



**ULBS**

Universitatea "Lucian Blaga" din Sibiu

Ministerul Educației și Cercetării Științifice

Universitatea "Lucian Blaga" din Sibiu

Facultatea de Drept



Center for Studies, Scientific Research and International Cooperation in Law and  
Administrative Sciences

**"Lucian Blaga" University of Sibiu  
Faculty of Law**

**International Conference**

**Law and Cultural Diversity: Interactions**

*Sibiu, Romania, 21-22 November 2014*

The general theme of the conference is cultural diversity - a vast subject and one that is highly relevant today. This concept is seen and discussed in interaction with the law.

The vast majority of societies around the world have, over the 30 years, become increasingly multiethnic and multicultural and these developments raise serious questions regarding the legal techniques available to states, when it comes to the management of their social cohesion. The particular focus here is on the ways in which cultural diversity is managed by states in both their inter and intrastate relations. It is of great importance for states and their internal cohesion, when designing their laws, to take into account these aspects.

Therefore, this concept of cultural diversity is one that binds together contributors with legal, sociological, social and humanistic sciences backgrounds.

The breadth of the subject is reflected in the wide spectrum of angles from which the participants will approach it, namely: public and private international law, human rights law, family law but also from an interdisciplinary perspective.

## Scientific and Organizing Committee

Professor ScD, Ioan BONDREA                      Professor PhD, Ovidiu UNGUREANU  
Professor ScD, Constantin OPREAN              Associate Professor PhD, Bogdan AURESCU  
Professor PhD, Alexandru BACACI                Professor PhD, Yvonne M. DONDERS  
Professor PhD, Ioan LEȘ

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Associate Professor PhD, Laura-Maria CRĂCIUNEAN  
Professor PhD, Călina JUGASTRU

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Associate Professor PhD, Eva-Nicoleta BURDUȘEL  
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Associate Professor PhD, Cornelia MUNTEANU  
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Lecturer PhD, Gina ORGA-DUMITRIU  
Lecturer PhD, Corina PETICĂ-ROMAN  
Lecturer PhD Monica GHEORGHE  
Lecturer PhD, Emanuel TĂVALĂ  
Student, Georgia MITITELU  
Student, Alina ȚICHINDELEAN

# PROGRAM SYNTHESIS

## 21 November 2014

09.00 - 09.30 - Registration of participants  
09.30 - 09.45 - Opening remarks  
09.45 - 12.00 - Debate (*RO-Simultaneous translation*)  
12.00 - 12.30 - Questions and Answers  
12.30 - 14.00 - Lunch break  
14.00 - 16.00 - First Panel (*ENG*)  
16.00 - 16.15 - Questions and Answers  
16.15 - 16.30 - Coffee break  
16.30 - 17.30 - Second Panel (*RO*)  
17.30 - 18.00 - Questions and Answers  
19.00 - Dinner

## 22 November 2014

10.00 - 11.30 - Third Panel (*FR/ENG*)  
11.30 - 12.00 - Questions and Answers  
12.00 - 12.30 - Conclusions

# PROGRAMME

21 November 2014

09.00 - 09.30 Registration of participants

Council's Room, 1<sup>st</sup> Floor  
"Lucian Blaga" University of Sibiu, Faculty of Law  
34, Calea Dumbrăvii

09.30 - 09.45 Opening remarks

**09.45-12.00 Debate: Europe, where to? Developments and Challenges in Minorities' Protection in Europe (RO)**

Aula Magna, Ground floor  
"Lucian Blaga" University of Sibiu, Faculty of Law  
34, Calea Dumbrăvii

**Chair:** *Professor PhD Călina JUGASTRU*  
*Dean, Faculty of Law*

*Emil HUREZEANU, Media and International Relations Expert, Romania*

*Bogdan AURESCU, Associate Professor PhD, Faculty of Law, University of Bucharest, Romania,  
State Secretary for Strategic Affairs, Romanian Ministry of Foreign Affairs*

*György FRUNDA, Lawyer, Senator, Hungarian Democratic Union of Romania*

*Paul-Jürgen PORR, Professor PhD MD, Faculty of Medicine, „Lucian Blaga” University of Sibiu,  
President of the German Democratic Forum of Romania*

*Luminița CIOABĂ, Writer, Representative of the Roma Foundation "Ion Cioabă", Sibiu,  
Romania*

*Eduard SERBENCO, Lecturer PhD, State University of Moldova, Kishinev, Republic of Moldova,  
Vice-dean, Faculty of Law*

12.00-12.30 Questions and Answers

12.30-14.00 Lunch – *ULBS Restaurant, Bulevardul Victoriei no. 31*

**14.00- 16.00 First Panel: Public International Law, Human Rights Law and Cultural Diversity (ENG)**

Room 101, 1<sup>st</sup> Floor  
"Lucian Blaga" University of Sibiu, Faculty of Law  
34, Calea Dumbrăvii

**Chair:** *Associate Professor PhD Bogdan AURESCU*

*Diverse Views on Diversity Cases: the Human Rights Committee and the European Court of Human Rights*

