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TRANSDNIESTER: Harsh draft religion law rejected – for now

By Felix Corley, Forum 18

A harsh draft new religion law in the unrecognised Transdniestr republic has been rejected, but the senior religious affairs official has insisted to Forum 18 News Service that it will be adopted, indicating that it has the support of the breakaway republic's president, Igor Smirnov. The draft gave the authorities draconian "control powers in relation to the activity of religious organisations" and attracted criticism from the Orthodox Church, Catholics, Methodists, Baptists, and Jehovah's Witnesses, amongst others. Orthodox Bishop Iustinian likened the proposed powers to those of Soviet times, and said that such state religious affairs offices were an anachronism. Despite this initial rejection of the draft law, plans remain to amend the Criminal Code to increase punishments for "illegal activity of sects", including youth and adult work, increasing fines 15 times and imprisoning offenders for up to a year.

Even though the Supreme Soviet in the breakaway unrecognised Transdniester republic, in eastern Moldova, on 14 April sent back for further revision a draft new religion law, the senior religious affairs official insists it will be adopted. "There is no question about it," Pyotr Zalozhkov told Forum 18 News Service from the town of Tiraspol on 5 May, indicating that the draft has the support of the unrecognised republic's president, Igor Smirnov. He rejected criticism from the local diocese of the Russian Orthodox Church and other religious communities which have complained the proposed new law would impose draconian new controls.

But Maria Makarova, head of the Supreme Soviet's education committee, said Zalozhkov's draft has been decisively rejected. "That draft is dead - it didn't meet international norms," she told Forum 18 on 4 May. "Our committee will draw up a new draft, but not for at least six months." Until now religion in Transdniester has been governed by a religion law adopted in August 1995. The Transdniestr authorities reject all laws and regulations from the central Moldovan government in Chisinau. The Supreme Soviet commission appears to have listened to the criticisms of specialists at Tiraspol university and of the various religious communities, including the Orthodox, Catholic and other churches, as well as the Jehovah's Witnesses.

A range of Transdniester's religious communities – from the local Russian Orthodox diocese to the Jehovah's Witnesses – were concerned about the widespread powers that would have been given to the religious affairs office which, in the draft, is given "control powers in relation to the activity of religious organisations". These included a requirement for approval from the office before religious communities could be registered. Before approval, the office would have reviewed, amongst other matters, the faith's attitude to marriage and the family and its attitude to the health of its followers. Failure to gain the office's approval would have resulted in a community having no legal status.

Both the office and the local authorities would have had to be informed if a religious community invited "foreign" religious teachers (presumably any teacher from outside Transdniester, including those from elsewhere in Moldova). Crucially, all religious leaders were required by the draft law to be "citizens" of the unrecognised republic, this having, the draft says, "the aim of defending the constitutional set-up, the morals, health, rights and legal interests of the individual and the citizen, security and social and legal order".

Among religious communities in Transdniester which have leaders from outside is the Orthodox Church's diocese of Tiraspol and Dubosary, headed by the Russian-born Bishop Iustinian Ovchinnikov, who arrived in Transdniester only in 1995. The religious affairs office would be required to conduct "attestation" of all religious leaders under a procedure it would itself determine. "Foreigners" would not be able to found or initiate new religious communities. The government and the religious affairs office would have to approve all "foreign" religious workers coming to work in Transdniester, including the duration of their stay and their programme of activity.

Powers were given under the draft law to the religious affairs office, together with the public prosecutor's office and the local authorities, to seek the liquidation in court of any religious organisations conducting "repeated and gross violations" of Transdniester's constitution, the religion law and other laws, or acting not in conformity with its statutes. The long list of reasons given included: "violation of public security and public order"; arousing social, ethnic or religious hatred; breaking up families; "infringement of the personality, rights and freedoms of citizens" (an echo of Soviet era persecutions under Nikita Khrushchev);

harming morals; using hypnosis; refusing medical help to its members; obstructing compulsory education of children; activity not specified in the statutes; and any activity without naming the religious organisation involved. Many believers thought that these provisions were too vaguely worded.

The religious affairs office together with the local authorities were also given powers by the draft law to, amongst other things: decide whether or not a building was a place of worship; to restrict the holding of public religious events; to ban missionary activity and distributing literature; and to specify that religious rites could be only be held in private homes with the permission of all adult residents. It was unclear whether religious meetings, such as Bible studies, would have been banned in homes. Publishing and distributing religious literature was also strictly controlled by the draft.

Among the harshest critics of the draft was Orthodox Bishop Iustinian. "The existence of control functions on the part of the civil authorities arouses special concern," he told the Russian news agency Interfax on 14 April. "This will affect activity of all faiths without exception." He likened the powers of the religious affairs office under the proposed law to those of the Soviet times and believed such state religious affairs offices were an anachronism. He also opposed the accreditation of priests and their requirement to report annually and criticised the requirement for visiting priests to get prior permission to work in the region.

