

RELIGION IN PUBLIC EDUCATION IN THE CZECH REPUBLIC (2010)

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I. GENERAL BACKGROUND

1. Facts and Figures

Demography

The Czech Republic has 10,526,685 inhabitants (30 September 2010).¹

There is no official State information on the members of religious communities (denominations). According to the Constitution the membership of religious communities in the Czech Republic is governed by their own statutes, which are set up independently of State authorities.²

The only survey we can use for approximate numbers is a questionnaire of the Czech Statistical Office, the last one from the year 2001. It should be emphasized that it contains the data which were collected anonymously and is more or less only an opinion poll. Some churches, which collect membership data in their own registers, publish other (usually higher) numbers.

According to this survey about 59 % inhabitants answered they do not belong to any religious community, 8.8 % inhabitants used the right to give no response, and 32.2 % professed their adherence to some religious community.

The data in relation to 21 main traditional religious communities, which are registered by the State with “special rights”, is as follows:

Roman Catholic Church	2,740,780
Evangelical Church of Czech Brethren	117,212
Czechoslovak Hussite Church	99,103
Evangelical Churches A. C. (three Churches together)	34,317
Religious Society of Jehovah's Witnesses	23,162
Eastern Orthodox Church in the Czech Lands and Slovakia	22,968
Church of Brethren (Congregationalists)	9,931
Church of the Seventh-Day Adventists	9,757
Greek Catholics	7,675
Christian Congregations	6,927
Apostolic Church (Pentecostal Church)	4,565

¹ Source: Czech Statistical Office.

² Article 16 Section 2 of the Charter of Fundamental Rights and Liberties, No. 2/1993 Coll.

Union of Baptists	3,622
Unity of Brethren (Moravian Brethren)	3,426
Methodist Church	2,694
Old Catholic Church	1,605
Federation of Jewish Communities in the Czech Republic	1,515
Church of Jesus Christ of the Latter-Day Saints	1,366
New Apostolic Church	449
Religious Society of Unitarians	302
Imprecisely indicated church, or other church	200,716

Numbers of Public, Private and Church Schools in the Czech Republic (2009)

The Czech Statistical Office and The Institute for Information on Education have published data concerning the number of all recognized public, church and private schools in the territory of the Czech Republic.

Kindergardens: 4.807, among them: public 4.702, private 82, church 25.

Primary schools: 4.133, among them: public 4.025, private 68, church 40.

Secondary schools: 1.432, among them: public 1.069, private 327, church 36.

Conservatoires: 18, among them: public 13, private 3, church 2.

High special schools: 184, among them: public 123, private 49, church 13.

Both private and church schools have been newly established since 1990. For 40 years, under the communist totalitarian regime, neither category existed.³

Numbers of Church Schools in the Czech Republic According to the Denominations:

Number of church schools altogether: 116.

They were founded by the institutions of, respectively:

Catholic Church: 80,

Evangelical Church of Czech Brethren: 16,

Unity of Brethren: 5,

Czechoslovak Hussite Church: 4,

Silesian Evangelical Church AC: 3,

Jews: 3,

Seventh-Day Adventists: 2,

³ See HORÁK, Záboj. Obnovení církevních škol v českých zemích v letech 1990–1991 (The Reinstitution of Church Schools in the Czech Lands in 1990–1991), In *Revue církevního práva/Church Law Review*, No. 40-2/08, Church Law Society, Prague, 2008, pp. 94–114.

Church of Brethren: 1,

Apostolic Church: 1,

Baptists: 1.

Some statistics show higher figures. The reason for this is that they count both schools and school facilities. School facilities include pupil homes, pedagogical and psychological centres, and recreational centres for children and youth.

Description of the General School System

a) Sources of law

The general school system in the Czech Republic is based on

1. **the Constitution of the Czech Republic** (Act No. 1/1993 Coll.), incl. **the Charter of Fundamental Rights and Liberties** (Federal Act No. 23/1991 Coll., republished under No. 2/1993 Coll.),
2. **the international agreements**, adopted by the Czech Republic, above all:
 - the International Covenant on Civil and Political Rights (1966),
 - the International Covenant on Economic, Social and Cultural Rights (1966),
 - the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), as amended by Additional Protocols,
 - the Convention on the Rights of the Child (1989), and
3. the School Act⁴ and other Acts of the Czech Parliament on school affairs,
4. implementary regulations under the above Acts issued by the Ministry of Education, Youth and Sports.

b) School levels

Beneath the university level, the Czech system of public education consists of these levels:

1. **pre-school education** for children from 3 to 6 years: kindergardens, not compulsory;
2. **primary education** – 9 classes, compulsory for children from 6 to 15 years, which consists of 2 stages: first stage, classes 1 – 5, second stage, classes 6 – 9;
 - a. basic school: classes 1 – 9;
 - b. basic school: classes 1 – 5, & classes 1 – 4 at grammar school (with 8 year programme);
 - c. basic school: classes 1 – 7, & classes 1 – 2 at grammar school (with 6 year programme);
3. **secondary education**, after finishing primary education, not compulsory:
 - a. educational programme lasting for one or two years, completed by examination;

⁴ The School Act, which is in force today, has No. 561/2004 Coll.

