

## PSR about the implementation ECHR's judgement - ethics in public schools

Warsaw, 21 June 2012

Secretary to the Committee of Ministers  
Council of Europe  
Avenue de l'Europe  
67075 Strasbourg Cedex

### Communication from the Polish Rationalists Association

#### I. Introduction

Polish Rationalists Society (hereinafter referred to as the "PRS"), based in Warsaw at 24/1 Koszykowa Street, is a NGO founded in 2005 to develop and promote world-view based on scientific knowledge, intellect, experience and secular humanist ethics. Most of our efforts are concentrated on strengthening the ideological neutrality of the State, guaranteed by the Polish Constitution. Two years ago we created a website *etykawszkole.pl* [meaning *ethicsatschool.pl*] in order to help teachers to prepare ethics instruction and show parents how to exercise the right to ethics education of their children in public schools.

In this letter we want to provide information about the implementation of the European's Court of Human Rights' (hereinafter „ECtHR" or "the Court") judgement of 15 June 2010 in case 7710/02, *Grzelak v. Poland*.

#### II. Background of the case

The case *Grzelak v. Poland* dealt with the lack of choice in Polish schools. Children cannot choose ethics lessons instead of religious education, which is clearly in breach of the European Convention on Human Rights and Fundamental Freedoms.

For several years Mr. Grzelak fought for his son's right to take a course in ethics at school. He and his wife sent letters in this case to the Education Authority, the Ministry of Education and to the Ombudsman but they received only general, evasive answers. Mr. Grzelak consistently appealed to other institutions and, with the help of the Helsinki Foundation for Human Rights, his complaint eventually reached the European Court of Human Rights in Strasbourg.

On 16 June 2012 two tears passed from ECtHR pronouncing in the case 7710/02, *Grzelak v. Poland*. In the opinion of our Society, in this period the Polish Government have not taken any true action to implement the ECtHR's decision.

On 16 February 2012 we asked the Chairman of the Committee for Matters Concerning the European Court of Human Rights in the Polish Ministry of Foreign Affairs for information about implementation of the above-mentioned judgment and we have not received an answer. After our intervention, on 9 May, 2012 we received a letter from the Committee's spokesman in which it is stated that the Ministry of Foreign Affairs would request the Ministry of Education to submit information about all taken or planned actions relating to the execution of the judgement. A report for the Committee of Ministers of the Council of Europe is to be prepared on the basis of the provided information. The issue date of the report is still unknown.

In the absence of the official information about current situation concerning ethics instruction in Polish schools, press reports and various correspondence from teachers, students and parents received through [www.etykawszkole.pl](http://www.etykawszkole.pl) website remain the only available source of information.

#### III. Availability of courses in ethics in Polish schools

The evidence prepared for the case 7710/02, *Grzelak v. Poland* by the Helsinki Foundation of Human Rights, intervening as a third party in the case, contain statistics showing enormous disproportions between availability of ethics lessons and religious education in Polish schools.

According to information sent at that time from the Ministry of Education to the Helsinki Foundation of Human Rights, 27500 out of 32136 schools in Poland (85,57%) tutored religious education (of all denominations), and only 334 schools (1,03%) provided lessons of ethics. The number of religious education teachers employed by Polish schools reached 21370 people at the time, while ethics was taught only by 412 teachers in entire Poland.

According to the reports published by weekly magazine *Polityka*, newspapers *Gazeta Wyborcza* and *Metro*, as well as various press websites, Polish schools currently employ about 33500 religious education teachers (12000 more than at the time when Grzelak's case started) and about 900 ethics teachers (500 more). Most of those teachers give ethics lessons in addition to their primary subjects of teaching, so in reality ethics is taught by foreign languages, history or even religious education teachers! As these numbers clearly show, in the last two years disproportions between religious and ethics education still grow to the detriment of ethics.

