EUROPEAN COURT OF HUMAN RIGHTS CASES

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2009

CASE OF HOLY SYNOD OF THE BULGARIAN ORTHODOX CHURCH (METROPOLITAN INOKENTIY) AND OTHERS v. BULGARIA

January 22, 2009

Summary of the case:
In this case, the applicant, Metropolitan Inokentiy, alleged a violation of Article 9 of the Convention on account of the government officially siding with one faction in an internal church dispute and attempted to force the dissident priests to recognize the authority of the state appointed Patriarch Maxim. After the fall of the Communist Regime in Bulgaria, the Orthodox Church split with some clergy backing Metropolitan Inokentiy and the others still recognizing Patriarch Maxim, appointed by the Communists in the 1970s, who refused to step down. In 2004, after they refused to recognize the Patriarch, over one hundred members of the Bulgarian Orthodox Church claimed that they had been "deprived of churches and monasteries and that its priests and staff were evicted in an operation of the law-enforcing authorities in 2004 whereby the Bulgarian government effectively intervened in church matters."
The court found the Bulgarian government was found to be violating the religious freedom of the Bulgarian Orthodox Priests, Bishops and lay-workers.

Accommodation: 0
Amenagement: 0

AFFAIRE SINAN c. TURQUIE

February 2, 2009

Summary of the case:
Dans le cas de Sinan c. Turquie, l'appliquant, de confession «alévi», une religion influencée par des croyances préislamiques, poursuite le gouvernement turque pour avoir refusé de changer le nom de sa religion, qui porte la mention Islam, pour «alévi» sur sa carte d'identité, alors qu'il n'adhère pas à cette religion. L'appliquant affirme que sa religion diffère des diverses écoles islamiques «sur de nombreux points, tels que la prière, le jeûne ou le pèlerinage», alors que pour les autorités, il ne s'agit que d'une autre interprétation de l'Islam. Suite à la plainte portée par M. Sinan, le conseiller juridique de la direction des affaires religieuse déposa son avis que «le fait de mentionner les interprétations religieuses ou les sous-cultures dans la place consacrée à la religion sur les cartes d'identité ne pouvait se concilier avec l'unité nationale, les principes républicains et le principe de laïcité.» Le demande de l'appliquant fut rejetée, puisque d'après

conseiller juridique de la direction des affaires religieuse, la religion de M. Sinan ne peut être considérée une religion indépendante car «il s'agit d'une interprétation de l'islam influencée par le soufisme et ayant des caractéristiques culturelles spécifiques.» Après le rejet de sa demande, M. Sinan porta sa cause en appel en se plaignant que le gouvernement turque viole l'article 9 de la Convention «du fait de d'être obligé de révéler sa croyance en raison de la mention obligatoire de la religion reprise sur sa carte d'identité, sans son consentement.» La cours décida en faveur de l'appliquant, car les mentions de la religion sur les cartes d'identité sont «incompatibles avec la liberté de ne pas manifester sa religion» et la cours croit que «la suppression de la case consacrée à la religion pourrait constituer une forme appropriée de réparation.»

In brief:
The applicant lodged a complaint to the European court of human rights because he alleged that the Turkish government violated the Article 9 of the Convention by forcing him to reveal his religion on his identity card and without his consent. The court decided in favor of the applicant, saying that the mentions of religion and the identity card were incompatible with the freedom to not manifest religion and suggested the removal of the box devoted to identify someone's religious beliefs.

[en français only]
Accommodation: 0
Aménagement: 0

CASE OF VEREIN DER FREUNDE DER CHRISTENGEMEINSCHAFT AND OTHERS v. AUSTRIA

February 26, 2009

Summary of the case:
In this case, the applicant, Verein der Freunde der Christengemeinschaft, a religious community, alleged that their right to freedom of religion has been violated by the Austrian authorities' refusal to grant their community legal personality as a religious society and "the excessive length of the related proceedings". On many occasions since 1995, the members of the religious community filed applications to become an official religious association. Since the 1998 Religious Community Act has passed, religious groups are subject to a 10-year observation before being granted recognition. Therefore, the applicant found unreasonable the 20-year waiting to be granted legal status, since they applied 3 years before the Religious Community Act came into force and the Austrian Government acknowledged that the religious community had existed in Austria since 1945, in the form of an association. In 1998, the Minister decided that "the religious group had acquired legal personality as a registered religious community within the meaning of the 1998 Act", however, the group was not granted legal personality under the 1874 Religious Act which has wider ranging implications such as fiscal and educational privileges.
The court decided in favour of the applicant, stating that the refusal to confer legal personality under the 1874 Act and the excessive lenght of procedures had not been justified, which consisted in a violation of the association's right to freedom of religion and beliefs.

Accommodation: 0
Amenagement: 0

CASE OF LANG v. AUSTRIA

March 19, 2009

Summary of the case:
The applicant, Mr. Lang, an Austrian national, alleged that he had been discriminated against in the exercise of his rights under Articles 4 and 9 of the Convention on the ground of his religion because he performed a function within the Jehovah's Witnesses which was equivalent to that of members of a recognized religious society who were exempt from military service. At the relevant time, the law stipulated that "an exemption from the obligation to perform military service shall apply to some members of recognized religious societies such as ordained priests, persons involved in spiritual welfare or in clerical teaching after graduating in theological studies, members of a religious order who have made a solemn vow and students of theology who are preparing to assume a clerical function." In 1997, Mr. Lang became a preacher in Jehovah's Witnesses' community in Gmunden, a function that includes "providing pastoral care to the community, leading church services and preaching" but "authorities refused the applicant's appeals on the ground that he did not belong to a recognized religious society."
The European Court of Human Rights voted by 6 votes to 1, that their refusal of exemption "violated Article 14 of the Convention, applied in conjunction with Article 9, but found no direct violation of Article 9". The Court also held that "while countries are not required to offer exemption from military service for certain members of religious groups, if it does offer such exemptions, they must apply in a way that does not discriminate between different types of religious organizations."

CASE OF KIMLYA AND OTHERS v. RUSSIA

October 1st, 2009

Summary of the case:
The applicants, Russian scientologists, complained the Russian Federation violated their right to freedom of thought, conscience and religion because of their decision to "refuse State registration of the applicants' religious groups as legal entities." In 1994, the applicant's Church of Scientology obtained registration as a social non-governmental organisation under the name of "Surgut Humanitarian Dianetics Center".
In 1995 a new Russian law, the "Religious Act", came into force and required all non-governmental associations already established to apply for re-registration; "however, its application was refused on 23 July 1999 on the ground that the aims of the organisation were religious in nature" and a few months later, in November 1999, the Justice Department of the Khanty-Mansi Region decided to terminate the centre's existence. "On 15 August 2000 the ten founding members, including the first applicant, applied to the Justice Department for

registration as a local religious organisation having the status of a legal entity" but the application was rejected because Russian Authorities "have failed to produce a document issued by a local authority certifying that the religious group has existed in the given territory for no less than 15 years. Because they were lacking the status of legal entity,"[the] religious group could not print, export or import religious books or articles of worship, own property, carry out charity programmes or found organisations for religious purposes."
The Court unanimously found that the lack of legal personality did not allow their members to enjoy their right to freedom of religion and association and therefore, there has been an interference with the applicants' rights under Article 9.

