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THE EUROPEAN CONVENTION ON HUMAN RIGHTS - THE FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

Empirical
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Abstract

In this study, we have decided to do an analysis of consciousness, thought and religion through the prism of the concept of freedom. The authors of the European Convention on Human Rights agreed to protect not only the private and family life of the individual, his/her correspondence and residence but also his/her inner self, i.e. thought, conscience and religion that he/she chooses. Art. 9 of the Convention grants every person the freedom of thought, conscience and religion and the right to manifest beliefs and religion. Religious beliefs cannot be limited to the major religions, but what is certain is that religion must be identifiable.

Introducere

In the process of thinking, the individual forms certain beliefs; as a social being, (s)he needs to express his/her beliefs, often linked to embracing a particular religion, outwardly, towards his/her peers, together with them. Accordingly, Article 9 of the Convention grants every person the freedom of thought, conscience and religion and the right to manifest beliefs and religion. It has been rightly noticed that the rights and freedoms enshrined in this text present an internal and an external aspect. [Corneliu Bîrsan, *Convenia Europeană a Drepturilor Omului. Comentat pe articole. Vol. I Drepturi i libertăți*, C.H. Beck Publishing House, Bucharest, 2005, p.697].

These freedoms have, on the one hand, an individual dimension itself (to hold opinions and beliefs) and, on the other hand, a social and political dimension (their expression) and are absolutely characteristic of human rights in society.

„Article 9 – *The freedom of thought, conscience and religion:*

1: *"Everyone has the right to freedom of thought, conscience and religion" this right includes freedom to change one's religion or belief as well as freedom to manifest one's religion or belief, either individually or collectively, in public or private, through worship, teaching, practice and the observance of their rituals.*

2. *The freedom to manifest one's religion or beliefs shall be subject only to such limitations as those stipulated by law and are necessary in a democratic society for the protection of public order, health or morals, or for protection of the rights and freedoms of others."*

Religion, way of approaching and expressing

So we sad, religious beliefs cannot be limited to the major religions, but what is certain is that religion must be identifiable. There appears, in this context, a very complex issue and, namely, that of the **sects**. In Europe, the issue of sects went from being a social phenomenon to representing a stirring phenomenon of utmost importance for the public security. The massacres caused by the Order of the Solar Temple the 1994 and 1995, the Sarin gas attack made by the Aum sect in the Tokyo subway in March 1995, the collective suicide of the Heaven's Gate followers in Los Angeles in 1999, killing 10 Amish schoolgirls adherents of the sect in the US in 2006 were just some of the events that have accelerated the change of attitude on the states'.

Almost everywhere in Europe supervisory bodies appeared to control the phenomenon: the French government established a ministerial task of fighting sects, while the German government has warned people about the danger of the Church of Scientology. Furthermore, Bavaria decided to exclude its followers from public office. The

response was to the same magnitude- a report on human rights prepared by the Bureau of Democracy, Human Rights and Labor, an institution of the State Department, attacked Germany violently and placed it on the list of countries that violate religious freedom next to China.

At the same time, French institutes seek to correct some untruths. For example, France is accused of refusing to grant religion status to minority groups, although under the law of 1905, which establishes the separation between state and church, the State recognizes no religion.

The Commission and the Court have analyzed several cases of freedom clause violation occurring in Article 9. Without explicitly showing what the characteristics of religion are within the meaning of Article 9, the Commission examined two categories of problems that help identifying the elements not covered by Article 9. Firstly, the state is not obliged to allow a religious sect to choose its own form in a precise legal structure because some members can always manifest their religious belief outside the desired structure. Secondly, according to the Commission's opinion, an individual cannot invoke the freedom of religion clause to justify an act which is not in conformity to the practice of his/her own religion. The individual cannot challenge any general policy positions adopted by a State Church as he/she was free to leave that church. Leaving the group to which a person belongs under his/her religious beliefs is a right enshrined under Article 9 of the Convention.

The European legislator shows that the freedom of religion is "one of the vital elements that contribute to shaping the believers' identity and their conception of life." [Frédéric Sudre, *Drept european i internațional al drepturilor omului*, Polirom Publishing House, Iași, 2006, p. 343].

