

Religious life in Romania from the perspective of non-believers

I. Introduction

I considered an analysis of religious life in Romania from the perspective of the non-believers. The question arises as to what are the relevant themes of such an analysis, what are the implications of this perspective, and what practical conclusions are being made for unbelievers to feel equal to believers in social life.

To begin with, I discuss the consistency of religiosity data in Romania and synthesize the constitutional and legislative provisions that determine the framework in which believers and non-believers live today. The paper devotes a chapter to the issue of „captive communities”, who are vulnerable to religious indoctrination. Among captive communities, the most important category is that of minors who are subjected for 12-13 years to confessional education. I appreciate that religious indoctrination in public education institutions is the key issue for non-believers in Romania¹. As a result, this chapter represents the most important part of my research. The last chapter concerns the occupation of public space by religious actors, the process of de-secularization, the emergence of a kind of theocratic rule. There are many elements that prove that, in the case of the most important church in Romania, the Romanian Orthodox Church, the control of public life by Orthodox elites represents a carefully planned strategy. This religious project implies that the statute of non-believers has a collective dimension, not just individual.

As an overview, I finally add some remarks about the discrimination of non-believers based on an analysis of the jurisprudence of the National Council for Combating Discrimination (NCCD) – the institution that has the competence to prevent and sanction discriminatory actions in Romania. Given the absence of surveys, I give punctual examples to describe categories of situations relevant to non-believers' issues.

II. General information about religiosity in Romania

According to the latest census, in 2011, 99.8% of the resident population in Romania has religious affiliation. In the GLOBAL INDEX OF RELIGIOSITY AND ATHEISM, 2012, Romania has the 6th position in the top 10 religious populations, 89% Romanians affirming they are a „religious person”. Only Ghana, Nigeria, Armenia, Fiji and Macedonia have stronger religious identities. The difference between the proportion of people registered as

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¹ The person who has the greatest merit in bringing public debate to the theme of religious indoctrination in educational institutions is the teacher Emil Moise, currently the president of the Association Solidarity for the Freedom of Conscience.

having a religious affiliation and the proportion of people assuming their religiosity during the polls interviews is significant: about 11%. It follows that the way in which the census takes place is responsible for the differences².

The census found that there are 18.917 people in Romania who declare themselves without religion and 20.743 atheists, about 40.000 non-believers, which represents 0.21% of the country's population. These are the figures two decades after the overthrow of a regime with an atheistic ideology that discriminated or punished religiously active individuals. The topic of assuming, asserting, reinventing religious identity after the fall of an oppressive regime such as the communist regime is a relevant subject for non-believers, but it will not be discussed here except to note the complexity of the evolution. In Russia, the proportion of individuals who declare their Orthodox affiliation rose from 31% in 1991 to 72% in 2015³. Meanwhile, in the Czech Republic, another ex-communist country, the proportion of religious persons is 20%. The proportion of individuals who declare themselves „Not a religious person” is 48% and 30% declare themselves „convinced atheist”⁴.

It should be noted also that, for 7 years, the global average of the 39 countries polled in 2005 and 2012 shows the Religiosity Index dropped by 9% and atheism increased by 3%. In Central and Eastern Europe the evolution is multifaceted. Throughout the former Communist bloc the number of Catholics has fallen, but in the Orthodox majority countries religiosity has become in general stronger. The 2015 Pew Research Center Study, „Religious Belief and National Belonging in Central and Eastern Europe”, indicates a net increase of adults who are Orthodox Christians between 1991 and 2015⁵. I quote the authors of the research: „the comeback of religion in a region once dominated by atheist regimes is striking – particularly in some historically Orthodox countries, where levels of religious affiliation have risen substantially in recent decades”. Romania is in the top of the post-communist countries where individuals attend church weekly: 23%. She is the second in the top of people believing in God, 95%, after Georgia (99%) and as much as Armenia (95%).

At the other end, there are two countries with an Orthodox majority, Bulgaria and Latvia, with a decrease of 5%⁶. In Estonia, only 3% of the population attends church weekly and the Czech Republic does not even appear on the list.

Non-believers in Romania

According to different sources, the census figures on the category of atheists / non-believers cannot be correct. The group of Romanian Atheists Everywhere has 17.300 members on facebook⁷; other atheist communities manifested through facebook pages exist in

² The error margin for survey done by GLOBAL INDEX OF RELIGIOSITY AND ATHEISM, 2012, is +3-5% at 95% confidence level.

³ Pew Research Center, Russia Return to Religion, But Not to Church, February 10, 2014 (<http://www.pewforum.org/2014/02/10/russians-return-to-religion-but-not-to-church>) accessed at March 18, 2018.

⁴ Czech Republic is a country where people clearly assume their religious identity. Only 2% do not know how to respond about their religiosity, while in Japan non-answers reach 23%.

⁵ Pew Research Center, Religious Belief and National Belonging in Central and Eastern Europe, May 10, 2015 – (<http://www.pewforum.org/2017/05/10/religious-belief-and-national-belonging-in-central-and-eastern-europe/>) accessed at March 18, 2018.

⁶ In Bulgaria, between 2005 and 2012 the religiosity decreased from 63% to 59%, simultaneously with the decrease in the number of atheists, from 5% to 2% (Ibidem).

⁷ (<https://www.facebook.com/groups/>)

many large cities in the country. The figure contradicts the total number of 20.743 atheists. The facebook groups, such as the Group of Romanian Atheists from Everywhere, gather only the militant individuals, so the real number of atheists are likely significantly higher than those who have been defined as such at the census.

There are several explanations for the inconsistency between the results of the census and the probable reality. According to the complaint of some individuals, the reviewers insisted on indicating a religious identity if the person asked did not assume one. Another explanation is that in the current mentality, religious identity is not related to the own religious option, but to the family tradition. The fact that grandparents or parents were Orthodox Christians would mean that children have the same identity. In the Orthodox religion baptism takes place shortly after birth and there is no confirmation at an age of consent, as it is for Catholics. As a result, baptism functions as an „identity stamp”. In this context, we can state that the figure of 20.743 atheists refers to individuals who have made atheism a personal cause.

III. The Romanian Basic Law and the paradox of a „neutral” constitutional framework

According to the Basic Law of the Romanian state, adopted in 1991 and amended in 2003, the institutions of the Romanian state have no formal connection with churches. The Constitution describes Romania as a secular state, with values such as, I quote: „Romania is a democratic and social state governed by the rule of law, in which human dignity, citizens’ rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values, in the spirit of the democratic traditions of the Romanian people and the ideals of the Revolution of December 1989, and will be guaranteed” [Constitution of Romania, art. 1 (3)]. Additionally, Law no. 489/2006 on Freedom of Religion and the General Status of Denominations developed this framework by stating that „There is no State Religion in Romania; the State is neutral towards any religious persuasion or atheistic ideology” (Art. 9, paragraph 1).

