

# CONTEMPORARY CHALLENGES OF EXERCISING THE RIGHT TO EDUCATION IN THE CONTEXT OF THE RIGHT TO FREEDOM OF RELIGION<sup>1</sup>

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## Introduction

When President Franklin D. Roosevelt, one of the advocates of the establishment of the United Nations, presented the foundations of peaceful coexistence of nations to the world, he distinguished four fundamental freedoms: freedom of speech, **freedom of religion**, freedom from want and freedom from fear.<sup>2</sup>

Freedom of religion itself is of key importance, as it protects the individual, gives the right to form and express personal persuasions. Violations of freedom of religion and belief are closely related to violations of other civil and political rights and also threaten the proper exercise of other fundamental rights, such as the right to life, the right to freedom of speech, the right to dignity, as well as a number of other social, economic, educational and cultural rights.

On the contrary, ensuring the proper exercise of the right to freedom of religion and belief creates conditions for peaceful coexistence, democratization, sustainable development, rule of law, peace and equality among religious groups and different members of society.<sup>3</sup>

At the same time, the study of existing problems in the mentioned field shows in the modern world new challenges and problems arise in connection with the harmonious exercise of the rights to freedom of religion and belief and education, which require more effective, human rights-based solutions, or the modernization of existing solutions.

The above-mentioned forms and increases the importance of research works in the said field and emphasizes the **relevance** of this work.

The **theoretical significance** of this work is conditioned by the study and presentation of professional literature, legal regulations, works of legal scholars and international experience. And the **practical significance** is conditioned by the practical solutions proposed by us.

This work **aims** at recurring to the problems of correlation between the parents' (guardians', sometimes also children's) right to freedom of religion and the children's right to education and formulating the ways of solving the said problems, without delving into clear definitions of religion, faith, belief, conscience and education.

With view of achieving the stated goal we shall face the tasks as follows:

- recurring to the essence and content of the rights to freedom of religion and education;

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<sup>1</sup> This article was reported in 2022 December 8 at the scientific session of graduate students and applicants at the YSU Faculty of Law.

<sup>2</sup> See M. Novak, T. Vospernik, "Permissible Restriction on Freedom of Religion or Belief", 2004, page 147.

<sup>3</sup> See Д. Мердок, "Защита права на свободу мысли, совести и религии в рамках Европейской конвенции о защите прав человека", Воронеж, 2014, ст. 7.

- highlighting the existing problems as a result of the correlation of the said rights and providing their possible solutions.

### **The right to freedom of religion**

Freedom of thought, conscience, religion or belief applies equally to all people.<sup>1</sup> At the same time, the right to freedom of religion and belief can be violated both at non-state and state level.<sup>2</sup> This right must be protected everywhere and for everyone, regardless of who they are, where they live, what they believe in (theist) or do not believe in (atheist).<sup>3</sup> Thus, all people have the right to express their religious beliefs individually or through organizing and participating in associations, rites and ceremonies, teaching, etc., without fear of possible intimidation, discrimination, violence or attacks based on or related to their religious beliefs.

Accordingly, through legal mechanisms states must guarantee adequate and effective measures for the exercise of freedom of conscience, religion or belief for everyone, applicable throughout the territory of the state and excluding discrimination on such grounds, as well as ensure that these provisions are properly enforced. States must treat all persons equally without discrimination. Moreover, states must implement effective measures to prevent or punish violations of freedom and ensure the inevitability of punishment.<sup>4</sup>

Summarizing the content of international legal acts, we can state eight main elements of the content of the right to freedom of religion: internal freedom, external freedom, absence of coercion or violence, exclusion of discrimination, collective freedoms and legal status, inalienability, requirement that the restrictions are based on law. An important component is also the freedom of parents and, in appropriate cases, legal guardians to ensure the religious and moral upbringing of their children in accordance with their own beliefs.<sup>5</sup>

Recurring to the component most closely related to education and other rights of children, the right to upbringing children in accordance with of parents' (guardians') religion and belief, it should be noted that the limitations of the mentioned right in countries with an Anglo-Saxon legal system depend on which of the three main legal standards is applied by the country, state (land, province) or court.

1. "Actual or substantial harm standard". Courts applying this standard limit a parent's religious or belief influence only if the other parent or authorized body can prove that such influence has caused actual or substantial harm to the child. This standard is used in many US states, including California, Colorado, Florida, Idaho, Indiana, Iowa, Maryland, Massachusetts, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Rhode Island, Utah, Vermont, and Washington.