Accommodation: 0
Amenagement: 0

CASE LOMBARDI VALLAURI v. ITALY
October 20, 2009

Summary of the case:
Dans ce cas, l'appliquant, un professeur de philosophie du droit renommée de l'Université de Florence en Italie depuis plus de 20 ans, s'est vue refuser son application pour la continuation de son contrat comme enseignant par le Conseil de l'Université parce que certains de ses points de vue son «clairement en opposition avec la doctrine de l'Église catholique» et, pour cette raison, le Conseil croit fermement qu'il serait préférable que M. Lombardi quitte son poste «dans l'intérêt de la vérité, du bien-être des étudiants et de l'Université.» Même si l'appliquant comprend la légitimité de la décision de l'Université qui a pour but de protéger les étudiants qui recherche une éducation basée sur la doctrine catholique, il condamne l'omission d'explication et l'absence de débat autour de la décision du rejet de sa candidature. Lors d'une des réunions du Conseil, un collègues de M. Lombardi proposa par solidarité que les raisons qui menèrent à la décision de son revoie soient exposées, mais après vote, la proposition fut rejeté par une faible majorité. La Cours Européenne des Droits de l'Homme prit la décision que le rejet de la candidature de M. Lombardi interférait avec son droit à la liberté d'expression and que cette interférence n'était pas «nécessaire dans une société démocratique.» De plus, la cours considère la raison donnée à M. Lombardi était trop vague et incertaine et donc la décision de Conseil est jugée inconstitutionnelle, car elle viole son droit à l'égalité, liberté d'enseigner et liberté religieuse.

In brief:
In this case, the applicant, a renowned professor of legal philosophy at the University of Florence for over 20 years, saw the nominated for the continuation of his teaching contract rejected by the Faculty Board because some of his views were «in clear opposition to Catholic doctrine.» Further, the Board stated that his contract should be terminated «in the interests of truth and of the well being of students and the University.» The applicant was never told the exact reason that led to the rejection of his candidacy, so because the court noticed the «vagueness» and «uncertainty» of the board's decision, the court decided unanimously in favor

of the applicant and ruled the Board's decision unconstitutional because it violates his right to equality, freedom to teach and religious freedom.

[en français seulement]
Accommodation: 0
Aménagement: 0

CASE OF BAYATYAN v. ARMENIA
October 27, 2009

Summary of the case:
In this case, Mr. Bayatyan, the applicant, an Armenian national, alleged that his "conviction for refusal to serve in the army had unlawfully interfered with his right to freedom of thought, conscience and religion" under Article 9 of the European Convention of Human Rights. Because he is a Jehovah's Witness, the applicant objected to military service, but proposed to do alternative civil service instead. Since there was no law in Armenia on alternative service, Mr. Bayatyan was sentenced to two-and-a-half years in prison, but was released on parole five months later.
The applicant is also asking that the Article 9 be interpreted "in the light of present-day conditions" because nearly all members of the States of the Council of Europe have recognized a right of conscientious objection to military service, which wasn't recognized at the time.
The court decided that there had been no violation of Article 9 because the Court "considers that the authorities cannot be regarded as having acted in breach of their Convention obligations for convicting the applicant for his refusal to perform military service" since they obeyed to the law that prevailed at the time.

[in english]
Accommodation: 0
Amenagement: 0

[en français]
Accommodation: 0
Aménagement: 0

CASE OF LAUTSI v. ITALY
3 November 2009

Summary of the case:
The applicant, an Italian national, alleged in her own name and on behalf of her children, that the display of a crucifix in the children's State school was «contrary to her right to ensure their education and teaching conformity with her religious and philosophical convictions» under Article 2 of the Convention, and violated her right to freedom of conviction and religion under

Article 9. In 2000, she informed the school's authority of her position concerning the crucifixes that were present in all classrooms that her children attended. She considered that the religious symbol, «that was impossible not to notice», was in contrary to the principle of secularism. In May 2002, the school's governing body decided they would not remove the crucifixes of the classrooms. In 2004, the applicant brought the case to the Veneto Regional Administrative Court and «it granted her request that the case be submitted to the Constitutional Court of an examination of the constitutionality of the presence of a crucifix in classrooms.» In 2005, the Constitutional Court dismissed the applicant's complaint because it held that it was a symbol of Italian history and culture, and therefore of Italian identity. When the case was brought to the European Court of Human Rights, the Court decided in favor of the applicant that there had been a violation of Article 2 and 9 of the Convention. In its decision, the Court stated that «it considers that the compulsory display of a symbol of a particular faith in the exercise of public authority in relation to specific situations subject to governmental supervision, particularly in classrooms, restricts the right of parents to educate their children in conformity with their convictions and the right of schoolchildren to believe or not believe. It is of the opinion that the practice infringes those rights because the restrictions are incompatible with the State's duty to respect neutrality in the exercise of public authority, particularly in the field of education.»

[in English]
Accommodation: 0
Amenagement: 0

[en français]
Accommodation: 0
Aménagement: 0

CASE OF SEYIDZADE v. AZERBAIJAN
December 3, 2009

Summary of the case:
Mr. Seyidzade applied to the electoral commission to be registered as a candidate for the November 2005 parliamentary elections, but his application was rejected because he was acting as a professional Islamic clergyman. Mr. Seyidzade defended himself by stating he had resigned from all other professional religious activities. The applicant held a position as head of the education department of the Caucasus Muslims Board, member of the Qazi Council of the Caucasus Muslims Board, and director of the Sumgayit branch of Baku Islamic University in addition to founding and editing an Islamic religious journal called *Kelam.* However, The Constitutional Court noted the restriction of clergymen's right to stand for election in general because the Republic of Azerbaijan is "a democratic, secular, unitary republic governed by the rule of law."
The applicant is appealing the decision because he alleged his nomination as a candidate for the parliamentary elections "had been rejected arbitrarily, in breach of Article 3 of Protocol No. 1 to the Convention which states that *"The High Contracting Parties undertake to hold free elections*

at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature."
The court ruled unanimously in favour of Mr. Seyidzade saying there had been a violation of Article 3 of Protocol No. 1 to the Convention and the applicant was granted a compensatory amount for non-pecuniary damage.

