specific to certain contexts, is self-directed by the child and emphasizes experiential learning. The curriculum emerges organically, based on the child's interests, and learning may occur at different moments of daily life. Furthermore, unschooling opposes some of the underlying principles of school education (Neuman, 2020). Rooted in the philosophies of authors like John Holt, this approach is favoured by parents categorized as "pedagogues" (Van Galen, 1988), reflecting their dissatisfaction with traditional teaching methods, namely the hierarchical relationship towards children.

Viewed as extremes on a spectrum, these two approaches represent significantly different educational philosophies. However, recent research emphasizes the importance of expanding the traditional distinction between structured and unstructured homeschooling to include a nuanced analysis of content (what) and process (how). A family may adopt a structured approach regarding content but maintain flexibility in its teaching methods, and vice versa (Neuman and Guterman, 2016). Additionally, researchers note that homeschooling parents may transition from a more structured to a less structured approach over the years for various reasons, such as interaction with other families, for instance (Kunzman and Gaither, 2020).

In exercising their freedom of choice, as stated in article 5.1.b. of the Convention against Discrimination in Education (1960), parents may choose their preferred pedagogical approach. However, the extent of this choice may be influenced by the minimum standards set by the State. For example, if children are required to pass a comprehensive exam covering the entire curriculum at the end of the school year, an unstructured-content approach may present challenges.

#### **Implications for the use of digital education solutions**

Because of its flexibility, homeschooling enables children to learn in diverse environments using various tools. The expansion of digital technologies has led to increased hybridization, blurring the boundaries between homeschooling, distance education and conventional schooling, as well as distinctions between public and private education.

Homeschooling parents frequently incorporate digital education solutions into their methods, either as substitutes for or supplements to traditional textbooks and learning materials.

Homeschooling parents frequently incorporate digital education solutions into their methods, either as substitutes for or supplements to traditional textbooks and learning materials. These tools can provide access to a vast range of high-quality educational resources, from interactive simulations to specialized courses that might not be available locally. Platforms such as Khan Academy and Coursera allow homeschooled students to receive expert instruction beyond what their parents can provide, particularly in subjects requiring specialized knowledge. With the rise of Internet use, access to tailored worksheets and other educational activities, both free and paid, has increased.

Digital technologies are adaptable to various homeschooling approaches; in unstructured homeschooling (or unschooling), children may use digital devices to easily explore the topics in which they are most interested. In more structured approaches, parents may use online resources or digital learning platforms and establish learning routines. Moreover, digital education solutions can help connect homeschooled students with broader learning communities through virtual study groups, discussion forums, peer collaboration spaces, live tutoring sessions, extracurricular clubs and mentorship programmes. Given its certain degree of flexibility, homeschooling may allow more innovative technology-based practices than what would be allowed in traditional schools on account of the restrictions in place. On the other hand, these restrictions may also ensure that certain safeguards are in place.

Although previously textbook publishers had a major market with homeschooling parents, nowadays digital learning platforms are rising in popularity. In France, the National Centre for Distance Learning, a public institution developed and run by the Ministry of Education, provides learning materials to homeschooled children. In other countries, where such government institutions do not exist, parents may choose to rely on digital learning platforms designed and managed by private providers. These platforms can provide structured curricula, adaptive learning technologies and even virtual tutoring, ensuring that students receive guidance from subject-matter experts.

The rise in the use of digital education technologies has increased the number of new kinds of private actors that are operating in education and making decisions in terms of content and delivery methods.

Private actors are not governed by IHRL unless directly obligated to do so by legislative measures introduced by the State. Ensuring the regulation of digital learning platforms must form part of the obligations resting on States to ensure that human rights principles (such as the right to privacy, non-discrimination, and the best interests of the child) are upheld.

Here it is important to explain distance education, which can be understood as teachers delivering education through the “radio, TV, the telephone, correspondence, e-mail, videoconferencing, audioconferencing, CD-ROMs, or online” (adapted from UNESCO Thesaurus, n.d.), with parents having a less prominent role. Therefore, while the lines between homeschooling and distance education can be blurry, the growing use of distance learning platforms has led some education authorities to distinguish between homeschooling provided by parents and homeschooling reliant on distance-learning solutions, primarily facilitated by teachers or private companies. These companies are registered as private schools of distance education, providing full-time virtual learning, and are common in countries such as Australia and the United States.

As highlighted in the GEM Report 2021/22, *Non-State Actors in Education*, the increasing commercialization of education raises several concerns. It is essential to examine if and how homeschooling can be part of this trend, for instance, when it is provided through profit-making digital learning platforms developed by private providers. With little regulation, these for-profit entities monetize user data (UNESCO, 2023), which poses significant challenges regarding data protection, which is aimed at ensuring the privacy and safety of children and their families. An additional regulation-related complexity lies in the fact that providers are often multinational entities that are not located in the State concerned.

The extent to which homeschooling — or any form of schooling — may rely on digital tools inevitably raises the question of technology’s role in diminished childhood health and well-being, as the recent UNESCO report *An Ed-Tech Tragedy?* (2023) and the 2023 GEM Report have underscored. The growing reliance on ed-tech in homeschooling raises concerns regarding the increased isolation of students. Previously, homeschooling often involved the physical presence and active engagement of parents, providing emotional and social support alongside

learning. However, with the advent of advanced ed-tech tools, for some homeschooled children, the learning experience has shifted towards automated, digital processes, where human interaction is reduced or risks being even entirely absent.

Many ed-tech platforms claim to offer “personalized learning”, but this personalization is largely algorithm-driven, relying on pre-programmed sequences of educational content. Rather than interacting with parents, students engage with learning materials selected by algorithms that are powered by artificial intelligence (AI). These algorithms, designed to optimize student engagement and achievement, draw on vast data sets but lack the human touch and adaptability that come from personal, face-to-face interactions. As a result, students experience a learning space that is often devoid of social presence, further intensifying feelings of loneliness and isolation (UNESCO, 2023).

However, as previously mentioned, some digital platforms can integrate interactive elements that can provide meaningful human engagement alongside algorithm-driven learning paths; these elements can help homeschooled students form social connections beyond their immediate environment, enabling interaction with peers, reducing social isolation and fostering a sense of belonging. Nevertheless, without regulation, online educational content could promote the problematic agendas of groups with vested interests.

These interests could range from endorsing biased or misleading information to advancing political, ideological or commercial agendas that may not align with educational best practices or societal values. Finally, excessive screen time is associated with poorer mental and physical health, as well as heightened stress levels (UNESCO, 2023).

The extent to which homeschooling — or any form of schooling — may rely on digital tools inevitably raises the question of technology’s role in diminished childhood health and well-being

### 2.3.4 Content of education

The content of education, which must be rights-based and conform to the aims of education, is generally set out in the curriculum. Based on the International Bureau of Education's definition (UNESCO, International Bureau of Education, 2013), a curriculum can be summed up as a systematic and intended packaging of competencies, which encompass knowledge, skills and attitudes rooted in values, that learners are expected to acquire through organized learning experiences in both formal and non-formal settings.

