

26 January 2007

MOLDOVA: New Religion Law to be passed in early February?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Moldova's long-promised new Religion Law may be passed by Parliament on 9 February, Forum 18 News Service has learnt. However, the draft Law has provisions which cause concern to religious minorities, including a lack of clarity about how many members will be needed to get legal status, and what the definitions of "abusive proselytism" - which is to be forbidden - and "religious hatred" - which registered religious communities are to be protected from - are. Amongst other provisions causing concern is that registered religious communities are to have the "exclusive right" to publish or import religious literature. Serghei Ostaf of the Resource Centre for Human Rights has complained to Forum 18 of the "closed, non-transparent process" of adopting the Law. The Moldovan government has refused to allow a Council of Europe assessment of the Law to be made public, and has not told the Council of Europe whether its comments have been incorporated into the draft Law.

Moldova's long-promised new Religion Law is scheduled for its second – and possibly final - reading in Parliament, perhaps as early as 9 February, Elizaveta Onisim, chief consultant to the parliamentary Committee for Human Rights and National Minorities, told Forum 18 News Service from the capital Chisinau on 25 January. It remains unclear how many members will be needed for a religious denomination to get legal status, and registered religious communities will have the "exclusive right" to publish or import religious literature or manufacture religious objects. Religious denominations will have to be led by Moldovan citizens. In a provision that has worried a number of religious minorities who fear its misuse, "abusive proselytism" will be banned.

Onisim said amendments sent in by parliamentary deputies and other committees, since the draft Law's first reading, have been collated in the Committee for Human Rights and will be discussed at a Committee hearing before the final text is presented to the full Parliament next month. Chisinau-based human rights activist Serghei Ostaf of the Resource Centre for Human Rights complained to Forum 18 of the "closed, non-transparent process" of adopting the new Law. However, Onisim rejected this. "I don't know that it has been secretive," she said. "The draft text has not been published but anyone could have asked for it." However, she could not confirm if her Committee's hearing will be held in private or in public.

"The adoption of this Law has been delayed for years," Claus Neukirch of the Organisation for Security and Co-operation in Europe's (OSCE) Mission in Moldova told Forum 18 on 24 January. The Law - which has been in preparation for some years - is due to replace the 1992 Religion Law (as amended in 1999 and 2002). It was approved by the government on 27 October 2004 and sent to Parliament on 28 October 2004. The draft was given its first reading by Parliament on 23 December 2005.

Onisim of the parliamentary Committee for Human Rights attributed the subsequent delay to the fact that the draft law was then sent to the Council of Europe for an expert assessment. Despite requests from local religious communities and Forum 18, the Moldovan government has refused to allow the assessment to be made public. Nor has it told the Council of Europe whether its comments have been incorporated into the draft Law. Onisim said the human rights commission, which is chaired by Stefan Secareanu of the opposition Christian Democratic People's Party (PPCD), was given the job of preparing the draft Law for the second reading.

Protestants and other religious minorities have expressed concern about the ban on "abusive proselytism" in Article 4, part 4 and how they fear this could be used to suppress their activities. Article 3 defines "abusive proselytism" as: "the action of changing the religious beliefs of a person or a group of persons through means of violence, abuse of authority, blackmail, threats, constraints, religious hatred, disinformation, psychological manipulation or subliminal techniques".

Secareanu of the Christian Democrats defended the draft Law, denying to Forum 18 on 25 January that there was any ban on "abusive proselytism" was included in the Law – despite Article 4 part 4 of the draft Law clearly stating that "abusive proselytism is prohibited."

Registration – which will be administered by the Ministry of Justice, not the State Service for Religious Denominations - is given to religious denominations, not directly to individual congregations. In the text as adopted in the first reading, religious denominations required 100 members, but this threshold has been removed in the current version, leaving it unclear whether a threshold will be reintroduced and, if so, at what level.

Among the vague registration requirements in the Law, religious denominations must present their "fundamental principles of

belief" as well as a document confirming "the correctness of the name of the religious denomination".

Secareanu – whose party is close to the Bessarabian Orthodox Church which only gained registration after a 2001 ruling against the Moldovan government by the European Court of Human Rights - insisted that the Law is designed to overcome arbitrary registration denials. "All religious denominations will be registered," he pledged. "There won't be any obstructions." He believes the present government, which is led by the Communist Party, do not want any changes to make registration easier. Long-running arbitrary denials of registration are a common violation in Moldova (see F18News 24 January 2007 http://www.forum18.org/Archive.php?article_id=902).

Other problematic provisions in the latest draft of the Law include Article 6 part 2, which bans individuals from belonging to more than one religious denomination simultaneously, and Article 14 which requires state approval for all religious communities' internal disciplinary codes. Article 8 protects only officially registered denominations from acts by other individuals that restrict their activity, while the same article also protects religious communities from "religious hatred" without defining the term. Article 33 speaks only of "registered religious denominations" and their right to found theological institutions.

Onisim of the parliamentary Committee for Human Rights declined to discuss specific provisions of the draft, stating that these are "political questions" which, as a non-political parliamentary official, it was not appropriate for her to answer.

On 28 March 2006 the Committee of Ministers of the Council of Europe adopted an Interim Resolution urging the Moldovan authorities to speed up adoption of the new Law. It described a new law as "necessary" to "effectively prevent new violations of the European Convention on Human Rights" as in the case of the Bessarabian Orthodox Church.

"While noting important improvements included in the latest draft Bill which is presently pending before Parliament, the Committee [of Ministers] nevertheless pointed to a number of shortcomings which still appear to affect the registration procedure," the Council of Europe declared. It urged the government to take account of the recommendations of the Council of Europe experts "to achieve a legislative reform compliant with the requirements of the European Convention on Human Rights in the field of freedom of religion".

Unease about many of the provisions of the new Law has been expressed by religious minorities, who remain wary about it. "It is important to make sure that the new law would guarantee freedom of faith and worship and would not be overbearing or overly restrictive," Pastor Evghenii Sologubenco of Chisinau Bible Church told Forum 18 on 23 January. He expressed hope that if a reasonable religion law is adopted the arbitrary denial of registration to religious minority communities will end (see F18News 24 January 2007 http://www.forum18.org/Archive.php?article_id=902).

Religious minorities – particularly Protestants and Jehovah's Witnesses – have complained of harassment from Russian Orthodox priests and officials. "Our congregations have faced harassment in some villages and small towns where the mayors are close to the local priests," Mikhail Chizh of the Pentecostal Union, a registered denomination, told Forum 18 on 22 January. He said that in five or six villages in various parts of the country Pentecostal congregations have been banned from maintaining or building prayer houses. "It all depends on how close officials are to the local Orthodox priest." (END)

A printer-friendly map of Moldova is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=moldov>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY