



Freedom of thought, conscience and religion (Article 9)

Paragraph 1 is in two parts:

- ▶ **an unqualified right to freedom of thought, conscience and religion**, which includes the freedom to change one's religion or belief;
- ▶ **a qualified right to manifest one's religion or belief**, alone or with others, publicly or in private, in worship, teaching, practice and observance.

Only the second right is subject to the qualifications in paragraph 2.

The Court has avoided defining "religion and belief" and has accepted many as qualifying.

Generally it is **direct** manifestations of religion or belief that are protected, for example, wearing a cross, turban or Islamic veil or having a kosher diet, not **indirect** ones like distributing pacifist leaflets to soldiers, as opposed to proclaiming pacifist principles.

Paragraph 2 is in the common form.

Any restriction of the right must be **prescribed by law**.

The legitimate aims listed are **public safety, the protection of public order, health or morals and the protection of the rights and freedoms of others**.

Issues of belief and its manifestation are often controversial and sensitive, especially in an increasingly pluralist society. Officials need to be sure they have clear legal authority before applying restrictions, as well as a legitimate aim proportionately applied.



The complete toolkit: <http://echr-toolkit.coe.int>

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