

## THE PLACE OF RELIGION IN EDUCATION IN SLOVENIA

Blaž Ivanc<sup>1</sup>

### *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.**

**Answer:**

The question concerning the role of religion and religious education in public schools has been and remains one of the most disputed issues in Slovenia. Slovenia, together with Bulgaria, Ireland, Latvia, Lithuania, Romania and Turkey, is among the countries where almost all pupils/students (98 % or more) attend public institutions. Only 1.5 % of all educational institutions are private institutions. Most of them are government - dependent (*Source: Eurostat, UOE; data extracted July 2008*). The basis for the modern Slovenian School Law is given by the relevant fundamental constitutional provisions which regulate the education. The Constitution of the Republic of Slovenia (hereinafter: the Constitution)<sup>2</sup> in the Art. 57 ensures the freedom of education and sets up a compulsory primary education, which is publicly financed. The state has to create the opportunities for citizens to obtain a proper education.<sup>3</sup> Thus, the State has a duty to create the necessary legal framework for the establishment and operation of private schools and to recognize the public validity of an education obtained from private schools. The prohibition of private schools would not be consistent with the notion of a democratic society.<sup>4</sup> In Slovenia, basic education (ISCED level 1 and ISCED level 2) lasts 9 years and overlaps with compulsory education. The same institution (Grammar School) provides education in all 9 grades. The structure of upper secondary education in Slovenia includes: general upper secondary education (»gimnazija«), technical education and vocational upper secondary education.<sup>5</sup>

The *Organization and Financing of Upbringing and Education Act* (hereinafter: the *Education Act*)<sup>6</sup> regulates the relations between public and private school systems, the internal organization of schools and their financing.<sup>7</sup> According to the Education Act, religious communities may establish kindergartens and schools under the same conditions as other private-law subjects. Private educational institutions may be financed in two ways: they are either granted licenses or financed directly under statute. In order to receive a license the private school (or kindergarten) has to include itself in the public network and execute only a public programme. Non-licensed private kindergartens, private elementary and music schools and private general secondary schools (but not also professional schools), which carry out public programs and comply with statutory conditions, have the right to public funds to the extent of

---

<sup>1</sup> Assistant Professor, Pro-dean of the Faculty of Health Sciences, University of Ljubljana, Slovenia

<sup>2</sup> The Constitution of the Republic of Slovenia (1991).

<sup>3</sup> Art. 57 of the Constitution: » (1) Freedom of education shall be guaranteed. (2) Primary education is compulsory and shall be financed from public funds. The state shall create the opportunities for citizens to obtain a proper education.«.

<sup>4</sup> Šturm (2002), p. 582.

<sup>5</sup> See Structure of Education System in Slovenia:

[http://www.eurydice.si/images/stories/Diagram\\_Tatjana\\_Plevnik\\_\\_1564.pdf](http://www.eurydice.si/images/stories/Diagram_Tatjana_Plevnik__1564.pdf)

<sup>6</sup> Organization and Financing of Upbringing and Education Act (Zakon o organizaciji in financiranju vzgoje in izobraževanja), Official Gazette RS, Nos. 12/96, 23/96 - corr., 101/1999, 22/2000, 64/2001, 101/2001, 108/2002, 34/2003, 79/2003, 65/2005, 117/2005, 129/2006.

<sup>7</sup> The Education Act is supplemented by the Kindergartens Act (Official Gazette RS, No. 12/96 et seq.), the Primary School Act (Official Gazette RS, No. 12/96 et seq.) and the Technical Education Act (Official Gazette RS, No. 12/96 et seq.).

85% of the funds that the State or local community designates for salaries and material costs per student in public schools.<sup>8</sup>

The status of religious instruction is first determined by the article 41 of the Constitution, which provides for freedom of conscience and belief (hereinafter: the right to religious freedom). The provision broadly protects the freedom of self-definition and it refers not only to religious beliefs but also to moral, philosophical and other worldviews. This article gives the assurance of freedom of conscience (the positive entitlement), the right of a person not to have any religious or other beliefs, or to not manifest such beliefs (the negative entitlement), and the right of parents to determine their children's upbringing in the area of freedom of conscience.<sup>9</sup> The Article 7 of the Constitution of the Republic of Slovenia<sup>10</sup> enshrines: (1) the principle of separation of the state and religious communities, (2) the principle of equality among religious communities, and (3) the principle of free activity (autonomy) of religious communities within the legal order.<sup>11</sup>

Statutory provisions concerning the status of religious instructions are enshrined in Chapter XI. of the Education Act. The chapter has only one article (Art. 72) that regulates the "Autonomy of School Premises". The stated provision is highly controversial, because of imposed prohibition of not only religious teaching, but also of any other kind of denominational activity in public schools and kindergartens. The Paras. 3 and 4 of Art. 72 of the Education Act (as first enacted by the National Assembly) determined as follows:

"(3) Denominational activities are not permitted in public kindergartens and schools or in licensed kindergartens and schools.

