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ECHR Judgement Summary:

Noting that the Welfare Party had pledged to set up a regime based on sharia law, **the Court found that sharia was incompatible with the fundamental principles of democracy** as set forth in the Convention. It considered that “sharia, which faithfully reflects the dogmas and divine rules laid down by religion, is stable and invariable. Principles such as pluralism in the political sphere or the constant evolution of public freedoms have no place in it”.

According to the Court, it was difficult to declare one’s respect for democracy and human rights while at the same time supporting a regime based on sharia, which clearly diverged from Convention values, particularly with regard to its criminal law and criminal procedure, its rules on the legal status of women and the way it intervened in all spheres of private and public life in accordance with religious precepts.

Source: “Annual Report 2003 of the European Court of Human Rights, Council of Europe”

Copy of the report from the ECHR
website: http://www.echr.coe.int/Documents/Annual_report_2003_ENG.pdf

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Author(s):

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Summary:

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