SHORT DESCRIPTION

The LLP AM Comenius addresses the teaching and learning challenges and the need for successful integration through education of that portion of the population in Europe deriving from predominantly Muslim countries, as well as the need of officials who supervise schools, of directors and teachers to acquire an understanding of international norms for freedom of religious expression within the framework of respect for human rights.

WEBSITE

http://www.lawandeducation.com/ click research/onderzoek click Islam (Instruction) in State-Funded Schools

Start date: 1st December 2010 End date: 28th February 2012

The information is the sole responsibility of the author and of the beneficiaries of the grant. EACEA nor the European Commission are responsible for any use that may be made of the information contained therein.

PRINCIPLE RESULTS:

- Project booklet
- On-line interactive e-book for i-pad on 'Islam (Instruction) in State-Funded Schools' - Country Reports
- On-line interactive e-book for i-pad on 'Islam in State-Funded Schools: Religion and the Public Law Framework' - Proceedings
- Video about the comparative analyses of the legal frameworks in the LLP countries with subtitles in various languages of the EU
- Preparatory symposium on 'Religion and the public sphere' (Tilburg, 28 April 2010)
- Kick-off workshop on 'Religion, Beliefs, Philosophical Convictions and Education' (Bruges, 7-10 December 2010)
- International Conference on 'Islam (Instruction) in Education' (Antwerp, 8-12 February 2012)
- Meeting of an alliance follow-up working group appointed to enhance impact of the project (27-29 February 2012, Antwerp)

PROJECT TARGET GROUP

Education law and policy experts, members of the school inspectorate in European countries, representatives from European networks of teachers' unions, equality bodies, independent education providers, and policymakers, students and researchers.

Islam (Instruction) in State-Funded Schools

Religion and the Public Law Framework

9-11 February 2012, Antwerp (Belgium)

Project

Islam (instruction) in state-funded schools:

Project Information Title: 'Islam (Instruction) in Education'

Funding scheme: EU Lifelong Learning Programme

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Coordinator University of Antwerp

Co-beneficiary European Association for Education Law and Policy (ELA)

Partner Vrije Universiteit Brussel, Research Group on Fundamental Rights & Constitutionalism (FRC)

Responsible coordinator Prof. Dr. Gracienne Lauwers



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CONCLUSIONS BY THE PROJECT COORDINATORS

Characterized by rationalization, functionalism, and individualism, the European public sphere also offers space for communal life although to a different degree and with variations in each member state, as reflected in the so-called "margin of appreciation" doctrine of the European courts.

One can distinguish traditionally a number of players in community life and in education.

There are the traditional Christian churches. However secular European politicians may be in their outlook, they have often regarded faith and religious institutions as pillars of public order. European policy and decisions of national and European courts have fundamentally affected the relations of the churches with the respective states and societies. Nevertheless, although at present many churches have lost influence on social life, they may continue to play a significant role in education. Many migrants and their children born in Europe could be described as having a 'denationalised identity,' belonging comfortably neither in their country of origin nor in the country in which they live, compelled to accept European values, legislation and administrative structures. They have the right to practice their faith, but not as the basis of exemptions from the principles of the secular state. For many, the norms of Western secular culture based on individual rights and freedoms are in conflict with deeply-held communal values.

This tension is also reflected in legal doctrines. European policy and courts have accommodated national identities resulting from national histories based on the doctrine of the "margin of appreciation", but this failed to accommodate 'denationalised identities' defined by culture and religion that are not part of a country's history.

Although in general public schools are kept quite separate from the churches, in many European countries they offer religious instruction as a means for inculcating moral principles and historical traditions.

Denominational schools have in many cases been brought under the influence or even the control of government through public funding and requirements that they emulate many of the organizational and curricular standards of public schools. To what extent they may continue to exercise a distinctive mission is a question for public policy; to what extent they seek to do so is an equally interesting question in sociology.

There are also communal frameworks with a religious character developed by migrants, particularly those from predominantly Muslim countries. Many Muslims seek to be at home in Europe but remain marginalized. To what extent the religious institutions which migrants create sustain community life and nurture youth but also isolate them from the host society is a question of vital importance. Europe has come to understand its public life as functioning in a secularized sphere in which religion does not play a significant role, having been relegated to the realm of private choice and practice. The presence of communities based upon migration that define their identity in religious terms and seek to make this the basis of their participation in public life, often invoking human rights principles of freedom of conscience and of culture, offers a fundamental challenge to European policy-makers, educators, and legal experts.

Gracienne Lauwers (Universiteit Antwerpen/Vrije Universiteit Brussel) Jan De Groof (Europacollege/European Association for Education Law and Policy) Paul De Hert (Vrije Universiteit Brussel)

COMPARATIVE ANALYSES

For details and exceptions we refer to the country reports on the website

- http://www.lawandeducation.com/
- click research/onderzoek
- click Islam (Instruction) in State-Funded Schools

To order the publication: http://www.wolfpublishers.com

RELIGIOUS INSTRUCTION IN PUBLIC SCHOOLS

Religious instruction is in principle compulsory during the school hours with the possibility to opt-out or to attend alternative classes.

Where religious instruction in public schools is compulsory, three different models can be summarized in various countries, which provide for:

- teaching only one single religion, with a possibility for pupils or through their parents to opt-out;
- confessional religious education of several religions and pupils or parents may choose the teaching they intend to follow. Often this includes the choice of a course on ethics;
- a form of non-denominational religious education, focusing on learning the basic characteristics of the major religions. In some countries it is compulsory, in other countries pupils or parents can opt out.

Some countries have a combination of these models in their educational system.

