

THE PLACE OF RELIGION IN EDUCATION IN ESTONIA

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Introduction/Statistics

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| Total Population | approximately 1.3 million |
| Estonians | 67.9% |
| Russians | 25.6% |
| Ukrainians | 2.1% |
| Byelorussians | 1.3% |
| Finns | 0.9% |
| Other nationalities | 2.2% |

Estonia can be considered as one of the least religious countries in Europe (together with former Eastern Germany and the Czech Republic). According to the last population census from the year 2000, only approximately 29% of the adult population, (those aged 15 and above, total questioned 1, 121, 582) considered themselves adherent to any particular creed.² Of this figure, about 13.6% declared themselves to be Lutherans. The majority of Lutherans are ethnic Estonians. The Lutheran Church has been the largest religious institution in Estonia since the sixteenth century. The second largest religious tradition in Estonia is that of the Orthodox Church. Of the 29% of the population (aged 15 and above) following any creed, 12.8% considered themselves as Orthodox. However, some new data suggests that the Orthodox community may have grown in numbers and become a fraction bigger than the historically dominant Lutheran church.³ The Orthodox community in Estonia is divided (also ethnically) between the Estonian Apostolic Orthodox Church and the Estonian Orthodox Church of Moscow Patriarchate. Most orthodox believers belong to the latter church. All other Christian and non-Christian religious communities have adherents of approximately 2.6% of the adult population (aged 15 and above).⁴ The largest religious communities among those are Roman Catholics, Old Believers,⁵ Baptists, Pentecostals, and Jehovah's Witnesses. Considering the above figures the percentage of atheists is surprisingly low – approximately 6%. According to the Euro barometer survey ('Social Values Science and Technology'), carried out in 2005, Estonia was shown to be the most sceptical country in Europe in regard to belief in the existence of God. Less than one in five people declared any belief in God (approximately 16%). This probably shows a relative coolness towards traditional and institutional forms of religions. However, more than 54% believed in a non-traditional concept of 'some sort of spirit or life force'.⁶ It also needs to be noted that one way or another, some beliefs or practices of indigenous religious tradition are popular and important for many in Estonia. Today, low religiosity in Estonia has also been attributed to the relative success in economic transition among post-communist societies. For example, Norris and Inglehart by comparing Estonia and the Czech Republic with Albania and Romania have come to this conclusion.⁷ Additionally, Kilp points out that historic religious traditions and national identity have been weakly connected both for Czechs and Estonians compared to Lithuanians and Poles.⁸

¹ Wolfson College, University of Oxford.

² The total population of Estonia is currently 1 340 122, Statistics Estonia, <www.stat.ee> 14 February 2011.

³ Information about current membership of religious organizations is based on data from the Ministry of Internal Affairs. Ministry of Internal Affairs <<http://www.siseministeerium.ee/37356>>, 01 January 2010.

⁴ Statistical Office of Estonia, '2000 Population and Housing Census: Education. Religion' (Tallinn, Statistical Office 2002), 40.

⁵ The Old Believers are Russians who fled to Estonia because of religious persecution. 'In 1652, Patriarch Nikon of the Russian Orthodox Church introduced a number of reforms aimed at centralizing his power and bringing the rituals and doctrines of Russian Orthodoxy in line with those of the Greek Orthodox Church. Old Believers rejected Nikon's reforms. Consequently, the Old Believers were cruelly persecuted, exiled, tortured and executed all over Russia. Their churches, icons and homes were burnt. As a result they took refuge abroad.' Estonia. Official Gateway to Estonia <<http://estonia.eu/about-estonia/society/russian-old-believers-in-estonia.html>>, 2 February 2010.

⁶ European Commission, 'Special Eurobarometer: Social values, Science and Technology' (2005), 11.

⁷ R. Inglehart & P. Norris, *Rising Tide: Gender Equality and Cultural Change around the World* (Cambridge: Cambridge University Press, 2003), 127. See also Part V below.

⁸ A. Kilp, 'Secularisation of Society after Communism: Ten Catholic-Protestant Societies', in *Religion and Politics in Multicultural Europe*, ed. A. Saumets & A. Kilp (Tartu: Tartu University Press, 2009), 226.

Although there are discrepancies between different surveys, they seem to suggest that a large segment of society is indifferent to religion, but also that religion is both an individual and private matter in Estonia (believing without belonging). These surveys also give one confidence in saying that the majority of the Estonian population is not hostile to religion. The new comprehensive census of the Estonian population, which will also ask questions about religious affiliation, will take place in 2011.⁹

Muslims have lived on Estonian territory since approximately the eighteenth century. The majority of Muslims are ethnic Tatars who arrived in Estonia during the late nineteenth and early twentieth century. During the first independence period (1918-1940) there were two registered Muslim communities in Estonia. The Tatar community established two mosques and some graveyards, and followed their particular Islamic cultural and religious life.¹⁰ In 1940 the Soviet regime prohibited the activities of the communities. During the occupation the Muslim community carried on its activities unofficially. The ethnic composition of the Muslim community changed during the Soviet period due to new arrivals from other republics of the former Soviet Union, such as Azerbaijan, Uzbekistan, Kazakhstan and other traditionally Muslim nations of the Caucasus and Central Asia. However, Tatars maintained their leading role in cultural and religious activity.¹¹

