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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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TRANSDNIESTER: Restrictive draft Religion Law proposed

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

A restrictive draft Religion Law is being proposed in the parliament of the unrecognised entity of Transdniester, Forum 18 News Service has learnt. The new draft – if adopted – would stop any new religious communities, unaffiliated to existing registered denominations, from gaining legal status for ten years. This would deny them the right to produce and import literature, set up religious colleges, and invite religious workers from outside Transdniester. Independent Protestant congregations or faiths such as the Jehovah's Witnesses are likely to be most affected. But also hard hit is likely to be a newly-established diocese of the Bessarabian Orthodox Church. Local Russian Orthodox Church officials, as well as Transdniester state officials, have already signalled their strong opposition to the new Bessarabian diocese. Vyacheslav Tobukh, the Supreme Soviet deputy who wrote the draft Law, declined to discuss specific concerns with Forum 18 but defended his text.

A new draft Religion Law began its progress in mid-September in the Supreme Soviet of the breakaway unrecognised Transdniester republic, in eastern Moldova, Forum 18 News Service has learnt. The first discussion is reportedly due in the Committee for Social Organisations, Youth Policy, Sport and the Media on 5 November, one source told Forum 18. Although not as harsh as the draft rejected by the Supreme Soviet in 2004, the current draft has aroused concern among some of Transdniester's religious communities. Vyacheslav Tobukh, the Supreme Soviet deputy and chair of the Social Organisations Committee, told Forum 18 that he wrote the draft. He declined to discuss specific concerns, but defended his text.

One local religious leader, who preferred not to be identified, expressed concern that restrictions would only increase if this Law is adopted. "I remember the attempt to make the law harsher in 2004," he told Forum 18 from Transdniester. "That failed, but now comes the revenge." Other religious leaders Forum 18 spoke to were either unaware of the proposed new Law or unsure how to measure its potential impact.

The new draft – if eventually adopted in its present form – would stop any new religious communities, unaffiliated to existing registered denominations in Transdniester, from gaining legal status for ten years. This would deny them the right to produce and import literature, set up religious colleges and invite religious workers from outside Transdniester (Article 11).

Independent Protestant congregations or faiths new to the region are likely to be most affected. But also hard hit is likely to be the newly-established Dubosary [Dubasari] Diocese of the Bessarabian Orthodox Church, which is part of the Romanian Orthodox Church. Local Russian Orthodox Church diocesan officials, as well as Transdniester state officials, have already signalled their ferocious opposition to the new Bessarabian diocese.

The Bessarabian Orthodox could also be hit by a provision in Article 12 of the draft Law, which bans the registration of a second religious organisation with the same name as an existing one. Officials may use this provision to maintain that the names that the Bessarabian Orthodox Church diocese and parishes choose are too similar to those of the Russian Orthodox Church.

The Moldovan Government in Chisinau – which has no de facto control over the unrecognised entity of Transdniester - has also tried to obstruct the Bessarabian Church, granting it legal status only after the Church took its case to the European Court of Human Rights in Strasbourg. Despite its victory, the Moldovan authorities are still dragging their feet over registering individual parishes (see F18News 8 March 2007 http://www.forum18.org/Archive.php?article_id=926).

Also hard hit if the draft Transdiestran Law is adopted could be the Jehovah's Witnesses, who have already faced arbitrary registration denials. The draft Law would require all faiths to present the registration body (the Justice Ministry) with information on their attitude to civil obligations and to the health of their adherents (Article 11). Article 48 of Transdniester's Constitution declares defence to be a "sacred duty" for citizens, adding that military service is obligatory for all. Religious groups cannot register if their principles are judged to violate the Constitution. As the Jehovah's Witnesses reject both military service and blood transfusions, which could be interpreted as harming the health of adherents, the draft Law would give officials plenty of reasons to deny them legal status.

The Russian-language text of the draft Religion Law was lodged by deputy Tobukh – who wrote it - in the Supreme Soviet on 18 September. It has also been placed on the parliamentary website http://www.vspmr.org/Law/?ID=886, together with Tobukh's

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"explanatory note" on the draft.

Until now religion in Transdniester has been governed by a Religion Law adopted in August 1995. The Transdniestran authorities reject all laws and regulations from the central Moldovan government in Chisinau, including the new Religion Law adopted this summer (see F18News 6 August 2007 http://www.forum18.org/Archive.php?article_id=1003). Moldova's Law was promulgated by Moldovan President Vladimir Voronin and came into force on 17 August 2007.

Transdniester's Religious Affairs Commissioner Pyotr Zalozhkov – who reports to Transdniester's President Igor Smirnov – was behind the attempt to have a new Religion Law adopted in 2004 to replace the 1995 Law. Widely criticised by politicians and religious communities, the planned new Law was then abandoned (see F18News 5 May 2004 http://www.forum18.org/Archive.php?article_id=313). Zalozhkov's office declined to answer any of Forum 18's questions on 30 October.

