

**Religious Freedom in new
and future EU member-states**

law and practice

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Universal Declaration of Human Rights - Article 18

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

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Introduction

In May 2004, ten countries will obtain membership of the European Union. Others would like to be accepted as members but have to wait until 2007 or thereafter.

In June 1993, the European Council at Copenhagen laid down the foundations of the current enlargement process. According to the Council, membership requires that the candidate country ensures "stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities." This is called the political criteria.

The right to freedom of religion is generally seen as one of the most fundamental rights. It is even said that this right is a good indicator for all the others.

For all countries which applied for EU membership, an annual report is issued. This report gives an insight into whether the state complies with the political and economic criteria for membership and which steps still need to be taken to fulfil the requirements.

The acceptance of ten new states as members of the European Union means that, in the eyes of the European Council, these states comply with the criteria. Several NGOs, however, received indications that the right to freedom of religion is not fully respected in these new EU member-states.

This report gives a general and comprehensive review of religious law and practice in the new and future member-states. Two countries were assessed in more detail, Slovakia and Bulgaria; the first as representative of the group of countries which will become members of the European Union in 2004, the latter as representative of the countries which might become EU member-states in 2007 or thereafter.

Conclusions

The ten new member-states should comply with the Copenhagen Criteria which *inter alia* means that they should respect human rights. This report has found that this is not the fact in all countries as far as religious freedom is concerned.

Many of the countries covered in this report seem to favour the so-called "traditional" religions and to discriminate against the minority religions, often regarded to be foreign, sometimes even harmful.

In the search for a new national identity, religion is seen as an important cohesive factor in society. In practice however, the combination of nationalism with religion usually gives the majority religion a privileged position and sidelines minority religions.

Critical remarks are made with regard to the religious law and practice in the Czech Republic, Hungary, Latvia, Lithuania, Slovak Republic and Slovenia.

In Poland one inadmissible incident was reported.

In the countries which applied for membership in 2007 or thereafter, only Croatia seems to come close to respecting fully the right to freedom of religion.

The new Bulgarian Denominations Act is seriously criticized. In Romania, no recognition has been given after 1990 to any religious group with the exception of the Jehovah's Witnesses which had their former recognition reaffirmed in May 2003. It is therefore remarkable that the 2003 Comprehensive Regular Reports on Bulgaria and Romania do not highlight discrimination against so called "non-traditional" religions.

In Turkey non-Muslim religious communities suffer discrimination. Evangelists are sometimes arrested. Although the Government seems to be committed to bringing their legislation into compliance with the European *acquis* with regard to the right to freedom of religion, much work still has to be done.

The European Council expressed its willingness to welcome other states as members of the European Union. At the moment however, there seems to be an enormous gap between the Copenhagen Criteria and the practice in countries like Albania, Belarus, Moldova and Ukraine.

The dissimilarities between the EU Regular Reports on Slovakia and Bulgaria and our findings during a visit to these two countries are at least remarkable. As this report unveiled several serious shortcomings in religious law and practice of the other already accepted new-member-states as well, we urge the European Commission to review its opinions and to oblige the new member-states to bring their legislation into compliance with the international human rights treaties as quickly as possible.

We strongly advise the European Commission to examine the religious freedom in the remaining candidate countries more thoroughly than they have done so far.

Summary

Overview of new EU member-states (2004)

Country	Most significant issues
Cyprus	No violations of the right to freedom of religion are reported.
Czech Republic	Two tiered system of registration. A religious group may be registered with 300 adult adherents. 10-year waiting period before application for full registration is possible. Full registration requires a minimum of 10,000 members. Churches registered before 1991 are not required to meet these conditions.
Estonia	State and church are separated although this has not been interpreted strictly in administrative practice. A protocol was signed between the government and the Estonian Council of Churches.
Hungary	Due to strict criteria of the tax code, only donations to large or long-established churches are tax deductible.
Latvia	The state separates between "traditional" and "new" religions. Simultaneous registration of more than one religious union (church) in a single confession prohibited.
Lithuania	Four-tiered system dividing between traditional, state-recognized, registered, and unregistered communities. Both traditional and state-recognized communities can receive state subsidies. Non-traditional communities must present their religious teachings and their aims. This opens the way to state interference in internal matters.
Malta	Roman Catholicism is state religion. Since 1991 churches of all kinds have had similar legal rights.
Poland	No compulsory registration of religious communities. All churches and recognized religious groups share the same privileges. Individual acts of religious intolerance take place; reportedly, they have no place in mainstream political discourse of society.
Slovak Republic	Only registered churches and religious organisations have the explicit right to conduct public worship services and other activities. 20,000 Members required for registration. Official registration means State support of pastors and office expenses. Non registered denominations apply for a civic-interest association which is usually granted although officially illegal.

Country	Most significant issues
Slovenia	<p>Registration of new religions is held up by Governmental office for religious Communities.</p> <p>Since August 2003, five minority faiths were registered, the first such registrations since 1999. Other applications are still pending.</p>

Future EU member-states (2007 or later)

Country	Most significant issues
Bulgaria	<p>The 2003 Denominations act recognizes the Bulgarian Orthodox Church, thus outlawing the Alternative Synod.</p> <p>Registration is compulsory. All religious institutions are to be re-registered with the Sofia City Court except the Bulgarian Orthodox Church which is recognized <i>ex lege</i>.</p> <p>Protestants are denied broadcasting time on public national television.</p>
Croatia	<p>Concordats between the Government and the Vatican which allows state financing some salaries and personnel for priests and nuns</p> <p>Other religions signed their own agreements with the state or are still negotiating.</p>
Romania	<p>A communist era decree of 1948 remains the basic law for religion, although most of it nullified by the Constitution and governmental decrees.</p> <p>No recognition has been given after 1990 to any religious group except the Jehovah's Witnesses in 2003, but 622 foundations have been approved.</p> <p>The commission in charge of granting approvals for the construction of places of worship entitled to decide on the "opportuneness" of building a place of worship.</p>
Turkey	<p>Turkey does not fully meet the political criteria for membership.</p> <p>Non-Moslems religious communities face legal obstacles. They may not acquire property nor build new churches.</p> <p>All unofficial meetings for religious worship are considered potentially subversive.</p> <p>Evangelism regarded with suspicion; evangelists are sometimes arrested.</p>