[only in english]
Accommodation: 0
Amenagement: 0

CASE OF DOGRU v. FRANCE
December 4, 2009

Summary of the case:
In this case, the applicant, who was 11 years old at the age of the incident, alleged an infringement of her right to practice her Islamic beliefs because she was expelled from school, along with another girl, "for breaching the duty of assiduity by failing to participate actively in physical education and sports classes." The applicant refused on several occasions to remove her headscarf during sport classes even though the teacher explained "that it was incompatible with physical education classes" for health and safety reasons. It was also noted that "their [the students] attitude had created an atmosphere of tension within the school." Her parents applied to the Caen Administrative Court to overturn the Director of Education's decision, but the court rejected their application. After their appeal was also dismissed, they took the case to the European Court of Human Rights. However, the ECHR held that there had been no violation of Article 9 and also reiterated that "the state may limit the freedom to manifest a religion, for example by wearing an Islamic headscarf, if the exercise of that freedom clashes with the aim of protecting the rights and freedoms of others, public order and public safety."

[in english]
Accommodation: 0
Amenagement: 0

[en français]
Accommodation: 0
Aménagement: 0

CASE OF KOPPI v. AUSTRIA
December 10, 2009

Summary of the case:

The applicant, a member and student of the "Bund Evangelikaler Gemeinden" in Österreich, a registered religious community, has been working as a municipal preacher for the community since 2001. He requested to be exempted from civilian military service claiming that "members of recognized religious societies holding religious functions comparable to his own were exempt". The Ministry dismissed his request on the ground that, "under section 13a of the Civilian Service Act, exemption only applied to members of recognized religious societies and not registered religious communities." Mr. Koppi complained to the Constitutional Court and Administrative Court that constituted discrimination on the ground of his religion, but the complaints were also ultimately dismissed.
The Court decided in favor of Austria, saying there had been no violation of Article 14 taken in conjunction with Article 9 because Mr. Koppi was considered a member of a registered religious community and not of recognized religious societies, because "there was no indication that Mr. Koppi's religious community had applied for recognition as a religious society." For that reason, it his allegations were found incompatible with the requirements of Article 9 of the Convention.

Accommodation: 0
Amenagement: 0

CASE OF SAMODUROV AND VASILOVSKAYA v. RUSSIA
December 15, 2009

Summary of the case:
The Andrei Sakharov Museum was created for the preservation of the memory of the victims of the Russian totalitarian regime and continuation of Sakharov's work in the field of human rights. "It runs a variety of programs aimed at advancing the development of civil society and human rights in Russia." One of its exhibitions, "Caution, Religion", was held in a "secular cultural institution" where over 40 artists were invited to "express [their] attitudes towards religiousness, religion, culture, etc." Some of the viewpoints expressed in the artists' works, ranged from "complete acceptance to a highly critical attitude of certain aspects of the Church's activities." The Russian State Duma, at the urging of Russian Orthodox officials, "adopted a resolution, which asked the Procurator General 'to take necessary measures' against the organizer of the exhibition" because it was said to support "liberal causes" like the peaceful political settlement of the conflict in Chechnya.
A member of the State Duma (Parliament) for the Communist Party, then filed a criminal complaint against the applicants because of "the anti-religious nature of the works that had been exhibited." She claimed that the exhibits had "offended the sensitivities of religious believers, incited religious hatred and undermined respect for religion." The District Court found the defendants guilty because of the "provocative, insulting and humiliating character of the exhibition they organised" and also because "the mass media had been involved; the exhibition was widely covered in the press; admission to the exhibition was free." The applicants then alleged a violation of Article 10 of the Convention and referred to the Court's case-law, but the Moscow City Court upheld the judgment in its entirety.

The applicants complained in front the European Court of Human Right that "under Article 10 of the Convention that their conviction for organising the "Caution, religion!" exhibition had not pursued any legitimate aim and had not been necessary in a democratic society."
The court decided to "adjourn the examination of the applicants' complaint concerning the organisation of the «Caution, religion!» exhibition and are declaring the application inadmissible because "in the light of all the material in its possession and in so far as the matters complained of are within its competence, they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols".

Accommodation: 0
Amenagement: 0

2010

CASE OF ALEKSEYEV v. RUSSIA
May 20, 2010

Summary of the case:
In this case, the applicant, Nikolay Alekseyev, a LGBT rights activist, claimed that the Russian government violated his right to freedom of assembly under Article 11 of the Convention of Human Rights and was discriminated against because of his sexual orientation. It began in 2006, when the applicant organised, with other individuals, a march to «draw public attention to discrimination against the gay and lesbian minority in Russia, to promote respect for human rights and freedoms and to call for tolerance on the part of the Russian authorities and the public at large towards this minority.» . The government of Moscow quickly responded to the announcement and released a statement that the mayor «would not allow a gay parade to be held in any form, whether openly or disguised [as human rights demonstration].» He alleged that he had received to many letters of opposition from the three main religious group of the country (Muslims, Christians and Jews), and therefore, could not allow such a march. In May 2006, Alekseyev brought the case to the Moscow Central Administrative Circuit who refused permission to host the event, on the same grounds as the mayor's adding safety issues. The applicant lodged an appeal, «relying on section 12 of the Assemblies Act, which imposed an obligation on the authorities, and not the organizers, to make a reasoned proposal to change the venue or the time of the event as indicated in the notice», and if the event was banned on safety grounds, the government should provide protection to the people taking part in it. A year after, the applicant along with several others submitted another application to host an event similar to the one attempted the year before, but the government still refused, on the same grounds. Even after the applicant offered to change the location to make the march safer, the application was yet again rejected. The day the march was supposed the take place, on May 27th 2007, Alekseyev was arrested and convicted of the administrative offence of disobeying a lawful order from the police because he attempted to deliver a petition against the prohibition of demonstration to the mayor's office. In 2008, other applications were submitted for marches to be held at 10 different places on May 1st and 2nd, but not surprisingly, they were all rejected. When the case got to the European Court of Human Rights, the Court voted unanimously in favor of the applicant, that the

bans were «unnecessary in a democratic society» and that «by relying on such blatantly unlawful calls as grounds for the ban, the authorities effectively endorsed the intentions of persons and organizations that clearly and deliberately intended to disrupt a peaceful demonstration in breach of the law and public order.»

