[TRANSLATION]

...

THE FACTS

The applicant, Mr Abdullah Çiftçi, is a Turkish national who was born in 1955 and lives in Ankara. He was represented before the Court by Mr H. Solhan, a lawyer practising in Ankara.

A. The circumstances of the case

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

In a letter of 26 July 2000 to the Religious Affairs Department ("the Department") the applicant complained that under domestic legislation, anyone attending Koranic study classes had to be at least twelve years old (at the material time that was the normal primary-school leaving age). As his son did not satisfy that requirement, the applicant requested dispensation to enrol him in religious-study classes of that kind. In his letter the applicant also referred to Articles 9 and 14 of the Convention.

In a letter of 1 August 2000 the Department replied that section 3 of Law no. 4415 required students enrolling in such classes to have obtained the primary-school leaving certificate and refused the applicant's request.

B. Relevant domestic law

Section 3 of Law no. 4415, supplementing the Religious Affairs Department (Establishment and Functions) Act (Law no. 633), provides:

> "The Religious Affairs Department shall afford those wishing to learn about the Koran and its interpretation and to increase their knowledge of religion the opportunity to attend Koranic study classes, outside the compulsory religious-education lessons at primary and secondary schools, provided that they have obtained the primary-school leaving certificate. ..."

COMPLAINT

Relying on Article 9 of the Convention in conjunction with Article 14, the applicant complained of the national authorities' refusal to grant him permission to enrol his son in Koranic study classes.

THE LAW

The applicant complained that the national authorities had not allowed him to enrol his son in Koranic study classes on the ground that he had not obtained the primary-school leaving certificate. He alleged a violation of Article 9 of the Convention taken in conjunction with Article 14.

The Court proposes to examine this complaint under Article 2 of Protocol No. 1, which provides:

> "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 Court does not consider it necessary to extend its examination to the question whether domestic remedies have been exhausted, seeing that the application should be declared inadmissible as being manifestly ill-founded.

It reiterates its settled case-law to the effect that the right to education by its very nature calls for regulation by the State (see *Campbell and Cosans v. the United Kingdom*, judgment of 25 February 1982, Series A no. 48, p. 19, § 41). However, the second sentence of Article 2 of Protocol No. 1 forbids the Contracting States to pursue an aim of indoctrination that might be regarded as not respecting parents' religious and philosophical convictions. That is the limit that must not be exceeded (see *Kjeldsen, Busk Madsen and Pedersen v. Denmark*, judgment of 7 December 1976, Series A no. 23, pp. 26-27, § 53).

The restriction in issue in the instant case is the requirement to have obtained the primary-school leaving certificate in order to enrol in Koranic study classes. The Court reiterates that regulation in the field of education may vary in time and in place according to the needs and resources of the community and of individuals (see the case *"relating to certain aspects of the laws on the use of languages in education in Belgium"* (merits), judgment of 23 July 1968, Series A no. 6, p. 32, § 5). Regard being had to the specific aspect of education to which the present case relates, the relevant authorities must be left considerable discretion as to the best use of such resources.

In the Court's view, the restriction in question is intended to ensure that children who wish to receive religious instruction in Koranic study classes have attained a certain "maturity" through the education provided at primary school. As such, it does not constitute an attempt at indoctrination aimed at preventing religious instruction: it does not affect the right of parents to enlighten and advise their children, to exercise with regard to their children natural parental functions as educators, or to guide their children on a path in line with the parents' own religious or philosophical convictions (see, *mutatis mutandis*, *Jiménez Alonso and Jiménez Merino v. Spain* (dec.), no. 51188/99, ECHR 2000-VI). In addition, children who do not satisfy the

requirement laid down in domestic legislation are quite able to attend religious-education lessons in State primary schools. The Court considers that, far from amounting to an attempt at indoctrination, that statutory requirement is in fact designed to limit the possible indoctrination of minors at an age when they wonder about many things and, moreover, when they may be easily influenced by Koranic study classes (compare with *Dahlab v. Switzerland* (dec.), no. 42393/98, ECHR 2001-V).

Consequently, the statutory requirement whereby those attending Koranic study classes must have obtained the primary-school leaving certificate does not infringe the applicant's son's right to education.

It follows that the application is manifestly ill-founded and must be rejected pursuant to Article 35 § 3 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.