

духовних навчальних закладів з викладачами і студентами державних і приватних навчальних закладів.

Необхідною є розробка механізмів державного сприяння соціальній і благодійній діяльності релігійних організацій, опрацювання механізмів співпраці відповідних державних органів і служб з релігійними організаціями у здійсненні соціальної та благодійної діяльності.

Потребують свого розв'язання й інші питання, зокрема землекористування релігійними організаціями, оренди ними об'єктів нерухомості державної та комунальної власності тощо. Вочевидь є необхідним законодавче забезпечення процесу повернення релігійним організаціям колишнього церковного майна і термінове встановлення заборони на приватизацію чи інше відчуження майна культового призначення, що перебуває у державній та комунальній власності.

При цьому формування партнерських відносин між Державою і Церквою, що передбачає участь церков у освітньому та виховному процесі дітей та молоді, забезпечення можливостей душпастирської роботи у Збройних Силах та інших військових формуваннях України, спільну реалізацію соціальних проєктів, всебічне забезпечення свободи совісті, реалізація принципу рівноправності релігійних організацій в Україні, має бути пріоритетним напрямком державної політики у сфері подальшої розбудови державно-конфесійних відносин в Україні.

Підсумовуючи, можна зазначити, що європейський вектор розвитку Української держави вимагає від неї подальшого продовження та поглиблення демократичних перетворень в усіх сферах життя, зокрема в галузі свободи совісті та державно-церковних відносин, їх законодавчого оформлення. Тому можна висловити впевненість, що робота щодо удосконалення чинного законодавства у зазначеній галузі, приведення його у відповідність з вимогами часу (а це мабуть навіть важливіше, ніж вимоги Ради Європи) буде продовжено на користь не лише релігійної спільноти, але й усього українського суспільства, адже віруючі громадяни є чільною частиною останнього.

Мерілін КІВІОРГ (ВЕЛИКА БРИТАНІЯ)

ЄВРОПЕЙСЬКІ ПРАКТИКИ І ПІДХОДИ ДО РЕЄСТРАЦІЇ РЕЛІГІЙНИХ ОРГАНІЗАЦІЙ

Мета моєї доповіді – розповісти про нову практику і підходи Євросоюзу до питань реєстрації релігійних організацій. Центром нашої розмови про права людини є ідея рівноцінності і гідності кожної людини. Основний принцип Хартії ООН про права людини: гідність і рівність притаманні всім людям. Релігія або віра є одним із фундаментальних елементів концепції життя, концепції прав людини.

Всі країни Євросоюзу підписали європейську конвенцію з прав людини. Це означає, що всі країни Європи взяли зобов'язання дотримуватися свободи віросповідань, на чому наголошує документ. Україна також є країною Європи, вона прагне до членства в ЄС. Тому важливо, щоб Україна слідувала тим же принципам, які є основою правового статусу релігійних спільнот і прийняті країнами Євросоюзу.

Важливим питанням документу є питання реєстрації релігійних громад, визначення їх прав і обов'язків. Європейський суд з прав людини чітко визначив, що кожна окрема людина має право формувати релігійні асоціації, має право утворювати організацію як юридичну особу, щоб колективно виступати у своєму конфесійному вияві. Одержання

права юридичної особи – це частина права на свободу совісті, не обов'язок, а право. Адже можна сповідувати певну релігію, не маючи статус юридичної особи.

Автономне існування релігійних спільнот – це є нормою демократичного суспільства. Звернусь до конкретного прикладу щодо перереєстрації громади саєнтологів у Москві. Тут вона ніяк не могла переєструватися, оскільки не мала статусу юридичної особи. Відтак, як бачимо, відмова у реєстрації прямо впливає на юридичний статус релігійної спільноти. Не реєструючи саєнтологів, держава цим самим дискримінує їх організацію.

Релігійні спільноти захищає європейська конвенція. Навіть не маючи статусу юридичної особи, вони мають право на захист євроконвенцією з прав людини.

Спільна риса всіх міжнародних правових документів із свободи совісті – не теоретичний захист релігійних спільнот, а конкретні дії з цього захисту.

Забезпечення релігійних свобод ґрунтується на ряді умов. Насамперед необхідний закон, який би визначав правові рамки діяльності релігійних спільнот. Визнання автономного існування релігійних громад – умова плюралістичного суспільства. Релігійні організації не повинні відчувати якісь ускладнення при одержанні ними статусу юридичної особи. Недосконалість законодавств ряду європейських країн в тому, що вони чітко не визначають, які спільноти і за яких умов мають право на такий статус, а які ні. У деяких законах релігійні організації необґрунтовано розглядаються як неприбуткові організації або як комерційні компанії.