On the part of education authorities at every level — i.e. the Ministry of Education, local Education Authorities, and schools' administrations — there comes no good news for parents and their children as to the availability of ethics instruction. The correspondence to *etykawszkole.pl* website paints a very sad picture, described as follows, of deliberate actions taken in many Polish schools in order to discourage children and their parents from demanding ethics courses in their schools:

1. Schools rarely organise ethics courses on their own initiative. Only a desperate and persistent parent can change this status quo. Even then schools try to discourage parents in various ways:

- by preventing communication with other parents, making it impossible to gather a group of seven pupils for which, according to legal regulations in force, lessons of ethics must be provided.
- by not granting permission for a public display of posters, made by our Society, telling about the right to ethics instruction.
- by suppressing information about other parents' requests for ethics lessons.
- by preventing parents from participation in inter-school parents meetings in order to find others willing to demand ethics lessons in school.

2. The alleged lack of professional ethics teachers is another argument constantly abused by schools. Following the introduction of „religious education/ethics" in schools in 1992, many of Polish universities opened postgraduate courses for teachers of ethics and even now a few universities still offer such courses. Unfortunately, their graduates still have enormous problems finding employment in public schools. Moreover, every person holding a Master degree in Philosophy with additional teaching qualifications can teach ethics at schools. That makes thousands of potential teachers. With every school year beginning or end, schools do not collect parents' statements with declarations of religion/ethics option for their children. Religious education is pre-placed in class timetables, while ethics instruction must be sought by parents to uncertain results.

3. Schools provide parents with false information, claiming, for example, that:

- there must be a group of at least seven pupils in one class to commence ethics instruction, while this requirement applies to the entire number of pupils in one school demanding such lessons.
- Religious education and ethics are allegedly obligatory courses, and every pupil must take part in them. If the school cannot provide ethics lessons, students must attend religious education.
- The lack of religious education/ethics mark on the school certificate makes it impossible for the student to be qualified as a next year student or a graduate, which- in the absence of ethics courses — forces pupils to take religious education.
- In order to withdraw a child from a religious education course, both parents must appear at school in person (an authentic case of a divorced mother of a schoolchild)
- Alleged shortage of professional teachers forces schools to timetable ethics for the late afternoon, several hours after other classes have finished. This is the most popular and effective way to discourage children and their parents from ethics instruction.

#### IV. Remarks of the PRS

In the light of the aforementioned facts, our Society believes that Polish Government have remained virtually inactive to execute the ECtHR judgment. Neither students nor their parents are clearly informed about the right to free choice between religious education and ethics lessons. When ethics is chosen, schools do everything to make this choice impossible rather than support it. According to our information, the Ministry of Education does not send out any positive message that ethics should be treated on equal footing with religious education. Only one textbook for teaching

ethics in secondary schools has been approved by the Ministry. There are no textbooks for primary and other levels of education, while teachers of religious education can choose from over 100 officially approved textbooks.

Schools try to explain this situation with an alleged lack of ethics teachers or lack of money for employing them. At the same time, religious education at schools costs 1132 million of Polish zloty (about 450 million €) per every school year. The number of religious education teachers — coming in vast majority from the Roman-Catholic clergy - still grows at the expense of ethics. There is often a popular belief still maintained at schools that ethics lessons are just for „non-believers" (read: not Roman-Catholics) which strengthens the myth that ethics is the enemy of religion. In small towns and villages, still under a strong influence of the Catholic Church and local parish priests which are usually the one and only religious education teachers in rural schools, school authorities are afraid to commence ethics courses.

Religious education curriculum is established by Catholic bishops who also appoint the teachers. Therefore, the school authorities do not have any control over the content of the lessons which, on its part, causes that at times religious education is used to spread hate speech and homophobia. In one, particularly scandalous case, our Society filed an official criminal complaint informing about such an offence by a priest teaching religious education. This case involved a school in which every student attended religious education, because there was no other choice. If in this and all other schools there was a free, universal and effective access to ethics courses, students could opt out from religious education conducted in such an inappropriate way. One has to distinguish between the situations of making a free choice as to religion/ethics instruction and of submitting a written declaration stating that a child will not be participating in religious education classes. The latter is at times perceived as a denial of the Catholic faith.

The Ministry of Education is considering teaching ethics via the Internet. The PRS takes careful note of this idea. However, we would like to stress that ethic lessons should be based on a live relationship between students and a teacher who should encourage pupils to critical, independent thinking, to asking difficult questions and to formulating and defending their own judgments. Learning ethics through the Internet can only be an exception used in the case of small, schools in the country where there is no real opportunity to employ a professional teacher.

