



## No breach of a pupil and his parents' rights in case concerning Russian Orthodox rite of blessing

The case **Perovy v. Russia** (application no. 47429/09) concerned the Russian Orthodox rite of blessing in a classroom. The applicants in the case are a married couple (the first and second applicants) and their son (the third applicant) who are not members of the Russian Orthodox Church. They all alleged that the son had been forced to participate in the rite when starting his new school year at the age of seven, while the parents, who had not been informed about the ceremony, complained that their right to ensure their son's education in conformity with their own religious convictions had not been respected.

In today's **Chamber** judgment<sup>1</sup> in the case the European Court of Human Rights held, by four votes to three, that there had been:

**no violation of the first two applicants' rights under Article 2 of Protocol No. 1 (right to education)** to the European Convention on Human Rights, and

**no violation of the third applicant's rights under Article 9 (freedom of religion)** of the Convention.

The Court found in particular that the ceremony had been a minor one-off event, limited in scope and duration, without any intention of indoctrination. Indeed, it had, according to the domestic authorities, essentially been an error of assessment by the school teacher and had immediately been rectified through specific decisions and sanctions.

### Principal facts

The applicants are a married couple and their son, Galina Perova, Aleksey Perov and David Perov. They are Russian nationals and belong to the Church of the Community of Christ.

On 3 September 2007, the Russian Orthodox rite of blessing (*освящение*) was performed at the municipal school where the third applicant, seven years old at the time, was starting his new school year. It had been organised by some of the pupils' parents and, lasting around 20 minutes before the start of lessons, took place in the third applicant's classroom. It was administered by a priest in his religious garments, the father of one of the pupils, who distributed small paper icons and sang prayers before inviting the children to kiss the crucifix.

The applicants had not been advised of the upcoming rite. They submit that it caused their son profound distress, alleging that the other children had put pressure on him to kiss the crucifix and had beaten him up for not making the sign of the cross as per the Russian Orthodox tradition.

The second applicant complained about the incident the same day to the prosecuting authorities, and requested that a criminal investigation be opened into the alleged beating.

The authorities immediately instituted an inquiry and found that the first and second applicants' rights had been violated because the rite had been performed without parental consent. They further ordered that disciplinary proceedings be instituted against the teacher who had been

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

present during the rite. The local department of education officially reprimanded the school principal for breaching a pupil's constitutional right to freedom of religion.

The applicants also brought civil proceedings in the courts requesting compensation for damages from the school. After hearing all of the relevant participants in the events, the courts dismissed the claims. They found that the rite had taken place outside of school hours at the initiative of the Orthodox parents and had essentially been an error of assessment by the school teacher.

## Complaints, procedure and composition of the Court

All three applicants alleged that the rite had breached their rights under Article 9 (freedom of religion), while the first and second applicants complained of a violation of their right under Article 2 of Protocol No. 1 (right to education) as parents to ensure the education of their son in conformity with their own religious convictions.

The application was lodged with the European Court of Human Rights on 26 August 2009.

Judgment was given by a Chamber of seven judges, composed as follows:

Paul Lemmens (Belgium), *President*,  
Georgios A. Serghides (Cyprus),  
Helen Keller (Switzerland),  
Dmitry Dedov (Russia),  
Alena Poláčková (Slovakia),  
Lorraine Schembri Orland (Malta),  
Ana Maria Guerra Martins (Portugal),

and also Olga Chernishova, *Deputy Section Registrar*.

## Decision of the Court

### [Article 2 of Protocol No. 1 \(right to education\)](#)

The Court noted that the rite of blessing was a religious ceremony with great spiritual and symbolic significance in the Russian Orthodox tradition. Understandably for the first and second applicants, who are adherents of another Christian denomination, the mere presence of their child during such a ceremony without prior notification could, subjectively speaking, demonstrate a lack of respect on the State's part for their religious convictions.

However, from an objective viewpoint, the rite of blessing had been an isolated incident in the third applicant's upbringing, limited in scope and duration. While it was regrettable that the parents had not been notified of the rite, there was no evidence, beyond the applicants' claims, that the third applicant's experience of the ceremony had been marked by any indoctrination or coercion or that it had caused him distress.

Most importantly, the domestic authorities had acted swiftly and adequately on the applicants' complaints, acknowledging that there had been a breach of their rights and making it clear that the incident should not be repeated. Moreover, in the civil proceedings the domestic courts had carefully examined the applicants' claims and had given detailed and case-specific reasons for dismissing them.

Accordingly, the Court concluded that, in respect of the first and second applicants, there had been no violation of Article 2 of Protocol No. 1 and that no separate issues arose under Article 9.

## Article 9 (freedom of religion)

When deciding on the scope of the case, the Court acknowledged that the third applicant, like other individuals who had experienced an alleged violation of their right to freedom of religion before reaching the age of majority, had that right in his own name and independently from his parents.

The Court considered that the involvement of the State in the present case had not gone beyond providing the premises of a municipal school for a minor one-off event, without any intention of indoctrination. The school authorities had not prescribed or monitored the content of the ceremony, incorporated it in the academic programme or made it a compulsory educational requirement. The ceremony had, according to the domestic authorities, essentially been an error of assessment by the school teacher and had immediately been rectified through specific decisions and sanctions.

The third applicant's involvement had gone no further than his mere presence at the ceremony. In particular, there was no dispute that, while everyone had been invited to kiss the crucifix, only those who wished to had actually done so and that the third applicant had abstained. Nor was there anything in the case file to indicate that anyone had been coerced into accepting the small paper icons which had been deposited by the priest on the pupils' desks. Indeed, there had been no allegation in the parties' submissions of any direct attempts by the priest or the teacher to proselytise or to force anyone to participate in the rite.

The Court reiterated moreover that the national authorities had acted swiftly and adequately on the applicants' complaints.

The Court concluded that the third applicant had neither been forced to participate in the manifestation of the beliefs of another Christian denomination nor discouraged from adherence to his own beliefs. While being a witness to the Orthodox rite of blessing could have aroused some feelings of disagreement in him, that should be seen in the broader context of the open-mindedness and tolerance required in a democratic society of competing religious groups.

There had therefore been no violation of the third applicant's rights under Article 9.

## Separate opinions

Judges Lemmens, Dedov, Schembri Orland and Guerra Martins expressed a joint concurring opinion. Judges Keller, Serghides and Poláčková expressed a joint dissenting opinion. These opinions are annexed to the judgment.

*The judgment is available only in English.*

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