In the late 1980s with a more liberal political atmosphere and the independence movement in Estonia, ethnic minorities started to organise (re-establish) cultural and religious societies. In 1989 the Tatar cultural society re-established the Estonian Islamic Congregation. The community was registered in 1994. Currently there are two registered Muslim religious associations. The Estonian Islam Congregation has approximately 1400 members and has quite a unique nature. In the same congregation there are both Sunnites and Shiites. In 1995, 13 believers left the congregation and formed the Estonian Muslim Sunni Congregation. All 13 persons left the Estonian Islam Congregation, not for religious reasons, but rather because of personal misunderstandings.¹² The majority of the Estonian Muslim community is still made up of individuals who came from the territory of the former Soviet Union: Tatars, Chechens, Azers etc. They have integrated well into Estonian society and there is no reason to associate them with radical Islam. Linnas has pointed out that Islam in Estonia is liberal and has lost many of its specific features. She also notes that Estonian society is tolerant of Muslims which she attributes to the traditionally indifferent attitude of Estonians to religious matters in general.¹³

Before Estonia joined the European Union in 2004 there were discussions on the possible influx of migrants from traditionally Muslim countries, or Muslims from other EU countries¹⁴. So far there has only been a limited number of new arrivals.¹⁵ They are from different regions globally, and do not form any significant ethnic religious communities. Estonia does not yet have any of the challenges related to the growing Muslim communities as experienced in other European countries.

I. 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.

⁹ Statistics Estonia, <www.stat.ee/39106>, 25 April 2010.

¹⁰ R. Ringvee, 'Islam in Estonia', in *Islam v Európe* (Centrom pre európsku politiku: Bratislava, 2005), 242-243.

¹¹ Ibid.

¹² *Islam Eestis*, <www.islam.pri.ee/ieestis.php>, 26 April 2010; I. Au & R. Ringvee, *Usulised ühendused Eestis* [Religious Associations in Estonia], (Tallinn: Allika, 2007).

¹³ R. Linnas, 'Islam Eestis' [Islam in Estonia], in *Mitut usku Eesti*, ed. L. Altnurme (Tartu: Tartu Ülikooli Kirjastus, 2004), 65.

¹⁴ R. Khair Al-Din, 'Eesti Euroopa Liiduga ühinemise protsess: Moslemi vähemuse õiguste kaitse islami õiguse seisukohast', *Akadeemia* 12 (2000): 2616-2628.

¹⁵ According to public information provided by the Estonian Security Police, the number of Muslim immigrants arriving from the so-called risky countries (from the standpoint of counter-terrorism: North-Africa, the Middle East and Islamic Asian countries) is on the increase. Interest by such persons in coming to Estonia has increased due to Estonia's joining the Schengen zone at the end of 2007. There have been more cases of persons applying for an Estonian visa with the aim of entering the Schengen area and continuing from here to some other EU member state. Estonian Security Police, Ministry of Internal Affairs, <www.kapo.ee/eng/areas-of-activity/terrorism/situation-in-estonia>, 1 April 2010.

Answer:

Religious education (hereinafter RE) is provided during school hours in (lower (basic) and secondary school).¹⁶ However, it has been exceptional for schools to offer systematic religious education classes in all grades. It also needs to be noted that as the curriculum has been overloaded, RE has often been pushed to the fringe of the school day.

As to statistics, in 2006-2007 there were about 50 schools, out of a total of 601, teaching a subject related to religion, mostly for a year or two for 7–10 year old students or a year in upper secondary school (16–19 year old students). In 2009 of 575¹⁷ basic education or upper secondary schools, 47 provided religious education and 84 provided related or some alternative subjects to religious education.¹⁸ Students who have chosen such classes normally have an extra lesson at the end of the school day. Some schools have religious education as a compulsory¹⁹ subject, calling it the ‘choice of the school’ and terming it religious studies, history of religions, or cultural studies.²⁰ Although essentials of the compulsory school system are regulated centrally, schools have had relative freedom to develop their own profiles and curriculum within the given framework. However, there are some changes to this as described later on in this section.

The Estonian school system consists mainly of state or municipal schools. Thus, the primary place for religious education is in public schools. Religious education is a voluntary, non-confessional (non-denominational) subject. Unlike other countries with non-confessional models of religious education, in Estonia religious education is an elective, not a required course. As to the typology of RE, it is intended to be a mix of teaching about religions and ethics.²¹ The type of RE reflects Estonian constitutional principles of neutrality/separation of the State and Church (‘There is no State Church’, Art. 40 Estonian Constitution), non-discrimination and freedom of religion and belief.²²

Religious education has been one of the most contested issues regarding religion in Estonia today, and in fact, throughout its history as an independent State (1918-1940 and 1991-present). During the first independence period (1918-1940), Estonia was one of the first countries where, after furious debates and a referendum²³, a model of non-confessional religious education was introduced. The subject included learning about different world religions. A clear distinction was made between religious education at schools and religious instruction in churches.

