

Overview of Religious Freedom in Eastern Europe The Right of Association: The Religious Dimension

Willy Fautré, *Human Rights Without Frontiers*

Since the collapse of Communism in Eastern Europe, relations between States and religions have to various degrees eased and become more harmonious. However, in an increasing number of countries, where the Orthodox Church is the dominant church, the evolution to religious pluralism is seriously hindered and is a matter of great concern. One of the obstacles put across the way of religious freedom is the denial of access to the right of association, and consequently the right of assembly and also other rights for a number of religions and new religious movements.

While the requirement of registration is not in itself a violation of the international instruments, the very fact that a government can decide which religious groups may function as entities under the law and therefore have juridic personality represents a violation of the concept of non-interference by governments in the affairs of religious communities and of the spirit of the European Convention and the Universal Declaration which say that *everyone has the right to practice his/her religion alone or in community with others*.

In the last three years, we have observed an accelerated extension of this trend in former Communist states: from Bulgaria in 1994 to Armenia, Latvia, Macedonia and Russia these last few weeks.

BULGARIA: THE COUNTRY WHERE THE FIRST BLOW TO FREEDOM OF RELIGIOUS ASSOCIATION CAME FROM

The first major blow to freedom of religious association came from Bulgaria with the Amendment to the Law for Persons and the Family which was passed on February 3, 1994 and came into force on February 21, 1994. According to this amendment identified as Art. 133A, "*juridic persons with a non-profit purpose, performing activities connected with religious faith or dealing with religion and religious education, should be registered according to the conditions here mentioned, after the approval of the Council of Ministers*". Another provision demanded the re-registration of all organizations within a three-month period, again with the approval of the Council of Ministers. The law was adopted by an overwhelming majority: 189 voted for it, three abstained and nobody voted against it.

In the aftermath of this vote, seventy-eight requests for registration or re-registration were introduced. The Commission worked out draft decisions and presented them to the Council of Ministers for approval. Up to July 25, 1994, the Council of Ministers took three decisions which affected 62 communities and foundations. Only 23 of them, mostly with Christian-Orthodox orientation were permitted to register or re-register. The remaining 39 communities were denied such a permission. These had mainly Protestant orientations (such as Word of Life or the Gideons), plus two Muslim and one Christian-Orthodox organizations. As a result, they lost their juridical personality and many other rights attached to it such as the right to rent halls and offices through contracts or the right to appoint staff. Moreover, they were considered as banned and were not allowed any more to function legally.

In UN Special Rapporteur Abdelfattah AMOR's last report on religious intolerance and discrimination, the Bulgarian authorities answered that by August 30, 1996 thirty denominations and about seventy congregations and foundations with a religious orientation had been registered while twenty-two had been denied it.

Bulgaria's model was to be followed by many more former Communist countries where the Orthodox Church was the historical and majority religion.

ARMENIA: AMENDMENT TO LAW ON FREEDOM OF CONSCIENCE AND RELIGIOUS ORGANIZATIONS MORE RESTRICTIVE

On June 9, 1997, the National Assembly of Armenia adopted a bill amending Armenia's law on freedom of conscience and on recognition of religious organizations.

According to the amended law, religious organizations must apply for re-registration within six months and may be registered only in case they have no less than 200 believers (previously 50). Children under 18 cannot be counted as members of religious organizations.

Twelve Churches and religious organizations registered on May 9, 1994 will have to apply again for recognition. Five historical churches and denominations such as the Armenian Apostolic Church, the Armenian Catholic Church, the Russian Orthodox Church, Judaism and the Yezidis will surely be recognized without any problem. However, problems might arise for seven other churches and organizations: the Pentecostals, the Baptists, the Seventh-Day Adventists, the Jehovah's Witnesses, the Krishna movement, the Transcendental Meditation and the Cosmic Mission, a social-religious umbrella organization comprising the Armenian Foundation of the Armenian Apostolic Church in North America, the relief fund of the American Methodists and the Congregation of the Evangelicals.

Following another amendment, religious organizations the spiritual centers of which are operating outside Armenia cannot be financed by these centers. This means Catholic organizations will not be allowed to get financial support from the Vatican or from foreign Catholic institutions. The same restrictions will also affect Protestant churches and humanitarian organizations.

ROMANIA: CONSTRUCTION PERMITS BANNED FOR NON- RECOGNIZED RELIGIONS

The trend to limit the number of recognized churches and religious associations has not always immediate visible negative effects on religious freedom. In Romania, all religious associations which had not been among those recognized since the beginning of the Communist rule were allowed to function almost normally after the collapse of Ceausescu's regime. But suddenly, on March 25, 1997, the State Secretariat on Religions issued a decree forbidding non-recognized churches and religious associations to build places of worship and sent it to all the municipalities. This decree remained almost unnoticed to international observers. Though, it concerned 385 associations and religious foundations, 215 of which operated within the framework of the recognized religions, which meant that 170 religious associations would be affected by the ban.

Jehovah's Witnesses were the first to be targeted. In several towns - Satu Mare, Radauti, Avrig, Hunedoara, Petrosani and Bucharest - construction permits were cancelled although

the works had already started. More minority faiths might suffer from this decree in the near future.

MACEDONIA: RELIGIOUS FREEDOM TO BE STRANGLERED BY A NEW DRAFT LAW

In Macedonia, a new religious draft law will exert greater control over activities performed by the historical religious communities and will threaten the future of younger religious movements, even denying them the right to legally exist, if it is adopted by the Parliament. Moreover, the draft law calls for heavy fines for violations ranging from 30,000 to 100,000 denars (from about 700 USD to 2,300 USD).