(4) Denominational activities determined in the previous paragraph of this article encompass:  
- religious lessons or denominational religious lessons aimed at raising students in that religion,

- lessons in which a religious community decides on the substance, textbooks, teachers' education and the suitability of individual teachers for teaching,  
- organized religious rites."

From the relevant statutory provision follows that the Legislator did not first regulate the manner of ensuring the positive aspect of religious freedom and consequently introduced also some limitations or measures in order to protect the negative aspect of religious freedom (e.g.: the prohibition of mandatory attendance of religious lessons; the organization of religious lessons to be organized prior to the beginning of or after lessons so that the students who do not want to take part in such lessons may uninterruptedly leave etc.).<sup>12</sup> On the contrary, the Legislator not only embraced the idea of French secular school (*l'école laïque*)<sup>13</sup> or the United States of Americas' model,<sup>14</sup> but surpassed them by introducing an ultra-strict model of separation of religion and state/school, which is quite different from that of the majority of European countries where the laws guarantee religious instruction within the framework of the public school.<sup>15</sup>

---

<sup>8</sup> Art. 86 of the Education Act. About transitional rules on funding of the private religious schools and their staff that were granted licenses before adoption of the Education Act and were/are provided with 100% state funding see detailed in: Šturm (2004), p. 632.

<sup>9</sup> Art. 41 of the Constitution: » (1) Religious and other beliefs may be freely professed in private and public life. (2) No one shall be obliged to declare his religious or other beliefs.

(3) Parents have the right to provide their children with a religious and moral upbringing in accordance with their beliefs. The religious and moral guidance given to children must be appropriate to their age and maturity, and be consistent with their free conscience and religious and other beliefs or convictions. «

<sup>10</sup> The Constitution of the Republic of Slovenia (1991); Para. 1 Art. 41.

<sup>11</sup> Art. 7 of the Constitution: » (1) The state and religious communities shall be separate. (2) Religious communities shall enjoy equal rights; they shall pursue their activities freely. «

<sup>12</sup> Umek, S. (2004) p. 22.

<sup>13</sup> Detailed about the notion of *Läicité* and the current development towards a *Läicité nouvelle*: Robert, J. and Duffar, J. (1996), p. 552.

<sup>14</sup> Kodelja, Z. (1999), p. 153.

<sup>15</sup> Judge of the Constitutional Court F. Testen in his separate opinion stressed that: "Ultimately also the traditionally lay-oriented France allowed e.g. the founding of vicariates in public (secondary) schools, and the U.S.

In the case *Mihael Jarc et al.* No. U-I-68/98 (November 2001) the Court reviewed the question of whether the provisions of the Education Act interfere with the positive aspect of the freedom of religion<sup>16</sup>, the principle of equality<sup>17</sup>, the right of parents<sup>18</sup> and the right to free education<sup>19</sup>. The Court first declared that the general prohibition of denominational activities in public schools<sup>20</sup> is not inconsistent with the Constitution and the ECHR. The only inconsistency with the Constitution is the prohibition of denominational activities in licensed kindergartens and private schools in regard to the denominational activities which take place outside the scope of the execution of a valid public program financed from State funds.<sup>21</sup> The Court instructed the National Assembly to remedy the established inconsistency in a time limit of one year and the Legislator consequently changed the provision of the Art. 72 of the Education Act by allowing the licensed kindergartens and schools to carry out denominational activities which take place outside the scope of the execution of a public service.

*The Principle of Separation vs. the Right to Religious Freedom*

The Court first acknowledged that the Constitution »does not specially regulate denominational activities in (public and licensed) schools, which means that it neither prohibits nor requires such...«. This would (rightly) suggest that the matter was left to be regulated by the Legislator. However, the Court then argued that the general principle of the separation of the State and religious communities (on the basis of which the State is bound to neutrality, tolerance and a non-missionary manner of operation)<sup>22</sup> means that in the school area the religious content cannot be part of public lessons (i.e. neither part of lessons in a public school, nor part of teaching in the framework of the public service of a licensed private school). For the Court, teaching of religion *in* as well as *by* public schools would be intolerable.