In addition to the above there are several background factors which seem to influence the debate today. In Estonia, the absence of experience in providing or receiving religious education for some 50 years due to Soviet occupation and State atheism, is probably one of the most important factors. However, the relatively low religiosity of the Estonian population plays a significant role as well.

¹⁶ Compulsory school attendance begins when a child reaches the age of seven and ends when he or she has acquired basic education (stage I-III) or becomes 17 years old (BSG, Art. 9 (2)). Basic education school is divided into three stages of study (BSG Art 2 (1)): stage I - grades 1-3 (7-10 year olds), stage II - grades 4-6 (10-13 year olds) and stage III - grades 7-9 (13-16 year olds). After basic school students may attend upper secondary school (gymnasium), a secondary vocational school or enter a profession. Only basic school is compulsory.

¹⁷ Haridus- ja Teadusministeerium, <www.hm.ee>, 24 June 2010.

¹⁸ Interview with Ms. Kristel Vahter from Ministry of Education and Research, 22 June 2010.

¹⁹ There was one case in the practice of the Chancellor of Justice in 2006 where he noted a violation of law regarding requirement that religious education has to be voluntary. *Õiguskantsleri 2006. aasta tegevuse ülevaade* (Tallinn, 2007), 102, Chancellor of Justice, <www.oiguskantsler.ee>, 1 May 2010.

²⁰ O. Schihalejev, ‘Dialogue in Religious Education Lessons – Possibilities and Hindrances in the Estonian Context’, *British Journal of Religious Education* 31, no. 3 (2009): 280.

²¹ According to the classification provided by C. Evans, it can be argued that RE in Estonia fits most comfortably within the category of ‘plural religious education’, in which students learn about the basic practices, beliefs, rituals etc of a variety of religions. They are presented with information about these religious traditions, but are not taught that any of them are true or untrue. The instruction also extends to philosophies and beliefs of a non-religious nature. C. Evans, ‘Religious Education in Public Schools: An International Human Rights Perspective’ HRLR 8 (2008) 461. Religion in Estonian schools is also taught within other subjects, for example, art, history and literature (Evans calls it ‘incidental RE’) to the extent necessary to understand certain topics or visual art.

²² For a more detailed account on religion in Estonia see e.g. M. Kiviorg, ‘Estonia’ in R. Torfs (ed) *International Encyclopaedia of Laws: Religion* (Kluwer Law International, 2011).

²³ The referendum on religious education took place on 17-19 February 1923. It was the first referendum in the history of the independent Estonian Republic. 66% of the voting population participated in the referendum. 71.9% voted for state financed religious education as a voluntary topic in all schools. From then on religious education was voluntary for students and teachers, but compulsory for schools. Riigikogu juhatus otsus rahvaalgatamise korras esitatud algkooli seaduse muutmise seaduseelnõu, mis Riigikogu poolt 19. detsembril s.a. tagasi lükatud rahvahääletusele panemise kohta, RT I 1923, ½, 23. detsembrist 1922.a.

To summarise the debate, there is some agreement as to the need to teach students about religions. However, there are different opinions as to how religious education should be taught. There are also some additional practical and broader structural problems which relate to the school curriculum and teaching methods as a whole. According to some estimations the curriculum is overloaded. It is also fact oriented, leaving little time for students to develop discussion skills and form their own opinion. Although reforming the educational system in Estonia has been slowly moving from a teacher centred to a student centred approach, the reform is still in progress. As described below, a new law has been adopted recently to facilitate this process and to reform the school system generally.

Regarding religious education specifically, the views vary regarding the age at which religion needs to be introduced in schools and by whom it needs to be taught. There has been a concern that teachers of religious education have a mostly Christian background, and thus cannot deliver instruction objectively. In his 2003 report the Chancellor of Justice expressed the opinion that the State does not have to guarantee absolutely equal presentation of world religions in the curriculum. He stated that it is justified to include Christianity in the curriculum because of the cultural and historic background of Estonia.²⁴ But he also pointed out that presentation of Christianity should not become the prevailing subject in the curriculum. He warned that the majority of qualified teachers are of a Christian background and this can offset the balance.²⁵ These concerns are very similar to those expressed in the 1920s and thus cannot be completely attributed to Soviet propaganda during the 50 years of occupation. Thus, the major concern has been the content and purpose of RE and how one should strike a balance between Christianity and other world views. In this regard, the primary concern has been the protection of freedom of religion or belief of students and parents, both non-believers and non-Christians. For this reason ideas of compulsory non-denominational RE have persistently received a negative response. These concerns also seem to relate to rather controversial attempts to re-build national identity after the Soviet occupation. Strong political/governmental favouritism of traditional Christian religions has added an extra dimension to this debate. However, after protracted intense discussion over about 18 years, a compromise seems to have been achieved. Before returning to discuss the compromise, some information may be useful as to the legal framework for religious education.