The constitutional safeguards on the status of believers and non-believers are spread in several articles of the fundamental law. They concern freedom of thought, conscience and religion, the right to privacy, freedom of expression and freedom of association. The Romanian Constitution sets the precedence of the European Convention on Human Rights in interpreting the content of these rights. As a consequence, the standard of non-believers’ rights is given in principle by ECtHR jurisprudence.

As far as the rights of believers are concerned, they are protected by the series of rights listed above. According to the Constitution (Art. 29): „(3) All religions shall be free and organized in accordance with their own statutes, under the conditions laid down by law; (4) Any forms, means, acts or actions of religious enmity shall be prohibited in the relations between religious denominations”. Meanwhile, specific constitutional provisions regarding the organization of religious life in Romania are added, detailed and strengthened by the Law of religious freedom and the general status of denominations.

Law no. 489/2006 on religious freedom and the general status of denominations developed this provision by adding the prohibition of any manifestations of religious defamation as well as the public offense to religious symbols (Art. 13, paragraph 2). In fact, the constitutional guarantee did not prevent the acts of aggression of the main church in Romania, the

Romanian Orthodox Church (ROC), on Protestant denominations, and especially on Greek Catholics, acts numerous in the 1990s, though less frequent today⁸. Instead, the theme of religious defamation has increasingly been invoked over the last decade to limit criticism of clergy and religious mythology. In 2008, the Romanian Orthodox Church protested the publication by the Polirom Publishing House of „Satanic Verses”. There have been multiple demands for refusing to print novels or theater plays considered insulting to religion⁹. In July 2009, a local member of the National Liberal Party came to the club where the concert of the Dutch band God Dethroned was to take place and told the owner he should not allow such a concert to take place, as it is a satanic event, Satanic proselytism¹⁰. The cultural event was canceled.

The general impression of a high degree of formal state neutrality¹¹ is affected by the fact that a religious oath was included in the Romanian Constitution¹². Parliamentarians, Prime Minister, Ministers and other members of the Government must end their oaths with the formula „So help me God!” However, dignitaries who refuse the religious oath are able to do so on the basis of the precedent of fundamental rights. The big challenge to the principle of neutrality of the state is the great number of public policies adopted by the Parliament favoring religious actors.

IV. Captive communities

Meanwhile, the Constitution and the specific law make a clear distinction between non-denominational organizations, religious associations and religious groups, and denominations. The latter enjoy a whole range of rights and privileges of which no other civil, political or religious organization benefits¹³. This is a part of the paradox.

⁸ For details, see *G. Andreescu*, Right-Wing Extremism in Romania, Center for Ethnocultural Diversity, Cluj, 2003; *G. Andreescu*, The emergence of a new radical right power: the Romanian Orthodox Church, in *M. Minkenberg* (ed.), Transforming the Transformation? The East European Radical Right in the Political Process, Routledge, London, 2015.

⁹ Among them, the play „Evangelists” (*A. Mungiu-Pippidi*, Evangheliștii, Cartea Românească, București, 2005).

¹⁰ Oradea municipality.

¹¹ I have used the term „degree of state neutrality” because the variety of religious contexts, even in secular states, do not allow an absolute standard. As regards the language of religious neutrality, see for the European system *F. Arlettaz*, State Neutrality and Legal Status of Religious Groups in the European Court of Human Rights Case-law, *Religion & Human Rights*, Vol. 11, Issue 3, p. 189-223; *J. Ringelheim*, State Religious Neutrality as a Common European Standard? Reappraising the European Court of Human Rights Approach, *Oxford Journal of Law and Religion*, Vol. 6, no. 1/2017, p. 1-24; as regard the American context, see *R.A. Sedler*, Wayne State University, Separation of Church and State, Neutrality and Religious Freedom in American Constitutional Law (<http://forumonpublicpolicy.com/Vol2013.no2/sedler.pdf>); *B. Ryder*, State Neutrality and Freedom of Conscience and Religion. *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference* 29, 2005.

¹² *C-L. Popescu*, Formula religioasă a jurământului și laicitatea Republicii (The religious formula of the oath and the laity of the Republic), în *Revista Română de Drepturile Omului* no. 19/2001.

¹³ This category of rights has been called „constitutional margin rights” to emphasize the great freedom of the States to enforce by national standards limiting the vigilancy provided by the European Court of Human Rights (*G. Andreescu*, *M. Bakk*, *L. Bojin*, *C. Valentin*, Comments on the Romanian Constitution, Ed. Polirom, Iași, 2010).

According to the Constitution (Art. 29): „(5) Religious denominations shall be autonomous from the State, and shall enjoy support from it, including the facilitation of religious assistance in the army, in hospitals, prisons, homes and orphanages; (6) Parents or legal tutors have the right to ensure, in accordance with their own convictions, the education of the minor children whose responsibility devolves on them”.

The guarantee of support for religious denominations by the state, collective entities who are also autonomous to the state, has led to an excess of resources transferred from the state to the main church, the ROC. The level of flows of goods affects the secular foundations of the state. The inclusion of the principle of „autonomy of religious denominations” in the Constitution, without a clear definition of the meaning of this phrase, but no stand against the meddling of the majority church in public or private institutions, allowed a formidable religious pressure on the Romanian society. The right to autonomy of denominations has been pushed by ROC as competition to the values declared supreme by the Constitution: „the free development of human personality and justice”.

Facilitating religious assistance in the army, hospitals, prisons, shelters and orphanages has in fact created captive communities. The constitutional guarantee of religious education, according to the specific requirements of each denomination, has transformed the system of public education into an instrument of religious indoctrination on behalf of the most powerful church, the Romanian Orthodox Church¹⁴. All of this deeply affects the status of non-believers.

The presence of the Romanian Orthodox Church in the Army. The Military Clergy Law

Ensuring religious assistance in military units results from the obligation of the state to enforce the freedom of conscience and religion. This right of persons has come to legitimize the ROC’s control of religious life in the Army. Law no. 195 of 6 November 2000 on the establishment and organization of military clergy has established that the system is controlled by the ROC, and military priests have responsibilities in the cultivation of military virtues and in the formation of civic responsibility and patriotic feelings among the military. They carry out moral and religious education activities in units and garrisons and deal with the „psycho-moral and disciplinary state of the military”. The bibliography selected by the ROC Synod for the preparation of priests in military structures covers a vast array of issues ranging from the details of Eastern Orthodox Dogmatic Theology to the religious perspective on abortion, euthanasia, transplantation, transfusion, cloning, and a religious ideology of justice and freedom¹⁵.