Other countries in the region

Country	Most significant issues
Albania	<p>Predominant religious communities (Sunni, Bektashi, Orthodox and Roman Catholic) enjoy greater social recognition and status based on their historical presence in the country.</p> <p>Religious movements may acquire the status of a juridical person by registering under the Law on Associations.</p> <p>The Albanian Evangelical Alliance reports administrative obstacles to building churches, accessing the media and receiving exemption from customs duties.</p>
Belarus	<p>The Belarus authorities divide between traditional religions, non-traditional religions and sects.</p> <p>The authorities deny permission to register legally at the national level to some non-traditionals and all sects.</p> <p>Repressive religion law (2002) declares all unregistered religious activity illegal, even those in private houses.</p>
Moldova	<p>The law on religions contains restrictions that have inhibited the activities of unregistered religious groups. The Government continued to deny registration of some groups.</p> <p>Article 15 of the law prohibits registration of “schismatic movements”.</p> <p>Unregistered religious organisations are not permitted to buy land or obtain construction permits for churches etc.</p> <p>Authorities in the separatist region of Transnistria used registration requirements and other legal mechanisms to restrict the religious freedom of some religious groups.</p>
Ukraine	<p>The law restricts the activities of “non-native”, foreign-based, religious organisations, and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and others.</p> <p>Representatives of the Muslim community, the Progressive Jewish communities and Evangelical Christian communities expressed concern over instances of discrimination.</p>

New EU member-states (2004)

Cyprus

The Constitution of the Republic of Cyprus provides for freedom of religion, and the Government generally respects this right in practice. The basic law in the Turkish Cypriot community also provides for freedom of religion and the authorities generally respect this right in practice. Turkish Cypriots residing in the south and Greek Cypriots living in the north are allowed to practice their religions.¹

The Regular Report 2002 gives the same opinion on religious freedom in Cyprus.²

No violations of the right to freedom of religion are reported.

Czech Republic

On January 1, 2002, a new law on "Religious Freedom and the Position of Churches and Religious Associations" became effective. The law creates a two-tiered system of registration for religious organizations.

A religious group may be registered with as few as 300 adult adherents. Registration at this level conveys limited tax benefits and imposes annual reporting requirements, as well as a 10-year waiting period before the organization is permitted to apply for full, second-tier registration.

Full registration requires adult adherents equal to 0.1 percent of the population (approximately 10,000) and entitles an organization to a share of state funding. Only clergy of fully registered religious organizations may perform marriages and serve as chaplains in the military and prison systems.

Churches registered prior to 1991 are not required to meet these conditions.

Unregistered religious groups may not own community property legally, but often form civic-interest associations for the purpose of managing their property and other holdings until they are able to meet the qualifications for registration. The Government does not interfere with or prevent this type of interim solution. Unregistered religious groups otherwise are free to assemble and worship in the manner of their choice.

Several unregistered religious groups have criticized the law because they believe that it is prejudiced against smaller religions. The Catholic Church also has criticized the law on the grounds that it unduly restricts the manner in which the Church manages and finances many of its social projects; a provision bars the church from using profits from church-owned enterprises for religious activity.³

According to Dr. P.C.A. Moree, working in Central Europe on behalf of the Uniting Protestant Churches in the Netherlands, the Constitutional Court declared the new religious law unconstitutional on November 27, 2002. This means that the former law

¹ U.S. Department of State; Bureau of Democracy, Human Rights, and Labor, 2001 Annual Report on International Religious Freedom: Cyprus, October 26, 2001

² Commission of the European Communities, 2002 Regular Report on Cyprus's progress towards Accession, {COM(2002) 700 final}, Brussels, 9 October 2002.

³ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Czech Republic, October 7, 2002.

came into force again. In practice however, the Government is abiding with the new cancelled one. This is a serious source of indistinctness at the moment.⁴

According to Adventist News Network, an agreement between the government and the Vatican State is signed or will be signed shortly. Cyril Svoboda, Foreign minister of the Czech Republic assured that the agreement with the Holy See would not abridge rights for other churches.⁵

The treaty with the Vatican however, was rejected by the lower house.

During a visit to the Vatican, Svoboda said that the Czech Republic had little will to sign a treaty with the Vatican but he added that negotiations must continue.

The Czech Republic is one of the few European countries not to have signed a treaty with the Holy See.⁶

Estonia

The Constitution states that there is no state church, thus establishing the separation of church and state. However, this has not been interpreted strictly in administrative practice. For example, the Churches and Congregations Act (July 2002) decrees that the commanding officer of each military unit shall ensure conscripts the opportunity to practice their religion; however, the coordination of chaplains' services to the prisons is delegated to one of the Lutheran diaconal centres. In response to an order by the Prime Minister, the centre carries out this responsibility in a way that does not discriminate against non-Lutherans.⁷

On October 17, 2002, a Protocol of Common Interest of the Estonian Government and the Council of Churches of Estonia was signed. This protocol regulates education, social affairs, chaplains' services etc.

