

RELIGION IN THE PUBLIC EDUCATION SYSTEM OF BULGARIA

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I. INTRODUCTION

At the very beginning of this report it should be noted that the primary theme of this paper has not been a focus of nearly any Bulgarian juridical¹ research for many decades. Religion as a regular subject of the Bulgarian public school system was obligatory and taught until the end of World War II.² During the Communist regime 1944-1989 the entire educational system was synchronized with so-called *dialectic materialism* – Marxism and Leninism. Shortly before the Fall of the Berlin Wall and the start of the political changes in Bulgaria (1988-89) there had been an “illegal” initiative for the restoration of religious education in public schools led by the so-called *Independent Committee for the Protection of Religious Rights, Freedom of Conscience and Spiritual Values*, which has not been recognized by the Synod of the Bulgarian Orthodox Church,³ and subject to very strong Communist influence. In the period of the transition from a Communist regime towards a Democratic rule of law in Bulgaria there was no public discussion until 2008 when the first⁴ of two ideas for introducing religious education as a regular subject in Bulgarian public schools were published. This (also known as the Bakalov concept) was drafted by ten academic professors and considered the actual situation in Bulgarian schools, proposing that the subject should give a general overview of good morals and religion without going deeply into religious lifestyles. The method of teaching according to this idea had to be secular (not denominational). As a reply to the Bakalov idea, the Synod of the BOC also published a proposal,⁵ which foresees the introduction of a confessionally dependent religious education, based on splitting classes into three groups – the Orthodox confession, Muslims and atheists (who should learn just Ethics). Neither proposal led to the introduction by the government of legislation about religion in public schools. Some clerical and lay activists who support the second idea organized a procession after the opening of the school year 2010/11 in Sofia in which 10,000 individuals from all across Bulgaria took part. They submitted a petition to the Parliament and government for the introduction of obligatory regular religious education in Bulgarian public schools. This question still remains open.

The actual situation with religion being a discipline in public schools in Bulgaria is a result of the introduction in 1997/98 of the *freely* selectable subject “Religion” and during 2002/3 the impliedly *obligatory* selectable subject “Religion”. According to Art 15 of the Law

¹ Some legal issues are considered in most extensive theological and pedagogical Dissertation about Bulgarian religious education to-date: *B. Andonov*, *Der Religionsunterricht in Bulgarien* (= *Religionspädagogische Perspektiven* Bd. 36 – hrsg. v. R. Kollmann), Essen 2000.

² A critical appraisal of the position before World War II is found in *П. Спирова*, *Три съвременни мита за религиозното образование* (on internet: <http://is.gd/gNCMZ>).

³ See *Хр. Събев*, *Светлина за България*, Абагар 1994, с. 180-181 (Прил. № 1).

⁴ Концепция за въвеждане на учебен предмет Религия в българското училище.

⁵ Концепция на Св. Синод на БПЦ относно статута на предмета "Религия" в българското общообразователно училище.

for the Degree of Education, the General Education Minimum and the Education Plan,⁶ there are three types of subject: compulsory, obligatory selectable and freely selectable. For selectable religious education there is no precise statistical research but the percentage of interested students is relatively low⁷ – for Orthodox religious education 2.44%; for Islam 0.4%.

The Bulgarian term “public education”⁸ refers mainly to public schools but it may also apply to private schools,⁹ graduation from which is or should be recognized by the state according to its legislation. Under the common legal definition of education in Bulgaria, it is understood that the school system for children and youth between 6-7 and 18 years is divided into primary and secondary education. Furthermore, public education is also meant to encompass kindergartens,¹⁰ but not universities which attract their students mostly after the age of 18. Universities have much more autonomy in their academic and scientific work and are the subject of another special legal regulation.¹¹

II. GENERAL BACKGROUND

1. Facts and Figures

Demography

According to the last Census from 2001,¹² Eastern Orthodox Christianity is statistically the largest religious confession in Bulgaria with 6,552,751 faithful or 82.6% of the population. Over the last century the proportion of persons belonging to the Eastern Orthodox Church has changed little – between 80.7% in 1900 and 85.7% in 1992. At the same time, the self-determination of people who recognize themselves as Orthodox Christians is very problematic in certain respects as a result of the transition from communism to democracy.¹³

⁶ Law for the Degree of Education, the General Education Minimum and the Education Plan, prom. SG. (=State Gazette) 67/27 Jul 1999, last amend. SG. 74/15 Sep 2009.

