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# A Case Study on the Failure of International Human Rights Law to Protect Minority-Belief Students in Educational Institutions

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## Abstract

This article critically examines the shortcomings in human rights law that hinder the protection of Freedom of Religion or Belief (FoRB) for students of minority beliefs in educational institutions. While international legal frameworks, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights, nominally protect these freedoms, their practical realization remains different. Case analyses and judgments, including *Lautsi and Others v. Italy* (2011) and *Osmanoğlu and Kocabaş v. Switzerland* (2017), have revealed systemic failures such as discriminatory policies and inadequate approaches to accommodate religious practices. This research emphasizes that curricula reflect dominant cultural narratives while marginalizing students from minority belief systems through biased curricula, restrictive dress codes, and a lack of grievance mechanisms. Moreover, opt-out provisions meant to honor religious diversity often stigmatize minority students and do not provide for non-believers. This research recommends the introduction of inclusive curricula, Opt-out possibilities, opt-in approaches to religious education, and robust accountability systems to uphold FoRB protections. To address this issue, this study proposes that a transnational, multi-stakeholder process involving governments, religious scholars, education sectors, and international agencies. Such collaboration is essential to promote fair access to FoRB for all students in ways that encourage pluralism and social cohesion.

**Keywords:** discrimination, FoRB, human rights law, minority-belief students, opt-out

## Introduction

The issue of freedom of thought, conscience, and religion (FoRB) for students of minority faiths in educational institutions is complex and

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involves both great potential and extensive challenges. The educational institutions are primarily responsible for promoting social development, education as well as social interaction. Considering the conflicting nature of the environment of educational institutions, it is imperative to establish measures that ensure the protection of an individual's right to FoRB (United Nations, [2023](#)). In some countries, students or teachers who adhere to religious dress codes have faced consequences such as expulsion from schools, denial of access to higher education, suspension from their jobs, or limitations on their rights (Ali, [2013](#)). When children and parents seeking religious class exemptions are forced to reveal their beliefs or non-beliefs, serious concerns arise regarding the proper implementation of Article 9 and Article 2 of Protocol No. 1 of ECHR (Evans, [2008](#)). This article aims to explore the primary factors that contribute to the failure of human rights law in safeguarding FoRB for students belonging to minority faiths in educational institutions. The applicable norms and related case studies emerging from international and regional human rights treaties and bodies will be thoroughly explored.

### **Legal Provisions Safeguarding FoRB in International Human Rights Law**

This section highlights the key international treaties and conventions that uphold the FoRB of minority belief students.

#### ***Universal Declaration of Human Rights (UDHR)***

The UDHR is a landmark in human rights history and its Article 18 talks about the right to FoRB. The freedom of conscience, a natural and inviolable right under article 18 (Brown, [2016](#)), is the right to change religion but not to exhibit one's religious choice in a way that violates the Natural Law and state security (Lindkvist, [2013](#)). Religious liberty includes freedom to worship, preach, educate, and publish according to conscience and raise children in their parents' faith (Akande, [2022](#)). The central message of Article 18 is that states should maintain a system that gives religious communities substantial freedom, particularly in the field of education.

#### ***International Covenant on Civil and Political Rights (ICCPR)***

Article 18 of the ICCPR also guarantees the FoRB, allowing individuals to freely choose, practice, and propagate their religious beliefs. Article 18(4) further discussed that the States that have ratified this Covenant affirm their

commitment to upholding the right of parents or legal guardians to teach their children moral and religious values that align with their own beliefs (Ligthart et al., [2022](#)).

### ***European Convention on Human Rights (ECHR)***

Many European institutions believe that one of the pillars of a democratic society is freedom of thought, conscience, and religion. Both the European Union (EU) and the Council of Europe have gradually created complex regional human rights frameworks to address religious rights and freedoms. These rights have been progressively incorporated, acknowledged, and safeguarded by a number of regional human rights instruments during the past few decades. The European Convention on Human Rights (1950) serves as the first significant document (Fabio, [2024](#)). There are two clauses in Article 9 of the ECHR that deal with FoRB. The "granting clause," which is represented by Article 9(1), lists the extent and scope of the right to freedom of religion or belief. A state or government may lawfully restrict the exercise of the right to freedom of religion or belief under certain conditions, as stated in Article 9(2), sometimes known as the "limitations clause."

