



# SYMPOSIUM

## *The Manifestation of Religion or Belief in the Public Sphere*

*The Cube Theatre, Faculty of Law, Oxford*

*June 14, 2014*



## Programme

### **10.30 Registration**

### **10.45 Welcome and introduction**

Özgür Heval Çınar, Academic Visitor, Faculty of Law, University of Oxford

Ümit Sönmez, Centre for Policy and Research on Turkey

### **11.00-12.30 Human Rights Committee v. European Court of Human Rights**

Chair: Nazila Ghanea, Faculty of Law and Department of Continuing Education, University of Oxford

Michael Wiener, Visiting Fellow, Kellogg College, Oxford

Juris Rudevskis, European Court of Human Rights

### **12.30-13.30 Lunch**

### **13.30-15.00 A Comparative Analysis of Turkey and the United Kingdom**

Chair: Peter Petkoff, Brunel University and Regent's Park College, Oxford

Mine Yıldırım, Norwegian Helsinki Committee

Erica Howard, Middlesex University

### **15.00-15.15 Closing remarks**

The event is organized by the Faculty of Law, University of Oxford in partnership with the Centre for Policy and Research on Turkey.

## Abstracts

### Welcome and introduction

Özgür Heval Çınar

Ümit Sönmez

## 1. Human Rights Committee v. European Court of Human Right

*Michael Wiener, Visiting Fellow, Kellogg College, Oxford*

### ***From religious symbols to conscientious objection - An overview of the UN Human Rights Committee's evolving interpretation of article 18 ICCPR***

How are the international standards on the manifestation of religious belief in the public sphere, most notably article 18 of the International Covenant on Civil and Political Rights, interpreted by the UN Human Rights Committee? In this context, its views on individual communications and general comments will be explored further, with a specific focus on two issues, i.e. the display of religious symbols in the public sphere and the right to conscientious objection to military service. The approach of the UN Human Rights Committee in both areas (e.g. in *Bikramjit Singh v. France* concerning religious symbols and in *Atasoy and Sarkut v. Turkey* concerning conscientious objection) will be compared to the jurisprudence of the European Court of Human Rights (e.g. in the admissibility decisions of *Ranjit Singh v. France* and *Jasvir Singh v. France* concerning religious symbols and in the Grand Chamber judgment of *Bayatyan v. Armenia* concerning conscientious objection).

### ***Juris Rudevskis, European Court of Human Rights***

### ***The Manifestation of Religion and Belief in the Public Sphere: the Basic Principles of the Case Law of the ECHR***

What is the proper meaning and the extent of the right to manifest one's religion and belief in the public sphere, a non-absolute right guaranteed by Article 9 of the Convention? This conspicuous question is in fact secondary; it cannot be properly understood unless we address the real core question, that is: "What is the concept and the role of the State (as institution) and how does the European Court of Human Rights see it?" The following conclusions can be drawn from the existing case law: (1) the ECHR largely follows the centralised Hobbesian vision of the State; (2) this vision directly determines the limits and conditions under which the ECHR allows the States to regulate the exercise of the rights under Article 9; (3) the principle of subsidiarity, often invoked by the ECHR in this respect, has yet to be fully deployed in order to fully show its potential.

## **2. A Comparative Analysis of Turkey and the United Kingdom**

*Mine Yıldırım, Norwegian Helsinki Committee*

### ***The Right to Manifest Religion or Belief in the Public Sector in Turkey - Is it all about the headscarf?***

Despite Turkey's commitments to protect the right to freedom of religion or belief in its Constitution and international human rights treaties it remains a challenge to create a legal framework in line with international law. The right to manifest religion or belief in the public work place has remained stuck in an ideologically motivated struggle between political groups. This picture, however, would be incomplete without the added consideration of the lack of representation of non-Sunni Muslims in public servant positions. Following the 2011 election victory of the ruling AK Party, steps have been taken to selectively liberalize the use of religious symbols, first by university students, then by public servants. The lack of representation of Turkey's all belief communities in the public sector, however, remains. The presentation will critically assess the role and approach of the Turkish judiciary and the role of international human rights compliance mechanism in this process.

*Erica Howard, Middlesex University*

### ***The protection of religious manifestations in the public sphere in the UK***

This presentation analyses the manifestation of religious belief in the UK and the issues that have come to the surface in the debates. Religious manifestations are protected under Article 9 ECHR and under the EU Charter of Fundamental rights. Religious persons are also protected against religious discrimination under the Equality Act 2010, under EU anti-discrimination law and under Article 14 ECHR. But the manifestation of religion or belief in the public sphere, for example, through the wearing of religious symbols or by requests for time off for religious duties, have been and are debated, as is the clash between religious manifestations and the protection against sexual orientation discrimination. The presentation also explores the influence of the case law of the European Court of Human Rights on the case law and the debates in the UK and the lessons that can be drawn from this.