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PhD thesis

**“THE OMBUDSMAN INSTITUTION
AND THE RELIGIOUS FREEDOM”**

ABSTRACT

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ABSTRACT CONTENTS

1.	INTRODUCTION.....	3
2.	THE TOPICALITY, ORIGINALITY AND IMPORTANCE OF THE RESEARCH THEME	3
3.	RESEARCH MOTIVATION.....	4
4.	ORIGINALITY OF THE THESIS.....	4
5.	RESEARCH LIMITATIONS	5
6.	RESEARCH HYPOTHESES.....	5
7.	RESEARCH OBJECTIVES.....	6
8.	THE RESEARCH METHODOLOGY	7
9.	CONTENTS OF THE DOCTORAL THESIS CHAPTERS	8
10.	SUMMARY PRESENTATION OF THE CHAPTERS OF THE DOCTORAL THESIS: ...	11
	Chapter I Religious Freedom in the context of transdisciplinarity	11
	Chapter II The right to freedom of religion as a fundamental right. International instruments protecting and guaranteeing religious freedom.	14
	Chapter III Institutions for the protection of human rights	14
	Chapter IV The institution of the Ombudsman, a link between citizens and public administration.....	17
	Chapter V ECtHR case law on religious freedom, Council of Europe, Aspects of comparative criminal law	18
	Chapter VI Legal status of religion in Europe and Romania (historical approach and administrative perspective).....	19
	Chapter VII Proposals and perspectives in the field of religious freedom and its protection by the Romanian Ombudsman	19
11.	CONCLUSIONS AND FINAL PROPOSALS	20
12.	SELECTIVE BIBLIOGRAPHY (13 / 371):.....	24

1. Introduction

The topic „Ombudsman Institution and Religious Freedom” represents a new approach to the Ombudsman model in terms of making his activity more efficient in his relationship with the citizen and the public administration, in relation to the issue of religious freedom.

Therefore, the choice of the theme arose from national and international practice, from daily challenges in the sphere of religious freedom, from the need to make public authorities responsible for religious freedom in their relationship with citizens.

The scientific approach acquires value as the chosen research topic deals with a particularly important issue, not only nationally but also internationally, religious freedom.

Religious freedom is without any doubt, a fundamental human right, but despite the fact that, after so many centuries of knowledge and wars based on intolerance, it continues to be violated in various forms, such as preventing people from choosing their own religion, discrimination in various aspects of life (at work, freedom of movement, the impossibility of participating in public elections), or even being the subject to degrading, inhumane acts which ultimately lead to the loss of human life.

2. The topicality, originality and importance of the research theme

Regarding the topicality of the research theme, we would like to emphasize that the understanding of freedom of religion or belief and its protection by the Ombudsman/People's Advocate is particularly important for the public administration, called to respect the rights provided by the Constitution and to take note of recommendations of the Ombudsman/People's Advocate.

Moreover, the European Union's (EU) strategy to promote and protect freedom of religion or belief, manifested through international relations and cooperation, seeks to promote freedom of religion or belief not only at EU level but also externally. More and more states are committing themselves to Article 18 of the UDHR (Universal Declaration of Human Rights) and the ICCPR (International Covenant on Civil and Political Rights).

3. Research motivation

The reason for choosing the research theme was the Ombudsman's Institution where I have been working for more than 10 years, an institution that has developed a lot in recent years, in terms of the protection of citizens' rights and freedoms, but also observing at national and international level the turmoil taking place around the world in terms of freedom of religion (religious freedom), at a time when year after year we observe the violation of this right in European countries and not only, as it was observed during the COVID-19 pandemic.

The research was carried out not only from the point of view of the theoretician, but also from that of the practitioner, and contributed to an in-depth investigation of the issues involved.

4. Originality of the thesis

The originality of the research lies in the chosen topic, regarding the institution of the Ombudsman at international and national level in terms of guaranteeing religious freedom, in the structure and methodology of the research approach, as well as in highlighting the interaction between the institution of the Ombudsman and religious freedom, and its impact on public administration.

In developing the research, we started from the contemporary reality, in which we found, based on the analysis of international reports, that the restriction of religious freedom is intensifying from year to year. One such example is the report of the Organisation for Security and Cooperation in Europe (OSCE), which was based on an analysis of 57 OSCE member countries and resulted in a "Top Countries by Religious Restrictions during the Pandemic Period". Not only this material formed the background to the research, but also the 2022 World Watch List report.¹

Once this premise was established, we could see that the interest of human rights institutions together with the public administration in protecting religious freedom, increased.

