

RELIGIOUS FREEDOM IN THE EUROPEAN COURT OF HUMAN RIGHTS

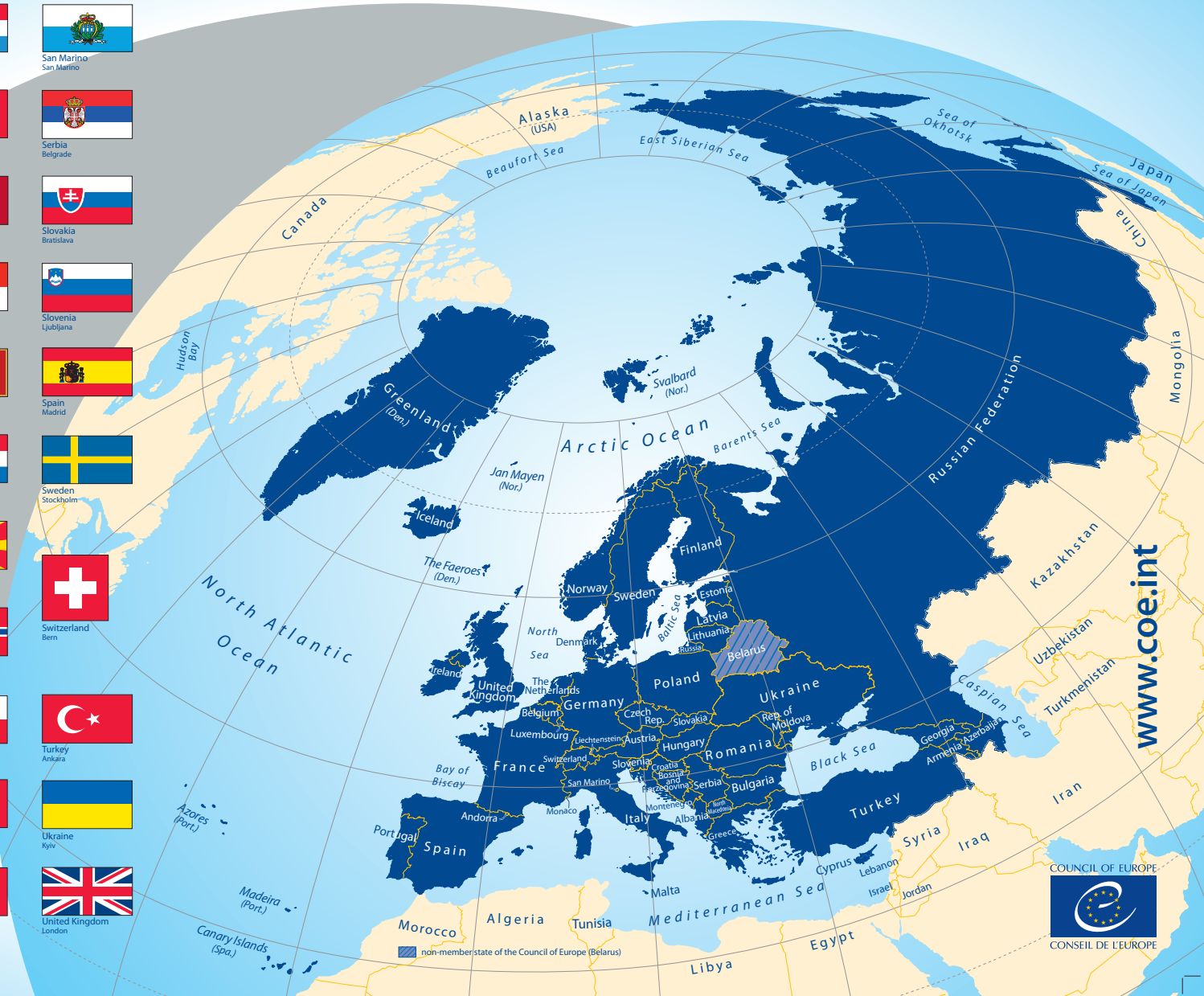
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Council of Europe

47 Member States



www.coe.int



Map for illustrative purposes
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SECTION 9 ECHR

- **“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.”**

RELATED ARTICLES

SECTION 14 ECHR

The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

ARTICLE 2 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 for their children in conformity with their own religious and philosophical convictions

ELEMENTS OF THIS RIGHT

SUBJECTS

OBJECT

**Definition of religion:
problems**

SCOPE OF SECTION 9

Religions or beliefs

- **Major or ancient religions**
- **New religions**
- **Other convictions**

Profit or non-profit

Atheism

Cases not included

RIGHT TO BELIEVE

- **Right to hold a belief**
- **Right to manifest a belief**

**CONTENT:
NEGATIVE
ASPECT**

Right not to practice a religion or to reveal one's beliefs

Right not to act contrary to one's conscience (conscientious objection)

**CONTENT:
POSITIVE
ASPECT
IN GENERAL**

**Religion:
manifestations**

Powers of the State

Scope

**CONTENT:
POSITIVE ASPECT
ISSUES (I)**

1. Health issues 

2. Dietary Laws 

3. Religious symbols 

In the public space

In the workplace

In educational institutions

**CONTENT:
POSITIVE ASPECT
ISSUES (II)**

- 4. Education** 
- 5. Proselytism** 
- 6. Freedom of worship** 
- 7. Places and premises** 
- 8. Immigration** 
- 9. Ritual slaughtering** 

STATE DUTIES REGARDING SECTION 9

IN GENERAL

- Legitimate aims for restriction
- Measures taken by the States: justified and proportionate

IN PARTICULAR

- Legal status of religious denominations:
 - constitutional models
 - recognition, registration, dissolution
- Derogative terms used by the State
- Financial and tax measures
- Political parties

STATE ABSTENTION

Autonomy of religions

**Neutrality and impartiality of
the State**

**Internal disputes of religious
communities**

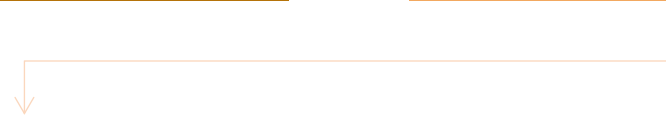
**Conflicts between religious
entities and employees**

**STATE
POSITIVE
OBLIGATIONS**

**1. Protection
against third
persons**

**2. Religion in
workplace,
army and
courts**

**3. Prisoner's
religious
freedom**



THANK YOU

QUESTIONS AND COMMENTS:
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