*Yvonne DONDERS*  
*Professor PhD, Faculty of Law, University of Amsterdam, The Netherlands*  
*Director of the ACIL (Amsterdam Center for International Law)*

*Public Participation of National Minorities in Europe, with a Special Emphasize to Political Participation in Western Balkans*

*Ivana JELIĆ*  
*Professor PhD, Faculty of Law, University of Podgorica, Montenegro*  
*Independent expert, Montenegro, the UN Human Rights Committee*

*Diversity in Protecting National Minorities*

*Marius BĂLAN*  
*Lecturer PhD, Faculty of Law, "Alexandru Ioan Cuza" University of Iași, Romania*

*Combating Terrorism by Promoting Cultural Diversity*

*Alina Mirabela GENTIMIR*  
*Lecturer PhD, Faculty of Law, "Alexandru Ioan Cuza" University of Iași, Romania*

*Recent Contributions of the Preliminary Reference to the Court of Justice of the European Union to the concept of "Cultural Diversity"*

*Mihai ȘANDRU*  
*Professor PhD, Faculty of Law, "Dimitrie Cantemir" Christian University of Bucharest*  
*Researcher, Romanian Academy, Romania*

**16.00-16.15 Questions and Answers**

**16.15-16.30 Coffee break**

**Council's Room, 1<sup>st</sup> Floor**  
"Lucian Blaga" University of Sibiu, Faculty of Law  
34, Calea Dumbrăvii

**16.30-17.30 Second Panel: Private International Law, Family Law and Cultural Diversity (FR/RO)**

**Room 101, 1<sup>st</sup> Floor**  
"Lucian Blaga" University of Sibiu, Faculty of Law  
34, Calea Dumbrăvii

**Chairs:** *Associate Professor Codruța HAGEANU/Lecturer PhD Ana MOCANU-SUCIU*

*Droit et diversité culturelle en contexte : éclairages ethnographiques sur le pluralisme normatif et la justice familiale en Belgique*

*Barbara TRUFFIN*  
*Associate Professor PhD, Faculty of Law and Criminology*  
*Free University of Brussels, Belgium*  
*Director of the Comparative Law, History of Law and Legal Anthropology*

*Mobbing in Public Organizations*

*Ana MOCANU-SUCIU*  
*Lecturer PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*

*Fundamental Rights' Contribution to the Contractual Equilibrium. Implications on the Contract Identity in European Private Law*

*Gina ORGA-DUMITRIU*  
*Lecturer PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*

*The Right to a Child and Child's Rights*

*Codruța HAGEANU*  
*Associate Professor PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*

*The Legal Obligation of Maintenance in Romanian and Comparative Law*

*Cornelia MUNTEANU*  
*Associate Professor PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*

*Essay on Human Dignity in the Romanian Civil Code*

*Ovidiu UNGUREANU*

*Professor PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*

*Romania's Involvement in the Harmonization of the Two Proposals for Regulation in Matters of Family Relations with Foreign Element*

*Nadia-Cerasela ANIȚEI*

*Professor PhD, Faculty of Legal, Social and Political Studies, Dunărea de Jos University of Galați  
Romania*

*The Recognition of Decisions in Private International Law: Methods*

*Adrian CIRCA*

*Associate Professor PhD., Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*

**17.30 - 18.00 Questions and Answers**

**19.00 - Dinner – Hotel Parc Restaurant**

*„Sub Arini” Park Entrance (Direction: Școala de Înot Street) 1, Aurel Vlaicu Street*

**22 November 2014**

**10.00-11.30 Third Panel: Interdisciplinary Approaches to Cultural Diversity (ENG/FR)**

**Room 101, 1<sup>st</sup> Floor**

**"Lucian Blaga" University of Sibiu, Faculty of Law  
34, Calea Dumbrăvii**

**Chairs: Lecturer PhD Alina GENTIMIR/Associate Professor PhD Laura-Maria  
CRĂCIUNEAN**

*Towards a Shared European Identity Promoting Cultural Property: The European Heritage Label*

*Anna VIGORITO*

*Researcher PhD, Faculty of Law, University of Salerno, Italy*

*Religious Jurisdictions and Pluralization of Legal Adjudication: The Emergence of Religious Parallel Jurisdictions in Europe*

*Emanuel TĂVALĂ*

*Lecturer PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*



*Interdisciplinary Perspectives to Cultural Diplomacy*

*Eva Nicoleta BURDUȘEL*

*Associate Professor PhD, Faculty of Letters and Arts, "Lucian Blaga" University of Sibiu, Romania*

*La place de la religion dans la Constitution post revolution*

*Meriem BENLAMINE*

*Associate Professor PhD, Faculty of Law, University of Manouba, Tunisia*

*The Cultural Mediation Process: Italian Experiences*

*Daniel MARA*

*Professor PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*

*Improvement of Intercultural Skills Based on the Analysis of University Student' Attitudes Towards Cultural Diversity*

