

ANNEX 3

TEMPLATE 3: Medium-sized article for the "Wroclaw Commentaries"

NOTE: Additional templates exist for institutional keywords as well as for larger or smaller articles!

Please write/insert text into the box! **The overall length of this article should not exceed 2-3 columns**, i.e. 100-150 lines in the below formats (Times Roman 10 pt.). Please consult the *List of Abbreviations* when using short forms (courts, conventions etc.). Once finished, save the article as a WORD doc, including the keyword and your name, like in this example: *Roma-Chainoglou.doc*

Title (Keyword):

Author:

GUIDE	YOUR TEXT
<p>Abstract:</p> <p><i>(Advice: Write the abstract and insert relevant catchwords below only after the regular article has been written!)</i></p>	<p>Religious education (hereinafter RE) is commonly understood as the instruction in religion as a subject of State general educational system, especially in Primary and Secondary State-sponsored schools.</p>
<p>Catchwords:</p>	<p>School / Religion / Syllabus / Educational rights</p>
<p>1. Short definition / explanation of keyword-related issue(s), possibly exemplified by one or two cases:</p> <p>Please note the suggested lines for this section of the article! If you need more space, try to save a corresponding number of lines in other parts of the article or contact your Managing Editor. References to court cases or literature (to be specified in Section 6) should not be marked in footnotes but rather as: [KUOPILA v. FINLAND, 1995] or [Scovazzi, 2013]. Suggested links to other keywords should be indicated like this: Discrimination</p>	<p>RE is different (in its goal, actors and scope) from ‘catechesis’ or ‘religious instruction’, since the latter denotes the instruction conducted by churches or religious groups with a view to the inculcation of adherence to their faith. In almost all European countries (with the exception of France and Albania), RE is part of the curriculum in Primary and Secondary State Schools. RE may adopt two main models: 1) “non-denominational” teaching about religions (as in Sweden) with may comprise learning about religions and /or learning from religions; 2) denominational teaching of religion (as in Spain, Finland or Romania).</p>
<p>2. Core messages from European / other legal instruments (author's position):</p> <p>Note: This section should address keyword-issues in the light of European and/or international conventions, where relevant. However, it could also take up selected national specificities, e.g. in constitutions and laws, as well as political declarations, empirical evidence, etc. to illustrate problems.</p>	<p>In RE two main models, three fundamental/human rights are implicated: 1) RE the right to education (art. 26.1 UDHR, art. 14.1 CFREU, art. 13 ICESCR, art. 2 1st Protocol ECHR): RE guarantees a more comprehensive knowledge for a full and informed participation in religiously diverse societies; 2) the right of parents to choose the kind of education that shall be given to their children (art. 26.3 UDHR, art. 18 ICESCR) in conformity with their religious, philosophical and pedagogical convictions (art. 14.3 CFREU, see also art. 2 1st Protocol ECHR, art. 5, 1981 UN Declaration): given the responsibilities attached to parents concerning their children, the Law guarantees the accomplishment of their task according to their convictions, harmonizing that right with child’s age and evolving maturity. 3) freedom of religion or belief (art. 18 UDHR, art. 18 ICCPR, art. 10 CFREU, art. 9 ECHR) both of parents and of children, in the positive and negative dimension of this fundamental right. The Parliamentary Assembly of the Council of Europe has invited member States to promote education about religions (Recommendation 1396 [1999] “Religion and democracy”).</p>

<p>3. Prevailing and important dissenting/minority opinions in the literature:</p> <p>Note: If the issue is not yet covered properly in the literature, this section could be shorter. However, you could also consider references to statements made by stakeholders.</p>	<p>Scholars and religious actors have criticized RE in its two main models: 1) “Non-denominational” teaching about religions: Religion, as multi-faceted reality, cannot be understood in all its implications but from within (Jamal and Panjwani, 2011). Besides, “if religious education is limited to a presentation of the different religions, in a comparative and “neutral” way, it creates confusion or generates religious relativism or indifferentism” (Congregation for Catholic Education, 2009); 2) Denominational teaching of religion: international legal instruments and the principle of State neutrality leave no room for providing denominational teaching in State schools. “However, teaching about religion in a neutral and objective way in public schools is ultimately compatible with international human rights law” (Temperman, 2010). The ECtHR affirms that RE is not contrary to the Convention: “The Convention safeguarded against indoctrination, not against acquiring knowledge: all information imparted through the school system would – irrespective of subject matter or class level – to some degree contribute to the development of the child and assist the child in making individual decisions.” [FOLGERØ AND OTHERS V. NORWAY, 2007]</p>
<p>4. The essence of court rulings, especially of the ECHR, or decisions of other competent bodies:</p> <p>Note: If the issue has not yet been directly addressed by the ECHR, other courts or competent decision making bodies, this section could be shorter. However, it could explore potential links to decisions made in related fields or refer to such links made in documents of parliaments, NGOs and other stakeholders.</p>	<p>The ECtHR has addressed several issues concerning RE:</p> <p>Folgerø and Others v. Norway (ECtHR no. 15472/02): as long as a non-denominational subject gives preponderant weight to Christianity, the opt-out system must be workable and consistent with the rights enshrined in the ECHR.</p> <p>Grzelak v. Poland (ECtHR no. 7710/02): denominational teaching of religion should not generate any sort of discrimination in pupils’ marks.</p> <p>Hasan and Eylem Zengin v. Turkey (ECtHR no. 1448/04): religious culture and ethics lessons did not respect the religious and philosophical convictions of the religious group to which the pupil and her father belongs (followers of Alevism, a branch of Islam), without any possibility of exemption (as Christians and Jews actually have). <i>See also</i> Mansur Yalçın and Others v. Turkey (ECtHR no. 21163/11).</p> <p>Loyola High School v. Quebec (2015 SCC 12): Education Ministry should not impose to private denominational institutions RE neutrality standards on the curriculum of Ethics and Religious Culture (ERC), once an alternative equivalent course is guaranteed.</p> <p>In general, RE is consistent with international instruments. However, specific national practicalities may encroach fundamental rights recognize to parents, students or professors.</p>

