



Romania

International Religious Freedom Report 2003

Released by the Bureau of Democracy, Human Rights and Labor

96

12/5 '04

The Constitution provides for freedom of religion; while the Government generally respects this right in practice, there are some restrictions, and several minority religious groups continued to claim credibly that low-level government officials impeded their efforts at proselytizing, as well as interfered with other religious activities.

There was no overall change in the status of respect for religious freedom during the period covered by this report. The Government continues to differentiate between recognized and unrecognized religions and registration and recognition requirements still pose obstacles to minority religions. In May the Government decided after a period of delays to enforce a 2000 Supreme Court ruling requiring that Jehovah's Witnesses be recognized as an official religion; although this represents a major step forward, it does not solve recognition problems in general. The Government has made no further effort to adopt a new law regulating religions, and there are no prospects for the submission of such a draft law to Parliament in the near future. In June 2002, Parliament passed a law restituting church property held by the State but its implementation has been slow. The law does not address churches that belonged previously to the Greek Catholic Church and now are held by the Orthodox Church.

The process of granting construction permits for places of worship was smooth in general, but some minority religions continued to complain of lengthy delays. New government legislation on foreigners no longer limits visa extensions to 6 months and introduces a long-stay visa for religious activities. It is as yet unclear as to whether these measures will apply to members of unrecognized religions.

There are generally amicable relations among the different religious groups; however, the Romanian Orthodox Church has shown some hostility toward non-Orthodox religious churches and criticized the "aggressive proselytizing" of Protestant, neo-Protestant, and other religious groups, which the Church repeatedly has described as "sects." The Orthodox Church continues to oppose the return of the Greek Catholic churches it had received from the State after the dismantling of the Greek Catholic Church by the Communists in 1948.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. The U.S. Embassy met with the Government and religious leaders to encourage respect for religious freedom and urged the restitution of religious property seized under the Communists.

Section I. Religious Demography

The country has a total area of approximately 91,799 square miles, and its population is approximately 21.7 million.

The Romanian Orthodox Church is the predominant religion in the country. The Government officially recognizes 17 religions: The Romanian Orthodox Church, the Roman Catholic Church, the Greek Catholic Church, the Old Rite Christian Church, the Reformed (Protestant) Church, the Christian Evangelical Church, the Romanian Evangelical Church, the Evangelical Augustinian Church, the Lutheran Evangelical Church-Synod Presbyterian, the Unitarian Church, the Baptist Church, the Pentecostal Church, the Seventh-day Adventist Church, the Armenian Church, Judaism, Islam, and Jehovah's Witnesses, recognized as a religion in May. However, members of other faiths worship freely, but are not afforded various forms of state

support. The latest available official figures on the number of believers of the recognized religious denominations date from the March 2002 census.

According to the 2002 census, the Romanian Orthodox Church had 18,817,975 members (86.8 percent of the population). The Roman Catholic Church had 1,026,429 members. The Catholic Church of Byzantine Rite (Greek Catholics or Uniates) had 191,556 members. This figure is disputed by the Greek Catholic Church, which claims that there were many irregularities such as census takers refusing to note Greek Catholic affiliation and automatically assuming Orthodox affiliation, which led to an inaccurate result. The Greek Catholic Church estimated in 2003 that its adherents number over 790,000 members. (Greek Catholics were former members of the Romanian Orthodox Church who accept principles that were required for union of the Orthodox church with the Roman Catholic Church in 1697, but continue to maintain many Orthodox observations and many Orthodox traditions). The Old Rite Christian Church had 38,147 members; the Protestant Reformed Church had 701,077 members. The Christian Evangelical Church had 44,476 members. The Romanian Evangelical Church has 18,178 members. The Evangelical Augustinian Church had 8,716 members. The Lutheran Evangelical Church Synod-Presbyterian had 27,112 members. The Unitarian Church of Romania had 66,944 members. The Baptist Church had 126,639 members. The Apostolic Church of God (Pentecostal Church) had 324,462 members. The Seventh-day Christian Adventist Church had 93,670 members; the Armenian Church had 687 members. There were 6,075 Jews, according to the 2002 census (the Jewish Community Federation states that there are approximately 12,000 members). Muslims numbered 67,257. According to the same census, the number of atheists was 8,524, and there were 12,825 persons who do not have any religious affiliation.

