Humanist Society Scotland
For an ethical future

Stage 1 Briefing: Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill

November 2025

Humanist Society Scotland is a registered charity with over 16,000 members that promotes Humanist values to people in Scotland, campaigns for an ethical, rational and secular future and gives voice to the millions of people in Scotland who live without religion.

1. Summary

Humanist Society Scotland supports the broad aims of the Bill to address questions about UNCRC compatibility and ensure pupil views on religious observance (RO) are given due weight**. However, Part 1 of the Bill does not go far enough to respect the rights of all children and put beyond doubt Scotland's compliance with the UNCRC. Our support is dependent on amendments giving young people an independent right to opt out of RO being passed.**

- Every school in Scotland is required to provide acts of religious observance (RO). The Scottish Government claims that RO in non-denominational schools is inclusive, objective and balanced. But a testimony report from Humanist Society Scotland found RO is exclusively Christian and worship-based in some schools. Pupils report being forced to pray against their own beliefs.

- **The right to withdraw from RO has historically been reserved to parents. As pupils have no equivalent right to opt themselves out, RO is a *de facto* compulsory activity if a child's view differs from their parent.** This has drawn criticism from the United Nations and the Scottish Children's Commissioner. Both organisations have stated that withholding the right to withdraw from religious observance amounts to a breach of pupils' UNCRC Article 12 (freedom of expression) and Article 14 (freedom of thought, belief and conscience) rights.

- Part 1 of the Bill introduces a **new independent right to opt in to RO** for pupils whose parents try to withdraw them, but no reciprocal right for pupils to opt out. The proposal rejects the twice-made recommendation of the UN Children's Committee and does not comply with the UNCRC. The asymmetrical pupil rights also risk creating a hierarchy of beliefs in schools.

As a first priority, we believe the Bill would be made UNCRC compatible only if pupils are given a reciprocal, independent right to opt out of religious observance at Stage 2.

NOTE: On 19 November 2025, the UK Supreme Court ruled that collective worship which is not delivered in an "objective, critical and pluralistic" way amounts to indoctrination and is unlawful under the ECHR. While the case related to a school in Northern Ireland, many of the same non-inclusive practices are widespread in Scottish schools. The Court's decision, which is binding across the UK, also highlighted that the requirement for collective worship fails to properly protect children's Article 9 right to their own beliefs.

2. Background

- **Section 8 of the Education (Scotland) Act 1980 requires all state schools to provide acts of religious observance (RO).**
    - **RO shouldn't be confused with religious education.** RME is a core curriculum subject that covers a variety of faiths and beliefs, including humanism, in an objective and critical manner. It is an essential topic for preparing children to live in a free and diverse society. In contrast, religious observance is often delivered by faith leaders in an uncritical and proselyting manner with comparatively little oversight from schools / local authorities.
- Government guidance encourages all schools to draw upon the 'rich resources' of Scotland's Christian heritage when planning RO. But headteachers also need to consider the diversity of school communities and ensure all pupils and staff can take part 'without compromise to their personal beliefs'.
- **Inclusive RO is especially important when we consider Scotland's secular and religiously diverse population.** The 2022 Census found that over 60% of school-aged children now say they have no religion, and more pupils identify as Muslim, Hindu and Sikh than ever before. In contrast, fewer than 1 in 4 pupils identify with either of the historically dominant churches.
- **Some schools have followed the guidance on RO and adopted a 'Time for Reflection' model.** This more inclusive approach is less focused on prayers and religious worship, and more about reflecting on a moral issue without being led in a particular way of thinking.
- **But a new report by Humanist Society Scotland, Preaching is not Teaching, found that RO is often held exclusively in the local church and involves religious worship, prayer, and hymns.** Schools also frequently incorporate religious elements into whole-school 'celebrating success' assemblies against government advice. The following testimonies highlight the impact of non-inclusive practices on humanist, atheist and agnostic pupils:

    "I don't like to go to the church with my school because it feels like I'm being forced to paint my room a colour I don't like. When I'm sitting in the church I feel like the minister is nice to

the children but I don't feel like he's talking to me… ***The minister doesn't use words like 'Christians believe' and instead uses words that imply it's a fact.*** **" - Pupil**

*"****We became aware that my daughter was being forced to pray because she told us how uncomfortable she felt.*** *She went along with it the first time but the second time she just sat quietly. She was told by an adult very sharply that she was being disrespectful if she didn't go along with it. She was upset and embarrassed by this."* **- Parent**