- b. educational programme lasting for two or three years, completed by a certificate of apprenticeship;
- c. educational programme lasting for four years, completed by “A” level examination:
 - classes 5 – 8 at grammar school (with 8 year programme);
 - classes 3 – 6 at grammar school (with 6 year programme);
 - industrial schools; schools of commerce; social and juridical schools; health schools; all these schools have 4 year program (for pupils usually from 15 to 19 years) and completed by “A” level examination;
- 4. **high special education**, after “A” level examination:
 - different types of special schools, with educational programmes from three to three-and-half years, completed with the DiS (specialist diploma);
- 5. **academies of music**, after finishing primary education, combining levels under 3 and 4 - these have several different programmes from four to eight years.

c) Founders of schools and their funding

As to founders of schools in the Czech Republic, we can identify the following categories:

1. schools established by **public authorities**, i.e.:
 - a. by municipalities, or
 - b. by unions of municipalities, or
 - c. by regional authorities, or
 - d. by the State (exceptionally), i.e. by the Ministry of Education, Youth and Sports, Ministry of Defence, Ministry of the Interior, Ministry of Justice, or Ministry of Foreign Affairs;
2. schools established by **religious communities**, which have obtained “the special right to create church schools” according to the Act on Churches No. 3/2002 Coll. (now 21 religious communities), and their units with legal personality (national centres, dioceses, monasteries or priories, or parishes),
3. schools established by an **individual** or by a **legal entity** of private law; such individual or legal entity can be of a religious type (e.g. registered religious communities, which have not yet acquired “the special right to create church schools”); even non-religious entities can establish a school with some religious programmes.

Schools are recorded in the School Register of the Ministry of Education, Youth and Sports. Only kindergartens and school facilities (e.g. pupil homes) are recorded in the registers of regional authorities.

Schools in category 1 are funded from public sources. Schools established by religious communities are funded by the Ministry of Education, Youth and Sports, and partly by the religious entity which founded them. Schools established by an individual or by a legal

entity of private law are funded partly from public sources, partly by their founders or from school fees.

2. Religion as Subject of Instruction and Its Substitutes

Religious Instruction (Confessional Teaching)

Religious instruction in State schools is a duty set down by the Charter of Fundamental Rights and Liberties. According to Article 16 Section 3 religious instruction at State schools should be set down by an Act.

School Act No. 561/2004 Coll. regulates religious instruction at schools established by public authorities in its Art 15. Religious communities, which obtained “the special right to provide religious teaching” according to the Act on Churches No. 3/2002 Coll. (now 21 religious communities), have the right to organize religious classes as a non-obligatory subject at all public schools. The school opens the religious class if at least 7 pupils (resp. their parents) apply for this. Different religious communities may conclude a written agreement at a particular school that they will teach religion jointly.

Teachers of religion need to be authorised by the religious community (or by a group of religious communities), but they are employees of the particular school, which pays them. All pupils may attend religious instruction classes, even if they are not members of that religious community (or some community from the group of religious communities), which organizes particular religious instruction classes. Religious communities support this practice because of ecumenical co-operation and common needs. Non-denominational students may also take religious instruction organized by any religious community or group of religious communities.

The disadvantage of this system is that in public schools there is no alternative subject and therefore religious education is usually taught on the only free half-day in a week, i.e. in most of schools on Wednesday afternoons.

Religious education is usually voluntary at church schools, too, but an alternative subject – ethics – is provided. This seems to be a better model and should be adopted by public schools. During recent years some church schools have changed their programmes somewhat by making religious education a compulsory subject, and parents sign their consent to enable their children to participate in this.

Private schools have an absolutely free choice to provide obligatory or voluntary religious education in one or more confessions. They may even exclude religious education entirely.

Religious instruction at schools is informative and usually based on the scheme set down by the relevant religious authorities. Rather different is religious training organized by religious communities in their own spaces. This runs parallel and has a confessional content.

Instruction about Religions

Instruction about religions is not part of the general educational programme for primary and secondary schools published by the Ministry of Education, Youth and Sports, but some topics are obligatory parts of other classes, e.g. Human Being and Society.