As a consequence of the Courts' initial standpoint a dilemma regarding the criterion for review turned up: whether the principle of separation should be interpreted in the light of the right to religious freedom or is the main criterion for review the right to religious freedom, (which ought to be interpreted in the light of the principle of separation).<sup>23</sup> Since the constitutional right to religious freedom is one of few most hierarchically protected rights and unconditionally protected constitutional values (it may in no case be abolished and it can only be limited under very strict conditions),<sup>24</sup> there should not have been any doubt that it cannot be outranked by the principle of separation. Thus, the Court's above mentioned conclusion could not be deduced from the principle of separation alone. However, as the main criterion for judicial review of the general prohibition of denominational activities in public kindergartens and schools served the principle of separation.<sup>25</sup>

In reviewing the provision prohibiting the denominational activities in public kindergartens and schools the Court did refer to the right to religious freedom, but failed to make a

---

Supreme Court ordered the New York public school district to enable a student group to organize on the premises of the public school outside school hours meetings for students to pray and study the Holy Bible. In these countries school premises as State symbols were not thereby given religious connotations." See the decision of the Constitutional Court *Mihael Jarc et al.* No. U-I-68/98.

<sup>16</sup> Para. 1 Art. 41. of the Constitution.

<sup>17</sup> Art. 14 of the Constitution.

<sup>18</sup> Para. 3 Art. 41. of the Constitution and Art. 2 of Protocol No. 1 to Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>19</sup> Art. 57 of the Constitution.

<sup>20</sup> Para. 4 Art. 72 of the Education Act.

<sup>21</sup> Para. 3. Art. 72 of the Education Act.

<sup>22</sup> Art. 7 of the Constitution.

<sup>23</sup> Orehar Ivanc, M. (2000), p. 48.

<sup>24</sup> Art. 16. of the Constitution.

<sup>25</sup> Judge Tresten opposed to the selected mode of review (Para. 1 Art. 7 of the Constitution) insofar as it referred to the premises of public kindergartens and schools. In his opinion, in the case of licensed kindergartens and schools, the freedom of the founders of these schools to profess the religion should also have been considered as a necessary criterion for review.

consistent test of proportionality, which includes a careful and profound balancing between the positive and the negative aspect of the right to religious freedom. In the Courts' argumentation prevailed strict interpretation of the principle of separation, which pushed aside a full-scale balancing of both constitutionally protected aspects of the right to religious freedom;

»According to Art. 41.2 of the Constitution, citizens have the right not to declare their religious beliefs and to require that the State prevent any forced confrontation of the individual with any kind of religious belief. A democratic State (Art. 1 of the Constitution) is, on the basis of the separation of the State and the Church (Art. 7 of the Constitution), obliged in providing public services and in public institutions to ensure its neutrality and prevent one religion or philosophical belief from prevailing over another, since no one has the right to require that the State support them in the professing of their religion. To reach this goal it is constitutionally admissible that the State takes such statutory measures as are necessary to protect the negative aspect of freedom of religion and thereby realize the obligation of neutrality. ... Furthermore, the interference with the positive aspect of freedom of religion cannot be considered inappropriate as thereby the forced confrontation of non-religious persons or persons of other denominations with a religion they do not belong to can be prevented. This interference is also proportionate, in the narrow sense of the word, in so far as it relates to the prohibition of denominational activities in public kindergartens and schools. These are namely public (State) institutions financed by the State and are as such the symbols which represent the State externally and which make the individual aware of it. Therefore, it is legitimate that the principle of the separation of the State and religious communities and thereby the neutrality of the State be in this context extremely consistently and strictly implemented. Considering the fact that a public kindergarten or a public school do not represent the State only in carrying out their educational and upbringing activities (public services) but also as public premises, the principled prohibition of denominational activities does not constitute an inadmissible disproportionality between the positive aspect of the freedom of religion and the rights of parents to raise their children in accordance with their religious persuasion on one hand and the negative aspect of freedom of religion on the other hand.«

However, in reviewing the general prohibition of denominational activities in licensed kindergartens and schools which take place outside the scope of the execution of a valid public program financed from State funds, the Court relied on the right to religious freedom as the main criterion for review. In order to determine a proper balance between the negative and the positive aspect of religious freedom the Court now carried out the test of proportionality more accurately. According to the Constitution, human rights and fundamental freedoms are limited only by the rights of others and in such cases as determined by the Constitution.<sup>26</sup> The Court reviewed whether the interference, as enacted by the Education Act, with the positive aspect of the freedom of religion (conscience) of an individual and the right of parents is admissible to ensure the protection of the constitutional rights of others. The Court stressed that:

»in reviewing proportionality in the narrow sense we must weigh in a concrete case the protection of the negative aspect of the freedom of religion (or freedom of conscience) of non-believers or the followers of other religions on one hand against the weight of the consequences ensuing from an interference with the positive aspect of freedom of religion and the rights of parents determined in Art. 41.3 of the Constitution on the other. There is no such proportionality if we generally prohibit any denominational activity in a licensed kindergarten and school. By such prohibition the legislature respected only the negative freedom of religion, although its protection, despite the establishment of certain positive religious freedoms and the rights of parents to provide their children a religious upbringing, could as well be achieved by a milder measure.«

---

<sup>26</sup> Art. 15 of the Constitution.