Chapels and churches, exclusively Orthodox, were built in almost all military compounds. Garrison soldiers constantly hear Orthodox religious music, are taken to religious services, to sanctification, and are constantly under the impact of Orthodox messages. In the Army, an intense religious atmosphere filled with proselytism and indoctrination was created. The Case of *Larissis and Others v. Greece* clarified many years ago that proselytism in the context of

¹⁴ M. Popa, L. Andreescu, Legal provisions, courts, and the status of religious communities: a socio-legal analysis of inter-religious relations in Romania, Religion, State and Society, Issue 3-4, Vol. 45, 2017; M. Popa, L. Andreescu, Religion and Education in Romania: Social Mobilization in the „Shadow” of the European Court of Human Rights, Religion and Politics, 2018.

¹⁵ *Cancelaria Sfântului Sinod*, Tematică și bibliografie pentru examenul de selecționare a preoților din structurile militare (Topic and bibliography for the examination of the selection of priests in military structures) (http://patriarhia.ro/images/pdf_2017/tematica_examen_selectionare_preoti_militari.pdf) accessed at March 18, 2018.

manifestations of military authority is not protected by freedom of religion¹⁶. However, as far as we know, there is no soldier or officer in the army who sued the Romanian state because of the pressure of religious nature to which he was subjected. The explanation is simple: the danger of being excluded from the military system for complaints against what is happening in the army is high.

With regard to the ideas that feed the connection of the military with the Orthodox clergy, this is one sample from the graduation thesis of a priest who attended the National Defense College: „The Church and the Army are the two fundamental institutions of Romanian unity and continuity. They have accompanied and supported the state and the evolution of our society in a positive way, they have coexisted, have helped each other, have become useful through what they do, have established specific structures, relationships and functions, conferring to the Romanian people the power of resisting the enemies and historical circumstances”¹⁷.

The Romanian Orthodox Church is also present within the Romanian intelligence services, being the only civic agent who has access to this secretive space. „Mihai Viteazu” National Intelligence Academy raised a church on campus. Another was built in the immediate vicinity of Bucharest’s headquarters of the Romanian Intelligence Service.

The presence of the ROC in penitentiaries

The Romanian State has established a special relationship with the ROC in order to ensure religious assistance in prisons. As the penitentiary system in Romania is maintained by the Ministry of Justice, a protocol has been signed between the Romanian Patriarchate and the Ministry. It is significant that in the preamble to the normative act, the ROC’s presence in penitentiary does not arise from the right of persons to access spiritual support, but as „pastoral-missionary duty of the Church” – in proper terms, proselytism.

The presence of wearers of church clothes has become a constant in the penitentiary system. Chapels or churches were built in almost every prison. Priests are not only involved in religious assistance, but in a large number of events, from religious and holy ministries, to cooperation in reintegration projects, vocational training etc. All these activities of the ROC are backed by the state budget.

Protocol between the Romanian Patriarchy and the Ministry of Public Health

In July 2008, the Protocol between the Romanian Patriarchy and the Ministry of Public Health was signed. According to this official agreement, the Ministry of Public Health and all subordinate institutions are committed to engaging the BOR in working groups, seminars and meetings that discuss priorities in healthcare policies in conjunction with spiritual assistance. The Ministry cooperates with the ROC and identifies the resources needed to jointly develop projects and programs on the support and development of the healthcare system. BOR has been very interested, in this particular case, in „opportunities to finance projects in the field”.

¹⁶ See for the general context *M. Markoviti*, The „filtering effects” of ECtHR case law on religious freedoms: legal recognition and places of worship for religious minorities in Greece, in *Religion, State & Society*, Vol. 45, No. 3-4/2017, p. 268-283.

¹⁷ *Priest Ș. Stanciu*, Asistența religioasă în armata României – simbol al reformării moderne a instituției militare (Religious assistance in the Romanian army – symbol of the modern reformation of the military institution), Graduation paper, National Defense College, 2002 (http://www.cissb.ro/Revista_comunicatiilor_informaticii_2011/cap27_ASISTENTA.pdf) accessed at March 18, 2018.

Today, in a large number of hospitals, the Ministry of Public Health has built Orthodox chapels and churches in its units, made available to the ROC. The Ministry has even been required to designate at the county and local level some employees responsible for the relationship with the ROC. Orthodox priests are currently walking through polyclinics and hospitals asking patients to commune and confess. They often ask patients to kiss icons, contrary to the most basic rules of health safety. The pressure on patients to undergo rituals is multiple, also determined by their vulnerability, by their living in a closed environment, by the authority of the priests over the doctors they depend on.

V. Religious education in Romania

First of all, with regard to what confessional education can mean in Romanian schools, here are some examples.

Six year old girl

The little girl has not been enrolled in the religion course. She is in the class where the hour is taking place and draws and listen what the professor says. She was horrified when she heard the professor telling about a holy little girl, Filofteia. Her father threw his ax after her because she was gracious to the poor. He cut her foot and she died¹⁸.

Nine year old boy

A mother was not able to persuade her son, only 9, to enter Catholic cathedrals on their visit to Italy. He did not want to go in because the professor of (orthodox) religion told the pupils that if they enter churches other than Orthodox, bad things will happen to them¹⁹.

Theater performance for ten year old children

December 2014, at a school in Constanta. The teachers staged the story in which Constantin Brâncoveanu preferred to cut off the head of each of his four children, rather than accepting their conversion to the Muslim religion. In the applause of the parents present at the „school show”, a child, dressed as an executioner, played a role in which he cut off the head of five other children, with an ax, after they were placed on a stump and were doing the sign of the cross. On the social networks, there are also children drawings in which similar horror scenes are reproduced²⁰.

Fourth grade girls who needed the treatment of a psychologist

At one of the schools in Buzau, the parents of a 4th grade girl had to take her to a psychologist because she did not communicate with them and she was crying, apparently without reason, quite often. The mother was terrified when the psychologist told her she wanted to bury her dolls. Then, the mother discovered in her bookshelves many drawings of funerals. After just a few sessions, the psychologist told the parents to take the child out of

¹⁸ I. Niculescu, Copiii neînscrși la Religie, obligați să participe la acest curs. Cazul unei fetițe de 6 ani îngrozite de pilda sângeroasă de la ora de Religie (Children not enrolled in Religion, bound to attend this course. The case of a six-year-old girl terrified of the bloody parable of Religion), Adevărul, September 28, 2015 (http://adevarul.ro/educatie/scoala/copiineinscrisi-religie-obligati-participe-curs-cazul-fetite-6-ani-ingrozita-pilda-sangeroasa-ora-religie-1_560960c7f5eaafab2c18228c/index.html) accessed at March 17, 2018.

¹⁹ E. Moise, Iadul din școli (Hell in Schools), Adevărul, October 15, 2015 (http://adevarul.ro/educatie/scoala/iadul-scoli-1_561ff7bcf5eaafab2cb2bd52/index.html) accessed at 17 March, 2018.

