

You will find below the ECLJ comments on the Resolution of the Council of Europe on “*The Dangers of Creationism in Education*”, that was supposed to be voted, on Tuesday, 25 of June, 2007, by the Parliamentary Assembly of the Council of Europe.

Memorandum on Council of Europe Legislation, Draft Resolution Regarding Report on
“*The Dangers of Creationism in Education*”

20 June 2007

ABSTRACT

The Committee on Culture, Science and Education presented the working document, “Report on the Dangers of Creationism in Education” (“Report”), on 8 June 2007, including 19 articles of a Draft Resolution (“Resolution”)¹. The aim of the Report is to forego scientific discussion between the theories of evolution and creationism, or intelligent design, to impede the educational formation of children by restricting classroom exploration of ideas, and effectively infringe on the rights of free exercise of expression, religion, and education. The language used in the Report presents a rather overstated picture of the “threat to human rights” posed by creationism. Despite citing to a *de minimus* acceptance of creationism in Europe, the Report calls for measures to dissuade the exchange of theories on the origins of life.

Respect for pluralism and diversity are hallmarks of a democratic society. To censor discussion and teaching of creationism would violate the spirit as well as the letters of democracy enshrined in the European Convention on Human Rights, the Charter on Fundamental Rights of the European Union, and the United Nations Convention on the Rights of the Child.

The result of passing the Resolution would be the prevention of academic and educative discussion between the theory of intelligent design and the theory of evolution. This approach can only hamper the educational progress of students by restricting their examination of competing scientific ideas and will necessarily violate the right to freedom of expression, including academic freedom, and the right to free exercise of religion in education. Therefore,

¹ <http://www.assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11297.htm>

the Parliamentary Assembly should reject the Resolution as incompatible with the goals and ideals of the Council of Europe.

SECTION I. SUMMARY

The Committee on Culture, Science and Education presented the working document, “Report on the Dangers of Creationism in Education” (“Report”), on 8 June 2007, including 19 articles of a Draft Resolution (“Resolution”).² The aim of the Report is to forego scientific discussion between the theories of evolution and creationism, or intelligent design, to impede the educational formation of children by restricting classroom exploration of ideas, and effectively infringe on the rights of free exercise of expression, religion, and education.³ The language used in the Report presents a rather overstated picture of the “threat to human rights” posed by creationism.⁴ Despite citing to a *de minimus* acceptance of creationism in Europe, the Report calls for measures to dissuade the exchange of theories on the origins of life.⁵

Respect for pluralism and diversity are hallmarks of a democratic society. To censor discussion and teaching of creationism would violate the spirit as well as the letters of democracy enshrined in the European Convention on Human Rights (“Convention”), the Charter on Fundamental Rights of the European Union (“Charter”), and the United Nations Convention on the Rights of the Child (“UNCRC”).⁶

² Committee on Culture, Science and Education, M. Guy Lengage, France, Socialist Group, *The Dangers of Creationism in Education*, Doc. 11297, 8.7.2007, available at <http://www.assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc07/EDOC11297.htm> [hereinafter *The Dangers of Creationism in Education*]. The operational draft Resolution section of the document will be voted on, as the explanatory memorandum section is merely informative and should encompass dissenting opinions voiced in the committee. See Council of Europe, Parliamentary Assembly, Assembly Procedure, *Assembly Texts* § 11, available at http://www.assembly.coe.int/Main.asp?link=/AboutUs/APCE_Procedure.htm.

³ *The Dangers of Creationism in Education*, supra note **Error! Bookmark not defined.**, § A.1–18. See also APPENDIX.

⁴ See *The Dangers of Creationism in Education*, supra note **Error! Bookmark not defined.**, § A.1, .18.

⁵ See generally *The Dangers of Creationism in Education*, supra note **Error! Bookmark not defined.**

⁶ See Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force Sept. 3, 1953, as amended by Protocols Nos. 3, 5, 8, and 11 which entered into force on 21 September 1970, 20 December 1971, 1 January 1990, and 1 November 1998 respectively (“European Convention on Human Rights”), arts. 9, 10, protocol 1, art. 2 [hereinafter Convention]; Charter on Fundamental Rights of the European Union, 2000 O.J. (C 364) 1 (Dec. 7, 2000) arts. 13, 14, 24 [hereinafter Charter]; United Nations *Convention on the Rights of the Child*, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force 2.9.1990, arts. 3, 5, 13, 14, 17, 18, 28, 29 [hereinafter UNCRC].

