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Devastation activities of school religious education in Poland by the so-called December 13 coalition government

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In 1990, religious instruction returned to Polish schools. This was an event expected and won by a generation that had experienced tremendous repression by the communist system. John Paul II, meeting with his compatriots in Włocławek on June 6, 1991, said: “Thanks to the recent transformations in our homeland, catechesis has returned to the classrooms and found its place and reflection in the educational system. Personally, I am very happy about this. At the same time, however, I would like to repeat a phrase I often use, because it reflects the living truth of every grace, every gift: it is given to you and at the same time inflicted on you. This is the spirit in which the gift must be embraced in Christian society and thus implemented. What is needed here is a great amount of goodwill, effort, and all-round willingness on the part of everyone: teachers, educational authorities, parents and, above all, on the part of those most concerned, namely youth and children.”¹

¹ Jan Paweł II, Przemówienie do katechetów, nauczycieli i uczniów, Włocławek, 6 czerwca 1991.

After 34 years of these words, 35 years of increasingly improving religious instruction at school, efforts to develop the programmes, textbooks and a high evaluation of the quality of the educational, cultural and social dimension of these classes, there is a systematic devastation of them by the government of the so-called December 13 coalition. Prime Minister Donald Tusk's government has launched an unprecedented attack on school religious instruction just before Christmas 2023. Entrusting the formation of education in Poland to people who openly proclaim their anti-Catholic views has contributed to the issuance, without any consultation and despite numerous objections, of regulations hitting Catholics and their right to the religious upbringing of their children. Regulations changing the organisation of religious lessons in schools appear with astonishing regularity. One may think that modern schools do not have and do not perceive other serious concerns, but only artificially create the problem of unnecessary religion lessons at school and public sentiment unfavourable to the teaching of religion in the public space. The position of the Ministry of Education has not been set in the context of concrete studies, analyses carried out, which would be presented in a substantive discussion.

However, numerous communities interested in religious or moral-ethical education expressed in the form of petitions, which systematically come to the Ministry of Education, conducted surveys among secondary school students²² unequivocally indicate the lack of consensus for change and the need of conducting religion lessons at school.

As a response, the Commission for Catholic Education on 13 February 2024 issued a statement at a press conference in Warsaw on 15 February strongly in favour of two hours of religion lessons at school and the retention of the inclusion of the grade in the average of the annual classification marks. On the other hand, the bishops, in a communiqué of the 397th Plenary Meeting of the Polish Bishops' Conference on 14 March 2024, expressed concern about the Ministry's announcements and set up a Working Team for contacts with the Ministry. Despite these actions, on 22 March 2024, the Ministry of National Education issued a regulation amending the regulation on the assessment, classification and promotion of pupils and students in public schools. According to this regulation, as of the 2024/2025 school year, the grade from religion and ethics ceased to be included in the average of the annual classification grades and the average of the final classification grades. The objection expressed by filing a petition on this issue, signed by more than 23,000 people from various educational backgrounds, parents, and youth, was not considered by the Minister of Education.

On April 24 and May 15, representatives of the Polish Episcopate and the Ministry of National Education met to undertake consultations on the announced further changes to the religious education in schools. Unfortunately, they did not provide any concrete results. In the words of Cardinal Kazimierz Nycz, the long-time chairman of the Catholic Education Commission of the Polish Episcopate: "There were difficult talks, but always somehow fruitful and effective. Now, the talks (with the Ministry of National Education) are deafening and one-sided. There is confusion that leads to nothing. If one side is deaf, it won't hear, even if the other side doesn't know how loud it speaks."²

On 22 May 2024, diocesan directors of catechetical departments expressed their firm opposition to the Ministry's changes to the organisation of religion lessons in schools. Above all, they emphasised the blatant discrimination against children and young people participating in school religion lessons, their parents as well as religion teachers. They pointed out that the changes in the organisation of religion lessons are being carried out without the legally required agreement with the Church side. The suggestion to place religion lessons only at the beginning and end of classes and to limit them to one per week is a form of discrimination, segregation and intolerance towards religious believers. Increasing the groups size by combining students from different classes and educational levels is an unfair treatment of students and religion teachers.

On June 12, 2024, the Polish Bishops' Conference published its position on the changes introduced by the Ministry in the organisation of religion lessons in schools. Likewise, the chairman of the Commission for Catholic Education of the Episcopal Conference in Poland, Bishop Wojciech Osiał, issued a statement in which he expressed strong opposition to actions that discriminate religious practitioners in Poland and appealed for the Ministry to enter into talks.

