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MOLDOVA: Why does the government violate religious freedom?

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

Despite the latest judgement by the European Court of Human Rights (ECtHR) in Strasbourg against the Moldovan government, for refusing to grant legal status to the True Orthodox Church, Moldovan human rights activists have told Forum 18 News Service that they are sceptical that the situation will improve. Vladislav Gribincea, of Lawyers for Human Rights, told Forum 18 that the State Service for Religious Denominations "doesn't want to" register any other religious communities. "It needs political will to change this, and I don't think it is there." Sergei Ostaf, of the Resource Centre for Human Rights, insisted that "the system needs urgent reform to bring it into line with international standards." The Bessarabian Church – which won an ECtHR judgement in its favour in 2001 – has written to the ECtHR to complain about continued refusal to register individual parishes, as well as lodging two separate ECtHR cases about continued state violations of its right to religious freedom.

Despite a late February judgement by the European Court of Human Rights (ECtHR) in Strasbourg against the Moldovan government, for refusing to grant legal status to the True Orthodox Church, Vladislav Gribincea of the Chisinau-based Lawyers for Human Rights organisation is sceptical that it will improve the chances of religious minority communities gaining legal status. "The Bessarabian Church case at the ECtHR back in 2001 also saw a large fine imposed on the government, but that didn't change the situation, as we see from the True Orthodox case," he told Forum 18 on 7 March.

Gribincea states that the State Service for Religious Denominations headed by Serghei Yatsko, which reports directly to the government, "doesn't want to" register any other religious communities. "It needs political will to change this, and I don't think it is there."

Asked why the State Service is so obstructive, Gribincea responded: "The Russian Orthodox Church has very strong links with it, which obstructs the possibility to register alternative religious communities. I can find no other reason that can explain this attitude." Many other religious communities have independently told Forum 18 that the Moscow Patriarchate's political influence is the root cause of their legal status problems.

The True Orthodox Church (also known as the Russian Orthodox Church Abroad) has been seeking legal status in vain, despite court orders since 2001 that the State Service must register it. The Church's ECtHR victory in February 2007 echoed a similar victory in 2001 by the Bessarabian Church under the Romanian Orthodox Patriarchate. No officials have been prepared to discuss the latest ruling with Forum 18 or say what changes – if any – will be made to law and practice to prevent further such arbitrary denials of legal status (see F18News 8 March 2007 http://www.forum18.org/Archive.php?article_id=925)

Despite these victories for the two Churches at the ECtHR, the State Service has also refused to register other religious communities, including the local branch of the Orthodox Kiev Patriarchate, various Muslim communities and numerous Protestant churches (see F18News 24 January 2007 http://www.forum18.org/Archive.php?article_id=902). Without such legal status, religious communities cannot establish their rights in court and can face harassment from the police and other official agencies.

Serghei Ostaf, head of the Chisinau-based Resource Centre for Human Rights, welcomes the True Orthodox ECtHR judgement and insists that the registration system must be changed to remove the possibility of arbitrary denial. "The decision confirms that the current system is outdated and is not in compliance with international practice," he told Forum 18 from Chisinau on 7 March. "The system needs urgent reform to bring it into line with international standards." He noted that this should have been done after the 2001 Bessarabian Church judgement.

Ostaf argues that the government, politicians and powerful religious communities within Moldova are conspiring to keep the current system in place. "Yatsko at the State Service merely carries out the decisions taken by others," he insisted to Forum 18. "Others are pressuring the government on this, and the Russian Orthodox Church could be one of them."

Ostaf of the Resource Centre for Human Rights also insists that the government's decision to fight the True Orthodox case at Strasbourg is "absolutely not a good use of taxpayers' money". He points to the staff time spent on it by the six or seven employees at the government agent's office, as well as politicians' time.

One religious community which is hoping that both Strasbourg court rulings will help its case is the Kiev Orthodox Patriarchate's East-Moldova Diocese. Led by Bishop Filaret (Pancu) of Falesti, it has been seeking legal status in vain since 2005. In the wake of the State Service's refusal to register the Diocese, the Kiev Patriarchate challenged the refusal in court. It won the first case in the lower court, but the State Service immediately challenged the decision to the Supreme Court. On 20 February, the Supreme Court upheld the decision of the lower court.

