

RELIGION IN PUBLIC EDUCATION: LATVIAN EXPERIENCE

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1. GENERAL BACKGROUND

The statistical data currently available in the public sphere may not be applicable today as ten years have passed since the last census in 2000.¹ The economic crisis, which started in 2007, has had a significant impact on Latvia and economic emigrants and immigrants have also affected the religious landscape. Considering the data available in the public sphere there are 2.3 million inhabitants in Latvia. National or ethnic composition: Latvian 57.6%, Russian 29.6%, Byelorussian 4.1%, Ukrainian 2.7%, Polish 2.5%, Lithuanian 1.4%, Jewish 0.4%, German 0.1%, other 1.6%.² According to a survey made by a **Latvian public opinion research centre** in 2003, 49.3% of the inhabitants of Latvia do not read the Bible, 4% read the Bible almost every day, and about half read the Scriptures from time to time. According to the survey data, the declared religious affiliations of the population are:

Orthodox	25%
Lutherans	25%
Roman Catholics	21%
Old Believer Orthodox	2.7%
Adventists	0.4%
Jews	0.1%

In this survey 9% considered themselves to be believers without identifying themselves with any particular denomination, while 12% declared themselves to be non-believers. There are significant numbers of atheists. Orthodox Christians, many of them Russian-speaking, non-citizen, permanent residents, are concentrated in the major cities, while many Catholics live in the east.

In the academic year 2009/2010 in total there were 948 schools with a comprehensive curriculum in the state, 45 of these were primary schools, 463 – elementary schools, 377 – high schools, 63 – special schools.³ In Latvia, 19 Christian educational institutions have received a state licence in 2009. 12 of these are state schools.⁴ The others are pre-school

¹ The next census will take place in 2011.

² Balodis R. Latvia/ Encyclopedia of World Constitutions Volume II Ed. G.Robbers – U.S. Facts on File, 2007 p.513-519.

³ For comparison in the academic year of 1998/1999 there were 1074 schools in the State.

⁴ Baltinava Christian special boarding elementary school, Riga Christian high school, Bauska city Christian elementary school, Talsu Christian high school, Dobele Christian elementary school, Rezekne Catholic high

institutions (for example, the Christian consultative and play centre of the Jesus parish "Jēriņš" ("Lamb")). There are also elementary schools of non-traditional religions – elementary school of Prieka vests "Harmonija"⁵ which includes grades 1 to 6.

2. RELIGIOUS EDUCATION AND ETHICS

Religion as a subject and other non-traditional religion subjects, such as Judaism, are not compulsory in Latvia. Each school may offer such subjects as electives. The Standard in these subjects is formed through coordination with the Ministry of Science and Education.⁶ From September 1, 2004, either Ethics or Religion will be offered as compulsory subjects to grades 1-3, where the parents of pupils have to choose one of the subjects mentioned above.

By taking a broad interpretation of the Law on Religious Organisations, Christian teaching is the teaching of the common Christian principles in the Bible, values and manifestations in the development of the world culture of the traditional Christian confessions (Lutheran, Catholic, Baptist, Orthodox, and Old-believer). Christian teaching is inter-denominational – it concentrates on the essentials of Christianity, important to both the state and society. In Christ's teaching the model of an open society has God at its centre and humans as the highest value within it.⁷ In these subjects students seek to gain knowledge and understanding about the order of the world created by God; learn to master the skills of the Christian life (praying, serving, and the common good); and develop the motivation to act in a way that is based on Christian values. For example, the Evangelical Lutheran Church declares that by learning Christian teaching under democratic circumstances students will be able to create their own world outlook.⁸ According to Article 1.6 and 1.7 of the Law on Religious Organisations, Christian teaching is about the system of views, doctrines and ideas of particular Christian denominations, but religious teaching is about the system of particular religious views, doctrines and ideas. According to this Law everyone shall be entitled to acquire religious teaching, either individually or together with others in the educational institutions of religious organisations, but in the state and municipal schools only the Christian religion may be taught to persons who have expressed such wish. Since 1998 the Religious Organisations Law has been supplemented by Article 6 (5), which provides that religious teaching and ethics classes are financed from the state budget.

school, Kalnezeru Catholic elementary school, Liepaja Catholic elementary school, Riga Catholic gymnasium, Aglona Catholic gymnasium, Ogre St.Meinard's Catholic elementary school, Graveru elementary school of Riga and Latvia Metropolitan Aleksander (Kudrjasov).

⁵ http://www.priekavests.lv/lv/izglitiba/privatskola_harmonija?read=131

⁶ According to the Agreement between the Republic of Latvia and the Holy See Article 15, the teaching of the Catholic religion shall be conducted exclusively on the basis of a programme approved by the Bishops' Conference of Latvia, in agreement with the Ministry of Education and Science, and shall be undertaken only by qualified teachers who possess a certificate of competence issued by the Bishops' Conference of Latvia, the revocation of which signifies the immediate loss of the right to teach the Catholic religion.