As to the law on education, Article 37 of the Estonian Constitution²⁶ creates the basis for the entire school system.²⁷ More specifically Article 2 of the Education Act²⁸ (EA, *Haridusseadus*) sets objectives and levels of education, stating *inter alia* that: the fundamental principles of education are based on the recognition of universal and national values, of the individual and of freedom of religion and conscience. According to the Estonian Constitution provision of education is supervised by the State.

The laws specifically relevant to RE, are the EA and the Act of Basic Schools and Gymnasiums (BSG, *Põhikooli- ja gümnaasiumiseadus*).²⁹ The laws affecting RE have been changed recently. Until 1 September 2010, Article 4 (4) of the EA set forth that the study and teaching of religion in general education schools is voluntary and non-confessional.³⁰ The Act of Basic Schools and Gymnasiums (BSG)

²⁴ His statement is in conformity with the approach taken by the European Court of Human Rights. The Court has pointed out that the fact that knowledge about Christianity represents a greater part of the curriculum for primary and lower secondary schools than knowledge about other religions and philosophies cannot of its own be viewed as a departure from the principle that the curriculum should be conveyed in an objective, critical and pluralistic manner. See e.g. *Folgerø v Norway* (App no 15472/02) ECHR 29 Jun 2007.

²⁵ *Õiguskantsleri 2003.-2004. aasta tegevuse ülevaade*, Tallinn, 2004, 169. Available at <http://www.oiguskantsler.ee>.

²⁶ RT I 1992, 26, 349.

²⁷ Article 37 of the Estonian Constitution:

(1) Everyone has the right to education. Education is compulsory for school-aged children to the extent specified by law, and shall be free of charge in state and local government general education schools.

(2) In order to make education accessible, the state and local government shall maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law.

(3) Parents shall have the final decision in the choice of education for their children.

(4) Everyone has the right to receive education in Estonian. The language of instruction in national minority educational institutions shall be chosen by the educational institution.

(5) The provision of education shall be supervised by the State.

²⁸ RT I 1992, 12, 192; RT I 2010, 41, 240 (last amended).

²⁹ RT I 2010, 41, 240.

³⁰ RT I 1992, 12, 192; RT I 2007, 12, 66.

set forth that religious education is compulsory for the school if at least fifteen pupils wish it to be taught.³¹ Article 3 (4) of this Act also specified that religious education is non-confessional and voluntary.³² There was no unified curriculum provided by the State, however, there were guidelines.

The new BSG, adopted on 9 June 2010, took effect on 1 September 2010.³³ There are many aspects to this new law which are unclear and need to be tested out in practice. It is also likely that some further amendments to the law are needed.

The new BSG³⁴ introduced a few changes to the school system in Estonia generally. As to the RE, the above mentioned provisions in the EA and BSG have been removed. The new BSG mentions RE as one of the voluntary subjects (Art 15 (4)). Although schools have relative freedom to provide and design their voluntary courses, the courses on RE have to follow the State provided syllabus (Art 15 (4)). This is a result of intensive debates on RE which were held since the end of the Soviet occupation in 1991, and it seems to be an attempt to unify and establish control over the content of religious education nationally. There is another change relating to RE: in gymnasiums (upper secondary schools) depending on the modules the student chooses RE may become compulsory once chosen. Although, the law entered into force on 1 September 2010, the latter provision does not necessarily take effect in all schools until 1 September 2013 (BSG, Art 89 (1)).

According to Article 15 (2) of the BSG the Government has adopted two regulations setting forth the National Curriculum for Basic Schools (*Põhikooli riiklik õppekava*)³⁵ and the National Curriculum for Gymnasiums (*Gümnaasiumi riiklik õppekava*).³⁶ According to Article 11 (4) of the National Curriculum for Gymnasiums the school has to provide at least two optional courses on RE during the three year period of study. The obligation to provide RE is not clearly pronounced in the National Curriculum for Basic Schools. However, the school seems to be obliged to provide some optional courses (Art 15 (4)), one of which could be RE. There are still some discrepancies in the new BSG and between the BSG and governmental regulations. The BSG and the regulations still need to be synchronized/harmonized. The matter is also complicated by the fact that both the law and regulations take effect gradually over the three year period.

