



Forthcoming Grand Chamber judgment in the case of **Lautsi and Others v. Italy**

The European Court of Human Rights will be delivering a Grand Chamber judgment in the case of **Lautsi and Others v. Italy** (application no. 30814/06) at a public hearing on **Friday 18 March 2011 at 3 p.m.** – local time – in the Human Rights Building, Strasbourg.

This case concerns the presence of crucifixes in Italian State-school classrooms, which the applicants claim is contrary to the right to education, in particular the right of parents to ensure their children's education and teaching in conformity with their own religious and philosophical convictions.

Press releases and texts of the judgments will be available after the hearing, in English and French, on the Court's Internet site (www.echr.coe.int)

The applicants are Italian nationals who were born in 1957, 1988 and 1990 respectively. The first applicant, Ms. Soile Lautsi, and her two sons, Dataico and Sami Albertin ("the second and third applicants") live in Italy. In the school year 2001-2002 Dataico and Sami attended the Istituto comprensivo statale Vittorino da Feltre, a State school in Abano Terme. A crucifix was fixed to the wall in each of the school's classrooms.

On 22 April 2002, during a meeting of the school's governors, the first applicant's husband raised the question of the presence of religious symbols in the classrooms, particularly mentioning crucifixes, and asked whether they ought to be removed. Following a decision of the school's governors to keep religious symbols in classrooms, the first applicant brought proceedings in the Veneto Administrative Court on 23 July 2002, complaining of an infringement of the principle of secularism.

On 30 October 2003 the Minister of Education, Universities and Research – who in October 2002 had adopted a directive instructing school governors to ensure the presence of crucifixes in classrooms – joined the proceedings brought by the first applicant. He argued that her application was ill-founded because the presence of crucifixes in State-school classrooms was based on two royal decrees of 1924 and 1928.

In 2004 the Constitutional Court declared the question as to constitutionality, which had been referred to it by the Administrative Court, manifestly inadmissible on the ground that it was directed towards texts which, not having the status of law, but only that of regulations, could not form the subject of a review of constitutionality.

On 17 March 2005 the Administrative Court dismissed the application lodged by the first applicant. It held that the provisions of the royal decrees in question were still in force and that the presence of crucifixes in State-school classrooms did not breach the principle of the secular nature of the State, which was "part of the legal heritage of Europe and the western democracies". The court took the view, in particular, that the crucifix was a symbol of Christianity in general rather than of Catholicism alone, so that it served as a point of reference for other creeds. It went on to say that the crucifix was a historical and cultural symbol, possessing an "identity-linked value" for the Italian people, and that it should also be considered a symbol of a value system underpinning the Italian Constitution.

The first applicant appealed to the *Consiglio di Stato*, which gave judgment on 13 April 2006 confirming that the presence of crucifixes in State-school classrooms had its legal basis in the royal decrees of 1924 and 1928 and, regard being had to the meaning that should be attached to the crucifix, was compatible with the principle of secularism. In so far as it symbolised civil values which characterised Italian civilisation – tolerance, affirmation of one’s rights, the autonomy of one’s moral conscience vis-à-vis authority, human solidarity and the refusal of any form of discrimination – the crucifix in classrooms could fulfil, in a “secular” perspective, a highly educational function.

Complaints and procedure

Relying on Article 2 of Protocol No. 1 (right to education) and Article 9 (freedom of thought, conscience and religion), the applicants complain of the presence of crucifixes in the classrooms of the State school formerly attended by the second and third applicants.

Relying on Article 14 (prohibition of discrimination), they claim that, not being Catholics, they have accordingly suffered a discriminatory difference in treatment in relation to Catholic parents and their children.

The application was lodged with the European Court of Human Rights on 27 July 2006. In its [Chamber judgment of 3 November 2009](#) the Court held, unanimously, that there had been a violation of Article 2 of Protocol No. 1 (right to education) taken together with Article 9 (freedom of thought, conscience and religion). On 28 January 2010 the Italian Government requested that the case be referred to the Grand Chamber under Article 43 of the Convention (referral to the Grand Chamber) and on 1 March 2010 a panel of the Grand Chamber accepted that request. [A Grand Chamber Hearing](#) took place on 30 June 2010 in Strasbourg ([webcast available](#)).

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Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

Céline Menu-Lange (tel: + 33 3 90 21 58 77)

Emma Hellyer (tel: + 33 3 90 21 42 15)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Kristina Pencheva-Malinowski (tel: + 33 3 88 41 35 70)

Frédéric Dolt (tel: + 33 3 90 21 53 39)

Nina Salomon (tel: + 33 3 90 21 49 79)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.