It is important to note here that human rights education is both one of the aims of education (see section 2.3.1) and a right in itself (United Nations Declaration on Human Rights Education and Training [2011], art. 1); it must be provided for as part of educational content, including that of homeschooling. As noted in the *Right to Education Handbook* (UNESCO, 2019): "[H]uman rights education is not only about building knowledge on human rights standards and instruments. Through the human rights education process, learners must also be able to act upon the knowledge, acquire the confidence to exercise their rights, and have the attitude to respect the rights of others [...] People need to know their rights, the norms and values that underpin them, and the mechanisms for their protection in order to enjoy and exercise them and respect and uphold those of others" (p.119).

Countries and federal States develop national curricula that encompass a systematic selection of knowledge, skills and values reflecting a society's shared vision while considering local, national and global needs and expectations (UNESCO, International Bureau of Education, 2016). There are diverse approaches to regulating homeschooling curricula: some countries specify "minimums" to be achieved, and others obligate parents to follow a more predefined curriculum; compliance with both requirements can be verified through inspections and examinations.

As previously mentioned, Ireland and the United Kingdom require parents to ensure that their children receive a minimum education as defined by national laws, but do not mandate a specific curriculum.

Any government-imposed requirements should adopt a child-centred, age-appropriate, context-relevant, inclusive and adaptable approach.

In the Philippines, parents must adhere to curriculum standards but are allowed to contextualize the content as necessary.

In Quebec, Canada, despite not being obliged to follow a specific curriculum, homeschooling parents are required to submit a document to the Ministry of Education describing the student's learning project. This document must encompass the activities or programmes of study prescribed by the Ministry with regard to: "a subject in the language of instruction and a subject in the second language, depending on the parents' choice, one in French and the other in English"; and "the compulsory subjects in the subject area of mathematics, science and technology and in the subject area of social sciences, chosen from among the subjects that are taught during the cycle of instruction in which the student would be if the student were attending school" (Homeschooling Regulation, art. 4).

In South Africa, parents have the freedom to select a curriculum to follow, on the condition that it provide an education of a standard at least equal to that provided in public schools (UNESCO Chair on Education Law in South Africa, 2023).

In France, families must follow the "common base of knowledge, skills and culture" (*Socle commun de connaissances, de compétences et de culture*), as this sets out what every student should know and master by the age of 16 years. In Switzerland, families are required to follow the curriculum of the corresponding canton.

Some parents may feel that an imposed curriculum, which they believe to be standardized, may not align with the quality education they believe homeschooling can provide by shaping education according to individual needs and preferences. According to General Comment No. 13 of the Committee on Economic, Social and Cultural Rights, "education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings" (para. 6(d)). General Comment No. 1 of the Committee on the Rights of the Child adds further guidance, stating that "the curriculum must be of direct relevance to the child's social, cultural, environmental and economic context and to his or her present and future needs and take full account of the child's evolving capacities" (para. 9).

Therefore, any government-imposed requirements should adopt a child-centred, age-appropriate, context-relevant, inclusive and adaptable approach.

Curricular content delivery can also be challenged in the home setting. An essential aspect to consider is comprehensive sexuality education, as some homeschooling parents contend that it might contradict the traditional values of numerous cultural and religious groups. UNESCO defines comprehensive sexuality education as a curriculum-based process of

teaching and learning about the cognitive, emotional, physical and social aspects of sexuality (UNESCO, 2018). Its goal is to equip children and young people with knowledge, skills, attitudes and values that empower them to ensure their health, well-being and dignity. This education enables them: to cultivate respectful social and sexual relationships; to understand the consequences that their choices have for their well-being and that of others; and to protect their rights throughout their lives.

## 2.4 Equality, non-discrimination and inclusion

The decision to homeschool may depend on wide-ranging factors. As previously mentioned, some parents homeschool their children for, among other things, ideological, religious or safety reasons. Others wish to send their children to school or continue their schooling, but because of challenging circumstances, they unexpectedly consider homeschooling as a temporary or permanent solution to what they perceive as "impossible schooling" (Bongrand, 2018; English, 2021). This is particularly evident when parents believe that the learning environment in schools does not adequately address cases of bullying or the educational and psychosocial needs of their children. This is a common concern among parents of gifted children, children with neurodevelopmental disorders such as autism spectrum disorder, children with disabilities, and children with various psychological or medical conditions.

Nonetheless, States have legal obligations to ensure that schools are inclusive and safe places for all students. Shifting the focus to inclusion clearly imposes on States a positive obligation to put into action their non-discrimination and equality provisions. Inclusive education is based on the principle that all children should learn together, irrespective of their differences; it fosters diversity and moves away from the "one-size-fits-all" approach to education. According to paragraph 7 of the Salamanca Statement and Framework for Action on Special Needs Education (1994), "all children should learn together, wherever possible, regardless of any difficulties or differences they may have. Inclusive schools must recognize and respond to the diverse needs of their students". Inclusion policies aim to ensure that people with disabilities attend regular classrooms, rather than segregating them or

keeping them at home, especially as parents may lack the support of trained professionals. While homeschooling may address the short-term needs of children struggling in certain school environments, it may run counter to the framework developed with regard to inclusive education.

Another dimension to consider is that of the rights of minority groups, as recognized in IHRL (Convention against Discrimination in Education, art. 5.1.c(ii)). Research has shown that parents belonging to minority groups may opt to homeschool their children because they feel that the national curriculum does not adequately reflect their history (Brabant, 2021). Racism experienced by minority students at the hands of both peers and teachers can also lead parents to choose homeschooling (Mazama and Lundy, 2014). As a result, in the United States, according to the National Center for Education Statistics, homeschooling in minority communities has grown, with Hispanic homeschooled children estimated at 26% of the population and black homeschooling families at 8% (Cheng and Donnelly, 2019). A Philadelphia (United States) study also found that "underfunded schools, limited extracurricular options, lack of cultural and historical representation, and pervasive negative stereotypes" are among the issues that are faced in school by young black people and that are often catalysts for switching to homeschooling (Puga, 2019).

In these cases, it is important to recognize that homeschooling may affect cultural and ethnic diversity within schools. Additionally, homeschooled students may have less exposure to the pluralism provided by some schools. Schools are to serve as fertile grounds for promoting "understanding, peace, tolerance, equality of sexes, and friendship

among all peoples, ethnic, national and religious groups and persons of indigenous origin", as stated in article 29.1(d) of the Convention on the Rights of the Child (1989) and reflected in article 5.1.a of the Convention against Discrimination in Education (1960). Social diversity in schools can play an important role in children's development by exposing them to different perspectives, experiences, traditions, beliefs and worldviews. This develops essential social and interpersonal skills necessary for collaboration, empathy and global citizenship, enhancing children's ability to navigate and thrive in an increasingly interconnected and diverse world.

