



# **TOLEDO GUIDING PRINCIPLES ON TEACHING ABOUT RELIGIONS AND BELIEFS IN PUBLIC SCHOOLS**

PREPARED BY THE ODIHR ADVISORY COUNCIL  
OF EXPERTS ON FREEDOM OF RELIGION OR BELIEF

## The Significance of Toledo

*From the time the Spanish Chairmanship-in-Office of the OSCE first initiated the idea of developing guiding principles on teaching about religion, there was consensus that there would be symbolic resonances if the project could be launched in Toledo, a Spanish city laden with relevant history. For that reason, the ODIHR Advisory Council on Freedom of Religion or Belief met with a number of leading experts in Toledo in March 2007 to commence work on the project.*

One of the great landmarks of Toledo is the thirteenth-century church of San Roman, which stands at the summit of the tallest hill in what once was the capital of Christian Spain. San Roman is only a few minutes away from another thirteenth-century structure, the famous gothic Cathedral that remains the Primate See of the Roman Catholic Church in Spain. From at least the time Romans conquered Toledo in 193 C.E., a religious building stood where San Roman now greets visitors. The twenty-first century visitor who enters the church is immediately struck by the unexpected, Islamic-appearing, arches running along the nave. These horseshoe-shaped arches have stones along their inner-vaults that alternate in colour between a creamy-white and a sandstone-red just as do the arches in the famous eighth-century mosque in Cordoba, Spain, and in many other Islamic buildings.

But what, the reflective observer might ask, are “Islamic” arches doing in a medieval Roman Catholic church? The question might seem to be answered by the fact that before San Roman was reconstructed as a Catholic church, it had been a mosque—exhibiting the same horseshoe-shaped arches—that was built when Toledo was under Muslim control. But this answer does not tell the whole story, because before it was a mosque, San Roman had been a Catholic church—with the same style of horseshoe-shaped arches. But even here we do not have the beginning of the story, because before San Roman became a Catholic church in the seventh century, it was a Visigothic Christian church. The Visigoths who conquered Spain in the fifth century and who built the first San Roman church were not Roman Catholics, but “Arian Christians” who had been denounced as heretics by Rome. Thus the horseshoe-shaped arch-

es that we see today did not originate in thirteenth-century Catholic Spain, or in an Islamic mosque, or in a Catholic church. They were an architectural innovation of the Visigoths—the “Barbarian” tribe that sacked Rome in 410 C.E. before conquering southern France and Spain. And looking back even further, the Visigoths had been a tribe of farmers living along the Danube in what is now Romania. Their ancestors in turn came from the pagan Gothic tribes of Scandinavia. Our archaeology of knowledge that began in sunny twenty-first century Toledo thus reaches both back in time and out through the landscape of what are now participating States in the OSCE. In this vast history, San Roman’s arches remain as an expressive reminder of the complex layering of civilizations that makes teaching about religion so significant. They remind us that our present is infused not only with history, but with each other’s history. And they are just one of many examples of the symbolic relevance of Toledo to the Guiding Principles project.

### The Confluence of Civilizations

What awareness of Toledo suggests is that it is vital to grasp the confluence rather than the clash of civilizations. Throughout Europe—as with the church of San Roman in Toledo—there are layers of civilization built on and interacting with other layers. Modern-day Europe is the result of the interweaving of migrations of disparate peoples, interactions of religions within a cradle moulded by Christianity and by other religious and cultural forces for more than twenty-five centuries, through borrowing, copying, transforming, transmitting, and absorbing.

Toledo offers us not only visual reminders of interwoven civilizations, but also remnants of civilizations alternatively fighting each other, living together under tension, prospering together, suffering together, as well as exhibiting examples of tolerance and intolerance.

By the early eighth century, the traditional disunity of the Visigothic rulers of Spain came to a point that would modify substantially the history of Spain for the following centuries. In 711, the Arabic Muslim ruler of Tangier, Tariq ibn Ziyad, sent by his superior Musa ibn Nusayr, crossed the straits and landed at Gibraltar. In fact, Gibraltar is named after Tariq. The Arabic term “Jabal Tariq” (Tariq’s Mountain) evolved over time into “Gibraltar”. Tariq moved swiftly through Spain and conquered Toledo later in the same year. For the next 780 years, Muslims in Spain were to leave a legacy that endures not only in Spanish art, architecture, language, music, and food, but in a legacy of creative religious writings as well as the transmission to Europe of classic texts from ancient Greece. The cultural heritage celebrated as the “Legacy of al-Andalus is impres-

sive in its scale and splendour, highlighting the important role played by Spain as a bridge between Oriental and Occidental civilizations.

The political situation in Spain was complex and volatile throughout the medieval period, as wavering coalitions of Muslims would sometimes battle against Christians and sometimes battle against each other. Some of the great monuments of Islamic architecture were destroyed by rival Muslims. On occasion, combinations of Muslims and Christians would unite to combat other coalitions of Muslims and Christians. But in those violent times, well known “golden ages” emerged in medieval Spain, when religious tolerance was accepted by rulers, and some of the great accomplishments and precursors of models of peoples learning from each other with respect were achieved.

Two Spanish cities have been particularly privileged witnesses of those periods. One was Cordoba, in the tenth through mid-eleventh centuries, when the city was under enlightened Muslim rule—the Umayyad Caliphate—and where Muslim, Christian, and Jewish scholars and artists engaged in inquiry and passed on enduring legacies to the world, before the disintegration of the Caliphate and the arrival of more religiously intolerant invaders from Northern Africa, such as the Berber Almoravids in the eleventh century and the Almohads in the twelfth. The other city was Toledo in the twelfth through fourteenth centuries under predominantly Christian rule. It was in this period that the current incarnation of San Roman was rebuilt and when the construction of the Toledo cathedral started. In the thirteenth century, the court scholars of Alfonso X (the Wise) collected colloquial stories, systematized their grammar and diction, and produced the foundation of what is modern Castilian Spanish. But it was not only these Christian monuments of architecture and writing that endure. The stunning synagogues of (the anachronistically named) Santa Maria la Blanca and El Transito attest to a thriving and prosperous Jewish community living alongside Muslims and the Christian majority. And in terms of cultural exchange, the translators of Toledo played a key role in disseminating throughout medieval Europe intellectual riches such as the works of Aristotle, Galen and Hippocrates, as well as those of Avicenna and Averroës.

But golden ages may come to an end. In 1492, when the Christian “reconquest” of Spain was completed, the new emerging and powerful Christian Kingdom of Spain imposed a uniform religious rule in the territory ushering in a period of religious intolerance, mirroring what was taking place across many parts of Europe. Muslims and Jews were given the alternative of conversion or exile, and later Protestants were persecuted. The very country that had provided significant and progressive models of tolerance turned towards religious intolerance, as many other European countries in those times. Those days of course are long past but they stand as a reminder that the spirit of tolerance can be lost unless continued vigilance is exercised. In the rich tapestry of history, Toledo is thus a reminder of the flourishing that is possible when religions live together with understanding, and a reminder of how easily this flourishing can be lost, if mutual understanding and respect are not passed on to successive generations.

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## List of Abbreviations

AERA	American Educational Research Association
CESCR	Committee on Economic, Social and Cultural Rights
CKREE	Christian Knowledge and Religious Ethical Education
CoE	Council of Europe
CRC	Convention on the Rights of the Child
CSCE	Conference on Security and Co-operation in Europe
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
EU	European Union
EMRU	Education for Mutual Respect and Understanding
EUMC	European Union Monitoring Centre
FRA	Fundamental Rights Agency
HCNM	OSCE High Commissioner on National Minorities
HRC	UN Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
KRL	Norwegian abbreviation for "Christianity, Religion, Life Stances"
NGO	Non-governmental organization
OSCE	Organization for Security and Co-operation in Europe
ODIHR	Office for Democratic Institutions and Human Rights
TANDIS	Tolerance and Non-Discrimination Information System
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UN GAOR	United Nations General Assembly Official Records

## Foreword

Recent events across the world, migratory processes and persistent misconceptions about religions and cultures have underscored the importance of issues related to tolerance and non-discrimination and freedom of religion or belief for the Organization for Security and Co-operation in Europe (OSCE). In the OSCE region, and indeed in many other parts of the world, it is becoming increasingly clear that a better understanding about religions and beliefs is needed. Misunderstandings, negative stereotypes, and provocative images used to depict others are leading to heightened antagonism and sometimes even violence.

The OSCE has made this issue one of its priorities: in its 2006 Decision on Combating Intolerance and Non-Discrimination and Promoting Mutual Respect and Understanding, the OSCE Ministerial Council called upon the participating States to “address the root causes of intolerance and discrimination by encouraging the development of comprehensive domestic education policies and strategies” and awareness-raising measures that “promote a greater understanding of and respect for different cultures, ethnicities, religions or beliefs” and that aim “to prevent intolerance and discrimination, including against Christians, Jews, Muslims and members of other religions”.<sup>1</sup>

It is important for young people to acquire a better understanding of the role that religions play in today’s pluralistic world. The need for such education will continue to grow as different cultures and identities interact with each other through travel, commerce, media or migration. Although a deeper understanding of religions will not automatically lead to greater tolerance and respect, ignorance increases the likelihood of misunderstanding, stereotyping, and conflict.

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<sup>1</sup> Decision No.13/06 on Combating Intolerance and Non-Discrimination and Promoting Mutual Respect and Understanding, para. 5, 14th OSCE Ministerial Council, Brussels, 4-5 December 2006, available at [http://www.osce.org/documents/mcs/2006/12/22565\\_en.pdf](http://www.osce.org/documents/mcs/2006/12/22565_en.pdf).

To address this problem, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has gathered the Advisory Council of its Panel of Experts on Freedom of Religion or Belief, together with other leading experts and scholars from across the OSCE region, to develop the present *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools*.

The Guiding Principles offer practical guidance for preparing curricula for teaching about religions and beliefs, preferred procedures for assuring fairness in the development of curricula, and standards for how they could be implemented. They do *not* propose a curriculum for teaching about religions and beliefs, nor do they promote any particular approach to the teaching about religions and beliefs. They highlight procedures and practices concerning the training of those who implement such curricula, and the treatment of the pupils from many different faith backgrounds who may be the recipients of such teaching. The Guiding Principles do not seek merely to add a new set of directives to the long-standing OSCE *acquis*—principles and commitments—on freedom of religion or belief, tolerance and education. Rather, they aim to offer tools to implement them, translating these principles into concrete applications and offering examples of good practices.

The Guiding Principles are designed to assist not only educators but also legislators, teachers and officials in education ministries, as well as administrators and educators in private or religious schools to ensure that teaching *about* different religions and beliefs is carried out in a fair and balanced manner.

I would like to express my gratitude to the Advisory Council on Freedom of Religion or Belief and to the numerous other experts who contributed their rich expertise and experience in developing these Guiding Principles. I am also appreciative of the contribution made by Ms. Asma Jahangir, United Nations Special Rapporteur on Freedom of Religion or Belief and her office. Particular thanks are owed to the Spanish Chairmanship of the OSCE for its political and financial support for the development of the Guiding Principles. I would also like to acknowledge the important work of other international governmental and non-governmental organizations, which has served both as an inspiration and as an excellent basis for these Guiding Principles. I encourage all participating States to widely disseminate this document in order to support all stakeholders in their efforts to promote a deeper understanding about religions and beliefs throughout the OSCE region.



Ambassador Christian Strohal  
ODIHR Director

# Executive Summary

## Background

In line with the OSCE's conflict prevention role and its commitment to fostering a culture of mutual respect and understanding, the Advisory Council of the ODIHR Panel of Experts on Freedom of Religion or Belief<sup>2</sup>, together with other experts and scholars, met in Toledo, Spain, in March 2007 to discuss approaches to teaching about religions and beliefs in public schools in the 56-state OSCE region. The experts came from a wide range of backgrounds and included leading scholars, policy makers, educators, lawyers, and representatives of inter-governmental and non-governmental organizations. The Toledo meeting launched an intensive process, involving subsequent meetings in Bucharest and Vienna, and extensive collaboration among members of the Advisory Council, the larger Panel, and other experts, resulting in the formulation of the *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools*.

## Aim and Purpose

The Toledo Guiding Principles have been prepared in order to contribute to an improved understanding of the world's increasing religious diversity and the growing presence of religion in the public sphere. Their rationale is based on two core princi-

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<sup>2</sup> The Advisory Council is a body of experts appointed by the ODIHR that serves as the lead contact group within the overall ODIHR Panel of Experts on Freedom of Religion or Belief and that provides advice to the ODIHR on matters relating to religions and beliefs. Originally established as a relatively small body of experts appointed by ODIHR, the larger Panel in recent years has been expanded to include experts nominated by OSCE participating States. This structure reflects an evolution in the growth of the Panel over time. The "Panel" refers to the larger group, including the Advisory Council. For convenience, the latter body is referred to as the "Advisory Council of Experts on Freedom of Religion or Belief," or simply as the "Advisory Council." The Panel and Advisory Council regularly provide support and assistance to OSCE participating States in the implementation of OSCE commitments pertaining to freedom of religion or belief.

ples: first, that there is positive value in teaching that emphasizes respect for *everyone's* right to freedom of religion and belief, and second, that teaching *about* religions and beliefs can reduce harmful misunderstandings and stereotypes.

The primary purpose of the Toledo Guiding Principles is to assist OSCE participating States whenever they choose to promote the study and knowledge about religions and beliefs in schools, particularly as a tool to enhance religious freedom. The Principles focus solely on the educational approach that seeks to provide teaching *about* different religions and beliefs as distinguished from instruction in a specific religion or belief. They also aim to offer criteria that should be considered when and wherever teaching about religions and beliefs takes place.

## Summary

The Toledo Guiding Principles on Teaching about Religions and Beliefs are divided into five chapters:

**Chapter I** provides an introduction to the rationale, aim and scope of the Toledo Guiding Principles as well as a summary of initiatives undertaken by other inter-governmental organizations related to teaching about religions and beliefs. The chapter highlights the high importance the OSCE attaches to the promotion of freedom of religion or belief and the availability of different forms of institutional support the OSCE has at its disposal including the High Commissioner on Human Rights and the ODIHR's Advisory Council of Experts on Freedom of Religion or Belief. The chapter also identifies the particular contribution of the ODIHR and its Advisory Council in examining teaching about religions and beliefs through the lens of religious freedom and a human rights perspective that relies on OSCE commitments and international human rights standards. Chapter I also defines the scope of the Principles. Issues concerning religion in education are legion, and the Advisory Council is convinced that its contribution will be most effective if carefully focused on teaching *about* religions and beliefs, without attempting to address the full range of issues involving religion, belief and education in OSCE countries.

**Chapter II** provides an overview of the human rights framework and legal issues to consider when training teachers and developing or implementing curricula for teaching about religions and beliefs in order to ensure that the freedom of thought, conscience and religion of all those touched by the process are properly respected. In this regard, the rights of parent, child, and teacher, as well as the more general interests of minority and religious communities and of society as a whole are examined.

**Chapter III** outlines approaches and concepts for the preparation of curricula for teaching about religions and beliefs. The chapter discusses the need for curricula to respect



several principles: to adhere to recognized professional standards; to be inclusive and to pay particular attention to key historical and contemporary developments pertaining to religion and belief issues; to be sensitive to different interpretations of reality and the principle of multi-perspectivity; and to be responsive to different local manifestations of religious and secular plurality found in schools and the communities they serve. Different types of curriculum and approaches to teaching about religions and beliefs are also presented (including subject-specific, integrated, and cross-curricular) as well as different pedagogical approaches (teacher-centred and student-centred). A summary of learning outcomes associated with teaching about religions and beliefs is included as well as structures and processes for the elaboration of curricula.

**Chapter IV** looks at the important role of teacher education and underlines the importance of such education to teaching about religions and beliefs because of the high demands such a curriculum places on a teacher's knowledge, attitudes and competences. Specific aspects of teacher training, including pre-service and in-service teacher education are discussed and a summary of skills and knowledge required for teaching about religions or beliefs is presented. The importance of assessment and evaluation of teacher presentation is also noted.

**Chapter V** looks at the practical application of the general human rights framework to teaching about religions and beliefs and focuses on a number of key legal issues that may arise in the process of implementing programmes for teaching about religions and beliefs once they have been developed. Issues discussed include: formulating inclusive implementation policies; granting reasonable adaptations for conscientious claims; state neutrality and opt-out rights; and addressing actual and potential problems linked to religions and beliefs.

## Conclusions and Recommendations

Teaching about religions and beliefs may be adapted to take into account the needs of different national and local school systems and traditions. The Toledo Guiding Principles are based on the following overall conclusions that are supported by a growing consensus among lawyers and educators and which should be taken into consideration by all OSCE participating States when devising schemes for teaching about religions and beliefs:

### Conclusions

1. Knowledge about religions and beliefs can reinforce appreciation of the importance of respect for everyone's right to freedom of religion or belief, foster democratic citizenship, promote understanding of societal diversity and, at the same time, enhance social cohesion.

2. Knowledge about religions and beliefs has the valuable potential of reducing conflicts that are based on lack of understanding for others' beliefs and of encouraging respect for their rights.
3. Knowledge about religions and beliefs is an essential part of a quality education. It is required to understand much of history, literature, and art, and can be helpful in broadening one's cultural horizons and in deepening one's insight into the complexities of past and present.
4. Teaching about religions and beliefs is most effective when combined with efforts to instill respect for the rights of others, even when there is disagreement about religions or beliefs. The right to freedom of religion or belief is a universal right and carries with it an obligation to protect the rights of others, including respect for the dignity of all human beings.
5. An individual's personal religious (or non-religious) beliefs do not provide sufficient reason to exclude that person from teaching about religions and beliefs. The most important considerations in this regard relate to professional expertise, as well as to basic attitudes towards or commitment to human rights in general and freedom of religion or belief in particular.
6. Reasonable adaptations of policies in response to distinctive religious needs may be required to avoid violation of rights to freedom of religion or belief. Even when not strictly required as a matter of law, such adaptations and flexibility contribute to the building of a climate of tolerance and mutual respect.
7. Where compulsory courses involving teaching about religions and beliefs are sufficiently neutral and objective, requiring participation in such courses as such does not violate the freedom of religion and belief (although states are free to allow partial or total opt-outs in these settings).

### Recommendations

It is recommended that the OSCE participating States:

1. Disseminate the Toledo Guiding Principles among teachers, school administrative staff, students associations, parents organizations, education policy makers, and all parties that could be interested in teaching about religions and beliefs, and draw upon these Principles when such teaching is developed or implemented.

2. Apply, when developing and implementing these programmes, the relevant standards and recommendations of international organizations, including OSCE commitments as well as the Council of Europe Parliamentary Assembly's recommendations 1202 [1993] on religious tolerance in a democratic society, 1396 [1999] on religion and democracy, and 1720 [2005] on education and religion.
3. Evaluate existing curricula being used in public schools that touch upon teaching about religions and beliefs with a view to determining whether they promote respect for freedom-of-religion rights and whether they are impartial, balanced, inclusive, age appropriate, free of bias and meet professional standards.
4. Assess the process that leads to the development of curricula on teaching about religions and beliefs to make sure that this process is sensitive to the needs of various religious and belief communities and that all relevant stakeholders have an opportunity to have their voices heard.
5. Examine to what extent existing teacher-training institutions are capable of providing the necessary professional training for teaching about religions and beliefs in a way that promotes respect for human rights and, in particular, for freedom of religion or belief.
6. Determine the extent to which teacher-training institutions provide sufficient knowledge of human rights issues, an understanding of the diversity of religious and non-religious views in society, a firm grasp of various teaching methodologies (with particular attention to those founded on an intercultural approach) and significant insight into ways that one can teach about religions and beliefs in a respectful, impartial and professional way.
7. Facilitate the organization of processes that provide input to authors, editors and publishers who publish textbooks on teaching about religions and beliefs so that they can be optimally respectful of the Toledo Guiding Principles.
8. Take advantage of the expertise of the OSCE/ODIHR Advisory Council on Freedom of Religion and Belief when they develop or implement curricula to teach about religions and beliefs or when they establish or assess teacher-training institutions and programmes.

Based on the final conclusions and recommendations, the following key guiding principles have been identified and are proposed to the attention of the OSCE participating States for promoting the teaching of religions and beliefs in their schools.

## Key Guiding Principles

Whenever teaching about religions and beliefs in public schools is provided in OSCE participating States, the following guiding principles should be considered:

1. Teaching about religions and beliefs must be provided in ways that are fair, accurate and based on sound scholarship. Students should learn about religions and beliefs in an environment respectful of human rights, fundamental freedoms and civic values.
2. Those who teach about religions and beliefs should have a commitment to religious freedom that contributes to a school environment and practices that foster protection of the rights of others in a spirit of mutual respect and understanding among members of the school community.
3. Teaching about religions and beliefs is a major responsibility of schools, but the manner in which this teaching takes place should not undermine or ignore the role of families and religious or belief organizations in transmitting values to successive generations.
4. Efforts should be made to establish advisory bodies at different levels that take an inclusive approach to involving different stakeholders in the preparation and implementation of curricula and in the training of teachers.
5. Where a compulsory programme involving teaching about religions and beliefs is not sufficiently objective, efforts should be made to revise it to make it more balanced and impartial, but where this is not possible, or cannot be accomplished immediately, recognizing opt-out rights may be a satisfactory solution for parents and pupils, provided that the opt-out arrangements are structured in a sensitive and non-discriminatory way.
6. Those who teach about religions and beliefs should be adequately educated to do so. Such teachers need to have the knowledge, attitude and skills to teach about religions and beliefs in a fair and balanced way. Teachers need not only subject-matter competence but pedagogical skills so that they can interact with students and help students interact with each other in sensitive and respectful ways.

7. Preparation of curricula, textbooks and educational materials for teaching about religions and beliefs should take into account religious and non-religious views in a way that is inclusive, fair, and respectful. Care should be taken to avoid inaccurate or prejudicial material, particularly when this reinforces negative stereotypes.
8. Curricula should be developed in accordance with recognized professional standards in order to ensure a balanced approach to study about religions and beliefs. Development and implementation of curricula should also include open and fair procedures that give all interested parties appropriate opportunities to offer comments and advice.
9. Quality curricula in the area of teaching about religions and beliefs can only contribute effectively to the educational aims of the Toledo Guiding Principles if teachers are professionally trained to use the curricula and receive ongoing training to further develop their knowledge and competences regarding this subject matter. Any basic teacher preparation should be framed and developed according to democratic and human rights principles and include insight into cultural and religious diversity in society.
10. Curricula focusing on teaching about religions and beliefs should give attention to key historical and contemporary developments pertaining to religion and belief, and reflect global and local issues. They should be sensitive to different local manifestations of religious and secular plurality found in schools and the communities they serve. Such sensitivities will help address the concerns of students, parents and other stakeholders in education.

# I. Framing the Toledo Guiding Principles

## A. Rationale

There is a growing consensus among educators that knowledge of religions and beliefs is an important part of a quality education and that it can foster democratic citizenship, mutual respect, enhance support for religious freedom, and promote an understanding of societal diversity. While decisions about matters of faith must be protected as personal choices, no educational system can afford to ignore the role of religions and beliefs in history and culture. Ignorance about this issue may fuel intolerance and discrimination and can lead to the creation of negative stereotypes. Worse still, it can lead to increasing hostility, conflict, and ultimately violence that have the potential to threaten security and stability across the OSCE region, as recent history demonstrates all too clearly.

In line with both the OSCE's conflict prevention role and also with its commitment to fostering a culture of tolerance and mutual respect, the Advisory Council offers these Guiding Principles pertaining to teaching *about* religions and beliefs. These have been prepared with the hope of contributing to improved understanding of the region's increasing religious diversity and the growing presence of religion in the public sphere. Their rationale is based on two core principles: first, that there is positive value in teaching that emphasizes respect for *everyone's* right to freedom of religion or belief, and second, that teaching *about* religions and beliefs can reduce harmful misunderstandings and stereotypes.

Quality education about religions and beliefs may be an effective way to help avoid and address divisions and conflicts. Religions are frequently perceived and depicted in the media and other social settings in a way that does not properly reflect their complex, diverse, and dynamic nature. While a better knowledge of religions and beliefs will not automatically foster tolerance and respect, it has the potential to have a positive effect upon the perceptions of other's religions and beliefs and their adherents.

Teaching about religions and beliefs is an important responsibility of schools, which should prepare young people for life in a plural society. However, the manner in which this teaching takes place in schools should not undermine or ignore the critical role of families and religious or belief organizations. Families, together with religious or belief communities, are responsible for the moral education of future generations. Working together, families, religious and belief organizations, and schools, can promote mutual understanding by teaching respect for the rights of others.

