

31 January 2006

ROMANIA: Controversial religion bill goes to Chamber of Deputies

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

Religious minorities and human rights groups are worried over the proposed new religion law, which resumes its parliamentary progress in the lower house, the Chamber of Deputies, on 1 February. "This is a very critical time for religious liberty in Romania," Evangelical Alliance president Pastor Paul Negrut told Forum 18 News Service. He complained that the government-drafted law passed unchanged through the upper house, the Senate, in December. Peter Eckstein-Kovacs, head of the Senate's legal committee, recognises that the draft is "problematic" but denied to Forum 18 that its adoption by the Senate without a vote had been a "trick". Adventists, Baptists and other Protestants, Greek Catholics, Jehovah's Witnesses and Baha'is have already complained about the draft law. "The draft law infringes many laws and the Constitution of Romania, as well as international human rights commitments to which Romania is subject," Iustina Ionescu of the Bucharest-based Centre for Legal Resources told Forum 18.

Romania's controversial government-drafted religion bill – which passed through the upper house of parliament, the Senate, unchanged without a vote in December 2005 – is set to resume its parliamentary progress tomorrow (1 February) when it goes to the Standing Bureau of the lower house, the Chamber of Deputies. "This is a very critical time for religious liberty in Romania," Paul Negrut, Baptist pastor and president of the Romanian Evangelical Alliance, told Forum 18 News Service on 27 January. "There were no debates on the floor of the Senate and even the amendments accepted by the Senate's Legal and Human Rights Committees were ignored by the government, which pushed the bill through the Senate."

Also expressing concern about the draft law is Iustina Ionescu of the Centre for Legal Resources in the capital Bucharest, one of a number of non-governmental human rights groups which submitted their concerns to the Senate last October with specific proposed amendments they regarded as essential. "The draft law infringes many laws and the Constitution of Romania, as well as international human rights commitments to which Romania is subject," Ionescu told Forum 18 from Bucharest on 31 January. She said human rights groups like hers hope the Chamber of Deputies will invite them to contribute to parliamentary consideration of the bill to help remove what she and her colleagues regard as infringements of other laws and constitutional rights.

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 has provoked complaints from many religious communities – particularly from Adventists, Baptists and other Protestants, Greek Catholics, Jehovah's Witnesses and Baha'is – as well as from human rights activists (see F18News 6 October 2005 http://www.forum18.org/Archive.php?article_id=667 and 7 October 2005 http://www.forum18.org/Archive.php?article_id=669).

However, strongly backing the draft law is the dominant Romanian Orthodox Church, which plays a powerful role in society. "The Orthodox Church agrees with this law," Church spokesperson Father Constantin Stoica told Forum 18 from Bucharest on 31 January. Asked about what religious minorities regard as discriminatory provisions in the draft, he rejected all complaints. "I see no discrimination in this draft – it is in accord with European standards." However, when asked in detail about their complaints he insisted that the government is responsible for the text, not the Romanian Orthodox Church.

The text of the draft law (L394/2005) is available in Romanian on the website of the State Secretariat for Religious Denominations, which drew up the original text http://www.culte.ro/ClientSide/lege_libertate_rel.aspx.

"The religion bill will be discussed at the first session of the Standing Bureau when the Chamber resumes tomorrow," Adriana Simeon of the Chamber's legislative Department told Forum 18 from Bucharest on 31 January. "The Standing Bureau will decide which committees of the Chamber to send it to – most likely they will be the Legal and the Human Rights, Religion and Minorities Committees." She says those with comments or complaints about the draft law can send them to the committees for consideration.

Simeon told Forum 18 that the committees will submit their reports to the full Chamber, which will then debate and vote on the draft. She said that if "everyone agrees with the draft" it could be finally adopted within a few weeks, but the process could take a lot longer if debates are prolonged.

