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ROMANIA: Controversial Religion Law's passing violated parliamentary processes

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

The passage of Romania's controversial new Religion Law broke parliamentary procedures, Forum 18 News Service has learnt. Members of the Chamber of Deputies were not given the five days that Romanian law requires for them to consider the Law. Paul Negrut, who leads the Baptist Union and Evangelical Alliance, told Forum 18 that "it was totally against rules and procedures – like an avalanche." The Law – which has still not been published - now goes to Romanian President Traian Basescu, who has 20 days to sign the law, return it to parliament for further work, or refer it to the Constitutional Court. Negrut told Forum 18 that "If we get direct support from the international community, then the President will have the stamina to send it back to parliament." Adventist pastor Adrian Bocaneanu told Forum 18 of the need "to educate the political class on their responsibility to take a stand for the principle [of religious freedom] rather than an opportunistic approach."

Romania's controversial new Religion Law – which is opposed by many religious minorities and human rights groups – gained final parliamentary approval in the Chamber of Deputies on 13 December. Forum 18 News Service has learnt that deputies did not have the required five days to consider the report and amended text from the Chamber's Juridical and Human Rights committees before the text was debated and voted on in plenary session.

The Law – which has still not been published - was rushed through parliament with such great speed that many religious communities were unaware of the latest moves (see F18News 12 December 2006 http://www.forum18.org/Archive.php?article_id=887). It now goes to President Traian Basescu for him to sign into law. He has twenty days to sign it, return it to parliament for further work or refer it to the Constitutional Court to determine whether provisions in the Law violate the Constitution.

Forum 18 has been unable to reach Bogdan Tataru-Cazaban, presidential advisor on religion, to find out what course of action he will recommend to the President. His office told Forum 18 on 15 December that he has been "very busy working on this Law and on other matters".

The Baptist Union is preparing a letter to President Basescu, urging him not to sign the Law. "This Law must be brought into accord with international accords on religious freedom," Paul Negrut, the president of the Baptist Union and head of the Evangelical Alliance, told Forum 18 from Oradea on 14 December. "If we get direct support from the international community then the President will have the stamina to send it back to parliament." However, the dominant Romanian Orthodox Church has given the Law its strong backing.

The Chamber of Deputies – the lower house of parliament – approved the government-backed Law on 13 December with 220 in favour, one against, one abstention and two who failed to vote, the Chamber's website reported. The bill had been approved without discussion in the Senate, the upper house of parliament, in December 2005. It was only on 12 December that the Chamber of Deputies arranged to debate and vote on the Law the following day.

Negrut reported that a parliamentary insider had told him that the report and amended text of the draft of the joint committees - produced on 7 December - had reached the leadership of the Chamber of Deputies only at 7 am on 13 December and was only distributed to deputies at 11 am. "People told me that most deputies never even looked at the text, they just flicked through it," Negrut told Forum 18. "They were just a voting machine. It was totally against rules and procedures – like an avalanche."

Dorina Nastase, head of the Bucharest-based Romanian Center for Global Studies and part of the coalition of NGOs which opposes the Law, is equally suspicious over the way it has been adopted. "The whole process was more than unusual," she told Forum 18 on 14 December.

Adrian Sorescu, a lawyer with the Bucharest-based Pro Democracy Association, confirmed to Forum 18 on 15 December that the rush to conclude the Law in the Chamber of Deputies does indeed appear to violate parliamentary procedure. He pointed out that Article 69 paragraph 2 of the procedures of the Chamber says that "the report will be printed and distributed to the deputies at least

three days before the day that was established for the debate on the draft law within the plenary session of the Chamber". In addition, when the Chamber has the final decision on a law - as was the case with the Religion Law, which had already been approved in the Senate - the time between the distribution of the committees' report and the debate within the plenary session has to be at least five days.

However, although the Chamber of Deputies press service confirmed to Forum 18 on 15 December that the committees' report with the text of the Law had reached the deputies only on the day of the vote, it insisted that all parliamentary procedures were followed correctly.