#### Box 5: Convention against Discrimination in Education (1960)

##### Article 5

1. The States Parties to this Convention agree that: [...]
- c. It is essential to recognize the **right of members of national minorities to carry on their own educational activities**, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:
  - i. That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty; *[emphasis added]*

Benefiting society as a whole, social diversity forms a fundamental basis for social cohesion. The "contact hypothesis" (Allport, 1954) suggests that contact between members of majority and minority groups, under appropriate conditions, can effectively reduce prejudice and conflict. In a context of increasing societal and political polarization, the existence of a place of convergence and dialogue is even more vital. It is therefore essential to consider homeschooling's potential implications for social cohesion and the broader societal fabric.

Nevertheless, schools' actual provision of such social diversity should not be taken for granted. Irrespective of whether this is the case, IHRL is clear about the aims of education; all schools need to strive to foster

understanding and friendship among all peoples. Efforts to foster diversity, inclusion and cross-cultural understanding within both homeschooling communities and traditional schools are essential for nurturing well-rounded individuals.

Education also holds the potential to mitigate inequalities. As explained by Lubienski (2003), education should ideally render the advantages or disadvantages of one's family background irrelevant to one's prospects — a goal that schools often struggle to achieve and that homeschooling may also fail to address. According to the researcher, homeschooling "solidifies an individual's family background as the primary determinant of future success", potentially contributing to increased inequalities, as the success of homeschooled children is strongly correlated, for instance, with parents' socioeconomic status, level of education and availability. Others, citing the Coleman Report (Coleman et al., 1966), argue that socioeconomic status affects the educational success of all children and that, therefore, it is not an issue specific to homeschooling. Nevertheless, Heckman and Masterov (2007) note that the Coleman Report emphasizes variations in the parental environments of American children, and that failed schools stem from, in large part, families that do not provide the enriched home environments that middle- and upper-class families can offer.

In addition, homeschooling is not an option for all, because of its associated costs (see section 2.2), among other reasons. A significant shift from schools to homeschooling — similar to a considerable shift from public educational institutions to non-State educational institutions — may erode the perception of education as a common good. Additionally, as noted by Lubienski (2003), "the loss of families with high expectations for their children, and the initiative and means to act on them, [is] likely to have repercussions for schools more serious than the loss of operating revenue [...]" The implication is, therefore, that the departure of homeschooling families could negatively affect the school system in ways that go beyond just the loss of funding, potentially affecting the overall educational environment and outcomes.

### Gender equality implications

Gender roles vary across countries, yet the traditional notions of a breadwinner husband engaged in economic pursuits and a mother managing domestic chores and childcare persist (Kapitulik, 2011; UN Women, 2020). Despite the rise of dual-income families, women predominantly shoulder the burden of household tasks and childcare responsibilities: on average, women perform 76.2% of the total amount of unpaid care work, which is 3.2 times more than the amount performed by men (ILO, 2018). Kapitulik (2011) highlights this enduring “competing cultural ideal” that results in a dual burden for women, who often juggle their careers with disproportionate domestic duties.

Despite the demographic diversity of homeschooling families, research highlights how homeschooling mirrors the aforementioned gender dynamics, with mothers assuming primary responsibilities in most (not all) homeschooling families (Lois, 2017; Baker, 2019). Specifically in the United States, mothers are the most common primary instructors in homeschooling households, taking on this role in three quarters of all homeschooling families since 2012 (Cheng and Watson, 2024). In 2019, fathers or other family members served

as the primary instructors in only 8% of homeschooling households (ibid.).

While it may be an opportunity for mothers to “specialize” in education and develop a certain kind of expertise, this arrangement may pose important challenges for gender equality. In cases where women leave their jobs to homeschool, the loss of income can lead to increased dependence on breadwinners and potentially reduced financial security in retirement. In addition — although this was the case specifically during the COVID-19 pandemic — homeschooling has had adverse employment effects for mothers, but not for fathers (Petts et al., 2020, as cited in UNESCO GEM Report, 2021). Gender equality issues also affect men. Kapitulik (2011) points out that relegating men to the role of sole breadwinner limits their involvement to providing financial support, denying them the emotional and psychological rewards of intimate connections with their children.

Finally, there persist data and knowledge gaps that result in an incomplete understanding of the implications for gender equality in and through the learning journey. In monitoring homeschooling, States should ensure that disaggregated data are collected to inform policy decisions.

## 2.5 Duty of the parents and/or legal guardians

The rights and responsibilities of parents constitute one of the main arguments in favour of homeschooling (in this section only, the term “parents” refers exclusively to parents and legal guardians, and not to caregivers, who do not have the same legal rights and obligations). Homeschooling parents claim that they have not only the responsibility but also the right to provide education to their children according to what they consider most appropriate, which is often related to their philosophical and religious views, as will be discussed in section 2.7. This parental right finds support in various international human rights instruments: the Convention against Discrimination in Education (1960), article 5.1.b.; the International Covenant on Civil and Political Rights (1966), articles 17 and 18.4; the International Covenant on Economic, Social and Cultural Rights (1966), article 13.3; the Convention on the Rights of the Child (1989), article 5, article 14.2 and article 18.1. Article 18.1 of the Convention on the Rights of the Child (1989) underscores parents’ pivotal role in education, not merely as beneficiaries but as duty

bearers — individuals obligated to uphold, promote and fulfil human rights while refraining from violations. In Europe, the Charter of Fundamental Rights of the European Union includes a reference to respect for parents’ pedagogical convictions, stating the following in article 14.3: “the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right”.

Article 5 of the Convention on the Rights of the Child (1989) entrusts parents with primary responsibility and authority in a child’s upbringing, recognizing their rights and obligations with regard to guiding their children’s development. This principle of trust is particularly relevant in the context of homeschooling, where parents take on a direct educational role. Legislative and policy measures related to homeschooling should thus aim to support, rather than undermine, parental responsibility by establishing frameworks that empower parents in this role.

**Box 6: Convention on the Rights of the Child (1989)**

**Article 5**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, **appropriate direction and guidance in the exercise by the child of the rights** recognized in the present Convention.

**Article 18**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the **primary responsibility for the upbringing and development of the child**. The **best interests of the child will be their basic concern**.

*[Emphasis added]*

In countries where homeschooling is permitted, such supportive measures could include: training programmes; access to educational resources; guidelines; periodic home visits; or forums for peer-to-peer exchanges that enable parents to ensure both the child's right to quality education and compliance with State-defined minimum education standards. This support could be provided by the State, as well as by associations or local communities. By fostering a constructive partnership between State authorities and families, legislative and policy measures can respect the vision of parental roles and obligations established in the Convention on the Rights of the Child (1989), ensuring that education provided at home aligns with human rights standards and serves the child's best interests.

In this regard, as per article 18.1 of the Convention on the Rights of the Child (1989), the best interests of the child must be the parents' main concern. Moreover, IHRL recognizes children as rights holders equal to adults, and while their rights are not automatically opposed, children should not be subject to any adult's "absolute power" (Bartholet, 2019).

Regulation, if not arbitrary, remains legitimate and necessary to safeguarding children's rights, including the right to education.

