

THE PLACE OF RELIGION IN EDUCATION IN AUSTRIA

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1. Religious instruction organised during the school hours (in lower and in secondary education) in state funded schools

I.1 Question: Religious instruction organised during the school hours (in lower and in secondary education) in state funded schools. Is – and if affirmative please refer to the provisions in the law (add the text separately) – the teaching of religion in your country organised during school time in public educational institutions: in primary education, in secondary education.

Answer:

In Austria religious instruction is organised during school hours in lower and secondary education in public schools as well as in specific private schools (those private schools which are recognized as equal to public schools and which nearly have the same legal standing as public schools have). For those pupils who are a member of a denomination which is lawfully acknowledged in Austria it is obligatory to take part in that religious instruction (unless they visit one of those schools mentioned in Article 1 § 3 Religious Instruction Act, e.g. vocational schools; in that case it is up to the pupils if they choose the subject or not). Parents of pupils under 14 years and pupils over 14 years have the right to opt out from religious instruction at the beginning of each school year.

(see Article 1 § 1 Religious Instruction Act (Religionsunterrichtsgesetz))

I.2 Question: What choices amongst the religious education possibilities are offered in public educational institutions , e.g. catholic religion, Islamic teaching,

Answer:

Pursuant to Article 1 § 1 Religious Instruction Act (Religionsunterrichtsgesetz) and due to the fact that the Islamic community is lawfully acknowledged in Austria, pupils who are a member of the Islamic community can choose in principle for Islam instruction in the official education sector as well as in recognized private schools. However the organization of that (Islam) religious instruction could differ depending on the number of Islamic pupils attending the class or school. That means (for example) that if this number is too low it could happen that these pupils have to have their religious instruction together with pupils from other classes or other schools or that the number of school hours is shortened (see Article 7a Religious Instruction Act (Religionsunterrichtsgesetz))

II. State funded denominational schools and state supervision

II.1. Question: Are there state funded denominational schools in your country? If affirmative, what is the numeric importance of state funded schools. If affirmative, what is the numeric importance of Islamic state funded schools. Please refer to statistical information on-line

Answer:

At the moment (state 2007) 8 (private) Islamic schools exist in Austria.

II.3. Question: How do the authorities control the teaching in state funded denominational schools and are there any special questions about the control of the content of teaching in state-funded denominational schools? Please refer to the provisions in the law.

Answer:

The Austrian legal system draws a distinction between different types of private schools. A private school can receive a similar legal standing as public schools have (especially concerning the legal effect of certificates) if they fulfill all necessary qualifications. In that case religious instructions are performed by the religious community and under its responsibility; the supervision by the government is restricted to organizational and

disciplinary matters. In so called “free private schools” (which are not trying to achieve the same status as public schools have) religious instructions are performed und supervised by the religious community.

(see Article 22 Private School Act (Privatschulgesetz))

III. Refusal or limitations on the number of pupils of another conviction/belief by the governing board of a confessional (catholic) school

III.1. Question: Does the head of a state funded denominational (e.g. Catholic) school has the right to refuse pupils from other religious beliefs? Please refer to the provisions in the law.

Answer:

Pursuant to Article 4 § 3 School Organization Act (Schulorganisationsgesetz) the governing board of a confessional school could refuse pupils because of their belief, language or gender. In practice however catholic schools in Austria have already started to admit also pupils of another denomination.

III.2. Question: Does the head of a state funded denominational (e.g. Catholic) school the authority to limit the number of pupils from other religious beliefs (e.g. Muslim pupils) in order to support the specificity of the project?

Answer:

Yes (see above I/5)

IV. Point of views of the authorities concerning the teaching of Islam in denominational (Catholic) education, Islam instruction or instruction on other convictions/beliefs in denominational (catholic) schools for (a number of pupils requesting it) and alternative ethical course

IV.1. Question. Is there a legal obligation to organise, if parents ask for, classes of Islamic religion in denominational (Catholic) education funded by public authorities? a. for any pupil for whom a request has been made? b. from a minimum number of pupils for whom a request has been made?