Nastase – herself a Greek Catholic – said that parliament's adoption of the law was a shock for her church. "No-one expected the Law to be adopted so quickly," she told Forum 18. "Religious minorities were hoping that by participating in discussions they could change the Law for the better. They were wrong – it was all for show." She said that while the Greek Catholics were mainly concerned about property issues, Protestants are mainly concerned at the "hierarchy of faiths" with different rights enshrined in the Law.

The Greek Catholic Church – which was banned during the Communist period – has welcomed in principle the idea of a religion law which would establish proper legal status for religious communities. However, as its spokesperson Julia Florin told Forum 18 from Oradea on 14 December, it regrets that the Law adopted by parliament fails to settle the Church's legal ownership of Greek Catholic churches that were confiscated by the Communist regime. "It was necessary to resolve this issue before the adoption of the Law." The Church regards the failure to do so as "discrimination".

The Baptist Union is concerned mainly over five issues.

They believe the new Law's provisions giving state funding to recognised clergy and religious workers will make religious communities dependent on the state and increase government control over them.

Baptists also fear that the criminalisation of causing offence to religious symbols could prevent people of one faith speaking about other faiths.

The requirement that denominational schools will have to provide pupils of other faiths with religious education of their faiths will eliminate specific denominational education, and cause undue burdens on denominational schools.

It believes the rules over denominational cemeteries are too vague and could lead to continuing denial of access to members of minority faiths being buried in the only available local cemeteries.

And it regards the requirement for new religious communities to have 0.1 percent of the population – about 22,000 people – before they can register as a denomination as "absolutely incredible", while those wanting to register a lower-level religious organisation need 300 members, compared to just three people need to register other NGOs.

The executive director of the Baptist Union, Mihai Suciuc, said he feared the Law will also lead to local restrictions on religious minorities. "It's my personal view that the Law opens the door to arbitrary interpretations by local officials which could restrict religious activity," he told Forum 18 on 14 December.

Samuel Caba of the River of Revival Pentecostal Church in Arad told Forum 18 that he also opposed the new Law, and would be working with other independent Protestant churches to protest against it.

The Jehovah's Witnesses – who have expressed concern over provisions of earlier drafts of the Law – told Forum 18 that they are withholding comment on the final text until they have had the opportunity to study the – not yet published - final text of the Law.

Romanita Iordache of the Bucharest-based Accept, which has also been involved in the coalition against the Law, is concerned that, although the number of years a religious community has existed before it can apply to become a denomination was reduced in late stages from 12 years to six, the restrictions on minority faiths remain.

The coalition remains concerned about "the lack of emphasis on equality and neutrality" and the impact over the long term of the three-tier system of state-recognition. "We suggested similar rights and benefits for religious associations and denominations, with few exceptions," she told Forum 18. She said the coalition objected to the numbers required to gain state recognition, the length of time they have to exist for and the requirement that members be citizens.

It also objected to the state's role in assessing the doctrines of religious communities applying for registration. "We think that it should be a mere check as government institutions do not have the ability or mandate to decide over the creed, structure or over any other internal matters of the religions."

The coalition also argued that declaring sacred goods inalienable before pending conflicts are solved is wrong. "This is going to be a

tough one for the Greek Catholics," she noted. "We also wanted clarifications on the provisions of cemeteries - a very sensitive issue which is badly managed by the Law." The coalition also objected to the new offence against religious symbols.

Also complaining of "shortcomings" in the Law is Adventist pastor Adrian Bocaneanu. "Unfortunately some of the religious bodies which participated in the development of the Law supported or even promoted provisions which are definitely discriminatory," he told Forum 18 from Bucharest on 14 December, "such as different levels of state recognition for religious organisations and the much-debated ban on defamation of religious beliefs and practices."

Looking back on his involvement in earlier drafts of the Law, he commented: "Some representatives of other faiths were glad to promote a Law that recognised their rights but made it very difficult for other religious organisations to reach the same status. I think this is dangerous."

Bocaneanu believes it is now important to educate "citizens on the meaning, importance and applications of religious freedom, to educate the churches to find down-to-earth solutions to potentially divisive issues and to educate the political class on their responsibility to take a stand for the principle rather than an opportunistic approach".

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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