

**Submission by Fairness in Religion in School about Australia's progress
in meeting its child rights obligations**

In light of –

24. The Committee recommends that the State party include public education on child rights as a core objective of its proposed National Human Rights Action Plan. The Committee further recommends that the State party consider including mandatory modules on human rights and the Convention in its school curriculum and in training programmes for all professionals working with or for children.

30. ...the Committee recommends that the State party strengthen its awareness-raising and other preventative activities against discrimination, including through integrating such activities within school curricula, and if necessary taking affirmative action for the benefit of children in vulnerable situations, including Aboriginal and Torres Islander children and children from non-Anglo-Australian background.

33. ... the Committee remains concerned that there continues to be inadequate fora for taking into account the views of children who are below the age of 15 and/or of Aboriginal or Torres Strait Islander descent. The Committee is further concerned that there are inadequate mechanisms for facilitating meaningful and empowered child participation in the policies and decision-making affecting them in schools;

http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_AUS_CO_4.pdf

and

Article 30 of the UN's Convention on the Rights of the Child

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

- we ask that you consider the current provision of special religious education in NSW government schools.

The current provision of special religious education in NSW government schools breaches several human rights –

- the right to not be required to declared one's religion or belief

- the difficulty in deciding whether to exercise one's right to request an exemption from instruction in the faith one's child or one's family adheres to -

".. exemptions should also be available for persons adhering to the very same faith on which instruction is given, whenever they feel that their personal convictions – including maybe dissenting convictions – are not respected."

paragraph 50 at <http://undocs.org/A/HRC/16/53>

- the current onerous bureaucratic procedures involved in opting out: even if one leaves the form blank, or one writes 'no religion', one is sent a supplementary preference letter and is required to return it – there are no instructions in the procedures as to what is to happen if it is not returned, is returned blank, or with uncertain intent, and there are indications some schools will put students in SRE classes (see accompanying document).

" .. the possibility of opting out should not be linked to onerous bureaucratic procedures and must never carry with it de jure or de facto penalties."

paragraph 50 at <http://undocs.org/A/HRC/16/53>

- The risk a student is put into an SRE class without parental consent raises the issue of the right to not be compelled to receive or exposed to the religious teachings of others

Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief: Article 5(2). Proclaimed by General Assembly Res. 36/55 of 25 November 1981, UN Doc. A/36/51 (1982).

- With regard to article 18, paragraph 4, of the International Covenant on Civil and Political Rights, the Human Rights Committee has noted that "public education that includes instruction in a particular religion or belief is inconsistent with article 18.4 unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians"

UN Human Rights Committee, *General Comment No. 22*, para. 6.

See also Committee on Economic, Social and Cultural Rights,

General Comment No. 13 (1999) on the right to education, para. 28

Besides the example of ██████ High School (see accompanying document) we are aware of one NSW school, ██████ Public School, with an Aboriginal student population of 80%, in which *all* the students have been funneled into Christian SRE this year, 2018, without following procedures: we know that only 20% of students attending that school declared a religious persuasion on the school enrolment form yet no families were sent a 'special religious education' preference/ participation letter/form as the *Religious Education Implementation Procedures* require.

We think that is serious breach of Article 30 of the Convention on the Rights of the child

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