Equally critical was Dmitry Hantil, leader of two Methodist communities that have been denied registration, one in Bendery (known in Moldovan/Romanian as Tighina) and one in Tiraspol (see F18News 5 September 2003 http://www.forum18.org/Archive.php?article_id=136). "If the new law is adopted life for our Church would be even more difficult," he told Forum 18 from Bendery on 3 May. "Activity that was freer before would be brought under new controls." He fears that as President Smirnov backs the draft it will eventually become law.

Anatoly Cravciuc, a Jehovah's Witness leader from Chisinau, who has been involved in drawing up his community's response to the draft law, complained a "real danger" remains that the law will be adopted in a form similar to the draft. "All faiths know the draft law is too harsh when even the Russian Orthodox oppose it," he told Forum 18 from Chisinau on 3 May.

Bishop Anton Cosa, head of the Catholic Church throughout Moldova, including Transdnier, was more muted in his criticism. "We were only partly in favour of the draft law," he told Forum 18 from Chisinau on 3 May. "Several points worried us, especially the controls over the leaders of religious communities, and we asked for these points to be reconsidered." He described the practice of attestation of religious leaders as "a hangover from the old times". He welcomed the opportunity the Catholic Church and other communities had to present their views on the draft law to the Supreme Soviet commission ahead of its consideration of the draft. Bishop Cosa said that Catholics had not generally faced problems, except in getting humanitarian aid into Transdnier.

Zalozhkov of the religious affairs office maintains that a new law is necessary to bring order, claiming that many "sects" are working without registration, organising "illegal" meetings and distributing leaflets and other literature. He particularly identified the Jehovah's Witnesses as a "destructive sect". "They are a danger in our social, political and cultural conditions," he told Forum 18. "We have been Christians for centuries. We don't need anyone to conduct missionary activity here."

He also told Forum 18 that religious organisations' use of financial contributions from believers is "completely out of control". He claims that opposition to the draft from the Russian Orthodox Church was motivated by its desire to avoid financial accountability. "Priests use money they receive as their personal money and spend it on their own comforts, not for religious purposes," he claimed. "There needs to be control."

Of the more than 130 religious communities registered in Transdnier, 78 are Russian Orthodox, 27 are Pentecostal of various jurisdictions, 15 are Adventist, 12 are Baptist, 6 are Catholic, 4 Old Believers and 4 Jewish. Muslims, Baha'is and Hare Krishnas are among the rest that have one community each. In a long-running case, the authorities are trying to strip the Jehovah's Witnesses of their registration, while registration has been denied to dozens of other Jehovah's Witness and Methodist communities.

The authorities periodically harass unregistered religious communities. Baptist communities that refuse to register with the authorities have had literature confiscated and evangelistic street libraries and rallies broken up in recent years (sometimes, they claim, at the instigation of Orthodox priests). A church built on private land in Tiraspol was threatened with destruction in 2001 and 2002, but the threats have not been carried out.

Vasili Timoshchuk, pastor of the Tiraspol church, told Forum 18 on 5 May that 240 copies of a Baptist magazine confiscated by Transdnieran customs officers last August (see F18News 10 September 2003 http://www.forum18.org/Archive.php?article_id=138) have been returned. He said so far this year there have been no literature confiscations, but said the owner of the church in the village of Krasnoe in Slobozia district south of Tiraspol had again been fined in March. Nor had the authorities officially changed the designation of the private homes where the churches meet to allow them to be used for worship, though the Baptists continue to hold services there.

Cravciuc told Forum 18 that between 1997 and 2001 many Jehovah's Witnesses were detained and given small punishments, had their literature confiscated and had their identity documents checked, even in their own homes. He said such pressure had eased since then, with the last detentions in 2003. But he complained of the refusal to register 28 of the 29 communities in Transdnier

and the court case to liquidate the Tiraspol community. "They have no reason to do so, but they're trying to find a reason," he told Forum 18. He also complained of obstruction to literature imports. "We have not been given a fiscal code, so legally we can't import literature."

Despite the initial rejection of the draft religion law, plans remain to amend the Criminal Code to increase punishments for "illegal activity of sects", including youth and adult work. If adopted, fines would reportedly be increased 15 times and offenders could be imprisoned for up to one year. Makarova told Forum 18 the Supreme Soviet would consider these amendments at the end of May but declined to say whether she approved of these changes or not. Zalozhkov declined to discuss them. "We're not preparing to punish anyone through the criminal code for their religious activity," he claimed.

A printer-friendly map of Moldova, including Transdniester, is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=moldov>

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