SECTION II. FREEDOM OF EXPRESSION

The Report of the Committee on Culture, Science and Education represents a grave threat to freedom of expression as enshrined in Article 10 of the Convention; as this freedom is manifested in academic freedom and in the right to education in Article 2 of Protocol 1 of the Convention; because the Report seeks to censor criticism of the theory of evolution and to eliminate mention of the theory of intelligent design from science classrooms. The Report, including its Resolution, is a document that can only work to the detriment of the expressive and educational climates of the member states.

The Convention states that “[e]veryone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”⁷ The protection of freedom of expression by Article 10 not only plays an important role in itself, but also plays a central role in the protection of other rights in the Convention.⁸ The freedom of expression, however, would be illusory if it only protected ideas and opinions which were inoffensive to all. The Court has held that the right to freedom of expression enshrined in the Convention protects not only:

information or ideas that are favorably received or regarded as inoffensive or as a matter of indifference, but also those that offend, shock or disturb; such are the demands of that pluralism, tolerance and broadmindedness without which there is no democratic society.⁹

Indeed, the primary role of Article 10 is the protection of freedom of expression for all. As such, the European Court of Human Rights has established very strict rules of interpretation of any possible restrictions of freedom of expression. The Court has further held that Member States have the duty to remain impartial and neutral with regard to views expressed, since what is at

⁷ Convention, *supra* note 5, art. 10.

⁸ Jochen Abr. Frowein, *Freedom of Expression under the European Convention of Human Rights*, in Monitor/Inf (97) 3, Council of Europe.

⁹ *Handyside v. the United Kingdom*, 1976; *Lingens v. Austria*, 1986; *Oberschlick v. Austria*, 1991.

stake is the preservation of pluralism and the proper functioning of democracy, even when a state or judiciary may find some of those views irksome.¹⁰

A vital manifestation of this freedom of expression is academic freedom. In 2006, the Parliamentary Assembly issued a recommendation relating to academic freedom and freedom of expression in which it reiterated that “academic freedom in research and in training should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and distribute knowledge and truth without restriction.”¹¹ The freedom of expression protected by Article 10 is of paramount importance because the engine of democratic society is fueled by the free exchange of information and opinion and by open debate concerning competing ideas. The right to free expression allows all individuals access to the marketplace of ideas and functions as a protection against enforced intellectual homogeneity by governments and other institutions. Similarly, scientific progress in a democratic society is fueled by free and rigorous academic debate. In order for a society to remain scientifically relevant, it must foster an open academic and educational environment that encourages debate and critical examination of competing ideas.

The Report does not respect the freedom of expression of teachers, researchers, and students, as manifest in academic freedom, because it seeks to eradicate an alternative to the Darwinian model of the origin of life, thereby elevating the theory of evolution to scientific dogma. While the majority of scientists have concluded that evolution is the soundest theory concerning the origins of life, scientific truth is not proven by consensus. It emerges through the critical application of the scientific method to observable phenomena and through open and honest debate about the facts. Just as democratic societies are made possible by the open exchange of ideas between individuals and the freedom to express criticism of ideas, scientific progress is made possible by free and reasoned discourse. The Report, however, aims to disregard a valid alternative theory of the origin of life. In a way, the Report appears to enshrine the theory of evolution as incontestable scientific dogma. The Report does state that “[t]he truth and

¹⁰ ECtHR, 30 January 1998, *United Communist Party of Turkey and Others v. Turkey*, Reports 1998-I, p. 25, § 57.

¹¹ Parliamentary Assembly, Recommendation 1762, *Academic freedom and university autonomy*, § 4.1, 30 June 2006.

scientific nature of evolution remains irrefutable today.”¹² Any denial of the theory of evolution or presentation of alternative theories are somewhat equated with the total denial of the scientific method and, incredibly, with the denial of the democratic society itself. In a rather alarmist fashion, the Report states that “[i]f [the Member States] are not careful, creationism could become a threat to human rights.”¹³ Academic freedom cannot thrive where criticism of a scientific theory is equated with the wholesale rejection of modern democratic society. Academic freedom must be respected and held in high esteem. As the Parliamentary Assembly has noted, “[h]istory has proven that violations of academic freedom . . . have always resulted in intellectual relapse, and consequently in social and economic stagnation.”¹⁴ Thus, the Report dismisses academic freedom and advocates measures that tend toward the dissipation of much reasoned, scientific discourse.