### *Reasons for Teaching about Religions and Beliefs*

There are several compelling reasons for teaching about religions and beliefs, all of which are reinforced when this type of teaching occurs in the context of commitment to religious freedom and human rights. These include:

- Religions and beliefs are important forces in the lives of individuals and communities and therefore have great significance for society as a whole. Understanding these convictions is necessary if people are to understand one another in our diverse societies, and also if they are to appreciate the significance of the rights that protect them.
- Learning about religions and beliefs contributes to forming and developing self-understanding, including a deeper appreciation of one's own religion or belief. Studying about religions and beliefs opens students' minds to questions of meaning and purpose and exposes students to critical ethical issues addressed by humankind throughout history.
- Much history, literature and culture is unintelligible without knowledge of religions and beliefs. Therefore study about religions and beliefs is an essential part of a well-rounded education. Learning about religions and beliefs forms part of one's own stock of education, broadens one's horizon and deepens one's insight into the complexities of both past and present.
- Knowledge of religions and beliefs can help promote respectful behaviour and enhance social cohesion. In this sense, all members of society, irrespective of their own convictions, benefit from knowledge about the religious and belief systems of others.

### **B. Aim and Scope**

The primary purpose of the Toledo Guiding Principles is to assist OSCE participating States whenever they choose to promote the study and knowledge about religions and beliefs in schools, particularly as a tool to enhance religious freedom.

These Principles do not attempt to address the wide range of educational approaches for teaching specific religions and beliefs in the public schools of the OSCE partici-

pating States. The Principles focus solely on the educational approach that seeks to provide teaching *about* different religions and beliefs as distinguished from instruction in a specific religion or belief, as would be the case when a particular religious or belief tradition is taught by members of that tradition and/or under the supervision of institutions representing it.<sup>3</sup> The fact that these Guiding Principles focus on teaching about religions and beliefs does not imply a preference for this particular approach, nor that human rights concerns cannot arise in areas that are not addressed by the Toledo Guiding Principles. The Principles do not take sides with respect to the different approaches to the teaching of religions and beliefs that currently exist in OSCE participating States. Rather, they aim to offer issues that should be considered when and wherever the approach discussed here (teaching *about* religions and beliefs) is followed.

Teaching about religions and beliefs may occur in schools and programmes that are under the exclusive responsibility of the state or other public bodies, in private schools (whether or not they have a particular religious or ideological orientation), or in public schools that have a particular religious or ideological orientation.<sup>4</sup> The Toledo Guiding Principles may be relevant in all of these settings, but in the case of private schools or other schools in which teaching about religion is not the exclusive responsibility of the state, religious autonomy rights should be respected. The Guiding Principles may also be useful in private schools and in public schools that have a particular religious or ideological orientation so far as they are relevant and deemed to be helpful by those operating the school, but the use of the Principles should take into account the ethos of the particular school.

Finally, it should be noted that the Principles address not only teaching about religions, but also teaching about beliefs, that is, non-religious conceptions of life and world. The main concern of these Guiding Principles—deepening commitment to human rights principles—applies equally to both. Often such issues arise also in the context of courses dealing with ethics or citizenship education. Although these courses raise some issues that lie beyond the scope of this document, those including attention to religions or beliefs would benefit from a close consideration of these Principles.

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<sup>3</sup> In this document “belief” refers to deeply held conscientious convictions that are fundamental about the human condition and the world. See the working definition given in OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief, *Guidelines for Review of Legislation Pertaining to Religion or Belief*, (Warsaw, ODIHR, 2004), p. 8.

<sup>4</sup> In many OSCE countries it is difficult to make a clear distinction between public and private schools. “Public school” is used in this document to refer to a school whose organization, financing and management are primarily the responsibility of, or under the primary oversight of, a public body (state, regional, municipal, etc.). A “private school” is a school in which, irrespective of whether it may receive degrees of support (including financial support) from public sources, matters of organization, financing and management are primarily the responsibility of the school itself, or of a non-public sponsoring body.



The Toledo Guiding Principles are intended to be a contribution to the rich variety of educational systems for teaching about religions and beliefs found in OSCE participating States.<sup>5</sup> These approaches often reflect the history of the country and are an expression of differing national traditions and heritages that should be respected. All of them can contribute to the development of human rights, religious freedom, democratic societies and mutual respect provided that the principles outlined in this document are understood and respected.

The starting point is the understanding that teaching about religions and beliefs is not devotionally and denominationally oriented. It strives for student awareness of religions and beliefs, but does not press for student acceptance of any of them; it sponsors study about religions and beliefs, not their practice; it may expose students to a diversity of religious and non-religious views, but does not impose any particular view; it educates about religions and beliefs without promoting or denigrating any of them; it informs students about various religions and beliefs, it does not seek to conform or convert students to any particular religion or belief.<sup>6</sup> Study about religions and beliefs should be based on sound scholarship, which is an essential precondition for giving students both a fair and deeper understanding of the various faith traditions.

### C. International Efforts to Foster Teaching about Religions and Beliefs

#### *OSCE/ODIHR*

The history of the OSCE and its evolution particularly enable it to facilitate increased dialogue and understanding between different religions and beliefs.

From its inception as the Conference for Security and Co-operation in Europe (CSCE) in 1975, when it served as a structure for bringing together Cold War rivals, until its emergence as the world's largest regional security organization, the OSCE has contributed to the framing of concepts related to the human dimension that reflected the interest of all participating States. Hence, built on an inclusive approach, the OSCE is an organization that has traditionally sought consensus, the resolution of differences, and the prevention of conflict. The right to freedom of religion or belief was identified as one of the fundamental principles guiding mutual relations among the participat-

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<sup>5</sup> See, for example, Peter Schreiner, Friedhelm Kraft, and Andrew Wright, *Good Practice in Religious Education in Europe: Examples and Perspectives of Primary Schools* (Munster, Munster Lit, 2007).

<sup>6</sup> Adapted from Charles C. Haynes, *A Teacher's Guide to Religion in the Public Schools* (Nashville, First Amendment Center, 1999), p. 3.

ing States in the 1975 Helsinki Final Act.<sup>7</sup> This provision ensured a prominent role for religious freedom within the OSCE and paved the way for a number of further developments. OSCE commitments, including those concerning religious freedom and other human rights, have become subject to regular monitoring through available implementation mechanisms and procedures.

To underscore the importance of freedom of religion or belief in strengthening democratic societies based on the rule of law and the respect for human rights, an Advisory Panel of Experts on Freedom of Religion or Belief was established by the ODIHR in 1997. The Advisory Panel was expanded and restructured in 2004 to include an expert Advisory Council and up to two members nominated by each participating State and appointed by the ODIHR. The Advisory Council serves as the lead contact group with the ODIHR within the overall structure of the Advisory Panel. The OSCE Ministerial Council in a 2006 Decision has reiterated prior endorsements of the work of the Advisory Panel and tasked ODIHR to “further strengthen the work of the Advisory Panel of Experts on Freedom of Religion or Belief in providing support and expert assistance to participating States”.<sup>8</sup>

Secondly, the OSCE has at its disposal different instruments of action that combine specific sets of expertise with political dialogue and quiet diplomacy. The Advisory Panel’s *Guidelines for Review of Legislation Pertaining to Religion or Belief* and the continued assistance provided by the Advisory Council to participating States on this issue is a compelling example. The OSCE High Commissioner on National Minorities (HCNM), whose mandate focuses on early warning and conflict prevention, also has developed valuable resources such as thematic recommendations regarding rights of persons belonging to minorities to promote and protect their ethnic, cultural, linguistic, and religious identity. In order to highlight commitments involving national minorities, the HCNM endorsed several thematic recommendations including the Hague Recommendations Regarding Education Rights of National Minorities.<sup>9</sup>

Thirdly, the focus placed by participating States on the role of the Organization in early warning and conflict prevention and the presence of field missions in the OSCE area in many instances well-positions the Organization to support efforts of participating States to promote freedom of religion or belief. This may also include support

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<sup>7</sup> Principle VII, Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, available at [http://www.osce.org/documents/mcs/1975/08/4044\\_en.pdf](http://www.osce.org/documents/mcs/1975/08/4044_en.pdf).

<sup>8</sup> OSCE Ministerial Council Decision No.13/06, para. 14(b), *op. cit.* note 1.

<sup>9</sup> The Hague Recommendations Regarding Education Rights of National Minorities and Explanatory Note, 1 October 1996, available at [http://www.osce.org/documents/hcnm/1996/10/2700\\_en.pdf](http://www.osce.org/documents/hcnm/1996/10/2700_en.pdf).

for efforts of educators to teach about religions and beliefs, including through the dissemination of relevant tools and through more general OSCE efforts to facilitate the provision of assistance to government authorities through the ODIHR's Advisory Council of Experts.

In preparing these Guiding Principles, the ODIHR has benefited from the existing efforts, including analysis, research and assistance programmes, that have been initiated by other international organizations active in the field of religious and intercultural education. It is appropriate to acknowledge, among others, the following:

*United Nations Educational, Scientific and Cultural Organization (UNESCO)*

UNESCO's involvement in the field of human rights and intercultural education is longstanding. In 1974, UNESCO's General Conference adopted Recommendations Concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (hereinafter UNESCO Recommendations) that have served as the basis for UNESCO's work in this area.<sup>10</sup>

The Dakar Framework for Action 2000-2015, adopted at the World Education Forum in 2000, forms the basis of UNESCO's goals and priorities, including specific references to schools as being instrumental for the promotion of understanding among religious groups. The Framework underlines as well the importance of governmental institutions developing partnerships with religious groups in the education process.<sup>11</sup>

UNESCO's Inter-religious Dialogue Programme aims at promoting interchange and understanding between religions or beliefs. The Programme supports education and teaching in the field of inter-religious dialogue through the publication of pedagogical material. A recent initiative, which seeks to create a network of UNESCO Chairs of Inter-religious Dialogue for Intercultural Understanding, was launched in March 2006. Major universities and academic centres specialized in this topic are represented in the network.<sup>12</sup>

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<sup>10</sup> Recommendations Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms, adopted by the General Conference at its 18th session, Paris, 19 November 1974, available at [http://www.unesco.org/education/nfsunesco/pdf/Peace\\_e.pdf](http://www.unesco.org/education/nfsunesco/pdf/Peace_e.pdf).

<sup>11</sup> The Dakar Framework for Action, Education for All: Meeting Our Collective Commitments, adopted by the World Education Forum, Dakar, Senegal, 26-28 April 2000, available at <http://unesdoc.unesco.org/images/0012/001211/121147e.pdf>.

<sup>12</sup> For more information, see [http://portal.unesco.org/culture/en/ev.php-URL\\_ID=14008&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/culture/en/ev.php-URL_ID=14008&URL_DO=DO_TOPIC&URL_SECTION=201.html).

*United Nations Special Rapporteur on Freedom of Religion or Belief*

Since 1994, the United Nations (UN) Commission on Human Rights has encouraged the UN Special Rapporteur on Freedom of Religion or Belief to examine the contribution of education in promoting tolerance of religion and belief. This ultimately led to the convening in November in 2001 of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination, which was held under the auspices of the UN Special Rapporteur on Freedom of Religion or Belief. Based on the view that education, in particular at school, should contribute in a meaningful way to promote tolerance and respect for the freedom of religion or belief, the Final Document of the Madrid Conference includes the strengthening of a non-discriminatory perspective in education and of knowledge in relation to freedom of religion or belief at the appropriate levels as one of its objectives.<sup>13</sup>

*Alliance of Civilizations (AoC)*

In 2005, the UN Secretary-General launched an initiative, co-sponsored by the Prime Ministers of Spain and Turkey, for an Alliance of Civilizations. To guide this initiative, the UN Secretary-General, in consultation with the co-sponsors, has established a high-level group of eminent persons and tasked this group with generating a report containing practical recommendations to counter prejudices and misperceptions among different societies and defeat polarization and extremism by establishing a paradigm of mutual respect. The report, concluded at a final meeting of the group in Istanbul on 13 Novem-

<sup>13</sup> Final Document of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination, Commission on Human Rights, Report submitted by Mr. Abdelfattah Amor, Special Rapporteur on freedom of religion or belief, in accordance with Commission on Human Rights resolution 2000/33, 14 March 2002, E/CN.4/2002/73, Annex (also reprinted in Appendix IV of the present document). The preparatory work for the Madrid Conference also stressed the importance of balanced and inclusive perspectives. A study prepared by then Special Rapporteur Abdelfattah Amor in 2001 and based on survey results from 78 countries observed: "Religious education should be conceived as a tool to transmit knowledge and values pertaining to all religious trends, in an inclusive way, so that individuals realize their being part of the same community and learn to create their own identity in harmony with identities different from their own. As such, religious education radically differs from catechism or theology, defined as the formal study of the nature of God and of the foundations of religious belief, and contributes to the wider framework of education as defined in international standards." "The role of religious education in the pursuit of tolerance and non-discrimination" study in Alberto de la Hera and Rosa María Martínez de Codes (Coordinators), *La Libertad Religiosa en la Educacion Escolar* (Madrid, Ministry of Justice, 2002), p. 37 (also available at <http://www.unhchr.ch/html/menu2/7/b/cfedu-basicdoc.htm>). See also Amor's study "Racial discrimination, religious intolerance and education" submitted to the second session of the Preparatory Committee for the Durban Conference, UN Doc. A/CONF.189/PC.2/22, 3 May 2001.

ber 2006, emphasizes that tensions across cultures have spread beyond the political level into the hearts and minds of populations. To reverse this trend, the group analyses and presents recommendations in four priority thematic areas including “education” and states *inter alia* that: “Education systems, including religious schools, must provide students with a mutual respect and understanding for the diverse religious beliefs, practices and cultures in the world.”<sup>14</sup>

The rationale for promoting the knowledge of world religious beliefs is that ignorance is often a cause of hostility towards religions. The report also recommends that religious leaders, education policy makers and interfaith civic organizations should work together to develop consensus guidelines for teaching about religions.

### *Council of Europe (CoE)*

International norms of freedom of religion or belief and education for tolerance are enshrined in Council of Europe documents, such as Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms<sup>15</sup> (ECHR) and Article 12 of the Framework Convention for the Protection of National Minorities.<sup>16</sup> The latter asks the parties to the Convention to take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of the various segments of their societies. The response to these commitments has been articulated in a large number of activities implemented by the Council of Europe’s institutions.

In 2005, the Parliamentary Assembly of the Council of Europe adopted Recommendation 1720 on education and religion, which recommended that the Committee of Ministers encourage the governments of Member States to ensure that religious studies are taught at the primary and secondary levels of public education.<sup>17</sup>

<sup>14</sup> Report of the High Level Group of the Alliance of Civilizations, 13 November 2006, Chapter VI, para. 6.8, available at [http://www.unaoc.org/repository/HLG\\_Report.pdf](http://www.unaoc.org/repository/HLG_Report.pdf).

<sup>15</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature by the Council of Europe on 4 November 1950, E.T.S. No. 5, entered into force on 3 September 1953, available at <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>.

<sup>16</sup> CoE Framework Convention for the Protection of National Minorities, H(1995)010, opened for signature by the Member States on 1 February 1995, entered into force on 1 February 1998, available at [http://www.coe.int/t/e/human\\_rights/minorities/2\\_framework\\_convention\\_\(monitoring\)/1\\_texts/PDF\\_H\(1995\)010%20E%20FCNM%20and%20Explanatory%20Report.pdf](http://www.coe.int/t/e/human_rights/minorities/2_framework_convention_(monitoring)/1_texts/PDF_H(1995)010%20E%20FCNM%20and%20Explanatory%20Report.pdf).

<sup>17</sup> Recommendation 1720 (2005) Education and Religion, Parliamentary Assembly debate on 4 October 2005 (27th Sitting) (see Doc. 10673, report of the Committee on Culture, Science and Education, rapporteur: Mr Schneider), text adopted by the Assembly on 4 October 2005 (27th Sitting), available at <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta05/erec1720.htm>.

In Athens in 2003, the Standing Conference of European Ministers of Education decided to make intercultural and interfaith dialogue a central tenet of the Council of Europe's work, and has opened the way to the project "Intercultural Education and the Challenge of Religious Diversity and Dialogue in Europe".<sup>18</sup> One of the outcomes of this project has been the development of a reference book for schools on religious diversity and intercultural education. During the Standing Conference of European Ministers of Education that was held in Istanbul in 2007, the ministers noted that "regardless of the religious education system that exists in a particular country, children must receive tuition that takes account of religious and philosophical diversity as part of their intercultural education."<sup>19</sup>

The European Commission against Racism and Intolerance (ECRI) recently developed a general policy recommendation on combating racism and racial discrimination in and through school education. The recommendation mentions the need to ensure that easy procedures of discharge are in place for children for whom an exemption is requested in cases where public schools provide denominational religious education.<sup>20</sup>

### *European Union (EU)*

In 1995, the Council of the European Union adopted a resolution on the response of educational systems to racism and xenophobia where the value of using teaching materials that reflect Europe's cultural, ethnic and religious diversity is stressed.<sup>21</sup>

The former European Monitoring Centre on Racism and Xenophobia (EUMC), now the European Union Agency for Fundamental Rights (FRA), has published a number of reports on racism and xenophobia in the European Union, which include recommenda-

<sup>18</sup> For more detailed information see the webpage entitled The Europe of Cultural Co-operation, available at [http://www.coe.int/t/e/cultural\\_co-operation/education/intercultural\\_education/overview.asp](http://www.coe.int/t/e/cultural_co-operation/education/intercultural_education/overview.asp).

<sup>19</sup> Resolution on the Results and Conclusions of Complete Projects 2003-2006: Building a More Human and Inclusive Europe: Role of Education Policies, 22nd Session of the Standing Conference of European Ministers of Education, Istanbul, 4-5 May 2007, available at [http://www.coe.int/t/dg4/highereducation/News/Istanbul\\_Resolution%20on%20the%20results%20and%20conclusions\\_EN.doc.pdf](http://www.coe.int/t/dg4/highereducation/News/Istanbul_Resolution%20on%20the%20results%20and%20conclusions_EN.doc.pdf); John Keast (Ed.), *Religious Diversity and Intercultural Education: A Reference Handbook for Schools*, (Strasbourg, Council of Europe Publishing, 2007), pp. 11-15.

<sup>20</sup> ECRI General Policy Recommendation No.10 on Combating Racism and Racial Discrimination in and through the School System, adopted on 15 December 2006, available at [http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/3-general\\_themes/1-policy\\_recommendations/recommendation\\_n10/eng-recommendation%20nr%2010.pdf](http://www.coe.int/t/e/human_rights/ecri/1-ecri/3-general_themes/1-policy_recommendations/recommendation_n10/eng-recommendation%20nr%2010.pdf).

<sup>21</sup> Response of Educational Systems to the Problem of Racism, Resolution of the Council [of the European Union, 23 October 1995, Official Journal C 312 of 23.11.1995, available at <http://europa.eu/scadplus/leg/en/cha/c10413.htm>.

tions on promoting inter-religious dialogue and highlighting the role of education in this context. These include developing school textbooks on the history of religions.<sup>22</sup>

Through its Framework 6 programme “Citizens and governance in a knowledge based society”, the European Commission has sponsored research into modes of teaching about religions or beliefs that promote dialogue and address conflict.<sup>23</sup>

#### **D. The Particular Contribution of the ODIHR and its Advisory Council**

The particular contributions of the ODIHR and its Advisory Council of Experts on Freedom of Religion or Belief in addressing the issue of teaching about religions and beliefs is its specific approach and its area of expertise. Thus, the Guiding Principles look at this issue through the lens of freedom of religion or belief. The Guiding Principles are therefore based on a human rights perspective that relies on OSCE commitments and international human rights standards.

The Guiding Principles combine the legal, educational, and theological expertise of both academics and practitioners to ensure the right balance between substance and practicability. With the different approaches to teaching about religions and beliefs being taken into account, the Toledo Guiding Principles are intended to serve as a tool that teachers and educators can relate to from the point of view of their respective national systems. Having individuals from different religious and belief viewpoints involved in developing these Guiding Principles has helped to ensure that the perspective of religious and belief communities is reflected and that the final product is as balanced and inclusive as possible in its scope and approach.

The strong experience of the Advisory Council of Experts on Freedom of Religion or Belief in dealing with legal questions related to the exercise of religious freedom has been combined with the competence of leading experts in the field of education, to offer standards and present issues (including legal and policy questions) that should be considered by government authorities, educators, school management and representatives of faith communities in their efforts to teach about religions and beliefs.

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<sup>22</sup> See, for instance, EUMC, “Muslims in the European Union: Discrimination and Islamophobia”, (Vienna, December 2006), available at [http://eumc.europa.eu/eumc/material/pub/muslim/Manifestations\\_EN.pdf](http://eumc.europa.eu/eumc/material/pub/muslim/Manifestations_EN.pdf).

<sup>23</sup> Robert Jackson, Siebren Miedema, Wolfram Weisse, and Jean-Paul Willaime, (Eds.), *Religion and Education in Europe: Developments, Contexts and Debates* (Münster, Waxmann, 2007).

## II. The Human Rights Framework and Teaching about Religions and Beliefs

### A. The Human Rights Framework

Freedom of thought, conscience, and religion is one of the most fundamental human rights. The protection of that freedom holds a prominent place among the commitments of OSCE participating States. Principle VII of the Helsinki Final Act states:

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.<sup>24</sup>

The 1989 Vienna Concluding Document<sup>25</sup> (sets out a number of key principles concerning the enjoyment of the freedom of religion and belief, these being that:

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<sup>24</sup> Helsinki Final Act, *op. cit.* note 7.

<sup>25</sup> Concluding Document of the Vienna Meeting 1989 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, held on the basis of the provisions of the Final Act relating to the follow-up to the Conference, Vienna, 17 January 1989, available at [http://www.osce.org/documents/mcs/1989/01/16059\\_en.pdf](http://www.osce.org/documents/mcs/1989/01/16059_en.pdf).



(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, *inter alia*,

(16.1) – take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;

(16.2) – foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers; [...]

(16.6) – respect the right of everyone to give and receive religious education in the language of his choice, individually or in association with others.

All states are obliged as a matter of international law to promote the observance of human rights and the freedom of thought, conscience, and religion. These are some of the best established of all international human rights commitments. Thus, Article 18 of the International Covenant on Civil and Political Rights (ICCPR) provides that:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
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.<sup>26</sup>

In a similar fashion, Article 9 of the European Convention on Human Rights provides that:

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either

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<sup>26</sup> International Covenant on Civil and Political Rights, adopted and opened for signature by the General Assembly on 16 December 1966, GA Res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 UNTS 171, entered into force on 23 March 1976, available at [http://www.unhcr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhcr.ch/html/menu3/b/a_ccpr.htm).

alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.<sup>27</sup>

In what has now become recognized as a landmark decision of general application, the European Court of Human Rights (ECtHR) has held that:

freedom of thought, conscience and religion is one of the foundations of a 'democratic society' [...]. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, skeptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it.<sup>28</sup>

The state has the responsibility not only to refrain from interfering with such beliefs, but also to take steps to protect the enjoyment of the freedom of religion and belief by all individuals and groups.

It is, then, incumbent on all participating States to uphold that freedom. As human rights treaties make clear, everyone has an absolute right to hold to the pattern of thought, conscience or religion of their choice, free from any interference from the state under any circumstances. In consequence, no one must be subjected by the state to any form of coercion that would impair their freedom to have or to adopt a religion or belief of their choice or to change their religion or belief.

Vital though the protection of freedom of choice is, it is not sufficient to properly protect the interests at stake. Therefore, international human rights law also protects the manifestation of religion or belief by individuals and by collectivities. What is a "religion or belief" for these purposes? There is no generally agreed legal definition of a religion or of a belief, but it is accepted that these are broad concepts, embracing not only traditional and long-established religions found in the world today but also less well known and less well understood systems of belief. Nor is a form of belief excluded from the scope of protection because it is not "religious" in nature: the protection

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<sup>27</sup> ECHR, *op. cit.* note 15.

<sup>28</sup> Kokinnakis v. Greece (ECtHR, App. No. 14307/33, 1993), para. 31.

offered embraces both religious and non-religious systems of belief in equal measure, without according a priority to any.<sup>29</sup>

Those holding such forms of religion or belief benefit from the protection of international human rights law when acting in ways that “manifest” their convictions. The international instruments point to four particular protected forms of manifestation: worship, teaching, practice, and observance. These are to be interpreted in a broad fashion that facilitates the actual exercise of the freedom of religion and belief, including the right of individuals to act in accordance with the dictates of their conscience.

