

Protocol No. 1;

2. Holds unanimously that it is not necessary to examine the applicants' complaint under Article 14 of the Convention taken in conjunction with Articles 8 and 9 of the Convention and Article 2 of Protocol No. 1;

3. Holds unanimously that the finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants;

4. Holds unanimously

(a) that the respondent State is to pay the applicants jointly, within three months, EUR 70,000 (seventy thousand euros) in respect of costs and expenses, to be converted into the national currency of the respondent State at the rate applicable at the date of settlement;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. Dismisses unanimously the remainder of the applicants' claim for just satisfaction.

Done in English and in French, and delivered at a public hearing in the Human Rights Building, Strasbourg, on 29 June 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Vincent BERGER  
Jurisconsult

Jean-Paul COSTA  
President

#### **4. INSTRUMENTOS INTERNACIONALES. OSCE-ODIHR. TOLEDO GUIDING PRICIPLES ON TEACHING ABOUT RELIGIONS AND BELIEFS IN PUBLIC SCHOOLS.**

*Durante el período de presidencia española de la OSCE en el año 2007, la Oficina para las Instituciones Democráticas y los Derechos Humanos (ODIHR) de la OSCE ha publicado el documento "Toledo Guiding Priciples on Teaching About Religions and Beliefs in Public Schools", elaborado por juristas, pedagogos y expertos en educación, que contiene los principios u orientaciones básicas conforme a las cuales puede desarrollarse la enseñanza de la religión no confesional en los colegios de titularidad estatal. Reproducimos en las páginas del Anuario la parte del documento correspondiente al Sumario<sup>4</sup>.*

<sup>4</sup> OSCE-ODIHR, Toledo Guiding Priciples on Teaching About Religi\_n and Beliefs in Public Schools (prepared by the ODIHR Advisory Council of Experts on Freedom of Religion or Belief), OSCE-ODIHR publ., Warsaw (2007). En l\_nea, ref. 29.11.2007, disponible en web <<http://www.osce.org/item/28314.html?ch=993>>, pp. 11-17, 63-75.

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

## 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, together with other experts and scholars, met in Toledo, Spain, in March 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 principles: 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:

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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.

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 perspective; 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 frame-

work 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 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 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.