

# Freedom of Religion for Children and Teenagers

## *Geeta, Her Parents and Their Religion*

### Fact Situation

You have been a family law lawyer for close to 15 years. You also offer legal information through a telephone help line called *I'll talk to my lawyer on Wednesday!*

Last week, a girl called the help line to ask about a family situation. In a nutshell, she wants to know if her parents can force her to follow their religious practices.

Here is her story: Geeta is 13 years old and lives with both her parents. She generally gets along with them.

Geeta's parents are very observant. Religion plays an essential role in their lives. They keep a shrine at home and do puja every day.

As parents, they consider it their right, if not their duty, to transmit their religious values to their daughter.

Until recently, Geeta had agreed to follow her parents' religious practices. But lately, she has been questioning her beliefs. Frankly, she is bored with the rituals.

To her parents' dismay, Geeta is now refusing to follow their beliefs. They are really trying to understand her decision, but Geeta has told them: "It's not important to me! I'd rather play video games."

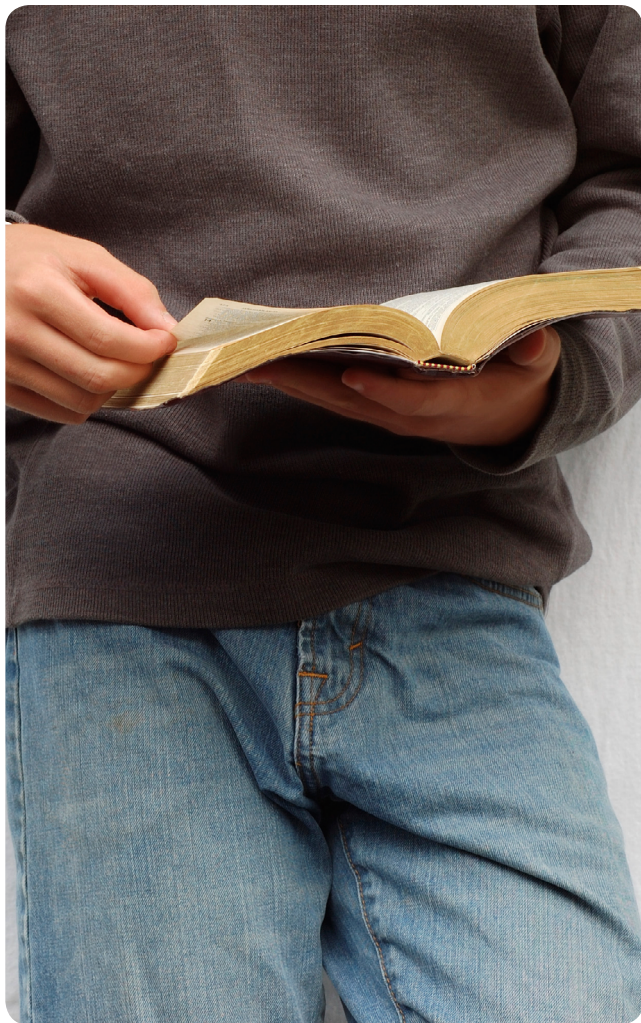
Her father was very angry and told her: "You're too young to decide to stop practicing your religion. You can choose for yourself when you're older!"

Then her parents grounded her and suspended her allowance.

## Question

**Geeta wants to know if it's legal for her parents to impose their religious beliefs on her. What do you tell her?**

**Support your answer using laws on the subject that apply in Quebec and the principles in the *Convention on the Rights of the Child*.**



## Points to Consider

Consider these points when answering the question:

- Is Geeta old enough to make her own decision?
- Is Geeta's decision based on her convictions, or is it just a pretext to stay home and play video games?
- Are Geeta's parents infringing her freedom of religion by punishing her?
- Does the freedom of religion of Geeta's parents give them the right to transmit their religious values to her against her will?
- Are Geeta's parents acting in their daughter's best interests?

**Happy writing!**

## Legal Information to Help You Answer the Question

### 1. What is freedom of religion?

For some people, religion reflects a world vision, provides a reason for living and helps overcome life's hardships. Religion has played an important role in many societies through the ages.

Freedom of religion in Quebec means that people have these rights:

- to believe or not believe in a religion
- to openly declare religious beliefs
- to demonstrate religious beliefs (for example, through prayer or teaching)
- to be free from having religious beliefs imposed on them
- not to be forced to act contrary to their beliefs

Freedom of religion protects the right to believe in a religion as much as the right to not believe. While Geeta's parents are entitled to their beliefs, it is equally true that Geeta has a right not to believe in them.

