Max Planck Institute
for Social Anthropology
Department 'Law & Anthropology'

The Legal Recognition of Religious Communities in the Light of the Principle of Religious Pluralism

Question(s) at stake:

Whether the refusal of the Moldovan authorities to recognize the Metropolitan Church of Bessarabia infringes on the applicants' right to freedom of religion.

Outcome of the ruling:

The Moldovan authorities' refusal to recognize the Metropolitan Church of Bessarabia is not proportionate to the legitimate aim pursued or necessary in a democratic society. Therefore, it constitutes a violation of the applicants' freedom of thought, conscience, and religion as enshrined in Article 9 of the European Convention on Human Rights (ECHR). Furthermore, as the applicants were unable to obtain redress from a national authority in respect of their complaint, there has been a violation of their right to an effective remedy (Article 13 of the ECHR).

Topic(s):

- State recognition of Groups and Their Practices

Keywords:

- Freedom of association
- Freedom of thought, conscience and religion
- Legal status
- Non-discrimination
- Non-recognition
- Public safety
- Religious community
- State neutrality
- Legitimate (state) aims

Tag(s):

- Ecclesiastical conflict
- Political conflict
- Religious pluralism
- Metropolitan Church of Bessarabia
- Orthodox Churches

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Date:

13 December 2001

Jurisdiction / Court / Chamber:

European Court of Human Rights, First Section

Remedy / Procedural stage:

Final judgment

Previous stages:

Second proceedings:

- Supreme Court of Justice (9 December 1997)
- Court of Appeal (19 August 1997)
- Municipal Court Chişinău (21 May 1997)
- Court of First Instance (19 July 1996)

First proceedings:

- Supreme Court of Justice (18 October 1995)
- Court of First Instance (12 September 1995)

Subsequent stages:

- None

Branches / Areas of law:

Human rights law

Facts:

The applicants are the Metropolitan Church of Bessarabia (hereinafter the applicant Church) and 12 Moldovan nationals. The case concerns the refusal of Moldovan authorities to officially recognize the applicant Church as an autonomous Orthodox Church. The Religious Denominations Act of 1992 requires religious denominations active in the Republic of Moldova to be recognized by the government.

The applicant Church was established in 1992 as a local, autonomous Orthodox Church attached to the patriarchate of Bucharest (Romanian Orthodox Church). It must be noted that during the inter-war period, when what is now the territory of the Republic of Moldova was part of Romania, the Bessarabian Metropolitanate was under the jurisdiction of the Romanian Orthodox Church. According to the articles of association of the applicant Church, from the canon law point of view, the applicant Church took the place of the Bessarabian Metropolitanate, which had existed until 1944 when the territory of what is now the Republic of Moldova

was occupied by the Soviet Union. The applicant Church submitted their first request for official recognition to the Moldovan authorities in October 1992. As the request remained unheeded, the applicant Church filed further applications in the following three years, which were continuously denied by the responsible governmental body, the Religious Affairs Department. Eventually, one of the applicants initiated civil proceedings, asking the Court of First Instance to overrule the government's decision refusing to recognize the applicant Church. The Court concurred with the applicant's arguments and on 12 September 1995 ordered the Metropolitan Church of Bessarabia to be recognized. However, the public prosecutor appealed against this judgement before the Supreme Court of Justice which in its judgement of 18 October 1995 held that the courts did not have jurisdiction to decide upon the applicant Church's application for recognition.

In 1996, the applicant Church again applied to the government for recognition but received no reply. Therefore, its representatives started new civil proceedings against the government. As the Court of First Instance ruled against the applicants on 19 July 1996, they appealed to the Chişinău Municipal Court. On 21 May 1997, the Municipal Court allowed the applicants' claim but following a reform of the Moldovan judicial system, the file was sent to the Court of Appeal for trial *de novo*. Meanwhile, in March 1997, the applicants again applied to the government for recognition and, having received no reply by June 1997, they referred the matter to the Court of Appeal. This action was joined to the case already pending before the Court of Appeal.

In the Court of Appeal, the government argued that the case concerned an "ecclesiastical conflict" within the Orthodox Church in Moldova, that is, the Metropolitan Church of Moldova which had been recognized by the government in February 1993 as an eparchy dependent on the Moscow patriarchate (Russian Orthodox Church). The government further maintained that the conflict could be solved only by the Romanian and Russian Orthodox Churches. The Court of Appeal was not persuaded by these arguments and in its judgment of 19 August 1997 held that the government's refusal to recognize the applicant Church was contrary to the freedom of religion.

