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THE FACTS

The applicants, Ms Johanna Appel-Irrgang and her parents, Mrs Kerstin Appel and Mr Ronald Irrgang, are German nationals who were born in 1993, 1956 and 1954 respectively and live in Berlin. They were represented before the Court by Mr Reymar von Wedel and Mr Hasso von Wedel, lawyers practising in Berlin.

A. The circumstances of the case

The facts of the case, as submitted by the applicants, may be summarised as follows.

1. Background to the case

On 30 March 2006 the *Bundestag* in Berlin passed the first Act amending the School Act of 26 January 2004 (*Erstes Gesetz zur Änderung des Schulgesetzes*). Section 1 of the new Amendment Act provided for a new paragraph 6 to be inserted into section 12, worded as follows:

> "In grades 7 to 10 in State schools, ethics shall be a standard subject taught to all pupils. The objective of ethics lessons shall be to promote the propensity and ability of pupils, regardless of their cultural, ethnic, religious or ideological background, to address, in a constructive manner, the fundamental cultural and ethical problems of individual life and social coexistence and different value systems and explanations of life. Pupils shall thus acquire the foundations for leading an autonomous and responsible life, and develop an ability to interact socially and an aptitude for intercultural dialogue and ethical discernment. To this end, knowledge shall be imparted of philosophy, religious and philosophical ethics, different cultures and ways of life, the main world religions and questions of lifestyle. The tuition in ethics shall be based on general ethical principles as found in the Basic Law, the Berlin Constitution and the training and educational mission statement contained in sections 1 and 3 of the School Act. The ethics classes shall be taught in a philosophically and religiously neutral manner. Schools shall cover certain subjects in cooperation with communities giving classes in religion and philosophical opinions. Each school shall decide in what way this cooperation will be put into practice. Schools must inform the parents and legal guardians of the pupils, in a timely and appropriate manner, of the aim, content and format of the ethics classes."

In April 2006, the applicants, who are Protestants, lodged a constitutional complaint (no. 1 BvR 1017/06) against the Act with the Federal Constitutional Court. By a decision of 14 July 2006, a three-judge panel of the Federal Constitutional Court declared the complaint inadmissible for non-exhaustion of legal remedies on the ground that the applicants should first have asked the school authorities for an exemption under section 46(5), first sentence, of the School Act (see "Relevant domestic law and practice"

below) and then, if necessary, have taken their case to the administrative courts.

On 20 July 2006 the applicants asked the school to exempt the first applicant from the ethics classes.

On 29 July 2006 they made an urgent application to the Berlin Administrative Court, requesting a provisional exemption pending a decision in the main proceedings.

On 1 August 2006 the Act of 30 March 2006 came into force.

2. The decisions of the administrative courts

By a decision of 21 August 2006, the Administrative Court rejected the applicants' request. It noted first that, although section 46(5), first sentence, of the School Act (see "Relevant domestic law and practice" below) did not exclude the possibility of granting a complete exemption from a class, the applicants had not given an important reason (*wichtiger Grund*), within the meaning of that provision, justifying such an exemption. It further found that Article 7 § 1 of the Basic Law allowed the *Land* of Berlin to introduce tuition in ethics, the aim of which was to teach all students behaviour that was responsible and based on values, as described in section 12(6) of the School Act (see above). The aim of school was not merely to transmit knowledge, but also to educate pupils to become responsible members of society. The Administrative Court also found that the ethics syllabus was neutral and did not promote one conviction, religion or belief as being more legitimate and important than another. Section 12(6) of the School Act provided that a plurality of ideas and ethical beliefs must be taught. This was in conformity with the principles embodied in the Basic Law, which was not based on a specific ethical standard but advocated openness to a plurality of religious and philosophical opinions, and enshrined a vision of man based on human dignity and the idea of autonomous and responsible development of one's personality. The Administrative Court added, lastly, that there was no evidence that in practice the school authorities were not upholding State neutrality of religion and of opinion. The way in which the ethics classes were taught in practice was, moreover, not the subject of the proceedings.

By a decision of 23 November 2006, the Berlin Administrative Court of Appeal upheld the findings of the Administrative Court. It confirmed that the ethics classes were confined to teaching religious subjects and did so in a neutral way. The main subjects addressed in the classes – humanity, democracy and liberty – were supplemented by others such as tolerance, respect for other beliefs, responsibility for the preservation of natural resources and the prevention of conflict resolution by violent means, and were in line with the ethical standard of the Basic Law. Such classes did not give rise to any problems under constitutional law. Moreover, there was no

evidence that in practice the teaching of the ethics class departed from the course outline.

