

Religion, Law and Education: Tensions and Perspectives

*Edited by Jan de Groof, Georgia du Plessis
and Maria Smirnova*



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List of Contents

Preface	7
Jan de Groof, Georgia du Plessis and Maria Smirnova (editors)	
Chapter 1	
School Religious Distinctiveness: The Consequences for Parents, Pupils and Teachers	13
<i>Charles L. Glenn</i>	
I. Introduction	13
II. Why School Distinctiveness is Important	14
III. How School Distinctiveness is Threatened	21
IV. Conclusion	31
Chapter 2	
Religious Freedom and Free Choice of Schools	33
<i>Zdenko Kodolja</i>	
Chapter 3	
Religious Education versus Secularism? The Context of Private and Public Schools	41
<i>José Luis Martínez López-Muñiz</i>	
I. Religion in Education as a Touchstone of the Specific Framework of Constitutional States under the Rule of Law	41
II. Religion in Private Institutions — the Issue of Public Funding	43
III. Religious Teaching in Public or Governmental Educational Institutions: Possibilities, Requirements and Conditions	46
Chapter 4	
The United States National Agenda on Challenges/ Conflicts of Catholic Schools vis-à-vis the State	51
<i>Sean O. Sheridan</i>	
I. Introduction	51
II. Religious Liberty in the Context of the United States	52
III. Protecting the Mission of Catholic Schools while Acting as an Employer	54
IV. The Supreme Court's decision on 'Same Sex Marriage'	59
V. The Affordable Care Act	60
A. The Act, in General	60
B. The HHS Mandate to Provide Contraceptives and Potential Abortifacients	61
C. Current Status of Legal Challenges	63
VI. Conclusion	64

Chapter 5	
The Place of Faith in Catholic Higher Education in the United States of America	67
<i>John Garvey</i>	

I. Introduction	67
II. Faith and Free Inquiry	68
A. The Theological Case	68
B. The Epistemological Case	68
III. Challenges to Catholic Education	72
A. External Challenges	73
B. Internal Challenges	74
IV. Conclusion	76

Chapter 6	
Parental Rights in Education from the American and European Case Law Perspective	77
<i>Melissa Moschella and Marta Ponikowska</i>	

I. Introduction	77
II. International Setting	77
III. The Role of the State in Education	78
IV. American Case Law: Wisconsin v. Yoder	79
V. European Case Law: Konrad and Others v. Germany	82
VI. Conclusion	85

Chapter 7	
Education, Religion and Politics: The Case of Greece	87
<i>John Panaretos</i>	

I. Introduction	87
II. The Situation in Greece	87
A. The Education of Minorities in Greece, Especially the Muslim Minority in Western Thrace	88
B. The Teaching of Religion in Schools	92

Chapter 8	
State and Church – Education in Hungary (The Content of a Human Right and the Role of External Instruments)	95
<i>Balázs Szabolcs Gerencsér</i>	

I. Introduction	95
II. International and Domestic Background	95
III. Constitutional Regulations and their Interpretation by the Constitutional Court	99
IV. International Legal Framework: Agreement between Hungary and the Holy See	100

LIST OF CONTENTS

V. Legal Regulation of the Right to Education in Church-Run Institutes	102
A. Guaranteeing Individual Rights as an Essential Element of Human Rights	102
B. Obligations of the State: from Theory to Practice	104
VI. Conclusion: External Instruments are to complete the Content of the Human Right	106
 Chapter 9	
Islamic Primary Schools in the Netherlands	109
<i>Jaap Dronkers</i>	
I. Introduction	109
II. The Dutch system of religious schools	111
III. The history of Dutch Islamic schools	113
IV. Do Islamic schools meet minimum school quality?	115
V. Attitudes and values of Islamic schools	117
VI. Administration problems	119
VII. Islamic religion	121
VIII. Conclusion	123
 Chapter 10	
Recommendations for Maintaining the Christian Identity of Christian Schools in the European Union	127
<i>William Jeynes</i>	
 Chapter 11	
Religious Rights as an Element of School Choice in Russia: Contemporary Contours of Law, Policy and Court Practice	133
<i>Maria Smirnova</i>	
I. Introduction	133
II. Constitutional Framework for the Right to School Choice	134
III. School Choice in the Newest Russian Educational Legislation	136
IV. Accommodating Religious Rights in a Secular Education System	137
A. School Uniforms: An Argument for or Against Discrimination on Religious Grounds?	138
B. Ideologically Neutral Content of Public Secular Education	142
C. The Right to Establish Private Religious Schools	145
D. Distinction between Educational Activities and Religious Upbringing	146
V. Conclusion	148

Chapter 12

The Relationship Between Different Religious Confessions and Public Schools in Russia: Equality or Inequality? 151

Vitaly Matveev and Artemy Rozhkov

- I. Introduction 151
- II. Constitutional and Legal Foundations of Religious Rights in Education 151
- III. The Teaching of Religious Culture in Secular Schools 152
- IV. Wearing Religious Clothing and Symbols in Schools 156
- V. Arrangements for the Teaching of Religion on Public School Premises 160
- VI. Conclusion 162

Chapter 13

Freedom of Religion or Belief in Education in Estonia 163

Merilin Kiviorg, Jüri Ginter and Ene-Silvia Sarv

- I. Introduction 163
- II. Religions in Estonia 164
 - A. Overview of Religious and Cultural Background 164
 - B. Religion and the State 168
- III. Religion and Education 172
 - A. Historical Overview 172
 - B. Contemporary Situation 175
- IV. Conclusion 183

Chapter 14

Religious Education and the Secular State: An Overview of Latin America 187

Nina Ranieri, Angela Limongi, Danilo Rossi, Elisa Lucena, Meire Cristina Souza and Michel K. Lutaif

- I. Introduction 187
- II. Comparative Study 188
 - A. Brazil 188
 - B. Uruguay 194
 - C. Venezuela 195
 - D. Argentina 197
 - E. Chile 199
 - F. Mexico 201
- III. Conclusion 203

LIST OF CONTENTS

Chapter 15	
Home Schooling in Brazil: a New Judicial Outlook and Tradition	205
<i>Rubens Beçak and Luis Felipe Cirino</i>	
I. Introduction	205
II. Home Schooling as an educational method	206
A. The Home-Schooling Technique	206
B. Home Schooling around the World	208
C. Home Schooling in Brazil	209
III. The Legal Framework for Home Schooling in Brazil	211
IV. Home Schooling and the New Judicial Outlook	215
V. Conclusion	218
 Chapter 16	
Religion and Education in South Africa: An Introduction	
<i>Johan Beckmann</i>	221
I. Introduction	221
II. The South African approach to religious diversity	221
III. South African laws and case law – establishing a co-operative model	222
A. Constitutional Provisions	223
B. The National Policy on Religion and Education	224
C. Case Law	224
IV. Conclusion	227
 Chapter 17	
The dissemination of religious knowledge in South African Public Schools	229
<i>Georgia Alida du Plessis</i>	
I. Introduction	229
II. The Relationship Between State and Religion in South Africa	230
A. The South African Context, the Constitution, Law and Policy	230
B. South African Law Regarding Religious Instruction and Religious Education in a Co-operative Model	234
III. An Alternative Approach towards Co-operation beyond Religious Observances	246
IV. Conclusion	248
 Chapter 18	
The Role of Catholic Schools in Australia in Educating for Human Rights and Social Justice: An Overview	251
<i>Sally Varnham</i>	
I. Introduction	251
II. The Right to and Rights in Education	252
III. Catholic Schools within the Australian system of compulsory	

education	255
IV. Human Rights within the Australian National School Curriculum	257
V. Practising Human Rights and Social Justice	259
VI. Education for Human Rights within the Context of Social Justice in the Catholic Education System	260
VII. Restorative Practices in Catholic School Communities	266
VIII. Conclusion	267
Chapter 19	
The School: A most Challenging Domain in the Complex Partnership between Religion, Education and the Law – A Few Reflections	269
<i>Jan De Groof</i>	
I. Introduction	269
II. Church-State Relationships in Education and School Choice	269
III. Religious Institutions and their Role in the Realisation of the Right to School Choice	275
A. Forms of Secularism and Parental Rights	275
B. The Active Promotion of the Right to School Choice	278
IV. Conclusion	280

