



WORKING SESSION II: FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

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The Alliance Defense Fund would like to thank the OSCE and ODIHR for the opportunity to address it on the fundamental right of freedom of religion and belief. I say fundamental because throughout the OSCE region, an increasing number of states have forgotten that the guaranteed protections afforded to freedom of religion and belief in international treaty law and national Constitutions are stringent and not to be interfered with unless necessary in a democratic society and even then the interference must be proportionate to the enumerated legitimate aim being sought.

With my time today, I would like to discuss one element of freedom of religion and belief which is under great attack and that is parental rights. The Alliance Defense Fund has litigated a number of the highest profile cases involving parental rights in education before both the American courts and the European Court of Human Rights. The treaty law governing the issue is very clear: states must respect the rights of parents to educate their children in accordance with their own religious and philosophical beliefs. The European Court of Human Rights has defined this to mean that opt-outs must be available to parents in cases where their children are being indoctrinated contrary to the wishes of the parents in how they want to bring up their children. While this protection is an important one, the truth is that it has never been exercised by the European Court except where cases involved religious education.

For example, the Alliance Defense Fund represents 10 parents in Western Europe who were opposed to having their 8 and 9 year old children attend two days of mandatory sexual education classes. The parents had reviewed the material beforehand and deemed that it too strongly contradicted their moral and Christian views as parents. The parents' punishments for keeping their children out of the classes were heavy fines and 40 days in prison for each of them. In other cases, ADF represents parents who have had their children taken away from them simply for home education. And in yet another case, ADF represented a girl who was placed in a mental institution simply for being home educated. These case collectively suggest that not only are parental rights and the best interests of the child standard being grossly abused by some OSCE Participating States, but that in the area of parental rights Christians in particular are being discriminated against at a far higher level than any other minority. **The Alliance Defense Fund therefore calls upon the OSCE to ensure that parental rights in education are respected by providing opt-outs from classes parents deem to contradict their religious beliefs and with how they wish to raise their children. We also recommend that alternative methods of education done with the best interests of the child in mind be protected rather than punished.**

On a second matter pertaining to religious freedom, the Alliance Defense Fund would also call on Participating States to guarantee that anti-discrimination laws are used as a shield and not a sword against religious freedom. Where freedom of religion clashes with other protected areas, such as "sexual orientation", freedom of religion still cannot be interfered with where necessity is lacking. **ADF therefore recommends that the OSCE promote the concept of reasonable accommodations for religious belief and practices within the spectrum of employment and the provision of goods and services.**