²⁰ Ibidem.

religion classes. In the class, the teacher told pupils that if they did not confess and commune, if they walk out and they are hit by a car, then they die and go to hell. Three other girls in the same class had similar problems²¹.

8th grade student who gave birth

The priest in the village, who teaches religion at school, proposed to authorities to expel her from school and excommunicate her²².

Adult still traumatized by religion class stories

At 25, he cannot stay alone in the house, unless he turns on all the lights. When he was enrolled in the first classes, his professor of religion told pupils that they are never alone. They are always watched by angels as well as by devils. The professor brought a cassette tape recorder with creepy screams that terrified the kids²³.

V.1 General principles on the right to develop intellectual and moral claims

Children „do not have a religion”, they are educated in a religion. The type of religious education they follow determines their childhood and future development, including if they follow a religious path or become non-believers. Religious education determines how they choose the way, how many enter the first category or the second and what is the content of these paths. One has to take into consideration that the status of non-believers is not determined by what happens at a single moment in time; it is reflected by the context of their evolution, from childhood to the adult status. That is why nothing is more important for the status of non-believers than the conditions in which they are religiously educated.

It is an old wisdom that the state’s wide range of powers is directed to ensure the welfare of both the child and society. The child’s interest and the general interest are one and the same: democratic society rests „upon the healthy, well-rounded growth of young people into full maturity as citizens, with all that implies”²⁴. As such, „It is the interest of youth itself, and of the whole community, that children be both safeguarded from abuses and given opportunities for growth into free and independent well-developed men and citizens”²⁵. In a liberal democracy, the norm is the individual’s full capacity to make free and independent choices. To secure this capability, „it is acceptable for parents to enforce spiritual conformity from their children, demanding (...) uncritical obedience toward religious authority. It is only natural for parents to want a child to embrace their values, to believe their beliefs and the legal system, as it ought, leaves parents free to transmit their religious values; but parents abuse that freedom when they give children no choice”²⁶.

As a result, in liberal democracy, religious education requires the balance between the two main actors, the state and the parents. The care of children resides first with the parents, „but

²¹ Ibidem.

²² Ibidem.

²³ Ibidem.

²⁴ *Prince v. Massachusetts*, 321 U.S. at 158 (1944).

²⁵ Idem, p. 165.

²⁶ J. Shulman, *Who Owns the Soul of the Child?: An Essay on Religious Parenting Rights and the Enfranchisement of the Child*, Georgetown Public Law and Legal Theory Research Paper, no. 11-20/2012, p. 116 – (<https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?referer=https://www.google.ro/&httpsredir=1&article=1781&context=facpub>) accessed at March 15, 2018.

not first and last”²⁷. If children have a right to leave behind the boundaries set by their parents, then this implies „enforceable rights of exit from the boundaries of the community defined by their parents”²⁸. They must not be disempowered from making their own intellectual and moral claims in the first place”²⁹. This desiderate must be protected by the state. The most important principle in addressing religious education, in relation to which we can hierarchize educational systems, is to ensure the child’s right to make his or her intellectual and moral claims from the perspective of becoming an adult: „what must be secured is the child’s present opportunity to develop the capacity to make those claims”³⁰.

Considering the concept of children’s education synthesized in the above ideas, I characterize the situation in Romania as follows: the Romanian State and the Romanian Orthodox Church, together with the great majority of the parents, collaborate in the religious indoctrination of children. Parents are more passive subjects, because (i) they have not generally an understanding of children’s autonomy and their right to freely choose in religious matters once they have matured, and (ii) are in a vulnerable situation relative to school authorities, including their children’s schoolteachers, school inspectorates and the Ministry of Education. This religious indoctrination is aggravated by the content of Orthodox religious education: it is a nationalistic, xenophobic education designed to create obedience and a lack of critical attitude, contrary to the great principles of liberty and humanism. The six situations listed above are relevant to the above assertions.

V.2 Main characteristics of the religious education in Romania

During the communist regime there was no religious education, on the contrary, children were taught that religion is the opium of peoples. In 1990, the ROC leadership used parochial initiative committees to introduce religious-moral education into the school system. The parishes signed an appeal that used the following arguments: „For the healing of our Romanian soul, for the elevation of the degree of civic consciousness, for the purification of our being of all that is alien to us and against the flesh, for the growth of the generations of citizens in the spirit of the high social-moral-religious values, it is imperative to introduce religious-moral education into the school, at pre-primary, lower secondary and high-school level”³¹.

New school activities with religious character were opened every year. In 1995, the new law on education established that in Romania religious education has confessional nature and ran from the first grade to the last grade of high-school. According to the law, religious education was to be compulsory at primary school. A number of MPs belonging to national minorities challenged this provision in the constitutional court, and the constitutional court took account of ECtHR jurisprudence. Being confessional, religious education could only be facultative or optional.

²⁷ Idem, p. 115.

²⁸ *W. Galston*, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, Cambridge University Press, Cambridge, 2002, p. 104.

²⁹ *J. Shulman*, op. cit., p. 115.

³⁰ *J. Shulman*, op. cit., p. 116.

³¹ *E. Moise*, *Aplicarea Deciziei nr. 669/2014 a Curții Constituționale: avatarurile înscrierii la ora de Religie (I)* [**The Application of Decision no. 669/2014 of the Constitutional Court: the toils of registering for the Religion class (I)**], in *Noua Revistă de Drepturile Omului* no. 4/2016, p. 58.

Since the mid-1990s, religious education has become a vast process of indoctrination to determine the religious identity of children and future adults. The Romanian Orthodox Church has never made a secret of this purpose, otherwise coherent with the Orthodox doctrine, which also has a nationalist nature. In the sermon of the Patriarchate Professor Nicolae D. Necula, he requested that religion teachers not only share the religious feeling and participate in divine services celebrated in the Church, but also „make their students participate as well, because besides religious instruction, the religious education must take into account the religious morals, which means to shape good and authentic Christians”³².

Here are some of the main means by which this goal has been achieved:

Invasion of school spaces with religious symbols and manifestations

Without a legal or explicit regulation of this aspect, public schools have become a place with a strong religious presence – religious services and religious performances take place regularly³³ and a large number of Orthodox icons can be found in classes and teacher lounges³⁴. Sometimes, religious laboratories, chapels or churches have been built in the courtyard of the school. Religious services or sanctifications take place in public educational establishments not only at the beginning of the school year but also on other occasions.

In one of the schools in Buzau County, the director spoke about the intention to bless a project application with the priest-religion teacher in the school before sending it to receive European funds. Once, the priest went through school with an icon and sprinkled holy water, and the people who met him – pupils, teachers, administrative staff – had to kiss the icon.

A similar example is that of the five priests, including the school’s Religion teacher, officiating a sanctification service for the new building body rebuilt and consolidated with Phare funds. More than 50 students, parents’ representatives, teachers and the medical staff of the school unit attended during school hours. At least 10 pupils told the Association Solidarity for the Freedom of Conscience representative that they wanted to leave the event but were prevented by some of the teachers and one of the school workers³⁵.