The conclusions and recommendations of the Report also threaten to undermine the education of students in the member states by restricting the access of students to alternative scientific theories concerning the origin of life and by devaluing critical thinking regarding the theory of evolution. The freedom of expression becomes even more relevant when evaluated within the context of the right to education. The Convention states that “[n]o person shall be denied the right to education.” Further, the UNCRC requires that children “have the right to freedom of expression; this kind shall include freedom to seek, *receive* and impart information and ideas of all kinds, regardless of frontiers.”¹⁵ Indeed, in order to produce adults with the critical thinking skills necessary to succeed, students must be allowed to engage with and to challenge the science that they meet in the classroom and in everyday life. Students should be encouraged to adopt a critical and questioning frame of mind that will permit them to understand both how science works and how science impacts society and their lives. The Report, however, states that intelligent design must be “combated” because “[i]t is necessary to avoid doubt entering individuals minds with regard to fundamental scientific knowledge.”¹⁶ Based on a negative viewpoint of the theory of intelligent design, the Report appears somewhat phobic about the

¹² *The Dangers of Creationism in Education*, *supra* note 2, § 89.

¹³ *Id.*

¹⁴ Parliamentary Assembly, Recommendation 1762, *Academic freedom and university autonomy*, § 4.3, 30 June 2006.

¹⁵ UNCRC, *supra* note 6, art. 13(1) (emphasis added).

¹⁶ *The Dangers of Creationism in Education*, *supra* note 2, § 101.

mere mention of intelligent design in science classrooms. The result is that students' right to be educated with all pertinent information suffers. Instead they learn that some scientific theories cannot, or should not, be analyzed critically.

The Resolution aims to silence expressions of criticism of the theory of evolution and any and all mentions of the theory of intelligent design in academic and educational settings. As such, passing of the Resolution would undermine free expression and academic freedom, two crucial elements of a progressive and democratic society. Furthermore, the Resolution jeopardizes the right to education of students in the member states by eliminating access to competing scientific theories and by denying critical analysis of the theory of evolution.

SECTION III. FREEDOM OF RELIGION IN THE CONTEXT OF EDUCATION

Freedom of religion and a right to education are well-established and accepted foundations of a democratic society, according to many decisions by the European Court of Human Rights.¹⁷ The legitimacy of religious beliefs or their manifestations are not subject to discretion on the part of the State.¹⁸ These freedoms and rights pertain both to children and adults, in the conversation of learning that takes place in the classroom.¹⁹ Oftentimes considering the child's age and maturity, both parents and state actors are obliged to make decisions regarding the well-being and best interests of the child, as established in both the Charter and the Convention.²⁰

In regard to religious and educational freedoms, the Report appears to focus its condemnation of creationism in the refutation of it as a scientific theory.²¹ However, the Resolution explicitly

¹⁷ The European Court of Human Rights has affirmed this in many decisions, see, for example, ECtHR, 25 May 1993, *Kokkinakis v. Greece*, Series A No. 260-A, § 31: AFDI, 1994, p. 658 (indicating also that religious freedom proves one of the critical elements of believer's identities and conceptions of life) and ECtHR, 25 February 1982, *Campbell and Cosans v. the United Kingdom*, Series A, No. 48, § 36: CDE, 1986, p. 230 (interpreting the religious or philosophical convictions as a whole, worthy of respect and not incompatible with human dignity).

¹⁸ ECtHR, 26 September 1996, *Manoussakis and Others v. Greece*, Reports 1996-IV: AFDI, 1996, p. 749, § 47.

¹⁹ Convention, *supra* note 6, art. 9; UNCRC, *supra* note 6, art. 14.

²⁰ Charter, *supra* note 6, art. 24; UNCRC, *supra* note 6, arts. 3, 18.

²¹ *The Dangers of Creationism in Education*, *supra* note **Error! Bookmark not defined.**, § A.6–10. Despite language such as “[i]n the name of freedom of expression and individual belief, creationist theories, as well as any other theological position, could possibly be presented as an addition to cultural and religious education, but they cannot claim scientific respectability,” the Resolution seeks to prevent the legitimate educational communication about a scientific theory. *Id.* § A.15.

labels present-day creationists as mostly Christian or Muslim and proceeds to disrespect their religious views and seeks to invalidate their manifestation of religious beliefs through the study of creationism.²² In terms of education, in the event that schools and parents determine creationism to be appropriate scientific subject matter, they should be able to freely include it in classroom discussion under the protection of freedom of religion and the right to education.

