

HUMAN
RIGHTS



Freedom of Religion: Recent ECtHR and CJEU Case Law

SEMINAR FOR LEGAL PRACTITIONERS
Strasbourg, 18-19 October 2018

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Human
Rights Law**



Speakers

Sanja Jovičić, Course Director, European Public Law Section, ERA, Trier

Yannis Ktistakis, Lawyer, Ktistakis & Associates Law Firm; Professor of Public International Law, Democritus University of Thrace, Komotini, Greece

Ronan McCrea, Professor of Constitutional and European Law, UCL Faculty of Law, London; Member of the Bar of England and Wales and the Bar of Ireland; former *Référendaire* at the Court of Justice of the EU

Daniel Rietiker, Senior Lawyer, European Court of Human Rights, Strasbourg

Robert R. Spano, Judge, European Court of Human Rights, Strasbourg

Miroslaw Wróblewski, Head of the Constitutional, European and International Law Department, Office of the Polish Ombudsman, Warsaw

Carla Zoethout, Professor of Constitutional Law, Faculty of Humanities and Law, Open University, the Netherlands; Associate Professor of Constitutional Law, Faculty of Law, University of Amsterdam

Key topics

- Freedom of religion at national and international levels
- The State's duty of neutrality
- Places of worship and religious practice
- Conscientious objectors
- Religious education
- Religious symbols and clothing
- Relationship between the State and religious communities

Venue

ERAGE
4 Rue Brûlée
Strasbourg, France

Language
English

Event number
418D86

Organiser
Sanja Jovičić, ERA



With the support of the Erasmus+
programme of the European Union

Freedom of Religion: Recent ECtHR and CJEU Case Law

Thursday, 18 October 2018

OPTIONAL VISIT TO THE EUROPEAN COURT OF HUMAN RIGHTS

The visit will include the screening of a documentary.

- 9:30 Arrival at the main entrance of the Human Rights Building (please bring a form of identification document)
- 9:45 General presentation about the role and the work of the Court
- 10:30 End of visit to the Court

START OF THE PROGRAMME

I. SETTING THE SCENE

- 13:00 Arrival and registration of participants at the École régionale des avocats Grand-Est
4 Rue Brûlée
Strasbourg
- 13:30 **Welcome and introduction**
Sanja Jovičić
- 13:40 **Freedom of religion and freedom from religion: the ECtHR, CJEU and national courts**
Carla Zoethout
- 14:15 Discussion

II. THE STATE AND RELIGIOUS COMMUNITIES

- 14:30 **The State's duty of neutrality and impartiality and scope of the State's control**
- Registration/recognition of a religious community (ECtHR case *Metodiev and Others v. Bulgaria*, no. 58088/08)
 - Public religious service (ECtHR case *İzzettin Doğan and Others v. Turkey*)
 - The State's margin of appreciation in choosing the forms of cooperation with the various religious communities
- Ronan McCrea*
- 15:15 Discussion
- 15:30 Coffee break
- 16:00 **Places of worship and religious practices**
- Administrative practices limiting the right under Art.9 ECHR (ECtHR case *Association for Solidarity with Jehovah's Witnesses and others v. Turkey*)
 - Eliminating or mitigating conflicts between religious communities (ECtHR case *Greek Catholic Parish Pesceana and Others v. Romania* (dec.), no. 35839/07)
 - Violence and hatred against a religious community (ECtHR case *Karaahmed v. Bulgaria*)
 - Protection of animal welfare at the time of slaughter (CJEU case *Liga van Moskeeën en Islamitische Organisaties Provincie Antwerpen and Others*)
- Yannis Ktistakis*
- 16:45 Discussion

III. RELIGIOUS SYMBOLS AND CLOTHING IN PUBLIC

- 17:00 **Freedom of religion at the workplace in Europe**
- CJEU cases *Achbita* (C-157/15) and *Bougnaoui* (C-188/15)

Objective

This seminar will provide participants with an update on the case law on freedom of religion as developed by the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU), focusing on judgments since 2015.

Who should attend?

Lawyers in private practice, judges, prosecutors and other members of the judiciary, staff of NGOs, legal aid services and equality bodies litigating cases involving human rights, and government agents.

You will learn...

- how to exercise the freedom of conscience and religion and how to handle possible restrictions
- how to solve cases involving issues related to freedom of religion
- how the ECtHR and the CJEU have interpreted their respective instruments in specific cases.

CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **6 CPD hours**.

Important note

Please foresee enough time (at least 15 minutes) before the Court visit for the **security check** at the entrance. Bring your **ID card** or other form of identification. No luggage can be brought into the Court's building.