These religious manifestations in public schools are illegal. In September 2007, the Association Solidarity for Freedom of Conscience (SFC) notified through the General Prosecutor’s Office all the prosecutor’s offices in Romania about the specific crime. In the talks, prosecutors or judicial police officers confirmed the criminal nature of the facts. But they expressed their powerlessness because of „the great number of cases”³⁶. The petitions

³² Prof. dr. N.D. Necula, How and what should be the religion teacher, *Vestitorul Ortodoxiei*, March 31st, 2002.

³³ See Documentar. Oficierea slujbelor religioase în unitățile publice de învățământ din România (Documentary. The unfolding of religious services in public educational institutions in Romania), in *Noua Revistă de Drepturile Omului* no. 1/2018.

³⁴ See Petiția adresată de profesorul Emil Moise Consiliului Național pentru Combaterea Discriminării (Petition Addressed by Professor Emil Moise to the National Council for the Fighting of Discrimination), in *Noua Revistă de Drepturile Omului* no. 4/2006, p. 57-68.

³⁵ *Solidarity for the Freedom of Conscience*, Cercetare asupra educației religioase în unitățile școlare din România (Research on Religious Education in Romania), in *Noua Revistă de Drepturile Omului* no. 2/2007, p. 96-97.

³⁶ See Documentar. Oficierea slujbelor religioase în unitățile publice de învățământ din România (Documentary. The unfolding of religious services in public educational institutions in Romania), in *Noua Revistă de Drepturile Omului* no. 1/2018.

sent by SFC to the Ministry of Education and County School Inspectorates on the situation were rejected.

Using ratings as a means of pressure on the attitude towards religion

The use of school marks by religious teachers to impose religious behavior on children is particularly common in rural schools. If they do not go to the church weekly, the students lose marks at the hour of Religion. For such „deviations”, sometimes children are given grades under the class passing mark³⁷.

A variation is putting non-attendance marks with negative effects on the grades. If the students did not attend the official religious service on the occasion of the opening of the school year, they are assessed as missing³⁸.

Students are forced to participate in Orthodox religious services also through the threat of decreasing grades in other disciplines than Religion, particularly when teachers are priests' wives. For fear of sanctions, children go to the orthodox religious service even when their parents are non-theist or belong to other confessions.

Indoctrination through the content of teaching and religion textbooks

As currently designed, religious education is confessional in content, dogmatic in doctrine, and involves the practice of religious rituals during classes. Practically speaking, religion classes are used for catechization. Especially when they involve very young children, they completely blur the distinction between freely expressed religious options and indoctrination.

The intolerant character of the content of Orthodox education classes has long been documented by the Association Solidarity for the Freedom of Conscience and Pro Europa League. The settlements of other minority cultures are presented as a danger to those who enter them. Some of these confessions are accused of denigrating the Orthodox confession. Thus, there were assertions: „Adventists denigrate the Orthodox Church, (...) for them the church is ruled by the devil, and the only shelter of it is their home”. Or: „Jehovah's Witnesses are one of the most dangerous sects (...) is one of the forms of religious fanaticism”³⁹. The Religion teacher told the children not to speak to those in the „Jehovah's Witnesses Sect” and in no case to receive them in the house.

One Religion teacher told the children that God loves only the Orthodox. The class included two students who do not belong to the Orthodox confession and who participate in the class of Religion: one belonging to the evangelical confession and another belonging to the Jewish confession. Although one of his classmates protested at the time, saying, „Professor, I believe God loves us all – not just the Orthodox, but also our classmates”, there were negative reactions. Some classmates left the desks in which non-Orthodox colleagues were sitting. The situation was discussed at the Teacher-Parents meeting, the mother of one of the two students asking the homeroom teacher to talk with the Religion teacher to modify her speech, at least in the school⁴⁰.

³⁷ *Solidarity for the Freedom of Conscience*, op. cit., p. 102.

³⁸ *Idem*, p. 95.

³⁹ *Idem*, p. 101.

⁴⁰ *Ibidem*.

Some County School Inspectorates assist the Orthodox priests who teach religion discipline and conduct a policy of controlling and marginalizing children belonging to Neo Protestant families⁴¹.

Religion textbooks and curricula include intolerant and offending opinions on religions and beliefs other than the majority Christian Orthodox Church⁴². Here is just an example of an inappropriate and hostile simultaneous presentation from a 9th grade Orthodox religion manual: „Bahá'í members are „Satan's tools or gates of hell” who practice „insistent proselytism” and represent a „danger to society”. They would be a „fueled phenomenon in society”, because they adopt „unworthy means of gospel”, being a „sectarian group banned in the West”. The Bahá'í's National Spiritual Assembly has a misleading mission, „affects the family and community of the church, and uses methods of „indoctrination, bribery, blackmail, exploitation of poverty, fanaticism”⁴³.

The pressure exerted on children and parents to enroll in Religion

Children and parents are ill informed, and often deliberately kept in the dark, about the elective status of religion classes. Often, children who want to abandon the religion class or refuse to enroll in religion classes are pressured into acceptance by the teachers. A major evolution took place in 2014, when the Constitutional Court of Romania changed the enrollment rule⁴⁴. Enrollment applications were to be submitted by students who decided to follow the discipline of Religion, and not the students who did not want to attend it, as before. Following this evolution, the ROC created a large national organization, „Parents for the Religious Class”, who, with the approval of the Ministry of National Education, intervened in schools to get the parents' signature⁴⁵.

In agreement with ROC's periodic requests, the Ministry of National Education postponed the enforcement of an important provision of the Constitutional Court's decision, which requires the application for enrollment in the Religious discipline to be submitted annually. Efforts to convince the leadership of the Ministry to observe the Court decision were sabotaged from inside the institution⁴⁶. In 2018, the Ministry of National Education issued an

⁴¹ R. Pantazi, Cum strange Biserica date despre familiile care nu sunt ortodoxe. Profesorii de Religie din Gorj, puși să colecteze informații din școli (How the Church collects data about non-Orthodox families. Religious teachers in Gorj, set to collect information from schools), (*HotNews.ro*), June 3rd, 2014 (<https://www.hotnews.ro/stiri-esential-17412132-cum-strange-biserica-date-despre-familiile-care-nu-sunt-ortodoxe-profesorii-religie-din-gorj-pusi-colecteze-informatii-din-scoli.htm>) accessed at March 20, 2018.

⁴² S. Enache (ed.), Religious Education in Public Schools. Promoting the higher interest of the child in religious education Monitoring religious education in Romania's public schools, Ed. Ligii Pro Europa, Târgu Mureș, 2007 (<http://www.proeuropa.ro/abstract.html>) accessed at March 20, 2018.