Viewed in terms of their internal character, these rights appear as absolute because, as long as they are reflected in the concepts and ideas that are not externalized, we are in the presence of certain rights that cannot be against the public policy. The moment they are expressed by outward acts, meaning that the individual understands to manifest one's beliefs and/or religion, the rights in question turn into social facts, so it is necessary to organize their exercise by the state authorities. From this instant on, the state as organizer of the whole society life, may intervene to limit their exercise; the drafters of the Convention have formulated in paragraph 2 of Article 9 the limits of such state intervention in the exercise of the freedoms guaranteed by the first paragraph: these shall be prescribed by law, shall pursue a legitimate aim and shall appear as necessary in a democratic society.

The provisions of first paragraph of Article 9 derive from those in Article 18 of the Universal

Declaration of Human Rights of 1948, which proclaim, in almost identical terms, the freedom of thought, conscience and religion.

Besides, the full text of Article 9 of the European Convention on Human Rights can be found in Article 18 of the International Covenant on Civil and Political Rights of 1966. [Ioan Vida, *Drepturile omului în reglement ri interna ionale*, Lumina Lex Publishing House, Bucharest, 1992, p. 77]

Article 9 of the Convention enshrines the right of every person to hold or adhere to a particular religion, to have opinions and beliefs, at an individual scale, but also the right to socially express one's religion, opinions, and beliefs.

Freedom of thought and of conscience, approach and way of expression

The freedom of thought and conscience cannot be dissociated from the freedom of assembly and association protected by the provisions of Article 11 [Bîrsan Corneliu i Eftimie Marius, 2006, *Conven ia European a Drepturilor Omului*, Hamangiu Publishing House, Bucharest, pp. 11-12] (the freedom of assembly and association) of the Convention, freedom closely linked to the freedom of religion as the freedom of association includes the possibility to be part of religious organizations. The freedoms provided by Article 9 of the Convention should also be viewed in conjunction with the right to education stipulated by Article 2 of the First Additional Protocol of the Convention which says that "the State, in the exercise of any functions which it assumes in relation to education and to teaching, shall respect the right of parents to ensure such education and teaching in conformity with their religious and philosophical convictions." One cannot ignore the fact that an expression of ideas and beliefs is performed on the social and political level by participating in elections. Therefore, Article 3 (the right to free elections) of the First Additional Protocol to the Convention provides that states "shall undertake to organize, at reasonable intervals free elections by secret ballot, under the conditions which will ensure the free expression of the opinion of the people on their choice of the legislative body". Finally, it is noted that, according to Article 14 [Corneliu Bîrsan & Marius Eftimie, op. cit, p. 13] (prohibition of discrimination) of the Convention, the exercise of rights and freedoms that it recognizes shall be secured without distinction of sex, color, language, religion, political or other opinion, etc.

Under the provisions of Article 9, the European Convention on Human Rights protects the fundamental values of human personality - thought, conscience and religion as well as the possibility of socially manifesting one's ideas, religious beliefs, concerning each individual's conception of the world and society. Defending the right to freedom

of thought, conscience and religion reflects the respect due by state authorities to the diversity of beliefs that can be expressed in the social life, so that each individual shall be granted his/her spiritual independence.[Frédéric Sudre, op. cit., p. 405]

The freedom of thought, conscience and religion is one of the foundations of a democratic society within the meaning of the Convention.

At first sight, the answer to the question "who can invoke the provisions of Article 9?" would be that only a natural person can enjoy the protection offered by the text on freedom of thought, conscience and religion. There is also the wrong conclusion drawn by the former Commission in one of its first decisions when it stated, referring to the religious freedom, meaning that a church, as a legal person, could not allege to have been offended in the performance of any of the freedoms provided by Article 9 of the Convention. However, such a conclusion ignores the provisions of the second part of the first paragraph of Article 9, which speaks about recognizing the right to manifest one's religion or belief, either individually or collectively, in public or in private life, in worship, teaching, practice or rites. Nevertheless, the manifestation of religion and belief in community, coupled with freedom of association recognized by Article 11 of the Convention, leads to the idea that individuals may get associated in religious organizations, which thus are entitled to appear as a "recipient" of the right to religious freedom.

The former Commission decided that neither can a moral lucrative person enjoy or waive the rights defined by Article 9 of the Convention, nor can any shareholder who holds the majority shares or a company director claim to be victims of violations of the provisions of article 9 of the Convention by subjecting society to the obligation to pay a tax on worship.