For instance, the United Kingdom has outlined guidelines for homeschooling parents, emphasizing compliance with article 12 of the Convention on the Rights of the Child (1989). This article mandates States to uphold the child's right to express his/her views, giving due consideration to these opinions in accordance with the child's age and maturity. The guidelines direct parents and local authorities in respect of seeking the child's input regarding the adequacy of the home education received, a crucial aspect of evaluating whether the country's defined minimum education standards are met.

Besides parental duties and rights — often cited as reasons for minimal or absent homeschooling regulations — the right to privacy is also a key factor. Article 17.1 of the International Covenant on Civil and Political Rights (1966) stipulates that "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence". Applied to homeschooling, this article may be interpreted to protect from excessive State intervention the privacy of families that choose to homeschool, provided that minimum education standards are met. Any intrusive and unjustified oversight could create tension with regard to the fulfilment of this article.

However, this article does not provide blanket protection against all forms of government oversight. Regulation, if not arbitrary, remains legitimate and necessary to safeguarding children's rights, including the right to education. General Comment No. 16 of the Human Rights Committee (CCPR), on article 17 of the International Covenant on Civil and Political Rights (1966), emphasizes the need for legal clarity, indicating that "legislation must specify in detail the precise circumstances in which such interferences may be permitted" (para. 8). It also specifies that searches in one's home should be restricted to "a search for necessary evidence and should not be allowed to amount to harassment" (ibid., para. 8). Therefore, home inspections (discussed further in section 2.8) should neither go beyond their necessary purpose (ensuring the respect of education standards and the well-being of the child) nor be overly intrusive or so frequent that they are perceived as harassment. It is important to note that the United States of America is the only country that has not ratified the Convention on the Rights of the Child (1989); at the same time, some of its states represent the circumstances with the least regulation as regards homeschooling.

## 2.6 Children's well-being and children's rights

Child well-being is frequently cited by both proponents and opponents of homeschooling. Many parents who opt for homeschooling express concerns about their children's well-being, especially in cases involving children with special needs or involving bullying. However, critics of homeschooling highlight the potential risks to children's rights, as outlined in the Convention on the Rights of the Child (1989), including:

- The right to development (art. 6);
- The right to be heard (art. 12);
- The right to freedom of expression (art. 13);
- The right to access to information and material from a diversity of sources (art. 17);
- The right to freedom from violence (art. 19);
- The right to health (art. 24);
- The right to be protected from work that interferes with the child's education (art. 32);
- The right to play, recreational activities and participation in cultural and artistic life (art. 31).

Schools, despite facing multiple issues and needing significant transformation, have historically aimed to safeguard these rights. For instance, teachers in many countries play a vital role in identifying learning needs linked to health issues and in reporting suspected child maltreatment to child protective services.

### 2.6.1 The right to freedom from violence

The risks associated with homeschooling can vary, depending on the level of regulation. In contexts in which there is a regulatory void, cases of maltreatment are harder to detect, since children live in isolation from those who could report maltreatment. Furthermore, according to the Research Services of the German Bundestag (2009), homeschooling often takes place "invisibly" (particularly in the United States of America), adding an extra layer of difficulty in detecting these cases. While most parents nurture their children, and there is a general assumption that abuse of homeschooled children is very rare, household members are the most common perpetrators of physical and emotional violence across different age groups (UNICEF Data, 2018).

Free access to psychological services, as in Quebec (Canada), or periodic classroom visits for homeschooled children could provide a space in which to notice and report cases of maltreatment.

The State must also ensure that institutions responsible for children's care meet required standards and guarantee violence-free environments. UNICEF Data estimates from 2018 reveal that, while the most common perpetrators of physical and emotional violence are household members, school peers are the second-most common. While schools may not guarantee protection from violence, they do offer a setting where teachers and peers can identify and report maltreatment. On the other hand, some parents opt for homeschooling in order to prevent their children from being exposed to learning environments that can be unsafe (schools in areas with crime, bullying, and so on). This may raise some equity issues, since not all families have this option.

The Committee on the Rights of the Child also identifies various types of violence that must be prohibited; they include corporal punishment. It is defined as "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light" (CRC General Comment No. 8, para. 11). This includes "smacking", "slapping", and "spanking". Worldwide, 132 countries have yet to prohibit corporal punishment at home, while far fewer countries, 63, have yet to prohibit its use in schools (End Corporal Punishment, n.d.). States therefore must prohibit corporal punishment in all settings, including the home.

#### Box 7: Convention on the Rights of the Child (1989)

##### Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. [Emphasis added]

### 2.6.2 The best interests of the child and the right to be heard

To resolve the tension between parental rights and the State's obligation to protect children's rights, courts often invoke the best interests of the child as a primary consideration, as stated in article 3 of the Convention on the Rights of the Child (1989). Furthermore, children have the right to be heard. Article 12 explains that this requires giving due weight to a child's view in accordance with the age and maturity of the child. In homeschooling, parents are often the ones who make the decision as to whether to homeschool their child, and most research focuses on their perspective (Neuman, 2020).

Neuman, however, conducted a study in Israel (2020) to shed light on some of the perspectives of the homeschooled children themselves. This study, which used qualitative tools, focused on a sample group of participants from 16 to 22 years of age. Participants pointed out several advantages of homeschooling, including: the ability to choose what to study, which consequently meant that studies were based on their interests and motivations; the ability to adapt the method of studying to their needs, pace and preferred times; exposure to subjects that they would not have covered if they had attended school; confidence in the ability to study independently; and the strengthening of family ties. Conversely, they also said that they lacked: exam-taking skills; both external motivation and a framework that would help them study; and a social "stamp of approval" indicating their ability to function in social frameworks that would allow them to continue in their studies, work and the like. In addition, they said that homeschooling resulted in their being different from others, having too few friends and not having sufficient social preparation. Watson (2019) also found that homeschooled children tend to agree with the perception that they lack social competency, even if research reveals that homeschooled children do not have any social deficit (see chapter 3).

Care therefore needs to be taken to ensure that the child's best interests are at the heart of the decision-making process, which should involve the child being heard before the final decision is made. In South Africa, the law permits education at home if it is in the best interests of the learner (Basic Education Laws Amendment Act 32 of 2024, section 51(2) (a)(i)). Children and adolescents are rights holders and are not their parents' property. Many countries

enshrine children's rights in their constitutions; for example, the Colombian Constitution states that "the rights of children take precedence over the rights of others". Yet there can be tension between a parent's right to choose the education of his or her child (see section 2.5) and the child's ability to exercise his or her own rights in relation to the right to education; evaluating whether the best interests of the child are being served can be challenging.

#### Box 8: Convention on the Rights of the Child (1989)

##### Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the **best interests of the child shall be a primary consideration**.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall **conform with the standards established by competent authorities**, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

##### Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the **right to express those views freely** in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. *[Emphasis added]*

### 2.6.3 The right to access to information and material from a diversity of sources

Access to a broad range of information and material is essential to preventing children's education from being confined to a narrow set of educational materials and resources. As discussed in previous sections, limited exposure can restrict children's understanding of diverse perspectives and cultures, as well as scientific knowledge. Homeschooling parents should have both the responsibility and the possibility to ensure that their children engage with a broad array of educational resources, including digital tools, libraries and educational platforms. This access supports a well-rounded education that includes global viewpoints and modern knowledge,

which should also uphold the right to enjoy the benefits of scientific progress (International Covenant on Economic, Social and Cultural Rights, art. 15.1(b)).

