



August 2023
This Factsheet does not bind the Court and is not exhaustive

Freedom of religion

See also the factsheets on [“Children’s rights”](#), [“Conscientious objection”](#), [“Health”](#), [“Parental rights”](#), [“Religious symbols and clothing”](#), [“Taxation”](#), [“Work-related rights”](#).

Article 9 (freedom of thought, conscience and religion) of the [European Convention on Human Rights](#):

“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.”

Acts of worship

[Korostelev v. Russia](#)¹

12 May 2020

The applicant, a practising Muslim, who was detained in a penal colony in the Yamalo-Nenetskiy Region, in Russia, complained about a violation of his religious rights after he had been reprimanded for praying during the prison’s obligatory night-time sleeping period.

The Court held that there had been a **violation of Article 9** of the Convention, finding that the interference with the applicant’s freedom of religion, namely the imposition of a disciplinary punishment, could not be regarded as having been necessary in a democratic society. It noted, in particular, that the only reason for disciplining the applicant had been the formal incompatibility of his actions with the prison schedule and the authorities’ attempt to ensure full and unconditional compliance with that schedule by every prisoner. Although the Court recognised the importance of prison discipline, it could not accept such a formalistic approach, which palpably disregarded the applicant’s individual situation and did not take into account the requirement of striking a fair balance between the competing private and public interests. The Court also observed that the applicant’s worship had not disturbed the prison population or the prison guards, because he had performed the acts of worship while in solitary confinement, without any noise or other disturbing factors. Moreover, the prison schedule did not explicitly set out “time for worship” or “personal time” which could be used at the discretion of prisoners. Lastly, the Court considered that the proportionality of the sanction imposed on the applicant had not been assessed by the domestic courts in a meaningful manner. The latter had confined their inquiry to whether or not the applicant’s conduct had breached the prison schedule. They had failed to identify the legitimate aim of the impugned interference in the applicant’s freedom of religion, or to carry out a balancing exercise.

¹. On 16 September 2022 the Russian Federation ceased to be a Party to the European Convention on Human Rights (“the Convention”).

Ban on full body swimsuit in municipal swimming pools

Pending application

[Missaoui and Akhandaf v. Belgium \(no. 54795/21\)](#)

Application communicated to the Belgian Government on 19 May 2022

The applicants are two Muslim women complaining about the ban on wearing a full body swimsuit in a public swimming pool. Finding that the ban amounted to discrimination on grounds of religion, they applied to the courts in 2017, in particular challenging the relevant municipal regulations. In 2020 their complaints were dismissed on appeal.

The Court gave notice of the application to the Belgian Government and put questions to the parties under Article 14 (prohibition of discrimination) taken in conjunction with Article 9 of the Convention.

Change of religion or belief

[Neagu v. Romania](#)

10 November 2020

This case concerned a prisoner who had converted to Islam while in detention. He complained of the refusal of the Romanian authorities to provide him with pork-free meals, in accordance with the precepts of his religion, on the grounds that he had not produced any document issued by faith representatives proving that he had converted.

The Court held that there had been a **violation of Article 9** of the Convention in respect of the applicant. It found that, bearing in mind the provisions introduced by the order of the Ministry of Justice requiring, among other things, written proof of a change of religion occurring in the course of detention, the national authorities had upset the fair balance to be struck between the interests of the prison, those of the other prisoners, and the individual interests of the prisoner concerned. The Court also made clear that it was not persuaded that the applicant's requests to be provided with meals compatible with his religion would have caused problems in running the prison or have had a negative impact on the diet offered to other prisoners.

See also: [Saran v. Romania](#), judgment of 10 November 2020.

Children's education and parents' religious convictions

[Grzelak v. Poland](#)

15 June 2010

The first two applicants, who were declared agnostics, were the parents of the third applicant. In conformity with the wishes of his parents, the latter did not attend religious instruction during his schooling. His parents systematically requested the school authorities to organise a class in ethics for him. However, no such class was provided throughout his entire schooling at primary and secondary level because there were not enough pupils interested. His school reports and certificates contained a straight line instead of a mark for "religion/ethics".

The Court declared the application **inadmissible** (incompatible *ratione personae*) with respect to the parents and held that there had been a **violation of Article 14** (prohibition of discrimination) **taken in conjunction with Article 9** of the Convention with respect to their child, finding in particular that the absence of a mark for "religion/ethics" on his school certificates throughout the entire period of his schooling had amounted to his unwarranted stigmatisation, in breach of his right not to manifest his religion or convictions.

Osmanoğlu and Kocabaş v. Switzerland

10 January 2017

This case concerned the refusal of Muslim parents to send their daughters, who had not reached the age of puberty, to compulsory mixed swimming lessons as part of their schooling and the authorities' refusal to grant them an exemption. The applicants alleged that the requirement to send their daughters to mixed swimming lessons was contrary to their religious convictions.

