

## THE RIGHT TO EDUCATION INFREEDOM.

This right is recognized in international treaties:

- Additional Protocol No. 1 European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, March 20, 1952. BOE No. 11, of January 12, 1991) Section 2.

**« The State, in the exercise of the functions which it assumes in the field of education and teaching, respect the right of parents to ensure such education and teaching in conformity with their religious and philosophical convictions ».**

- Universal Declaration of Human Rights. Article 26.3:

**« Parents have a prior right to choose the kind of education that shall be given to the children ».**

- Charter of Fundamental Rights of the European Union. (Proclaimed on December 12, 2007 in Strasbourg, before the signing of the Lisbon Treaty, once ratified, makes the Charter legally binding on all countries with exceptions for Poland and the UK). Article 14. Right to education:

**« They respect, according to the national laws governing the exercise of the freedom of educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children according to their religious, philosophical and pedagogical ».**

In the Spanish State, the Supreme Court has the right to education in its judgment released 11/12/12, stating:

**« As a direct derivation of the provisions of Article 27 EC, can claim the right to education as a right to be educated in freedom ».**

And, specifying the right in four main points:

- **Parents have the right to ensure that the education and teaching of their minor children is in keeping with their convictions, moral and philosophical, and choose what they think is best for their children.**
- **The educational options that may arise by the education authority are necessarily subject to the consent of the parents.**
- **All subsidiary regulations should explicitly collect or develop this principle.**
- **The Silence of the lower standard of this principle involves infringement.**



### TEXT OF THE SUPREME COURT JUDGMENT 12/11/12. Third Legal Grounds:

*« As a direct derivation of the provisions of Article 27 EC, can claim the right to education as a right to be educated in freedom.*

*It also has direct control of the First Additional Protocol to the European Convention for the Protection of Human Rights, which derives a right to be educated in freedom. And direct projection of the right to be educated in freedom is the right of parents to ensure the education and teaching of their minor children is in keeping with their convictions, moral and philosophical.*

*From this derives the right of parents to choose what they think is best for their children. And the right of parents, results necessarily in need must give their consent regarding educational options that may arise by the administration.*

*In the same sense is expressed in Article 26 of the Universal Declaration of Human Rights, as parents "have a prior right to choose" the kind of education that shall be given to their children. And he has said translation rules on international standards (apart those above) and state standards.*

*The parent involvement in the educational system derives from the basic state legislation, so that we believe the subsidiary regulations should explicitly collect or develop this principle.*

*Undoubtedly, different question that autonomic regulation would expressly contravene the same, which is not the case, and no doubt generate their disagreement clearly right.*

*Put another way, the silence of the lower standard on this principle, it effectively guarantees the same and involves the breach ».*