*Merce MOREY/Jordi VALLESPÍR*

*Professor PhD, University of Balearic Islands, Spain*

**11.30-12.00 Questions and Answers. Conclusions**

## ABSTRACTS

### **I. First Panel: Public International Law, Human Rights Law and Cultural Diversity (EN)**

#### **I.1. Diverse Views on Diversity Cases: the Human Rights Committee and the European Court of Human Rights (EN)**

*Professor PhD, Yvonne M. DONDERS*  
Director of the Amsterdam Center for International Law (ACIL)  
University of Amsterdam, Faculty of Law, The Netherlands  
[Y.M.Donders@uva.nl](mailto:Y.M.Donders@uva.nl)

In today's multicultural societies, the (potential) tension between cultural diversity and social cohesion poses great challenges to States. Whereas cultural communities, be it national minorities, religious communities or migrant communities, demand respect for their cultural distinctiveness, national authorities try to find a form of integrating these communities into mainstream society, while accommodating (some of) their cultural features. The international human rights law framework is often used by both sides to advance their aspirations.

International human rights monitoring bodies, including the UN Human Rights Committee and the European Court of Human Rights, are regularly requested to assess complaints related to cultural diversity. These cases concern for instance the wearing of religious symbols or clothing as a manifestation of religion, or the use of minority languages. In these cases monitoring bodies have to assess whether certain measures taken by the State are in conformity with human rights treaties and in particular whether the State has properly balanced the general interests of the society with the interests of the applicant. Sometimes the Human Rights Committee and European Court of Human Rights are confronted with similar cases. Interestingly, in some of these cases the two bodies have expressed diverse views, even leading to opposite outcomes in terms of whether or not a violation of the treaty has occurred. How can these diverse views on similar cases be explained and to what extent are they problematic?

#### **I.2. Public Participation of National Minorities in Europe, with a Special Emphasize to Political Participation in Western Balkans (EN)**

*Ivana JELIĆ*  
*Professor PhD, Faculty of Law, University of Podgorica, Montenegro*  
Independent expert, Montenegro, the UN Human Rights Committee  
[ijelic@yahoo.com](mailto:ijelic@yahoo.com)

Respect of national, cultural and ethnic diversity is a parameter of each modern democracy and European leading principle. Protection of minority rights is legal consequence of such a principle. Furthermore, there is no complete protection of national minorities without providing for their participation in a public life. This is especially important in regard to a decision-making process which is the essential feature of realization of the rule of law principle. Also, participation in public life, as well as the political participation as its crucial aspect, is the parameter of a success of

minority integration. It reflects minority identity preservation, as well. Additionally, the political participation of minorities in the countries of the Western Balkans is treated as a precondition for their European integration.

The paper's aim is to present the European standards regarding the participation in public life of national minorities, with special emphasis on the political participation in the Western Balkans. The paper treats the case law of the European Court for Human Rights and jurisprudence of the Advisory Committee of the Framework Convention on Protection of National Minorities.

### **I.3. Diversity in Protecting National Minorities (EN)**

*Marius BĂLAN*

*Lecturer PhD, Faculty of Law, "Alexandru Ioan Cuza" University of Iași, Romania*  
[balan@uaic.ro](mailto:balan@uaic.ro)

As an effective litmus test for every democracy and every civil society – as Vaclav Havel's put it – the minority problem confronts us with an fundamental political question: what kind of political community do we want to be? The present paper argues that the specific way of dealing minorities and their problems is closely interconnected with the way we understand ourselves and our nationhood. On the other hand, the diversity of national-state architectures claims a differential approach of minority protection.

### **I.4. Combating Terrorism by Promoting Cultural Diversity (EN)**

*Alina Mirabela GENTIMIR*

*Lecturer PhD, Faculty of Law, "Alexandru Ioan Cuza" University of Iași, Romania*  
[agentimir@yahoo.com](mailto:agentimir@yahoo.com)

The paper aims to analysis the impact of the culture displayed to the different levels of the community on the phenomenon of terrorism. Being both challenging issues of the contemporary society, cultural diversity and terrorism develop a tight interaction influenced by international, regional and local political goals and interests. The violation of the principle of equality in its whole domain of application represents the key shutter element in the perspective of the ones who prefer to infringe the legal exigences and commit acts of terrorism. Finding the appropriate solutions for this kind of crimes, beyond the variables of time and space, should be made in according with individual and collective dimensions of the intercultural understandings which implies that people have to live together peacefully, tolerating and accepting differences amongst cultural and ethnic groups. International political decisions, economical development, preservation of cultures should be realized in accordance not only with general goals, but with essential features of national, religious, cultural and multiple identities and traditional knowledge, too, otherwise any imbalance will be paid by the whole humankind. In the context of multicultural composition of the most of the countries, the world social coherence could be restored only implementing, over time, the proper multiculturalism' policies, in the detriment of measures specific to the assimilation.

