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RELIGIOUS ISSUES IN RUSSIAN SCHOOLS: LEGAL VIEW

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In different countries of the world the place of religion in education differs. In most of the European countries teaching of religion in public (or state-funded) school exists in one form or another. In Russia religious education can be received by the student at his or her own discretion or at discretion of the parents in the religious educational establishment. Education in public (state and municipal) organizations engaged in educational activity has a strictly secular nature. This principle is implemented in the Russian legislation and practice is most visible in disputes arising at the crossroad of religion and education as resolved by Russian courts.

The most disputed issues concern the regulation of school uniform and the teaching of subjects 'Fundamentals of Religious cultures and secular ethics' and 'Fundamentals of spiritual and moral culture of Russian nations' as a compulsory subject in public schools. The court practice on the issue keeps developing, but it's analysis shows that the secular nature of education in Russia is not so undoubted as it may seem.

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INTRODUCTION

The Convention for the Protection of Human Rights and Fundamental Freedoms better known as the European Convention on Human Rights, (1950) (hereinafter – the ‘**ECHR**’) sets forth that everyone has the right to freedom of thought, conscience and religion (Article 9 of the ECHR). At the same time the ECHR guarantees the right not to be denied of an education and requires states to respect the parents’ right to ensure such education that corresponds to their religious and philosophical views (Article 2 of Protocol No. 1 of the ECHR). However, the questions of religion in education are subject of debates in many countries of the world³. Examples of the same are decisions of the European Court of Human Rights (ECtHR).⁴

In different countries of the world the place of religion in education differs. In most of the European countries teaching of religion in public (or state-funded) school exists in one form or another. For example, in Poland it is an elective subject, while in Finland religious classes are compulsory. In Greece and Italy it is possible to opt out from attending religious classes. Exception to this rule is France, where education in public schools is completely secular⁵.

In Russia religious education can be received by the student at his or her own discretion or at discretion of the parents in the religious educational establishment⁶. Obtaining religious education is a right that is not guaranteed within the state education system. Education in public (state and municipal) organizations engaged in educational activity has a strictly secular nature⁷. This follows from Article 14 of the Constitution of the Russian Federation: ‘The Russian Federation is a secular government. No religion may be established as a state or obligatory one. Religious associations shall be separated from the State and shall be equal before the law’. This provision is further implemented in Article 4 of the Federal Law No. 125-FZ of 26 September

³ Annicchino, P. (2011), ‘Winning the battle by losing the war: the Lautsi case and the Holy Alliance between American Conservative Evangelicals, the Russian Orthodox Church and the Vatican to reshape European identity’. *Religion & Human Rights*, 6(3), 213-219.

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Fraser, J. W. (2016), *Between church and state: Religion and public education in a multicultural America*, JHU Press.

⁴ Cases *Mansur Yalcin and Others v. Turkey* (Case No. 21163/11, Judgment of 16 September 2014), *Leyla Sahin v. Turkey* (Case No. 44774/98, Judgment of 10 November 2005), *Kurtulmus v. Turkey* (Case No. 65500/01, Judgment of 24 January 2006), *Kervanci v. France* (Case No. 31645/04, Judgment of 4 December 2008), *Dogru v. France* (Case No. 27058/05, Judgment of 4 December 2008).

⁵ Stepanova E.A. (2011), ‘Religiya i obrazovanie v Evrope: debaty o vzaimnoj sovместimosti’ [Religion and Education in Europe: Debates on Mutual Compatibility], *Izvestiya Ural'skogo federal'nogo universiteta. Seriya 1: Problemy obrazovaniya, nauki i kul'tury [Izvestiya of Ural Federal University, Series 1: Problems of education, science and culture]*, 92(3), 6-15.

⁶ Art. 5 of Federal Law No. 125-FZ of 26 September 1997 ‘On Freedom of Conscience and Religious Associations’.

⁷ Educational organization based on the decision of collegial body of management of the educational organization together with the founders may give a religious organization the possibility to teach children religion out of the framework of the educational program (Para. 4 Art. 5 of Federal Law No. 125-FZ of 26 September 1997 ‘On Freedom of Conscience and Religious Associations’).

1997 ‘On Freedom of Conscience and Religious Associations’, whereby secular character of education in state and municipal educational institutions is guaranteed.

