

ON FAITH IN PUBLIC SPHERE. IS THAT A LINK WITH CITIZENSHIP?

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Abstract

Is there a connection between expressing faith outside one's personal space and the idea of citizenship? Starting from an evolutionary perspective regarding citizenship and exposing a series of interdisciplinary key points, this paper provides an overview regarding the connection between different human rights supported by historical arguments but also refers to the relevant legal framework organized under the auspices of the United Nations, the Council of Europe or the European Union. Thus, the study attempts to pinpoint the link between the freedom of thought, conscience and religion and the idea of citizenship, both at a conceptual level but also in practical terms, also exposing relevant aspects regarding the topic under discussion, as seen in some states but also stated at a jurisprudential level, under the dome of the European Court of Human Rights, regarding the wearing of the veil by women or girls in public spaces, especially in schools. At the same time, taking into consideration the applicable legal framework and noting how some situations in matter of manifesting faith in public by wearing symbols or specific clothing items were addressed in case law, we will examine the ways in which beliefs can be manifested and how this bears a strong identity mark on every citizen, outside their personal space, outlining possible implications of the status in relation to the significance of the freedom to manifest one's religious beliefs.

Keywords: citizenship, freedom of thought, conscience and religion, human rights.

1. Introduction

Citizenship is a concept which, at a first sight, does not seem to have religious implications, generally referring, as stated in a doctrinal opinion, to „those who are (or are not) members of the same community”¹. The mere idea of belonging to a specific construct sometimes seems not to entirely reflect the valences of this multifaceted concept which, from an evolutionary perspective, has gained strong political, legal and social implications. Thus, certain authors are of the opinion that „a sense of belonging is mainly personal and individual, but communities and societies also see the need to make people feel that they belong”².

The citizenship status regulation has come a long way, starting, on the one hand, from the idea of the Greek polis, which, from an Aristotelian perspective, designated „the community of politically organized citizens”³ legally shaping afterwards under the auspices of the Roman Empire, where „citizens were defined not only as members of the city-state but also as subjects of law”⁴.

If the idea of belonging to a community has served as a foundation for shaping citizenship as a notion, religion also played a defining role regarding its development over time, the relevant literature citing as an opinion the fact that „historically, in Europe, only people professing the official religion of the state were regarded as full members of the political community”⁵. Gradually, however, by drawing a clear line between the religious and political spheres, the once-essential benchmarks for defining the citizen status in which the holders were „characterized by their historical origins, by their beliefs and religious practices and social belonging”⁶ are being abandoned.

From this perspective and with the aim of capturing the direct effects on the citizen status, in the sense that the intention was to aim at the „affirmation of equal rights of citizens”⁷, these rights shaped under the dome

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¹ J.M. Barbalet, Cetățenia, Editura DU Style, București, 1998, p. 22.

² Lotta Björklund Larsen, Lynne Oats, Crossing Borders, Sharing Burdens. Rethinking Taxation and Migration as Fiscal Belonging, Palgrave Macmillan, 2026, <https://doi.org/10.1007/978-3-031-99394-7>, p. 34.

³ Dominique Schnapper, Christian Bachelier (colab.), Ce este cetățenia?, Trad. de Gabriela Scurtu Ilovan, Polirom, Iași, 2021, p. 6.

⁴ Ibidem, p. 8.

⁵ Rossella Bottoni, Cristiana Cianitto, „The Legal Treatment of Religious Dissent in Western Europe: A Comparative View” in Ecclesiastical Law Journal 24, no. 1 (2022): 25–37, <https://doi.org/10.1017/S0956618X21000636>, p. 25.

⁶ Dominique Schnapper, Christian Bachelier (colab.), op. cit., p. 15.

⁷ Ibidem.

of the Declaration of the Rights of Man and of the Citizen set in 1789, a document which establishes, among others, with regard to the topic proposed for analysis, the fact that „no one should be persecuted on account of their opinions, including religious ones, provided that their manifestation does not disturb the public order established by law”⁸.

The regulation of these rights is a valuable reference point for further development of the documents that have addressed the issue under discussion. Today, in a diverse society, in which multiculturalism is a contemporary reality, identity remains an important feature, including in the religious sphere, with significant implications for the way in which citizens choose to manifest their faith in public, a topic which has generated multiple debates at the legal and social level.