The human rights instruments make it clear, however, that it may be necessary to restrict manifestations of religion or belief under certain limited circumstances. When this occurs it is inevitable that the freedoms of those affected will have been encroached upon, and this is not to be undertaken lightly. Therefore, restrictions are only permitted if they are strictly necessary—and not merely convenient—in a democratic society, in order to protect public safety, order, health or morals, and the fundamental rights and freedoms of others. In addition, such limitations must be prescribed by law and proportionate to the legitimate aim pursued, and must be subject to a narrow interpretation, which goes hand in hand with the well-accepted principle of an extensive interpretation of human rights. As the UN Human Rights Committee has noted, the limitation clause of Article 18 of the ICCPR, which protects freedom of religion or belief,

is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security. Limitations may be applied only for those purposes for which they are prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.<sup>30</sup>

This overarching principle of proportionality between competing objectives provides an important legal springboard for these Guiding Principles since it underlines that

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<sup>29</sup> UN Human Rights Committee, General Comment No. 22(48), The Right to Freedom of Thought, Conscience, and Religion (Article 18), (Forty-Eighth Session, 1993) UN Doc. CCPR/C/21 Rev. 1/Add. 4 (1993), reprinted in UN Doc. HRI/GEN/1/Rev. 8 at 194 (2006). Para. 2 reads as follows: “Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms ‘belief’ and ‘religion’ are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.”

<sup>30</sup> *Ibid.*, para. 8.

states are required to engage in the task of balancing the interests of those adhering to forms of religion or belief with the interests of society as a whole, as expressed in the educational system. In order to facilitate this, human rights law is increasingly fixing upon the idea of “mutual respect” as providing a relevant touchstone.

When tensions result from pluralism, “the role of the authorities ... is not to remove the cause of tension by eliminating pluralism, but to ensure that competing groups tolerate each other.”

*European Court of Human Rights*<sup>32</sup>

The European Court of Human Rights has pointed out repeatedly that these rules flow from a state’s positive obligation under Article 1 of the European Convention on Human Rights to secure to everyone within its jurisdiction the rights and freedoms defined in the Convention.<sup>31</sup> But it has also gone further, and made it clear that states are under a positive duty to take steps to ensure mutual toleration where this is lacking:

“Although the Court recognizes that it is possible that tension is created in situations where a religious or any other community becomes divided, it considers that this is one of the unavoidable consequences of pluralism. The role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other”.<sup>32</sup>

It may, then, be said that in order to fulfil their human rights obligations and their OSCE commitments regarding the freedom of thought, conscience and religion, states should adopt strategies that foster a general climate of mutual respect and understanding within society. It is precisely because teaching about religions and beliefs constitutes a valuable means of promoting these objectives that these Guiding Principles have been prepared.

## **B. Legal Issues to Consider when Teaching about Religions and Beliefs**

There are a number of important legal factors that have to be taken into account when teaching about religions and beliefs in order to ensure that the freedom of thought, conscience and religion of all those touched by the process is properly respected. These factors include the rights of the parent, child, and teacher, as well as the more general interests of minority and religious communities and of society as a whole. These factors and interests will be outlined in the remainder of this chapter. The general implications of these issues for teaching about religions and beliefs will be commented upon

<sup>31</sup> ECHR, *op. cit.* note 15.

<sup>32</sup> See, for example, *Serif v. Greece* (ECtHR, App. No. 38178/97, 1999), para. 53.

in Chapters III and IV. Chapter V will look at the practical application of this general legal framework in more detail, focusing upon a number of the key issues that emerge from what follows.

### *The State*

Regardless of the particular model of church-state relations within a country, the state has important responsibilities in the field of education and, in exercising these, it has a duty to act in a neutral and impartial fashion where matters of religion and belief are concerned—a duty that is “incompatible with any power on the state’s part to assess the legitimacy of religious beliefs,”<sup>33</sup> and thus should not take a stand on the truth or falsity of any form of religion or belief.

UN Human Rights Committee in its General Comment No. 22 concludes that the freedom of religion or belief “permits public school instruction in subjects such as the general history of religions and ethics if it is given in a neutral and objective way.”<sup>34</sup> Moving beyond this, the General Comment acknowledges that it is also permissible for public schools to be involved in religious instruction, noting that it would be consistent with human rights commitments to do so, insofar as “provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians.”<sup>35</sup>

The participating States oversee the operation of a broad range of teaching models and systems of education, including the use of both religious or non-religious schools within the public-school system. Those public schools may be required, or may be free to choose, to impart knowledge and understanding about religions and beliefs through a variety of media. At one end of the public-school spectrum there is general teaching about religions and beliefs as a part of a broad-based educational experience delivered by teachers who are qualified in general religious education in a secular school environment. At the other end lies the delivery of doctrinal instruction in the tenets of a particular system of religious belief by clergy of that religion or by other practising believers in public religiously-oriented schools. It is not possible to conclude in the abstract whether any one model will necessarily have more adverse consequences for the freedom of religion or belief than another. Compliance with human rights commitments can only be assessed through a careful analysis of the competing interests that need to be respected in the delivery of education and the

<sup>33</sup> See, for example, *Gldani Congregation of Jehovah’s Witnesses v. Georgia* (ECtHR, App. No. 71156/01, 2007), para. 131; *Cha’are Shalom Ve Tsedek v. France* (ECtHR, App. No. 27417/95, 2000), para 84.

<sup>34</sup> General Comment No. 22, para. 6, *op. cit.* note 29.

<sup>35</sup> *Ibid.*

manner in which they are in fact respected within the particular model in question. It is clear that when considering these questions, the particular historical, political, religious and sociological factors will operate so as to preclude the emergence of a standard approach. What is clear is that human rights commitments require that those interests be properly identified and reflected in the practical operation of the system of education.

Within this framework, educational authorities generally have broad discretion in designing, selecting, and implementing curriculum decisions in their countries. This does not, however, authorize breach of the fundamental right to freedom of religion or belief or other fundamental rights. While international norms do not rule out various forms of co-operation with religions and belief systems, they do require “neutrality and impartiality” in the sense of ensuring the tolerance that is vital to pluralism, and in the sense of protecting freedom of religion or belief for all individuals and groups on an equal basis.<sup>36</sup>

#### *The Parent or Legal Guardian*

OSCE commitments and international law are clear that parents and legal guardians have a right to have their children educated in accordance with their religious or philosophical convictions (the latter for this purpose being taken as meaning in accordance with their religion or belief, a somewhat narrower approach). In this regard, the Vienna Concluding Document provides that OSCE participating States will:

(16.7) – respect, *inter alia*, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions.<sup>37</sup>

In a similar vein, Article 2 of the Protocol to the European Convention on Human Rights provides that:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to 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.<sup>38</sup>

<sup>36</sup> See *Gdani Congregation of Jehovah’s Witnesses v. Georgia*, para. 131. *op. cit.* note 33.

<sup>37</sup> Vienna Concluding Document, *op. cit.* note 25.

<sup>38</sup> Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, CETS No.: 009, opened for signature by the Member States on 20 March 1952, entered into force on 18 May 1954, available at <http://conventions.coe.int/Treaty/en/Treaties/Html/009.htm> (hereinafter ECHR Protocol No. 1).

Likewise, Article 18(4) of the ICCPR provides that:

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.<sup>39</sup>

This does not mean that the state is bound to provide a system of education that accords with parental beliefs, but it does mean that parents can object to the nature and content of the education and teaching given to their children where religious instruction is predicated upon, is intended to or has the effect of projecting the truth (or falsity) of a particular set of beliefs. In consequence, parents must have the right to withdraw their children from such forms of teaching.

A different and more complex issue arises when parents object to educational programmes that are aimed at teaching about religions and beliefs from what courts have described as a "neutral" and "objective" perspective, such as the ones to which these Guiding Principles are addressed. Although the UN Human Rights Committee considers that these programmes are compatible with Article 18(4), the question of whether opt-out rights are required in such cases demands a more detailed analysis, which is provided in Chapter V below.<sup>40</sup>

### *The Child*

It should be stressed that children, as autonomous individuals, enjoy the freedom of religion or belief in their own right, as do adults. However, given the special status of the rights of parents and legal guardians regarding the religious and philosophical upbringing of their children, the rights of the child in the sphere of education are often exercised by parents in their own right rather than in the name of the child. Of course, there will come an age at which children may seek to assert their own rights in this regard, and the force of the parental right recedes as the capacity of the child evolves.

<sup>39</sup> ICCPR, *op. cit.* note 26.

<sup>40</sup> "The Committee does not consider that the requirement of the relevant provisions of Finnish legislation that instruction in the study of the history of religions and ethics should be given instead of religious instruction to students in schools whose parents or legal guardians object to religious instruction is in itself incompatible with article 18 (4), if such alternative course of instruction is given in a neutral and objective way and respects the convictions of parents and guardians who do not believe in any religion." *Hartikainen v. Finland* (HRC,1981), para. 10.4.

This is reflected in the Convention on the Rights of the Child (CRC);<sup>41</sup> Article 14(1) and (2), which provide that:

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

Article 3 (1) of the CRC also states that:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

As the child matures, the nature of the claim changes from the perspective of the freedom of religion or belief, since children do not have any greater right than anyone else to be shielded from teaching not in accordance with their own religious or philosophical convictions. Therefore, their claims to be exempted from such forms of instruction must be assessed in accordance with the more general approach of ensuring that in the projection of religious views, the state, through its teachers, does not take undue advantage of the superior position that it enjoys *vis-à-vis* pupils to influence their views in an inappropriate fashion.

The state has the same obligation to maintain a posture of neutrality and cultivation of toleration and respect in relation to children that it has in relation to adults, and should not be implicated in efforts to coerce the conscience of anyone. In practice, one can expect that the rights enjoyed by the parents regarding the education of their children in accordance with their religious or philosophical convictions will transfer to the children themselves in a fashion commensurate with their evolving capacities.

### *The Teacher*

Teachers, as individuals, enjoy the freedom of thought, conscience and religion, and may manifest their religion or belief in accordance with the general human rights framework. However, it is true that by virtue of their having chosen to work in an educational

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<sup>41</sup> Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 on 20 November 1989, GA Res. 44/25, UN GAOR, 44th Sess., Supp. No. 49, art. 32 (1), UN Doc. A/44/49 (1989), entered into force on 2 September 1990, available at <http://www.ohchr.org/english/law/pdf/crc.pdf>.



environment, a range of restrictions may legitimately be placed upon teachers when they are working in the school in order to ensure that an educational environment appropriate to the school in question is maintained—taking into account, when applicable, the particular ethos of the school—and that the human rights of parents and children are respected. In this regard, it is axiomatic that when teaching about religions and beliefs—or, indeed, when teaching about any subject—teachers must approach their task in a balanced and professional fashion, and may not exploit their position as teachers to influence the beliefs of their pupils.

### *Minority Rights*

In developing and implementing programmes related to teaching about religions and beliefs, attention needs to be paid to the rights and distinctive needs of minority groups in the larger community served by a particular school. This may include national or ethnic minorities with students in the school, or simply smaller religious or belief communities that have pupils in the relevant school. Efforts should be made to ascertain the distinctive needs of all such national or ethnic minorities, smaller religious communities, and migrants and new minorities.

In this regard, a number of points articulated in the Hague Recommendations, prepared under the auspices of the HCNM, are highly relevant. While these recommendations were developed with a primary focus on the issues of national ethnic minorities, they have obvious relevance to issues of concern to religious communities, whether or not they are ethnic minorities as well. Indeed, the fact that the right to freedom of religion or belief is involved, in addition to any other rights that ethnic minorities might be able to assert, adds to the significance of these recommendations.

A number of points made by the Hague Recommendations have relevance to teaching about religion. First, “States should consistently adhere to the fundamental principles of equality and non-discrimination” (Recommendation No. 2). Discrimination might arise in a programme for teaching about religions and beliefs at any stage in the development or implementation of the programme. If it does, rights are violated. Second, it is important to remember that the “relevant international obligations and commitments constitute international minimum standards. It would be contrary to their spirit and intent to interpret these obligations and commitments in a restrictive manner” (Recommendation No. 3). Third, “States should approach minority education rights in a proactive manner” (Recommendation No. 4). Fourth, just as importance and value should be attached “to the highlighting of minority histories, cultures and traditions,” so attention should be paid to the teaching of the “histories, cultures and traditions” of religious communities that are present in a particular school (Recommendation No. 19). Fifth, “States should create conditions [...] [allowing national minorities] to par-

ticipate, in a meaningful way, in the development and implementation of policies and programmes related to minority education” (Recommendation No. 5). Curriculum content “should be developed with the active participation of bodies representative of the minorities in question” (Recommendation No. 20). Any programme will need to make selections and choices, but inaccurate or disrespectful coverage should be subject to challenge and correction, and sound justifications for selections should be available. Finally, in accordance with a variety of international instruments, “the right of minorities to maintain their collective identity” should be respected” (Recommendation No. 1).<sup>42</sup>

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<sup>42</sup> Hague Recommendations, *op. cit.* note 9.

### III. Preparing Curricula: Approaches and Concepts

#### A. Defining the Educational Content

OSCE participating States have varying approaches to the curriculum and curriculum development, as well as distinct ways of implementing curricula in schools. Different traditions and approaches will have consequences for the way educational aims and outcomes are defined. Nevertheless, educational aims with respect to teaching about religions and beliefs should be in accordance with both historical and recent developments at the international level that prioritize human rights, including freedom of religion or belief, and freedom of speech. Guiding documents in this regard include both the Universal Declaration of Human Rights (UDHR)<sup>43</sup> and the CRC, which refer to the importance of education that leads to the “full and harmonious development of the human personality”.<sup>44</sup> Article 29(1)(a) of the CRC puts it in these terms:

The education of the child shall be directed to a) the development of the child’s personality, talents and mental and physical abilities to their fullest potential.<sup>45</sup>

The Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion and Belief, Article 5(3) states:

The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, re-

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<sup>43</sup> Universal Declaration of Human Rights, adopted and proclaimed by General Assembly Resolution 217 A (III) on 10 December 1948, GA Res. 217 (A) (III), UN Doc A/810 at 71, available at <http://www.un.org/Overview/rights.html>.

<sup>44</sup> CRC, Preamble, *op. cit.* note 41.

<sup>45</sup> CRC, art. 29, *op. cit.* note 41.

spect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow man.<sup>46</sup>

In 1996, the UNESCO Task Force on Education for the Twenty-first Century, headed by Jacques Delors, made a series of key recommendations for the future of education. Its report, *Learning: the Treasure Within*, referred to four basic pillars that should support future education: “learning to know”, “learning to do”, “learning to live together”, and “learning to be”. These distinctions point to the importance of knowledge, attitudes, values and skills.<sup>47</sup>

The documents and recommendations above address the civic responsibility of societies and individuals to be pro-active in protecting basic rights and freedoms. It is incumbent upon educators at all levels and in all places to transform these principles and standards into reality.

## B. Guiding Principles for Preparing Curricula

Teaching about religions and beliefs should be sensitive, balanced, inclusive, non-doctrinal, impartial, and based on human rights principles relating to freedom of religion or belief. This implies that considerations relating to the freedom of religion or belief should pervade any curricula developed for teaching about religions and beliefs.

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<sup>46</sup> Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion and Belief, adopted and proclaimed by General Assembly Resolution 36/55 on 25 November 1981, GA Res. 36/55, UN GAOR, 36th Sess., available at [http://www.unhcr.ch/html/menu3/b/d\\_intole.htm](http://www.unhcr.ch/html/menu3/b/d_intole.htm).

<sup>47</sup> See Jacques Delors, *Learning: the Treasure Within*, Report to UNESCO on the International Commission on Education in the Twenty-First Century (UNESCO Publishing, 1996), available at <http://www.unesco.org/delors/>. When mentioning “learning to be”, the online version of the Introduction to the Delors Report (available at <http://www.unesco.org/delors/utopia.htm>, hotlink to definition of “learning to be”) states that “all people should receive in their childhood and youth an education that equips them to develop their own independent, critical way of thinking and judgment so that they can make up their own minds on the best courses of action in the different circumstances in their lives.” “Learning to live together” refers to: “developing an understanding of others and their history, traditions and spiritual values and, on this basis, creating a new spirit which, guided by recognition of our growing interdependence and a common analysis of the risks and challenges of the future, would induce people to implement common projects or to manage the inevitable conflicts in an intelligent and peaceful way.” The Delors Report is also the starting point for the 2006 UNESCO publication *UNESCO Guidelines on Intercultural Education*. For an online version of this publication, see: <http://unesdoc.unesco.org/images/0014/001478/147878e.pdf>.

It is expected that curricula will adhere to recognized professional standards.<sup>48</sup> This implies that, among other things, the information contained in curricula is based on reason, is accurate, bias-free, up to date, and does not over-simplify complex issues. It also implies that curricula are age appropriate so that they are accessible to students.

In addition, such curricula should, as much as possible, be comprehensive and pay particular attention to key historical and contemporary developments pertaining to issues of religion and belief. Societies are not static and all communities undergo change. Far-reaching change can occur because of processes such as migration, environmental degradation, contacts with other cultures, new interpretations of holy texts, scientific developments, as well as wars and conflicts. These global and local processes have an impact on the manner in which religions and beliefs manifest themselves in states and in local communities. Individuals and communities often view history and contemporary society differently (for instance, depending on whether they were targets of persecution, or if they speak the dominant language or adhere to the dominant belief system) and this gives rise to varying views and perspectives. Thus, curricula should be sensitive to different interpretations of reality. This is often referred to in education as the principle of multi-perspectivity.<sup>49</sup>

It may prove helpful to include in curricula reference to sources drawn from various religious and belief traditions that reinforce the significance of tolerance, respect and caring for others. This may be helpful in building a bridge of understanding and respect between different faith groups, and it may also provide believers with supplemental grounds for respecting the rights of others that may be more persuasive to them than purely secular modes of reasoning.

Curricula should be sensitive to different local manifestations of religious and secular plurality found in schools and the communities they serve. Such sensitivities will help address the concerns of students, parents and other stakeholders in education, especially with regard to a fair and balanced coverage of different religions and philosophies. The negative impact on the self-esteem and sense of belonging of students who feel excluded has been well documented. Parents who feel that their (religious) beliefs are not respected in the school and school curriculum are also less likely to feel a sense of engagement with the learning that takes place in the schools their children attend.

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<sup>48</sup> "Professional" has different connotations in varying contexts. There is, for instance, a well-developed field of academic and scholarly research and publishing on teaching about religions and beliefs. *The British Journal of Religious Education* is an example of such a scholarly journal, available at <http://www.tandf.co.uk/journals/titles/01416200.asp>.

<sup>49</sup> See César Birzúa, "Lifelong learning for social inclusion", paper presented at the 22<sup>nd</sup> Standing Conference of European Ministers of Education, Istanbul, 4-5 May 2007, *op. cit.* note 19.

An impartial and inclusive approach should therefore be reflected in the general policy and outlook of the school as well as throughout the curriculum.<sup>50</sup>

Though sensitivity to local circumstances is important and should be attentive to the fact that there are many different religious and non-religious beliefs, this does not necessarily imply that all views need to receive the same amount of attention, but that sound reasons exist for including or excluding a particular religion or belief. Reasons for including discussion of a particular religion or belief in the national or local curricula include:

- historical importance of a religions and beliefs in a certain nation or region or globally;
- presence of particular religions or beliefs in a nation or the local community;
- media attention devoted to a particular religion or belief;
- existing misconceptions of a particular religion or belief;
- present or future likelihood of contact with adherents to a particular religion or belief.

### **Teaching Inter-religious Understanding in Primary Schools: The Tanenbaum Center**

The Tanenbaum Center for Interreligious Understanding (<http://www.tanenbaum.org/>), founded in 1992, is based in New York City. Its programmes build inter-religious understanding and thereby strive to prevent verbal and physical violence and acts committed in the name of religion. Its Building Blocks for Democracy: Children Celebrate their Traditions programme has created a set of curricula for students from kindergarten through the fourth grade (5 to 9 year olds) that both educates students about different religious traditions and teaches the skills for living in a pluralistic and democratic society. The aim of the curricula is to help children establish respectful communities where inclusion and pluralism are valued, as well as prepare children for the civic and social responsibilities of citizenship in a strong democratic society.

The Tanenbaum Center first identified a group of experts in the fields of religion and education to create the Building Blocks for Democracy curricula. The specific focus was on: A) building a positive foundation for mutual

<sup>50</sup> Inclusion here can be defined as “an attitude that does not exclude others on the grounds of status, faith, class or ethnicity”, Keast, p. 26, *op. cit.* note 19.

respect; B) enhancing knowledge and creating awareness of cultural and religious legacies; and C) reducing prejudice and stereotyping. The resulting curricula have been used in formal and informal, as well as secular and religious, educational settings across the United States and plans exist to introduce the curricula to European educators.

Building Blocks for Democracy prepares students by teaching them the basic skills behind democracy and multiculturalism: communication, respect, inclusion, personal responsibility and participation in community. Children are also introduced to an initial discussion of ethnicity, religion and the study of culture to broaden their world views, preparing them to encounter difference and confront bias. Educators who use the curricula are given substantial staff development and training on issues of pluralism in the classroom, multiculturalism, pedagogy and the best practices for the implementation of the curricula. Co-operative learning strategies are a key component of the methodology employed throughout the curricula. Educators have access to Building Blocks staff throughout the year for on and off-site support, questions, and continuing guidance.

### C. Types of Curriculum

At the moment, subject-specific, integrated, and cross-curricular approaches to teaching about religions and beliefs can be found in OSCE participating States. All provide opportunities to teach about religions and beliefs effectively, yet all have distinct advantages and disadvantages.

It is possible to offer teaching about religions and beliefs as a subject-specific course in primary and secondary education: this is common in a number of OSCE participating States. For instance, in England and Wales the teaching of religious education is a legal requirement and is an entitlement for all children. In such cases, teaching about religions and beliefs is taught as a separate subject. However, given the importance of religions and beliefs in human history, as a powerful force in society and culture, and as a vehicle to gain a better understanding of oneself and others, teaching about religions and beliefs may be linked to a variety of subject areas. For example, some aspects of teaching about religions and beliefs can be integrated into art, literature, music, history and philosophy in order to deepen understanding. Similarly, some elements of teaching about religions and beliefs could be integrated into intercultural education or education for democratic citizenship.

### Remembering History: Polish Initiatives in Silesia

There is an urgent need for Poland to deal with its complex collective past. As part of coming to terms with this past, a local public primary and junior high school in Czerwionka-Leszczyń (School Complex no. 3), a small town in an underprivileged region of Upper Silesia, has been organizing an educational programme since 2005 called "Silesia at the crossroads of three faiths—Catholic, Evangelical-Augsburg and Jewish". This programme has attempted to provide students with insight into local religious diversity, and has been actively supported by a wide range of stakeholders: school authorities, principals, teachers of different subject areas, parents and students.

Methodologically, an attempt was made to engage the students as fully as possible. Activities for students included interactive information technology projects (WebQuest), organizing seminars, exhibitions, field trips to memorial sites related to the Holocaust, creative field research, writing and reporting, as well as dance. The information gathered by the students is converted into a multimedia presentation.

During reflection that took place as part of the implementation process, these stakeholders became conscious of the fact that there was a general ignorance of Jewish history in the region. Given the local history, it was felt that teaching about Jewish neighbours before the Second World War could serve as a tribute to those who were murdered during the Holocaust, but also as an important tool to seek a new European identity and develop an awareness of the concept of citizenship.

Due to the growing awareness of a deficit in knowledge, the school introduced a new comprehensive, intercultural project called "Jewish Traces in Upper Silesia". This project took place in co-operation with the Foundation for the Preservation of Jewish Heritage in Poland. Believing that educational activities are crucial for effective heritage preservation, the Foundation has recently started the "To Bring Memory Back" educational programme in Polish schools. The programme encourages young people to discover the multicultural history of their region and to then present their findings to the larger public.

Finally, teaching about religions and beliefs can also be the focus of cross-curricular lessons, activities, and projects, for instance connected to human rights education and education about mutual respect and understanding. Such an approach is perhaps the



most challenging and demanding way of teaching about religions and beliefs. However, it provides particular opportunities to develop a comprehensive and multi-faceted understanding of religions and beliefs, their historical and societal context, and their influence on the daily lives of those who subscribe to them. A cross-curricular approach implies the collaboration of teachers from various subject areas, who each approach the subject area from a distinct background, expertise and perspective. Irrespective of which approach is chosen, the importance of a sensitive, fair, inclusive, unbiased and impartial curriculum cannot be overstated.

