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ROMANIA: Concerns about draft religion law

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

Romanian religious minorities and human rights groups have told Forum 18 News Service of their alarm about both the current draft of a new religion law and it being sent to parliament under "emergency procedures." Proposals to replace the communist-era 1948 religion law have been discussed for 15 years, but Mihai Agafitei of the State Secretariat for Religious Denominations told Forum 18 that parliament will adopt the new law "by the end of this year." Much concern – from Adventists, Baptists and other Protestants, Greek Catholics, Jehovah's Witnesses and Baha'is - surrounds proposals to divide religious communities into three categories with widely differing rights, and Baptists are particularly concerned that parliament could worsen the draft law's provisions. Agafitei told Forum 18 that "all the representatives of each community approved the draft," but both the Greek Catholics and Jehovah's Witnesses have told Forum 18 they did not approve the draft law.

A number of Romania's minority religious communities have expressed alarm about the current draft of a new religion law and the way it has been rushed to parliament under "emergency procedure", Forum 18 News Service has learnt. Mihai Agafitei of the State Secretariat for Religious Denominations told Forum 18 from the capital Bucharest on 5 October that parliament will adopt the new law "by the end of this year".

"The government used the emergency procedures as it wants this to be adopted before the end of the year, citing pressure in recent years from religious communities over why it is taking so long," Viorel Dima, religious freedom representative for the Seventh-day Adventist Church, told Forum 18 from Bucharest on 6 October. The new law is set to replace the 1948 communist-era religion law which has remained in force in the post-communist era.

The draft law was approved by the government at its session on 14 July and then sent to parliament. It is now in the Committee on Human Rights, Religious Denominations and Minorities of the Senate, the upper chamber of parliament, which is chaired by Senator Gyorgy Frunda. It is also being considered by the parallel committee in the lower house, the Chamber of Deputies. The text of the draft law (L394/2005) is available in Romanian on the website of the State Secretariat http://www.culte.ro/ClientSide/lege_libertate_rel.aspx.

Many religious minority communities object to provisions in the proposed law, mainly because it divides religious communities into three categories with differing rights, as well as having other concerns (see F18News 7 October 2005 http://www.forum18.org/Archive.php?article_id=669). Baptists and other Protestants, Greek Catholics, Jehovah's Witnesses and Baha'is have already voiced unhappiness about the text and the way the draft law has been prepared.

Enjoying the greatest rights under the proposed new law are the 18 recognised "religious denominations" or "cults", a category that it is almost impossible for other faiths to join. Those with fewer than about 22,000 members can register as "religious associations" with lesser rights, while those with fewer than 300 members can only function as "religious groups" which have no legal status. Religious activity by unregistered communities will be legal.

"For the recognised denominations, the draft is generally OK," Pastor Dima of the Adventists told Forum 18, "but for the religious associations with fewer rights, it is bad." He says the government justified the differing rights for religious communities according to category by pointing to other European states with similar provisions. "The draft law is not ideal and in terms of religious freedom is bad, but it reflects the reality of other European states."

The River of Revival Pentecostal church in the city of Arad, led by Pastor Samuel Caba, has organised protests in various cities against the new law, complaining particularly over what it regards as the discriminatory treatment of religious communities in the different categories. Pastor Lucian Chis, who leads the Aletheia Church in Timisoara and also heads the Federation of Autonomous Christian Churches, which has 42 member churches across the country, also complains of the "discrimination" between majority and minority faiths inherent in the draft. He told Forum 18 from Timisoara on 5 October his federation had written to President Traian Basescu the same day to outline its concerns.

Also preparing a protest to parliament about the proposed law is a consortium of local human rights groups, Dorina Nastase, director of the Bucharest-based think tank the Romanian Centre for Global Studies, told Forum 18 on 6 October.

Dana Georgescu, secretary of the Senate Human Rights, Religion and Minorities Committee, said committee members discussed the law in general terms in September, and are due to resume discussion next week. "If the committee's conclusion is positive, the law will go to the full senate," she told Forum 18 from Bucharest on 6 October. "If it is negative, the draft law will have to be considered again." She said the Senate Legal Committee is also considering the draft.

Georgescu said a number of religious communities, including the dominant Romanian Orthodox Church, the Evangelical Church, the Baptists and the Jehovah's Witnesses, have already written to the committee with their views.

The current draft of the law was prepared in the State Secretariat, a sub-division of the Ministry of Culture and Religion, Agafitei of the State Secretariat for Religious Denominations told Forum 18. The draft was discussed in April with leaders of the recognised religious denominations. "All the representatives of each community approved the draft," he claimed. But the Greek Catholics and Jehovah's Witnesses, who are both amongst the proposed recognised "religious denominations," have told Forum 18 that they did not approve it. The text was completed in May, Agafitel added.

The draft law was also discussed on 12 and 13 September at a seminar in Bucharest on Religious Liberty in the Romanian and European Context organised by the Ministry of Culture and Religious Affairs, the State Secretariat and the National Association for the Defence of Religious Liberty, Conscience and Liberty. Adventist News Network reported that Cole Durham, a US law professor who is on the Organisation for Security and Cooperation in Europe (OSCE) Advisory Panel of Experts on Freedom of Religion or Belief, told the seminar that the proposed religious law could be improved to what he called a "multi-tiered" system of religious organisations that gives some groups more prominence than others. He urged Romania to not only comply with international standards regarding church-state relations, but to exceed these.

The Baptists are concerned that parliament could change the law even further to the worse, pointing out that provisions on pension funds organised by religious communities were modified in the draft after religious communities had agreed the draft with the State Secretariat. "The experience we gained in previous years - where after the consensus of all denominations proposed drafts were significantly modified to the point that the content submitted for parliamentary approval was totally different - make us extra careful."

The Baptists recount what they regard as fifteen unhappy years trying to approve a new religion law to replace the communist-era law. "Unfortunately, many of the drafts submitted for parliament approval maintained the ideas and practices of the past, even if they declared the most democratic intentions. In practice, the proposed legislation was far from making Romania a democratic and western society; therefore the proposed law was never adopted by parliament."

The Baptists welcomed the fact that after a series of meetings this year between religious communities and the current government, the initial draft reflecting earlier restrictive drafts was improved in line with suggestions from the religious communities. "In this situation the Baptist Union agreed to support in principle the current law proposal. Nevertheless, it did so with certain reservations in the areas that were clearly articulated or areas that depend upon implementation methodologies that have no concrete guarantees outside verbal promises made by government officials."

However, Florin Manoliu of the Jehovah's Witnesses said his community had not detected any improvements to meet their concerns. "We gave our comments to the State Secretariat in the spring," he told Forum 18 from Bucharest on 5 October. "They told us that the later draft took account of our observations, but we did not see any improvements." He said the Jehovah's Witnesses therefore declined the invitation to attend later meetings with the State Secretariat to discuss the text. "We thought our view would be ignored once again."

The Greek Catholic Church – which was banned by the Communists and only allowed to re-emerge in 1989 after the ousting of President Nicolae Ceausescu – withheld approval of the draft law because most of their properties handed by the Communist authorities to the Romanian Orthodox Church have still not been returned.

"We would like to have our patrimonial issues resolved before the law is adopted," Greek Catholic priest Fr Titus Sas told Forum 18 from Cluj on 6 October. He points out that it was the state that took the Church's property from it in 1948 and that it has the responsibility to return it. "The state wants to leave this matter to us and the Orthodox Church, but this would bring us no positive results," he declared. "That is why we would like to have the properties back and after that we may discuss religious freedom."

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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