



Press Summary

THE COURT ORDERED that no one shall publish or reveal the name or address of the Appellants who are the subject of these proceedings or publish or reveal any information which would be likely to lead to the identification of the Appellants or any member of their family in connection with these proceedings. Furthermore, an Order of the High Court dated 27 September 2019 is in force anonymising the Appellants.

19 November 2025

In the matter of an application by JR87 and another for Judicial Review (Appellant)

[2025] UKSC 40

On appeal from: [2024] NICA 34

Justices: Lord Reed (President), Lord Lloyd-Jones, Lord Hamblen, Lord Burrows and Lord Stephens

Background to the Appeal

The issue in this appeal is whether religious education and collective worship provided in a school in Northern Ireland are contrary to Article 2 of Protocol 1 (“**A2P1**”) of the European Convention on Human Rights (“**ECHR**”), read with Article 9 ECHR, as incorporated into domestic law by the Human Rights Act 1998.

Article 9 ECHR guarantees everyone the right to freedom of thought, conscience, and religion.

A2P1 provides:

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.”

In this case a child, “JR87”, attended a grant-aided controlled primary school in Belfast. As part of the curriculum JR87 participated in non-denominational Christian religious education and collective worship. JR87’s parents did not wish her to be taught that Christianity was an absolute truth. Her father, “G”, challenged the legality of the religious education and collective worship and sought judicial review against the Department of Education.

In the High Court, this challenge was successful. Colton J held that as religious education and collective worship in the school followed the Department's core syllabus, they were not conveyed in an objective, critical, and pluralistic manner. Although the parents had a statutory right to withdraw their daughter from these activities, this right was not sufficient to prevent a breach of A2P1 read with Article 9 ECHR. It placed an undue burden on JR87's parents, deterring them from seeking withdrawal, and risked stigmatisation of JR87. The judge granted a declaration that the teaching of religious education and arrangements for collective worship breached both JR87's and G's rights under A2P1 read with Article 9 ECHR.

In the Court of Appeal, Treacy LJ (Keagan LCJ and Horner LJ agreeing) upheld Colton J's finding that religious education and collective worship in the school were not conveyed in an objective, critical, and pluralistic manner. However, the Court of Appeal disagreed with the judge's conclusion that the parents' statutory right to withdraw JR87 was insufficient to prevent a breach of A2P1 read with Article 9 ECHR. The Court of Appeal held that the existence of this unqualified statutory right meant that the state was not pursuing the forbidden aim of indoctrination. Furthermore, the Court of Appeal very much doubted that fears of stigmatisation or of an undue burden on JR87's parents would have been realised in practice. The appeal was allowed and the application for judicial review dismissed.

JR87 and G appeal to the Supreme Court challenging the Court of Appeal's conclusion that the statutory right of withdrawing JR87 from religious education and collective worship meant that there was no breach of A2P1 read with Article 9 ECHR. The Department cross appeals contending that Colton J erred in failing to separately analyse and determine the claims made by JR87 and G.

Judgment

The Supreme Court unanimously allows the appeal and dismisses the cross appeal. Lord Stephens gives the judgment, with which Lord Reed, Lord Lloyd-Jones, Lord Hamblen, and Lord Burrows agree.

Reasons for the Judgment

Colton J found that in JR87's school religious education and collective worship were not conveyed in an objective, critical, and pluralistic manner. This finding was upheld in the Court of Appeal, and the Department did not obtain leave to appeal against that finding. Although no issue arose before the Supreme Court in relation to that finding it set out some of the reasoning which led the lower courts to that conclusion [84-91].

In circumstances where religious education and collective worship is not conveyed in an objective, critical, and pluralistic manner, a factor to be taken into account in determining whether there is a breach of A2P1 is whether there is a right to withdraw JR87 without placing an undue burden on JR87's parents. In this case, the statutory right of withdrawal [47] was capable of placing an undue burden on parents [118-120, 129]. The Court of Appeal was wrong in its application of established principles of ECHR law [122-127] and should not have departed from the judge's finding that the parents had valid concerns in relation to withdrawing JR87 from religious education and collective worship [129].

Furthermore, the Court of Appeal fell into error in making a distinction between indoctrination and the state conveying information or knowledge in a manner which was not objective, critical, and pluralistic [103-106]. The concepts are two sides of the same coin: conveying knowledge in a manner that is not objective, critical, and pluralistic amounts to pursuing the aim of indoctrination [122-3].

Concluding its findings on the main appeal at [129], the Supreme Court holds that the Court of Appeal ought to have found that exercising the right to withdraw JR87 was capable of placing an undue burden on the parents so that there was a breach of A2P1 read with Article 9 ECHR.

On the cross appeal, the Supreme Court rejects the Department's argument that the second sentence of A2P1 relates only to parents' rights so that the claim of JR87 ought to have been dismissed. The European Court of Human Rights jurisprudence [134-136] is clear on several points [137]. First, both parents and children hold the right to freedom of religion under Article 9 ECHR. Second, the rights guaranteed by A2P1 read with Article 9 ECHR are not limited to parental rights. Third, the first sentence of A2P1 must be read in light of the second sentence and Article 9 ECHR. Fourth, the first sentence of A2P1 guarantees schoolchildren the right to education in a form which respects their right to believe or not to believe. Fifth, the rights of parents and schoolchildren under A2P1 read with Article 9 ECHR must be separately analysed. Sixth, ordinarily the outcome in respect of a complaint by a schoolchild under the first sentence of A2P1 will be guided by the findings in respect of the parents' complaints under the second sentence of A2P1.

In relation to JR87's rights, the judge was correct to be guided by the finding of a breach of G's rights under the second sentence of A2P1. He was correct to find a breach of A2P1 read with Article 9 ECHR in relation to both JR87 and G [138].

Accordingly, JR87's and G's appeal is allowed, and the Department's cross appeal is dismissed. The Court reinstates the declaration made by the judge [139-140].

References in square brackets are to paragraphs in the judgment.

NOTE:

This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: [Decided cases - The Supreme Court](#)