Держава має бути нейтральною, безпристрасною до різних вірувань, які існують на її теренах. Відтак буде збережений плюралізм і демократичність релігійного життя. Закріплений законами релігійний плюралізм передбачає повагу не тільки до різних релігійних вірувань, а й до різних видів релігійної діяльності, зокрема навчання релігії.

Європейський суд визнає, що конфесійне багатоманіття може стати джерелом напруження і конфліктів. Європейська конвенція визнає право на певні обмеження свободи вияву віросповідань, але вони мають бути заздалегідь всебічно виправдані, обґрунтовані, описані в законі. Ці обмеження насамперед мають стосуватися інтересів суспільства, громадського порядку, підтримки здоров'я і моралі.

Merilin KIVIORG

Introduction The centrepiece of human rights talk and human rights law today is the idea of equal worth, dignity and autonomy of every human being. The idea that human rights are equally held by all who possess them is intrinsic to the concept of human rights. For example, the preamble of the *Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief* postulates that, 'one of the basic principles of the *Charter of the United Nations* is that of the dignity and equality inherent in all human beings'.¹⁹⁶ It establishes further that 'religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life'. With this concept of human rights in mind, I will now proceed to discuss the main principles setting the framework for registration of religious communities in the European Union.

All countries of the European Union have signed the *European Convention for the Protection of Fundamental Freedoms and Rights*.¹⁹⁷ This means that all European Union countries are obliged to adhere to freedom of religion or belief as embodied in the Convention. Ukraine is also a member of the Council of Europe and party to the European Convention of Human Rights. Moreover, as Ukraine is seeking membership in the European Union, I believe it

¹⁹⁶ Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by UN General Assembly Resolution 36/55 (25 November 1981).

¹⁹⁷ European Convention for the Protection of Fundamental Freedoms and Rights (hereinafter European Convention on Human Rights), Nov. 4, 1950, 213 U.N.T.S.

is important for its future to follow the same principles underpinning the legal status of religious communities as adopted by EU member states.

I. Registration/Legal Personality: Right or Obligation? Firstly, let me address the question, as to whether registration of religious communities is a right or an obligation. For a start, the European Court of Human Rights has clearly recognised that the individual is enriched by association. In the case of *Sidiropoulos v. Greece*, the Court stated that the right to form an association is an inherent part of the right to freedom of association and that citizens should be able to form a legal entity in order to act collectively in fields of mutual interest.¹⁹⁸ The right to form an association is an inherent part of the right set forth in Article 11 of the Convention. ‘The way in which national legislation enshrines this freedom and its practical application by the authorities reveal the state of democracy in the country concerned’.¹⁹⁹ The right of religious communities to obtain legal personality is recognized as part of the collective freedom of religion or belief. In the case of the *Metropolitan Church of Bessarabia*, the Court stated that ‘where the organization of the religious community is at issue, a refusal to recognize it also constitutes interference with the applicants’ right to freedom of religion under Article 9 of the Convention.’²⁰⁰

In the European Union there are various options to obtain legal personality.²⁰¹ Registration is one of the options. However, registration and obtaining legal personality should not be considered to be an obligation. There are communities, which do not want to obtain it.²⁰² Religious communities with or without legal personality are in principle protected by the European Convention of Human Rights.²⁰³ Obtaining legal personality is a right but not an obligation. Making communal enjoyment of freedom of religion dependent on legal personality/registration is contrary to the idea expressed in the Article 9 (2) of the ECHR – *right to freedom of thought, conscience and religion includes freedom in community with others and in public or private, to manifest religion or belief, in worship, teaching, practice and observance.*

However, many religious communities prefer to obtain some sort of legal personality. This option is vital for everyday functioning of a religious community and for a meaningful and effective communal enjoyment of freedom of religion or belief. ‘As a rule, religious activities

¹⁹⁸ ECtHR, App. No. 26695/95, Decision of 10 July 1998.

¹⁹⁹ *Church of Scientology Moscow v. Russia*, Appl. No. 18147/02, Decision of 24 September 2007, para. 73.

²⁰⁰ *Metropolitan Church of Bessarabia and Others v. Moldova*, Appl. No. 45701/99, Decision of 27 March 2002, para. 105.