[en English only]
Accommodation: 0
Amenagement: 0

CASE OF COX v. TURKEY
May 20, 2010

Summary of the case:
In this case, the applicant, Norma Jeanne Cox, lived in the United States and worked as a lecturer at two Turkish universities in the 1980s. Because of opinions she expressed to students and colleagues on Kurdish and Armenian issues, Cox was banned from re-entering the country. In 1989, she was arrested in Turkey while distributing pamphlets to «protest against the movie *The Last Temptation of the Christ*» and was expelled for a second time. Since then, she has been unable to return to the country, because «an entry was made in her passport saying that she was banned.» In October 1996, she brought procedures to the Ministry of Interior to cancel the ban stating that her religion was the reason why she was banned, and asked for the ban to be lifted. The Ministry rejected her claim and maintained that she had been ban because of her «separatist activities» and because she considers the Turks assimilated Kurds and Armenian and forced the Armenians out of the country by committing genocide. Using Article 9 of the Convention, she alleged that her right to freedom of religion was violated. After consideration, the Court decided it couldn't examine the complaints under Article 9, because «the applicant failed to summit any reports documenting her claim that reports had been compiled about her on account of her religious activities», therefore the complaints would only be examined under Article 10. The Court decided in favor of the applicant, stating that the ban imposed on Ms. Cox was a violation to her freedom of expression, and was not «necessary in a democratic society.»

[en English only]
Accommodation: 0
Amenagement: 0

CASE OF JEHOVAH'S WITNESSES OF MOSCOW AND OTHERS v. RUSSIA
June 10, 2010

Summary of the case:
In this case, the applicants alleged a violation of their rights to freedom of religion and association because the Russian government dissolved their religious community. The decision was made after the new «Religious Act» entered into force in October 1997 and «a new round of

civil proceedings against the community ended […] with a court decision ordering its dissolution and imposing a permanent ban on its activities.» The community was found responsible of «luring minors into religious associations against their will and without the consent of their parents and for coercing persons into destroying the family, infringing the personality, rights and freedoms of citizens; inflicting harm on the health of citizens; encouraging suicide or refusing on religious grounds medical assistance to persons in life- or health-threatening conditions; and inciting citizens to refuse to fulfill their civil duties.»
The Jehovah's Witnesses appealed that decision to the European Court. The European Court unanimously declared that the rights of the community of 10,000 believers in Moscow had been utterly violated, and it ruled that individual and general measures be adopted "to redress so far as possible the effects" of the ban.

[only in english]
Accommodation: 0
Amenagement: 0

AFFAIRE OBST c. ALLEMAGNE
September 23, 2010

Summary of the case:
Dans ce cas, l'appliquant, Heinz Obst, est un Mormon qui travaille au sein de l'Église mormone depuis 1986, en tant que directeur pour l'Europe au département des relations publiques. Il allègue son droit au respect de la vie privée et familiale, sous l'Article 8 de la Convention, à été violé lorsqu'il fut licencié par l'Église pour avoir eu une relation extraconjugale. En 1993, il s'adressa à son pasteur pour lui faire part des difficultés qu'il éprouvait dans son mariage, et ce depuis des années, et lui avoua qu'il avait eu des relations sexuelles avec une autre femme. Le pasteur lui ordonna de faire part de ces informations à son supérieur hiérarchique, sinon il le ferait lui-même. Après s'être entretenu avec son supérieur, on le licencia sans préavis et il fut excommunié. La plainte fut d'abord portée au cours allemande où elle fut rejetée, car M. Obst avait, par son comportement, dérogé à ses obligations prévues par les stipulations de son contrat qui formulait clairement que les cas d'adultères ne seraient pas tolérés. À l'unanimité, le cours décida en faveur du défendant qu'il n'y a pas eu violation de l'Article 8 de la Convention, «les obligations de loyauté imposées au requérant étaient acceptables en ce qu'elles avaient pour but de préserver la crédibilité de l'Eglise mormone» et que la position importante de l'appliquant «soumettait à des obligations de loyauté accrue.»

In brief:
In this case, the applicant Heinz Obst, had been the European public relations officer within the Mormon Church until 1993, when he was fired because he had an extramarital affair with another woman. After his complaint was rejected by Germany court system, he brought the case to the European Court of Human Right, stating that his right to respect for private and family life has been violated, under Article 8 of the Convention. Article 8 of the Convention of Human Rights states that «everyone has the right to respect for his private and family life, his home and his correspondence.» The Court decided unanimously in favor of the defendant, that there was

no violation of Article 8 of the Convention, because «the bond of loyalty imposed on the applicant were acceptable as they were intended to preserve the credibility of the Mormon Church» and the important position held by Mr. Obst subjected him to increased obligation of loyalty.

[en français seulement]
Accommodation: 0
Amenagement: 0

CASE OF JAKÓBSKI v. POLAND
December 7, 2010

Summary of the case:
In this case, the applicant alleged that he had been refused a meat-free diet in prison contrary to the requirements of his faith. He is a Buddhist and he adheres strictly to the Mahayana Buddhist dietary rules «which required refraining from eating meat». For 3 months, a dermatologist recommended that the applicant be placed under a meat-free diet, the same as Muslims detained, for health problem. When a doctor who examined him considered that there were no medical grounds to continue granting the «Muslim diet», the diet was discontinued. «The applicant objected and threatened to go on a hunger strike.» He asked for meat-free meals several times and was forced to eat because not eating «would have been regarded as a decision to start a hunger strike and would have entailed disciplinary punishment.» A few months later, the «Buddhist Mission in Poland sent a letter to the prison authorities supporting the applicant's request for a meat-free diet». After another couple of months, the prison's Ombudsman decided that «the prison authorities had not been obliged to prepare special meals taking into consideration different dietary requirements. In addition, since the applicant was the only Buddhist in this prison, it would have put too much strain on the prison authorities.»
The court unanimously voted in favour of the applicant stating there has been a violation of Article 9 of the Convention of Human Rights, which provides a right to freedom of thought, conscience and religion.

