EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

DECISION

Application no. 10009/06
Stefano ASQUINI and others
against Italy

The European Court of Human Rights (Second Section), sitting on 5 November 2013 as a Committee composed of:

Peer Lorenzen, *President,*
András Sajó,
Nebojša Vučinić, *judges,*

and Seçkin Erel, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 10 March 2006,

Having deliberated, decides as follows:

THE FACTS

The applicants, Mr Stefano Asquini, Mrs Federica Bisconti and Ms G.A., are Italian nationals who were born in 1963, 1966 and 2002 respectively and live in Rome. The first and second applicants are the parents of the third applicant. They are represented before the Court by Mr Nicolò Paoletti, Ms Alessandra Mari and Ms Annapaola Specchio, lawyers practising in Rome.

A. The circumstances of the case

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

In September 2005 the third applicant was enrolled in a public nursery school.

With the aim of providing their child with a pluralistic and secular education, in conformity with their philosophy of life, the first and second applicants requested that their child be exempted from Catholic religious education, as they were entitled to do under Italian law (see, in particular,

Presidential Decree no. 751 of 16 December 1985 and Legislative Decree no. 297 of 16 April 1994).

On 15 April 2013, the Court asked the applicants to provide it with a copy of their request for exemption or to give an indication of the date on which the request was submitted. However, the applicants failed to do so, solely providing the Court with a declaration of the nursery school concerning the enrolment of the third applicant and the choice to be exempted from Catholic religious education.

COMPLAINTS

Citing Articles 9 of the Convention and 2 of Protocol No. 1 thereto, the first and second applicants complain that the compulsory inclusion of Catholic religious education in the public nursery school curriculum interferes with their freedom of thought, conscience and religion and with their right as parents to ensure that their daughter receives an education which is in line with their philosophical convictions.

They also complain that the only means of obtaining exemption from compulsory Catholic religious education being by written request constitutes a further violation of the Convention under its Articles 9 and 10, as the applicants were obliged to take a formal stand with regard to their personal beliefs.

Finally, the first and second applicants allege that as she was separated from her classmates during Catholic religious education lessons, the third applicant has been discriminated against, in violation of Article 14 of the Convention taken in conjunction with the above-mentioned provisions. In such a situation the child has been the victim of exclusion and isolation entailing psychological distress.

THE LAW

The Court notes that the applicants did not raise their complaints before the school governing body (*Consiglio di intersezione*), which could have submit proposals for education and teaching to the teachers' council (*Collegio dei docenti*). Any negative response to their request could have been brought before the administrative courts (see, *mutatis mutandis*, *Lautsi and Others v. Italy* [GC], no. 30814/06, §§ 11 to 16, ECHR 2011 (extracts)).

Therefore the present application is inadmissible for non-exhaustion of domestic remedies following article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

Seçkin Erel Acting Deputy Registrar	Peer Lorenzen President