

THE PLACE OF RELIGION IN EDUCATION IN THE RUSSIAN FEDERATION

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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:

Both in primary and secondary education in state-funded schools religious instruction cannot be introduced into the compulsory part of the curriculum, i.e. in the federal educational standard.

Article 14 of the Russian Constitution²

1. The Russian Federation is a secular state. No religion may be established as a state or obligatory one.

2. Religious associations shall be separated from the State and shall be equal before the law. Federal Law on Education³ Article 1.5.

Any religious activity in state-owned and local public educational establishments, as well as in regional and local educational authorities, is prohibited.

Article 5 of the Federal Law on the Freedom of Conscience and Religious Associations⁴

Everyone is entitled to receive religious education of own choice in individual or collective manner. Upbringing and education of children are carried out by their parents (or their legal substitutes) with the view of the child's freedom of conscience. Religious organizations are entitled to act as founders of educational institutions according to their charters. Upon parental request and with the child's consent administration of state-owned and local public schools enables a religious organization to conduct extra-curriculum religion classes, subject to the local authorities' agreement.

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

Answer:

As stated above, a religious component of a certain religion in compulsory education, i.e. in the federal educational standard, cannot be introduced due to Constitutional guarantee of secularity. Nevertheless, certain attempts were made lately by Russian Orthodox Church and the Ministry of Education and Science to introduce "Basics of Orthodox Religion" (later changed to "Basics of Orthodox Culture") as a compulsory discipline in all public schools.

Since the late 90-ies this initiative brought about heated discussions among teachers, politicians and civil society leaders, as well as serious concern of parents. After a series of research on the history and culture of Orthodox religion in education the Ministry of Education and Science issued a letter No. 03-1584 of 13 July 2007 addressed to regional educational administrations, enclosing a standard cooperation agreement to be concluded with the regional branch of Russian Orthodox Church with a view to "form integral outlook and conception of Orthodox culture as an important area of Russian and worldwide culture,

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² Adopted at National Voting on December 12, 1993, officially published in Rossiiskaya Gazeta newspaper as of December 25, 1993.

³ The Federal Law on Education No. 3266-1 of 10 July 1992 (as amended by the Federal Law No. 121-FZ of 17 June 2010), hereinafter referred to as "Law on Education".

⁴ Federal Law on the Freedom of Conscience and Religious Associations No.125-FZ of 26 September 1997 (as amended by the Federal Law No. 160-FZ of 23 July 2008).

develop a spiritual and ethical approach in education, and elaborate the pedagogical tradition in the system of education”.⁵

Later on, despite the contradictions of the supporters and opponents of the religious-oriented compulsory discipline, a Concept of introducing the “Basics of Orthodox Culture” discipline into the new part of state secondary education standard “Spiritual and Ethical Culture” was approved at a dedicated conference with official participation of Ministry of Education and Science representatives.⁶ Several textbooks on the new discipline were collectively written by clergymen, not by educational specialists, and approved by the Ministry. The main requirement for such approval was a lack of statements that could be used as an argument to prove superiority or dominance of any religion. The course was therefore renamed as “Basics of Religion and Secular Ethics” and approved as a compulsory part of the state standard since 1 April 2010. It includes 6 separate modules allowing the children and/or their parents to choose either Orthodox, Islam, Buddhist, or Jewish culture basics, or either an overview of all world-spread religions, or secular ethics.

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

No, due to the guarantees of separation of the church and the state.

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

Answer:

Yes. According to Data from the Unified State Register of Legal Entities of the Federal Revenue Service⁷ there are 14 068 Russian Orthodox educational institutions including around 200 in Moscow.⁸

Orthodox educational institutions traditionally include Sunday schools and Orthodox gymnasiums for children and higher Orthodox educational institutions - for ministry-oriented professionals. These educational institutions are established either by religious organizations – churches,⁹ or by individuals.

Strictly speaking Sunday schools are not considered educational institutions by Russian legislation, for they do not issue any certificates or diplomas and, therefore, are not subject to obtaining a license.¹⁰ Sunday schools aim to tell children, usually in an easy and narrative form, the basics of religion, teach them the main commandments and how to strengthen in faith. They bear more cultural approach than educational.