The government appealed to the Supreme Court of Justice against the Court of Appeal's judgment on the ground that the courts did not have jurisdiction to try such a case. The Supreme Court of Justice overruled the Court of Appeal's decision of 19 August 1997 and dismissed the action of the representatives of the applicant Church in a judgment of 9 December 1997. On procedural grounds, the Court ruled the action out of time because the applicants had lodged the appeal outside the permitted period. On the merits, the Court declared the action manifestly ill-founded noting that the applicant Church's adherents are Orthodox Christians and can freely exercise their belief within the officially recognized Metropolitan Church of Moldova. In the view of the Supreme Court of Justice, the case was about an administrative dispute within a single Church and, as the state has a duty not to interfere, the government's refusal to recognize the applicant Church was compatible with Article 9(2) of the ECHR.

Further requests for recognition submitted by the applicant Church in 1999 and 2000 were rejected. Over the years, the government asked several ministries and public institutions for their opinion regarding the recognition of the applicant Church. Most of these national authorities supported the recognition of the applicant Church, a position also shared by the Cultural and Religious Affairs Committee of the Moldovan parliament. However, the government's Religious Affairs Department consistently opposed the recognition arguing that the Metropolitan Church of Bessarabia is a "schismatic group" within the Metropolitan Church of Moldova and that any interference by the State to resolve the conflict would be unconstitutional. During the 1990s, the government recognized several other Churches and associations which claimed allegiance to a single religion (e.g., authorities had recognized two Adventist Churches as well as two Jewish associations). Growing tensions among Orthodox believers and between members of the applicant Church and public authorities resulted in several documented incidents affecting adherents of the Metropolitan Church of Bessarabia and its assets.

In the application submitted to the European Court of Human Rights, the applicants complained that the state's refusal to recognize the Metropolitan

Church of Bessarabia infringed on their right to freedom of thought, conscience, and religion as enshrined in Article 9 of the ECHR. The applicants further claimed a violation of Article 14 of the ECHR (prohibition of discrimination) taken in conjunction with Article 9 because of the differential treatment applied by the government regarding the recognition of religious denominations. In addition, arguing that Moldovan law did not afford any remedy for their complaints, the applicants alleged a violation of Article 13 of the ECHR (right to an effective remedy). Furthermore, the applicants complained that the non-recognition of the applicant Church prevented it from acquiring legal personality, thus depriving it of its right of access to a court, as guaranteed by Article 6 of the ECHR (right to a fair trial). Lastly, the applicants claimed that the state's denial of recognition violated their freedom of association as enshrined in Article 11 ECHR.

Ruling:

The European Court of Human Rights held that the state's refusal to recognize the applicant Church as an autonomous Orthodox Church amounted to a violation of Article 9 of the ECHR (freedom of thought, conscience, and religion). The Court also found a violation of Article 13 of the ECHR (right to an effective remedy) given that the applicants were not able to obtain redress from the national authorities with respect to complaints related to their freedom of religion. As for Article 14 of the ECHR (prohibition of discrimination) read in conjunction with Article 9, the Court determined that a separate examination was not necessary given its assessment under Article 9. The same reasoning was deployed by the Court regarding Article 6 of the ECHR (right to a fair trial) and Article 11 of the ECHR (freedom of assembly and association).

In this judgement, the Court assessed under Article 9 of the ECHR whether (1) there was an interference with the applicants' right to freedom of religion; (2) the interference was prescribed by law; (3) it pursued a legitimate aim; and (4) it was necessary in a democratic society.

(1) To determine whether the state's refusal to recognize the applicant Church amounted to an interference with the applicants' right to freedom of religion, the

Court examined the relevant provisions of the 1992 Religious Denominations Act and observed that the non-recognition precluded the applicant Church from operating and its adherents from practising their religion. Moreover, being an entity without legal personality, the applicant Church was not entitled to judicial protection of its assets. The Court concluded that the refusal to recognize the applicant Church constituted an interference with the applicants' right to freedom of religion as enshrined in Article 9 of the ECHR.

(2) The Court recalled that the term "prescribed by law" means not only that the impugned measures are regulated by domestic law, but also refers to the following requirements which ensure the quality of the law in question: precise formulation of the law, clarity as to its scope, and foreseeability as to its effects. Although the Court did not conclusively establish whether the Religious Denominations Act meets these requirements, it accepted that the interference at issue was prescribed by law.

