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Protecting
**the right to freedom
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under the European Convention
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Freedom Of Religion Under The European Convention On Human Rights

Michael Goldhaber



Freedom Of Religion Under The European Convention On Human Rights:

The European Court of Human Rights and the Freedom of Religion or Belief Jeroen Temperman, T. Jeremy Gunn, Malcolm D. Evans, 2019-01-04 As the tensions involving religion and society increase the European Court of Human Rights and the Freedom of Religion or Belief is the first systematic analysis of the first twenty five years of the European Court s religion jurisprudence The Court is one of the most significant institutions confronting the interactions among states religious groups minorities and dissenters In the 25 years since its first religion case *Kokkinakis v Greece* the Court has inserted itself squarely into the international human rights debate regarding the freedom of religion or belief The authors demonstrate the positive contributions and the significant flaws of the Court s jurisprudence involving religion society and secularism

Freedom of Religion or Belief in the European Convention on Human Rights Caroline K. Roberts, 2023-11-23 The right to freedom of thought conscience and religion in Article 9 of the European Convention on Human Rights ECHR has become increasingly significant and contested Through an examination of ECHR Article 9 its drafting history and the related jurisprudence of the European Court of Human Rights ECtHR Caroline K Roberts challenges the classic approach to this right in the literature Roberts argues that claims that there is or should be a clear binary and hierarchical distinction between the absolutely protected internal realm and the qualified external realm in this right are not founded textually or jurisprudentially Rather the primary materials suggest that the internal and external aspects are deeply interrelated and this is reflected in the ECtHR s nuanced and holistic approach to ECHR Article 9 protection This comprehensive rigorous and up to date reappraisal of ECHR Article 9 and the related ECtHR jurisprudence will be essential reading for academics and practitioners

The European Convention on Human Rights William Schabas, 2015 The first complete article by article English commentary on the ECHR with chapters devoted to each distinct provision or article this commentary explores the substance of the rights the workings of the Court and the enforcement of judgments

Law of the European Convention on Human Rights David John Harris, Michael O'Boyle, Ed Bates, Carla Buckley, 2023 This seminal text offers a comprehensive account of the case law of the ECHR and its underlying principles It provides a guide to decisions under the Convention and its protocols article by article as well as explaining the history and likely development of the law

A People's History of the European Court of Human Rights Michael Goldhaber, 2008-12-31 The exceptionality of America s Supreme Court has long been conventional wisdom But the United States Supreme Court is no longer the only one changing the landscape of public rights and values Over the past thirty years the European Court of Human Rights has developed an ambitious American style body of law Unheralded by the mass press this obscure tribunal in Strasbourg France has become in many ways the Supreme Court of Europe Michael Goldhaber introduces American audiences to the judicial arm of the Council of Europe a group distinct from the European Union and much larger whose mission is centered on interpreting the European Convention on Human Rights The Council routinely confronts nations over their most culturally sensitive hot button issues It has stared

down France on the issue of Muslim immigration Ireland on abortion Greece on Greek Orthodoxy Turkey on Kurdish separatism Austria on Nazism and Britain on gay rights and corporal punishment And what is most extraordinary is that nations commonly comply In the battle for the world s conscience Goldhaber shows how the court in Strasbourg may be pulling ahead Freedom of Religion or Belief in the European Convention on Human Rights Caroline K.

Roberts,2023-11-23 It challenges the classic scholarly approach to ECHR Article 9 and related ECtHR jurisprudence and offers an alternative interpretation **The European Court of Human Rights and Minority Religions** Effie Fokas,James T Richardson,2020-04-28 This book includes a collection of studies focused on engagements of religious minorities with the European Court of Human Rights ECtHR Beginning with an introduction of the global importance of the ECtHR as a standard setter in the protection of religious minority rights the subsequent five chapters entail critical assessments of some of the Court s case law dealing with religious minority claims exploring their clarity and consistency or lack thereof and controversiality In the process these texts impart a nuanced perspective on the challenges the Court faces in striking the right balance between protecting individual freedoms and respecting state rights to manage nationally and culturally sensitive matters The second set of contributions makes readers privy to the varied results of this balancing act on the ground Specifically it offers empirically based insight into the impact of the Court s religion related case law on grassroots religious minority groups working to defend their individual and communal rights The chapters taken together deepen our understanding of the ECtHR in its approach to and impact on religious minorities and offer a rare vantage point on the Court from the messages its generates to the messages received by religious minorities at the grassroots level The chapters in this book were originally published in Religion State Society the Journal of Muslim Minority Affairs and Democratization

Article 9 of the European Convention on Human Rights Jean-François Renucci,2005-01-01 Article 9 of the European Convention on Human Rights guarantees freedom of thought conscience and religion The protection it affords is of such significance that the judges of the European Court of Human Rights regard it as one of the cornerstones of democratic society The freedoms Article 9 guarantees have two essential aspects internal covering the freedom to hold convictions and beliefs and external covering the freedom to manifest one s convictions and beliefs The first of these freedoms is absolute the second relative but in neither case can their importance be undervalued **European Convention on Human Rights** Christoph Grabenwarter,2014-02-12 The European Convention on Human Rights ECHR entered into force on 3 September 1953 with binding effect on all Member States of the Council of Europe It grants the people of Europe a number of fundamental rights and freedoms right to life prohibition of torture prohibition of slavery and forced labour right to liberty and security right to a fair trial no punishment without law right to respect for private and family life freedom of thought conscience and religion freedom of expression freedom of assembly and association right to marry right to an effective remedy prohibition of discrimination plus some more by additional protocols to the Convention Protocols 1 ETS No 009 4 ETS No 046 6 ETS No