²⁰¹ There are also communities which may have legal personality *sui generis*. For example, Discrimination in relation to legal personality was discussed in the European Human Rights Court case of *Canea Catholic Church v. Greece*. The Catholic Church was unable to take legal proceedings to protect its property rights because Greek courts refused to acknowledge that it had legal personality. This was due to non-compliance with the formalities set forth in Greek domestic law governing acquisition of legal personality. The European Human Rights Court compared the situation of the Catholic Church to that of the Greek Orthodox Church and Jewish communities. It pointed out that the latter communities were granted legal personality and standing in courts without any formality or required procedure. The court concluded that there was no objective and reasonable justification for such a difference in treatment. The applicant church had the continuity which the law normally ascribed to legal persons; it therefore did not need to produce a document proving that it had acquired legal personality in accordance with the formalities of domestic law. It was considered as a legal personality *sui generis*. *Canea Catholic Church v. Greece*, App. No. 143/1996/762/963, Decision of 16 December 1997.

²⁰² However, these cases are rare and most of the problems with legal personality/registration are related to situations where States have been obstructing registration of religious communities.

²⁰³ In the admissibility case of the *Christian Association of Jehovah’s Witnesses v. Bulgaria*, the commission stated that ‘according to the commission’s case-law non-governmental organisations include also religious associations without legal personality.’ *Christian Association of Jehovah’s Witnesses v Bulgaria*, App. No. 28626/95, Admissibility Decision of 3 July 1997. This case ended in a friendly settlement on 9 March 1998. It should be noted that the term ‘association’ has an autonomous meaning under the Convention. ‘The legal form chosen and the legal consequences attached thereto by national law, cannot be decisive here, since otherwise the guarantee of Article 11 might be rendered illusory by the national legislature, and there might exist great differences in scope of that guarantee among the legal systems of the various Contracting States.’ P. van Dijk, G.J.H. van Hoof, *Theory and Practice of the European Convention on Human Rights* (Kluwer Law International, 1998), p. 591.

such as gathering for prayer etc. can be performed without the need for any legal organization: but... inability to obtain legal personality can indirectly affect religious liberty when it prevents the religious community from owning or renting a place of worship, or opening a bank account, etc.²⁰⁴ Obtaining some sort of legal personality at a basic level is generally not an issue in EU countries.²⁰⁵ In many cases religious groups have the option to choose between being granted the 'general' legal personality available to all associations, or the specific legal personality reserved for religious associations. In some legal systems religious communities can incorporate as non-profit making organisations, foundations, partnerships and even commercial companies.²⁰⁶

II. What are the Duties of the State?

2.1. Effective Protection of Convention Rights In the case of *Leila Şahin v. Turkey* the Court reassured that 'it is of crucial importance that the Convention is interpreted and applied in a manner which renders its rights practical and effective, not theoretical and illusory'.²⁰⁷ Article 13 of the Convention fortifies the effective protection of rights even further establishing that effective domestic remedies should be provided for arguable breaches of convention rights.²⁰⁸ The principle of effective protection of rights could be said to be a common feature of all human rights treaties, including UN treaties, for example, ICCPR.²⁰⁹ The effectiveness principle has been relied upon many times in order to allow the European Human Rights Commission or Court to the interpretation that convention rights are not merely negative rights, but also positive rights which put positive obligations on States.²¹⁰ The Court has not provided an authoritative definition of positive obligations. Judge Martens in his dissenting opinion defined them as 'requiring members to...take action'.²¹¹ Even if positive duty does not *expressis verbis* read out from the text of the Convention, it may accompany the purely negative duty of States to refrain from interfering in the enjoyment of Convention rights. The practice of the ECHR does not leave any doubt that the Court has to some extent recognised the positive obligations of States. The Court has recognised that States have positive duties to protect (from third parties), but it also has to a certain extent recognised positive duties to provide (or facilitate) religious needs. It could be argued that there is a positive obligation on behalf of the State to provide a legal framework (duty to take legislative measures), which does not inhibit communal enjoyment of freedom of religion or belief or freedom of association by religious communities. The effectiveness principle in combination with the European Court of Human rights case law on registration, in fact, makes a clear point about State duty to provide at least the existential minimum, basic tools for enjoyment of collective freedom of religion. In practical terms it means many things. Firstly, there should be options available for religious communities to obtain legal personality. This means the existence of an

²⁰⁴ See e.g. S. Ferrari, 'Religious Communities as Legal Persons: An Introduction to the National Reports' in *Churches and Other Religious Organisations as Legal Persons*, p. 5.