⁷ <http://www.lelb.lv/lv/?ct=skolas>

⁸ Ibid.

As already mentioned, in Latvia if a student does not want to receive religious teaching he has to choose classes in ethics. The amount of the compulsory subjects and their content⁹ in educational programmes of the institutions run by the local governments providing general education, and private educational institutions that carry out licensed general elementary or secondary education programmes of the Republic of Latvia, is defined by ministerial regulations, namely Regulations No.1027 of the Cabinet of Ministers of December 19, 2006, “Regulations on the State elementary education standard and elementary education subject standard” and Regulations No.715 of the Cabinet of Ministers of September 2, 2008 “Regulations on the State general secondary education standard and general secondary education subject standards”.

The standards of the subjects included in these regulations define the basic requirements for the subjects’ acquisition on completion of grades 3, 6, 9 and 12, but they do not define the order of acquisition. In the case of educational programmes published by the State Educational Content Centre, the order of the subjects is provided by school year as well as information of a methodological character. However, these are recommendatory documents and are not legally binding on educational institutions which do not act under the supervision of the Ministry of Education and Science - for this reason are not considered as instructions.

A Glance at Origins

In Latvia, providing for Religious education in line with the requirements of modern pedagogy and psychology began only at the beginning of the 20th century. Because of the influence of historical materialism (Marxism) and the revolutions of 1905 and especially 1917, religious education in Latvian schools underwent a crisis.¹⁰ The *Terbata* Teacher’s Congress of 1917 decided that religious instruction should not be included in the curricula of Latvian schools.¹¹ Nevertheless, in 1918 when Latvia was proclaimed an independent republic, the first Law on Education of the Republic of Latvia provided for compulsory religious instruction in schools for children and optional religious instruction for parents. In 1934 the law “On National Education” was passed and it introduced **denominational faith teaching** as one of the basic subjects in elementary and secondary schools. Children who did not belong to any of the traditional denominations could choose ethics lessons. Demand for those lessons was not very high.¹² The provision of religious education then was seen as similar to that in Scandinavian countries. Religious education was placed under denominational control thus preventing the teaching of socialism or any other world outlook in the lessons on religion.¹³ The teachers of religion had to be fully-fledged members of the parish of the relevant denomination. In 1934 a revolution occurred, as a result of which the

⁹ <http://visc.gov.lv/saturs/vispizgl/standarti.shtml> ; <http://visc.gov.lv/saturs/vispizgl/programmas.shtml>

¹⁰ Balodis R. State and Church in the Baltic States: 2001/Latvian Association for Freedom of Religion. – Riga, 2001. – P.35-37.

¹¹ Balodis R. Church and State in Latvia. Grām. *Law and Religion in Post-Communist Europe* (Ed. Silvio Ferrari, W.Cole Durham). PEETERS, LEUVEN – PARIS – DUDLEY, MA 2003 p. 161

¹² Balodis R. Baznīcu tiesības. (*The Rights of Churches*) – Rīga: Reliģijas Brīvības Asociācija, 2002. – 320.lpp

¹³ Freij A. About the holy and the good. – Riga, 1936, p. – 88-89

authoritarian regime of Dr. Karlis Ulmanis was the new state power. The constitution was suspended and Parliament dismissed. Most probably, the position under the law “On National Education”, favouring the church, would not be accepted under democratic circumstances.

On Soviet occupation, the atheistic USSR regime abolished religious education in schools and closed all educational institutions with a religious orientation.* During the communist regime (1945-1990), the Criminal Code of the Latvian Soviet Socialist Republic (LSSR) penalized the teaching of religion. Article 137 of the LSSR Criminal code dealt with *Breach of the regulations regarding the partition of the church from the State and the partition of the school from the church* - the organization of systematic religious teaching for minors was a crime. However, it did not prohibit the individual teaching of your own children by the parents themselves. The criminal investigators of the LSSR considered that the organization and realization of religious teaching for minors could occur both publicly (classes in small groups) and secretly (preparing confirmation candidates and the like).¹⁴ Liability arose regardless of whether classes took place on request of the minors or without them knowing it.

On May 4, 1990, the Supreme Council of the Latvian Soviet Socialist Republic adopted a declaration “On restoration of [the] independence of the Republic of Latvia”,¹⁵ and Latvia began a rapid dismantling of the Soviet system. This applied both to the economy and limitations on human rights. Taking into consideration the wish of Latvian religious organizations to initiate positive action even before the adoption of the so-called constitutional law “On human and citizen rights and responsibilities”,¹⁶ on September 11, 1990, the law “On Religious Organisations” was adopted. This law regulated their registration as well as the rights of religious organisations to religious education. Article 3 of the law (on “Education and religious organisations”) provided that religion may be taught individually or together with other students in the schools, Sunday schools, hobby groups, and summer camps of religious organisations, as well as – on a voluntary basis – extracurricular activities at public and private educational institutions. This law stated that students at both public and private school were to be given the opportunity to become acquainted with different religious subjects, their nature and history. The Law did not provide a specific number of denominations or churches that would be allowed to teach religion. The Law “On Religious Organizations” of September 11, 1990 was replaced by a new law on religious

* On August 4, 1940 with the decision of the Cabinet of Ministers, the Faculty of Theology at the University of Latvia was closed. The communists did the same regarding similar institutions of a religious nature. Even gymnasiums with a religious tendency were closed. Students of the Faculty of Theology were denied the opportunity to continue their studies in other faculties. Lecturers were not allowed to teach either theological subjects or any other subjects in the other faculties. The library and the museum of the Faculty of Theology were moved to a special area in the Central library of the LU. Works with a religious content were removed from the libraries and later a state permit was required for the printing of books and church song sheets.