The analysis of article 9 of ECHR effectively applied by the Honorable Courts in a leading case of *R v. Governors of Denbigh High School* ([2006](#)), in which the legitimacy and necessity of a restriction on religious freedom were examined (Hunter-Henin, [2019](#)). The facts of this case are that Shabina Begum challenged the schools decision to exclude her for wearing a jilbab, arguing it violated her religious freedom under Article 9 of the ECHR (*R (Begum) v. Governors of Denbigh High School*, [2006](#)). The school, after taking extensive advice from local religious groups, had introduced three options for a uniform, and the shalwar kameez was among them and was appropriate for Muslim, Hindu, and Sikh girls. Miss Begum argued that the shalwar kameez was not modest according to Islamic standards. The House of Lords ultimately ruled in favor of the school's policy under article 9(2), concluding that the restriction was lawful.

Children have the right to freedom of religion, as stipulated in Article 9 of the ECHR (ECtHR, 1996). However, the opening sentence of Article 2 of Protocol No. 1 guarantees the right to education. On the other hand, the second sentence guarantees that parents can instruct their children in accordance with their personal religious and philosophical beliefs (Council

of Europe, [2015](#)). Additionally, the rights of parents and children as contained in Articles 8, 9, and 10 of the ECHR Convention must be taken into account when reading the two sentences of Article 2 of Protocol No. 1. The FoRB, the freedom to receive and disseminate information and ideas, and the right to "respect for his private and family life" are some of these rights (ECtHR, 1976). Furthermore, Article 2 of Protocol No. 1 is intricately connected to Article 14, which forbids discrimination based on various factors related to the practice of the rights and freedoms established in the Convention (Schutter, [2005](#)).

### ***African Charter on Human and Peoples Rights (ACHPR) and African Charter on the Rights and Welfare of the Child (ACRWC)***

Article 8 of the African (Banjul) Charter guarantees the freedom of conscience and religion to all citizens (African Court, [1981](#)). The ACRWC also guarantees the FoRB to all children as well as its duty of parents or guardians to guide these rights and the state should respect these rights of parents under article 9 (African Union International, [1990](#)).

### ***American Convention on Human Rights (ACHR)***

ACHR, 1969 is also known as "Pact of San José, Costa Rica" and its article 12(4) emphasizes the need for parents or guardians to instill moral and religious values in children or wards based on their beliefs or convictions (The Organization of American States, [1969](#)).

### ***International Covenant on Economic, Social, and Cultural Rights (ICESCR)***

Article 13 of the ICESCR, 1966 explicitly acknowledges education as a fundamental human right. It asserts that education should promote the utmost regard for human rights and basic freedoms, while also working toward the holistic growth and acknowledgment of each individual's dignity. Moreover, they are in agreement that schools should equip students to be active members of a democratic society, promote mutual respect and tolerance among people of different nationalities and faiths, and support UN peacekeeping efforts (United Nations, [1966](#)). Article 13(3) stipulates the right of guardians and parents to choose suitable educational programs for their children (United Nations, [1966](#)).

## **Literature Review**

One of the pillars of international human rights legislation is FoRB, which is firmly established in widely recognized legal frameworks such as Article 18 of the UDHR (O’Callaghan, et al., [2023](#)). Similarly, the ICCPR under Article 18 provides that such rights are universal, non-derogable, and core to individual dignity and autonomy. Yet, despite these provisions, formidable challenges remain in turning these international commitments into effective protections, especially for minority-belief students in educational institutions. The educational system is a reflection of the dominant cultural or religious narratives of the larger society and has often left minorities vulnerable to discrimination and marginalization. Educational institutions have a mandate for pluralism and diversity, with a simultaneous expectation of social cohesion. In practice, this dual mandate often creates tension between individual liberties and institutional goals. Regional human rights regimes, for example, the ECHR, also seek to safeguard religious freedoms under Article 9, which guarantees FoRB (Council of Europe, [2020](#)). However, its practice in educational institutions has shown critical shortcomings, as was seen in the case of *Lautsi and others v Italy* (2011), in which the European Court of Human Rights (ECtHR) assessed whether it was lawful for classrooms to display religious symbols, such as crucifixes. The case highlighted the challenge of balancing cultural tradition with the rights of minority students and thus systemic failures in ensuring a level playing field for all (*Lautsi and Others v. Italy*, [2011](#)).