Freedom of religion is not limited to protecting religious beliefs. It also protects religious practices. For example, a law prohibiting Jews from eating kosher meat would violate their freedom of religion. However, the law does not protect religious practices that threaten the rights and freedoms of other people or their safety.

As a general rule, no one can be forced to practice a religion. For example, an atheist (someone who does not believe in any god), could not be forced into religious practices, nor could a school force students to recite a prayer before class. By forcing all students to do this, the school would violate the freedom of religion of those students who don't want to pray.

### The Convention says...

The countries that signed the Convention undertook to respect children's freedom of thought, conscience and religion.

However, these countries also agreed to give parents the right and the duty to guide their children in the exercise of this freedom. In other words, under the Convention, a child's parents still have a certain authority over the child.

The Convention also recognizes that freedom of religion is not absolute. Governments can limit it in certain circumstances. For example, a government could decide to limit freedom of religion when it threatens other people's safety.

*Read Article 14 of the Convention.*

## 2. Can children who don't share their parents' religious beliefs choose their own religion?

Freedom of religion protects the right to believe and the right to not believe. But parents can still have their children baptised or bring them along on a pilgrimage, for example.

In Geeta's case, her parents can raise her according to their beliefs, even if Geeta finds the rules strict sometimes.

But.... the law also says that children can choose their own religious beliefs and practices, or refuse to participate in the religion of their parents **when they are mature enough to do so.**

In Quebec, contrary to some other places, there is no set age at which a child can decide to follow or not follow a religion. There are no clear rules on when a child is old enough to make this choice. It depends on the circumstances, the child's maturity, etc.

Also, when children oppose their parents' religious practices, it is important to check that they are truly exercising their right to freedom of religion. In other words, is the refusal really based on religious convictions, or is it simply an excuse or capricious behaviour? In Geeta's case, is her refusal only an excuse to play videogames? You be the judge!

It is sometimes difficult to draw the line between the right of parents to give their children a religious education and the right of children to have their own religious beliefs.

And to complicate matters, something else must be considered: parental authority.

### 3. What is parental authority?

As you might know, parents have custody of their children. They must also supervise, educate, feed and protect them, etc.

The law refers to these parental rights and responsibilities as “parental authority”. As a general rule, parents exercise parental authority over their children until their children become adults at age 18.

Parental authority gives parents the power to make all decisions necessary to ensure their children’s well-being. Examples of these decisions include:

- choice of school
- where a child will live
- choice of daycare

#### The Convention says...

The Convention recognizes that parents have rights and responsibilities toward their children. For example, both parents share responsibility for the upbringing and development of their children. (Article 18)

The Convention says that parents, as far as their financial situation permits, have primary responsibility for providing living conditions that will enable their children to develop physically, mentally, spiritually, morally and socially. (Article 27)

Children should also not be separated from their parents, unless this is necessary and in their interests, for example, if they are mistreated. (Article 9)

*Read Articles 9, 18 and 27 of the Convention.*





#### 4. Can Geeta's parents ignore her wishes and "force" her to follow their practices?

Parental authority means that parents must sometimes take decisions that won't please their children, but are in their best interests. For example, parents are entitled to punish a child who skips school by grounding the child. These parents are exercising their parental authority.

Parental authority gives Geeta's parents the right to say *"You will follow our religious practices, and that's final!"*, but only if this decision is not contrary to her interests.

When exercising parental authority, parents must always respect the child's rights and best interests.

In some situations, a child or parents can ask a court to review a decision regarding a child. The judge will decide if the parents exercised their parental authority in keeping with the child's rights and best interests.

If the parents did not take their decision in the child's best interests, the judge can overturn the decision. For example, the courts have already ruled that Jehovah's Witnesses cannot, on religious grounds, refuse a blood transfusion that will save a young child.

Of course, the stakes in Geeta's case are not as serious. But the question remains whether her parents' decision to punish her is contrary to her interests.

In real life, parents make decisions involving their children every day, and they are very rarely challenged in court. But the courts sometimes get involved when a child's interests or rights and freedoms are at stake.



#### The Convention says...

The Convention says that all decisions regarding children, whether taken by parents, teachers, judges, the community or politicians, must be taken in their best interests. (Article 18)

Children also have the "right to participate", which means the right to freely express their opinions about decisions that affect them. (Article 12)

The extent to which a child's opinion should be taken into account depends on the child's age and maturity. And even when children have a say, parents retain the right and the duty to guide children in the exercise of their rights under the Convention. (Article 5)

*Read Articles 5, 12 and 18 of the Convention.*

#### Other Resources

[Canada's Office of Religious Freedom](#)

[Commission des droits de la personne et de la jeunesse \(Quebec human rights commission\)](#)