In doctrine there have been formulated opinions of theorizing citizenship, evoking a new concept – the one of religious citizenship. Thus, five coordinates for addressing it are identified – focusing on definitions provided from the perspective of „nation state [...] civil society [...] the rights of persons [...] legal documents”⁹, respectively „a reflexive account of religious citizenship according to which persons can acquire such citizenship by adopting specific discursive positions”¹⁰, but it is also emphasized that „an historically informed view of religious citizenship may be possible that maximises the strong points of each of these accounts”¹¹, finishing by sending to „a more explicit conception of religious citizenship, one requiring that persons be allowed to exercise religious freedoms on the condition that they extend this right to others and one urging persons to tolerantly recognise religious differences in the ways in which they enact their social life”¹².

The idea is also taken up by other authors, the religious citizenship being this time viewed through the lens of six coordinates: „(1) legal status, rights, and duties; (2) participation and inclusion; (3) embodied religious rituals and practices; (4) material resources; (5) emotions in social relations, such as belonging and connectedness, and (6) caring for others and for nature”¹³.

Using as a reference point the theoretical directions expressed in doctrine and taking into consideration the manner in which citizenship has reconfigured over time, by affirming the equal rights of citizens, could such an approach be feasible?

Thus, starting from the idea that human rights have been profoundly influenced by religion and taking as a reference its impact over time on the evolution of the concept of citizenship, the present study proposes a mapping of the legal framework applicable to human rights with regard to freedom of religion, conscience and thought, focusing in particular on the aspects related to its manifestation, including in the public space, together with relevant case law pertaining to the proposed topic, guidelines through the lens of which we will analyse potential interference points with the field of citizenship.

2. Religion and human rights. Regulatory guidelines

The process of analysing how religion – in general – namely religious affiliation and the possible ways in which it can be manifested have positioned in the field of human rights requires a careful approach of the applicable regulatory framework, especially if the goal is the perspective of establishing the connection that appears between citizenship and public expression of faith. For this, it is firstly necessary to observe how this religious aspect was perceived in the human rights field because, as stated in the specialized literature, „apart from or besides citizen’s rights [...] there are human rights as for the human being”¹⁴.

This way, in line with the relevant international regulation in this domain, we rely on the regulatory framework established by the Universal Declaration of Human Rights adopted in 1948, considered to be „a common standard of achievement for all peoples and all nations”¹⁵. Article 18 states that „everyone has the right

⁸ Déclaration des Droits de l’Homme et du Citoyen de 1789, Article 10, Available at <https://www.conseil-constitutionnel.fr/le-bloc-de-constitutionnalite/declaration-des-droits-de-l-homme-et-du-citoyen-de-1789>, last time consulted on 29.03.2026.

⁹ Wayne Hudson, „Religious Citizenship” in *Australian Journal of Politics and History*: Volume 49, Number 3, 2003, pp. 425-429, <https://doi.org/10.1111/1467-8497.00296>, p. 426.

¹⁰ Ibidem, p. 427.

¹¹ Ibidem.

¹² Wayne Hudson, op. cit. p. 428.

¹³ Line Nyhagen, Beatrice Halsaa, „Gender, Religion, and Citizenship”, Chapter 6 in Birte Siim, Pauline Stoltz (eds.), *The Palgrave Handbook of Gender and Citizenship*, Palgrave Macmillan, 2024, https://doi.org/10.1007/978-3-031-57144-2_6, p. 128.

¹⁴ Dominique Schnapper, Christian Bachelier (colab.), op. cit., p. 102.

¹⁵ Universal Declaration of Human Rights, Preamble, Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, last time consulted on 29.03.2026.

to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”¹⁶. By analysing the text of the article in question, it can be noticed the fact that the international document enshrines the idea of liberty, transposed into three spheres, that of thought, that of consciousness and, of course, that of religion, the liberty being perceived, according to the doctrine, as „the consequence of exercising an option”¹⁷ but also as „the ability to exercise any option”¹⁸.