Our hope is that instruction about religions will be introduced into the general educational programme published by the Ministry of Education, Youth and Sports, not least because there are many graduate specialists in this subject from Czech Universities, above all from Faculties of Philosophy.

Note: at one diocesan grammar school (in Western Bohemia) religious instruction was replaced by obligatory instruction about religions. The reason: according to the common understanding about 80 % of pupils at this school are undenominational.

Ethics

According to the general educational programme published by the Ministry of Education, Youth and Sports, from 1 September 2010, ethics will be introduced as a supplementary subject for all primary schools. The director of school may choose whether ethics will be either obligatory or an alternative subject at the school. The director decides whether ethics will be taught as a separate subject or else spread amongst other subjects.

Some ethical topics have for many years been taught within the framework of other subjects in primary and secondary schools.

Ethics has also been an alternative subject to religious instruction at many church secondary schools.

Religion within the Framework of Classes in Literature, History, Philosophy, Arts, and Language Classes

Information about different religions is frequently found in textbooks on literature, history, philosophy, arts and languages. Teachers in these classes may supplement this information from their own sources, or with help of other teachers, including teachers of religion. School directors are responsible for the objectivity of all information.

The quantity of the information given depends on the general educational programme published by the Ministry of Education, Youth and Sports, and on school educational programmes published by every school director.

II. RELIGIOUSLY MOTIVATED BEHAVIOUR IN PUBLIC SCHOOLS

Religion Within the Framework of Working Conditions of Teachers and Other Staff

Among the principles of education, which are found in the School Act No. 561/2004 Coll. mentions, are a mutual reverence, respect, tolerance to different opinions, solidarity and the dignity of all participants of education (Art. 2, sec. 1, lit. c).

There is no restriction on teachers and school staff in relation to their religious adherence in all schools, including church schools. They can be members of any religious community or be undenominational or change these positions, as is secured in the Charter of Fundamental Rights and Liberties (Art. 15, sec. 1).

Directors of church schools are appointed by the church founder. They are usually members of the same religious community as the founder, but such membership is not a precondition for appointment. Teachers and staff are appointed without regard to their religious affiliation. Nobody has right to ask questions about the teacher's religion.

Religious Symbols at School

Citizens and other inhabitants are free to wear religious symbols in public places. This includes public schools. This applies to pupils, teachers and other staff. There is no official restriction in this regard, and such a restriction should be considered as contrary to religious freedom, which is secured by the Constitution. On the other hand, it is to be emphasized, that inhabitants of the Republic usually do not wear such symbols often or provocatively. There is a tradition to be civil in this regard originating in pre-communist times.

Some pupils, teachers and staff wear small crosses on their necks as a matter of course, in public and at school. This is not necessarily an expression of faith but a matter of individual choice. Such symbols sometimes function as decorative, above all when they are golden. Even wearing a golden Star of David may not express adherence to Judaism but it often combines decoration and sympathy to Jews who suffered so much during the Second World War. The Czech Protestants or Hussites or their sympathizers wear a small golden calix as a decoration, but not too often. To wear large crosses or other symbols around the neck might be considered somewhat comical.

Crucifixes are not used in the classrooms of public schools established by municipalities or regional authorities or the State. For a long time there has been no institutional use of crucifixes in public facilities and it is probably the case that such use would not be revived today. The only exception is the use of crucifixes in some areas in Catholic theological faculties, church schools, charities, and in a very reserved form in church hospitals.

Religious Garments

There is no prohibition on wearing a religious garment at schools, but it is not usual to do so.

Even the Czech Conference of Catholic Bishops recommends the clergy to wear ecclesiastical clothes or collared shirts only to such events when this is considered socially reasonable - the decision is that of the individual cleric.

Religious sisters and monks may use habits without restriction in all public places, including schools. This sight was rather novel after 1989 but was accepted by the public with understanding on the basis of memories of their suffering during the 40 years of the communist totalitarian regime, and in expectation of their help to rebuild a free democracy.

As to the scarves of Muslim women, it is not clear how these differ from the common usage of scarves worn by Czech women in the countryside. Many Czech women in the

countryside wear scarves not only during work, but also on festive occasions (e.g. to the church or to school ceremonies involving their children).

Because of the relatively small number of Muslim inhabitants in the Czech Republic (3.699 persons in 2001), and the moderate approach of their leaders, the wearing of scarves causes no problems or conflicts.

There is no experience with the wearing of burkas at public schools. According to our understanding it could cause some problems as it might be considered as extremism and contrary to our domestic cultural tradition.