According to Mr. Peeter Vösu, managing director of the Estonian Christian Television, the Estonian Council of Churches is quite liberal and open to new groups. In his opinion, the legislation regarding religious freedom is sufficient although practice should improve. The government has to learn to use the council of churches and the other way around. This is a matter of time and tradition which depends on persons involved. None of both parties are used to think of each other in terms of cooperation.⁸

Hungary

According to the 1990 Law on the Freedom of Conscience religious groups must declare that they have 100 followers and submit a brief statement of principles to a local court to become registered as a church.

While any group is free to practice their faith, formal registration makes available to a religious group certain protections and privileges, and grants access to several forms of state funding.

The courts have registered more than 136 churches.

⁴ Telephone interview Jubilee Campaign NL with Dr. P.C.A. Moree, November 21, 2003.

⁵ Adventist News Network, Czech Republic: Adventists Continue to Seek Own Agreement with State, Prague, November 4, 2003.

⁶ Radio Prague, Svoboda: Czechs lack will for treaty, Vatican wants one by 2006, November 13, 2003.

⁷ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Estonia, October 7, 2002.

⁸ Telephone interview Jubilee Campaign NL with Mr. Peeter Vösu, November 13, 2003.

The Government has demonstrated a willingness to treat the larger or longer-established religions more favourably than the minority religious communities. A 2000 amendment to the tax code makes donations to the country's large or long-established churches tax deductible. The criteria however, limit the tax benefit to only 14 of the some 136 registered churches in the country. Several of the smaller churches whose members cannot participate in this tax deduction took the case to the Constitutional Court, which chose not to review it.⁹

Latvia

In Latvia, there is no state religion; however, the Government distinguishes between "traditional" (Lutheran, Roman Catholic, Orthodox, Old Believers, Baptists, and Jewish) and "new" religions.

Although the Government does not require the registration of religious groups, the 1995 Law on Religious Organizations accords religious organizations certain rights and privileges when they register, such as status as a separate legal entity for owning property or other financial transactions, as well as tax benefits for donors. Registration also eases the rules for public gatherings.

According to the Law on Religious Organizations, any 10 citizens or permanent residents over the age of 18 may apply to register a church. A decision to register a church is made by the Minister of Justice.

Problems arise and registration is denied because the Law on Religious Organizations does not permit simultaneous registration of more than one religious union (church) in a single confession, and the Government occasionally denies groups registration. Because of this provision, the Government does not register any splinter groups, including an independent Jewish congregation, the Confessional Lutheran Church, the Latvian Free Orthodox Church, and a separate Old Believer group.¹⁰

Justice Minister Aivars Aksenoks will support a proposal to abolish a clause in Latvia's religion law that bans the registration of more than one association of any one denomination, his spokesman told Forum 18 News Service.¹¹

Lithuania

The Lithuanian Constitution divides religious communities into state-recognized traditional groups and others. However, in practice a four-tier system exists: traditional, state-recognized, registered, and unregistered communities.

The 1995 Law on Religious Communities and Associations specifies nine religious communities that have been declared "traditional" and therefore are eligible for governmental assistance. These traditional associations and communities receive annual financial support from the State. Other religious communities are not eligible for financial assistance from the Government, but there are no restrictions on their activities or property rights.

⁹ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Hungary, October 7, 2002.

¹⁰ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Latvia, October 7, 2002.

¹¹ Forum 18 News Service, Latvia: new plans to abolish "discriminatory" legal provision, 26 May 2003.

Traditional religious communities and associations are not required to register their bylaws with the Ministry of Justice in order to receive legal status. Non-traditional religious communities must present an application, a founding statement and a description of their religious teachings and their aims.

Non-traditional religious communities may be granted state recognition if they are “backed by society” and have been registered in the country for at least 25 years.

Both traditional and state-recognized communities can receive state subsidies; however, only the traditional ones receive the subsidy regularly.

Religious communities registered by the Ministry of Justice do not receive regular subsidies, tax exemptions, social benefits, or military exemptions but can act as legal entities and thus rent land for religious buildings.

Unregistered communities have no juridical status or state privileges, but there are no reports that any such groups were prevented from worshipping or seeking members.¹² It should be realized however that these communities, not being a legal entity, cannot rent or acquire property or employ pastors.

Malta

The Constitution establishes Roman Catholicism as the state religion, and declares that the authorities of the Catholic Church have “the authority to teach which principles are right and which are wrong.” Some governmental policies, such as a ban on divorce, reflect the teachings of the Catholic Church.

Since 1991 churches of all kinds (not just the Roman Catholic Church) have had similar legal rights: religious organizations can own property such as buildings, and their ministers can perform marriages and other functions.¹³

Poland

There are 15 religious groups in the country whose relationship with the State is governed by specific legislation and 141 other religious communities. The legislation outlines the internal structure of the religious groups, their activities, and procedures for property restitution.

Religious communities may register with the Government, but they are not required to do so and may function freely without registration. According to regulations effective as of June 1998, registration requires that the group have submitted the names of at least 100 members as well as information regarding the group itself. This information on membership (i.e., signatures) must be confirmed by a notary public, although the registration itself often appears to be a formality.

All churches and recognized religious groups share the same privileges (duty-free importation of office equipment, reduced taxes, etc.).¹⁴

¹² U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Lithuania, October 7, 2002.

¹³ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, 2001 Annual Report on International Religious Freedom: Malta, October 26, 2001.

¹⁴ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Poland, October 7, 2002.