(3) The Court noted that states are entitled to verify whether a religious movement or association engages in activities harmful to public order. The Moldovan government contended that the applicant Church's recognition would endanger the country's social stability and territorial integrity therefore its refusal was intended to safeguard a legitimate interest. The Court, under the circumstances of the case, accepted that the interference at issue pursued a legitimate aim in the sense of Article 9(2) of the ECHR.

(4) The Court started its assessment by looking into whether the interference was necessary in a democratic society by reiterating the general principles established in its case law regarding Article 9 of the ECHR and highlighting the value of pluralism and the state's duty to remain neutral and impartial in its relation with denominations, religions, and beliefs. The Court noted that the state's role is not to assess the legitimacy of religious beliefs and to remove the cause of tension at the expense of pluralism, but to foster tolerance among competing groups. In the Court's view, conditioning the exercise of the right to freedom of religion on a system of prior authorization from a recognized ecclesiastical authority is not consistent with Article 9(2) of the ECHR, which

allows restrictions only in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others. After it recalled that states have a margin of appreciation in determining whether and to what extent an interference is required, the Court – bearing in mind the value of religious pluralism in a democratic society – assessed whether the interference at issue in this case corresponded to a “pressing social need” and was “proportionate to the legitimate aim pursued”.

The Court proceeded in two steps. First, it examined the three main arguments that were put forward by the state in justification of the interference: the obligation to uphold Moldovan law and constitutional principles including the state’s duty of neutrality; the threat to national security and territorial integrity; and the protection of social peace and understanding among believers. Second, it assessed the proportionality of the measures taken by authorities in relation to the legitimate aim pursued. The Court observed that by labelling the applicant Church as a schismatic group within the Metropolitan Church of Moldova, denying that it is a new denomination, and making its recognition dependent on the Metropolitan Church of Moldova, the state had failed to fulfil its duty of neutrality and impartiality. Furthermore, the Court addressed the issue of the potential danger to national security and territorial integrity posed by the recognition of the applicant Church. It found this threat to be merely hypothetical and an insufficient justification for the refusal of recognition. Finally, in the Court’s view, the alleged tolerance of public authorities (which allowed the non-recognized applicant Church to carry on its activities) was no substitute for legal recognition and the actual conferment of rights. As long as the state did not officially recognize it as an autonomous Orthodox Church, the applicant Church could not legally operate and its clergy, its adherents, and its assets enjoyed no judicial protection. After emphasizing that the applicant Church was subjected, without justification, to differential treatment in comparison to other liturgical associations, the Court concluded that the state’s refusal to recognize the Metropolitan Church of Bessarabia was not proportional to the aims pursued or necessary in a democratic society. It negatively impacted the applicants’ right to freedom of religion and thus there had been a violation of Article 9 of the Convention. Finally, as the

applicants were not able to obtain redress from the national authorities, the Court also found a violation of Article 13 of the ECHR (right to an effective remedy).

Main quotations on cultural or religious diversity:

“[F]reedom of thought, conscience and religion is one of the foundations of a ‘democratic society’ within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it. While religious freedom is primarily a matter of individual conscience, it also implies, *inter alia*, freedom to ‘manifest [one’s] religion’ alone and in private or in community with others, in public and within the circle of those whose faith one shares. Bearing witness in words and deeds is bound up with the existence of religious convictions. That freedom entails, *inter alia*, freedom to hold or not to hold religious beliefs and to practise or not to practise a religion”. (para. 114)

“[I]n a democratic society, in which several religions coexist within one and the same population, it may be necessary to place restrictions on this freedom in order to reconcile the interests of the various groups and ensure that everyone’s beliefs are respected […] [I]n exercising its regulatory power in this sphere and in its relations with the various religions, denominations and beliefs, the State has a duty to remain neutral and impartial […]. What is at stake here is the preservation of pluralism and the proper functioning of democracy, one of the principle [sic] characteristics of which is the possibility it offers of resolving a country’s problems through dialogue, without recourse to violence, even when they are irksome […]. Accordingly, the role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other.” (paras. 115-116)