<p>5. Conclusions, including consequences for issue-related legal and policy issues or debates:</p> <p>Note: Conclusions should suggest mainly the potential significance of the above findings for the concrete issue at stake (or for the wider cultural sphere and related policies) pointing out tendencies or solutions that could be relevant in future conflicts.</p>	<p>Due to its sensitive nature, RE may arise contentious issues (syllabus content, opt-out system, non-discrimination, teachers' training, appointment and removal, etc.) Preventing, avoiding or solving these issues requires a nuanced and balanced approach to RE and comprises several minimum standards which depends on the model of RE, among others:</p> <ol style="list-style-type: none"> 1) Teaching about religions may be mandatory. However, educational authorities should implement an opt-out system to avoid any illegitimate conflict with parents' and/or pupils' consciences (especially when RE isn't taught in an objective, critical and pluralistic manner, or when it promotes relativism). 2) Where teaching of religion is offered, it should be always optional for students (according to parents' and/or pupils' preferences). Depending on various factors (like religious demography, agreements with religious denominations, teachers' training, educational budget, etc.), denominational teaching of religion should be extended to most religious groups possible. The system should avoid discrimination, both to those pupils who do not attend classes and to those who attend them. Educational authorities should respect religious autonomy (especially concerning RE content).
<p>6. Key references (including online resources):</p> <p>Note: The WRO Commentaries use these formats:</p> <p>Books: Freestone, David (ed.) <i>The 1982 Law of the Sea Convention at 30 : successes, challenges and new agendas</i>, Leiden: Nijhoff (2013)</p> <p>Articles: Scovazzi, Tullio: "The Law of the Sea Convention and Underwater Cultural Heritage", in David Freestone (ed.) <i>The 1982 Law of the Sea Convention at 30 : successes, challenges and new agendas</i>, Leiden: Nijhoff (2013)</p> <p>Websites: www.culturalpolicies.net (accessed 4/2014)</p> <p>Cases (only if relevant for conclusions, e.g. indicating new tendencies or conflicts!): KUOPIILA v. FINLAND (ECHR no. 27752/95)</p>	<p>- Congregation for Catholic Education, "Circular Letter to the Presidents of Bishops' Conferences on Religious Education in Schools", May 5th 2009, accessed July 27, 2015, in http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20090505_circ_insegn-relig_en.html</p> <p>- Davis, Derek; Miroshnikova, Elena (eds.), <i>The Routledge international handbook of religious education</i>, Routledge, Milton Park, Abingdon, Oxon ; New York (2012).</p> <p>- Jamal, Arif.; Panjwani, Farid, "Having Faith in Our Schools: Struggling with Definitions of Religion", in Myriam Hunter-Hénin (ed.) <i>Law, religious freedoms and education in Europe</i>, Ashgate, Farnham, Surrey, England ; Burlington, VT (2011).</p> <p>- Martínez López-Muñiz, José Luis; De Groof, Jan; Lauwers, Gracienne (eds.), <i>Religious education in public schools: study of comparative law</i>, Springer, The Netherlands (2006).</p> <p>- Office for Democratic Institutions and Human Rights (ed.), <i>Toledo guiding principles on teaching about religions and beliefs in public schools</i>, OSCE. Office for Democratic Institutions and Human Rights, Warsaw, 2007.</p> <p>FOLGERØ AND OTHERS V. NORWAY (ECHR no. 15472/02)</p> <p>GRZELAK V. POLAND (ECtHR no. 7710/02)</p>