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To what extent are the OSCE states fulfilling their commitments to ensure and promote freedom of religion or belief?

**A follow-up on the MISA case in Romania as a call for
the development of the Spiritual Human Rights.**

In March 2004, the Romanian police and prosecutors abusively and illegally stormed 16 premises in Bucharest, belonging to yoga practitioners, during the massively media covered operation "Christ".

A number of trials are now running against 42 members of the yoga school MISA, and it's founder, Mr. Gregorian Bivolaru, is since 2005 protected by the Swedish state from the Romanian persecutions. Meanwhile the continuing trials in Romania have after 5 years yet only led to procedural delays, social and financial marginalisation of the yoga school and its members, and repeated attacks in media.

After the case was raised in international forums, such as here last year, the situation remains basically unchanged.

We find the failing to secure the human rights to be conditioned by the society's lack of tools for properly valuing spiritual activities beyond the defined religions. The very misunderstanding of spiritual praxis is thus an obstacle in implementing the commitments to the human rights, and a major reason to why certain individuals and communities, such as MISA, continue to be challenged by restrictions to their rights.

While the yoga students do not consider their praxis to be a religion – they generally keep to their native roman-orthodox faith - but rather a practical method for improving their life quality, they are still publicly by state and media treated as a religious sect, practically pushing them into marginalisation in relation to work, the church and justice system. Paradoxically the legal prosecutions against the yoga practitioners are based on their spiritual actions, such as charity work – in this case called Karma Yoga, which are never challenged by law when performed within a well accepted religious congregation.

The MISA case thus illustrates how spiritual activities are not sufficiently protected by the human rights within the judicial sphere today. It further illustrates that this problem is not only one of improper legislation but also the failing to imply the laws efficiently to protect all spiritual activity on the same basis.

The situation calls for a re-evaluation by the Romanian state, the international forums and experts; while talking about asymmetrical menaces of terrorism against contemporary democratic societies' establishments, a member state of OSCE is mobilizing and using its political, judicial, law enforcement and even medical instruments to discriminate a yoga school and yoga practitioners on basis of their acts of conscience and beliefs.

Recommendations:

Soteria International recommends OSCE/ODIHR to monitor the MISA case developments in Romania.