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ROMANIA: Controversial Law promulgated; legal challenges planned

By Felix Corley, Forum 18

Romanian President Traian Basescu has approved a controversial new Religion Law, despite calls from human rights activists and religious communities for it to be reconsidered. Challenges are planned in the Constitutional Court and, potentially, the European Court of Human Rights, Forum 18 News Service has been told. Adventist pastor Adrian Bocaneanu told Forum 18 that he is worried about the new ban on "religious defamation" and "public offence to religious symbols," as "the essence of religious freedom is to be able to express views on religious beliefs and to compare your religious beliefs with those of others." He stressed that the way the law is implemented is crucial. "If the law is interpreted to silence other religions and this becomes a pattern, this would be dangerous," he told Forum 18. "At present this does not seem probable." Other critics of the Law include the Assemblies of God Pentecostal Church, the Baha'i community and the Baptist Union.

Human rights activists and members of several religious communities have expressed surprise and concern to Forum 18 News Service that, on 27 December, Romanian President Traian Basescu approved the controversial new Religion Law. Some had earlier called for the President to send the Law back for reconsideration.

The Law completed a hasty passage through parliament on 13 December (see F18News 12 December 2006 http://www.forum18.org/Archive.php?article_id=887) and the presidential website reported that it was promulgated by President Basescu on 27 December. However, the adoption of the Law gained little attention in the Romanian media – even though its rushed final stages broke parliamentary procedures (see F18News 15 December 2006 http://www.forum18.org/Archive.php?article_id=889). "It was not a public issue," Iustina Ionescu of the Centre for Legal Resources told Forum 18 from Bucharest on 3 January.

As well as opposing the different levels of legal recognition for religious communities – which is one of the more controversial aspects of the Law (see F18News 7 October 2005 http://www.forum18.org/Archive.php?article_id=669) - Seventh-day Adventist pastor Adrian Bocaneanu is also very worried about the new ban on "religious defamation" and "public offence to religious symbols." These provisions were introduced into the Law late in the parliamentary process. "We do not aim to speak out against the beliefs and religious practice of others – we aim to be respectful," he told Forum 18 from Bucharest on 3 January. "But the essence of religious freedom is to be able to express views on religious beliefs and to compare your religious beliefs with those of others."

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The Jehovah's Witnesses – who succeeded in hanging on to the recognition as a faith they gained in 1990 despite subsequent official attempts to revoke it and who claim 83,000 adherents in 540 congregations across Romania – are withholding comment on the new Law itself. "Only time will show if the enforcement of this law is against the rights of Jehovah's Witnesses," Florin Manoliu told Forum 18 from Bucharest on 3 January.

"This law is very restrictive," Pastor Ioan Ceuta, general superintendent of the Assemblies of God Pentecostal Church in Romania, told Forum 18 from Bucharest on 3 January. "It is aimed not to benefit the whole of society but selectively to help a few religious communities." Wargha Enayati, a member of the Baha'i National Spiritual Assembly, is equally critical. "The law is totally unjust," he told Forum 18 from Bucharest the same day. "We were hoping our problems – such as lack of recognition as a faith - would be resolved, but unfortunately this was not the case."

The Baha'is believe the adoption of such a law was to be expected, given what they regard as the dominance of the Orthodox Church and the strong pressure it exerted to have this law adopted. "This law is clearly based on their way of thinking."

Strongly backing the law was the dominant Romanian Orthodox Church and several other faiths (see F18News 31 January 2006 http://www.forum18.org/Archive.php?article_id=721). Bishop Christoph Klein of the German-speaking Lutheran Church told Forum 18 from Sibiu on 3 January that he is "pleased" the religion law has finally been adopted after sixteen years of discussion.

Echoing government claims, he insisted (wrongly) that all but the Greek Catholic Church among the eighteen recognised religions had backed the law.

The Baptist Union – one of the eighteen recognised religions - has been consistently highly critical of many provisions of the Law (see eg. F18News 6 October 2005 http://www.forum18.org/Archive.php?article_id=667). The Baptists are determined to try to mitigate what they see as the Law's worst aspects. "I fully support the idea to take further steps to the Constitutional Court and the European Court of Human Rights in Strasbourg," the Union's president Paul Negrut told Forum 18 on 29 December. "It may take time and resources but I am confident that this barrier could be removed."

Forum 18 was unable to reach official spokespersons for the Roman Catholic, Hungarian Reformed, Old Believer, Muslim or Jewish faiths in Romania. Bishop Arpad Szabo of the Unitarian Church did not respond to Forum 18's request for his Church's views.

Both the Assemblies of God and the Baha'is are among those unhappy that in future any new community must wait twelve years and have 0.1 percent of Romania's population (i.e. more than 22,000 adherents nationwide) to be able to gain recognition as a faith, the highest of three levels of recognition. "If you read between the lines it is very clear that the intention is to make it impossible for any religious communities not currently recognised by the government to be able to attain this status," Pastor Ceuta told Forum 18. With only a few thousand adherents in its 128 congregations, he says his denomination cannot meet these criteria for recognition.

Enayati of the Baha'is points out that this requirement does not exist for the eighteen faiths that are already recognised, although several of them would not be able to meet this requirement. "We have more than 7,000 adherents and a history of more than 80 years in Romania – indeed, in 1926 our Queen Marie became a Baha'i," he noted. "We are an independent world religion with our own holy book – we are the most widespread religion after Christianity. We are not a branch of any other faith. This must be emphasised."

The Baha'is complain that it is already impossible for their members to respond to invitations from teachers to speak to school children about their faith. "Teachers ask us several times a year to go into schools, but the school directors always block such invitations, even for a half-hour informational talk about our faith," Enayati told Forum 18. "Directors have to be cautious." He also noted the problems religious minorities facing finding somewhere to bury their dead according to their own traditions, as most graveyards in Romania are controlled by the Orthodox Church, which often refuses burial to those of other faiths or insists that such burials must be conducted by the Orthodox Church according to Orthodox rites.

Pastor Ceuta of the Assemblies of God is also concerned that the law bars religious communities with similar names to existing recognised communities from gaining recognition. "There are more than forty different Pentecostal denominations, but only one – of which we are not a part – has official recognition at the moment. This means that other Pentecostal groups will never be recognised."

Ionescu of the Centre for Legal Reforms told Forum 18 that a coalition of human rights groups is planning to undertake strategic litigation to the Constitutional Court to challenge what it regards as some of the more restrictive provisions of the new law.

A printer-friendly map of Romania is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=romani>

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