In the new Federal Law No. 273-FZ of 29 December 2012 ‘On Education in the Russian Federation’ (hereinafter – ‘**Law on Education**’) and in the preceding Law of the Russian Federation No. 3266-1 ‘On Education’ of 10 July 1992 the norm on secular nature of public education is reproduced once again. The way this principle is implemented in the Russian legislation and practice is most visible in disputes arising at the crossroad of religion and education as resolved by Russian courts.

The most disputed issues concern the regulation of school uniform and the teaching of subjects ‘Fundamentals of Religious cultures and secular ethics’ and ‘Fundamentals of spiritual and moral culture of Russian nations’ as a compulsory subject in public schools.

A. REGULATIONS CONCERNING SCHOOL UNIFORM

Before entering into force of the Law on Education the questions of school uniform were regulated by educational institutions independently.⁸ A school was entitled to develop and adopt its own internal rules setting out the obligation to wear school uniform and outlining the requirements to it.

Article 38 of the current Law on Education provides for the right of organizations engaged in educational activity to define the requirements with respect to the clothes of students including the requirements with respect to its general outlook, colour, style, types of students’ clothes, marks of distinction and the rules on its wearing.⁹ Uniform clothes, as a rule, are defined as clothes of classical or business style that include a monochrome suit with trousers or skirt, monochrome skirt or blouse, tie, possibly waistcoat, monochrome knitted pullover, turtleneck and others.¹⁰

General requirements with respect to school uniform can be adopted at the federal level and at the level of subjects of the Russian Federation. At the federal level a model normative act of a subject of the Russian Federation was developed. The act provides for typical requirements on school uniform with respect to school education. It was proposed by the Letter of the Russian Ministry of Education No. DL-65/08 of 28 March 2013 ‘On setting forth the requirements for school uniform’. Although this letter does not have an authority of a binding normative act, it is

⁸ Para. 13, Section 2, Art. 32 of Law of the Russian Federation No. 3266-1 ‘On education’ of 10 July 1992.

⁹ Postilyakov S.P., Yankevich S.V. (2015), ‘Realizaciya prav i obyazannostej uchashchihhsya: analiz rossijskogo zakonodatel'stva i pravoprimeritel'noj praktiki’ [Realisation of the rights and obligations of educated: analysis of the Russian Legislation and court practice], *Reformy i pravo* [Reform and Law], (2), 54-62.

¹⁰ Ibid.

widely used in practice. In the regional regulations of the school uniform provisions of model normative act are widely and literally cited.¹¹

For state and municipal schools typical requirements with respect to the clothes of a student are set forth at the level of a subject of the Russian Federation and are to be approved by authorised bodies of state power of the subject of the Russian Federation. At present in most subject of the Russian Federation the respective normative legal acts were approved.¹² Schools ordinarily establish rules on a particular appearance of school clothes, marks of distinction and the rules on wearing the clothes. These rules take form of a school's local normative act that should comply with the respective regional regulations. In accordance with the Law on Education the school's act should also take into account the views of the school's student union, the parents' council and the teachers' trade union or another representative body. Importantly, the school uniform is also subject to the federal sanitary and epidemiological rules.¹³

With rare exception religious matters in regulating school uniform are left without any attention in the majority of subjects of the Russian Federation. However, in the most affected subjects such cases do reach the court.

A precedent was created in Stavropol Krai where the regional government has not only introduced requirements to school clothes, including the prohibition on wearing pants by girls, but also prohibited religious clothes.¹⁴ Parents of the affected students tried to appeal the regional regulation. However, the regional court of Stavropol Krai has rejected the claim.¹⁵ The Supreme Court of the Russian Federation confirmed the legitimacy of the ban on religious clothes (including hijabs and other headwear) in schools of Stavropol Krai and dismissed the appeal.¹⁶

The court emphasised the threat of potential harm to students' health in connection with wearing headscarves during physical training. Justifying its position on this issue the court referred to a certain letter of the Federal Service for Supervision of Consumer Rights Protection

¹¹ Order of the government of the Leningrad Region N 241 of 6 August 2013; Order of the government of the Novosibirsk region N 429-r of 14 October 2013.

¹² Order of the Government of Khanty-Mansiysk Autonomous Okrug – Ugra No. 261-p of 12 July 2013; Order No. 24-P of 7 February 2014; Order of Administration of Smolensk Oblast No. 351 of 13 May 2013.