⁵ Letter of Ministry of Education and Science No. 03-1584 of 13 July 2007 On sending a standard cooperation agreement to be concluded between regional educational administrations and a centrally-controlled religious organization. // Official Documents on Education, No. 31, 2007.

⁶ The Resolution of the Conference was published on the official website of Ministry of Education and Science as of 26 December 2007 // <http://mon.gov.ru/press/reliz/4376/>

⁷ Data from the Unified State Register of Legal Entities of the Federal Revenue Service as of 21 May 2010 <http://egrul.nalog.ru/fns/index.php>

⁸ Official list of Moscow Sunday schools <http://www.voskresnayashkola.ru/index-spisok.html>

⁹ Religious organizations are entitled to establish educational institutions provided the Federal Law on the Freedom of Conscience and Religious Associations article 18.2.

¹⁰ Regulations on Educational Activity Licensing as approved by Government Decree No. 277 of 31 March 2009, article 2.

In opposition to a Sunday school, an Orthodox gymnasium is an educational institution of general education. It normally has a license and operates just like a common primary, secondary or high school. It may be state-accredited and carry on the educational activity according to the federal standard of general education, while adding supplementary religious disciplines and maintaining overall Orthodox-oriented atmosphere, including appropriate appearance, collective prayer, manifestation of religion by pupils and teachers, abstentious meal, etc. If the gymnasium does not obtain a state accreditation, its students may graduate with a state-recognized high school certificate from any secular state-accredited high school.

Once state-accredited, an Orthodox gymnasium may apply for state funding on common basis.

According to Data from the Unified State Register of Legal Entities of the Federal Revenue Service¹¹ there are 223 Islamic educational institutions including 106 Madrasahs (*arab.*: “a place to learn”).

Madrasahs for children are not considered educational institutions if they do not issue any certificates or diplomas.

Data from the Unified State Register of Legal Entities of the Federal Revenue Service as of 21 May 2010 <http://egrul.nalog.ru/fns/index.php>

Official list of Moscow Sunday schools <http://www.voskresnayashkola.ru/index-spisok.html>

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:

State funded denominational schools are prohibited by Russian legislation. As for private denominational schools, they are subject to regional and local control as are any non-denominational private schools. There're no additional areas of control for religious instruction in such schools.

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:

State funded denominational schools are prohibited by Russian legislation.

According to the Law on Education article 16.1.1. “*Enrolment regulations of any educational institution are defined by the founder of the institution and are fixed in the charter of the institution. Enrolment regulations of both state-funded and local-funded educational institutions of general education and vocational training must ensure enrollment of all children residing on a certain territory and are entitled to obtain education of the mentioned level*”.

As for private denominational schools, they are entitled to issue their own enrolment procedures, complying with the general provisions of the Law on Education.

¹¹ Data from the Unified State Register of Legal Entities of the Federal Revenue Service as of 21 May 2010 <http://egrul.nalog.ru/fns/index.php>

Therefore, private schools are not obliged by law to admit all of the residents of a certain territory regardless of their religious beliefs. A denominational private school may accept enrollment regulations allowing the principle to refuse a pupil's application on the basis of his or her religion.

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:

See above.

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:

As long as there are no state funded denominational schools in Russia, all privately owned religious schools are of a single confession. Therefore, a Catholic private school will not open an Islamic class and vice versa.

Non-denominational public schools may introduce classes of a certain religion only within the framework of the "Basics of Religion and Secular Ethics" compulsory course or as an extra-curriculum non-compulsory activity.

According to the Law on Education article 7.1. *"In Russian Federation federal state educational standards are set forth, outlining the compulsory requirements for the basic educational programs of general education, professional training, higher and postgraduate education, executed by the state-accredited educational institutions"*.

According to the Law on Education article 29.1.5.2. *"Regional authorities of the federal subjects of Russian Federation are entitled to participate in working out of the model basic educational programs of a certain level and specialization (including regional, ethnic, and cultural peculiarities) on the basis of federal state educational standards"*.

Considering the possibilities of the newly introduced "Basics of Religion and Secular Ethics" compulsory course, any public school may organize classes of Islamic education upon request of an unspecified number of parents. However the initiative of introducing Islamic religious component in schools (both compulsory and facultative) more often comes from the religious community.

