

RELIGION IN PUBLIC EDUCATION – SLOVAKIA

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I. GENERAL BACKGROUND

1. Facts and Figures

Demography

The Slovak Republic came into existence as an independent State in 1993 with approximately 5.5 million people residing at its territory (referred to hereafter in this text as “the population”). Traditionally, the Catholic confession of the Latin rite prevails over other denominations and Greek Catholics, Orthodox Christians, Protestants and Jews are considered traditionally as integral parts of society.

The most recent census was undertaken in 2001, with the next one due in 2011. The part of the population declaring themselves to be affiliated with one of the Slovak churches or religious communities increased significantly after the census of 1991. According to the 2001 census, 84.1 % of the population (i.e. 4.5 million as compared with 3.8 million in 1991) was identified by own subjective individual declarations with one of the State-recognized churches or religious communities: the Roman Catholic Church 68.9 % and the Byzantine Catholic Church (Greek Catholics) 4.1 % (i.e. Catholic Church 73 %); Evangelical (Lutheran) Church of the Augsburg Confession 6.9 %; Reformed Christian Church 2 %; Orthodox Church 0.9 %.

The figures for other small churches or religious communities are expressed in thousands; e.g. the Jewish community c. 2,500 members.

Approximately 13 % of the population declared themselves as having no confessional affiliation in 2001, as against 9.8 % in 1991.

Information as to 3 % of the population has not been cleared.

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Numbers of Private and Public Schools in the Country

The following table, based on statistics from the Ministry of Education, shows the numbers of schools in 2009/2010.

Type of school	State	Private	Denominational	Together
Pre-school educative institutions (kindergartens)	2,765	64	44	2,873
Primary schools	2,076	36	112	2,224
Primary artistic schools	191	80	11	282
Linguistic schools	22	18	1	41
High schools	156	38	55	249
Musical high schools (Conservatories)	6	7	1	14
High professional schools	383	85	19	487
Special education schools	365	25	14	404

The main founders of denominational schools are the Catholic Church (199), including the Catholic University, Evangelical Church (18), Reformed Church (9), Orthodox Church (4) and Brethren Church (3).

Over the last 5–7 years there has been a visible stabilization, even stagnation, in the growth of denominational schools run by churches or religious communities. There is also some growth in the field of private schools of a non-religious nature.

Description of the General School System¹

According to the Constitution of the Slovak Republic, everyone has the right to education. School attendance is compulsory. Its duration and the relevant age limits are stipulated by law: compulsory education in

¹ Basic information concerning the larger part of the *Description of the General School System* was taken from the article: Michaela Moravčíková: Religious Education and Denominational Schools in the Slovak Republic. In ASLAN, Ednan (Hg.) *Islamische Erziehung in Europa / Islamic Education in Europe*. Wien-Köln-Weimar: Böhlau Verlag, 2009. S. 457 – 473, ISBN 978-3-205-78310-7 (after recent consultation with the author).

Slovakia is for 10 years, but at most until completion of the school year during which a student turns 16.

Citizens have the right to free education at primary and secondary schools and, based on their abilities and society's resources, at higher educational establishments. Schools other than state schools may be established, and instruction in them provided for, only under conditions defined by law. Such schools may charge a tuition fee.

Law No. 596/2003 on State administration in education and educational self-government determines the competence, organisation and function of administrative bodies of state administration in the educational system, towns, municipalities and self-government bodies, and defines their duties in the field of state administration competencies in education. It determines the network of schools and educational institutions, decides on the location of a school, school facility, or a vocational education centre in the network, possible changes, and the exclusion of a school from the network. The Law designates the bodies authorised to establish schools, educational institutions or centres of vocational education. Such bodies are towns, municipalities, regional boards, registered churches or religious communities, and other corporate bodies or individuals. Education provided by denominational or private schools must be as adequate as that provided by other schools. The aim of denominational and private schools or educational institutions is to provide, in addition to quality education and training, alternative content, methods, and formats in education and training. Establishment of these schools allows parents to apply their right to choose a school or educational institution for their children according to their belief and conscience. Further, it creates a competitive environment to stimulate improvement in the educational system.

Churches and religious communities have the right to establish, administer and employ primary schools, secondary schools, universities and educational institutions in compliance with the provisions of the law. These schools and educational institutions have the same position as state schools and educational institutions and they are an important and equal part of the education system of the country.

The Slovak Republic gives full recognition to diplomas awarded by these schools and institutions and considers them equal to diplomas awarded by state schools of the same kind, field and level. Hence, they are acknowledged as equivalent to state diplomas; moreover, the same is true for academic degrees and titles.

Government funding provided for private and denominational schools is equivalent to funding for state schools. Government funding of educational institutions is based on normative principles. Financing per student/year (norms) is the same for both denominational and state schools. However, state educational institutions (kindergartens, canteens, after-school nurseries, etc.) and state artistic schools still have more financial advantages in comparison to the same kind of schools founded by churches (or other private founders). Financial means for schools and educational institutions from budget chapters of the Ministry of Education are provided for their founders through the Regional Education Offices according to the residence of the founder.

