The Right to Freedom of Religion in the Jurisprudence of the European Court

Nicolae V. Dură[1], Cătălina Mititelu[2]

Abstract: The evaluation of certain decisions of the European Court of Human Rights and of certain Comments made by its magistrates gave us the possibility to understand that we can also talk about a jurisprudence of the European Court with respect to the human right to freedom of religion. Of course, this jurisprudence of the European Court of Human Rights is a documentary source of reference not only for the experts in religious law – itself a part of the large field of European law – but also for the magistrates of the EU States, who are called upon to also pronounce themselves on matters which regard the human fundamental rights, among which the Right to the freedom of Religion.

Keywords: the European Court; the human fundamental rights; the freedom of Religion

In the opinion of some magistrates of the European Court, "the freedom of religion" – that the European Convention on Human Rights (acc. to art. 9) expressly mentions – is one and the same with „the freedom of worship" (Bîrsan, 2005, p. 707); in fact, the latter is only an external manifestation expressed through a public testimony of faith and through a liturgical ritual or an ensemble of religious ceremonies.

Therefore, it is of no surprise that, in the opinion of these magistrates, the freedom of conscience "be situated" between "the freedom of thought" – manifested as freedom of opinion – and „the freedom of worship", which, indeed, "can neither overlap the freedom of opinion, as a freedom recognised to any individual … to express certain convictions, that is the freedom of any man to think and to express what he thinks is true, nor the freedom of worship, which signifies the right of any man to openly exercise a certain religious cult, according to his faith; …" (Bîrsan, 2005, p. 707).

[1]Professor, PhD, Ovidius University of Constanta, Romania. Address: Bulevardul Mamaia 124, Constanța 900527, telephone no. +40241694330, fax no 0241670900. Corresponding author: nicolaedidimos@yahoo.com.
[2]Senior Lecturer, PhD, Ovidius University of Constanta, Romania. Address: Bulevardul Mamaia 124, Constanța 900527, telephone no. +40241694330, fax no 0241670900. E-mail: ovidiustomis@yahoo.co.uk.

JDSR, Vol. 4, no. 1/2014, pp. 142-153

The European Court stipulated – with the value of a principle – that „the participation to the life of the religious community represents a manifestation of religion, protected by the provisions of art. 9 of the Convention" (Bîrsan, [2005, p. 712)]. But, how did the European Court perceive and define Religion and the religious Cult?!

Magistrates of the European Court recognise that "... neither the Convention, nor the jurisprudence of its bodies gave a definition of the notion of "religion" or of "cult"; moreover, these do not allow – a European magistrate noticed – for the identification of some general criteria according to which certain spiritual representations could be qualified as having the signification of a religion or of a cult" (Bîrsan, 2005, p. 709).

In fact, we also encounter this reality in the text of the Constitutions of the European Union States. For example, the Constitution of Romania only expressly mentions two notions or syntagms: "religious faith" and "religious cults" (art. 29), without defining or specifying them from a notional or doctrinary point of view and, of course, the less so, without defining the criteria or the ground based on which the above-mentioned could be defined as such.

The European jurists also recognise that "... being a follower of the great traditional religions is not prone to raising any problems with regard to the exercise of controlling if the freedom of religion is observed", and that "the situation is however not the same for less-known religious movements" (Bîrsan, 2005, p. 709). In fact, the Commission of the Court of Strassbourg stipulated that the notions of "practice and observance" – used in the text of Article 9, paragraph 1 of the European Convention – "do not cover all the acts that could outline a certain religion or a certain faith" (Bîrsan, 2005, p. 710). Hence, the specification that this Commission wanted to make, namely that the term „religious convictions" is distinguishable from notions such as "opinions" or "ideas" (Bîrsan, 2005, p. 709).

According to the statements of certain magistrates of the European Court, "the notion of "cult" regards the services practiced by the religious cults, no matter which they may be, irrespective of the number of believers who embraced them or of their geographical extent on the territory of a state" (Bîrsan, 2005, p. 714).