Preface

From 18 to 21 November 2015 the Congregation for Catholic Education celebrated the fiftieth anniversary of the Second Vatican Council's Declaration *Gravissimum Educationis* and the twenty-fifth anniversary of the Apostolic Constitution *Ex Corde Ecclesiae*. As part of these celebrations, the Congregation aimed to re-energise the Catholic Church's commitment to education by means of a World Congress entitled 'Educating Today and Tomorrow: A Renewing Passion'. The main aim of the Congress was to rethink the role of Catholic schools and universities that act in the name of the Universal Church. The Congress urged more than 5,000 participants (in Vatican City) to step up efforts to *promote dialogue* in times of spiritual poverty, self-referential exclusiveness, harmful spread of ideological viewpoints, and the lowering of the general level of culture.¹

In line with the aims of the Congress, and under its hospitable auspices, the *European Association for Education Law and Policy (ELA)* held a special conference. The *ELA* sessions within the larger Congress focussed mainly on the re-consideration of the role that religion plays in education in general. The main concern of this legal panel was the way in which the rights of the religious² and non-religious³ are accommodated in both secular (non-religious) and religious schools and universities around the world. Thus, the *ELA* sessions encompassed both the study of religion in education in general (not only Catholic education), and the transformation of approaches to religious rights in education across various sectors of society. The focus of this book, although originating from the Congregation of Catholic Education, is not limited to the protection of Catholic education or religious freedom, but provides an all-encompassing analysis of the position of religion in education across the globe. This volume deals, first, with the wider issues and complexities surrounding the position of freedom of religion or belief in education systems and the need to respect, protect and promote the religious and (non-religious) beliefs of all those involved and participating in education. Various specific themes are constantly at the foreground, namely: the religious distinctiveness of private schools, the protection of religious and belief diversity in education, the protection of parental rights and religious freedoms,

¹ World Congress 'Educating Today and Tomorrow: A renewing passion'. <http://www.educatio.va/content/cec/it/eventi/congresso-educare-oggi-e-domani/educating-congress.html> (accessed 17 October 2016).

² For purposes of this book, the 'religious' means all persons adhering to a formally recognised faith or religion.

³ For purposes of this book, the 'non-religious' means all persons adhering to or having faith in any other ideology or belief not necessarily accounted for in any formally recognised religion. These can include, for example, atheism and humanism (amongst many others).

the protection of children's rights and religious freedoms and managing the dissemination of religious knowledge in public schools. Second, this volume provides important case studies explaining the various approaches pertaining to the reconciliation of law and state, religion and education and secularism and diversity that exist in the world. A more encyclopedic approach is followed and provides insights, through the country case studies, into the contemporary issues surrounding religious and non-religious schools in these selected jurisdictions.

The first three chapters of this volume elaborate on general aspects concerning the right to religious freedom or belief in education. In his opening essay, *Charles Glenn* addresses the importance of religious distinctiveness in schools and the importance of faith-based schools in general. He attempts to provide a balanced answer to very controversial questions: Are those who hold strongly to religious convictions and practices unfit for full and free participation in a pluralistic society? How can a particular school culture help young people to resist the great downward suck of a consumer society? And do faith-based schools actually live up to that promise? Blossoming religious distinctiveness can be regarded as a product of the positive appreciation of freedom of school choice in domestic law and practice. On the other hand, *Zdenko Kodolja* argues that, even if religious distinctiveness is important, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) cannot be interpreted as placing an obligation on states to fund private schools. She regards the important correlation between religious freedom and the free choice of schools through a philosophical lense. Methodologically, this correlation is presented as a comparison between definitions of the right to choose private schools in the *Dignitatis Humanae* and the *International Covenant on Economic, Social and Cultural Rights*. *José Luis Martínez López-Muñiz* gives a rather contrary view when he offers a general reflection on his many years of experience concerning religious education and secularism within the context of private and public schools. He concludes that the 'generalisation of knowledge on religion in a manner that respects the convictions of everyone would be a good contribution to a pluralistic peaceful life in society'. According to him, free choice of religious and non-religious schools is a principal way to ensure 'the religious and moral education of children in conformity with the convictions of parents'.

After an analysis of the different viewpoints regarding religion and school choice, a comparative country study commences. These studies, within their respective countries, elaborate further on the tensions mentioned in the first three chapters. The first country to be discussed is the United States of America. *Fr. Sean Sheridan* addresses several legal challenges that Catholic schools in the United States have faced, and are continuing to face, as they strive to fulfil their mission or desire to remain true to their mission (and religious distinctiveness) while existing within a civil society. The chapter addresses the legal challenges that arise

PREFACE

from the Catholic school as an employer — including challenges pertaining to employee benefits which could be contrary to the teachings of the Catholic church, ‘same sex marriage’ and the *Affordable Care Act*. Moving on from school education to higher education, *John Garvey* challenges a widespread conviction in the United States of America that education at a religious educational institution is ‘less free’ than education at a public (or non-religious private) one. On the contrary – he claims – faith and free inquiry are not mutually exclusive concepts. In fact, ‘faith has an indispensable role in search for truth.’

This volume slowly turns to Europe when *Melissa Moschella* and *Marta Ponikowska* start with an insightful analysis of parental rights in education from a European and US comparative perspective. The rights of parents to educate their children in accordance with their own religious or ideological perspectives and the supporting (or conflicting) interests of the state represent some of the biggest challenges and issues pertaining to the role of religion in education. Drawing from two court cases, the authors evaluate parental rights in education from the perspective of natural law, defending the thesis that the rights of parents to educate their children are primary and original, whereas the role of the state in education is secondary and subsidiary to that of parents.

Fully focusing on Europe, *John Panaretos*, former Deputy Minister of Education (Higher Education, Research and Innovation) in Greece, provides an interesting glimpse into the work done during his period as Deputy Minister. He shows how Greece used education to narrow social inequalities that exist regarding Muslim minority groups, improving the status of the Muslim minority in Greece and its relations with the Christian majority. In Hungary the relations between the state and the church in relation to education are also challenging. *Balázs Gerencsér* takes on a very practical approach to explore the meaning and content of the two fundamental rights (freedom of religion and freedom of education). He studies the content of a decentralised, contractual-based regulation of these human rights and their relation with two external means: a bilateral agreement between Hungary and the Holy See and the decisions of the Hungarian Constitutional Court. Going more West in Europe, the contribution by *Jaap Dronkers* is published posthumously. *Islamic Primary Schools in the Netherlands* was first published in the *Journal of School Choice* and reprinted, with permission, in this volume. *Dronkers* discusses the fact that Islamic primary schools were founded in the Netherlands in the last twenty years of the 20th century under the ‘right to freedom of education’. *Dronkers* provides some background information about the Dutch system of religious schools and the history of Dutch Islamic schools. He addresses contradictions pertaining to the quality of education in Islamic schools, attitudes and values of pupils and parents in Islamic schools, administrative problems in establishing and running Islamic schools and negative relations between Islam and educational performance in modern societies.