Most state universities include theological faculties. There are six theological faculties in Slovakia at four different universities: Roman-Catholic Theological Faculty of Cyril and Methodius at the Comenius University in Bratislava, Evangelical Theological Faculty at the Comenius University in Bratislava, Theological Faculty at the University of Trnava, Theological Faculty at the Catholic University in Ružomberok, Greek-Catholic Theological Faculty at the University of Prešov, and Orthodox Theological Faculty at University of Prešov. There are also theological institutes and seminaries for the formation of priests in Slovakia. These seminaries are specialised workplaces of public universities or theological faculties where university students are taught the values promoted by the relevant church in accordance with the internal policies of that church. Seminaries could also be autonomous legal entities that have an agreement with the university. In this case, seminarians are taught the values promoted by the relevant church in accordance with its internal policies, and the university education is provided by the university or theological faculty.

There are also theological institutes and seminaries in Slovakia. *Missio canonica*, or authorisation by the church, is an inevitable

condition for any educational activity at these institutions. Internal policies of theological faculties and denominational universities are approved by the academic senate pursuant to the church's or religious community's pronouncement. Law No. 131/2002 on Higher education stipulates paragraphs deal adequately with the rights and duties of denominational public universities and theological faculties. 22 paragraphs of the Act on universities refer in the main to academic rights and freedoms, the establishment of schools, academic self-government and its field of activity, rectors, deans, acceptance and disciplinary proceedings, rights and responsibilities of students, university teachers, or agencies of the scientific council and executive board of the public university.

In 2000, the Catholic Church established the Catholic University in Ružomberok: its operation is supported by State financial contributions. Its establishment was confirmed by the Bishops Conference of Slovakia. The Catholic University currently has four faculties: philosophy, theology (in Košice), health, and pedagogy.

On January 20, 2004 the National Council of the Slovak Republic gave its consent to the Treaty between the Slovak Republic and the Holy See on Catholic Education as well as the Agreement between the Slovak Republic and the Registered Churches and Religious Societies on Religious Education.

In the Treaty between the Slovak Republic and the Holy See on Catholic Education, ratified on June 4, 2004, the Slovak Republic proceeded from the Constitution of the Slovak Republic (above all from the Articles 12, 24 and 42), and the Holy See, from the documents of the Second Vatican Council, above all from the declaration *Gravissimum educationis* and from the norms of Canon Law - and both contracting parties also proceeded on the basis of Article 9 of the Basic Treaty between the Slovak Republic and the Holy See. The Agreement came into force, under Article VI, paragraph 2, on July 9, 2004.

The Agreement between the Slovak Republic and the Registered Churches and Religious Societies on Religious Education is the first of a series of agreements anticipated by the Basic Agreement between the Slovak Republic and Eleven Registered Churches and Religious

Societies. The ratification of the Agreement took place at the same time as the ratification of the Treaty between the Slovak Republic and the Holy See on Catholic Education, on May 13, 2004. The Treaty between the Slovak Republic and the Holy See on Catholic Education was signed by the President of the Slovak Republic for the SR and the State Secretary for the Holy See. The Agreement between the Slovak Republic and the Registered Churches and Religious Societies on Religious Education was signed by three top constitutional representatives and the leaders of the eleven churches. The treaty with the Holy See has status in international law and the other agreement is a domestic agreement having the same legal impact during its application guaranteed by Slovak law.

The above-mentioned documents also recognise the right of churches and religious communities to establish and to operate their own schools and school institutions of any kind and type. At the same time, the state guarantees not to demand that the denominational schools carry out educational programmes inconsistent with the principles on upbringing and education of the relevant church. Churches pledge to offer both general and special education at denominational schools consistent with the general and special education at state schools of equivalent degree and type. Both sides also agree to cooperate in the process of preparation and creation of educational programmes and in the sphere of education and upbringing in denominational schools. The schools belonging to churches and religious societies will get the same funding as all the other schools in compliance with the legal order of the Slovak Republic. The Agreement also enables churches to establish pedagogical and catechetical centres with a nation-wide field of activity in order to provide professional and methodical guidance for denominational schools, as well as expert education of pedagogical and non-pedagogical employees of denominational schools. The state should financially support theological faculties as well as avoid any obstacles to the establishment and activities of university pastoral centres.

Article 6 of the Agreement between the Slovak Republic and the Registered Churches and Religious Societies on religious upbringing and education declares that the Agreement is open for accession by

other churches and religious communities registered in compliance with the legal order of the Slovak Republic. All contracting parties must agree with the accession. In compliance with the legal order of the Slovak Republic, any registered church or religious community which is not a signatory of the Agreement can demonstrate a will to sign a similar bilateral agreement with the Slovak Republic.