#### D. Pedagogical Approaches

The processes of teaching, learning, increasing knowledge, promoting better understanding and combating prejudice, and developing competences tend to be framed differently from country to country and from situation to situation. Yet all are important dimensions of teaching about religions and beliefs. These processes refer to pedagogy and teaching methods.<sup>51</sup>

Different strategies can be used effectively when teaching about religions and beliefs. Options include both teacher-centred and student-centred pedagogies. Each comes with its own challenges and opportunities. Teacher-centred pedagogy operates on the principle that it is the teacher who is the expert who provides information to the students. In such cases it is the teacher's knowledge of the content and the quality of learning materials that tends to be critical.

In the second approach, teachers play more the role of a facilitator in the students' learning process. Though their knowledge of the content remains crucial, interactive techniques such as discussion, debate, research, group work, project work, drama and presentation play a prominent role. Also, the opinions, experiences, feelings and reflections of students are often taken into account when studying issues relating to religions and belief systems. Students are encouraged to reflect upon their own beliefs, values and decisions.

This is sometimes referred to as "learning from religion", in contrast to "learning about religion".<sup>52</sup> The creation of a safe learning space where each student feels comfortable

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<sup>51</sup> See Chapter IV.

<sup>52</sup> "Learning about religion" includes enquiry into, and investigation of, the nature of religions, their beliefs, teachings and ways of life, sources, practices and forms of expression. It covers students' knowledge and understanding of individual religions and how they relate to each other as well as the study of the nature and characteristics of religion. It includes the skills of interpretation, analysis and explanation. Pupils learn to communicate their knowledge and understanding using specialist vocabulary. "Learning from religion" is concerned with

enough to give his or her opinion is a pre-requisite for such work. Given the dynamic nature of student-centred pedagogy and the discussions it provokes, it is more likely that personal values and beliefs will become visible.<sup>53</sup>

Being open about one's own beliefs can serve as an invitation to others to do the same. Such openness can provide opportunities for sincere and respectful discussion about beliefs and values, but also carries dangers that certain students may feel isolated and alienated, especially if students prefer for their beliefs to remain a private matter, if they feel their beliefs are different from the rest of the classroom, or if they are different from those of the teacher. Such concerns relate directly to the professionalism and training of teachers. This issue will be discussed in the next chapter.

#### *A note about empathetic education*

It is recommended that when learning about religions and beliefs an empathetic attitude among learners should be encouraged. Empathetic education refers to attempts to genuinely understand what another person is feeling and the ability to respectfully communicate the essence of another person's experience. This differs from sympathy, which is an emotional response stemming from the apprehension of another's emotional state or condition that consists of feelings of concern for the other. Though empathetic education is recommended for both teacher-centred and student-centred pedagogies, it is especially critical for the latter given the potential for different viewpoints to emerge.

### **Pedagogical Approaches to Teaching about Religions and Beliefs in Schools**

A number of pedagogical approaches have been developed for teaching about religions in schools.<sup>54</sup> Teachers often adapt the approaches or mix ideas from different approaches in order to meet their particular needs. The three approaches summarized below are all mentioned in the Council of

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developing students' reflection on and response to their own and others' experiences in the light of their learning about religion. It develops pupils' skills of application, interpretation and evaluation of what they learn about religion.

<sup>53</sup> Student-centred pedagogy is well developed in some OSCE participating States such as Canada, Finland, the Netherlands, Sweden, and the United Kingdom.

<sup>54</sup> Several of these are illustrated in Michael H. Grimmitt, (Ed.), *Pedagogies of Religious Education: Case Studies in the Research and Development of Good Pedagogic Practice in RE* (Great Wakering, Essex, McCrimmons Publishing Co. Ltd, 2000).

Europe publication *Religious diversity and intercultural education: a reference book for schools*.<sup>55</sup>

All require a school ethos in which difference is respected and human rights principles are upheld. All the approaches require a high degree of professionalism from teachers.

### **Key Points of the Phenomenological Approach**

This approach involves attempting to present different religious positions from the insider's point of view and involves the following principles:

- teaching in order to promote knowledge and understanding;
- not to promote a particular religious or non-religious view;
- suspending one's own views and attitudes;
- empathizing with the person from another religion or way of life;
- distinguishing between understanding and judgment.

### **Key Points of the Interpretive Approach**

The interpretive approach goes beyond giving basic information about religions, and requires thought and reflection from students, as well as learning new concepts. It asks questions about the quality of our knowledge and understanding through asking three key questions of teachers and students:

- How well are we portraying the way of life of those we are studying so we avoid misrepresentation and stereotyping? (Representation). Religions should be presented in their diversity as well as unity;
- How well are we "translating" the other person's concepts and ideas so we have a clear understanding of them? (Interpretation). Empathy with the experience of others can only be developed after key concepts are understood;
- How well are we reflecting on what we have studied? (Reflexivity). Students should be encouraged to relate new ideas to their own views and make a careful, distanced critique of the ideas studied.

<sup>55</sup> Keast, *op. cit.* note 19.

### Key Points of Dialogical Approaches

Several related dialogical approaches have been developed in different countries. The one below acknowledges three “levels” of dialogue:

#### *Primary Dialogue*

Acknowledging the diversity of experiences, viewpoints, understandings and ideas within the class and the school. Using these as a resource for class discussions about beliefs and values. Introducing further viewpoints into classroom discussion.

#### *Secondary Dialogue*

Promoting a class ethos in which children are willing to engage with difference, to share with and learn from others. Involving children in the establishment of principles for learning about religions. Encouraging questioning to develop interest in others’ experiences and points of view.

#### *Tertiary Dialogue*

Employing a variety of methods, strategies and exercises to facilitate dialogue in the school. Structuring activities that encourage pupils to express, negotiate and justify their views. Providing various stimuli to initiate and support discussion and debate (e.g. pictures, films, videos, case studies, stories, teachings from different traditions).

### E. Learning Outcomes for Teaching about Religions and Beliefs

Learning outcomes associated with teaching about religions and beliefs should include the development of knowledge, attitudes, and competences.<sup>56</sup> Whether one elects to use a more teacher-centred or student-centred approach to teaching about religions and beliefs, one would expect the following learning outcomes:

- attitudes of tolerance and respect for the right of individuals to adhere to a particular religion or belief system. This includes the right not to believe in any religious or belief system;

<sup>56</sup> “A competence is defined as the ability to successfully meet complex demands in a particular context through the mobilisation of psychological prerequisites (including both cognitive and non-cognitive aspects)’. In turn, skills ‘represent only one component of competence in a given area of activity, limited to specialised abilities’ (e.g. ability to work in groups with a particular skill within the overall competence ‘ability to co-operate’).” Birzėa, *op. cit.* note 49.

- an ability to connect issues relating to religions and beliefs to wider human rights issues (such as freedom of religion and freedom of expression) and the promotion of peace (i.e. the capacity of religions and beliefs for solving and preventing conflicts);
- a core knowledge about different religions and belief systems and knowledge of the variation that exists within all religions and beliefs, with reference both to the local/national context as well as to larger geographical areas;
- an understanding that there are various legitimate ways to view history and historical developments (multi-perspectivity);
- knowledge of the contexts associated with major historical events relating to different religions and belief systems; here, again, the specific attention to local/national circumstances should be combined with a broader geographical and cultural perspective;
- an understanding of the importance of religious or philosophical beliefs in a person's life;
- awareness of similarities and differences between different religions and beliefs;
- the ability, based on sound knowledge, to recognize and to question existing negative stereotypes about religious communities and their members;
- an historical and psychological understanding of how a lack of respect for religious differences has led to extreme violence in the past and, related to this, the importance of people taking an active role in protecting the rights of others (civic responsibility); and
- the ability to counteract, in a respectful and sensitive way, a climate of intolerance and discrimination, when it occurs.

### Three Web Resources on Religious Diversity

#### 1. RE-XS

<http://re-xs.ucsm.ac.uk>

RE-XS is a website offering teachers information on the major world religions, new religious movements and non-religious worldviews. The site also contains material on themes such as texts, art, pilgrimage, buildings, rites of passage, community and ultimate questions. There are links to other sites providing information and resources. Although designed for use in religious education in England and Wales, there is much that could be adapted to other situations. An online Encyclopaedia of World Religions is available from the same source at <http://philtar.ucsm.ac.uk/encyclopedia>

## 2. The Ontario Consultants on Religious Tolerance (OCRT)

<http://www.religioustolerance.org>

OCRT is a multi-faith agency in Canada. Its website contains resources about religions and belief systems and provides:

- information about a broad range of religions, from Asatru to Zoroastrianism, and also discusses secular belief systems. The site describes their origins, history, current beliefs and practices;
- explanations of dozens of controversial topics in which religious groups are in conflict—both with each other and with secular forces in society;
- articles on a wide variety of additional subjects, including morality, ethics, promotion of religious tolerance, religious misinformation and dis-information, the environment, as well as religiously-motivated intolerance, discrimination, hatred, oppression, violence and crimes against humanity.

## 3. The Shap Working Party on World Religions in Education (SHAP)

<http://www.shap.org>

The Shap Working Party on World Religions in Education was set up in 1969 in the UK to broaden the basis of education at all levels by encouraging the study and teaching of world religions. It seeks to achieve its aim by producing accurate information and resources for those involved with religious education and religious studies.

Members come from a variety of religious backgrounds and represent experts from all fields of education, from primary schools to universities. The publications they produce are used widely by schools, industry, politicians and social services in the UK and beyond.

Shap publishes a calendar of festivals, compiled and revised annually by scholars and educators, giving key information and dates of the festivals of major religions and many religious movements. Shap's continental partner is the European Association for World Religions in Education (<http://www.eawre.org>). It also publishes a calendar of festivals in German and French.

## F. Structure and Elaboration of Curricula

All OSCE participating States have mechanisms in place to develop and revise their curricula. With respect to teaching about religions and beliefs, the process should be as inclusive as possible. There are many stakeholders who potentially take an interest in curricula relating to teaching about religions and beliefs. In various OSCE participating States, stakeholders such as parents, teachers, higher education institutions, state institutions, educational authorities, and representatives of civil society are already involved in this process. Religious communities, both national and local, have been actively involved in many places as well. Given the distinctive nature of teaching about religions and beliefs, religious and belief communities should be consulted and given the opportunity to give their expert advice and express their concerns. The quality of the curriculum and the acceptance and support of local communities will be improved by such an inclusive policy. Due to the ever changing and dynamic nature of society, it is important to give voice to a wide range of religious and belief communities and to treat them with due respect. This also applies to religious groups that are considered small and unconventional. It needs to be remembered that most well-established faiths in today's world started as small and unconventional and were rejected by society at large. Finally, curricular authorities should make use of the expertise and innovative vision of specialized NGOs in developing and reviewing curricula.

In the participating States that currently do not offer any form of teaching about religions and beliefs in their national curriculum or elsewhere, appropriate resources will need to be developed. Existing curricula for teaching about religions and beliefs in various participating States can serve as a starting point for future curriculum development, especially where such curricula are based on human rights principles.

A balanced and impartial description of religions and belief systems and fair and sensitive representation of religious groups and individuals are vital. The use of reliable source materials, including interpretations by adherents of given religions or belief systems, is highly important.

A comprehensive evaluation of those curricula, as well as textbooks and education materials, following the principles set out in this document, can help ascertain whether these are free of bias. Where necessary, the development of new curricula should take place using similar criteria.

## IV. Teacher Education

### A. Background and International Context

Even the best curriculum ideas and most enlightened policies will have little effect at the classroom level if teachers are incapable, for whatever reason, of using the curriculum in an appropriate way in their work with students. This applies with extra force to teaching about religions and beliefs because of the high demands such a curriculum places on a teacher's knowledge, attitudes, and competences. The importance of teachers' qualifications and adequate initial and continuing teacher education has been stressed by the international community on many occasions. Key documents also reaffirm the types of knowledge and competences needed for teaching about religions and beliefs.

Article 33 of the UNESCO Recommendations states that countries should:

constantly improve the ways and means of preparing and certifying teachers and other educational personnel<sup>57</sup>

and

develop aptitudes and skills such as a desire and ability to make educational innovations and to continue his or her training; experience in teamwork and in interdisciplinary studies; knowledge of group dynamics; and the ability to create favourable opportunities and take advantage of them.<sup>58</sup>

Recommendation R (84) 18 of the Council of Europe Committee of Ministers (1984) states:

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<sup>57</sup> UNESCO Recommendations, *op. cit.* note 10.

<sup>58</sup> *Ibid.*



that the governments of Member States (within the context of their educational and legislative systems and their policies and available resources) [...] train teachers in such a way that they:

- become aware of the various forms of cultural expression present in their own national cultures, and in migrant communities;
- recognise that ethnocentric attitudes and stereotyping can damage individuals and therefore, attempt to counteract their influence; and
- realise that they too should become agents of a process of cultural exchange and develop and use strategies for approaching, understanding and giving due consideration to them.<sup>59</sup>

The above-mentioned texts point to the important role of governments in guaranteeing that teachers receive the best possible education to prepare them for teaching about religions and beliefs in their schools. Though some national and local teacher education institutes can be expected to appropriately educate future teachers to teach about religions and beliefs and related subject areas, this is by no means the case throughout the OSCE region. Governments are encouraged to set up a system of oversight, if such a system does not already exist, to monitor and evaluate the manner in which teachers are presently selected and trained (both pre-service and in-service) to educate on teaching about religions and beliefs. Participating States should address any shortcomings an evaluation might bring to light with these Guiding Principles and those of other international bodies in mind.

Where religious communities are responsible for pre-service and in-service education of teachers in subjects related to teaching about religions and beliefs in public schools, these communities are encouraged to reach out to other belief communities. Such actions can help to strengthen pre-service and in-service teacher education pertaining to teaching about religions and beliefs. It is also the best guarantee that such education is fair, balanced, inclusive and devoid of bias. Collaboration in this area to promote inter-faith dialogue is a positive aim in itself.

## **B. Framework for Teacher Preparation**

Due to the specific challenges associated with teaching about religions and beliefs and the potential for exclusion and conflict, any basic teacher preparation should be framed in democratic and human rights principles, as recommended throughout this

<sup>59</sup> Recommendation No. R (1984)18 of the Committee of Ministers to Member States on the Training of Teachers in Education for Intercultural Understanding, Notably in a Context of Migration, 25 September 1984, (84) 18, available at <http://www.unhcr.org/cgi-bin/teaxis/vtx/refworld/rwmain?page=publisher&docid=4278de154&skip=&publisher=COEMINISTERS>.

document. Other considerations are of course important, such as national curriculum standards and demands, the place of religions and beliefs in society and in the education system, and the openness of the education system to change. But a human rights framework is the best guarantee for the development of a fair and balanced approach to teaching about religions and beliefs. It is also a powerful tool for combating negative stereotypes and discriminatory practices. A commitment to freedom of religion or belief and sensitivity to issues relating to human rights education and education for mutual respect and understanding should be a prerequisite for all future teachers of religions and beliefs. Such commitments and sensitivities should be strengthened during their pre-service and in-service education.

### C. Pre-Service and In-Service Teacher Education

Both pre-service and in-service teacher education are critical components of teaching about religions and beliefs. Comprehensive and well-supported teacher education programmes also make it more likely that successful innovations in teacher education are sustainable. The OSCE has identified the challenge of sustainability on previous occasions:

The promotion of a culture of mutual respect, understanding and equality and the pursuit of equal opportunities for effective participation in democratic societies requires a systematic, comprehensive and long-term approach.<sup>60</sup>

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<sup>60</sup> OSCE Ministerial Council Decision No.13/06, Preamble, *op. cit.* note 1.

**The REDCo Project: *Religion in Education. A contribution to dialogue or a factor of conflict in transforming societies of European countries***

<http://www.redco.uni-hamburg.de>

This three-year European research project (the first substantial study on religions and education to be funded by the European Commission) is part of the EC Framework 6 "Citizens and governance in a knowledge based society" research field.

The project's main aim is to establish and compare the potentials and limitations of religion in the educational fields of selected European countries and regions. The project aims to identify approaches and policies that can contribute to making religion in education a factor promoting dialogue in the context of European development.

Each of the ten universities is undertaking a specific study. In addition, there are a number of thematic and comparative studies, ranging from studies of the attitudes of adolescents in eight countries towards teaching about religions in schools to a study of European and national issues concerning the study of religion in schools, to comparative studies of teaching about religion in different European states.

The project's first book is *Religion and Education in Europe: Developments, Contexts and Debates*, *op.cit.* note 23.

Studies throughout OSCE participating States show that many teachers feel ill-prepared to address the cultural and religious diversity they encounter in their classrooms. They often lack the training to discuss different religions and philosophies in a fair and balanced way and do not always have an adequate understanding of how issues relating to religions and beliefs relate to human rights. Too many new teachers report that they have never taken a course that addresses such issues, and have never had direct exposure to other cultures, belief systems, or human rights principles in their apprenticeships.<sup>61</sup>

<sup>61</sup> A study in Northern Ireland, for instance, showed that only 36 per cent of those attending their final year of teacher training college felt prepared for diversity in the classroom. See Martin Hagan and Claire McGlynn, "Moving Barriers: promoting learning for diversity in initial teacher education", *Intercultural Education*, Vol. 15, No. 3, September 2004, pp. 243-252. Other studies showing this include: Maurice Craft (Ed.), *Teacher Education in*

## Needs Assessment for Teacher In-Service Training and Education

In countries such as Germany, Norway, Switzerland and Sweden, so-called “intercultural checklists” have been developed to assess specific school development needs that can be addressed through in-situ training. Assessment is the first step of an internal development process that helps to clarify a school’s further need for teacher training.

**Step 1:** Diversity questionnaires and interviews are developed that identify how individual schools address and manage diversity issues. The questionnaires are intended to provide data about the amount of diversity present in a school and identify school policy regarding heterogeneity. The questions tend to focus on demographics, degree of linguistic, cultural, religious diversity in the school, visibility of minority groups, support structures, degree of co-operation between school, parents and community, etc.

**Step 2:** Structured interviews take place with teachers, principals, students, and parents. They are analysed to gain a better understanding of variables such as degree of awareness of diversity, teacher attitudes towards cultural and religious diversity, and obstacles to diversity education. Most importantly, the interpretation of the interviews helps to clarify a school’s need for further improvement.

**Step 3:** Together, the consultants and representatives of the school define priority areas for teacher training and school development. In many instances, teaching about religions and beliefs has been identified as a priority area.

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*Plural Societies: An International Review* (London, Falmer, 1996); Larissa Vassilchenko and Karmen Trasberg, “Estonian teachers in the late 1990s: their willingness and preparedness for work in a multicultural classroom”, *Intercultural Education*, Vol. 1, No. 1, April 2000, pp. 65-78; Odet Moliner Garcia and Rafaela Garcia Lopez, “Teachers’ initial training in cultural diversity in Spain: attitudes and pedagogical strategies”, *Intercultural Education*, Vol. 16, No. 5, December 2005, pp. 433-442. One review conducted for the American Educational Research Association even suggests that pre-service teachers have negative attitudes and beliefs about other cultures, have only limited experience with them and also express hesitancy to teach in urban settings with high numbers of minority students. See Etta Hollins and Maria Torres Guzman, “Research on preparing teachers for diverse populations” in Marilyn Cochran-Smith and Kenneth M. Zeichner (Eds), *Studying Teacher Education: The Report of the AERA Panel on Research in Teacher Education* (Mahwah, NJ, Lawrence Erlbaum Associates, 2000), pp. 477-548.

**Step 4:** Teacher training takes place in the school.

**Example:** In Germany the national school development project “Learning and Living Democracy” had a special focus on diversity education. In various instances teaching about religions and beliefs was identified as a high priority—especially since the schools were coping with many questions from students and staff about Muslim traditions and the increasing visibility of Muslim places of worship in local communities.

In general, the status of teachers in classrooms gives them the potential to influence students disproportionately in discussions about issues of a personal nature, such as religion or belief. While recognizing that the expression of the personal beliefs of the teacher can promote understanding and encourage reflection, teacher education should include strategies to ensure that educators’ personal, religious or non-religious commitments do not create bias in their teaching about different religions and philosophies. In the increasingly diverse classrooms of OSCE participating States, this issue becomes more profound. Professional training can ameliorate some of these (often) unintended influences and should provide opportunities for teachers to examine their responses to beliefs and practices that are unfamiliar to them and to explore the relationship between their own beliefs and their professional responsibilities.

Given the increasingly global nature of society and the expectation that societal diversity in OSCE participating States will increase, it is critical that all future teachers of religions and beliefs and related subjects gain an understanding of key human rights issues pertaining to cultural and religious diversity. Also, since teaching about religions and beliefs is often particularly effective when it is interdisciplinary and human rights based, this should guide considerations regarding how to educate present and future teachers.<sup>62</sup> It is important for OSCE participating States to assess to what extent teacher-training colleges, universities, institutes for higher education and other institutions are preparing future teachers to work in a plural and multi-faith society as well as classrooms that reflect that diversity.

In some OSCE participating States, teachers do not participate in continuing education programmes after their initial training. Irrespective of the quality of such initial pre-service training, teachers of religions and beliefs will benefit most if they receive regular continuing support and training after they have finished their studies. Given the dynamic nature of developments that can make an impact on teaching about reli-

<sup>62</sup> See, for instance, Keast, *op. cit.* note 19.

gions and beliefs, further education is critical for all teachers who wish to remain up to date regarding new developments in this field. Trainers in pre-service and in-service training institutions should draw on the experience and materials of intergovernmental organizations and recognized NGOs to plan and support training on teaching about religions and beliefs.

Throughout schools in Europe and North America, one can witness a phenomenon, especially in urban centres, where the cultural and religious backgrounds of teachers and students do not correspond. The teaching profession is predominantly the domain of teachers who are from the majority culture and whose beliefs reflect majority viewpoints.<sup>63</sup>

Student populations, however, are becoming much more diverse. Putting policies and mechanisms in place to recruit more individuals into the teaching profession from underrepresented communities can benefit teaching about religions and beliefs but also education in general.<sup>64</sup> Once in the teaching profession, it is also important that teachers with a minority background be given the same opportunities for further training and career advancement and to participate in international exchange programmes where they can observe examples of best practice in teaching about religions and beliefs.

With the curriculum framework in mind from the previous chapter, present and future teachers should ideally:

- be capable of teaching about religions and beliefs within a human rights and critical thinking framework. Critical thinking implies that students can be critical of each other's views and opinions, yet respectful of each student's right to adhere to a belief system of his or her choice;
- have a good command of relevant subject matter;
- have pedagogical insight into how to communicate with students and how to motivate them to learn;
- gain insight in how to make learning about religions and beliefs interesting and relevant for students;

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<sup>63</sup> Thomas D. Snyder and Charlene M. Hoffman, *Digest of Education Statistics 2001* (Washington DC, National Center for Education Statistics, US Department of Education, 2002).

<sup>64</sup> Researcher Sonia Nieto reflected on the situation as follows: "There is a dire need to hire a more diverse teacher education faculty. The fact is that when you have a more diverse teacher education faculty, you also have a diversity of experiences, viewpoints, and expertise, and this enriches the climate for everybody." Sonia Nieto, "Solidarity, courage and heart: what teacher educators can learn from a new generation of teachers", *Intercultural Education*, Vol. 17, No. 5, December 2006, pp. 457-473.

- gain insight into the most effective ways of teaching about this content in a manner that is respectful and inclusive, as well as combating negative stereotypes of religions and beliefs and their adherents;
- understand the impact of religions and beliefs on society (both past and present) and culture;
- be aware of and sensitive to the religious diversity in the communities in which they teach, and be able to connect this to global trends;
- gain insight into the role of religions and beliefs in people's lives;
- receive training in the psychology of learning, developmental psychology, and how this relates to pedagogy, especially empathetic pedagogy;
- know how to create a safe learning environment where all students feel respected and comfortable expressing their opinions and beliefs, and where critical thinking does not lead to personal criticism of certain students due to their religious or non-religious beliefs or opinions;
- have insight into age-appropriate content and pedagogies;
- be aware of examples of best practice in teaching about religions and beliefs;
- gain expertise in a variety of teaching methodologies; and learn how to address any tensions that might arise in the classroom due to the content matter or the activities engaged in by the class;
- have developed skills to lead students in discussion and debate, and to present multiple perspectives on issues in a fair and balanced way; and
- gain the analytical and technical skills to research religious diversity material on the Internet, and identify appropriate, high-quality exercises and texts for their classes.