For example, in the case "Pater v. Pater", the Ohio Supreme Court decided that religious traditions that isolate a child from social life, even if it isolates him or her from his or her peers, are not sufficient justification for a court to intervene if only the child does not suffer physically or mentally. However, in the same case, the Court did not

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<sup>1</sup> See Council Conclusions on Freedom of religion or belief, 16 November 2009.

<sup>2</sup> See UГН-1506, 18.02.2020.

<sup>3</sup> See Council Conclusions on intolerance, discrimination and violence on the basis of religion or belief, 21 February 2011.

<sup>4</sup> See article 27 of the International Covenant on Civil and Political Rights /ICCPR/, with specific reference to religious minorities, UN declaration 47/135 on the rights of persons belonging to minorities, article 2, UN declaration 61/295 on the rights of indigenous peoples, article 11 and 12, article 26 of the ICCPR, article 20 paragraph 2 of the ICCPR.

<sup>5</sup> See T. Lindholm, T., Durham. C., Tahzib-Lie, E. Clark, L. Larsen "Facilitating Freedom of Religion or Belief: A Deskbook", 2004, page 56.

comment which specific principles are necessary to be guided by in order to consider specific cases as a source of mental harm.<sup>1</sup>

2. “The risk of harm standard”. In some state courts, such as Minnesota, Montana, North Carolina, Pennsylvania, a parent, guardian or authorized body seeking to restrict the other parent’s religious influence is not required to submit evidence of actual or substantial harm to the child, but only to show that there is a risk of future harm.

3. “The no harm required standard”. In some states, such as Arkansas and Wisconsin, Courts follow a simple rule: a parent has exclusive control over a child’s religious upbringing.

Thus, in the case “Johns v. Johns”, the father complained to the Court that the mother, who had sole custody of the children, did not allow him to have contact with the children. The mother stated in the Court, that her behavior was conditioned by her religious views, because the father did not take the children to church and Sunday school. As a result, the Arkansas Court decided that if the father wanted to have contact with the children, he had to take them to church.<sup>2</sup>

There are also states that apply these standards in parallel or concurrently, depending on the specifics of each case. However, regardless of the applied legal standards, the idea of the general welfare (interests) of the child is at their core.<sup>3</sup>

Summarizing the above-mentioned, we can state that guaranteeing effective procedures for the right to freedom of religion and belief has not only legal significance but is also an important prerequisite for the establishment and development of a democratic, legal and social state.

At the same time, the right to educate children in accordance with their own religion and belief is also an important component of exercising the individuals’ (parents’, guardians’) right to freedom of religion. The mentioned right mostly relates to children’s right to education when it comes to inconsistency or perceived conflict between the educational system and (or) programs and the religious or other beliefs of the parents (guardians, sometimes the children themselves).

Thus, in such cases, from the point of view of solving the alleged contradictions between the rights, it is paramount to formulate the criteria and principles by which the alleged problem should be solved.

### **The right to education**

Education is a prerequisite for the progress of the country, preservation and development of culture. Educational level is also important in the life of every person, for his or her social position, normal development and achievements.

Education, as a subjective possibility, is the process of development of an individual aimed at acquiring knowledge, skills and forming a value attitude towards the world. Learning and self-education are the main ways to get educated. Education is a social process of learning and upbringing in the interests of a person, society and the state, aimed at preserving knowledge and passing it on to new generations. In order to implement that process and ensure the right to education, every society creates an education system. The education system is an interconnected combination of state educational standards (educational content), successive educational programs, educational institutions, education management bodies. Educational

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<sup>1</sup> See Pater v. Pater, Ohio, 1992.

<sup>2</sup> See Johns v. Johns, Ark. 1996.

<sup>3</sup> See Л. С. Андреева, “О праве родителей на религиозное воспитание по законодательству США”, Верстка, № 2 (22), 2012, ст. 28-32.

programs implemented by society or the state play an important role in that system.<sup>1</sup>

In general, obstacles related to the exercise of the right to education can be divided into two groups. The first group includes the cases when a person is deprived of the right to education, that is, obstacles to the possibility of exercising the right to education. The second group of obstacles is related to the curriculum, courses and their content, that is, obstacles to ensuring proper conditions for the exercise of the right to education.<sup>2</sup>

There are different educational approaches to teaching religion and belief in European countries. In some countries non-religious teaching about religion and belief is a separate subject (course) in itself, while in others information about religion and belief is included in courses such as history, art or philosophy.<sup>3</sup>

Recurring to the modern issues regarding the freedom of religion and the right to education, we consider it necessary to present the existing international approaches thereto.