⁷ The former minister of education provided the following information in 2009 – 3,391 students from about 820,000 children in the Bulgarian public educational system study Islam. That is about 0.4% or 4 per 1,000. See (on the internet) <http://is.gd/gNBUD>; Actually – 2010/11 – information from the Ministry of Education is that about 20,000 students attend the Orthodox-Christian selectable religious education and about 3,000 students have chosen Islam. See: Разпространената информация за 20,000 ученици, изучаващи СИП ислям, е невярна (on the internet: <http://is.gd/gNEhL>).

⁸ Държавно образование [darzhavno obrazovanie].

⁹ Частно образование [chastno obrazovanie]. The difference between public and private education in Bulgaria is *in fact* the source of funding.

¹⁰ Детски градини [detski gradini].

¹¹ Закон за висшето образование [Zakon za vissheto obrazovanie] – Law for Higher Education, Prom. SG 112/27 Dec 1995, last amend. SG 63/13 Aug 2010. It stipulates the structure, the functions, the management and the funding of higher education in the Republic of Bulgaria (Art 1).

¹² See: Law for Taking the Census of the Population, the Housing Fund and the Farms in the Republic of Bulgaria in 2001, prom. SG. 16/25 Feb 2000. The next census in Bulgaria is to be upheld in 2011 as in all countries of the European Union, see: Law for Taking the Census of the Population, the Housing Fund in the Republic of Bulgaria in 2011, prom. SG. 39/26 May 2009. For some religious problems concerning the census and the law see: *Хр. Беров*, Има ли въобще атеисти в България и колко са те? – <http://is.gd/gNGmk>; *Хр. Беров*, Статистика за вероизповеданието в предстоящото преброяване, Православие.bg (IX. 2010) – also on <http://is.gd/gNH4i>.

¹³ After the long period of a Communism in Bulgaria during which there was a serious deficit of religious freedom we could claim that most of the self-determined Orthodox faithful have just a very vague idea

The second largest religious community in Bulgaria, but much smaller, is the Muslim population – 966,978, or 12.2% of all who live in Bulgaria. The percentage who declared themselves Muslim was higher in the early 20th century, when 17.2% of the total population was Muslims. With the increasing population in the country the proportion of Muslims began to decrease, reaching its lowest level in the census from 2001. So the number of Muslims has dropped to 143,317 (12.9%). The reduction in the numbers of Muslims is statistically to be established as with those who identified themselves as Sunnites (112,801 people or 11.0% fewer) and with those who identified themselves as Shiites (30,516 or 36.5% fewer).

The third largest religious community in 2001 was Christians belonging to Catholicism. At the time of the census 43,811 declared themselves Catholics (0.6%). Their number was about 10,000 more in 1992, and throughout the 20th century, their numbers moved between 32,000 and 53,000 followers.

Unlike the Catholics, whose numbers have decreased over the past 8 years, the number of persons who identified themselves as Protestants has increased. Their number at the beginning of last century was only 4,524 (or 0.1%). It almost doubled in 1934 to 8,371, but their total share remained the same – 0.1%. At the end of the year 1992, 21,878 persons (0.3%) declared themselves Protestant. Over the past eight years since the last census their number has already doubled (up to 42,308) and it can be argued that in the early part of the 21st century the numbers of Protestants in Bulgaria may have exceeded the Catholic numbers.