Despite the efforts made by the Polish Bishops' Conferences, the Commission for Catholic Education of the Episcopal Conference in Poland, directors of catechetical departments and subsequent petitions expressing opposition to the measures taken, on 26 July 2024 the Ministry promulgated another regulation on the conditions and manner of organising religious instruction in public schools and kindergartens. The Ministry of Education allowed religious instruction to be organised in inter-class and inter-departmental groups. This piece of legislation came into force on September 1, 2024. Headmasters

² T. Gołąb, *Kard. Nycz o rozmowach z MEN nt. religii: Jedna strona jest głucha*, <https://info.wiara.pl/doc/8952702.Kard-Nycz-o-rozmowach-z-MEN-nt-religii-Jedna-strona-jest-glucha>.

of kindergartens and schools may, under their authority, combine children into groups in any way they wish. The changes introduced, without reaching a common position with the Church side, do not consider the difficulties that pupils as well as religion teachers will encounter. The core curriculum for the teaching of the Roman Catholic religion is rich in program content, which deals not only with issues of religion itself, or faith, the holy sacraments, or the Church. The curriculum content includes issues related to history, axiology, ethics, bioethics, and art. There is also a strong emphasis on patriotic education and issues related to voluntary work, sensitising young people to the needs of others living in extreme poverty.

Combined classes are a huge challenge for teachers. A degree in any pedagogical subject does not prepare one for such a type of work. The teacher is often helpless, constrained by the limited time allocated for the implementation of not one but two topics in one lesson. The changes to the organisation of religion lessons at school, which were introduced so quickly, have not given the opportunity to the religion teacher to prepare reliably for work in combined classes.

On August 5, 2024, the Commission for Catholic Education of the Episcopal Conference in Poland issued another statement on the matter, emphasising the discriminatory nature of the changes introduced and the lack of legally required agreements with the ecclesiastical side. According to Article 12 of the Education System Act, changes to the teaching of religion may be implemented by the competent minister only ‘in agreement with the authorities of the Catholic Church and the Polish Autocephalous Orthodox Church and other churches and religious associations.’ It is noteworthy that none of the parties mentioned in the law agreed with the Ministry, at the same time expressing opposition to the measures taken.

On August 27, 2024, the First President of the Supreme Court challenged the ministerial regulation on the conditions for organising religious instruction to the Constitutional Court. She alleged that the regulation, among other things, violated *the principle of the consensual manner of regulating relations between the state and churches* and made it impossible to teach religion in the manner prescribed by the subject curriculum in connection with the creation of grounds for organising religion lessons in inter-branch or inter-class groups. On August 29, the Constitutional Court issued a protective order, i.e., it suspended the application of the legal act, the regulation, pending a ruling. The head of the Ministry of Education, Barbara Nowacka, did not honour the safeguard issued by the Constitutional Court. The Ministry’s website published a cursory

official position on the matter, indicating that the Constitutional Court's order has no legal effect. However, it should be emphasised that this was only a statement of the Ministry, so it has no legal force. The Ministry's actions have led to chaos in the implementation of the law and a situation where some schools have been operating with the existing regulations on the organisation of religion lessons and others with regulations that take into account the changes resulting from the regulation of the Minister of National Education suspended by the Constitutional Court.

On the occasion of the beginning of the new school year 2024/2025, the Polish Bishops' Conference once again emphasised that there is no agreement with the Ministry's decisions concerning the organisation of religion lessons at school. During a meeting of the Commission for Catholic Education on 17 September 2024, the debate on the current situation of catechesis and religion lessons in Poland was revisited. In an official announcement, the Commission expressed gratitude to all those who see the value in school religion lessons, both educational and formative. It appreciated the actions taken by various communities to promote and defend the teaching of religion at school, especially in view of the many negative opinions and legislative actions taken by the Ministry. At the same time, it recalled that the overriding motive of all actions promoting religious instruction at school is the good of children and youth, as well as the right of parents to bring them up in the faith.

On 9 October 2024, there was a meeting of delegates from the Commission for Catholic Education of the Polish Bishops' Conference, the Episcopal Conference Working Group for contacts with the Government of the Republic of Poland on the teaching of religion at school, with representatives of the Ministry. At the meeting, the state side presented a project of another amendment to the ordinance of the Minister of National Education of 14 April 1992 on the conditions and manner of organising religious instruction in public kindergartens and schools. The Church side presented its objections and doubts concerning the changes to this ordinance, in particular the reduction by half of the number of hours of religion at all levels of education, as well as the abandonment of the concordat provision present in it, stating that religion lessons take place "as part of the school and kindergarten timetable" (§ 12 paragraph 1), by replacing it with the rigid principle that these lessons will take place before or after compulsory educational classes. Concerns were also previously raised about the formation of groups from pupils at different educational levels. It has been pointed out that such solutions are taken in contravention of the Education System Act and

it has been emphasised that they will hinder the realisation of the right of access to religion for pupils whose parents (or they themselves) wish it.