For the Court, teaching of religion *in* licensed schools as a matter of principle is tolerable. However, teaching of religion *by* licensed schools is only being tolerable in the case it is not performed in the scope of public service.

However, the legislator decided that teaching about religion should not be entirely set aside. The provision of the article 17 of the Primary School Act determines that the subject Religions and Ethics has to be included into the primary school curriculum as a mandatory optional subject. According to the provision every school is obliged to offer the subject as an optional subject, but its realization basically depends on the number of applications. A pupil may decide to take the subject Religions and Ethics in last three years of grammar school. Also in the area of upper secondary education the subject Religions and Ethics remains an optional subject (having totally 15 hours per year). Churches and religious communities do not have any influence on the content or the execution of the mentioned subjects.

In the 2006/07 school year, the optional subject Religions and Ethics was taught in 65 out of 447 primary schools and was attended by 1,774 pupils. Forty primary schools taught the subject Religions and Ethics in one of the three classes of the last triennium, 18 primary schools in two of the three classes, and in 7 primary schools in all three classes. Religious content is also learnt in mandatory subjects, such as Slovenian language, history, civic education and ethics, geography, fine arts and foreign languages.<sup>27</sup>

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

**Answer:**

A non-confessional subject Religions and Ethics enshrines all major religions and worldviews. The emphasis is on the dominant or traditional religion (Christianity).

***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:**

In Slovenia denominational schools can only operate as private schools. Private schools, which are set up by private entities (e.g. Churches or other religious communities) and provide education according to state approved programmes, are subsidised by the state (according to the article 85 of the Education act the grant rate is approximately 85 % for non-licensed private schools; licensed schools receive full funding). In the school year 2009/10, there were 849 compulsory schools of which three were private (two Waldorf schools, one Catholic). In the area of upper secondary education there were 136 public and 6 private schools.<sup>28</sup> In 2009 only 468 pupils out of 161.805 were enrolled in primary school with regular curriculum (Source: Statistical Office of the Republic of Slovenia). Despite the poor numeric importance of state funded (denominational) private schools, the Education act in the provision of the article 87 provides that the state funding should stay, if the existence of the only public school in the school district is endangered by the enrolment of pupils to the private school.

Islamic schools have not yet been established in Slovenia.

---

<sup>27</sup> Movrin, p. 23.

<sup>28</sup> Source:

[Http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national\\_summary\\_sheets/047\\_SI\\_EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national_summary_sheets/047_SI_EN.pdf)

[Http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national\\_summary\\_sheets/047\\_SI\\_EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national_summary_sheets/047_SI_EN.pdf)

<http://www.stat.si/>

**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:**

See answer above.

**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 School Inspection has the power to control the teaching in state funded denominational schools.<sup>29</sup>

***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:**

The head of a licensed (this is fully state funded) denominational school does not have the right to refuse pupils from other religious beliefs. The pupils have to be enrolled according to the article 48 (para. 1) of the Primary School Act, that determines that enrolment of pupils is of mandatory nature. The bill does not regulate the situation when a pupil or his/her parents oppose to the declared educational programme of a denominational school. A non-licensed private school is not obliged to enrol a pupil (last paragraph of the article 48 is an exception from the first para.).

**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 answer to the question no. III. 6.

***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:**

---

<sup>29</sup> See articles 2 and 12 of the School Inspection Act (<http://www.uradni-list.si/1/objava.jsp?urlid=199629&stevilka=1827>).

The School bills do not impose a legal obligation to organise (if parents ask for) classes of Islamic religion in denominational schools. In licensed denominational schools such classes would be contrary to the article 72 of the Education act, if they would take place inside the scope of the execution of a public service. Thus, statutory provisions do not regulate a minimal number of pupils etc.

**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 issue of regulating the same obligation in respect of other religions and/or philosophical convictions or an alternative class of conception of life, philosophy, ethics, is not addressed by the statute, which is inadequate.