The paper has not aimed at an exhaustive treatment, answering all aspects of religious freedom, which is impossible to do, but the most important ones resulting from recent practice. It

¹ <https://evangelicalfocus.com/features/15089/one-in-seven-christians-worldwide-suffers-persecution>, accesat la data de 22 ianuarie 2022.

therefore aimed to open up new horizons in the field of research into the protection of religious freedom by the Ombudsman at national level, but also to identify key elements at European Union level in the respect of religious freedom.

5. Research limitations

The main constraint in the research was the COVID-19 pandemic, as communication with the subjects of the questionnaire used was impossible, being limited to its submission via Google Forms method.

Another limitation was generated by the insufficient information in the literature on this topic, Ombudsman and religious freedom, although there is abundant literature on the topics treated individually, from the title of the PhD thesis.

6. Research hypotheses

The main research hypothesis is based on the premise that the more the public administration does not exercise its full mandate in the management of religious freedom, the greater the possibility for the Ombudsman to check whether it is respected, at the social and legislative level.

The secondary hypotheses that have been developed and structured according to the issues addressed and the scientific logic are as follows:

- the more effective the instruments and mechanisms for the protection of religious freedom have evolved, one would expect an increase in administrative human rights standards in line with new societal conditions;
- the more effective the models of practice in the work of ombudsmen in different EU Member States, the more the effects of their work, in relation to religious freedom, will influence the perception of citizens and authorities in other countries with regard to respect for religious freedom;
- the more effectively the Ombudsman's work is carried out, the more it can become an essential condition for respecting religious freedom.

7. Research objectives

The main objective of the research is to develop a new model for the treatment by the national Ombudsman (People's Advocate) of the issue of religious freedom, with the aim of improving the way in which the Romanian Ombudsman deals with violations of religious freedom, either through ex officio complaints or through the responses he provides to petitions that come to his attention, as well as the way in which he draws the attention of public institutions, respectively the public administration, called upon to ensure the fulfilment of objectives, with respect for human rights and in accordance with the principles of public administration.

Given the complexity of the field, the research also required, in addition to the main objective, to highlight some secondary objectives related to the work of the Ombudsman on religious freedom, which lead to the determination of the central purpose of the research. These are:

1. Establishing the position of the Ombudsman institution in relation to the public administration with regard to religious freedom.
2. Analysis of the instruments and mechanisms in the field of religious freedom, their evolution over time, as well as outlining future perspectives.
3. Analysis of respect for religious freedom at national level and the efforts made by the authorities in this respect.
4. Comparative aspects of respect for religious freedom in European Union countries.

In answering these questions, the paper set out to establish whether, and to what extent, the negative aspects noted could be corrected, or improved.

As these issues are understood, it will be easier for both the institution of the People's Advocate (the national Ombudsman) and the public administration to deal with issues concerning respect for religious freedom.

8. The research methodology

As for the methodology behind my research, the following means were used:

- legal sources, literature, international documents, annual reports of the Ombudsman institution in Europe and Romania.
- historical method that occupies an important place in presenting the evolution of religious freedom from ancient times to the present day.
 - studying legislation, reports, literature on religious freedom, case law, leading, finally, to determine the parameters of respect for religious freedom in our country and optimize the main object of research.
 - the research method used in the paper was empirical. We focused on thematic analysis as well as comparative analysis in order to interpret and process the information obtained.
 - the method of specific analysis, i.e. functional analysis, aimed at defining the role of the ombudsman in his relationship with the public administration and the citizen.
 - in the systematic review of the literature, our research sought to identify evidence that was relevant to the topic at hand, representing a relevant summary of the literature on the ombudsman and religious freedom.
 - the predictive method, as proposals have been made to enhance the protection of religious freedom by the Ombudsman and its respect by the public administration.
 - comparative analysis, through both a cross-sectional approach (we have captured the elements of religious freedom in several countries in the European Union and beyond) and a longitudinal approach (focusing on the evolution of religious freedom indicators and religious freedom instruments over time).

The questionnaire-type research instrument in the research was useful for testing causal hypotheses and making measurements that in turn can serve as benchmarks for refining certain aspects of the work of the Ombudsman and public administration.