Answer:

In the Austrian legal system lawfully acknowledged religious communities (such as the Catholic community) have a legal title to be subsidized by the government if they run a private school, which nearly has the same legal standing as public schools have (see Article 17 Private School Act (Privatschulgesetz)). If such a confessional (catholic) private school fulfill these qualifications the governing board of that school is obligated (by law) to teach religious instruction for all lawfully acknowledged religious communities (including the Islamic Community) which are represented in the class (see Article 1 § 1 Religious Instruction Act (Religionsunterrichtsgesetz)). From this it follows that a request of parents or pupils for islam instruction is not necessary.

(for details concerning the organization of such a religious instruction in private catholic schools compare I./2)

IV.2. Question. Does the same obligation exist for the offer of (a) other religions and/or philosophical convictions, (b) an alternative class of conception of life, philosophy, ethics

Answer:

This legal obligation exists for all lawfully acknowledged religious communities in Austria. In Austria there is no a legal obligation (neither for public schools nor for private schools) to provide an alternative ethical course, but for the time being some schools in Austria are taking part in a pilot project teaching alternative ethical courses in schools.

IV.4. Question. Reference to the legal basis, with Website address, and also if possible to the parliamentary preparation of texts.

Answer:

- K. Pabel, *Religion im öffentlichen Schulwesen*, in: Prisching/Lenz/Hauser: Bildung und Religion, 37-76 (2006)
- B. Schinkele, *Umfang und Bedeutung des kirchlichen Privatschulwesens im österreichischen Schulsystem*, in: A. Rinnerthaler: Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte, 287-314 (2007)
- H. Kalb, *Arten von Privatschulen, deren Öffentlichkeitsrecht und die Rechtsstellung von Lehrern und Schülern – ein Überblick*, in: A. Rinnerthaler: Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte, 315 – 343 (2007)
- W. Rees, *Beaufsichtigung und Finanzierung kirchlicher Privatschulen und die Existenz von gesetzlichen Interessensvertretungen an diesen Einrichtungen*, in: A. Rinnerthaler: Das kirchliche Privatschulwesen – historische, pastorale, rechtliche und ökonomische Aspekte, 345 - 416 (2007)
- H. Kalb, *Verfassungsrechtliche und einfachgesetzliche Verankerung des Religionsunterrichts*, in: A. Rinnerthaler, Historische und rechtliche Aspekte des Religionsunterrichts, 209 – 239 (2004)
- A. A. Bucher, *Ethikunterricht in Österreich: noch einiges unklar*, in: A. Rinnerthaler, Historische und rechtliche Aspekte des Religionsunterrichts, 297-310 (2004)

V. Teaching of Islam in denominational (e.g. Catholic) schools at their own initiative

V.1. Question: Is there in your country a general guideline for teaching of Islam in denominational (e.g. Catholic) schools at their own initiative defined by (a) the Bishops' Conference, (b) another body, namely. . .

If affirmative, does the guideline implies that (a) the teaching of other religions is organised when: one parent asks for, or a sufficient number of parents ask for (how many?), (b) only teaching of Islam is offered as alternative religion when one parent asks for or a sufficient number of parents ask for (how many?)

Answer:

There is no guideline and: (a) in fact, teaching of Islam is never proposed in Catholic schools, or (b) the teaching of Islam is organised in some schools, which have taken themselves the initiative. If possible, explain the importance of this option

Answer:

For the moment there does not exist any general decision by such a(n) (catholic) agency mentioned above. But as already mentioned, Islam instruction is offered in all catholic schools which fulfill the qualifications (mentioned above). Some bishops responsible for catholic schools in their region ask Islam parents to agree to Islam religious instruction when their children attend a catholic school.

Bibliography

See Literature above

ANNEX

Internetsite where one could consult the appropriate legislation:

<http://www.ris2.bka.gv.at/>