In response to the applicants' reference to the Federal Constitutional Court's ruling against crucifixes being displayed in State-school classrooms[1], the Administrative Court of Appeal held that the first applicant was not in a comparable situation. The applicants were complaining of the obligation to attend classes which were "of no religion, thus secular". By definition, there could therefore be no interference with their freedom of religion, which was moreover guaranteed by the possibility of attending religious-education classes in school, in which the ethical values of the Christian faith were taught. The applicants' claim that the ethics class was anti-clerical and anti-religious was wholly unfounded. Furthermore, in referring to "freemason ideology" the applicants seemed to be confusing the ethics class with the humanism class (*Humanistische Lebenskunde*), which was a class in philosophical belief that, like the religious-education classes, was optional and as such could not be compared with the ethics class.

With regard to the impossibility of obtaining an exemption from the class, the Administrative Court of Appeal held that the alleged right to choose between a religious-education class and the ethics class did not exist and had no legal basis. While it might perhaps be possible, under constitutional law, to perceive the ethics class as a substitute subject for pupils who did not attend religious-education classes, there was nothing to prevent the Berlin legislature from making the ethics classes compulsory for all pupils.

3. The decision of the Federal Constitutional Court

By a decision of 15 March 2007, served on the applicants' representatives on 19 April 2007, the same three-judge panel of the Federal Constitutional Court rejected the applicants' second constitutional complaint (no. 1 BvR 2780/06).

It noted firstly that the complaint was admissible despite the fact that the decisions complained of had been taken only in the context of urgent proceedings. In this regard it pointed out that the administrative courts had addressed the issues raised by the applicants in detail and that they were therefore unlikely to establish different facts or arrive at different conclusions on the merits at the end of the main proceedings.

Examining the merits of the constitutional complaint, the Federal Constitutional Court found that introducing compulsory ethics classes with no possibility of exemption did not infringe either the first applicant's right to freedom of religion, enshrined in Article 4 § 1 of the Basic Law, or the second and third applicants' right to bring up their children in accordance

1. Decision of 16 May 1995, no. 1 BvR 1087/91, *Reports of the Decisions of the Federal Constitutional Court*, vol. 93, pp. 1 et seq.

with their religious and philosophical convictions as guaranteed by Article 6 § 2 of the Basic Law. The obligation to attend the ethics classes could not be interpreted as an exertion of undue pressure on the pupils and their parents in an attempt to discourage them from attending religious-education classes. The number of hours in the timetable of a pupil attending religious-education classes was indeed superior to that of a pupil who opted not to, but not by a significant amount. Such additional hours were moreover a customary and widespread practice in schools where pupils signed up for optional subjects, and existed irrespective of the issue as to whether or not the ethics class was one of the compulsory subjects.

The Federal Constitutional Court went on to note that the first applicant was not being obliged to attend a class whose syllabus went against her own convictions. While, under Articles 4 § 1 and 6 § 2 of the Basic Law, the fundamental rights enshrined in these provisions were not subject to any legal restrictions, they were limited by the Constitution itself, in this case Article 7 § 1 of the Basic Law, which entrusted the State with the duty to educate pupils. That duty empowered the State to pursue its own educational objectives independently of the parents while maintaining a neutral and tolerant attitude towards the latter's educational wishes and ideas. There could be no indoctrination on the part of the authorities, nor any explicit or implicit identification with a specific belief in a way which might compromise religious harmony in society. In the event of a conflict of interests, the child's right to freedom of religion and the parent's right to choose their children's education must be weighed against the requirements of the State's educational duty. It fell to the legislature, in the pursuit of tolerance, to balance the tensions inevitably arising in a State school attended by children of different convictions and opinions. Consequently, an ethics class taught exclusively from the viewpoint of the convictions of a particular belief would not be legitimate; nor would isolating pupils according to the moral, ethical or religious opinions defended in society. Openness to a plurality of ideas and opinions was a prerequisite of a State school in a liberal and democratic State. The State was within its rights to try to prevent the development of communities segregated on religious or philosophical grounds and to promote the integration of minorities. On that point the Federal Constitutional Court specified that integration was not acquired merely by having the religious or philosophical majority refrain from excluding the minority, but also required that the majority not refuse to dialogue with those holding different beliefs or opinions. One of the duties of State education could be to teach and experience this coexistence, in practice, in a spirit of tolerance. A pupil's ability to have a tolerant attitude and be willing to enter into dialogue was one of the fundamental requirements for participating in democratic life and coexisting in society with mutual respect for different philosophical beliefs and convictions.

