

Academic Year: ( 2023 / 2024 )

Review date: 21-04-2023

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: MOTILLA DE LA CALLE, AGUSTIN

Type: Electives ECTS Credits : 3.0

Year : Semester :

## REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

No requirements are necessary.

## OBJECTIVES

- Knowledge about Church and State relationships in European Union countries
- Constitutional and legal protection on ideological and religious liberties
- European Union Law about freedom of ideology and religion and Church and State relationships
- Legal regulation about matrimony, Religious teaching, Religious chaplaincy, legal status of Religious denominations, etc.
- Special concern about the adaptation of Islamic communities to European values; Family Law, freedom of worship, sexual discrimination, etc.
- Freedom of ideology and religion in the Council of Europe.
- Case-laws about articles 9 and 14 of the European Convention of the European Court of Human Rights.

## DESCRIPTION OF CONTENTS: PROGRAMME

Topic 1. Church and State relationships models in European Union countries. Sects and cults legal requirements.

Topic 2. Constitutional and legal protection on ideological and religious liberties

Topic 3. European Union Law about freedom of ideology and religion and Church and State relationships

Topic 4. Legal regulation about matrimony, Religious teaching, Religious chaplaincy, legal status of Religious denominations, etc.

Topic 5. Freedom of ideology and religion in the Council of Europe.

Topic 6. Legislation directly and indirectly adopted to tackle radicalization and extremism.

Topic 6. Religious symbology: Islamic headscarf at school and in labour relationships.

Topic 6. Case-law about articles 9 and 14 of the European Convention of the European Court of Human Rights.

## EUROPEAN COURT OF HUMAN RIGHTS DECISIONS:

- Freedom of thought, conscience and religión:

KOKKINAKIS v. GREECE (Freedom to express beliefs, convictions, ideas or opinions)

BUSCARINI AND OTHERS v. SAN MARINO (Oath to be taken by members of the parliament)

CHAARE SHALOM VE TSEDEK V. FRANCE (Religious beliefs and food)

KLEIN V. SLOVAKIA (Freedom of expression against religious leaders)

- Equality and non-discrimination on religious or ideological reasons

ShERIF V. GREECE (Separation between civil and religious affairs)

HOFFMANN V. AUSTRIA (Right to found a family)

MASAEV V. MOLDOVA (civil existence of religious groups)

RELIGIONSGEMEINSCHAFT DER ZEUGEN JEHOVAS V. AUSTRIA (religious State neutrality)

- Public Schools and Freedom of thought, conscience and religion  
KJELDSSEN, BUSK MADSEN Y PEDERSEN V. DENMARK (Conscientious Objection and Compulsory Education)
- HASAN Y EYLEM ZENGİN V. TURKEY (religious instruction in public schools)
- FOLGERO V. NORWAY (religious instruction in public schools)
- LEYLA ÇAHİN V. TURKEY (religious personal symbols and education)
- LAUTSI V. ITALY (religious symbols and education)

## LEARNING ACTIVITIES AND METHODOLOGY

The course implies practical and theoretical knowledge.

With regard to the teaching method, alongside the traditional theoretical seminars, a good deal of practice sessions shall take place (solution of real conflicts, individually or in groups, analysis of facts) that will let the student apply the knowledge acquired to the problems that he might face in his professional life

## ASSESSMENT SYSTEM

To evaluate the practical part (0 to 4 points of the final mark, 40% of final grade) the teacher shall take into account the participation in the class and the making of the cases required. With regard to the theoretical part, the student shall have to take a written exam (0 to 6 points of the final mark, 60% of final grade).

Final rating

The final grade for the course is the sum of previous grades.

<b>% end-of-term-examination:</b>	60
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	40

## BASIC BIBLIOGRAPHY

- A. MOTILLA Security and Religious Radicalization. Securitization of Islam in Europe. , ¿Stato, Chiese e pluralismo confessionale?, (www.statoechiese.it). , enero 2018
- C. EVANS Freedom of religion under the European Convention of Human Rights, Oxford U. P., 2001
- M. D. EVANS Religious liberty and international Law in Europe, Cambridge U. P., 1997
- N. DOE Law and Religion in Europe. A Comparative Introduction, Oxford University Press, 2011
- P. M. TAYLOR Freedom of Religion. UN and European Human Rights Law and Practice, Cambridge U. P., 2005

## ADDITIONAL BIBLIOGRAPHY

- AA.VV. La jurisprudencia del Tribunal Europeo de Derechos Humanos en torno a la libertad religiosa en el ámbito laboral (coord.. A. Motilla), Editorial Comares., Granada 2016
- B. BASDEVANT-S. BERLINGÓ The Financing of Religious Communities in the European Union, Peeters, 2009
- B. SCHANDA (ed.) The Mutual Roles of Religion and State in Europe, European Consortium for Church and State Research, 2014
- G. ROBBERS (ed.) Religion in Public Education, European Consortium for Church and State Research, 2011
- J. FERREIRO Islam and State in the European Union, Peter Lang, 2011
- M. HILL (ed.) Religion and Discrimination Law in the European Union, European Consortium for Church and State Research, 2012
- M. RODRIGUEZ BLANCO (ed.) Law and Religion in the Workplace, Comares, 2016
- R. MAZZOLA Diritto e Religione in Europa. Rapporto sulla giurisprudenza della Corte Europea dei diritti dell'uomo in materia di libertà religiosa, Il Mulino, 2012