¹³ 'Hygienic requirements with respect to children, teenagers and elderly people, the goods of children assortment and materials for garments contacting with the human's skin. SanPin 2.4.5/1.1.1286-03' adopted by Order of the Chief Medical Officer of the Russian Federation No. 51 of 17 April 2003.

¹⁴ Order of the Government of Stavropol Krai No. 67-of 24 February 2014 p 'On introduction of changes in Order of the Government of Stavropol Krai No. 422-p of 31 October 2012 'On approval of General requirements with respect to school uniform and external appearance of students in governmental establishments of general education of Stavropol Krai and municipal establishments of general education of municipal formations of Stavropol Krai'.

¹⁵ Postilyakov S.P., Yankevich S.V. (2015), 'Realizaciya prav i obyazannostej uchashchihsiya: analiz rossijskogo zakonodatel'stva i pravoprimeritel'noj praktiki' [Realisation of the rights and obligations of educated: analysis of the Russian Legislation and court practice], *Reformy i pravo* [Reform and Law], (2), 54-62.

¹⁶ Supreme Court of the Russian Federation Appellate Ruling No. 19-APG13-2 of 10 July 2013.

and Human Well-Being¹⁷. The court confirmed that federal and regional legislation establishes secular nature of education in public educational institutions and therefore requires religious neutrality. The prohibition on religious clothes in state and municipal schools, in accordance with the court's decision, is introduced in order to meet the requirements of federal law on the state's ensuring the principle of secularism and religious neutrality of [public] education with the aim to exclude the conflict of rights and interests of representatives of various religious confessions as well as to respect pluralism and freedom of other persons either not associated with any religion or atheists.

The court noted that the legislative prohibition of religious clothes and, particularly, headwear in public schools does not prevent the claimant from receiving education. It may be received also in external form or in schools established by religious associations exercising the respective right to establish educational institutions provided for by the federal law.

In a similar court decision pronounced in the Republic of Mordovia the regional court considered the legality of regional regulations on students' appearance prohibiting headscarves in schools.¹⁸

The case has reached the Supreme Court of the Russian Federation which in February 2015 has finally upheld the regional norm prohibiting religious headwear in public schools.¹⁹ Similarly to the *Stavropol* ruling described above, this decision was justified by, on the one hand, sanitary-epidemiological requirements and, on the other hand, by the principle of secular education. The court pointed out that present federal legislation promoting the principle of secular education does not set forth the ability of the citizens to realise their right to confess religion and act in accordance with its belief in state and municipal educational institutions. The aim of the latter remains to development a child's personality, to transmit knowledge, to develop abilities and competences necessary for the person's fully engaged life in the society, and for the conscious choice of profession and receiving of professional education.

Importantly, apart from being regulated at federal, regional and the school level, school uniform can also be funded from the state budget. Provision of uniform to students can be made

¹⁷ Letter of the Federal Service for Supervision of Consumer Rights Protection and Human Well-Being N 01 / 12662-12-23 of 09.11.2012 'On the improvement of the federal state sanitary and epidemiological supervision of the stay of children in educational institutions'.

¹⁸ 'Typical requirements to school clothes and appearance of students in governmental educational organizations of the Republic of Mordovia and municipal educational organizations of the Republic of Mordovia' of 12 May 2014 No. 208 issued by the Government of the Republic of Mordovia.

¹⁹ Supreme Court Ruling No. 15-APG14-11 of 11 February 2015.

at the expense of regional budget if established so by regional legislation.²⁰ Some regions have already introduced such regulations.²¹

The apparent coherence of federal and regional legislation on school uniform can be deceiving. In fact, this rule has exceptions. For example, in Chechen Republic – a predominantly Islamic southern region of Russia, the 2015 Supreme Court decision was met with a moderate resistance. In particular, the regional law on education was amended to include an obligation to take into consideration national traditions and beliefs of students in the drafting of local school uniform rules. Of course, such local norms should not, nevertheless, conflict with the federal legislation or pose a threat to the students' health or interfere with rights and freedoms of other persons. This was in contrast with the existing at that time regional 'typical requirements' for school uniform that included a headwear for girls and young women.²² Notably, school uniform regulations in another traditionally Islamic Russian region, the Republic of Ingushetia, leave the question of religious attributes without consideration.²³

