

**LOMLOE: CARTA DE EPA A LA PRESIDENTA
DE LA COMISIÓN EUROPEA, A LA VICEPRESIDENTA Y COMISARIA
DE VALORES Y TRANSPARENCIA, Y A LA COMISARIA DE
INNOVACIÓN, INVESTIGACIÓN, CULTURA,
EDUCACIÓN Y JUVENTUD**

13 de enero de 2021

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CARTA DE LA EUROPEAN PARENTS ASSOCIATION (EPA) A LA COMISIÓN EUROPEA

El 22 de diciembre de 2020, la European Parents Association (EPA) envió una carta a la presidenta de la Comisión Europea, Ursula von der Leyen, remitiéndole una carta de varias asociaciones de padres en España en la que expresan su preocupación por la educación en España tras la aprobación de la LOMLOE.

El mismo día EPA envió también cartas similares a la vicepresidenta y comisaria de Valores y Transparencia, Věra Jourová, y a la comisaria de Innovación, Investigación, Cultura, Educación y Juventud, Mariya Gabriel.



"The voice of parents in Europe"

www.europarents.eu

Brussels, December 22, 2020

Ms. Ursula von der Leyen
President of the EU Commission
Rue de la Loi / Wetstraat 200
B – 1049 BRUSSELS
ec-president-vdl@ec.europa.eu

Dear Ms. von der Leyen,

On behalf of the following parents' associations (EPA members) FAPEL, FEPACE, FAPACEL and FAPAE, I am enclosing the communication received at the EPA Board, which has deeply alarmed us and which we want to share with you.

The request of our associations falls within the scope of the *EU Charter of Human Rights* and, with regard to the EPA, in our *Manifesto 2008* (attached to the members' letter).

The EPA Board kindly asks you to take into consideration this communication from our members, to take the necessary initiatives and measures to observe, review or rule, if applicable, the situation of educational human rights in Spain.

Yours sincerely,

Víctor Petuya
EPA President

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Attached documents:

- Letter from Spanish associations to EPA and documents attached.

A continuación puede leerse íntegramente la carta que las asociaciones de padres escribieron a EPA, y que esta reenvió a las instituciones europeas.



Barcelona, december 15, 2020

Victor Petuya
President of EPA

Dear Victor and members of the EPA Board,

We address you with great concern about the situation of parents' rights in Spain.

As you know, a new law of education (LOMLOE) is being processed, the eighth in democracy in Spain. The text, approved by the Congress with a single vote more than the necessary minimum, seriously attacks plurality, undermines the rights and freedom of parents, and breaks the educational consensus of 40 years of democracy.

The new Law will represent a serious setback in the basic right to "guarantee the education and teaching of their children in accordance with their religious, philosophical and pedagogical convictions", recognized by the Charter of Fundamental Rights of the EU.

LOMLOE de facto nullifies the right of parents to choose the education they want for their children. In its art. 109, it highlights the prominence of the educational administrations which assume as their own responsibility *"a progressive increase of school positions in the network of publicly owned schools"*. In practice, this article alters the current balance of the Spanish educational system, based long time ago on the complementarity of the network of public schools and that of private subsidized schools. This is shown by the "Data and figures for the 2020-21 school year" of the Ministry of Education and Vocational Training: the concerted model enrolls 2,107,677 students, 25.5% of the total number of students.

The educational system, through the financial tool called "concerts", safeguarded the right of families to choose the school for their children; it also reflected the pluralism of democracies, the importance of which is highlighted by the European Court of Human Rights. Oriented only to the financing of public schools, the LOMLOE will reduce dramatically in a few years the existence of a plural offer and will end the model of coexistence of public and private initiative that in 1985 promoted the PSOE, the same party that presents this Law.

This attack on the "concerted" schools and the basic rights of families is one more step to end the social and political agreements in Spain called "the Transition" and that culminated in the approval of our constitutional text.