²⁰⁵ Although many European countries have multi-tiered systems 'it is typically possible at the "base level" for a religious group to organize as a normal nonprofit association (e.g., a registered association). Some have base-level associations specifically designed for religious communities.' W. C. Durham, Jr., 'Facilitating Freedom of Religion or Belief Through Religious Association Laws' in T. Lindholm, W. C. Durham, Jr., B. G. Thazib-Lie (eds.), *Facilitation Freedom of Religion or Belief: A Deskbook* (Martinus Nijhoff Publishers, 2004), p. 343.

²⁰⁶ S. Ferrari, 'Religious Communities as Legal Persons: An Introduction to the National Reports' in *Churches and Other Religious Organisations as Legal Persons*, p. 3.

²⁰⁷ *Leila Şahin v. Turkey*, para. 136. 'The Strasbourg organs have consistently held that Article 9 guarantees not only a negative aspect of freedom of religion, that is, the protection against unjustified interference by the State, but also positive obligations inherent in an effective "respect" for the individuals freedom of religion.' *X v. UK* (1981) No. 8160/78, para. 3.

²⁰⁸ See also K. Starmer, *European Human Rights Law* (London, Legal Action Group, 1999); A. R. Mowbray, *Development of Positive Obligations under the European Convention on Human Rights by the European Court of Human Rights* (Oxford: Hart Publishing, 2004), p 5.

²⁰⁹ International Covenant of Civil and Political Rights (ICCPR), GA Res. 2200 A, 21 U.N. GAOR, Supp. (No. 16) 52, U.N. Doc. A/6316 (1966).

²¹⁰ E.g. *Marckx v. Belgium*, 13 June 1979, A.31, 15, para 31, 45; *Belgian Linguistics case*, Series A no. 6.

²¹¹ Dissenting opinion of Judge Martens in *Gul v. Switzerland* 1996-I 165; See also A.R. Mowbray, *Development of Positive Obligations under the European Convention on Human Rights by the European Court of Human Rights* (Oxford: Hart Publishing, 2004), pp 1-6.

adequate legal framework. Secondly, obtaining legal personality/registration should not be overly burdensome. Without these corresponding duties the right to legal personality would not make much sense.

2.2. The Duty to Remain Neutral and Impartial The European Human Rights Court has often emphasised the State's role as the neutral and impartial organiser of the exercising of various religions, faiths and beliefs and has pointed out that this role is conducive to public order, harmony and tolerance in a democratic society. The State has a duty to remain neutral and impartial in relation to various religions and beliefs, which is important for the preservation of pluralism and the proper functioning of democracy.²¹² The Court has also stated that a State's duty of neutrality and impartiality is incompatible with any power on the State's part to assess the legitimacy of religious beliefs, or the ways in which those beliefs are expressed.²¹³ The latter makes a very strong point about autonomy of religious individuals or communities. It is also making a clear point about respect to autonomy of religious communities in the process of registration. In the case of the *Moscow Branch of the Salvation Army v. Russia*²¹⁴ the European Court held that refusal to re-register and the threat of dissolution of the legal entity of the Salvation Army, (a well-respected protestant religious group), violated both the freedom of association and the freedom of religion provisions of the European Convention. The Moscow branch of the Salvation Army obtained its legal personality in 1992 after being registered by the Justice Department of the Moscow City Council of People's Deputies. On 1 October 1997 a new Law on Freedom of Conscience and Religious Associations entered into force in Russia. It required all associations which had previously been granted the status of legal entities to bring their articles of association into conformity with the Act, and to re-register. The applicant was refused re-registration on a variety of inconsistent grounds. None of them were sufficiently substantiated. One of the allegations the Moscow Justice Department put forward was that the applicant was a paramilitary organisation, since its members wore uniforms and performed service, and because the use of the word "army" in its name was not legitimate. The European Human Rights Court pointed to its constant case law which has established that the right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate.²¹⁵ Thus, the State officials should not have evaluated the particular ways of organizing the internal life of the religious community and the ways it was manifesting its religious beliefs. The Court concluded that 'the Moscow authorities did not act in good faith and neglected their duty of neutrality and impartiality vis-à-vis the applicant religious community'.²¹⁶ As the Court stated in the case of *Hasan and Chaush* '...the autonomous existence of religious communities is indispensable for pluralism in a democratic society, and is thus an issue at the very heart of the protection which Article 9 affords'²¹⁷. A similar idea was expressed in the *Church of Scientology* case²¹⁸. Neutrality under the European Convention on Human Rights can be understood to mean impartiality, that is, an obligation to respect religious choices of citizens, whether or not they adapt to the widespread religious beliefs in the country, and whether such beliefs are popular or unpopular. Moreover, the Court found in the Salvation Army case that it could not be seriously maintained that the community was advocating violent change of constitutional foundations, or