## **I.5. Recent Contributions of the Preliminary Reference to the Court of Justice of the European Union to the concept of "Cultural Diversity" (EN)**

*Mihai SANDRU*

*Professor PhD, Faculty of Law, "Dimitrie Cantemir" Christian University of Bucharest  
Researcher, Romanian Academy, Romania  
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The article analyzes the contribution of the judicial dialogue between the national judges and those from Luxembourg in the field of cultural diversity. Through the preliminary ruling procedure the understanding of cultural diversity was enriched. In the context of pluralism in the European Union legal order, several cases that showed the appearance of cultural diversity in the reasoning of the Court of Justice of the European Union are analyzed (such as C-36/02, Omega, C208/09, Sayn-Wittgenstein).

## **II. Second Panel: Private International Law, Family Law and Cultural Diversity (EN/FR)**

### **II.1. Droit et diversité culturelle en contexte: éclairages ethnographiques sur le pluralisme normatif et la justice familiale en Belgique (FR)**

*Barbara TRUFFIN*

*Associate Professor PhD, Director of the History of Law and Legal Anthropology Centre  
Free University of Brussels, Faculty of Law, Belgium  
[btruffin@ulb.ac.be](mailto:btruffin@ulb.ac.be)*

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### **II. 2. Mobbing in Public Organizations (RO)**

*Ana MOCANU-SUCIU*

*Lecturer PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania  
[anasuciucop@gmail.com](mailto:anasuciucop@gmail.com)*

The relationships in to the organization are now very complex. They have legal physical and emotional impact in life of workers. In some community one person or any persons have often a bad position in the group because they are in a real opposition with the group. This situation is generated by ideas witch germinated in mind of community member.

If in industrial age this problem is not very visually, in contemporary age the management of human resources are the important object of research in relationship of the workers and, generally, the member of the group and it analyzing the roll of emotional stress caused by group of isolated persons.

In my study I present the concept of mobbing, his evolution and some particularity of this in public administration.

I will be demonstrating the influence of hierarchically organization of the mobbing. In particular, this specific type of action at power in public organization is the best help for to produce important consequences of workers covered by chief's power.

### **II.3. L'apport des droits fondamentaux à l'équilibre contractuel. L'incidence de la CEDH sur la notion de contrat en droit privé européen (RO/FR)**

*Gina ORGA-DUMITRIU*

*Lecturer PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*  
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Cette analyse révèle la rencontre entre Convention européenne des droits de l'homme et le contrat, plus exactement la contribution des droits fondamentaux à la restauration de l'équilibre du contenu du contrat. Les illustrations jurisprudentielles présentés montrent les difficultés soulevées par la conciliation entre la liberté contractuelle et les droits fondamentaux consacrés par la CEDH et le triomphe des libertés fondamentales sur la force obligatoire du contrat. Les évolutions du droit européen des contrats laissent entrevoir une notion pluraliste de contrat en droit privé européen fondée non seulement sur la volonté des parties, mais aussi sur la bonne foi et l'attente légitime; certes, l'évaluation et la restauration de l'équilibre contractuel à l'égard des dispositions de la CEDH parlent sur la prise en considération de l'équilibre contractuel à l'approche conceptuelle du contrat en droit privé européen.

### **II.4. The Right to a Child and Child's Rights (RO)**

*Codruța HAGEANU*

*Associate Professor PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*  
[hageanu.codruta@yahoo.com](mailto:hageanu.codruta@yahoo.com)

In the second half of last century, the development of medical science has brought spectacular and fundamental changes, to the notion of parenthood and family. Several questions like the ones following arose: is it in the interest of the child to be subject to prior agreements, before his birth, agreements that often serve only the adults desire? What is more important, the child's right to an identity or the right to privacy of adults?

In this context, the consecration of a right to conceive can affect the born child's interest and his rights, universally recognized, as the right to establish and maintain its identity, the right to grow up with his parents, the right to maintain direct contact persons and relationships parents etc.

### **II.5. The Legal Obligation of Maintenance in Romanian and Comparative Law (RO)**

*Cornelia MUNTEANU*  
*Associate Professor PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*  
[munteancornelia@gmail.com](mailto:munteancornelia@gmail.com)

Answering a vital needs, parental maintenance obligation arises with the child and "howls" as loud as he does. It is based on the need to keep alive the defenseless being that is born naked and without supplies needed in order to secure their subsistence: elementary requirement of natural law (*omnia animalia docuit*). Naturally, the Civil Code grants to the maintenance obligation a broader sense than just food obligation, first serving to ensure the lender more than the need for food. It is also about housing, medicine, clothing and, in case of major or minor child who is continuing his/her education, all necessary expenses of his professional education and training.

New Civil Code establishes the maintenance obligation of parents through art. 499 as part of parental authority [For an overview of this legal text, see M. Păpureanu, the New Civil Code. Comments, doctrine and jurisprudence, vol. I, op. cit., p. 737.] and returns with details concerning the right of progeny minor maintenance in art. 525, the amount of maintenance due (art. 529), these provisions complementing the common law rules, art. 513-534.

