



FACTFILE

Religious symbols

What is the issue?

- When, how and where is it acceptable for children to wear religious symbols?

Key points

- In different countries throughout the world, pupils in primary and secondary schools run the risk of being expelled for displaying religious symbols such as headscarves, crosses or rings.
- In other countries, children may be obliged to wear religious symbols. For example, certain countries requires girls to wear Islamic dress, and they may be flogged or worse for failing to do so. Therefore, freedom of religion or belief may be invoked both in terms of the positive freedom of persons who wish to wear or display a religious symbol and in terms of the negative freedom of persons who do not want to be confronted with or coerced into it.
- Article 14 of the Convention on the Rights of the Child (CRC) states that “States Parties shall respect the right of the child to freedom of thought, conscience and religion.”
- The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief articulates the freedom to “make, acquire and use to an adequate extent the necessary articles and materials related to rites or customs of a religion or belief”
- Furthermore, Article 14 of the CRC states: “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.”
- It is up to the worshippers themselves, not the State, to decide on the content of a religion. The appearance or exhibition of a symbol may or may not be linked to any religious sentiment or belief.
- The Committee on the Rights of the Child, has expressed concern at the rise in discrimination based on religion. In its concluding observations to France, regarding a new law on wearing religious symbols and clothing in public schools, it recommended that the State party “consider alternative means, including mediation, of ensuring the secular character of public schools, while guaranteeing that individual rights are not infringed upon and that children are not excluded or marginalised from the school system and other settings as a result of such legislation.”¹¹
- In seeking to accommodate different categories of individuals details of permissible limitations will be controversial. In general schoolchildren are generally considered vulnerable in view of their age, immaturity and the compulsory nature of education.

Key quotes

- “A prohibition of wearing religious symbols which is based on mere speculation or presumption rather than on demonstrable facts is regarded as a violation of the individual’s religious freedom.” Special Rapporteur on freedom of religion or belief, Asma Jahangir
- “Above all, the message that needs to be repeated over and over again is that the best means of preventing and combating fanaticism and extremism is to uphold human rights.” Judge Francoise Tulkins

Quotes and information largely sourced from Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, 2006: <http://www2.ohchr.org/english/issues/religion/docs/report2006.pdf>