



Guideline on organising instruction of religion and culture, worldview and ethics in basic education and worldview education in pre-primary education as well as joint festivities and religious events in pre-primary and basic education

This guideline describes how the provisions on freedom of religion and conscience in the Constitution of Finland (731/1999), the Basic Education Act (628/1998) and other legislation should be observed in worldview education in pre-primary education and instruction of religion and culture, world and ethics in basic education as well as when organising joint festivities and any religious events and 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 pre-primary and basic education, to promote equality and appreciation of cultural diversity in education, and to make sure that education does not demand or lead to religious or philosophical commitment of the pupils. Education providers are responsible for the delivery of education and 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.

Any reference to pre-primary and basic education in this guideline applies to all instruction and activities referred to in the Basic Education Act (628/1998). Where applicable, the parts of the guideline concerning schools also apply to other places where pre-primary education is provided, taking their circumstances into account. Where applicable, the instructions concerning religious events and ceremonies also apply to morning and afternoon activities referred to in the Basic Education Act.

1. Education in religion and ethics in basic education

1.1. Options for organising the pupil's studies of religion and worldview subjects

The education provider has an obligation to organise education in a religion compatible with the religion of the religious community referred to in the Act on the Freedom of Religion (453/2003) to which the majority of the pupils belong. Should they choose to do so, pupils who belong, or decline to belong, to other religious communities may also participate in this education at the guardian's request, regardless of whether instruction of different syllabuses in religion or culture, worldview and ethics is available or not. Religious communities include the Evangelical Lutheran Church, the Orthodox Church and religious communities registered in Finland as well as certain religious associations comparable to them (about associations comparable to religious communities, see the transitional provision in the Act amending section 13 of the Basic Education Act, 454/2003, and the statement of the Education and Culture Committee 14/2002 vp).



The education provider also has an obligation to organise education in another religion or worldview subjects as described below if at least three pupils in total participate in it at the education provider's schools. In practice, the majority of the education provider's pupils belong to the Evangelical Lutheran Church as a rule, in which case the criterion of three pupils applies to pupils who belong to the Orthodox Church for the part of religious education, and to pupils who do not belong to any religious communities for the part of culture, worldview and ethics. Accordingly, education in the Orthodox religion is organised if there are at least three pupils belonging to the Orthodox Church [the Orthodox Church of Finland, see the Act on the Orthodox Church (985/2006)] who do not participate in the education of the majority religion; and if there are at least three pupils who do not belong to any religious community and who do not participate in the education in the majority religion, education in culture, worldview and ethics is organised.

For pupils who belong to a religious community other than the Evangelical Lutheran Church or the Orthodox Church referred to in the Act on the Freedom of Religion and who do not participate in education in the majority religion, education in their religion is organised if their guardian requests it and the cited criterion of at minimum three pupils is fulfilled. The pupils must be members of the religious community in question, or the religion to be taught must, in view of the pupils' upbringing and cultural background, evidently correspond to their religious beliefs (section 13, subsection 6 of the Basic Education Act). If necessary, the school can ask the pupil's guardian to provide a reliable account of their membership in a religious community or the correspondence of the pupil's upbringing and cultural background with the religion to be taught.

On the guardian's request, education in culture, worldview and ethics must be provided for pupils belonging to a religious community for whom education in their religion is not provided and who do not participate in education in the majority religion.

In basic education for adults, a student aged 18 or over is free to choose education in either religion or culture, worldview and ethics.

In the calculation of the minimum number of three pupils, all basic education schools of the same education provider and their pupils are taken into account. The number of pupils per education provider is examined separately for Finnish and Swedish education. For faiths other than the Evangelical Lutheran and Orthodox religion, pupils whose guardians have not asked for education to be provided are not taken into account when calculating the minimum number of pupils. The number of pupils who do not belong to a religious community registered in Finland is also not taken into account when examining the education provider's obligation to start providing education in a new religion or to continue providing education in a religion. Pupils who wish to participate in education in culture, worldview and ethics and who belong to religious communities are included in the minimum number of pupils creating an obligation to organise this education if education in their religion is not provided.

The education of those who have already started their studies will, however, be completed even if the size of the teaching group drops to less than three. The education provider may, at their discretion, arrange instruction for a group smaller than three pupils also in other situations.

If a pupil belongs to more than one religious community, the pupil's guardian shall decide in which religious education the pupil will participate (section 13, subsection 4 of the Basic Education Act). Religious communities decide themselves if they allow simultaneous membership in other religious communities.