Also, art. 44 para. (1) of Law no. 272/2004 on the protection and promotion of children's rights in accordance with art. 27 of the UN Convention on the Rights of the Child, establishes the right of the child to enjoy a standard of living that allows the child's physical, mental, spiritual, moral and social.

In this study we discuss, in a comparative manner, the rules governing the legal parental obligation of maintenance as regulated by the Romanian Civil Code and the French and Austrian law.

## II.6. Essay on Human Dignity in the Romanian Civil Code (RO)

*Ovidiu UNGUREANU*  
*Professor PhD, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*  
[ovidiu.ungureanu@ulbsibiu.ro](mailto:ovidiu.ungureanu@ulbsibiu.ro)

Expression of human value, dignity tends to be confused with the notion of humanity: "law sanctions, in this case, philosophy". Therefore the concept of dignity should be approached with caution. The presence of a principle of dignity in our legal order is undeniable; but the respect for one's person dignity may also stand as an individual subjective right, as shown in art. 72 para. (1) Civil Code. Given the uncertainties arising in debates around dignity, our approach tries to reflect, on the one hand, the notion of dignity conceptual object by analyzing the legal nature and, secondly, dignity from the functional point of view which allows to emit from serving dignity; in other words, the functions of dignity and its practical applications. Accordingly, the regulation of a right to dignity, in the New Romanian Civil Code, must be seen as a welcome development.

## II.7. Romania's Involvement in the Harmonization of the Two Proposals for Regulation in Matters of Family Relations with Foreign Element (RO)

*Nadia-Cerasela ANITEI*

*Professor PhD, Faculty of Legal, Social and Political Studies, Dunărea de Jos University of Galați, Romania*

[ncerasela@yahoo.com](mailto:ncerasela@yahoo.com)

The increased mobility of persons within an area without internal frontiers leads to a marked increase in the number of couples formed by nationals of different Member States, who may live in a Member State of which they do not have the nationality and acquire property in more than one Union country. The European Commission recognized the timeliness of the attempt of finding certain modern solutions to the conflicts of law in matrimonial matters. The European Commission presented on July 17, 2006 the Green Paper on the conflict of laws in matters concerning the matrimonial property regimes including the question of jurisdiction and mutual recognition. This document aims to launch a consultation process at European level and stimulate the debates on the basis of 23 questions on legal issues regarding the matrimonial property regimes and the patrimonial consequences of other forms of union, problems that came to being in the international context. The Green Paper opened a wide consultation on all difficulties faced by couples in the European context, in case of liquidation of common heritage, and on the legal instruments available to overcome these difficulties. The double objective that transpires of this Community document is that of improving the legal security (which involves the establishment of harmonized rules for determining the law applicable in this matter) and of simplifying the lives of citizens in the European Union space by granting a certain normative prediction to the couples concerned, without, of course, prejudicing the legal traditions of the Member States.

Given all these, the EU has proposed the development of two regulations: Proposal for a Council Regulation on jurisdiction, applicable law, recognition and enforcement of decisions in matters of matrimonial property regimes, Proposal for a Council Regulation on jurisdiction, applicable law, and the recognition and enforcement of decisions in matters of registered partnerships were stated in the Stockholm Program and in the Action Plan for its implementation, being included as civil matters. In conclusion, we believe that the two proposals for regulations are welcome and that they will solve many key issues in matters of property regimes, of registered partnerships and unions in fact by establishing clear legal rules aiming to establish the court jurisdiction, the law applicable in property matters and by facilitating the circulation of decisions and of authentic instruments between Member States in order to simplify the lives of the citizens in the European Union space.

## II.8. The Recognition of Decisions in Private International Law: Methods (RO)

*Adrian CIRCA*

*Associate Professor PhD., Faculty of Law, "Lucian Blaga" University of Sibiu, Romania*

[circaadrian@yahoo.com](mailto:circaadrian@yahoo.com)

International efficacy is a whole process that aims at the integration of foreign judgments in national law. This integration process begins with a first mechanism, the recognition, the basis of which the first stage, the rule of law enshrined in judgment is invested with authority. And as expected, the integration process ends with the execution stage when the foreign judgment is diluted into the national system.

Romanian private international law is facing new challenges coming from the European Union, in the context of the Union's willingness to implement policies to strengthen judicial cooperation. A first milestone in this process is that we do not face foreign judgment, but judgments coming from

other European Union member states. European instruments are intended to accelerate the process of unification.

The EU's aim is to develop the area of freedom, security and justice, in which judgments given in a Member State may move freely without borders. This issue does not depend on the formality of the procedure, but on the degree of standardization of procedures. This uniformity is a factor of mutual trust that allows, in time, to suppress any formality reception of European decisions.

### III. Third Panel: Interdisciplinary Approaches to Cultural Diversity (ENG/FR)

#### III. 1. Towards a Shared European Identity Promoting Cultural Property: The European Heritage Label (FR)

*Research Fellow Ph.D., Anna VIGORITO*  
University of Salerno, Faculty of Law,

Italy

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The paper analyses how the EU policies for the protection and valorization of cultural property are promoting the building of a European shared cultural identity. These policies have been launched to safeguard the aesthetic and architectural characteristics of cultural property, but also because the valorization of European tangible cultural heritage contributes to strengthen citizens' sense of belonging to the Union (especially with regard to young citizens) and to consolidate the strategy for the construction of a common cultural identity.

