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ROMANIA: Sudden secretive rush to adopt controversial Religion Law

By Felix Corley, Forum 18

A sudden burst of speed to pass Romania's controversial new Religion Law through Parliament – which even the Romanian Orthodox Church was unaware of this morning (12 December) – is causing deep concern to religious minorities and human rights activists, they have told Forum 18 News Service. "Somehow, religious freedom has ended up being the tombstone of the nascent Romanian democracy," Romanita Iordache of Accept told Forum 18. Iustina Ionescu of the Centre for Legal Resources told Forum 18 that a coalition had appealed for the government to wait for an OSCE report, and that an appeal to the Constitutional Court will be made if the present draft Law is passed. The draft will be discussed in the lower house, the Chamber of Deputies tomorrow (13 December). The government claims that the Law is a priority before Romania joins the European Union (EU) on 1 January 2007, but the EU Delegation in Bucharest has declined to confirm this to Forum 18.

Human rights activists and members of religious minorities have expressed concern to Forum 18 News Service over the apparent sudden rush to pass the controversial new Religion Law through Romania's Parliament. The government-backed Law – approved without discussion in the Senate, the upper house of Parliament, in December 2005 – is to go to the lower house, the Chamber of Deputies tomorrow (13 December), the Chamber's website has announced today.

This sudden rush is despite the fact that a joint report on the Law by two of the Chamber's committees has not yet been made public. "We can't say if all this secrecy is deliberate or not," Iustina Ionescu of the Centre for Legal Resources in the capital Bucharest told Forum 18 on 12 December. "But it seems odd that it took nearly a year for Parliament to consider the law, then suddenly it is so close to final adoption."

Even the dominant Romanian Orthodox Church – which has given strong backing to the draft Law - only found out at midday today (12 December) that it was about to be discussed in the Chamber of Deputies, as spokesperson Fr Constantin Stoica told Forum 18 from Bucharest. "In two weeks time Romania will be a member of the EU and this law is necessary for this," he explained.

In a new twist, the draft Law has just been designated by the Romanian government as European Union (EU) priority legislation. Romania joins the EU in under a month, on 1 January 2007. As an "organic law", the draft needs the approval of at least half the deputies plus one for it to be adopted. The EU Delegation in Bucharest declined to specify whether the Law is a priority for the EU, but told Forum 18 on 12 December that "freedom of religion is very important for the EU."

Ionescu told Forum 18 that a coalition of non-governmental organisations with serious concerns about the draft Law wrote on 12 December to Bogdan Olteanu, President (=speaker) of the Chamber of Deputies, expressing their concern. The organisations called on parliament to "at least wait for the conclusions of the Advisory Panel on Freedom of Religion or Belief of the Organisation for Security and Cooperation in Europe (OSCE), whose report on the draft law is promised within a week."

Ionescu added that, if the Chamber of Deputies gives its final approval to the draft in its present form, the coalition of NGOs will ask for the Constitutional Court to rule on the draft, before it is sent to Romania's President, Traian Basescu, for approval.

The Romanian Evangelical Alliance - representing the Baptist, Pentecostal and Brethren Churches – is also highly concerned by the sudden arrival of the draft law in the Chamber of Deputies, the alliance's president Paul Negrut told Forum 18 on 12 December. The Alliance adopted a resolution in September 2006 requesting that the draft Law be withdrawn from parliament and Negrut expressed concern that Bogdan Olteanu might be unaware that the draft Law faces opposition from a wide range of religious communities within Romania.

Fr Stoica claimed that all the recognised religious communities discussed the draft Law "several years ago" and he believes that all but the Greek Catholics and the Adventists approved it. This is not the case (see F18News 6 October 2005 http://www.forum18.org/Archive.php?article_id=667).

"Ninety-nine percent of the Romanian population agree with it – they are very, very content with it," Fr Stoica insisted to Forum18.

"The Law is in accordance with European practice, suitable to the Romanian context. The government followed laws in France and Germany. From the point of view of the Romanian Orthodox Church, it is a good Law."

Fr Stoica insisted that, under the Law, all recognised religious communities would be treated equally, and that other smaller religious communities would also enjoy rights. He maintained that such differentiated treatment of recognised faiths and other communities was right.

The new Law is set to replace the 1948 communist-era Religion Law, which has remained in force in the post-communist era. Religious minorities and human rights groups have for some years been concerned by the government's proposals, as well as by the occasional bursts of great speed – alternating with long periods of inactivity – which have marked the Religion Law's progress.

Previous drafts of the Religion Law have not been significantly different from the current draft, and have attracted strong criticism for infringing other Romanian laws and the Constitution, as well as the international human rights commitments Romania has made. Past criticism has centred on the proposed three-tier system of state recognition, along with the privileges it gives some communities and obstacles – for example over access to cemeteries - it places against other communities' activity (see F18News 31 January 2006 http://www.forum18.org/Archive.php?article_id=721). The powers that the draft gives the state and "recognised" communities have also caused concern (see F18News 7 October 2005 http://www.forum18.org/Archive.php?article_id=669).

The draft has provoked complaints from many religious communities – particularly from Adventists, Baptists and other Protestants, Greek Catholics, Jehovah's Witnesses and Baha'is - as well as from human rights activists.

After its approval without a vote by the Senate in December 2005, the draft Law arrived at the Chamber of Deputies on 1 February. It took most of the year for a joint committee of two Chamber commissions to approve half the articles in the Law until movement revived in December. The two commissions approved the draft Law on 7 December.

"The text was adopted quietly, mostly in the governmental form," Romanita Iordache of the Bucharest-based Accept told Forum 18 on 7 December. She said there was only one small change: a paragraph was introduced to clarify that the state has to pay for confessional education. "Otherwise, the text remained the way it was, with unacceptable quotas and conditions for religious denominations and for religious associations and the tricky provisions on the use of graveyards included."

Iordache said she believes "the rush and the unprecedented 'efficiency' of the deputies" comes also from the lively debates generated by the decision of the National Council on Combating Discrimination on the use of religious symbols in classrooms, as well as "the serious push coming from the Orthodox Church to pass legislation 'solving' the patrimonial 'problems' between the Orthodox and the Greek Catholic Churches". She reported that there are three competing draft laws on this issue. "Somehow, religious freedom has ended up being the tombstone of the nascent Romanian democracy."

But strongly defending the draft is Adrian Lemeni, the head of the State Secretariat for Religious Denominations, which drew up the original text. "I worked with OSCE experts on this Law and it has been drawn up under a European model, following laws in the Czech Republic, Austria and Belgium," he told Forum 18 from Bucharest on 12 December. He conceded that different religious communities have different rights under the Law, but denied that this represents discrimination.

Lemeni said the amendments approved in parliament so far have not modified the "spirit of the Law" as originally drafted by his Secretariat. He denied that the parliamentary procedure is abnormal. "There's nothing strange – this is the rhythm of parliament."

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

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