The procedures which guardians must follow to request provision of education in religion or culture, worldview and ethics are decided by the education provider. The education provider must ensure that the guardians know when the pupils are entitled to education in culture, worldview and ethics or their religion. The school should emphasise to guardians that when making choices about religious and worldview education, as when selecting their other studies, their decision should be permanent. If a pupil changes religious communities or no longer belongs to any religious community, however, their guardian is entitled to change this choice.

An administrative decision pursuant to the Administrative Procedure Act must be made on the right to be given religious or ethics education if this is requested by the guardian or a pupil aged 15 or over. A request for an administrative review of the decision can be filed with the Regional State Administrative Agency [section 42 of the Basic Education Act 959/2015)]. Instructions for requesting an administrative review must be attached to the decision.

The assessment or grade for religion and ethics is given in the school year report and any intermediate reports in the form "religion/ethics", without specifying the subject the pupil has been studying. Neither is the syllabus in religion that the pupil took indicated on certificates.

If a pupil does not participate in education in the majority religion or the possible instruction of culture, worldview and ethics and if the pupil's religion or culture, worldview and ethics are not taught in the education provider's schools, other instruction or guided activities are organised for the pupil. Instead of other instruction or guided activities organised by the school, the pupil may participate in instruction provided by their religious community. In this case, the hours of education provided to the pupil at the school may be less than the statutory total number of hours of education (section 5 of the Basic Education Decree). The guardian must provide the school with an account of the pupil's membership in the relevant religious community and their participation in instruction outside the school. Any grade that may have been received for instruction given by a religious community is not noted on certificates. In cases where the pupil does not participate in religious or worldview education provided by the school, no administrative decision on exemption from instruction referred to in section 18 of the Basic Education Act is required.

Due to the smallness of the teaching groups formed for education in a religion other than the majority religion, it may in practice be necessary to arrange the teaching by including pupils from different grades in a single teaching group, and the instruction may need to be provided in a school other than the school the pupil attends. The education provider may also provide the instruction together with another provider of basic education or acquire the instruction from some other education provider. Instruction based on distance learning may also be used. In this case, the safety of the learning environment and the supervision and guidance of pupils must be ensured following the same principles as in other teaching situations (see the National core curriculum for basic education 2014, 5.4 Distance learning). The instruction must be planned and organised ensuring that the pupil's right to instruction following the curriculum is realised and that the teaching arrangements are as equal as possible with the instruction of religion provided for the majority of the pupils. The education provider is responsible for the pupil's travel to another school, if necessary by arranging transport, and the education provider is also otherwise obliged to ensure the pupil's safety and supervision when they participate in instruction of their religion or while waiting for the instruction to begin.

Some schools have organised the instruction of different religion and worldview subjects in a single group. In such arrangements, it should be noted that different religion and worldview subjects have their separate objectives and learning contents defined in the National core



curriculum. While they contain similar topics, the national core curricula for various syllabuses in religion and in culture, worldview and ethics are different. The pupil is entitled to instruction in accordance with the curriculum and following the syllabus for their religion and worldview subject. The statutes do not prohibit the teaching of different subjects or different syllabuses in the same subject in the same lesson, but a pupil cannot study more than one syllabus in worldview subjects. Instruction to pupils studying each syllabus must be delivered following a curriculum consistent with the National core curriculum.

A decision on a complaint that concerned providing instruction in the same group was issued by the Parliamentary Ombudsman in September 2017 (EOAK/3469/2016) and the Regional State Administrative Agency in August 2017 (LSSAVI/4538/06.06.01/2016). These decisions stated that when forming teaching groups, it must be ensured that the instruction of the syllabuses in each religion and in culture, worldview and ethics fulfil the requirement of achieving the objectives set in the curriculum laid down in section 30 of the Basic Education Act. The principle of equity and prohibition of discrimination also guide and restrict the education provider's discretion when making decisions on practical arrangements for instruction. The National Non-Discrimination and Equality Tribunal stated in its decision in October 2020 (5.10.2020 360/2017) that providing all religion and worldview education jointly in a single group was indirect discrimination prohibited in the case handled by the Tribunal, as the right to education in the pupil's religion was not realised.

