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MOLDOVA: Religion Law again with President, but concerns remain

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

Moldovan religious minorities have told Forum 18 News Service of their concerns over the "special importance and leading role" the new Religion Law gives the Russian Orthodox Church. This "will be used to justify measures against other faiths," Valeriu Ghiletschi of the Baptist Union stated. There are also concerns about the Law's controversial ban on "abusive proselytism," which many fear could be misused. Serghei Ostaf of the Resource Centre for Human Rights told Forum 18 that "Abusive proselytism is a very strange concept which will limit freedom of expression." After the Law was initially vetoed by President Vladimir Voronin it has now been revised by Parliament and sent back to him. The President initially refused to approve the Law and made several demands, including that the Law require that "the state must have special cooperative relations with the traditional Orthodox Church", and that a provision authorising "spreading faith" be removed. These points were accepted.

Some religious minorities have told Forum 18 News Service of their concerns over the "special importance and leading role" Moldova's new Religion Law gives to the Russian Orthodox Church in the country,. They also have concerns about the Law's retention of a controversial ban on "abusive proselytism," which many fear could be misused. The Law was initially vetoed by President Vladimir Voronin, but has been sent back to him again, after it was revised and approved by Parliament in the capital Chisinau on 26 July.

The Religion 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 initially adopted by Parliament on 11 May, one week before it was scheduled to be considered (see F18News 16 May 2007 http://www.forum18.org/Archive.php?article_id=956).

However, after protests against the new Law by priests of the Russian Orthodox Church in Moldova, President Voronin refused to promulgate it. In his 18 June letter to the chair of Parliament, Marian Lupu, explaining his veto, the President highlighted several points where he was unhappy. Amongst the points he insisted on was that "the state must have special cooperative relations with the traditional Orthodox Church", as in the original 1992 Religion Law. He also insisted that theological institutes should be eligible to apply for state accreditation as educational institutions. Also, he complained about the term "spreading faith" in the Law, insisting that the provision permitting this should be removed.

In the final version approved by Parliament on 26 July, these points were accepted. The new Law declares that "the state recognises the special importance and leading role of the Christian Orthodox religion and of the Orthodox Church of Moldova [under the jurisdiction of the Moscow Patriarchate] in the life, history and culture of the people of the Republic of Moldova".

However, Parliament did not approve other demands made by President Voronin, among them a demand to restrict the rights of individual religious communities to change their denominational allegiance.

Neither President Voronin, nor Parliament, accepted a demands made by the Russian Orthodox Church, that new religious communities should have to wait ten years before being allowed to apply for legal status.

An official of the Legal Department of the Presidential Administration, who preferred not to be identified, said that the finalised text of the Law had arrived from Parliament at the very end of July. "We expect the Law to be promulgated and published in the Official Monitor either on 3 August or 10 August," she told Forum 18 from Chisinau on 2 August. However, the law was not in the Official Monitor of 3 August. Once the President has vetoed a law once he cannot do so again, so promulgation of the Religion Law will be automatic.

Forum 18 has been unable to obtain the final text of the Law. The Presidential Administration said it would not be available until officially published.

A number of religious communities have complained to Forum 18 about the lack of public information about the content of the new version of the Law. "We are disappointed there is very little information about the development of this situation," Pastor Evghenii

Sologubenco of Chisinau Bible Church told Forum 18 on 2 August. "The media also seems not to shed much light on this situation."

His concern is shared by Monsignor Benone Farcas, Vicar-general of the Catholic diocese. "We only just learned today what is in the latest text and are still studying it," he told Forum 18 on 2 August. He said his Church had presented its concerns about the earlier draft to Parliament. "Some were taken into consideration, others not."

Expressing most concern about the new law is Valeriu Ghiletschi, President of the Baptist Union. "I haven't seen the final text, but from news reports I believe the Law is not good," he told Forum 18 on 2 August. "We Baptists were not happy with the May version the President vetoed and this version seems worse."

However, Petr Dontsov of the Old Believer Church of the Belokrinitsa Concord – which has 16 parishes and one monastery in Moldova – broadly welcomed the new Law. "We were unhappy that the new Law harmed the role of the traditional Orthodox Church, by making it easier for other religious groups to register," he told Forum 18 from Chisinau on 2 August. "But if the President signs this now, of course we'll be in favour – we're law-abiding citizens."

Fr Vadim Cheibas, official spokesperson for the Russian Orthodox Church in Moldova, declined to make any comment on the new Law. He told Forum 18 he was in the Romanian capital Bucharest for the funeral of the Romanian Patriarch Teoctist, and could not comment until his return to Moldova. He also said that he was the only person who could speak on behalf of his Church.

Also unavailable for comment were representatives of the Bessarabian Metropolitanate, the branch of the Romanian Orthodox Church in Moldova, an official told Forum 18 on 2 August.

Ghiletschi of the Baptist Union is particularly concerned about the "special importance and leading role" given to the Russian Orthodox Church, after the President's comments. This concern is shared by other religious minorities Forum 18 has spoken to. "This represents discrimination against us," Ghiletschi complained to Forum 18. "You could say this is just a formal declaration of what the Orthodox Church has done for the nation, but in practice it will be seen that the Orthodox Church has privileges. It will be used to justify measures against other faiths."

He also objects to the removal from the Law – at the President's insistence – of the specific right to "spread" one's faith. "This is one of the basic rights," he insisted. "When we undertake evangelism we might face government actions against us. This reminds us of the Soviet period, when all religious activity was confined to church buildings."

Ghiletschi also complains about the retention of a controversial provision – also disliked by other religious communities – which bans "abusive proselytism" (see F18News 16 May 2007 http://www.forum18.org/Archive.php?article_id=956). "We were against this ban in May and this it still remains," he told Forum 18. "This is open to very wide interpretation by officials."

Serghei Ostaf, head of the Chisinau-based Resource Centre for Human Rights, shares Ghiletschi's concerns. "Abusive proselytism is a very strange concept which will limit freedom of expression," he told Forum 18 on 3 August. "The concept is not very clear-cut and could be used by the authorities to restrict religious activity in public places."

Vladimir Filat, a parliamentary Deputy from the opposition Democratic Party, who took an active part in debates on the Law, told Forum 18 that the Law's adoption was procedurally inadequate. However, he insisted that on balance the Law "does not harm religious believers' rights".

Filat – who has a legal background – maintains that the recognition given in the Law to the Russian Orthodox Church in Moldova is purely formal. "It does raise questions, but in practice this should have no influence over the way officials treat other faiths," he told Forum 18 on 2 August. But he conceded that it "creates an atmosphere" that might harm other faiths.

Filat also dismissed concerns over the ban on "abusive proselytism" and the removal of the specific provision on "spreading" one's faith.

Some within Moldova hope that the new Law will end the long-running denial of legal status to many religious minority communities, but others are sceptical (see F18News 6 August 2007 http://www.forum18.org/Archive.php?article_id=1003). Arbitrary denials of legal status have led to two heavy fines on the Moldovan Government levied by the European Court of Human Rights in Strasbourg. (END)

Further coverage of religious freedom in Moldova is available at <http://www.forum18.org/Archive.php?query=&religion=all&country=18&results=50>

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806

A printer-friendly map of Moldova is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=moldov>

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