

IMPORTANT

- The information we provide on our rights4children website is for general guidance. It is not legal advice.
- If you need legal advice, please contact an independent advocate or a solicitor.
- Article 39 tries its best to make sure information is accurate and up-to-date. However, we cannot guarantee this. We'd appreciate you letting us know if you notice any errors or out-of-date information: info@article39.org.uk

Your religion or belief

- + 8 out of 10 people across the world follow a religion. This still leaves many who don't follow a religion. And you'd struggle to find a person without *any* beliefs at all!
- + Ever thought about what makes us humans different from other animals?
- + Well, we don't have paws or fur coats and we can't fly unassisted.
- + But the main distinguishing feature separating us from other animals is that we have beliefs – about how the world came into being, what makes a good life, how we should treat one another, and lots more...



Your rights – general

All children have the right to freedom of thought, conscience and religion. This means you should never be forced to think a particular way.

- + No-one has the right to stop you having a religion.
- + No-one has the right use physical or mental abuse to make you follow a religion.
- + You have the right to change your religion or belief.
- + You have the right to act in line with your religion or belief, alone and with others. This might be praying at certain times of the day. Or taking part in religious festivals. Or you may have a strong belief which affects the food you eat. Or how you think about weapons and war, for example.

Some limits

Your right to religion or belief can be subject to some limits, in order to keep people safe and to protect other people's rights. These limits are also in place because you are still growing.

- ✦ Parents have special legal duties and powers until their children reach the age of 18. This is called 'parental responsibility'. Even if you are not living with your parents, the law says they have parental responsibility.
- ✦ Your local council may also have parental responsibility for you, if a judge in a family court made a Care Order in respect of you.
- ✦ Parents – and others with parental responsibility – are allowed to influence your beliefs, and can encourage and help you to follow a religion. But this must never cause you harm. Once you have enough understanding, your parents should respect your own right to choose to follow – or not follow – a religion.
- ✦ If a Care Order has been made for you, your local council is not allowed to arrange for you to follow a religion that is different from any you followed when you lived with your family.

The law is on your side

Rights connected with your religion or belief are protected by the Human Rights Act. This is a law passed by our Parliament in London in 1998. Brilliant!

Then there is the United Nations Convention on the Rights of the Child, which says that children must never lose your rights because of your religion or political or other opinion.

Equal rights

There is another law – called the Equality Act 2010 – which says you cannot be treated in a worse way than others just because of your religion or belief. Parliament passed this law in 2010.

This law applies at school, when you visit public spaces like leisure centres, libraries and cinemas and when you are living in a children's home, hospital, prison or boarding or residential school.

Your rights – extra

This section gives you information about your extra rights in different places.

Words in “quotation marks” come from laws and legal rules. Laws and legal rules must be followed by the people who look after you.

Children’s home

You have the right to “personalised care” in your children’s home.¹ This means you should be cared for in a way that is right for you.

If you have a religion this must be written down in your records.²

The person who runs your home must make sure staff treat you with dignity and respect.³ This will include respecting any religion or belief you have. Excellent!

When you are in care, before any decisions are made about you, your local council must give serious thought to your “religious persuasion, racial origin and cultural and linguistic background”.

Your council has another great legal duty. It must give serious thought to your wishes and feelings before making any decisions about you. This duty is usually carried out by your social worker who must always give you space and encourage you to talk about things which are important to you.

Hospital or other health place

When you are in hospital, for whatever reason, the law says you must be treated with dignity and respect.⁴ This includes taking into account any religion or belief you have.

Your food and drinks choices linked to your religion or background must be followed – so long as these choices are reasonable. For instance, it wouldn’t be reasonable to demand your hospital gives you top-notch food whenever you snap your fingers! But it’s completely fair to expect your vegetarian diet to be catered for.

If you follow a particular diet linked to your religion – for example you eat Halal food – your hospital should be able to follow this without any problems at all.

Immigration detention

People who work in detention centres must follow legal rules. These include important duties about religion:

- + Arrangements for religion at the centre must take into account the different religions and backgrounds of people living there.⁵

- + If you say you follow a particular religion, the centre manager must record this when you first arrive at the centre.⁶
- + Every detention centre must have a manager of religious affairs.⁷
- + There can be different ministers of religion in your centre.⁸
- + If you want to see a minister of your religion, the centre manager must arrange this as soon as possible after you first arrive at the centre.⁹
- + During your stay at the centre, a minister of your religion should visit you as often as possible (if this is what you want).¹⁰
- + A minister of religion should try his or her best to make daily visits to people who are ill, are held on their own, are kept in restraint or are being forced out of the country.¹¹
- + The centre manager must make sure religious services are arranged¹²
- + Different types of religious books should usually be available in the detention centre.¹³

Prison

If you are living in a **young offender institution**, there are important legal rules about religion, including:

- + When you first arrive, the governor must record your religion. Your name will be added to a list given to a minister of religion based at the prison, so that he or she can be in touch with you. If you have no religion, a minister of religion is not allowed to visit you.¹⁴
- + The prison chaplain or minister must visit you as soon as possible after you first enter the prison, and shortly before you are released.¹⁵
- + The prison chaplain must make daily visits to children and young people who are ill, held in solitary confinement or held under restraint.¹⁶
- + The chaplain must also visit any child in this situation who is not part of the Church of England but would like daily visits.¹⁷
- + A minister of religion must try his or her best to make daily visits to children and young people who are ill, held in solitary confinement or held under restraint.¹⁸
- + Prison chaplains must make regular visits to children and young people who are part of the Church of England.¹⁹
- + Other ministers of religion should try their best to visit children and young people who follow their religions.²⁰
- + If you make a request to see a chaplain or a minister of religion, this should be passed on quickly to them.²¹
- + The prison chaplain must hold services for prisoners at least once every Sunday, and on Christmas Day and Good Friday.²²
- + Other ministers of religion must hold services whenever they can.²³

- + You must not be made to do work on Sundays, Christmas Day or Good Friday if you are part of the Church of England. If you follow a different religion, your religious days must be respected too²⁴ (though you cannot follow more than one religion!).
- + You should usually be able to have your own personal copy of any religious books approved for your prison.²⁵

In care and in a young offender institution

If you are in care, before any decisions are made about you, your council must give serious thought to your “religious persuasion, racial origin and cultural and linguistic background”.²⁶

Your local council has another great legal duty if you are in care. It must give serious thought to your wishes and feelings before making any decisions about you.²⁷

If you are in a **secure training centre**, the person in charge must make sure you can follow your religion. This includes following any religious rules about the clothes you wear and your diet.²⁸

In care and in a secure training centre

If you are in care, before any decisions are made about you, your local council must give serious thought to your “religious persuasion, racial origin and cultural and linguistic background”.²⁹

Your local council has another great legal duty if you are in care. It must give serious thought to your wishes and feelings before making any decisions about you.³⁰

School

Boarding schools and residential schools must follow rules (called standards).

The standards say that children and young people who attend boarding schools must be “provided with meals which are adequate in nutrition, quantity, quality, choice and variety”. This same rule applies if you have a special diet, for religious or medical reasons for example.³¹ Excellent!

Your school should have a written agreement (a policy) which sets out how it will meet the needs of children and young people “with particular religious, dietary, language or cultural needs”.³²

Secure children’s home

You have the right to “personalised care” in your secure children’s home.³³ This means you should be cared for in a way that is right for you.

If you have a religion this must be written down in your records.³⁴

The person who runs your home must make sure staff treat you with dignity and respect.³⁵ This will include respecting any religion or belief you have. Excellent!

In care and in a secure children's home

If you are in care, before any decisions are made about you your local council must give serious thought to your "religious persuasion, racial origin and cultural and linguistic background".³⁶

Your local council has another great legal duty if you are in care. It must give serious thought to your wishes and feelings before making any decisions about you.³⁷

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¹ Regulation 6(2)(b)(iv) The Children's Homes (England) Regulations 2015.

² Paragraph 3, Schedule 3, The Children's Homes (England) Regulations 2015.

³ Regulation 6(2)(b)(iii) The Children's Homes (England) Regulations 2015.

⁴ Regulation 10 The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

⁵ Rule 20, The Detention Centre Rules 2001.

⁶ Rule 21, The Detention Centre Rules 2001.

⁷ Rule 22, The Detention Centre Rules 2001.

⁸ Rule 22, The Detention Centre Rules 2001.

⁹ Rule 22, The Detention Centre Rules 2001.

¹⁰ Rule 23, The Detention Centre Rules 2001.

¹¹ Rule 22, The Detention Centre Rules 2001.

¹² Rule 24, The Detention Centre Rules 2001.

¹³ Rule 25, The Detention Centre Rules 2001.

¹⁴ Section 10(5) Prison Act 1952.

¹⁵ Rule 31 The Young Offender Institution Rules 2000.

¹⁶ Rule 31 The Young Offender Institution Rules 2000.

¹⁷ Rule 31 The Young Offender Institution Rules 2000.

¹⁸ Rule 31 The Young Offender Institution Rules 2000.

¹⁹ Rule 32 The Young Offender Institution Rules 2000.

²⁰ Rule 32 The Young Offender Institution Rules 2000.

²¹ Rule 32 The Young Offender Institution Rules 2000.

²² Rule 33 The Young Offender Institution Rules 2000.

²³ Rule 33 The Young Offender Institution Rules 2000.

²⁴ Rule 35 The Young Offender Institution Rules 2000.

²⁵ Rule 36 The Young Offender Institution Rules 2000.

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- ²⁶ Section 22(5)(c) Children Act 1989.
- ²⁷ Section 22(5)(a) Children Act 1989.
- ²⁸ Rule 26 The Secure Training Centre Rules 1998.
- ²⁹ Section 22(5)(c) Children Act 1989.
- ³⁰ Section 22(5)(a) Children Act 1989.
- ³¹ Department for Education (2015) Boarding schools. National minimum standards, standard 8.
- ³² Department for Education (2015) Boarding schools. National minimum standards, page 16.
- ³³ Regulation 6(2)(b)(iv) The Children’s Homes (England) Regulations 2015.
- ³⁴ Paragraph 3, Schedule 3, The Children’s Homes (England) Regulations 2015.
- ³⁵ Regulation 6(2)(b)(iii) The Children’s Homes (England) Regulations 2015.
- ³⁶ Section 22(5)(c) Children Act 1989.
- ³⁷ Section 22(5)(a) Children Act 1989.