Individual acts of religious intolerance do take place but they have no place in mainstream political discourse or society.¹⁵ According to Mr. Henryk Krol, CEO of DEOrecordings Association, they are often a result of individuals' prejudice, repeated stereotypes and personal frustrations.¹⁶

In February 2003, Witold Murczkiewicz, chief of the crime prevention department of the police of the Pomorskie voivodship (the region which includes Gdansk), instructed local police chiefs to draw up a list of religious minority organizations in their district, with data on their members broken down by age and sex. Named in the instruction were several Christian churches - among them Baptists, Pentecostals and Adventists - and other religious organizations, such as Jehovah's Witnesses.¹⁷

According to Dr. Adam Cenian, employed with the Polish Academy of Sciences, there are significant positive changes after the reform in the nineties. However, new worrying signs appeared from people, not pleased with the new freedom for religious communities. Reportedly, children, not following the religious education classes suffer discrimination from fellow pupils and teachers; attempts to establish new churches often face various forms of obstruction from the local authorities.¹⁸

The Evangelical CCM Radio Network in Poland has to renew its 7-year licence in March 2004. Mr. Henryk Krol reported heavy negotiations due to frequency shortages. Official churches are lobbying to get CCM's frequency.¹⁹

Slovak Republic

Registration of churches is not required, but under existing law, only registered churches and religious organizations have the explicit right to conduct public worship services and other activities. Those that register receive government benefits including subsidies for clergymen and office expenses.

To register a new religion, it is necessary to submit a list of 20,000 permanent residents who adhere to that religion.²⁰ The religions already established before the law passed in 1991 were all exempt from the minimum membership requirement.²¹

According to Mr. Ondrej Garaj, President of the Ecumenical Association for Studying Sects and Religious Movements, the minimum membership requirement is necessary to protect the society against possible harmful influences from abroad.²² Dr. Jan Juran, Director of the Department of Church Affairs, however, pointed to the economic

¹⁵ Commission of the European Union, 2002 Regular Report on Poland's progress towards Accession, {COM(2002) 700 final}, Brussels, 9 October 2002.

¹⁶ Mr. Henryk Krol by e-mail, November 17, 2003.

¹⁷ Forum 18 News Service, Poland: secret instructions order religious surveillance, 16 May 2003.

¹⁸ Mr. Adam Cenian by e-mail, November 21, 2003.

¹⁹ Telephone interview Jubilee Campaign NL with Mr. Henryk Krol, November 13, 2003.

²⁰ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Slovak Republic, October 7, 2002.

²¹ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, 2001 Annual Report on International Religious Freedom: Slovak Republic, October 26, 2001.

²² Interview Jubilee Campaign NL with Mr. Ondrej Garaj, Bratislava, October 22, 2003.

situation of the government as pastors of registered churches are eligible to receive a state salary.²³

The financial support to registered religious communities is seen as repayment of damage to church properties and suffering of members under the communist regime. According to Dr. Juran, newly registered churches cannot be excluded from the financial support as this would lead to legal inequality.²³

To date, 16 churches are officially recognised by the government. Only 6 religious communities have more than 20,000 members. According to the 2001 census, membership figures of other registered churches vary from 1,696 to 7,347.²⁴

Only the Jehovah's Witnesses were registered under the new law as they complied with the minimum membership requirement (though they chose to forego the financial support).

Somewhat remarkable was the defensive attitude of the registered churches. Mr. Jan Kerekreti, General Secretary of the Evangelical Alliance of Slovakia, does not regard the minimum membership requirement as a restriction of the fundamental right to freedom of religion. He compared the law to a cow behind a fence. That is not a restriction of freedom but a matter of protection, both for the cow and the people.²⁵

Mr. Jozef Kulacik, General Secretary and pastor of the recognized Baptist Church, said that sects and cults are not his field of interest. He sees no reason to complain about the situation in Slovakia. The only thing that could be improved is the salaries of the clergy (approx. 200 USD monthly).²⁶

The defensive and protective attitudes of Mr. Garaj and Mr. Kerekreti, as mentioned above, are inadmissible restrictions of the right to freedom of religion. This right is granted irrespective of the religion or belief involved.

According to article 18 (3) of the International Covenant on Civil and Political Rights (1966), "the freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights to freedoms of others."²⁷

In practice, new religious organisations apply for status as civic-interest associations to obtain legal personality.²⁸ According to Mrs. Michaela Moravchikova, director of the Institute for state-church relations, these applications should be denied as the law does not officially offer the opportunity to set up civic-interest associations with a religious purpose. In practice however, an estimated 200 new religious groups obtained this status.²⁴

The institute for state-church relations is advising the Ministry of the Interior in the registration procedure of civic-interest associations.²⁴

²³ Interview Jubilee Campaign NL with Dr. Jan Juran and Mr. Radovan Cikes, Bratislava, October 22, 2003.

²⁴ Interview Jubilee Campaign NL with Mrs. Michaela Moravchikova, Bratislava, October 23, 2003.

²⁵ Interview Jubilee Campaign NL with Mr. Jan Kerekreti, Bratislava, October 23, 2003.

²⁶ Interview Jubilee Campaign NL with Mr. Jozef Kulacik, Bratislava, October 23, 2003.

²⁷ International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966.

²⁸ Interview Jubilee Campaign NL with Mr. Ivan Zustiak, Bratislava, October 23, 2003.

Freedom of religion is not reviewed in the 2003 Comprehensive Regular Report on the Slovak Republic.²⁹ The 2002 Regular Report concludes that Slovakia fulfils the Copenhagen Criteria and continues to respect human rights and freedoms.³⁰ This conclusion is not in line with our findings as, in our opinion, the minimum membership requirement is an inadmissible restriction of the right to freedom of religion. This is even more important because there is no legal alternative for religious organisations to obtain juridical personality.

Slovenia

There are no formal requirements for recognition as a religion by the Government. Religious communities must register with the Government's Office for Religious Communities if they wish to be recognized as legal entities.³¹

For several years, after Dr. Drago Cepar became its director, the Office for Religious Communities refused to register any new religious communities, despite applications from the Hindus, Buddhists and many others. The Office failed to give any official response to many of the communities that applied. "The law says an answer has to be given within two months," the abbot of the community, Gelong Shenphen, told Forum 18 News Service.

