

# Children in Religious Contexts: Introduction

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*Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child*  
Convention on the Rights of the Child, Preamble

The *UN Convention on the Rights of the Child*<sup>1</sup> (CRC) emphasises the role of culture, traditions, and religion in the protection and harmonious development of children.<sup>2</sup> Not only does it establish a general conceptual framework for safeguarding children's identity,<sup>3</sup> but it also specifically protects children's distinct cultural and religious identity.<sup>4</sup> While the CRC unequivocally treats religious and cultural diversity as a protected value, it also introduces minimum standards for the protection of children against harmful cultural or religious practices and violence of any kind, including sexual abuse.<sup>5</sup> These standards apply fully in all religious contexts and institutional frameworks, across all religions and belief systems.

Throughout the 1980s, religious communities provided substantial support for the drafting of the CRC and undertook an important role in streamlining the ratification process after its adoption in 1989. Its spiritual and ideological endorsement from religious leaders – in addition to the universal belief that all children deserve special protection – has helped the CRC become the most widely accepted human rights treaty in the world.<sup>6</sup> Nowadays, religious communities and churches play a significant role in promoting and spreading the principles of the CRC. This book is built on the premise that churches and religious communities should be seen as allies in the continuous efforts to foster stronger protection of children's rights and safeguard children against all kinds of violence. Including churches in these efforts, by building

1 *Convention on the Rights of the Child*, adopted in New York on 20 November 1989 by General Assembly resolution 44/25, UN Treaty Series no. 27531 (CRC hereafter).

2 See: Preamble to the CRC, Art. 14, Art. 20 para. 3, Art. 30 of the CRC.

3 Art. 8 of the CRC.

4 Art. 14, Art. 20 para. 3, Art. 30 of the CRC.

5 See: Art. 19 of the CRC.

6 The CRC has been ratified by 196 states. Current ratification status can be checked at [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en).



upon their resources and networks, is vital for enhancing the children's rights regime and ensuring transparency within church-founded institutions such as schools and institutions that care for children.

Notwithstanding the vital role of religious communities in promoting child protection, States Parties are obliged to implement the CRC<sup>7</sup> and ensure respect for children's rights among all churches and religious communities under their jurisdiction. Of all the world's religious communities, the position of the Catholic Church in relation to the CRC is exceptional. The Holy See has ratified the international instrument and, as one of its States Parties, is consequently fully obliged under international law to ensure its implementation.

Even though religion greatly impacts the lives of children, the topic of children in religious contexts has received little attention in the scholarly literature on children's rights.<sup>8</sup> This is partly because of the highly sensitive, if not controversial, nature of children's religious freedoms. This book aims to fill this gap, by shedding light on the place of religion within the normative content of the CRC and providing the reader with a better understanding of children's religious rights.

The book also takes the view that religious texts and the CRC at its core share a common vision for children, including the family-centred values that both religious and rights-based approaches hold,<sup>9</sup> and that the major world religions largely agree on four key points that are essential to a child rights-based approach and the implementation of children's rights:

- A fundamental belief in the sanctity of life and the dignity of the child<sup>10</sup>
- An emphasis on the family as the best environment for bringing up children
- A priority given to children and to the rights and duties all members of society have toward them
- A holistic notion of the child and a comprehensive understanding of his or her physical, emotional, social, and spiritual needs<sup>11</sup>

This volume consists of three parts. The first part (*General Introduction to Children's Religious Rights*) aims to provide a general introduction and conceptual framework for examining children's religious human rights, as well as international standards of child protection against abuse and harmful religious practices. The second cluster of chapters (*Children's Religious Rights in Different Contexts*) analyses several issues related to children's rights and religion. These chapters focus on the protection of

7 'Implementation is the process whereby States parties take action to ensure the realization of all rights in the Convention for all children in their jurisdiction'; see: CRC, *General Comment No. 5* (2003) *General measures of implementation of the Convention on the Rights of the Child* (arts. 4, 42 and 44, para. 6), CRC/GC/2003/5, 27 November 2003, para. 1.

8 For an excellent account of the interplay between religion(s) and human rights in general, see: Witte and Green, 2012.

9 Rios-Kohn, et al., 2019, p. 19.

10 The source of children's rights is the inalienable human dignity of the child, which, in most religions, stems from their creation in the image of God.

11 Rios-Kohn, et al., 2019, p. 19.

children's religious identity in different contexts, such as in the family environment and in school, as well as in alternative care and in relation to the special needs of children belonging to indigenous peoples and national minorities. The third part (*Child Safeguarding Policies in Certain Christian Churches*) examines child safeguarding policies in certain Christian churches. A central issue animating the third cluster is the approach and role of the main religious communities in Central and Eastern Europe in protecting children against violence. It highlights the added value of working with religious communities to protect children's rights.

In her paper, *Márta Benyusz*<sup>12</sup> analyses the contribution of religious communities in adopting international standards of child protection, most notably the CRC, with a focus on the role of the Holy See. First, she provides an overview of the role religious communities played during the drafting process and are playing now in the implementation phase. Then, she focuses on the role of the Holy See, its *sui generis* place in international law, and interactions with the Committee on the Rights of the Child. She also discusses the special approach the Catholic Church takes toward the rights of the child, as is highlighted by the role of the Pontifical Commission for the Protection of Minors and Vulnerable Adults in the establishment of a safeguarding culture where a genuine rights-based approach can be further developed.