“[I]n principle the right to freedom of religion for the purposes of the Convention excludes assessment by the State of the legitimacy of religious beliefs or the ways in which those beliefs are expressed. State measures favouring a particular

leader or specific organs of a divided religious community or seeking to compel the community or part of it to place itself, against its will, under a single leadership, would also constitute an infringement of the freedom of religion. In democratic societies the State does not need to take measures to ensure that religious communities remain or are brought under a unified leadership […] Similarly, where the exercise of the right to freedom of religion or of one of its aspects is subject under domestic law to a system of prior authorisation, involvement in the procedure for granting authorisation of a recognised ecclesiastical authority cannot be reconciled with the requirements of paragraph 2 of Article 9 [of the ECHR].” (para. 117)

“Moreover, since religious communities traditionally exist in the form of organised structures, Article 9 must be interpreted in the light of Article 11 of the Convention, which safeguards associative life against unjustified State interference. Seen in that perspective, the right of believers to freedom of religion, which includes the right to manifest one’s religion in community with others, encompasses the expectation that believers will be allowed to associate freely, without arbitrary State intervention. Indeed, the autonomous existence of religious communities is indispensable for pluralism in a democratic society and is thus an issue at the very heart of the protection which Article 9 affords […] In addition, one of the means of exercising the right to manifest one’s religion, especially for a religious community, in its collective dimension, is the possibility of ensuring judicial protection of the community, its members and its assets, so that Article 9 must be seen not only in the light of Article 11, but also in the light of Article 6 [of the ECHR].” (para. 118)

“According to its settled case-law, the Court leaves to States party to the Convention a certain margin of appreciation in deciding whether and to what extent an interference is necessary, but that goes hand in hand with European supervision of both the relevant legislation and the decisions applying it. The Court’s task is to ascertain whether the measures taken at [the] national level are justified in principle and proportionate. In order to determine the scope of the margin of appreciation in the present case the Court must take into account what

is at stake, namely the need to maintain true religious pluralism, which is inherent in the concept of a democratic society". (para. 119)

"[T]he Court observes that the State's duty of neutrality and impartiality, as defined in its case-law, is incompatible with any power on the State's part to assess the legitimacy of religious beliefs, and requires the State to ensure that conflicting groups tolerate each other, even where they originated in the same group." (para. 123)

"[T]he Court notes that in the absence of recognition the applicant Church may neither organise itself nor operate. Lacking legal personality, it cannot bring legal proceedings to protect its assets, which are indispensable for worship, while its members cannot meet to carry on religious activities without contravening the legislation on religious denominations. As regards the tolerance allegedly shown by the government towards the applicant Church and its members, the Court cannot regard such tolerance as a substitute for recognition, since recognition alone is capable of conferring rights on those concerned." (para. 129)

Main legal texts quoted in the decision:

Domestic Law

- Article 31 of the Moldovan Constitution
- Sections 1, 4, 14, 15, 21, 22, 24, 35, 44, 45, 46, and 48 of the Religious Denominations Act of 1992 (Law no. 979-XII of 24 March 1992)
- Articles 28, 37, and 235 of the Code of Civil Procedure

International Law

- Articles 6, 9, 11, 13, 14, and 41 of the European Convention on Human Rights

Cases cited in the decision:

Relevant European Court of Human Rights case law:

- Buscarini and Others v. San Marino, no. 24645/94 (1999)

- Canea Catholic Church v. Greece, no. 143/1996/762/963 (1997)
- Cha’are Shalom Ve Tsedek v. France, no. 27417/95 (2000)
- Chahal v. the United Kingdom, no. 70/1995/576/662 (1996)
- Groppera Radio AG and Others v. Switzerland, no. 10890/84 (1990)
- Hasan and Chaush v. Bulgaria, no. 30985/96 (2000)
- Hashman and Harrup v. the United Kingdom, no. 25594/94 (1999)
- Kalaç v. Turkey, no. 20704/92 (1997)
- Kokkinakis v. Greece, no. 14307/88 (1993)
- Larissis and Others v. Greece, no. 140/1996/759/958–960 (1998)
- Manoussakis and Others v. Greece, no. 18748/91 (1996)
- Pentidis and Others v. Greece, no. 23238/94 (1997)
- Rotaru v. Romania, no. 28341/95 (2000)
- Serif v. Greece, no. 38178/97 (1999)
- Sidiropoulos and Others v. Greece, no. 57/1997/841/1047 (1998)
- Stankov and the United Macedonian Organisation Ilinden v. Bulgaria, nos. 29221/95 and 29225/95 (2001)
- The Sunday Times v. the United Kingdom (no. 1), no. 6538/74 (1979)
- United Communist Party of Turkey and Others v. Turkey, no. 133/1996/752/951 (1998)
- Wingrove v. the United Kingdom, no. 17419/90 (1996)