According to common understanding, there are two tendencies in Czech society which appear to be inconsistent, but which nevertheless can be considered to complement each other. On one hand, the majority in Czech society are agnostic. But on the other hand society is liberal above all as to the external appearance of a person. As long as nobody wears something extreme (from the perspective of native culture), people can wear what they want.

The Possibility of a Benediction of School Buildings

There is no prohibition against asking for a benediction of school buildings. It all depends on the wishes of the school director. These ceremonies are not celebrated very often, but they do occur. Directors and their assistants are usually non-believers, but they may desire to have their schools blessed - something is deep in their sub-conscious. Perhaps this has roots in a common religious sense. In some cases it may even border on paganism. Catholic and Orthodox bishops and priests perform this ceremony with pleasure, if requested.

The custom to ask for different benedictions is wide-spread in the Czech Republic in recent years. Many people (not only believers) ask for their cars, houses, and even power-stations and the harnesses of police horses, to be blessed.

Special Issues

Religiously motivated behaviour of pupils, teachers and staff in schools, such as prayers, is possible by an action of voluntary groups out of lessons (during breaks, or after lessons). Nobody can be forced to participate in them.

In some church schools the first daily lesson begins with prayer, but nobody is obliged to say them aloud. Religious services are not part of schooling. Chaplains working at church schools may organize worship outside the usual time of lessons.

III. OPTING OUT OF SCHOOL OBLIGATIONS FOR RELIGIOUS REASONS

Religious Holidays: Possibility of and Conditions for Taking off the Relevant Days

All Saturdays and Sundays during the year are free.

Some Christian holidays are free days according to the civil calendar, as a part of our national cultural heritage. Christmas Holidays last for three days now, from 24 till 26 December, and Easter Monday is also a civil holiday.

According to an order of the Ministry of Education, Youth and Sports, published under No. 16/2005 Coll., the school vacations are longer: the schools Christmas vacations last from 23 December to 2 January, and Easter vacations are Maundy Thursday, Good Friday and Easter Monday. This order binds all schools.

No provision exists for pupils to take other religious holidays at public schools. However, the school director can for relevant reasons give to all pupils up to 5 days of free time. Among “relevant reasons” can be religious holidays.

Church schools usually have additional religious holidays taken in accordance with the church customs of the founder. This applies to all pupils. At Jewish schools, for example, all pupils (not only Jewish ones) have vacations also during Jewish holidays.

Opting out of Religious Instruction

Religious instruction is a voluntary subject. Nobody has a duty to attend it. But admission to it at the beginning of every school year then obliges a pupil to attend. Exceptions are possible for important reasons.

Opting out of Physical Education for Religious Reasons

There is no special provision for this. According to the School Act the school director may release pupils from physical education not only on medical grounds, but also for “other relevant reasons”. So this could be used for religious reasons.

No cases of this sort have been decided by the school administration. Nothing is known as to whether there are problems with coeducational swimming instruction for Muslim girls. As mentioned above, the number of Muslims in the Czech Republic is quite small.

Opting out of Biology

No cases of this sort have been decided by the school administration. According to our understanding, believing in creationism probably could not be considered as a relevant reason for opting out of biology at Czech schools.

Religiously Motivated Home-schooling

The School Act No. 561/2004 Coll. admits home-schooling for individual pupils at first stage of primary school (5 classes). The permission is given by the director of the primary school, to which a pupil was allotted (in connection with the pupil’s communal domicile). Such a pupil takes examinations every half year at this school.

The conditions for such permission are: 1. relevant reasons, 2. sufficient conditions, above all material and health, 3. the teacher providing home-schooling is educated at least to secondary level with “A” levels, 4. convenient school-books and text-books are available.

The School Act does not mention religious motivation as to home-schooling, but it is possible this motivation can be acknowledged by a competent school director as a “relevant reason” to give his permission for home-schooling in each individual case.

Dr. Zábaj Horák: Biography

ICLic. JUDr. Zábaj Horák, Ph.D., LL.M., born 1975 in Prague (Czech Republic), is a Senior Lecturer in the Legal History Department at the Law School of Charles University, Prague.

He holds a master’s degree from the Law School of Charles University in Prague (1998), a master’s degree from the Westphalian Wilhelm University of Münster (Germany) in the field of Private Law (LL.M., 2001), doctoral degrees from the Law School of Charles University in Prague in the field of Theoretical Legal Science (Ph.D., JUDr., 2002, 2003), and a licentiate degree from the John Paul II Catholic University of Lublin (Poland) in the field of Canon Law (ICLic., 2006).

He focuses on Church law and state law on Churches and religious societies, legal history and Roman law.

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