2. Religion as a Subject of Instruction and Its Substitutes

Religious Instruction

According to Article 24 of Slovak Constitution, churches and religious communities *organise religious teaching* and, according to the Law No. 308/1991 on Freedom of religious faith and the status of churches and religious communities, believers have the right to be educated in a religious spirit and – in the event of fulfilment of conditions established by the internal rules of churches and religious communities as well as by generally binding legal regulations – to teach religion. Similarly, the Basic Treaty between the Slovak Republic and the Holy See and the Agreement between the Slovak Republic and registered churches and religious communities regulate matters concerning religious instruction and education in connection with more detailed arrangements (these are the so-called special or partial agreements). The right to religious education is guaranteed also by Law No. 29/1984 on the System of primary and secondary schools (the School Act).

All of these legal instruments - the Constitution, Slovak internal law as well as the Treaty and the Agreement - provide a legal guarantee to enable religious education in school as well as pre-school facilities in accordance with the will of parents or guardians. Persons appointed by churches and religious societies may teach religion in all schools and educational institutions which are part of the educational system of the Slovak Republic. The curricula of religion and religious education have to be approved by the relevant church in accordance with the statement of the Ministry of Education of the Slovak Republic. Besides the appropriate qualification, religious education also requires canonical mission or authorisation by the church or religious community in

accordance with legal norms of the Slovak Republic. This condition also applies to university teachers of theological disciplines.

Instruction about Religions

Special subjects including instruction on religions may be embodied in the school educative programme which is the basic document of every school. Instruction on religions form part of some subjects or lessons but there is no information on the creation of a separate and special system of such subjects in Slovakia other than specialized university studies.

Ethics

The above-mentioned legal norms introduce religious education into the Slovak educational system as an elective mandatory subject, where students have a free choice to attend ethics classes as an alternative. The lowest possible number of students of religious education class is twelve. Registered churches and religious communities may also include in their religious education classes students from different classes and different beliefs with their permission. If the number of students is lower than the required twelve, the principal consents to the teaching of religious education during religious lessons of other denominations, ethics lessons, or after school.

One lesson a week is the standard quota for religious or ethics education in state or private primary schools. In primary denominational schools, students have two lessons of religious education per week. At state or private (non-denominational) high schools, there is one lesson of religious or ethics education per week in the first and second classes. In the third and fourth classes students may, if the school offers such a possibility, choose one of these subjects as a non-mandatory, and thus supplementary, subject. At denominational high schools students may have two lessons of religious education per week in all four classes.

Religion within the Framework of various Classes

Standard religious information is presented in connection with the teaching of literature, history, philosophy, history, arts and languages. The approach of the individual teacher is decisive alongside the standards set by the State.

II. RELIGIOUSLY MOTIVATED BEHAVIOUR IN PUBLIC SCHOOLS

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

Teachers of religion have the same status in labour-law relations as teachers of other subjects; however, they have to be appointed by their church or religious society. For Catholics this means the authorization of *missio canonica*; for other churches and religious communities the conditions are based on the equivalent principle which applies in accordance with their law. Parents or guardians decide on the religious education of the child up to the age of 15.

Religious Symbols at Schools

There is no restrictive legal regulation concerning this issue in Slovakia. The Declaration of the National Council of the Slovak Republic No. 1845 of 10 December 2009 states that “placement of religious symbols in schools and in public institutions is the full right of each Member State of the European Union, including the Slovak Republic and it is in accordance with the Convention on Human Rights and Freedoms of 1950”.

In Slovakia, one case which appeared in the mass-media concerned complaints of parents against the placing of a cross in the premises of a state school (1999). However, the complaint was resolved with the agreement of the parents who chose allow the cross at the school. Therefore, there was no litigation in the courts on the matter.

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Religious Garments

The only serious case of this type was against a nun named Dalmatia working in a nursery (2006). Parents argued that sister Dalmatia's wearing of religious clothing violated their freedoms. However, in order to calm the situation, the nun left her work voluntarily.

The Possibility of Benediction of School Buildings

There are no legal rules on the issue. Directors of schools have full competence in the matter and no complaints have arisen in Slovakia.

Special Issues

Denominational schools are free to require prayers or organize religiously-motivated activities. Such activities performed in State or private schools are confined to religious education lessons. No complaints have arisen on the matter.

III. OPTING OUT FROM SCHOOL OBLIGATIONS FOR RELIGIOUS REASONS

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

The Law on instruction and education (No. 245/2008) allows school directors to allow school pupils to be absent from lessons on reasonable grounds for a period of 5 days. A religious holiday may be properly considered such a compelling reason. The Ministry of Education takes into account religious holidays when it sets the regular school holidays. Several religious holidays are determined by law or by agreements with churches and religious communities as public holidays and therefore bank holidays.

Opting out of Religious Instruction

There is a right to choose between religious instruction and ethics – both are optional; there have been no complaints to-date on this matter.

Opting out of Physical Education

No requests or complaints on this matter have arisen as yet.

Opting out of Biology

No requests or complaints on this matter have arisen as yet.

Religiously Motivated Homeschooling

The Law on instruction and education (No. 245/2008) provides for the possibility of individual instruction and education on the basis of a decision of the school director. There have been no cases of religiously-motivated applications for this. Financial subventions are not specified for concrete subjects - thus all the general parameters apply also to religious instruction.