B. THE FUNDAMENTALS OF RELIGIOUS CULTURES AND SECULAR ETHICS

The second aspect of secular nature of education in Russia is an obligatory teaching of the school curriculum subject 'Fundamentals of religious cultures and secular ethics'. This subject is taught in the fourth year of school, while its successor, the course 'Fundamentals of spiritually-moral culture of the nations of Russia' is taught in the fifth year of school. It is significant that the contents of general education in Russia are determined by an educational organization individually, in its educational program. School educational program is usually developed by the school taking into account the typical educational program and shall correspond to the state educational standard.

Federal state educational standard of elementary general education requires the teaching of 'Fundamentals of religious cultures and secular ethics' and grants to parents the right to choose among one of the six subjects modules: the basics of orthodox culture, the basics of

²⁰ Part 3 Article 38 of the Law on Education.

²¹ In accordance with Art. 4 of Law of Leningrad Oblast No. 87-oz of 29 November 2013 'On full provision with clothes, footwear, hard and soft inventory of separate categories of educated of the governmental educational organizations of the Leningrad Oblast', the costs for provision with clothes and certain inventory are covered by the annual budget of Leningrad Oblast.

²² 'Typical requirements with respect to school clothes and outlook of students in governmental and municipal educational establishments in Chechen Republic' adopted by the Order of the Government of Chechen Republic No. 168 of 11 July 2013.

²³ Order of the Government of the Republic of Ingushetiya No. 184 of 7 September 2013 'On adoption of common requirements with respect to outlook and clothes of students studying with the frameworks of elementary, basic and secondary general education'.

Jewish culture, the basics of Buddhist culture, the basics of Islamic culture, the basics of worldwide cultures, the basics of secular ethics.²⁴

The federal state educational standard of basic general education²⁵ includes another compulsory subject – ‘Fundamentals of spiritual and moral culture of nations of Russia’ which is a logical continuation²⁶ of ‘Fundamentals of religious cultures and secular ethics’. This time, there is no choice of modules provided.

It is important to note that, in a secular country, neither of these courses aim at religious upbringing. According to the federal state standard (Paragraph 12.6) educational attainments of the course ‘Fundamentals of religious cultures and secular ethics’ are as follows:

1. readiness to moral self-development, religious self improvement;
2. acquaintance with the basic rules on secular and religious moral, as well as understanding their meaning and building constructive relations in family and society;
3. understanding the role of morality, faith and religion in peoples’ life and in society;
4. formulation of initial views on secular ethics, traditional religions, their role in culture, history and contemporary periods of development of Russia;
5. formation of views on the historical role of traditional religions in development of Russian statehood;
6. formation of internal motivation of a person to act in accordance with his or her faith; moral education based on freedom of conscience and religion, spiritual traditions of Russian nations;
7. recognition of value of human life.

Similarly, the educational attainments of the course ‘Fundamentals of spiritual and moral culture of nations of Russia’ are as follows:

1. formation of the ability to spiritual development, moral self-development; development of religious tolerance, respectful attitude to religious feelings, peoples’ point of views or their absence;
2. knowledge of basic moral rules, ethic and spiritual ideals, cultural traditions of the nations of Russia, readiness to conscientious self-restriction in actions, behavior and wasteful consumption;

²⁴ Paragraph 12.6 of the Order of the Ministry of Education of the Russian Federation No. 373 of 6 November 2009.

²⁵ Order of the Ministry of Education of the Russian Federation No. 1897 of 17 December 2010.

²⁶ Order of the Ministry of Education of the Russian Federation No. 08-761 of 25 May 2015.

3. formation of personal views on secular ethics, on the culture of traditional religious, their role in the development of culture and history of Russia and humankind, in formation of civil society and Russian statehood;

4. understanding of the role of morality, belief and religion in the life of human being, family and society;

5. formulation of views on historical role of traditional religions in the formation of the Russian statehood.

Both courses are regular school subjects and should be taught by school teachers that have undergone special training and not by clergy. Law on Education bans teachers from forcing the students to adopt or refuse particular religious beliefs.