114 7 ETS No 117 12 ETS No 177 and 13 ETS No 187 Any person who feels his or her rights under the ECHR have been violated by the authorities of one of the Member States can bring a case to the European Court of Human Rights established under the Convention The States are bound by the Court's decisions The Committee of Ministers of the Council of Europe make sure that the decisions are properly executed Today the Court receives thousands of petitions annually demonstrating the immense impact of the Convention and the Strasbourg Court Professor Grabenwarter's Commentary deals with the Convention systematically article by article considering the development and scope of each article together with the relevant case law and literature

The European Convention on Human Rights and the Employment Relation Filip Dorssemont, Klaus Lörcher, Isabelle Schömann, 2013-11-25 The accession by the European Union to the European Convention on Human Rights ECHR has opened up new possibilities in terms of the constitutional recognition of fundamental rights in the EU In the field of employment law it heralds a new procedure for workers and trade unions to challenge EU law against the background of the ECHR In theoretical terms this means that EU law now goes beyond recognition of fundamental rights as mere general principles of EU law making the ECHR the gold standard for fundamental social rights This publication of the Transnational Trade Union Rights Working Group focuses on the EU and the interplay between the Strasbourg case law and the case law of the Court of Justice of the European Union CJEU analysing the relevance of the ECHR for the protection of workers rights and for the effective enjoyment of civil and political rights in the employment relation Each chapter is written by a prominent European human rights expert and analyses the case law of the European Court of Human Rights ECtHR and also looks at the equivalent international labour standards within the Council of Europe in particular the Revised European Social Charter the International Labour Organization ILO in particular the fundamental rights conventions and the UN Covenants in particular the International Covenant on Economic Social and Cultural Rights and the interpretation of these instruments by competent organs The authors also analyse the ways in which the CJEU has acknowledged the respective ECHR articles as general principles of EU law and asks whether the Lisbon Treaty will also warrant a reassessment of the way it has treated conflicts between these general principles and the so called fundamental freedoms

Protection and Promotion of Freedom of Religions and Beliefs in the European Context Luca Paladini, Maria del Ángel Iglesias Vázquez, 2023-09-30 This book offers an in depth analysis of a fundamental human freedom and a cornerstone of democracy the Freedom of Religions or Beliefs FoRB The book focuses on the legal protection and promotion of FoRB in Europe because in this context exercising this right goes beyond a mere internal positioning in terms of legislation rather it is influenced by international and supranational case law as well as the promotional activities of selected non state subjects of international law The content is divided into three sections Part I on the European Convention of Human Rights Part II on the EU and Part III on other international actors The first two Parts examine FoRB in its systematic aspects and day to day aspects In contrast the third Part highlights the promotional activities carried out by the Holy See the ILO the Council of

Europe beyond the Strasbourg Court and the OSCE to promote recommend or otherwise support it Overall the volume highlights how the exercise of FoRB can be ensured via international and supranational legal protection both normative and judicial and via promotional activities aimed at encouraging and helping states guarantee tolerance and pluralism in their national legislation The 16 main chapters offer a broad overview of the topic under investigation Each contribution can be seen as a stand alone study and simultaneously as a link in a chain of legal analysis that connects multiple FoRB focused questions The book offers a valuable tool for all readers with an academic or professional interest in FoRB and those who have to address the issue of how to protect this freedom It is intended not only for academics who work in the field of law but also for legal practitioners judges lawyers diplomats human rights advocates members of religious and spiritual communities policymakers and students

Jacobs, White & Ovey: The European Convention on Human Rights Robin C A

White,Clare Ovey,2010-03-18 The highly experienced and respected authors select the most important case law and give a highly authoritative concise account of the European Convention on Human Rights Focuses on the European Convention itself rather than its implementation in any one member state and so is essential reading for human rights students across Europe Examines each Convention right in turn with a newly revised structure to map even more closely to human rights courses As a lecturer and a practitioner the authors are perfectly placed to provide up to date coverage of Strasbourg case law and explain it in a lively straightforward manner From publisher s website

Freedom of Religion and Belief Rinaldo Cristofori,Silvio Ferrari,2016-12-05 The essays and articles selected for this volume analyze what is generally understood by freedom of religion and belief in today s world The different aspects of this fundamental right are considered from the contents of freedom of religion to the possible limitations of this freedom and from the freedom of or freedom from conundrum to the question of the collective or individual right This volume reflects legal philosophical and international perspectives addresses numerous unanswered questions and offers an effective overview of the current literature and debate in this aspect of the discipline of law and religion