However, the notion of (religious) Cult cannot be merely limited to the ritual of the prayers or services it involves, as it implies – as a sine qua non criterion of its organisational existence and of its legal functioning – three indispensable conditions: a) a Testimony of faith of its own; b) a well-defined ritual and c) an organisational structure, represented by its own governance bodies

That only the existence of these three elements can give an intrinsical consistency and an exterior shape to a religious Cult also follows from a decision of the European Court, according to which "... the freedom of manifesting one`s religious convictions through certain practices cannot include statements...", and, therefore,

such "statements", even if they belong to a religious Community or to a religious Cult, "have nothing in common with faith, being mere manifestations of commercial advertising" (Bîrsan, 2005, p. 714).

With regard to the religious convictions, which are in fact externalised through "practice and observance", the latter also expressly referred to by Article 9 of the European Convention, the same Court stipulated that these practices and rituals "are peculiar of a certain religious behaviour... manifested through words or actions", which is, in fact, "... externalised through the participation in religious services, processions or through the wearing of specific clothes" (Bîrsan, 2005, p. 714).

Among the various forms that the manifestations of a religion or of certain religious convictions can take, the European Court mentioned both „the ritual sacrification of certain animals", on the occasion of some religious holidays, as well as "burials and the way cemeteries are set up", which – in its conception too – "represent an essential element of religious practices" (Bîrsan, 2005, p. 715).

The European Court, too, wanted to specify that a person can manifest "his religious convictions in many ways", however not in the context of "the profession he practices", but "outside of its field" (Bîrsan, 2005, p. 716). In fact, "... the European Court emphasized that, although art. 9 of the Convention allows for the fulfillment of acts of cult or devotion strongly tied to the personal convictions that can correspond to a certain religious belief", this does not mean that the text always protect "the right to behave in the public sphere according to one`s faith" (Bîrsan, 2005, p. 716).

In the text of article 9 of the Convention, the Jurisprudence of the European Court outlined two components for each freedom (of thought, of conscience and of religion), namely an internal and an external one. The former finds expression in one`s inmost being, while the latter only emerges once with its external manifestation. "We are dealing - professor Corneliu Bîrsan wrote, a magistrate of the European Court "in illo tempore" - with two components of the same right, albeit each of them with its own juridical regime, a natural consequence of the circumstance that these liberties have both an internal character, related to the internal life of people, and an external one, represented by the people`s external manifestations, …"(Bîrsan, 2005, p. 705).

Anyhow, the European Convention of the year 1950 has established no hierarchy of the three freedoms, "of thought", "of conscience" and "of religion", it only mentioned them in the order of their manifestation, both in „forum internum", and in "forum externum".

As long as a religious faith – and, actually, a personal conviction, too – remain in one`s inmost being, they cannot be subject to any limitation. In fact, "any penalty imposed on a person merely on the ground that person have a faith, without having

manifested it in any way, cannot be accepted and cannot have any legitimate purpose" (Chiriță, 2008, p. 526). As such, as long as a religious faith only manifest in one`s mind, it will only be part of one`s conscience, hence its relating to the freedom of conscience.

To sum up, we want to stress that, with regard to the right to the freedom of Religion – provided by Article 9 of the European Convention – the European Court of Human Rights considers that religious freedom is related "first and foremost to the internal forum", but also that "it equally involves the possibility to manifest one`s religion, not only collectively, but, to that, in the circle of those who share the same faith; each person can enjoy this freedom – the European Court concluded – individually or in one`s private life" (Bîrsan, 2005, p. 713).

Therefore, in the conception of the European Court, it`s not only the traditional Churches or Cults or the ones with the most followers that can enjoy this right to religious freedom, but also the religious Groups which, in fact, next to the Cults and the religious Communities are also entitled by the laws of the E.U. States to organise themselves and to function under the law. However, as a magistrate of the European Court himself wanted to specify, the text of Article 9 of the European Convention "... does not protect every act that is motivated or inspired by a certain religion or (religious, n.n.) conviction; apart from that, the individual (sic), in the exercise of his freedom to manifest his own religion, can take his particular situation into account" (Bîrsan, 2005, p. 713).