The Government, alleging that it was the same bill that it had presented in September 2018 and that it declined due to the dissolution of Parliament in March 2019, it presented it again in the following legislature that began in February 2020. During its processing it introduced more than 200 amendments that have transformed it into a different text, also processed without consulting the State Council and the State School Council, among other instances, and without the possibility of parental representatives having an opinion.

With a new exclusive article and a procedure that has skipped the usual consultation procedures, the LOMLOE leaves out those who until now had been part of the educational system. And what is more serious, it leaves out the hundred thousand of families who, in the exercise of their freedom, had opted for subsidized schools. Without debate or analysis to justify it, the Government acts with animosity

FAPEL

Federació d'Associacions de Pares i
Mares d'Escoles Lliures de Catalunya



towards the concerted educational model. Ultimately, it assumes political control of education as a state monopoly.

Given the impossibility of being heard in Congress, and in defence of the rights of fathers and mothers, through the social platform "Mas Plurales" (more plurals), which groups 22 entities, a total of **1.930.065** signatures (last Friday) have been collected against the new Law.

Likewise, federations of parents' associations, the most representative trade union organizations and employers' confederations, have transmitted a petition to the European Parliament (accepted under registration number 1420/2020). It has been signed by the National Catholic Confederation of Parents and Parents of students (CONCAPA), the Confederation of Parents of students (COFAPA); the Federation of Independent Trade Unions of Education (FSIE), the Federation of Education of USO (FEUSO); the Confederation of Education and Management Schools (Catholic Schools) and the Spanish Confederation of Schools (CECE). LOMLOE also harms the most vulnerable, disabled minors, and their parents. It seeks a reform that, without even reflection in the economic memory of the Law, seeks to close or reduce special education schools to the maximum. Based on equality and inclusiveness that does not respect the uniqueness of each person, it prevents students with special educational needs from being educated in an environment that guarantees their safety and care, and the best educational opportunities for them. And it harms their fathers and mothers, who need these schools to support an educational task that requires specialized attention. We also want to mention the 2008 EPA Manifesto, which perfectly describes the opposite situation to which we could find ourselves in Spain soon. We also attach the petition submitted to the European Parliament to which we have referred, and we will send, if necessary, the executive summary of two legal opinions that support our claim and reflect the seriousness of what we want to convey.

For all of the above, we turn to EPA to help us make our voice heard in the institutions and organizations of Europe where we can feel the protection of the law, but also the defence of the common good that is education. We ask you to send our situation to as many institutions and organizations as you consider appropriate to protect the fundamental rights of parents in Spain.

Yours faithfully,

Josep-Manuel Prats
Presidente de FAPEL

Carlos Chouciño
Presidente de FEPACE

David Ayerra
Vicepresidente de FAPAE

Juana Serrano-Gómez
Presidente de FAPACEL

Attached documents:

- EPA Manifesto 2008
- Petition to the EU Parliament

Gathered in Zaragoza (Spain), June 7, 2008 we want to convey to the educational community in our respective countries, policy makers and the entire international community our commitment to achieve the effectiveness and enforcement of the rights and goals contained in the

DECLARATION OF ZARAGOZA 2008 FOR EDUCATION

1.- Parents have the right priority and preference to educate their children according to their principles and moral convictions, philosophical, religious or educational and, therefore, to choose the kind of education center and wishing for their children. No other body has the legitimacy to usurp this right or to impose a moral and ideological indoctrination.

2.- All persons are entitled to receive quality education that enables them to release through their own efforts to reach their personal autonomy and its implementation for comprehensive access to decent work that should affect their own benefit of the family and society.

3.- All families have a moral duty of solidarity for the children of the poorest can have immediate access to universal primary education. To this end we feel that should make a commitment to cooperate individually or through their associations and their respective governments to require the necessary international cooperation to reach early this universal right that allows eradicate poverty and child labour.

4.- Education must pursue happiness, justice, good, truth and tolerance and built on shared values such as peace, solidarity, social responsibility, effort, commitment, dialogue and transcendence. No citizen can remain detached formed directly or indifferent to poverty or ignorance suffered by others with whom we have a duty of universal solidarity.