The Federal Constitutional Court found that pupils and their parents could not therefore demand that, during lessons, the children not be exposed to convictions and opinions different from their own. In a society in which each belief was given a place, such a right could not be deduced from Article 4 § 1 of the Basic Law. A school could not therefore be criticised for teaching the theory of evolution in biology classes, addressing the creation story only in religious-education classes, or providing information about contraception and sexually transmitted diseases in classes on sexual education, even if these concepts were contrary to the fundamental principles of certain religious communities. The fact that the Berlin legislature had decided to condense the teaching of the fundamental values of coexistence in society and the presentation of different religious and philosophical opinions into one class could only infringe upon the children and parents' fundamental rights if the State did not comply with its obligation of neutrality when planning and teaching the ethics class.

As to the applicants' argument that the impossibility of obtaining an exemption was contrary to the principle of proportionality, the Federal Constitutional Court found that the Berlin legislature was within its rights, in pursuance of its educational duty, to impart to all students, regardless of whether or not they adhered to a religious or philosophical opinion, shared values through a common syllabus in which the ideas of other religions and philosophical opinions would also be exposed. In view of the special practical circumstances and the religious orientation in society in Berlin, the legislature could validly consider that the legitimate aims envisaged – integrating pupils into society and promoting a spirit of tolerance – would be better attained through a single, common ethics class, compulsory for all students, rather than enrolling them in separate religious-education classes, debating questions about values during other classes or allowing pupils an exemption from the ethics classes.

The Federal Constitutional Court found, lastly, that there was no evidence that the ethics classes were not neutral. Section 12(6), sixth sentence, of the School Act explicitly provided that ethics would be taught in accordance with the State's obligation of religious and ideological neutrality. The course outline included this requirement and provided that, though the teachers were expected to have their own views on the ethical issues addressed in the classes and to explain them to their pupils in a credible manner, they were not allowed to unduly influence the pupils. Similarly, the course content referred to fundamental rules of morality. Pupils were thus being asked to understand that fundamental rights, as listed in the Basic Law or the Berlin Constitution, among other sources, were the necessary foundation of all civil coexistence. Lastly, the ethics class taught students the main values and ideas that had shaped Western culture, particularly the Enlightenment and Humanism. Its aim was to encourage debate and discussion among students of the ideas that permeated

philosophy, culture, religion and ideological opinions. The Federal Constitutional Court concluded that the ethics class was in conformity with the State's obligation of neutrality and openness to different convictions, religions and philosophies. There was no evidence that in practice the ethics class did not conform to the law or the course outline.

The applicants had referred to a judicial settlement proposed by the Federal Constitutional Court in the context of a constitutional complaint against introducing ethics classes in the *Land* of Brandenburg, which had recommended the possibility of an exemption from the classes. In this regard the Constitutional Court observed that, by accepting the settlement, the parties had rendered the complaint devoid of purpose and that there had therefore been no further need to give a judicial decision on the merits of the case.

On 26 April 2009 a referendum was held to have religious-education classes and State compulsory ethics classes given equal importance. Around 29% of registered voters participated in the referendum and only 48.4% voted in favour of it, which, given the low participation rate, was not a sufficiently high number in absolute terms to reach the legal minimum (one quarter of all registered voters) for the proposed law to be passed.

An opinion of the government (*Senat*) of the *Land* of Berlin, published during the referendum, stated that a third of the estimated 3,400,000 inhabitants of Berlin declared themselves to belong to one of more than 250 religious or philosophical communities, and that half of the pupils in Berlin were from immigrant families.

B. Relevant domestic law and practice

1. The Basic Law

Article 4 § 1 of the Basic Law guarantees the freedom of belief and conscience and the freedom to profess religious or philosophical beliefs. Article 6 § 2 guarantees the natural right for parents to raise and educate their children. Article 7 § 1 provides that the entire school system shall be under the supervision of the State. Article 7 § 2 provides that parents and guardians shall have the right to decide whether children shall receive religious education.