9. CONTENTS OF THE DOCTORAL THESIS CHAPTERS

INTRODUCTORY AND METHODOLOGICAL CONSIDERATIONS.....	8
1. Topicality, originality and importance of the topic researched	9
2. Objectives, hypotheses and research directions	18
3. Research methodology and instruments used	22
CHAPTER I	
RELIGIOUS FREEDOM IN THE CONTEXT OF TRANSDISCIPLINARITY	25
1.1. Approaching religious freedom through the prism of public administration	30
1.2. Approaching religious freedom through the prism of sociology	38
1.3. Principles of public administration and their correlation with respect for religious freedom	41
1.4. Conclusions	43
CHAPTER II	
THE RIGHT TO FREEDOM OF RELIGION AS A FUNDAMENTAL RIGHT. INTERNATIONAL INSTRUMENTS PROTECTING AND GUARANTEEING RELIGIOUS FREEDOM	44
2.1. Definition and composition of religious freedom	44
2.2. International instruments protecting and guaranteeing religious freedom	56
2. 3. Conclusions	78
CHAPTER III	
HUMAN RIGHTS INSTITUTIONS	80
3.1. European Network of National Human Rights Institutions (ENNHRI)	80
3.2. National human rights institutions	80
3.2.1. Romanian Institute for Human Rights	81
3.2.2. National Council for Combating Discrimination (NCCD).....	83
3.2.3. The Romanian Ombudsman, an actor of respect for religious freedom	102

3.2.3.1. Paris Principle and the People's Advocate in Romania.....	104
3.2.3.2. Ensuring respect for religious freedom by the public administration and involvement of the People's Advocate Institution during the state of emergency.....	104
3.3. Conclusions	112

CAPITOLUL IV

THE OMBUDSMAN INSTITUTION, A LINK BETWEEN THE CITIZEN AND THE PUBLIC ADMINISTRATION	114
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4.1. The role of ombudsman institutions. Common and specific objectives of ombudsman-type institutions in relation to the administration	114
4.1.1. The Ombudsman in the international context	114
4.1.2. European Ombudsman, powers in the field of respect for human rights	125
4.1.3. Ombudsman model	127
4.1.3.1. Complementarity analysis of Ombudsman types	128
4.1.3.1.1. Ombudsman of Ireland	133
4.1.3.1.2. Ombudsman of Macedonia (Republic of Northern Macedonia), a national institution at the level of the Council of Europe	135
4.1.3.1.3. Ombudsman of Serbia (Protector of Citizens)	138
4.1.3.1.4. Ombudsperson-Croatia	141
4.1.3.1.5. Iceland's Ombudsman, a national institution at Council of Europe level	142
4.1.3.1.6. Special Rapporteur on freedom of religion or belief	142
4.2. Conclusions	144

CHAPTER V

CTEDO CASE LAW ON RELIGIOUS FREEDOM, COUNCIL OF EUROPE, COMPARATIVE CRIMINAL LAW ISSUES	146
5.1. ECtHR Jurisdiction in Matters of Religious Freedom	146
5.2. Protection of religious freedom and the Council of Europe	157

5.3. Criminalisation and decriminalisation of religious freedom at European level	163
5.4. The correlation between the right to happiness and religious freedom	166
5.5. Conclusions	169

CHAPTER VI

LEGAL STATUS OF RELIGION IN EUROPE AND ROMANIA (HISTORICAL APPROACH AND ADMINISTRATIVE PERSPECTIVE)	170
6.1. Religious freedom/tolerance versus religious intolerance at EU level.....	175
6.2. Religious freedom in Europe today	181
6.2.1. Europe and the customs of the Islamic community	195
6.2.2. Religious freedom in the pandemic	197
6.3. Evolution of religious freedom regulations in our country (freedom versus religious persecution)	202
6.4. Religious cults and the communist regime	209
6.4.1. The legislative framework on religious freedom during the communist regime ...	215
6.5. The law of cults, from the beginning to the present day	224
6.6. Conclusions	227

CHAPTER VII

PROPOSALS AND PERSPECTIVES IN THE FIELD OF RELIGIOUS FREEDOM AND ITS PROTECTION BY THE ROMANIAN OMBUDSMAN	231
7.1. Proposal. A hypothetical model for the involvement of the Ombudsman institution in the promotion and protection of religious freedom. Benchmarks of quantitative research. Questionnaire.	236
7.2. Conclusions and final proposals	254
BIBLIOGRAPHY	263
LPapers, articles, studies	263
Legislation, case law, other studies	275
Web resources	279

ATTACH- OPINION POLL 285

10. Summary presentation of the chapters of the doctoral thesis:

The PhD thesis "*The Ombudsman Institution and Religious Freedom*" is structured in seven chapters.

