

Current Frame of Religious Freedom in the System of European Protection of Human Rights

Abstract

This thesis deals with the topic of protection of Freedom of Religion in the System of European Protection of Human Rights. It begins with a description of the formulation of this freedom in the Convention for the Protection of Human Rights and Fundamental Freedoms, Charter of Fundamental Rights of the European Union and the legal systems of Germany, Austria and Czech Republic. The legal systems of Germany and Austria are very close to the Czech one, therefore the acquired knowledge might become an inspiration for considerations of possible future legislative changes in the Czech Republic (also considering that while the integration of other cultures is still a relatively new topic in here, the above mentioned other states have already much more experience on this field). Another reason why this choice was made is also a wide range of interesting court decisions concerning the topic of this thesis mainly in Germany, but also in Austria.

The description of the formulation of the Freedom of Religion in general is followed by the theoretical description and praxis of teaching Religion at public schools in the above stated countries. It is obvious from the comparison of the praxis in the aforementioned states that the historical development of the attitude to religion is of great importance.

One of the main points of this thesis is the topic of symbols. The general question of symbols is dealt with first, then the focus is on religious symbols and possibilities of their presence in educational facilities. In this regard the thesis deals with the placement of crosses and crucifixes in school classrooms, which is a topic that German, as well as Austrian courts have already dealt with in the past, although with a different outcome. Further on, the topic of wearing headscarfs by teachers and students is described, mainly on examples from German and Czech praxis.

A ban on burkas and niqabs is contained as well, also outside of educational facilities, mainly with regard to the decision of the European Court of Human Rights in the case *S.A.S. vs. France*, which confirmed that the French ban on burkas and niqabs at public is in accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms (in a later decision the same has been stated also for a similar ban in Belgium).

The next chapter describes the use and wearing of Religious Symbols at work, mainly with emphasis on the latest decisions of the Court of Justice of the European Union, which build mainly on the principle of non-discrimination (from religious reasons).

While working on this thesis I conducted an analysis of legal sources, mainly the latest court decisions concerning Religious Freedom. Based on that, I described the current legal situation, its problems and possible development in the future. Thanks to the granted scholarships I could also use the

ressources of the local libraries in Vienna and Passau, which was very helpful and allowed for a more detailed description of the local laws and praxis.

Key words

Freedom of Religion, Religious Symbols, ban on burkas and niqabs