Studies by most scholars have always indicated that there are structural problems that have been faced by students of minority beliefs in schools. These vary from explicit types of discrimination, for example, exclusion or harassment, to implicit types of marginalization like curricular materials that favor dominant religious or cultural narratives. For instance, a number of studies indicate that curricula in most countries disproportionately represent the dominant religion and, as a result, may overlook minority viewpoints (Berner, [2024](#)). This omission not only excludes minority students but also does not adequately prepare all students to live in an increasingly diverse and pluralistic society. Moreover, teacher prejudices, whether explicit or implicit, can cause stereotypes to be perpetuated and further create a hostile environment for minority students. Such biases usually arise from a lack of training in cultural competence, which is still a gap that many educational systems have.

Another critical issue is the failure to provide reasonable accommodation to religious practice. Most educational institutions have introduced policies in conflict with the religious practice of minorities, for instance, a uniform policy against the dress code of religion or compulsorily joining religious activities that subscribe to the majority's religion (Moe, [2019](#)). For example, the absence of prayer facilities or dietary arrangements affects the students of minority beliefs more. The non-availability of approachable and effective grievance mechanisms aggravates the matter and makes students and their families helpless to take any steps. Wherever such mechanisms exist, they are seldom used either out of fear of consequences or due to a lack of faith in them (Bowers, [2021](#)).

This is because the policies and practices of an educational institution are influenced by its socio-political context. Some national legislation fails to catch up with international human rights standards, leaving gaps in the protection of minority rights. In many instances, the policies of the state place a higher value on uniformity and secularism rather than accommodating religious diversity. In *Sahin v Turkey* ([2005](#)) case, the ECtHR supported a prohibition on headscarves at universities due to the principle of secularism being deemed important in public education (*Sahin v. Turkey*, [2005](#)). Although the court's decision was indicative of a commitment to secularism, critics of such rulings argue that they disproportionately affect minority students and are a poor reflection of sensitive, practical legal practices. It highlights the need for more nuanced approaches that take into account both individual rights and wider societal interests.

The impact of judicial interpretations on religious freedoms in educational institutions nevertheless, the unpredictability and overall ineffectiveness of legal protection mechanisms stem from inconsistencies in judicial pronouncements. Supreme court cases such as *Eweida and Others v. The United Kingdom* ([2013](#)) highlight how courts can balance individual rights with institutional goals, providing a framework for policies that may be more inclusive (Bertrand, [2015](#)). Conversely, other judgments like *Ahmed and Others v. the United Kingdom* ([1998](#)), which denied a teacher's application for religious tolerance, point to the challenge of using abstract rules in specific contexts (*Ahmed and Others v. the United Kingdom*, [1998](#)). These cases make clear the importance of more clarity in applying religious accommodations to schools, and of making certain that

practices of institutions do not demonstrably disadvantage minority students. There has been significant debate among scholars and practitioners regarding whether there are existing human rights frameworks that can effectively address these issues. On many issues, critics say international legal instruments suffer from broad discretion in implementation left to states and rarely have teeth behind them: Though robust in theory, international laws can be difficult to enforce. This discretion has contributed to wide differences in the safeguarding of minority rights, particularly in nations with poor institutional capacity or minimal political will to end entrenched discrimination. Second, the requirement for judicial interpretation to bridge the gaps in the law creates a demand for the judiciary to intervene, which can contribute to inconsistencies and uncertainty (Mambu & Mongdong, [2023](#)).