Commentary

The Legal Recognition of Religious Communities in the Light of the Principle of Religious Pluralism

Metropolitan Church of Bessarabia and Others v. Moldova is one of the landmark cases of the European Court of Human Rights under Article 9 of the ECHR. Several arguments of the Court concerning limitations to the freedom of religion and religious pluralism deserve particular consideration. To assess the interference with the applicants’ freedom of religion, the Court used the three-part test set out in Article 9 (2) of the ECHR and examined whether these cumulative conditions are fulfilled: (i) the interference was prescribed by law; (ii) it had a legitimate aim; (iii) it was necessary in a democratic society.

The relationship between the exercise of freedom of religion and any limitation of this right is “a relationship between rule and exception” (Bielefeldt 2020: 5). It is worth noting that the exceptions to freedom of religion “must be narrowly interpreted”, for their enumeration in Article 9(2) of the ECHR is “strictly exhaustive and their definition is necessarily restrictive” (*Vyato-Mykhaylivska Parafiya v Ukraine*, App no 77703/01, 14 June 2007, para. 132; *Nolan and K v Russia*, App no. 2512/04, 12 February 2009, para. 73).

In the *Metropolitan Church of Bessarabia* case, the Court accepted that the interference (i.e., the State’s refusal to recognize the applicant Church as an autonomous Orthodox Church) was prescribed by law without addressing the issue of whether the provisions of Moldova’s Religious Denominations Act satisfy the requirements of foreseeability and precision established in its previous case law (e.g., *Hashman and Harrup v the United Kingdom* [GC], App no 25594/94, 25 November 1999, para. 31; *Rotaru v Romania* [GC], App no 28341/95, 4 May 2000, para. 52). This illustrates the cautious approach of the Court which generally tends to refrain from assessing the quality of domestic laws although “States have given explicit permission to the Court to analyse these issues when they ratified the [ECHR]” (Alves Pinto 2020: 108).

The Court examined the context of the case to establish whether the interference had a legitimate aim. The government claimed that the applicant Church was acting hand-in-glove with external and internal political forces that challenged Moldova’s territorial integrity. However, Article 9(2) of the ECHR does not include “national security” among the legitimate aims for an interference (in contrast with other ECHR provisions such as Article 10 (freedom of expression) and Article 11 (freedom of assembly and association)). After examining the circumstances of the case, the Court acknowledged that religion was one of the few factors conducive to stability in the country. A young independent state with a history of territorial and ethnic conflicts, Moldova was undergoing a difficult transition from totalitarianism to democracy. The government submitted that the recognition of the applicant Church could revive old conflicts within the population, thus endangering social stability and public order. As Gunn (2012: 265) points out, a

state that imposes a certain limitation on the freedom of religion is “obligated to prove that the threats to the public order […] are real and measurable rather than merely speculative or ideological”. The Court accepted that the Moldovan government is entitled to verify whether a religious group “carries on, ostensibly in pursuit of religious aims, activities which are harmful to the population or to public safety” (para. 113) and found that the interference pursued the legitimate aim of protecting public safety and public order. However, it seems that in this case, the Court’s understanding of “public safety” is very similar to the one of “national security” (Alves Pinto 2020: 111). This overly flexible approach may be explained by the democratic transition context which “contributed to the translation of the restriction’s purpose into a ‘legitimate aim’ in the Convention sense” (Sweeney 2013: 212).

The Court’s reasoning on whether the interference was necessary and proportional to the aim pursued contains some of the most relevant elements of the judgement. The Court placed a great deal of emphasis on the inherent value of religious pluralism in a democratic society. It declared that freedom of religion is “one of the foundations of a democratic society” and emphasized that “[t]he pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it” (para. 114; see also *Kokkinakis v Greece*, App no 14307/88, 25 May 1993, para. 31). While it accepted that, under certain circumstances, it may be necessary to place restrictions on the freedom of religion to reconcile the competing interests of various religious groups, the Court was adamant that the state has a duty to remain neutral and impartial in its relations with the various religions, denominations and beliefs because “[w]hat is at stake here is the preservation of pluralism and the proper functioning of democracy (para. 116). In a democratic society, the role of the government “is not to remove the cause of tension [between religious groups] by eliminating pluralism, but to ensure that they tolerate each other” (ibid.; see also *Serif v Greece*, App no. 38178/97, 14 December 1999). Although “[t]raditionally the ECHR has not objected to a special relationship between state and church” (Evans and Petkoff 2008: 210), in this case the Court held the view that the freedom of