A very interesting example can be found in Quebec, Canada. There, the school service centre responsible for a homeschooled student must, subject to availability and its own conditions, provide the student with free access to several school resources (Homeschooling Regulation, art. 22). These include the library, science laboratory, computer laboratory, auditorium, art rooms, and sports and recreational facilities at one of its schools, along with related materials and equipment.

In addition, free access to student support services is offered; these services include use of the documentary resources of the school library, and academic and career counselling and information (Homeschooling Regulation, art. 21). These measures can help in ensuring that homeschooled students have access to essential learning and extracurricular resources. They also allow homeschooled students to interact with other students, which helps to mitigate concerns over the educational isolation of the former, who might otherwise be exposed only to the values and perspectives related to their immediate homeschooling environment.

## 2.7 Freedom of thought, conscience and religion and cultural diversity

As previously mentioned, article 5.1.b of the Convention against Discrimination in Education (1960) provides for the freedom of parents to ensure the religious and moral education of their children. Article 18 of the International Covenant on Civil and Political Rights (1966) guarantees the right to freedom of thought, conscience and religion. In promoting cultural diversity, the UNESCO Universal Declaration on Cultural Diversity (2001) recognizes the need to ensure “harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together” (art. 2). Connecting these principles, the Committee on the Rights of the Child underscores education’s aim to encompass a wide range of values, transcending the boundaries of religion, nation and culture (CRC General Comment No. 1). The CRC also emphasizes the importance of having “a balanced approach to education and one which succeeds in reconciling diverse values through dialogue and respect for difference” (*ibid.*, para. 4).

Religious and moral education serves as a fundamental means of transmitting, from one generation to the next, aspects of culture such as value systems, traditions and beliefs; the right to such education is protected in IHRL. Cultural differences, particularly those related to religion, are often cited as some of the main reasons for homeschooling.

Education systems worldwide vary in their approaches to moral and religious education, which span from compulsory to optional, and which either present a pluralistic view of different religions or focus on a specific faith. Moral and religious education can offer healthy perspectives on what religiosity can offer to all human beings.

### Box 9: International Covenant on Civil and Political Rights (1966)

#### Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. *[Emphasis added]*

However, dogmatic approaches may stir up intolerance. These approaches “seek not just a single course on religion, but instead desire to have all disciplines taught through the eyes of their particular faith” (Gray, 2018). The Human Rights Committee and the Committee on Economic, Social and Cultural Rights understand that public school education is meant to provide children with religious and ethical education in a “neutral and objective way” and must offer exemptions or alternatives for instruction on a particular religion or belief (CCPR General Comment No. 22, para. 6).

In certain circumstances, homeschooling may be a practice sensitive to fundamentalist approaches, given the fact that it may offer limited exposure to views differing from those of the family. The United Nations' Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, notes that "having face-to-face interaction of students on a regular basis is not less important than the development of intellectual skills, because such regular interaction can promote a sense of commonality that goes hand in hand with the appreciation of diversity, including diversity in questions of religion or belief" (Human Rights Council, 2010, para. 21). This reflects the principle of inclusion referred to in section 2.4, which encourages respect of all diversity. Therefore, while IHRL safeguards parents' right to ensure religious and moral education in line with their convictions, it cannot be used to infringe upon other human rights or limit their scope.

On the other hand, some States may not abide by the international human rights framework by imposing compulsory religious or moral education. In other contexts, certain school subjects may conflict with the obligation to respect parents' religious and moral convictions. The Special Rapporteur on freedom of religion or belief also acknowledges that schools are a place where authority is exercised; this authority sometimes can even supersede that of parents

(*ibid.*, para. 23). Students may feel vulnerable and exposed to pressure exerted by fellow students, teachers or the school administration (*ibid.*) As a result, some parents feel that school could alienate their children from family traditions, and they therefore decide to homeschool their children to convey the education that conforms to their beliefs.

Yet IHRL promotes intercultural understanding as one of the pillars of peace and human rights, necessitating the recognition of diverse worldviews by individuals and societies. Schools must therefore play a role in cultivating intercultural competences, enhancing the ability to see the world from different perspectives, listen empathetically, and adapt to diverse viewpoints. In addition, schools need to create a learning environment which is conducive to the freedom of thought, conscience and religion, dispelling negative stereotypes and prejudices.

To overcome existing biases and ensure that issues of religion and belief are handled with the utmost sensitivity, all parties involved, including members of religious or belief communities, should be consulted with regard to education related to these issues. They should also take part in teacher training that enables them to provide fair and accurate information while ensuring that human rights standards are respected (Human Rights Council, 2010).

## 2.8 Accountability and monitoring

Obtaining extensive, representative data on homeschooling is a challenge (Cheng and Donnelly, 2019), which in turn poses problems in terms of informed policymaking. There are also very few comparative data, especially on the potential risks or shortcomings associated with homeschooling. While such data are generally used to inform regulations, elaborating regulations is key to creating a framework for accountability and monitoring in order to safeguard children's right to education.

As noted by Block and Karsten (2011), regulations governing home education differ significantly, as "the policy on home education [has] developed in part under the influence of a historical context that varies by country", or in the case of federal countries, by states. Consequently, measures to regulate homeschooling vary significantly, ranging from a high degree of regulation to a low degree, or to no regulation at all.

In countries such as Germany, Sweden and the Kingdom of the Netherlands, homeschooling is generally prohibited. In such instances, the State may enforce measures to ensure that children attend school; these measures can include fines, imprisonment or loss of custody. In countries with high or moderate regulation, homeschooling is allowed upon fulfilling specific requirements functioning as regulatory tools. Sanctions may be imposed if parents fail to comply with the rules outlined by the State.

Under IHRL, States are tasked with ensuring parental rights and safeguarding the fundamental rights of children. In homeschooling, parents bear the responsibility for ensuring the child's best development. However, when parents fail in their obligations, the State must intervene to fulfil its responsibility of guaranteeing children's rights.

While some countries prioritize individual freedom and therefore reject any preventive measures that could potentially jeopardize it, others consider that preventive measures must be taken to shield children from potential harm. Brazil offers an interesting example. Its Supreme Court of Justice considers certain defined forms of homeschooling or unschooling unconstitutional if they deny the possibility of State participation, including the establishment of basic inspections and evaluations (Ranieri, 2020).

### 2.8.1 Registration

Registration stands out as one of the fundamental regulatory measures through which the State can comply with its obligation to monitor the right to education and to ensure that children are receiving compulsory education according to IHRL. Registration processes vary; for instance, parents can directly register with the Ministry of Education, local authorities (as seen in New Zealand), or school boards (as practiced in the Canadian provinces of Ontario and Quebec). Apart from 12 states in the United States of America, most countries mandate registration.