The small circle of the people who share the same religious faith can therefore also enjoy the right that the freedom of religion grants to the various forms of manifestation that a Religion or a religious Conviction can take, namely "... through worship, teaching, practice and observance" (Art. 9 of the European Convention).

As the juridical protection provided by Article 9 of the European Convention is concerned, both the natural persons and the legal entities, that is the Churches, more exactly the religious Cults, can enjoy it. And, in accordance with the decisions of the European Court, "… a campaign led against a church or a religious group, mainly manifesting through injurious and denigrating attacks from the part of other persons can lead to the involvement of the state`s responsibility, on the grounds of art. 9 of the Convention, if its authorities refrain themselves from adopting the measures that could lead to the cessation of such a campain" (Bîrsan, 2005, p. 703-704).

The same jurisprudence of the European Court considers that "not only state authorities", but also "private persons are subject to the obligation to observe the freedoms protected through art. 9 par. 1 of the Convention" (Bîrsan, 2005, p. 704). In this sense, among these „private persons" there are also some journalists who not seldom get involved or become instruments of some obscurely directed

campains, with an injurious and denigrating character against the religious Cults, irrespective of their characteristics.

As the freedom of expression is concerned, with regard to Religion and Morals (Dură, 2011, p. 158-173), "… the European Court emphasized the fact that neither could a uniform European notion of „Morals;..." (Bîrsan, 2005, p. 757) be derived from the internal law of the contracting States, nor that the EU States „have with regard to the protection of Morals a decisive and absolute power, that could undergo no European control" (Bîrsan, 2005, p. 758).

This European control – materialised especially through the decisions of the European Court – usually examines the limitations, the constraints that the States make in the context of activities or public manifestations that underline their religious-moral implications.

Not seldom has the European Court tackled the problem of examining and deciding also with regard to the relation between the granting of the freedom of expression and that of the freedom of religion, but we should recognise that its decisions weren`t always impartial. In fact, we could notice that, sometimes, the Court has acted as the defender of the freedom of expression to the detriment of the freedom of religion. For example, the Court decided that when injurious attacks take place "against some objects of religious veneration" (icons, crucifix, crosses etc.), their sanctioning „be proportional with the pursued aim" (sic), motivating that „one cannot give an exhaustive definition of what constitute „an acceptable infringement" of the right to the freedom of expression when the latter is exercised against the religious feelings of other persons" (Bîrsan, 2005, p. 758).

However, the European Convention also provided limitations for the freedom of expression (acc. to Art. 10 § 2). For example, the European legislator provided that "the protection of the reputation or rights of others" (the European Convention, art. 10 par. 2) belongs to those "restrictions" (acc. to art. 10 § 2) or „limitations" of the freedom of expression. In this sense, it rarely happened that the European Court imposed those "restrictions" or „limitations" to certain journalists who hurt the religious feelings of some members of the religious monotheistic Cults (Dură, Mititelu, 2007, p. 9-17), be they the traditional Christian ones (Orthodoxy and Roman-Catholicism), or the Mosaic or Islamic one.

As regards the way to apply certain "restrictions" or "limitations" to the exercise of social freedoms, such as religious freedom, freedom of expression etc., the European Court recognises that the States who signed the European Convention dispose of a certain range of appreciation, which is however not "unlimited". In fact, the Court declared that, in the last resort, "it is the mission of the European jurisdiction to ultimately pronounce upon the compatibility of the restrictions applied by the national authorities to the provisions of the Convention, while taking into consideration the circumstances of every cause, especially to see if they

correspond to a "...stringent social need" and if they are "proportional to the pursued purpose" (Bîrsan, 2005, p. 764).