Both the Hindus and the Buddhists blamed Dr. Cepar for the impasse.³²

Following mounting pressure on Dr. Cepar, Government secretary Mirko Bandelj wrote to him on June 12, 2003 instructing him to "handle promptly" the registration of the Dharmaling Buddhist group. The ombudsman had also urged him to register the Buddhists and the Stoic Pantheists, who had also complained of denial of registration. "The problem in our opinion is with the religious affairs office, which does not respond to the applications," Barbara Samaluk of the ombudsman's office told Forum 18 News Service.³³

In August 2003, Forum 18 reported a registration breakthrough for minority faiths with Calvary Chapel Protestant church in Cejle being the first new religious community to be granted registration in Slovenia since 1999. The registration of the Tibetan Buddhist Dharmaling association followed on August 22. Since then, three further communities have been registered, including the Hindu community, which had complained that not having registration had been a big problem.³⁴

The Muslim community registered a complaint with the Ombudsman because public broadcaster RTV Slovenia refused to allow them free airtime to address their community

²⁹ European Commission, Comprehensive monitoring report on Slovakia's preparations for membership, Brussels, November 5, 2003.

³⁰ European Commission, 2002 Regular Report on Slovakia's progress towards accession, {COM(2002) 700 final}, Brussels, October 9, 2002.

³¹ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Slovenia, October 7, 2002.

³² Forum 18 News Service, Slovenia: No response to Buddhist or Hindu registration applications, 12 June 2003.

³³ Forum 18 News Service, Slovenia: Pressure mounts on beleaguered senior religious official, 18 June 2003.

³⁴ Forum 18 News Service, Slovenia: Registration breakthrough for minority faiths, 27 August 2003. Forum 18 News Service, Slovenia: Hindus registered, but others still wait, 2 September 2003

during Ramadan - a privilege granted to the Catholic, Serb Orthodox, and Protestant communities during their respective religious holidays. The Ombudsman pursued the complaint with TV Slovenia, which agreed to grant airtime to the Muslim community for this purpose in 2002.³¹

Members of minority religious communities in Slovenia are concerned about the appointment of a fervent Catholic to head a commission drafting a new law on religious affairs.³⁵

Law professor Lovro Sturm, however, director of the Institute of Human Rights, told Forum 18 News Service that his and his team's faith "will have no impact" on the way they draft Slovenia's new religion bill.³⁶

³⁵ Adventist News Network, Slovenia: Minority Religious Groups Express Concern Over New Religion Law, Ljubljana, September 30, 2003.

³⁶ Forum 18 News Service, Slovenia: New Religion Bill will be Neutral, drafter insists, September 22, 2003.

Future EU member states (2007 or later)

Bulgaria

The Constitution provides for freedom of religion; however, the Government restricts this right in practice for some non-Orthodox religious groups.

The Constitution designates Eastern Orthodox Christianity as the “traditional” religion.

Although several municipalities such as Burgas, Plovdiv, Pleven, Gorna Oryahovitsa, and Stara Zagora previously had passed local ordinances that curtailed religious practices, often in contravention of the constitution and international law, it does not appear that these have been enforced with any vigour.³⁷

On January 1, 2003, a new religious law came into force. This new law has been severely criticised by the United States Commission on Security and Cooperation in Europe (CSCE).³⁸ Their criticisms are generally in line with those of Mr. Krassimir Kanev, director of the Bulgarian Helsinki Committee and professor of Sociology and Human Rights at the state universities of Plovdiv and Sofia.³⁹

The Bulgarian Orthodox Church split in 1992. As, according to Mr. Kanev, the main purpose of the new act is to reunite the Bulgarian Orthodox Church by force of law, it makes a special provision for its incorporation. Article 10 provides that the Bulgarian Orthodox Church is a juridical person *ex lege*.⁴⁰ The Alternative Synod of the Bulgarian Orthodox Church is effectively outlawed.

According to Mrs. Rumiana Nehrizova, a lawyer in Sofia, registration is not compulsory but this is not explicitly laid down in the text of the new law. In the light of the communist past, this will most likely be interpreted as if registration is a must. She also pointed to the vague wording of the law which leaves it open to misinterpretation and abuse.⁴¹

According to the CSCE, registration is critical, as the law ties property ownership to legal personality.

According to the new law, all religious institutions are to be re-registered with the Sofia City Court except the Bulgarian Orthodox Church. Registration with the Sofia City Court is necessary to file an application for registration of local branches. This is problematic as it adds an unnecessary burden for groups existing outside the capital.³⁸

The Department of Religious Affairs (DRA) is granted a key role in the registration process and thereafter. Some people therefore point to the department as the Bulgarian Religious Police.⁴²

The head of this department, Mr. Ivan Jelev, is appointed by the prime minister.⁴³

³⁷ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Bulgaria, October 7, 2002.

³⁸ Commission on Security and Cooperation in Europe, Bulgarian Law on Religions: Problematic Law Out of Step with OSCE Commitments, Washington DC, 2003.

³⁹ Interview Jubilee Campaign NL with Mr. Krassimir Kanev, Sofia, October 20, 2003.

⁴⁰ Krassimir Kanev, The New Bulgarian Religious Law: Restrictive and Discriminatory (unpublished).

⁴¹ Interview Jubilee Campaign NL with Mrs. Rumiana Nehrizova, Sofia, October 17, 2003

⁴² Interview Jubilee Campaign NL with Mr. Emil Cohen, Sofia, October 17, 2003.

⁴³ Interview Jubilee Campaign NL with Mr. Ivan Jelev, Sofia, October 20, 2003.

Mr. Emil Velinoff, state expert and second Deputy Chief of the DRA, admitted that local courts charge churches and congregations for registration. The fees depend on the court and can mount up to 300 Leva (150 Euro). This is a serious obstacle to (re-)registration.⁴⁴ This opinion of Mr. Velinoff was supported by most of the others Jubilee Campaign NL spoke with.

