



Working Session 6: Freedom of thought, conscience, religion or belief

*As delivered by Paul Coleman
ODIHR-OSCE: 2013 Human Dimension Implementation Meeting
Warsaw, Poland: 26 September 2013*

Freedom of religion is one of the foundations of a democratic society. But one facet of religious freedom that people often do not recognize so readily, perhaps because it is categorized more frequently with family rights, is the attack on parental rights. However, when analyzed closely, this attack is amongst the most dangerous because it strikes at the rights of parents to raise their own children according to their own religious and moral convictions.

International law is very clear on the issue of what rights parents have in raising their children. The European Court of Human Rights has on several occasions stated that “Parents being primarily responsible for the ‘education and teaching’ of their children ... may require the State to respect their religious and philosophical convictions.” This right has also been outlined in several international human rights treaties. For example, the Universal Declaration of Human Rights states that: “Parents have a prior right to choose the kind of education that shall be given to their children.” And the Convention on the Rights of the Child states that: “Parents ... have the primary responsibility for the upbringing and development of the child.”

Therefore, the rights of parents to educate their children according to their own religious beliefs, desires, and understanding as to what may be in their child’s best interest must be safeguarded in order to guarantee the possibility of liberty in thought and pluralism in education, both of which are essential for the preservation of a diverse democratic society. In recent years, however, many cases have emerged in Europe which demonstrate that some OSCE Participating States are not acting in conformity with international law – particularly in regard to two issues (1) homeschooling and (2) opt outs from explicit sexual education.

In Germany 12 parents were sentenced to jail for refusing to allow their 8-9 year old children to attend explicit mandatory “sexual education” classes that they believed would sexualize their children at far too young of an age. In Sweden a family had their seven year old child taken away from them for home educating, even though the young child, Domenic Johansson, fulfilled all of the legal requirements of being home educated under Swedish law at the time. Despite this, the police and social services took Domenic from his parents when they were onboard a plane heading to India and years later he is still being kept from his family. And in Spain parents were forced to have their children attend the controversial “Education for Citizenship” school curriculum despite it being highly offensive and sexually explicit. Despite complaints from over 50,000 parents in Spain and an ongoing case at the European Court of Human Rights, the government and courts have insisted the course is mandatory.

To conclude, Alliance Defending Freedom strongly urges OSCE Participating States to protect the fundamental right of freedom of thought, conscience and religion by recognizing the freedom of parents to educate their children according to their own religious beliefs, whether this is through homeschooling or by withdrawing their children from certain explicit sexual education classes.