



WRITTEN SUBMISSIONS

*submitted to the European Court of Human Rights
in the case of*

Marek Jopp v. Poland
(Case No. 54711/18)

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1. Facts

Marek Jopp, the petitioner, applied to study at a private Catholic school (Toruń College of Social and Media Culture). The institution has the status of a non-public higher vocational school¹ and, as such, is eligible to receive public subsidies². This status is granted to many private institutions, whether religious or not³, and there are institutions of various religious denominations⁴. The College of Social and Media Culture in Toruń, founded in 2001, receives subsidies⁵. These subsidies fund, among other things, need-based scholarships and scholarships for people with disabilities⁶. Some of these subsidies also come from the European Union, as this institution was selected through a call for proposals⁷.

Mr. Jopp wished to pursue a post-master's program in ecology at this Catholic college. His application was incomplete because he intentionally omitted one of the required documents: a letter of recommendation from his parish priest. The applicant was then informed that he could submit a statement justifying the omission of this document, which he did by stating, "I am a non-believer." The College of Social and Media Culture in Toruń gave priority to applicants whose applications were complete and denied Mr. Jopp admission (March 2017).

2. Proceedings before the administrative courts

The petitioner filed an internal appeal against the decision denying admission, arguing that the requirement had discriminated against him on the basis of his beliefs. The College of Social and Media Culture in Toruń upheld its decision (April 22, 2017), stating that this requirement was not intended to judge students' religious beliefs but to verify that they were willing to respect the school's Catholic character.

The petitioner brought the matter before the administrative courts. The Regional Administrative Court dismissed his appeal (October 18, 2017), and the Supreme Administrative Court subsequently did the same (April 17, 2018), on the grounds that they lacked jurisdiction to review a decision denying admission to a private post-master's program.

The lack of jurisdiction on the part of the administrative courts is based on Polish law. Indeed, post-master's studies are not governed by higher education legislation—and thus by administrative law—but by civil law. At issue was the conclusion of a civil law contract between the College of Social and Media Culture in Toruń and the petitioner. Consequently, the civil courts have jurisdiction in this case⁸.

The applicant filed an application with the Court on November 9, 2018, invoking his right to education (Article 2 of Protocol No. 1), his freedom of conscience or religion (Article 9), his right to an effective remedy (Article 13), and his right not to be discriminated against on the basis of his conscience or religion (Article 14). The Court communicated the application on March 17, 2025.

¹ Decision of the Minister of National Education and Sports No. DSW-3-0145-218/TT/2001, August 14, 2001; Register of Non-Public Universities, [Article 215](#). Legal basis: Act of July 20, 2018, on Higher Education and Science.

² "Money for Father Rydzyk's academy. The Ministry of Education has announced the amount," [TVN24 Biznes](#), August 3, 2023.

³ See, for example, *Bydgoska Szkoła Wyższa in Bydgoszcz*, a non-public, non-denominational higher vocational school.

⁴ See, for example, *the Evangelical Higher School of Theology*, founded by the Evangelical Union of the Republic of Poland, headquartered in Wrocław.

⁵ "Money for Father Rydzyk's academy...", op. cit.

⁶ Ibid.

⁷ "Nearly 4 million zł in EU funds for a university linked to Father Rydzyk. Communication training for judges," [Money.pl](#), January 27, 2018.

⁸ See also: "Discrimination against a Catholic university," [Academy of Social and Media Culture](#), April 18, 2024.

3. Proceedings before the civil courts

The application and its annexes refer solely to proceedings before the administrative courts. However, the applicant and his attorney did not inform the Court of the parallel proceedings initiated before the civil courts.

On August 6, 2019—that is, after the application was filed with this Court—the Toruń District Court, to which the applicant had brought the case, ruled on the same matter⁹. The court found that Mr. Jopp had been the victim of unlawful discrimination:

The district court found that the defendant university had violated the prohibition set forth in Article 8, paragraph 1, point 1, of the Act of December 3, 2010, on the Implementation of Certain European Union Provisions on Equal Treatment. The district court found that the requirement to submit a recommendation from the parish priest was ostensibly neutral, as it applied to all university applicants. In reality, however, this requirement can be met only by individuals who actively participate in parish life, which excludes from the pool of prospective students both non-believers and adherents of religions other than Christianity (and, in fact, all individuals other than practicing Catholics, since, although this was not explicitly stated, given the nature of the defendant university, it can be assumed that this reflected the opinion of the pastor of a Catholic parish). The district court emphasized in this regard that the fact that the program for which the petitioner had applied was partially funded by public funds had no bearing on this assessment. Indeed, the prohibition against any unequal treatment in access to vocational training, as provided for in Article 8 of the aforementioned law, is independent of the method of financing such training. The district court stated that any person who is the victim of a violation of the principle of equal treatment is entitled to redress. It added that discrimination always causes harm, as it undermines human dignity. Given that the plaintiff suffered harm resulting from the loss of the opportunity for professional development, the district court found his claim to be well-founded and granted the action in its entirety¹⁰.