⁴³ G. Andreescu, Manualele: discriminare ori îndoctrinare? (Textbooks: Discrimination or Indoctrination?), in *Noua Revistă de Drepturile Omului* no. 4/2007, p. 28.

⁴⁴ This change was the result of the legal battle that took place, years ago, by the schoolteacher Emil Moise.

⁴⁵ For a detailed presentation, see the documentary *Noi reglementări în înscrierea la ora de Religie. Decizii, comunicate, luări de poziție* (New regulations in enrollment at Religious Hours. Decisions, communications, position statements), in *Noua Revistă de Drepturile Omului* no. 1/2015, p. 81-131.

⁴⁶ See the article E. Moise, *Aplicarea Deciziei nr. 669/2014 a Curții Constituționale: avatarurile înscrierii la ora de Religie* (I) and (II) [**The Application of Decision no. 669/2014 of the Constitutional**

order aligning itself with the ROC's position contrary to the requirements set by the Constitutional Court⁴⁷.

There are many other flaws of the system of religious education: religion teachers, often priests, are subordinated to both the Ministry of Education and the religious authorities, so teachers need a formal approval from religious authorities to be allowed to teach religion; religious minorities are discriminated and in several occasions forced to participate in religious rituals, prayers, ceremonies of the majority Orthodox Church; religious indoctrination in schools is funded by public money, as religion teachers (many of which are priests without teacher training and wearing religious attire in class) are paid by the state rather than the parishes; religion classes are even used by teachers to promote intolerance toward different or vulnerable groups (ethnic, religious, sexual minorities etc.)⁴⁸.

VI. The theocratic shadow

Today, Romanian society is dominated by a mutual support between the authorities of the secular state and the ROC. Cooperation is based on voters' votes, money and power. During the electoral campaign in 2014, Minister of the Interior Gabriel Oprea gave on October 2nd an Order through which the Religious Assistance Department of the Ministry of Internal Affairs has the obligation to inform the Holy Synod of the Romanian Orthodox Church about „the activity on Christian Orthodox Moral-Religious Education”⁴⁹. Religious denominations are funded in two ways. A systematic and transparent one, through which covering the salaries of priests are paid and which divides among all religious denominations, proportionately, an amount of money allocated annually through the State Secretariat for Religious Affairs. The second and most amply, is through arbitrary, circumstantial decisions in favor of the ROC. Continuously, but especially before electoral campaigns, the Parliament, Ministries, local authorities decide to offer the ROC properties and to finance church projects. This is how Romania has become „the country with the highest number of churches per capita”⁵⁰.

Court: the toils of registering for the Religion class (I) and (II)], in *Noua Revistă de Drepturile Omului* no. 4/2016, p. 41-61 and no. 1/2017, p. 41-64.

⁴⁷ D. Niculescu, *Cererea pentru înscrierea la ora de religie se depune de-acum o singură dată, nu în fiecare an* (The request for enrollment in religion is now submitted once, not every year), March 14, 2018 (https://www.avocatnet.ro/articol_47875/Cererea-pentru-inscrierea-la-ora-de-religie-se-depune-de-acum-o-singur%C4%83-dat%C4%83-nu-in-fiecare-an.html) accessed at March 25, 2018.

⁴⁸ For a global assessment of these flaws, see S. Enache (ed.), *Religious Education in Public Schools...*

⁴⁹ T.D., *Biserica Ortodoxă Română, agent electoral al PSD. Decăderea morală a bisericii conduse de Patriarhul Daniel* (Romanian Orthodox Church, electoral agent of PSD. The moral decadence of the Church led by Patriarch Daniel), *Revista 22/12 noiembrie 2014* (<https://www.revista22.ro/biserica-ortodoxa-romana-agent-electoral-al-psd-decaderea-morala-a-bisericii-conduse-de-patriarhul-daniel-50016.html>), accessed at March 15, 2018.

⁵⁰ L. Andreeescu, *The Construction of Orthodox Churches in Post-Communist Romania*, *Europe Asia Studies* 59.3, 2007.

The „state support for the social work of the Church” adds to the wealth of monasteries and the variety of productive and commercial activities. In many cases, the involvement of the ROC in social assistance activities is a means of gaining access to new resources. Such motivations came to light with the fraudulent use of European projects⁵¹. The hierarchy of the ROC is today one of the most prosperous categories, and the Romanian Orthodox Church is the richest private owner in Romania. The use of Mercedes cars, private planes etc. by high hierarchs is well documented. Constant scandalous information appears: three churches in one small village, very expensive church doors, huge sums received from the state and clearly spent fraudulently etc.

The massive assistance of the state towards religious denominations leads to the interconnection between the economic interests of the clerical hierarchy and the political interests of decision-makers in the Parliament, Government, and local institutions. Practically, clergy participate in sharing the budget and the spheres of authority together with secular institutions representing the state. The hierarchy of the Romanian Orthodox Church is directly involved in the political life of Romania. The more the state brings benefits to the Romanian Orthodox Church, the more the ROC calls for new deliveries.

There are many cases where an initiative in Parliament has been changed by a phone call from Patriarch Daniel. In 2006, NCCD established that the presence of religious symbols in public schools is a discrimination. The ROC protested, the Supreme Court answered its wish and canceled the verdict of discrimination. It is worth to notice again the aforementioned case, of the 2015 decision by which the Constitutional Court changed the rule of enrollment to religion to agree to the international jurisprudence of freedom of thought, conscience and religion. The fact that the new rules have been blocked and, at the widespread pressure of the ROC, the enrollment principle was changed in February 2018 (requests for the religion class are submitted once for the whole schooling period) proves that a religious actor like the ROC can dominate the activity of central institutions of the state⁵².

An effective way for the BOR to control the local government is the inclusion of priests as candidates on the lists of the main parties, those in power and those in the opposition⁵³. Through these priests who become counselors, the ROC has a say in all matters concerning local government and can defend the Church’s interests. In 2004, the ROC Holy Synod banned the clergy’s involvement in politics, but this decision had only a propaganda role⁵⁴. Priests who became counselors can continue their work in their parishes⁵⁵. The fact that more

⁵¹ Arhiepiscopul Tomisului, Teodosie, trimis în judecată, (*Digi24.ro*), March 9, 2018 (<https://www.digi24.ro/stiri/actualitate/justitie/arhiepiscopul-tomisului-teodosie-trimis-in-judecata-892131>) accessed at March 22, 2018.

⁵² D. Niculescu, Cererea pentru înscrierea la ora de religie se depune de-acum o singură dată, nu în fiecare an (The request for enrollment in religion is now submitted once, not every year), 14 martie 2018 (https://www.avocatnet.ro/articol_47875/Cererea-pentru-inscrierea-la-ora-de-religie-se-depune-de-acum-o-singur%C4%83-dat%C4%83-nu-in-fiecare-an.html) accessed at March 25, 2018.