#### **D. Who Should Teach about Religions and Beliefs?**

Many OSCE participating States already have restrictions in place relating to who can teach about religions and beliefs. It is important that governments carefully examine these restrictions and assess the extent to which they are fair and conform to current accepted human rights standards.

An individual's personal religious (or non-religious) beliefs cannot be sufficient reason to exclude that person from teaching about religions and beliefs. The most important considerations in this regard relate to professional expertise, as well as to basic attitudes towards or commitment to human rights in general and freedom of religion or belief in particular, rather than religious affiliation or conviction. An understanding of empathetic education principles will also make teachers more effective when teaching about various religions and belief systems, since empathetic education attempts to arrive at a deeper understanding of others' experiences and beliefs.

## E. Staff and School Management Education

### Proposal for a European Centre for Religious Education

The Council of Europe set up a series of meetings focusing on, among other things, teaching about religions. The meetings brought together representatives of the main religions traditionally present in Europe, representatives of the authorities of the Council of Europe's member states, academics and politicians. Discussion revolved around the possibility of establishing a foundational programme for teaching about religions in all member states of the Council and the establishment of a European Centre for Religious Education focusing on human rights. These proposals were approved by the Parliamentary Assembly of the Council of Europe (see: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/EREC1720.htm>).

Specific recommendations to the Committee of Ministers have included:

- examine the possible approaches to teaching about religions at primary and secondary levels, for example through basic modules that would subsequently be adapted to different educational systems (13.1);
- promote initial and in-service teacher training in religious studies (13.2);
- envisage setting up a European teacher training institute for the comparative study of religions (13.3);
- encourage the governments of member states to ensure that religious studies are taught at the primary and secondary levels of state education (14.).

The Committee of Ministers, at a later meeting, suggested that such work might most fruitfully be based within a European interdisciplinary centre that would bring together expertise in a range of fields, including citizenship education, intercultural education, human rights education and the study of religions. A subsequent feasibility study and conference confirmed a commitment to develop such a centre (see, eg, [http://www.strasbourg-reor.org/modules.php?name=News&new\\_topic=42&file=article&sid=352](http://www.strasbourg-reor.org/modules.php?name=News&new_topic=42&file=article&sid=352)).

Discussions are now proceeding on establishing an interdisciplinary centre, with support and funding from the Norwegian authorities. It is hoped that the centre could begin its work some time in 2008, which is the Year for Intercultural Dialogue of the European Union. The centre would deal with research, information sharing and with the training of educators. The Norwegian authorities and the Council of Europe Secretariat are now working on a concept for the centre.



Since teaching about religions and beliefs is interdisciplinary by its very nature, and since the subject touches upon human nature in a profound way, it can be highly beneficial for all teachers and staff in schools to have at least a basic understanding of teaching about religions and beliefs. This includes individuals such as school heads, psychologists, social workers, and nurses. Effective teaching about religions and beliefs also benefits from a school ethos that focuses on human rights and democratic principles, intercultural respect and understanding, creating a safe learning environment for all students, and critical thinking.<sup>65</sup> The best way to accomplish these aims is to provide education and training to school staff and also to the heads of schools. The importance of boards of education, school board members, and principals in developing and maintaining a school ethos that supports intercultural and interfaith understanding and sensitivity to the local communities cannot be overstated.

#### **F. Assessment and Evaluation of Teacher Preparation**

Although it is the role of the state to develop guidelines and policies for pre-service and in-service education, with respect to teaching about religions and beliefs it can be especially informative to have the input of multiple stakeholders, such as parent associations, religion and belief communities, human rights NGOs, universities, teacher associations, and also parent groups. Local religion and belief communities can and should play a special role in providing such input. However, the development of courses on teaching about religions and beliefs should always take place according to professional standards. The same applies to the evaluation of pre-service and in-service training schemes.

#### **G. The Added Value of Co-operation and Exchange**

Co-operation and exchange across national borders can serve to improve the quality of teaching methods. In the Helsinki Final Act, the participating States were encouraged to promote exchange and experience, in particular by:

- various forms of contacts and co-operation in the different fields of pedagogical science, for example through comparative or joint studies carried out by interested institutions or through exchanges of information on the results of teaching experiments;
- intensifying exchanges of information on teaching methods used in various educational systems and on results of research into the processes by which pupils

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<sup>65</sup> See, for example, Laurie Shepherd Johnson, "The Diversity Imperative: building a culturally responsive school ethos", *Intercultural Education*, Vol. 14, No. 1, March 2003, pp. 17-30.

and students acquire knowledge, taking account of relevant experience in different types of specialized education.<sup>66</sup>

Cross-cultural exchanges on pedagogical techniques, useful practices, texts, learning exercises, and similar matters are likely to be particularly helpful in the field of teaching about religions and beliefs. Institutions that carry out the relevant teacher training should seek to develop contacts with counterparts in other countries.

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<sup>66</sup> Helsinki Final Act, Co-operation and Exchanges in the Field of Education, IV (e) *op. cit.* note 7.

## V. Respecting Rights in the Process of Implementing Programmes for Teaching about Religions and Beliefs

The preceding two chapters have addressed ways that the human rights framework described in Chapter II applies to defining the curriculum to be taught (Chapter III) and preparing those who do the teaching (Chapter IV). In this chapter, the focus is on human rights issues that arise in the process of implementing programmes for teaching about religions and beliefs once they have been developed. Some of these issues have already been touched upon, but they are addressed in greater detail here. In general, international standards recognize the need to grant administrators and teachers broad freedom of action in shaping curricular policy and training facilities, and more generally in administering educational institutions. But particularly in the sensitive domain of teaching about religions and beliefs, international standards set important limits and point toward preferred practices that go beyond legal minimums.

### A. Formulating Inclusive Implementation Policies

When working on issues related to teaching about religions and beliefs, precisely because the fundamental right to freedom of religion or belief is inevitably implicated, educational officials have special obligations to proceed with sensitivity and care. Wise officials will not only respect the applicable constitutional and human rights limitations, but will be open to input from relevant stakeholders. Once a curriculum for teaching about religions and beliefs has been designed and a school system is ready to implement it, it is likely that a variety of practical policy issues will still need to be resolved. Moreover, there are always unforeseen problems, and no matter how good the initial design, there is a need to be prepared to react to feedback and evaluations so that the programme can be improved.

Establishing advisory bodies at different levels—national, regional, and local—that can address such issues early in the implementation process can avoid numerous difficulties. Such bodies should be chosen in ways that are inclusive, assure openness and competence with respect to issues likely to arise, and create input channels for major

stakeholders. This involves taking into account the convictions, interests, and sensitivities not only of those most directly involved—the pupils, the pupils’ parents or guardians, the teacher and school administrators—but also a variety of other stakeholders, such as representatives of various religion and belief communities, parent and teacher organizations, other NGOs interested in the educational process, government officials, members of the wider community, and so forth. These bodies, as well as other relevant stakeholders, need to be given timely notice and reasonable opportunity to present their views before additional policy measures or amendments are adopted by the competent educational authorities. Inter-religious councils may play a useful role in this process, provided that they are structured in ways that assure broad representation, or provided that others not represented on such councils have alternative channels for communicating their concerns.

### **Teaching about Religions and Beliefs in California: The Modesto Experience**

Since 2000, the Modesto City school district in Modesto, California, has been engaged in a direct experiment in using the public school curriculum to promote religious freedom and mutual respect. Modesto requires all 9th grade students (14-year-olds) to take a course focused on what are described as seven major world religions or beliefs. After a discussion of the history and meaning of religious freedom during the first two weeks, students learn about Hinduism, Buddhism, Confucianism, Sikhism, Judaism, Christianity and Islam. Local religious leaders were asked to serve on an advisory group during the process of developing and implementing the course.

In 2006, the First Amendment Center, a US based NGO, published a study of the Modesto course. This study provides some empirical data about the educational effects of study about religions on student attitudes. According to the study, taking the world religions course increased student support for the rights of others. Moreover, students left the course with a greater understanding of major world religions and a fuller appreciation of the core moral values shared across traditions. At the same time, the First Amendment Center’s study found that learning about various religions did not encourage students to change their own religious convictions.

In the process of involving stakeholders, it is vital to strike an appropriate balance. A fundamental consideration is that teaching about religion should be based on sound scholarship, and not merely on what religious communities want said about them-

selves and others. Furthermore, while it is important to ensure that representatives of religious communities are allowed to give input and advice, this should not be taken to the extreme of giving them too much decision-making power at the cost of abdicating state responsibility. The European Court of Human Rights has made it clear that excessive involvement of religious authorities from one community in decisions that affect the rights of those belonging to another community may itself amount to a violation of the right to freedom of religion or belief.<sup>67</sup> On the other hand, courts have recognized that mere involvement of religious representatives in bodies formulating public educational policies does not constitute excessive entanglement of religious authorities in public decision making.<sup>68</sup>

Worries about this balance can be reduced by assuring that groups without formal representation have adequate opportunities to provide input and be heard. Inclusion of representatives of non-religious belief groups and smaller, non-traditional religious groups can allay concerns of discrimination in favour of traditional beliefs. Good faith efforts to understand concerns of affected parties can go a long way toward avoiding or minimizing problems.

### **B. Granting Reasonable Adaptations for Conscientious Claims**

As noted in Chapter II, in educational as in other contexts, freedom of religion or belief may be restricted only when the limitations in question have been “prescribed by law” and where they are strictly “necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.”<sup>69</sup> Moreover, such limitations must be proportionate to the legitimate aim pursued, and call for a strict interpretation, in parallel with the extensive interpretation required by the rights protected.

Significantly, as important as the state’s interest in promoting education is, education *per se* is not one of the permissible grounds for limiting the right to manifest one’s religion or belief. Thus, the state’s interest in carrying out its educational programme is not, in and of itself, a ground for limiting rights asserted by pupils, parents or others under international human rights provisions.

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<sup>67</sup> See *Manoussakis v. Greece* (ECtHR, App. No. 18748/91, 1996), para. 49-52.

<sup>68</sup> See, for example, *Florey v. Sioux Falls School District*, 49-5, 619 F.2d 1311 (8th Cir.), cert. denied, 449 U.S. 987 (1980); *Clever v. Cherry Hill Township Board of Education*, 838 F. Supp. 629 (D.N.J. 1993); *New York State School Boards Ass’n v. Sobol*, 591 N.E.2d 1146 (N.Y. 1992), cert. denied, 506 U.S. 909 (1992).

<sup>69</sup> ICCPR, art. 18(3), *op. cit.* note 26.

### The Culture of Religions Initiative in Bosnia and Herzegovina

“Culture of Religions” is a subject designed to teach students about the four major religions practiced in Bosnia and Herzegovina. Rather than teaching about religion from a doctrinal point of view, as in traditional religion classes for students of a particular faith, it teaches and invites all students to explore the four religions through the lenses of history, culture and society. This approach is inclusive and it serves as a confidence-building measure that seeks to advance inter-religious tolerance and understanding. Its aim is to reduce potential misunderstandings and conflicts arising from a lack of knowledge of other peoples’ faiths and cultures by providing the next generation with a basic knowledge of the culture and history of the religions of others. While implemented differently in different parts of the country, this programme could ultimately serve as an important part of the curriculum for all students.

At the same time, because of the uniqueness of the educational setting, considerable deference may be given to school officials in assessing what is necessary to further this limited set of objectives in the school context. For example, measures necessary not only to prevent actual disturbances, but more generally to maintain school decorum may be supported. While this may give education officials somewhat broader discretion than government officials would have in other contexts, it remains the case that any measures limiting freedom of religion or belief “must be directly related and proportionate to the specific need on which they are predicated.”<sup>70</sup>

Where educational authorities impose requirements that limit manifestations of religion, they need either to justify the limitation under this test, or to accommodate the religious practice in question. Accordingly, failure to find reasonable adaptations of policies in response to distinctive religious needs can easily become a reason why a particular educational policy or practice violates freedom of religion or belief rights. If such an adaptation is feasible but not approved, the policy in question is not strictly necessary, and is therefore not justified under international limitations clauses.

<sup>70</sup> General Comment No. 22 (48), para. 8, *op. cit.* note 29.

**Accommodating Religious Beliefs in Canada: *Multani v. Commission scolaire Marguerite-Bourgeoys and Attorney General of Quebec*  
Supreme Court of Canada, 2006**

A Canadian Sikh youth and his father (the Multanis) brought suit to challenge a ban on bringing dangerous objects to school. The ban interfered with concededly sincere beliefs requiring a metal kirpan to be worn at all times. A kirpan, which resembles a dagger, is an important religious symbol for orthodox Sikhs. A reasonable accommodation initially proposed by school board personnel and acceptable to the Multanis was available, according to which the son could wear a kirpan if it was sealed and sewn up inside his clothing. Ultimately, however, the local school board's council of commissioners rejected this solution.

Appeals eventually reached the Supreme Court of Canada, which held that the commissioners' decision to reject the accommodation was unconstitutional. In the Court's view, the fact that the policy forced the son to transfer to a private school deprived him of his right to attend a public school and violated his freedom of religion. The Court acknowledged that ensuring a reasonable level of school safety constituted a pressing and substantial social need, and that there was a rational relationship between the board's policy and pursuing this policy. It ultimately concluded, however, that the policy could not be justified as being proportional to the right protected.

The primary reason was that the policy could not be said to "minimally impair the right or freedom that has been infringed." An absolute prohibition was not necessary, as demonstrated by the reasonableness of the rejected accommodation. There was no evidence that the son had behavioural problems that might lead him to pose a risk of violence, and the risk of another student wrestling the kirpan away from him (restraining him, searching through his clothing, removing the sheath, and unstitching or tearing it open to get at the kirpan) was remote. Indeed, the record showed no incident of kirpans being used violently in Canadian schools in over 100 years and there was no evidence of a real risk of significant harm.

The Court also rejected the argument that "the presence of kirpans in schools will contribute to poisoning of the school environment" because it is a "symbol of violence" and "sends the message that using force is the way to assert rights and resolve conflict." In contrast, it held that "Not only is this assertion

contradicted by the evidence regarding the symbolic nature of the kirpan, it is also disrespectful to believers in the Sikh religion and does not take into account Canadian values based on multiculturalism... If some students consider it unfair that [a Sikh] may wear his kirpan to school while they are not allowed to have knives in their possession, it is incumbent on the schools to discharge their obligation to instil in their students this value that is ... at the very foundation of our democracy."

The Court accordingly concluded: "A total prohibition against wearing a kirpan to school undermines the value of this religious symbol and sends students the message that some religious practices do not merit the same protection as others. On the other hand, accommodating ... [the wearing of the] kirpan under certain conditions demonstrates the importance that our society attaches to protecting freedom of religion and to showing respect for its minorities. The deleterious effects of a total prohibition thus outweigh its salutary effects."

As a practical matter, religious communities or believers needing such adaptations are often in the best position to suggest how such distinctive treatment may be structured. They may have practical experience based on resolutions of their needs that have proved themselves in other settings. Their suggestions may or may not be accepted by the teacher or other educational officials, but they no doubt constitute a useful starting point. Those seeking distinctive treatment should have some obligation to help mitigate, offset or compensate for the associated burdens that may result for others.

### C. State Neutrality and Opt-Out Rights

#### *State Competences on Education vis-à-vis the Rights of Parents*

Under international standards, states have considerable latitude with respect to providing religious education but may not seek to indoctrinate pupils in a particular worldview through the educational system against the wishes of the pupils' parents. The European Court of Human Rights has made clear that:

the State, in fulfilling the functions assumed by it in regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner. The State is forbidden to pursue an aim of indoctrination that might be considered as



not respecting parents' religious and philosophical convictions. That is the limit that must not be exceeded.<sup>71</sup>

The state may satisfy this duty of neutrality either by designing a curriculum that is itself sufficiently impartial and balanced, or, in those instances in which the state provides instruction in a particular religion or belief, by granting rights to opt out on the ground of conscientious objection. This right must be realizable in practice, and not a mere theoretical possibility. Moreover, the requisite neutrality would be compromised if pupils were subjected to any disadvantage, discrimination or stigma on account of the exercise of this right to be exempted from such classes, or elements of classes.

Whenever states provide for the teachings of religions or beliefs they are required to allow those who object to participating in this instruction on a conscientious basis to be exempted from it. As noted in Chapter II, the UN Human Rights Committee has affirmed that public education that includes instruction in a particular religion or belief can be consistent with international human rights law on the condition that "provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians."<sup>72</sup> This requirement can be met either by exempting individual students from a course requirement, or by making the course itself optional.

Where teaching *about* religions or beliefs is involved, the situation is more complex. Such teaching, when provided in an appropriate manner, is permissible under international human rights instruments, even when it is compulsory. The UN Human Rights Committee has interpreted Article 18 of ICCPR to permit "public school instruction in subjects such as the general history of religions and ethics if it is given in a neutral and objective way."<sup>73</sup> Even strongly separationist jurisdictions such as the United States allow such instruction, so long as the relevant teaching is "presented objectively as part of a secular program of education."<sup>74</sup>

In a strict sense, no course—whether on religion or on any other subject—is absolutely neutral or objective; rather there is in fact a spectrum of possibilities. The more religiously doctrinal or philosophically oriented the subject and teaching context, the more possibilities there are for conflict with the right of parents or guardians to have their children educated in accordance with their philosophical or religious convictions, and the greater the likelihood is that some type of opt-out provision would be appropriate.

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<sup>71</sup> See *Folgerø v. Norway* (ECtHR, App. No. 15472/02, 29 June 2007), para. 84(h).

<sup>72</sup> General Comment No. 22, para. 6, *op. cit.* note 29.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Abington Sch. Dist. v. Shempp*, 374 U.S. 203, 300-301 (1961) (Brennan, J., concurring).

In short, the basic principle under international standards appears to be that teaching about religions and beliefs is permissible even if it is compulsory, so long as it is given “in a neutral and objective way.” Moreover, non-neutral religious instruction is permissible if there are adequate opt-out provisions. The difficult questions, of course, are when is instruction sufficiently “neutral”, when are opt-out provisions adequate or necessary, and how should the opt-out requirements be structured.

### *Differing Opt-Out Settings*

When analysing these issues, it is helpful to reflect on the types of situations in which exemptions are sought from being required to participate in various parts of the curriculum. Where programmes for teaching about religions and beliefs are well-designed, and are clearly not aimed at supporting any particular religious or non-religious understanding of the world, the need for opt-outs may be minimal or non-existent. As teaching about religions or beliefs goes forward, dialogue and learning about the basic concerns of others may reduce or even eliminate the need for opt-out arrangements, either as a result of building of consensus supporting the teaching or through identification of adaptations that are acceptable to all involved. However, regardless how objective and unoffending state officials may think their programme is, parents and children with diverse religious and non-religious beliefs may see things differently. While many will appreciate the influence that teaching about religions and beliefs may have on their children, others may experience the opposite reaction, for a number of reasons. Two different types of situation are worth noting.

First, there are likely to be some cases in which parents identify problems that school officials have not foreseen. Various kinds of malfeasance may be occurring that have not come to the attention of the officials. The content of the curriculum may have a proselytizing or indoctrinating character that was not envisioned or anticipated, or it may be offensive or misleading in ways that only believers in a particular tradition would recognize. The teacher responsible for providing the instruction may not be sufficiently sensitive. The appropriate reaction in these and many other similar cases would be to solve the problem through dialogue, discussion, and revision of the programme and its implementation. In this situation, an opt-out right may not be necessary in the long run, but it should be available as a safety valve, and it may be necessary for an extended period, pending resolution of the problem.

### ***Folgerø v. Norway and Leirvåg v. Norway***

Norway introduced a mandatory course on “Christian Knowledge and Religious and Ethical Education” in 1997. This was challenged by humanist parents and children in actions that led to claims before both the UN Human Rights Committee and the European Court of Human Rights. The course in question was designed to provide a general introduction to Christianity, as well as an introduction to other major world religions and outlooks, including non-religious life stances. Because state officials hoped to promote dialogue among pupils from various faiths, and because they believed everyone should at least have basic knowledge about the religions covered in the course, a complete exemption from taking the course was not allowed. Ultimately, both tribunals concluded that the course as implemented was not neutral enough, and that the partial opt-out scheme established by Norway was insufficient to avoid violations of the human rights claims of the claimants. Extracts from the relevant decisions are included in Appendix III.

Second, some parents may have religious or non-religious beliefs that lead them to object to exposing their children to alternative interpretations of reality. For example, teaching about religions and beliefs may be perceived as indoctrination in relativism or secularism by some religious believers, or as indoctrination in religion by some humanists. Both groups may strongly object to certain types of teaching about religion. This may appear unfortunate or misguided to the contemporary educator, but international standards clearly exclude “any discretion on the part of the state [including education officials] to determine whether religious beliefs or the means used to express such beliefs are legitimate.”<sup>75</sup> Accordingly, conscientious objection to particular instances of teaching about religions and beliefs is precisely what the right to freedom of religion or belief (and the parallel right of parents to raise their children in accordance with those beliefs) is intended to protect.

Note that in both of the foregoing situations, a dialogue process is valuable for determining whether an opt-out is really needed, and if so, what its scope should be. It may also help determine whether a programme for teaching about religions and beliefs needs revision or greater sensitivity to different belief perspectives. The dialogue process itself, even if it does not lead to full conciliation, is a means of showing respect for alternative views.

<sup>75</sup> *Moscow Branch of the Salvation Army v. Russia* (ECtHR, App. No. 72881/01, 5 October 2006), para. 92.

But in the second situation, while dialogue may be helpful, it may not yield compromises. If there are a large number of conscientious objectors to the programme, it is normally a sign that there may be fundamental problems in the design or the implementation of the programme on teaching about religions and beliefs. If there are only a relatively small number, the programme is more likely to be sound, but there may be some who remain unsatisfied. The difficult question is how to address such cases.

Precisely this type of issue has been faced by both the UN Human Rights Committee and the European Court of Human Rights as a result of humanist challenges to a compulsory subject on Christianity, Religion and Philosophy implemented in Norway<sup>76</sup> and Alevi challenges to a compulsory course on religious culture and ethics classes in Turkey.<sup>77</sup>

What emerges from these and other cases are the following general principles. Where compulsory courses involving teaching about religions and beliefs are sufficiently neutral and objective, mandatory participation in such courses as such does not violate the freedom of religion or belief (although states are, of course, free to allow partial or total opt-outs in these settings). Accordingly, when states have developed genuinely balanced and impartial teaching about religions and beliefs, they have flexibility to require all students to participate in the relevant course or programme, except where this would be inconsistent with international standards—i.e., when this would result in the imposition of limitations on the right to freedom of religion or belief that are not necessary in a democratic society for the protection of health, safety, public order, morals, and the fundamental rights of third parties. In other words, conscientious objections in this area must be treated with the same high degree of sensitivity, care and fairness as objections to any other school subject. On the other hand, where a compulsory programme is not sufficiently objective, recognizing appropriate opt-out rights may be a satisfactory solution for parents and pupils, unless or until the neutrality of the system is properly achieved. Indeed, states may conclude that there is some advantage in allowing sensitive opt-out rights, since this will make it more likely that the course will meet international standards, and it is often difficult for administrators to determine in advance and in the abstract whether a course or other teaching about religions and beliefs is sufficiently impartial and objective.

The same basic considerations need to apply to conscientious objections to materials or aspects of other courses—such as history, literature, music, philosophy, etc.—that

<sup>76</sup> *Folgerø v. Norway*, *op. cit.* note 71; *Leirvåg v. Norway* (UN Human Rights Committee, CCPR/C/82/D/1155/2003, Communication No. 1155/2003, 23 November 2004), available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/6187ce3dc0091758c1256f7000526973?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6187ce3dc0091758c1256f7000526973?Opendocument).

<sup>77</sup> *Zengin v. Turkey* (ECtHR, App. No. 1448/04, 9 October 2007).

include some sort of teaching about religions and beliefs. Opt-out rights should be granted on essentially the same grounds that are given for courses as a whole, after taking into account the differing nature and scope of adaptations or exemptions that may be needed. This is an area in which inclusive advisory bodies can help identify sensitive issues, and recommend how they may best be addressed.

