



Max-Planck-Institut für ethnologische Forschung
Max Planck Institute for Social Anthropology

CURED I Annual Conference

***Personal identities and the question of their
protection under state law***

27-29 November 2024

Venue: Main Seminar Room, MPI

Convenor: Department of Law & Anthropology

– Programme –

Wednesday, 27 November

13:00 **Registration**

14:00 **Welcome address** from Marie-Claire Foblets (MPI Halle, Department of Law & Anthropology)

14:15 **Religious identities**

Chair: Eugenia Relaño Pastor (Complutense University)

- Rossella Bottoni (University of Trento)

Mikyas and Others v. Belgium: Just Another Headscarf Case

Case details: European Court of Human Rights [Section II], Mikyas and Others v. Belgium (dec.), application no. 50681/20, 9 April 2024

Discussant: Ahmet Said Aydil (MPI Halle, Department of Law & Anthropology)



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- Mareike Schmidt (MPI Halle, Department of Law & Anthropology)

Whether the use of a unit in a holiday apartment complex as a gathering place for the religious community “Jehovah’s Witnesses” can be prohibited based on the assumption that potential holiday guests might be put off by the presence of a specific religious community.

Case details: Regional Court Itzehoe, judgement of 22 March 2019, 11 S 40/80 (LG Itzehoe, Urteil v. 22.03.2019, 11 S 40/80) [CUREDID: CUREDIO59DE024]

Discussant: Lisa Simonis (MPI Halle, Department of Law & Anthropology)

- Jonathan Bernaerts (University of Antwerp) and Adriaan Overbeeke (University of Amsterdam)

Consulting Religious Groups when Restricting Religious Ceremonies: COVID-19 and Jewish Marriages.

Case details: Council of State, no 249.177, 8 December 2020 (Yeter Lev Dsatmar); Raad van State, nr. 249.177, 8 december 2020 (Yeter Lev Dsatmar) [CUREDID: CUREDIO43BE011]

Discussant: Adelaide Madera (University of Messina)

16:00 **Coffee break**

16:30 **Getting to know new partners**

A session for new CUREDID partners and contributors to discuss their work and interest in CUREDID

Chair: Katia Bianchini (MPI Halle, Department of Law & Anthropology)

- Adelaide Madera (University of Messina)
- Rossella Bottoni (University of Trento)

19:00 **Dinner at Stella Pizzeria** (Sternstraße 4, 06108 Halle)



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20:00 **Wrap-up and closing discussion**

Thursday, 28 November

9:00 **Registration**

9:30 **National, regional and local identities**

Chair: Michael Germann (Martin Luther University)

- Eugenia Relaño Pastor (Complutense University)

Whether it is justified to deny Spanish nationality to a Moroccan national based on his identity and cultural roots, despite evidence of his substantial integration in Spain and proficiency in Spanish language.

Case details: Audiencia Nacional, Sala de lo Contencioso-administrativo, Sección 3ª, Sentencia de 14 Dic. 2007, Rec. 280/2006

Discussant: Patrícia Jerónimo (University of Braga)

- Anna Śledzińska-Simon and Jan Chmielecki (University of Wrocław)

Whether it is possible to register an association of people of Silesian nationality if Silesian nationality is not recognized by law?

Case details: Wyrok Sądu Najwyższego z dnia 5 grudnia 2013 r. (sygn. akt III SK 10/13). In English: Supreme Court, Judgment of 05.12.2013, III SK 10/13 [CUREDID: CUREDID120PL001]

Discussant: Jonathan Bernaerts (University of Antwerp)

- Mattia Zeba (EURAC)

Case details: Sentenza TAR Bolzano n. 252/2007 [CUREDID: CUREDID079IT009]

Language use, language recognition and linguistic identity: an analysis of the disrupting dynamics of standardization through the South Tyrolean case

Discussant: Anna Śledzińska-Simon (University of Wrocław)



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11:00 **Coffee break**

11:15 **Name changes and identity**

Chair: Mareike Schmidt (MPI Halle, Department of Law & Anthropology)

- Susan Rutten (Maastricht University)

Whether the Dutch legal system can recognise a name deriving from an Islamic name chain as a first name.

Case details: Judgement of Court of Appeal Arnhem-Leeuwarden, 13 September 2022, case nr. 200.299.773, ECLI:NL:GHARL:2022:7826 (Uitspraak Gerechtshof Arnhem-Leeuwarden, 13 September 2022, ECLI:NL:GHARL:2022:7826) [CUREDID: CUREDID118NL001]

Discussant: Mathes Trauer (MPI for Social Anthropology)

- Silvia Tellenbach (MPI for the Study of Crime, Security and Law)

Name change of a converted prisoner? Religious freedom versus public interest

Case details: Administrative Court Düsseldorf, Judgment of 27 November 2002, 18 K 2105/02 (VG Düsseldorf, Urteil vom 27. November 2002, 18 K 2105/02) [CUREDID: CUREDID033DE034]

Discussants: Friederike Gehrke (MPI Halle, Department of Law & Anthropology) to provide oral comments; Nikko Kulke (MPI Halle, Department of Law & Anthropology) to provide written comments.

12:30 **Group photo and lunch**

13:30 **CUREDID reports: a tool for understanding domestic systems**

Chair: Jonathan Bernaerts (University of Antwerp)

- Susan Rutten (Maastricht University)



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Country Report for the Netherlands: Cultural and Religious Diversity and Law

Discussant: Federica Sona (MPI Halle, Department of Law & Anthropology)

- Iulia Mirzac (University of Birmingham)

Trafficking and asylum claims in the United Kingdom

Presented by: Katia Bianchini (MPI Halle, Department of Law & Anthropology)

- Christian Backenköhler Casajús (Complutense University)

Religious diversity in Spain

Discussant: David Katz Rotnitzky (MPI Halle, Department of Law & Anthropology)

- Patrícia Jerónimo (University of Braga)

Religious diversity and freedom of religion in Portugal

Discussant: Eugenia Relaño Pastor (Complutense University)

16:00 **Coffee break**

16:30 **Keynote speech:**

- Kristin Henrard (Brussels School of Governance)

The margin of appreciation for 'state-religion relations': critical reflections on and intriguing developments in the jurisprudence of the ECtHR and the CJEU

Chair: Marie-Claire Foblets

Synopsis:

Leaving states a broad margin of appreciation does not seem to be in line with the goal of an effective protection of fundamental rights. Nevertheless, this is exactly what the ECtHR has done traditionally concerning a broad range of



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religious themes. The CJEU initially signaled that it would not adopt this line of

reasoning. In the meantime, the ECtHR has reduced the broad margin for religious themes in several respects, while the CJEU seems to increasingly embrace it. A closer scrutiny reveals a mutual influence back and forth, particularly concerning controversial manifestations of Islam. The presentation concludes with a call on both regional European courts to take up their supervising role and provide guidance to national authorities and courts.

Discussion panel: Jonathan Bernaerts, Patrícia Jerónimo, Eugenia Relaño Pastor and Anna Śledzińska-Simon.

19:00 **Dinner at LÖZIUS Bistronomie** (Am Steintor 9, 06112 Halle)

20:00 **Wrap-up and closing discussion**

Friday, 29 November

9:00 **Registration**

9:30 **'Open' CURED I Editorial Board Meeting**

An opportunity for all partners to participate in discussing issues and ideas alongside updates on the project.

Chair: Kristen Frers (Scientific Coordinator, CURED I)

- Updates on publishing/DOIs and database development (Christoph Korb, Database Developer, CURED I)
- Long-term funding and the evolution of CURED I
- Working toward systematicity

12:00 **End of meeting and departure**