



## **Contribution to working session 11: Freedom of Thought, Conscience, Religion or Belief**

### **‘Spiritual Diversity- Yoga Practice in Romania’**

Soteria International – NGO for spiritual human rights, aims to draw your attention to some important outcomes that we raised since from 2007 about the violation of basic human rights connected with the presence of spiritual movements and their interaction with the society and the state.

We observe that in general, in many member states in transition from totalitarian regime to pluralistic democracy, subsists a problem regarding to secure the fundamental freedom of religion, conscience and belief and how to manage and implementing this right finding a balance in the society in changing.

But we observe that exists also a problem related to all the countries that have higher standards for securing human rights. In this second case we can find a general growing of intolerance of government and towards spiritual organizations and spiritual practice the last decades, escalating after 2001 exactly meanwhile spirituality was world wide embraced by ever more people as a basis for self-understanding and visions in life.

There is tendency, in the European society especially, that we can observe also in the implementing human rights processes and in the fighting against marginalization, to follow a purpose more conservative rather than transformative a sort to way securing how the society is now.

This is evident in the bad managing the request to be recognized from all the ‘spiritual diversity’, intending in this way all the new spiritual practice and religions not included in the traditional few big consolidate religions that is emerging in the last years that this society and consequently the institutions continue to not take in consideration, if not to persecute them, despite the huge amount of citizens involved.

From our researches, still today, after 5 years that we raised the same subject here, Romania doesn’t secure the fundamental right of freedom of religion, conscience and belief. We are speaking about several violations of human rights carried on in the case regarding the founder of the biggest yoga movement there and some tens of thousands of yoga practitioners.

Romanian delegation, here for ODIHR session about Rule of Law, last Wednesday as well as in 2007 tried to minimize its importance, stating it is a common criminal case against individuals .

We remind to Romania government that the ‘strange accusation formulated by Soteria International’ so called in the official answer of Romanian representative in ODIHR 2007 are supporting not only by the recent intervention of Members of European Parliament from every political groups addressing letters to Prime Minister and Justice Minister of Romania but also from a written question made in July by the MEP’s Rita Borsellino who is also an esteemed activist for human rights and working against the Mafia, asking the EU commission, what is its “assessment about the reality of the freedom of religion in Romania, and what are the actions for ensuring the protection of the freedom of religion for the yoga practitioners in Romania?”

Even about the past from Bivolaru, in July 2011 a Romanian court of justice determined that he was “politically persecuted” during the communist regime.

The verdict of Supreme Court of Sweden that was the reason to refuse the extradition in 2005, exactly to the founder of MISA school, stated that “the defendant runs the risk of being exposed to pursuit of evil character after an extradition”. The same decision quotes an independent expert in matters of religious sectarianism who probes and testifies absence of compulsion within MISA,

therefore Gregorian Bivolaru could not be held liable for many of the allegations brought by Romanian justice. In the decision of the Supreme Court of Sweden it is noted the fact that allegations are based on declarations obtained by prosecutors by illegal, abusive means.

*Gregorian Bivolaru received asylum in Sweden and the state of political refugee*

So not only Soteria but also MEP’s from all the groups, the written question and answer from Eu Commission as well as the Swedish Supreme Court consider the MISA case a violation of the fundamental right fo freedom of religion. Still the Romanian delegation refuse to consider it other than a common criminal case.

The Romanian procedures disclosed in the case raise the general question regarding taking stock of values and goals in lawmaking and policies.

In this case the problems are clearly connected also with the lawmaking and policy making excluding a part of civil society. One of the issue prosecuted in the MISA case is for example, so called ‘karma yoga’ voluntary work considered by Romanian justice ‘human trafficking’...

The 20th of March the former Justice Minister of Romania Catalin Predoiu, replied to the MEPs writing to have brought the matter raised by them to the attention of the same Supreme Court and the Supreme Council of Magistracy.

The persecution of Bivolaru and of the yoga movement counting some tens thousand of European citizens in Romania started all the way back in the communist time and is still on

In March 2004 the prosecutors and the secret service started a media campaign against MISA and soldiers was sent to the private homes of yoga practitioners to ransack them and Bivolaru escaped. Bivolaru was and is still accused of eight different crimes among which is sex with minors and for illegally having left the country. Several times the final verdict has been postponed and the "operation" (called grotesquely 'Christ Operation'..)has been pushed from one court to the other. And now the Supreme Court in Romania took the amazing decision that the case has to be entirely redone after 8 year of trial and two complete acquittals. The motivation of the decision fails to comply with Romanian law as well as international conventions and gives the impression to be designed to facilitate a quick conviction

The founder of Helsinki Committee- Gabriel Andreescu, Political Science Professor in Bucharest and expert and activist of human rights so stated in the Apador-Ch Report 20047 on this case:

*"The brutal, unjustified raids organized on March 18th, 2004, in Bucuresti, which mobilized over 300 gendarmes, prosecutors, policemen and SRI agents, were just one event in a long series of actions against MISA and the yoga movement in Romania. Repressive actions and defamation campaigns against the organization had taken place before, elsewhere in the country. But interventions by the Prosecutor's Office, gendarmes and secret services never reached such proportions. It is the worst violation of democracy since the miner's descent on the capital.'*

*The media were involved in defamation campaigns against MISA by using without discernment "information" offered by public authorities. The professional code of journalism was seriously infringed upon: the obligation to inform the public correctly, the right to be presumed innocent, verifying information from two independent sources, respect for human dignity. Especially serious was the publishing of Mădălina Dumitru's personal diary containing the girl's erotic fantasies. From a point on, the media took distance from the abuse committed by the authorities. Many of them accused the authorities of having used the MISA case for political purposes.*

*During raids and following investigations, the state authorities were in serious violation of fundamental rights and freedoms by intimidation, instigation, harassment, illegal detention, infringing upon personal freedom, the right to be presumed innocent, the right to privacy, the right to demonstrate peacefully, the right to reputation, etc.'*

Conclusions and recommendations:

- Soteria International recommends ODIHR to increase the activity about transparency and dialogue between state and civil society, proposing and following bottom-up processes and sending or suggesting independent experts especially in the ex communist area

- Soteria International recommends Romania:

\* to responsibly consider the assessments of international institutions and independent bodies regarding the MISA case and to scrutinize their policies about the respect and recognizing of religious and spiritual movements on background of the concerns raised

And to immediately stop any form of persecution or suppression of MISA and any other spiritual movements, and the unacceptable pressure created in society provoking phenomena of discrimination at work since to cases of dismissal from the work

\*to counter act the negative sentiment in Romanian society created by persecution and to compensate the victims, cooperating with international association and independent observers.

\*to initiate an investigation regarding the claimed irregularities, non judicial involvement and discriminatory elements in the MISA case cooperating with international associations and independent experts

Warsaw, 1<sup>st</sup> October 2012