We appreciate that the freedom of thought, as an absolute right, belongs only to the intimate sphere of the individual and cannot be invoked by a legal person with non-patrimonial purpose, whatever their field of activity. Of course, individuals who associate for a particular purpose, religious or for expressing their ideas and beliefs, performs it by highlighting the freedom of thought; but their association usually involves, in itself, the exercise of freedom of religion or freedom of expressing certain beliefs.

The European court of human rights ruled that a religious or ecclesiastical body may, as a legal entity, exercise rights guaranteed by Article 9 of the Convention, on behalf of his followers, but in both those cases, and in others that have dealt with the freedom of religion, it said that "Article 9 lists the various forms that may be entailed when manifesting a religion or belief".

In order to invoke the provisions of Article 9 of the Convention, a religious organization or any legal entity with non-patrimonial purpose must be a victim within the meaning of Article 34 of the Convention that is it should be able to claim that the freedom invoked was really violated by the state authorities.

The European Court stated that an intentional tort suit against the legislative body that is concerned with settling a social problem of the utmost importance does not demonstrate a risk of breach of the claimant's right to freedom of religion.

Ensuring the freedom of thought, conscience and religion involves, firstly, the state authorities' negative obligation not to take any action or not to be able to be criticized for any failure that might restrict the effective exercise of these freedoms; such restrictions are allowed only within strictly determined limits imposed by the provisions of article 9 paragraph 2 of the Convention and only when the freedom of religion and conscience are concerned, not in the case when the freedom of thought is involved.

The state can be detained by certain positive obligations consisting of measures aimed at avoiding a situation in which a person may be disturbed in the exercise of a cult by another's activity. However, the right not to suffer any interference with the exercise of the freedoms guaranteed by Article 9 does not necessarily imply, and not in all circumstances, the possibility of liability, whatever this may be, on the part of those who by their workings or publications, affect an individual's/a group of individuals' sensitivity.

Within the limits posed by the state of prison, prison authorities must ensure people serving a custodial penitence the facilities necessary in order to exercise their religious duties, including the right to come into contact with a missionary of the cult practised. People in prison can not be forced to accept a food incompatible with the religion they practise. The former Commission decided that these people have no right to be necessarily made available things that would allow them to cultivate the religion to which they belong.

The right to freedom of religion

The right to freedom of religion, under the Convention, excludes any discretion on the part of the state about the legitimacy of religious beliefs or on how they are expressed. State measures that would favor the leader of a certain divided religious community or measures that would compel a community, against their own wishes, to place themselves under a single management, constitutes an infringement of the freedom of religion. In a democracy, state should not adopt measures to guarantee a religious community the abiding under a single leadership.

According to the European Court provisions, the exercise of freedom of religion may involve the state authorities' adoption of procedural measures resulting from Article 6 of the Convention. [Corneliu Birsan, op. cit., p. 705].

Article 9 recognizes each person's freedom of thought, religion and conscience, on the one hand, and freedom to manifestone's religion or belief, on the other hand. We are in the presence of two components of the same right, each having though its own legal regime, a natural consequence of the fact that these freedoms have both an internal nature, related to the individual's internal feelings and an external nature, represented by their outer manifestations expressed alone or in union with other rights and liberties of the same kind, under the Convention. In fact, from this point of view, it rarely happens that the cases heard by the European Court should cause problems linked to the freedoms guaranteed by Article 9 only; claims relating to the freedom of expression, Article 10, or the freedom of association, Article 11, are often added to them.

Over time, courts in Strasbourg have held that Article 9 defends beliefs such as pacifism, environmental protection, vegetarianism, the conception of hunting, etc. [Bianca Selejan-Gu an, *Protec ia european a drepturilor omului*, All Beck Publishing House, Bucharest, 2004, p. 167]

A separate issue of freedom of religion is given by the relationship between religion and state, viewed in terms of the obligations imposed to the state authorities by Article 9 paragraph 1 of the Convention provisions.

It is known that certain countries that have signed the Convention, such as the Scandinavian countries, England and Greece, know the system of declaring a particular religion as state religion. The former Commission ruled that Article 9 can not be interpreted as meaning that its provisions would not allow the declaration of a particular religion as the state religion; they prohibit, however, that such a system would lead to the recognition of an obligation to adhere to the religion. The Court argued that "the state organization for worship contribute to achieving social peace and tolerance"; the fact that a particular religion is recognized as a state religion cannot lead to creating advantages for those who are not its followers or for those who are practitioners of other religions, because in such a situation, it would result in a contempt the provisions of Article 14 of the Convention, prohibiting any discrimination in the exercise of rights and freedoms which it guarantees. Therefore, the former Commission decided that the provisions of Article 9 are not likely to produce any legal effect, in the area of civil law, on marriage celebrated in its religious form, because the institution of marriage cannot be regarded only as a manifestation of freedom of thought, conscience

and religion, but remains subject under the provisions listed in Article 12 of the Convention, the regulations contained in the relevant national legislation.

