*In 2014, the Grand Chamber of the European Court of Human Rights (ECtHR) found in the case of S.A.S. v. France that the French Law prohibiting facial concealment in public spaces (i.e. introducing a ‘burqa ban’) did not violate either the applicant’s freedom of religion or the prohibition of discrimination. By contrast, in 2018 in the very similar case of Yaker v. France, the UN Human Rights Committee (HRC) came to the conclusion that the two rights had been violated.****How did these two human rights bodies reach such different conclusions in similar cases?***

***Assignment*** *Compare and contrast S.A.S. with Yaker. There is no need to summarize the cases. Instead, isolate the key ways in which the HRC’s approach to freedom of religion diverged from the ECtHR’s. Consider particularly the level of deference to the State afforded by each body, and their diverging approaches to the legitimate aim requirement.*

*Reading materials for assignment:  
• Lecture (slides).*

*• HRC, General Comment No. 22, Art. 18. Freedom of thought, conscience and religion, 27 September 1993, CCPR/C/21/Rev.1/Add.4*

*• ECtHR, Case of S.A.S. v. France, Application No. 43835/11, 1 July 2014.*

*• HRC, Comm. No. 2747/2016, Yaker v. France, decision of 17 July 2018.*

*• Stephanie Berry, ‘The UN Human Rights Committee Disagrees with the European Court of Human Rights Again: The Right to Manifest Religion by Wearing a Burqa’, EJIL:Talk! Blog, 3 January 2019, https://tinyurl.com/y3yljne8.*