The number of persons belonging to the Armenian Gregorian religion in Bulgaria is based on the number of people who identify themselves as Armenians. At the beginning of the 21st century this religious community had 6,500, 6,350 of whom were ethnic Armenians. However, 3,821 Armenians have indicated that they belong to the Eastern Orthodox religion. The highest share of persons of that denomination was declared in the census of 1926 – 0.5%.

Private and Public Schools

During the period of the Communist regime in Bulgaria there were no legal possibilities for establishing any private (confessional) schools. The educational system was totally subjected to a state monopoly. The two exceptions were first the only Bulgarian seminary to train priests (in Cherepish) and secondly the so-called Spiritual academy in Sofia (the Faculty of Theology) stood officially under the so-called *observation* of the Holy Synod of the Bulgarian Orthodox Church (BOC) but were *in fact* very strictly controlled by the state – the Ministry of Education – as well as the Committee for the Affairs of the Bulgarian Orthodox Church and Cults.

After the political changes of 1989 the system slowly liberalized so that different sorts of non-state schools emerged. The legal stipulations concerning private schools are found in the Law on public education.¹⁴ According to Art 10 Para 1 of this law kindergartens and schools

about religion at all. Their self-determination is rooted much more in their Bulgarian origin – which at the same time is a serious counterpoint of Christian creed teachings. So that we could hereby just briefly conclude that the situation in Bulgaria with the Orthodox confession of faith (and not only it) is to be compared to the statement of the Belarus President Lukashenko who saw himself as an Orthodox atheist.

¹⁴ Закон за народната просвета – Law for the public education prom. SG. 86/18 Oct 1991, last amend. SG.

shall be state, municipal or private. The main difference between private schools and state and municipal schools is the way they are funded. Otherwise the teaching programmes of both types of school are mostly identical because of the permissive system to establish a private school under this law.¹⁵

At the same time private schools do not include confessional schools which, in our opinion, are also *private* in the sense of non-public according to the Law on Public Education. At the same time provision is made for the latter in a special Law on confessions of faith, which could mean that the Ministry of Education considers them as not a part of the public system.¹⁶ Art 30 Para 1 of the law foresees that the confessions of faith, registered under this law, can open health, social and educational establishments. At the same time Para 2 of the same Art stipulates strictly that health, social and educational establishments of the confessions of faith shall be created under and act according to state legislation. This regulation seems to contradict the reasoning of the Bulgarian Ministry of Education which does not consider the schools of the confessions of faith to be private in the same way as other registered private schools according to the Law on public education. In this manner the generally very small number of confessional schools,¹⁷ being private according to the *criterion* of funding, stay somehow outside of the public educational system in Bulgaria.

Actually there are no reliable official statistics on the number of private and public schools in Bulgaria. The register lists of the Ministry of Education¹⁸ give just a short survey on private educational institutions; for instance in Sofia (the biggest city) there are 111 private, both primary and secondary, non-confessional schools.

General Characteristics of the Bulgarian School System

The main legal framework for the education system of Bulgaria is found in the Law for Public Education. According to this, state and municipal schools are generally free of charge. Public school education is compulsory up to 16 years of age. It starts at 7 years of age, reached in the year of starting the first school grade. At the age of 6, children whose mental and physical development so permits, by discretion of their parents or their guardians, can start their first school year. Each citizen can exercise his right to education in a school of their own choice and of a type that accords with his personal preferences and abilities.

74/15 Sep 2009.

¹⁵ For instance under Art 11 (amend. SG 36/98) Para 1 private schools are those kindergartens and schools opened or transformed upon a request by Bulgarian individuals and corporate bodies and are not maintained out of the state budget. Para 2 (amend. – SG 74/09, in force from 15.09.2009): persons under para 1 shall present to the Ministry of Education, Youth and Science such documents as are required by regulations for implementation of the law.

¹⁶ Закон за вероизповеданията – Law on the confessions of faith, prom. SG. 120/29 Dec 2002, last amend. SG. 74/15 Sep 2009.