The Court held that there had been **no violation of Article 9** of the Convention, finding that by giving precedence to the children's obligation to follow the full school curriculum and their successful integration over the applicants' private interest in obtaining an exemption from mixed swimming lessons for their daughters on religious grounds, the Swiss authorities had not exceeded the considerable margin of appreciation afforded to them in the present case, which concerned compulsory education. The Court noted in particular that the applicants' right to manifest their religion was in issue and observed that the authorities' refusal to grant them an exemption from swimming lessons had been an interference with the freedom of religion, that interference being prescribed by law and pursuing a legitimate aim (protection of foreign pupils from any form of social exclusion). The Court emphasised, however, that school played a special role in the process of social integration, particularly where children of foreign origin were concerned. It observed that the children's interest in a full education, facilitating their successful social integration according to local customs and mores, took precedence over the parents' wish to have their daughters exempted from mixed swimming lessons and that the children's interest in attending swimming lessons was not just to learn to swim, but above all to take part in that activity with all the other pupils, with no exception on account of the children's origin or their parents' religious or philosophical convictions. The Court also noted that the authorities had offered the applicants very flexible arrangements to reduce the impact of the children's attendance at mixed swimming classes on their parents' religious convictions, such as allowing their daughters to wear a burkini. It also noted that the procedure in the present case had been accessible and had enabled the applicants to have the merits of their application for an exemption examined.

Papageorgiou and Others v. Greece

31 October 2019

This case concerned compulsory religious education in Greek schools. The applicant parents complained that if they had wanted to have their daughters exempted from religious education, they would have had to declare that they were not Orthodox Christians. Furthermore, they complained that the school principal would have had to verify whether their declarations were true and that such declarations were then kept in the school archives.

The Court held that there had been a **violation of Article 2** (right to education) **of Protocol No. 1** (right to education) to the Convention, **interpreted in the light of Article 9** of the Convention. It stressed in particular that the authorities did not have the right to oblige individuals to reveal their beliefs. However, the system in Greece for exempting children from religious education classes required parents to submit a solemn declaration saying that their children were not Orthodox Christians. That requirement placed an undue burden on parents to disclose information from which it could be inferred that they and their children held, or did not hold, a specific religious belief. Moreover, such a system could even deter parents from making an exemption request, especially in a case such as that of the applicants, who lived on small islands where the great majority of the population owed allegiance to a particular religion and the risk of stigmatisation was much higher.

Perovy v. Russia²

20 October 2020

This case concerned the Russian Orthodox rite of blessing in a classroom. The applicants in the case were a married couple (the first and second applicants) and their son (the third applicant) who were 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.

The Court held that there had been **no violation of** the third applicant's rights under **Article 9** of the Convention, and **no violation of** the first two applicants' rights under **Article 2** (right to education) **of Protocol No. 1** to the Convention. It 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. The Court also found 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.

Circulation of information containing pejorative and hostile remarks about certain religious movements

Tonchev and Others v. Bulgaria

13 December 2022

In this case, the applicants – three pastors and three religious associations – complained of the circulation to schools in 2008 by the Burgas municipal authority of information about their faith containing remarks which they considered hostile and defamatory.

The Court held that there had been a violation of Article 9 of the Convention in the present case finding that, in view of the pejorative and hostile language used by the public authorities in the letter to describe the religious movement to which the applicants belonged, and the fact that the domestic proceedings brought by the applicants had not afforded appropriate redress for their complaints, the Bulgarian State authorities had interfered disproportionately with the applicants' right to freedom of religion, overstepping their margin of appreciation. Furthermore, under **Article 46** (binding force and execution of judgments) of the Convention, the Court considered that the national authorities, in cooperation with the Council of Europe Committee of Ministers, were best placed to decide on the individual and general measures to be adopted for the execution of the present judgment.

Collection of personal information during door-to-door preaching

Jehovah's Witnesses v. Finland

9 May 2023³

This case concerned the obligation for individual Jehovah's Witnesses to obtain consent when collecting personal data during their door-to-door preaching. The applicant community complained, in particular, of the lack of an oral hearing in the domestic

². On 16 September 2022 the Russian Federation ceased to be a Party to the Convention.

³. This judgment will become final in the circumstances set out in Article 44 § 2 (final judgments) of the [European Convention on Human Rights](#).

proceedings, and of the prohibition on note-taking without the consent of the interlocutor while evangelising.

The Court held that there had been **no violation of Article 9** of the Convention, finding that the domestic authorities had correctly balanced the interests of the applicant community with the rights of individuals as regards their personal information, holding that obtaining consent had been necessary. The Court noted, in particular, that the relevant law had applied to all religious communities, and that no fine had been imposed on the Jehovah's Witness community in this particular case. It considered that the requirement to obtain consent was necessary in order to prevent disclosure of personal and sensitive data, and that requirement had not hindered the Jehovah's Witnesses' freedom of religion. The Court also held that there had been **no violation of Article 6** (right to a fair trial) of the Convention, finding that, looked at holistically, the applicant community had had every opportunity to put forward evidence and make arguments over the seven years that the issue had been before the national authorities, and that the legal issues at stake had not required an oral hearing for their examination.

