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MOLDOVA: Will new Religion Law end arbitrary legal status denials?

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

Moldova's new Religion Law, now awaiting promulgation, may end the state's arbitrary denials of registration, and hence legal status, to religious communities it dislikes. These include all Muslims, smaller Orthodox Churches and many Protestant Churches, and has led to two large fines being imposed on Moldova by the European Court of Human Rights in Strasbourg. But some have told Forum 18 News Service that they are sceptical. Serghei Ostaf of the Resource Centre for Human Rights told Forum 18 that "I fear there will be problems. Nothing functions in Moldova as it is supposed to. Officials are very creative in finding obstructions, when they don't want to do something." Without legal status, religious communities cannot carry out a wide range of peaceful religious activities. Ostaf fears officials will pressure members of disfavoured religious communities not to sign registration applications. "Leaders of one Muslim community told me their members are already being pressured not to take part in religious activity."

Some within Moldova hope that the new Religion Law, now awaiting promulgation, will end the state's power to arbitrarily deny registration, and hence legal status, to religious communities it does not like. Yet given the protracted, repeated denials of legal status to many minority faiths – including all Muslims, smaller Orthodox Churches and many Protestant communities – many are sceptical. "If the provisions of the Law are carried out as they are supposed to be, the system will be better," Serghei Ostaf, head of the Chisinau-based Resource Centre for Human Rights, told Forum 18 News Service on 3 August. "But I fear there will be problems. Nothing functions in Moldova as it is supposed to. Officials are very creative in finding obstructions, when they don't want to do something."

Without the legal status given by state registration, religious communities cannot have a bank account, publish literature in the name of the community, build a prominent place of worship, or invite foreigners to work with them. In some cases, religious believers have been prosecuted under Article 200 of the Administrative Code, which punishes any religious activities of registered or unregistered religious groups that violate current legislation. The article also allows the expulsion of foreign citizens who engage in religious activities without permission from the authorities.

The new Religion Law was approved in revised form by parliament on 26 July and is now with President Vladimir Voronin for signature. As well as concerns over how the new registration system will be implemented, some religious minorities fear other provisions of the new law could be used to restrict their activity (see F18News 3 August 2007 http://www.forum18.org/Archive.php?article_id=1002).

The Committee of Ministers of the Council of Europe, as well as local religious communities, have long called for clear criteria which would prevent the arbitrary denial of legal status. Some religious minorities have welcomed what they think are the better defined criteria for state registration in the new Law.

Legal status is to be granted by the Justice Ministry, not by the State Service for Religious Denominations, which was notorious for granting registration only when under severe pressure from outside. The only religious community it is known to have registered in recent years is the Church of Jesus Christ of Latter-day Saints, commonly called the Mormons. It only did this after pressure from five US Senators. "Many things in Moldova happen only because of foreign pressure," Ostaf of the Resource Centre for Human Rights told Forum 18 at the time. "It is bad if those without important voices abroad can't get justice." (see F18News 24 January 2007 http://www.forum18.org/Archive.php?article_id=902).

The new Law states that registration – which requires 100 adult members – will be automatic unless the Justice Ministry objects within 15 days. However, communities with fewer than 100 adult members will not be able to get legal status. Ostaf of the Resource Centre for Human Rights believes this threshold is too high. "This should be no more than 10 or 15," he argues. He also fears that officials could pressure members of religious communities they do not like not to sign registration applications. "Leaders of one Muslim community told me their members are already being pressured not to take part in religious activity."

Numerous religious communities have been denied legal status in recent years. Among them are the Moldovan True Orthodox

Church, the local branch of the Orthodox Kiev Patriarchate, various Muslim communities and numerous Protestant churches. The State Service for Religious Denominations, headed until his removal on 21 March 2007 by Serghei Yatsko, refused to accept applications or rejected them on spurious grounds. Many within Moldovan religious minorities have told Forum 18 that they suspect that the influence of the Russian Orthodox Church may, at least partially, account for the arbitrary denials of legal status (see F18News 8 March 2007 http://www.forum18.org/Archive.php?article_id=926).

An official of the State Service, who refused to give her name, told Forum 18 from Chisinau on 2 August that "22 or 23" religious denominations now have registration. But she said it was "too complex" to say exactly how many or to give details of how many religious denominations had received legal status in the last few years. Asked why numerous religious communities have had their applications rejected, she responded: "We work according to the law – if they were rejected, this means they weren't in accordance with the law." She then put the phone down.

The arbitrary denial of legal status has already led to two heavy fines on the Moldovan government levied by the European Court of Human Rights (ECtHR) in Strasbourg.

On 27 February the ECtHR ordered the government to pay compensation of 12,000 Euros (200,600 Moldovan Lei, 97,700 Norwegian Kroner, or 15,800 US Dollars) to the True Orthodox Church (Application No. 952/03) after the State Service for Religious Denominations refused to register it despite repeated court orders to do so (see F18News 8 March 2007 http://www.forum18.org/Archive.php?article_id=925). Neither side appealed against the ECtHR judgment and it became final on 27 May. This means that the government must pay the compensation by 27 August.

Vladimir Filat, a parliamentary deputy from the opposition Democratic Party who took part in the debates on the new Law, maintains that the new registration procedures will end the denial of legal status to so many religious communities. "According to the norms of the new law, the Justice Ministry will not be able not to register religious communities – this will be a formality," he told Forum 18 on 2 August.

Filat regrets the many denials of legal status that led to the ECtHR fines. "Officials don't always abide by the Law and we suffer from this," he told Forum 18. "After all, it was we citizens who had to pay the ECtHR fines."

With the transfer of registration to the Justice Ministry, human rights activist Ostaf fears that the Ministry will not be able to cope. "The department that handles registration of non-governmental organisations and political parties has only ten or fifteen staff. It does not have the capacity."

The new Law does not state what will now happen to the State Service for Religious Denominations. The State Service official confirmed to Forum 18 that registration will in future be handled by the Justice Ministry. However, she would not say what would happen to the office, which currently is without a Director. The new Law makes no mention of the State Service and so it might continue without a clearly defined role, which may allow it to continue to restrict freedom of thought, conscience and belief. The State Service could also be abolished, as one parliamentary deputy suggested to Forum 18 in May (see F18News 16 May 2007 http://www.forum18.org/Archive.php?article_id=956). (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 survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

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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