¹⁴ Latvijas PSR Kriminālkodeksa komentāri. (Comments on the Criminal Code of LSSR) Rīga, 1982, p – 445.

¹⁵ Declaration of the Supreme Council of the LSSR "On the renewal of the independence of the Republic of Latvia". Latvijas Republikas Saeimas un Valdības Ziņotājs, 17.05.1990., No. 20.

¹⁶ Constitutional Law ”Human and Citizen Rights and Liability: Law of the Supreme Council of the Republic of Latvia. LR Saeimas un MK Ziņotājs. January 30, 1992, no.4

organizations,¹⁷ on September 7, 1995; this happened because the law of 1990, like other laws adopted at that time, was incomplete and poorly drafted.

The Law on Religious Organizations of 1995 provides a specific range of denominations with the right to teach religion in schools. The early romanticism of regaining independence had gone and a harsh competition between religions arose in its place. Even *dievturi* (Latvian Pagans), who during the national awakening were seen as a symbol of freedom, were excluded from schools. Despite desperate attempts to enter the circle of those denominations entitled to teach religion they are in the same position as new religious movements. Basically, new religious movements are those which entered Latvia after the fall of the "iron curtain" – the Jehovah's Witnesses, Scientologists, charismatic Christians, Mormons, etc. Even though membership in these is rapidly growing they cannot qualify to enter the list of denominations that have the right to teach religion, because they have to fight for registration.

The first "Jehovah's Witness" parishes were registered in the Ministry of Justice of the Republic of Latvia on October 12, 1998, and so in 2008 they gained "independent religious organization status" and could now campaign to enter the schools to teach. It is similar with the Mormons, etc. Different situations arose with the Methodists, and Adventists, who judging by Article 6 of the law "On Religious Organizations" of 1995 were not counted amongst the "chosen denominations" entitled to teach their faith in schools. Both Adventists¹⁸ and Methodists¹⁹ have special laws for such rights. The author believes that the entry of these two confessions into the list under the Law "On Religious Organizations" is only a matter of time, as they have both acquired the special status of traditional denominations,²⁰ after the approval of their special laws. Another issue is the small number of the members of these denominations.

3. LEGAL SOURCES AND RELIGIOUS INSTRUCTION

3.1. The Constitution – *Satversme*

In the Constitution of the Republic of Latvia (*Satversme*) religion/church is mentioned only in Article 99: "Everyone has the right to freedom of thought, conscience and religion. The Church shall be separate from the State." This provision was included in the Constitution in

¹⁷ The Law on Religious Organisations LR likums. Latvijas Vēstnesis, 1995.. 9 September no. 146 (429).

¹⁸ Article 14 of Law on Latvian Association of Seventh-day Adventist Communities: LR likums. Latvijas Vēstnesis, 2007. 12.jūnijs nr.93 (3669)

¹⁹ Article 12 of Latvian Joint Methodist Church Law: LR likums. Latvijas Vēstnesis, 2007. 6.jūlijs 91 (3667)

²⁰ In Latvia there is no state religion. The Constitution of the Republic of Latvia (*Satversme*) does not mention any specific religion. The Latvian legislative norms (unlike the Lithuanian) have no concept of "traditional" denominations. "Traditional" and "non-traditional" organisations are not regulated by the Law on Religious Organisations and the Law does not list religions or religious denominations that are regarded as traditional. For all that, confessions included in Article 51 of the Civil Law as having the right to solemnize marriages, are called "traditional". These are the Lutheran, Catholic, Orthodox, Old Believer, Methodist, Baptist, Seventh Day's Adventist and Jewish religious communities. Although the issue of traditional churches in Latvia has been discussed for more than ten years, it was included in all the special church laws. On this see Article 2 of the special church laws which provide that the Latvian state recognises the existence and prevalence of the respective traditional religious organizations in the territory of Latvia.

1998, which was supplemented with a new section on human rights. In practice Latvia is a partial separation state, where the constitutionally-declared separation of church and state does not work in practice. Latvia does not associate itself with any specific religion, and matter is not about religious tolerance, but about interpretation of Article 99. Above all, there is no clear opinion about where the border between the state and church should be strictly marked. State and Church are separate. However, if we speak about essentials to ensure separation of church and state, then practically none of these exist in Latvia. One of the reasons for this is the issue of the State-funded religious education in State and municipal schools and the rights of churches to contract a marriage on behalf of the State.