Therefore it is the need of the hour to take a multidimensional approach to tackle these challenges. Before legalization, international human rights standards must be included in domestic law and complemented by effective implementation mechanisms. Therefore, policymaking should help create policies that allow for the inclusivity of education, such as including multicultural elements in the curriculum to reflect what the student population looks like and training educators in cultural competence (Eden et al., [2024](#)). Equally, the establishment of accessible and effective grievance mechanisms is critical to the effective investigation of instances of discrimination and accountability (Girvan, [2020](#)). Education practitioners and professionals can play an important role in facilitating diversity and pluralism in educational institutions. Cultural competence needs to become an essential component of teacher education programs, and teachers need to be instructed on how to create inclusive experiences (Martínez-Ariño & Teinturier, [2019](#)).

In brief, the FoRB is a basic human right and individual freedom that is still rarely respected in various countries. While international and regional human rights instruments set a powerful legal frame, their implementation leaves much to be desired particularly for minority-belief students. Jurisprudential, policy, and educational aspects soften such gaps. Educational institutions can thus be instrumental in building pluralism and advancing human rights by fostering inclusive environments where diversity is respected and accommodated.



## **Critical Analysis of Case Laws and Norms Failures to Protect FoRB**

The FoRB is of utmost importance in educational environments. Nonetheless, students holding minority beliefs are more likely to see their rights violated. This section analyzes legal precedents and case instances where the norms have not protected these freedoms at educational institutions under international and regional human rights treaties and mechanisms. The case laws analyze the contradictions and shortcomings, which point toward the need to enhance the protection of the rights of students with minority beliefs.

### **Hartikainen v Finland Case (1981)**

In the well-known case of Erkki Hartikainen, the Finnish School System Act of 26 July 1968 was condemned by Hartikainen, the Finnish educator and the secretary-general of the Union of Free Thinkers in Finland, for breaching Article 18(4) of the ICCPR in a letter he addressed to the Human Rights Committee. The author aimed at neutral and non-obligatory alternative classes. Conversely, the Finnish government contended that its religious freedom legislation adhered to the Covenant (Hartikainen et al. v. Finland, [1978](#)). Finally, the Committee concluded that alternative religion and ethics instruction does not violate Article 18(4) of the Covenant, as long as it is delivered in an impartial and unbiased manner, while also respecting the beliefs of parents and guardians. In this particular instance, there is a failure to safeguard the rights of students with minority beliefs in schools. Culturally, the hegemony of a single religion, such as Christianity, influences the educational content and priorities. Minority belief systems are frequently neglected due to societal norms and prevailing majority beliefs.

### **Kjeldsen case (1976)**

In this famous case, the petitioners repeatedly petitioned to exempt their children from sex education, which contravenes their Christian beliefs. The applicants complained with the Court, claiming that the Danish Act of 27 May 1970, which mandated comprehensive and mandatory sex education in primary schools, violates their rights and freedoms under the ECHR, specifically Articles 8, 9, and 14 of the Convention, as well as article 2 of the First Protocol (Kjeldsen, Busk Madsen and Pedersen v. Denmark, [1976](#)). The Court determined that the parties religious and philosophical beliefs

were not violated, as stated in Article 2 of Protocol 1. Additionally, the legislation mandating sex education did not constitute indoctrination or promotion of any particular sexual behavior since the information was presented in an objective and pluralistic manner. This case reflects failures in protecting minority belief students rights in schools by demonstrating the challenges minority belief parents face when state curricula conflict with their convictions. The role of cultural, societal, and political factors influences such decisions in Denmark because of a largely secular society (Valutyte & Gailiute, [2012](#)).