In the United Kingdom and in specific parts of Australia, Canada and the United States, registration only involves notifying the corresponding school of the intent to homeschool. However, in most of the other countries under analysis, registration also necessitates authorization, often contingent upon meeting specific prerequisites and/or criteria (France, Ireland, Portugal, South Africa). Pre-registration requirements (conditions that must be met before an individual can register) may include a clean criminal record, teacher qualifications, a minimum university or high-school degree, a psychologist's opinion, presenting a learning programme which specifies the chosen approach and its pedagogical objectives, or providing a motive for opting out of school.

For instance, in France, parents must provide an adequate reason for opting to keep their children out of school. In South Africa, the newly adopted Basic Education Laws Amendment Act 32 of 2024 specifies that in approving home education, the Head of Department is to be satisfied that (among other listed requirements) "the proposed home education programme is suitable for the learner's age, grade level and ability and predominantly covers the acquisition of content and skills at least comparable to the relevant national curriculum determined by the Minister" (section 51).

While some countries prioritize individual freedom and therefore reject any preventive measures that could potentially jeopardize it, others consider that preventive measures must be taken to shield children from potential harm.

### 2.8.2 Inspections

In many countries, public and private schools and their teachers are subject to inspections by the ministry of education, which can be justified by the need to guarantee children's rights to quality education. In the case of homeschooling, inspections by local authorities/the ministry of education are a way to guarantee children's well-being and compliance with the standards established by each country. Examples of this can be found in Ireland and France. In Ireland, section 14 of the Education (Welfare) Act of 2000 requires, in the case of a comprehensive assessment, an inspection of the premises (where most of the child's education is experienced), equipment and materials used.

Inspections often take place in the form of home visits, which can have different phases, with or without the presence of the children. When inspectors feel that parents are not offering suitable education for their child, they may issue a school attendance order (for example in Portugal, the United Kingdom and France).

### 2.8.3 Evaluation of homeschooling outcomes

Standardized testing is one of the accountability and monitoring tools used by education authorities to evaluate learning outcomes. Testing can function as a way to guarantee that children have been exposed to the State's national curriculum and are reaching attainment levels similar to those of children in public schools; testing thereby focuses on the learning outcomes, rather than on the form of education. However, standardized testing may not reflect the holistic learning of the homeschooled child. In Quebec, Canada, the Homeschooling Regulation requires parents to monitor their child's progress using one or more of several evaluation methods (art. 15). These include an evaluation by

a school service centre, by a private educational institution or by a licensed teacher; they also include an exam imposed by the Minister of Education and a portfolio submitted to the Minister.

Parents must submit the chosen evaluation to the Minister twice a year to ensure compliance with educational standards (art. 16). In South Africa, the Basic Education Laws Amendment Act 32 of 2024 requires parents to "submit to the Head of Department, at the end of each phase and as evidence of the learner's educational attainment, the learner's assessment report, signed by the competent assessor" (section 51). In some countries, students who are homeschooled must take, as must school-enrolled students, the final national examinations at the end of every year (New York [United States]) or of each cycle (Austria, Portugal, Quebec [Canada], South Africa). In others, such as Ireland and New Zealand, the examinations are not obligatory.

#### **2.8.4 Perspectives on further regulation and the need for stakeholder consultation**

The growth of homeschooling has spurred discussions on regulation in many countries. In countries where homeschooling is not provided for by law, courts have often been called on to provide legal advice on the matter. For instance, in Brazil, a 2018 Supreme Court ruling deemed homeschooling constitutional but in need of further regulation (Costa, 2021; Ranieri, 2020).

In the United Kingdom, legislation proposed in 2019 aimed to establish four new legal duties for local authorities, parents and educational spaces related to homeschooling. The proposed duties were as follows: local authorities would have to keep a register of children of compulsory school age who are not registered at State-funded or registered independent schools; parents would have to provide information to their local authority if their child is required to be

on the aforementioned register; education spaces attended by children on the register, as part of or in connection with their homeschooling, would have to respond to enquiries from local authorities about the education provided to individual children; local authorities would have to support home-educated families if the families requested it. However, these proposals, including the proposal to create a homeschooling register, faced controversy, which led to the abandonment of the wide-ranging Schools Bill in December 2022. However, the Education Secretary has said that legislating for a register remains a priority.

To ensure that regulations are practical, fair and transparent, stakeholders — such as parents, educators, school leaders, inspectors, members of the local community, associations and educational researchers — should be consulted to democratically shape and refine homeschooling regulations.

In Quebec, Canada, the Education Act (art. 459.5.2) established an advisory panel on homeschooling (in French, *Table de concertation nationale en matière d'enseignement à la maison*). This advisory panel includes the following members: school directors' associations, regional school boards' associations, homeschooling parents' associations, educational researchers, homeschooling learning centres, and a professional association for special-needs teaching. The advisory panel advises the Minister of Education on any homeschooling matter he or she submits to it (Education Act, art. 459.5.2).

It is necessary to consider that the development of homeschooling regulations involves not only the elaboration of laws and policy guidelines, but also the development of the capacity to enforce these regulations. For instance, in contexts where human resources are scarce, regulatory tools such as home inspections may be harder to implement. In this regard, ensuring adequate financing for such monitoring is essential to ensuring that sufficient officers are hired and are well trained.

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### 3. Implications of homeschooling and socialization

The practice of homeschooling also needs to extend beyond the individual perspective to encompass broader societal implications. Unlike consumer goods, education is a public and common good. General Comment No. 1 of the Committee on the Rights of the Child (2001) states that the aims of education (discussed in section 2.3.1) include socialization and interaction with others (Convention on the Rights of the Child, art. 29.1(d)) and with the environment (Convention on the Rights of the Child, art. 29.1(e)).

The CRC explains that education serves not only to provide "literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life" (CRC General Comment No. 1, para. 9).

This was reiterated more recently with the adoption, in 2023, of the Recommendation on Education for Peace and Human Rights, International Understanding, Cooperation, Fundamental Freedoms, Global Citizenship and Sustainable Development. This instrument acknowledges the need to enable every person to participate democratically in the social life of his or her educational institutions (para. 21). More importantly, it says that to enhance social cohesion, Member States should valorize, respect and enhance the diversity of knowledge systems, ways of expression, transmission and safeguarding of intangible cultural heritage, which includes the appreciation of diverse perspectives.

The "lack of socialization" has often been invoked in relation to concerns over homeschooling; particularly in court cases, it has been noted that education is not only about imparting knowledge, but also about acquiring social and civic skills (Research Services of the German Bundestag, 2009). The European Court of Human Rights has also noted that while some parents invoke religious convictions to justify home education, "integration into, and first experiences of, society are important goals in primary-school education and that those objectives cannot be met to the same extent by home education, even if it allows children to acquire the same standard of knowledge provided by primary-school education" (ECHR, 2022, para. 71). The ECHR emphasizes the

importance of pluralism for democracy and states that it is in the interests of society to avoid the "emergence of parallel societies based on separate philosophical convictions" (ibid.). As a result, in the court case Konrad v. Germany in 2006, the ECHR rejected a complaint concerning a refusal to allow the parents involved to educate their children at home; the rejection was on the grounds that the complaint was manifestly ill-founded. As referred to in section 2.6, a policy measure on homeschooling could envision periodic classroom visits for homeschooled children in order to provide a space for interaction with others.

