

Abstract

The diploma thesis focuses on how the European Court of Human Rights (hereinafter as “ECtHR”) and the European Commission for Democracy through Law (hereinafter as “Venice Commission”) influence chosen aspects of the religious freedom.

The objectives of this thesis are to examine how the work of ECtHR and Venice Commission has formulated legal interpretation of the issue of the legal personality of religious communities, to typify disputes between states and religious communities and to compare the approaches of the Venice Commission and ECtHR to selected aspects.

Besides the Introduction and Conclusion parts the diploma thesis is divided into five chapters, which are further divided into subchapters or parts thereof.

In the first chapter, I discuss generally the issue of religious freedom and the autonomy of religious communities. I also introduce the ECtHR and the Venice Commission as for this thesis relevant Council of Europe bodies.

The second chapter is devoted to the case study which is focused on the case law of the ECtHR in Greek cases where I discuss the judgments of the ECtHR which in, my opinion, are key cases for the thesis’s subject.

Subject of the third chapter is the Venice Commission. In this chapter, I will introduce how the Venice Commission works and what is its outputs’ nature. I will also discuss here how the Venice Commission approaches selected issues of religious freedom.

In the fourth chapter, I will conduct a second case study this time focusing on Montenegro. Here I will present the dispute between the Serbian Orthodox Church and Montenegro which escalated in the adoption of new confessional legislation on 31 December 2019. I will the conclusions drawn from the first case study to this dispute.

I have focused the last chapter on the interpretative outcomes of the whole thesis. Here I will elaborate on the principles and conclusions that emerge from the ECtHR and Venice Commission in relation to the aspects of religious freedom discussed.