It is important to distinguish between teaching the basics of religions and religious education, which aims at conveying doctrinal beliefs about a particular religion. Religious education can be defined as education based on a particular religious dogma for the purpose of teaching any religion and religious practice carried out under the supervision of religious organizations.<sup>4</sup>

Meanwhile teaching the basics of religions (about religion) aims at conveying information about religious ethics, culture, philosophy and history. On November 2007 the OSCE Office for Democratic Institutions and Human Rights (ODIHR) published the Toledo Guidelines (TGP) on the Teaching of Religion and Faith in Public Schools.<sup>5</sup> The main purpose of the TGP is to offer guidelines to participating states regarding the effective implementation of research on religion and belief in public education. The authors of the document emphasized that their recommendations referred exclusively to "learning about religion" and not to the teaching of religions.

The issue of religious beliefs can obviously arise in curriculum design and implementation as well. It is noteworthy that the European Court has recorded the statement that the duty (interest) of the state to ensure that certain objective information, including religious or of philosophical nature, is part of the school curriculum, may prevail over the parents' rights.<sup>6</sup>

Thus, in the case "Kjeldsen, Busk Madsen and Pedersen v. Denmark", the European Court recorded that provision of knowledge, regardless of its direct or

<sup>1</sup> See Ա. Վաղարշյան, «Կրթության իրավունքի սահմանադրական և օրենսդրական կարգավորման հիմնախնդիրները», Միջազգային իրավունքի հայկական ասոցիացիա Ֆրիդրիխ Է-բերտ հիմնադրամ, Մարդու առանձին սոցիալական իրավունքների պաշտպանության երաշխիքները Հայաստանի Հանրապետության 2015թ. փոփոխություններով Սահմանադրության համատեքստում, ISBN 978-9939-828-53-4, Երևան, 2016, էջ 22-40, [http://www.y-su.am/files/A\\_Vagharshyan\\_22-40.pdf](http://www.y-su.am/files/A_Vagharshyan_22-40.pdf)

<sup>2</sup> See М. А. Дьячкова, О. Н. Томюк "Права и свободы человека и гражданина и их отражение в международных правовых документах" Екатеринбург, 2015, ст. 9-17.

<sup>3</sup> See Л.А. Краснобаева, Т.В. Лисовская "Право на свободу совести и вероисповедания в сфере образования", Известия Гомельского государственного университета имени Ф. Скорины, № 2 (107), 2018, էջ 83.

<sup>4</sup> See В. Старостенко, "Религия и образование в Республике Беларусь в контексте национального законодательства о свободе и совести", 2010, [shorturl.at/kzGH1](http://shorturl.at/kzGH1)

<sup>5</sup> See Toledo guiding principles on teaching about religions and beliefs in public schools prepared by the odhr advisory council of experts on freedom of religion or belief. published by the osce office for democratic institutions and human rights, [www.osce.org/odihhr](http://www.osce.org/odihhr)

<sup>6</sup> See application № 17568/90 Sluijs v. Belgium (09.09.1992).

indirect religious or philosophical nature, is intended to convey a certain value or philosophy that may not coincide with the opinion of the parent. The said provision “does not allow parents to object to the inclusion of such teaching or education in the school curriculum, because otherwise the entire organized education system will face the danger of carrying out its normal activities” for the reasoning that most school subjects are related to “certain philosophical approaches or conclusions”. At the same time, the Court recorded, the school must ensure that education through teaching or upbringing provides information and knowledge “on the basis of objectivity, critical thinking and pluralism”. This key guarantee contrasts with actions by the state that are carried out “for the purpose of indoctrination, which can be considered as an activity that does not respect the parents’ religious and philosophical beliefs”, and this is the “boundary that must not be crossed”.<sup>1</sup>

Continuing to discuss the apparent contradictions between parents’ religious beliefs and children’s right to education, in another judgment the European Court also addressed the issues related to disciplinary responsibility, including corporal punishment and parents’ religious beliefs in educational institutions. The European Court found that disciplinary responsibility issues cannot be considered exclusively the competence of the internal administration of the given educational institution, and in such cases the parents’ religious beliefs should not be ignored.<sup>2</sup>

In another case, the European Court recorded that in the case of a six-day education system no general rule based solely on parents’ religious beliefs can be established regarding the exemption from attending school on Saturdays, if that negatively affects the child’s right to education. In such cases, the child’s right to education takes precedence over the parents’ right to upbringing the child according to their own beliefs.<sup>3</sup>

Summarizing the above-mentioned, we can state that the contemporary challenges of exercising the right to education in the context of exercising the right to freedom of religion may be related to the teaching of religious doctrine, teaching about religions, moral and social education, school attendance on certain days and disciplinary responsibilities.