Your contact persons



Sanja Jovičić
Course Director
E-Mail: SJovicic@era.int



Sabine Framing
Assistant
E-Mail: SFRaming@era.int

- Genuine and determining occupational requirement
- Significance of customers' preferences
- Definition of religion for purposes of discrimination
- Effective judicial review (*Egenberger, C-414/16*)

Ronan McCrea

17:45 Discussion

18:00 **Religious symbols and clothing**

- The notion of "protection of the rights and freedoms of others" as a legitimate aim
- Existence of an European consensus
- ECtHR cases: *Belcacemi and Oussar v. Belgium, Dakir v. Belgium, Hamidović v. Bosnia and Herzegovina, Sekmadienis Ltd. v. Lithuania*

Robert Spano

18:30 Discussion

18:45 End of first seminar day

20:00 Dinner

Friday, 19 October 2018

IV. CONSCIENTIOUS OBJECTION

9:00 **Conscientious objectors**

- Alternative military service (ECtHR case *Adyan and Others v. Armenia*)
- Procedure for examining claims for conscientious objector status (ECtHR case *Papavasylakis v. Greece*)

Mirosław Wróblewski

9:30 Discussion

V. RELIGION IN EDUCATION

9:45 **Children's right to education and parents' religious convictions**

- ECtHR case *Osmanoğlu and Kocabaş v. Switzerland*
- Weighting "social integration" against the parents' right to religious teaching

Daniel Rietiker

10:30 Discussion

10:45 Coffee Break

VI. PRACTICAL TIPS

11:15 **Submitting a case to the ECtHR: misconceptions and best practice**

- Admissibility criteria
- Interim measures
- Practical case study

Sanja Jovičić

12:15 Discussion

13:00 End of seminar

Dinner

After an intensive day of training on 18 October 2018 you are invited to a joint dinner at no extra cost.

How to travel to Strasbourg

Shuttle services or trains from the airports of Strasbourg (15 minutes), Karlsruhe/Baden-Baden (60 minutes), Basel-Mulhouse (80 minutes) and Frankfurt International (2.5 hours) to Strasbourg city/main station are available. Strasbourg is also well served by regional, national and international train services.

Upcoming Events

Asylum: Recent ECtHR Case Law

Strasbourg, 4-5 June 2018

Environmental Law: Recent ECtHR Case Law

Strasbourg, 20-21 September 2018

Employment and Labour Law: Recent ECtHR Case Law

Strasbourg, October 2018

Criminal Justice: Recent ECtHR Case Law

Strasbourg, 6-7 December 2018

Registration

Freedom of Religion: Recent ECtHR and CJEU Case Law

Strasbourg, 18-19 October 2018 / Event Number: 418D86



Europäische Rechtsakademie
Academy of European Law
Académie de Droit Européen
Accademia di Diritto Europeo

Registration

Fax: +49 (0) 651 93737-773

E-mail: info@era.int

Online registration:
www.era.int/?127479&en

Postal address:
ERA
Postfach 1640
D-54206 Trier

Location

ERAGE
4 Rue Brûlée
Strasbourg, France.

Language

English

Contact Person

Sabine Framing
Assistent
SFRaming@era.int
+4965193737421

I would like to register for the ERA event mentioned above.

Please update my address (see below) My address (above) is correct Please delete my address

PLEASE USE BLOCK CAPITALS:

Title	<input type="checkbox"/> Ms	<input type="checkbox"/> Mr	Other	<input type="text"/>
First Name	<input type="text"/>			
Surname	<input type="text"/>			
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Department	<input type="text"/>	Tel.	<input type="text"/>	
E-Mail	<input type="text"/>			
Street	<input type="text"/>			
Postcode/City	<input type="text"/>	Country	<input type="text"/>	

Evening programme: I shall attend the dinner on 18 October 2018 (at no extra charge).

Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**	Discount Voucher Code
Registration by 24/09/2018	€ 441.00 <input type="checkbox"/>	€ 264.60 <input type="checkbox"/>	€ 330.75 <input type="checkbox"/>	€ 330.75 <input type="checkbox"/>
Registration after 24/09/2018	€ 490.00 <input type="checkbox"/>	€ 294.00 <input type="checkbox"/>	€ 367.00 <input type="checkbox"/>	€ 367.00 <input type="checkbox"/>

* EU and ERA Patrons

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- Fellows of the European Law Institute

** Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration);
- Full-time staff of universities or comparable academic institutions;
- Staff of charitable organisations or comparable institutions
- Registration of three or more employees from the same organisation

Method of payment

- Credit card For registration with credit card payment please go to our website www.era.int/?127479&en.
- Cheque Cheque number
- Bank transfer

I will transfer the registration fee to ERA's account at Deutsche Bundesbank Saarbrücken:
IBAN: DE145900 00 00 00 58501900 – BIC: MARKDEF1590

Important! Please state your name and the event number on the bank transfer.

I confirm my registration and accept the general terms and conditions: www.era.int/legalnotice

Place, Date

Signature