See for example the Decision No. 1194/2011/EU of the European Parliament and of the Council of 16 November 2011 establishing the *European Heritage Label*. Conceived as a "certification" awarding sites and monuments having a key role in European history and culture as well as the building of the EU, the *European Heritage Label* differs from other similar heritage initiatives put in place by UNESCO and the Council of Europe: indeed, the emphasis that the Decision 1194/2011 puts on the "European symbolic value" of the awarded sites and their "educative dimension" strengthens both citizens' sense of belonging to the Union and the dialogue between cultures.

#### III.2. Religious Jurisdictions and Pluralization of Legal Adjudication: The Emergence of Religious Parallel Jurisdictions in Europe (EN)

*Emanuel TĂVALĂ*  
Lecturer Ph.D, Faculty of Law, "Lucian Blaga" University of Sibiu, Romania  
[emanuel.tavala@ulbsibiu.ro](mailto:emanuel.tavala@ulbsibiu.ro)

Around the world, most states are faced with difficult issues arising out of cultural diversity in their territories. Within the legal field, such issues span across matters of private law through to public and constitutional law. At international law too there is now considerable jurisprudence regarding ethnic, religious and cultural diversity. In addition there are several layers of legal control – from communal and religious regulation to state and international regulation. This multiplicity of norm setting has been variously termed legal pluralism, inter-legality or inter-normativity and provides a



fascinating lens for academic analysis that links up to cultural diversity in new and interesting ways. The umbrella of cultural diversity encompasses various population groups throughout the world ranging from national, ethnic religious or indigenous groupings.

This paper deals with the so far hypothetical question whether a religious court could submit a request for a preliminary ruling to the Court of Justice of the European Union in Luxembourg. The purpose of this request is to make sure that the courts across the EU apply and interpret the EU law in a uniform way: by asking a question a court of a Member State is seeking from the ECJ an answer how to understand a provision of the EU law. The procedure is anchored in Article 267 of the Treaty on Functioning of the European Union

### III.3. Interdisciplinary Perspectives to Cultural Diplomacy (EN)

*Associate Professor Ph.D., Eva Nicoleta BURDUȘEL*  
"Lucian Blaga" University of Sibiu, Faculty of Letters and Arts, Romania  
[eva.burdusel@ulbsibiu.ro](mailto:eva.burdusel@ulbsibiu.ro)

Cultural exchanges represent a successful connector in a multipolar world, genuine vector of innovation and creativity as well as promoting the image and identity of a country – a fundamental pillar in public diplomacy. Culture represents the nucleus of a society, assuring coherence and continuity to anthropo-geographic communities, as well as a component able to enhance significantly the economic or political influence of a nation. Cultural exchanges – endorsed by an informed understanding of the language, culture and civilization of a nation – provide the foundation for a successful cooperation in any cross-border activity. The presentation aims to highlight that cultural diplomacy and cultural security represent major pillars of sustainable development. In this context, cultural and public diplomacy shape a new paradigm of international relations, where the interdependent connection of culture – history – geography politics define its evolution. Furthermore, mention shall also be made to the tangible cultural patrimony and intangible cultural heritage, based on the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (Paris, 2003), as a fundamental dimension of cultural diversity in contemporary world.

### III.4. La place de la religion dans la Constitution post revolution (FR)

*Associate Professor Ph.D., Researcher, Meriem BEN LAMINE*  
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C'est dans le chapitre I de la constitution que se précise la place de la religion en Tunisie. L'islam est la religion de l'Etat, toutefois, cet Etat est à caractère civil, basé sur la citoyenneté, la volonté du peuple et la primauté du droit.

L'Etat est gardien de la religion. Il garantit la liberté de croyance, de conscience et le libre exercice des cultes. Il est aussi le garant de la neutralité des mosquées et lieux de culte par rapport à toute instrumentalisation partisane

L'Etat diffuse les valeurs de modération et de tolérance et interdit les accusations d'apostasie et l'incitation à la haine et à la violence.

La religion demeure, de ce fait, la religion des tunisiens et une source matérielle du droit tunisien pour autant de nouvelles formes d'interprétation de la religion apparaissent en Tunisie.

L'islam ouvert des tunisiens est utilisé par une partie heureusement minoritaire de cette population comme une guerre contre le reste du monde composé selon eux de non musulmans et donc des mécréants. Participation des tunisiens au Djihad en Syrie, implication dans l'Etat Islamique (ISIS) etc.....

Comment expliquer cette dérive ?