2. The School Act

Section 13 of the Berlin School Act (*Schulgesetz*) of 26 January 2004 provides, among other things, that (optional) religious or philosophical education shall be provided by religious communities and communities promoting other beliefs on several conditions, including that they are in conformity with the law, are of a lasting nature and aim to transmit

extensive knowledge of a religious or philosophical belief. These communities are required to ensure that religious-education and philosophy classes are taught in conformity with the general rules applicable to any subject taught. Parents and guardians shall decide, until the children attain their fourteenth birthday, whether they will attend these classes. Schools are required to provide two hours per week in the pupils' timetable for these classes and to provide classrooms for this purpose. Pupils who do not attend religious-education classes are free to leave the school premises.

Section 46(5) provides, among other things, for the possibility of partially or totally exempting a pupil from a subject on the curriculum if there is an important reason to do so.

3. The course outline

The course outline for secondary education (*Rahmenlehrplan für die Sekundarstufe I*) concerning the "ethics" class for grades 7 to 10, devised by the Berlin Ministry (*Senatsverwaltung*) of Education, Youth and Sport for the school year 2006/07 set out the following in chapter 2.2 (bases and aims of the ethics class):

Religious and ideological neutrality

> "Tuition in the ethics class shall be neutral from a religious and ideological perspective. Presenting the subject from the viewpoint of a particular position or in the form of indoctrination is prohibited. The course shall not be value-neutral [*wertneutral*], however. Young people must be educated in a spirit of humanity, democracy and freedom. Tolerance and respect for the convictions of others are part of this education, as are the responsibility for the protection of natural resources and the prevention of conflict resolution by violent means. What is controversial in reality must be treated as a controversy in class. The teacher is expected to have his or her own views on the issues and conflicts of values addressed in the classes and must explain them to the pupils in a credible manner. It is self-evident that he or she must not unduly influence the pupils."

Chapter 5 of the course outline lists six subject areas to be addressed in the ethics classes: "Identity, friendship and happiness", "Freedom, responsibility and solidarity", "Discrimination, violence and tolerance", "Equality, law and justice", "Guilt, duty and conscience" and "Knowledge, hope and belief". The course outline proposes approaching each subject from three different perspectives: an individual perspective, a social perspective and the perspective of the history of ideas. Thus, for the first subject area the outline proposes addressing, among other things, Aristotle's three types of friendship; the idea of fraternity; and community in faith. The second subject area covers the ethics of responsibility and conviction; autonomy and the majority; and the religious commandment to love one's neighbour. Among the themes of the third subject area are social Darwinism; cultural identity; the forms of loving one's enemy in the ethos of world religions; tolerance; and platonic love. For the fourth subject area

the following are proposed: the anthropological foundations and ethics of equality and inequality among men; law and morality; and the theories and principles of justice. For the fifth theme, the curriculum proposes addressing the Christian teaching of original sin; collective fault; negative and positive duties; the origin and nature of consciousness; and the concepts of "id", "ego" and "superego". For the last subject area, the course outline suggests examining Plato; the Renaissance; empiricism and rationalism; utopias; science fiction; romanticism; growth and progress; belief and superstition; religions and ideologies; monotheism and polytheism; and religion, the Church and the State, secularisation, pastoral calling and the religious community.

COMPLAINTS

The applicants complained that the first applicant was obliged to attend the ethics class, which – they claimed – had been introduced in breach of the State's duty of neutrality. In their opinion, these classes imposed views which conflicted with their religious convictions. They also claimed that the State duty to oversee education, enshrined in Article 7 § 1 of the Basic Law, did not qualify as a limitation provided for by Article 9 § 2 of the Convention. They relied on Article 9 of the Convention and the second sentence of Article 2 of Protocol No. 1.

THE LAW

The applicants submitted that introducing compulsory ethics classes in schools in Berlin had breached their rights under Article 9 of the Convention and the second sentence of Article 2 of Protocol No. 1, which read as follows:

Article 9

"1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

Article 2 of Protocol No. 1

> "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

The applicants complained firstly that introducing ethics classes contravened the State's obligation of neutrality as the State chose the course content, defined the term "ethics" and determined the "basis of values" on which the course was based and trained the teachers, through whom it exerted a major influence on the pupils. They also maintained that the content of the ethics class conflicted with their religious convictions. In their submission, the philosophical ethos taught in the course contradicted the Christian ethos in many respects. They claimed that it essentially denied the existence of God, was of a secular, atheist and anti-religious nature and was inspired by the ideas of the Enlightenment and Humanism, as the Federal Constitutional Court had pointed out. The course outline, which had moreover apparently been determined without the participation of religious communities, afforded little room to Christianity even though it was the religion of the majority, comparable to Sunni Islam in *Hasan and Eylem Zengin v. Turkey* (no. 1448/04, 9 October 2007). The applicants also considered that the active participation required of the pupils in the ethics classes would be more intense, and therefore more of an infringement of their freedom of religion, than the presence of a crucifix displayed on a classroom wall which the Federal Constitutional Court had nonetheless held to be incompatible with the Basic Law. Lastly, the applicants claimed that the State's educational duty under Article 7 § 1 of the Basic Law did not fall within the list of limitations on the freedom of religion provided for in Article 9 § 2 of the Convention and therefore could not justify the obligation to attend the ethics classes. They pointed out (referring to *Hasan and Eylem Zengin*, cited above, § 34), that the possibility of being exempted (for which most of the Contracting States had made provision) would make any unlawful limitations in this regard unnecessary, as the Federal Constitutional Court had moreover suggested in the context of a constitutional complaint against introducing ethics classes in the *Land* of Brandenburg. In that connection they emphasised that, contrary to the Federal Constitutional Court's finding in its decision in the present case, the subject of the previous constitutional complaint had not become devoid of purpose as some of the applicants before the Federal Constitutional Court had not accepted the proposed settlement and had moreover lodged an application with the Court in that connection[1]. In addition, according to a

1. Committee decision in the case of *Dreke v. Germany*, no. 25159/04: application declared inadmissible by a Committee of three judges (Article 28 of the Convention) on 6 November 2007.

press release issued on 6 September 2006 by the Catholic and Protestant Churches of Berlin, attendance at religious-education classes had apparently dropped by a quarter because of the additional hours imposed on pupils following the introduction of the ethics class.

The Court considers at the outset that in the present circumstances the applicants cannot be criticised for not having waited for the outcome of the main proceedings before the domestic courts. Indeed, as stated by the Federal Constitutional Court, the administrative courts had examined the questions raised by the applicants in detail and it was not therefore expected that, at the outcome of the main proceedings, they would establish new facts or reach different conclusions as to the merits of the case.

The Court next considers that it is appropriate to examine the applicants' complaints mainly under Article 2, second sentence, of Protocol No. 1. It reiterates that the main principles relating to the general interpretation of this provision, which must be read in the light of Articles 8, 9 and 10 of the Convention, have been summarised in two recent cases (see *Hasan and Eylem Zengin*, cited above, §§ 47-55, and *Folgerø and Others v. Norway* [GC], no. 15472/02, § 84, ECHR 2007-III). The Court particularly emphasises that the setting and planning of the curriculum fall in principle within the competence of the Contracting States, which must nonetheless ensure that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner, enabling pupils to develop a critical mind with regard to religion in a calm atmosphere which is free of any misplaced proselytism. They are also forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions, as the parents are primarily responsible for the education and teaching of their children. That is the limit that must not be exceeded.

The Court notes that the applicants mainly complained that the ethics classes were not neutral and that their secular nature was contrary to their religious beliefs.

The Court observes that, under section 12(6) of the School Act, the aim of the ethics lessons is to promote the propensity and ability of secondary-school pupils, regardless of their ethnic, religious or ideological background, to address the fundamental cultural and ethical problems of individual and social life in order to develop an ability to interact socially and an aptitude for intercultural dialogue and ethical discernment. To this end, the ethics classes teach the pupils about, among other things, philosophy, religious and philosophical ethics, different cultures and ways of life and the main world religions. According to the Federal Constitutional Court, being open to a plurality of ideas and opinions is a prerequisite of State education in a democratic and liberal State which can legitimately strive to prevent the development of segregation based on religion or philosophical opinion and promote minority integration. A pupil's ability to

be tolerant and open to dialogue is one of the basic requirements for participating in democratic life and living in society with mutual respect for different beliefs and philosophical convictions.