For example, in traditionally Islamic regions of North Caucasus the "Basics of Islam" is taught as an elective course in public schools within the framework of the regional component of the basic educational program, based on the federal state educational standard since 2005.¹²

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:

The situation is the same for other main religions.

¹² Article in the Rossiyskaya Gageta <http://www.rg.ru/2005/01/12/islam-anons.html>

The course “Basics of Religion and Secular Ethics” includes 6 separate modules allowing the children and/or their parents to choose either Orthodox, Islam, Buddhist, or Jewish culture basics, or either an overview of all world-spread religions, or secular 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?

Answer:

The compulsory course “Basics of Religion and Secular Ethics” is the 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.

It includes: basics of orthodox religion, basics of orthodox culture, spiritual and ethical culture, to end with basics of religions and secular ethics.

The fiercest discussion surrounded the first version of the course – “Basics of Orthodox Religion”, later renamed as “Basics of Religion and Secular Ethics” (without major changes). In general terms this discussion represents the concentrated concern of the basic rights, including the right to education and the freedom of conscience:

Pros	Contras
The course “Basics of Orthodox Religion” doesn’t provide religious instruction, but is a source of cultural knowledge.	Russia is a country of religious diversity, people practice many different religions and the introduction of a certain religion-oriented compulsory course will be a certain breach of the fundamental freedom of conscience of the children practicing other religions.
The Constitution guarantees the principle of separation of the church and the state. However, most of public schools in Russia are funded by the local authorities, that do not belong to the state power, as clearly stated by the Constitution. School teachers do not have the status of state civil servants. Therefore, religious instruction may be introduced in locally-owned public schools.	Russian Orthodox Church has no border to stop at in the idea of penetration in the state educational system. ¹³ Accepting the “Basics of Orthodox Religion” course will be followed by expansion of this course in terms of both depth and theology, and then – by adding religious aspects to all school disciplines.
Despite the presence of different national and ethnic groups, the majority of population (approx. 80 %) are Russians. Therefore, getting to know the culture and religion of the titular ethnic group is the step to reduce intolerance and violence through understanding.	Introduction of the “Basics of Orthodox Religion” compulsory course without consulting children and their parents as well as most of the teachers leads to rejection and opposition, accompanied with violent behavior.

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

Answer:

- Verbatim report of the press-conference “Basics of Orthodox Religion” as a concept of life and creativity” (http://scepsis.ru/library/id_525.html)

¹³ Nikolai Mitrohin “Clericalism in Education in Russia: On Public Discussion on Introducing of the “Basics of Orthodox Religion” as a compulsory course in secondary schools”, <http://krotov.info/history/21/1/2006mitrohin.htm>

- The full text of the textbook of the compulsory course “Basics of Religion and Secular Ethics” (<http://www.pravmir.ru/osnovy-pravoslavnoj-kultury-%E2%80%93-polnyj-tekst-uchebnika/>)
- “Basics of Orthodox Religion” in Wikipedia (http://ru.wikipedia.org/wiki/%D0%9E%D1%81%D0%BD%D0%BE%D0%B2%D1%8B_%D0%BF%D1%80%D0%B0%D0%B2%D0%BE%D1%81%D0%BB%D0%B0%D0%B2%D0%BD%D0%BE%D0%B9_%D0%BA%D1%83%D0%BB%D1%8C%D1%82%D1%83%D1%80%D1%8B)
- The letter by 10 academicians (short of "Open letter from the Members of the Russian Academy of Sciences to the President") is an open letter to the President of the Russian Federation in which 10 notable scientists express their concern about rapid clericalization of Russian society. It was published on July 22, 2007 (http://sceptis.ru/eng/articles/id_8.php, English)
- List of textbooks on the “Basics of Orthodox Religion” (http://ru.wikipedia.org/wiki/%D0%A1%D0%BF%D0%B8%D1%81%D0%BE%D0%BA_%D0%BB%D0%B8%D1%82%D0%B5%D1%80%D0%B0%D1%82%D1%83%D1%80%D1%8B_%D0%BF%D0%BE_%D0%BA%D1%83%D1%80%D1%81%D1%83_%C2%AB%D0%9E%D1%81%D0%BD%D0%BE%D0%B2%D1%8B_%D0%BF%D1%80%D0%B0%D0%B2%D0%BE%D1%81%D0%BB%D0%B0%D0%B2%D0%BD%D0%BE%D0%B9_%D0%BA%D1%83%D0%BB%D1%8C%D1%82%D1%83%D1%80%D1%8B%C2%BB)
- Parliamentary texts are not available, because the decisions were made on executive, not legislative level.