### **Campbell and Conans Case (1982)**

In another case, the applicants, Mrs. Cosans and Mrs. Campbell, were citizens of Scotland who lodged complaints against their sons use of corporal punishment as a form of discipline in Scottish schools. The petitioners claimed that Article 3 of the ECHR had been broken and that their sons were the victims. In the end, the petitioners argued that the second sentence of Article 2 of Protocol No. 1 of the ECHR infringed on their rights as parents (Campbell and Cosens v. The United Kingdom, [1982](#)). The court found that because schools employ corporal punishment as a form of discipline, the second sentence of Article 2 of Protocol No. 1 had been violated and their right to raise their children in accordance with their philosophical convictions had been denied. However, their philosophical beliefs were in contradiction with this penalty. The Court found no Article 3 violation because neither child was corporally punished and suspending one child from school for refusing corporal punishment infringed his right to education under Article 2 of Protocol No. 1 to the Convention. This case highlights substantial failures in protecting the rights of minority-belief students in schools.

### **Osmanoglu and Kocabascase (2017)**

The facts of this case are that the applicants are dual Swiss-Turkish nationals and were fined due to not sending their two daughters to the mandatory co-educational swim classes and violated their parental obligation. The parents prayed that co-educational swim classes were not in conformity with Muslim religious beliefs and therefore sought an exemption from such class. The Public Education Department denied their request and said the exemption is only provided after the age of puberty (Osmanoğlu and Kocabaş v. Switzerland, [2017](#)). The Swiss Federal Supreme Court

affirmed the ruling of the Court of Appeals of the Canton of Basel-City and determined that there was no infringement on the applicants FoRB. Moreover, the application submitted to the ECtHR argued that while the Swiss authorities denial of an exemption for the applicants daughters did infringe upon their right to practice their religion, this interference was justified by the legitimate goal of safeguarding foreign students from social exclusion. In addition, the Swiss authorities implemented measures to restrict mandatory participation in mixed-gender sports activities, including the permission to wear a burkini (Garahan, [2017](#)).

Based on these reasons, the ECtHR determined that the requirement for Muslim students to participate in mandatory swimming lessons did not violate their FoRB as guaranteed by Article 9 of the ECHR (Bretscher, [2017](#)). Switzerland's failure to ratify Article 2 of the 1st Protocol of the ECHR means that parents cannot invoke it to claim a breach of their rights. In this case, they specifically invoked their right to FoRB as stated in Article 9 of the EHRC, without directly invoking Article 26(3) of the UDHR (United Nations, [1948](#)). Importantly, the petitioners were not seeking exemption from basic subjects, but solely from swimming instruction. Therefore, it is questionable to prioritize social integration concerns over the liberty of religious minority members to express their convictions. The ECtHR seems reluctant to do its responsibility and abstained from conducting a thorough evaluation of need and proportionality, instead showing preference for the Governments claims without careful examination. Its ruling reinforced and legitimized intolerance toward Muslims by emphasizing the role of public schools in social integration into local cultures and lifestyles.

### **Lautsi and Others v. Italy (2011)**

The Lautsi case is also famously known as the “Crucifix Case” holds considerable significance in political, legal, and religious contexts. Never in the history of the Court and the Council of Europe has a case aroused such significant public attention and discourse. The cultural crisis that Western Europe is experiencing as a result of religion is exemplified by the issue of whether or not the symbol that represents Christs presence in educational institutions in Italy is legitimate. Twenty-one states that are party to the European Convention on Human Rights joined hands with Italy in an unprecedented manner in order to reaffirm the legitimacy of Christian symbols within the context of European civilization (Puppinck, [2012](#)).

The case involves the applicants, Ms. Lautsi, an Italian citizen of Finnish descent, and her two children, who opposed the presence of a cross in their childrens state school classes. The conflict began during a school governors meeting in 2002, when Ms. Lautsis spouse requested the removal of the crucifixes. The governors rejected this request. The decision faced challenges and was ultimately upheld by the Administrative Court, the Constitutional Court, and the Supreme Administrative Court (Greenberg, [2011](#)). The applicants ultimately initiated legal proceedings against the Italian Government at the ECtHR, citing a violation of Article 2 of Protocol 1, which pertains to the right to education, in conjunction with Article 9, which addresses freedom of religion. The Grand Chamber of the ECtHR determined that the presence of crucifixes in Italian State schools does not violate Article 2 of Protocol 1 or Article 9 of the ECHR. The Court ultimately acknowledged that, in nations with a Christian heritage, Christianity possesses a distinct social legitimacy that sets it apart from other philosophical and religious convictions (Schlütter, [2019](#)). It is reasonable to assume that Christian symbols may legitimately hold greater visibility in society.

