

## **Script: The contents of Freedom of Religion or Belief – Parents and children**

Article 18 of the International Covenant on Civil and Political Rights provides specific rights for parents and for children in relation to freedom of religion or belief.

Parents and legal guardians have the right to give their children religious and moral education, and to organise family life in accordance with their beliefs.

But it's not just adults that have human rights! Children have the right to freedom of religion or belief as well – for example the right to be part of the life of a religious or belief community and participate in religious festivals or worship.

Children also have the right to access religious education in accordance with the wishes of their parents or guardians. They may not be forced to participate in confessional religious instruction against their parents' wishes, and as children mature their own wishes should increasingly be taken into account.

There are lots of examples of these rights being violated. In the countries of Central Asia, part of the legacy of the soviet past is that governments want to control every aspect of society. For example, in Tajikistan under-18s are legally barred from participating in religious worship or events, with the exception of funerals. And in other Central Asian states, governments have interrogated and harassed school-age children who do attend mosques and Christian churches, or who take part in activities like summer camps, as well as subjecting children to public denunciations in schools.

So some governments prevent children from practicing religion. Some other governments force children from minorities to participate in religious instruction that aims to convert them to the majority religion. This happens despite the fact that states have a duty to ensure that children can get exemptions to confessional religious instruction not just in theory, but in practice.

In Turkey, the Religious culture and ethics curriculum and textbooks still include confessional religious instruction, despite some reforms. Jewish and Christian students are theoretically exempt, but in practice these exemptions can be difficult or impossible to claim. And children of Alevi, Baha'i, atheist or agnostic families, or students who have these beliefs of their own accord, are forced to take the classes. In all of these examples, both parents and children's rights are being violated.

Before the Convention on the Rights of the Child, (CRC) was adopted, international human rights law didn't really discuss the rights of the child specifically. The convention changed that,



emphasising children as rights holders and in Article 14 as having the right to freedom of religion or belief themselves.

Article 14 presents children as both independent and vulnerable, needing parental help and guidance as they exercise their right to freedom of religion or belief, especially in relation to the state.

The convention states that the principle that should guide all matters is the best interests of the child. It also emphasises children's right to express their opinions on all matters affecting them. None the less, it is often grownups, in particular parents, who come to a conclusion about what these best interests are, and speak up for them.

Sometimes, however, the interests of children and parents can be different. In these cases, children's right to freedom of religion or belief has to be balanced against the same right of parents.

For example, at what age does a child have the right to make their own decisions about religious practice or belief? About whether they want to go to church for example?

According to the Convention on the Rights of the Child, parental direction in matters of religion or belief is to be given in a manner consistent with the child's evolving capacities. In other words, the older and more mature a child becomes the greater freedom they should have.

The international legal norm for adulthood lies at 18, but the question of how much independence and mental maturity is ascribed to children as they progress through childhood varies greatly between cultures and contexts. Different countries have different laws and regulations. In Sweden, for example, children from the age of 12 can't be made a member of a religious community against their will.

The Convention on the Rights of the Child does establish a universal norm regarding how parents bring children up - the practice of a religion or belief may not harm the physical or mental health or development of a child.

Cases concerning parents' rights to freedom of religion or belief versus the rights of the child seldom come to court. However, the right of Jehovah's witnesses to stop their children from receiving blood transfusions is one example where courts have ruled against parents' rights to freedom of religion or belief, and in favour of the child's right to life.

To sum up, in this film we have looked at the rights of parents and children.

Children have the right to freedom of religion or belief, and parents have the right to bring their children up in accordance with their beliefs. This should be done in a manner consistent with the child's growing maturity, and the practice of a religion or belief may not harm the physical or mental health or development of a child. Examples of violations include states that forbid



children from practicing religion, and states that force majority religious instruction on minority children.

You can find more information about the rights of parents and children in relation to freedom of religion or belief, including texts of human rights documents that refer to it, in the training materials on the website.

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