CENTRE FOR LAW & RELIGIOUS FREEDOM
JAGIELLONIAN UNIVERSITY

Religious Freedom Clinic
HARVARD LAW SCHOOL

Kraków, 12 February 2026

BY POST AND BY FAX

Judge Kateřina Šimáčková
President of the Fifth Section
European Court of Human Rights
Council of Europe
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Re: Request for Leave to Intervene as Third Parties in *Pontificia, Real y Venerable Esclavitud del Santísimo Cristo de la Laguna and Diocesis de San Cristóbal de la Laguna v. Spain*, Application No. 7421/25

Dear Judge Šimáčková,

On behalf of the Centre for Law and Religious Freedom at Jagiellonian University in Kraków and the Religious Freedom Clinic at Harvard Law School, we respectfully submit this request for leave to intervene as third parties in the above-captioned case (Application No. 7421/25), currently pending before the Fifth Section, pursuant to Article 36(2) of the European Convention on Human Rights (ECHR) and Rule 44(3) of the Rules of Court.

Proposed Interveners. The Centre for Law and Religious Freedom at Jagiellonian University in Kraków is an academic institution dedicated to advancing research and dialogue on the protection of religious freedom within the framework of Western legal traditions, fostering rigorous and informed analysis of historically rooted approaches to this fundamental right. The Religious Freedom Clinic at Harvard Law School monitors significant religious liberty cases worldwide and contributes scholarly expertise and practical insights to assist courts in the fair and informed adjudication of such matters. The two centres' collaboration since 2023 has focused on the study of comparative approaches to religious freedom, drawing on the experience and best traditions of various Western legal orders. The cooperation between the two centres consists of conducting joint academic research, organising international conferences, producing seminal scholarly publications, and submitting briefing before courts in Europe and elsewhere.

As academic contributors to discussions about human rights and religious freedom, both centres have jointly assisted senior judicial bodies in similar matters. For example, our centres recently co-authored an *amicus curiae* brief submitted to the Supreme Court of Norway in Case No. 25-089326SIV-HRET (*Government of Norway* v. *Jehovah's Witnesses of Norway*), addressing state interference with internal religious membership practices.

Both centres' insight into the autonomy of religious communities under Article 9 of the ECHR makes them well-positioned to assist the Court in this case. Our recent joint academic project considers the religious freedoms of organised and "unorganised" groups, such as loosely affiliated worship communities, informal prayer groups, and minority sects that do not fit traditional institutional structures. We aim to deepen contextual understanding of how freedom of religion operates for traditional and non-traditional collectives in Western legal orders and how it intersects with the rights of association and assembly. Members of our centres have published extensively on these issues related to religious freedom in a comparative perspective.

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Proposed written comments. Both centres respectfully seek leave to intervene, with the aim of assisting the Court in its consideration of the international human rights implications involved. We believe this case involves a serious issue of general importance, and the Court's decision will be crucial to strike the right balance between religious freedom, freedom of association and anti-discrimination policy.

We propose to provide the Court with written comments focusing on issues to include:

- Religious Autonomy: the potential systemic implications of a judgment in this case for the scope of autonomy of public and private religious communities in Europe, particularly regarding their internal organisation and governance, as well as permissible restrictions of religious freedom.

- Third-Party Effect of Equality Norms: the manner in which this case may trigger the so-called "third-party effect" (*Drittwirkung*) of equality provisions in disputes between private individuals and religious entities.

- Comparative Perspective: a survey of national approaches concerning the balance between the autonomy of historic religious associations and general civil regulatory frameworks.

Both centres have no links to any party in the case. We wish to provide written comments in the public interest and in the interests of the proper administration of justice. We are also willing to take part in a hearing should the Court deem it helpful.

Should the Court grant leave to intervene, we will comply with the time limits, space limits and other requirements established by the President of the Chamber for the submission of written comments.

Yours faithfully,

/s/ Grzegorz Blicharz

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