"Children often ask me why they are required to attend Christian services. One child pushed further and asked whether he had to pray and sing hymns. I told him that I wouldn't make him do anything he was uncomfortable with. ***That same child later told me he felt pressure to join in with hymns and prayers at assembly.*** *As an adult who also doesn't participate in Christian worship, I feel the same pressure. I've often felt the pastor's eyes on me."* **- Teacher**

- **The right to withdraw from RO has been historically reserved to parents.** Pupils cannot opt themselves out, no matter their age, maturity or personal beliefs. The status quo has been criticised for denying school pupils the right to be heard and failing to respect children's right to their own beliefs (UNCRC Articles 12 and 14).

3. What is the Bill proposing?

- Part 1 of the Bill seeks to amend **Section 9 of the 1980 Act** to "give due weight to pupils' views" when a parent makes a withdrawal request for RO and RME in schools. According to the policy memorandum, the proposed changes will put the Scottish Government's compliance with the UNCRC in this context "beyond doubt".

- School pupils would be given a new right to object if their parent tries to withdraw them from RO and/or RME. Unless the school can demonstrate that the child isn't capable of forming a view (capacity is presumed), the school must follow the child's wishes**. In effect, pupils are given a new independent right to opt in to RO and RME. However, a child who wishes to opt out of either subject will still require parental permission.**

4. What are our objections to the Bill?

- **The Bill wrongly conflates RO and RME by maintaining a parallel right to withdraw.** As highlighted by the Scottish Episcopal Church in their committee evidence, "RO is a matter of belief and RME is a matter of education." Participation in religious observance must always be optional and a decision that children, when they're old enough, should make for themselves. But given its importance in supporting children's Article 29 right to an education, neither parents nor pupils should have the opportunity to withdraw from RME.

- **The Bill fails to comply with the longstanding recommendation of the UN Children's Committee to allow school pupils to independently opt out of RO.** In its 2016 and 2023 concluding observations, the committee urged the Scottish Government to guarantee children's freedom of expression and religion or belief by:

  Repealing legal provisions for compulsory attendance in collective worship and establishing statutory guidance to ensure the right of all children, including children under 16 years of age, to withdraw from religious classes without parental consent.

- And in its 2016 General Comment on the rights of children during adolescence, the committee clearly articulated that it should be up to the child to decide on taking part in religious observance:

  It is the child who exercises the right to freedom of religion, not the parent, and the parental role necessarily diminishes as the child acquires an increasingly active role in exercising choice throughout adolescence. Freedom of religion should be respected in schools and other institutions, including with regard to choice over attendance in religious instruction classes, and discrimination on the grounds of religious beliefs should be prohibited.

- The Scottish Human Rights Commission (SHRC) have described the UNCRC Concluding Observation to allow pupils to withdraw from RO as "clear", "specific", and "authoritative". In this context, the Commission said it "would have expected a more coherent and compelling explanation" from Ministers as to why they ignored the UN recommendation.

- A broad coalition of human rights organisations, including the Scottish Children's Commissioner, the Together Alliance for Children's Rights, UNICEF UK, and the SHRC, have stated that by rejecting the concluding observations and comments of the UN committee, **the Bill does not achieve UNCRC compliance.**

- **In practice, the Bill risks creating a hierarchy of belief in schools.** Religious young people or pupils who are keen to explore their faith will have the right to opt in to RO against their parents' wishes. But humanist young people will have no equivalent right to opt out where their views differ from their parents. **Children must have the final say no matter their views or beliefs.**

- **By proposing a pupil right to opt-in, the government has acknowledged that children who are capable of forming a view on RO should have that view respected.** Yet the Bill bluntly prioritises the views of the parent and presumes that no child - regardless of age or maturity - is capable of making the decision to withdraw from religious worship. This is

direct contravention with the concept of “evolving capacities” established under UNCRC Article 5.

- Ministers have stated that the proposed change will ‘put the position in relation to UNCRC compliance beyond doubt as soon as possible’. But in failing to give children the choice to opt in and out of religious observance, the Bill falls far short of respecting the human rights of every school pupil.

Notwithstanding our concerns, we believe this Bill represents a once in a generation opportunity to address an urgent children’s rights issue. We therefore encourage MSPs to support the Bill at Stage 1 and back amendments to secure an independent pupil opt out for religious observance at Stages 2 and 3.

For more information, please contact Joe Higgins, Policy and Campaigns Officer, at joe@humanism.scot

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