The court ordered the College of Social and Media Culture in Toruń to pay the plaintiff 5,000 zlotys—equivalent at the time to approximately 1,160 euros—in compensation for the harm, as well as 1,167 zlotys—270 euros—in litigation costs¹¹.

The Toruń College of Social and Media Culture filed an appeal, but the Toruń Regional Court upheld the lower court's decision in its entirety on August 21, 2020¹².

The petitioner enrolled in the same school for the 2020–2021 academic year. In a newspaper interview, he expressed satisfaction that the admissions process had been modified and that the letter of recommendation from his parish priest had become a document explicitly designated as optional¹³. He also expressed satisfaction that the compensation paid by the school for the harm he suffered had helped him cover his tuition fees.

⁹ Toruń District Court, August 6, 2019, [I C 469/18. Details of the ruling—Court Ruling Analysis System \(SAOS\)](#); see also: Ciechoński, Tomasz. “Jopp Wins Against Rydzyk’s School. The university indirectly discriminated,” [Wyborcza.pl](#), August 6, 2019.

¹⁰ Supreme Court, April 6, 2022, [Case No. I NSNc 578/21](#), pp. 3–4 (unofficial translation).

¹¹ *Ibid.*, p. 2.

¹² *Ibid.*, p. 4; “The university founded by Father Rydzyk must pay for refusing admission,” [Polskie Radio PiK](#), September 3, 2020.

¹³ “Marek Jopp defeated Rydzyk’s university,” [NaTemat.pl](#), August 6, 2019.

In July 2021, Attorney General Zbigniew Ziobro (Poland’s Minister of Justice) filed an “extraordinary” appeal with the Supreme Court against the ruling of the Toruń Regional Court¹⁴. According to the Prosecutor General, the law on which the trial court and the regional court had relied to hold the school civilly liable was not applicable in the case of a post-master’s program¹⁵. In his view, the issue in this case was a simple administrative error, namely that of the school employee who mistakenly informed Mr. Jopp that he had been admitted. Such an extraordinary appeal involves asking the Supreme Court to review a final judgment that violates the Constitution, fundamental freedoms, or essential principles of justice. The prosecutor argued that the school’s right to a fair and impartial trial, as well as its right to be tried by an impartial and independent court, had been violated, contending that the Toruń Regional Court had merely adopted the findings of the lower court without properly reexamining the merits of the case¹⁶.

On April 6, 2022, the Extraordinary Supervisory Chamber of the Supreme Court dismissed the prosecutor’s appeal on the grounds that it was without merit¹⁷.

I- Procedural grounds for dismissal

This petition is frivolous due to the petitioner’s failure to follow civil procedure (4). Even assuming the petitioner had the status of a victim, the civil procedure also results in the loss of that status (5).

4. An abusive application

When an applicant or his or her counsel omits an element that appears essential to the examination of a case, the application must be considered abusive within the meaning of Article 35 § 3 of the Convention. This omission may occur after the application has been filed, when the element essential to its examination arises after the application was filed. Indeed, according to Article 47 § 7 of the Rules of the Court, applicants are required to inform the Court of “all circumstances relevant to the application.” For this reason, “an application may be rejected as an abuse of the right of application if the applicants—despite their obligation under Article 47 § [6] of the Rules of the Court—fail to inform the Court of important new developments regarding their pending applications, given that such conduct prevents the Court from ruling on the matter in full knowledge of the facts”¹⁸.

Thus, in the case of *Kérétchachvili v. Georgia* (2006), the applicant complained that it was completely impossible to obtain enforcement of a court decision and had failed to inform the Court of the decision’s enforcement after filing his application¹⁹. For this reason, the Court declared the application inadmissible, characterizing it as abusive, noting that “neither before nor after notice of the application was given . . . did the applicant inform the Court of the above payments, merely insisting that he wished to continue the proceedings before it”²⁰. Similarly, in its judgment in *Bekauri v. Georgia* (2012), the Court considered it “unacceptable that [the applicants’ representatives], legal professionals who had assumed responsibility for the case as early as on 3 July 2006, did not learn about the commutation of their client’s life sentence, which occurred in March 2007, until the end of

¹⁴ “Final hearing in the case of a New Left activist against the Academy of Social and Media Culture in Toruń,” [Nasze Miasto Toruń](#), April 9, 2022.

¹⁵ Supreme Court, op. cit., p. 6.

¹⁶ *Ibid.*, p. 7.

¹⁷ *Ibid.*, pp. 10–14.