In addition to the clause on religious freedom in Article 99, the right to religious education may arise contextually by virtue of Article 112 of the Constitution which provides for the right of everyone to education. Article 114 also states that: “persons who belong to the minority nationality, has a right to preserve their language and cultural [and] ethnic particularity.” It follows that everyone, including minorities, in Latvia has equal rights to the free choice of religion. This is also declared in Article 2 of the Law of Religious Organizations: “The state does not grant any privileges to any religion or confession.”

Religious freedom in Article 99 of the Latvian Constitutions includes freedom to believe or disbelieve freely, and to practise or not to practise religion. This results in a distinction between positive and negative religious freedom. Thus, the right to withdraw from religious education and the right to alternative education does not need to be *expressis verbis* in the basic law of the State, but result automatically from positive and negative religious freedom. The rights to protection (e.g., symbols, etc.) of their own religion (religious belief), can be as widely interpreted as the rights to religious rituals. The state has an obligation to provide individuals and/or religious organisations with space for action where their world outlook can develop and be protected from the followers of other religions or the attacks or restrictions of competing religious groups. Without doubt one can add the right to religious education, which includes also the right to study one’s own religion, the right to provide religious education, the right to train clergy, the right to create and distribute religiously educational literature etc.

3.2. Religious Instruction

The content of education is regulated by the Law of Education 1998. Articles 32-35 of this state that the content of the subjects (and lessons) is regulated by prescribed standards. According to the relevant order such subjects as Religion, History of Culture, Christianity, Ethics, and Christian ethics are considered as educationally valuable.

The principle of freedom of religion is a fundamental of the Law on Religious Organisations from September 7, 1995. Article 2 deals with the right to freedom of religion, including the right to freely state one's attitude towards religion, to adhere to some religion, individually or in community with others, or not to adhere to any religion, and to change freely one’s religion in conformity with the law. The Law on Religious Organisations, in compliance with the Constitution, as well as international agreements concerning human rights in the sphere of religion, regulates social relations established through exercising the right to freedom of conscience and through engaging in the activities of religious organisations. The state shall protect the legal rights of religious organisations as prescribed

by the law. The state, municipalities and their institutions, non-governmental and other organizations, shall not interfere with the religious activities of religious organisations.

Under Article 6 of the Law on Religious Organizations, the Christian religion may be taught in state and municipal schools to persons who have requested it in a written application. Applications by minors to be taught the Christian religion must be approved by parents or guardians. If the minor is under 14 years of age, the minor's parents or guardians submit the application.²¹ The concept of Christian religious instruction does not include and cannot include the Jewish faith or Islam. Due to the very small amount of Muslim and Jewish students, neither the parochial management of the Muslim nor Jewish parish has been interested in teaching their faith in schools. Christian religion in accordance with the curriculum approved by the Ministry of Education and Science may be taught by teachers of the Evangelical Lutheran, Roman Catholic, Orthodox, Old Believers or Baptist denominations, if not less than 10 students of the same school have expressed their wish to study the religious teaching of the relevant denomination. The teachers must be selected by the denomination leaders and be approved by the Ministry of Education and Science. They can also be chosen from secular teacher staff. Ethics is offered as an alternative to religious instruction. Students at state-supported national minority schools may also receive education in the religion "characteristic of the national minority" on a voluntary basis. Other denominations may provide religious education in private schools only. Those organisations that have no rights to teach religion in schools put their emphasis on Sunday schools. For example, on Sundays parents go to mass while children aged 3–10 years are taught in Sunday school.²² Many denominations have developed comprehensive systems of Sunday Schools. For example the Baptist congregations in Latvia, with more than 6,200 members have Sunday Schools attended by approximately 5,000 children.²³

According to the Law, everyone individually or in groups, has the right to religious instruction in the educational establishments of religious organisations. In national minority schools supervised by the state or municipalities, if such is the wish of the students and their parents or guardians, the religion appropriate to the particular national minority may be taught in compliance with procedures prescribed by the Ministry of Education and Science. Thus for example, the Orthodox, whose religion is not mentioned in the Law on Religious Organisations, can ensure religious classes for their children.

3.3. Agreements and Special Laws

In Latvia, there are two types of legal agreements between churches and the State: international and national. The international agreement – and in Latvia there is only one –

²¹ According to the Agreement between the Republic of Latvia and the Holy See Article 14 the Republic of Latvia recognizes the right of parents and their legal representatives, and, in the cases provided for by law, of children themselves, to ensure for their children an adequate religious education in institutes of education through religion classes in State and municipal schools, and the Catholic Sunday schools. The State guarantees this right within the terms established by law and the international treaties binding upon the Republic of Latvia.

²² <http://www.priekavests.lv/lv/izglitiba/svetdienasskola?read=3730>

²³ Balodis R. School – Religion Relations: Republic of Latvia. – Revue. Europeenne de Droit Public, 2005; Vol. 17 (1) spring p. 397 – 408

signed with the Holy See in 2000, unlike national agreements signed with local churches in 2004, has a higher authority than laws. Moreover we will see that the legal status of the agreements of 2004 can be called into question to operate they must be implemented in laws.