Chapter I

Religious Freedom in the context of transdisciplinarity

In this chapter we seek to explain how religious freedom is seen from several perspectives.

Religious freedom occupies an important place among fundamental human rights, rights which are linked to other branches of law, such as constitutional, international, public, criminal, civil, administrative law etc.

a) Approaching religious freedom through the prism of public administration

From the literature review we could see that an interdisciplinary approach to the study of administration is needed.

Administration aims at satisfying the general interest and, through public power, at implementing political values established by legal acts.

There are three types of relationships that can develop between the citizen and the public administration, namely relationships of cooperation, of use of public services and relationships of authority (subordination of citizens to public administration bodies).²

The first relationships are considered the most important as they are based on the behaviour of the public administration in relation to the citizen, but they also demonstrate the response that the citizen in turn gives to the public administration.

The second set of relationships, those of use of public services, concerns citizens' use of public services through public administration. In this sense they are based on administrative law, on the administrative act relating to the powers of public administration authorities. There are also

² Elena Claudia Marinică, *Promovarea și protejarea drepturilor omului prin mijloace contencioase*, (Ed. IRDO), 2011), p 14.

relationships based on civil law, as contracts are concluded between beneficiaries and public service providers.³

The last type of relationship refers to authority relations, where the emphasis is on the subordination of citizens to public administration bodies.

The most important relationship, which is the foundation of any type of administration, is the relationship with the ordinary citizen.

One of the major objectives of public administration should be the well-being of the citizen, which cannot exist without freedom of any kind, and particularly religious freedom. Moreover, the right to religious freedom is closely linked to the right to a standard of living laid down in Article 47 of the Constitution.

b) Approaching religious freedom through the prism of sociology

We live in a society that has developed a great deal economically, politically and socially, which is why even sociology could not be confined to a single branch that studies all social phenomena and processes.

As a result, a branch has emerged which is called the sociology of religion and which studies religious phenomena in terms of their manifestation, the causes of their emergence and their effects on other social phenomena and processes.⁴

c) Principles of public administration and their correlation with respect for religious freedom

Public administration operates according to well-established principles.

The first principle is equality. Everyone has the right to equal and non-discriminatory treatment by public authorities, "correlative to the obligation of public authorities and institutions to treat all beneficiaries equally, without discrimination, on the basis of the criteria laid down by law".⁵

³ *Ibidem*, p.15

⁴ Nicoleta Ciortan, *Elemente de sociologie a religiilor*, 2020, Suport curs, p.1.

⁵ ORDONANȚĂ DE URGENȚĂ nr. 57 din 3 iulie 2019 privind Codul administrativ, Articolul 7, Principiul egalității, Beneficiarii activității autorităților și instituțiilor administrației publice au dreptul de a fi tratați în mod egal, într-o manieră nediscriminatorie, corelativ cu obligația autorităților și instituțiilor administrației publice de a trata în mod egal pe toți beneficiarii, fără discriminare pe criteriile prevăzute de lege.

The second fundamental principle underlying the rule of law is also that of legality.

The enshrinement of legality is also stipulated in the Romanian Constitution, in Article 1 para. (3) and (5), which states that "respect for the Constitution, its supremacy and the laws is obligatory".

So all public authorities, including those belonging to the executive, must respect the equality of citizens before the law by implementing the law and providing public services only within its limits.

Another principle is proportionality. There must be a balance in society in terms of respect for religious freedom.

The principle of impartiality is also at the heart of public administration.

It is not by chance that the legislator has added the principles of continuity and adaptability to the functioning of public administration.

We consider that these principles should be a benchmark for public administration, in support of guaranteeing respect for human rights and, implicitly, religious freedom.

The national ombudsman, i.e. the People's Advocate, has an obligation to ensure, through his levers, that the public administration respects these principles.