The statements in these decisions mean, in practice, that the instruction of different syllabuses in religion and culture, worldview and ethics can only be organised in a single teaching group to a limited extent, for example regarding certain content related to human rights, in order to ensure that the pupil's rights are realised and that the curricula are followed. As stated in the Parliamentary Ombudsman's decision, the teacher must also be qualified as detailed below to teach the syllabus in each religion and in culture, worldview and ethics taught in a single group. In other words, the qualification requirements apply to the instruction equally, regardless of whether it is provided separately or jointly (see EOAK/3469/2016).

1.2. Nature and content of instruction of religion and the teacher's qualification requirements

Education in religion does not constitute practice of religion within the meaning of section 11 of the Constitution of Finland (731/1999).

Instruction of religion is delivered as instruction of the pupil's religion based on separate syllabuses. The Finnish National Agency for Education has approved curricula for the instruction of religion for the following syllabuses: the Evangelical Lutheran religion, Orthodox religion, Adventist religion, Bahá'í religion, Pentecostalism, People of God association's religion, Islam, Judaism, Catholic religion, Hare Krishna religion, and the religions of the Christian Community, the Church of Jesus Christ of Latter-day Saints and the Evangelical Free Church of Finland. If necessary, the Finnish National Agency for Education will also draw up a national core curriculum for the instruction of syllabuses in other religions.

The instruction of religion is provided following the National core curriculum for basic education and local curricula drawn up in compliance with it. The core curriculum for religion was updated as part of the curriculum reform that entered into force on 1 August 2016 (the National core curriculum for basic education 2014). The core curriculum for the instruction of religion that entered into force on that date replaced the earlier curricula for all syllabuses in religion, concerning the following key parts of the core curriculum common to all syllabuses in religion: task of the subject, objectives of instruction, key content areas related to the objectives,



objectives related to the learning environments and working methods, and the parts on guidance, differentiation and support as well as assessment, including the final assessment criteria. The descriptions of different syllabuses in religion specify the common contents as required by the nature of each syllabus.

The National core curriculum for basic education 2014 contains more detailed descriptions of five syllabuses in religion, or the Evangelical Lutheran religion, Orthodox religion, Catholic religion, Islam and Judaism. In addition, the Finnish National Agency for Education issued more detailed descriptions of the following syllabuses in 2020: the Adventist religion, Bahá'í religion, Buddhism, Pentecostalism and Hare Krishna religion. In the syllabuses in religion for which no detailed descriptions have been issued based on the National core curriculum for basic education 2014, the provisions contained in this regulation, which apply to all syllabuses in religion, are complied with. Regarding the more detailed descriptions of specific syllabuses, previously prepared local curricula will still be followed where applicable. This applies to the following syllabuses in religion: the religions of the People of God Association, the Christian Community, the Church of the Holy Jesus of the Later Ages and the Evangelical Free Church of Finland.

Knowledge of the religion the syllabus focuses on, as well as of other religions and worldviews, is an essential part of education in religion. Familiarisation with a religion also includes getting to know the forms and customs of practising the religion in question. The parliamentary Constitutional Law Committee's report (10/2002 vp.) notes that familiarisation with prayers, hymns and religious ceremonies is part of the instruction of religion. For example, a study visit related to the instruction, on which the pupils familiarise themselves with a church, mosque or similar religious building or watch a religious ceremony without participating in it, is part of the instruction rather than a religious event. All instruction and other activities must be pedagogically justified and based on the curriculum. Religious spaces can also be used as learning environments in other contexts besides education in religion and worldview subjects, including from the perspectives of cultural heritage, art, architecture and history.

Provisions on the qualification requirements for teachers of religion and culture, worldview and ethics are laid down in the Decree on Qualification Requirements for Teaching Staff (986/1998). In addition to the general qualifications required of a class teacher, the subjects and multidisciplinary modules taught in basic education or corresponding prior studies completed by a person providing instruction of the Evangelical Lutheran or Orthodox religion delivered as class teaching must include studies of the relevant religion, or the person must have completed other studies included in the requirements for a university degree of at least corresponding scope in the religion in question. Similarly, a subject teacher providing education in the Evangelical Lutheran or Orthodox religion must have not only obtained the general qualifications required of a subject teacher but also completed studies of the religion in question imparting command of the subject that fulfils the applicable requirements.

A person providing instruction of another faith besides the Evangelical Lutheran or Orthodox religion must, in addition to the qualifications required of a basic education teacher, also have completed higher education studies in the religion in question or obtained sufficient knowledge of and familiarity with the religion in question by other means [section 21a of the Decree on Qualification Requirements for Teaching Staff (693/2003)].