Freedom of religion can be invoked on the effects of divorce on religious marriage.

In terms of general relations between state and religion, the Court held, maintaining the value of a principle, that the right of religious freedom, as it is understood by the Convention excludes any discretion on the part of state regarding the legitimacy of certain religious beliefs or the ways in which they are expressed. Therefore, the European Court held that the authorization system of a religion established by legal provisions is inconsistent with the provisions of Article 9 of the Convention only to the extent that would be about ensuring the control of state authorities on the fulfillment of formal requirements that only the law states. [Corneliu Bîrsan, op. cit., p. 711]

Furthermore, according to the concept of European court, religious communities must enjoy full autonomy in the organization of their work and the way the faithful participate in these activities. In this regard, it noted that, in general, religious communities traditionally and universally exist in the form of organized structures. These follow the rules according to which they consider their followers often as their faithful, when these rules are celebrated by bishops of cults, especially skilled under the same rules. Participating in the religious community life is a manifestation of religion, defended the provisions of Article 9 of the Convention. When questioned the way the religious community is organized, Article 9 must be interpreted in the light of Article 11, which protects the freedom of association against any undue interference of state authorities. The right to religious freedom implies the possibility of the religious community concerned to exist peacefully, without any arbitrary interference from the state. The autonomy of the religious communities is indispensable for a pluralism that characterizes a democratic society and it is at the heart of the protection established for this freedom by Article 9. This protection displays a direct interest not only for the organization of the religious community itself, but also for allowing it to effectively exercise that religion by all its active members.

The European court clearly and accurately summarized the relationship between state and religion when it decided that "in the exercise of statutory privilege and its relationship with various religions, faiths and beliefs, the state must remain neutral and impartial, this being the imperative for a" maintaining "pluralism and the proper functioning of the rules of democracy, as one of its main features is the possibility that it offers to resolve through dialogue, without recourse to violence, the problems of a country, even when

they are complicated ; ensuring the coexistence of several religions or religious movements can also be such a problem at a given time, in a particular state. [Ion Diaconu, *Drepturile omului în dreptul internațional contemporan*, Lumina Lex Publishing House, Bucharest, 2001, p. 146]

An illustrative case in terms of the Court's finding of an interference by the State which is not justified by a pressing social need is *Agga vs. Greece*, otherwise very important for the the principle guidelines outlined in Strasbourg. In fact, plaintiff Mehmet Agga, a Greek citizen, is elected by the local Muslim community as a mufti. Following the amendment of the legislation, the Greek authorities designate another mufti, but the plaintiff refused to stand aside. On several occasions, the applicant is convicted by the courts for usurping the office of minister serving a recognized religious faith.

The Court recalls that, although freedom of religion is primarily a matter of conscience, it includes the freedom of expression, along with others and in public worship and education. Since the applicant was convicted because of his work of preaching the religion, the Court considers that there is an interference with his right to manifest his religion with others and in public by worship and education. The Court did not consider it necessary to settle the question of the provision of this interference in the law because it retained incompatibility of the defendant's criminal conviction with Article 9 in other respects. The Court accepted that the interference pursued a legitimate aim Article 9, second paragraph, particularly the protection of the public order. It notes in this respect that the applicant is not the only person who claims to be the religious leader of the Muslim community and local authorities have appointed another person as mufti. The Court recalls that the freedom of thought, conscience and religion is one of the foundations of a democratic society within the meaning of the Convention. Pluralism inherent in a democratic society, which has been drudgingly conquered over the centuries, depends on it. It is true that in a democratic society it may be necessary to establish restrictions on the freedom of religion, in order to reconcile the interests of different religious groups. However, such a restriction shall correspond to a pressing social need and shall be in proportion to the legitimate aim pursued.