As to the content of RE in basic³⁷ and secondary schools³⁸, it is (or will be, as the laws take effect gradually) a mix of learning about religions and ethics (broadly defined). The aim is to give a non-confessional overview of world religions and to help students to understand the impact of different religions in world culture, and most importantly, to prepare them for life in a pluralistic and multicultural world. Not only are religious world views covered, but also non-religious views. Topics such as secularisation and the relationship between science and religion are also included. The syllabus seems to be aimed at teaching tolerance. It is intended to develop religious literacy and readiness for dialogue by introducing different world religions/views. An interesting aspect is that students are encouraged to recognize and understand religious discrimination and analyze both positive and problematic religious manifestation in context. Discussions are also held about existential questions. There are obviously differences in methods of teaching and learning according to the age of students.

The preambles of basic school and also upper secondary school's syllabuses emphasise that religious education is founded on the UN Declaration of Human Rights. Religious education is a precondition for

³¹ This provision was introduced in 1999. Before the adoption of this provision it was likely that schools just did not provide religious education even if there were pupils who wished to be taught. The reasons for this varied (financial, lack of human resources, etc.). RT I 1993, 63, 892.

³² RT I 1999, 24, 358.

³³ Parliamentary debates at the time of processing the law focused on the structure of the school system and regional development. Intensive debates were held on how the reform influences the survival of rural areas and financial issues relating to reform. There was surprisingly little debate regarding the RE considering furious debates held in the past 18 years. See XI Riigikogu Stenogramm, V Istungjärk, 25.03.2009; XI Riigikogu Stenogramm, VI Istungjärk, 25.11.2009; XI Riigikogu Stenogramm, VII Istungjärk, 02.06.2010; XI Riigikogu Stenogramm, VII Istungjärk, 09.06.2010. Available at < www.riigikogu.ee>, 1 December 2010.

³⁴ RT I 2010, 41, 240 (entered into force 01.09.2010, some provisions, however, enter into force at a later date).

³⁵ RT I, 14.01.2011, 1.

³⁶ RT I, 14.01.2011, 2.

³⁷ National Curriculum for Basic Schools (*Põhikooli riiklik õppekava*), RT I, 14.01.2011, 1, Lisa 9.

³⁸ National Curriculum for Gymnasiums (*Gümnaasiumi riiklik õppekava*), RT I, 14.01.2011, 1, Lisa 8.

protection of freedom of religion or belief. The aim of religious education is to provide knowledge about religion in order to help students understand the world, its culture and the role of the religious dimension in human life. It also emphasises the importance of learning about local religions and cultural heritage. An important aim of religious education is to support the moral development of pupils and special attention must be paid to the problems they experience in everyday life, and answering their questions. The syllabus seems to take into account some of the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools adopted by OSCE/ODIHR in 2007.³⁹

Thus, there is a strong emphasis on learning how to navigate in a multi-religious world, while remaining open minded and critical at the same time. Dialogue and respect seem to be the keywords which characterise both the curriculum of basic schools and gymnasiums. As to the methods of teaching, there seems to be a strong emphasis on a student centred approach. All in all, it seems to be a rather convincing syllabus which should satisfy people from different backgrounds. However, it is rather ambitious and it remains to be seen how it will work in practice. Also the lack of adequately qualified teachers and course materials to actualize this syllabus is still an issue.

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

Answer:

According to the law, RE in public schools is/will be based on the national syllabus as described above. Schools have relative freedom to offer additional voluntary courses provided that the means, time and human resources are available. As noted above some schools have provided additional courses related to religion. However, indoctrination into religion in public schools is strongly questionable under the Estonian Constitutional framework. It would most likely trigger social outcry also, with emerging questions about neutrality and the financing of such RE. Thus, the content and method of teaching of additional voluntary courses related to religion matters.

There is no legal basis to provide denominational education in public schools. This option only existed during the first independence period (1918-1940). In classes where students had the same religious background, the confessional element was allowed to be brought in. In multi-religious schools the grouping of students according to their confession was allowed.⁴⁰

According to Art 17 (4) of the BSG, the school may also take into account (accept) that a student takes classes in another school (basic or upper secondary), provided there is an agreement between his parents and the school's director. This provision may become relevant as regards RE. For example, in cases where a student wishes to take confessional RE in a denominational basic or upper secondary school. However, interpretation of this provision is not clear yet.

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

II.2. Question: Are there non-state funded denominational schools in your country (private)? If affirmative, what is the numeric importance of private schools. If affirmative, what is the numeric importance of Islamic private schools. Please refer to statistical information on-line

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:

Private/denominational schools have some access to public funding. There are no private confessional schools which are completely funded by the State. There is no difference in funding between private basic

³⁹ *Toledo Guiding Principles on Teaching About Religions and Beliefs in Public Schools* (Warsaw: OSCE 2007).

⁴⁰ Haridusministeeriumi ringkirjad (Tallinn: Haridusministeerium, 1932): 79-80.

schools (confessional or non-confessional).

Confessional religious education is provided for children by Sunday and Bible schools operated and mostly financed by religious organisations. Additionally religious communities can set up private educational institutions.⁴¹ The Private Schools Act (PSA, *Erakooliseadus*) regulates the establishment of private educational institutions at all school levels (pre-school, basic, secondary, vocational and higher education).⁴² These private schools need to obtain a licence from the Ministry of Education and Research (PSA, Art 5 (1)). Sunday or Bible schools run by churches and congregations do not need the licence.

