Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 14408
02 October 2017

The protection of the rights of parents and children belonging to religious minorities

Reply to Recommendation[1]: Recommendation 2101 (2017)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2101 (2017) on "The protection of the rights of parents and children belonging to religious minorities" and brought it to the attention of the governments of member States. It also forwarded it to the Ad Hoc Committee for the Rights of the Child (CAHENF) and the Steering Committee for Educational Policy and Practice (CDPPE), for possible comments.

2. The Committee of Ministers underlines that freedom of thought, conscience and religion is a fundamental right enshrined in the European Convention on Human Rights (ECHR, Article 9), the United Nations Convention on the Rights of the Child (UNCRC, Article 14), as well as other key international and European human rights instruments. The ECHR also covers a specific aspect of freedom of religion, namely States' obligation, in the exercise of any functions which they assume in relation to education and to teaching, to respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions (Article 2 of Protocol No. 1). With regard to the aspects concerning religious minorities, the Committee of Ministers refers to the provisions of the Council of Europe's Framework Convention for the Protection of National Minorities and the work of the European Commission against Racism and Intolerance (ECRI).

3. The Assembly recommends the drafting of "guidelines on how member States should effectively provide reasonable accommodation for deeply held moral or religious beliefs of individuals, while ensuring respect for the rights of others". In this connection, the Committee of Ministers would underline that the extensive case law of the European Court of Human Rights on freedom of religion provides comprehensive guidance to States in this area. Additionally, the opinions and reports of monitoring bodies such as the Advisory Committee of the Framework Convention and ECRI, and the recommendations issued by the Committee of Ministers on the basis of the monitoring conducted by the Advisory Committee, have addressed these issues frequently and also provide guidance to national authorities.

4. Finally, the Council of Europe's action in the area of the rights of the child guide member States in ensuring that children's rights are protected and promoted without discrimination and in all spheres of life, in line with relevant international and European standards and with the Council of Europe Strategy for the Rights of the Child (2016-2021).

5. The Committee of Ministers therefore considers that appropriate guidance is already available and does not believe that it is necessary to draw up additional guidelines.

1. Adopted at the 1295th meeting of the Ministers' Deputies (27 September 2017).