International Agreement with Holy See: The Latvian Parliament on 12 September 2002 ratified the agreement with the Holy See. In accordance with Article 15 of the agreement between the Republic of Latvia and the Holy See, the teaching of the Catholic religion shall be conducted exclusively on the basis of a programme approved by the Bishops' Conference of Latvia, in agreement with the Ministry of Education and Science, and must be undertaken only by qualified teachers who possess a certificate of competence issued by the Bishops' Conference of Latvia; the revocation of the certificate carries with it the immediate loss of the right to teach the Catholic religion. Moreover, Article 9 (a) provides: "With respect to the laws of the Republic of Latvia and in view of its legitimate pastoral undertakings, to the Catholic Church shall be guaranteed freedom of access to the media and freedom of speech, including the establishment of its own means of social communication and access to those of the State, in accordance with the legislation of the Republic of Latvia." According to Articles 16, 18 and 19 in conformity with the legislation of the Republic of Latvia, the Catholic Church has the right to found institutions of higher formation for teachers of religion which will grant civilly recognized diplomas. The Catholic Church has the right to establish and manage schools at every level, in conformity with the laws of the Republic of Latvia and the norms of Canon Law. The foundation of Catholic Schools shall be requested by the Bishops' Conference of Latvia the latter acting on behalf of the local Ordinary. Catholic Schools, as well as institutions of higher formation, shall observe the laws of the Republic of Latvia concerning the general norms relating to the national curriculum, to their management and the granting of civilly recognised diplomas. Catholic Schools are entitled to state financial support, in accordance with the laws of the Republic of Latvia. Teachers and other employees in officially recognised Catholic Schools, as well as students and their parents, shall enjoy the same rights and have the same obligations as their counterparts in State and local government schools.²⁴ Whilst the Roman Catholic Church was interested in concluding an international agreement between the Holy See and the Republic of Latvia, no agreement was made with the Catholics and thus no special law was adopted.

Agreements between the Latvian government and churches: Agreements of 2004, between the Cabinet of Ministers and churches were made due to the discontentment of the traditional churches regarding the treatment of Roman Catholics that stemmed from the 2000 agreement with the Holy See. Each of these agreements has a preamble recognizing the special role of the Church in the existence of the legal system of the country and the system of values of the society, as well as its significant contribution to the morale of society and the process of socialization.²⁵ Every agreement also implemented the right to teach religion in schools run by the state and local government. For example, according to the Agreement signed on June 8, 2004, between the Republic of Latvia and the Evangelic Lutheran Church

²⁴ Balodis R. School – Religion Relations: Republic of Latvia. – Revue. Europeenne de Droit Public, 2005; Vol. 17 (1) spring p. 397 – 408

²⁵ General presentation: Latvia/[Sociological and legal data on religions in Europe//](http://www.eurel.info/EN/index.php?pais=59&rubrique=662)
<http://www.eurel.info/EN/index.php?pais=59&rubrique=662>

of Latvia (Article 14 on religious lessons) the latter has the right to teach religion in line with the regulatory enactments of the Republic of Latvia according to a curriculum jointly approved by the Ministry of Education and Science and the Evangelic Lutheran Church of Latvia. There are similar provisions in other the agreements. Although the agreements based on the experiences of Spain, Italy, Hungary and Poland in this sphere,²⁶ agreements had to be implemented in laws so that in accordance with the demands of Latvian law they would acquire legal effect. On the basis of the request from the Saeima Legal Office, under the leadership of the author of this article, the Ministry of Justice prepared 7 special laws which were accepted in parliament in 2007 – 2008.²⁷ The primary reason for draft laws was to strengthen the relationship included in agreements of 2004 between the Republic of Latvia and its traditional churches. After long and difficult negotiations between the representatives of the churches, and the deputies and legal service of Parliament this was accomplished. In the end, questions about the Sabbath were not included in the laws of Seventh-Day Adventists and Jewish community and the Lutherans failed to secure tax benefits in their laws.

These special laws acknowledge the long-standing existence and spread of the Church as a traditional religious organisation in the territory of Latvia and “*its contribution to and rich experience in the areas of society’s physical and mental health, education, culture, social support and other areas.*”²⁸ The legal provisions on education in all the special laws are similar. So according to that applicable to the Latvian Old Believers’ Pomor Church, under Article 12 (The Church and education), the church has the right to educate its priests and the Church shall possess the right to provide religion lessons in state or municipal educational establishments under the procedure stipulated in the relevant laws and regulations.

Finally, when comparing the rights of traditional churches that have been established by the law, it can be seen that the Roman Catholic Church has the largest number of matters treated in the law regarding education, despite the face that it does not have a special law.