¹⁸ *Sónia Maria Martins Alves v. Portugal*, No. 56297/11, January 21, 2014, para. 8.

¹⁹ *Kérétchachvili v. Georgia* (dec.), No. 5667/02, May 2, 2006.

²⁰ *Ibid.*, I.2.c.

May 2010”²¹. The Court reiterated that “both the applicant and his representatives should have informed the Court of that critical development of the case immediately upon its discovery,” and consequently declared that—after examining other factors—the application was abusive²².

In the present case, as we have explained (§ 3), the applicant and his attorney failed to inform the Court of parallel proceedings initiated before the civil courts. Even though the judgment of the Toruń District Court was rendered after the application was filed, the omission of this information renders the application abusive, as this information appears essential for the examination of the case (see § 3)²³.

In a previous case, *Zličić v. Serbia* (2021), the Court had held that an applicant should have informed it of the parallel civil proceedings he had initiated at the time the application was lodged, even though those proceedings had not yet resulted in a court decision²⁴. It had noted, however, that the applicant had subsequently informed the Court of these civil proceedings on his own initiative and that therefore “while admittedly the applicant should have mentioned the relevant facts regarding the civil suit from the very beginning of the proceedings before it, there is no evidence that he intended to “mislead the Court” in that connection”²⁵. The present case differs from that case because, even though the applicant and his counsel commented on the civil proceedings in the press, they failed to mention them in the application or to remedy this omission by writing to the Court at a later date²⁶.

5. Loss of Victim Status

As the Grand Chamber of the Court notes, “It is the Court’s settled case-law that where the national authorities have found a violation and their decision constitutes appropriate and sufficient redress, the party concerned can no longer claim to be a victim within the meaning of Article 34 of the Convention”²⁷.

The applicant must be able to demonstrate his or her status as a victim at all stages of the proceedings and not merely at the time of filing the application with the Court²⁸. According to the Court’s case law on the examination of the possible recognition and redress of the violation, “in assessing whether an applicant can claim to be a genuine victim of an alleged violation, account should be taken not only of the formal position at the time when the application was lodged with the Court but of all the circumstances of the case in question, including any developments prior to the date of the examination

²¹ *Bekauri v. Georgia*, No. 14102/02, April 10, 2012, para. 23.

²² *Ibid.* See also: *Hadrabová and Others v. the Czech Republic* (dec.), nos. 42165/02 and 466/03, September 25, 2007; *Predescu v. Romania*, No. 21447/03, December 2, 2008, §§ 25–27; *Gross v. Switzerland* [GC], No. 67810/10, September 30, 2014, §§ 28–37; *Dimo Dimov and Others v. Bulgaria*, No. 30044/10, July 7, 2020, §§ 42–47; *Y.T. v. Bulgaria* (re-examination), No. 41701/16, July 4, 2024, §§ 39–40; *Avag Gevorgyan and Others v. Armenia*, No. 66535/10, January 14, 2020, § 33; *Gevorg Safaryan v. Armenia*, No. 16346/10, January 14, 2020, §§ 24–31.

²³ See, in particular: *Mitrović v. Serbia*, No. 52142/12, March 21, 2017, §§ 33–34: “It would have been open to the Court to declare the application inadmissible if the applicant had been successful in the civil proceedings and received compensation, and had failed to inform the Court of that fact.”

²⁴ *Zličić v. Serbia*, No. 73313/17, January 26, 2021, para. 56.

²⁵ *Ibid.*

²⁶ The present case also differs from *G.I.E.M. S.R.L. and Others v. Italy* [GC], because the civil proceedings that the applicant had failed to mention had different subjects and purposes from the application, and consequently this omission “cannot be construed as an attempt to conceal from the Court information that is essential or, in any event, relevant to its decision ” (No. 1828/06, June 28, 2018, para. 174).

²⁷ *Scordino v. Italy* (No. 1) [GC], No. 36813/97, March 29, 2006, para. 181.

²⁸ *Bourdiv v. Russia*, supra, paras. 30–31; *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], supra, paras. 80–81.

of the case by the Court”²⁹. The Court justifies this by noting that “the provisions of the Convention are to be interpreted in a manner which renders its safeguards practical and effective”³⁰.

Thus, generally, “the Court considers that the question whether an applicant has victim status falls to be determined at the time of the Court’s examination of the case”³¹. Consequently, in certain cases, “it has examined objections raised by respondent Governments that steps taken by or in the respondent State subsequent to the lodging of the application with the Court afforded adequate redress for the alleged violation such that the applicant could no longer be considered a victim for the purposes of Article 34 of the Convention”³². For example, in the case of *Dimo Dimov and Others v. Bulgaria* (2020), the Court recognized that the fourth applicant had lost his status as a victim, even though the violation had been acknowledged and redress provided in 2018, in response to an application filed in 2010³³.