Forced dissolution of religious organisations and criminal prosecution of their members

Taganrog LRO and Others v. Russia⁴

7 June 2022

This case concerned various actions taken by the State against Jehovah's Witnesses religious organisations in Russia over a ten-year span, including a requirement to re-register, amendments to anti-extremist legislation leading to the banning of their religious literature and international website and the revocation of their permit to distribute religious magazines, and eventually to a nation-wide ban on Jehovah's Witnesses religious organisations in Russia, the criminal prosecution of hundreds of individual Jehovah's Witnesses, and the confiscation of their property.

The Court held, *inter alia*, that there had been a **violation of Article 9 read in the light of Article 11** (freedom of assembly and association) of the Convention, on account of the forced dissolution of the Taganrog local religious organisation, finding that the definition of "extremism" was overly broad in Russian law and had been misused for the prosecution of believers or religious ministers on the basis of the content of their beliefs alone. The Court also held that there had been a **violation of Article 9 read in the light of Article 11** on account of the forced dissolution of the Administrative Centre of Jehovah's Witnesses in Russia and local religious organisations. In this regard, it noted in particular that the dissolution had stripped the organisations of their legal personality, preventing them from exercising a wide range of rights reserved under Russian law to registered religious organisations. It had also deprived the individual members of the right to meet as a congregation and to carry out activities which were an integral part of their religious practice. Furthermore, the Court held that there had been a **violation of Article 9** of the Convention on account of the criminal prosecution of Jehovah's Witnesses. Since the authorities had failed to demonstrate otherwise, it found that their prosecution and conviction for peacefully practising the religion of Jehovah's Witnesses together with others was based on the impermissibly broad formulation and application of the anti-extremist legislation. Lastly, under **Article 46** (binding force and execution of judgments) of the Convention, the Court indicated that Russia was to take all necessary measures to discontinue the pending criminal proceedings against Jehovah's Witnesses and to release those that were in prison.

⁴. On 16 September 2022 the Russian Federation ceased to be a Party to the Convention.

Freedom of collective worship

Abdullah Yalçın (No.2) v. Türkiye

14 June 2022

This case concerned the Diyarbakır high-security prison's refusal to allow the request of the applicant, who was serving a sentence for membership of an illegal organisation (Hezbollah) for congregational Friday prayers (*jumuah*) to be held and for him to take part. The applicant argued in particular that the prison authorities could have allocated a room for congregational Friday prayers, pointing out that prisoners had been able to gather once a week to do sport in a designated place in the prison.

The Court held that there had been a **violation of Article 9** of the Convention in the present case, finding that the Turkish authorities had failed to strike a fair balance between the competing interests at stake, namely security and order in prison and the applicant's right to freedom of collective worship. In particular, they had not provided relevant and sufficient reasons in a manner that had been compliant with their duty under Article 9 to guarantee the applicant's freedom to manifest his religion in community with others in prison. The Court also considered that the authorities had neither carried out an individualised assessment of the case, to ascertain for example whether the applicant had been a high-risk inmate or whether inmates congregating for Friday prayers would pose any more of a security risk than their gathering for other activities, nor explored any other arrangements as concerned appropriate premises.

General complaint about constitutional provision prohibiting construction of minarets

Quardiri v. Switzerland and Association Ligue des Musulmans de Suisse and Others v. Switzerland

28 June 2011 (decisions on the admissibility)

The applicants – in the first case, a private individual of the Muslim faith who works for a foundation active in building relations between Islam and the rest of the world and, in the second case, three associations and a foundation whose common focal point is the Muslim faith – submitted that the prohibition on building minarets amounted to a violation of religious freedom and to discrimination on the ground of religion.

The Court declared the applications **inadmissible** (*incompatibles ratione personae*), on the ground that the applicants could not claim to be the victims of a violation of the Convention. As the applications were solely intended to challenge a constitutional provision applicable in a general manner in Switzerland, the Court considered in particular that the applicants had not shown that there were any highly exceptional circumstances capable of conferring victim status on them. On the contrary, their applications resembled an *actio popularis* aimed at having the compatibility of the constitutional provision with the Convention reviewed *in abstracto*. Furthermore, it was clear from a Federal Court judgment of 21 January 2010, concerning the compatibility of a constitutional provision with the Convention, that the Swiss courts would be able to review the compatibility with the Convention of any future refusal to allow the construction of a minaret.

Missionary work

Ossewaarde v. Russia⁵

7 March 2023

This case concerned a US national living in Russia, a Baptist Christian, who had been

⁵. On 16 September 2022 the Russian Federation ceased to be a Party to the Convention.

fined for holding Bible study meetings in his home without notifying the authorities. The applicant complained about being fined for preaching Baptism under a new legislation, arguing that he had not been a member of any religious association but had been exercising his right to spread his personal religious convictions. He also complained about discrimination on account of nationality because, as a US national, he had been given a higher fine than a Russian national.

The Court held that there had been a **violation of Article 9** (freedom of religion) of the Convention and a **violation of Article 14** (prohibition of discrimination) of the Convention **taken in conjunction with Article 9** in the present case. It noted in particular that the sanction had been imposed on the applicant following new legal requirements for missionary work introduced in Russia in 2016 as part of an anti-terrorism package. The new legislation made it an offence to evangelise in private homes and required prior authorisation for missionary work from a religious group or organisation. The Court found that the respondent Government had not explained the rationale behind such new formalities for missionary work which had left no room for people engaged in individual evangelism, such as the applicant. There was furthermore no evidence that the applicant had used any improper methods of proselytism, involving coercion or incitement to hatred or intolerance.