No	Issues in the law	Adv	Bapt	Met	Jews	Old-B	Luth	Orth.	Cath.
1.	Education	14.§	14.§	12.§	-	12.§	14.§	15.§	14-20.§
2.	Autonomy of content of educ. inst.	-	-	-	-	-	14.§	15.§	4. and 15§
3.	Educational instut.	-	-	-	-	-	-	-	19.§

²⁶ Balodis R. The recent developments of Latvian model of Church and State relationship: Constitutional changes without revising of Constitution/ Jurisprudencija 2009, 3 (117), p-19.

²⁷ Law on Latvian Association of Seventh-day Adventist Communities: LR likums. Latvijas Vēstnesis, 2007. 12.jūnijs nr.93 (3669); Latvian Baptist Community Association Law: LR likums. Latvijas Vēstnesis, 2007. 30.maijs nr. 86 (3662); Riga Jewish Religious Community Law: LR likums. Latvijas Vēstnesis, 2007. 20.jūnijs 98 (3674); Latvian Joint Methodist Church Law: LR likums. Latvijas Vēstnesis, 2007. 6.jūlijs 91 (3667); Latvian Old-Believers Pomor Church Law: LR likums. Latvijas Vēstnesis, 2007. 20.jūnijs 98 (3674); Latvian Evangelical Lutheran Church Law: LR likums. Latvijas Vēstnesis, 2008. 20.novembris 188 (3972); Latvian Orthodox Church Law: LR likums. Latvijas Vēstnesis, 2008. 13.novembris 188 (3972)

²⁸ Balodis R. LAS RELACIONES ENTRE EL ESTADO DE LETONIA Y LAS ORGANIZACIONES RELIGIOSAS: DE LA REALIDAD SOVIÉTICA AL MODELO DE ESPAÑA E ITALIA. Revista General de Derecho Canónico y Derecho Eclesiástico del Estado 21 (2009) <http://www.iustel.com/v2/revistas/detalle_revista.asp?numero=21&id=2>

	employees' rights								
4.	Spiritual seminars	-	-	-	-	-	-	-	20.§
5.	Dept. of Theology of the University of Latvia	-	-	-	-	-	-	-	21.§

Special laws and the comparative table of the Holy See regarding issues of education.

4. REQUIREMENTS FOR TEACHERS OF RELIGION

In order to be able to teach Christianity, the teacher has to have a degree in pedagogy and they have to have graduated from or enrolled in one of the aforementioned schools (until 2009, a B1 certificate from courses of professional development was sufficient (36 hours), which were financed by the state – 17 teachers were hired by the state to teach other teachers in the whole country). Since 2004, more than 700 teachers have received the certificate asserting their rights to teach Christianity. Until 2009, the teacher had to receive a permit from the higher leadership of their denomination under the responsibility of the parish priest (with the aim of not letting representatives of different sects into the schools). When starting work, the teachers are not asked about their religious leaning or beliefs.

5. RELIGION WITHIN THE FRAMEWORK OF CLASSES IN LITERATURE, HISTORY, PHILOSOPHY, ARTS, LANGUAGE CLASSES

Religion is (fully or partially) covered in the elective subjects “Christianity” or “Teaching of the Christian faith”. Other subjects with a state-approved syllabus do not formally include religious themes, so, according to the Ministry of Education and Science, one cannot determine the share of religion in them.²⁹ By coordinating with the administration of each school, the teacher himself or herself determines the order of themes to be taught within each subject as well as the number of hours to be spent on specific themes.

The standard high school syllabus of “Biology” determines the body of knowledge and skills to be taught at the secondary level of education. Appendix 12, point 16.8 of the provisions issued by the Cabinet of Ministers of September 2, 2008 Number 715 (“Provisions concerning the standard for a comprehensive standard of secondary education and the standards of subjects of comprehensive secondary education”), provides that the student, having learnt Biology, has become acquainted with the main laws applicable to the origin of life and evolution. Opinions have been voiced publicly (including those of the leaders of Christian denominations such as the Archbishop of the Latvian Evangelical Lutheran Church J. Vanags) about the hegemony of Darwinism in schools and the need to teach the so-called the theory of intelligent origin, but they have not gained much ground and may be considered

²⁹ The letter number 1.-12/3426 on 18 May 2010 by M. Gruskevics, the Secretary of State in the Ministry of Education and Science, to R. Balodis, the Chair of the State Law Department of the Faculty of Law of the University of Latvia.

merely as exercising one's rights to an opinion. According to the adherents of this theory, life is so complex that only an outside force could have created it, hence there must be some "intelligent designer".

In Culture, which is also an elective subject, religion is treated as a form of culture, and is an integral part of it. History (which is compulsory) includes a short survey of the history of religion. Philosophy, similarly, includes religion in the context of the main subject.

In conclusion, creationism dominates in the electives, whereas in compulsory subjects like Physics, Biology, and History, Darwinism is stronger. According to experts, in this way it is possible to ensure parity between the two. However, that is not the official opinion of the state.