## V. Conclusion

In the conclusion of the above considerations regarding the lack of ethics lessons in public schools, the Polish Rationalist Society kindly requests the Committee of Ministers to make an inquiry to the the Ministry of Foreign Affairs representing the Polish State in matters of implementation of the Court's judgment of 15 June 2010 in case 7710/02, *Grzelak v. Poland* and require them to comply with this decision.

Providing universal, free and effective access to ethics lessons does not require any changes in national law (i.e.: legislation on the education system) and international agreements (such as the Concordat). Only a partial modification in implementation of Ordinances of the Ministry of Education would suffice, such as:

- Obliging schools to timetable ethics and religious education lessons at the same time (preferably on the first or last lesson during the day).
- Issuing separate certificates for marks in religious education or ethics which would not be included in the students' average mark at the end of the school year.
- Introducing annual and mandatory declarations on participation in religious education/ethic lessons in order to create a timetable favourable for both the students and the schools.
- Obliging schools to organize ethics lessons at the request of parents or students.
- Obliging schools to provide the parents with reliable information about ethics courses,

We believe that Polish Government should be reminded about the need to respect ECtHR judgments and take all the necessary measures for the proper and effective enforcement of the aforementioned judgment.

On behalf of the Polish Rationalist Society:  
Andrzej Wendrychowicz

Vice-chairman, coordinator of etykawszkole.pl project  
copy:

Mr. Jakub Wołasiewicz  
Minister of Proceedings before International Human Rights Protection Bodies  
Racjonalista.pl

Ministry of Foreign Affairs  
Ul. Szucha 23, 00-580 Warsaw, Poland

Mrs. Beata Pawłowska  
Ministry of National Education, General Education Department  
Al. Jana Christiana Szucha 25, 00-918 Warsaw, Poland

(Publikacja: 24-06-2012)

Oryginał. (<http://www.racjonalista.pl/kk.php/s,8141>)

Contents Copyright © 2000-2012 Mariusz Agnosiewicz

Programming Copyright © 2001-2012 Michał Przech

Właścicielem portalu Racjonalista.pl jest Fundacja Wolnej Myśli.

Autorem portalu jest Michał Przech, zwany niżej Autorem.

Żadna część niniejszych opracowań nie może być wykorzystywana w celach komercyjnych, bez uprzedniej pisemnej zgody Właściciela, który zastrzega sobie niniejszym wszelkie prawa, przewidziane w przepisach szczególnych, oraz zgodnie z prawem cywilnym i handlowym, w szczególności z tytułu praw autorskich, wynalazczych, znaków towarowych do tego portalu i jakiegokolwiek jego części.

Wszystkie elementy tego portalu, wliczając w to strukturę katalogów, skrypty oraz inne programy komputerowe są administrowane przez Autora. Stanowią one wyłączną własność Właściciela. Właściciel zastrzega sobie prawo do okresowych modyfikacji zawartości tego portalu oraz opisu niniejszych Praw Autorskich bez uprzedniego powiadomienia. Jeżeli nie akceptujesz tej polityki możesz nie odwiedzać tego portalu i nie korzystać z jego zasobów.

Informacje zawarte na tym portalu przeznaczone są do użytku prywatnego osób odwiedzających te strony. Można je pobierać, drukować i przeglądać jedynie w celach informacyjnych, bez czerpania z tego tytułu korzyści finansowych lub pobierania wynagrodzenia w dowolnej formie. Modyfikacja zawartości stron oraz skryptów jest zabroniona. Niniejszym udziela się zgody na swobodne kopiowanie dokumentów portalu Racjonalista.pl tak w formie elektronicznej, jak i drukowanej, w celach innych niż handlowe, z zachowaniem tej informacji.

Plik PDF, który czytasz, może być rozpowszechniany jedynie w formie oryginalnej, w jakiej występuje na portalu. **Plik ten nie może być traktowany jako oficjalna lub oryginalna wersja tekstu, jaki prezentuje.**

Treść tego zapisu stosuje się do wersji zarówno polsko jak i angielskojęzycznych portalu pod domenami Racjonalista.pl, TheRationalist.eu.org oraz Neutrum.eu.org.

Wszelkie pytania prosimy kierować do [redakcja@racjonalista.pl](mailto:redakcja@racjonalista.pl)