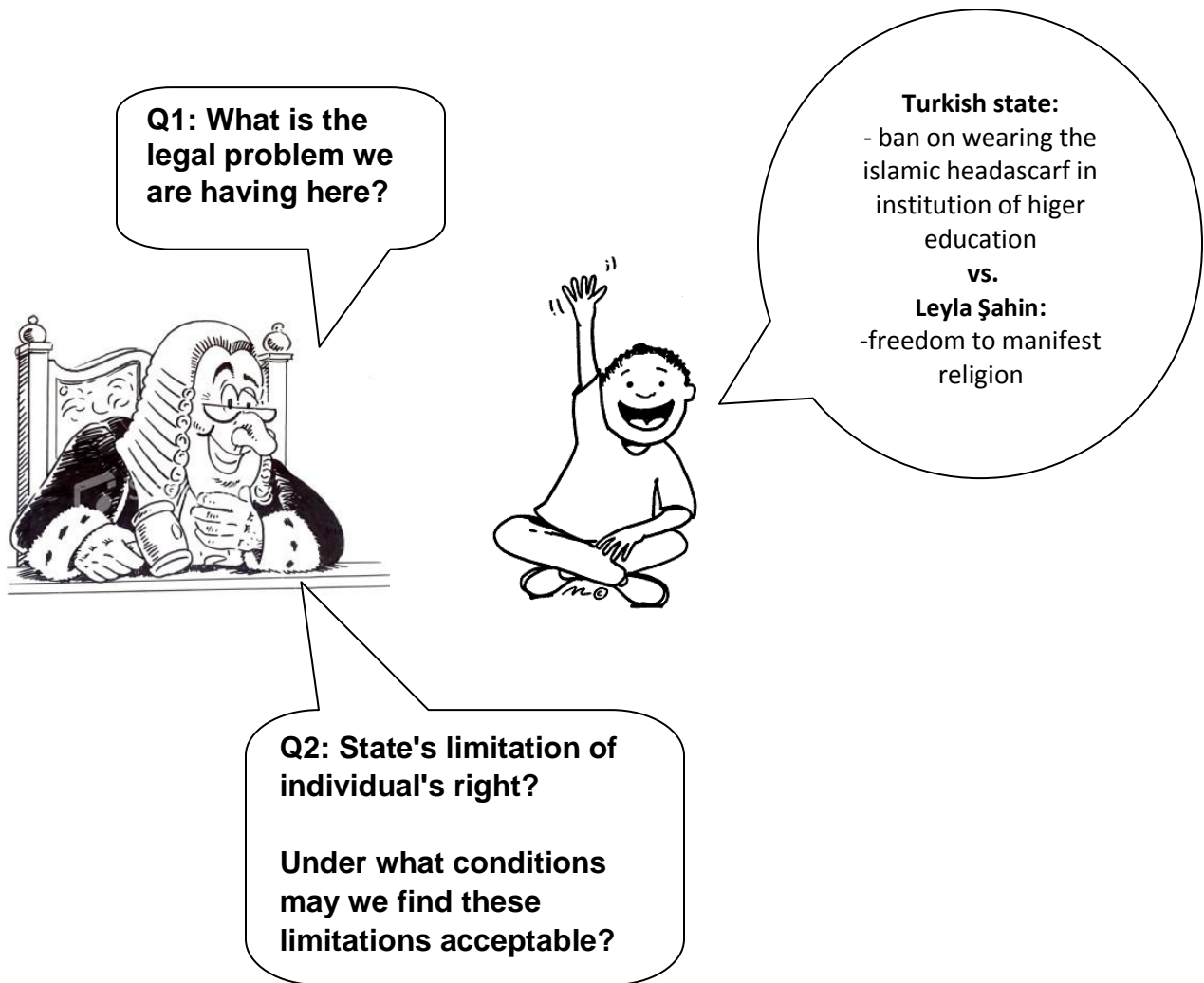


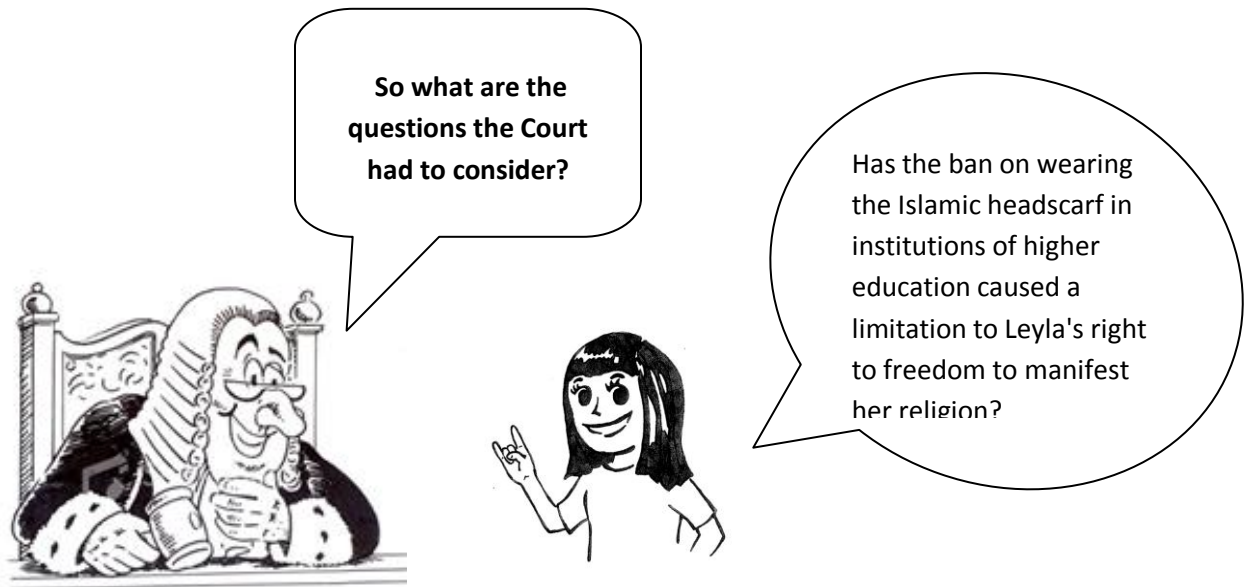
The case before the ECHR:



A: What does The Convention say?

"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.**"



IF SO:

Was this limitation:

a)prescribed by law?

The limitation wasn't an arbitrary decision made by someone in charge, it had to be rooted in the law: clear, precise and accessible to everyone?

b)pursuing a legitimate aim?

The limitation can only be established in the interests of **public safety, order, health or morals, or for the protection of rights and freedoms of others**. Only these reasons are able to *justify* the limitations.

c)necessary in a democratic society?

In addition to the limitation being justified in principle, is it really necessary in a democratic society? Are the consequences of such an interference proportionate to the aim pursued?



Interference with the freedom to manifest religion? <input checked="" type="checkbox"/> /X	Prescribed by law <input checked="" type="checkbox"/> /X	Legitimate aim <input checked="" type="checkbox"/> /X Protecting public order and rights and freedoms of others	Necessary in a democratic society? <input checked="" type="checkbox"/> /X
Leyla's decision to wear the Islamic headscarf was motivated and inspired by a religion, and thus the restriction constituted and interference to manifest here religion.	a) Turkish Constitutional Court had previously found that hair covered on religious grounds in universities is contrary to the Constitution.	a) The state needs so remain secular in order to ensure everyone equal protection of their right to freedom of religion and to protect from extremist movements seeking to impose their religious percept to society as a whole.	a) The decisions are a product of many years and wide public debate within Turkish society and the teaching profession b) Other habitual forms of Muslim observance were still allowed
	b) Restrictions on wearing the Islamic headscarf on Istanbul University premises existed since 1994, even though the notice introducing liability for doing so wasn't introduced since February 1998.	b) University is a place of pluralism and gender equality; what kind of impact would wearing such a symbol, presented or perceived as a compulsory duty, have on those who choose not to wear it in a country where majority of population is Muslim?	c) The ruled on dress were to be applied in relation to medical courses only.