According to Mr. Krassimir Kanev, the new act expands the grounds for restriction of the right to manifest religious beliefs beyond the ones permitted by international law. To the legitimate ones, it adds national security, a ban on the use of religious beliefs for political purposes and a ban on the involvement of minors in any kind of religious activities without the express permission of their parents (Articles 7(1), (2) and (5)).⁴⁰

In the opinion of Mr. Alexander Arabadjiev, Member of Parliament and vice chairman of the Parliamentary Committee for Human Rights and Religions, only the implementation of the law counts. This does not cause inequality at the moment, he said.

When Jubilee Campaign NL challenged this statement, Mr. Arabadjiev promised to prepare a hearing before the parliamentary Committee. In the preparations for the hearing, he will be supported by Mr. Krassimir Momtsev, Chairman of the Bulgarian Christian Coalition.⁴⁵

It is, to say the least, remarkable that in the EU Regular Report 2003, the new Law on Denominations is mentioned but not criticised.

It reads: "It [the new Law on Denominations] aims at ensuring equality before the law, regardless of religious affiliation or creed. State interference in the internal organisation of religious communities and institutions is declared inadmissible. The Law has also conferred on the Bulgarian Orthodox Church the status of a legal person."⁴⁶

The report concludes that Bulgaria "continues to fulfil the Copenhagen criteria" and "continues to respect human rights and fundamental freedoms". This is not in line with our findings.

According to Dr. Stoyko Petkov, director of Studio 865, a Christian media organisation, Protestant Christians were denied air time in 2003 for the celebration of October 31 (Reformation Day) on public Bulgarian National Television.

According to Article 53 of the Bulgarian media law, religious organisations have the opportunity to have a seasonal greeting broadcasted. Based on this article, the Orthodox are granted TV time at Easter and Christmas. Also Muslims, Catholics, Jews and the Armenian Church have addressed their believers on particular religious holidays.⁴⁷

The application for air time by the Bulgarian Evangelical Alliance on behalf of several registered Protestant churches was denied. By telephone, Mr. Petkov was told that there should have been a registration attached to the application. The answer was given too late to supply the requested document(s).

According to Bulgarian National Television, their answer was sent by mail on October 29, but was not received until November 3.⁴⁸

⁴⁴ Interview Jubilee Campaign NL with Mr. Emil Velinoff, Sofia, October 20, 2003.

⁴⁵ Interview Jubilee Campaign NL with Mr. Alexander Arabadjiev, Sofia, October 21, 2003.

⁴⁶ European Commission, 2003 Regular Report on Bulgaria's progress towards accession, Brussels, November 5, 2003.

⁴⁷ Interview Jubilee Campaign NL with Mr. Stoyko Petkov, Sofia, October 18, 2003.

⁴⁸ Mr. Stoyko Petkov by e-mail, October 30 and November 21, 2003.

Croatia

In Croatia, there is no official state religion; however, the Roman Catholic Church receives some state support and other benefits established in concordats between the Government and the Vatican. For example, the concordats allow state financing for some salaries and pensions for priests and nuns through the government-managed pension and health funds; Orthodox priests, rabbis, and imams must pay their contributions to the health and pension funds from their own resources in order to be covered by a pension plan. Other agreements with the Vatican regulate Catholic marriages, property restitution, public school catechism, and military chaplains.⁴⁹

Agreements were also signed in December 2002 between the Croatian government and the Muslim and Orthodox communities. Negotiations between six Protestant churches and the Croatian government continue.⁵⁰

Romania

A Communist-era decree, number 177 of 1948, remains the basic law governing religious denominations. It allows considerable state control over religious life. Technically almost none of the articles of this law have been abrogated formally; however, according to the State Secretariat for Religious Denominations, a large number of its articles have been nullified in practice by the Constitution and a series of governmental decrees. Although several religious denominations and religious associations confirmed that articles stipulating the State's interference with or control over religious life and activities have not been enforced, such provisions still exist in the law.

The Government requires religious groups to register. To be recognized as a religion, religious groups must register with the State Secretariat for Religious Denominations and present their statutes, organizational, leadership, and management diagrams, and the body of dogma and doctrines formally stated by a religion. These regulations open the way to State interference in internal church matters.

The Government has refused to recognize a number of religious groups, and no new religious group has received status as a recognised religion since 1990. One explanation given by the State Secretariat for Religious Denominations for the failure to register new religions was that recognition requires a decree issued by the Presidium of the Grand National Assembly, a Communist-era institution that no longer exists. Since no new legislation has been passed in this regard, the State Secretariat stated that the registration of any new religion is not possible.

The Government registers religious groups that it does not recognize either as religious and charitable foundations or as cultural associations. The State Secretariat for Religious Denominations reported that it licensed 622 religious and charitable foundations, as well as cultural organizations, under Law 21 of 1924 on Juridical Entities, thereby entitling them to juridical status as well as to exemptions from income and customs taxes.

The regulations issued by the Government in May 2001 for the organization and operation of the commission in charge of granting approvals for the construction of places of worship defines these as "buildings such as churches, houses of prayer,

⁴⁹ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Croatia, October 7, 2002.

⁵⁰ Forum 18 News Service, Croatia: Free churches unhappy over government agreements, 1 May 2003. Adventist News Network, Croatia: Government Warms to Adventist Needs as Agreement Nears, Zagreb, May 13, 2003.

temples, mosques, synagogues, houses of assembly, etc., used by religious denominations, religious associations and foundations for their specific religious services.” However, there are other provisions in these regulations that could make it more difficult for minority (non-Orthodox, whether recognized or unrecognized) religious groups to get such approvals.

