

# COUNCIL OF EUROPE: Resolution 2163/2017 on the protection of the rights of parents and children belonging to religious minorities

Council of Europe (27.04.2017) – <http://bit.ly/2pwi4Gu>

1. The Parliamentary Assembly notes that the population of the member States of the Council of Europe is more ethnically, culturally and religiously diverse than ever before. The landscape of religious communities in Europe is complex and evolving, with traditional beliefs spreading beyond their historical territory and new denominations emerging. Such an environment has the potential to render families belonging to religious minorities ostracised for their views and values in contexts where there is a dominant majority that holds conflicting views.
2. In this context, the Assembly recalls its staunch commitment to supporting peaceful coexistence between people of different religious and ethnic affiliations, and striving for a tolerant, respectful and democratic community for all, as outlined in the adoption of several Assembly texts, including: Resolution 1904 (2012) on the right to freedom of choice in education in Europe; Resolution 1928 (2013) on safeguarding human rights in relation to religion and belief and protecting religious communities from violence; Resolution 2036 (2015) on tackling intolerance and discrimination in Europe with a special focus on Christians and Resolution 2076 (2015) on freedom of religion and living together in a democratic society.
3. The Assembly underlines its commitment to protecting the fundamental rights enshrined in the European Convention on Human Rights (ETS No. 5, “the Convention”), in particular the right to freedom of thought, conscience

and religion under Article 9, and the right of parents to provide their children with an education in conformity with their own religious and philosophical convictions under Article 2 of Protocol No.1 to the Convention (ETS No. 9). The Assembly reiterates the fundamental right of children to education in a critical and pluralistic manner in accordance with the Convention, its protocols and the case law of the European Court of Human Rights.

4. The Assembly considers that particular difficulties can arise with regard to respecting the beliefs and convictions of minority religious communities in the context of the registration of religious organisations, State provided education and social services. The Assembly considers that it is not the role of member States to regulate or validate the beliefs and world views of its population, but to accommodate different perspectives and convictions, and allow individuals to thrive together within the boundaries of public order, health and morals. It considers that the genuine recognition of, and respect for, diversity and the dynamics of cultural traditions and identities and religious convictions are essential in order to achieve social cohesion.
5. The Assembly therefore calls on all member States of the Council of Europe to protect the rights of parents and children belonging to religious minorities by taking practical steps, legislative or otherwise, to:
  - 5.1. affirm the right to freedom of thought, conscience and religion for all individuals, including the right not to adhere to any religion, and protect the right of all not to be compelled to perform actions that go against their deeply held moral or religious beliefs, while ensuring that access to services lawfully provided is maintained and the right of others to be free from discrimination is protected;
  - 5.2. promote reasonable accommodation of the deeply held moral or religious beliefs of all individuals in cases of serious conflict to enable citizens to freely manifest their religion or belief in private or in public, within the limits defined by legislation and provided that

this is not detrimental to the rights of others;

- 5.3. repeal any law or rule which establishes a discriminatory distinction between religious minorities and majority beliefs;
- 5.4. ensure easy-to-implement options for children or parents to obtain exemptions from compulsory State religious education programmes that are in conflict with their deeply held moral or religious beliefs; such options may include non-confessional teaching of religion, providing information on a plurality of religions, and ethics programmes.

This resolution is the result of a motion for a resolution (N° [13333](#)) tabled on 10<sup>th</sup> October 2013 by Mr Valeriu Ghiletschi (Moldova), appointed as rapporteur by the Committee on Equality and Non Discrimination of the PACE, and other members of the Assembly\*\*. The text of the motion was saying:

The Council of Europe is committed to a policy for the protection of rights mentioned in Article 2 of the additional protocol of the European Court of Human Rights to respect the rights of parents to ensure that their children are raised and educated in conformity with their own religious and philosophical convictions.

The Parliamentary Assembly recalls Recommendations No. 1720 (2005) on "Education and religion", No. 1396 (1999) on "Religion and democracy", No. 1309 (2002) on "Freedom of religion and religious minorities in France", No. 1928 (2013) on "Safeguarding human rights in relation to religion and belief and protecting religious communities from violence" (particularly paragraph 9.11), No. 1904 (2012) on "The right to freedom of choice in education in Europe".

The Assembly has expressed concern regarding discrimination

that may arise from unnecessary restrictions on the rights of parents to raise and educate their children in conformity with their own religious and philosophical convictions.

The European Court of Human Rights has also ruled on this matter in many decisions, reinforcing the rights of parents to raise their children in conformity with their own convictions. The Assembly finds that new religious movements and religious minorities are especially at risk regarding the infringement of these rights by some member States.

Derogatory labeling of religious minorities as 'sects', 'sectarian', 'cults' or any other term generates bias and stigmatization and lead to undue restrictions to a parent's right to raise and educate their children in conformity with their own beliefs.

The Assembly therefore resolves to study and identify cases where member States do not respect the rights of parents to educate children according to their own religious and philosophical convictions, especially with regard to minorities.

(\*) Assembly debate on 27 April 2017 (17th Sitting) (see Doc. 14260, report of the Committee on Equality and NonDiscrimination, rapporteur: Mr Valeriu Ghilechi). Text adopted by the Assembly on 27 April 2017 (17th Sitting). See also Recommendation 2101 (2017) at <http://bit.ly/2pJGFZ4>.

(\*\*) The motion was signed by:

GHILETCHI Valeriu, Republic of Moldova EPP/CD; AGRAMUNT Pedro, Spain EPP/CD; CHOPE Christopher, United Kingdom EDG; CROSIO Jonny, Italy EDG; DESEYN Roel, Belgium EPP/CD; DONALDSON Jeffrey, United Kingdom EDG; DUNDEE Alexander, [The Earl of], United Kingdom EDG; GALATI Giuseppe, Italy EPP/CD; HOVHANNISYAN Arpine, Armenia EPP/CD; JAPARIDZE Tedo, Georgia

SOC; KALMÁR Ferenc, Hungary EPP/CD; KORODI Attila, Romania EPP/CD; LEIGH Edward, United Kingdom EDG; MAGHRADZE Guguli, Georgia SOC; MENDES BOTA José, Portugal EPP/CD; OROBETS Lesia, Ukraine EPP/CD; PALACIOS José Ignacio, Spain EPP/CD; PINTADO Ángel, Spain EPP/CD; QUINTANILLA Carmen, Spain EPP/CD; SOBOLEV Serhiy, Ukraine EPP/CD; WOLDSETH Karin S., Norway, EDG.

See <http://bit.ly/2psUCb8>

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