A person who meets the qualification requirements for a class teacher laid down in section 4 of the Decree on Qualification Requirements for Teaching Staff is qualified to provide instruction of culture, worldview and ethics delivered as class teaching. To ensure that the curriculum is followed, it is justified that culture, worldview and ethics are primarily taught by a class teacher



who has completed studies of culture, worldview and ethics as part of studies in multidisciplinary modules taught in basic education. A person who meets the qualification requirements for a subject teacher laid down in section 5 of the Decree on Qualification Requirements for Teaching Staff is qualified to provide instruction of culture, worldview and ethics delivered as subject teaching.

Instruction may be given temporarily for a maximum period of one year by a person with an adequate level of education and the skills required for the task. However, such a person may only be appointed to provide instruction for a period of more than six months if persons fulfilling the qualification requirements for this task are not available as the appointment is made, or for some other particular reason. (Section 23 of the Decree on Qualification Requirements for Teaching Staff.) Appointing formally qualified teachers must always be the basic premise.

The education provider should primarily consider if the person meets the qualification requirements required of a teacher of religion and culture, worldview and ethics. A teacher of religion is not required to be a member of a religious community, and membership in some other religious community does not prevent the teacher from performing this task.

2. Worldview education in pre-primary education

According to the National Core Curriculum for pre-primary education (2014), pre-primary education is integrative instruction based on the children's interests and joint objectives for instruction. Pre-primary education includes worldview education provided jointly for the group of children.

Under the National core curriculum, worldview education in pre-primary education focuses on examining the religions and worldviews present in the group of children. This refers to religions and worldviews that are present in the children's surroundings and that are relevant to them in a wide sense. Irreligion is investigated in pre-primary education alongside other worldviews. The education is connected to issues in daily life, festivities and current events with significance related to a religion or a worldview. Its objectives include helping the children understand different traditions, customs and ideas.

3. Joint festivals in pre-primary and basic education

Finnish pre-primary and basic education institutions have a number of traditional festivals, such as Christmas and Independence Day celebrations and end of school year festivities. Under section 3, subsection 5 of the Basic Education Decree (852/1998), these joint festivities include end-of-year events and other joint events intended for all pupils (see EOAK/2186/2018). These festivities cannot be religious in nature, and no alternative events are organised for them. The detailed decisions on the festivities and their content are made by education providers and schools.

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, the school's long-standing festivities may also include other similar traditions of religious origin. (Constitutional Law Committee reports 10/2002 vp., 2/2014 vp. and 16/2021 vp.)



The objective of instruction and education is to support pupils' growth towards respect for diversity as well as responsibility, cooperation and activity that promotes respect and trust between groups of people, peoples, ideals, religions and cultures (section 2, subsection 2 of the Government Decree on the national goals of education and distribution of lesson hours in basic education, 422/2012). These objectives should also be the basic premise of fostering and developing Finnish traditions of festivities associated with education.

In his decision issued in November 2019 (EOAK/2186/2018), the Deputy Parliamentary Ombudsman found that if the school's Christmas festival was held in a church and included singing of hymns, reading of the Christmas Gospel and a speech by the pastor of the parish, the festival contained religious elements to a significant extent and, when examined as a whole, must be considered an event for practising religion. The Deputy Ombudsman found that the school had acted unlawfully by organising the school's Christmas festivities as a religious event.

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

In addition, the Deputy Ombudsman stated in the cited decision that, from the perspective of the pupils' 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 also problematic in principle. According to the Deputy Ombudsman, the church is a place specifically intended for organising religious services (a church building referred to in Chapter 14 of the Church Act) and thus conveys religious meanings in itself.

The Constitutional Law Committee's 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. At the same time 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 pupils' freedom of religion and conscience is safeguarded equitably.

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

Festivities in pre-primary and basic education are part of the instruction and activities in which the pupils must participate. Education must be delivered in cooperation with the pupils' parents. The school must inform the pupil's guardians of events to be organised and their content. If necessary, individual arrangements concerning a pupil can be made with the



guardians if a guardian believes that the pupil should not participate in all parts of the programme in festivities. When agreeing on such arrangements, the pupil's safety must be accounted for. Such arrangements, including moving the pupil to another room for part of the time, 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.