COMPULSORY	VOLUNTARY, OFFERED AT REQUEST OF PARENTS/PUPILS	PROHIBITED
CONFESSIONAL ONE PARTICULAR RELIGION WITH OPT OUT OPTION • Greece Turkey • CONFESSIONAL RELIGIOUS INSTRUCTION OR ETHICS • Germany • Latvia • Lithuania CONFESSIONAL RELIGIOUS INSTRUCTION WITH OPT OUT OPTION • Austria	 Bulgaria Italy Poland 	 Albania Russia Slovenia Ukraine USA
 Romania CONFESSIONAL RELIGIOUS INSTRUCTION OR ETHICS WITH OPT OUT OPTION Finland Flemish Community of Belgium Germany - Brandenburg (Lebenskunde-Ethik-Religion"/LER) Norway 	• Netherlands	
 NON-CONFESSIONAL WITHOUT OPT OUT OPTION France Germany - Bremen and Region of Berlin Russia Sweden 		
NON-CONFESSIONAL WITH OPT OUT NON-CONFESSIONAL WITH OPT OUT • Denmark • Estonia	BulgariaEstoniaNetherlands	

ISLAMIC INSTRUCTION IN PUBLIC SCHOOLS

There are several ways to accommodate the request of Islamic instruction in schools.
Some countries organize Islamic instruction depending on the number of Muslims attending the class or

- Some countries organize islamic instruction depending on the number of Mushins attending the class of school. If this number is too small, the pupils may have to have their religious instruction together with children from other classes or other schools or the number of hours they spend in school is shortened;
 Some countries allow Muslim pupils and parents who are given the opportunity to receive Islamic
- instruction in school to opt-out and eventually receive most of their Islamic instruction in their local communities;
- Finally, some countries allow Muslim parents to make arrangements for their children to receive religious education away from school, during school hours.

Organize Islamic instruction depending	Muslims get their Islamic in-	Muslims get their Islamic instruction
on the number of Muslims attending	struction in their local communi-	in their local communities outside the
the class or school or on the region	ties during the school hours	school hours
 Austria Bulgaria Finland Flemish Community of Belgium Germany - some of the Länder, e.g. Northrhine-Westfalia Greece - region of Trace 	• USA	 Albania Denmark Estonia France Germany Italy Lithuania

ARE CRUCIFIXES IN THE CLASSROOM OF PUBLIC SCHOOLS ALLOWED OR BANNED?

ALLOWED OK DANNED;			
Compulsory	Compulsary except if objections are made	Allows crucifixes in the classroom except if objections are made	Crucifixes are banned from the classroom
GreeceItaly	 Austria Germany - depending on the School Act of the Region 	 Bulgaria Denmark Finland Germany - depending on the School Act of the Region Lithuania Poland Romania Sweden 	 Albania Estonia Flemish Community of Belgium France Netherlands Norway Russia USA

Less than 7% of total number of schools	Between 7 and 12% of total number of schools	Between 12 and 25%% of total number of schools	More than 40% of total number of schools
 Czech Republic Germany Greece Italy Luxembourg Poland Portugal 	 Denmark Finland Hungary Norway Slovak Republic Sweden 	FranceSpainUK	BelgiumIrelandNetherlands

STATE FUNDED ISLAMIC SCHOOLS

The number of Islamic schools differs significantly between European countries. In some countries with large Islamic communities, few Islamic schools are recognized or few are supported by the State if they exist at all.

No Islamic schools recognized and/or supported by the state	Few Islamic schools recognized and/or supported by the state	
 Albania (no any Islamic school is supported by the state) Estonia Finland Flemish Community of Belgium Lithuania Norway Poland Russia Slovenia Sweden Ukraine 	 Albania (few Islamic schools are recognized by the state) Austria Bulgaria Denmark France Germany - only in Berlin Greece - only in Trace Italy Netherlands Romania Sweden 	

• UKrai • USA

ACCESS TO PRIVATE STATE FUNDED SCHOOLS

One can distinguish four legislative models: • obliges schools to accept all pupils;

- obliges schools to accept all put
 allowing state funded denoming
- allowing state-funded denominational schools to refuse pupils of other beliefs;
- permitting state-funded denominational schools to refuse pupils of other beliefs; but if officials in these schools accept such pupils, they are obliged to provide religious instruction in other denominations;
- obliging schools to accept all pupils but there is no obligation to teach denominations other than their own religion.

Allowed to reject pupils with another conviction/belief	Allowed to reject pupils with another conviction/belief but if pupils are accepted, schools have the obligation to provide religious instruction in their denomination	Legal obligation to accept all pupils but no legal obligation to provide religious instruction except for the own denomination of the school	Legal obligation to accept all pupils
 Bulgaria Denmark Estonia Germany Netherlands Russia USA 	• Austria	 Flemish Community of Belgium Poland Sweden 	 Finland France Greece Italy Lithuania Norway Romania Slovenia Slovenia Sweden Ukraine

 Norway
• Russia
Slovenia
• Sweden
Ukraine

WEARING OF RELIGIOUS ATTIRE OR SYMBOLS IN PUBLIC SCHOOLS

Countries have legislated on religious clothing or religious symbols in school.

- Some prohibit students from wearing religious attire or symbols;
- Other countries have dress codes which allows the wearing of religious attire or symbols unless if prohibited in the school regulations;
- Others allow the wearing of religious attire or symbols as a fundamental right.

Prohibition	Allowed unless if prohibited by the school regulations	Allowed
FranceTurkey	 Denmark Flemish Community of Belgium Lithuania Netherlands (safety reasons) Russia USA 	 Albania Austria Bulgaria Bulgaria Poland Estonia Finland Germany Greece Italy Norway Poland Sweden Ukraine

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