### *Structuring Opt-Out Arrangements*

Once the decision is made that an opt-out is the adequate way to protect the right to freedom of religion or belief for a particular pupil, consideration needs to be given as to how the opt-out should be structured. An approach needs to be found that does not stigmatize or discriminate against the student. For example, an opt-out that sends pupils to the same room that others are sent to as a punishment sends the wrong signal. On the contrary, allowing the pupil to be doing something meaningful and productive while opting out would be a positive alternative. Care should be taken to avoid having the fact that the pupil is not participating become a basis for exclusionary or discriminatory behaviour by other students. It may be very difficult to avoid subtle and not-so-subtle forms of discrimination that flow from being branded as “different.”

The following factors have been identified as having a bearing on whether the opt-out scheme adequately insulates pupils from non-neutral aspects of a particular programme: a threshold issue is that, as a subjective matter, the exemption scheme should address the problem, as far as possible, in a satisfactory way from the perspective of the parents and the pupils. Second, the exemption scheme needs to be workable both from the perspective of the parents and the teachers, avoiding unnecessary complexities. Third, the operation of the exemption scheme should not lead to adverse consequences for the pupil involved or be experienced as discrimination by the student.<sup>78</sup> Fourth, once exemptions are granted, alternative and appropriate learning opportunities should be available. Finally, while a party claiming an exemption needs to be able to demonstrate entitlement to it, care should be taken to avoid compelling disclosures of intimate matters of personal belief in insensitive ways in order to obtain the exemption.<sup>79</sup>

### **D. Addressing Actual and Potential Problems Linked to Religions or Beliefs**

Neutrality towards religion or belief means that the state may not be hostile toward religions or beliefs and must maintain an objective stance. However, objectivity sometimes requires raising issues about the negative role that members of religious or belief communities may have played at certain moments in history. The challenge here is to

<sup>78</sup> *Ibid.*, para. 45 (14.6).

<sup>79</sup> *Ibid.*, para. 98.

develop critical awareness, and to open possibilities for identifying and discussing certain problematic aspects of religion or belief, while adopting a neutral perspective based upon objective and well-confirmed data, and avoiding any endeavour to influence the religious or belief choices of students. This is compatible with the need to help students become aware of patterns of behaviour that can lead to intolerance, conflict, and even violence.

A different issue may arise in contexts where religious or belief groups adopt critical stances toward government or legislative policies. It is important to recognize that, as a consequence of the right to freedom of religion or belief, neither individuals nor religious communities are obligated to accept policies or beliefs that are endorsed by current political regimes or by prevailing intellectual trends. Ways need to be found for those with deeply differing beliefs to live together.

### **E. Implicit Teaching about Religions and Beliefs**

Teaching about religions and beliefs occurs not only in the course of teaching subjects spelled out in the curriculum, but also in a number of other contexts in which teachers and other school officials react to legitimate religious needs of students. Respect for freedom of religion or belief is taught not only by curricular offerings, but often even more importantly by example. Thus, every time school personnel accommodate or reject a sincere conscientious claim, they send a signal that may build or undermine the culture of tolerance and mutual respect in the school environment. All school personnel need to be sensitized to legitimate claims based on the freedom of religion or belief in order to reduce the likelihood that they will respond insensitively to such claims. Often, by interacting with parents and pupils in open and sensitive ways, and by doing more than minimum standards require, they can make major contributions to strengthening the school's implicit teaching of respect for differences of religion and belief.

While many examples could be given, issues concerning religious symbols, religious attire and religious holidays stand out. These are complicated issues, which deserve a more detailed examination and which are beyond the scope of the present document. Different countries have developed different policies with respect to such issues. Policies and administrative practices that find ways to adapt to these religious needs help exemplify a culture of respect. For example, teachers can often take advantage of holiday periods to teach about religions in culturally sensitive ways. They need to be careful to make the distinction between teaching about the holiday, and actually celebrating the holiday, or using it as an opportunity to proselytize or otherwise impose their personal beliefs. Drawing appropriate lines can be more difficult when music, drama or other programmes put on performances during holiday seasons. Programmes that involve a variety of selections and are not primarily of a devotional or religious nature help

respect the line between acknowledgement of cultural realities and imposition of religious values. In general, teachers and administrators should strive to act in ways that communicate respect and encourage inclusion of all in society at large.

The point with these and many similar issues is that some of the most effective teaching about religion occurs in the context of responding to legitimate religious requests. These can pose a challenge, but they also pose major opportunities for fostering a climate of mutual respect and understanding.

## VI. Conclusions and Recommendations

Teaching about religions and beliefs may be adapted to take into account the needs of different national and local school systems and traditions. The following conclusions are supported by a growing consensus among lawyers and educators and should be taken into consideration by all OSCE participating States when devising schemes for teaching about religions and beliefs.

### Conclusions

1. Knowledge about religions and beliefs can reinforce appreciation of the importance of respect for everyone's right to freedom of religion or belief, foster democratic citizenship, promote understanding of societal diversity and, at the same time, enhance social cohesion.
2. Knowledge about religions and beliefs has the valuable potential of reducing conflicts that are based on lack of understanding for others' beliefs and of encouraging respect for their rights.
3. Knowledge about religions and beliefs is an essential part of a quality education. It is required to understand much of history, literature, and art, and can be helpful in broadening one's cultural horizons and in deepening one's insight into the complexities of past and present.
4. Teaching about religions and beliefs is most effective when combined with efforts to instil respect for the rights of others, even when there is disagreement about religions or beliefs. The right to freedom of religion or belief is a universal right and carries with it an obligation to protect the rights of others, including respect for the dignity of all human beings.



5. An individual's personal religious (or non-religious) beliefs do not provide sufficient reason to exclude that person from teaching about religions and beliefs. The most important considerations in this regard relate to professional expertise, as well as to basic attitudes towards or commitment to human rights in general and freedom of religion or belief in particular.
6. Reasonable adaptations of policies in response to distinctive religious needs may be required to avoid violation of rights to freedom of religion or belief. Even when not strictly required as a matter of law, such adaptations and flexibility contribute to the building of a climate of tolerance and mutual respect.
7. Where compulsory courses involving teaching about religions and beliefs are sufficiently neutral and objective, requiring participation in such courses as such does not violate the freedom of religion or belief (although states are free to allow partial or total opt-outs in these settings).

## **Recommendations**

It is recommended that the OSCE participating States:

1. Disseminate these Guiding Principles among teachers, school administrative staff, students associations, parents' organizations, education policy makers, and all parties that could be interested in teaching about religions and beliefs, and draw upon these Principles when such teaching is developed or implemented.
2. Apply, when developing and implementing these programmes, the relevant standards and consider recommendations of international organizations, including the Council of Europe Parliamentary Assembly's recommendations 1202 [1993] on religious tolerance in a democratic society, 1396 [1999] on religion and democracy, and 1720 [2005] on education and religion.
3. Evaluate existing curricula being used in public schools that touch upon teaching about religions and beliefs with a view to determining whether they promote respect for freedom of religion or belief and whether they are impartial, balanced, inclusive, age appropriate, free of bias and meet professional standards.
4. Assess the process that leads to the development of curricula on teaching about religions and beliefs to make sure that this process is sensitive to the needs of various religious and belief communities and that all relevant stakeholders have an opportunity to have their voices heard.

5. Examine to what extent existing teacher-training institutions are capable of providing the necessary professional training for teaching about religions and beliefs in a way that promotes respect for human rights and, in particular, for freedom of religion or belief.
6. Determine the extent to which teacher-training institutions provide sufficient knowledge of human rights issues, an understanding of the diversity of religious and non-religious views in society, a firm grasp of various teaching methodologies (with particular attention to those founded on an intercultural approach) and significant insight into ways that one can teach about religions and beliefs in a respectful, impartial and professional way.
7. Facilitate the organization of processes that provide input to authors, editors and publishers who publish textbooks devoted to teaching about religions and beliefs so that they can be optimally respectful of the Toledo Guiding Principles.
8. Take advantage of the expertise of the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief when they develop or implement curricula to teach about religions and beliefs or when they establish or assess teacher-training institutions and programmes.

## APPENDIX I

# Selected OSCE Human Dimension Commitments Related to Freedom of Religion or Belief and Tolerance and Non-Discrimination<sup>80</sup>

### Freedom of Thought, Conscience, Religion, or Belief

**Helsinki 1975** (Questions Relating to Security in Europe: 1.(a) Declaration on Principles Guiding Relations between Participating States—Principle VII)

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

**Helsinki 1975** (Co-operation in Humanitarian and Other Fields)

[The participating States] confirm that religious faiths, institutions and organizations, practising within the constitutional framework of the participating States, and their representatives can, in the field of their activities, have contacts and meetings among themselves and exchange information.

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<sup>80</sup> An updated list of extracts from *OSCE Human Dimension Commitments*, Vol. I, Thematic Compilation (Warsaw, ODIHR, 2005).

**Madrid 1983** (Questions Relating to Security in Europe: Principles)

The participating States (...) furthermore agree to take the action necessary to ensure the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

In this context, they will consult, whenever necessary, the religious faiths, institutions and organizations, which act within the constitutional framework of their respective countries.

They will favourably consider applications by religious communities of believers practising or prepared to practise their faith within the constitutional framework of their States, to be granted the status provided for in their respective countries for religious faiths, institutions and organizations.

**Vienna 1989** (Questions Relating to Security in Europe: Principles)

(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, inter alia,

(16.1) – take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;

(16.2) – foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;

(16.3) – grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries;

(16.4) – respect the right of these religious communities to

- establish and maintain freely accessible places of worship or assembly,
- organize themselves according to their own hierarchical and institutional structure,
- select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State,
- solicit and receive voluntary financial and other contributions;

(16.5) – engage in consultations with religious faiths, institutions and organizations in order to achieve a better understanding of the requirements of religious freedom;

(16.6) – respect the right of everyone to give and receive religious education in the language of his choice, whether individually or in association with others;

(16.7) – in this context respect, inter alia, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;

(16.8) – allow the training of religious personnel in appropriate institutions;

(16.9) – respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,

(16.10) – allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(16.11) – favourably consider the interest of religious communities to participate in public dialogue, including through the mass media.

(17) The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief.

(...)

(32) They will allow believers, religious faiths and their representatives, in groups or on an individual basis, to establish and maintain direct personal contacts and communication with each other, in their own and other countries, inter alia through travel, pilgrimages and participation in assemblies and other religious events. In this context and commensurate with such contacts and events, those concerned will be allowed to acquire, receive and carry with them religious publications and objects related to the practice of their religion or belief.

### **Copenhagen 1990**

The participating States reaffirm that

(9.4) – everyone will have the right to freedom of thought, conscience and religion. This right includes freedom to change one’s religion or belief and freedom to manifest one’s religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards;

(...)

(32) (...) Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. In particular, they have the right

(...)

(32.3) – to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;

#### **Budapest 1994** (Decisions: VIII. The Human Dimension)

27. Reaffirming their commitment to ensure freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers, they expressed their concern about the exploitation of religion for aggressive nationalist ends.

#### **Maastricht 2003** (Decisions: Decision No. 4/03 on Tolerance and Non-discrimination)

9. Affirms the importance of freedom of thought, conscience, religion or belief, and condemns all discrimination and violence, including against any religious group or individual believer. Commits to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, where necessary through transparent and non-discriminatory laws, regulations, practices and policies.

Encourages the participating States to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief. Emphasizes the importance of a continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding.

**Ljubljana 2005** (Decision No. 10/5 Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

Tasks the ODIHR:

Through its Advisory Panel of Experts on Freedom of Religion or Belief, to continue providing support to the participating States, upon their request, in their efforts to promote freedom of religion or belief, and to share the Panel's conclusions and opinions with OSCE participating States, both bilaterally and at relevant OSCE conferences and events;

**Brussels 2006** (Decision No. 13/06 Combating Tolerance and Non-Discrimination and Promoting Mutual Respect and Understanding)

14. Encourages the Office for Democratic Institutions and Human Rights (ODIHR), based on existing commitments, including through co-operation with relevant OSCE executive structures: (...)

(b) To further strengthen the work of the ODIHR's Advisory Panel of Experts on Freedom of Religion or Belief in providing support and expert assistance to participating States

### Tolerance and Non-Discrimination

**Porto 2002** (Decision No. 6 on Tolerance and Non-discrimination)

The Ministerial Council,

(...) Reiterating that democracy and protection of human rights and fundamental freedoms are essential safeguards of tolerance and non-discrimination and constitute important factors for stability, security, co-operation and peaceful development throughout the entire OSCE region, and that conversely tolerance and non-discrimination are important elements in the promotion of human rights,

Recalling the continuing work of the OSCE structures and institutions in the field of promoting human rights, tolerance, non-discrimination and multiculturalism, in particular by the human dimension meetings and activities, projects and programmes including those of participating States,

Stressing the positive role of multicultural and inter-religious dialogue in creating better understanding among nations and peoples,

Noting that promoting tolerance and non-discrimination can also contribute to eliminating the basis for hate speech and aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism,

Recognizing the responsibility of participating States for promoting tolerance and non-discrimination,

(...)

1. (...) (b) Undertakes to further promote multicultural, interethnic and inter-religious dialogue in which governments and civil society will be encouraged to participate actively;

(...)

2. Decides to intensify efforts to maintain and strengthen tolerance and non-discrimination, with the assistance of OSCE institutions and in co-operation with relevant international organizations and civil society, by such means as the exchanges of information and best practice;

(...)

4. Commits to take appropriate measures, in conformity with respective constitutional systems, at national, regional and local levels to promote tolerance and non-discrimination as well as to counter prejudices and misrepresentation, particularly in the field of education, culture and information;

**Maastricht 2003** (OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century)

40. The OSCE's efforts will in particular be targeted at the younger generation in order to build up their understanding of the need for tolerance and the importance of reconciliation and peaceful coexistence. Their outlook and perspective on the future are key.

Where appropriate, the OSCE will therefore take on a stronger role in the field of education. An area such as human rights education would deserve particular attention.



**Sofia 2004** (Decisions: Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 607: Combating Anti-Semitism)

The Permanent Council,

(...)

In order to reinforce our common efforts to combat anti-Semitism across the OSCE region

Decides,

1. The participating States commit to:
  - Promote, as appropriate, educational programmes for combating anti-Semitism;
  - Promote remembrance of and, as appropriate, education about the tragedy of the Holocaust, and the importance of respect for all ethnic and religious groups;

**Sofia 2004** (Decisions: Annex to Decision No. 12/04 on Tolerance and Non-discrimination; Permanent Council Decision No. 621: Tolerance and the Fight against Racism, Xenophobia and Discrimination)

1. The participating States commit to:
  - (...)
  - Promote and enhance, as appropriate, educational programmes for fostering tolerance and combating racism, xenophobia and discrimination;
  - Promote and facilitate open and transparent interfaith and intercultural dialogue and partnerships towards tolerance, respect and mutual understanding
  - Encourage the promotion of tolerance, dialogue, respect and mutual understanding through the Media, including the Internet.

**Ljubljana 2005** (Decision No. 10/5 Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding)

1. The participating States commit to:
  - (...)
  - Encourage public and private educational programmes that promote tolerance and non-discrimination, and raise public awareness of the existence and the unacceptability of intolerance and discrimination, and in this regard, to consider drawing on ODIHR expertise and assistance in order to develop methods and curricula for tolerance education in general, including:

- Fighting racial prejudice and hatred, xenophobia and discrimination;
- Education on and remembrance of the Holocaust, as well as other genocides, recognized as such in accordance with the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and crimes against humanity;
- Education on anti-Semitism in order to ensure a systematic approach to education, including curricula related to contemporary forms of anti-Semitism in participating States;
- Fighting prejudice, intolerance and discrimination against Christians, Muslims and members of other religions.

**Brussels 2006** (Decision 13/06 on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding)

5. Calls upon the participating States to address the root causes of intolerance and discrimination by encouraging the development of comprehensive domestic education policies and strategies as well as through increased awareness-raising measures that:
  - Promote a greater understanding of and respect for different cultures, ethnicities, religions or beliefs;

(...)

14. Encourages the Office for Democratic Institutions and Human Rights (ODIHR), based on existing commitments, including through co-operation with relevant OSCE executive structures:
  - (a) To further strengthen the work of its Tolerance and Non-Discrimination Programme, in particular its assistance programmes, in order to assist participating States upon their request in implementing their commitments;

## APPENDIX II

### Recommendation N. 1720 on Religion and Education of the Council of Europe Parliamentary Assembly 4 October 2005

Recommendation 1720 (2005)<sup>1</sup>

Education and religion

1. The Parliamentary Assembly forcefully reaffirms that each person's religion, including the option of having no religion, is a strictly personal matter. However, this is not inconsistent with the view that a good general knowledge of religions and the resulting sense of tolerance are essential to the exercise of democratic citizenship.
2. In its Recommendation 1396 (1999) on religion and democracy, the Assembly asserted: "There is a religious aspect to many of the problems that contemporary society faces, such as intolerant fundamentalist movements and terrorist acts, racism and xenophobia, and ethnic conflicts."
3. The family has a paramount role in the upbringing of children, including in the choice of a religious upbringing. However, knowledge of religions is dying out in many families. More and more young people lack the necessary bearings fully to apprehend the societies in which they live and others with which they are confronted.
4. The media—printed and audiovisual—can have a highly positive informative role. Some, however, especially among those aimed at the wider public, very often display a regrettable ignorance of religions, as shown for instance by the frequent

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<sup>1</sup> Assembly debate on 4 October 2005 (27th Sitting) (see Doc. 10673, report of the Committee on Culture, Science and Education, rapporteur: Mr Schneider), Text adopted by the Assembly on 4 October 2005 (27th Sitting).

unwarranted parallels drawn between Islam and certain fundamentalist and radical movements.

5. Politics and religion should be kept apart. However, democracy and religion should not be incompatible. In fact they should be valid partners in efforts for the common good. By tackling societal problems, the public authorities can eliminate many of the situations which can lead to religious extremism.
6. Education is essential for combating ignorance, stereotypes and misunderstanding of religions. Governments should also do more to guarantee freedom of conscience and of religious expression, to foster education on religions, to encourage dialogue with and between religions and to promote the cultural and social expression of religions.
7. School is a major component of education, of forming a critical spirit in future citizens and therefore of intercultural dialogue. It lays the foundations for tolerant behaviour, founded on respect for the dignity of each human being. By teaching children the history and philosophy of the main religions with restraint and objectivity and with respect for the values of the European Convention on Human Rights, it will effectively combat fanaticism. Understanding the history of political conflicts in the name of religion is essential.
8. Knowledge of religions is an integral part of knowledge of the history of mankind and civilisations. It is altogether distinct from belief in a specific religion and its observance. Even countries where one religion predominates should teach about the origins of all religions rather than favour a single one or encourage proselytising.
9. In Europe, there are various concurrent situations. Education systems generally—and especially the state schools in so-called secular countries—are not devoting enough resources to teaching about religions, or—particularly in countries where there is a state religion and in denominational schools—are focusing on only one religion. Some countries have prohibited the carrying or wearing of religious symbols in schools. These provisions have been judged as complying with the European Convention on Human Rights.
10. Unfortunately, all over Europe there is a shortage of teachers qualified to give comparative instruction in the different religions, so a European teacher training institute for that needs to be set up (at least for teacher trainers), which could benefit from the experience of a number of institutes and faculties in the different member countries that have long been researching and teaching the subject of comparative religion.

11. The Council of Europe assigns a key role to education in the construction of a democratic society, but study of religions in schools has not yet received special attention.
12. The Assembly observes moreover that the three monotheistic religions of the Book have common origins (Abraham) and share many values with other religions, and that the values upheld by the Council of Europe stem from these values.
13. Accordingly, the Assembly recommends that the Committee of Ministers:
  - 13.1. examine the possible approaches to teaching about religions at primary and secondary levels, for example through basic modules which would subsequently be adapted to the various educational systems;
  - 13.2. promote initial and in-service teacher training in religious studies respecting the principles set out in the previous paragraphs;
  - 13.3. envisage setting up a European teacher training institute for the comparative study of religions.
14. The Assembly also recommends that the Committee of Ministers encourage the governments of member States to ensure that religious studies are taught at the primary and secondary levels of state education, on the basis of the following criteria in particular:
  - 14.1. the aim of this education should be to make pupils discover the religions practised in their own and neighbouring countries, to make them perceive that everyone has the same right to believe that their religion is the "true faith" and that other people are not different human beings through having a different religion or not having a religion at all;
  - 14.2. it should include, with complete impartiality, the history of the main religions, as well as the option of having no religion;
  - 14.3. it should provide young people with educational tools that enable them to be quite secure in approaching supporters of a fanatical religious practice;
  - 14.4. it must not overstep the borderline between the realms of culture and worship, even where a country with a state religion is concerned. It is not a matter of instilling a faith but of making young people understand why religions are sources of faith for millions;

- 14.5. teachers on religions need to have specific training. They should be teachers of a cultural or literary discipline. However, specialists in another discipline could be made responsible for this education;
- 14.6. the state authorities should look after teacher training and lay down the syllabuses which should be adapted to each country's peculiarities and to the pupils' ages. In devising these programmes, the Council of Europe will consult all partners concerned, including representatives of the religious faiths.

## APPENDIX III

# Cases Before the United Nations Human Rights Committee and Before the European Court of Human Rights

### Factual and Procedural Background

Three important cases involving teaching about religions and beliefs have been decided at the international level in the period leading up to the issuance of these Guiding Principles—two from Norway<sup>81</sup> and one from Turkey.<sup>82</sup> Both Norwegian cases arose from the same basic factual situation. They involve respectively applications to the UN Human Rights Committee and the European Court of Human Rights claiming that a mandatory subject in the Norwegian school system entitled Christian Knowledge and Religious Ethical Education (CKREE or KRL) violated freedom of religion or belief and the right of parents to ensure that education is provided in conformity with their own religious and philosophical convictions. All applicants, consisting initially of the Norwegian Humanist Association and eight sets of parents, who were members of the Association and whose children attended primary school, joined together in exhausting their remedies within the Norwegian system. This culminated in a decision of the Norwegian Supreme Court, which rejected claims that refusal to grant exemptions from participation in the CKREE violated the parents' and the children's rights under international human rights provisions protecting freedom of religion or belief,<sup>83</sup> parental rights to raise their children in accordance with their beliefs,<sup>84</sup> and non-discrimination rights.<sup>85</sup>

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<sup>81</sup> *Leirvåg v. Norway*, UN Human Rights Committee, CCPR/C/82/D/1155/2003, Communication No. 1155/2003, 23 November 2004, available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/6187ce3dc0091758c1256f7000526973?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6187ce3dc0091758c1256f7000526973?Opendocument), and *Folgerø v. Norway*, ECtHR, App. No. 15472/02, 29 June 2007.

<sup>82</sup> *Zengin v. Turkey*, (ECtHR, App. No. 1448/04, 9 October 2007).

<sup>83</sup> ICCPR, art. 18, *op. cit.*, note 26; ECHR, art. 9, *op. cit.* note 15.

<sup>84</sup> International Covenant on Economic, Social and Cultural Rights, adopted and opened for signature by the General Assembly, on 16 December 1966, GA Res. 2200A (XXI), 1 UN GAOR Supp. (No. 16) at 49, UN Doc. A/6316 (1966), 993 UNTS 3, entered into force Jan. 3, 1976, art. 13(3), available at [http://www.unhchr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm); ICCPR, art. 18(4), *op. cit.* note 26; ECHR Protocol No. 1, art. 2, *op. cit.* note 38.

<sup>85</sup> ICCPR, art. 26, *op. cit.* note 26; ECHR, art. 14, *op. cit.* note 15.

Thereafter, some of the claimants submitted an application to the UN Human Rights Committee, and others turned to the European Court of Human Rights.<sup>86</sup> Because the European Court held that the claims of the children were inadmissible due to non-exhaustion of their remedies,<sup>87</sup> it limited its analysis solely to the claims of the parents under Article 2 of ECHR Protocol No. 1, noting that this was in any event *lex specialis* in the area of education, and that the parents' complaints thus fall "most suitably to be examined" under this provision.<sup>88</sup> For this reason, the UN Human Rights Committee's communication on the matter contains a fuller version of the facts as to the children, which will be included here.

In the Turkish case, a father and daughter sought an exemption from a compulsory course in religious culture and ethics, which they claimed was incompatible both with the right to freedom of religion or belief, parental rights to guide the education of their children and with the principle of secularism under the Turkish constitution. The Minister of Education opposed grant of the exception, contending that "... today, when intercultural influence is increasing, it has become necessary, in order to foster a culture of peace and a context of tolerance to know about other religions."<sup>89</sup> Denial of this exemption was sustained by the Turkish Supreme Court, and an application to the European Court ensued. The Court found that there had been a violation of Article 2 of ECHR Protocol No. 1. Excerpts from the reasoning of the Court are included, following excerpts from the Norwegian cases below.