In order to provide a constructive end to the comparative analysis on the USA and EU, *William Jeynes* provides six recommendations to the European Union on maintaining the religious distinctiveness of Christian schools in Europe. He draws from his experiences in the USA and provides vital expertise on this issue.

Maria Smirnova investigates religious rights as an element of school choice in Russia. Religious rights are regarded as a manifestation of accessibility, acceptability and adaptability in school education. An explanation of the constitutional and legislative framework of school choice is followed by several cases related to various aspects of religious freedom in education: appearance of pupils, ideological neutrality of secular education and the right to set up private religious schools. Continuing the Russian case, *Vitaly Matveev* and *Artemy Rozhkov* analyse the relationship between different religions and public schools. Their chapter examines current Russian legislation and the implementation mechanisms of religious rights in Russian schools. They primarily focus on the teaching of basic religious culture in public schools, the wearing of religious symbols and clothing and how the teaching of religion is arranged on public school premises.

Turning west, *Merilin Kiviorg*, *Jüri Ginter* and *Ene-Silvia Sarv* explore freedom of religion and belief in education in Estonia. They highlight the fact that Estonia does not yet have substantial problems regarding freedom of religion or belief in education but that the European refugee and migration crisis has contributed to the public debate over religious freedom. Most prominently, the chapter concerns the wearing of religious or cultural symbols, such as headscarves or burkas, and accommodating specific religious needs. The authors argue that Estonia may not be ready for new challenges regarding freedom of religion in education, and explore some of these difficulties in much detail.

A geographical shift is made across the ocean towards the South American continent. *Nina Ranieri*, *Angela Limongi*, *Danilo Rossi*, *Elisa Lucena*, *Meire Cristina Souza*, and *Michel K. Lutaif* have produced an impressive comparative study of religion in education across Latin America. They argue that the establishment of nation states in Latin America cannot be dissociated from the influence of the Catholic Church, especially when it comes to education. The secularisation of states in Latin America was not a linear process. In fact, it was marked with ‘contradictions, retrocessions and breakthroughs’. This chapter presents an overview of the legal provisions related to religious education in Brazil, Argentina, Chile, Mexico, Venezuela and Uruguay. Next, *Rubens Beçak* and *Luis Felipe Cirino* continue the analysis of Latin America by focussing specifically on home schooling in Brazil. They stress the idea that the Brazilian legal system sets forth no provisions with respect to home schooling and that this legal vacuum

PREFACE

gives rise to serious controversy.

Turning the focus to Africa, *Johan Beckmann* provides for an introduction to religion and education within South Africa. He argues that, because South Africa comes from a past of racial and religious discrimination, it can provide for a fresh and unique perspective on how to deal with religious diversity in education. This perspective provides for a conceptual framework, other than secularism and separationist approaches, from which debate can flow. In light of the unique perspectives offered by South African law and case law, *Georgia du Plessis* investigates the current position of the dissemination of religious knowledge in South African public schools and consequently argues for an even more inclusive approach. She argues that such an inclusive approach is more in line with the notions of equality, human dignity and freedom.

The role of Catholic schools in Australia concludes this global overview. *Sally Varnham* rounds off this volume with a comprehensive analysis of the philosophy which drives education for human rights and social justice in independent Catholic schools in Australia.

Finally, *Jan de Groof* provides a few concluding remarks emphasising the general importance of the right to religious freedom in education and how this can be translated into public schools by way of (1) parental rights and (2) the right to school choice. He warns against the usurpation of education by the state and advocates for an approach in line with 'active pluralism', requiring that the state takes an active approach in realising the right to school choice pertaining to ideological and religious preferences.

Jan de Groof, Georgia du Plessis and Maria Smirnova (editors)

Chapter 11

Religious Rights as an Element of School Choice in Russia: Contemporary Contours of Law, Policy and Court Practice

Maria Smirnova*

I. Introduction

How relevant is the phrase ‘school choice’ to the current situation in the Russian education system? Is ‘school choice’ a recognised right in Russian legislation and practice? If so, what are the legal, administrative, financial, organisational and other factors that preclude the full realisation of this right and how can these barriers be overcome? In an attempt to answer these questions and without aiming at providing a comprehensive review of education law and policies in Russia¹ this chapter gives an overview of the legal framework for school choice in Russia, factual barriers to its full realisation and relevant recent cases of the Russian Constitutional Court, Supreme Court and ordinary courts of Russian regions on the issues of accessibility of schools to every child in Russia in the context of current education policy.

Religious rights are regarded in this text as an element of school choice and, further, as a manifestation of three of the A’s in the 4A Scheme.² First, accommodation of religious rights in the system of education makes education *accessible*, i.e. free from discrimination, including on religious grounds. Second, it ensures that education, its form and substance, teaching methods, are made *acceptable* i.e. relevant, culturally appropriate and of good quality. This category

* LLM, PhD, Research Associate at the University of Manchester (UK), Expert of the Federal Centre for Educational Legislation (Moscow, Russia), Senior Research Fellow of the National Research University Higher School of Economics (Moscow, Russia).

¹ A comprehensive general description of the system of education in Russia and educational legislation is featured in Maria Smirnova, (2012), ‘Russian Federation’, in: Glenn, C.L. and De Groof, J. (eds), *Balancing Freedom, Autonomy, and Accountability in Education*, 4, Wolf Legal Publishers, 199; see also on higher education in Russia, Maria Smirnova, (2013), ‘Comparative Legal Analysis of the Legislation on Higher Education in Russian Federation’, in: Russo, C. (ed) *Handbook of Comparative Higher Education Law*, Rowman and Littlefield Publishing Group (R&L), pp. 255-273; on education law and newest benchmarks of education policy, Maria Smirnova, (2012), ‘Education Law in Russia’, *The Yearbook of Education Law*, Dayton University, Ohio, pp. 349-356.

² These are Availability, Accessibility, Acceptability and Adaptability of education, see Art. 6, Committee on Economic, Social and Cultural Rights (1999), General Comment No. 13 on the Right to Education adopted at the Twenty-first session of the Committee, E/C.12/1999/10 of 8 December 1999.

involves taking into account religious convictions. Finally, providing for religious needs of believers makes education *adaptable*, i.e. flexible, able to adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings. This category presumes that providers of religious education and instruction are able to operate without disproportional limitations, while educational legislation is taking into account the changing needs of the society.

II. Constitutional Framework for the Right to School Choice

Although the Russian Constitution of 1993³ does not directly provide for the right to choose schools according to the various criteria having particular significance to the parents, it contains important guarantees thereof. The most important of them is, undoubtedly, the attribution of the right to education to ‘everyone’.⁴ Not only does the Russian state as a welfare state,⁵ thus, undertake to provide unrestricted universal access to ‘free secondary education’⁶ to all children, ‘regardless of gender, race, nationality, language, origin, property and official status, place of residence, religion, beliefs, membership of public associations, and other circumstances’,⁷ but also it commits to providing support to ‘various forms of education and self-education’.⁸

The latter guarantee, alongside protected constitutional values of private property,⁹ freedom of entrepreneurial activity,¹⁰ freedom of religion¹¹ in a secular state,¹² freedom of expression¹³ and academic and scientific freedom¹⁴ can be viewed as the main constitutional provision catering for establishing schools, schooling patterns or pedagogical concepts in addition to those found and funded by the state – in order to accommodate the variety of legitimate requests of Russian citizens for distinct schools.