To be safe, the nationwide introduction of the course 'Fundamentals of religious cultures and secular ethics' in Russia was preceded by an experiment. The course was first taught in several subjects of the Russian Federation in 2010-2011 years²⁷, while before 2009 the basics of Orthodox culture was included – as a separate subject – into the framework of regional educational component established by the legislation of the subject. It should be noted that the 'regional component' of state education standard was in fact abolished in 2009²⁸ when the development of the new Federal state educational standards started. The reason for excluding the 'regional component' from educational legislation was the need to bring legislation into line with the Constitution of the Russian Federation. Article 43 of the Constitution establishes that 'The Russian Federation establishes federal state educational standards' and does not imply the participation of the subjects of the Russian Federation in the development of the curriculum.

Important for the purpose of this article is the fact that the course 'Fundamentals of religious cultures and secular ethics' has become a subject of litigation. In 2013 a citizen appealed its legitimacy to the Supreme Court of the Russian Federation.²⁹ The applicant was determined to prove in court that the normative act of the Russian Ministry of Education and Science whereby the course was introduced as compulsory, contradicts the federal legislation of higher legal force. The applicant claimed that the relevant regulation infringes upon the right of a child to learn other religious cultures or atheism. He insisted also that the act limits the right of parents to perform their obligations referring to ensuring proper care and upbringing of the child.

The Supreme Court in its decision has referred to the relevant ECtHR jurisprudence. The Court used this jurisprudence to support its own interpretation of the norms of the ECHR. Such

²⁷ Order of the Government of the Russian Federation No. 1578 of 29 October 2009 r.

²⁸ Federal Law No. 309-FZ of 01 December 2007.

²⁹ Decision of the Supreme Court of the Russian Federation *No. AKPII3-810* of 18 November 2013.

usage of ECtHR jurisprudence is approved by Resolution of the Plenum of the Supreme Court of the Russian Federation³⁰. In fact the resolutions of the Plenum are often used by courts as source of law in Russia. However formally they are not sources of law. Also formally for applying ECtHR jurisprudence it should be officially published in Russia. At the same time there is no legal procedure in Russian legislation to publish it.

In particular, with reference to *Kjeldsen, Busk Madsen, Pedersen v. Denmark* the Russian Supreme Court has concluded that Article 2 of Protocol No. 1 of the ECHR does not ban distribution through educational system of information or knowledge of religious or philosophical nature. Also, the Court held, the ECHR does not allow parents to protest against the inclusion of such teaching or education in the school curriculum. However, it implies, on the other hand, that the state has assumed certain obligations in education and teaching. Therefore, it should ensure that the information and knowledge included in the school curriculum is delivered in an objective, critical and pluralistic manner. The state shall not aim to instill the principles that should be regarded as disrespectful for religious or philosophical beliefs of the parents.

The Supreme Court has also referred to Article 87 of the Law on Education that allows for inclusion in the basic curriculum of such subjects, courses, disciplines or modules that aim at ‘receiving by students of knowledge on basic spiritual and moral culture of the nations of the Russian Federation, on moral principles, on historical and cultural traditions of the worldwide religion (religions) or similar educational subjects ... with the aim to formulate and develop an individual in accordance with family and societal spiritual-moral and social-cultural values’. Importantly, the court stated, the course provides an alternative. It permits students (or up to the ninth year – their parents) to choose among the proposed modules of the course that would reflect their interests or convictions.

The court did not find any non-conformity with the legislation of the Russian Federation in the mentioned acts and, therefore, refused to satisfy the applicant’s claim.

It is interesting that the case *Kjeldsen, Busk Madsen, Pedersen v. Denmark*, which Supreme Court applied in its decision, was about sex education in school. The claimants were the parents who insisted that the course of sex education contradicts their Christian beliefs. The peculiarity of the decision is its political character. ECtHR placed the focus on the actual circumstances of the case, rather than legal norms. In that case those were: role of state care for children, easy access of children to information about sex outside the school, preventing forced abortions and sexually transmitted diseases etc.

³⁰ Resolution of the Plenum of the Supreme Court of the Russian Federation N 5 of 10 October 2003 ‘On the application by general courts of generally binding principles and norms of international law and international treaties of the Russian Federation’.