Socialization is an important component of the right to education and forms the foundation of the new social contract for education:

The International Commission on the Futures of Education (UNESCO, 2021a) emphasizes the role of schools, while highlighting the complementarity of formal, non-formal and informal education.

*"As a shared societal endeavour, education builds common purposes and enables individuals and communities to flourish together. A new social contract for education must not only ensure public funding for education, but also include a society-wide commitment to include everyone in public discussions about education. This emphasis on participation is what strengthens education as a common good – a form of shared well-being that is chosen and achieved together."*

*Reimagining Our Futures Together: A New Social Contract for Education (UNESCO, 2021a)*

It stresses that “schools should be protected educational sites because of the inclusion, equity and individual and collective well-being they support – and also reimagined to better promote the transformation of the world towards more just, equitable and sustainable futures”.

Very little research has been conducted on whether homeschooled children actually do have social deficits, and research tends to indicate that their social behaviour is not inferior (Research Services of the German Bundestag, 2009; Watson, 2019). In fact, Watson (2019, pp. 6-7) says the following: “homeschoolers are not in fact socially deprived (Basham et al., 2007; Kelley, 1991), as they are learning the proper rules for appropriate social behavior (Medlin, 2000), [are] regularly engaged in social activities outside the home (Basham et al., 2007; Ray, 2016), possess adequate social skills (Medlin, 2006), [are] well-prepared for college (Cardinale, 2013; Drenovsky and Cohen, 2012), and have plenty of opportunities for socialization (Kelley, 1991)”. Advances in digital access, tools and skills have also expanded the practice of homeschooling, enabling families to connect and interact with communities worldwide.

As an example, according to a study conducted in Switzerland by Brabant et al. (2021), in terms of socialization and interactions outside the family home, 113 out of 137 families (82.5%) reported that their children engaged with others or with educational resources in various settings and activities.

The most popular activities among participating families included: visiting cultural or artistic institutions such as museums, performance venues and libraries (82.5% of families); participating in outdoor activities such as forest walks; and using sports facilities such as sports centres and swimming pools (75.4%). Additionally, 66% of families were involved in at least one homeschooling group (whether at the local, national or international level) or other support networks. Nonetheless, despite this body of research, negative perceptions related to social competency persist (Watson, 2019). Furthermore, beyond the socialization of the individual homeschooled child, homeschooling as a broader practice raises concerns about collective social cohesion and civic engagement. In the context of today's societal polarization, aggravated by increasing inequalities and the pervasive influence of algorithms (UNESCO, 2023), continuing to seek common ground is essential. Schools have historically been fundamental to the fulfilment of this mission, as they are more heterogeneous than the nuclear family (Lubienski, 2003). Homeschooling, but also certain homogeneous private and religious schools, may involve the risk of individuals being exposed only to information and opinions that reflect and reinforce their own beliefs.

In addition, homeschooling seems to be part of a broader phenomenon whereby, seeking more individualized and privatized control over matters that affect them, individuals opt to leave public institutions (such as schools) rather than improving those institutions through democratic participation. This practice is also a symptom of a lack of trust in traditional institutions. It is therefore necessary to avoid the weakening of education as a public endeavour and common good.

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# Conclusion

In conclusion, the issue of homeschooling can be considered an extremely complex matter, motivated by an extensive range of reasons and with contexts playing a substantive role in both how it has developed and how it is consequently regulated. Nevertheless, given the growth of this practice in some countries, and an international agenda focused on a new social contract for education, divergences in homeschooling views require unpacking from a rights-based perspective.

This analysis sheds light on what is at stake in terms of the implications for the right to education. It brings attention to the human rights principles that must be upheld within the homeschooling community, listed below.

► **Freedom of choice:**

While a right to homeschool is often regarded as an aspect of educational freedom, this right is not absolute. States must ensure that the rights of the child are guaranteed.

► **Free and compulsory education:**

All children have the right to free and compulsory education. When homeschooling is permitted, States must implement monitoring and accountability mechanisms to uphold this right. While homeschooling may come at a cost, States may choose to alleviate the financial burden of homeschooling parents to uphold the principle of free education.

► **Quality education:**

States have a duty to ensure that homeschooling provides an education of an appropriate standard. However, existing learning-assessment processes often fail to provide comprehensive conclusions regarding the outcomes of homeschooling.

• **Aims of education:**

Education serves societal functions beyond individual skill development, addressing broader collective matters. These need to be reflected in homeschooling practices.

• **Minimum education standards:**

While these minimums are not clearly defined by international human rights standards, States are required to ensure that they are established. Homeschooling regulations should align with these standards.

• **Learning processes and environment:**

Methods of and approaches to homeschooling differ considerably, yet they must meet minimum education standards. They are also evolving, particularly with the increased use of digital solutions, which requires States to ensure that safeguards are in place.

• **Content of education:**

The educational content provided through homeschooling must be aligned with the aims of education set out by the Convention on the Rights of the Child (1989), and it must include human rights education.

► **Equality, non-discrimination and inclusion:**

States have an obligation to ensure that parents do not turn to homeschooling because of a lack of inclusive education. Efforts must focus on eliminating barriers to education, eradicating discrimination, ensuring safe and inclusive school environments, and fostering cultural appropriateness in educational content.

• **Gender-equality implications:**

Homeschooling must uphold gender equality by avoiding the reinforcement of traditional roles, promoting shared responsibilities, and ensuring that curricula challenge stereotypes.

► **Duty of the parents and/or legal guardians:**

Parents have a duty to ensure the child's right to quality education in alignment with human rights standards. They must strike a balance between their right to guide education and ensuring the child's best interests, participation and compliance with minimum education standards.

► **Children's well-being and children's rights:**

• **Right to freedom from violence**

Regulatory frameworks should safeguard children from maltreatment, ensure access to psychological services, and prohibit corporal punishment in all settings, including the home.

• **Best interests of the child and the right to be heard:**

Homeschooling decisions must prioritize the child's best interests and consider the child's views, ensuring a balance between the child's rights and parental authority.

• **Right to access to information and material from a diversity of sources:**

Homeschooling must provide access to diverse materials and opportunities, such as libraries and extracurricular activities, to avoid isolation and foster a well-rounded education.

► **Freedom of thought, conscience and religion and cultural diversity:**

Homeschooling should respect parents' right to impart religious and moral education while ensuring that children are exposed to diverse viewpoints and cultural understanding, fostering intercultural understanding, empathy and respect for religious and cultural differences, in line with international human rights standards.

► **Accountability and monitoring:**

Effective regulation (which includes registration, inspections and evaluations) is essential to ensuring that homeschooling meets educational standards and protects children's rights.