In this case, the national authorities recognized, either explicitly or in substance, and provided redress for the harm suffered as a result of the alleged violation; therefore, the subsidiary nature of the Convention’s protection mechanism precludes the Court from examining the application³⁴. The application is thus declared inadmissible by the Court.

Assuming that the application is not declared abusive and that the applicant is considered to have the status of a victim, it must be demonstrated that the application is incompatible *ratione materiae* with the Convention.

II- The Court’s Lack of Subject-Matter Jurisdiction

The applicant invokes Article 2 of Protocol No. 1, but access to the training he sought does not fall within the scope of that provision (6). Article 9 of the Convention, which was also invoked, is likewise inapplicable (7).

6. Definition and Scope of the Right to Education

The right to education, as recognized by Article 2 of Protocol No. 1 to the Convention, is a right that “no person shall be denied.” The second sentence of this article protects the rights of parents with regard to schooling and education. The fact that the right to education is formulated as an absolute right³⁵ and that it refers to parents demonstrates that the right to education concerns children first and

²⁹ *Selahattin Demirtaş v. Turkey* (No. 2) [GC], No. 14305/17, December 22, 2020, para. 217; *Tănase v. Moldova* [GC], No. 7/08, April 27, 2010, para. 105.

³⁰ *Tănase v. Moldova* [GC], supra, § 105.

³¹ *Ibid.*, § 106.

³² *Ibid.*

³³ *Dimo Dimov and Others v. Bulgaria*, supra, §§ 28–30 and 51–56. See also: *Amuur v. France*, No. 19776/92, June 25, 1996, § 36 (consideration of a decision by a domestic court dated March 31, 1992, in the context of the Court’s examination of an application filed on March 27, 1992); *Ramazanov and Others v. Azerbaijan*, No. 44363/02, February 1, 2007, §§ 36–39 (consideration of a decision by a domestic court dated December 6, 2006, in the context of the Court’s examination of an application lodged on November 22, 2002); *Peter Conrad v. the Federal Republic of Germany*, No. 13020/87, April 13, 1988 (consideration of a decision by a domestic court dated August 26, 1987, in the Commission’s examination of an application lodged on June 15, 1987); *Caraher v. the United Kingdom*, No. 24520/94, January 11, 2000 (consideration of a settlement reached on September 28, 1998, in the context of the Commission’s examination of an application lodged on October 10, 1994).

³⁴ See: *Albayrak v. Turkey*, No. 38406/97, January 31, 2008, para. 32.

³⁵ It should be noted that although this right is formulated in absolute terms, the Court considers that it may give rise to implicitly accepted limitations because, by its very nature, it calls for regulation by the State; however, it is necessary “to ensure that the

foremost. According to the Court, the right to education “essentially establishes access to primary and secondary education”³⁶. The former Commission added that this right “mainly concerns elementary education and not necessarily specialist advanced studies”³⁷. For this reason, Recommendation No. R (98) 3 of the Committee of Ministers concerning access to higher education is not based on Article 2 of Protocol No. 1 to the Convention, but on other international treaties³⁸. The same applies to other recommendations of the Committee of Ministers and the Parliamentary Assembly of the Council of Europe on related topics³⁹.

Nevertheless, the Court, through its case law, has indicated that it “would be hard to imagine that institutions of higher education existing at a given time do not come within the scope of the first sentence of Article 2 of Protocol No 1,” on the grounds that “there is no watertight division separating higher education from other forms of education”⁴⁰. The Court thus went beyond the text of Protocol No. 1, against the wishes of the States Parties. However, within the realm of higher education, the Court decided to limit the scope of Article 2 of Protocol No. 1 to institutions established by the States, that is, to public institutions⁴¹. It is only with respect to these institutions, where they exist, that States have “an obligation to afford an effective right of access to them”⁴². The Court clarifies, however, that this interpretation, which it describes as “broad,” is not “forcing new obligations on the Contracting States”⁴³.

In the present case, the College of Social and Media Culture in Toruń offers a post-master’s program that does not fall within the university curriculum of bachelor’s–master’s–doctorate degrees. The program for which the applicant applied is a supplementary course of study parallel to higher education and does not replace it. Furthermore, it is a private institution. The school is therefore not a public institution of higher education. Consequently, admission to this school does not fall under Article 2 of Protocol No. 1, as the nature of the institution excludes it from the scope of that provision. Enrollment in this program therefore does not fall within the scope of Article 2 of Protocol No. 1 to the Convention.