6. RELIGIOUSLY MOTIVATED BEHAVIOUR IN PUBLIC SCHOOLS

The deployment of religious signs and symbols is a matter of discretion with regard to religious schools such as Christian public schools and private schools and Jewish private schools.³⁰ Prayers are said every morning in such schools and during the holidays students are welcomed to attend church as they wish.

The standard of each subject taught is coordinated with the Ministry of Science and Education, and so free practice of religion is regulated by the national Law of education. There are eight private schools with religious specialization – Lutheran, Jewish and Baptist.

Religious ceremonies and rituals in comprehensive schools may occur with the consent of parents, and, without this, no actions of a religious nature can be carried out in such schools.

Such issues (currently on agenda in Scandinavia) as Coeducational Swimming Instruction for Muslim Girls, are still uncommon in Latvia. According to the Ministry of Education and Science, it had not received requests until May 2010³¹ from Muslims to organize separate groups for boys and girls in the subject "Sports".³² Obviously, the Baltic States have different problems regarding the issues concerning Muslims, given the low number of Muslim believers in these countries.

7. RELIGIOUS SYMBOLS AT SCHOOL

The Ministry of Education and Science admits³³ that it is not legally able to determine the norms of behaviour of students in comprehensive schools, or their internal regulations, special

³⁰ Education: Latvia/[Sociological and legal data on religions in Europe//
http://www.eurel.info/EN/index.php?pais=59&rubrique=658](http://www.eurel.info/EN/index.php?pais=59&rubrique=658)

³¹ The letter number 1.-12/3426 on 18 May 2010 by M. Gruskevics, the Secretary of State in the Ministry of Education and Science, to R. Balodis, the Chair of the State Law Department of the Faculty of Law of the University of Latvia.

³² It must be noted that the current laws and regulations allow dividing students into groups during lessons, including divisions of gender. The division into groups, given the funding allocated to each institution, is a matter for each founder.

³³ The letter number 1.-12/3426 on 18 May 2010 by M. Gruskevics, the Secretary of State in the Ministry of Education and Science, to R. Balodis, the Chair of the State Law Department of the Faculty of Law of the

requirements regarding teachers' or students' clothing, times of festivities or meetings etc. A code of conduct, designed to supplement laws and regulations, can be determined by the founders of each school – and local governments or private bodies (for private schools), confirm the internal regulations of each specific school. The use of religious symbols is up to the administration of each religiously-oriented school, both in Christian public and private schools, and minority schools, for example, the Jewish private school. These norms can be determined in greater detail by the principal of each school.³⁴

Prayer is a part of every religion, thus it is one of the practical actions to be learnt by the student. Therefore, religiously-oriented schools include morning prayers, and, on religious holidays, students are welcome to go to the church on a voluntary basis.

Latvian laws and regulations do not include requirements regarding the clothing or the use of symbols by academic personnel; these, including norms of behaviour, can be included in the internal regulations of each school by the founders of an institution of higher education or its main administrative bodies.

8. THE SABBATH AND RELIGIOUS HOLIDAYS: POSSIBILITY OF AND CONDITIONS FOR TAKING OFF RELEVANT DAYS

The school year and holidays, according to Article 4, Paragraph 16 of the Law on Comprehensive Education, are determined by regulations of the Cabinet of Ministers regarding the start and end date of each specific school year and semester (for example, the 10 February 2010 regulation of the Cabinet of Ministers Number 119 “Regulations of the 2009/2010 school year and semester start and end dates”). Paragraph 11 of the 2 February 2010 Regulations of the Cabinet of Ministers Number 96 “Regulations of the 2009/2010 school year and semester start and end dates”, provides that the local government, after a suggestion by a principal of an educational institution, can independently take a decision on extending the winter break by one or two days, noting the dates for substituting those days in the school year 2010/2011. This norm has been included after taking into consideration the suggestion by many educational experts and local governments regarding Orthodox Christmas, which is celebrated by many families, often also by visiting relatives outside of Latvia. Schools are closed on Sunday and no graduation examinations or tests are organized on this day. Issues about graduation examinations during a holiday of a religious minority are dealt with on an individual basis, with both sides seeking a compromise.

It must be noted that at the 4 June 2010³⁵ meeting of the Council of Spiritual Affairs,³⁶ chaired by the Prime Minister, the agenda included ensuring the teaching of the Christian faith in schools. Discussing teaching of Christian values in comprehensive secondary schools,

University of Latvia.

³⁴ Taking into consideration that the standard syllabus of each subject has to be coordinated with the Ministry of Education and Science.

³⁵ Prime Minister: Attending the meeting of the Council of Spiritual Affairs/ Latvijas Vēstnesis, 6 June 2010.