The licence is issued for a certain period of time for up to five years (PSA, § 5 (2¹)). It is also important in order to apply for funding and projects financed by the State or municipal government.

Only a very few religious organisations have established schools in accordance with the Private Schools Act. Currently there are two registered kindergartens (preschools), one run by Tallinn Toompea Kaarli Congregation of the Estonian Evangelical Lutheran Church and another run by the Catholic Educational Centre in Tartu. There are three basic schools, run by the Word of Life (*Elusõna*) Tartu Congregation⁴³, by the Society of Orthodox Education called 'Resurrection' and by the Catholic community in Tartu. There is one gymnasium – Tallinn Jewish School (*Tallinna Juudi Kool*). There are also three professional higher education institutions (*rakendusõrgkool*) run by the Estonian Methodist Church, the Union of Free Evangelical and Baptist Churches of Estonia, and by the non-profit organisation Tartu Academy of Theology. The Estonian Evangelical Lutheran Church has one university in Tallinn.

There is no statistical information available as to the exact number of Sunday and Bible schools operated by religious organisations. The statistical information and documents of private schools (registered according to the PSA) can be obtained online.⁴⁴

There are no Islamic basic or upper secondary schools established under the Private Schools Act.

As noted above, according to the Estonian Constitution (Art 37), provision of education is supervised by the State.⁴⁵ In law there is no difference in control over private basic or upper secondary schools (confessional or non confessional). If as a result of State supervision, it becomes evident that the schooling and education provided at the private school do not comply with the statutes of the private school or that the standard of education does not correspond to the level of education specified in the education licence or does not meet the requirements established for this type of private school by law, the agency exercising State supervision has the right to issue a precept to the head of the school for the elimination of deficiencies and for the improvement of schooling and education (§ 23 (2) PSA). If the private school fails to comply with the precept during the term specified in the warning, the state supervisory agency may impose a penalty pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Act⁴⁶ (*Asendustäitmise ja sunniraha seadus*). Issuing the above mentioned precept is not at the discretion of the State agency and the manager of the school has the right to contest it.

As to the actual teaching or content of RE in private schools, State control is most likely to happen *ex post facto*. So far there have been no reported conflicts of interests or concerns related to teaching RE in private schools or in Sunday or bible schools. There have been reported problems relating to RE in public schools.⁴⁷

⁴¹ Private schools can be established *inter alia* by non-profit organisations (PSA, Art 2¹), including religious associations.

⁴² RT I 1998, 57, 859; RT I 2010, 41, 240 (last amended).

⁴³ *Tartu Elusõna Kogusus* is a sister congregation of the Uppsala *Livets Ord*.

⁴⁴ Eesti Hariduse Infosüsteem [Estonian Education Information System], 'Koolid', <www.ehis.ee/>, 1 December 2010

⁴⁵ See Art 37 of the Estonian Constitution (n 27 above).

⁴⁶ RT I 2001, 50, 283, RT I 2007, 24, 127 (last amended).

⁴⁷ When public schools became open to religious education (after soviet occupation), many eager people without pedagogical experience and professional skills rushed to teach it. Sometimes religious education turned into confessional instruction in schools. Valk, P., *Development of the Status of Religious Education in Estonian School. European and Local Perspectives*, Paper given at the Conference on Law, Religion and Democratic Society (Estonia, University of Tartu, 1999).

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.

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:

The conditions for the admission of students are determined by the school. Admission to a basic school, upper secondary school, vocational educational institution, and an institution of professional higher education is subject to the admission conditions established by law for state and municipal educational institutions or universities in public law of the same type. However, the board of a private school has the right to establish additional requirements (PSA, § 12). It is possible, however, that if the refusal is based on religious prescription which contradicts some fundamental values in a democratic society it could be contested on the basis of criminal law or anti-discrimination law. For example, it is possible, that when the refusal is based solely on racial grounds, the law and the courts may need to react to it. The latter is simply a speculation. There is no case law clarifying this yet.⁴⁸

It is possible (although exact statistical information is not available) that non-religious parents enrol their children in denominational schools for educational purposes.

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?

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

IV.3. Question. Can you shortly mention the pro and contra standpoints that have been expressed concerning the respect of fundamental rights (among others, freedom of education and right to education) in relation with this obligation?

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

Answer:

The issues behind the above questions have not come under the spotlight in Estonia yet. In fact, there are no clear pro or contra standpoints expressed in public discussion or by the authorities on these matters. As to the law, there is no legal obligation to provide the teaching of Islam or other beliefs (confessional RE) in denominational schools.

Private schools have relative freedom as regards curriculum, ethos and admissions. The manager of a private school approves the curriculum. The curriculum is entered into the Estonian Education Information System upon the issuing of a licence (PSA, § 11 (2)).