Obligation to disclose religious convictions

On identity cards

Sinan Işık v. Turkey

2 February 2010

The applicant is a member of the Alevi religious community⁶. In 2004 he unsuccessfully applied to a court requesting that his identity card feature the word "Alevi" rather than the word "Islam". Until 2006 it was obligatory for the holder's religion to be indicated on an identity card (but since 2006 he or she has been entitled to request that the entry be left blank). Before the Court, the applicant complained that he was obliged to disclose his beliefs on his identity card, a public document that was used frequently in everyday life. He also complained about the denial of his request to have "Islam" on his identity card replaced by the name of his faith, "Alevi". He argued that the existing indication did not represent the reality and that the proceedings leading to the denial of his request were objectionable, as they involved an assessment of his religion by the State.

The Court held that there had been a **violation of Article 9** of the Convention, which had arisen not from the refusal to indicate the applicant's faith (Alevi) on his identity card but from the fact that his identity card contained an indication of religion, regardless of whether it was obligatory or optional. The Court underlined that the freedom to manifest one's religion had a negative aspect, namely the right not to be obliged to disclose one's religion.

Under **Article 46** (binding force and execution of judgments) of the Convention, the Court further indicated that the deletion of the "religion" box on identity cards could be an appropriate form of reparation to put an end to the breach in question.

⁶. Which is deeply rooted in Turkish society and history. Their faith, which is influenced, in particular, by Sufism and pre-Islamic beliefs, is regarded by some Alevi scholars as a separate religion and by others as a branch of Islam.

On wage-tax cards

Wasmuth v. Germany

17 February 2011

This case concerned the German system of levying religious tax. The applicant was a lawyer in private practice and was also employed as a lector in a publishing house. On his wage-tax cards of the last few years, the entry "--" could be found in the field "Church tax deducted", informing his employer that he did not have to deduct any church tax for the applicant. The applicant complained about the compulsory disclosure on his wage-tax card of his non-affiliation with a religious society authorised to levy religious tax.

The Court held that there had been **no violation of Article 9** and **no violation of Article 8** (right to respect for private and family life) of the Convention. While there had been an interference with the applicant's rights under both Articles, it found that the interference had served the legitimate aim of ensuring the right of churches and religious societies to levy religious tax. It was further proportionate to that aim, as the reference at issue was only of limited informative value concerning the applicant's religious or philosophic conviction: it simply indicated to the fiscal authorities that he did not belong to one of the churches or religious societies which were authorised to levy religious tax and exercised that right in practice.

When taking the oath in criminal proceedings

Dimitras and Others v. Greece

3 June 2013

The applicants were summoned to appear in court on various dates, as witnesses, complainants or suspects in criminal proceedings. In conformity with the Code of Criminal Procedure, they were asked to take the oath by placing their right hands on the Bible. Each time, they informed the authorities that they were not Orthodox Christians and preferred to make a solemn declaration instead, which they were authorised to do. The applicants complained in particular that they had been obliged to reveal their "non-Orthodox" religious convictions when taking the oath in court.

The Court reiterated that freedom of thought, conscience and religion, which went hand in hand with pluralism, was one of the foundations of a "democratic society" and that in its religious dimension that freedom was an essential part of any believer's identity, as well as being a precious asset for atheists, agnostics, sceptics and the unconcerned. It had already held that freedom to manifest one's religious beliefs included an individual's right not to reveal his faith or his religious beliefs and not to be obliged to act or refrain from acting in such a way that it was possible to conclude that he did or did not have such beliefs – and all the more so when aptitude to exercise certain functions was at stake. In this case, the Court held that there had been a **violation of Article 9** of the Convention, finding that requiring the applicants to reveal their religious convictions in order to be allowed to make a solemn declaration had interfered with their freedom of religion, and that the interference was neither justified nor proportionate to the aim pursued. The Court also held that there had been a **violation of Article 13** (right to an effective remedy) of the Convention.

See also: [Dimitras and Others \(no. 3\) v. Greece](#), judgment of 8 January 2013.

When taking the oath of office as a lawyer

Alexandridis v. Greece

21 February 2008

The applicant was admitted to practise as a lawyer at Athens Court of First Instance and took the oath of office, which was a precondition to practising as a lawyer. He complained that when taking the oath he had been obliged, in order to be allowed to

make a solemn declaration, to reveal that he was not an Orthodox Christian, as there was only a standard form to swear a religious oath.

The Court held that there had been a **violation of Article 9** of the Convention, finding that that obligation had interfered with the applicant's freedom not to have to manifest his religious beliefs.

Obligation to swear a religious oath

Buscarini and Others v. San Marino

18 February 1999 (Grand Chamber)

Elected to the San Marino Parliament in 1993, the applicants complained of the fact that they had been required to swear an oath on the Christian Gospels in order to take their seats in Parliament, which in their view demonstrated that the exercise of a fundamental political right was subject to publicly professing a particular faith.