The study of international experience allows us to state that in such situations it is not always possible to balance the exercise of these two rights.

However, such an approach raises the question of what the principle or criterion is that should be decisive to solve alleged contradictions.

### **The right to freedom of religion and the right to education: apparent contradictions and ways to solve them**

Based on the fact that the vast majority of the states of the modern world have adopted the mechanism of implementing their actions in the context of the best interests of the child<sup>4</sup> and the child is the vulnerable party in the situations that arise as

<sup>1</sup> See ECHR, Kjeldsen, Busk Madsen and Pedersen vs Denmark, 07.12.1976.

<sup>2</sup> See ECHR, Campbell and Cosans vs United Kingdom, 25.02.1982, Valsamis vs Greece, 1996-VI, 2312.

<sup>3</sup> See ECHR, Martins Casimiro and CerveiraFerreira vs Luxembourg, 27.04.1999.

<sup>4</sup> The mentioned principle has different formulations in different legal systems, states and documents. For example, the 1989 UN Convention on the Rights of the Child and the RA Civil Procedure Code use the term "the best interest of the child", the RA Constitution (amended in 2015) and the RA Family Code use the term "interests of the child", countries with an Anglo-Saxon legal system use the term "general interest (welfare) of the child". Differences in formulations do not affect the essence of the institution, so in this work, the mentioned three formulations will be used simultaneously.

a result of the exercise of the right mentioned by us, we believe that the idea of prioritizing the best interests of the child should be the principle by which problems arising in connection with the child's education and parents' (guardians', sometimes children's) rights to freedom of religion or belief can be solved.

"The best interests of the child" is a dynamic, complex, comprehensive concept that cannot be defined abstractly and objectively. It must be determined on a case-by-case basis, taking into account the situation, the personal context and the needs of the child.<sup>1</sup>

Recurring to the concept of "the best interests of the child", the European Court expressed the legal position that the best interests of the child cannot be determined by general legal judgments and depends on the circumstances of each specific case, based on the prioritization of the best interests of the child.<sup>2</sup> The domestic courts of the Republic of Armenia also expressed a similar approach.<sup>3</sup>

At the same time, the UN Committee on the Rights of the Child has non-exhaustively listed the elements that allow determining the best interests of the child. They are as follows:

- mental and physical needs of the child;
- provision of appropriate care and education to meet those needs;
- importance of returning to family or living with family;
- importance of communication with the parent and other family members for the child's development;
- question of national belonging;
- child's cultural, linguistic, spiritual or religious connections or upbringing and significance in the family environment;
- other needs, requirements and interests.<sup>4</sup>

The interests of the child do not necessarily correspond to the interests of the parents and may prevail over them.<sup>5</sup> Moreover, there are cases when the interests of the child conflict with the interests of the parent. In such situations, it is necessary to ensure a fair balancing of the interests of both parties, but even in the balancing process it is necessary to pay special attention to the best interests of the child.<sup>6</sup>

Therefore, the principle of the best interests of the child is the guideline by which it is necessary to be guided in issues concerning the child.

The entire education system is aimed at upbringing a child as a part of society, a person with certain knowledge, skills, thinking and values. The presence of the mentioned knowledge, skills and values aims at ensuring the best interests of the child during the latter's normal development and involvement in society, taking into account his or her age, maturity, mental, physical, cultural, linguistic, spiritual or religious needs, etc. At the same time, the stated pursues a far-reaching goal to prepare the child to become a full member of the society.

Thus, in any case, the state should put the approach of the best interests of the

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<sup>1</sup> See UN Committee on the Rights of the Children, General Comment № 12 (2009) on the Right of the Child to be Heard, item 2, 32.

<sup>2</sup> See *Schneider v. Germany* գործով Եվրոպական դատարանի 15.09.2011թ. վճիռ.

<sup>3</sup> See ՀՀ սահմանադրական դատարանի 05.10.2010 թվականի թիվ ՍԴՈ-919, թիվ ԵԱԲԴ/0474/02/11, թիվ ԵԱԴԴ/1513/02/08, թիվ ԵԱՆԴ/4073/02/14 քաղաքացիական գործերով ՀՀ վճռաբեկ դատարանի որոշումներ.

