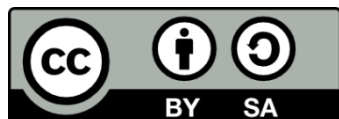




# Ecclesiastical Law (Erasmus)

**Unit 3<sup>rd</sup>:** General Comment No.22 of Human Rights  
Committee on religious freedom (part B)

Kyriakos Kyriazopoulos  
School of Law A.U.TH.



European Union  
European Social Fund



MINISTRY OF EDUCATION & RELIGIOUS AFFAIRS  
MANAGING AUTHORITY

Co-financed by Greece and the European Union



EUROPEAN SOCIAL FUND

# License

- The educational material subjects to Creative Commons licensing.
- For the educational material, such as images, that subjects to another form of licensing, the license is explicitly referred.



# Funding

- This educational material has been developed as part of the educational work of the academic teacher.
- The project "Open Academic Courses at Aristotle University of Thessaloniki" has only fund the reconfiguration and reshaping of the educational material.
- The project is implemented under the Operational Program "Education and Lifelong Learning" and is co-funded by the European Union (European Social Fund) and National resources.



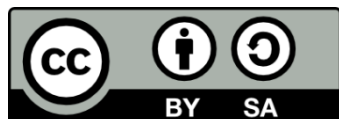


ARISTOTLE  
UNIVERSITY OF  
THESSALONIKI

OPEN  
ACADEMIC  
COURSES



# General Comment No.22 of Human Rights Committee on religious freedom (part B)



European Union  
European Social Fund



MINISTRY OF EDUCATION & RELIGIOUS AFFAIRS  
MANAGING AUTHORITY

Co-financed by Greece and the European Union



EUROPEAN SOCIAL FUND

# Unit Contents

---

## 1. General Comment No.22 of Human Rights Committee (part B)



# Unit Objectives

---

- Understanding of the importance of the General Comment No.22 of Human Rights Committee on religious freedom.





ARISTOTLE  
UNIVERSITY OF  
THESSALONIKI

---

# **General Comment No.22 of Human Rights Committee (part B)**

# General Comment No.22, Paragraph 4

- Freedom to manifest religion or belief contains four **ways of manifestation** (only an indicative list, other forms may take place as well):
  - ✓ Worship
  - ✓ Observance
  - ✓ Practice
  - ✓ Teaching





# Worship

---

- The meaning of “worship”:
  - ✓ ritual and ceremonial acts giving direct expression to beliefs,
  - ✓ various practices in general of the above mentioned acts.



# Observance

- The meaning of “observance”:
  - ✓ contains ceremonial acts, customs, the wear of distinctive clothing and coverings.



# Practice and Teaching

The meaning of “practice and teaching”:

- ✓ acts integral to the content by religious groups of basic affairs (e.g. freedom to choose the religious leaders).



# General Comment No.22, Paragraph 5 (1/2)

- The freedom to “have or to adopt” a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief.
- The article explains the meaning of the terms “to have or to adopt” a religion or belief, belonging to the first subgroup (freedom of religious conscience).
- Freedom to have → Freedom to retain one’s belief → freedom to adopt → Freedom to change one’s belief.



# General Comment No.22, Paragraph 5 (2/2)

---

- It also explains paragraph 2 of Article 18, which forbids coercion that would impair the right to have or adopt a religion or belief.
- Coercion → the use of threat or physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations.



# General Comment No.22, Paragraph 6

---

- Article 18 paragraph 4 permits public school instruction, in subjects such as the general history of religions and ethics, if it is given in a neutral and objective way.
- It explains the rights of parents or legal guardians to ensure that their children receive a religious and moral education in conformity with their own convictions.



# General Comment No.22, Paragraph 8 (1/2)

- It describes the limitation clauses as referred to Article 18 paragraph 3.
- Test for finding the legitimacy of the limitations imposed (**three stages**):
  - ✓ provided by law
  - ✓ limitations must have exhaustively enumerated purposes of public interest (to protect public safety, order, health or morals, or the fundamental rights and freedoms of others) – no other purposes are allowed (e.g. national safety not allowed)
  - ✓ proportionality principle



# General Comment No.22, Paragraph 8 (2/2)

- ECtHR → limitations are necessary in a democratic society (such limitations are not found in the ICCPR).
- Paragraph 8 should be interpreted strictly in a manner that wouldn't vitiate the rights guaranteed in article 18.
- Direct relation with the specific need and proportionality are required.
- Restrictions are not to be imposed for discriminatory purposes.





# General Comment No.22, Paragraph 9

- “The fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents to other religions or non-believers.”



# Reference Note

---

Copyright Aristotle University of Thessaloniki, Kyriakos Kyriazopoulos  
“Ecclesiastical Law (Erasmus). Unit 3<sup>rd</sup>: General Comment No.22 of Human Rights Committee on religious freedom (part B)”. Edition: 1.0. Thessaloniki 2015. Available on the Internet address:  
[http://opencourses.auth.gr/eclass\\_courses](http://opencourses.auth.gr/eclass_courses).



# Licensing Note

The current material is available under the Creative Commons Attribution - Share Alike [1] or later, International Edition. Excluded are the individual works of third parties, e.g. photographs, diagrams etc., which are contained therein and are mentioned alongside with their terms of use in the “Use of Third Parties Work Note”.



The copyright holder may give to the license holder a separate license to use the work for commercial use, if requested.

[1] <http://creativecommons.org/licenses/by-sa/4.0/>





ARISTOTLE  
UNIVERSITY OF  
THESSALONIKI

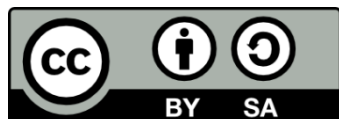
OPEN  
ACADEMIC  
COURSES



# End of unit

Editing: Marianthi-Eleni Diamantopoulou

Thessaloniki, 26-04-2015



European Union  
European Social Fund



MINISTRY OF EDUCATION & RELIGIOUS AFFAIRS  
MANAGING AUTHORITY

Co-financed by Greece and the European Union



EUROPEAN SOCIAL FUND



ARISTOTLE  
UNIVERSITY OF  
THESSALONIKI

---

# Notes

# Notes Preservation

---

Any reproduction or adaptation of the material should include:

- the Reference Note,
- the Licensing Note,
- the declaration of Notes Preservation,
- the Use of Third Parties Work Note (if available),

together with the accompanied URLs.