²¹² Case of *Leyla Sahin v. Turkey*, Appl. No. 44774/98, para. 107; *Manoussakis and Others v. Greece*, Judgment of 26 September 1996, *Reports* 1996-IV, p. 1365, para. 47; *Hassan and Chaouch v. Bulgaria* [GC], App. No. 30985/96, para 78, ECHR 2000-XI, Case of *Refah Partisi (The Welfare Party) and Others v. Turkey*, Appl. Nos. 41340/98, 41342/98, 41343/98 and 41344/98, Decision of 13 February 2003.

²¹³ *of the Moscow Branch of the Salvation Army v. Russia*, App. No. 18147/02, Decision of 5 April 2007, para. 72; *United Communist Party of Turkey and Others v. Turkey*, Decision of 30 January 1998, *Reports* 1998-I, para. 57; *Metropolitan Church of Bessarabia v. Moldova*, 2001, 123.

²¹⁴ *Case of the Moscow Branch of the Salvation Army v. Russia*, App. No. 18147/02, Decision of 5 April 2007.

²¹⁵ *Ibid.*, para. 92.

²¹⁶ *Ibid.*, para. 97.

²¹⁷ *Hasan and Chaush v Bulgaria*, App No 30985/96, Decision of 26 October 2000, para. 62.

²¹⁸ *Church of Scientology Moscow v. Russia*, App. No. 18147/02, Decision of 5 April 2007.

undermined the State's integrity or security. There was no evidence before the domestic courts that in seven years of its existence the religious community, its members or founders had contravened any Russian law.²¹⁹

2.3. The Principle of Pluralism Endorsement of religious pluralism often figures in the rhetoric of the Court. The ECtHR has repeatedly stated that religious pluralism is one of the cornerstones of a democratic society. The idea of religious pluralism was expressed in the often referred to *Kokkinakis* case:

[F]reedom of thought, conscience and religion is one of the foundations of a "democratic society" within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it.²²⁰

In the case of *The Moscow Branch of the Salvation Army* the Court stated that besides political parties and other associations, associations formed for the purposes of proclaiming or teaching religion are important for the proper functioning of democracy. It went further to explain that:

Pluralism is also built on the genuine recognition of, and respect for, diversity and the dynamics of cultural traditions, ethnic and cultural identities, religious beliefs, artistic, literary and socio-economic ideas and concepts. The harmonious interaction of persons and groups with varied identities is essential for achieving social cohesion. It is only natural that, where a civil society functions in a healthy manner, the participation of citizens in the democratic process is to a large extent achieved through belonging to associations in which they may integrate with each other and pursue common objectives collectively.²²¹

Several points can be made on the basis of the above statements from the ECtHR practice on pluralism. Firstly, the principle of pluralism requires that not only religious beliefs, but also other beliefs are recognised and protected. Secondly, pluralism is built on a genuine recognition of the diversity of associations with various beliefs. Thus not just diversity of individual beliefs, but also diversity of associations, (communities with various beliefs), is important from the point of view of pluralism. Thirdly, the ECtHR clearly links the principle of pluralism to democracy. Pluralism seems to be an obligatory element of democracy, which is the only political model considered compatible with the Convention.²²² There can be no democracy without pluralism.²²³ Emphasising pluralism as an element of democracy also implies that democracy itself is not necessarily required within religious communities - diversity of communal expression of beliefs should be respected.

Moreover, when one talks about the principle of pluralism in the context of human rights generally, and in the context of the ECHR, one should point out the theoretical, but also practical link between pluralism and tolerance. The European Human Rights Court has recognised that diversity may cause conflicts and tensions. However, it has emphasised that this is one of the unavoidable consequences of pluralism. 'The role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other.'²²⁴

²¹⁹ *Case of the Moscow Branch of the Salvation Army v. Russia*, para. 95.

