

# THE RIO PRINCIPLES

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## Introduction

The Universal Declaration of Human Rights recognizing the right to education proclaims it should be directed ***“to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms”*** (Article 26, 2). Through the person, education affects families, neighborhoods, villages, cities, states, cultures, nations and the whole world.

To meet an obligation to guarantee freedom and human rights the state must respect and protect the fundamental freedom of education. That means not only to recognize education as a right in itself but also to understand education as more than schooling, more than facts and more than knowledge, seeing in it also means by which a person gains the capacity to express himself or herself, to engage in communication with the world, and to pursue the good life, the common good and human happiness.

The state can provide educational opportunity but only the person can develop the capacity available through education. The state must respect the person, the family, the cultural context and the right of the individual and of peoples to self-determination. As demonstrates the dramatic history of the 20th century, lack of such respect easily leads to the abuse of state power, transforming compulsory education into compulsory totalitarian ideological indoctrination which destroys rather than develops human personality. To avoid the repetition of that sorrowful ***“disregard and contempt for human rights which have resulted in barbarous acts which have outraged the conscience of mankind”*** the Universal Declaration of Human Rights intentionally and solemnly proclaimed that ***“parents have a prior right to choose the kind of education that shall be given to their children”***. Respect to this fundamental right of the family in education is, therefore, the necessary prerequisite for genuinely free and democratic society.

This universal human rights commitment should be understood and implemented in its connection with other fundamental provisions of the Universal Declaration such as that of Article 16.3, stating that ***“the family is the natural and fundamental group unit of society and is entitled to protection by society and the State”***, and that of Article 18, proclaiming that ***“everyone has the right to freedom of thought, conscience and religion; this right includes...freedom, either alone or in community with others and in public or private, to manifest his religion...in teaching”***. These commitments should be seen as the self-evident basis for interpreting and applying all the international human rights instruments and national laws.

The following principles of international human rights law relating to the family's role in education are essential to the promise of freedom and human rights which only civil society can realize. We hope that all cultures, peoples, nations and states will have regard for these principles that have been developed over time and are recalled here. The application of these principles can help the world realize the promise of freedom and human flourishing.

Finally, the Rio Principles reflect the existing state of international human rights law in relation to issues of home education. They also affirm binding international legal standards with which all states must comply.

## Principle 1: Human dignity

All human beings are endowed with inherent dignity and inalienable rights, which entitles them to freedom and to be treated equally under the law.

States shall:

- encourage educational arrangements that foster human dignity, especially those which recognize the uniqueness of each human being and the consequent necessity for an individualized approach to education;

- respect and protect freedom of education as a necessary consequence of human dignity that allows each person to pursue the educational arrangement that is most beneficial to the development of his or her unique personality.

## Principle 2: Best interest of the child

The primary consideration of actions concerning children is their best interest. It is presumed that **a child's parents act in accordance with those best interests until the opposite is justly proven** before a competent tribunal.

States shall:

- prevent social institutions including social and child welfare agencies, schools and **orphanages from disrespecting the children's dignity, assuring that their first and foremost concern is the children's well-being** and preparation to live in the society according to their unique personalities;

- refrain from the imposition of a standardized educational model for all children in disregard of the actual situation of each individual child;

- protect educational methods that respect and operate on the principle of an individualized education;

- recognize that parents of the child are generally in the best position to determine the best interest of their children as compared to the state or any other social institution;

- presume that the parents' decisions are for the best interest of the children unless the opposite is justly proven** before a competent tribunal, and assure that all the state and social institutions will follow this presumption in practice.

## Principle 3: Protection of the family

The family is the fundamental unit of society and is entitled to protection by the state (UDHR 16.3, European Social Charter Part 1.16, African Charter on Human and Peoples' Rights 18). It has a unique role and special authority in relation to education of children.

States shall:

respect and encourage the fulfillment of the family roles regarding the upbringing and educating of children;

comply with the principle of subsidiarity, taking on typical tasks of the family only in the situations where it has been justly proven that the family will not do them;

refrain from **interfering in the family's privacy, except in situations in which there is a proven substantial violation of children's rights and only after the due process of law;**

recognize the special and essential role of the family in the education of the child and in particular the right of the parents to choose the kind of education that shall be given to their children.

## Principle 4: The impartial state

The State must be impartial and not enforce any particular view on the question of the good life recognizing that families are free to define for themselves their own philosophical, moral and religious conceptions of the good life.

States shall:

respect and protect the unique and prior role of the parents in the transmission of moral and religious values to their children;

refrain from any kind of discrimination on the ground of religion, worldview or philosophy;

recognize the right to conscientious objection when a general provision conflicts with the core values of the family.

## Principle 5: Respect for difference

All individuals and groups have the right to their own ethnic, cultural and religious identity. The state should respect this legitimate diversity.

States shall:

respect the legitimate diversity of ethnic, cultural and religious identities;

recognize the fact that human beings, naturally having different ethnic, cultural and religious identities and values and living according to them, have the right to live in peace;

protect equality in dignity and rights for individuals and groups, especially families;

recognize education as an essential part of the transmission of each particular culture and therefore allow all cultural units, especially the family, the greatest freedom in education, while meeting the minimum standards as may be legitimately laid down or approved by the State.