Stakeholder consultation and sufficient resources are needed for proper implementation.

This report also addresses one of the key aspects of the aims of education, as defined by the Convention on the Rights of the Child (1989), in terms of social implications. It draws attention to the need to avoid parallel societies, which can be an issue for homogeneous schools and is an important factor to consider in the regulation of homeschooling. Homeschooling should balance individual rights with societal goals, ensuring socialization, civic engagement and respect for diversity. Education is a public good that supports social cohesion and democratic participation, and homeschooling should not undermine these principles.

The report also emphasizes the role of the school in society. Although education should not be treated as a monopoly of the State, the State must ensure that all learners feel welcome and are able to develop to their fullest potential in an inclusive environment. This is particularly relevant for those homeschooling on account of challenges within the formal education system.

## Some areas of tension

► **Quality education:**

- A key challenge lies in ensuring that homeschooling aligns with the aims of education while fostering a collective learning experience.
- Parents may view standardized curricula as incompatible with their vision of quality education. At the same time, concerns persist about gaps in homeschooling, particularly in areas such as comprehensive sexuality education.

► **Inclusion:**

Homeschooling may limit children's exposure to social diversity, potentially contributing to social and political polarization. However, it is important to recognize that not all schools successfully promote social diversity, tolerance or friendship among all students.

► **Children's well-being and children's rights:**

While cases of mistreatment are reportedly rare in homeschooling, the potential isolation of children in this setting raises concerns about detection and response mechanisms. Ensuring that safeguards are in place is critical to protecting children's rights and well-being.

► **Parental rights:**

Parents may feel that State regulation of homeschooling infringes on their rights, particularly their right to privacy. However, when conducted transparently and in line with human rights standards, such oversight can help ensure accountability and proper monitoring.

## Key considerations

Given the wide-ranging societal, individual, legal and policy implications of homeschooling, this report seeks to highlight key considerations for the international community, policymakers, experts, researchers, practitioners and parents engaged in this field. The findings of this research provide policymakers and the international community with several insights to inspire national-level actions, while also underscoring the need for further qualitative and quantitative research at the global level.

### Homeschooling data and research

One significant challenge in analysing the practice of homeschooling is the lack of reliable, high-quality disaggregated (by sex, disability, socioeconomic status and so on) data and research on both students and parents; such data and research are needed for informed decision-making. This should include an understanding of why parents turn to homeschooling, in order to address any potential challenges encountered within schools through tailored legal and policy responses. Furthermore, the impact of the duration of homeschooling on children's educational trajectories could be examined. Much of the existing empirical research relies on small convenience samples. While this may be linked to a broader political stance purposefully considering the matter as marginal, the lack of State monitoring can be problematic. Contributing factors include the lack of mandatory registration and/or underreporting by parents. To address this problem, governments may consider developing policy and regulations that encourage registration. In addition, supporting impartial qualitative and quantitative research would provide a stronger evidence base for effective policymaking. Building evidence will also make it possible to inform potential international normative guidance, which currently does not explicitly refer to homeschooling. Such guidance could support States in upholding the right to education in all settings, including when exercised at home.

### Elaboration of policies and regulations on homeschooling

Stakeholder consultation is essential to ensuring that policies and regulations reflect specific national, regional and local contexts while complying with human rights principles. Making certain that all parties, including children, are heard can ensure that

the policies and regulations are relevant, effective and widely respected. Policies and regulations should consider how to make sure that home environments are safe and conducive to learning, and they should address the reasons that prompt parents to homeschool their children. Specifically, the following issues could be taken into account:

#### Child well-being

Given the prevalence of cases of child abuse within households, it is crucial to ensure that all children, including homeschooled children, are protected. While instances of child abuse within homeschooling households are relatively rare, every child has the right to be protected from all violence, including corporal punishment. Policymakers should consider developing regulatory frameworks and mechanisms through which local authorities can identify and support children at risk of maltreatment; such framework and mechanisms should also explicitly prohibit corporal punishment in all settings, including the home. In addition, to promote children's well-being, it is important to encourage child participation in the homeschooling decision-making processes through dedicated mechanisms.

#### Diverse homeschooling-parent demographics and motives

There is a need to acknowledge the diversity of homeschooled children, who come from various socioeconomic, cultural, religious, racial and geographical backgrounds, and who have differing motives for, paths towards and approaches to homeschooling, and who participate in homeschooling for varying lengths of time. This diversity should inform decision-making processes and be considered when devising strategies and policies related to homeschooling practices; minimum standards should always be met.

#### Regulations to ensure accountability, monitoring and quality education

While regulatory frameworks for homeschooling need to be grounded in local contexts, this analysis indicates that certain aspects could be taken into account to ensure that this practice is compliant with human rights. Requiring parents to register with national authorities and meet basic prerequisites, such as having a clean criminal record, would enhance

accountability and enable effective monitoring. Monitoring should be conducted in a manner that is not overly intrusive, that is not excessively frequent to the point of harassment, and that does not extend beyond the purpose of upholding the rights of the child. Everyone has the right to quality education, including those who receive their education at home. To ensure the quality of education, the following could be considered: developing minimum education standards that apply to homeschooling (and digital tools used in this context); and exploring new ways of adapting learning assessment to homeschooling settings so that such assessment can also gauge non-measurable learning outcomes. Minimum education standards should align with the broader aims of education, ensuring the provision of human rights education, while allowing for a certain flexibility in the provision of education.

### Regulatory capacity and parental support

A key policy issue that requires attention is the effective enforcement of laws and regulations. To achieve this, civil servants need to be adequately

trained and recruited in sufficient numbers to manage registrations, conduct inspections and oversee the implementation of regulations. Equally important is the need to establish clear and accessible guidelines so that parents and guardians are aware of their duties and responsibilities. In addition, parents should be able to access quality teaching and learning materials, which can be facilitated through open-access educational resources. With trained civil servants and clear guidance, all stakeholders (communities, associations, higher-education institutions) can ensure greater accountability.

### The role of schools

Concerns about how homeschooling might limit opportunities for dialogue and deepen polarization may undermine education as a common public good. States have an obligation to ensure that schools are inclusive, safe places where every child can thrive. By fostering new dynamics of collaboration between schools, teachers, parents and students, governments can also promote the democratic participation of all those stakeholders in the educational process.

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## Homeschooling through a human rights lens

As homeschooling becomes more widespread globally, its human rights implications remain overlooked.

This report examines emerging trends, challenges, and opportunities in homeschooling through a rights-based lens. Rooted in desk-based research, literature reviews, expert inputs, and contributions from Member States, it provides an overview of homeschooling laws, policies, and research in various countries, selected for their varying regulatory frameworks and the prevalence of homeschooling. Although it cannot provide a comprehensive analysis—due to the lack of robust global data—this paper offers exploratory insights to inform and guide policymakers and other stakeholders.

Balancing the freedom of educational choice with the state's responsibility to ensure quality education for all, the report supports the broader UNESCO Initiative on the evolving right to education. It aims to fill critical knowledge gaps and uphold international human rights standards in the context of homeschooling.