**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 Education act and its provisions on religious instruction reflect mainly the views of libertine thinkers that were in favour of strict separation. E.g. the Catholic Church was not in favour to move religious instruction from parish to school, but demanded that instruction in religion should be acknowledged as an optional subject. The Catholic Church was in favour of the subject Religions and Ethics and it is critical, because the subject is not provided for on the national level.

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

**Answer:**

<http://zakonodaja.gov.si/>

The National Assembly:

<http://www.dz-rs.si/index.php?id=69>

***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:**

No sufficient data to provide an answer.

***VI. Religious symbols in public schools***

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

**Answer:**

The public school law does not enshrine specific provisions that regulate religious symbols at public schools. The article 72 of the Education Act prohibits organized religious rites (e.g. religious service) in public schools and does not address other manners of religiously motivated behaviour of pupils, teachers and staff.

**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:**

There are no specific provisions in the public school law concerning religious garments at public schools. The statute deals with religious elements within the framework of working conditions of teachers and other staff.

**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:**

There are no specific dress codes in public and private schools in Slovenia. The issue is not legally regulated.

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

**Answer:**

See answer above.

**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:**

See answer above.

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

**Answer:**

There are basically two regulatory authorities that might engage in the relevant issue: 1. the head of a school and 2. the Ministry of education. The head has a certain field of autonomy (especially in the case of non-licensed private school), but the School Inspection, being a special organ of the Ministry of education, lacks concrete legal provisions that would regulate dress code and its powers in this respect.

**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:**

No disciplinary measures and proceedings are foreseen by the school legislation against a pupil or teacher that would fail to comply with the rules on dress codes.

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

**Answer:**

At the moment there is no relevant case-law.

***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**

Concerning the religious instruction in public schools the legislator with the provision concerning the “Autonomy of School Premises” (Art. 72. of the Education act) opted for favouritism of the negative aspect of religious freedom, which turned out to be a very elusive approach. It is a great tool to run down the constitutional right of parents to determine their children's upbringing in the area of freedom of conscience.

### **XI. Bibliography**

Zdenko KODELJA, *The Teaching about Religion at Slovene Public Schools*, The School Field, Vol. X, No. 3/4, 1999, pp. 153-158.

Barbara NOVAK, *Šola in otrokove pravice (The School and Childs' Rights)*, Zbirka Pravna obzorja št. 26, Cankarjeva založba, Ljubljana, 2004.

Drago ČEPAR, Blaž IVANC (Eds.): *Legal Aspects Of Religious Freedom – Les Aspects Juridiques De La Liberté Confessionnelle*, International Conference, September 15 and 18, 2008 – Conférence International, 15 – 18 Septembre 2008, Office of the Government of the Republic of Slovenia for Religious Communities – Bureau du Gouvernement de la République de Slovénie des communautés religieuses, Ljubljana, 2008.

Blaž, IVANC.: *A values dilemma in Slovenian public school law: missed balancing of negative and positive aspect of religious freedom in public schools* in: *Secularism and Beyond : International Conference, May 29th to June 1st 2007*. København: Københavns Universitet, 2007,  
[http://www.ku.dk/satsning/Religion/sekularism\\_and\\_beyond/pdf/Paper\\_Ivanc.pdf](http://www.ku.dk/satsning/Religion/sekularism_and_beyond/pdf/Paper_Ivanc.pdf)

Gerhard ROBBERS (ed.), *State and Church in the European Union*, Second Edition, Nomos, Baden-Baden, 2005.

Jacques ROBERT and Jean DUFFAR, *Droit de L'Homme et Libertés fondamentales*, Editions Montchrestien E.J.A., Paris, 1996.

Metoda OREHAR IVANC, *Svoboda religije proti ločitvi države in religije (Freedom of Religion against the separation of the State and Religion)* in: Lovro ŠTURM (ed.), *Cerkev in država. Pravna ureditev razmerja med državo in cerkvijo (Church and State. Legal regulation of the relationship between the state and the church)*, Comparative survey, Nova revija, Ljubljana, 2000, p. 17–49.

Metoda OREHAR IVANC, *Commentary on the Art. 41 of the Constitution of the Republic of Slovenia* in: Šturm, L. (eds.), *Komentar Ustave Republike Slovenije (Commentary on the Constitution of the Republic of Slovenia)*, Faculty of Post-Graduate State and European Studies, Ljubljana, 2002, p. 444-459.

Lovro ŠTURM, *Church-State Relations and the Legal Status of Religious Communities in Slovenia*, Brigham Young University Law Review, Number 2, Volume 2004, p. 607-650.