

Abstract

The issue of religious symbols in European public has become very often discussed by lawyers, politicians and sociologists as well as by the lay public. This diploma thesis is trying to contribute to these discussions by comparison of case-law of European courts in the cases concerning religious symbols. The thesis therefore analyses the legal sources providing protection of religious freedom and the individual decisions of European courts regarding the presence of religious symbols in public.

The thesis is divided into five chapters. The first chapter is providing the detailed analyse of the protection freedom of religion in European Convention on Human Rights and in the primary law of European Union. Then, it explains the principles of secularism and state neutrality and describes the models of relations between state and religion in Europe.

The chapter two contains the introduction to the issue of religious symbols in public. The notion of “religious symbol” and “public” in the context of law is explained there. Further, it focuses on the limitations of religious symbols in public and the prohibition of concealment enacted in some of European countries.

In chapter three, the cases of religious symbols in public schools are presented. The majority of European states has an interest in preserving the religiously neutral environment at schools and therefore many cases of prohibition of religious symbols could be found there. The controversial cases of crucifixes in states schools and cases of religious garment worn by teachers and pupils are analysed there.

Religious symbols at the workplace are discussed in the chapter four. At the workplace, the religious interests of employees often clash with the different interests of employer or other co-workers. Therefore, the chapter deals with the prohibitions of the wearing of Islamic headscarf at work as well as other religious symbols such as Christian crosses or Sikh turbans.

The last chapter is considering the limitations of religious symbols in public for the reasons of public safety. The cases included in the first subchapter are dealing with the compatibility of religious symbols with security checks and official photographs for identification purposes. The second subchapter focuses on the decisions of European Court of Human Rights in cases of laws prohibiting the concealment in public places.