The national courts, when they convicted the claimant, did not mention any specific act in their determination thereof, made with the intention of producing legal effects, but the verdicts were based on the fact that the claimant delivered religious messages that he signed as a mufti. Moreover, it is not disputed the fact that at least part of the local religious community backs the applicant; and in addition to the the plaintiff, there is also an officially appointed mufti in that region. There is

no indication that the applicant had ever tried to exercise administrative or judicial functions provided by law for muftis and the other ministers of the recognized religions. Although the Court recognizes that it is possible to create tension when a religious community is divided, it considers that this is an inevitable consequence of pluralism. The role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to make sure that the competition groups tolerate each other. Moreover, the Court finds that there was presented no element and no piece of evidence to enable a conclusion other than the risk of tensions between Muslims and Christians or between Greece and Turkey would be anything else than a mere possibility, very remote one. Consequently, the Strasbourg court held that the applicant's criminal conviction was not justified by pressing social needs, the interference necessary in a democratic society for the protection of public order according to Article 9, second paragraph, of the Convention. It follows that Article 9 was violated.

A similar case with a motivation based on the same principles is *Serif vs. Greece*. In fact, plaintiff Ibrahim Serif was elected mufti by a part of the local Muslim community after the President of the Republic passed a law to change the appointment method of the Muslim leaders.

The Court recalls that if religion is revealed first in a person's internal, it also involves, *inter alia*, the freedom of expression, collectively and in public by means of worship and education. The Court also noted that the claimant was convicted of usurping the functions of a minister of a recognized religion and of the unlawful public wearing of the official garments of such a minister. The acts for which the claimant was convicted are: spreading a message about the religious significance of a holiday, giving a speech at a religious gathering, addressing a different message on the occasion of a religious holiday and donning the robes of a religious leader, which represents an interference with the exercise of the right guaranteed by Article 9, first paragraph of the Convention. After the Court stated that it is not necessary to rule on whether the interference is prescribed by law, it has accepted that the interference pursued a legitimate aim, namely the protection of public order. As regards the third condition of the validity of interference and, namely, that of necessity in a democratic society, the Court held that it is not fulfilled, because the action required by the national authorities was not justified by a pressing social need.

Expressing the freedoms guaranteed by the Convention

The Convention guarantees not only the freedom of thought, the freedom of conscience and religion, but also the possibility of their external

manifestation. As a result, the second part of the first paragraph of Article 9 decides that the right to these freedoms includes the freedom to manifest one's religion or belief; individually or collectively, in public or in private, through worship, teaching, practice and observance. Moreover, we must not lose sight of another freedom postulated by the same text, namely that of changing one's religion [Stelian Sc una , „*Dreptul interna ional al drepturilor omului*”, All Beck Publishing House, Bucharest, 2003., pp. 77-78].

Article 9, paragraph 1 recognizes each person's freedom to decide how (s)he wishes to manifest his/her embraced religion or belief in the four modes already listed: worship, teaching, practice and rituals. The term "cult" regards the services practiced by religious cults, whatever they are, regardless of the number of believers who adhered to them or their geographical distribution across the territory of a state. "Education" referred to in Article 9 para. 1 of the Convention does not apply to school education as such; it is protected by the provisions of Article 2 of the First Protocol; the analyzed text focuses on the possibility of performing religious education seen as a training and dissemination of a certain cult.

The former Commission decided that the freedom to manifest belief by some practices may not contain statements which, although coming from a religious organization, have nothing to do with faith, but are pure manifestations of commercial advertising. [Corneliu Bîrsan, *op. cit.*, p. 714]

As long as thinking, conceptions corresponding to a particular religion, conscience regarding certain personal and social values remain in the interior of the individual's forum, there is no way they could be subjected to limitations by the state authorities. That is not the case with the external manifestations of consciousness and / or religion. Article 9 para. 2 establishes that the freedom to manifest one's religion or beliefs may be subject to restrictions, but only if they are approved by law and if they are necessary in a democratic society for the protection of public order, health, morals, or for protecting the rights and freedoms of others.

The court ruled that a state may legitimately consider itself as being entitled to take measures to suppress certain forms of behavior, including the communication of information and ideas that appear incompatible with respecting another person's freedom of thought, conscience and religion. Thus, the respect for believers religious feelings, as it is granted by the provisions of Article 9 of the Convention, has to be considered violated by provocative representations of objects meant for religious veneration; such representations can also be viewed as a clear violation of the tolerance spirit that should characterize a democratic society. [Ganfalean Ioan, Tudorascu Miruna, Cojan Mihaela, *The protection of Human Rights in*

European Union, Zeszyty Luksemburskie, Lublin 2013, Kulturowe i cywilizacyjne uwarunkowania statusu jednolitego, ISBN 978-83-7270-972-1, pp. 21-27]

For state interference in the exercise of freedom of expression of religion and belief to appear as justified, it must satisfy those conditions which are listed in article 9 para. 2.