[only in english]
Accommodation: 0
Amenagement: 0

2011

AFFAIRE MOUVEMENT RAËLIEN SUISSE c. SUISSE
13 janvier, 2011

Summary of the case:
Dans ce cas qui oppose la branche suisse du Mouvement Raëlien au gouvernement suisse, le groupe religieux se plaint que le gouvernement a porté atteinte à sa liberté religieuse et sa liberté d'expression, sous les Articles 9 et 10 de la Convention. Créé en 1977, le Mouvement Raëlien est une association religieuse fondée par Claude Vorilhon, maintenant connu sous le nom de Raël, qui «selon ses statuts, a pour but d'assurer les premiers contacts et d'établir de bonnes relations avec les extra terrestres.» Le 7 mars 2001, l'association fit la demande à la direction de la police de la ville de Neuchâtel, en Suisse, pour pouvoir poser une affiche dans l'espace public pour une période de 11 jours, soit du 2 au 13 avril de la même année. L'affiche, qui mesurait 97x69 cm affichait les inscriptions «Le Message donné par les extra-terrestres» et «La science remplace enfin la religion» en plus d'indiquer le site internet du mouvement et d'un nouveau de téléphone pour rejoindre l'association. Les autorités suisses refusèrent la demande du mouvement en raison d'un rapport parlementaire français sur les sectes publié en 1995, ainsi qu'un jugement du tribunal civil de la Sarine, un arrondissement en Suisse, qui exposaient que l'association religieuse «se livrait à des activités contraires à l'ordre public et aux bonne mœurs» et était donc considérée comme «une secte à caractère dangereux.» Les mœurs auxquelles on fait référence sont notamment le clonage, la «géniocratie» ainsi que la «méditation sexuelle», qui sont des pratiques que prônait le mouvement. La géniocratie est un système politique de démocratie sélective où les individus ayant un coefficient intellectuel supérieur à 50% de la moyenne peuvent occuper des postes de fonction public et seulement ceux qui sont à 10% au dessus ont le droit de voter. La «méditation sexuelle» quant à elle, est une pratique qui prône la libération sexuelle et qui vise l'éveil de la sexualité. De plus, les autorités soutenaient que certains passages des livres écrits par Raël «prônaient *théoriquement* la pédophilie et l'inceste» ainsi que le clonage puisque le site web de *Clonaid* était accessible à partir du site web du mouvement. Clonaid est une société qui prétend être en mesure de pouvoir cloner les humains et d'avoir même réussi l'expérience en clonant un bébé Ève, mais sans avoir été en mesure de le prouver au public. La cours décida en faveur du gouvernement suisse à l'unanimité qu'il n'y avait pas eu violation de la liberté religieuse, et par 5 voix contre 2 qu'il n'y avait pas eu violation de la liberté d'expression des requérants en raison des accusations graves et «inquiétantes» qui ont été porté à la secte et parce que je rejet de la demande était «nécessaire dans une société démocratique.»

In brief:
The Raelien Movement alleged that Switzerland had violated its right to freedom of religion and expression under Article 9 and 10 of the Convention by refusing to let the religious association display a poster promoting the movement in a public space. The poster (97x69 cm) showed the following messages: «The message given by the Aliens» and «Science finally replaces religion.» It also indicated the website of the movement and a phone number to contact them. The authority denied the request because of a French parliamentary report on sects published in 1995 and a civil court ruling in Sarine, a Switzerland district, which exposed the association as «a dangerous sect» that engaged in activities such as cloning, «geniocracy» and «sexual meditation.» Raël, the founder and prophet of the sect, was also accused of theoretically extolling pedophilia and incest. Because of the severity of the accusations, the Court decided in favor of Switzerland that it was «necessary in a democratic society» to reject the request made by the applicants, and therefore there had been no violation of Article 9 and 10 of the Convention.

[en français seulement]
Accommodation: 0
Amenagement: 0

AFFAIRE BOYCHEV ET AUTRES c. BULGARIE
27 janvier, 2011

Summary of the case:
Dans ce cas, les trois premiers requérants sont des Bulgares faisant partis de l'Association de l'unification, elle aussi requérante se plaignent «de l'intervention de la police au cours d'un rassemblement religieux, ainsi que du refus d'enregistrement de l'association en tant que confession.» L'Église de l'unification, aussi connue sous le nom d'Association de l'Esprit Saint pour l'unification du christianisme mondial, fut prétendument victime d'une perquisition policière le 6 avril 1997, lors d'une des réunions de l'association. Une des requérantes raconte que les policiers étaient entrés dans sa demeure, où se tenait la réunion, procéda à un contrôle d'identité de toutes les personne présentes à la réunion et à la perquisition de plus items appartenant aux adeptes du groupe tels que des livres, des cassettes VHS, des formulaires d'adhésion ainsi qu'un téléviseur et un magnétoscope. Lorsque les autorités bulgares furent averties, elles appuyèrent les interventions, car «les réunions était considérées comme illégales dans la mesure où l'organisation religieuse n'était pas enregistrée et reconnue en Bulgarie.» Les 17 et 22 avril, une des requérante s'adresse directement au procureur de district et à la DRAI afin de récupérer les objets perquisitionnés lors de l'intervention, mais seulement le téléviseur et le magnétoscope furent remis à la plaignante. Les requérants demandèrent alors indemnisation et le retour de tous les objets saisis auprès du système de justice bulgare en soutenant «que la perquisition et la saisie effectuées étaient irrégulières dans la mesure où rien n'indiquait que le rassemblement des membres de leur église était illégal.» Le système de justice bulgare rejeta les demandes des requérants en affirmant que les autorités avaient agis selon la loi, et donc qu'aucune mesure disciplinaire ne serait être justifiée. En décembre 1998, le président du conseil d'administration de l'association qui est également un des requérant, M. Boychev, déposa une demande d'enregistrement de l'association en tant que confession «en vertu de l'article 6 de la loi sur les confessions.» Lorsque le délais de réponse prescrit par la loi passa, le président communiqua directement avec le gouvernement qui l'informa au téléphone que la demande avait été rejetée par le Conseil des ministres, parce que cette dernière n'était pas conforme aux exigences, car «une grande partie des textes des documents présentés à l'appui étaient imprécis et incomplets.» Après de nombreuses tentatives infructueuses menées auprès de la justice pour renverser la décision du Conseil des ministres, les requérants ne virent d'autre option que de présenter leur cas devant la Cour européenne des droits de l'homme. La Cour décida à l'unanimité qu'il y a eu violation de l'Article 9 de la Convention par la Bulgarie, car non seulement elle considère qu'il y a eu ingérence de l'État dans les affaires religieuses du groupe et ce, sans réel fondement légal mais elle considère également que l'absence de décision formelle sur la demande d'enregistrement faite en 1998 et le délai de réponse excessif étaient illégitimes.

In brief:

In this case, the applicants, the Unification Church and three of its followers lodged a complaint against the government of Bulgaria because they alleged that the government violated their freedom of religion by refusing to register the association as an official religion? and by interrupting one of their meetings with a police search that sis not have sufficient legal basis. The Court decided unanimously in favor of the applicant that there had been a violation of Article 9 of the Convention, not only because the Court considers that there was no legal grounds for the state to interfere by allowing police searches but also because of the absence of a formal response to the group's request to be granted legal status in 1998 and the excessive response time to the demand.

[en français seulement]
Accommodation: 0
Amenagement: 0

AFFAIRE ASSOCIATION LES TÉMOINS DE JÉHOVAH c. FRANCE

June 30, 2011

Summary of the case:
Dans ce cas, l'appliquant qui se trouve à être l'Association des Témoins de Jéhovah, se plaints que «la taxation des dons manuels à laquelle elle a été assujettie porte atteinte à son droit de manifester et d'exercer sa religion garanti par l'article 9 de la Convention.» L'Association se perçoit comme une branche du christianisme, puisqu'elle est entièrement fondée sur la bible et rassemble plus de 17 millions de croyants à travers le monde, dont 250 000 en France. En 1995, un rapport parlementaire intitulé «Les sectes en France», incorporait le mouvement des Témoins de Jéhovah aux mouvements sectaires français, ce qui engendra une marginalisation des adeptes du groupe. Suite à cela, l'Association fit l'objet d'un contrôle fiscal de 1995 à 1999 qui prouva le caractère non lucratif du groupe. Le gouvernement français demanda à l'Association, de verser des frais atteignant presque le 46 000 000 d'euros, comprenant la taxation pour les offrandes données par les adeptes et les frais de retard, ce qui équivaut à une taxation de 60%. Parce que le groupe n'est pas considéré comme une religion, ce dernier n'a pas droit à l'exonération prévue pour les associations cultuelles sur les offrandes.
La cours décida en faveur de l'Association qu'il y a eu violation du droit à la liberté de religion, sous l'Article 9 de la Convention par la République française déclara que la somme demandée par celle-ci était «disproportionnée.»

In brief:
In this case, the applicant, the Association of Jehovah's Witnesses, complained that the French government had violated its right of religious freedom under Article 9 of the Convention by not giving them exemption for taxes on charitable donations. Following a tax audit, the Association was asked to give back 60% of their charitable donations made between 1995 and 1999, in addition to late fees. The Court ruled in favor of the applicant and stated, for the first time, that that France had violated its right of religious freedom, under Article 9 of the Convention.

[en français seulement]
Accommodation: 0

Amenagement: 0

AFFAIRE SIEBENHAAR c. ALLEMAGNE

3 février, 2011

Summary of the case:

Dans ce cas, la requérante, Astrid Siebenhaar, alléguait que son licenciement par l'Église protestante d'une garderie d'enfant tenue par une paroisse protestante, en raison de ses affiliations à une autre communauté religieuse constituait une violation de sa liberté de religion sous l'Article 9 de la Convention. En 1997, la requérante, qui est de confession catholique, fut embauchée par une paroisse protestante dont le contrat stipulait que les lois du travail de l'Église protestante s'appliquaient également ce contrat de travail et que l'Église pouvait prononcer un licenciement sans préavis pour motif important. «L'Église dit avoir été informée par voie anonyme que la requérante était membre d'une communauté appelée l'Église universelle/Fraternité de l'humanité et qu'elle y donnait des cours d'initiation. Une rencontre formelle eut lieu entre Mme Siebenhaar et le comité du personnel, suite à laquelle, le 16 décembre 1998, il fut décidé que la requérante serait retirée de ses fonctions à partir du 1er janvier 1999. Elle intenta une poursuite au tribunal du travail qui se rangea du côté de l'Église en affirmant que le fait qu'elle ait enfreint ses obligations de loyauté envers l'Église protestante constituait un motif de licenciement valable, puisque celle-ci était en droit de demander la loyauté de ses employés. Elle tenta d'aller en appel pour la décision, mais la cour sa rangea une fois de plus du côté de l'Église. Elle apporta ensuite sa cause à la Cour fédérale du travail, qui se mit d'accord avec les jugements précédemment émis par la cour du travail en parti car «la Cour fédérale du travail releva que la requérante avait caché son appartenance à l'Église universelle lors de son embauche. La Cour estima qu'on aurait pu attendre de la requérante qu'elle en eût informé l'Eglise protestante dans le but de prévoir des solutions en cas d'éventuels conflits de loyauté.» La Cour Européenne des Droits de l'Homme décida en faveur du défendant, en affirmant que la requérante aurait dû mettre l'Église au courant de ses allégeances religieuses, puisque celle-ci étaient incompatible avec son poste pour l'Église protestante. De plus, la Cour affirma que les cours du travail allemandes avaient pris tous les facteurs en considération et avaient émis des jugements justes, raisonnables et réfléchis.

In brief:

In this case, the applicant, Astrid Siebenhaar, was dismissed from her job as a childcare assistant in a day nursery run by a Protestant parish because of her commitment to another religious community. The applicant alleged that the dismissal violates her right to religious freedom under Article 9 of the Convention. The case was brought in front of the town's Labour Court, and the federal Labour Court, but both courts decided in favor of the Church, because her employment contract clearly stated that «the labour law provisions for staff of the Protestant Church were applicable to her contract, which provided in particular that employees were obliged to be loyal to the Church.» The Church learned, from an anonymous source, that the applicant was a member of another religious group called the Universal Church/Brotherhood of Humanity and that «she was also offering primary lessons in the teachings of that community.» An official hearing was held between the applicant and the staff committee, and subsequently,

Ms Siebenhaar was dismissed without notice. The European Court of Human Rights found that the German labour courts' findings were reasonable and that the applicant «should have been aware from the moment of signing her employment contract that her activities for the Universal Church were incompatible with her work for the Protestant Church.» The Court decided in favor of the defendant that the applicant's dismissal was necessary, to preserve the Church's credibility.

[en français seulement]
Accommodation: 0
Amenagement: 0

AFFAIRE WASMUTH c. ALLEMAGNE
17 février, 2011

Summary of the case:
Dans ce cas, le requérant, Johannes Wasmuth, intente une poursuite judiciaire contre le gouvernement Allemand parce qu'il se plaint que «la mention sur sa fiche d'imposition sur le revenu qui indique son non-appartenance à une société religieuse habilitée à lever l'impôt cultuel a enfreint plusieurs articles de la Convention», dont l'Article 9 qui assure le droit à la liberté religieuse. Sur la carte d'imposition sur le salaire du requérant pour l'année 1997 figurait, à la case «prélèvement de l'impôt cultuel» la mention «--». Pourtant, l'année précédente, en 1996, M. Wasmuth avait fait la demande auprès de sa municipalité que lui soit délivrée une carte d'imposition sans aucune mention relative à l'appartenance religieuse, car d'après lui, on enfreignait «son droit de ne pas déclarer ses convictions religieuses et qu'il n'y avait pas de base légale pour le prélèvement de l'impôt cultuel par le Trésor public.» Après que la Cour municipale ait rejetée sa demande en 1997 et 1998, il la déposa auprès de la Cour fédérale des finances en 2001, qui la rejeta également en maintenant que les autorités fiscales étaient «en droit de relever les informations nécessaires concernant les affiliations ou non-affiliations religieuses de ses employées», et ce, afin d'éviter que les citoyens ne versent indûment des taxes aux Églises. Dans sa décision, bien que la Cour Européenne des Droits de l'Homme affirme que l'obligation d'informer son employeur de son non-affiliation à un groupe religieux constituait une violation de son droit de ne pas indiquer ses allégeances religieuses, elle conclu tout de même que cette obligation ne enfreignait pas la liberté religieuse du requérant, selon l'Article 9 de la Convention. La Cour affirme que parce que l'information n'était pas destinée à un usage public et qu'on ne demandait pas au requérant de justifier ses allégeances ou non-allégeances, «l'obligation imposée à M. Wasmuth n'était pas disproportionnée au but poursuivi.»