### **Education Consistent to Respect Religious Convictions**

It is a violation of peoples right to religious freedom when schools impose religious instruction on students who do not wish to receive it. The religious freedom of these individuals is safeguarded by opt-out clauses according to International Human Rights Law. The term to opt -out refers specifically to the parental prerogative to withdraw their children from any subject that contradicts their moral conscience. The Irish Constitution, 1937 also states that the right to decide on religious instruction classes for children is vested in parents or guardians under article 44(2(4)) (Irish Statute Book, [1937](#)). An analysis of religious education in Europe reveals that, despite the existence of diverse teaching methods, nearly all member states provide a means for students to abstain from religious education classes. This can be achieved through exemption mechanisms, the option to attend an alternative subject, or by allowing students to decide whether they should enroll or not in a religious class (Donoghue, [2021](#)). However, as stated explicitly and indirectly in Article 9 and Article 2 of Protocol 1 of the ECHR respectively, the option does not ensure that the Member States of the ECHR would successfully execute an education that is in line with religious convictions (Martínez-Torrón, [2012](#)).

The ECtHR has devised a system that includes two steps to assess the conformity of national legislative requirements with this objective. Firstly, the curriculum is assessed by the Court to determine if it is presented in a fair, analytical, and pluralistic manner. Granting preferential treatment to the knowledge of a specific religion does not infringe upon pluralism and objectivity, nor does it constitute indoctrination (McBride, [2021](#)). Furthermore, if a state incorporates religious indoctrination into its educational program, it is imperative to prevent any conflict between the schools religious instruction and the religious or philosophical convictions of the parents. This can be achieved by implementing an exemption mechanism, providing an alternative subject, or offering religious studies programs. The ECtHRs rulings failed to adequately address the conflict between religious education and parents religious beliefs, they revealed an absence of objectivity and plurality in religious education.

### **Folgerø and Others Case (2007)**

In a landmark judgment, four Norwegian families sued the Kingdom of Norway in the European Court for not exempting their children from mandatory religious education course (KRL subject) and they argued that this course which combined Christianity, religion, and life philosophy, prioritized Christian teachings and did not offer adequate neutrality or pluralism. Norwegian families also said that exemption process is troublesome and violated right to education in conformity with parents religious/philosophical convictions under Article 2 of Protocol No. 1 of the ECHR. The Norwegian government contented that the aim of KRL Course is to develop understanding of different religions and life philosophies and Christianity's emphasis is a reflection of the countrys traditions and values. The Norwegian government further stated that granting full exemption as requested by the petitioners would make compulsory and structured training in many religions, ethics, and life philosophies impracticable (Folgerø and Others v. Norway, [2007](#)). Nine to eight, the 17-member Grand Chamber ruled in favor of the Norwegian parents. In addition to the subjects curriculum being heavily influenced by Christianity, as part of its analysis, the Court looked at the Education Act of 1998, which sought to promote Christian morals and beliefs in elementary and lower secondary school students. The Court determined that the curriculum of the course did not meet the standards of plurality and objectivity. Finally, the government of

Norway failed to remain neutral and impartial in providing religious education and violated Article 2 of Protocol No. 1 of the ECHR.

### **Hasan and Eylem Zengin V. Turkey (2007)**

In another leading case, Mr. Zengin formally requested an exemption for his daughter, Eylem Zengin, from religious culture and ethics studies from the administrative courts and the Directorate of National Education. He specifically mentioned that his daughter practiced Alevism and that no instruction was given regarding her religious beliefs. The requests for exemption were ultimately rejected upon appeal to the Supreme Administrative Court. The ECtHR determined that school curricula about "religious culture and ethics", despite its seemingly neutral title, did not fulfill the requirements of impartiality and diversity. Additionally, it did not accept or honor the applicants Alevi faiths philosophical and religious beliefs. The Court found that there was a failure to acknowledge the religious plurality within Turkish society because students were not taught about the Alevi faiths confessional or ritual specifics. Children of Turkish nationality who were Christians or Jews were the only ones offered an exemption; therefore, there was no way to guarantee that parents beliefs would be respected (Hasan and Eylem Zengin v. Turkey, [2009](#)).