Of the 15 recognized religions, only the Orthodox Church has members on this commission, which also includes government officials and technical experts. In addition, to the technical aspects of building a church, the commission is entitled to decide on the “opportuneness” of building the place of worship, and whether the construction is in line with the specific dogma, doctrines, and statutes of the religion in question.

Minority religious groups assert that they have found central government and parliamentary officials more cooperative than local officials.⁵¹

On May 22, 2003, the government of Romania issued an order reaffirming the official recognition of Jehovah’s Witnesses as a religion. The order was issued in compliance with a Romanian Supreme Court of Justice ruling in the year 2000.

In 1990, the Bucharest court granted the Jehovah’s Witnesses official status. In 1997 however, this status was withdrawn when a government ministry issued a list of 16 so-called official religions of Romania where the Jehovah’s Witnesses were not included. Over the past 6 years, many court cases and appeals to governmental authorities have taken place to correct the official status of the Witnesses.⁵²

Turkey

According to the EU 2002 Regular Report, Turkey does not fully meet the political criteria. The negotiation process has not started yet.

Turkey has made noticeable progress towards meeting the Copenhagen political criteria since the Commission issued its report in 1998 and in particular in the course of the last year (2001, JCN).

The EU Regular Report 2002 states that “Freedom of religion is guaranteed but non-Moslems religious communities face legal obstacles.” Some of these obstacles have been addressed in the August 2002 “reform package”. However, important restrictions remain, notably, to freedom of expression, including in particular the written press and broadcasting, freedom of peaceful assembly, freedom of association, freedom of religion and the right to legal redress.⁵³

Religious services may take place only in designated places of worship - unrecognized groups are not eligible for such sites, and are thus restricted to diplomatic property, or unofficial “storefront” or home church sites liable to closure by the authorities. Minority religious groups may not acquire property, nor build new churches, and their properties may be confiscated by the state.

All unofficial meetings for religious worship are considered potentially subversive and attract unwelcome attention by state security services. Harassment includes the break-

⁵¹ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Romania, October 7, 2002.

⁵² Jehovah’s Witnesses office of public information, Romania reaffirms freedom for a religious minority, May 28, 2003.

⁵³ Commission of the European communities, 2002 Regular Report on Turkey’s Progress Towards Accession, {COM(2002) 700 final}, Brussels, October 9 2002.

up of services in private venues and detentions for alleged proselytising or unauthorized meetings.

While there is no law explicitly prohibiting evangelism, many police and prosecutors regard such activities with suspicion and arrest those who are active. Charges include disturbing the peace, "insulting Islam", causing religious enmity, conducting unauthorized activities, or distributing dangerous literature. Courts usually dismiss such charges, but only after a lengthy period of arrest, refusal of bail, and ill treatment by the police and prison systems.⁵⁴

According to an article in a Dutch Christian newspaper, the Turkish prime minister Recep Tayyip Erdogan promised Christians the same right to undisturbed religious services as Muslims. Churches and congregations will be recognized as a legal entity to buy space and build or renovate churches. Until recently churches and congregations could not even open a bank account.⁵⁵

⁵⁴ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Turkey, October 7, 2002.

⁵⁵ Reformatorisch Dagblad, Turkse premier wil kerken meer vrijheid geven, 5 September 2003.

Other countries in the region

Albania

According to the 1998 Constitution, there is no official religion and all religions are equal. However, the dominant religious communities (Sunni, Bektashi, Orthodox, and Roman Catholic) function as juridical persons and enjoy a greater social recognition and status based on their historical presence in the country.

All registered religious groups have the right to hold bank accounts and to own property and buildings.

The Government does not require registration or licensing of religious groups; however, the State Committee on Cults maintains records and statistics on foreign religious organizations that contact it for assistance. No groups reported difficulties registering. All religious communities have criticized the Government for its unwillingness to grant them tax-exempt status.

Religious movements - with the exception of the four de facto recognized religions - may acquire the official status of a juridical person only by registering with the courts under the Law on Associations, which recognizes the status of a non-profit association irrespective of whether the organization has a cultural, recreational, religious, or humanitarian character.

The State Committee on Cults is charged with regulating the relations between the State and religious communities. The Chairman of the Committee has the status of a deputy minister. The Committee recognizes the equality of religious communities and respects their independence. The Committee works to protect freedom of religion and to promote inter-religious development, cooperation, and understanding.

There is no law or regulation that forces religious organizations to notify the Committee of their activities.

The Albanian Evangelical Alliance, an association of more than 100 Protestant churches throughout the country, claimed that it encountered administrative obstacles to building churches, accessing the media, and receiving exemptions from customs duties.⁵⁶

Belarus

The Belarus authorities generally view Russian Orthodoxy, as well as Roman Catholicism, Judaism, Islam, and Evangelical Lutheranism as being "traditional" religions. They regard other religions as "non-traditional," and yet others, such as eastern religions, as "sects." Although considered to be non-traditional, Protestant groups sometimes also are considered to be sects.

The authorities deny permission to register legally at the national level to some faiths considered to be non-traditional, and to all of those considered to be sects.

The State Committee for Religious and Nationalities Affairs (CRNA) claims that 26 religious denominations are registered officially; however, the significance of this figure is uncertain. Some congregations are registered only on a local basis, which entails only limited rights. Only congregations registered nationally are allowed to invite foreign religious workers and open new churches.

⁵⁶ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Albania, October 7, 2002.