On 7 November 2024, the Subcommittee for Religion at School, appointed by the Joint Commission of Representatives of the Government of the Republic of Poland and the Polish Bishops' Conference, held a meeting. The subject of the meeting was the changes proposed by the Ministry in the organisation of religion lessons at schools and kindergartens. The government side presented proposals for specific solutions, while the Church side submitted its remarks to them. During the discussion with the participation of experts from both sides, a substantive dialogue was undertaken and both sides sought solutions that would be acceptable to them. In view of the declared willingness of both sides to reach an agreement, on the points where doubts arose, it was decided to meet again and look for the best solution from the point of view of the education of children and young people, as well as the organisation of school work.

On 27 November 2024, the Constitutional Court ruled that the regulation was incompatible with the provision of the Education System Act stipulating that the Minister of National Education shall determine, by means of a regulation, the conditions for organising religious instruction in agreement with the authorities of churches and religious associations. The regulation was issued on the basis of this provision. The Constitutional Tribunal ruled that the regulation violated this provision in connection with the provisions of the Constitution stipulating, among other things, that "ordinances are issued by the authorities indicated in the Constitution, on the basis of a detailed authorisation contained in a law", as well as the constitutional principles that "the Republic of Poland is a democratic state governed by the rule of law" and "the organs of public authority act on the basis and within the limits of the law". The Constitutional Tribunal decided to discontinue the proceedings to the remaining extent, i.e., all amendments made by the Ministry were repealed as being inconsistent with the Constitution and the Education System Act. The Constitutional Tribunal also pointed out that the Minister of National Education did not fulfil the requirement to act in agreement with representatives of churches and religious associations, issuing the decision unilaterally, ignoring the positions of representatives of the Catholic Church and other churches and religious associations. In this context, the issue of religion teachers was also raised, who, due to the unexpected reduction in the demand for religion teachers in educational institutions, face a real threat of losing their jobs and being unable to retrain quickly, which violates the principle of labour protection. According to the President of the Constitutional

Court, the right of parents to ensure their children's upbringing and education (moral and religious) in accordance with their beliefs has also been violated.

Unfortunately, in the legal chaos introduced by those currently in power, the judgement of the Constitutional Court is not recognised by them. It is worth emphasising that both the Constitutional Tribunal and the Supreme Court are organs of judicial power whose activities find their legitimacy in the Constitution of the Republic of Poland. The Basic Law states in Article 10, paragraph 1, that the system of the Republic of Poland is based on the division and balance of the legislative power, the executive power and the judicial power. The statement of the Minister of National Education and the so-called 13 December coalition, while undermining the actions and rulings of the judiciary, at the same time violates the principle of the tripartite division of power mentioned above.

On 9 December 2024, at the request of the Church side, a meeting of the Joint Commission of Representatives of the Government of the Republic of Poland and the Polish Bishops' Conference was held. It was convened in connection with the lack of agreement after the talks within the Subcommittee on Religion in School established by the Joint Commission. The Church emphasised the contradiction of the regulation of the Minister of National Education with higher-order regulations, with the Constitution of the Republic of Poland at the forefront. Furthermore, it recalled that regulation by the Minister of National Education of matters concerning the organisation of religious instruction in kindergartens and schools requires action 'in agreement with the authorities of the Catholic Church and the Polish Autocephalous Orthodox Church and other churches and religious associations' (Article 12 paragraph 2 of the Education System Act). It expressed its opposition to the government's proposed limitation of religious instruction to one hour per week and its placement before or after other school activities. As part of the search for a compromise, it outlined a proposal for reform involving a staggered, gradual reduction in the size of religion lessons in secondary schools, with respect for the labour rights of catechists and the introduction of the principle of compulsory teaching of religion or ethics because of the need for the axiological formation of pupils. In primary school, the situation should remain unchanged. It stated its disapproval at the rejection of its suggestions by the government side and the lack of agreement. It also emphasised that such action by the Ministry could lead to an escalation of tensions surrounding the teaching of religion at school, which is regarded as a standard in the vast majority of democratic countries in Europe and one of the symbols of the post-1989 freedom transition in Poland.