The ECtHRs stance in this landmark case and similar cases makes it very obvious that nations that practice virtue education either need to make religious classes optional or make sure that all religions are treated fairly in the curriculum. Not only that but there has been discussion on whether virtuous education should replace religious classes with topics like ethics. In summary, the conclusions drawn from the ECtHRs analysis of the above instances indicate that states do not consistently fulfill their obligation to provide education that aligns with the religious beliefs of minority students, as stipulated in articles (Hurd, [2014](#)).

### **Opt-Out Possibility**

The freedom to opt-out should be the primary means of ensuring respect for minority beliefs. However, there have been doubts about its practical efficacy (Mawhinney, [2007](#)). According to Alison McHenry, Ulrike Niens, Norman Richardson, and Yuko Chiba, opt-out policies are ineffective at managing religious diversity in schools because they might stigmatize and isolate students who identify as minority groups, making them the targets of prejudice (Mawhinney et al., [2010](#)). Further, the opt-out system only

addresses minority-belief students rights and hardly addresses non-believing students and their families rights.

To uphold International Human Rights Law for all students, a secular curriculum or clearer opt-out procedures are needed. This inclusive strategy includes curriculum reforms, teacher training, interfaith discussions and seminars, supportive policies, and community engagement. When schools allow doctrinal or confessional religious education, international human rights bodies should ask states to use an opt-in rather than the Opt-out approach to protect the rights of minorities. International human rights bodies should investigate school religious liberty issues. Clear and simple procedures should be publicized in schools so parents can opt-out of their children. To accommodate opt-outs, schools should offer educational alternatives.

## Recommendations

How to address issues related to FoRB and education of minority believe students? The following recommended actions can help to provide inclusive and fair education for all.

- Religious Culture and Ethics classes should not be made compulsory for minority-belief students in schools.
- Religious Culture and Ethics lessons should focus on theory and practice rather than indoctrinating a single faith (Altıparmak, [2013](#)).
- Children and parents should not be obliged to disclose their religious beliefs.
- Elective religion lessons should not be imposed on students by indirectly making them compulsory electives.
- Religious freedoms should promote constructive social interactions and serve as a matter of conscience and individual identity (Hunter-Henin, [2019](#)).
- Consult with parents to determine their perspective on the present opt-out system and develop their preferred alternative.
- A pilot initiative implementing an opt-in approach should be introduced for religious teaching in major schools that have a substantial amount of religious diversity.
- International treaties, conventions, and bodies must play an impressive role in confirming the FoRB of minority-belief students in schools by

mandating non-discrimination, promoting inclusive policies, and providing mechanisms for accountability and redress.

- A clear-cut approach for allowing minority-belief students to opt-out of activities that contradict their religious beliefs ensures respect for their religious freedom.

### **Conclusion**

In brief, the current human rights law has not been effective enough in protecting the rights to FoRB of minority-belief students. The persistent failure to enforce international human rights law on FoRB among minority-belief students is proof of the extreme gap between normative expectations of the law and actual implementation. The failure has justified discriminatory practices in education systems, eroded public confidence in institutions, and contributed to system-level exclusion of vulnerable student groups. While the UDHR, ICCPR, and ECHR theoretically at least created a platform for protection at the global level, in practice, their implementation has repeatedly failed as evidenced through the case studies. These failures necessitate systemic change through adoptive inclusive curriculum planning, opt-out, opt-in religious education approaches, and enhanced accountability mechanisms. This entails that the cooperative effort of governments, educational institutions, religious experts, and international organizations to assure FoRB for all students is also very critical.

### **Conflict of Interest**

The authors of the manuscript have no financial or non-financial conflict of interest in the subject matter or materials discussed in this manuscript.

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