
The Right to Freedom of Thought, Conscience and Religion

Article 9, ECHR

9(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.

9(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.

The elements of Article 9

- An absolute right
- A qualified right
- Collective rights

For Article 9 to be engaged

- Is there a belief system?
- Does that belief system have a coherent and identifiable basis?

The nature of religion and belief

- All genuinely held belief systems are protected:
 - all the main World faiths
 - the Krishna Consciousness
 - Jehovah's Witnesses
 - the Divine Light Zentrum
 - the Church of Scientology
 - Druidism
- Non-religious beliefs can also be protected, such as pacifism, veganism and atheism

"It [Article 9] is also a precious asset for atheists, agnostics, sceptics and the unconcerned"
- Neither idealistic, altruistic nor political beliefs are covered

Manifesting religion or belief (1)

- What is a manifestation?
- Does the manifestation form a necessary part of the belief system?

Manifesting religion or belief (2)

- What is a manifestation?
- Does the manifestation form a necessary part of the belief system?
- Manifest ... in practice

Manifesting religion or belief (3)

- What is a manifestation?
- Does the manifestation form a necessary part of the belief system?
- Manifest ... in practice
- Manifest ... in teaching

Manifesting religion or belief (4)

- Manifest ... in practice
- Manifest ... in teaching
- Manifesting religion and belief in employment

Protecting religious and other beliefs

What are the positive obligations on the state?

- Laws protecting particular (majority) beliefs
- Failure of the law to protect particular (minority) beliefs
- The role of the State in penalising causing offence to religious beliefs
- Failure of the State to prosecute for causing offence to religious belief

Restricting rights to manifest religion and belief

- 1. Any restriction on civil and political rights must be prescribed by law.**
- 2. The restriction must be justified by one of the aims recognised under the European Convention.**
- 3. The restriction must be shown to be “necessary in a democratic society”.**
- 4. Any qualification to rights cannot be applied in a discriminatory fashion.**



Oh, what a dress!

ROBERT KALINKIN
SPRING/SUMMER COLLECTION 2013



Jesus, Mary! What a style!

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Jesus, what a j...

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