According to the jurisprudence of the European Court, the provision of the Convention, in Article 9, "... protects, above all, the field of personal convictions and of religious faiths. Moreover, it defends – in the conception of the European Court – the acts related to these behaviours, such as the acts of worship and devotion, as practical aspects of a religion or of some convictions, in generally acknowledged forms" (Bîrsan, 2005, p. 698).

Therefore, in the interpretation of some magistrates of the European Court, "the personal convictions" and "the religious beliefs" are placed by the European Convention on a par. In fact, in their opinion, Article 9 of the European Convention for the protection of human rights (Rome, 1950) equally defends not only the two fields, but also their acts and practical manifestations. In this sense, the acts and manifestations of a religious faith – irrespective of its nature – cannot be merely reduced to the level of those following from a personal conviction, be it a religious one, because a religious faith is substantially and radically different from any personal conviction through its origin, through its nature, through its way of expression and manifestation, as the Cult of any Religion vividly certifies to us.

From the text of the European and international regulations we can easily notice that the right to the freedom of religion cannot be dissociated from the right to the freedom of thought and of conscience and from the right to the freedom of expression (cf. art. 10 of the Convention), but also from the right to the freedom of peaceful assembly and association (cf. art. 11 of the Convention) and from the right of parents to ensure a religious education to their children (cf. art. 2 of the First Additional Protocol to the Convention) etc.

Among other, the first "Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms", published in Paris in the year 1952, specified that "… in the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions" (art. 2).

In its Jurisprudence, the European Court has shown that "… the parents can pretend that the States respect their religious and philosophical convictions", and that the verb "to respect" – in the text of article 2 of the Additional Protocol – signifies much more than „to recognise" or "to take into consideration" the parents` religious and philosophical convictions; beyond any negative commitment, this verb – "to respect" – implies, as a duty of the contracting states, „a certain positive obligation" (Bîrsan, 2005, p. 1070).

As a matter of fact, Article 2 of the Protocol actually "forbids" the contracting States "to pursue an aim of indoctrination that could be considered not to observe

the parents` religious and philosophical convictions; …". Also, „… the States are bound to ensure the observance of these convictions of the parents in the ensemble of the public education programs" (Bîrsan, 2005, p. 1071).

In the perception of the European Court, the word "convictions" – in the text of Article 2 of the Additional Protocol to the European Convention – „is not synonymous with the terms "opinions and ideas", as the term "convictions" – the Court`s Jurisprudence specifies – expresses „certain points of view that reach a certain level of force, of seriousness, of coherence and of importance" for a person or for a group of persons" (Bîrsan, 2005, p. 1072).

The same jurisprudence lets us know that the expression "philosophical convictions" refers to those convictions that deserve the respect "of a democratic society, are not incompatible with the dignity of the person and, to that, do not appear to be in contradiction with the fundamental right to instruction, …"(Bîrsan, 2005, p. 1072).

In the interpretation of the European Court, the text of Article 2 of the Protocol "… does not hinder the states from disseminating, through education and teaching, information and knowledge which have an either direct or indirect religious or philosophical character, …" (Bîrsan, 2005, p. 1072).

Hence, based on article 2 of the First Additional Protocol to the European Convention, in the exercise of the functions it assumes in relation to education and to teaching, the State shall, therefore, "respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".

Through the provision of the obligation of the EU States to respect "the right of parents" to ensure an "education" and a „teaching" according to "their religious and philosophical convictions", in Protocol no. 1 it was actually recognised "a distinct right, the right of parents to decide with regard to the education of their children, no matter if they were the natural or the adoptive parents of that child" (Chiriţă, 2008, p. 805).

Just as an competent Commentator noticed, with regard to the text of article 2 of the First Protocol to the Convention, its authors wanted the avoid the... "... the experience in the totalitary states where children were subject to indoctrination through the propaganda carried on in the educational institutions" (Chiriţă, 2008, p. 806).

