

Summary

The European continent has been plagued by religious-based conflicts for centuries. While in the past the conflicts arose from disputes between the Catholic and the Protestant church, the main source of the conflicts nowadays is migration to European countries. The migration is what brings significant religious and cultural differences into the functioning traditional European society. One of the currently most discussed topics according to conflicts in Europe is the presence of religious symbols in public spaces. At this point new coming religion symbolized by the Muslim headscarf clashes the traditional religion adhered to by majority and in public areas symbolized by the Christian cross. Except for the conflict between the religions the dispute arises also between religions and the principle of secularism.

The aim of my thesis is to analyze the issue of religious symbols in public area, not only in terms of religious freedom, but also in terms of equality and discrimination, protection of the rights of minorities, right to education and gender equality, as these are the issues that need to be considered in its complexity. In the thesis will further examine the question of whether and under what conditions it is possible to limit the demonstration of religious symbols in public areas and in this context I will also address the so called five-step test, which the European Court of Human Rights (hereinafter referred to as "ECHR") uses in the evaluation of this issue. The thesis also examines whether it is possible to apply unified solution in Europe according to the presence of religious symbols in public areas. The results of the case study of the ECHR lead to different conclusions with regard to the abovementioned religious symbols. ECHR perceives the symbol of the Christian cross generally positive and also legitimizes its demonstration in public areas, whereas the Muslim headscarf, on the contrary, is approached as a negative symbol that represents a threat to democratic values of the European countries. The prejudice against the Muslim headscarf, i.e. the headscarf being represented as a threat to democratic values, prevents perception and setting of the symbol in the overall context. Only after the actual observation of the symbol in its overall context it is possible to properly evaluate the impact of the religious symbol on society in specific circumstances.

This thesis is composed of three chapters. The first chapter examines international, national and European sources dealing with religious freedom. Further the focus is on the term of religious freedom, which is divided to positive and negative religious freedom, or to

so called forum internum and forum externum followed by the associated limitations and legitimacy assessment when applying the ECHR five-stage test.

In the second chapter I examine interconnectedness between the terms religious freedom and principle of equality and the associated prohibition of discrimination. I further categorize discrimination into direct and indirect and also explain the concept of religious minorities and the possibilities of its protection.

The last chapter, which is the substance of my thesis, addresses to the very issue of the Muslim headscarf and Christian crosses in public areas. The final chapter is based on the case study of the ECHR and my evaluation of different approaches applied to the religious symbols mentioned above.

The thesis is methodologically based on the case study of the ECHR, followed by Czech and foreign professional literature and articles. International treaties, primary and secondary law of EU and national legislation can be also listed as sources of information in my thesis.