²²⁰ *Kokkinakis v. Greece*, para. 31.

²²¹ *The Moscow Branch of the Salvation Army v. Russia*, 2006, para. 61. See also *Supreme Holy Council of the Muslim Community v. Bulgaria*, 2004, para. 93; *Gorzelik and Others v. Poland* [GC], no. 44158/98, (17 February 2004), para 92.

²²² *The Case of Barankevich v. Russia*, App. No. 10519/03, 26.07.2007; *The Case of the Moscow Branch of the Salvation Army v. Russia*, 2006, para. 60; *Christian Democratic Peoples Party v. Moldova*, No. 28793/02, paras. 62-63.

²²³ *Case of Refah Partisi (the Welfare Party) and Others v. Turkey*, para. 44.

²²⁴ *Agga v. Greece*, 2003, para. 60; *The Plattform "Ärzte für das Leben" v. Austria*, judgment of 21 June 1988, Series A no. 139, p. 12, § 32.

2.4. Justified Restrictions on the Right to Register Religious Communities In the case of *the Moscow Branch of the Salvation Army v. Russia* the Court stated that Article 9 must be interpreted in the light of Article 11 of the Convention, which safeguards associative life against unjustified State interference.

Seen in that perspective, the right of believers to freedom of religion, which includes the right to manifest one's religion in community with others, encompasses the expectation that believers will be allowed to associate freely, without arbitrary State intervention.²²⁵

The European Convention on Human Rights allows restrictions on the manifestation of freedom of religion or belief. However, the limitations have to be prescribed by law, they have to be necessary in a democratic society in the interest of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others. In the *Scientology* case the Court stated that:

[T]he restriction on the rights to freedom of religion and assembly, as contained in Articles 9 and 11 of the Convention, is exhaustive. The exceptions to the rule of freedom of association are to be construed strictly and only convincing and compelling reasons can justify restrictions on that freedom. In determining whether a necessity within the meaning of paragraph 2 of these Convention provisions exists, the States have only a limited margin of appreciation, which goes hand in hand with rigorous European supervision embracing both the law and the decisions applying it, including those given by independent courts.²²⁶

To conclude, in practical terms it means that only justified restrictions are allowed when it comes to the registration of religious communities. Religious freedom often confronts ignorance and intolerance. It is important to give real thought to the underpinning reasons for obstructing registration of religious communities, and not to lose sight of the idea of equal worth and dignity of all human beings.

Йоланта АМБРОСЕВИЧ-ЯКОБС (ПОЛЬЩА)

РЕКОМЕНДАЦІЇ ОБСЄ У СФЕРІ ВИВЧЕННЯ РЕЛІГІЇ (ТОЛЕДСЬКІ ПРИНЦИПИ)

Свою презентацію документу «Принципи Толедо, навчання релігії та віруванням в публічних школах» я розпочну із рефлексії щодо парадоксу різноманітності. Це - певний виклик для кожного з тих, хто живе в сучасному світі і вирішує питання, як справитись з різноманітністю та з політичною волею з метою створення вірних та єдиних громадян з мінімальними стандартами в національній освітній програмі, яка відповідає загальним вимогам навчання. З іншого боку, у нас є відповідні очікування, багатий соціально-культурний фон, що також потрібно взяти до уваги. Тут ми маємо три точки зору: підхід рівних можливостей, соціальна справедливість, імператив прав людини. Це - перспектива ОБСЄ, яку я репрезентую на цій конференції. Важливо визнати, що освіті потрібна політична підтримка. Досить часто політики перекладають сферу освіти на самих педагогів, на вчителів. Тому я буду декларувати директиви, як допомогти працівникам освіти та тим, хто складає освітню політику Запропоную перспективи прав людини відповідно до навчання їх релігіям та віруванням в публічних школах.

²²⁵ ECtHR, App. No. 72881/01, Decision of 5 October 2006, para. 58.

²²⁶ *Case of Church of Scientology Moscow v. Russia*, App. No. 18147/02, Decision of 5 April 2007, para. 86; See also *Case of Svyato-Mykhaylivska Parafiya v. Ukraine*, App. No. 77703/01, 14.06.2007, para. 114; the same reasoning has been put forward also in an earlier case law. See *Wingrove v. the United Kingdom*, judgment of 25.11.1996, Reports of Judgments and Decisions 1996-V, p. 1956, para. 53.