4. Religious and alternative events

Education providers can decide if religious events and ceremonies, such as church services, religious morning assemblies or other activities with religious content are organised in connection with pre-primary and basic education. 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 pupil cannot be obliged to participate in a religious service or morning assembly, or other religious event or celebration. The freedom not to participate in religious events and ceremonies does not depend on whether or not the pupil 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 pupils, also at religious events organised by the school. 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 pupils.

In pre-primary and basic education, it must also be ensured that participation, or declining to participate, in religious events do not lead to stigmatisation or other negative consequences for the pupil. It is essential that the pupil's guardian has a real and genuine freedom to choose whether or not the pupil will participate in events with religious content (Constitutional Law Committee 2/2014 vp). 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.

Religious events and ceremonies must be organised separately from other activities, and their names must also give pupils and guardians a clear idea of the religious nature of the event or ceremony. For example, a church service before Christmas holidays should not be called an end-of-term ceremony or the school'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 school's working day and alternative activities for them, the school must ensure that their practical arrangements can be made without jeopardising the pupils' equal treatment and ensuring that there is no stigmatisation. The school is responsible for the safety of all pupils participating in different activities.

In his decision EOAK/1417/2019, the Deputy Ombudsman stated that just because a morning assembly is organised by the parish, it does not necessarily mean that the assembly constitutes practice of religion. This view is based on the case-law of the European Court of Human Rights, under which the organiser's presumed or verified background motive cannot be the sole basis for assessing a specific act or event. If it has been agreed with the parish that the morning assemblies held by the parish have universal humanist content and are intended for all pupils, they cannot include practice of religion. The education provider must ensure that external actors comply with the regulations and guidelines issued on education. In these cases, it is additionally important to inform pupils and their homes of the fact that the morning assemblies held by the parish are of a humanist nature and do not involve practice of religion. (EOAK/1417/2019.) The same principles apply to cooperation with other religious and worldview actors.

The education provider may also decide not to organise religious events or ceremonies during the working time specified in the school's work plan. This solution should also be opted for when, for example, the facilities or personnel resources of the school make it impossible in practice to organise religious events or ceremonies, or activities that provide an alternative for them, in compliance with laws and this guideline. The school may engage in cooperation with local parishes and religious communities. The school may agree to the pupils and their guardians being informed of the possibility of participating in events organised by religious communities in their free time.

5. Cooperation with guardians and processing of personal data

Under the Basic Education Act, the school must cooperate with the pupils' homes. The point of departure for this cooperation is building trust, equality and mutual respect. The diversity of families is taken into consideration in the cooperation.

If necessary, the school can ask the pupil's guardian to provide a reliable account of their membership in a religious community or the correspondence of the pupil's upbringing and cultural background with the religion to be taught. Presenting the account to the school is sufficient, and it need not be archived.

According to the Deputy Ombudsman, the education provider must plan the instruction and other activities related to religion and worldview subjects and religious events at the school ensuring that the pupils, their guardians, staff and potential partners are clear about the nature of these activities. When communicating about events, attention should be paid to making sure that pupils and guardians understand what the events involve: worldview education in pre-primary education/culture, worldview education in basic education, a religious event, or something else (see EOAK/3017/2019).

In his decisions EOAK/1609/2019 and EOAK/1417/2019, the Deputy Ombudsman urged schools to continuously maintain and develop cooperation with homes related to religion and beliefs, to raise these issues with pupils and to pay attention to adequate and timely communication. According to the Deputy Ombudsman, cooperation with both pupils and their homes is



necessary in music classes, for example, when organising concerts associated with Christian or other religious traditions. In this cooperation, it is possible for pupils and homes to bring up worldview-related problems that may arise in connection with the concert and rehearsals for it. Such conflicts associated with convictions should be treated with respect, and solutions appropriate for each situation should be sought to resolve them. It is justified to seek such solutions locally, if necessary for an individual school or class. These solutions must not force or pressurise pupils to act against their beliefs, for example to sing hymns. (EOAK/1609/2019; EOAK/1417/2019.)

As, pursuant to section 11, subsection 2 of the Constitution, the pupil has the right to decline to participate in practice of religion if the guardian notifies the school of this, any notices sent to the guardians must contain information about any religious events and ceremonies organised in connection with the instruction, as well as the alternative activities. The information about the content of religious and alternative events must be accurate enough so that the pupil's guardian has a de facto possibility of registering the pupil's participation in each case. The school must also ensure that information about religious events and ceremonies in the school and the activities that provide an alternative for them reaches the guardians and pupils early enough (see EOAK/2186/2018).