From the analysis of the chapter dedicated to religious freedom through the prism of transdisciplinarity, we can see how the directions we have identified during the research can trigger paradigm shifts in jurisprudence, administration, in terms of religious freedom, representing an important step towards another stage in the evolution of religious freedom and its protection by the ombudsman, who is a mediator between the citizen and the public administration.

Knowledge of and respect for the legal principles of public administration will lead to a well-functioning administrative system also in the area of religious freedom.

The Ombudsman, as a mediator, has the role of alerting the public administration to non-compliance with the principles according to which it must operate. The Ombudsman monitors and reports any malfunctioning. Through his reports, he can also present examples of good practice by the public administration in this field.

Chapter II

The right to freedom of religion as a fundamental right. International instruments protecting and guaranteeing religious freedom.

The definition of the term freedom of religion in the research was useful for understanding it not only from an etymological perspective, but also from a legal one, so that the intervention of the state through institutions for the protection and promotion of human rights, such as the ombudsman, can be carried out in an informed manner.

The positioning of the right to freedom of religion, among the first fundamental rights recognised and the leading place it occupies in international human rights instruments, has generated debates and controversies that have marked the field of human rights forever.

Once the composition of freedom of religion, with its internal and external attributes, has been clarified, we then analysed the instruments, the mechanisms for the protection of human rights and the case law of the European Court of Human Rights.

The naming of the main international documents and instruments in which provisions on religious freedom are to be found was considered appropriate in terms of understanding the idea of religious freedom and, at the same time, a handy tool for specialists in national institutions for the promotion and protection of human rights, such as ombudsmen, so that having these levers, the beneficiary of the right can feel safe and find support in his approach when a violation of his rights occurs by public authorities.

Chapter III

Institutions for the protection of human rights

- ✓ *The European Network of National Human Rights Institutions (ENNHRI) aims to strengthen, promote and protect human rights throughout Europe.*

To this end, ENNHRI brings together all national human rights institutions to work together on human rights issues.

A primary role in the awareness-raising and training of persons in administrative structures, i.e. public institutions, whose role is to protect and promote human rights, is played by "national, independent, impartial institutions, established by law, with provisions guaranteeing

such independence and impartiality, with specific powers, regardless of their name - institutes, centres, commissions, ombudsmen, etc."⁶

Their aim is to disseminate information in the field of human rights in order to facilitate access to and understanding of correct attitudes towards their protection and respect.

✓ *The Romanian Ombudsman, an actor of respect for religious freedom*

The Romanian Constitution has given a special place to the institution of the People's Advocate regulated in Chapter IV of Title II of the Fundamental Law, which is not part of any of the classic powers of the State.

According to the doctrine, "in determining the legal nature of the institution of the People's Advocate, we can start from the classical principle of the separation of powers of the state, to determine whether the institution belongs to one of these powers. Thus, the institution of the People's Advocate is not part of the legislative power, although or precisely because the People's Advocate is appointed by Parliament. It is also not part of the executive branch (...)", but it "(...) carries out a specific control over the public administration, by detecting its abuses.

Although the People's Advocate, at the request of the citizen, individuals, may note some irregularities or even abuses of the public administration, but it does not judge these situations, it does not become a court of law (...)"⁷

The chapter is a journey inside national institutions for the protection and promotion of human rights, which are designed to raise awareness among people in public administration of their particularly important role in the promotion and protection of human rights.

✓ *The National Council for Combating Discrimination (NCCD) is notable for its work in the field of discrimination and we have noted from its case history its involvement in cases of violations of religious freedom.*

Through our research topic, we have focused in particular on the work of the People's Advocate Institution, in its relationship with the public administration, an institution that has been confronted in recent years with problems concerning religious freedom, in particular with regard to burial places, an issue that affects believers belonging to legally recognized religions.

⁶ Irina Moroianu Zlătescu, *Drepturile omului, un sistem în evoluție*, IRDO, București 2007, p. 3.

⁷ Attila Varga, *Rolul Avocatului Poporului în controlul de constituționalitate*, în *Revista de Drept Public* nr. 2/2015, p.69-70.

It has, through the means provided by the legislator, as a mediator between the citizen and the public authorities, intervened when it learned about violations of the rights and freedoms of individuals by public authorities, as happened in the counties mentioned in the research.

The People's Advocate institution got involved according to its legal prerogatives, requesting information from the authorities and using the levers made available by the legislator, such as the Recommendation addressed to public administration authorities.