### III.5. The Cultural Mediation Process: Italian Experiences (RO)

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Il processo della mediazione culturale rappresenta una strategia per riconoscere i diritti negati e per tentare un intervento di inclusione e riconoscimento delle differenze. Mediare significa un "ponte tra due culture", per questo non si può ridurre la funzione al solo interpretariato. Interpretare è il primo passo per iniziare il lavoro di comprensione e aiuto dell'utente, lavoro che non è finalizzato alla "conversione" dell'immigrato, ma alla reciproca comprensione di un diverso sistema di valori. Il mediatore favorisce l'incontro tra gli operatori dei servizi e utenti, favorisce il dialogo e la reciproca comprensione, facendo in modo che gli immigrati vedano rappresentati e riconosciuti i propri bisogni.

Le funzioni a cui è preposta la mediazione sono molteplici. In linea generale, risponde alla necessità di integrare i nuovi cittadini sul piano sociale, linguistico e culturale, tenendo conto che l'integrazione è frutto di un dialogo fra istituzioni e cittadini stranieri, in cui si cercano di rendere manifeste le diversità attraverso il confronto, cercando di prevenire le discriminazioni e di ignorare i pregiudizi che possono sorgere nella popolazione autoctona.

### III.6. Improvement of Intercultural Skills Based on the Analysis of University Student' Attitudes Towards Cultural Diversity (ENG)

*Merce MOREY/Jordi VALLESPÍR*

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This paper presents some of the results from an educational innovation project completed during the 2013-2014 school year\*. The project was funded by the Educative Innovation and Research Institute (Institut de Recerca i Innovació Educativa, IRIE) from the University of Balearic Islands (UIB).