In brief:
In this case, the applicant, Mr. Wasmuth, complained that his right to religious freedom was violated by the German government because of the «compulsory disclosure on his wage-tax card of his non-affiliation with a religious society authorized to levy religious tax.» In Mr. Wasmuth's alleged that the obligation to share his affiliation or non-affiliation with a religious group breached his right to not indicate his religious convictions while, on the other side, the German

government alleged that the information served to «exempt him paying church tax unduly.» The European Court of Human Rights decided in favor of the defendant stating that «in the circumstances of this case, the obligation imposed was not disproportionate to the aims pursued» since the tax card wasn't used in public and the government did not ask the applicant to explain his religious status or conviction.

[en français seulement]
Accommodation: 0
Amenagement: 0

AFFAIRE AHMET ARSLAN ET AUTRES c. TURQUIE
23 février, 2011

Summary of the case:
Dans ce cas, les requérants, soit M. Ahmet Arslan ainsi que 126 autres, se plaignent que le Gouvernement turque les a injustement condamné «pour avoir manifesté leur religion à travers leur tenue vestimentaires, au mépris de leur droit à la liberté de religion garanti par l'Article 9 de la Convention.» Les 127 requérants font tous partis d'un même groupe religieux, *Aczimendi tarikati*, basé sur les préceptes de Müslim Gündüz, qui est également le chef du groupe qui se formé en 1986. Lors d'une cérémonie religieuse organisée dans une mosquée de la ville de Ankara le 20 octobre 1996, les requérants furent arrêtés et placés en garde à vue, dû à la tenue «caractéristique du groupe» : la tenue, complètement noire, est composée d'un turban, d'une «salvar», d'une tunique et d'un bâton rappelant «selon [groupe], celle des principaux prophètes, notamment le Mohammed.» Ils furent tous accusé, selon une nouvelle loi relative à la lutte contre le terrorisme, d'avoir créé et organisé des activités visant des fins fondamentalistes et qui seraient liées au terrorisme. Lors de leur comparution, les membres de la secte se présentèrent vêtus de leur tenue religieuse, malgré l'avertissement des gendarmes. Le président de la cours demanda aux adeptes d'enlever leur turban, «en signe de respect envers le tribunal» et en leur expliquant que selon les coutumes des juridictions en Turquie, les femmes pouvaient comparaître la tête couverte, mais pas les hommes. Seulement trois des hommes acceptèrent d'enlever leur turban, tandis que les autres refusèrent en expliquant que le port de celui-ci était dicté par leur croyance. Une action publique fut intentée contre les requérants pour infractions à aux lois relative au port du chapeau et aux tenues religieuses en dehors des lieux de cultes et cérémonies. Les requérants furent condamnés à 2 mois d'emprisonnement, et ce, malgré l'opposition de ces derniers qui affirmèrent que la condamnation était injuste puisque «les habits qu'ils portaient *lors du délit* ne représentaient aucun pouvoir ou autorité religieux reconnus par l'État.» La cour vota, à six voix contre une, qu'il y a bel et bien eu violation de l'Article 9 de la Convention parce que «la laïcité impose des obligations à l'État, et non aux individus, dont on attend toutefois qu'ils se comportent conformément aux exigences de l'ordre public» et d'après la cour, la tenue portée par les requérants n'entrait pas en conflit avec les dispositions des lois prévu à cet effet.

In brief:
In this case, a group of 127 applicants sued the Turkish government because they alleged that they were unfairly condemned for demonstrating their religion through their clothing, in

violation of their right to religious freedom according to Article 9 of the Convention. The applicants belong to a religious group called Aczimendi tarikati*, based on Islamic precepts, which requires them to wear an outfit resembling the prophet Mohammed's; they are completely dressed in black, with a tunic, a turban, a "salvar" and a stick. They were arrested during a religious ceremony, while they were touring the streets because, according to a new anti-terrorism law, the government accused them of organizing activities linked to fundamentalism and terrorism. During the Court's hearing, they were asked to remove their turban, on the grounds that «according to Turkey's jurisdiction, only women were allowed to appear in Court with their head covered.» The majority of the applicants refused to remove the religious symbol and they were sentenced to 2 months of jail time. They appealed their conviction, but without success. The European Court of Human Rights voted in favor of the applicants, because «the clothing worn did not represent any religious power or authority that was recognised by the State» and also because the applicants weren't representing a threat for public order.*

[en français seulement]
Accommodation: 0
Amenagement: 0

CASE OF LAUTSI AND OTHERS v. ITALY
18 mars, 2011

Summary of the case:
In a previous decision made by the Second Section of the European Court of Human Rights in the case of Lautsi v. Italy, it was decided that the presence of a crucifix a public school in Italy, violated the right to freedom of religion. The Court stated: «[The Court] considers that the compulsory display of a symbol of a particular faith in the exercise of public authority in relation to specific situations subject to governmental supervision, particularly in classrooms, restricts the right of parents to educate their children in conformity with their convictions and the right of schoolchildren to believe or not believe. It is of the opinion that the practice infringes those rights because the restrictions are incompatible with the State's duty to respect neutrality in the exercise of public authority, particularly in the field of education.» Many European countries such as Albania, Austria, Croatia, Hungary, Moldova, Poland, Serbia, Slovakia, and Ukraine highly criticized the judgment because they felt members of the Chamber didn't «respect the national identities and religious traditions» the country. Half of the Member States of the Council of Europe and several NGOs opposed to the decision and joined Italy to appeal the decision to the Grand Chamber. On March 18 2011, the Court announced to overturn the ruling made by the lower Chamber and to authorize Crucifixes in public schools because, as the Court stated that "a crucifix on a wall is an essentially passive symbol and (...) cannot be deemed to have an influence on pupils comparable to that of didactic speech or participation in religious activities" and therefore, does not indoctrinate children. The Court also declared that it «respects each State's own definition and application of secularism as a primary concern, rather than uniformly imposing a one-size-fits-all definition of secularism on all Member States.»