The Supreme Court did not take an objectively more appropriate ECtHRs' decisions on cases on religion and education *Lautsi v. Italy*³¹ or *Folgero and Others v. Norway*.³²

The Supreme Court, applying this decision, ignored that the decision of the ECtHR indicates a significant difference between religious education and sexual education. It was not taken into account that in the decision of the ECtHR it indicates that religious education by definition serves the dissemination of dogmas, and not knowledge.

The plaintiff in the appeal to the Supreme Court did not mention to the secular nature of education established by the Law on Education. The court did not make an analysis of norms of the Law on Education which establish secular nature of education. However such analysis with correlation to Article 87 of the Law on Education (which was used in court decision) could to determine whether the rights of students are infringed.

Although the Supreme Court's decision has summarised view on the acceptability of the compulsory course, the Russian media reflects a certain public dissatisfaction with the midway nature of the course 'Fundamentals of religious cultures and secular ethics'. Some people are of an opinion that the course, in essence, provides religious instruction, that students are left with no real alternative to the module on Orthodox culture³³, and that, furthermore, the contents of the textbooks is far from secular.³⁴ This is despite the fact that all basic textbooks that may be used for teaching in Russian schools have to be included in a list of approved textbooks adopted by the Ministry of Education and Science of the Russian Federation.³⁵

CONCLUSION

The secular nature of education in Russia is not so undoubted as it may seem. The court practice on the issue keeps developing. It is still not clear whether the regulation on school uniform in Chechen Republic dissenting from the mainstream order will be challenged in court. The existing decisions of courts in respect to religious attributes in school uniform includes the arguments that may concern sanitary-epidemiological requirements on wearing hijab during physical trainings, but hardly engages with the issue of religious freedom at all. It seems that the courts try to strengthen their position on secularity of public schools, but do not engage in the

³¹ *Lautsi v. Italy* (Case No. 30814/06, Judgment of 18 March 2011).

³² *Folgero and Others v. Norway* (Case No. 30814/06, Judgment of 29 June 2007).

³³ 'ORKSE: likvidirovat' nel'zya ostavit!' [ORKCE: liquidate cannot be left!]. URL: <http://www.ug.ru/article/827>.

³⁴ 'Roditeli odnoj iz shkol pozhalovalis' v genprokuraturu na kurs 'Osnov duhovno-nravstvennoj kultury narodov Rossii' [Parents of one of the schools applied to prosecutor service for the course 'Fundamentals of spiritual and moral culture of nations of Russia']. URL: <http://echo.msk.ru/news/1888934-echo.html>.

³⁵ Para. 4 Art. 18 of Federal Law of the Russian Federation No. 273-FZ of 29 December 'On education in the Russian Federation'.

balancing of human rights dispute, characteristic to the ECtHR jurisprudence. Moreover, the introduction of the courses 'Fundamentals of religious cultures and secular ethics' and 'Fundamentals of spiritual and moral culture of nations of Russia' as a compulsory part of the school curriculum has not resulted in a significant number of court cases. Irrespective of the claims of some parents in the media and public speeches of the opponents to these subjects, their contents correspond to the secular requirement of the state educational standard.

A norm that would establish what the secular nature of education means in Russian legislation is lacking. The statement that the school is studying religious culture, rather than religion, requires confirmation. The subject 'religious studies', for example, at the university includes many forms of religions - not one specific basic religious culture, determined by the decision of the parents. We have to doubt that the secular nature of education can assume the advantage of one of the religious cultures. A number of experts argue that the content of textbooks on the basics of religious culture promote religion³⁶.

The application of European practice in matters of religion in education in Russia is facing a significant specificity. On the one hand, European countries are characterised by respect for religion in education as an essential part of the country's history and culture.

In the decision of the ECtHR in *Lautsi v. Italy* significant argument is the most important role of Christianity in history and culture for Italy. In Russia, despite the wide spread of Orthodoxy, there are regions that were formed within the Islamic (Chechnya, Tatarstan), Buddhist (Buryatia, Tyva) and other cultures. The only analogue of a culture basis common for the whole country and related to the religion, is atheism during the Soviet period. However, its study is no longer provided.

At first glance, in this case, the European values of multiculturalism and tolerance for various religious cultures are relevant for Russia. However, the content of education in Russia is established at the federal level - in Federal state educational standards.