The Court held that there had been a **violation of Article 9** of the Convention. It found in particular that the obligation to take the oath was not "necessary in a democratic society" for the purpose of Article 9 § 2 of the Convention, as making the exercise of a mandate intended to represent different views of society within Parliament subject to a prior declaration of commitment to a particular set of beliefs was contradictory.

Shortall and Others v. Ireland

19 October 2021 (decision on the admissibility)

The applicants, Irish politicians and members of civil society, complained about the religious wording of the declarations required under the Irish Constitution for the office of President of Ireland and for members of the Council of State.

The Court considered, in particular, that while the Contracting States enjoyed a wide margin of discretion in questions concerning the relationship between States and religion, it nevertheless went hand in hand with European supervision. The reference by a State to a tradition could not relieve it of its obligation to respect the rights and freedoms enshrined in the Convention. In the present case, the Court declared the application **inadmissible**, finding that none of the applicants had produced reasonable and convincing evidence of the likelihood that a violation affecting any of them personally would occur as a result of the constitutional requirements relating to the taking of the oath.

Places of worship

Association for Solidarity with Jehovah Witnesses and Others v. Turkey

24 May 2016

This case concerned the inability of the Mersin and İzmir Jehovah's Witnesses to obtain an appropriate place in order to engage in worship. On the basis of a law prohibiting the opening of places of worship on sites not designated for that purpose and imposing certain conditions on the building of places of worship, the private premises which the Mersin and İzmir congregations of the Jehovah's Witnesses had been using were closed by the national authorities and their applications to use those premises as places of worship were rejected. The congregations were also informed that the local development plans comprised no sites which could be used as places of worship.

The Court held that there had been a **violation of Article 9** of the Convention. It found in particular that the congregations in question were unable to obtain an appropriate place in which to worship on a regular basis, which amounted to such a direct interference with their freedom of religion that it was neither proportionate to the legitimate aim pursued, that is to say the prevention of disorder, nor necessary in a democratic society. The Court considered that the domestic court had taken no account of the specific needs of a small community of believers and noted that the impugned legislation made no mention of that type of need, whereas, given the small number of

adherents, the congregations in question needed not a building with a specific architectural design but a simple meeting room in which to worship, meet and teach their beliefs.

Pantelidou v. Greece

17 September 2019 (decision on the admissibility)

This case concerned the applicant's not being able to have access to a church that had been opened in a public green space by the congregation of the "True Orthodox Christians" (adhering to the Julian calendar for religious festivals) in breach of the urban planning code. The site was earmarked for the construction of the Athens Mosque under that code. The applicant alleged a violation of her right to freedom of religion.

The Court declared the application **inadmissible** as being manifestly ill-founded. It pointed out in particular that the public interest of rational urban development could not be superseded by the liturgical needs of a religious community which had arbitrarily encroached on the public sphere in order to establish and operate a place of worship in breach of the relevant urban development plan. Therefore, having regard to the margin of appreciation enjoyed by States in the area of regional and urban planning and development, the Court held that the impugned measure had been justified in principle and been proportionate to the aim pursued (preventing public disorder and protecting the rights and freedoms of others).

Proselytism

Kokkinakis v. Greece

25 May 1993

A Jehovah's Witness, the applicant complained of his criminal conviction of proselytism by the Greek courts in 1988 after engaging in a conversation about religion with a neighbour, the wife of a cantor at a local Orthodox church.

The Court held that there had been a **violation of Article 9** of the Convention, finding that the conviction had not been shown to have been justified in the circumstances of the case by a pressing social need. It noted in particular that the Greek courts had merely reproduced the wording of the law that made proselytism illegal without sufficiently specifying in what way the applicant had attempted to convince his neighbour by improper means.

Larissis and Others v. Greece

24 February 1998

Air force officers and followers of the Pentecostal Church, the three applicants were convicted by Greek courts, in judgments which became final in 1992, of proselytism after trying to convert a number of people to their faith, including three airmen who were their subordinates.

The Court held that there had been **no violation of Article 9** of the Convention with regard to the measures taken against the applicants for the proselytising of air force service personnel, as it was necessary for the State to protect junior airmen from being put under undue pressure by senior personnel. However, the Court did find a **violation of Article 9** of the Convention with regard to the measures taken against two of the applicants for the proselytising of civilians, as they were not subject to pressure and constraints as the airmen.

Recognition, organisation and leadership of churches and religious communities

Hasan and Chaush v. Bulgaria

26 October 2000 (Grand Chamber)

The first applicant was the Chief Mufti of the Bulgarian Muslim community as from 1992.

The second was a member of the community. Following a dispute in the community in 1994-95 as to who should be its leader, the first applicant was effectively replaced by the Bulgarian Government with another candidate who had previously held the post. The applicants complained in particular that there had been an unlawful and arbitrary interference with their religious liberties and the right of the believers and the religious community to govern their own affairs and to choose their leadership.