In its decisions, the European Court specified that "the Teaching" that Article 9 of the European Convention refers to "does not regard school education; this one is protected by the provisions of art. 2 of the First Additional Protocol; …", but it refers to "the religious education conceived as the possibility to abolish an activity of building up and disseminating a determinant cult" (Bîrsan, 2005, p. 714).

In other words, we are talking about an education with a preeminently religious character, expressed and provided in the spirit and the words of the teaching of faith of the respective Cult, whose final purpose would actually fit into an activity with a double aim: educational and missionary-religious.

Regarding the right to disseminate the knowledge produced by this religious teaching in the form of a missionary activity, the European Court recognised that, in principle, the freedom to manifest one`s Religion also presupposes "… the right of trying to convince your fellow man, for example, through a "teaching", because otherwise "the freedom to change his religion or conviction" – provided by article 9 of the European Convention – "risk to remain dead letter" (Bîrsan, 2005, p. 714).

In the conception of the European Court, the use of religious education with the purpose of convincing other people to adopt or to convert to your Religion is not a form of proselytism (Dură, 2010, pp. 279-290), but the natural result of the exercise of the right recognised by the European Convention in article 9. However, not all jurists or members of the religious Cults can accept this interpretation, as the reality confirms to us that through such a form of religious education, with a persuasive character and with a missionary-proselytistic tint, proselytism is actually tolerated under the protective mask of the freedom of Religion.

In its decisions, taken on the basis of article 2 of the Additional Protocole no. 1 to the Convention, the European Court wanted to specify that this right of the parents was also recognised with the purpose of promoting a pluralism in education (Chiriţă, 2008, p. 806). At the same time, "the European Court specified the fact that the state`s obligation is not limited to the choice of the courses and subjects to be studied, but also involves the choice of the teaching methods meant for carrying on the pupils` education" (Chiriţă, 2008, p. 806).

The European Court also noticed the right of some Christian States – such as, for example, is the case of Norway – to educate their children according to their own Christian histories and traditions. That is why the Court rejected as ungrounded the accusation of some of its citizens, of a different Tradition and Religion, that "... in the framework of the course of religion and philosophy, a great part of the curriculum is dedicated to the study of Christianity, a fact that cannot be sanctioned if we take into consideration the history and the Christian state tradition of Norway" (Chiriţă, 2008, p. 807).

The same Court recommended that the respective School curricula promote an approach, an educational pluralism and a spirit of understanding, tolerance and dialogue. But, what could we say about the reality of our Countries, where the children in public School are still instilled the doctrine of the Darwinist Evolutionary theory and almost nothing about the doctrine of the Creationism theory?!

The European legislator wanted to impose on the contracting States the obligation to ensure the freedom of citizens to manifest their faith or their religious convictions without any direct or indirect constraint, except, of course, for „the restrictions provided by the law", that are considered to be "necessary measures, in a democratic society, in the interests of public safety, for the protection of order, health or morals or for the protection of the rights and freedoms of others" (art. 9 of the European Convention on human rights).

The practice of the European contentious instances has shown that „the juridical definition of the freedom of conscience does not seem easy. It has been shown that the freedom of conscience can neither overlap the freedom of opinion,..., nor the freedom of cult, which signifies the right of every person to openly exercise a certain religious cult, according to one`s faith; the freedom of conscience is situated – a magistrate of the European Court concluded – between these two freedoms" (Bîrsan, 2005, p. 707). And, though, we can notice that, "… in the Jurisprudence of the European Court, the freedom of conscience appears to be rather attached to the religious one…"(Bîrsan, 2005, p. 707).

Indeed, the freedom of conscience can neither overlap "the freedom of thought and opinion", nor "the freedom of religious faiths", nor be identified with the latter and, of course, the less so ought the two liberties, namely of thinking and of religion, be included within the framework of "the freedom of conscience" – as they are mentioned in the text of article 29 of the Romanian Constitution – moreover, the latter should not be considered a corollary of religious freedom, or, even worse, be attached to the freedom of religion, as we encounter it in the Jurisprudence of the European Court.