7. Definition and Scope of the Right Not to Reveal One’s Beliefs

Freedom of religion, recognized in Article 9 of the Convention, entails the negative right not to adhere to a religion and not to practice it⁴⁴. Consequently, the State may not compel an individual to perform an act that can reasonably be understood as an expression of allegiance to a particular religion⁴⁵. The

limitations imposed do not reduce the right in question to the point of undermining its very substance and depriving it of its effectiveness” (*Leyla Şahin v. Turkey* [GC], No. 44774/98, November 10, 2005, para. 154).

³⁶ *Leyla Şahin v. Turkey* [GC], supra, para. 136.

³⁷ Committee on Human Rights, *Sulak v. Turkey* (dec.), No. 24515/94, January 17, 1996; *Yanasik v. Turkey* (dec.), No. 14524/89, January 6, 1993.

³⁸ The Recommendation cites six Conventions and one Protocol of the Council of Europe: European Cultural Convention (1954); European Convention on the Equivalence of Diplomas Giving Access to Universities (ETS No. 15, 1953); Additional Protocol to the European Convention on the Equivalence of Diplomas (ETS No. 49, 1964); Convention on the Recognition of Qualifications Relating to Higher Education in the European Region (ETS No. 165, 1997); Framework Convention for the Protection of National Minorities (ETS No. 157, 1995); European Convention on Human Rights (1950) and Protocols; Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108, 1981).

³⁹ The list of these recommendations is provided [on this page](#).

⁴⁰ *Leyla Şahin v. Turkey* [GC], supra, §§ 136–137.

⁴¹ *Ibid.*, § 137. It should be noted, however, that when the Court cites this judgment, it no longer specifies this limitation to public institutions. See: *Mürsel Eren v. Turkey*, No. 60856/00, February 7, 2006, § 41. But this appears to be merely a lack of precision, as the Court did not apply this provision to private institutions of higher education.

⁴² *Leyla Şahin v. Turkey* [GC], supra, § 137.

⁴³ *Ibid.*, para. 141.

⁴⁴ *Alexandridis v. Greece*, No. 19516/06, February 21, 2008.

⁴⁵ *Buscarini and Others v. San Marino* [GC], No. 24645/94, February 18, 1999.

negative aspect of the freedom to manifest one's religious beliefs also means that an individual cannot be compelled by state authorities to disclose their religious affiliation or beliefs; nor can they be compelled to engage in conduct from which it might be inferred that they do—or do not—hold such beliefs⁴⁶.

The Court has found violations of Article 9 in numerous cases where applicants were required to disclose their beliefs in order to comply with the requirements of public authorities⁴⁷. In the school context, the Court found that Poland had violated the freedom of belief of a student at a public elementary school due to the lack of an optional ethics course that the applicant—who was exempt from religion classes—could have taken; as a result, all of his report cards and his diploma bore a simple dash (“–”) in the “Religion/Ethics” box⁴⁸. The fact that the school was a public elementary school was decisive in the Court's reasoning; it held that “the State brings about a situation in which individuals are obliged – directly or indirectly – to reveal that they are non-believers. This is all the more important when such obligation occurs in the context of the provision of an important public service such as education”⁴⁹.

Furthermore, even when a public authority is involved, the Court does not consider Article 9 to have been violated if the scope of the interference is limited due to the non-public nature of the document in question⁵⁰. For example, regarding the prison administration's refusal to correct an alleged administrative error in a prisoner's file concerning the mention of his religious affiliation, the Court dismissed the application as manifestly unfounded, finding that this alleged error had had absolutely no real or practical impact on the ability to manifest one's religion, whatever it might be—all the more so since the file in question was not intended for public consultation or for use in daily life but was accessible only to the prison administration⁵¹.

The Court has never held a State liable for allowing a private entity to request the religious beliefs of individuals wishing to join or participate in that private entity's activities.

In this case, the College of Social and Media Culture in Toruń is a private school that openly identifies as religious. An applicant for admission to this school must expect that his adherence to the school's religious denomination will be discussed at the time of admission, especially since a letter of recommendation from the parish priest was a required document. By applying to this program, rather than to a program at a public institution, the petitioner himself made the choice to disclose his religious beliefs without being compelled to do so by any public authority. Consequently, Article 9 is not applicable in this case.

Even if the Court were to declare itself competent on the merits to examine the petition, it must be demonstrated that the petition is inadmissible due to a manifest lack of merit.

⁴⁶ *Alexandridis v. Greece*, supra, § 38; *Dimitras and Others v. Greece*, Nos. 42837/06 and 4 others, June 3, 2010, § 78; *Stavropoulos and Others v. Greece*, No. 52484/18, June 25, 2020, § 44.

⁴⁷ See the cases cited in the previous footnote. See also: *Dimitras and Others v. Greece* (No. 2), Nos. 34207/08 and 6365/09, November 3, 2011; *Dimitras and Others v. Greece* (No. 3), No. 44077/09 and 2 others, January 8, 2013.