The draft law gives enormous powers to a Commission for Religious Affairs, a vaguely-defined controlling body that has no current legal basis. The law distinguishes "*religious communities*" from "*religious groups*". Although these concepts are not clearly defined, it seems that historical religions such as the Macedonian Orthodox Church and Sunni Islam and probably also the Roman Catholic Church will be listed as mere "*religious communities*". Non-traditional religions will be considered as "*religious groups*" and will only be registered if they are founded by "*at least 100 adults, citizens of the Republic of Macedonia with permanent residence in the Republic of Macedonia*". Their application for registration will have to contain "the names of the founders, their meeting places and facts about those responsible for the work and for the representation and presentation of the religious group". Access to the Macedonian territory by foreign missionary is also strictly limited

Groups not granted recognition will be considered illegal.

Fines of 30,000 to 50,000 denars (about 700 USD to 1,200 USD) will have to be paid in seven cases defined by the law, notably by

- a foreign citizen who organizes and performs religious activities and teaching prior to the approval of the Commission for Religious Affairs (art. 29);
- any person who performs religious ceremonies or religious activities outside of the rooms designated for these purposes by the religious community i.e. the religious group (art. 30);
- any person who performs religious activity in hospitals, homes for elderly people... where there are house rules that forbid it (art. 30);
- any person who organizes or performs religious teaching to a minor, without the written approval of his/her parents, if he/she is less than 10 years old, and without his/her approval if he/she is older than 10 (art. 31);

Fines of 50,000 to 100,000 denars (1,200 USD to 2,300 USD) will be charged in nine cases defined by the law, in particular to

- those responsible for the religious group if they do not apply to the Commission for Religious Affairs (art. 32);
- those responsible for the religious group who will attract believers by promises, giving money or other means or conveniences, as well as through propaganda or force, outside of the meeting places defined in the law (art. 32) although these concepts remain very vague;
- the religious community i.e. religious group founds a religious schools for primary school pupils (art. 33);
- the religious community or school engages and allows a foreign citizen to teach without permission of the competent organ (art. 33).

LATVIA: THE FUTURE OF RELIGIOUS FREEDOM JEOPARDIZED

In Latvia, an amendment to the Administrative Code providing for a 500 USD fine for any public religious activity carried out by unregistered or deregistered religious organizations is also causing some stir.

"For the carrying out of religious activities in public places without the religious organization's registration, as well as for the continuing of the religious organization's activities following a court decision for discontinuance of the religious organization's activities, a fine of up to 200 lats () should be imposed".* Such is the wording of the amendment to the Latvian Administrative Violations Code. A former version of the amendment was banning both public and private activities of unrecognized religious movements movements.

RUSSIA: THE LATEST AND HARDEST BLOW TO FREEDOM OF RELIGIOUS ASSOCIATION

In the aftermath of a number of new religious laws violating the right of association and assembly of non-historical churches and religious movements which were voted by many provincial governments of the Russian Federation, the federal *"Law on Freedom of Conscience and Religious Associations"* which was being debated for more than one year by the Duma has suddenly taken a new turn. The State Duma on June 23, 1997 and the Federation Council on July 4 massively voted for the new religious legislation despite its eleventh hour changes which substantially limit broad protections of religious freedom to religious organizations whose activities have been recognized by the government for over 15 years.

If this draft legislation is ever enacted, countless religious groups will be de-registered and will lack legal personality, including Russian Orthodox congregations out of sympathy with the Moscow Patriarchate, Roman Catholics, Baptists, Pentecostals, Adventists, Mormons and numerous other legitimate groups. And religious groups lacking legal personality will not be eligible to request military deferment, to obtain equal fiscal treatment, to establish education institutions, foreign representations, religious buildings, to produce, acquire, export or import and distribute religious literature, video and audio material, and other articles of religious significance, to establish training institutions for indigenous clergy, to maintain the full range of international links and contacts, to invite foreign citizens to Russia for preaching or for other religious activity, to have the benefits of entity ownership of land, buildings and other assets, to have entity status for purpose of hiring employees.

Under pressure of the European Union, the Pope, President Clinton and the US Senate, President Yeltsin has vetoed the last version of the draft legislation but vigilance remains necessary. Indeed, the bill will go back to parliament in summer recess until September for reconsideration and Yeltsin's veto could be overturned by a two-thirds majority in both chambers, which is quite easy to reach in the current circumstances.

CONCLUSIONS AND EXPECTATIONS

This overview of religious freedom in Eastern countries shows that the religious dimension of the right of association is of utmost importance for the (full) enjoyment of all other rights attached to the freedom of religion and of conscience. On the one hand, the future looks dark as the number of countries restricting the right of association is increasing despite the warnings of UN Special Rapporteur Abdelfattah Amor in his last world report. On the other hand, hope is dawning on the horizon of this year as on July 3, 1997 the European Commission declared admissible the application of a de-registered religious association in Bulgaria and put itself at the disposal of both parties to secure a friendly settlement of the matter. If such a settlement is not possible, the European Commission will draw up a report on the facts and state its opinion as to whether they disclose a breach by the Government of Bulgaria of its obligations under the Convention. The Report will then be transmitted to the Committee of Ministers, which will decide the matter if the case is to be referred to the European Court.

In a scenario involving the European Court, the decision would be public and could not be ignored by those States which are members of the Council of Europe, signatories to the European Convention and candidates to the European Union.

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