That for the magistrates of the European Court "the freedom of conscience appears to be rather attached to the freedom of religion and to the one related to the expression of one`s convictions, either alone or collectively, …"(Bîrsan, 2005, p. 707), is confirmed by its resolutions themselves. For example, based on the resolution of the European Court, the obligation provided by the school Curriculum that, at School, the children also attend a Course of moral and social education "… is not an infringement on the freedom of conscience, as, in such a context, we are not talking about a political or religious indoctrination" (Bîrsan, 2005, p. 708).

We should also emphasize the fact that the European Court, too, considers that the obligation of some servants of the Cults to join a Pension System bears no relation to the manifestation of a person`s religion or to his religious convictions and, as such, this "… does not represent an infringement on the freedoms granted by art. 9 of the Convention" (Bîrsan, 2005, pp. 708-709).

To that, the Court did not recognise "the existence of a right" for the persons who, out of reasons of conscience, refuse to fulfill their military service, including the

provision of "a service of public interest instead of these obligations" (Bîrsan, 2005, p. 709).

In this sense, through the above-mentioned decisions, the magistrates of the European Court prove, of course, that at times they also contradicted themselves with regard to their opinions, although they usually pronounced themselves decisively with regard to the right of any person to the freedom of Religion, including here the possibility to express one`s identity or religious status freely, to change one`s religion or religious conviction and even to make it known be it in the presence of a majority of another religious faith[1].

With regard to their status of legal entities, the religious Cults should also enjoy the right to the observance of the inviolability of the home, the right to the protection of the secret of correspondence, the right ensuring the protection of the intimacy and of the reputation of their religious servants etc.

Although Article 8 of the European Convention only offers protection to the private life, not to the public one, the European Court, though, admitted the fact that it`s not only the natural person who benefits from the right to the observance of the inviolability of the home and especially from the right to the protection of the secret of correspondence, but the legal entity, too, as religious Cults are. Actually, we should also mention that, among the clauses provided by the European Convention for allowing „the interference by a public authority with the exercise of this right", it is also expressly mentioned "... the protection of the rights and freedoms of others" (art. 8 § 2), which presupposes that "alterum non laedere" (Ulpianus).

For the European Court, the conversations of a professional nature – including, therefore, the ones that also regard the servants of the religious Cults – are also considered to be "... like any private elements of a person. That is exactly why – a Romanian constitutionalist specifies – the Court expressly refused to offer a definition to the notion of private life" (Chiriţă, 2008, p. 420).

In its decisions, the European Court specified that "… the right to the freedom of religion, in the sense bestowed upon it by the Convention, excludes any appreciation from behalf of the state with regard to the legitimacy of some religious faiths or the ways how these are expressed" (Bîrsan, 2005, p. 704). Therefore, in conformity with the decisions of the European Court, no state authority - no matter which it may be - is entitled to pronounce itself with regard to the legitimacy of a religious faith or of its way of expressing itself.

[1] See, for a clarification, the text of the decision of the European Court in the Kochinos case (the Jehovians from Greece).

The European Convention on Human Rights (Rome, 1950) provided both the right of any person to the freedom "of religion", and one`s "freedom" "to change one`s religion or conviction" (art. 9).

A constitutive element of the right to the freedom of religion is indeed the right of the person to change his religion by free choice[1], a freedom that should, however, exclude any form of religious proselytism (Dură, 2010, p. 279-290), which "… takes on the cloth of coercion or manipulation" (Stanomir, 2011, p. 45), and, implicitly, any form of privilege and discrimination in the religious politics of the EU States (Dură, 2009, p. 463-489).

The UN International Pact regarding the civil and political rights, that entered in force on March 23, 1976, recognises also the right of any person "to adopt a certain religion" (art. 18, par. 2). Hence, any man has the right not only to change his religion, but also to adopt another religion. And, in this sense, through this international regulation, too, "the right to one`s religion" was reconfirmed at an international level, emphasizing, this way, the provision included in Article 18 of the Universal Declaration of Human Rights of the year 1948.