The pupil's guardian notifies the school of whether the pupil will attend religious events and ceremonies or participate in the alternative activities. This notification by the guardian can be given until further notice regarding all religious events, for example when registering for the pre-primary or basic education or, should the guardian so wish, on a case-by-case basis. The guardian can later change this notification. The form of the notification is decided by the education provider. After receiving the notification, the pre-primary and basic education provider ensures that the pupil participates in a religious event or ceremony, or the alternative activities, according to the guardian's notification.

In his decision EOAK/1609/2019, the Deputy Ombudsman drew attention to the fact that, whereas international human rights treaties and the Act on the Freedom of Religion safeguard the guardians' right to ensure that education is delivered in keeping with their religious beliefs, this does not mean that the child's personal freedom of religion and conscience independent of the parents could be completely ignored. The statutes on fundamental and human rights also safeguard children's freedom of religion, which must be taken into account according to the child's age and level of development. If the guardian does not give a notification about this matter, the school must listen to the pupil's opinion and act accordingly. Both a pupil aged 15 or over and their guardian or other legal representative have the right to speak separately. If the pupil's and guardian's views of participation in a religious event or alternative activities differ from each other, the school will decide, taking into account the pupil's best interests, which view is followed.

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.



Under section 5 of the Act on Child Custody and Right of Access (361/1983), the custodians of a child are jointly responsible for the duties inherent in custody and make the decisions concerning the child together. In matters related to school attendance, having one of the guardians sign any applications and forms addressed to the school can generally be regarded as sufficient. The underlying assumption is that the guardians have agreed on these matters pursuant to the cited section of the Act. If the school has been explicitly informed or it has otherwise come to the school's knowledge that, for example in cases of joint custody, both guardians wish to be heard, this is what the school must do. If the guardians' views differ, the school should primarily guide the guardians to reach an agreement on the matter between them. If no agreement is reached, maintaining the existing situation and safeguarding the pupil's interests can be regarded as the basic premise in the school's decisions.

6. Education provider's and schools' responsibility for compliance with this guideline

The education provider must ensure that the instruction referred to in these guidelines and the school's joint festivities as well as religious events and ceremonies are planned and organised in compliance with the legislation. For example, the education provider's body responsible for organising instruction may adopt some policies specific to the education provider on joint festivities as well as religious events and ceremonies that must be complied with in its schools. The education provider must also oversee the schools' compliance with legislation and policies specific to the education provider.

In schools, the principal bears the overall responsibility for the school's operation and, as part of it, for organising the instruction and other activities at the school in compliance with legislation, the curriculum and the decisions and policies of individual education providers. The principal must familiarise the teachers at their school with these guidelines and ensure that the teachers comply with the provisions, regulations and local decisions.

Principals, teachers and other employees exercising public authority are subject to liability for acts in office, which underlines their obligation to comply with legislation and the curriculum.

7. Conclusion

Joint events and festivities in pre-primary and basic education promote togetherness between the pupils and staff and strengthen a communal school culture. As the Constitutional Law Committee's stated in its report, no requirement to remove all content that has religious elements from the school's activities can be derived from the Constitution or the case-law of the European Court of Human Rights. In the Committee's opinion, exaggerated efforts to avoid traditions of a religious origin do not contribute to religious tolerance. According to the Committee it is, however, important to take into account the key principles evident in the European Court of Human Rights' case-law in schools' activities and their steering, including the prohibition of indoctrination, the requirement of neutrality of public authorities, and religious tolerance and pluralism. (Constitutional Law Committee report 2/2014 vp.)

The principle of the National core curriculum for basic education is to, starting from grade one, engage pupils in reflecting on and planning school activities, including school festivities and other events. Under the National core curriculum for pre-primary education, children should



also be given an opportunity to participate in the building of learning environments and, as far as they are capable of this, in the planning and evaluation of activities. In terms of the school culture in pre-primary and basic education, it is important that the pupils are encouraged in and guided towards positive interaction, cooperation and togetherness. Pre-primary education builds up children's ability to understand social diversity and appreciate differences from historical, ethical and worldview perspectives. The underlying values of basic education include seeing cultural diversity as a resource. In basic education, people from varying cultural and linguistic backgrounds come together and get to know many different customs, communal practices and beliefs. School activities, including the lessons, festivities, play, meal breaks, and cooperation in and outside school provide opportunities for practice in interacting with different people. The school's operation must be organised ensuring that it supports the objectives set for the pupils' learning, versatile development and wellbeing.

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