³ Constitution of Russian Federation, as adopted by national referendum on 12 December 1993, *Rossiiskaya Gazeta* 1993, No. 237; as amended by Federal Constitutional Laws on Amendments to the Constitution of Russian Federation No. 6-FKZ and No. 7-FKZ of 30 December 2008, *Rossiiskaya Gazeta* 2009, No. 7.

⁴ Art. 43.1.

⁵ Art. 7.1.

⁶ Art. 43.2.

⁷ Art. 19.2.

⁸ Art. 43.5.

⁹ Art. 35.1.

¹⁰ Art. 8.1.

¹¹ Art. 28.1.

¹² Art. 14.1.

¹³ Art. 29.

¹⁴ Art. 44.1.

According to the most recent data there are currently around 751 private schools in Russia (1,6 % of all schools in Russia).¹⁵ According to an earlier survey, two-thirds of them are located in Moscow, one quarter – in Saint Petersburg and the rest are scattered around the country.¹⁶ Most of them were established as an alternative to traditional pedagogical concepts with a few religious schools functioning as state-accredited schools and delivering general education in accordance with the federal state standard with a religious component built in on top of the compulsory secular program.

The freedom of school choice in Russia is affected by a very important constitutional provision that has to do with the responsibility of parents to provide compulsory general education to their children until they reach the age of 18. Notably, Article 43(4) of the Constitution does not specify in which form this responsibility is to be performed in order for the respective period of education to be recognised as meeting the requirements of compulsory education. However, the application of this provision in practice implies that only completion of a state accredited program of general education counts towards the obligation to ensure that children receive the education at compulsory level. Thus, technically speaking, school choice for compulsory general education is limited by those schools that have state accreditation.

State accreditation, therefore, acts as an additional constitutional guarantee of quality education for all and a common denominator for different school types and forms of general education: by granting accreditation the state confirms that the curriculum of an educational institution, public or private, equally conforms to the requirements of the federal state educational standard of a relevant level and type.¹⁷ This confirmation grants state recognition to the school's certificates, as well as making the school eligible for state funding in the amount necessary for realisation of the core curriculum in accordance with regional funding rates for an institution of this particular type.

This constitutional framework, despite being constructed of rather heterogeneous elements, provides a justiciable foundation for the right to access free public schooling, the right to choose schools according to the parents' views and convictions, to create such schools and, moreover, to have the results of alternative schooling or home schooling officially recognised by the state. The question remains, however, whether these constitutional provisions are

¹⁵ Number of general educational institutions (2014-2015 academic year), Federal Service for State Statistics, http://www.gks.ru/bgd/regl/b15_12/lssWWW.exe/stg/d01/08-02.htm (accessed 10 May 2016).

¹⁶ Private School or a Public One? *Rosbalt*, 6 August 2013. www.rosbalt.ru/blogs/2013/08/06/1161112.html (accessed 10 January 2016).

¹⁷ Art. 43.5. of the Constitution.

implemented in subsequent legislation to the effect of actually providing the school choice for every parent and every child in Russia.

III. School Choice in the Newest Russian Educational Legislation

The newest Federal Law on Education in Russian Federation (2013)¹⁸ constitutes the legal core of the right to education based on the Article 43 of Russian Constitution and rights in education – in accordance with the relevant international human rights instruments. Before we examine the guarantees of school choice provided by the law, it is worth explaining why this piece of legislation is particularly important.

Current educational legislation in Russia consists of the main Federal Law on Education aimed at integrating educational legislation at all levels. Prior to its adoption in 2012 educational law in Russia resembled a patchwork of poorly organised norms focused mainly on economics, management and administration of education, rather than on pure educational relationships involving interaction between a school, a teacher and a student in the process of transmitting and acquiring knowledge and skills. These varied legal regulations were brought together without any holistic concept, let alone a human rights-based approach.

Prior to the adoption of this new law many of the important rights and responsibilities of students and teachers used to be regulated by sub-legal normative acts, or by regional or municipal acts, while procedural issues were provided with poor legislative support, if any. As a result, judicial remedies of infringed rights were far from adequate or effective. Claims of alleged violations could not be sustained and were turned down by courts on the basis that the rights were not guaranteed on the legislative level.¹⁹

Therefore, one of the most remarkable accomplishments of the new Russian Federal Law on Education is rendering legal force to those rights and freedoms of participants of the education process that were previously regulated only by sub-legal acts. This transformation secures advanced justiciability under the law and

¹⁸ The Federal Law on Education in Russian Federation No. 273-FZ of 29 December 2012, entered into force on 1 September 2013, *Rossiiskaya Gazeta* 2012 No. 303 (hereinafter – ‘Federal Law on Education’).

¹⁹ See for example Supreme Court of Russian Federation decision No. GKPI2002-1170 of 26 November 2002. http://www.lexed.ru/praktika/sudebnaya-praktika/baza/detail.php?ELEMENT_ID=369 (accessed 10 January 2016); 17th Arbitrage Court of Appeal decision No. 17AP-6945/2009-AK of 6 April 2010. http://www.lexed.ru/praktika/sudebnaya-praktika/baza/detail.php?ELEMENT_ID=813 (accessed 7 February 2014).

protects from illegal suspension and dismissal, from violations during admission, attestation, licensing, accreditation, and other procedures.

The same advanced protection is now attributed by law to the provisions concerning school choice. According to Article 3(1)(7) of the Federal Law on Education ‘freedom of choice of education according to the inclinations and needs of the person’ constitutes one of the main principles of state education policy, as well as the aim of ‘creating conditions for self-realisation of each person, free development of his or her abilities, including the granting of the right to choose the form of education, forms of instruction, educational institution – within the limits provided by education system’. These freedoms of choice, as well as academic freedoms of teaching staff in terms of choosing the forms of learning, methods of training and education became a very elaborate interpretation of the constitutional guarantees outlined above. The Federal Law on Education continues to promote the values of choice – now in the form of justiciable rights of students and their parents, rather than principles of education system. Article 34(1)(1) of the Federal Law guarantees to the students of 18 years and older the right to choose an educational provider, form of education and form of instruction, while the parents are entitled to the same right in the case of younger students. The child’s opinion and recommendations of a commission comprising psychological, medical and pedagogical personnel should be taken into account in the decision-making process.²⁰

It is vital that the right to receive general education at home is guaranteed by the law.²¹ In practical terms, and for the purpose of official recognition of the period of studies, the child needs to be registered with any state-accredited school, which provides methodological and other necessary support for the home-schooling parents and – upon completion of the core curriculum – certifies the child with a state-recognised proof of studies. Not only is this document essential for further studies, but it also confirms that the constitutional obligation to obtain general education of compulsory level has been fulfilled. Normally, the period of compulsory general education lasts 10 years, although extensions and reductions of the term are possible. Therefore, according to the Russian tradition of legal regulation in this area, it is more important that the compulsory program of comprehensive high school is completed, however long (or short) it takes.

IV. Accommodating Religious Rights in a Secular Education System

Accommodating religious rights of pupils in public schools proves to be a highly sensitive issue in the Russian education system. As an element of school choice

²⁰ Art. 44(3)(1).