In its decisions, the European Court stipulated with the value of a principle that the right to the freedom of religion be also a "valuable good of atheists, agnostics, skeptics or indifferents" (Bîrsan, 2005, p. 709). In fact, its magistrates wanted to specify that, based on Article 9 of the European Convention, this right involves the freedom to follow a Religion or not, to practice it or not, or to change it. Of course, any atheist, agnostic, skeptic, free thinker etc. could become a believer one day, that is a follower of a religion. But to make the freedom of religion a "valuable good" also for the above-mentioned means either not to understand the origin, nature, content and finality of a religious faith, or to reduce it merely to an unconditioned right, that any man could benefit from. And, in our opinion, in this case, the magistrates of the Court have considered the latter version which, indeed, is plausible, because the right to the freedom of religion is first and foremost grounded on "Jus naturale" (Dură, 2013, p. 213-233), and only then in "Jus scriptum" or "Jus positivum", be it either national or international.

The same magistrates of the European Court consider that the persons with "pacifist ideas" should also enjoy the right to the freedom of thought and of conscience because, in their opinion, "… pacifism is included in the application field of the right to the freedom of thought and of conscience" (Bîrsan, 2005, p. 715). Of course, any idea – be it also of a philosophical or juridical nature – is first of all the result of a freedom of thought that all people can benefit from, irrespective of their religious faith, of their philosophical, political conviction etc.

[1] Cf. Art. 9 of the European Convention for the protection of human rights.

The examination of the text of certain decisions of the European Court of Human Rights and of certain Comments made by its magistrates gave us the possibility to understand that we can also talk about a jurisprudence of the European Court with respect to the human right to freedom of religion. Of course, this jurisprudence of the European Court of Human Rights is a documentary source of reference not only for the experts in religious law – itself a part of the large field of European law – but also for the magistrates of the EU States, who are called upon to also pronounce themselves on matters which regard the human fundamental rights, among which the Right to the freedom of Religion.

References

Bîrsan, C. (2005). *Convenţia europeană a drepturilor omului. Comentariu pe articole /The European Convention on human rights. Comment on articles*, vol. I. Bucharest: All Beck.

Chiriţă, R. (2008). *Convenţia europeană a drepturilor omului. Comentarii şi explicaţii /The European Convention on human rights. Comments and explainations,* second edition. Bucharest: C. H. Beck.

Dură, N. V. (2013). Loi morale, naturelle, source du Droit naturel et de la Morale chrétienne, in vol. *La morale au crible des religions / Moral, natural law source of Natural Law and Christian Morals, in vol. The moral in the light of religions / Studia Arabica XXI, coord.Studia Arabica XXI,* coord. by M. Th. Urvoy. Paris: Éditions de Paris, pp. 213-233.

Dură, N. V. (2011). Law and Morals. Prolegomena (I). *Acta Universitatis Danubius. Juridica*, no. 2, pp. 158-173.

Dură, N. V. (2010). Proselytism and the Right to Change Religion: The Romanian Debate, in vol. *Law and Religion in the 21st Century. Relations between States and Religious Communities*, edited by Silvio Ferrari and Rinaldo Cristofori, England: Ashgate Publishing Limited, pp. 279-290.

Dură, N. V. (2009). About the „Religious" Politics of Some Member States of the European Union, in *Dionysiana*, vol. III, no. 1, pp. 463-489.

Dură, N. V. & Mititelu, C. (2007). The Centre for the Juridical and Canonical Study and Research of the Three Monotheistic Religions. Foreword, in *Dionysiana*, vol. I, no. 1, pp. 9-17.

Stanomir, I. (2011). Libertate, politică şi religie: câteva observaţii introductive (Liberty, politics and religion: a few introductory considerations), in vol. *Religia în democraţie. O dilemă a modernităţii (Religion in democracy. A dilemma of modernity),* coord. by C. Ungureanu, Bucharest: Polirom.