



## Guidelines for joint festivities and religious events in vocational institutions

This guideline describes how the provisions on the freedom of religion and conscience in the Constitution of Finland (731/1999) and other legislation should be observed when organising an educational institution's joint festivities and any religious events and ceremonies as well as activities providing an alternative for them. The interpretations and views of how the provisions should be applied contained in this guideline are based on the opinions presented in the preparatory documents for the provisions as well as statements of the parliamentary Constitutional Law Committee, the supreme overseers of legality and the Finnish National Agency for Education.

The purpose of the guideline is to ensure that the fundamental rights related to culture and freedom of religion are realised in vocational education and training and to promote equality, equity and appreciation of cultural diversity in education. Education providers are responsible for the organisation of joint festivities and religious events and ceremonies as well as activities providing an alternative for them as required under the provisions and regulations. In this guideline, an institution also refers to other units of an education provider in which education and training or qualifications referred to in the Act on Vocational Education and Training are organised.

### 1. Joint festivities at vocational institutions

Finnish educational institutions have a number of traditional festivities, such as Christmas and Independence Day celebrations and end of school year events. The institution's joint celebrations are intended for all of its students. These festivities cannot be religious in nature, and no alternative events are organised for them. Decisions on the festivities and their content are made by education providers and educational institutions.

Joint festivities may also include some elements of religious nature. In the Constitutional Law Committee's view, such traditions are part of Finnish culture. The Committee states in its report that the singing of a single hymn that may be part of the festivities cannot, in the name of religious tolerance, be regarded as an event for practising religion. According to the Constitutional Law Committee, long-standing festivities may also include other similar traditions of religious origin. (Constitutional Law Committee reports 10/2002 vp. and 2/2014 vp.)

However, setting an exact limit for the permitted number of elements of religious nature in joint festivities in educational institutions is not possible, and the decision is made at the discretion of the education provider or the institution. In this consideration, the festivities as a whole and the role of religious elements in them should be accounted for.

The Deputy Parliamentary Ombudsman stated in a decision issued in November 2019 (EOAK/2186/2018) that, from the perspective of the students' equality, freedom of religion and the neutrality and impartiality required of the public authorities in terms of religions and beliefs, organising the school's end-of-term ceremony in a church is problematic in principle.



A Constitutional Law Committee report (16/2021) took a stand on the organisation of school festivities in a church. The Constitutional Law Committee stated that organising school festivities in a church does not make the event religious in itself, or mean that its contents constitute practice of religion. The Constitutional Law Committee noted that church buildings are habitually used for various non-religious events, including concerts and other performances. In the Committee's opinion, the use of a church building or other religious space for organising festivities cannot be considered unconstitutional as a basic premise. The Committee emphasises, however, that the use of a church building or any other obviously religious space as a venue for festivities creates tensions in terms of the freedom of religion, equity, and the neutrality of a public authority, which also affect judgements of, for example, what type of content can be considered acceptable when organising festivities that are part of the education in such venues. According to the Constitutional Law Committee, when using a church building or other religious space for organising school festivities, it must be ensured overall that the students' freedom of religion and conscience is safeguarded equitably.

These statements of the Constitutional Law Committee and the Deputy Ombudsman can also be regarded as applicable to vocational education and training.

The Finnish National Agency for Education stresses the importance of careful consideration if the institution is planning to organise festivities in religious buildings. The joint festivities of educational institutions are intended for all students at the institution and their guardians and, consequently, the aim of their organisation, including the selection of the venue, should be ensuring that the arrangements do not exclude anyone from the celebration for reasons related to their convictions.

Under the Act on Vocational Education and Training, VET providers shall engage in cooperation with the parents or other persons who have custody of a student under 18 years of age. The educational institution must inform the students and their guardians of the events organised at the institution and their content. If necessary, individual arrangements should be made for a student if the student prefers not to participate in all parts of a celebration. Such arrangements, including moving the student to another room, must be carried out discreetly and drawing as little attention to them as possible. No substitute programme or activities need be organised for individual religious elements included in festivities.