The Court considered that facts demonstrating a failure by the authorities to remain neutral in the exercise of their powers in respect of administrative registration of religious communities must lead to the conclusion that the State had interfered with the believers' freedom to manifest their religion within the meaning of Article 9 of the Convention. It found that State action favouring one leader of a divided religious community or undertaken with the purpose of forcing the community to come together under a single leadership against its own wishes would constitute an interference with freedom of religion. In democratic societies the State did not need to take measures to ensure that religious communities are brought under a unified leadership. In the applicants' case, observing that the acts of the Bulgarian authorities had operated, in law and in practice, to deprive the excluded leadership of any possibility of continuing to represent at least part of the Muslim community and of managing its affairs according to the will of that part of the community, the Court found that there had been an interference with the internal organisation of the Muslim religious community and the applicants' freedom of religion. Concluding that this interference had not been prescribed by law in that it had been arbitrary and had been based on legal provisions which allowed an unfettered discretion to the executive and had not met the required standards of clarity and foreseeability, the Court held that there had been a **violation of Article 9** of the Convention. Further finding that the leadership of the faction led by the first applicant had been unable to mount an effective challenge to the unlawful State interference in the internal affairs of the religious community and to assert their right to organisational autonomy, the Court held that there had been a violation of **Article 13** (right to an effective remedy) of the Convention.

Metropolitan Church of Bessarabia and Others v. Moldova

13 December 2001

This case concerned the Moldovan authorities' refusal to recognise the Metropolitan Church of Bessarabia, an Orthodox Christian church, on the ground that it had split up from the Metropolitan Church of Moldova, which was recognised by the State. The applicants, the Metropolitan Church of Bessarabia and a number of individuals holding positions in that Church, complained of that refusal and alleged that under the relevant domestic legislation a religious denomination could not be active inside Moldovan territory unless it had first been recognised by the authorities.

The Court noted in particular that as the applicant church had not been recognised it could not operate. In particular, its priests could not take divine service, its members could not meet to practise their religion and, not having legal personality, it was not entitled to judicial protection of its assets. Accordingly, the Court took the view that the Moldovan Government's refusal to recognise the applicant church had constituted an interference with the right of that church and the other applicants to freedom of religion, as guaranteed by Article 9 § 1 of the Convention. Finding in particular that in taking the view that the applicant church was not a new denomination and in making its recognition depend on the will of a recognised ecclesiastical authority, the Metropolitan Church of Moldova, the Government had failed to discharge their duty of neutrality and impartiality, the Court concluded that the refusal to recognise the applicant church had such consequences for the applicants' freedom of religion that it could not be regarded as proportionate to the legitimate aim pursued. It had not therefore been necessary in a democratic society and there had been a **violation of Article 9** the Convention. The Court further found that the applicants had not been able to obtain redress before a national authority in respect of their complaint concerning their right to freedom of

religion and therefore held that there had also been a **violation of Article 13** (right to an effective remedy) of the Convention.

Jehovah's Witnesses of Moscow v. Russia⁷

10 June 2010

The applicants were the religious community of Jehovah's Witnesses of Moscow and four members of the community. They complained in particular about the dissolution of the community and the banning of its activities, and about the refusal of the Russian authorities to re-register their organisation. They also complained of the excessively long dissolution proceedings.

The Court observed in particular that the decision of the Russian courts to dissolve the applicant community and to ban its activities had resulted in its inability to exercise its right to own or rent property, to maintain bank accounts, to hire employees and to ensure judicial protection of the community, its members and its assets. That decision had been based on the Religious Act and had pursued the legitimate aim of the protection of health and the rights of others. However, having examined in detail the arguments of the Russian authorities, including the domestic courts, the Court found that the decision on the applicant community's dissolution had not rested on an appropriate factual basis. The Court consequently held that there had been a **violation of Article 9** of the Convention **read in the light of Article 11** (freedom of assembly and association), finding that the dissolution of the community had been an excessively severe and disproportionate sanction compared to the legitimate aim pursued by the authorities. The Court also held that there had been a **violation of Article 11** of the Convention **read in the light of Article 9**, finding that in denying re-registration to the Jehovah's Witnesses of Moscow, the Moscow authorities had not acted in good faith and had neglected their duty of neutrality and impartiality vis-à-vis the applicant community. Lastly, the Court held that there had been a **violation of Article 6 § 1** (right to a fair trial within a reasonable time) of the Convention, finding that the length in the dissolution proceedings had been excessive.

Magyar Keresztény Mennonita Egyház and Others v. Hungary

8 April 2014

The applicants are various religious communities, some of their ministers and some of their members. Prior to the adoption of a new Church Act, which entered into force in January 2012, the religious communities were registered as churches in Hungary and received State funding. Under the new law only a number of recognised churches continued to receive funding. All other religious communities, including the applicants, lost their status as churches but were free to continue their religious activities as associations. Following a decision of the Constitutional Court, which found certain provisions of the new Church Act unconstitutional, religious communities such as the applicants could continue to function and to refer to themselves as churches. However, the law continued to apply in so far as it required the communities to apply to Parliament to be registered as incorporated churches if they wished to regain access to the monetary and fiscal advantages they had previously enjoyed. The applicants complained in particular of their deregistration under the new law and of the discretionary reregistration of churches.