On the other hand, we have noted that there are still many objectives to be achieved for the institution to align itself with the Paris Principles and become what the legislator had in mind when it was included in the Romanian Constitution.

In the area of religious freedom in the analysis of the OSCE report on the COVID-19 pandemic, we noted that among the countries that applied severe restrictions during the state of emergency in the religious sphere was Romania, along with Cyprus, Denmark, Germany and Turkey.

Among the recommendations issued by the OSCE are that the authorities have a duty to accompany all restrictions with uniformly applied, religiously neutral guidelines and a duty to ensure that newly established or smaller religious organisations receive the same treatment as traditional churches.

At the same time, government leaders did not take note of any form of incitement to discrimination, hostility or religiously motivated violence and did not promote messages of solidarity and inclusion.

Their obligations include ongoing and visible dialogue with representatives of all religious organisations to establish crisis management systems for effective planning and joint response to emergencies.⁸

Public administration authorities have an obligation to learn to maintain their neutrality both in the struggle that may arise between public powers and in that between religions and the secular state.⁹

Even if the phrase freedom of religion apparently treats the subject in a singular way, today we are dealing with various religions, beliefs that claim to hold the absolute truth, more or less tolerant. Even religious pluralism, extended from political discourse, means the recognition of

⁸ https://www.osce.org/files/f/documents/e/c/457567_0.pdf, accesat la data de 23 iulie 2021.

⁹ Elaine Cassel, *Running from the religious right*, Counter Punch, 2004.

multiplicity, the option of personal freedom in practising a belief.¹⁰ Although pluralism is treated by some authors as a "consequence of the secularization of consciences"¹¹, this leads to the traditional religions being taken off their pedestal in the sense of having a monopoly and focusing on the value of the members of society. This is why the principle of equality requires the force of law to prevail.

For a high-performance administrative system it is necessary to have legal frameworks that are sufficiently clear, by virtue of the fact that the right to a belief, be it religious or not, are attributes that are part of an individual's personality.¹²

Chapter IV

The institution of the Ombudsman, a link between citizens and public administration

The presentation of ombudsmen in five countries (Ireland, North Macedonia, Serbia, Croatia, Iceland) was intended to inform the reader about their duties in their countries of origin, the strengths and weaknesses of these institutions and their implications for religious freedom.

Even though there were secularist voices in the early 20th and early 21st centuries claiming that religion would disappear, on the contrary, there is a revival of religion at state level.

We have seen the importance of international instruments in respecting religious freedom, and monitoring them only improves their implementation by governments and ombudsmen.

The large number of reports, studies, special rapporteurs in various parts of the world is a factor in guaranteeing religious freedom.

The tools to defend and guarantee the right to religious freedom can be improved if states commit themselves to it.

¹⁰ pluralismul implică mai multe partide politice care au apărut în urma descentralizării aparatului de stat sau redistribuirii administrării resurselor în societate.

¹¹ Peter Berger, *The Sacred Canopy. Elements of a Sociological Theory of Religion*, Anchor edition 1990, pp. 23-25.

¹² Lillian Lowery, *Culture and Change*, University of Delaware Press, 2003, pp. 27-29.

Each contribution of the rapporteurs from different parts of the world, the studies, the reports they produce, can contribute to stopping abuses and to respecting fundamental human rights, for instance religious freedom.

Institutions for the protection of human rights through non-judicial means have the role of helping citizens in their relationship with the public administration, and their proliferation demonstrates the interest of the authorities in respecting the rights and freedoms of citizens, which translates into good administration in society.

In the five Council of Europe member states surveyed, there is some religious discrimination, although there appears to be fairly strong international legislation on religious freedom. It can be seen that most aggression and acts of intolerance were directed against Jews, Muslims and non-traditional religious groups.

The contribution of Ombudsmen, according to their activity reports, is still rather weak, and time will show whether they have been, will be or can be more involved in protecting citizens of all religious affiliations against abuses of any kind, whether it is hate speech or other acts of religious intolerance.

Chapter V

ECtHR case law on religious freedom, Council of Europe, Aspects of comparative criminal law

The presentation of some important cases from the ECtHR case law on religious freedom, the work of the Council of Europe, is intended to inform the reader on the evolution over time of the case law which has been influenced by the desacralization of society, the migration phenomenon, social, geo-political changes that have occurred at European level and beyond.