⁴⁸ *Grzelak v. Poland*, No. 7710/02, June 15, 2010; compare with ECHR, *Grand Chamber, J.J. and E.J. v. Poland* (dec.), No. 23380/94, January 16, 1996, and ECHR, *Saniewski v. Poland* (dec.), No. 40319/98, June 26, 2001.

⁴⁹ *Grzelak v. Poland*, supra, § 87. See also § 104.

⁵⁰ *Wasmuth v. Germany*, No. 12884/03, February 17, 2011; *Mariş v. Romania* (dec.), No. 58208/14, September 29, 2020.

⁵¹ *Mariş v. Romania* (dec.), supra.

III- A Manifest Lack of Merit

After recalling the political context of the application, for informational purposes (8), we will show that it profoundly calls into question the principle of autonomy of religious organizations, which is a fundamental aspect of freedom of religion (9). The principle of non-discrimination cannot be invoked for the purpose of denying the autonomy of a religious organization (10).

8. Political Context

In the aforementioned press articles, it appears that the petitioner had political objectives, which he did not disclose to the Court. Indeed, the press—including articles that are highly favorable to him—portrays him first and foremost as a political activist on the atheist left. Although he presents himself as a mere student in his petition to the Court, Mr. Jopp is best known as the local leader of the Democratic Alliance of the Left (SLD), a party that merged with Wiosna in 2021 to form Nowa Lewica (New Left). In this capacity, the petitioner regularly runs for office, as he did in 2023 (parliamentary elections) and 2024 (European elections).

The SLD, the petitioner's political party, sought in particular to reduce the Church's influence in education⁵². It also opposed the Church on moral issues⁵³. Historically, this party served as the vehicle that allowed leaders and activists of the Polish United Workers' Party to reinvent themselves after the fall of communism. The SLD is therefore the heir to a government that persecuted Catholics⁵⁴.

It is therefore logical that the petitioner's actions would be perceived by the press—and perhaps also by the school—as militant. The fact that he expressed satisfaction in the press with the change he had secured regarding the admissions process shows that he sought to change the school to which he was applying, and not merely to be admitted there without facing discrimination.

The petitioner was supported in his proceedings before the administrative courts by Krzysztof Śmiszek⁵⁵, representing the Polish Society for Anti-Discrimination Law (a party to the proceedings⁵⁶). Mr. Śmiszek is also politically active alongside Mr. Jopp. He subsequently became a New Left member of the Sejm (2019–2024), Deputy Minister of Justice (2023–2024), and finally a New Left Member of the European Parliament (since 2024). Mr. Jopp's attorneys also work pro bono for the Polish Society for Anti-Discrimination Law⁵⁷, including in this specific case⁵⁸.

Another useful piece of background information concerns Father Tadeusz Rydzyk, who is not only the founder of the College of Social and Media Culture in Toruń, to which the petitioner applied, but also the founder of a Christian media group that includes, notably, Radio Maryja. All of Father

⁵² “New Left's Campaign Promises: An End to Religion in Schools and a New Fund,” *Business Insider Polska*, September 16, 2023; “Secular State—SLD Wants Separation of Church and State and the Abolition of Privileges,” lewica.org.pl, June 3, 2019. See also: Lewica's Program [Program 2023](http://Program2023), §§ 26, 85–88.

⁵³ *Ibid.*

⁵⁴ “Senyszyn: In the Church, it's better to be a pedophile than to speak the truth,” *Wprost*, August 21, 2013. Quote from Joanna Senyszyn, then an SLD Member of the European Parliament: “(The Church, ed.), a quasi-mafia-like structure, demands absolute obedience to superiors and the blind and reckless execution of their orders from its members. Anyone who disobeys is mercilessly punished. There are numerous examples: Father Boniecki, Father Lemański, Father Małdel, to name only the most recent and most widely publicized cases. “In Poland, a priest can be a pedophile, a con artist, or a sex addict; he can commit fraud, steal, or cause accidents while drunk—as long as he does not criticize his superiors, the Mother Church, or his fellow priests,” Senyszyn emphasizes.

⁵⁵ “Is a Certificate from the Parish Priest Required for College? The Provincial Administrative Court Issued a Ruling on the Matter,” *Gazeta Prawna*, October 18, 2017.

⁵⁶ Polish Society for Anti-Discrimination Law, [Bulletin November 2017 No. 33](http://BulletinNovember2017No.33), pp. 1–2.

⁵⁷ “Attorney Jakub Witkowski and Attorney Mateusz Chudziak,” *Polish Society for Anti-Discrimination Law*, 2018.

⁵⁸ See Polish Society for Anti-Discrimination Law, [Bulletin, November 2017, No. 33](http://BulletinNovember2017No.33), p. 2.