¹⁷ There are two Orthodox secondary school seminaries and a so-called state Hebrew secondary school – <http://www.hebrewschool-bg.org> – this is a state school teaching Hebrew as a foreign language and culture and is in close contact to a Jewish foundation – Louder); there are also three Islamic secondary schools. There is also a Catholic kindergarten in Plovdiv – founded on the initiative of a nun. Private High Schools, which do not belong to a certain state University, include the following confessional education institutions: Reformed Presbyterian College and Seminary; High Evangelical Theological Institute; Theological College of the Adventists (<http://sdabg-college.org/>); Higher Islamic Institute <http://www.islamicinstitute-bg.org>; There are three Orthodox Faculties of Theology and one Chair of Orthodox Theology, which belong to state Universities and not to the Synod of BOC. The Islamic Institute is also seeking High School status.

¹⁸ http://www.minedu.government.bg/left_menu/registers/ .

The latter is consistent with the Constitution, Art 37 Para 1, which stipulates that freedom of conscience and thought and the choice of religion or of religious or atheistic views shall be inviolable and that the State shall assist in the maintenance of tolerance and respect between the adherents of different denominations, and between believers and non-believers. At the same time Art 5 of the Law on Public Education prescribes that education shall be secular. Moreover the Law on the Confessions of Faith does not allow a Confession to establish a primary school (Art. 33 Para 3). The registered religions can open secondary general education schools under the conditions provided in the Law on Public Education for Private Schools.¹⁹ In general – according to the Law on the Confessions of Faith – the registered religions can open confessional spiritual schools for their ritual needs in compliance with the Law on Public Education and with the permission of the Minister of Education, Youth and Science so that the education received at confessional schools can be equivalent to the secular state schools in compliance with the Law on Public Education; nevertheless they have to strictly follow state requirements.²⁰ Confessional schools also have to take into consideration Art 7 Para 5 of the Law on the Confessions of Faith, which says that the religious communities and institutions cannot include in their activity minor persons except within the explicit consent of their parents or guardians; under-age persons can be included in the activities of religious communities and institutions unless their parents or guardians refuse.

In sum, the Bulgarian educational system remains principally a secular one (*ex lege*) with the exception of confessional private (but only) secondary schools. Till now there are only spiritual secondary schools for the formation of clergy (2 Orthodox seminaries and 3 Islamic secondary schools). Currently, there are no confessional secondary general education schools in Bulgaria.

2. Religion as a Subject of Instruction and Its Substitutes

As already mentioned the only possible teaching of religion at the moment in the public schools of Bulgaria is scheme introduced in 1997/98 of the *freely* selectable subject “Religion” and in 2002/3 the impliedly *obligatory* selectable subject “Religion”.²¹ Because of institutional problems and a general lack of theologically qualified religion teachers the plans for these instructions may vary.

At the same time, outside the state school system, some religious communities – mostly small but well organized parishes - organize Sunday schools or religious holiday schools, and holiday excursions to religious monuments, monasteries etc.

Religion, but not in the sense of confessional teaching, is also taught in public schools within the framework of classes in Ethics, Literature, History, Philosophy, and perhaps also the Arts. All these lessons are somehow connected with religion; at the same time they are taught secularly and are not to be combined with any detailed confessional instruction.

¹⁹ See part II, 1, b) Public and private schools – in this text.

²⁰ For instance the Law on the Confessions of Faith – *Art 33 Para 4*: admission to the schools of para 1, 2 and 3 shall take place with a written application from the parents or guardians, unless the student has turned 18. *Art. 33 Para 5*: educational establishments of the registered religions can not hinder the conceding of the obligatory degrees of state education, provided in the Constitution and in the law.

²¹ See the first part of this text – Introduction.

III. RELIGIOUSLY MOTIVATED BEHAVIOUR IN PUBLIC SCHOOLS

1. Religion within the Framework of Working Conditions at School

The ECHR case *Ivanova v. Bulgaria*²² is one of the seven²³ ECHR judgments against Bulgaria under Art 9 of the European Convention for Human Rights. The case deals particularly with staff at Bulgarian schools who do not belong to the so-called “traditional” religious or atheistic majorities. As the ECHR stated in its judgment, the dismissal of Ivanova from the secondary school, where she worked, was connected with her membership of “Word of Life”. Currently, there are no other publicly-known issues on the matter in Bulgaria.