The Resolution presents difficulty to freely manifest religion on three specific fronts in the context of education: the rights of the educational institution, parents, and most notably children themselves. Not only does each person possess a right to education, but to an education that does not contravene his or her religious and philosophical convictions, according to Protocol 1, article 2 of the Convention.²³

The Resolution calls for the educational authorities of member states of the Parliamentary assembly to “promote the teachings of evolution by natural selection as a fundamental scientific theory in the school curriculum.”²⁴ Aside from mere promotion of the theory of evolution, the Resolution also specifically requests the authorities “firmly oppose the teaching of creationism as a scientific discipline on an equal footing with the theory of evolution . . . and . . . resist presentation of creationist theories in any discipline other than religion.”²⁵ This narrow view directly contravenes the nature of an educational institute. It is founded in promotion of the principles of democracy, and this includes respect for religious freedom.²⁶ It also must be free to teach and instruct students in the manner of its choosing,²⁷ in the best-interests of the child. To forcibly remove all but one viewpoint from the curriculum simply does not comport with academic freedom.²⁸

²² *Id.* § A.3.

²³ Convention, *supra* note 6, at protocol 1, art. 2.

²⁴ *The Dangers of Creationism in Education*, *supra* note **Error! Bookmark not defined.**, § A.18.5.

²⁵ *Id.*

²⁶ Charter, *supra* note 6, art. 14(3).

²⁷ UNCRC, *supra* note 6, art. 29.

²⁸ Charter, *supra* note 6, art. 13.

Parents have a right insofar as their children’s education: to ensure that it conforms to their “religious, philosophical and pedagogical convictions,”²⁹ and this right must be respected by the state.³⁰ Surprisingly, this right receives no recognition in the Resolution. Upon careful examination, the closest to acknowledging parents at all are mentions of the “growth of modes of thought . . . the better to impose religious dogma,”³¹ as well as the accusation that the “war on the theory of evolution . . . most often originates in forms of religious extremism . . . closely allied to extreme right-wing political movements.”³² One can only presume by inference that any parents in support of creationism in the schools are members of this imposing religious dogma “war” and “political movement.” Overall, no acknowledgement to parental rights concerning the information taught to their children surfaces in the Resolution.

An equally dismissive attitude is taken toward the child’s right to a fully democratic education. The Resolution states that “[t]here is a real risk of a serious confusion being introduced into our children’s minds between what has to do with convictions, beliefs and ideals and what has to do with science, and of the advent of an ‘all things are equal’ attitude, which may seem appealing and tolerant but is actually disastrous.”³³ The only confusion for a child caught in this issue would be instructions of intolerance and narrow-mindedness. The child is particularly vulnerable as often his or her rights are not fully respected in situations such as these. The child’s right to religious freedom and to a manifestation of his or her beliefs warrants particular attention, especially in the educational setting.³⁴ This manifestation includes the right to not be restricted in studies of creationism, a religiously influenced theory. Education provides the opportunity for the healthy development of children and should direct the child to develop “respect for human rights and fundamental freedoms” and to partake “in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples . . . and religious groups.”³⁵ The deliberate and intentional exclusion of, say, intelligent design from the scientific curriculum, directly defies tolerance and the full development of the child.

²⁹ *Id.* The Convention protocol on education states almost exactly the same right. *See* Convention, *supra* note 6, protocol 1, art. 2.

³⁰ UNCRC, *supra* note 6, arts. 5, 14, 18; Convention, *supra* note 6, protocol 1, art. 2.

³¹ *The Dangers of Creationism in Education*, *supra* note 1, § A.5.

³² *Id.* § A.12.

³³ *Id.* § A.6.

³⁴ *See* UNCRC, *supra* note 6, arts. 14(1), (3).

³⁵ *Id.* art. 29.1(b), (d).