²¹ Arts. 63(2) and 44(3)(2).

the right to choose a school according to one's philosophical or religious convictions has four distinct aspects. First, public education in secular schools has to remain non-discriminative and ensure that children are not excluded from free compulsory education because of their beliefs or belonging to a particular faith group. Second, the content of general education in a secular state must be free from religious indoctrination in order to remain ideologically neutral. Third, an alternative of private religious education must exist in order to provide for religious education recognised and, whenever possible, supported by the state. Finally, a clear distinction between educational activities and religious upbringing must be made by the state to exclude unnecessary interference with Article 8 ECHR rights for protection of private life. These four categories are considered below.

A. School Uniforms: An Argument for or Against Discrimination on Religious Grounds?

'Appropriate appearance' of students and teachers has been a matter of concern since the abolishment of Soviet school uniforms in 1992. The attitudes to wearing religious symbols, e.g. Islamic headscarves in schools varied from absolute prohibition²² to forced imposition in some regions as a compulsory rule for all regardless religious beliefs.²³

In fact, the phrase 'school uniform' is not used in Russian legislation at all. Instead, Russian education authorities establish 'requirements imposed on students' outlook' or 'requirements imposed on students' clothes'. These attempts were advanced in 2012 when Muslim girls in a rural school in Stavropol region have been banned from attending classes for two weeks for wearing hijabs.²⁴ A

²² In 2010 in Dagestan Republic a high-school girl was not allowed to exams and was expelled from classes for wearing the Islamic headscarf. http://az-zahra.ru/news/ossijskij_khidzhab_pod_znakom_zhenskoj_solidarnosti/2010-06-19-156 (accessed 10 January 2016). The principal who strictly opposed any religious activity in the secular school run by local authorities was murdered by the radical Islamic terrorists. In 2010 in Karabulak, Ingushetia Republic, a 10-year-old girl was not allowed to the classes in the hijab. According to the policy of the public school even common headscarves were forbidden. The girl's mother has filed a petition to the prosecutor. http://az-zahra.ru/news/v_ingushetii_mat_otstaivaet_pravo_docheri_nosit_khidzhab_v_shkole/2010-09-05-309 (accessed 10 January 2016).

²³ In 2007 in the Chechen Republic wearing the Islamic headscarf at school was declared compulsory for everyone. <http://www.memo.ru/2008/02/22/2202081.htm> (accessed 1 January 2016); <http://www.kavkaz-uzel.ru/articles/182166/> (accessed 10 January 2016); <http://www.kavkaz-uzel.ru/articles/174679/> (accessed 10 January 2016).

²⁴ Emelyanova, S. (15 October 2012), 'Banned to Study in Hijabs', *Rossiiskaya Gazeta*, <http://www.rg.ru/2012/10/15/reg-skfo/hidzhab.html> (accessed 10 January 2016).

decree issued by the Government of Stavropol region directly forbids wearing in public schools of 'religious attire, garments with religious attributes and (or) religious symbols' as well as any headwear whatsoever while indoors.²⁵ Similar provisions are common in school rules of conduct nationwide.²⁶ In March 2013 Stavropol Regional Court confirmed the lawfulness of the prohibition to wear hijabs in schools.²⁷ The decision was unsuccessfully appealed to the Supreme Court of Russia in July later that year.²⁸

The official position of the Court comes down to providing a wide margin of discretion to regional legislators in terms of setting the requirements for school uniforms. This decision is in line with Article 38 of the Federal Law on Education giving priority to federal and regional legislation in establishing such requirements and leaving the school with residual competence in that regard.

According to the National Doctrine of Education in Russian Federation (2000-2014)²⁹ the state is not only obliged to secure the secular character of public education, but also has to ensure the 'harmonisation of social intercourse' between different nationalities and ethnic groups. Religious tolerance and respectful attitudes towards people of different languages, traditions and cultures are referred to as one of the main aims of the education system in Russia. Some

²⁵ Paras. 9(2) and 9(3) of Government of Stavropol region Decree of 31 October 2012 No. 422-P on Establishment of Basic Requirements to School Attire and Outlook of Students of State Educational Institutions of General Education of Stavropol Krai and Municipal Educational Institutions of General Education of Municipal Entities of Stavropol Krai.

²⁶ See, for example, Internal Rules of Conduct of State Educational Institution of General Education with in-depth study of mathematics of Kalininsky district of St. Petersburg City, School No. 139, art 4(1)-4(4). http://school139.ucoz.ru/index/pravila_vnutrennego_rasporjadka_dlja_uchashhikhsja/0-36 (accessed 10 January 2016); Internal Rules of Conduct of Municipal Educational Institution of General Education Belonosovskaya General School, art 3(15). http://belonosovo.ucoz.ru/index/pravila_vnutrennego_trudovogo_rasporjadka/0-6 (accessed 10 January 2016); Internal Rules of Conduct of Municipal Educational Institution of General Education of Mirninskiy district of Republic Sakha (Yakutia) General School No. 20, art 3(3). http://udach20sch.ucoz.ru/index/polozhenie_o_vnutrennem_rasporjadke/0-75 (accessed 10 January 2016).

²⁷ 'The Line is Drawn under the Lawsuits on Hijabs in Stavropol Region Schools', Stavropolye, State Broadcasting Company (22 March 2013). <http://www.stavropolye.tv/state/view/55649> (accessed 10 January 2016).

²⁸ Svetlana Emelyanova, 'Supreme Court Against the Hijabs in Schools' *Rossiiskaya Gazeta* (10 July 2013), <http://www.rg.ru/2013/07/10/reg-skfo/chidgab.html> (accessed 10 January 2016).

²⁹ National Doctrine of Education in Russian Federation approved by the Government Decree No. 751 of 4 October 2000, *Rossiiskaya Gazeta* 2000 No. 196 (void since 9 April 2014).

values are declared by the Conception of National Education Policy³⁰ which attaches a special importance to, *inter alia*, protection of cultural diversity and regional cultural traditions, prohibition of discrimination on the grounds of religion, elimination of the dominance of a certain religion.

These programmatic documents leave the impression of a very balanced approach to establish interdependence of the right to education and the freedom of conscience. However, in practice the situation is dictated by the strict interpretation of secularism aiming at 'elimination of signs of differentiation between students', including religious differences,³¹ rather than promoting active appreciation of diversity.

In the most recent case concerning school uniforms the Supreme Court confirmed that the regions are free to establish their own rules on admitting religious attire in public secular schools.³² In this case the applicant sought judicial review of a decision of Mordovia Republic regional government, whereby any headwear was prohibited in state and municipal (public) schools. These requirements included prohibition of headwear for health reasons, without discrimination according to religious beliefs. The court of first instance upheld the legitimacy of this decree.

The applicants referred to the fact that as a result of the contested decision their daughters were not able to fully practice their religion (Islam), as the ban violated the rights of their daughters to freedom of religion, universal access to education and prohibition of discrimination in education. According to the applicants, the contested regional regulations were contrary to the 1997 Federal Law 'On Freedom of Conscience and Religious Associations'.³³ This Federal Law guarantees 'freedom of conscience and freedom of religion, including the right to profess, individually or jointly with others any religion or no religion, to freely choose and change, possess and disseminate religious and other convictions and act in accordance with them'. The applicants further asserted that the contested regulations contradicted the 2012 Federal Law 'On Education in the Russian Federation'³⁴ which guarantees the right of everyone to education regardless of

³⁰ Conception of National Education Policy in Russian Federation approved by the Ministry of Education and Science Order No. 201 of 3 August 2006.