According to the State Secretariat for Religious Denominations, most religions have followers dispersed throughout the country, although a few religious communities are concentrated in particular regions. Old Rite members (Lippovans) are located in Moldavia and Dobrogea. Most Muslims are located in the southeastern part of the country in Dobrogea (near Bulgaria and the coast). Most Greek Catholics are in Transylvania but there are also Greek Catholics in Moldavia. Protestant and Catholic believers tend to be in Transylvania, but many also are located around Bacau. Orthodox or Greek Catholic ethnic Ukrainians are mostly in the northwestern part of the country. Orthodox ethnic Serbs are in Banat. Armenians are in Moldavia and the south.

According to published sources, the Baha'i Faith, the Family (God's Children), the Church of Jesus Christ of Latter-day Saints (Mormons), the Unification Church, the Methodist Church, the Presbyterian Church, Transcendental Meditation, Hare Krishna, and Zen Buddhism are active denominations in the country.

According to a nationwide poll conducted in October 2002, 1 percent of those polled said they go to church on a daily basis; 4 percent of those polled said that they go to church several times per week; 18 percent stated that they go to church once a week; 21 percent claim to go several times per month; 37 percent attend services only on Christmas, Easter, and other religious holidays; 11 percent go to church once a year or less; and 7 percent do not go to church at all. The same poll shows that 88 percent of citizens say that church is the institution they trust most.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, however the Government exercises considerable influence over religious life under laws and decrees. The Orthodox church exercises substantial influence in its dominant role among a majority of the population and policymakers, including the commission for construction of new places of worship. Government registration and recognition requirements still pose obstacles to minority religions. Several minority religious groups continued to claim credibly that low-level government officials and the Romanian Orthodox clergy impeded their efforts at proselytizing, as well as interfered with other religious activities.

A Communist-era decree, number 177 of 1948, remains the basic law governing religious denominations. It allows considerable state control over religious life. Technically almost none of the articles of this law have been abrogated formally; however, according to the State Secretariat for Religious Denominations, a large number of its articles have been nullified in

practice by the Constitution and a series of governmental decrees. Although several religious denominations and religious associations confirmed that articles stipulating the State's interference with or control over religious life and activities have not been enforced, such provisions still exist in the law.

The Government requires religious groups to register. To be recognized as a religion, religious groups must register with the State Secretariat for Religious Denominations and present their statutes, organizational, leadership, and management diagrams, and the body of dogma and doctrines formally stated by them. The Government has refused to recognize a number of religious groups since 1990. In March 2000, the Supreme Court ordered that Jehovah's witnesses be recognized. After a long period of persistent refusal to enforce this court ruling, the Government issued order 2,657 of May 22, which grants Jehovah's Witnesses the status of a recognized religion. Jehovah's Witness is the first religious group to gain this status since 1989 (with the exception of the Greek Catholic Church, which was reestablished right after the fall of communism).

Under the provisions of Decree 177 of 1948, the Government recognizes 14 religions. In addition to this, a 1989 decree reestablished the Greek Catholic Church as a recognized religion. The Greek Catholics had been forced to merge with the Romanian Orthodox Church by Communist decree in 1948. The Jehovah's Witnesses were granted religion status in May and the Romanian Evangelical Church, a branch of the Christian Evangelical Church, is now listed as a separate religion. Only the clergy of these recognized religions are eligible to receive state support. Recognized religions have the right to establish schools, teach religion in public schools, receive government funds to build churches, pay clergy salaries with state funds and subsidize clergy's housing expenses, broadcast religious programming on radio and television, apply for broadcasting licenses for denominational frequencies, and enjoy tax-exempt status.