Restrictions on the rights articulated in the Convention must be narrowly tailored, adopted strictly in the interests of public and social life, and rights of other members of society.³⁶ Restrictions on the manifestation of religion or beliefs are only permitted as absolutely necessary in a democratic society for 1) public safety; 2) protection of public order; 3) health or morals; or 4) the protection of the rights and freedoms of others.³⁷ As to the first and second requirements, despite the allegations that “strict creationists are out to replace democracy by theocracy,”³⁸ no dangerous or disruptive behavior has been reported as incited by the “creationalist fundamentalists.” The third restriction, for reasons of health or morals, appears to be one of perspective. The Resolution presents the viewpoint that the dire consequences of creationism include the cessation of medical research, along with a promotion of unhealthy agricultural techniques, and a denial of risks posed to biodiversity.³⁹ These suppositions are a remarkably out-of-proportion reaction to the inclusion of a scientific theory involving religious principles. The Report presents no evidence in support of them. Indeed it would be to the detriment of the health and morals of all children not to be permitted free exercise of religion in education.⁴⁰ Similarly, the contradiction of information supplied at school versus instruction from parents at home could pose a real threat to the well-being of the child.⁴¹ Also dangerous to the child’s well-being is the imposition of one viewpoint to the complete exclusion of all others, as it sets a narrow lens for education and a dangerous precedent. As regards the fourth requirement for restriction, the inclusion of creationism in no way impinges upon the rights and freedoms of others and is necessary in a democratic society.

³⁶ See F. Sudre, *Droit International et Europeen des droits de l’homme*, PUF, Droit fundamental, 1999, p. 108.

³⁷ Convention, *supra*, note 6, art. 9(2).

³⁸ *Id.* § A.12.

³⁹ *Id.* §§ A.10, .14.

⁴⁰ As freedom of thought, conscience, and religion are all integral rights stated in the UNCRC, the deprivation of them would potentially hinder the “evolving capacities of the child,” one of the very fundamental reasons for the protection of the right. See UNCRC, *supra* note 6, art. 14.

⁴¹ Actions such as these directly contravene the UNCRC’s founding principle: the best interests of the child principle. *Id.* art. 3 (declaring that “[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration”).

According to various European Institutions, the features typical of a democratic society are pluralism, tolerance, and broadmindedness.⁴² The inclusion of intelligent design as alternative scientific theory in the classroom broadens the child's intellectual horizons and encourages tolerance and pluralism, embodying democratic characteristics. It should accordingly be embraced as a desirable addition to the educational curriculum and receive protections under free exercise of religion and the right to education.

SECTION IV. CONCLUSION

The result of passing the instant Resolution would be the prevention of academic and educative discussion between the theory of intelligent design and the theory of evolution. This approach can only hamper the educational progress of students by restricting their examination of competing scientific ideas and will necessarily violate the right to freedom of expression, including academic freedom, the right to free exercise of religion in education.⁴³ Therefore, the Parliamentary Assembly should reject the Resolution as incompatible with the goals and ideals of the Council of Europe.

⁴² ECtHR, 30 September 1976, *Handyside v. the United Kingdom*, Series A, No. 24, § 49 *et seq.*

⁴³ *The Dangers of Creationism in Education*, *supra* note **Error! Bookmark not defined.**, §§ A.1–18. See also APPENDIX.

APPENDIX

Charter on Fundamental Rights of the European Union⁴⁴

Article 13: Freedom of the Arts and Sciences

The arts and scientific research shall be free of constraint. Academic freedom shall be respected.

Article 14: Right to Education

1. Everyone has the right to education and to have access to vocational and continuing training.
2. This right includes the possibility to receive free compulsory education.
3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

Article 24: Rights of the Child

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

...

United Nations Convention on the Rights of the Child⁴⁵

Article 3

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 interest of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

⁴⁴ Charter, *supra* note 6.

⁴⁵ UNCRC, *supra* note 6.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 13

1. The child shall have the right to freedom of expression; this kind shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a. For respect of the rights or reputations of others; or
 - b. For the protection of national security or of public order, or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the right 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.
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.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

1. Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
2. Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

...

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal

guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

...

Article 28

1. States Parties recognize the right of the child to education . . .

...

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. . . .

Article 29

1. States Parties agree that the education of the child shall be directed to:

a. . . .

b. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

c. . . .

d. 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 person of indigenous origin;

e. . . .

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

European Convention on Human Rights⁴⁶

Article 9

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 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 the protection of the rights and freedoms of others.

Article 10

1. Everyone has the right to freedom of expression. This right shall include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. . . .

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing

⁴⁶ Convention, *supra* note 6.

the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Protocol 1, article 2

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 religions and philosophical convictions.