³¹ Letter of Federal Service for Supervision in Education No. 01-118/10-01 of 25 May 2009.

³² Supreme Court of the Russian Federation (Appellate) Ruling No. 15-APG14-11 of 11 February 2015.

³³ Para. 1 of Art. 3 of the Federal Law № 125-FZ of 26 September 1997 'On Freedom of Conscience and Religious Associations'.

³⁴ Parts 1 and 2 of Art. 5 of the Federal Law No. 273-FZ of 29 December 2012 'On Education in the Russian Federation.'

gender, race, nationality, language, origin, property, social and official status, place of residence, attitude to religion, beliefs, membership of a public associations and other circumstances.

Finally, the applicants referred to the ‘proportionality clause’ of the Constitution of the Russian Federation that only allows derogation from human rights established by the Constitution if such limitation is introduced by federal law and only to the extent that is necessary in order to protect the constitutional order, morality, health, rights and lawful interests of other persons, national defence and state security (Article 55(3)). In conclusion, the applicants believed that by introducing the ban on headwear in public schools in the absence of a federal law allowing for such restriction of a constitutional right the Government of Mordovia Republic acted *ultra vires*.

The Supreme Court concluded that the Decree was adopted within the sphere of competence of the regional government for two reasons. First, according to the Constitution general education belongs to the joint jurisdiction of the Russian Federation and the federal subjects whose normative legal acts cannot conflict with federal law. Second, Federal Law on Education does not contain specific regulations on school uniform. Article 38 establishes the right of each educational institution to introduce requirements for clothing of students, including general appearance, colour, style, type, insignia, and the rules of wearing it. Such decision shall be taken with due consideration of the opinion of the student council, parents’ council, and a representative body of employees. Public schools set requirements for school uniforms in accordance with model requirements approved by the authorised bodies of state power of subjects of the Russian Federation. Thus, the federal legislator delegated to the regions the power to regulate on school uniforms in public schools.

Moreover, the Court ruled that health considerations of school children require state regulation. School uniform may be considered necessary for formation of the students’ sense of belonging to the educational organisation, for improving the mental attitude of pupils to study, for eliminating social, property and religious differences among students, for strengthening the cohesion and discipline as well as for providing students with comfortable and aesthetic clothing, which must comply with sanitary and epidemiological rules and norms.

In the balancing act the Court prioritised the health considerations above the religious rights of the applicants, presumably because there is a greater public interest for the former than for the latter. The ban on wearing headwear on the premises of educational institutions thus was not considered discriminatory, because it was aimed at ensuring a safe environment for all students equally in

order to protect their lives and health which is the responsibility of the educational organisation.

The Court particularly stressed that there was no conflict between the contested requirements for appearance for all students in secular educational institutions in the country regardless of their religion, and the guarantee to practice any religion or no religion, to freely choose and change, possess and disseminate religious and other convictions and act in accordance with them. Moreover, existing federal legislation consolidating the principle of secular education does not provide for the right to manifest one's religion in public schools.

The Supreme Court ruled out the argument of the appeal that the ban on wearing headscarves in public schools is a restriction of the right to act in accordance with religious beliefs as based on an 'erroneous interpretation of the substantive law'. The Court did not exercise the proportionality test that would be appropriate here. Instead, it adhered to a narrow legalistic interpretation of the right to education in secular public schools accessible for all and the right to practice religion in private schools where educational process may well be organised by or with participation of the clergy in accordance the canons of a particular religion.

Formally speaking, the fact that the federal legislator did not set a ban on the wearing of headscarves in educational institutions is not an evidence of the illegality of the contested decision and is not the basis for striking down the regional policy on school uniforms as invalid, since the regions have the autonomy, according to the federal law, to adopt their own regulations on public school uniform. Notably, neither the court of first instance, nor the Supreme Court in the appellate ruling consulted the relevant sources of international law. In the 2013 *Stavropol Krai* ruling the Supreme Court did refer to ECtHR cases *Leyla Şahin*,³⁵ *Kervanci v France*,³⁶ and other cases, but the conclusion remained the same: the freedom of education of the applicants was interpreted as a right to choose private (religious) education or home schooling if their religious convictions do not let them follow the general rules of public secular education guaranteed by law.

B. Ideologically Neutral Content of Public Secular Education

In 2013 the Supreme Court of the Russian Federation ruled on the acceptability of a compulsory subject in the public school curriculum 'Basics of religious culture and secular ethics'.³⁷ In this case the applicant sought judicial review of the

³⁵ *Leyla Şahin v Turkey* (Application No. 44774/98, Judgment of 10 November 2005).

³⁶ *Kervanci v France* (Application No. 31645/04 Judgment of 4 December 2008).

³⁷ Supreme Court of the Russian Federation Ruling No. AKPI13-810 of 18 October 2013.

federal Ministry of Education and Science policy on making the course compulsory for all public schools in the country.

The course 'Basics of religious cultures and secular ethics' has been compulsory in all Russian public schools since 1 September 2012. It does not imply religious instruction but provides a choice of one of six modules:

- Basics of Russian Orthodox culture;
- Basics of Islamic culture;
- Basics of Buddhist culture;
- Basics of Jewish Culture;
- Basics of religious cultures of the world;
- Basics of secular ethics.

According to the developers of the course, it provides a synthesis of knowledge, concepts, and ideas about spiritual culture and morality. It is aimed at the 'formation of values and meaningful philosophical foundations that provide complete perception of national history and culture in the study of the humanities at the stage of basic school.' Moreover, through this course the students develop skills to communicate in a multi-ethnic and multi-religious environment based on mutual respect and dialogue in the name of social peace and harmony.³⁸

The applicant held a view that the contested policy contradicted the Russian Constitution, the Family Code of the Russian Federation, and the Federal Law 'On Freedom of Conscience and Religious Associations' in that it violated the rights of the child to explore other religious cultures or atheism. The Court assessed the course according to the relevant international law and ruled that the compulsory course 'Basics of religious cultures and secular ethics' was not contrary to Article 2 of Protocol 1 to the ECHR. The Court concluded that the course did not violate the right of students and their parents to family life, the right to practice any religion or no religion, to freely choose and disseminate religious and other convictions and act in accordance with them.

With reference to *Kjeldsen, Busk Madsen and Pedersen v Denmark*³⁹ explaining the nature and extent of the state's obligations under Article 2 Protocol 1 of ECHR the Court pointed out that this provision did not prohibit a state to disseminate through the system of public education of information or knowledge, either directly or indirectly having a religious or philosophical nature. Neither does it allow the parents to object to the inclusion of such teaching in the school

³⁸ Publishing house *Prosvetsheniye*, the authors of the course.

http://www.prosv.ru/umk/ork/info.aspx?ob_no=20402 (accessed 10 January 2016).

³⁹ *Kjeldsen, Busk Madsen and Pedersen v Denmark* (Applications No. 5095/71; 5920/72; 5926/72 Judgment of 7 December 1976).

curriculum. This provision does imply, however, that the state, fulfilling the commitments it has undertaken in the field of education and training must ensure that information and knowledge included in the curriculum is presented in an objective, critical, and pluralistic manner. The state does not have the right to seek to instil principles that can be regarded as contempt of religious and philosophical convictions of parents.