First, for the authorities' interference, the states must have a legal basis in their domestic law, that is to be provided as such in the national law. The phrase "prescribed by law" requires not only the mere existence of regulations, but the actual quality of the law in question, in which there should be enough precision so that every individual, even by resorting to expert specialist knowledge should be able to regulate his/her social conduct. To meet these requirements, the internal norm should confer protection against any arbitrary interference by public authorities in the rights and freedoms guaranteed by the Convention precisely by defining the limits and procedures for the exercise of the prerogative that regulates the possibility to limit the exercise of those rights and freedoms. The Court admitted that the specification degree of the internal law that by no means can provide all assumptions depends on its content to a large extent, on the area in which it is applied, and on the number and status of those who it is intended for. It pointed out that many national regulations, out of the need to avoid excessive rigidity and to adapt to changing social situations, may, by the force of things, use more or less ambiguous formulations; the interpretation and the application of such texts depend on practice. [Corneliu Bîrsan, op. cit., p. 719]

The freedom of thought, conscience and religion is always invoked in support of the right to conscientious objection, which can be defined as the right of a person to deliberately refuse to comply with their legal obligations in the name of higher requirements dictated by his/her own conscience. Covering multiple forms, conscientious objection is manifested especially in connection to the military service. In several decisions, the European Commission of Human Rights states that "no right to conscientious objection is not among the rights and freedoms granted by the Convention".

Consequently, the Convention does not impose the states the obligation to recognize conscientious objection. The Convention does not require that the states should have the obligation to recognize conscientious objection. On the other hand, if a state recognizes the legitimacy of conscientious objection, Article 9 of the Convention does not imply the right to be exempt from civil service, one that replaces conscription. In the light of Article 4 and Article 3 of the Convention, such a service

cannot be considered "forced and compulsory labor." [Frédéric Sudre, op. cit., p. 347].

In its practice, the former Commission decided that the suppression of the initiators of the movement for the reconstitution of a fascist party in Italy by the enforcing criminal penalties under national law is a necessary measure to ensure public safety and to protect the rights of others in a democratic society. The same reasoning has been used in the case of initiating the prosecution of some political group members who were attempting to reintroduce the national socialist ideology in the Austria.

A necessary measure for a democratic society was also considered by prison authorities' interception of a writing, which, despite having religious and philosophical character, contained chapters devoted to martial arts.

The European court of human rights, having acknowledged that the Contracting States may be recognized certain discretion in deciding on the need and extent of the interference of their public authorities in the exercise of the right to manifest people's religion and belief, showed that the margin is always subject to the European control.

In a case where the claimant, born in an orthodox family but had become a Jehovah's Witness for a long time, argued that the multiple convictions for proselytism he suffered from the Greek judicial authorities represented a violation of his right to manifest his chosen religion, the Court held that the criminal sanctions were based on the provisions of a national law prohibiting, in principle, abusive proselytizing and that, when national courts established criminal liability for the alleged offense against the applicant, they were content to reproduce the relevant legal provisions, without sufficient explanation of the manner in which he would have tried to persuade others to adopt his faith through unfair means. That being the case, the Court held that it was not shown the extent that his conviction would correspond to the justification by a pressing social need and, as such, the incriminating penalty does not appear to be proportionate to the legitimate aim pursued, which means that it can not be considered "necessary for the protection of the rights and freedoms of others" in a democratic society. [Corneliu Bîrsan, op. cit., p. 723].

Conclusions

To conclude, the present study analysed the manner in which the European Convention on Human Rights protects the personal convictions and religious beliefs, above all. In addition, we in the sections above we have seen that it defends the acts which are intimately related to these behaviors, such as acts of worship and devotion, the practical aspects of religion or belief, under their generally recognized forms. From this point of view, we have

noted that Article 9 para. 1 also protects the freedom of expressing one's religion or other beliefs, individually and collectively, in public or in private. Finally, we have argued that these provisions have to be correlated with other texts which protect the individual freedoms that can be exercised as such or collectively.

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