Religious Symbols in School

Religious symbols in public schools belong to the larger theme of religious symbols in the secular state. The problem of religious symbols in a secular state has not been deeply discussed in Bulgaria until now. In fact on the state coat of arms²⁴ there are all together eight crosses, but these simply act as a state symbol within a historical background without having any strict religious meaning; the same is true also for the three crowns on the coat of arms of a parliamentary republic. In a sense some of these state symbols have no meaning for the majority of Bulgarians. But questions persist – e.g. why the Ministry of Education as a state organ of a secular state should stamp official documents for public schools within a secular educational system with Christian symbols. So it can be said that Bulgarian public schools are generally not free of at least crosses.

Related to religious symbols are for instance Islamic head-scarves. These are not explicitly forbidden by law, but they are not generally allowed in schools, where Muslims are a minority. There are some cases on the wearing of head-scarves in photographs used for the purpose of ID-cards; head-scarves in public school were the subject of a case from 2006 decided by the Anti-discrimination Commission at the Parliament in Sofia; but the case did not reach the Supreme administrative court. The Anti-discrimination Commission fined all participants in this case – the school director, the representatives of the municipality and the two schoolgirls as well who were not found as discriminated against. After the decision of the Commission, both of the school-girls wanted to continue with individual lessons according to a programme for private schools. The decision reached the absurd conclusion that all participants discriminated against each other.

The Orthodox benediction of school buildings, which is sometimes seen especially at the openings of the school year, has a much more decorative and ceremonial function than a purely religious and spiritual meaning. It was no public discussion and no juridical case on it.

²² *Ivanova v. Bulgaria* – Judgment no. 52435/99.

²³ All Bulgarian judgments on Art 9 ECHR: 14134/02; 52435/99; 32438/96; 39015/97; 30985/96; 39023/97; 412/03 together with 35677/04.

²⁴ Law on Coat of Arms (Aug 1998): Art 2 Para 1 (extract): “... Above the shield there shall be a big crown which originally were the crowns of Bulgarian kings of the second Bulgarian state with five crosses and another cross over the crown...”

IV. OPTING OUT OF SCHOOL OBLIGATIONS FOR RELIGIOUS REASONS

1. Religious Holidays

National holidays are valid also for the education system in Bulgaria. Public holidays in Bulgaria are stipulated and enumerated²⁵ by Art 154 Para 1 of the Labour Code.²⁶ Among the nine national holidays, two are religious,²⁷ and two historically have a religious background but are now used by the state more or less as its symbols. It is possible in law to take days off for religious reasons on the basis of Art 173 of the Labour Code,²⁸ if the faithful belong to a religion other than the Orthodox-Christianity, which is also relevant for public schools. In sum the Bulgarian government generally respects the religious holidays of the Bulgarian Orthodox Church, although separated from the state, and at the same time enables observance of other religious groups which seek these for their followers – as long as these do not exceed the number of the Orthodox holidays.

Nevertheless, since 2008 there is a practice of the Ministry of Education that a large part of the diploma/final examinations at secondary schools are organized to take place on Sunday mornings.²⁹ About 72,000 students and many teachers have been engaged with this issue for the last three years, but there is no general public discussion on the matter, although Sundays are regular days-off under Art 153 Para 1 of the Labour Code. Indeed, the problem in Bulgaria about working on holidays has not been discussed in Bulgarian jurisprudence.

2. Opting Out of School Subjects for Religious Reasons

As a matter of fact, in Bulgaria, there are no publicly known cases for opting out of any school subjects in public schools for religious reasons – such as religious instruction or instruction about religions, physical education (*e.g.* coeducational swimming instruction for Muslim girls) or biology (*e.g.* due to believing in creationism). The question about opting out of school subjects for religious reasons is a matter of a higher sensitivity in a religious sense and this is lacking among the majority of the Bulgarian students.