According to the amendments applicable from 1 September 2010, Art 11 (5) of the PSA explicitly sets forth that it is allowed to provide confessional religious education in private educational institutions (previously there was no explicit mentioning of this).⁴⁹ This is a general provision which applies to all private schools, not just confessional ones. The PSA further states that confessional RE is voluntary. Thus, it is clear from this that there is no legal obligation to provide confessional RE and even in confessional schools, which provide State licensed basic or upper secondary education, confessional RE must be voluntary. There is no provision as to the number of students needed for this kind of course. Confessional RE is provided according to the conditions and rules established by the school.

⁴⁸ See, for example, controversial case about admission policy of the Jewish Free School in the UK Supreme Court. *R (on the application of E) (Respondent) v. The Governing Body of JFS and the Admissions Appeal Panel of JFS and others (Appellants)* [2009] UKSC 15.

⁴⁹ This provision was included by the new BSG which amended several paragraphs of the PSA (See Art 105 of the BSG).

Private educational institutions when providing State licensed/state supervised basic or upper secondary education have to follow the standards set in the National Curriculum for Basic Schools or Gymnasiums. As to compulsory subjects and some optional courses the National Curriculum applies to all schools non dependent on their legal status (public or private), if specific laws do not provide different regulation (for example, PSA). This means that according to the new law and regulations, private educational institutions (including confessional schools) may be required to provide non-confessional RE to their students as set forth in the BSG and in the National Curriculum. This can be seen as justified considering the need to prepare students for a multi-religious/cultural society with an emphasis on respect and dialogue. However, application of the law in this matter is not entirely clear yet. All basic and upper secondary schools have the relative freedom to offer additional voluntary courses provided that the means, time and human resources are available.

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. . .

V.2. Question: 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?)

V.3. Question: 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:

The Estonian Council of Churches⁵⁰ has been very active in contributing to policies and projects regarding religious education in public schools. However, to the best knowledge of the author of this article no religious institution has provided guidelines as to how other religions should be taught at confessional schools (private schools or Sunday schools). Teaching Islam as a separate course in private schools is likely to be very rare or completely absent. Background factors like the small Islamic community and/or absence of any challenges experienced in many other European states may play a role in this.

VI. Religious symbols in public schools

VI.1. Question: Are religious symbols (e.g. crucifix) in public schools compulsory, allowed, or forbidden?

VI.2. Question: Is a teacher allowed to wear the Islamic headscarf and manifest her religion? Please explain if not allowed on which grounds.

VI.3. Question: Is a pupil allowed to wear the Islamic headscarf and manifest her religion? Please explain if not allowed on which grounds.

VI.4. Question: Who decides on the dress code in schools. Please refer to the law.

VI.5. Question: Can a pupil and/or a teacher be exempted from the dress code when she considers it her religious duty to wear the Islamic headscarf?

VI.6. Question: Who is the regulatory authority in this sphere?

VI.7. Question: What kind of disciplinary measures and proceedings are taken if the pupil or teacher fails to comply with the rules on dress codes?

VI.8. Question: Please describe the case-law in your country.

Answer:

Religious symbols in public schools (e.g. crucifix or a cross) are not explicitly forbidden under Estonian law. However, displaying such a symbol in public schools (by a school) would be in contradiction to the constitutional principles of separation of State and Church (neutrality), non-discrimination (Art. 12 of the Constitution) and freedom of religion and belief (Art. 40). This would stand despite the fact that

⁵⁰ The Estonian Council of Churches is a rather unusual ecumenical organisation (registered as a non-profit organisation) which has members who normally are not interested in ecumenical cooperation. It also includes churches with a relatively short history.

separation of State and Church is not interpreted as a strict separation such as disestablishment in the United States or the principle of *laïcité* in France.⁵¹

As to the socio-political and cultural dimension of the question, it should be emphasised that the displaying of such symbols in public schools does not have a strong historical or cultural tradition (as e.g. in Italy). This is not solely due to atheistic indoctrination and the strict separation policy of State and Church as practiced during the Soviet occupation (1940-1941; 1944-1991). There is also very little public debate going on in this regard.

As mentioned above, Estonia does not have significant immigration from any country, including countries with a Muslim population. Thus, it does not face any of the challenges of other European nations. There are no rules prohibiting the wearing of religious garb in state schools by a pupil. This tolerance is perhaps a reaction to Soviet times when all schoolchildren were obliged to wear school uniforms. However, both state schools and private schools have the right to establish internal rules of the school (BSG, Art 68). Today many private schools require school uniforms and so far this requirement has not been disputed. There are also no rules prohibiting the wearing of religious garb by teachers, and no reports of any difficulties at this time. It is currently speculative as to how the Estonian legislature, court or public would react if someone (e.g. parents) disputed the wearing of religious garb in state schools either by students or by teachers. The ideal may be to teach children to respect differences and bring them up in an atmosphere of mutual respect.