## **2. Religious and alternative events in vocational institutions**

The education provider can decide if religious events and ceremonies, such as church services, religious morning assemblies or other activities with religious content are organised in the educational institution. Religious events and ceremonies must be organised separately from other activities.

Religious events and ceremonies involve practice of religion. Under Article 11, subsection 2 of the Constitution, freedom of religion and conscience entails the right to profess and practice a religion, the right to express one's convictions and the right to be a member of or decline to be a member of a religious community. No one is under the obligation, against his or her conscience, to participate in the practice of a religion. On this basis, a student cannot be obliged to participate in a religious service or other religious event or celebration. The freedom not to participate in religious events and ceremonies does not depend on whether or not the student is a member of a religious community. This means that neither can members of a particular religious community be obliged to participate in religious events and ceremonies organised by the relevant religious community or the education provider. On the other hand, the intention of



section 11, subsection 2 of the Constitution is not to prevent other people's positive freedom to practice a religion. Teachers have an official duty to supervise students, also at religious events organised by the educational institution. However, it is not advisable to assign a teacher to these supervisory duties against their will.

Whenever possible, alternative and meaningful activities must be organised during religious events and ceremonies (Constitutional Law Committee 2/2014 vp). In the Finnish National Agency for Education's view, the basic premise should always be offering alternative activities. Apart from the religious content, the nature and objectives of the alternative activities must be as similar as possible to those of the event that the activities replace. While the alternative event must not necessarily be organised at the same time as the religious event, the arrangements must be fair for the students.

The educational institution must also ensure that participation, or declining to participate, in religious events do not lead to stigmatisation or other negative consequences for the student. It is essential that the student has a real and genuine freedom to choose whether or not to participate in events and ceremonies with religious content (Constitutional Law Committee 2/2014 vp).

Religious events and ceremonies must be organised separately from other activities, and their names must also give students and guardians a clear idea of their religious nature. For example, a church service before Christmas holidays should not be called an end-of-term ceremony or the institution's Christmas festivities. The education provider must ensure that the freedom not to participate in the practice of religion is also implemented at the practical level, for example by organising alternative events at a separate location. Especially when planning religious events and ceremonies that take place during the institution's working day and alternative activities for them, the institution must ensure that their practical arrangements can be made without jeopardising the students' equal treatment and ensuring that there is no stigmatisation. The educational institution is responsible for the safety of all students participating in different activities.

The education provider may also decide not to organise religious events or ceremonies on the educational institution's working days. This solution should also be opted for when, for example, the educational institution's facilities or personnel resources make it impossible at the practical level to organise religious events or ceremonies, or activities that provide an alternative for them, in compliance with laws and this guideline. The educational institution can engage in cooperation with local parishes and religious communities. The educational institution may agree to the students being informed of possibilities of participating in events organised by religious communities in their free time.

### **3. Notification of participation and processing of personal data**

Any notices sent to the students must contain information about the religious events and ceremonies organised at the institution and their alternative activities. The information about the content of religious and alternative events must be accurate enough so that the student has a de facto possibility of registering their participation in each case. When communicating about the content of events, it is sufficient to describe in general what the event is about and where it will be organised. While there is no need to provide the exact details of the event's programme, any partners should be mentioned. The educational institution must also ensure that information about religious events and ceremonies in the institution and the activities that provide an alternative for them reaches the students early enough (see EOAK/2186/2018).



The student notifies the school of whether they wish to attend religious events and ceremonies or participate in the alternative activities. The notification can be submitted once and for all, for example when registering with an institution or, should the student so wish, in each individual case. The form of the notification is decided by the education provider.

When processing the notifications, the education provider must comply with the provisions of the EU's General Data Protection Regulation (2016/679) and the national Data Protection Act that supplements it (1050/2018) concerning the processing of personal data. Under a decision issued by the Parliamentary Ombudsman before the General Data Protection Regulation entered into force and while the national Personal Data Act was valid (EOAK/1825/2016), the education provider has the right to process information related to registration for events. The processing of personal data must be planned in advance and the purpose of the processing must be specified. The education provider must process personal data carefully and follow good data processing practices.

Director General

Minna Kelhä

Director

Jarkko Niiranen

This regulation has been approved electronically in the Finnish National Agency for Education's case management system.