

SOCIAL TENSIONS UPON REGISTRATION OF THE ISLAMIC LEAGUE IN MOLDOVA. IS IT TIME FOR A THOROUGH DEBATE ON THE LAW ON RELIGIOUS CULTS?

On 14 March 2011, Moldova's Ministry of Justice registered the Islamic League as a religious cult that brings together several Muslim associations. This action displeased the Orthodox Church representatives, this being the major religious cult in R. Moldova.

Several believers of Orthodox Associations from the Republic of Moldova have protested with crosses, icons and bells on 18 May, in front of the Government building as a sign of protest against registration of the Islamic League. They submitted a petition to Prime Minister Vlad Filat according to which they demanded the revision of law on religious cults. His Eminence Vladimir, Metropolitan of Chisinau and Entire Moldova condemned official registration of Islam, noting that the decision to register this cult could cause discontent in Moldovan society.

In response, on 25 May, Prime Minister Vlad Filat attended the meeting of Moldovan Metropolitanate Synod, stating afterwards that there will be a thorough analysis regarding the way the Islamic League was registered in the Republic of Moldova, including examination and amendment of Law on religious cults. It was agreed to create a joint commission of representati-



SUMMARY

La 14 martie 2011 Ministerul Justiției a înregistrat în calitate de cult Liga Islamică în conformitate cu Legea privind cultele religioase. Acest fapt a stârnit nemulțumirea Mitropoliei Moldovei care a organizat, în plină campanie electorală pentru alegeri locale, proteste pașnice prin care cereau modificarea legii respective și anularea deciziei de înregistrare a Ligii Islamice. În caz contrar, unii prelați amenințau cu excluderea autorităților din rugăciunile bisericești. Participanți la ședința Sinodului Mitropoliei Moldovei, premierul Vlad Filat s-a arătat dispus să soluționeze această problemă în interesul întregii comunități din R. Moldova și a menționat despre crearea unei comisii mixte pentru modificarea Legii privind cultele religioase.

ves of the Church and other representatives, for the law to be adjusted to the situation of Moldova.

There were also external reactions on this subject. The position of the EU Delegation and OSCE is rather strong. They warn about the obligation of Moldovan authorities to abide the right to religious freedom of all citizens. On 26 May, head of EU Delegation to Moldova, Dirk Schue-

bel declared in a press conference that „R. Moldova is behind comparing to other states in terms of abiding rights of sexual and religious minorities. Approval of antidiscrimination law and respect for minorities is one of the conditions of a visa-free regime. If the authorities will prohibit the Islamic League, this means that R. Moldova does not meet the conditions for obtaining a visa-free regime”.

On 30 May, Ambassador Philip Remler, head of OSCE Mission to Moldova welcomed the registration of Islamic cult in Moldova, specifying that all OSCE participating states are committed to respect freedom of thought, religion or belief of all people, regardless of race, sex, language or religion.

Situation of cults, in Moldova was intensely discussed especially after ECHR decision on registration of Bessarabia Metropolitanate (2001), but the recent protest of Orthodox Christians has brought back this discussion to the forefront. Registration of the Islamic League by the Ministry of Justice aroused broad reactions among society, being commented both within televised debates and blogs.

In the triangle formed between Moldova Metropolitanate, Prime Minister Vlad Filat and Islamic League there is the Law on religious cults and component parts promulgated in 2007. Islamic League was registered under this law and Moldova Metropolitanate aims to amend it. Moreover, Moldova Metropolitanate recommends the example of Romania in this regard.

LAW ON RELIGIOUS CULTS

This law was apple of discord since 2007, before it was approved; simplifying to maximum the possibility to register a religious cult, something which representatives of Orthodox Church did disagreed with at that time. Promoted by Christian Democrat deputies and voted with the support of Communists in 2007, the law was necessary in the context of fulfilling Moldova's obligations undertaken to the Council of Europe, being under its monitoring. More specifically, it took an execution of ECHR decision, pronounced in 2001 in case of „Bessarabia Metropolitanate and others versus Republic of Moldova”. Between 2002 and 2010, Committee of Ministers of the Council of Europe monitored the execution of this decision. However, even if European structures recommend or endorse certain legislative amendments for Moldova's rapprochement to European practices, they are ultimately not compulsory.

The new leadership of the Ministry of Justice of the Republic of Moldova appeared to be opened to discussions on improving regulatory and institutional framework on religious cults to prevent discrimination on religious criteria¹. However, ministry's tolerance towards non-Christian cults provoked protests and even threats of Christian-Orthodox priests.

According to statistics, population trusts the most the institution of church² regardless of religion, so it is necessary to carry on discussions about this law.