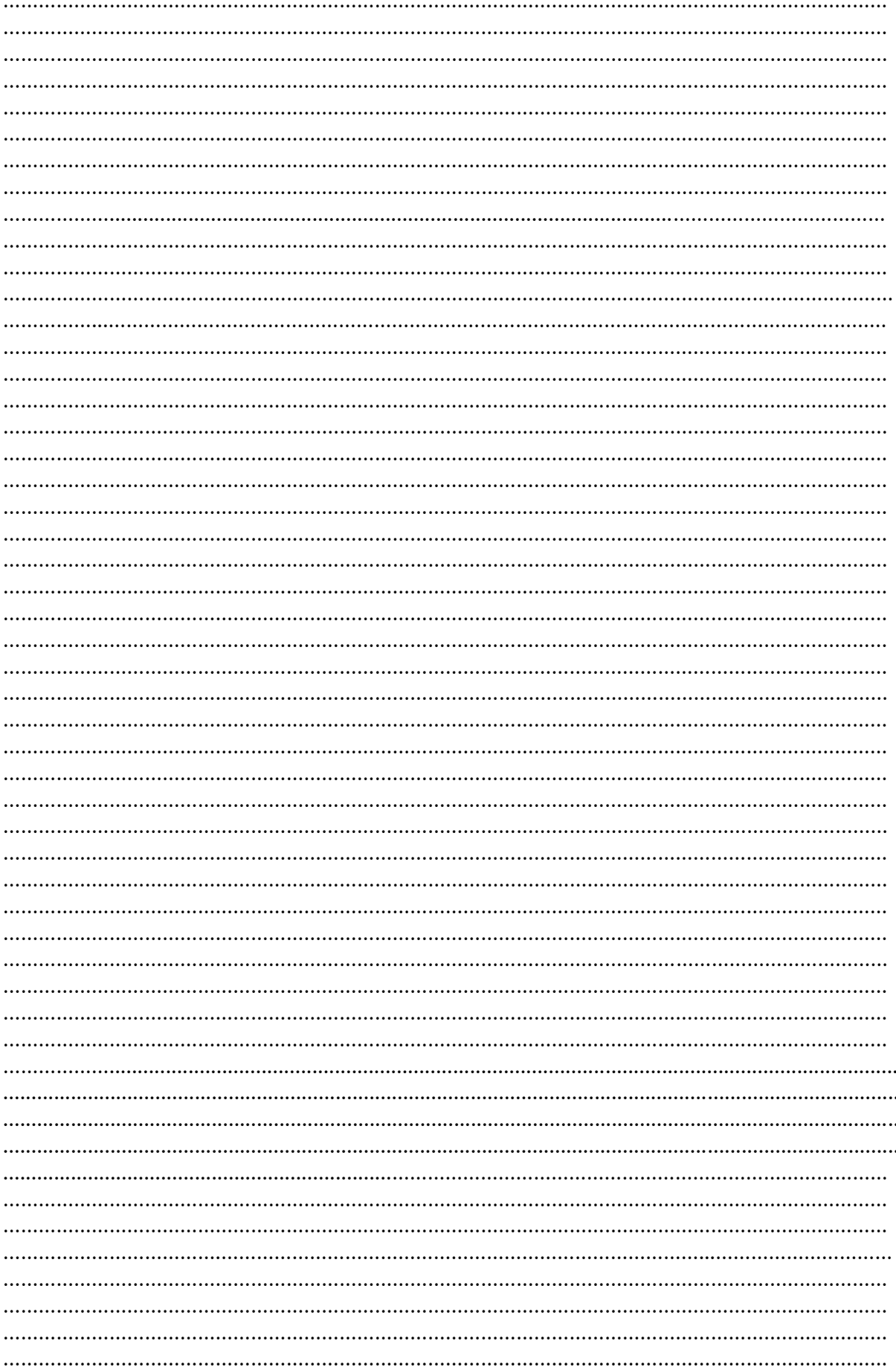
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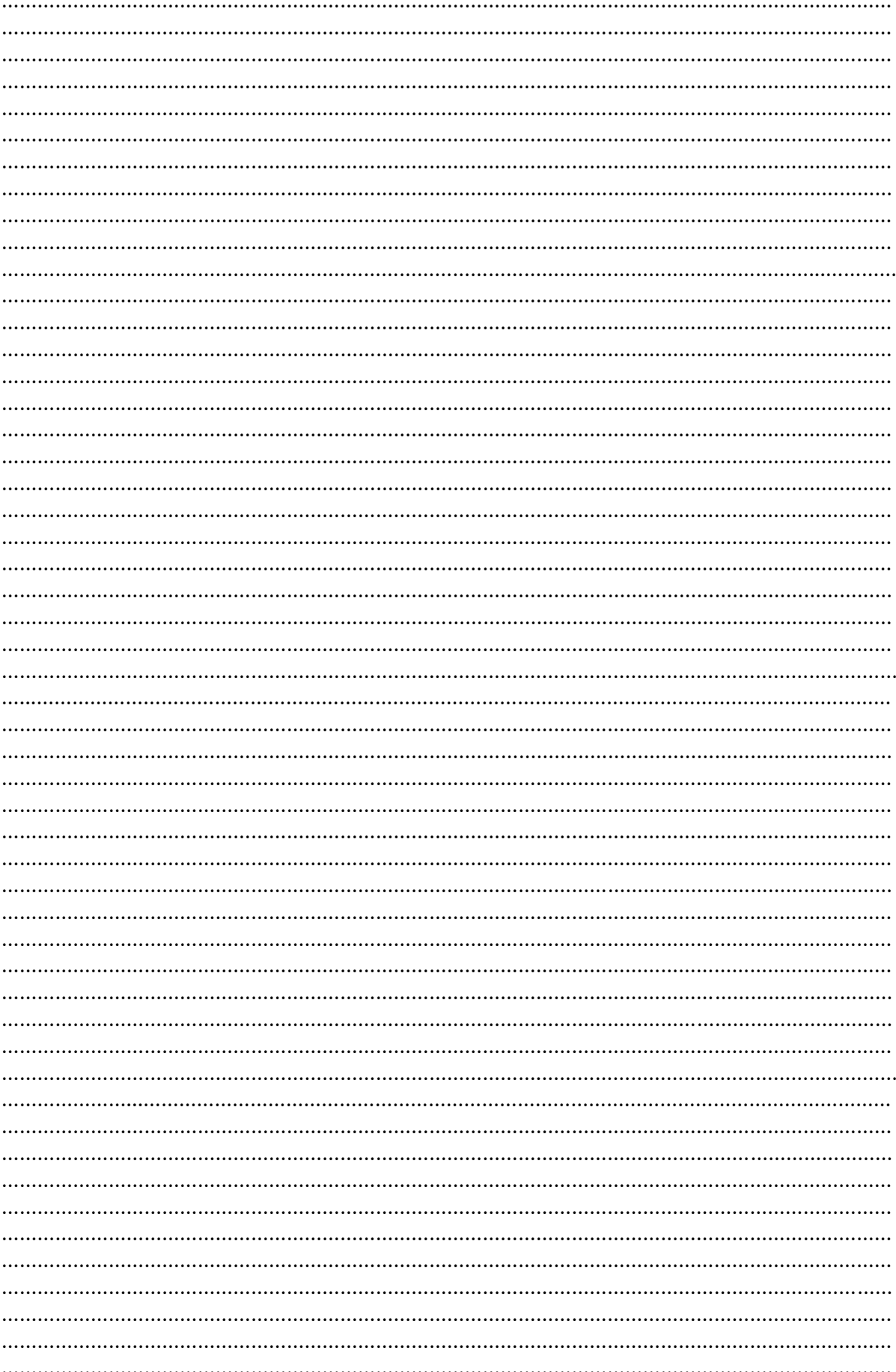
\* Educational Innovation Project titled "Evaluation and development of intercultural attitudes as a basic element for intercultural skills acquisition in the Social Education Degree", granted to the team formed by Jordi Vallespir, Joan Carles Rincón, Maria Ferrer and Mercè Morey.

The essential objective of the research was to analyze the 3rd year students' intercultural skills at both the beginning and ending of their subject "Intercultural Education, Social and Educational Intervention, and Immigration". This particular chapter focuses on the changes of the students' intercultural attitudes, which are evaluated using specifically-designed surveys. Obtained results show a significative change between the initial and final attitudes of the participants, specially at occupational and social levels. These results lead to a series of conclusions and proposals to enhance the teaching activity, as well as the college students' basic training.



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