In this context, the Court held, the contested course fulfilled the requirement of providing objective, critical, and pluralistic overview of all main religions and secular ethics. It implemented the provision of the Federal Law on Education that allows for creating compulsory school modules aimed at obtaining knowledge of the basics of spiritual and moral culture of the peoples of the Russian Federation, the moral principles, the historical and cultural traditions of world religions or alternative disciplines. The choice of one of the subjects included in the main curriculum is carried out by parents or legal representatives of children.

Therefore, the Court concluded that the applicant's claim that the policy violated his constitutional rights to family life, privacy and freedom of religion was unfounded, because the choice of one of the six modules did not have to be motivated by religious convictions of the student's parents. Thus, the privacy of religious beliefs was guaranteed.

It must be noted that the introduction of this course is a long-lasting issue in Russian education law and policy. This course in its current appearance is a consensus-based result of a very long and hard dispute over both the name and the contents of the course, as well as its obligatory status. The purposes of neutrality constructed the title of the course. It was then approved for testing in 19 federal subjects as a compulsory part of public school curriculum. Following successful approbation involving more than 10,000 schools the government adopted an action plan to finalise introduction of this discipline in compulsory education curriculum nationwide.⁴⁰

Interestingly enough, the choice of modules throughout the country clearly shows the tendency: the overwhelming majority of parents choose secular modules of the course (secular ethics and overview of all world-spread religions, 58.2% and 21.5% respectively). Orthodox culture follows with 19%, while Islam, Buddhism and Judaism are chosen by less than one per cent of parents each.⁴¹

⁴⁰ Government Executive Order No. 84-R of January 28, 2012 on Approval of the Action Plan to Introduce from 2012/2013 Academic Year in All Federal Subjects of Russian Federation Complex Discipline for General Education Curriculum 'Basics of Religious Cultures and Secular Ethics', *Rossiiskaya Gazeta* 2012 No. 26.

⁴¹ As reported by the Federal Educational Portal, available at http://www.edu.ru/index.php?page_id=5&topic_id=3&date=&sid=11613&ntype=nuke (accessed 10 January 2016), and

These are nationwide results. The choice of modules differs from region to region depending on the cultural traditions. For example, in Chechen Republic 99.9% of parents opted for the Islam module.⁴² This is a long-lasting tradition: in regions of North Caucasus the ‘Basics of Islam’ have been taught as an elective course in public schools within the framework of the regional component of the basic educational program since 2005,⁴³ i.e. long before the compulsory course on ‘Basics of Religious Cultures and Secular Ethics’ was introduced.

C. The Right to Establish Private Religious Schools

In 2014 the St. Petersburg Local Religious Organisation of Evangelical Christian Pentecostal Church ‘Harvest’ submitted to the Supreme Court⁴⁴ a judicial review claim on the public prosecutor’s decision to close down the local church with the justification that its functioning contradicted the objectives of its creation and also violated federal legislation. The local church was closed down by a court decision on the initiative of the prosecutor after 13 years of functioning. The charter of the religious organisation indicated that the aim of its existence was ‘to implement the right to freedom of profession of faith and spread the teachings of Christians of Evangelical Faith Pentecostals.’ One of the activities mentioned in the charter was cultural, informational, religious and educational work through the establishment by the church of non-state schools with religious or cultural aim. The evidence submitted in this case and not disputed by the parties demonstrated that the church was running a school for grades 1-11 without a license.

The Court ruled against the local church on the following basis. Although religious organisations are not allowed to conduct educational activities themselves, the Federal Law ‘On Freedom of Conscience and Religious Associations’ allows ‘centralised’ (or well-established) religious organisations in accordance with their charters to establish religious educational institutions for the training of clergy and religious personnel of religious organisations (not religious schools) upon condition of obtaining a license for educational activity. Educational programs of general education on the basis of license can be

http://www.edu.ru/index.php?page_id=5&topic_id=3&date=&sid=13138&ntype=nuke (accessed 10 January 2016).

⁴² Maria Agranovich, ‘Taken at a Bare Word: In September in our Schools the new Discipline “Basics of Religious Cultures and Secular Ethics” Will Appear’, *Rossiyskaya Gazeta* (6 February 2012). <http://www.rg.ru/2012/02/04/religia-predmet-site.html> (accessed 10 January 2016).

⁴³ ‘Chechen Children Will Study Islam’, *Rossiyskaya Gazeta* (12 January 2005). <http://www.rg.ru/2005/01/12/islam-anons.html> (accessed 10 January 2016).

⁴⁴ Supreme Court of the Russian Federation (Appellate) Ruling No. 78-APG14-2 of 5 March 2014.

implemented in a non-profit private organisation for which educational activity is the main activity in accordance with its registered charter. The Court concluded that liquidation of the church caused by the violation of the requirement to obtain a license was not disproportionate, because the violations were of obvious and systemic nature.

It should be noted as a background that although the right of religious organisations to establish schools is guaranteed by Article 87(8) of the Federal Law on Education and Article 5(3) of the Federal Law ‘On Freedom of Conscience and Religious Associations’, they are not exempt from the requirement to obtain a license for educational activities. Previously, the right to establish educational institutions was guaranteed only to ‘well-established’ religious organisations whose presence in Russia exceeded 15 years. However, the ‘15 years rule’ was repeatedly criticised by the ECtHR and finally, in *Kimlya*⁴⁵ the Strasbourg Court recommended to the Russian authorities to take general measures to invalidate this norm. The federal law abolishing the ‘15 years rule’ was adopted in July 2015.⁴⁶

D. Distinction between Educational Activities and Religious Upbringing

In order to take appropriate measures against violations of licensing regulations a clear distinction should be made between (1) educational activity of a religious school and (2) ‘religious upbringing’ in Sunday schools or madrasah for children that are usually established by churches or mosques respectively. The Supreme Court made an attempt to provide such a definition in 2008⁴⁷ in a case concerning a local religious organisation ‘The United Methodist Church’ of Smolensk city. The church faced a risk of being forced to close down for carrying out educational activities without a license.

The Prosecutor of Smolensk Oblast appealed to the court in the interests of an unidentifiable number of persons (i.e. in public interest) and with an intent to protect the rights of minors to liquidate the local Methodist Church. The Church has been registered as a legal entity since 2002 and was included in the Unified State Register of Legal Entities. The Church, not being an educational institution, and without the necessary license allegedly conducted educational activities. These activities took the form of Sunday school classes without registering the school as a legal entity. Sunday school was regularly visited by 4 children under the age of 14 years who studied Bible and had singing, drawing, and handicrafts

⁴⁵ *Kimlya and others v Russia* (Applications nos. 76836/01 and 32782/03, Judgment (Final) of 1 March 2010).

⁴⁶ Federal Law of 13 July 2015 No. 261-FZ.

⁴⁷ Supreme Court of the Russian Federation [Cassation] Ruling No. 36-G08-7 of 10 June 2008.

classes. The textbooks for the school were not from the list of approved textbooks. In addition, inspections revealed violations of sanitary legislation requirements: classes were held in a residential house without a centralised hot and cold water supply and only an outdoor toilet. The training room was not equipped with a special set of furniture intended for use by children in the learning process. In 2008 the local court satisfied the prosecutor's indictment and liquidated the church.

The applicants objected to the local court decision denying gross violations of the law. In particular, the applicants believed, religious instruction in a Sunday school could not be referred to as educational activity in the sense implied by the definition of such activity in the Law 'On Education'. For example, there was neither a deliberate process of education and training, nor any statement of achievement by the 'students' of an established educational level. Finally, the classes for these children were led by their parents – parishioners of the church.