5.- The educational pluralism is a fundamental value inherent in education and represents the diversity of options that fit on a free and democratic society where all individuals may differ in ideology, race, sex or religion but are equal in dignity and rights. This pluralism is ensured, inter alia, through the right of schools to provide an educational ideology itself.

6.- There must be an active and continuous cooperation and participation of families in the educational process of their children as well as respect and support to teachers for the school can enhance the individual student's effort to achieve educational excellence.

7.- The schools and education authorities must act under the principles of objective assessment, transparency and accountability that allow citizens to know the status and level of each school to make the right choice to fill the center deficiencies or lack of quality as these occur.

8.-All families with school-age children must commit to greater participation and involvement in the educational process through associations of parents of students who must have sufficient means provided by the government to carry out his work defending the rights of parents and their training with appropriate competence and professionalism.

9.- No democratic government can discriminate against families by imposing mandatory that their children studying in a school government, sustained by public funds or private ownership. Nor can compel students to attend a school or a mixed deference by sex, nor impose a secular education based on religious values or whether it is not in accordance with the wishes of parents.

10.- believe own core values of proper education, in addition to the intellectual, physical or sports training of students, language teaching and new technologies, to be learning in all schools.

11.- In a globalized world, students must learn to live together while respecting the diversity and plurality of cultures, environmental sustainability, ideas and beliefs of others without involving disregard or resignation of themselves, striving actively in the integration of more weak or needy.

12.-We affirm as regards education as provided for in the Universal Declaration of Human Rights.

PETICIÓN AL PARLAMENTO EUROPEO DE LAS ORGANIZACIONES QUE INTEGRAN LA PLATAFORMA MASPLURALES

En su comunicación a las instituciones europeas, EPA añadía también una petición de amparo al Parlamento Europeo realizada por CONCAPA, COFAPA, FSIE, FEUSO, Escuelas Católicas y CECE, por la vulneración de derechos que representa la LOMLOE.



Ilma. Sra. Dña. Dolors Montserrat
Presidenta de la Comisión de Peticiones
Parlamento Europeo - B-1047 BRUSELAS

PETICIÓN AL PARLAMENTO EUROPEO

D. Pedro José Caballero García, mayor de edad, con número de DNI 03.832.507-V y nacionalidad ESPAÑOLA, con domicilio en AVDA. SANTA BARBARA, 19 BIS BAJO U, código postal 45006, población TOLEDO, provincia de TOLEDO, teléfono 630-070117 y correo electrónico PEDROJCABALLERO@CONCAPA.ORG, en nombre y representación de la **CONFEDERACION CATOLICA NACIONAL DE PADRES DE FAMILIA Y PADRES DE ALUMNOS -CONCAPA-**, con sede en la C/ ALFONSO XI, 4 - 5º, código postal 28014, de localidad MADRID, provincia de MADRID, inscrita en el Censo del Ministerio de Educación y Cultura según el Real Decreto 1533 del 11 de Julio de 1986 que regula las Asociaciones de Padres de Alumnos y en el registro de entidades religiosas del Ministerio de Justicia con el número 013308 con fecha del 29 de noviembre de 1982, con CIF número G-28564938,

Dª Begoña Ladrón de Guevara, mayor de edad, con número de DNI 33525876H y nacionalidad española, con domicilio en C/ Costa Brava 28C, código postal 28034, población, Madrid, provincia de Madrid, teléfono 660450042 y correo electrónico bladrondeguevara@cofapa.net, en nombre y representación de la **CONFEDERACIÓN DE PADRES Y MADRES DE ALUMNOS (COFAPA)**, con sede en C/ José Villena, nº 8, código postal 28017, de Madrid, provincia de Madrid, inscrita en el Censo del Ministerio de Educación y Cultura, con el número 28C0016, según el Real Decreto 1533 del 11 de Julio de 1986 que regula las Asociaciones de Padres de Alumnos, y en el Registro de tipo de entidad del Ministerio de Justicia con el número 2.200 con fecha del 16 de abril de 2001, y con CIF número G-83016774,