In the Court's opinion, the aims of the ethics classes are in keeping with the principles of pluralism and objectivity embodied in Article 2 of Protocol No. 1 (see *Hasan and Eylem Zengin*, cited above, § 59; *Folgerø and Others*, cited above, § 88; and *Konrad v. Germany* (dec.), no. 35504/03, ECHR 2006-XIII) and with the recommendations of the Parliamentary Assembly of the Council of Europe (see *Hasan and Eylem Zengin*, cited above, §§ 26-27). It points out that in the above-mentioned *Hasan and Eylem Zengin* and *Folgerø and Others* cases, it found a violation of Article 2 of Protocol No. 1 on the ground that the applicants in those cases had been obliged to attend religious-education classes even though in the first case they belonged to a different denomination of Islam than the majority, and in the second case they belonged to no faith. In the present case, however, it is clear that the ethics classes that the first applicant is required to attend are neutral and do not give particular weight to any one religion or faith; rather they seek to transmit a common basis of values to pupils and to teach them to be open to people whose beliefs differ from theirs. The Court also notes that, as the Federal Constitutional Court pointed out, although in the course outline it was expected that teachers would have their own point of view about the ethical issues addressed in the classes and explain it to their pupils in a credible manner, they were not allowed to unduly influence the pupils. As to the ethics tuition given in practice, the Court notes that the applicants did not submit that the knowledge imparted during the school year 2006/07 had failed to respect their religious beliefs or sought to indoctrinate. The Administrative Court emphasised, moreover, that the actual teaching of the classes had not been the subject matter of the proceedings before it.

As to the applicants' argument that despite Germany's Christian tradition the Christian religion was not adequately represented in the ethics syllabus, the Court considers that, although its case-law acknowledges that one particular religion can occupy a greater part of the curriculum for schools in a Contracting State because of its history and tradition without this being viewed as a departure from the principles of pluralism and objectivity amounting to indoctrination (see *Hasan and Eylem Zengin*, cited above, § 63, and *Folgerø and Others*, cited above, § 89), the Berlin school authorities' choice of a neutral course that made room for different beliefs and convictions does not, in itself, raise an issue under the Convention. It notes in that connection that the Federal Constitutional Court endorsed that choice in view of the special factual circumstances and the religious orientation in the *Land* of Berlin. The Berlin legislature's view that the stated objectives would be better achieved through one common compulsory class rather than separating pupils on the basis of which religious or philosophical groups they belong to or addressing the subject of

ethics during other classes falls within the State's margin of appreciation and is a question of expediency which, in principle, it is not for the Court to review (see *Kjeldsen, Busk Madsen and Pedersen v. Denmark*, 7 December 1976, § 53, Series A no. 23; *Jiménez Alonso and Jiménez Merino v. Spain* (dec.), no. 51188/99, ECHR 2000-VI; and *Valsamis v. Greece*, 18 December 1996, §§ 28, 31 and 32, *Reports of Judgments and Decisions* 1996-VI).

As regards the applicants' claims that the ethics classes were contrary to their religious beliefs, the Court observes that neither the School Act nor the course outline indicated that the classes were designed to give one belief priority over another, or omit or challenge other beliefs, in particular the Christian faith. In this regard it notes that the course outline proposed to cover a variety of ethical subjects, including "the religious commandment to love one's neighbour", "loving one's enemy", the Christian teaching of original sin and religions in general (monotheism, polytheism, the Church and State, the religious communities). Furthermore, section 12(6) of the School Act provides that schools shall cover certain subjects in cooperation with religious or philosophical communities. As to the applicants' submission that the ethics classes contained ideas or conceptions critical of or opposed to Christian beliefs, the Court considers that it is not possible to deduce from the Convention a right not to be exposed to convictions contrary to one's own (see, *mutatis mutandis*, *Konrad*, cited above). The Court observes above all that the first applicant can continue to attend the Protestant religion classes provided on the school premises and that there is nothing to prevent her parents from enlightening and advising their daughter, playing their natural role as educators or guiding her in a direction compatible with their own religious convictions (see *Kjeldsen, Busk Madsen and Pedersen*, cited above, § 54; *Konrad*, cited above; and *Jiménez Alonso and Jiménez Merino*, cited above). It notes on that point that the applicants did not substantiate before the Court the complaint submitted to the domestic courts that the introduction of the ethics classes had made attending religion classes more difficult. The mere reference to a press release by the Protestant and Catholic Churches is not sufficient in this regard.

In the light of the foregoing, the Court considers that by introducing compulsory ethics classes the national authorities did not exceed the margin of appreciation conferred by Article 2 of Protocol No. 1, a provision which imposes an obligation on the State to secure to children their right to education (see *Costello-Roberts v. the United Kingdom*, 25 March 1993, § 27, Series A no. 247-C, and *Martins Casimiro and Cerveira Ferreira v. Luxembourg* (dec.), no. 44888/98, 27 April 1999). The Court therefore concludes that the Berlin authorities were not obliged to provide for a general exemption from the ethics classes. The fact that another *Land* had

made a different decision in this regard does not alter this conclusion. No separate issue arises under Article 9 of the Convention.

It follows that the applicants' complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.