In relation to the research topic, the ECtHR case law has the role of raising awareness of European decisions, of human rights protection institutions, such as ombudsmen who defend the rights and freedoms of individuals in their relationship with public administration, and of drawing the attention of public administration to the slippages in its work.

The criminalisation of religious freedom on the European continent shows the concern of states for religious tradition, for personal beliefs, which have been the foundations on which those states, nations have grown and developed over the ages.

Chapter VI

Legal status of religion in Europe and Romania (historical approach and administrative perspective)

In our historical retrospective, we have looked back at important moments in the history of religious freedom, nationally and internationally. As far as the period of the communist regime is concerned, we did not dwell too much on the texts of the laws, as there are already a lot of works analysing the legislation on religious matters during this period.

We just wanted to mention the provisions of the legal texts in order to be able to understand why at this moment the law on religions has remained in the form in which it was adopted.

Although in the Constitutions of 1866, 1923 and 1938, according to the legislation, the State guaranteed the freedom of all religions, in reality this was done formally, which led to numerous abuses in the years following the adoption of these Constitutions, flagrantly violating freedom of conscience and, implicitly, religious freedom.

We have, however, noticed a commendable, progressive aspect. A hundred years ago, but also in the inter-war period, Parliament understood the importance of freedom of religion, of belief, for the development of a nation.

Article 18 of the International Covenant on Civil and Political Rights states that freedom of expression of religion or belief shall be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.

Chapter VII

Proposals and perspectives in the field of religious freedom and its protection by the Romanian Ombudsman

In the documentation for this research we identified that the public administration is still indifferent to the issue of religious freedom, especially with regard to the steps taken to comply with Article 28 of Law 489/2006, republished, on religious freedom and the general regime of religions.

We have been able to observe from the analysis of the work of the People's Advocate Institution that several petitions have been submitted to the institution in recent years in relation to the impossibility of the use of gravesites located in parish cemeteries, by the relatives of deceased persons, after the latter's transition to another denomination.

Thus, during their lives, the persons who owned the gravesites in use, switched to another denomination, and when they died, the family members were unable to bury them, because they no longer belonged to the cult that owned the cemetery. This is validated by the responses to the questionnaire in the appendix to the doctoral thesis.

In order to understand the situation described above, an online questionnaire was sent to 101 people in March-April 2021 to support the research.

11. Conclusions and final proposals

The research hypotheses were tested, and from the answers to the questions that the research entailed we could observe that among the basic strengths of the Ombudsman institution is the trust of citizens (through its work it corrects the imbalances that have arisen between citizens and public administration and holds public officials accountable).

What is very special is the mediation function between this institution, the authorities and the population, thus creating a much more organised and precise framework with the state authorities.

If there is a human rights violation, and if it is systematically observed, the Ombudsman, under whatever name, is alerted by citizens/civil society to intervene firmly.

The institution of the Ombudsman is one of the institutions to which a citizen most often turns, because only it can intervene in the ways provided by law to ensure that the person is given assistance from the authority in solving the problem raised. Unlike the Ombudsman, a lawyer, a private person, can provide services to a citizen only as a legal professional. A democratic society cannot exist without rights and freedoms, the death of which means the disappearance of the rule of law.

The analysis of religious freedom and its protection and guarantee by the Ombudsman, at the national and international levels, demonstrates the importance of the subject in contemporary society.

We consider that the validation of the general hypothesis "the more the public administration does not exercise its full mandate in the management of religious freedom, the greater the possibility for the Ombudsman to verify whether it is respected, at the social and legislative level" has been partially achieved, an aspect that can be observed from the work of the Ombudsman institution, as well as from the answers to the questionnaire used in the research, but can be improved by the proposals we have set out in the thesis.

Secondary hypotheses have also been validated, as the evolution of international instruments and mechanisms for the protection of religious freedom over time has led to increased administrative standards at the international and national level regarding the protection of religious freedom.

We observed the variety of ombudsman-type institutions and their involvement in concrete situations of more or less vehement violations of religious freedom, influencing the perception of authorities and citizens on the matter.

The hypothesis of the thesis was tested through the research methods used: historical analysis, legal analysis, comparison, online survey, observations, reviews, so that the results of the paper could be used in further research on the present topic and be useful from both academic and practical perspectives.

