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**Statement on Education in Freedom of Religion or Belief
as a Method of Conflict Resolution**

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Mr. Moderator,

This afternoon's discussion is on human rights education, particularly the practical and theoretical connections between human rights education and education for conflict prevention and reconciliation. The Toledo Guiding Principles, developed by ODIHR's Panel of Experts on Religious Freedom, recognise that teaching about world religions combats negative stereotypes and discrimination, and increases social cohesion.¹ The best public education is not an education that ignores religion, but an education that teaches about religion in a neutral manner, respecting the beliefs (or non-belief) of students and parents. We further argue that teaching about religious *freedom* furthers the cause of conflict resolution. It sets the stage for students to respect each other as human beings even when they disagree on questions as sensitive as who God is. Freedom of religion or belief is the right that gives meaning to other rights, and its power should not be neglected in human rights education.

The Becket Fund for Religious Liberty has a special interest in making sure that education concerning religion promotes religious *freedom*, as our law firm defends people of all faiths. We therefore have three brief comments that support and supplement the Toledo Guidelines: 1) teaching religion in a relativistic way that does not recognise difference is counterproductive to the cause of both conflict resolution and religious freedom; 2) OSCE countries should protect the parental rights already recognised by international instruments regarding teaching their children about religion; 3) teachers have rights too.

First, schools can teach about religious belief without indoctrinating students into religious belief. But this does not mean that religious freedom should be based upon the argument that all religions are the same, or are all true. We make our first comment with gratitude to the introducer's point that without a value basis, human rights and tolerance education can be in fact counterproductive. There is worth in seeking commonalities among people of faith, but a

¹ Toledo Guiding Principles at 13-14, 18.

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relativistic education conflicts with the beliefs of millions, if not billions, of people worldwide. Even more importantly, a relativistic education that supposes religious beliefs are all the same ill equips students to deal with the reality of difference in a diverse world.

Further, human rights are anchored in the dignity and worth of the human person, and that should be the central point in human rights education. This idea can be found in the UDHR, the ICCPR, the ICESCR, the CRC, the ECHR.² Religious people need not give up their religious beliefs in order to accept and further human rights; they need only affirm the dignity and worth of others. Students should know that people do not have to agree about religion in order to agree about religious freedom. We do not have to agree about who God is to agree about who we are – people with rights stemming from the inherent dignity of the human person, not from the fickle will of the state.

Nor are our rights granted by other people or dependant on the mercurial feelings of others. Not feeling offended is not really a human right. But attempting to speak of difference without denigrating others is a good intention and value. A respectful and civil dialogue is best fostered when students recognise the dignity of others, even those whose beliefs might be repugnant to them. Part of human rights education might thus be learning to live with being offended – and not striking back.

Our second point is to affirm that parents have the right to direct the religious and moral upbringing of their children.³ The ECHR has held that [t]he State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions.⁴ UN declarations additionally declare that parents have the right to organize life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.⁵

Further, the right of parents to exempt their children from religious or moral education by the state that contradicts the parents' religious or moral belief is already enshrined in international instruments. International human rights instruments strongly support parents' rights to decide their children's education. The UDHR itself states in Article 26 (3), "Parents have a prior right to choose the kind of education that shall be given to their children."⁶ Additionally, the ICCPR, ECHR, ICESCR,⁷ and other instruments implement strong rules in favor of parents'

² See, e.g., International Covenant on Civil and Political Rights (ICCPR), preamble (recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world); International Convention on Economic, Social and Cultural Rights (ICESCR), preamble (same language); Convention on the Rights of the Child (CRC), preamble (same language); International Convention on the Elimination of Racial Discrimination (ICERD), preamble (noting that UN charter is based on the principles of the dignity and equality inherent in all human beings and that all human beings are born free and equal in dignity and rights). See also European Covenant on Human Rights (ECHR), preamble (referencing the UDHR).

³ ICCPR Art. 18(4); see also ICESCR 13(3).

⁴ See *Folger v. Norway* (ECHR, App. No. 15472/02, June 29, 2007), para. 84(h).

⁵ See, e.g., Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, Art. 5(1).

⁶ Universal Declaration of Human Rights, Art. 26 (3).

⁷ See ICCPR Art. 18 (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."); ECHR Protocol No. 1 Art. 2 ("No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to

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rights.⁸ This should be true especially for teaching about controversial moral topics on which parents may disagree for reasons of conscience, such as sex, especially when taught to the very young.

Our third and final point is that states have an obligation to protect the educator's own are obliged to approach religion in the classroom in a neutral way, but they should not be forced to teach material to which they have conscientious objections. The right to freedom of religion or belief is regarded as so important in international law that ICCPR Article 4 states it cannot even be derogated from in times of state emergency.⁹ Teachers certainly should not be required to leave their consciences behind when they enter the classroom.

Thank you Mr. Moderator.

education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”); ICESCR (3) (“The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.”).

⁸ See also Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion and Belief, Art. 5 (2) (“Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents . . . and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.”); Convention against Discrimination in Education, (b) (“It is essential to respect the liberty of parents . . . 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.”); the International Convention on Migrant Workers and its Committee, Art. 12 (4) (“States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”).

⁹ See ICCPR Art. 4:

- 1 . In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
2. No derogation from [article] 18 [on freedom of religion or belief] may be made under this provision.

ICCPR Art. 4 (emphasis added).

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