³⁶ The Council of Spiritual Affairs is an independent, consultative institution for coordinating the cooperation between the state and the church, with the aim to promote harmony and understanding among the followers of different religious denominations and beliefs in Latvian society.

the representatives of religious denominations praised the cooperation with the Ministry of Education and Science on developing the syllabus for the teaching of Christianity. At the end of the discussion, the Council of Spiritual Affairs agreed on appealing to the schools to find extra opportunities for the representatives of the traditional religious denominations to organize guest lectures several times during the school year, including Christmas and Easter.³⁷

9. RELIGIOUSLY MOTIVATED HOME-SCHOOLING

The opportunities of home-schooling under the responsibility of the student's parents are set in the 1 November 2005 Regulations of the Cabinet of Ministers Number 811 "Regulations on the compulsory requirements for the admittance and advancement to the next grade of students in comprehensive schools (excluding boarding schools and special educational institutions)". According to Paragraph 14 of these regulations, home-schooling is allowed from grades 1 to 4, on the basis of a written petition by the student's parents, coordinated with the local government. The permission is given by the principal of the school, issuing a decree. The parents and the administration of the educational institution have to agree on the procedure of consulting the parents and the procedure on assessing the student's achievements during the year by the teachers in order to give their decision on advancing the student to the next grade.³⁸ Religious affiliation of the family to a religious organization registered according to the provisions of the Law on Religious Organizations cannot be a basis for denying the parents their right to educate their child at home. However, if the teachers note that the student's knowledge does not conform to the standard of comprehensive education set by the state, the principal can lift the permission to educate the student at home under the authority of his or her parents.³⁹

10. TEACHING RELIGION IN THE INSTITUTIONS OF HIGHER EDUCATION

Part 3 of Article 4 of the Law on Institutions of Higher Education, states that each institution can determine independently the content and standards of their study programmes. Study programmes are regulated by the description of their content and realization, which, according to the type and level of education, includes the aim of each programme, planned results, the content of offered education, compulsory subjects and electives, and the division of time among them, and the means of control and their regulation. According to Article 55 of the Law on Institutions of Higher Education, one quarter of the total study programmes is determined by the senate of the highest council of the institution. Hence, it is under the authority of the founders and the highest organs of administration of each institution to include religious themes in their study programmes, determining their content, extent and order of teaching. Therefore, specific institutions should be consulted to find the share of religious themes in the total body of all study programmes.

³⁷ Prime Minister: Attending the meeting of the Council of Spiritual Affairs/ Latvijas Vēstnesis, 6 June 2010

³⁸ The letter number 1-17/923 on 6 April 2006 by K. Jarinovska the Secretary of State in the Ministry of Education and Science, to the Authority of Religious Affairs of the Republic of Latvia

³⁹ Ibid.

Number of students , who study *ethics* in grades 1 to 9 in comprehensive daily education programmes in school year 2009/2010

Region		In total	1st year	2nd year	3rd year	4th year	5th year	6th year	7th year	8th year	9th year
41	Kurzeme region	3544	1157	1173	1168	46					
42	Latgale region	3171	992	1003	1135	41					
43	Riga region	7050	2443	2204	2303	27	11	20	9	16	17
44	Vidzeme region	4588	1530	1443	1555	54	3	1	1	1	
45	Zemgale region	4058	1411	1237	1305	44	12	12	10	13	14
10	Jekabpils	609	188	191	225		5				
25	Valmiera	1116	239	245	243	74	52	61	55	62	85
27	Daugavpils	2183	719	719	722	23					
28	Jelgava	1350	457	454	435	4					
29	Jurmala	1299	421	425	426	24			1	1	1
30	Liepaja	1543	568	469	506						
31	Rezekne	708	237	214	257						
32	Ventspils	884	265	258	323	38					
	Riga	14497	4727	4453	4375	246	129	123	194	129	121
34	Central district	1266	401	416	449						
35	Kurzeme district	3132	886	805	763	126	111	98	101	122	120
36	Latgale suburb	3422	1049	1079	1117	51	14	22	86	4	
37	Vidzeme suburb	3427	1228	1102	1097						
38	Zemgale suburb	1792	633	619	518	4	4	3	7	3	1
39	Northern district	1458	530	432	431	65					
	In the State in total:	46600	15354	14488	14978	621	212	217	270	222	238
	<i>school year 2008/2009</i>	<i>44558</i>	<i>14892</i>	<i>14900</i>	<i>13971</i>	<i>418</i>	<i>93</i>	<i>67</i>	<i>145</i>	<i>21</i>	<i>51</i>
	<i>school year 2007/2008</i>	<i>44551</i>	<i>15588</i>	<i>14033</i>	<i>13431</i>	<i>521</i>	<i>81</i>	<i>120</i>	<i>705</i>	<i>38</i>	<i>34</i>
	<i>school year 2006/2007</i>	<i>46657</i>	<i>14684</i>	<i>13546</i>	<i>13215</i>	<i>529</i>	<i>214</i>	<i>198</i>	<i>3651</i>	<i>381</i>	<i>239</i>
	<i>school year 2005/2006</i>	<i>40428</i>	<i>14369</i>	<i>14092</i>	<i>243</i>	<i>138</i>	<i>102</i>	<i>166</i>	<i>10757</i>	<i>341</i>	<i>220</i>

In total 226034 students have been registered in the State from grades 1-12 in the school year 2009/2010 (the number of students is decreasing, for example, in the school year 2004/2005, 300667 students were registered).