Religious minorities have told Forum 18 of their concern about the draft law's three-tier system of state recognition and the privileges it gives the highest status religious communities (there are currently 18 such approved religious denominations or "cults"), the difficulty for religious communities with the lesser status of "religious association" from being recognised as a denomination

(they need to show continuous existence of 12 years and have 22,000 adult citizen members), as well as the undefined powers which the draft law gives the state over religious communities. Communities with fewer than 300 adult citizen members which cannot get legal status will have no right to purchase property, build places of worship or have paid staff or ministers.

Ionescu of the Centre for Legal Resources shares some of the religious minorities' concerns. She is worried that the draft requires the 18 recognised religious faiths to submit their statutes and internal regulations for their status to be maintained. "This could allow officials to create obstacles to some religious communities," she warned, pointing out that the Jehovah's Witnesses only gained recognised status in 2003 through the courts after a long battle. "The Supreme Court has definitively ruled to grant the Jehovah's Witnesses this status, but the law would allow officials to change this. This infringes the separation of judicial and executive power." She points out that existing recognised faiths often have far fewer than the 22,000 members required for new applicants to gain recognised status, which she terms "discriminatory".

One controversial area raised also by religious minorities is the lack of public cemeteries in many parts of the country. "This law obliges local authorities to provide them, but does not apply sanctions to any local authority that refuses or fails to provide non-denominational cemeteries," Ionescu told Forum 18.

But Ionescu also outlines other concerns with the draft law. If adopted in current form, places of worship and other religious objects will not be subject to court rulings. "This would close off the possibility for religious communities to reclaim any property in the hands of other faiths," she told Forum 18. "In effect it freezes the current conflicts, in particular over Greek Catholic churches now in the hands of the Orthodox." She is worried about continuing state financing of the biggest religious communities. "At the moment the state makes financial contributions to the recognised faiths, even paying clergy salaries, although this is not regulated by law. This will at least give it a legal basis, but I believe this does not respect the secular nature of the state."

Ionescu is also concerned that the draft makes canon law the exclusive law governing the internal discipline of clergy, exempting them from the application of the civil law. She also complains that the law gives parents or guardians exclusive rights over the religious beliefs of their children up to the age of 18 even though civil law recognises that children have some rights to determine their own position from the age of 14.

Human rights activists and religious minorities have expressed surprise and concern at the way the government rushed the bill to parliament last year under "emergency procedure" and the way it went through the Senate, especially at how a vote was avoided under Article 75 of the Constitution which specifies that any bill not voted on within 60 days of its receipt is automatically deemed accepted in the form in which it was originally presented.

"The legal and human rights committees made several amendments, two of which we regarded as essential to remove violations of the Constitution," Ionescu told Forum 18, pointing out that extra reports requested by the Senate from the two committees came in too late to allow the bill to be again debated and voted on. "The Senate never voted on the bill and these amendments therefore were not adopted. Though constitutional, this interesting procedure can be used by the senators as a good opportunity to postpone any 'vote' and to allow the bill to go through, leaving the responsibility of decision to the Chamber of Deputies."

But Peter Eckstein-Kovacs, head of the Senate's legal committee, denied that this procedure was designed to avoid a vote. "I don't think this was deliberate or a trick," he told Forum 18 from Bucharest on 31 January, adding that about a dozen bills each year go through the Senate under this procedure. "The vast majority of deputies, both from the government and opposition parties, were in favour of the law." He also claimed that all the main religious communities apart from the Greek Catholic Church and the Jehovah's Witnesses had been in favour, despite the opposition many of them have expressed to Forum 18. "The influence of the major Churches on deputies is strong."

But Eckstein-Kovacs admits that the draft is "problematic". "Even if in general the draft law is acceptable, we can't speak of a perfect draft," he told Forum 18. "I think it should be improved before being adopted. But the Chamber of Deputies will have the last word."

The Centre for Legal Resources and its NGO partners say that if the law is adopted without amendments to remove what they regard as discriminatory provisions, they are determined to challenge the law before the Constitutional Court and international bodies.

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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