A first set of proposals that emerged from the research concerns the Romanian ombudsman, an institution that could use the Administrative Litigation route, much more frequently than is observed in practice (according to the institution's website), according to legal provisions, proactively, when it finds violations of rights and freedoms.

For such an approach, a transparent and fair approach of the institution remains a desideratum that would place the Ombudsman institution among the prestigious European institutions that defend the rights and freedoms of citizens in their relationship with public authorities, respecting the Paris Principles.

Through the intervention of the People's Advocate Institution, by virtue of its constitutional role as mediator, the public authorities, namely the Romanian Government, through the State Secretariat for Religious Affairs, could be asked to present examples of good practices at European level and beyond, in the area of religious freedom, with the accession to the International Alliance of Religious Freedom, of which Romania is part since 2022, as we have shown in Chapter III.

One of the additional measures that can be taken by the State, as we have shown in Chapter VII, is the establishment of a dialogue between the State and the cults, to which the Ombudsman institution should be invited as mediator, promoter and defender of citizens' rights and freedoms.

We would like to emphasise that this thesis is unique at national level and beyond, in terms of the subject matter addressed - the Ombudsman and religious freedom.

The novelty of the research lies in identifying the role of the People's Advocate institution in Romania in terms of its involvement in respecting religious freedom, when it observes shortcomings of the public administration in this matter. According to Law no. 35/1997 on the organisation and functioning of the People's Advocate Institution, republished, art. 30, "The People's Advocate may be consulted by the initiators of draft laws and ordinances, which, by the content of the regulations, concern the rights and freedoms of citizens, provided for by the Romanian Constitution, covenants and other international treaties concerning fundamental human rights, to which Romania is a party."

We also proposed to supplement Law 489/2006 on religious freedom and the general regime of cults, Art. 28, and Law 102/2014 on cemeteries, human crematoria and funeral services, Art. 5 para. (2), by introducing a new para. (2)¹ "The public authorities are obliged, at the request of the representatives of the cults or local cult units operating in the locality concerned, to ask the Land Registry and Real Estate Publicity Office for the legal situation of the land in the locality concerned and, within 6 months of receiving the reply, if there is free land, to start the construction of the public cemetery, setting up separate sectors for the cults that do not have their own cemeteries, bearing the costs of setting up the public cemetery from the local budget. Failure to comply with the 6-month deadline constitutes abuse of office and is punishable under criminal law.

(2) If there are no vacant plots of land, the public authorities are obliged to identify other legal ways of setting up a public cemetery and to start its construction within 6 months of receiving the response from the Land Registry and Real Estate Publicity Office. The provisions of para. (2) concerning non-compliance with the 6-month time limit shall also apply in this situation."

We see this addition as an important step in guaranteeing respect for religious freedom in Romania, thus offering support to all legally recognised religions.

The People's Advocate Institution, through the cases it has received, has identified that the issue of cemeteries is a subject that has not been resolved by the authorities, either out of ignorance of the law, ignorance or perhaps even bad faith.

The arguments supporting the above proposal are based on the fact that the Law on Religious Freedom and the General Regime of Cults should improve the regulations on freedom of worship and bring them into line with international conventions, covenants and agreements to which Romania is a party.

There is necessary to establish a dialogue between the state and the cults, to which the AVP institution should also be invited as mediator, promoter and defender of citizens' rights and freedoms. We also welcome the creation of a country strategy on respect for freedom of religion or belief, to which the national ombudsman could be invited to contribute on the basis of his expertise in the field.

We stress the importance of the AVP's involvement in educating citizens through mass media and social media platforms, campaigns in schools through partnerships with school inspectorates and faculties in Romania, in order to educate future generations in the spirit of mutual respect and tolerance, as well as preventing conflicts based on religious intolerance.

One solution that could be implemented through the school curriculum would be the introduction of optional classes on the history of religions and religious intolerance, in order to study and understand the religious conflicts that have occurred throughout history, their causes, in order to draw conclusions and lessons for the present, but also for the future.

Educating the younger generation and tomorrow's citizens of this country must not only be an objective of human rights institutions, but also of administrative institutions and representatives of public power.

This sentence is intended as a tool not only for the ombudsman, but also for the administration, which is entitled to take measures to ensure that the religious freedom of citizens is respected.

The information obtained as a result of the research carried out will constitute a starting point, a small methodological guide for the public administration authorities regarding religious freedom and a national action plan for understanding and respecting religious freedom, through the concrete application of the law.

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