While all registered religious organizations enjoy tax-exempt status, government subsidies appear limited to the Russian Orthodox Church.⁵⁷

Belarus' repressive new religion law entered into legal force on November 16, 2002. From that date all unregistered religious activity by organised groups are illegal; all communities with fewer than 20 members became illegal and are not able to function; any religious activity in private homes - apart from occasional, small scale meetings - are illegal; religious communities that do not have a registered umbrella body are longer able to invite foreign citizens for religious work or run any religious teaching establishments; and all religious literature is subject to compulsory prior censorship before it can be imported or distributed.⁵⁸

With the law banning registered religious communities from using residential properties as their legal addresses without specific authorisation, the many such communities that meet in private homes now face the risk of failing to gain re-registration or even being liquidated by court order, especially as transferring property from residential to non-residential use is very difficult.⁵⁹

Moldova

The Law on Religions contains restrictions that have inhibited the activities of unregistered religious groups and the Government continued to deny registration to some religious groups. The Government has cited Article 15 of the law, which prohibits registration of "schismatic movements" of a particular religion, as the basis for its decision not to recognize two Orthodox Christian groups. However, according to critics, the Government's interpretation of this article is selective. For example, the Government recognizes the following as separate religions: the Seventh-Day Adventist Church and the Reform Movement Seventh Day Adventist Church; the Federation of Jewish Communities and the Union of Messianic Jewish Communities; and the Orthodox Church of Chisinau and All Moldova and the Russian Old Rite Orthodox Church.

Unregistered religious organizations are not permitted to buy land or obtain construction permits for churches or seminaries. In some cases, members of unregistered religious groups hold services in homes, nongovernmental organization (NGO) offices, and other locations. In other cases, the groups obtain property and permits in the names of individual members.

Authorities in the separatist region of Transnistria used registration requirements and other legal mechanisms to restrict the religious freedom of some religious groups. Evangelical religious groups meeting in private homes reportedly have been told that they do not have the correct permits to use their residences as venues for religious services. In the past they and other non-Orthodox groups generally were not allowed to rent property and often were harassed during religious services.

In December 2001, Transnistrian authorities threatened to demolish a house in which Baptists had been meeting. However, the threat had not been carried out as of June 30, 2002, and the Baptists continued to meet there.

⁵⁷ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Belarus, October 7, 2002.

⁵⁸ Keston News Service, Belarus: repressive religion law enters force on Saturday, November 14, 2002.

⁵⁹ Forum 18 News Service, Home worship by registered groups illegal, October 7, 2003

In 1998 the authorities in Transnistria cancelled the registration of the Jehovah's Witnesses. Repeated attempts by the Jehovah's Witnesses to reregister have been denied or delayed.

The Baptist community in Transnistria remains unregistered. During the period covered by this report, Baptists in Transnistria complained of increased harassment from the authorities.⁶⁰

Ukraine

Each religious organization with more than 10 adult members must register its articles and statutes either as a local or national organization in order to obtain the status of a "juridical entity," a status necessary to conduct many economic activities including publishing, banking, and property transactions.

National organizations must register with the Ukrainian State Committee for Religious Affairs (SCRA), and then each local affiliate must register with the local office of the State Committee in the region where they are located.

The law restricts the activities of "non-native," foreign-based, religious organizations ("native religions" are defined as Orthodox, Greek Catholic, and Jewish), and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other foreign citizen representatives of foreign-based religious organizations. However, in practice there were no reports that the Government used the law to limit the activity of non-native religious organizations.

The Government generally permits religious organizations to establish places of worship and to train clergy.

On March 21, 2002, President Leonid Kuchma signed a decree intended to overcome many of the prejudicial effects on religion of the Soviet regime, particularly to facilitate the restoration of property to religious communities. The decree called for the creation of a special commission to prepare proposals to achieve this end and present them by September 1, 2002. No measures had been taken to implement this decree as of the end of the period covered by this report, and it was not clear how the Government expects to achieve the decree's goals.⁶¹

Representatives of the Muslim community noted that they have been unable to register a community in Kharkiv for the past 10 years, while Muslims are often subject to document checks by local police.

Representatives of the Islamic community expressed frustration with the Ministry of Education, which has yet to register a single Islamic school.

Representatives of the Progressive Jewish Communities claimed that local authorities and Chabad Lubavitch officials made statements against their community in the local press while the group was organizing Progressive Jewish communities in Dnipropetrovsk and Krivy Rih, a city in Dnipropetrovsk oblast.

Representatives of Evangelical Christian communities expressed concern over instances of discrimination against their adherents. However, such incidents appeared to be isolated.

⁶⁰ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Moldova, October 7, 2002.

⁶¹ U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002: Ukraine, October 7, 2002.

Representatives of the Ukrainian Autocephalous Orthodox Church cited instances of difficulties in providing religious services to soldiers and of the need to obtain approval for prison ministry activities from prison chaplains of the Moscow Patriarchate.⁶¹

Appendix I: The Copenhagen Criteria







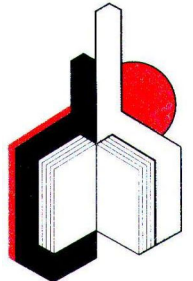

In June 1993, the European Council at Copenhagen laid down the foundations of the current enlargement process by declaring that “the associated countries in Central and Eastern Europe that so desire shall become members of the European Union” and by defining the membership conditions, the so-called Copenhagen criteria. Under the Copenhagen criteria, membership requires that the candidate country ensures:

- “stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities”: the political criteria.

Since the entry into force of the Treaty of Amsterdam in May 1999, these requirements have been enshrined as constitutional principles in the Treaty on European Union, and have been emphasised in the Charter of Fundamental Rights of the European Union, that was proclaimed at the Nice European Council in December 2000.

In order to evaluate the extent to which candidates meet the political criteria, the Commission not only provides a description of their various institutions (Parliament, Executive, and Judiciary), but examines how the various rights and freedoms are exercised in practice. With regard to human rights, the Commission analyses the way in which the candidate countries respect and implement the provisions of the major human rights conventions, including in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Appendix II: List of participants

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