⁵³ D. Oncioiu, V. Stoicescu, Rețeaua Părintelui Mitropolit (Bishop’s Network), February 18, 2018 (<https://safielumina.ro/reteaua-parintelui-laurentiu/>) accessed at March 25, 2018.

⁵⁴ For details, see L. Stan, L. Turcescu, Religie, partide și alegeri în Romania postcomunistă (Religion, parties and elections in post-communist Romania, Sfera Politicii nr. 123-124/2006).

⁵⁵ C. Badea, Aberația zilei: Ce caută preoții în politică? (Aberration of the Day: What the Priests Look for in Politics?), (*Ziare.com*), May 1st, 2016 (<http://www.ziare.com/alegeri/alegeri-locale-2016/aberația-zilei-ce-caută-preoții-in-politică-1420054>) accessed at March 22, 2018.

priests run simultaneously on lists of different parties demonstrates that they apply a ROC policy. At the presidential election in 2014, even Patriarch BOR, Daniel, asked the Orthodox citizens to reject the opposition candidate, a Protestant German ethnic – but unsuccessfully⁵⁶.

VII. Discrimination against non-believers

There is no systematic or widespread research into the discrimination of non-believers. Field investigations find sometimes severe forms of discrimination, but we do not know the extent of the phenomenon. In order to give a glimpse into this issue, I describe five cases out of several in which atheists are sanctioned or mocked. Insulting language against atheists is common in the electronic media, not just those with religious affiliation. The past years, a new phenomenon is spreading, of „jokes” designed to create an anti-atheist atmosphere. What follows is a „joke” spread across social networks – a dangerous method which can be used as bullying against children and can become an attitude model for the youngsters:

Joke – atheist teacher

A young teacher with obvious liberal principles tells her young pupils that she is an atheist (...) Then she asks who among the pupils are atheists. The children, unaware of what the word „atheist” means and to make the teacher happy, all raised their hands up (...) except for a little girl. The teacher asked, „Are you not an atheist?” „No”, said the girl. - But, what are you? - I am an Orthodox Christian, my mother is Christian-Orthodox, my father is Orthodox Christian, and my grandparents too.

- „And if your mom and dad were idiots, what would you be?” the teacher asked irritably.
- „I would be an atheist”, said, smiling, the little girl.

Dismissal – refusing to kiss the cross

A professor of Civic Culture, History and Geography was fired, marginalized by colleagues and villagers, because he did not want to kiss the cross carried for this purpose by the Orthodox Christian priest who held a religious service during school hours at the Opening of the school year 2006/2007⁵⁷.

Harassment – professor and militant for secular state

One teacher of Civic Education and leader of the secularist association Solidarity for the Freedom of Conscience refused to participate in the religious manifestations in the school, criticized them and petitioned for their illegality. The priest-professor of religion harassed him by repeatedly discussing his eventual death; the Civic Education teacher was subjected to school investigations, was threatened directly or publicly. The Bishopric of Buzau and Vrancea filed a criminal complaint against him⁵⁸.

Arrest and forced psychiatric evaluation

On 26 October, Alexandru Solomon, a 51-year-old cinematographer, stood in front of the Bucharest Orthodox Cathedral, where Russian and Romanian Patriarchs were preparing to officiate a ceremony. Patriarch Kirill of Moscow, a long time supporter of Vladimir Putin, had

⁵⁶ T.D., Biserica Ortodoxă Română, agent electoral al PSD. Decăderea morală a bisericii conduse de Patriarhul Daniel ...

⁵⁷ Emil Marcu, who in 2007 was forced to leave the school and community in Boghești village, Vrancea county (<http://evz.ro/dascal-exilat-fiindca-n-a-pupat-crucea-428771.html>) accessed at September 1st, 2017.

⁵⁸ File no. 2417P/2006, the Prosecutor’s Office, Buzau Court.

been invited to perform a religious ceremony together with the heads of the Romanian church. The report on the case noticed: „Solomon had portraits of prominent Romanian and Russian political and religious leaders hanging from his neck. Pulling out a penknife, he drew the blade and pressed it to his left palm, drawing three cuts. Then he threw roubles and Romanian lei on the ground. The money became a magnet for the people piling up around him. At this moment the police took Solomon aside. „I have made a gift of money and blood for all the victims of Romanian and Russian communism”, said Solomon, standing in a Christ-like pose. The police asked for his ID and urged him to lower his arms”⁵⁹.

The performance lasted just over a minute and was followed by seven hours of interrogations and psychiatric evaluations. Solomon was first taken to the police station, and later he was put in an ambulance and sent to a public psychiatric hospital. There Solomon was released under the signature of his wife who had to promise that she would not allow him near the Orthodox Cathedral. The release form concludes „he is mentally healthy” but, at the same time, diagnoses him with „adaptive disorder”⁶⁰.

Expulsion of a student

„Henri Coanda” High School in Bacau expelled an 17 years old orphaned student in the 11th grade without the right to re-enroll. The General Directorate for Social Assistance and Child Protection Bacau, who is the guardian of this pupil, refused to support him by challenging the school’s decision. The investigation revealed that the ground for expulsion was the sending by the pupil of petitions to the school, the School Inspectorate and the Ministry of Education. Through them, the student had noticed the illegality of setting up and operating in the High School, where he studied, an Orthodox Christian chapel. In this chapel, orthodox services and other religious services are held at least once a week. Students and residents nearby are attending them⁶¹.

VIII.1 The NCCD Jurisprudence

A significant but very limited source of support against the harassment of non-believers is the National Council for Combating Discrimination (NCCD), the benchmark institution in assessing discriminatory actions. Romania has an old tradition of hosting discriminatory practices. But with her accession to the Council of Europe and then the preparation for EU integration and joining this organization in 2017, awareness of the phenomenon and its countermeasures has been substantially strengthened was established. From the establishment of the National Council for Combating Discrimination, in 2002, until 2016, the NCCD has made 93 decisions about religious discrimination⁶². Only a very small part of the cases that could be considered discrimination have reached this institution. I appreciate that the NCCD’s case-law on non-believer discrimination is poor compared to the real situation.

⁵⁹ See one detailed report of the case in *I. Păun, L. Ștefănuț*, Protest on my mind: why did one performance land a Romanian artist in psychiatric hospital?, December 13, 2017 (<https://www.calvertjournal.com/articles/show/9362/protest-on-my-mind-political-performance-romania>) accessed at March 13, 2018.

⁶⁰ Ibidem.

⁶¹ Application for annulment of the expulsion decision of the student Olteanu Cosmin, in *Noua Revistă de Drepturile Omului* no. 1/2018.

⁶² NCCD decisions can be appealed in court.