It is doubtful that federal centralised management of education system can take into account all the regional specifics. The regions lack direct instruments of influence on the school curricula. As a result, in practice, the Orthodox position prevails. In the Federal list of textbooks 6 textbooks are devoted to the basics of the Orthodox culture, two - to the basics of Islamic

³⁶ Smirnov A. V., 'Uchebnik nuzhen, no ego pridetsya perepisat' s nulya' [Textbook is needed, but it will have to be rewritten from scratch], Institut Filosofii Rossijskoj Akademii Nauk [Institute of Philosophy Russian Academy of Sciences]. (URL: https://iphras.ru/s_0.htm).

Ozhiganova, A.A., (2015), 'Religiya v shkole: analiz uchebnyh posobij po kursu 'Osnovy religioznoj kul'tury i svetskoj ehtiki' [Religion in school: the analysis of teaching aids at the course 'The fundamentals of religious culture and secular ethics'], *Otechestvennaya i zarubezhnaya pedagogika* [Domestic and foreign pedagogy], №. 1, 22.

culture, two - to the Buddhist culture.³⁷ Within the framework of the course, only the fundamentals of the Orthodox culture are taught, and not the Christian as a whole. At the same time, only about half a million Catholics live in Russia.³⁸

As it was shown the values of multiculturalism and tolerance are not reflected in the regulation of the school uniform. This position is supported by public opinion: 74% of Russians are against wearing hijab in school.³⁹

Step by step the role of religion, especially the Orthodox, in modern Russian education is growing. Despite the provisions of the law it would be an exaggeration to say that education in Russia is truly secular. However it is too early to call it religious.

REFERENCES

1. Annicchino, P. (2011), 'Winning the battle by losing the war: the Lautsi case and the Holy Alliance between American Conservative Evangelicals, the Russian Orthodox Church and the Vatican to reshape European identity'. *Religion & Human Rights*, 6(3), 213-219.
2. Folgero and Others v. Norway (Case No. 30814/06, Judgment of 29 June 2007).
3. Postilyakov S.P., Yankevich S.V. (2015), 'Realizaciya prav i obyazannostej uchashchihsiya: analiz rossijskogo zakonodatel'stva i pravoprimeritel'noj praktiki' [Realisation of the rights and obligations of educated: analysis of the Russian Legislation and court practice], *Reformy i pravo* [Reform and Law], (2), 54-62.
4. Smirnov A. V., 'Uchebnik nuzhen, no ego pridetsya perepisat' s nulya' [Textbook is needed, but it will have to be rewritten from scratch], *Institut Filosofii Rossijskoj Akademii Nauk* [Institute of Philosophy Russian Academy of Sciences]. (URL: https://iphras.ru/s_0.htm).
5. Stepanova E.A. (2011), 'Religiya i obrazovanie v Evrope: debaty o vzaimnoj sovместimosti' [Religion and Education in Europe: Debates on Mutual Compatibility], *Izvestiya Ural'skogo federal'nogo universiteta. Seriya 1: Problemy obrazovaniya, nauki i kul'tury* [Izvestiya of Ural Federal University, Series 1: Problems of education, science and culture], 92(3), 6-15.
6. Fraser, J. W. (2016), *Between church and state: Religion and public education in a multicultural America*, JHU Press.

³⁷ Order of the Ministry of Education and Science of the Russian Federation of 31 March 2014 No. 253 'On approval of the federal list of textbooks recommended for use in the implementation of state-accredited educational programs of primary general, basic general, secondary general education'

³⁸ Statistics by Country by Catholic Population (URL: <http://www.catholic-hierarchy.org/country/sc1.html>).

³⁹ Survey of the Levada Center on the wearing of hijab in educational institutions (URL: <https://www.levada.ru/2015/06/30/noshenie-hidzhaba-v-uchebnyh-zavedeniyah/>).

7. Kuru, A. T. (2009). *Secularism and state policies toward religion: The United States, France, and Turkey*, Cambridge University Press.

8. Ozhiganova, A.A., (2015). 'Religiya v shkole: analiz uchebnyh posobij po kursu 'Osnovy religioznoj kul'tury i svetskoj ehtiki' [Religion in school: the analysis of teaching aids at the course 'The fundamentals of religious culture and secular ethics'], *Otechestvennaya i zarubezhnaya pedagogika* [Domestic and foreign pedagogy], №. 1, 22.

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