From a legal perspective, the charter of the church provided that its objectives included teaching of religion to and religious upbringing of its followers 'in the purity of the Gospel teaching and spiritual unity on a voluntary basis through public Sunday Bible classes and creeds'.

The Supreme Court overturned the local court's decision on the basis that the latter made a factual and legal error in considering the Sunday school as performing educational activities. In fact, according to the Federal Law 'On Freedom of Conscience and Religious Associations' religious organisations in Russia are established with an aim to share profession and dissemination of faith and with appropriate attributes of their religion, such as worship, religious rites and ceremonies, teaching of and about their religion, and religious upbringing of the followers.

Activities of the Sunday school were not aimed at raising the educational level of the participants and did not end with certification, therefore, two of the crucial criteria of the legal definition of educational activities were not met. Consequently, the license was not required and this argument only was enough to automatically withdraw the allegations of illegal educational activity of the church.

There has been a long debate in Russian court practice as to whether religious upbringing should be qualified as education (with consequent requirement to obtain a license and to comply with sanitary legislation) or as 'leisure and/or cultural' activities.⁴⁸

⁴⁸ See, among many, Decision of the Supreme Court No. 56-G03-6 of 20 May 2003;

However, since very recently, Sunday schools, madrasas and other similar entities are not considered educational institutions by the federal law, they do not require a license. Consequently, religious organisations can carry out religious instruction and upbringing of children in Sunday schools and similar centres independently, on the basis of their mentioning in the charter.⁴⁹

V. Conclusion

The Russian Constitution was adopted in 1993. Its preparation took place a long time after the ratification⁵⁰ by the Soviet Union of the ICESCR.⁵¹ Distinguished members of the Constitutional Meeting that was called by the President to discuss and edit the project⁵² would definitely have considered those international standards concerning the right to education that had already been in place.

Therefore, the fact that the Constitution does not directly guarantee freedom of education and 'liberty of parents...to choose for their children schools, other than those established by the public authorities'⁵³ nor the 'liberty of individuals and bodies to establish and direct educational institutions'⁵⁴ means that these provisions have been deliberately omitted due to particular political, economic and/or social concerns.

Although the relevant provisions were, nevertheless, included later in the acts of educational legislation from their very first drafts,⁵⁵ there is no jurisprudence whatsoever on the issues of parental choice or the right to establish an

Decision of the Supreme Court No. 58-G02-38 of 26 November 2002.

⁴⁹ Art. 5(5) of the Federal Law 'On Freedom of Conscience and Religious Associations' as amended by Federal Law of 13 July 2015 No. 261-FZ.

⁵⁰ Russia's legal predecessor, the Soviet Union, ratified the Covenant by the Decree of the Presidium of the Supreme Council of the USSR No. 4812-VIII of 16 October 1973, (1973) 40 *Vedomosti VS USSR* 564.

⁵¹ International Covenant on Economic, Social and Cultural Rights (adopted by General Assembly Resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976).

⁵² Decree of the President of Russian Federation No. 718 of 20 May 1993 on Convocation of the Constitutional Meeting for the Purpose of Finalising the Project of Constitution of Russian Federation.
www.businesspravo.ru/Docum/DocumShow_DocumID_55958.html (accessed 10 January 2016).

⁵³ ICESCR art 13(3).

⁵⁴ ICESCR art 13(4).

⁵⁵ The right to choose forms of education and educational institutions was included into the very first Law on Education No. 3266-1 of 10 July 1992 (1992) 172 *Rossiiskaya Gazeta*, art 52(1), as well as the possibility to establish private educational institutions, art 12(3).

educational institution (apart from the cases dealing with religious education⁵⁶ protected by the appropriate legislation).⁵⁷ By this we can conclude that although constitutional recognition is generally deemed to provide guarantees of stronger justiciability,⁵⁸ in some cases the lack of relevant constitutional provisions does not necessarily lead to non-justiciability of a certain right or legitimate interest.

As this chapter aimed to demonstrate, the values of school choice are currently well-defined, albeit indirectly, at both constitutional level and in subsequent legislation. However, more often than not the recognition of these values is not substantiated by necessary organisational or financial guarantees. For example, although Article 17(1)(2) of the Law on Education expressly provides for family education, no financial support is assigned for parents opting out for this choice, although the financial guarantees of free education of compulsory level should, in theory, follow the child.⁵⁹

This chapter has analysed four of the most common challenges of school choice in Russia for parents willing to ensure that education is provided for their children in accordance with their philosophical or religious convictions. There are certain positive developments. First, there is a guarantee of a greater discretion for the regional legislator to establish regulations for school uniform, including headscarves for girls. Second, there is a clearer and more consistently applied distinction between educational activities and religious upbringing. This change is particularly important, because more religious organisations will be able to teach religion as a part of their mission without the need to obtain a license. Third, the ban on establishing schools by religious organisations operating for less than 15-years no longer exists.

Despite the positive developments there are still certain restrictions imposed on the freedom of school choice. Unfortunately, in regions where promotion of religious tolerance is not one of the priorities, difficulties with accommodation of

⁵⁶ On Russian case law concerning establishment of religious educational institutions see Maria Smirnova, (2013), 'Freedom of Conscience and the Right to Education in Russia – a Secular Country of Cultural and Religious Diversity', in: Russo, C. (ed.), *The Law on Religion and Education: International Perspectives*, Routledge / Taylor & Francis Group.

⁵⁷ Federal Law on Freedom of Conscience and Religious Associations No. 125-FZ of 26 September 1997, *Rossiiskaya Gazeta* (1997) 190, as amended by the Federal Law No. 180-FZ of 2 July 2013 *Rossiiskaya Gazeta* (2013) 145.

⁵⁸ See, for example, O'Connell, P. (2012), *Vindicating Socio-Economic Rights: International Standards and Comparative Experience*, Abingdon; New York: Routledge, p. 7.

⁵⁹ Lack of financial support from state budget for families home-schooling their children has been recently confirmed by Moscow city court in the Decision No. 33-3102 of 18 February 2014. http://www.lexed.ru/praktika/sudebnaya-praktika/baza/detail.php?ELEMENT_ID=3362 (accessed 10 January 2016).

religious rights in a public school may often mean withdrawal of the child from a state-accredited public school and opting for purely religious instruction instead. This option not only precludes the child from receiving higher education in the future due to lack of recognised certification, but may also lead to a further increase of intolerance in the society.

Religion, Law and Education: Tensions and Perspectives

Jan de Groof, Georgia du Plessis and Maria Smirnova (Eds.)

This book provides an encompassing analysis of the position of religion in education in several countries across the globe. It first analyses the wider issues and complexities surrounding the position of freedom of religion or belief in education systems and the need to respect, protect and promote the religious or (non-religious) beliefs of all those involved and participating in education. Various specific themes are constantly at the foreground, namely: the religious distinctiveness of private schools, the protection of religious and belief diversity in education, the protection of parental rights and religious freedoms, the protection of children's rights and religious freedoms and managing the dissemination of religious knowledge in public schools. Secondly, this book provides important case studies explaining the various approaches pertaining to the reconciliation of law and state, religion and education and secularism and diversity that exist in the world. A more encyclopedic approach is followed and provides insights, through the country case studies, into the contemporary issues surrounding religious and non-religious schools in these selected jurisdictions.



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