The regulation of this segment was subsequently resumed under the auspices of the International Covenant on Civil and Political Rights adopted in December 1966, an instrument „aimed at transposing the standards originally established by the Universal Declaration of Human Rights into effective rights and freedoms, subject to effective monitoring”¹⁹ and which also stipulates in Article 18 that „everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching”²⁰. The aforementioned text also refers to the idea that freedom of religion or belief may be restricted only in the situations prescribed by law or when such a measure would be necessary to protect the fundamental freedoms of others, public order, safety and morals.²¹

We can therefore notice how under this regulation a double perspective of this liberty is emerging, in the sense that, on the one hand this is intrinsically linked to the „inner forum”²² of the individual which describes the way in which he reaches to internally contour his beliefs, to position himself regarding a particular religion or non-religious approach, by which he is guided throughout his life, respectively to what appears on the outside, by the way in which he effectively manifests his beliefs, approach which takes the form of the „external forum”²³. In practical terms, this freedom of an individual to manifest his religion or belief can take many forms, from the use of objects or ceremonial formulas, to displaying various symbols or the observance of certain customs regarding food, wearing specific clothing items or ones that cover face or hair.²⁴

Moreover, the human rights protection system developed by the Council of Europe evokes and regulates the freedom of thought, conscience and religion in the Convention for the Protection of Human Rights and Fundamental Freedoms which was adopted in 1950. Thus, Article 9 similarly enshrines the fact that „everyone has the right to freedom of thought, conscience and religion”²⁵. At the same time, the text expressly states that this right includes the freedom of a person to manifest his religion or belief individually or collectively, both in public space and in private. Thus, this right can be exercised, according to the Convention, through worship, teaching, practice and observance²⁶ - the doctrine defining worship as „the religious services performed by religious denominations”²⁷ and by teaching it refers to religious educational activities used to spread the ideas of a cult²⁸.

From the content of Article 9 of the Convention the nature of the protected rights comes to surface, these being perceived as „fundamental values of human personality”²⁹ under the auspices of which the individual has the right to think freely, to externalize the results shaped and revealed by his conscience, to publicly expose his religious beliefs or preconceived ideas about the surrounding reality.

¹⁶ Universal Declaration of Human Rights, op. cit., Article 18.

¹⁷ Nicolae Voiculescu, Maria-Beatrice Berna, *Tratat de drepturile omului*, Editura Universul Juridic, București, 2023, p. 97.

¹⁸ Ibidem.

¹⁹ Maria-Beatrice Berna, *Dreptul internațional al drepturilor omului: Fundamente teoretice și jurisprudențiale*, Editura Hamangiu, București, 2025, p. 85.

²⁰ International Covenant on Civil and Political Rights, Article 18, Available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>, last time consulted on 29.03.2026.

²¹ Ibidem.

²² Corneliu Bîrsan, *Convenția europeană a drepturilor omului. Comentariu pe articole. Vol. I. Drepturi și libertăți*, Editura All Beck, București, 2005, p. 697.

²³ Maria-Beatrice Berna, op. cit., p. 93.

²⁴ UN Human Rights Committee (HRC), CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), CCPR/C/21/Rev.1/Add.4, 30 July 1993, para. 4, Available at <https://www.refworld.org/legal/general/hrc/1993/13375>, last time consulted on 29.03.2026.

²⁵ Council of Europe, European Convention on Human Rights, Article 9, Available at https://www.echr.coe.int/documents/d/echr/convention_ENG, last time consulted on 29.03.2026.

²⁶ Ibidem.

²⁷ Corneliu Bîrsan, op. cit., p. 714

²⁸ Ibidem.

²⁹ Corneliu Bîrsan, op. cit., p. 699.

Although religion, as a concept, has not been provided with a *sui generis* definition in the body on the analysed article and has not been clarified in the case law by the European Court of Human Rights either³⁰, however, „the European judges regards religious freedom as a vital factor in forming the identity of believers and their conception of life”³¹. Moreover, doctrine states that „freedom of religion or belief as a human right boils down to unity behind a common ground based on a diversity of expressions of religions and beliefs, religious or non-religious convictions, with, for example different views on the meaning of life”³².

At the same time, Article 9 delineates two aspects which require clarification. Therefore, on the one side, the text regulates the possibility to practice any faith, regardless of the whether it has or not religious implications, allowing the holder to reconsider them whenever he feels the necessity to resort to change, aspect that cannot be conditioned in any way, being an eminently absolute right.³³ On the other hand, though, the freedom to express these beliefs by any person, either alone or in the company of others, in the public or private sector, is not an absolute right³⁴ as long as the actual expression of these convictions could influence other persons, regardless of the manner in which these feelings manifest themselves in reality – by wearing certain items of clothing, customs, the display or use of certain symbols representing one’s faith on the exterior.

If in a doctrinal opinion a clear distinction „between the right to hold a belief (the internal aspect) and the right to express that belief (the external aspect)”³⁵ has clearly been made, in another one this idea was supplemented in the sense in which this freedom „consists not only in holding certain beliefs, but also in not holding them or not sharing them”³⁶.

