CONTENTS

	Foreword by David Harris page ix	
	Preface xi	
	Table of cases, applications, and communications xiii	
	Table of treaties, declarations, and other international instruments xxiv	
	List of abbreviations xxvii	
1	Introduction 1 Overview 1	
	Interrelation between the UN and European systems 7	
	The institutions and their contribution to standard-setting 9	
	The Human Rights Committee 10	
	The Role of the Special Rapporteur 15	
	The European Convention treaty organs 16	
	Chapter structure 19	
2	Freedom of religious choice 24	
	Introduction 24	
	Freedom to change or maintain religion 27	
	Pressure to maintain a religion or belief 43	
	Origin of the freedom from coercion 43	
	Interpretation of the freedom from coercion 45	
	Apostasy 50	
	Summary 53	
	Pressure to change religion 54	
	Introduction 54	
	Missionary activity, imperialist ambitions, colonialism and war	55

v

vi CONTENTS

	Social concern and inducements 57	
	Proselytism 64	
	Grounds of opposition to proselytism 64	
	Rights and freedoms of others 70	
	Coercion 73	
	Hate speech 77	
	Blasphemy, disparagement and gratuitous offence 84	
	Conclusion 111	
3	The scope of the forum internum beyond religious	
	choice 115	
	Introduction 115	
	'Direct' protection for the forum internum 120	
	Decisions based on justified limitation on manifestation 121	
	Decisions based on available alternatives 136	
	Exemption ruling out coercion 136	
	Employment 138	
	Decisions based on provision for interference in the	
	relevant Convention 147	
	Military service 148	
	Taxation and social security 153	
	Recognition that coercion does not constitute	
	manifestation 156	
	Summary 159	
	'Indirect' protection for the forum internum 160	
	The rights and freedoms of others as a ground of limitation 16	1
	Education 165	
		56
	Alternative approaches: manifestation and coercion to act contrary to one's beliefs 175	
	Summary 182	
	The use of anti-discrimination measures to protect	
	the forum internum 182	
	Differential treatment 187	
	'Reasonable' and 'objective' criteria 192	
	Summary 198	
	Conclusion 198	

CONTENTS vii

4	The right to manifest religious belief and applicable limitations 203
	Introduction 203
	Beliefs and their manifestation 203
	Protected beliefs 204
	Nexus between religion or belief and its manifestation 210
	Determination of whether there has been an interference 222
	The scope of recognised manifestations of religion or belief 235
	"To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes" 237
	Worship or assemble 237
	Establish and maintain places of worship and assembly 242
	"To establish and maintain appropriate charitable or humanitarian institutions" 246
	'To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief' 250
	"To write, issue and disseminate relevant publications in these areas" 259
	'To teach a religion or belief in places suitable for these purposes' 263
	'To solicit and receive voluntary financial and other contributions from individuals and institutions' 271
	"To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief" 272
	'To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief' 278
	'To establish and maintain communications with individuals and communities in matters of religion or belief
	at the national and international levels' 287
	Summary 290
	Permissible limitations on the right to manifestation 292
	Introduction 292
	Prescribed by law 293
	Legitimate aim 301

viii CONTENTS

	Necessary (in a democratic society) 305	
	Grounds of limitation 321	
	Public interest grounds of limitation 321	
	Public health and safety 321	
	Order 323	
	National security 325	
	Protection of morals 327	
	Fundamental rights and freedoms of others 328	
	Conclusion 333	
5	Conclusion 339	
	The myth surrounding the nature of coercion to change religion or belief 339	
	Developing recognition of issues of conscience 342	
	The widening of State discretion in European jurisprudence	343
	The range of manifestations of religion or belief 347	
	Meeting future challenges 348	
	Overview 350	
	Annexes 352	
	Annex 1: Universal Declaration of Human Rights 352	
	Annex 2: International Covenant on Civil and Political Rights	358
	Annex 3: Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief	368
	Annex 4: Convention for the Protection of Human Rights and Fundamental Freedoms 372	
	Annex 5: Text of General Comment No. 22 378	
	Bibliography 383	
	Index 398	