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MOLDOVA: Controversial Religion Law suddenly rushed through Parliament

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

Religious minorities have told Forum 18 News Service of concerns over provisions that might still be in Moldova's long-promised new Religion Law, which has been suddenly rushed through its final reading in Parliament. No-one will be able to read the Law until it has been promulgated by the President and published in the Official Monitor. But Christian Democrat deputy Stefan Secareanu, who chaired the committee which prepared the draft Law, rejected suggestions that the Law has been adopted without proper consultation. "Let people who want to read the text be patient," he told Forum 18. Religious minorities' concerns, apart from the secrecy of the final text, focus on the ban on "abusive proselytism" and the impossibility of religious communities with fewer than 100 adult members gaining legal status. In sharp contrast, members of the Russian Orthodox Church in Moldova complain that the Law does not restrict freedom of thought, conscience and belief enough.

Religious minorities have told Forum 18 News Service of concerns over troubling provisions that might still be in Moldova's long-promised new Religion Law, which completed its second – and final – reading in Parliament on 11 May. Concerns focus on the ban on "abusive proselytism", which some fear could be misused and the impossibility for religious communities with fewer than 100 adult members to gain legal status, as well as the secrecy and speed with which the final text was adopted. However, some members of the Russian Orthodox Church in Moldova complain that the law is not restrictive enough.

Valeriu Ghiletschi, president of the Baptist Union, is among several religious leaders to complain to Forum 18 that they did not know the Law would soon be considered in Parliament. Several religious leaders said that they cannot give their considered view on the final text, as it has not been made public.

The Law was adopted by Parliament on 11 May, one week before it was scheduled to be considered. Of Parliament's 101 deputies, 73 voted in favour of the law. Parliamentary deputy Vlad Cubreacov of the opposition Christian Democratic People's Party (PPCD) attributed the change of date to the desire by the majority Communist Party to adopt the law quickly. "The Communists decided to push this through," he told Forum 18 on 16 May. "But Parliament accepted this unanimously."

Other observers who preferred not to be identified told Forum 18 that the rush to adopt the Law is highly unusual and unexpected. "The Religion Law is such a sensitive issue," one told Forum 18 from Chisinau on 16 May.

On 16 May, the Agenda for 11-18 May on the parliamentary website <http://www.parlament.md/news/agenda/11.05-18.05.2007/en.html> still listed the Religion Law as due to receive its second reading on 18 May.

Christian Democrat deputy Stefan Secareanu chairs the parliamentary Committee for Human Rights and National Minorities, which prepared the draft law for the second reading. He told Forum 18 that, although Parliament has adopted the law, parliamentary officials are still editing the final text to incorporate all the amendments that were approved on 11 May. "This is a big job and not easy, so it will take some days," he told Forum 18 on 16 May. Only once this is complete will the text be sent to President Vladimir Voronin to be promulgated.

Forum 18 tried to find out from Marc Tkaciuk, Presidential Advisor on Internal Policy, how President Voronin is likely to view the Religion Law and whether he is likely to promulgate it. However, Tkaciuk told Forum 18 through an assistant on 16 May that "with great regret" he is unable to speak to the media.

Secareanu admitted that no-one will be able to read the final text of the law until it has been promulgated by the President and published in the Official Monitor. But he rejected suggestions that the law has been adopted without proper consultation. "It has been drawn up in accordance with parliamentary regulations," he told Forum 18. "Let people who want to read the text be patient."

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 adopted by the

Parliament in the first reading on 23 December 2005.

Human rights activists and religious minorities have been highly concerned about provisions in earlier drafts of the Law, particularly over how many members would be needed for a religious denomination to get legal status. The earlier draft also specified that registered religious communities would have the "exclusive right" to publish or import religious literature or manufacture religious objects. Religious denominations would have to be led by Moldovan citizens only. In a provision that worried a number of religious minorities who fear its misuse, "abusive proselytism" would be banned (see F18News 26 January 2007 http://www.forum18.org/Archive.php?article_id=903).