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<sup>86</sup> Four sets of parents and their respective children went to the Human Rights Committee; five parents and four children turned to the European Court of Human Rights. This procedural posture created some concerns before both bodies, who have rules aimed at preventing forum shopping. However, both bodies concluded that because the parties were diverse, the claims could be pursued separately. See *Leirvåg v. Norway*, para. 13.3, *op. cit.* note 81; *Folgerø v. Norway*, para. B(2), *op. cit.* note 68 (final admissibility decision); see also *Folgerø v. Norway*, separate opinion of Judges Zupančič and Borrego-Borrego.

<sup>87</sup> The European Court held on 26 October 2004 that the application was inadmissible on grounds of non-exhaustion with respect to the applicant children. In addition, the Court noted that while the parents had complained about the absence of a right to full exemption from KRL, they had not exhausted remedies "in respect of their complaint about the possibilities and modalities for obtaining partial exemption from the KRL subject [...]" and thus this portion of their claims was inadmissible. *Folgerø v. Norway*, para. 8, *op. cit.* note 81. Subsequently, on 14 February 2006, the Court, that the claims of the parents with respect to the full exemption were admissible, and at the same time, noted that the earlier inadmissibility decision "did not prevent it from considering the general aspects of the partial exemption arrangement, notably in the context of the parents' complaint under Article 14 of the Convention." *Folgerø v. Norway*, para. 8. The result is that the contours of the European Courts decision are correspondingly narrower than the Human Rights Committee.

<sup>88</sup> *Folgerø v. Norway*, para. 54, *op. cit.* note 81.

<sup>89</sup> *Zengin v. Turkey*, *op. cit.*, note 82, para. 21.



## Factual Submissions by the Applicants in the UN Human Rights Committee's Case of Leirvåg

- 2.1 Norway has a state religion and a State Church, of which approximately 86 per cent of the population are members. Article 2 of the Norwegian Constitution states that the Evangelical Lutheran Church is the official state religion, and further determines that "those of the inhabitants, who subscribe to this have an obligation to bring up their children in the same manner". Christianity has been taught since the general mandatory education was introduced in 1739, but from the time of the Dissenter or Non-conformist Act of 1845, a right of exemption for children of other faiths has existed.
- 2.2 At the same time, pupils so exempted had the right to participate in a non-denominational alternative life stance subject "life stance knowledge". However, it was not compulsory for the exempted pupils to participate or attend tutoring in this subject [...].
- 2.3 In August 1997, the Norwegian government introduced a new mandatory religious subject in the Norwegian school system, entitled "Christian Knowledge and Religious and Ethical Education" (hereafter referred to as CKREE) replacing the previous Christianity subject and the life stance subject. This new subject only provides for exemption from certain limited segments of the teaching. The new Education Act's para. 2 (4) stipulates that education provided in the CKREE subject shall be based on the schools' Christian object clause<sup>90</sup> and provide "thorough knowledge of the Bible and Christianity as a cultural heritage and Evangelical-Lutheran Faith". [...]
- 2.4 The Ministry's circular on the subject states that: "When pupils request exemption, written notification of this shall be sent to the school. The notification must state the reason for what they experience as the practice of another religion or affiliation to a different life stance in the tutoring." A later circular from the Ministry states that demands for exemption on grounds other than those governed by clearly religious activities must be assessed on the basis of strict criteria.

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<sup>90</sup> The Christian object clause provided: "The object of primary and lower secondary education shall be, in agreement and cooperation with the home, to help give pupils a Christian and moral upbringing, to develop their mental and physical abilities, and to give them good general knowledge so that they may become useful and independent human beings at home and in society." Education Act 1998 (Lov om grunnskolen og den videregående opplæring av 17. Juli 1998 nr., 61), para. 1-2(1).

- 2.5 [...] [A psychological expert retained by the Norwegian Humanist Association (the NHA) concluded that] both children and parents (and in all likelihood the school) experience conflicts of loyalty, pressure to conform and acquiesce to the norm, and for some of the children bullying and a feeling of helplessness [...].
- 2.6 [...] [Studies commissioned by the Education Ministry] concluded that, *“the partial exemption arrangements did not function in a way that parents’ rights were sufficiently protected”*. Subsequently, the Ministry issued a press release stating that *“the partial exemption does not function as intended and should therefore be thoroughly reviewed”*. [emphasis in original].
- 2.7 [...] [A revision of CKREE effective in 2002] emphasized that all teaching would be based on the school’s Christian object clause and that Christianity covered 55% of the teaching hours, leaving 25% to other religious/life stances and 20% to ethical and philosophical themes. A standardised form for applications for exemption from religious activities was issued to simplify existing exemption arrangements. The idea was that it would not be necessary to submit the application form more than once per educational stage, in other words three times during the total period of schooling. It was emphasized that it was still only religious activities, not the knowledge thereof, that were subject to exemption.
- 3.1 [...] [After her] application for full exemption from the CKREE subject was rejected, [Guro Leirvåg] attended CKREE classes.
- 3.2 [...] [Guro’s parents] became aware that most of the material used in the subject was religious narrative and mythology as the sole basis for understanding the world and reflection on moral and ethical issues [...]. [They] found that the main theme of the subject matter in the 1st to 4th school year was taught through re-telling Bible stories and relating them to the pupils. The CKREE subject thereby ensures that the children are immersed deeply into the stories contained in the Bible as a framework around their own perception of reality [...].
- 3.3 Against her parents’ will, Guro found herself in a situation where a conflict of loyalties arose between school and home. The situation is such that Guro feels obliged to adapt what she tells her parents about school to match what she feels is acceptable to her parents.
- 4.2 [...] Maria attended segments of the tutoring under the partial exemption arrangement. The authors state that Maria on several cases came home from school and said that she had been teased because her family did not believe in God. In connection with the end of year term celebrations for Christmas, Maria was picked out

to learn by heart and perform a Christian text. The school was unable to provide her parents with a local timetable including an overview of the themes to be treated by Maria's class. Instead, they were referred to the main curriculum and the weekly timetable. Maria's parents did exempt her from some lessons during her first year at school. On these occasions she was placed in the kitchen where she was told to draw, sometimes alone, and sometimes under supervision. When her parents became aware that banishment to the kitchen was used as a punishment for pupils who behaved badly in class, they stopped exempting her from lessons.

- 5.3 [...] The children were also required to learn a number of psalms and Bible texts by heart, a fact that is confirmed by their workbooks. As a result of the religious instruction, Pia often experienced conflicts of loyalty between her home and her school. Her parents decided to move to another part of the country where they could enrol Pia in a private school.
- 9.10 The State party contends that religious instruction imparted in a neutral and objective way complies with other human rights standards [...]. Accordingly, article 18, paragraph 1 cannot bar compulsory education which is intended to "enable all persons to participate effectively in a free society, and promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups" (CESCR article 13, paragraph 1) or to develop respect for "his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own" (CRC art 29, paragraph 1(c)). The CKREE is designed to promote understanding, tolerance and respect among pupils of different backgrounds, and to develop respect and understanding for one's own identity, the national history and values of Norway, as well as for other religions and philosophies of life.

### Consideration of the Merits in Leirvåg

- 14.2 The main issue before the Committee is whether the compulsory instruction of the CKREE subject in Norwegian schools, with only limited possibility of exemption, violates the authors' right to freedom of thought, conscience and religion under article 18 and more specifically the right of parents to secure the religious and moral education of their children in conformity with their own convictions, pursuant to article 18, paragraph 4. The scope of article 18 covers not only protection of traditional religions, but also philosophies of life, such as those held by the authors. Instruction in religion and ethics may in the Committee's view be in compliance with article 18, if carried out under the terms expressed in the General Comment No. 22 on article 18: "[A]rticle 18.4 permits public school instruction in subjects

such as the general history of religions and ethics if it is given in a neutral and objective way”, and “public education that includes instruction in a particular religion or belief is inconsistent with article 18, paragraph 4 unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents or guardians.” The Committee also recalls its Views in *Hartikainen et al. v. Finland*, where it concluded that instruction in a religious context should respect the convictions of parents and guardians who do not believe in any religion. It is within this legal context that the Committee will examine the claim.

- 14.3 Firstly, the Committee will examine the question of whether or not the instruction of the CKREE subject is imparted in a neutral and objective way. On this issue, the Education Act, section 2-4, stipulates that: “Teaching on the subject shall not involve preaching. Teachers of Christian Knowledge and Religious and Ethical Education shall take as their point of departure the object clause of the primary and lower secondary school laid down in section 1-2, and present Christianity, other religions and philosophies of life on the basis of their distinctive characteristics. Teaching of the different topics shall be founded on the same educational principles”. In the object clause in question it is prescribed that the object of primary and lower secondary education shall be “in agreement and cooperation with the home, to help to give pupils a Christian and moral upbringing”. Some of the travaux préparatoires of the Act referred to above make it clear that the subject gives priority to tenets of Christianity over other religions and philosophies of life. In that context, the Standing Committee on Education concluded, in its majority, that: the tuition was not neutral in value, and that the main emphasis of the subject was instruction on Christianity. The State party acknowledges that the subject has elements that may be perceived as being of a religious nature, these being the activities exemption from which is granted without the parents having to give reasons. Indeed, at least some of the activities in question involve, on their face, not just education in religious knowledge, but the actual practice of a particular religion [...]. It also transpires from the research results invoked by the authors, and from their personal experience that the subject has elements that are not perceived by them as being imparted in a neutral and objective way. The Committee concludes that the teaching of CKREE cannot be said to meet the requirement of being delivered in a neutral and objective way, unless the system of exemption in fact leads to a situation where the teaching provided to those children and families opting for such exemption will be neutral and objective.
- 14.4 The second question to be examined thus is whether the partial exemption arrangements and other avenues provide “for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents or guardians.” The

Committee notes the authors' contention that the partial exemption arrangements do not satisfy their needs, since teaching of the CKREE subject leans too heavily towards religious instruction, and that partial exemption is impossible to implement in practice. Furthermore, the Committee notes that the Norwegian Education Act provides that "on the basis of written notification from parents, pupils shall be exempted from attending those parts of the teaching at the individual school that they, on the basis of their own religion or philosophy of life, perceive as being the practice of another religion or adherence to another philosophy of life".

- 14.5 The Committee notes that the existing normative framework related to the teaching of the CKREE subject contains internal tensions or even contradictions. On the one hand, the Constitution and the object clause in the Education Act contain a clear preference for Christianity as compared to the role of other religions and worldviews in the educational system. On the other hand, the specific clause on exemptions in Section 2-4 of the Education Act is formulated in a way that in theory appears to give a full right of exemption from any part of the CKREE subject that individual pupils or parents perceive as being the practice of another religion or adherence to another philosophy of life. If this clause could be implemented in a way that addresses the preference reflected in the Constitution and the object clause of the Education Act, this could arguably be considered as complying with article 18 of the Covenant.
- 14.6 The Committee considers, however, that even in the abstract, the present system of partial exemption imposes a considerable burden on persons in the position of the authors, insofar as it requires them to acquaint themselves with those aspects of the subject which are clearly of a religious nature, as well as with other aspects, with a view to determining which of the other aspects they may feel a need to seek—and justify—exemption from. Nor would it be implausible to expect that such persons would be deterred from exercising that right, insofar as a regime of partial exemption could create problems for children which are different from those that may be present in a total exemption scheme. Indeed as the experience of the authors demonstrates, the system of exemptions does not currently protect the liberty of parents to ensure that the religious and moral education of their children is in conformity with their own convictions. In this respect, the Committee notes that the CKREE subject combines education on religious knowledge with practising a particular religious belief, e.g. learning by heart of prayers, singing religious hymns or attendance at religious services (para 9.18). While it is true that in these cases parents may claim exemption from these activities by ticking a box on a form, the CKREE scheme does not ensure that education of religious knowledge and religious practice are separated in a way that makes the exemption scheme practicable.

- 14.7 In the Committee's view, the difficulties encountered by the authors, in particular the fact that Maria Jansen and Pia Suzanne Orning had to recite religious texts in the context of a Christmas celebration although they were enrolled in the exemption scheme, as well as the loyalty conflicts experienced by the children, amply illustrate these difficulties. Furthermore, the requirement to give reasons for exempting children from lessons focusing on imparting religious knowledge and the absence of clear indications as to what kind of reasons would be accepted creates a further obstacle for parents who seek to ensure that their children are not exposed to certain religious ideas. In the Committee's view, the present framework of CKREE, including the current regime of exemptions, as it has been implemented in respect of the authors, constitutes a violation of article 18, paragraph 4, of the Covenant in their respect.
- 14.8 In view of the above finding, the Committee is of the opinion that no additional issue arises for its consideration under other parts of article 18, or articles 17 and 26 of the Covenant.

### Assessment by the European Court of Human Rights in the Case of Folgerø

#### 1. General principles

84. As to the general interpretation of Article 2 of Protocol No. 1, the Court has in its case-law [...] enounced the following major principles:

(a) The two sentences of Article 2 of Protocol No. 1 must be interpreted not only in the light of each other but also, in particular, of Articles 8, 9 and 10 of the Convention [...].

(b) It is on to the fundamental right to education that is grafted the right of parents to respect for their religious and philosophical convictions, and the first sentence does not distinguish, any more than the second, between State and private teaching. The second sentence of Article 2 of Protocol No. 1 aims in short at safeguarding the possibility of pluralism in education which possibility is essential for the preservation of the "democratic society" as conceived by the Convention. In view of the power of the modern State, it is above all through State teaching that this aim must be realised [...].

(c) Article 2 of Protocol No. 1 does not permit a distinction to be drawn between religious instruction and other subjects. It enjoins the State to respect parents' convictions, be they religious or philosophical, throughout the entire State education programme [...]. That duty is broad in its extent as it applies not only to the content of education and the manner of its provision but also to the performance of all the "functions" assumed by the State. The verb "respect" means more than "acknowledge" or "take into account". In addition to a primarily negative un-

dertaking, it implies some positive obligation on the part of the State. The term “conviction”, taken on its own, is not synonymous with the words “opinions” and “ideas”. It denotes views that attain a certain level of cogency, seriousness, cohesion and importance [...].

(d) Article 2 of Protocol No. 1 constitutes a whole that is dominated by its first sentence. By binding themselves not to “deny the right to education”, the Contracting States guarantee to anyone within their jurisdiction a right of access to educational institutions existing at a given time and the possibility of drawing, by official recognition of the studies which he has completed, profit from the education received [...].

(e) It is in the discharge of a natural duty towards their children - parents being primarily responsible for the “education and teaching” of their children - that parents may require the State to respect their religious and philosophical convictions. Their right thus corresponds to a responsibility closely linked to the enjoyment and the exercise of the right to education (ibid.).

(f) Although individual interests must on occasion be subordinated to those of a group, democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of a dominant position (see *Valsamis*, cited above, p. 2324, § 27).

(g) However, the setting and planning of the curriculum fall in principle within the competence of the Contracting States. This mainly involves questions of expediency on which it is not for the Court to rule and whose solution may legitimately vary according to the country and the era [...]. In particular, the second sentence of Article 2 of Protocol No. 1 does not prevent States from imparting through teaching or education information or knowledge of a directly or indirectly religious or philosophical kind. It does not even permit parents to object to the integration of such teaching or education in the school curriculum, for otherwise all institutionalised teaching would run the risk of proving impracticable [...].

(h) The second sentence of Article 2 of Protocol No. 1 implies on the other hand that the State, in fulfilling the functions assumed by it in regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner. The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents’ religious and philosophical convictions. That is the limit that must not be exceeded (ibid.).

(i) In order to examine the disputed legislation under Article 2 of Protocol No. 1, interpreted as above, one must, while avoiding any evaluation of the legislation’s expediency, have regard to the material situation that it sought and still seeks to meet. Certainly, abuses can occur as to the manner in which the provisions in force are applied by a given school or teacher and the competent authorities have

a duty to take the utmost care to see to it that parents' religious and philosophical convictions are not disregarded at this level by carelessness, lack of judgment or misplaced proselytism [...].

2. Application of those principles to the present case [...]

89. [...] [T]he second sentence of Article 2 of Protocol No. 1 does not embody any right for parents that their child be kept ignorant about religion and philosophy in their education. That being so, the fact that knowledge about Christianity represented a greater part of the Curriculum for primary and lower secondary schools than knowledge about other religions and philosophies cannot, in the Court's opinion, of its own be viewed as a departure from the principles of pluralism and objectivity amounting to indoctrination (see, *mutatis mutandis*, *Angelini v. Sweden* (dec.), no 1041/83, 51 DR (1983)). In view of the place occupied by Christianity in the national history and tradition of the respondent State, this must be regarded as falling within the respondent State's margin of appreciation in planning and setting the curriculum.

90. However, [...] while stress was laid on the teaching being knowledge-based, section 2-4(3) provided that the teaching should, subject to the parents' agreement and cooperation, take as a starting point the Christian object clause in section 1-2(1), according to which the object of primary and lower secondary education was to help give pupils a Christian and moral upbringing [...].

91. It is further to be noted that the Christian object clause was compounded by a clear preponderance of Christianity in the composition of the subject.

92. In this regard, reference should be made to the stated aim in section 2-4(1) (i) of the Education Act 1998 to "transmit thorough knowledge of the Bible and Christianity in the form of cultural heritage and the Evangelical-Lutheran Faith" (emphasis added). In contrast, no requirement of thoroughness applied to the knowledge to be transmitted about other religions and philosophies (see paragraph 23 above).

In addition, pursuant to section 2-4(1)(ii), the transmission of knowledge of other Christian communities was an aim (see paragraph 23 above).

The difference as to emphasis was also reflected in the Curriculum, where approximately half of the items listed referred to Christianity alone whereas the remainder of the items were shared between other religions and philosophies. The Introduction stated that "The study of the subject is intended to give pupils a thorough



insight into Christianity and what the Christian view of life implies as well as sound knowledge of other world religions and philosophies [emphasis added]" [...].

95. Thus, when seen together with the Christian object clause, the description of the contents and the aims of the KRL subject set out in section 2-4 of the Education Act 1998 and other texts forming part of the legislative framework suggest that not only quantitative but even qualitative differences applied to the teaching of Christianity as compared to that of other religions and philosophies. In view of these disparities, it is not clear how the further aim, set out in item (v): to "promote understanding, respect and the ability to maintain dialogue between people with different perceptions of beliefs and convictions, could be properly attained". In the Court's view, the differences were such that they could hardly be sufficiently attenuated by the requirement in section 2-4 that the teaching follow a uniform pedagogical approach in respect of the different religions and philosophies [...].

96. The question then arises whether the imbalance highlighted above could be said to have been brought to a level acceptable under Article 2 of Protocol No. 1 by the possibility for pupils to request partial exemption from the KRL subject under section 2-4(4) of the Education Act 1998. Under this provision "a pupil shall, on the submission of a written parental note, be granted exemption from those parts of the teaching in the particular school concerned that they, from the point of view of their own religion or philosophy of life, consider as amounting to the practice of another religion or adherence to another philosophy of life" [...].

97. In this connection the Court notes that the operation of the partial exemption arrangement presupposed, firstly, that the parents concerned be adequately informed of the details of the lesson plans to be able to identify and notify to the school in advance those parts of the teaching that would be incompatible with their own convictions and beliefs. This could be a challenging task not only for parents but also for teachers, who often had difficulty in working out and dispatching to the parents a detailed lesson plan in advance (see paragraph 29 above). In the absence of any formal obligation for teachers to follow textbooks (see sub-title "10" in the citation at paragraph 48 above), it must have been difficult for parents to keep themselves constantly informed about the contents of the teaching that went on in the classroom and to single out incompatible parts. To do so must have been even more difficult where it was the general Christian leaning of the KRL subject that posed a problem.

98. Secondly, pursuant to Circular F-03-98, save in instances where the exemption request concerned clearly religious activities - where no grounds had to be given, it was a condition for obtaining partial exemption that the parents give reasona-

ble grounds for their request (see the citation from the Circular in the Supreme Court's reasoning at paragraph 42 above). The Court observes that information about personal religious and philosophical conviction concerns some of the most intimate aspects of private life. It agrees with the Supreme Court that imposing an obligation on parents to disclose detailed information to the school authorities about their religions and philosophical convictions may constitute a violation of Article 8 of the Convention and, possibly also, of Article 9 (*ibid.*) [...]. The Court finds, nonetheless, that inherent in the condition to give reasonable grounds was a risk that the parents might feel compelled to disclose to the school authorities intimate aspects of their own religious and philosophical convictions. The risk of such compulsion was all the more present in view of the difficulties highlighted above for parents in identifying the parts of the teaching that they considered as amounting to the practice of another religion or adherence to another philosophy of life. In addition, the question whether a request for exemption was reasonable was apparently a potential breeding ground for conflict, a situation that parents might prefer simply to avoid by not expressing a wish for exemption.

99. Thirdly, the Court observes that even in the event that a parental note requesting partial exemption was deemed reasonable, this did not necessarily mean that the pupil concerned would be exempted from the part of the curriculum in question. Section 2-4 provided that "the school shall as far as possible seek to find solutions facilitating differentiated teaching within the school curriculum" [...]. The Court notes in particular that for a number of activities, for instance prayers, the singing of hymns, church services and school plays, it was proposed that observation by attendance could suitably replace involvement through participation, the basic idea being that, with a view to preserving the interest of transmitting knowledge in accordance with the curriculum, the exemption should relate to the activity as such, not to the knowledge to be transmitted through the activity concerned (see paragraph 48 above). However, in the Court's view, this distinction between activity and knowledge must not only have been complicated to operate in practice but also seems likely to have substantially diminished the effectiveness of the right to a partial exemption as such.

100. In light of the above, the Court finds that the system of partial exemption was capable of subjecting the parents concerned to a heavy burden with a risk of undue exposure of their private life and that the potential for conflict was likely to deter them from making such requests. In certain instances, notably with regard to activities of a religious character, the scope of a partial exemption might even be substantially reduced by differentiated teaching. This could hardly be considered consonant with the parents' right to respect for their convictions for the purposes of Article 2 of Protocol No. 1, as interpreted in the light of Articles 8 and 9 of

the Convention. In this respect, it must be remembered that the Convention is designed to “guarantee not rights that are theoretical or illusory but rights that are practical and effective” [...].

101. According to the Government, it would have been possible for the applicant parents to seek alternative education for their children in private schools, which were heavily subsidised by the respondent State, as it funded 85% of all expenditure connected to the establishing and running of private schools. However, the Court considers that, in the instant case, the existence of such a possibility could not dispense the State from its obligation to safeguard pluralism in State schools which are open to everyone.

102. Against this background, notwithstanding the many laudable legislative purposes stated in connection with the introduction of the KRL subject in the ordinary primary and lower secondary schools, it does not appear that the respondent State took sufficient care that information and knowledge included in the curriculum be conveyed in an objective, critical and pluralistic manner for the purposes of Article 2 of Protocol No. 1.

Accordingly, the Court finds that the refusal to grant the applicant parents full exemption from the KRL subject for their children gave rise to a violation of Article 2 of Protocol No.1.

### Assessment of the European Court of Human Rights in the Case of Zengin

47. [...] The two sentences of Article 2 of Protocol No. 1 must be read not only in the light of each other but also, in particular, of Articles 8, 9 and 10 of the Convention. [...]

48. The right of parents to respect for their religious and philosophical convictions is grafted on to this fundamental right, and the first sentence does not distinguish, any more than the second, between State and private teaching. In short, the second sentence of Article 2 aims at safeguarding the possibility of pluralism in education, a possibility which is essential for the preservation of the “democratic society” as conceived by the Convention. In view of the power of the modern State, it is above all through State teaching that this aim must be realised. [...]

49. Article 2 of Protocol No. 1 does not permit a distinction to be drawn between religious instruction and other subjects. It enjoins the State to respect parents’ convictions, be they religious or philosophical, throughout the entire State education programme. [...] That duty is broad in its extent as it applies not only to

the content of education and the manner of its provision but also to the performance of all the “functions” assumed by the State. The verb “respect” means more than “acknowledge” or “take into account”. In addition to a primarily negative undertaking, it implies some positive obligation on the part of the State. The word “convictions”, taken on its own, is not synonymous with the words “opinions” and “ideas”. It denotes views that attain a certain level of cogency, seriousness, cohesion and importance. [...]

50. It is in the discharge of a natural duty towards their children—parents being primarily responsible for the “education and teaching” of their children—that parents may require the State to respect their religious and philosophical convictions. Their right thus corresponds to a responsibility closely linked to the enjoyment and the exercise of the right to education [...].