religion was infringed when the state favoured a particular religious community (see also *Serif v Greece*, *Svyato-Mykhaylivska Parafiya v Ukraine* and *Hasan and Chaush v Bulgaria*, App no 30985/96, 26 October 2000). For the Court, the state's role is that of a "neutral and impartial organiser" of the exercise of the freedom of religion (see also *Leyla Şahin v. Turkey* [GC], App no 44774/98, 10 November 2005, para. 107).

One of the government's main justifications for its refusal to recognize the applicant Church was its desire to remain neutral vis-à-vis what it saw as an internal dispute within a single Orthodox Church, that is, the recognized Metropolitan Church of Moldova. The Court rejected this line of argumentation on two grounds. First, in democratic societies the state does not need to compel a divided religious community or a part thereof, against its will, to merge under a unified leadership (see also *Hasan and Chaush v Bulgaria*, para. 78, and *Serif v Greece*, para. 52). Such an approach would have a negative impact on religious pluralism and would constitute an infringement of the freedom of religion. Second, while the recognition of the applicants Church would have been an " *indirect* form [of interference]" with the Metropolitan Church of Moldova, the state's refusal to recognize the Metropolitan Church of Bessarabia amounted to "very *direct* restrictions" (emphasis added) imposed on the applicant Church and its adherents and had a more immediate impact on them (McColgan 2012: 221).

Finally, it is worth noting that the Court stressed "the need to maintain *true religious pluralism*, which is inherent in the concept of a democratic society" (para. 119; emphasis added; see also *Manoussakis and Others v. Greece*, App no 18748/91, 26 September 1996, para. 44 and *Leyla Şahin v. Turkey* para. 110). The Court leaves the States a rather wide margin of appreciation to decide what "true religious pluralism" means (Nieuwenhuis 2007: 382). While the Court strongly emphasized in this judgement and its subsequent case law the importance of religious pluralism, generally it refrained from referring to concrete measures that States could take in this regard. The case of *Magyar Keresztény Mennonita Egyház and Others v Hungary* (App no. 70945/11 et al., 8 April 2014) provides a notable exception to this approach: The Court held that the State has a

positive obligation to put in place a system of recognition which facilitates the acquisition of legal personality by religious communities. However, as Ferri (2019: 31) points out, “religious pluralism is a paradigmatic example of the European Court’s reluctance to identify positive obligations stemming from the freedom of religion and belief.”

Literature related to the main issue(s) at stake:

Specific legal publications/comments addressing the case

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- Nieuwenhuis, Aernout. 2007. “The Concept of Pluralism in the Case-Law of the European Court of Human Rights”. *European Constitutional Law Review* 3(3): 367–384.

General legal literature on the topic that may not be directly connected with the case

- Alves Pinto, Thiago. 2020. “An Empirical Investigation of the Use of Limitations to Freedom of Religion or Belief at the European Court of Human Rights”. *Religion & Human Rights* 15(1–2): 96–133.
- Bielefeldt, Heiner. 2020. “Limiting Permissible Limitations: How to Preserve the Substance of Religious Freedom”. *Religion & Human Rights* 15(1–2): 3–19.
- Evans, Malcolm and Peter Petkoff. 2008. “A Separation of Convenience? The Concept of Neutrality in the Jurisprudence of the European Court of Human Rights”, *Religion, State and Society* 36(3): 205–223.
- Ferri Marcella. 2019. “The Freedom to Wear Religious Clothing in the Case Law of the European Court of Human Rights: An Appraisal in the Light of States’ Positive Obligations”. In Fokas, Effie and James T Richardson (eds) *The European Court of Human Rights and Minority Religions. Messages*

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- Sweeney, James A. 2013. *The European Court of Human Rights in the Post-Cold War Era: Universality in Transition*. Abingdon and New York: Routledge.

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- Turcescu, Lucian and Lavinia Stan. 2003. “Church–state conflict in Moldova: the Bessarabian Metropolitanate”, *Communist and Post-Communist Studies* 36 (4), 443–465.

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