Christian Democrat deputy Secareanu said that in the final version, the ban on "abusive proselytism" in Article 4, part 4 remains. He defended its retention. "There's nothing strange about this – it's in line with international standards," he claimed to Forum 18. He dismissed fears among religious minority communities that this could be misused to suppress their activities.

However, Secareanu said that in the definition of "abusive proselytism" in the earlier version of Article 3 - "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" - the word "disinformation" has now been removed.

Secareanu said that, in the final version, 100 adults are required to register a denomination or any of its subdivisions. "The Communists insisted on including this number, although we Christian Democrats and the Council of Europe opposed giving any minimum number," he told Forum 18. Asked what would happen to religious communities without 100 adult members he responded: "They simply won't be able to get legal status." Secareanu was unable to explain why independent religious communities, which are not part of larger denominations, would not be able to apply directly for legal status.

Fellow Christian Democrat deputy Cubreacov argues that one improvement in the new Law is that it removes the possibility for local authorities to reject the registration of local branches of a registered religious denomination. This often happens at present.

Secareanu insisted to Forum 18 that vague registration requirements - that religious denominations must present their "fundamental principles of belief" as well as a document confirming "the correctness of the name of the religious denomination" – were removed from the final version as unworkable.

Asked why in the first version of the Law only "registered religious communities" would be able to establish religious educational institutions Secareanu responded: "Everywhere in this law we have removed the word 'registered' when talking about the rights of religious communities, so all will be on an equal footing."

Secareanu stated that, under the new Law, the Ministry of Justice will take over responsibility for registering religious communities from the State Service for Religious Denominations. This reports directly to the government and, until 21 March, was headed by Serghei Yatsko. "Indeed, the State Service is being abolished entirely," Secareanu added with satisfaction. "Although the Communists demanded it be kept, we insisted on its total abolition."

While at the State Service, Yatsko repeatedly refused to register a wide range of religious communities, including all Muslim communities, the True Orthodox Church (despite its victory in February 2007 at the European Court of Human Rights in Strasbourg), the Ukrainian Orthodox Church of the Kiev Patriarchate and numerous Protestant churches. Without such legal status, religious communities cannot establish their rights in court and can face harassment from the police and other official agencies (see F18News 8 March 2007 http://www.forum18.org/Archive.php?article_id=926).

Moldova has twice been fined by the European Court of Human Rights in Strasbourg for denying legal status to religious communities (see F18News 8 March 2007 http://www.forum18.org/Archive.php?article_id=925).

"I believe it is good that the new law is being adopted," one Protestant leader who preferred not to be identified told Forum 18 from Chisinau on 16 May. "Some of the changes come across as an improvement." However, he cited a "major concern" over the 100 members required to register a religious community. "Does it refer to the overall denomination only, i.e. the total number of members of a denomination, or does it also apply to individual congregations? If the latter, it would seem a highly overbearing requirement. Also we are concerned about what rights an independent congregation would have if it chooses not to be a part of a denomination."

Ghiletschi of the Baptist Union – himself a former parliamentary deputy - said he rejected Secareanu's claim that the provisions on "abusive proselytism" are in line with international standards.

He had hoped, Ghiletschi told Forum 18, that Parliament would organise a round table discussion with the leaders of religious denominations before the second reading. "Unfortunately, this has not been done." He said that the Baptist Union submitted a list of proposals for the second reading. "But we never heard back from Parliament concerning our proposals."

The new Religion Law has already faced protests from members of the Russian Orthodox Church in Moldova, the largest religious community in the country. They think that the Law does not restrict freedom of thought, conscience and belief enough. The news agency Infotag reported on 15 May that opponents claim the new law will make it easier for "anti-Christian, occult and Satanist" organisations to register. On 15 May, nearly twenty senior priests handed in a petition calling on President Voronin not to promulgate the law. "This law pursues only one objective - to annihilate Orthodoxy in Moldova," they complained. "While in other countries the activities of religious sects are strictly regulated, in Moldova the new Law permits everyone to act."

However, Fr Vadim Cheibas, secretary to Metropolitan Vladimir (Cantarean) of Chisinau, declined any immediate comment on the new Law to Forum 18 on 16 May. (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 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