Religions, Beliefs and Education in the European Court of Human Rights Nigel Fancourt,2024-02-20 This book represents an exposition of judicial pedagogies as a new concept and discusses juridical educational issues in detail through an analysis of the educational claims and assumptions of judges decisions in the European Court of Human Rights ECtHR It sheds light on how within courtrooms around the world judges are increasingly being asked to decide upon issues of religion and belief in schooling whether about admissions policies curriculum planning or pupils and teachers dress and jewellery With key human rights principles at stake these proceedings are often fraught clashing with strong opinions about education and schooling Focusing on decisions made in the European Court of Human Rights ECtHR the author considers how the supranational court looks at these issues and considers the ECtHR s role within the European Education space Drawing upon research and scholarship surrounding these questions the book surveys a series of educational issues including curriculum and assessment and takes a comparative approach in the discussion of case

studies to demonstrate the variety and depth of judges thinking Thus rather than considering the national or supranational legal principles and questions as jurisprudential issues typically about religion or human rights it reviews them from an educational perspective as folk theories of teaching and learning Finally it considers the implications of a theory of judicial pedagogy for the courts educational competence in deciding on these matters for education and educational policy research the European education space legal scholarship and for legal and judicial education Developing a novel and innovative approach to the pedagogies at play in a courtroom and providing fresh insights into the courts as agents of social change it will appeal to scholars and researchers working across the disciplines of education law and religious studies

The Oxford Handbook of Religion and Europe Grace Davie, Lucian Leuștean, 2022 Features contributions from leading scholars providing crucial insight into the role of religious ideas structures and institutions in the making of Europe Introduces the building blocks of Europe s religious and the part that they played in the formation of the continent Explores the relationship between religious communities and ideologies in the twentieth century connections that play out very differently in East and West Europe Examines the role of religion in the construction of the European Union from the end of the Second World War until the present day Assesses the relationship between the major world religions and the idea of Europe Book jacket

Law, Religion, Health and Healing in Africa M. Christian Green, Faith Kabata, Fortune Sibanda, 2022-12-31 The Covid 19 pandemic was global in its spread and reach as well as in its medical social and economic effects In many respects the global effort to flatten the curve produced a flattening of experience around the world and a striking coincidence of similar experiences in countries the world over The identity simultaneity and uniformity of experience were also manifest in common concerns at the intersection of law and religion in many nations around the world including Africa The lockdowns and closure of religious worship centres churches mosques and religious organisations of all sorts raised questions of freedom of religion and the related concern for freedom of assembly along with concerns about the relation of religion to science and public health religious channels of communication and religious provision of social services After all health communications and social services are all areas in which African religious organisations play key roles Potential tensions around these issues raised further considerations about the nature of religion state relations the status of religious authority and whether religious and state actors would work together or at odds in addressing the Covid 19 pandemic

Short Guide to the European Convention on Human Rights Donna Gomien, 2005-01-01 This third edition of the Short Guide which covers developments to the end of 2003 provides a concise overview of the basic rights guaranteed by the Council of Europe s Convention on Human Rights and the case law relating to these rights The publication also details the procedures followed by the European Court of Human Rights when handling applications under the Convention and the role of the Committee of Ministers as a supervisory organ in giving force to the judgments of the Court

[The Law of Organized Religions](#) Julian Rivers, 2010-07-22 And academics in religious studies Students studying law and religion courses Leaders and engaged

members of churches and religious organizations *Essays on Religion and Human Rights* David Little,2015-03-26 This collection of essays by David Little addresses human rights in relation to the historical settings in which its language was drafted and adopted Featuring five original essays Little articulates his view that fascist practices before and during World War II vivified the wrongfulness of deliberately inflicting severe pain injury and destruction for self serving purposes and that the human rights corpus developed in response was designed to outlaw all practices of arbitrary force He contends that while there must be an accountable human rights standard it should guarantee latitude for the expression and practice of beliefs consistent with outlawing arbitrary force Little details the theoretical grounds of the relationship between religion and human rights and concludes with essays on US policy and the restraint of force in regard to terrorism With a foreword by John Kelsay this book is a capstone of the work of this influential writer on religion philosophy and law **Law, Religious Freedoms and Education in Europe** Myriam Hunter-Henin,2016-04-22 This collection considers how contemporary cultural and religious diversity challenges and redefines national constitutional and legal frameworks and concepts within the context of education It offers a critical reflection on the extent and meanings given to religious freedom in education across Europe The contributions deal primarily with Western Europe although the book also includes a study of the US vibrant debates on Creationism This volume considers issues such as religious expression faith schooling and worship in schools in a multidisciplinary and comparative approach The book first examines key concepts before presenting national models of religion and education in Europe and analyzing case studies relating to religious symbols worn at school and to the teaching of religious education Legal questions are examined in a wider context in the light of the intentions of state policy and of current national and transnational debates Controversies on the legal implications of personal and national identities are for example analyzed From a comparative perspective the chapters examine the possible converging power of human rights and anti discrimination discourses and reveal the difficulties and risks involved in seeking to identify the best model for Europe This topical study of a highly sensitive area of education presents a valuable insight for students researchers and academics with an interest in cultural and religious diversity human rights and education

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