Asked why Transdniester needs a new Religion Law, Supreme Soviet deputy Tobukh responded that the current law has a "fairly reactionary attitude" to religious organisations. "The presence of Religious Affairs officials is too high," he told Forum 18 in an apparent reference to Zalozhkov and his office. "The registration and functioning of religious organisations doesn't correspond to current norms."

Forum 18 asked Tobukh whether he had in mind the arbitrary denial of registration to communities that Zalozhkov does not like, as well as the confiscation of religious literature from Protestants and Jehovah's Witnesses (see F18News 17 October 2007 http://www.forum18.org/Archive.php?article_id=1035). However, Tobukh responded: "We've not heard of any of these difficulties. No-one has complained to us." However, he declared that "all faiths" face restrictions on their activities.

A religious leader Forum 18 spoke to – who preferred to remain anonymous - attributed many of the earlier problems religious communities have faced to Zalozhkov, but argued that his power is already waning. "The government no longer listens to him," he maintained.

Deputy Tobukh defended the requirement that religious communities demonstrate that they have existed for ten years before they can apply for legal status. "Some organisations could register which are far from being religious – businesses for example which want tax exemptions," he claimed. "No businessman is going to wait ten years just to get tax-exempt status, but believers will follow this path. In our conditions this requirement is appropriate."

Tobukh's explanatory note points out that the draft is designed to bring Transdniester's law into line with the Russian Federation's 1997 Religion Law – a law which aroused fierce criticism when it was adopted and which subsequently saw some of its provisions overturned in Russia's Constitutional Court. "The [Transdniester] Supreme Soviet adopted a decree that our laws should be harmonised with those of the Russian Federation," Tobukh explained.

Forum 18 notes that his draft Law is indeed practically identical to the 1997 Russian Religion Law, for the most part following its terminology and phraseology. (For survey analyses of the current religious freedom situation in Russia, see http://www.forum18.org/Analyses.php?region=10). The Transdniester draft Religion Law has the same key features as the Russian Religion Law: a division of religious associations into organisations, which hold state registration and enjoy full rights; and groups, which remain unregistered and do not enjoy the rights of a legal personality (Article 6). Organisations must have existed on the territory of Transdniester for more than ten years (as opposed to 15 in the Russian law). In line with the Russian law, a local religious association that has existed for fewer than ten years may nevertheless receive state registration if it is affiliated to an organisation registered at the republican level (Article 9).

A difference from the Russian Law is that there is no provision in the Transdniester draft Law for an alternative to military service, or deferral of military service for religious personnel.

Under the draft Religion Law, if a group wishes to obtain legal personality status, it must inform a local authority of its existence and intention to obtain legal status (Article 7). Article 28 specifies that the group must do this every year for ten years, after which the local authority provides a certificate to the religious group that it has existed for ten years. The religious group then uses this as part of its application to the Justice Ministry for legal status. During the ten year probationary period, these groups do not enjoy various rights granted to registered religious organisations, such as publishing literature and inviting foreign religious personnel (Article 28).

Like the Russian and the Belarusian religion laws, the Transdniester draft Law forces all religious associations currently holding state registration to re-register, in this case by the end of 2009 (Article 28). This involves almost exactly the same convoluted bureaucratic procedure as the Russian Law. In Transdniester, religious organisations that already have legal status, but cannot prove ten years' existence, can retain this legal status on re-registration. However, they do not enjoy full publishing, education and invitation rights until they have legally existed for ten years.

All registered religious organisations must report the fact of their continued existence every year to the Justice Ministry.

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Grounds for dissolving a religious organisation – breaking up families, harming citizens' health, and so on – are the same as in the Russian law, but with one exception (Article 15). As in the Russian law, the registering organ may file suit to dissolve a religious organisation if it is not notified about changes to that organisation's status within three days of them being made. These include some features of an organisation's charter, such as its address and structural formation. Unlike the Russian Law, however, the Transdniester draft specifies that notification of changes to the charter itself is not required.

Similar to the Russian law, the Transdniester draft has a preamble affording different degrees of respect to particular confessions. Here, however, Old Belief is ranked with Orthodoxy, while Judaism and Catholicism – the only other confessions to be named – have second place.

While aiming to replicate the Russian Religion Law, it is unclear whether Transdniester wishes to follow Russia's relatively lenient implementation. Several rulings by Russia's Constitutional Court mitigated the effects of the 1997 Law. Notable amongst these was its 7 February 2002 decision in favour of the Moscow Branch of the Salvation Army, which determined that a religious organisation may be dissolved only if it is found to be in violation of its constitutional obligations or defunct. These Russian Constitutional Court rulings plainly do not apply in Transdniester's case. (END)

More reports of the religious freedom situation in Transdniester can be found at http://www.forum18.org/Archive.php?query=&religion=all&country=19&results=50.

Survey analyses of the current religious freedom situation in Russia can be found at http://www.forum18.org/Analyses.php?region=10).

A printer-friendly map of Moldova, including the unrecognised entity of Transdniester, is available at http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=moldov.

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