Freedom of thought, conscience and religion is also enshrined in Article 10 of the Charter of Fundamental Rights of the European Union. The document stipulates in Article 10 that „everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance”³⁷.

3. The right to freedom of thought, conscience and religion in a jurisprudential view

If in the beginning of this paper we debuted through an attempt of theorizing citizenship as centred on the idea of belonging, it is nevertheless important to mention that citizenship is most often understood as the political and legal bond that is established between the citizen and their state of origin. This connection is also reflected in the levers the state engages in order to safeguard this status, so that, even if in doctrine it was stated in an opinion that „citizens’ rights should not be confused with human rights”³⁸ however, „without human rights, there would be no true citizens’ rights”³⁹.

The expression of faith in public sphere embodies the essence of this freedom of expression of beliefs, a level which, as we mentioned in a previous section, continues to spark controversy, giving rise to contrasts, at least in relation to the questions which we can inherently raise. How far does this freedom extend to?

In practice, for example, by the end of 2025 changes have been made to the national legislation in Austria, being adopted a provision which prohibits the wearing of the veil as a symbol of the Islamic tradition by girls aged under 14.⁴⁰ The initiative is not unprecedented, the same state being the promoter of a similar approach in

³⁰ European Court of Human Rights, „Guide on Article 9 of the European Convention on Human Rights, Freedom of thought, conscience and religion”, Updated 31 August 2025, para. 14, page 8, Available at https://ks.echr.coe.int/documents/d/echr-ks/guide_art_9_eng, last time consulted on 29.03.2026.

³¹ Ibidem, Introduction, para. 8, page 7.

³² Göran Gunner, „Religious Freedom as a Human Right”, Chapter 5 in MD Jahid Hossain Bhuiyan, Carla M. Zoethout, (Eds.), *Freedom of Religion and Religious Pluralism*, Brill - Nijhoff, Leiden, The Netherlands, 2023, <https://doi.org/10.1163/9789004504967>, p. 82.

³³ European Court of Human Rights, op. cit., para. 27, page 12.

³⁴ Ibidem.

³⁵ R. Chiriță, *Convenția Europeană a Drepturilor Omului. Comentarii și Explicații*, vol. II, Ed. C.H. Beck, București, 2007, p. 145-146 apud Bogdan Bodea, *Drepturile omului și libertățile fundamentale*, Editura Hamangiu, București, 2024, p. 279.

³⁶ Bianca Selejan-Guțan, *Protecția europeană a drepturilor omului*, Ediția a 5-a, revăzută și adăugită, Editura Hamangiu, București, 2018, p. 197.

³⁷ European Parliament, *Charter of Fundamental Rights of the European Union*, Official Journal of the European Union, C 326/391, 26.10.2012, Article 10, Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT>, last time consulted on 31.03.2026.

³⁸ Dominique Schnapper, Christian Bachelier (colab.), op. cit., p. 103.

³⁹ Ibidem.

⁴⁰ Parlament Österreich, *Parlamentskorrespondenz Nr. 1172 vom 11.12.2025*, „Nationalrat: Kopftuchverbot in Schulen für Mädchen bis 14 Jahren mehrheitlich beschlossen”, Available at

2019 when it was prohibited the wear of the veil by pupils under the age of 10, document declared unlawful on the grounds of discrimination against Muslims.⁴¹ Doctrine states, therefore, that „one of the most controversial aspects of the right to practice one’s religion today is the wearing of the Islamic veil”⁴², a topic that has been settled also in case law, the European Court of Human Rights outlining several relevant guidelines on this matter.

Therefore, in *Case Eweida and Others v. the United Kingdom*, the Court has pinpointed that the individual’s desire to express his religious beliefs is a fundamental right given the fact that in a democratic society pluralism and diversity must be tolerated and supported but also due to the importance individuals place on religion, fact that enables them to express it.⁴³ But starting from the idea that „the right to wear religious clothing and symbols is not absolute and must be balanced with the legitimate interests of other natural and legal persons”⁴⁴ the cases brought before the Court on this topic have been associated with several key points, such as, for example, the expression of religious beliefs in public spaces or in schools or universities, situations involving a pupil, a student or even a teacher.⁴⁵

