

**COMMISSION ON
SECURITY AND COOPERATION
IN EUROPE**

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February 17, 2006

His Excellency Călin Constantin Anton Popescu – Tăriceanu
Prime Minister of Romania
1 Victoriei Square, District 1
Bucharest, Romania

Dear Mr. Prime Minister:


We write today to express my concerns about the draft Law on Religious Freedom and Status of Religious Denominations and to respectfully request that you seek its withdrawal. The draft in its current form has numerous serious shortcomings that are not in harmony with Romania's relevant commitments as a participating State in the Organization for Security and Cooperation in Europe (OSCE). As the leader of a fellow OSCE and NATO country, as well as an EU aspirant, we hope you will do everything possible to ensure that any law on religion fulfills Romania's international obligations and meets European standards.


As you know, the draft was rushed to the Senate under "emergency procedures" last year, before additional technical improvements could be made to the text. The bill passed passively in the Senate in December, without modification, despite more than 60 substantive amendments that were never considered. The bill was registered with the Chamber of Deputies on February 1st and placed on the provisional debate list for the week of February 27th through another "emergency procedure" mechanism.

Considering the extraordinary haste with which the legislation is moving and the complexity of the issues at hand, we believe the draft should be reconsidered outside any artificial timetable. Withdrawal would provide your government an opportunity to take into account the technical critique of the Council of Europe's Venice Commission and the forthcoming report of the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief. A thoughtful review would also allow drafters to incorporate the many concerns of Romanian minority religious communities.

While Romania has made tremendous strides in respecting freedom of religion, putting into place a sound legal framework for guaranteeing this fundamental freedom should be done in a thoughtful manner. A list of specific concerns is attached. We believe the draft law on religion, in its current form, could seriously undermine these liberties we respectfully ask that the legislation be withdrawn or significantly amended to meet OSCE standards.

Sincerely,


FRANK R. WOLF, M.C.
Commissioner


CHRISTOPHER H. SMITH, M.C.
Co-Chairman

Commission on Security and Cooperation in Europe Areas of Concern

12-year waiting period for “religion” status

- Forcing “religious associations” to wait more than a decade before qualifying for “religion” status is discriminatory.
- The 12-year moratorium is in effect a ban and should be eliminated.

Numerical threshold for religion status

- The threshold for “religion” status of 0.1% of the population of Romania (approximately 23,000 people) is exceedingly high. Of the 18 currently registered religious groups, approximately one-fourth would fail to meet this threshold, so the utility of this burdensome standard is unclear.
- While Austria and the Czech Republic do have similar systems and the Slovak threshold is 20,000, these are the exceptions to the general trend in Europe. Most European countries do not use membership thresholds (France, the Netherlands, Slovenia, Albania, Bulgaria, and Macedonia) or require such high numbers (Ukraine 10, Russia 10, Poland 100, Hungary 100, Bosnia 300, and Croatia 500).
- The 0.1% threshold would also give Romania the dubious distinction of having the most burdensome registration system in the entire OSCE region.
- Drafters should eliminate the tiered system of recognition, in favor of a system that provides one general status for all religious communities.

Government subsidization / tax exempt donations

- Issues of government subsidization are intertwined throughout the draft law and registration process, needlessly complicating what should be a straightforward administrative procedure.
- All religious organizations, regardless of their status with the government, should have the ability to receive tax-exempt donations.
- Drafters should simplify the registration system by separating funding issues from legal recognition, as well as allow all religious groups to qualify for tax-exempt donations.

Education

- The draft should allow students to opt out of religion classes.
- Language should be included that makes unambiguous that religious denominations will not be forced to educate individuals on a religious system other than their own.

National security reasons for limiting religious freedom

- International law does not allow for limitations of the exercise of religion for “national security” reasons, so this phraseology should be adjusted to reflect international standards.

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