Rydzik’s organizations, based in Toruń, are the target of attacks by allied parties within the current governing coalition⁵⁹.

On April 7, 2022, the Supreme Court’s ruling was shared on the New Left’s social media accounts as follows: “Marek Jopp, a New Left activist in Toruń, can rejoice in the success of his constant and persistent fight against religious discrimination We sincerely congratulate our colleague for persevering in his cause, which, by setting a precedent, will help others defend themselves against religious discrimination and study legally at the Polish university of their choice.” On the Lewica Kobiet page, which also published the news on April 11, 2022, Mr. Jopp was publicly congratulated by Joanna Scheuring-Wielgus (who has since become a Member of the European Parliament) and Wanda Nowicka (Member of Parliament).

9. The Principle of Autonomy of Religious Organizations

Religious organizations enjoy the right to respect for their autonomy, enshrined in the case law of the Court⁶⁰. Autonomy ensures that the religious organization “will be allowed to associate freely, without arbitrary State intervention . . . and is thus an issue at the very heart of the protection which Article 9 of the Convention affords”⁶¹. In the absence of sufficient autonomy, “all other aspects of the individual’s freedom of religion would become vulnerable”⁶². According to the Court, religious organizations “are free to determine at their own discretion the manner in which new members are admitted and existing members excluded”⁶³.

The term “religious organization” refers to any organization that exercises, on behalf of its members, the rights guaranteed under Article 9 of the Convention⁶⁴. In the Court’s case law, the manifestation of a religion is not limited to the areas listed in Article 9, but includes any act closely connected to religion. Consequently, a Catholic charity or a Catholic clinic must be considered religious organizations. A fortiori, since the freedom to manifest one’s religion through education is explicitly mentioned in Article 9, any religious school is unquestionably a religious organization and therefore enjoys the rights associated with that status. Thus, regarding the hiring of faculty by a Catholic university, the Court has already held that “in certain institutions, religion may constitute a professional requirement, given the organization’s ethics” and that hiring that takes religious considerations into account “could be regarded as inspired by the legitimate aim of protecting a ‘right of others,’ in this case, the University’s interest in having its teaching is based on Catholic doctrine”⁶⁵.

In the Court’s view, freedom of religion does not guarantee individuals “any right to dissent within a religious body”⁶⁶, whether that organization is a church or a school. As a consequence of the principle of autonomy, the State must accept the “right of such communities to react, in accordance with their own rules and interests, to any dissident movements emerging within them”⁶⁷. According to the Court,

⁵⁹ Akademia Kultury Społecznej i Medialnej, “Dyskryminacja AKSiM,” [AKSiM News](#), February 7, 2024. Roman Giertych, member of the Civic Coalition: [Giertych: Revoke Radio Maryja’s license for violating the concordat](#), August 19, 2024.

⁶⁰ This has been invoked on several occasions in the Grand Chamber, in the following cases: *Sindicatul Păstorul v. Romania* [GC], No. 2330/09, January 31, 2012, in particular § 74; *Fernández-Martínez v. Spain* [GC], No. 56030/07, June 12, 2014, in particular §§ 127–129; and *Károly Nagy v. Hungary* [GC], No. 56665/09, September 14, 2017. This principle was reaffirmed in the case of *Țîmpău v. Romania*, No. 70267/17, December 5, 2023, in particular §§ 187–188, 216.

⁶¹ *Fernández Martínez v. Spain* [GC], supra, § 127.

⁶² *Ibid.*

⁶³ *Sviato-Mykhailivska Parafiya v. Ukraine*, No. 77703/01, June 14, 2007, §§ 146 and 150.

⁶⁴ *Cha’are Shalom Ve Tsedek v. France* [GC], No. 27417/95, June 27, 2000, § 72; *Leela Förderkreis e.V. and Others v. Germany*, No. 58911/00, November 6, 2008, § 79.

⁶⁵ *Lombardi Vallauri v. Italy*, No. 39128/05, October 20, 2009, para. 41. (unofficial translation)

⁶⁶ *Sindicatul Păstorul v. Romania* [GC], supra, § 137; *Fernández Martínez v. Spain* [GC], supra, § 128. See also: *Miroļubovs and Others v. Latvia*, supra, § 93.

⁶⁷ *Sindicatul Păstorul v. Romania* [GC], supra, § 165; *Fernández Martínez v. Spain* [GC], supra, § 128.

“in the event of a disagreement over matters of doctrine or organisation between a religious community and one of its members, the individual’s freedom of religion is exercised through his freedom to leave the community”⁶⁸. This principle applies all the more so to individuals who have not been admitted to a religious organization because of their dissent.