As an example, in 2021 the Court ruled in a case concerning an issue regarding the wearing of the Islamic veil – more exactly in *Case Dahlab v. Switzerland*, regarding the suspension imposed on a teacher who taught elementary school classes, to wear the clothing item during classes. Consequently, the Court considered that „the measure prohibiting the applicant from wearing a headscarf while teaching was ‘necessary in a democratic society’”⁴⁶. Another relevant example is represented by the *Case Leyla Şahin v. Turkey*, in which the applicant, a student, considered that wearing the Islamic headscarf was a religious obligation.⁴⁷ The facts of the case as presented to the Court revolve around a decision made by the management of the university in which the applicant was studying, to forbid the access to different courses or tutorials for students who wore the Islamic headscarf or beard.⁴⁸ In response to the applicant’s request, the Court stated that „there has been no breach of Article 9 of the Convention”⁴⁹, stating, at the same time, that „having regard to the Contracting States’ margin of appreciation in this sphere [...] the interference in issue was justified in principle and proportionate to the aim pursued”⁵⁰.

Based on the Court’s findings, regarding the margin of appreciation that the Member States benefit from, we have seen in the preceding discussion the position taken by Austria, but similar regulations can be identified also in France, a state that has banned, among others, also the wearing of the Islamic veil in public schools, by adopting the Law of 15 March 2004⁵¹ and in 2023 has also limited the wear by students in public schools of certain clothing items, specific to the Muslim religion – named *abaya* – in the form of loose-fitting, long dresses.⁵²

4. Conclusions

Freedom of thought, conscience and religion remains a hard-won right which, as evidenced by the documents issued by the bodies who contributed to the conceptualization of this level, is ensured by the holder’s exercise of that right, who is free to express both internally and in relation to others his beliefs, whether religious or not, this approach being achieved both in the public and private spheres. This freedom, which encourages

https://www.parlament.gv.at/aktuelles/pk/jahr_2025/pk1172#:~:text=In%20Kraft%20treten%20sollen%20die,Februar%20eine%20Aufkl%C3%A4rungsphase%20starten%20soll, last time consulted on 31.03.2026.

⁴¹ Aljazeera, „Austrian lawmakers pass headscarf ban for under-14s in schools”, Available at <https://www.aljazeera.com/news/2025/12/11/austrian-lawmakers-pass-headscarf-ban-for-under-14s-in>, last time consulted on 31.03.2026.

⁴² Bianca Selejan-Guțan, op. cit., p. 198.

⁴³ European Court of Human Rights, *Case of Eweida and Others v. the United Kingdom*, Applications nos. 48420/10, 59842/10, 51671/10 and 36516/10, para. 94, Available at <https://hudoc.echr.coe.int/eng?i=001-115881>.

⁴⁴ European Court of Human Rights, op. cit., para. 110, page. 38.

⁴⁵ Ibidem, para. 110, para. 115.

⁴⁶ European Court of Human Rights, *Case of Dahlab v. Switzerland*, Application no. 42393/98, The Law, Section 1, Available at <https://hudoc.echr.coe.int/eng?i=001-22643>.

⁴⁷ European Court of Human Rights, *Case of Leyla Şahin v. Turkey*, Application no. 44774/98, para. 14, Available at <https://hudoc.echr.coe.int/eng?i=001-70956>.

⁴⁸ Ibidem, para. 16.

⁴⁹ Ibidem, para. 123.

⁵⁰ Ibidem, para. 122.

⁵¹ Conseil d’Etat, „French secularism: banning abaya-style clothing in schools is legal”, 27 septembre 2024, Available at <https://www.conseil-etat.fr/Pages-internationales/english/news/french-secularism-banning-abaya-style-clothing-in-schools-is-legal>, last time consulted on 31.03.2026.

⁵² Ece Goksedef, „France to ban female students from wearing abayas in state schools”, BBC News, 27 August 2023, Available at <https://www.bbc.com/news/world-europe-66634890>, last time consulted on 31.03.2026.

everyone to feel unrestrained in their beliefs, could be associated with the idea of diversity. It transcends individual, personal boundaries and inevitably shifts towards the others, thus evoking the exercise of the rights together with the participants to the community. Is there a connection with the idea of citizenship and the citizen status – taken *ut singuli* – but also in relation to the picture of the society, perfected through the lens of equal rights enjoyed by its citizens? Maybe, because „being a democratic citizen means accepting and acting in accordance with the principles of tolerance and only respecting the rights of the others”⁵³.

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