"I will know if the latest Strasbourg ruling has helped in a few weeks, as it takes about ten days to finish enforcement procedures," the church's lawyer Constantin Tanase told Forum 18 from Chisinau on 7 March. "The decision of the ECtHR on the Bessarabian Church case was invoked during the case examination in court and helped us win."

Tanase said that he has presented the final court decision to the State Service and is waiting for registration. "We have informed the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe and the United States, United Kingdom and French embassies here about progress on the case, and asked them to monitor what happens," he told Forum 18.

But the Bessarabian Church is still encountering state obstruction, despite the 2001 ECtHR judgement. Vlad Cubreacov, a parliamentary deputy of the opposition Christian Democratic People's Party (PPCD) who is a prominent member of the Bessarabian Church, told Forum 18 on 8 March that the State Service only registered the last two of the Church's four dioceses in Moldova in late 2006, after local court rulings in their favour, and is still obstructing the registration of individual parishes. Despite presenting all the documentation required by law, Yatsko of the State Service returned the applications of 13 parishes in November 2006, insisting that the applications need to be brought into line with the 1994 regulations which govern the registration of sub-entities of a religious denomination.

Cubreacov says that, for a further 96 Bessarabian parishes, the situation is even worse as the local authorities will not even provide necessary confirmation of their existence. This is needed before the registration applications can be sent to the State Service. He complains that, without registration, these parishes cannot gather for worship or conduct other religious activity and do not enjoy legal protection of their property.

He cited the example of the Dormition of the Mother of God Church, built in 2004 by parishioners in the northern town of Floresti. This was "abusively closed" on local authority orders in November 2005. Parishioners reopened it without state permission in March 2006, whereupon the authorities registered it as a parish of the rival Russian Orthodox Church. The church remains in the hand of the Russian Orthodox. "Our people have to pray out on the street, even through the whole winter in snow and rain," Cubreacov told Forum 18, "This is a completely new church which never belonged to the Moscow Patriarchate." The parish has lodged a complaint to the ECtHR over what it regards as the illegal confiscation of its property (application No. 2218/06).

Cubreacov pointed to a similar situation in the village of Floreni near Chisinau, where the Bessarabian parishioners built their own church in 2000. "This church was confiscated in 2004 and is also in Moscow Patriarchate hands," he complained. "Parishioners are forced to go to our other nearby parishes."

The vast majority of the territory of what is now Moldova was an integral part of Romania, before being seized by the Soviet Union during the Second World War, and therefore all its surviving pre-war Orthodox churches were built by the Romanian Orthodox Patriarchate. After the Soviet seizure of the country, they were handed to the Moscow Patriarchate. Cubreacov said that the Moldovan authorities are trying to drive out Bessarabian parishes which have been able to regain access to such churches since 1991.

Cubreacov also complained that the Bessarabian Church is the only religious community unable to regain property confiscated during the Nazi and then Soviet occupations. The Moldovan government has even refused to return its confiscated pre-war archives. The Church has lodged a case over lack of recognition of its rights of succession at the ECtHR (No. 23125/04).

In addition, Cubreacov complains of what he regards as "insulting" remarks about the Bessarabian Church by President Vladimir Voronin, who even publicly denied in 2005 that the Church had legal status. "Our Church is deliberately getting a negative image as an illegal and corrupt institution that would present a social threat, and is being used by external political interests," Cubreacov told Forum 18.

Metropolitan Petru (Paduraru), head of the Bessarabian Church, wrote to the Department for the Execution of ECtHR Judgements on 16 February, to complain that this refusal to register individual parishes violates the 2001 ECtHR judgement and infringes their rights to religious freedom.

Some hope that the long-promised new Religion Law will end arbitrary denials of legal status. But Elizaveta Onisim, chief consultant to the parliamentary Committee for Human Rights and National Minorities, told Forum 18 on 6 March that there is no progress on the draft Law now being considered and that her committee has held no hearings on it yet. Many religious minorities have expressed concern about provisions in the current draft and complain it is being prepared in some secrecy (see F18News 26 January 2007 http://www.forum18.org/Archive.php?article_id=903). (END)

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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