A State may grant “special privileges” to religious organizations, such as subsidies, but in such cases the Court verifies that organizations belonging to other denominations or religions are eligible for similar agreements with the State⁶⁹ and that such status is not contingent on a political situation, thereby preventing communities from being forced to court political parties in order to gain recognition⁷⁰. Furthermore, in the case of *Lautsi v. Italy* (2011), the Grand Chamber of the Court held that a State could legitimately give “the country’s majority religion preponderant visibility in the school environment”⁷¹.

In the present case, the College of Social and Media Culture in Toruń, founded by Father Tadeusz Rydzyk, is an officially denominational, Catholic institution. Its three fundamental principles are “Fides, Ratio, and Patria”—that is, the Catholic faith, reason, and the homeland⁷². This Catholic school adopts the philosophical position that there is one truth and one good, as well as a religious position that equates truth and the good with Jesus Christ. It further states that this stance constitutes the “cement of the academic community,” which demonstrates that it is not purely symbolic⁷³. This philosophical and religious stance contrasts with that of “non-believers,” in other words, agnostics and atheists. Conversely, non-denominational institutions—that is, those separate from the Church—reject any objective truth or good, particularly in the religious sphere. They therefore oppose the Catholic stance and promote an agnostic or atheist philosophy.

10. A Misunderstanding of the Principle of Non-Discrimination

It is important to distinguish between the principle of non-discrimination and the practice of selecting students who adhere to a school’s religious mission. The cases of discrimination in access to education examined by the Court concern individuals who were denied admission because of their disability, ethnic origin, nationality, or physical characteristics beyond their control⁷⁴. The only two cases involving adults concerned a blind woman⁷⁵ and a person considered too short and too thin⁷⁶, who were denied admission to their respective schools on the basis of their characteristics and without sufficient justification.

In the Court’s case law, the issue of religion is addressed solely from the perspective of schools’ respect for the religious beliefs of parents whose children attend those schools, to the extent that the State chooses to favor certain schools over other educational options (religious schools or

⁶⁸ *Ibid.* See on this subject: Abbé Jean-Pierre Schouppe, *The Institutional Dimension of Religious Freedom in the Case Law of the European Court of Human Rights*, Paris, Pedone, 2015, p. 225.

⁶⁹ See, for example: *Alujer Fernandez and Caballero Garcia v. Spain* (dec.), No. 53072/99, June 14, 2001; *Cumhuriyetçi Eğitim ve Kültür Merkezi Vakfı v. Turkey*, No. 32093/10, December 2, 2014, para. 45; *Savez crkava “Riječ života” and Others v. Croatia*, No. 7798/08, December 9, 2010, para. 85; *İzzettin Doğan and Others v. Turkey* [GC], No. 62649/10, April 26, 2016, para. 183; *“Romuva” Association of the Ancient Baltic Religion v. Lithuania*, No. 48329/19, June 8, 2021, paras. 126 and 136.

⁷⁰ *Magyar Keresztény Mennonita Egyház and Others v. Hungary*, Nos. 70945/11 and 8 others, April 8, 2014, in particular para. 102.

⁷¹ *Lautsi and Others v. Italy* [GC], No. 30814/06, March 18, 2011, § 71.

⁷² See this page on the school’s website: <https://podyplomowe.aksim.edu.pl/dlaczego-aksim/>

⁷³ Application file, p. 47, dean’s decision (unofficial translation).

⁷⁴ See the numerous cases cited in the Guide on Article 2 of Protocol No. 1, Right to Education, updated February 28, 2025, pp. 13–17.

⁷⁵ *Çam v. Turkey*, No. 51500/08, February 23, 2016.

⁷⁶ *Moraru v. Romania*, No. 64480/19, November 8, 2022.

homeschooling)⁷⁷. Adults, for their part, have the freedom to choose an educational program at an institution that professes a particular philosophical or religious belief and cannot claim a right to be admitted to a specific institution if they explicitly reject its values.

In this case, the College of Social and Media Culture in Toruń does not make sharing Catholic religious beliefs a condition of admission, either in principle or in practice. It promotes freedom of conscience and religion among its students. Thus, not only do atheist and Muslim students attend this Catholic school, but this religious diversity is publicly celebrated by Father Rydzyk⁷⁸. The only condition for admission to the College of Social and Media Culture in Toruń is respect for the school's values. A letter of recommendation from a parish priest, which has become optional, can attest to a person's motivation to uphold the school's values. Conversely, the applicant's political stance (8) tends to cast doubt on his motivation to respect the school's values and to refrain from disturbing public order.

⁷⁷ See the numerous cases cited in the Guide on Article 2 of Protocol No. 1, *supra*, pp. 17–20.

⁷⁸ Rev. Dr. Tadeusz Rydzyk CSsR, “On the Decision of the Minister of Funds and Regional Policy Regarding AKSiM: This Is Discrimination,” *Radio Maryja*, January 17, 2024.