VII. After-school education in private religious institutions. Islamic instruction organised after the school hours (age 6-18)

VII.1. Question: Is there any form of Islamic teaching (for children and youngsters of age 6-18) in your country organised after school time in private religious institutions:

Answer:

Especially after the re-gaining of Estonian independence from the Soviet Union, the Muslim community in Estonia has been more focused on their specific ethnic-cultural traditions rather than religion. As stated in the introduction, in the late 1980s, ethnic minorities started to organise (re-establish) cultural and religious societies. Most after school activities (Sunday schools) are organised by cultural societies. As a rule these Sunday schools are open to anybody interested in particular minority culture (Azerbaijani, Tatar etc). As a rule none of these Sunday schools specifically mention Islamic teaching. The focus is on teaching language, culture, history, traditions, dances, folk songs and even cuisine. They welcome students from different backgrounds. The aim is to spread knowledge about their culture and customs in Estonian society. The Sunday schools are receiving some financial support from the State. This support should be seen in the light of the protection of minority cultures/ethnic minorities in Estonia. It is also part of the Government's integration strategy. The Islamic community in Estonia has seen itself as an ambassador for the ethnic minorities in the country.⁵²

For example, since 1989 there is an Azerbaijani Sunday school in Tallinn (for ages 5-20). The aim of the school is to teach their children their mother tongue, culture and history (including Azerbaijani and Estonian history). In music classes children are taught their national songs and dances. The school has been financed by grants allocated by *Eestimaa Rahvuste Ühendus* (Estonian League of National/Ethnic Minorities). The League has been financed by State and municipal budgets and from the Integration Fund (*Integratsioonifond*). Parents have been giving symbolic contributions. The Estonian Tatar community has been teaching their children the Tatar language, history and religion since 1989. The Sunday school was based on the enthusiasm of teachers. Parents made symbolic contributions here also. Due to the lack of children, this Sunday school currently does not function. However, Tatar language/culture is introduced by a new Sunday school run by Turkish Peoples Cultural Society. This society also provides courses in the Azerbaijani language. The Uzbek Sunday school was opened in 1992. This school ran into

⁵¹ There is no explicit mentioning of secularism in the constitutional framework of Estonia. The typology of the system can be described as co-operational. For a more detailed account of State and Church relationship in Estonia see Kiviorg, M. 'Estonia' in R. Torfs (ed) *International Encyclopaedia of Laws: Religion* (Kluwer Law International, 2011) pp. 42-43.

⁵² The Chairman of the Islamic Congregation has been the president of the Estonian Union of National Minorities. His work for national minorities was recognised by the State. He was rewarded with the Estonian State Honour in 2004 (5th Class order of the White Star). R. Ringvee, 'Islam in Estonia', in *Islam v Európe* (Centrom pre európsku politiku: Bratislava, 2005), 245.

financial difficulties.⁵³ However, there are now two Uzbek Sunday schools one providing cultural education to all ages since 1994 and another to students up to 18 years of age. There is also a Sunday school run by the Kabardino society for 7-18 year old students. Their main focus is folk dancing, but they also teach language, history, culture and traditions.

VII.2. Question: Is there any form of Islamic teaching in your country organised in primary education age (6-12)

Answer:

There is no Islamic teaching into religion in primary education (public or private basic schools registered under the PSA). However, Islam is introduced as one of the world religions within the RE as described above. According to the PSA private schools are allowed to provide confessional RE. There is no information on private schools providing Islamic instruction. See question IV and V above.

VII.3. Question: Is there any form of Islamic teaching in your country organised in secondary education age (12-18)

Answer:

There is no Islamic teaching in secondary education (public or private basic schools registered under the PSA). See also question VII.2 above.

VII.4. Question: How many such institutions are there in your country providing Islamic instruction organised after the school hours?

Answer:

There is no exact data available. See question VII.1 above.

VII.5. Question: How many children take part in the activities of Islamic instruction organised after the school hours?

Answer:

There are no statistics available as to how many students have been attending Sunday schools and how many non-Muslim children have been attending the activities of these communities. See question VII.1 above.

VII.6. Question: How is the pedagogical quality of Islamic instruction organised after the school hours safeguarded?

Answer:

The exact data is not available.

VII.7. Question: How would you characterize the public debate about this form of Islamic instruction organised after the school hours?

Answer:

There is no public debate on Islamic instruction after school hours yet.

VIII. Additional comments

It seems that different factions of Estonian society have finally agreed that good general education also includes knowledge about religions. More importantly there seems to be an agreement now as to the proportions and methods of teaching about religions and ethics. However, the implementation of the new BSG and National Curriculum is a process. There are many aspects to this new law which are unclear and need to be tested in practice. There is no case law yet to clarify aspects of RE which have risen in other European states. This may be indicative of relatively non-problematic relationships between religious communities, State and secular community. However, it may also be indicative of the fact that religion does not play a prominent role in Estonian society.

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