On 23 December 2024, the Presidium of the Polish Bishops' Conference pointed out that the Ministry's actions constitute a large-scale process of changes to the organisation of religious instruction in public schools, the like of which has not been seen since 1989. Both those adopted from September 2024 and those announced for September 2025 are not only unequivocally contradictory to higher regulations but, above all, harmful and discriminatory for many students and teachers of religion. The changes also harm the rights of parents and guardians to raise their children according to their own beliefs, as guaranteed by the Republic of Poland's Constitution (Article 53).

The bishops emphasised in a subsequent announcement that the talks undertaken by the Church side with the Government of Poland did not lead to an agreement, and the compromise proposal of the Church side, which was to introduce the principle of obligatory religious or ethics teaching due to the need for axiological formation of students, was rejected by the government side. Similarly, as for spreading over several years the gradual reduction in the size of religious instruction in secondary schools, while respecting the labour rights of religious teachers.

On 19 January 2025, in connection with the publication by Minister of Education Barbara Nowacka information about the signing of another ordinance on the organisation of religious instruction in schools and kindergartens on January 17, 2025, the Presidium of the Polish Bishops' Conference expressed firm opposition to violating the principle that "public authorities act on the basis and within the limits of the law" (Article 7 of the Polish Constitution). The ordinance, which is scheduled to come into force on September 1, 2025, is an unlawful act, as the statutorily required agreement with the Catholic Church and other interested religious associations has not been reached on its content. The reduction of religious instruction to one hour per week and the order to organise religious instruction before or after compulsory education classes restricts the right of religious parents to raise their children in accordance with their own beliefs (Article 53 paragraph 3) in conjunction with Article 48 paragraph 1 of the Polish Constitution) and the right of students themselves to systemic support "in their development towards full maturity," which includes the spiritual sphere (Article 1 paragraph 3) of the Education Law). The changes being introduced also strike at the constitutionally guaranteed, labour rights of religious teachers. The Ministry, despite the demonstration of violations of the law by legal circles, has not returned to applying the standards of the rule of law and has not refrained from taking confrontational actions against religious believers,

who are full citizens of the Republic of Poland. The Commission for Catholic Education of the Episcopal Conference in Poland also expressed its opposition to the Ministry of Education's actions on January 24, 2025.

On February 27, 2025, the Presidium of the Polish Bishops' Conference forwarded to the First President of the Supreme Court a petition requesting the Constitutional Court to examine the compatibility of the mode of issuance of the Minister of Education's decree of January 17, 2025. In their justification, the bishops stressed that they are guided by the conviction that the case concerns an important public interest, that is, such values as the correctness of legislation, the implementation of the constitutional requirement of consensual regulation of relations between the state and churches and other religious associations, labour protection, the prohibition of discrimination, the right of parents to raise their children in accordance with their own beliefs, and the right of children and young people to educate and care appropriate to their age and achieved development. As in the previous case (the amending decree of July 26, 2024), the agreement required by Article 12 paragraph 2 of the Law of September 7, 1991 on the educational system was not reached. For this reason alone, the regulation of January 17, 2025 should be deemed in its entirety to be inconsistent with the superior regulation.

The ruling of the Constitutional Tribunal has not been published in the Journal of Laws. Accordingly, the Presidium of the Polish Bishops' Conference has submitted a request to the Prime Minister of the Republic of Poland Donald Tusk for public information on the failure to publish in the Journal of Laws the verdict of the Constitutional Tribunal of the Republic of Poland of November 27, 2024. The Polish Bishops' Conference also sent a letter to the President of the European Bishops' Conferences to inform all the Conferences of Europe and, at the same time, the communities in the European Union about the situation in Poland. Despite the actions taken by the Polish Bishops' Conference, legal opinions and labour associations negating the actions of the Ministry of National Education, numerous protests by parents and the students themselves, the devastating actions of school religious instruction in Poland are progressing.

Despite blatant discrimination against religious believers by the Ministry of Education, the Committee for a Citizens' Legislative Initiative was formed. This is a civic initiative to collect signatures for a bill on the entrenchment in the educational system of religious and ethical lessons at school. At the beginning of April 2025, the collection of signatures for the bill, colloquially known as *Yes to religion and ethics in school!* With the certainty that most Poles want religious

and ethical education for their children in schools, paraphrasing the words of St. John Paul II, despite the recent changes in our homeland, it is to be hoped that the religious lesson will remain in school and find its place and reflection in the educational system.