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:

As stated above regardless of the initiative, as long as there are no state funded denominational schools in Russia, all privately owned religious schools are of a single confession. Therefore, the answers concern only private religious schools. Teaching Islam or another religion in an Orthodox private school is impossible, while doing so in a state-owned or local public school within the framework of the state standard, namely the “Basics of Religions and Secular Ethics” compulsory course, is possible on the equality basis. Therefore, there is no guideline explaining how to propose teaching Islam in Orthodox school, however, there are general guidelines on choosing one of the six modules of the course.

As demonstrated by the experience of several of experimental regions, parents’ choice of the modules ranges as follows¹⁴:

Parental choice of the modules of the “Basics of Religions and Secular Ethics” compulsory course

Secular ethics: 14646 (58,2%)

Overview of all world-spread religions: 5417 (21,5%)

¹⁴ As reported by the Federal Educational Portal, http://www.edu.ru/index.php?page_id=5&topic_id=3&date=&sid=11613&ntype=nuke and http://www.edu.ru/index.php?page_id=5&topic_id=3&date=&sid=13138&ntype=nuke

Orthodox culture: 4804 (19,1%)
Islam culture: 231 (0,92%)
Buddhist culture: 26 (0,1%)
Jewish culture: 22 (0,1%)

VI. Religious symbols in public schools

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

Answer:

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

Answer:

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

Answer:

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

Answer:

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?

Answer:

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

Answer:

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?

Answer:

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

Answer:

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:

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

Answer:

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

Answer:

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

Answer:

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

Answer:

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

Answer:

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

Answer:

VIII. Additional comments

Russian Orthodox Church is a very powerful and wealthy organization in Russia, what makes it hard to maintain the basic constitutional principle of secularization. Participations of Russia's chief executives in the main Orthodox celebrations heavily covered by mass media, as well as their public meetings with the Church leaders are negatively referred to by most Russians (74 % of respondents),¹⁵ who do not believe in genuine religious feelings expressed on public, but rather consider such behavior as political publicity. All these political actions, therefore, prove obviously ineffective, for absolute majority of Russians (53 % of respondents) believe that the Church and the State must remain separated.

The issues of religious education in a secular country with no officially recognized state religion but with ideological, cultural, and ethnic diversity remain sharp and up-to-date and should be provided with adequate and consistent legal groundwork. The public outrage accompanying any measures concerning religious and ideological aspects of education should also be taken into consideration.

Russian educational system ensures the right to education for everyone, despite religious beliefs. Public schools and professional educational institutions established by federal, regional, or local authorities must be kept ideologically and politically neutral. The federal educational standard must not contain any statements, describing any religion as having dominance above the others, or being an absolute truth. At the same time, various disciplines equally outlining the basics of wide-spread religions and cultures may be introduced in the federal educational standard. The overall atmosphere of a secular educational institution is normally tolerant to believers, but doesn't ensure his or her special religious needs. Religious reasons for opting out the compulsory educational process are generally not considered sufficient.

Privately-owned schools and professional educational institutions may be established by individuals and/or by legal bodies, including religious organizations, churches. Private schools may either introduce religious disciplines in addition to the compulsory educational component according to the Federal standard, or provide totally religion-oriented education. Professional religious (ecclesiastical) educational institutions aim at preparation of priesthood and clergy of a certain religion. State-accredited ecclesiastical educational institutions issue qualification diplomas equivalent to a university or non-university professional degree.

The freedom of choice is legally guaranteed to all parents, who decide to provide either secular or religious education to their children according to their own beliefs and cultural traditions of the region. As long as Russia is proclaimed a secular state, a balance must be maintained between the right to education and the freedom of conscience, both guaranteed by Russian Constitution.

XI. Bibliography

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