



# THE CASE OF SANDRA PAVEZ AND THE AUTONOMY OF RELIGIOUS COMMUNITIES TO CHOOSE THEIR TEACHERS, PROTECTED BY RELIGIOUS FREEDOM

## Background:

Chile guarantees parents the right to having their children receive a moral and religious education in accordance with their convictions, through the inclusion of denominational religious classes in schools, catering to families of more than a dozen of different faith communities. All schools must offer these classes, but participation in them is entirely voluntary. To teach the subject, schools must assign teachers in possession of a certificate of suitability to teach the faith, issued by the competent religious authorities. Sandra Pavez taught a Catholic religion class. The bishop of the diocese revoked her certificate of suitability, after learning that she had entered a same-sex relationship, contrary to the teaching of the Catholic church. As a result, she no longer taught the class, but retained her employment contract and received a promotion with better pay and equal job guarantees.

## Key Principles:

The right of parents to the religious education of their children in accordance with their convictions is indisputable and recognized in all major treaties. There is a broad international consensus that such education may be provided in public schools. The religious communities to which parents belong have the autonomy to freely determine who is suitable to transmit the faith with which the parents commune, and States have no power to question decisions based on moral and religious criteria applied in good faith. The choice of religious authorities and teachers is a core element of religious freedom.

## Key Facts:

- In 2007, Sandra Pavez was employed by the Cardenal Samoré school in San Bernardo as a teacher, and she taught Catholic religion for more than ten years. She continued to be employed by the same school until she retired in early 2022.
- In the middle of 2007, the Catholic bishop of the diocese became aware that Ms. Pavez was in a relationship with another woman. Ms. Pavez was contacted by the bishop, who represented to her that her conduct contravened Catholic moral teaching and that her decision to continue in such a situation would be grounds for revocation of her certificate of suitability.
- The bishop revoked her certification and consequently the school stopped assigning Ms. Pavez to conduct the Catholic religion class. At the beginning of 2008, it was decided to promote her to the position of Inspector General of the school, with better remuneration and more formative responsibilities.
- Ms. Pavez sued the Catholic Diocese of San Bernardo, alleging discrimination based on sexual orientation and violation of her right to work. The Chilean courts rejected her claim, stating that the decision as to who is a suitable religious teacher is a matter for the religions themselves, in which it is not for the state to interfere.
- With the help of LGBTQ activist organisations, Ms. Pavez denounced the Chilean State before the Inter-American human rights system. During the hearings before the Court, it became clear that Ms. Pavez never lost her job; she always enjoyed equal or better working conditions; and thanks to Chilean law, she could continue to work as a teacher, while religious freedom was protected to the fullest extent for all others involved.

## What's at Stake:

At stake in this case is whether faith groups are free to determine who is suitable to teach that faith, and whether the right of parents to raise their children in line with their beliefs will be respected.