## Principle 6: Freedom of thought, conscience and religion

***“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include...either individually or in community with others and in public or private to manifest his religion or belief in worship, observance, practice and teaching”*** (International Covenant on Civil and Political Rights, Art. 18, 1).

States Shall:

not interfere with the freedom of thought, conscience and religion, individually or among groups, especially families, in education except when it is prescribed by a just law and is established necessary beyond reasonable doubt after the due process of law to protect public safety, order, health or morals or the fundamental rights and freedoms of others;

protect and respect the rights of the parents to:

organize the life within the family in accordance with their religion or belief with the full protection of the right to privacy;

freely choose the kind of education that shall be given to their children, which means choosing between different educational approaches including home education;

give the religious and moral education in which they believe the child should be brought up;

not impose undue burdens on children or parents, whether directly or indirectly, as a result of their exercise of educational freedom or their choice of home education.

## Principle 7: Cultural rights

***“Everyone, alone or in community with others, has the right to have one’s own culture respected”*** (Declaration of Fribourg, Art. 3).

States shall:

not impede the transmission of the cultural heritages for both present and future generations;

not engage in forced assimilation of a person or a group into a cultural community through the use of compulsory attendance at a school or other state-enforced means;

respect and protect the freedom to follow a way of life and mode of education associated with **the promotion of one’s cultural values;**

**recognize that education contributes to the free and full development of one’s cultural identity;**

**respect the child’s parents and the cultural identity of parents and family;**

recognize that both the religion and the preferred educational approaches can constitute a substantial element of the cultural identity;

recognize the family as the most fundamental cultural community which has the essential task to direct the development of the cultural identity of their offspring.

## Principle 8: Parental rights

Parental rights are fundamental rights derived from the mere fact of being a parent. ***“Parents have a prior right to choose the kind of education that shall be given to their children”***(UDHR, Art. 26.3). The state shall respect and protect the fundamental rights of the parents and their primacy seeing it as a necessary prerequisite of the common good and genuine development of the person and the society.

States shall:

recognize that the free exercise of parental **rights is necessary to protect a child’s genuine** rights and interests as well as to maintain educational diversity which is needed in a free and pluralistic society;

respect, protect and promote the right of parents to ***“choose the kind of education that shall be given to their children”***, including home education (UDHR Art. 26.3, Additional Protocol to the American Convention on Human Rights 13.4, African Charter on the Rights and Welfare of the Child);

**respect the parent’s right *“to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention”*** (United Nations Convention on the Rights of the Child, Art. 5);

respect the liberty of parents and legal guardians to ensure the religious and moral education of their children in conformity with their own religious, philosophical or pedagogical convictions (ICCPR 18.4, European Convention for the Protection of Human Rights and Fundamental Freedoms Protocol 1, Art. 2);

respect the liberty of parents and guardians to choose schools other than those established by the public authorities (ICESCR 13.3), including their right to freely establish and govern their own schools or other educational establishments without facing undue restrictions or burdens;

recognize ***“that the education of the child shall be directed to:…The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own”*** (UNCRC, Art. 29, United Nations Declaration on the Rights of Indigenous Persons 13, 14);

recognize that parents are the primary educators of their children and that home education is a legitimate means by which children may be educated;

respect and assure the prior character and primacy of the rights and duties of the parents and legal guardians by providing assistance in education only at the request of parents and legal guardians.

## Principle 9: The right to education

***“Everyone has the right to education”*** (UDHR, Art. 26, 1). Respect for freedom of education requires that the state may not prefer a particular educational method or approach, including compulsory *attendance at a government-operated institution*.

States shall:

distinguish between compulsory education and compulsory schooling;

not demand or prefer compulsory attendance at any particular school whenever compulsory education is legitimately imposed by the national law;

respect that ***“the focus of basic education must, therefore, be on actual learning acquisition and outcome, rather than exclusively upon enrolment, continued participation in organized programs and completion of certification requirements”*** (World Declaration on Education for All, Art. 4);

ensure that when exercising educational freedom, families, parents and children will not face any additional burden or restriction other than conforming to such minimum educational standards as may be legitimately laid down or approved by the State;

recognize that education inherently communicates norms and values and therefore respect the exclusive authority of the parents to establish the kind of education that shall be given to their children;

guarantee ***“the widest possible protection...to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children”*** (International Covenant on Economic, Social and Cultural Rights, Art.10);

recognize the family as the primary and most fundamental educational institution.

## Principle 10: The right to home education

The right to home education is the fundamental right of families, children and parents clearly derived from all the above-mentioned rights and implied by them, especially by the freedom of thought, conscience and religion, cultural rights and parental rights. Therefore the duty of the states to respect and ensure this right is a necessary part of their obligations according to universal human rights standards.

States shall:

explicitly recognize in their internal legislation the right of all parents to freely choose home education for their children;

respect and protect the freedom of the parents to choose the pedagogical approach in home education;

**not interfere in home education except in cases of a serious violation of a child's rights that caused substantial harm and which have been justly proven after due process of law;**

prevent any discrimination with regard to access to the higher education and employment on the ground of education choice, including choice of home education;

protect the freedom to engage in home education at any time without undue burden on the child or the parents.

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