The NCCD may have a double role regarding non-believers. The first, standard, is its role as an assessor of the existence of discrimination against members of this category. Second, is the intimidation or sanctioning of non-believers by NCCD because of their reticent or negative opinions about religion. The law on which the NCCD operates establishes that discrimination can take place through actions, measures etc., but also through a discourse considered offensive by the individuals or groups concerned.

In 2009, the NCCD examined the case filed by the Romanian Humanist Association regarding a public employment announcement published by a private company. For the recruitment of an administrator, the announcement announced as a condition: „a person with the fear of God”⁶³. At the hearing, the employer argued that the intention had been to select moral candidates. Referring to the absence of candidates who have been refused on the basis of the in question, the NCCD’s Board of Directors has established that there is no act of discrimination.

The Board of Directors appreciated that „honesty, fairness, person with fear of God” is the standard of probity of the candidate, not a conditioning on religious grounds. Since administrator activity involves patrimonial relationships, „it is absolutely necessary” to have a minimum of trust in the person”⁶⁴.

In a case initiated in September 2010, a woman employed in a public school as a teacher sent a complaint to the NCCD following the invitation extended by the school principal to an Orthodox priest to bless all teachers, saying that they are all Christians⁶⁵. In the same petition, the petitioner claimed an Orthodox chaplain was present inside the school. Some time after the initiation of the proceedings, the petitioner withdrew her complaint and the NCCD classified the case. In such cases, when complaints by employees of the institutions against whom they complained are withdrawn, it is often due to pressure put on the victims.

In a case brought to NCCD in 2010, a Member of the Chamber of Deputies said in a television show that „atheists are dangerous people”. The NCCD judgment qualified the statement as „a personal viewpoint”, and it found that it did not represent any incitement to hatred on the criterion of freedom of conscience⁶⁶. In 2016, on a TV show, it was claimed that the administrators of another TV station „have no God”. The NCCD’s Board of Directors considered that, as a public response to such statements was possible, no imminent danger was created that would impose a restriction on the freedom of expression⁶⁷.

In 2016, a journalist was summoned to the NCCD because he had described the textbooks of religion studied in school as „brutalization”. In this case, the Board of Directors rejected the complaint, arguing that the journalist’s speech was aimed at informing the public about a subject of public interest. It does not consist of mere opinions about Orthodox Christian worship practices or practitioners⁶⁸.

⁶³ I. Ionescu, Discriminarea pe criteriul religie în jurisprudența CNCD, de la înființare până la finele anului 2016 (Discrimination on religious grounds in the jurisprudence of the National Council for Combating Discrimination, from its inception until the end of 2016), in Noua Revistă de Drepturile Omului no. 1/2017, p. 14.

⁶⁴ Idem.

⁶⁵ NCCD, Decision no.101/23.03.2011.

⁶⁶ NCCD, Decision no. 229/08.09.2010.

⁶⁷ NCCD, Decision no.164/24.02.2016.

⁶⁸ NCCD, Decision no.135/17.02.2016.

The intimidation of non-believers through the NCCD is a recent fact. In 2016, the NCCD decided to sanction a journalist's criticism of the ROC hierarchy through a video broadcast on the Youtube channel. The Board of Directors appreciated that the language used was injurious, with a pejorative content, even vulgar. When such speech creates a hostile, intimidating, offensive environment, by the nature of harassment, the right to dignity is impaired.

In conclusion, a small number of cases involving non-believers have reached the NCCD to date. The criticisms of non-believers regarding the clergy, churches and religious mythology have been sanctioned only by exception. But there are reasons to expect that punishing critical attitudes to religion could become a method. On the other hand, there is no incrimination of speeches by the clergy. Constantly, religious leaders or religious believers make extremely accusatory claims regarding non-believers. These attitudes are considered „natural”, as they would result from the very dogmatic texts of faith. The stigmatization of non-believers by religious leaders or religious believers are considered „natural”, as they would result from the very dogmatic texts of faith.

VIII.2 Intersectionality

The situation of non-believers in Romania is affected by a phenomenon of intersectionality: the involvement of religious actors in campaigns against militants for the reproductive rights of women or for the rights of sexual minorities. The agenda of non-governmental organizations that militate for these rights also includes projects to support the freedom of conscience and the separation of the state and church, which demonstrates, in the Romanian context, that a part of these militants are non-believers. Sympathizers' manifestations on the forums of these organizations also confirm the involvement of non-believers.

This phenomenon of intersectionality creates a conflict of values between religious and non-believers. Examples: in Focsani, a town in the eastern part of Romania, a local public institution, „Mr. Gh. Pastia” Athenaeum canceled in January 2018 the Women Talk Discrimination Conference, funded by the State Department of the United States through a program of cultural exchanges involving students. The event was to support minorities such as Roma and LGBT, women in politics and women active in sports considered by society as men's sports. One topic was sexual assaults in the online environment.

The director of the institution cancelled the event with the statement: „I do not admit in Athenaeum that talk about homosexuality, lesbianism, transgender”⁶⁹. It is worth underlining the involvement of politicians: a member of the local council asked the county inspectorate to warn teachers in Vrancea to ask parents to agree that students should attend such events. A month earlier, the Athenaeum held a manifestation of the „Together” Platform, which promotes the referendum initiated by the Coalition for the Family, an anti LGBT organization. In that case, parents' consent was not taken into consideration.

The Platform and the Coalition for the Family have the same president, Mihai Gheorghiu, who is also a deputy director of the Romanian Peasant Museum, where he was involved in blocking progressive events in the institution. In 2018 and in 2014, at the Romanian Peasant

⁶⁹ V. Dimulescu, Cum a blocat Coaliția pentru familie o conferință despre discriminare (How did the Coalition for Family Block a conference on discrimination) (<http://casajurnalistului.ro/coalitia-discriminare/>) accessed at September 1st, 2017.

Museum in Bucharest, groups of right wing extremists stopped movies related to the issue of sexual minorities. Authorities have not taken action against those responsible.

The Foscani event emphasizes again the informal arrangements among politicians, institutions and the ROC and its propaganda organizations, by which an intimidating context surrounds non-believers in Romania.

Conclusions

Romania has a modern constitutional framework in which democracy, rule of law, human dignity, citizens' rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values and have strong guarantees in law. Yet, in Romania there has been a 28-year process of religious indoctrination, absorbing the ROC in the system of power exercised by public authorities, which is practically equivalent to the introduction of a theocratic dimension in the functioning of the state. In such a framework, non-believers are unsafe.

According to our data, the number of cases of discrimination, harassment or punishment of atheists and non-theists for their opinions is relatively small. Instead, it is extremely broad the Orthodox indoctrination of the members of captive communities. The religious pressure exerted on them is an assault on their freedom of conscience. The most serious issue for non-believers in Romania is the dogmatic indoctrination in schools through the formal or informal coalition between the state authorities and the Romanian Orthodox Church.