[in English]

Accommodation: 0
Amenagement: - Instead, they use other words such as «**planning**», «**setting**» and «**organize**».

1. According to those authorities, the setting and planning of the curriculum fall within the competence of the Contracting States. In principle it is not for the Court to rule on such questions, as the solutions may legitimately vary according to the country and the era.**(p.26 para.5)**
2. In general, the Court considers that where the organization of the school environment is a matter for the public authorities, that task must be seen as a function assumed by the State in relation to education and teaching, within the meaning of the second sentence of Article 2 of Protocol No. 1. **(p.27 para. 5)**
3. That applies to organization of the school environment and to the setting and planning of the curriculum (as the Court has already pointed out: see essentially the judgments cited above in the cases of *Kjeldsen, Busk Madsen and Pedersen*, §§ 50-53; *Folgerø*, § 84; and *Zengin*, §§ 51-52; paragraph 62 above). **(p.28 para. 6)**
4. The Court refers on this point, *mutatis mutandis*, to the previously cited *Folgerø* and *Zengin* judgments. In the *Folgerø* case, in which it was called upon to examine the content of "Christianity, religion and philosophy" (KRL) lessons, it found that the fact that the syllabus gave a larger share to knowledge of the Christian religion than to that of other religions and philosophies could not in itself be viewed as a departure from the principles of pluralism and objectivity amounting to indoctrination. It explained that in view of the place occupied by Christianity in the history and tradition of the respondent State – Norway – this question had to be regarded as falling within the margin of appreciation left to it in planning and setting the curriculum (see *Folgerø*, cited above, § 89). **(p.29 para. 6)**
5. The Government indicated in this connection that it was not forbidden for pupils to wear Islamic headscarves or other symbols or apparel having a religious connotation; alternative arrangements were possible to help schooling fit in with non-majority religious practices; the beginning and end of Ramadan were "often celebrated" in schools; and optional religious education could be organised in schools for "all recognised religious creeds" (see paragraph 39 above). **(p.30 para. 4)**
6. Italy opens up the school environment in parallel to other religions. The Government indicated in this connection that it was not forbidden for pupils to wear Islamic headscarves or other symbols or apparel having a religious connotation; alternative arrangements were possible to help schooling fit in with non-majority religious practices; ... and optional religious education could be organised in schools for 'all recognised religious creeds'..." (see paragraph 74 of the judgment). **(p.37 para. 2)**
7. These principles are valid not only for the devising and planning of the *school curriculum*, which are not in issue in the present case, but also for the *school environment.* **(p.49 para. 3)**

[en français]
Accommodation: 0
Aménagement: 9

1. Selon cette jurisprudence, la définition et l'aménagement du programme des études relèvent de la compétence des Etats contractants. Il n'appartient pas, en principe, à la Cour de se prononcer sur ces questions, dès lors que la solution à leur donner peut légitimement varier selon les pays et les époques. **(p.27 para.4)**

2. Il n'en reste pas moins que, comme la Cour l'a d'ailleurs déjà mis en exergue, l'obligation des Etats contractants de respecter les convictions religieuses et philosophiques des parents ne vaut pas seulement pour le contenu de l'instruction et la manière de la dispenser : elle s'impose à eux «dans l'exercice» de l'ensemble des «fonctions.» […] Cela inclut sans nul doute l'aménagement de l'environnement scolaire lorsque le droit interne prévoit que cette fonction incombe aux autorités publiques. **(p.28 para. 2)**
3. D'un point de vue général, la Cour estime que lorsque l'aménagement de l'environnement scolaire relève de la compétence d'autorités publiques, il faut voir là une fonction assumée par l'Etat dans le domaine de l'éducation et de l'enseignement, au sens de la seconde phrase de l'article 2 du Protocole no 1. **(p.28 para. 4)**
4. Cela vaut pour l'aménagement de l'environnement scolaire comme pour la définition et l'aménagement des programmes (ce que la Cour a déjà souligné : voir essentiellement, précités, les arrêts *Kjeldsen, Busk Madsen et Pedersen,* §§ 50-53, *Folgerø,* § 84, et *Zengin*, §§ 51-52 ; paragraphe 62 ci- dessus). La Cour se doit donc en principe de respecter les choix des Etats contractants dans ces domaines, y compris quant à la place qu'ils donnent à la religion, dans la mesure toutefois où ces choix ne conduisent pas à une forme d'endoctrinement (*ibidem*). **(p. 29 para. 7)**
5. La Cour renvoie sur ce point, *mutatis mutandis*, à ses arrêts *Folgerø* et *Zengin* précités. Dans l'affaire *Folgerø,* dans laquelle elle a été amenée à examiner le contenu du programme d'un cours de « christianisme, religion et philosophie» («KRL»), elle a en effet retenu que le fait que ce programme accorde une plus large part à la connaissance du christianisme qu'à celle des autres religions et philosophies ne saurait passer en soi pour une entorse aux principes de pluralisme et d'objectivité susceptible de s'analyser en un endoctrinement. Elle a précisé que, vu la place qu'occupe le christianisme dans l'histoire et la tradition de l'Etat défendeur – – la Norvège — , cette question relevait de la marge d'appréciation dont jouissait celui-ci pour définir et aménager le programme des études (arrêt précité, § 89) **(p.30 para. 5)**
6. Le Gouvernement indique ainsi notamment que le port par les élèves du voile islamique et d'autres symboles et tenues vestimentaires à connotation religieuse n'est pas prohibé, des aménagements sont prévus pour faciliter la conciliation de la scolarisation et des pratiques religieuses non majoritaires, le début et la fin du Ramadan sont « souvent fêtés » dans les écoles et un enseignement religieux facultatif peut être mis en place dans les établissement pour « toutes confessions religieuses reconnues » (paragraphe 39 ci-dessus). **(p. 31 para. 4)**
7. Le Gouvernement indique ainsi notamment que le port par les élèves du voile islamique et d'autres symboles et tenues vestimentaires à connotation religieuse n'est pas prohibé, des aménagements sont prévus pour faciliter la conciliation de la scolarisation et des pratiques religieuses non majoritaires, (...) et un enseignement religieux facultatif peut être mis en place dans les établissements pour «toutes confessions religieuses reconnues» (paragraphe 74 de l'arrêt). **(p. 38 para. 3)**
8. Ces principes sont valables non seulement pour l'élaboration et l'aménagement des *programmes scolaires,* qui ne sont pas en cause dans la présente affaire, mais également pour l'*environnement scolaire.* **(p. 51 para. 3)**