51. However, the setting and planning of the curriculum fall in principle within the competence of the Contracting States. This mainly involves questions of expediency on which it is not for the Court to rule and whose solution may legitimately vary according to the country and the era. [...] In particular, the second sentence of Article 2 of Protocol No. 1 does not prevent the States from disseminating in State schools, by means of the teaching given, objective information or knowledge of a directly or indirectly religious or philosophical kind. It does not even permit parents to object to the integration of such teaching or education in the school curriculum, for otherwise all institutionalised teaching would run the risk of proving impracticable. [...] In fact, it seems very difficult for many subjects taught at school not to have, to a greater or lesser extent, some philosophical complexion or implications. The same is true of religious affinities if one remembers the existence of religions forming a very broad dogmatic and moral entity which has or may have answers to every question of a philosophical, cosmological or moral nature [...]

52. The second sentence of Article 2 implies on the other hand that the State, in fulfilling the functions assumed by it in regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner, enabling pupils to develop a critical mind with regard to religion. [...]

53. [...] Although, in the past, the Convention organs have not found education providing information on religions to be contrary to the Convention, they have carefully scrutinised whether pupils were obliged to take part in a form of religious worship or were exposed to any form of religious indoctrination. In the same context, the arrangements for exemption are also a factor to be taken into account. [...] Certainly, abuses can occur as to the manner in which the provisions in force

are applied by a given school or teacher and the competent authorities have a duty to take the utmost care to see to it that parents' religious and philosophical convictions are not disregarded at this level by carelessness, lack of judgment or misplaced proselytism. [...]

54. The Court reiterates that it has always stressed that, in a pluralist democratic society, the State's duty of impartiality and neutrality towards various religions, faiths and beliefs is incompatible with any assessment by the State of the legitimacy of religious beliefs or the ways in which those beliefs are expressed. [...]

57. In the light of the principles set out above, the Court must determine, firstly, if the content-matter of this subject is taught in an objective, critical and pluralist manner, in order to ensure that it is compatible with the principles which emerge from the case-law concerning the second sentence of Article 2 of Protocol No. 1. Secondly, it will examine whether appropriate provisions have been introduced in the Turkish educational system to ensure that parents' convictions are respected.

**(a) Content of the lessons**

58. According to the syllabus for "religious culture and ethics" classes, the subject is to be taught in compliance with respect for the principles of secularism and freedom of thought, religion and conscience, and is intended to "foster a culture of peace and a context of tolerance". It also aims to transmit knowledge concerning all of the major religions. One of the objectives of the syllabus is educate people "who are informed about the historical development of Judaism, Christianity, Hinduism and Buddhism, their main features and the content of their doctrine, and to be able to assess, using objective criteria, the position of Islam in relation to Judaism and Christianity". [...]

59. In the Court's view, the intentions set out above are clearly compatible with the principles of pluralism and objectivity enshrined in Article 2 of Protocol No. 1. In this regard, it notes that the principle of secularism, as guaranteed by the Turkish Constitution, prevents the State from manifesting a preference for a particular religion or belief, thereby guiding the State in its role of impartial arbiter, and necessarily entails freedom of religion and conscience. [...] In this connection, it notes with interest the Government's observations to the effect that, firstly, the teaching of religion in schools is an appropriate method of combating fanaticism and, secondly, the administrative courts are responsible for supervising compliance with the principle of secularism, both in terms of preparation of the syllabus and in its implementation. [...]

66. As to the Alevi faith, it is not disputed between the parties that it is a religious conviction which has deep roots in Turkish society and history and that it has features which are particular to it. [...]It is thus distinct from the Sunni understanding of Islam which is taught in schools. It is certainly neither a sect nor a "belief" which does not attain a certain level of cogency, seriousness, cohesion and importance. [...]In consequence, the expression "religious convictions", within the meaning of the second sentence of Article 2 of Protocol No. 1, is undoubtedly applicable to this faith.

67. As the Government have recognised, however, in the "religious culture and morals" lessons, the religious diversity which prevails in Turkish society is not taken into account. In particular, pupils receive no teaching on the confessional or ritual specificities of the Alevi faith, although the proportion of the Turkish population belonging to is very large. As to the Government's argument that certain information about the Alevi faith was taught in the 9th grade, the Court, like the applicants [...], considers that, in the absence of instruction in the basic elements of this faith in primary and secondary school, the fact that the life and philosophy of two individuals who had a major impact on its emergence are taught in the 9th grade is insufficient to compensate for the shortcomings in this teaching.

68. Admittedly, parents may always enlighten and advise their children, exercise with regard to their children natural parental functions as educators, or guide their children on a path in line with the parents' own religious or philosophical convictions [...]. Nonetheless, where the Contracting States include the study of religion in the subjects on school curricula, and irrespective of the arrangements for exemption, pupils' parents may legitimately expect that the subject will be taught in such a way as to meet the criteria of objectivity and pluralism, and with respect for their religious or philosophical convictions.

69. In this regard, the Court considers that, in a democratic society, only pluralism in education can enable pupils to develop a critical mind with regard to religious matters in the context of freedom of thought, conscience and religion [...]. In this respect, it should be noted that, as the Court has held on numerous occasions, this freedom, in its religious dimension, is one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned [...].

70. In the light of the above, the Court concludes that the instruction provided in the school subject "religious culture and ethics" cannot be considered to meet the criteria of objectivity and pluralism and, more particularly in the applicants' specific case, to respect the religious and philosophical convictions of Ms Zengin's father, a follower of the Alevi faith, on the subject of which the syllabus is clearly lacking.

**(b) As to whether appropriate means existed to ensure respect for parents' convictions**

71. [...] Where a Contracting State includes religious instruction in the curriculum for study, it is then necessary, in so far as possible, to avoid a situation where pupils face a conflict between the religious education given by the school and the religious or philosophical convictions of their parents. In this connection, the Court notes that, with regard to religious instruction in Europe and in spite of the variety of teaching approaches, almost all of the member States offer at least one route by which pupils can opt out of religious education classes, by providing an exemption mechanism or the option of attending a lesson in a substitute subject, or making attendance at religious studies classes entirely optional [...].

72. The Court notes that, under Article 24 of the Turkish Constitution, "religious culture and ethics" is one of the compulsory subjects. However, it appears that a possibility for exemption was introduced by the Supreme Council for Education's decision of 9 July 1990 [...]. According to that decision, only children "of Turkish nationality who belong to the Christian or Jewish religion" have the option of exemption, "provided they affirm their adherence to those religions".

73. The Court considers at the outset that, whatever the category of pupils concerned, the fact that parents must make a prior declaration to schools stating that they belong to the Christian or Jewish religion in order for their children to be exempted from the classes in question may also raise a problem under Article 9 of the Convention [...]. In this connection, it notes that, according to Article 24 of the Turkish Constitution, "no one shall be compelled... to reveal religious beliefs and convictions..." [...].

74. In addition, the Supreme Council for Education's decision provides for the possibility of exemption to solely two categories of pupils of Turkish nationality, namely those whose parents belong to the Christian or Jewish faiths. In the Court's opinion, this necessarily suggests that the instruction provided in this subject is likely to lead these categories of pupils to face conflicts between the religious instruction given by the school and their parents' religious or philosophical convictions. Like the ECRI, the Court considers that this situation is open to criticism, in that "if this is indeed a course on the different religious cultures, there is no reason to make it compulsory for Muslim children alone. Conversely, if the course is essentially designed to teach the Muslim religion, it is a course on a specific religion and should not be compulsory, in order to preserve children's and their parents' religious freedoms" [...].

75. The Court notes that, according to the Government, this possibility for exemption may be extended to other convictions if such a request is submitted [...]. Nonetheless, whatever the scope of this exemption, the fact that parents are obliged to inform the school authorities of their religious or philosophical convictions makes this an inappropriate means of ensuring respect for their freedom of conviction. In addition, in the absence of any clear text, the school authorities always have the option of refusing such requests, as in Ms Zengin's case [...].

76. In consequence, the Court considers that the exemption procedure is not an appropriate method and does not provide sufficient protection to those parents who could legitimately consider that the subject taught is likely to give rise in their children to a conflict of allegiance between the school and their own values. This is especially so where no possibility for an appropriate choice has been envisaged for the children of parents who have a religious or philosophical conviction other than that of Sunni Islam, where the procedure for exemption is likely to subject the latter to a heavy burden and to the necessity of disclosing their religious or philosophical convictions in order to have their children exempted from the lessons in religion.



## APPENDIX IV

# Final Document of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination

The Conference, meeting in Madrid from 23 to 25 November 2001 on the occasion of the twentieth anniversary of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief adopted by the General Assembly on 25 November 1981,

- (a) Considering the 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 and all human rights are universal, indivisible and interdependent;
- (b) Recalling the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which recognize the right to freedom of thought, conscience, religion or belief and call for understanding, respect, tolerance and non-discrimination;
- (c) Noting that serious instances of intolerance and discrimination occur in many parts of the world threatening the enjoyment of human rights and fundamental freedoms, including the right to freedom of thought, conscience and religion or belief;
- (d) Reaffirming the call of the Vienna World Conference on Human Rights upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief;
- (e) Considering that it is essential to promote the right to freedom of religion or belief and to refrain from using religions or beliefs for purposes incompatible with the Charter of the United Nations and applicable United Nations texts as well as work

to ensure respect of the principles and objectives of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

- (f) Convinced of the need of a human rights education which condemns and seeks to prevent all forms of violence based on hatred and intolerance, in relation with freedom of religion or belief;

With understanding that freedom of religion or belief includes theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.

- (g) Conscious of States' responsibility to promote, through education, the purposes and principles of the Charter of the United Nations in order to advance international understanding, cooperation and peace as well as respect for human rights and fundamental freedoms;
- (h) Noting the UNESCO Convention Against Discrimination in Education of 14 December 1960 and its additional 1962 Protocol, the UNESCO Recommendation on education for international understanding, cooperation and peace and education on human rights and fundamental freedoms, adopted on 19 November 1974 and the Declaration on Race and Racial Prejudice of 27 November 1978;
- (i) Noting that tolerance involves the acceptance of diversity and the respect for the right to be different, and that education, in particular at school, should contribute in a meaningful way to promote tolerance and respect for the freedom of religion or belief;
- (j) Noting the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance;
- (k) Recalling the article 26.2 of the Universal Declaration of Human Rights states that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms and shall promote understanding, tolerance and friendship among all nations, racial or religious groups;
- (l) Noting the principles regarding the right to education contained in article 13 of the International Covenant on Economic, Social and Cultural Rights and reiterated in the Convention on the Rights of the Child;
- (m) Further noting article 29 of the Convention on the Rights of the Child, which provides that education should be aimed at "the development of the child's per-

sonality, talents and mental and physical abilities to their fullest potential; the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations, the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin";

- (n) Noting the right of parents, families, legal guardians and other legally recognized caregivers to choose schools for their children, and to ensure their religious and/or moral education in conformity with their own convictions, and with such minimum educational standards as may be laid down or approved by the competent authorities, in a manner consistent with the procedures followed in the State for the application of its legislation and in accordance with the best interest of the child;
- (o) Recalling the Vienna Programme of Action, paragraph 38, and conscious of the need to consider the equality of gender in school education in relation with freedom of religion or belief, tolerance and non-discrimination, and also concerned about the continuing discrimination against women, while emphasizing the necessity to ensure women their human rights and fundamental freedoms and in particular their right to freedom of religion or belief, tolerance and non-discrimination;
- (p) Also concerned about the continuing discrimination against, inter alia, children, migrants, refugees and asylum-seekers while emphasizing the necessity to ensure their human rights and fundamental freedoms and in particular their right to freedom of religion or belief, tolerance and non-discrimination;
- (q) Convinced that education in relation with freedom of religion or belief can also contribute to the attainment of the goals of world peace, social justice, mutual respect and friendship among peoples and promotion of human rights and fundamental freedoms;
- (r) Convinced also that the education in relation with freedom of religion or belief should contribute to the promotion of freedoms of conscience, opinion, expression, information and research as well as to the acceptance of diversity;
- (s) Recognizing that the media and new information technologies, including Internet, should contribute to education of the youth in the field of tolerance and freedom of religion or belief in a spirit of peace, justice, liberty, mutual respect and under-

standing in order to promote and protect all human rights, civil and political as well as economic, social and cultural;

- (t) Considering that efforts aiming at promoting, through education, tolerance and protection of freedom of religion or belief require cooperation among States, concerned organizations and institutions, and that parents, groups and communities based on religion or belief have an important role to play in this regard;
- (u) Recalling with appreciation the designation by the General Assembly of the year 1995 as the United Nations Year for Tolerance and the year 2001 as the United Nations Year of Dialogue among Civilizations and the Global Agenda for Dialogue among Civilizations adopted by the General Assembly on 9 November 2001, and recalling the UNESCO Declaration on the Role of Religion in the Promotion of a Culture of Peace, of 18 December 1994 and the Declaration of Principles on Tolerance, adopted by UNESCO on 16 November 1995;
- (v) Noting the initiatives and actions undertaken in different international organs and organizations of the United Nations system, within which the Office of the High Commissioner for Human Rights which is implementing the United Nations Decade for Human Rights Education (1995-2004), as well as many other human rights education programmes; UNESCO which has led programmes on human rights education and peace and has developed a policy of intercultural and inter-religious dialogue, as well as UNICEF which contributes to education and well-being of children in the various regions;
- (w) Noting the recommendations on education, expressed in the different reports of the United Nations conventional organs for the protection of human rights and of relevant Special Rapporteurs of the United Nations Commission on Human Rights, particularly the Special Rapporteur on the right to education, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on freedom of religion or belief;
  1. Underlines the urgent need to promote, through education, the protection and the respect for freedom of religion or belief in order to strengthen peace, understanding and tolerance among individuals, groups and nations, and with a view to developing a respect for pluralism;
  2. Deems that every human being has an intrinsic and inviolable dignity and value which includes the right to freedom of religion, conscience or belief that should be respected and safeguarded;

3. Considers that the young generation should be brought up in a spirit of peace, tolerance, mutual understanding and respect for human rights, and especially for the respect of freedom of religion or belief, and that they should be protected against all forms of discrimination and intolerance based on their religion or belief;
4. Deems that each State, at the appropriate level of government, should promote and respect educational policies aimed at strengthening the promotion and protection of human rights, eradicating prejudices and conceptions incompatible with freedom of religion or belief, and ensuring respect for and acceptance of pluralism and diversity in the field of religion or belief as well as the right not to receive religious instruction inconsistent with his or her conviction;
5. Deems also that each State should take appropriate measures to ensure equal rights to women and men in the field of education and freedom of religion or belief, and in particular reinforce the protection of the right of girls to education, especially for those coming from vulnerable groups;
6. Condemns all forms of intolerance and discrimination based on religion or belief including those which promote hatred, racism or xenophobia, and deems that States should take appropriate measures against those which manifest themselves in school curricula, textbooks and teaching methods as well as those disseminated by the media and the new information technologies, including Internet;
7. Considers favourably the following objectives:
  - (a) The strengthening of a non-discriminatory perspective in education and of knowledge in relation to freedom of religion or belief at the appropriate levels;
  - (b) The encouragement of those engaged in teaching to cultivate respect for religions or beliefs, thereby promoting mutual understanding and tolerance;
  - (c) The awareness of the increasing interdependence between peoples and nations and the promotion of international solidarity;
  - (d) The awareness of gender aspects, with a view to promoting equal chances for men and women;
8. Recognizes that States, at the appropriate level of government, should promote, both in school education and out-of-school activities organized by educational institutions of any nature, the principles and objectives of the present document, especially that of non-discrimination and tolerance, in view of the fact that attitudes are greatly influenced at the primary and secondary school stage;
9. Deems that the role of parents, families, legal guardians and other legally recognized caregivers is an essential factor in the education of children in the field

of religion or belief; and that special attention should be paid to encouraging positive attitudes and, in view of the best interest of the child to supporting parents to exercise their rights and fully play their role in education in the field of tolerance and non-discrimination, noting the relevant provisions of the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief;

10. Encourages States, at the appropriate level of government and any other concerned institution or organ, such as the UNESCO system of associated schools, to improve the ways and means of training teachers and other categories of educational personnel to prepare and enable them to play their role in pursuing the objectives of the present document; and to this end recommends that States, at the appropriate level of government and in accordance with their educational systems, favourably consider:
  - (a) Developing the motivation of teachers for their action by supporting and encouraging commitment to the human rights values and in particular tolerance and non-discrimination in the field of religion or belief;
  - (b) Preparing teachers to educate children concerning a culture of respect for every human being, tolerance and non-discrimination;
  - (c) Encouraging the study and the dissemination of different experiences in education in relation with freedom of religion or belief, especially innovative experiments carried out all over the world;
  - (d) Where appropriate, providing teachers and students with voluntary opportunities for meetings and exchanges with their counterparts of different religions or beliefs;
  - (e) Encouraging exchanges of teachers and students and facilitating educational study abroad;
  - (f) Encouraging, at the appropriate level, general knowledge and academic research in relation to freedom of religion or belief;
  
11. Encourages States at the appropriate level of government and other concerned institutions or organizations, where appropriate and possible, to increase their efforts to facilitate the renewal, production, dissemination, translation and exchange of means and materials for education in the field of freedom of religion or belief, giving special consideration to the fact that in many countries students gain knowledge, including in the field of freedom of religion or belief, through the mass media outside educational establishments. To this end, action should be considered on the following:

- (a) Appropriate and constructive use should be made of the entire range of equipment available, from traditional means to the new educational technology, including Internet, as relevant to the field of freedom of religion or belief;
  - (b) Cooperation between States and the relevant international organizations and institutions concerned as well as the media and non-governmental organizations to combat the propagation of intolerant and discriminatory stereotypes of religions or beliefs in the media and Internet sites;
  - (c) The inclusion of a component of special mass media education in order to help the students to select and analyse the information conveyed by the mass media in the field of freedom of religion or belief;
  - (d) Better appreciation of diversity and the development of tolerance and the protection and non-discrimination of migrants and refugees and their freedom of religion or belief;
12. Recommends that States as well as concerned institutions and organizations should consider studying, taking advantage of and disseminating best practices on education in relation to freedom of religion or belief, which attach particular importance to tolerance and non-discrimination;
13. Recommends that States should consider promoting international cultural exchanges in the field of education, notably by concluding and implementing agreements relating to the freedom of religion or belief, non-discrimination and tolerance and respect for human rights;
14. Encourages all parts of society, both individually and collectively, to contribute to an education based on human dignity and to respect freedom of religion or belief, tolerance and non-discrimination;
15. Encourages States at the appropriate level of government, non-governmental organizations and all members of civil society to join their efforts with a view to taking advantage of the media and other means for self and mutual teaching as well as cultural institutions such as museums and libraries, to provide the individual with relevant knowledge in the field of freedom of religion or belief;
16. Encourages States to promote human dignity, and freedom of religion or belief, tolerance and non-discrimination, and thus to combat, through appropriate measures, religious or belief, ethnic, racial, national and cultural stereotypes;
17. Invites organizations and specialized agencies of the United Nations to contribute, in accordance with their mandate, to the promotion and protection of freedom of religion or belief, tolerance and non-discrimination;

18. Encourages also States, at the appropriate level of government, non-governmental organizations and other members of civil society to take advantage of relevant social and cultural activities of all kinds to promote the objectives of this document;
19. Invites all States, civil society and the international community to promote the principles, objectives and recommendations in the present document on school education in relation with freedom of religion or belief, tolerance and non-discrimination.



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## Resources

### Websites of specific organisations, projects, publications, reports and journals

Anti-Defamation League  
[http://www.adl.org/religious\\_freedom/resource\\_kit/december\\_holiday\\_guidelines.asp](http://www.adl.org/religious_freedom/resource_kit/december_holiday_guidelines.asp)

Association of Religion and Theology Educators in Eastern and Central Europe  
<http://www.arteee.ru>



The Big Myth educational website

<http://www.bigmyth.com>

The British Journal of Religious Education

<http://www.tandf.co.uk/journals/titles/01416200.asp>

Co-ordinating Group for Religion in Education in Europe (CoGREE)

<http://www.cogree.com>

European Project for Inter-religious Learning

<http://www.epil.ch/International Association for Intercultural Education>

<http://www.iaie.org>

The First Amendment Center

<http://www.firstamendmentcenter.org>

The Interfaith Council on Ethics Education for Children

<http://www.ethicseducationforchildren.org/en>

International Association for Religious Freedom

<http://www.iarf.net/index.html>

The Ontario Consultants on Religious Tolerance

<http://www.religioustolerance.org>

The Oslo Coalition on Freedom of Religion or Belief

<http://www.oslocoalition.org>

The Professional Council for Religious Education

<http://www.pcfre.org.uk>

Religious Education Exchange Service

<http://re-xs.ucsm.ac.uk>

Religion in Education. A contribution to Dialogue or a factor of Conflict in transforming societies of European Countries (REDCo)

<http://www.redco.uni-hamburg.de/web/3480/3481/index.html>

Religious Resources—A directory of internet resources for major religions

<http://www.religiousresources.org>

The Runnymede Trust

<http://www.runnymedetrust.org>

Simon Wiesenthal Center and its Museum of Tolerance

[www.wiesenthal.com](http://www.wiesenthal.com)

The Tanenbaum Center for Inter-religious Understanding

<http://www.tanenbaum.org>

“Teaching Tolerance” and the general educational website of the Southern Poverty Law Center <http://www.tolerance.org>

The TRES Network “Teaching Religion in a European multicultural Society”

<http://www.student.teol.uu.se/tres>

UNESCO’s Interreligious Dialogue Program

[http://portal.unesco.org/culture/en/ev.php-URL\\_ID=11680&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/culture/en/ev.php-URL_ID=11680&URL_DO=DO_TOPIC&URL_SECTION=201.html)

### **ODIHR-Supported General and Comprehensive Online Resources**

ODIHR Tolerance and Non-Discrimination Information System

<http://tandis.odihhr.pl>

#### *Corner on Teaching about Religions and Beliefs*

This section provides material and documents in the area of teaching about religions and beliefs. Examples of teaching material in the classroom and reports on how this can be implemented can be found here. A links page provides websites of relevant networks and institutions.

#### *Freedom of religion or belief*

This section provides access to a broad range of information on freedom of religion and belief throughout the OSCE region:

- news on freedom of religion and belief;
- OSCE commitments and statements pertaining to freedom of religion or belief;
- instruments of international law pertaining to freedom of religion or belief;
- court decisions pertaining to freedom of religion or belief;
- background information on particular freedom of religion and belief issues.

*Website Guide to Tolerance Education*

<http://tolerance.research.uj.edu.pl>

A resource website dealing with tolerance education in relation to freedom of religion or belief developed and hosted by the Centre for European Studies at the Jagiellonian University with the support of the ODIHR. Its objectives are:

- Helping educational policy makers and members of boards of education to incorporate tolerance education and respect for freedom of religion of belief (FORB) into curricula in order to prevent ethnic and religious conflict in school and in other institutions for children and youth;
- Helping teachers and future teachers to access pedagogical tools for enhancing openness and respect for others in the classroom and during after-school activities;
- Providing educational instruments that can be implemented in schools for overcoming the often inadequate and frequently clichéd images of members of other religious, national or ethnic groups;
- Offering educators across Europe and Asia a broad range of methods and approaches to overcome the negative stereotypes, prejudices and discrimination that might occur in their countries.

## About the OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today, it employs more than 120 staff.

The ODIHR is the leading agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of several observation missions with thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society and democratic governance, freedom of movement, gender equality, and legislative support. The ODIHR implements more than 100 targeted assistance programmes every year, seeking both to facilitate and enhance state compliance with OSCE commitments and to develop democratic structures.

The ODIHR promotes the protection of **human rights** through technical-assistance projects and training on human dimension issues. It conducts research and prepares reports on different human rights topics. In addition, the Office organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States. In its anti-terrorism activities, the ODIHR works to

build awareness of human dimension issues and carries out projects that address factors engendering terrorism. The ODIHR is also at the forefront of international efforts to prevent trafficking in human beings and to ensure a co-ordinated response that puts the rights of victims first.

The ODIHR's **tolerance and non-discrimination** programme provides support to participating States in implementing their OSCE commitments and in strengthening their efforts to respond to, and combat, hate crimes and violent manifestations of intolerance. The programme also aims to strengthen civil society's capacity to respond to hate-motivated crimes and incidents.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihhr](http://www.osce.org/odihhr)).



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