*Paweł Sobczyk*<sup>13</sup> provides an overview of the legal basis of the protection of children's religious rights in international human rights law. He explores both universal and regional human rights documents, including European, African, and Inter-American legal instruments related to the protection of children and religious freedoms *in specie* and *in genere*. He searches for the core values and ideas underlying the protection of children's religious freedoms and examines whether their exercise can be subject to limitations.

*Paweł Czubik*<sup>14</sup> explores the impact of certain harmful cultural and religious practices, such as child marriage and female circumcision, on the psychological and physical well-being of children. He highlights that such harmful practices, though deeply rooted in cultural or religious traditions, conflict with international human rights norms. He also analyses the limitations of international legal instruments in addressing culturally and religiously motivated violence against children, advocating for more effective culturally sensitive treaties.

In the second part of the book, *Vanja-Ivan Savić*<sup>15</sup> explores the interplay between children's rights, parental religious freedoms, and state regulations, specifically through the lens of international and European legal frameworks. He emphasises parents' right to guide their children's religious education, as supported by various human rights conventions, while acknowledging children's evolving capacities to form independent beliefs. He ponders whether the CRC, which promotes child

12 Benyusz, 2025, pp. 25–47.

13 Sobczyk, 2025, pp. 49–74.

14 Czubik, 2025, pp. 75–91.

15 Savić, 2025, pp. 95–110.

autonomy, can be a useful instrument for balancing parental prerogatives with children religious rights.

*Balázs Schanda*<sup>16</sup> focuses on children's religious rights in the educational context. He addresses the issues of attending religious education at public schools, displaying religious symbols and wearing religious clothing in schools, and observing religious holidays and engaging in prayer. He highlights the role the educational environment plays in social coexistence, as a meeting place for different cultures where tolerant pluralism is taught to future generations.

*Lucjan Świto*<sup>17</sup> analyses the protection of a child's religious identity in various forms of alternative care, including adoption, foster care, and the Islamic practice of *kafala*. He examines whether the protection of the religious identity of a child placed in alternative care is regulated consistently and in a manner that reflects its significance and gravity. The study highlights how international, EU, and Polish laws address this issue, noting differences between approaches and legal frameworks.

*Katarzyna Zombory*<sup>18</sup> delves into the specific challenges of protecting the religious identity of children belonging to national or ethnic minorities and indigenous peoples. She highlights the role of international human rights frameworks in protecting religious identity at both the individual and community levels. She addresses the practical applications of these rights using the right of a child to access religiously appropriate food as an example.

In the third part of the book, *Michele Riondino* and *Hans Zollner*<sup>19</sup> present an outline of the child-safeguarding policies of the Roman Catholic Church. They examine the Church's response to child sexual abuse, which has varied significantly across countries, with differences between policies, cultural approaches, and degrees of transparency and accountability. They suggest several changes that should be introduced by the Catholic Church to implement children's rights effectively and protect children against abuse.

*Rastko Jović*<sup>20</sup> analyses child-safeguarding policies in the Serbian Orthodox Church and explores the axis between Orthodox Christianity and human rights. He highlights that the Serbian Orthodox Church acknowledges the importance of safeguarding children within the broader context of family and community, drawing upon its theological and canonical traditions, and then considers whether this translates into a formalised child-safeguarding policy with dedicated institutions for addressing these issues systematically.

*Olivér Árpád Homicskó* and *Márk Birinyi*<sup>21</sup> focus on the child protection policy of the Reformed Church in Hungary, outlining its child protection activities with a focus on institutionalised child protection services. They examine the effectiveness of

16 Schanda, 2025, pp. 137–152.

17 Świto, 2025, pp. 111–136.

18 Zombory, 2025, pp. 153–176.

19 Riondino and Zollner, 2025, pp. 179–200.

20 Jović, 2025, pp. 201–224.

21 Homicskó and Birinyi, 2025, pp. 225–242.

the Church's initiatives in addressing social inclusion and child welfare challenges, including for socio-culturally disadvantaged and talented children.

This volume, entitled *Religion and Children's Rights*, forms part of the series of 11 books<sup>22</sup> providing the curriculum for the International and Comparative Children's Rights (ICCR) LL.M. course. The book series aims to offer a holistic picture of children's rights. It covers both the universal and regional levels of human rights protection, provides an understanding of children's social and personality development, discusses children in conflict with the law and interdisciplinary and child-friendly communication, gives an overview of national implementation via private and public law from a Central European perspective in terms of the countries' child protection and justice systems, examines religion and children's rights, and discusses the challenges child protection and child rights-based approaches face in the digital age.

This book is addressed primarily to students of the ICCR LL.M. course. However, it can also be useful to lawyers who deal with children's rights in their everyday practice or academic research, as well as to other professionals who work with children. The volume discusses children's rights in religious contexts to present a full picture of the rights of the child and explore the international and domestic challenges to implementation, as well as contemporary concerns regarding the rights of the child. This volume should be read together with the other works in the series.

22 The curriculum of the ICCR LL.M is based on interdisciplinary and legal cross-border research in several countries (e.g. Croatia, Czech Republic, Hungary, Poland, Romania, Slovakia, Slovenia) and consists of the following 11 books: *International Children's Rights*, *The Rights of the Child in Regional Human Rights Systems*, *Social and Personality Development in Childhood*, *The Rights of the Child in Private Law – Central European Comparative Perspective*, *The Rights of the Child in Public Law – Central European Comparative Perspective*, *Religion and Children's Rights*, *Child Protection Systems – Central European Comparative Perspective*, *Children in the Digital Age – Central European Comparative Perspective*, *Child-friendly Justice – Central European Comparative Perspective*, *Interdisciplinary and Child-friendly Communication*, and *Children in Conflict with the Law*.

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