²⁵ Art 154 Para 1 of the Labour Code: January 1 – New Year; March 3 – the Day of the Liberation of Bulgaria from Ottoman Domination – the National Day; May 1 – the Day of Labour and International Workers' Solidarity; May 6 – St. George's – the Day of Valour – the Bulgarian Armed Forces Day; May 24 – the Day of Bulgarian Education and Culture and of Slavonic Letters; September 6 – Unification Day; September 22 – Bulgaria's Independence Day; November 1 – the Day of the Leaders of the Bulgarian National Revival – a legal holiday for all educational establishments; December 24 – Christmas Eve; December 25 and 26 – Christmas; Good Friday, Holy Saturday and Easter – Sunday and Monday on which it is celebrated in the respective year.

²⁶ Кодекс на труда – Labour Code, prom. SG. 26/1 Apr 1986 and SG. 27/4 Apr 1986, last amend. SG. 15/23 Feb 2010.

²⁷ Good Friday has been an official state holiday in Bulgaria since February 2010.

²⁸ Art. 173 Para 2 of the Labour Code says that in the case of employees who confess a creed other than the Eastern Orthodox Christianity, the employer shall permit them to use, by their own choice, a part of their annual paid leave, or grant them an unpaid leave on the days of the respective religious holidays, but not more than the number of days for the Eastern Orthodox Christian holidays under Article 154 of the Labour Code. Para 3 of the same Article provides that the days for the religious holidays of the confessions of faith, other than the Eastern Orthodox Christianity shall be specified by the Council of Ministers upon the proposal of the official leadership of the relevant religious community.

²⁹ See: H. Berov, Das bulgarische Bildungsministerium gegen die Christen – 2008 <http://is.gd/gRQ0e>; also about 2010 – <http://is.gd/gRR3y>.

3. Religiously Motivated Home-schooling

Bulgarian law does not explicitly allow home-schooling. It does not prohibit it explicitly either. In post-communist Bulgarian society there are certain prejudices against home-schooling. The issue falls between two Constitutional stipulations (Art 47 and Art 53).

The aspect of home-schooling in Bulgaria that is religiously motivated moves between the state bureaucracy and the striving for a non-state defined education programme. However, there is already a small and very engaged Bulgarian but not officially registered home-schooling Christian community;³⁰ it consists of about 60 families.³¹ To-date there have been no publicly-known juridical cases connected with religious based home-schooling but as a matter of fact it is a topic of discussion in some Bulgarian circles.³²

IV. CONCLUSIONS

Currently education on religion at Bulgarian public schools is taught as a result of schemes introduced in 1997/98 (the freely selectable subject of “Religion”) and during 2002/3 (the impliedly obligatory selectable subject of “Religion”). Student interest is relatively low – for Orthodox religious education 2.44%; for Islam 0.4%. The Bulgarian educational system remains principally secular. Exceptions are the confessional private secondary schools – which till now are only spiritual secondary schools: 2 Orthodox Seminaries and 3 Islamic secondary schools. To-date, there are no confessional secondary *general* education schools.

Religion, but not in the sense of confessional teaching, is taught in public schools in Bulgaria within classes on Ethics, Literature, History, Philosophy and Arts – but these are taught secularly – i.e. not to be combined with any confessional instruction.

The Synod of the Bulgarian Orthodox Church has recently proposed the restoration of religious education as an obligatory regular subject in Bulgarian public schools. These efforts are aimed more towards the government and legislature and not towards convincing young people in the benefits of learning religion. Public discussion on this issue is vague and undeveloped, as well as other aspects concerning religion in public schools.

³⁰ See for instance: <http://goo.gl/cNMkJ>;

³¹ Private information.

³² See for instance: <http://www.center-religiousfreedom.com/bg/art.php?id=76>.