The Court considered that the deregistration of the applicants as churches had constituted an interference with their rights under Articles 9 and 11 (freedom of assembly and association) of the Convention. It was undisputed that this interference had been prescribed by law, namely the 2011 Church Act. The Court was prepared to accept that the measure could be considered to have served the legitimate aim of preventing disorder and crime for the purpose of Article 11, notably by attempting to combat fraudulent activities by certain churches. It concluded however that the measure imposed by the Church Act had not been "necessary in a democratic society" and therefore held that there had been a **violation of Article 11 read in the light of**

⁷. On 16 September 2022 the Russian Federation ceased to be a Party to the Convention.

Article 9 of the Convention. The Court found in particular that the Hungarian Government had not shown that there were not any other, less drastic solutions to problems relating to abuse of State subsidies by certain churches than to de-register the applicant communities. Furthermore, it was inconsistent with the State's duty of neutrality in religious matters that religious groups had to apply to Parliament to obtain re-registration as churches and that they were treated differently from incorporated churches with regard to material benefits without any objective grounds.

Ilyin and Others v. Ukraine

17 November 2022

The applicants, followers of the Unification Church, founded by the Reverend Sun Myung Moon, created a religious community and attempted to have it registered as a legal entity. The case concerned the Kyiv City State Administration's refusal to register their community. The applicants complained about the refusal to register their community.

The Court held that there had been **no violation of Article 9 read in the light of Article 11** (freedom of assembly and association) of the Convention in the present case. It noted in particular that, under domestic law, any contravention of the law in a religious organisation's proposed constitution, including its name, could be grounds for refusal of registration. Therefore, the concerns about the community's initial name had been apparently sufficient to refuse registration and the authorities had been able to refuse registration even in the absence of other concerns over the community's practices. Accordingly, the Court was unable to find that the refusal had been as a whole in breach of the Convention requirements.

Refusal to provide public services in religious matters

Izzettin Doğan and Others v. Turkey

26 April 2016 (Grand Chamber)

This case concerned the Turkish authorities' refusal to provide the applicants, who are followers of the Alevi faith (the country's second-largest faith in terms of the number of followers), with the public religious service which, in the applicants' assertion, is provided exclusively to citizens adhering to the Sunni understanding of Islam⁸. The applicants maintained that this refusal implied an assessment of their faith on the part of the authorities, in breach of the State's duty of neutrality and impartiality with regard to religious beliefs. They also claimed to be victims of discrimination on grounds of their religion.

The Court held that there had been a **violation of Article 9** the Convention, finding that the Alevi community was denied the recognition that would allow its members, including the applicants, to effectively enjoy their right to freedom of religion. It considered, firstly, that the refusal complained of had had the effect of denying the autonomous existence of the Alevi community and had made it impossible for its members to use their places of worship (*cemevis*) and the title denoting their religious leaders (*dede*) in full conformity with the legislation. Secondly, the State had overstepped its margin of appreciation without relevant and sufficient reasons. The Court therefore concluded that the authorities' interference with the right of the applicants, as Alevis, to freedom of religion had not been necessary in a democratic society. The Court also held that there had been a **violation of Article 14** (prohibition of discrimination) of the Convention **taken in conjunction with Article 9**. In this regard, it observed a glaring imbalance between the status conferred on the understanding of the Muslim religion adopted by the Religious Affairs Department and benefiting from the religious public service, and that

⁸. The applicants had requested that the Alevi community be provided with religious services in the form of a public service; that Alevi religious leaders be recognised as such and recruited as civil servants; that the *cemevis* (the places where Alevis practise their religious ceremony, the *cem*) be granted the status of places of worship; and that State subsidies be made available to their community. Their requests were refused on the grounds that the Alevi faith is regarded by the authorities as a religious movement within Islam, more akin to the "Sufi orders".

conferred on the applicants, as the Alevi community was almost wholly excluded from the public service in question and was covered by the legal regime governing the “Sufi orders” (*tarikats*), which were the subject of significant prohibitions. The Court therefore found that the applicants, as Alevi, were subjected to a difference in treatment for which there was no objective and reasonable justification.

Religious holidays

Kosteski v. “The former Yugoslav Republic of Macedonia”

13 April 2006

In April 1998 the applicant was fined for taking a day’s holiday without permission to celebrate Bayram, a Muslim religious festival. He appealed. In July 2000 the Constitutional Court noted that the applicant requested rights relating to freedom of religion but that he refused to give any evidence concerning his beliefs. It concluded that the applicant had not been discriminated against by the requirement to establish the objective facts and dismissed his complaint.

The applicant complained that his fine for absence from work when he was celebrating a Muslim holiday was in breach Article 9 (freedom of thought, conscience and religion) taken alone and in conjunction with Article 14 (prohibition of discrimination).

