Jan de Groof (The Netherlands) dedicated his academic and professional life to higher education, education policy, legislative framework of universities, international law, fundamental rights in the domain of research and education.

His presentation focused exactly on his area of expertise. Jan de Groof gave the audience present, a wider look at education legislation in Europe. Jan de Groof argues that education is a matter of co-responsibility of the State and the society.

“The more diverse a education system is, the more the lack of inequality is filled. And through education you will touch all fundamental rights.”

Where should we cross the line in private education? Should any school with any ideology be legal?

Jan de Groof: No, I do not think so. I believe that only private schools should exist with ideologies that do respect human values and democratic rights. There are some ideologies that do not respect these requirements. So, the state should be more reluctant vis-à-vis similar ideologies that do not respect human rights. But that being said, most denominations, most philosophical convictions and pedagogical concepts do definitely respect fundamental rights. So, there must be respectful plurality.

So, what is lacking in European legislation in order to achieve a more plural Education?

Jan de Groof: There is a lack in several countries on legal certainty and legal respect for the good understanding of freedom of Education. That means, the State should not remain indifferent vis-à-vis initiatives taken
by a group of people who are taking care of education in the community. The State should protect and promote those initiatives. And there is a lot of legislation that makes it difficult for a group of people to take care of School and Education responsibilities. So there is a huge job for the legislators to look if their legislation is in line with basic human rights and with freedom of Education.

What is (or should be) the role of European Commission in these matters?

**Jan de Groof:** The European Commission should be the dynamic motor of enhancing, screening, detecting legislation and promoting policies that would lead to a more respect for diversity and pluralism within the Education sector. It is not enough to put it on paper, you have to do it for real.

And do the European laws win before national laws?

**Jan de Groof:** There are some kinds of regulations that are not predominant. Some are just consultative, recommendations or simple framework laws. But some are self-executing, yes.

How does the economic crisis influences the investment in schools?

**Jan de Groof:** I hope that when in need of budget cuts, they will not cut in Education. Because that will injure development and innovation.

In your presentation, you gave the example of a gay teacher teaching in a Catholic School. Legally, the school may argument that the teacher does not fit in the values or principles of the school’s methods or ideologies. But you have two fundamental rights in conflict: on the one hand, the right of choosing the teacher, on the other the right of being gay. How do you deal with this question?

**Jan de Groof:** That is the eternal problem: The conflicts of fundamental rights. In one hand, you have the right of privacy and of your identity. On the other hand, you have the right to create a school and to have freedom of education. So the balance should be reached, seeing what right is predominant.