1 <http://www.justice.gov.md/en/news-ministr/9793/>

2 48 % of the population has the biggest confidence church. Public Opinion Barometer, May 2011. http://ipp.md/public/files/Barometru/Prezentare_2011-1_ed.pdf

Also, this law imposes certain security risks and the state must have leverages to prevent them. Accelerating the pace of modernization and rapprochement to European values does not oblige Moldova to ignore challenges targeting its own national security.

In this context, Moldovan authorities should carry an analysis of the situation concerning religion, if there is a policy in this area, especially that church is the most credible entity at the moment, and the latest census data shows that 93 % of the population represent one single cult – Christian Orthodox. Also there have to

be held discussions if this figure really reflects the number of Christian Orthodox population. Certainly, one does not have to ignore the obligations that Moldova has towards international agreements to which it is a part.

Comparing the situation of religious cults with the one in neighboring state, member of the European Union, one observes that Romanian authorities in their law on religious cults are a lot more cautious in regards to defining and registering a religious cult³. Below are listed the differences between the law on religious cults of Moldova and Romania:

Republic of Moldova	Romania
<i>Law nr. 125/11.05.2007 on religious cults and their component parts</i>	<i>Law nr. 489/2006 on religious freedom and general regime of cults</i>
Art. 19. Registration of religious cults (1) For registration, religious cults submit the following documents to the Ministry of Justice: a) registration application; b) charter adopted by the founders; c) minutes of constituting assembly; d) list of founders with signatures of at least 100 of them being citizens of the Republic of Moldova; e) their fundamental principles of belief.	Art. 18. – Religious association requesting for recognition as a cult will submit an application in this regard to the Ministry of Culture and Cults, accompanied by the following documents: a) proof that it is legally constituted and operated uninterrupted on the territory of Romania as religious association for at least 12 years; b) original membership lists containing a number of members Romanian citizens residing in Romania at least equal to 0,1%¹ of the population, according to the latest census; c) declaration of own belief and organization and functioning charter including: name of cult, its central and local organization structure, way of management, administration and control, representative bodies, way of foundation and dissolution of cult units, status of personal staff and specific cult provisions.

³ Law nr. 489/2006 on religious freedom and general regime of cults. Art. 17. – (1) The status of a cult is recognized by the state by a Government Resolution, on proposal of the Ministry of Culture and Cults, by religious associations, which through their activity and number of their members, offer sustainable guarantees, stability and public interest.

The difference between these two laws is significant in terms of recognition and registration of a religious cult. Thus, in Romania there is the notion of religious associations which form a cult, requiring the consent of the Romanian Government to register it, while in Moldova there are no such associations. Moldovan law on religious cults of 2007 excluded the necessity to verify cults and approval of their registration by government resolution, mention which exists in the law on religious cults of 1992⁴. In order to exclude the possibility of political corruption of Moldovan Government, registration of a religious cult remained only as a task of the Ministry of Justice. However, it should be noted that differences between notions of religious cult in Romanian⁵ and Moldovan legislations⁶, so that religious associations in Romania are similar, by organizational structure, to religious cults registered in R. Moldova.

Discussion about the need to amend the law on religious cults may be observed under another aspect. Approved in that formula, the authors were aware of potential social unrests when registering other cults. Astute politicians who aim to mobilize the electorate and obtain voters' support can benefit from this situation. Thus registration of Islamic League occurred in March 2011, but only in May one began to discuss more intensely this situation, when protests of Christian Orthodox people took place, and only at the end of May takes place the meeting between Prime Minister Filat and Synod of Orthodox Church. On 5 June took place local elections. Nobody has ever heard anything about the joint

commission on amendment of law on cults, mentioned by premier Filat during his meeting with Metropolit Vladimir. Within the National Participation Council some NGOs have exposed their wishes regarding amendment of law on religious cults, upon request of Ministry of Justice, but nothing more.

CONCLUSIONS AND RECOMMENDATIONS

In this context, there is a need for a public debate on this topic, involving all parties. Vlad Filat talked about creating a joint commission to approach this issue, but details of this initiative are missing as information both from the websites of the Government and Ministry of Justice. Transparency on examining this issue is absolutely necessary in order to prevent other social convulsions

Registration of any cult in the R. Moldova represents a right granted by state legislation in force to citizens of different beliefs. Thus, registration of Islamic League represents a tool to ensure the right of a group of citizens to their own belief. Islamic League continues to be registered in the State Register of Non-profit Organizations at the Ministry of Justice⁷.

There are certain commitments that undertaken by R. Moldova to European institutions. To financially support the reforms in R. Moldova, the European Commission has to be confident that certain democratic processes are durable. In order to get into the European family, R. Moldova has to prove respect for certain rules, including observance of religious diversity.

4 <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=311757&lang=1>

5 <http://www.culte.ro/DocumenteHtml.aspx?keyword=biserici-culte>

6 <http://rson.justice.md/organizations?hash=5daa1cab9f6e99b977f48ecffb738929f5fcd>

7 <http://rson.justice.md/organization/view/5928>



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