<sup>4</sup> See UN Committee on the Rights of the Children, General Comment № 14 (2013), items 52-79.

<sup>5</sup> See UN Committee on the Rights of the Children, General Comment № 14 (2013), item 6.

<sup>6</sup> See UN Committee on the Rights of the Children, General Comment № 5 (2003) on the General Measures of Implementation of the Convention on the Rights of the Child, item 12.

child as the basis of the education system and the development of courses. Meanwhile, the parent's (guardians') right to freedom of religion or belief is based on the idea of a person's freedom to express his or her religious or other beliefs, which - in some cases - may be in the best interests of the child and - in some cases - not. Moreover, the principle of the best interests of the child should be considered and evaluated not only from the perspective of the religious or other beliefs of the given parent, but also from the existing objective circumstances, such as education, skills, upbringing, socialization, integration into society, awareness, the need to be protected, etc.

In such a reality the state is obliged - in each case - to give primary attention to ensuring the best interests of the child and, consequently, guaranteeing the effective mechanisms for the exercise of the child's right to education, and only in the case of the latter's existence and guarantee, consider the implementation of the mechanisms for ensuring the conditions for the exercise of the right to freedom of religion or belief of the parent (guardians).

In other words, the child's right to education is itself a means and mechanism for ensuring the best interests of the child.

Taking into account the above-mentioned, it becomes obvious that, guided by the principle of the best interests of the child, the state is first of all obliged to ensure the proper exercise of children's right to education. In the context of the above-mentioned, while organizing the child's right to education it is also necessary to determine the limits of exercising religious beliefs, guided exclusively by the best interests of the child.

Regarding the development and use of separate standards, such as in the United States, we find that it is more effective to be guided by some fundamental principle, such as the best interests of the child.

Moreover, when it comes to the child's right to education, it should be noted that the first two standards applied in the United States (the actual or substantial harm, the risk of harm standard) may apply to the latter, which are themselves the basis for the disclosure of the best interests of the child, and should be already taken into account during the formation and operation of the education system. As for the third standard, its application is not reasonable in the case of solving the issues presented by us.

Therefore, taking into account the fact that the principle of the best interests of the child in this case includes a number of criteria and is more comprehensive, it can be considered the most effective and comprehensive solution to the problems presented by us.

### **Conclusion**

Summarizing the studies and analyzes carried out in the scope of this work, we can state that

1. exercising the right to education, as well as other human rights, cannot be within the scope of the exclusive discretion of the policy of the state, and the state is obliged to implement its policy, including in the field of education, in the context of the international treaties it has ratified, existing international standards and provision of human rights;

2. contemporary challenges of exercising the right to education in the context of exercising the right to freedom of religion may relate to the teaching of religious doctrine, teaching about religions, moral and social education, school attendance on certain days and disciplinary responsibilities. Despite the variety of possible problems, from the point of view of solving the alleged contradictions, it is of paramount importance to formulate the principle by which the possible problems should be

solved;

3. the child's right to education is itself a means and mechanism for ensuring the best interests of the child.

The cornerstone nature of the above-mentioned principle when solving the problems in the field of correlation of the discussed rights is conditioned by the fact that in case of applying the mentioned principle it is possible to take into account the dependency, vulnerability, maturity level of children, etc. in the best possible way.

In the light of the conducted studies, **a proposal is presented** to take the best interests of the child (interests of the child, general welfare (interests) of the child) as the basis for the solutions in the case of apparent contradictions between the child's right to education and the exercise of the parent's (guardians', sometimes the child's) right to freedom of religion or belief.

Therefore, taking into account the above-mentioned, it is necessary to give preference to the exercise of the child's right to education, unless the best interests of the child dictates otherwise.

## ԿՐԹՈՒԹՅԱՆ ԻՐԱՎՈՒՆՔԻ ԻՐԱՑՄԱՆ ԱՐԴԻ ՄԱՐՏԱՀՐԱՎԵՐՆԵՐԸ ԿՐՈՆԻ ԱԶԱՏՈՒԹՅԱՆ ԻՐԱՎՈՒՆՔԻ ՀԱՄԱՏԵՔՍՈՒՄ<sup>1</sup>

### Կարողինա Հարությունյան

*ԵՊՀ սահմանադրական իրավունքի ամբիոնի ասպիրանտ*

Ժամանակակից աշխարհում կրոնի և համոզմունքի ազատության և կրթության իրավունքների ներդաշնակ իրացման հետ կապված առաջանում են նորանոր մարտահրավերներ և խնդիրներ, որոնք պահանջում են առավել արդյունավետ, մարդու իրավունքների վրա հիմնված լուծումներ կամ գոյություն ունեցող լուծումների արդիականացում: Միջազգային փորձի ուսումնասիրությունը թույլ է տալիս արձանագրել, որ ոչ միշտ է հնարավոր հավասարակշռել կրոնի ազատության և կրթության իրավունքների իրացումը:

Չնայած ենթադրյալ հակասությունների բազմազանությանը՝ գտնում ենք, որ դրանց հաղթահարման տեսանկյունից առաջնային է ձևակերպել այն սկզբունքը, որի կիրառմամբ պետք է լուծվեն հնարավոր խնդիրները: Մինևույն ժամանակ, նման մոտեցումն առաջացնում է այն հարցադրումը, թե որն է այն սկզբունքը կամ չափանիշը, որով անհրաժեշտ է առաջնորդվել կրոնի ազատության իրավունքի և կրթության իրավունքի միջև առերևույթ հակասությունների առաջացման պարագայում:

Ուստի, սույն աշխատանքի շրջանակում նպատակ է դրված, չխորանալով կրոնի, համոզմունքի, հավատքի, խղճի և կրթության հստակ սահմանումների մեջ, անդրադառնալու ծնողների (խնամակալների, երբեմն նաև՝ երեխաների) կրոնի ազատության իրավունքի և երեխաների կրթության իրավունքի հարաբերակցման հնարավոր խնդիրներին և ձևակերպել նշված խնդիրների լուծման ուղիները:

Սույն աշխատանքում ամփոփված վերլուծությունների արդյունքում հանգել ենք այն եզրակացության, որ կրոնի ազատության իրավունքի և երեխաների կրթության իրավունքի հարաբերակցման հնարավոր խնդիրները և ենթադրյալ հակասություններն անհրաժեշտ է լուծել երեխայի լավագույն շահի (երեխայի շահ, երեխայի ընդհանուր շահ) սկզբունքի համատեքստում:

<sup>1</sup> Սույն հոդվածը գեկուցվել է 2022թ. դեկտեմբերի 8-ի ԵՊՀ իրավագիտության ֆակուլտետի ասպիրանտների և հայցորդների գիտական նստաշրջանին:

## СОВРЕМЕННЫЕ ПРОБЛЕМЫ РЕАЛИЗАЦИИ ПРАВА НА ОБРАЗОВАНИЕ В КОНТЕКСТЕ ПРАВА НА СВОБОДУ РЕЛИГИИ<sup>1</sup>

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В современном мире в связи с гармоничной реализацией прав на свободу религии и убеждений и на образование возникают новые вызовы и проблемы, которые требуют более эффективных, основанных на правах человека решений или модернизации существующих решений. Изучение международного опыта позволяет отметить, что не всегда удастся сбалансировать реализацию прав на свободу вероисповедания и на образование.

Несмотря на многообразие предполагаемых противоречий, первостепенное значение имеет формулировка принципа, по которому должны решаться возможные проблемы. В то же время такой подход ставит вопрос о том, какой принцип или критерий должен быть решающим с точки зрения решения предполагаемых противоречий.

В связи с вышеперечисленным данная работа направлена на представление проблем соотношения права родителей (опекунов, иногда и детей) на свободу вероисповедания и права детей на образование и формулирование пути решений указанных проблем, не вдаваясь в четкие дефиниции религии, веры, убеждений, совести и образования.

В результате проведенного в данной работе анализа мы пришли к выводу, что возможные проблемы и предполагаемые противоречия соотношения права на свободу вероисповедания и права на образование детей нуждаются в разрешении в контексте принципа наилучших интересов ребенка (интересы ребенка, общие интересы ребенка).

**Բանալի բառեր** – Կրոնի ազատություն; համոզմունքի ազատություն; կրթության իրավունք; ծնողների իրավունք; երեխայի շահ; երեխայի լավագույն շահ; երեխայի ընդհանուր շահ; իրավունքների իրացում; մարդու իրավունքներ:

**Ключевые слова:** Свобода религии; свобода убеждений; право на образование; родительские права; интерес ребенка; наилучшие интересы ребенка; общие интересы ребенка; осуществление прав; права человека.

**Keywords:** Freedom of religion; freedom of belief; right to education; parental rights; interests of the child; the best interests of the child; general welfare (interests) of the child; exercising of rights; human rights.

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