

## RELIGIOUS EDUCATION IN SCHOOLS

### Background

There is no EU obligation to provide religious education in schools, however with the exception of one member state, all EU countries do provide classes on religion. The EU's Charter on Fundamental Rights does guarantee everyone's right to freedom of thought, conscience and religion, but it can only be used in education when the EU acts in the field of education and currently it does not have the competence to intervene in national educational curricula.

All EU member states are required however to be a member of the Council of Europe and to join the European Convention on Human Rights, which does apply to national education policy. It was therefore the European Court of Human Rights that applicants turned to when they felt that their freedom of religion had been violated in the case of [Grzelak v Poland](#).<sup>1</sup>

### Case

The Grzelak family, composed of spouses Urszula and Czesław, and their son, Mateusz, lived in Sobótka, Poland, at the time the application was lodged with the European Court of Human Rights. In 1998, when he was seven, Mateusz Grzelak began at his primary school and, according to the option expressed by his parents, who were agnostics, he did not attend "religion" classes.

The Grzelak spouses submitted repeated requests for their son to follow the classes of the subject "ethics" instead – which was an option, but their applications were dismissed on the grounds that Mateusz was the only child in his class who had submitted such a request. Since it was impossible for Mateusz to follow the alternative course and religious education classes were scheduled in the middle of the school day, between other compulsory courses, he had to wait during that time in the corridor without any supervision or to spend his time in the school library or in the school club.

The Grzelak's maintained that their son was subjected to discrimination because of this: he received a dash instead of a mark in his transcript for religion and was subject to physical and psychological harassment by other pupils for not attending religious education classes. For that reason, the child was repeatedly moved to other schools in the same town.

After several unsuccessful requests addressed to the headteachers of the schools, the Grzelak's sent a letter to the Ministry of Education. The Ministry replied that ethics classes were organised at the parents' request and where they did not take place, it was for organisational reasons only, due to the low numbers of students wanting to take ethics classes.

---

<sup>1</sup> [hudoc.echr.coe.int/eng?i=001-99384](https://hudoc.echr.coe.int/eng?i=001-99384)

## **Process**

The Ministry however referred the question on whether the dash instead of a mark in the transcript was constitutional to Poland's constitutional court, which found that it did not breach the right to freedom of religion in Poland's constitution.

The Grzelak's were unhappy with this and took the case in 2002 to the European Court of Human Rights, claiming that the Polish state had violated their rights to freedom of religion and non-discrimination.

## **Decision**

On the 15 June 2010, the European Court of Human Rights ruled that Mateusz Grzelak's right to non-discrimination and freedom of religion had been violated.

They stated that freedom of religion also means freedom not to have a religion and not to have to reveal whether one has a religion or not.

They decided that the absence of a mark in the religion/ethics class line and the fact that ethics was crossed out from his final certificate, would lead people to believe that he did not have a religion and restrict his religious freedom and therefore was not compatible with the European Convention on Human Rights.

## **Assessment**

On 25 March 2014, Poland amended its education rules. The amendment provided for a new rule, obliging the authorities of a school to organise a religion/ethics course, even if there was only one request to this effect. Pupils who reached the age of majority or parents of minor pupils (on behalf of their children) were required to submit a written request mentioning that they wished to attend such a course, avoiding any requirement to opt out of a religious or ethics class.

Beyond Poland, this judgement reaffirmed that European countries have an obligation to not only allow passively for freedom of religion and freedom to not have a religion, but also are obliged to take measures to ensure that persons are not forced to reveal their religious beliefs and to take positive steps to avoid situations where those with or without a religion are treated differently in education.