The Court held that there had been **no violation of Article 9** of the Convention and **no violation of Article 14** (prohibition of discrimination) of the Convention **taken in conjunction with Article 9**. Having recalled that Article 9 of the Convention listed a number of forms which manifestation of one’s religion or belief may take but that it did not, however, protect every act motivated or inspired by a religion or belief, it was not persuaded that attendance at a Muslim festival was a manifestation of the applicant’s beliefs in the sense protected by Article 9 or that the penalty imposed on him for breach of contract in absenting himself without permission was an interference with those rights. Furthermore the Court did not find it unreasonable that an employer might regard absence without permission or apparent justification as a disciplinary matter. It stated that where an employee sought to rely on a particular exemption, it was not oppressive or in fundamental conflict with freedom of conscience to require some level of substantiation.

Francesco Sessa v. Italy

3 April 2012

The applicant was a member of the Jewish faith and a lawyer by profession. In his capacity as representative of one of the complainants in a case, he appeared before an investigating judge at a hearing concerning the production of evidence. As the judge was prevented from sitting, his replacement invited the parties to choose between two dates for the adjourned hearing. The applicant pointed out that both dates corresponded to Jewish religious festivals and that his religious obligations would prevent him from attending. The hearing was set down for one of the two dates in question and the applicant applied for an adjournment. The prosecution and counsel for the defendants objected to the application on the ground that there was no legally recognised reason for granting an adjournment. The applicant alleged that the refusal by the judicial authority to postpone the hearing set down for the date of a religious festival prevented him from taking part in his capacity as the representative of one of the complainants and infringed his right to manifest his religion freely.

The Court held that there had been **no violation of Article 9** of the Convention. It was in particular not convinced that holding the hearing in question on the date of a Jewish holiday and refusing to adjourn it to a later date amounted to a restriction on the applicant’s right to freely manifest his faith. Even supposing that there had been an interference with the applicant’s right under Article 9 § 1, the Court considered that such interference, prescribed by law, was justified on grounds of the protection of the rights and freedoms of others – and in particular the public’s right to the proper administration of justice – and the principle that cases be heard within a reasonable time.

The interference had observed a reasonable relationship of proportionality between the means employed and the aim pursued.

Ritual slaughter of animals

Cha'are Shalom ve Tsedek v. France

27 June 2000 (Grand Chamber)

The applicant, a Jewish liturgical association, complained about the French authorities' refusal to grant it the approval necessary for access to slaughterhouses with a view to performing ritual slaughter in accordance with the ultra-orthodox religious prescriptions of its members, for whom meat is not kosher unless it is "glatt"⁹. It maintained in particular that the refusal of its application for approval had infringed its freedom to manifest its religion through observance. It also alleged a violation of Article 14 (prohibition of discrimination) of the Convention in that only the Jewish Consistorial Association of Paris (*Association consistoriale israélite de Paris* – "the ACIP"), to which the large majority of Jews in France belong, had received the approval in question.

The Court held that there had been **no violation of Article 9** of the Convention. In the Court's opinion, there would have been an interference with the applicant association's right to freedom to manifest its religion only if the illegality of performing ritual slaughter had made it impossible for ultra-orthodox Jews to eat meat from animals slaughtered in accordance with the religious prescriptions they considered applicable. But, since it had not been established that Jews belonging to the applicant association could not obtain "glatt" meat, or that the applicant association could not supply them with it by reaching an agreement with the ACIP, in order to be able to engage in ritual slaughter under cover of the approval granted to the ACIP, the Court considered that the refusal of approval complained of did not constitute an interference with the applicant association's right to the freedom to manifest its religion. The Court also held that there had been **no violation of Article 9** of the Convention **taken in conjunction with Article 14** (prohibition of discrimination) in the present case.

Withdrawal of permission to organise religious activities when renewing residence permit

Perry v. Latvia

8 November 2007

The applicant, an American national, was a pastor belonging to *Morning Star International*, a federation of Christian communities of an evangelical protestant tendency based in the United States. In 1997 he settled in Latvia and set up a community affiliated to the federation named *Rīta Zvaigzne* ("Morning Star"). He complained in particular that although the Latvian authorities had issued him with a residence permit they refused to allow him to engage in religious activities.

The Court reiterated that religious freedom implied freedom to manifest one's religion alone and in private, or in community with others, in public and within the circle of those whose faith one shared. It also noted that the present case concerned a typical example of interference for the purposes of Article 9 of the Convention. In the applicant's case, the Court held that there had been a **violation of Article 9**, finding that the interference with the applicant's right to freedom of religion had not been prescribed by law. It observed in particular that no provision of Latvian law in force at the material time had entitled the Nationality and Migration Directorate to use the renewal of a residence permit as a pretext for prohibiting a foreign national from performing religious activities in Latvia. In addition, although the applicant had been able to continue taking part in the spiritual life of his parish as an ordinary member, it reiterated that religious

⁹. Meat from slaughtered animals cannot be "glatt" if an examination of their lungs reveals the slightest blemish.

communities existed universally in the form of organised structures and abided by rules which were often seen by followers as being of divine origin. Accordingly, religious ceremonies had sacred value for believers if they were conducted by ministers empowered for that purpose in compliance with such rules.

Further readings

See in particular:

- [Guide on Article 9 – Freedom of thought, conscience and religion](#) [in French only], document prepared by the Research Division of the Court.
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Media Contact:

Tel.: +33 (0)3 90 21 42 08