The conclusions reached in the previous section give some guidance as to how the jurisprudence of the court is to be understood and how cases in which applicants argue that their freedom to manifest their religion or belief has been trenched upon as a result of their being unable to display or wear items of symbolic significance to them may be resolved by the Court. The previous section also indicated the potential breadth of the topic and emphasised that it is not wise to make any *a priori* assumptions regarding the meaning of the key terms and issues upon which this Manual focusses. Although these are important conclusions, it must be acknowledged that they do not offer as much practical assistance to domestic policy makers as they might wish to be given. Domestic policy makers are likely to want specific guidance on the extent to which they are able to regulate the wearing of religious symbols either in general or in particular contexts, rather than an understanding of how the Court is likely to determine whether their decisions are compliant with the Convention and the principles and approaches it will draw on whilst doing so. Moreover, for all its possible ambiguities and extensions, there remains a very clear core to the question which involves items of clothing or religiously significant objects which mark out a person as being an adherent of a particular form of religion or belief system. The purpose of the final sections of this Manual is to offer such guidance, based on examples provided by the case-law of the European Court of Human Rights.

It needs to be stressed at the outset that this cannot be taken as offering ‘definitive’ guidance in relation to any particular heading since, in the final analysis, what is or is not appropriate will be context driven. The Court has made it clear that the state enjoys a broad margin of appreciation in determining how to give effect to its responsibilities as the neutral and impartial organiser of religious life whilst
ensuring the fullest possible enjoyment of the freedom of religion or belief that is consistent with respect for the rights and freedoms of others. Moreover, conceptions of the proper balance to be struck have changed over time, and will continue to do so. The Court has itself recognised this, summing up the situation as follows:

‘... the meaning or impact of the public expression of a religious belief will differ according to time and context. Rules in this sphere will consequently vary from one country to another according to national traditions and the requirements imposed by the need to protect the rights and freedoms of others and to maintain public order.’

It follows from this not only that the approaches adopted in some earlier cases may be less pertinent today but that even contemporary approaches may not necessarily be relevant in other states and in other contexts. However, bearing in mind these caveats, it is possible to identify categories of situations in which some common approaches are discernable and which either directly or by analogy offer some illustrative guidance to those setting domestic policy or implementing generic guidance in an operational setting.

(A) The Basic Framework: A Brief Recapitulation

Since this section of the Manual may be read in its own right, it is prudent to begin by re-iterating the basic elements of the Article 9 framework relevant to this exercise. The first is that everyone has the right to manifest their religion or belief in teaching, worship, practice and observance. Although this does not expressly refer to the right to manifest religion or belief through the wearing or display of items of religious significance, the Court has been reluctant to dismiss claims on this basis. Thus in the case of the Moscow Branch of the Salvation Army v. Russia the Court accepted without question that the wearing of militaristic style uniforms was a manifestation of their beliefs. In Leyla Şahin v. Turkey the Court proceeded on a slightly different basis, noting that the applicant claimed that, ‘by wearing the headscarf, she was obeying a religious percept and thereby manifesting her desire to comply strictly with

1 Leyla Şahin v. Turkey [GC], op.cit., para 109.
2 Moscow Branch of the Salvation Army v. Russia, op.cit., para 92.