In December 2002, a government decision on local taxes carried a list of the 16 (at that time) officially recognized religions, which had a negative impact on unrecognized religions with regard to taxes on places of worship. Jehovah's Witnesses, who at the time were not formally recognized, were asked in several communities to pay retroactive property taxes on places of worship.

The Government registers religious groups that it does not recognize either as religious and charitable foundations or as cultural associations. The State Secretariat for Religious Denominations reported that it licensed 622 religious and charitable foundations, as well as cultural organizations, under Law 21 of 1924 on Juridical Entities, thereby entitling them to juridical status as well as to exemptions from income and customs taxes.

Government decree 26 of 2000 on associations and foundations abrogated Law 21 of 1924 and eliminated most of the bureaucratic obstacles in the registration process. It also eliminated the minimum requirement of members needed to establish religious associations and foundations and the requirement of prior approval by the State Secretariat for Religious Denominations for the registration of religious associations. However, 13 religious associations notified the State Secretariat of their registration in 2002. The Government reintroduced the mandatory approval by the State Secretariat for the registration of religious associations by decree 37 of January. As a result of the new procedures, the State Secretariat issued nine approvals in the first half of the year. The applications for 21 other religious groups remained pending.

The number of adherents that each religion had in the 2002 census determines the proportion of the budget each recognized religion receives. The Romanian Orthodox religion receives the largest share of governmental financial support. In addition, Orthodox religious leaders generally preside over state occasions. In 2002 the Government allocated funds amounting to almost \$1.24 million (ROL 40,935 million) to the Orthodox Church, approximately \$50,000 (ROL 1,670 million) to the Roman Catholic Church, close to \$15,000 (ROL 490 million) to the Greek Catholic Church, and approximately \$40,000 (ROL 1,355) to the Reformed Church, for the construction and repair of churches. Most religious groups received less than that to which they would have been entitled, with the exception of the Orthodox (the largest additional amount) and three other Churches.

Government decree 194 of 2002 on foreigners abrogated Law 123 of 2001 and introduced a long-stay visa for religious activities. This visa type requires approval by the Ministry of Culture and Religious Denominations, evidence that the applicants represent a religion recognized by

the Government, medical insurance and criminal record review. These conditions could pose difficulties to unrecognized religions. The new law no longer limits visa extensions to 6 months, a provision considered positive by most religious groups. However, some religious groups believe the new provisions make the visa granting process more difficult and would result in restricting the number of missionary visas. There are penalties for any foreigner who stays without a visa, but such penalties do not appear to be linked to religious activities. The State Secretariat reported that, according to Law 123 of 2001 on foreigners, which stipulated only six-month visas for all categories, approximately 2,400 such extensions were approved for missionaries in 2002.

The regulations issued by the Government in May 2001 for the organization and operation of the commission in charge of granting approvals for the construction of places of worship defines these as "buildings such as churches, houses of prayer, temples, mosques, synagogues, houses of assembly, etc., used by religious denominations, religious associations and foundations for their specific religious services." However, there are other provisions in these regulations that could make it more difficult for minority (non-Orthodox, whether recognized or unrecognized) religious groups to get such approvals. The commission that approves such permits consists of 11 permanent members. Of the 17 recognized religions, only the Orthodox Church has members on this commission, which also includes government officials and technical experts. In addition, to the technical aspects of building a church, the commission is entitled to decide on the "opportuneness" of building the place of worship, and whether the construction is in line with the specific dogma, doctrines, and statutes of the religion in question. There were no reports that the commission denied any applications; however, there were reports of lengthy delays.

In February 2001, the Government circulated for comment to the then-15 recognized religions an old draft law on religious denominations, which had been withdrawn in 2000 by the previous government under domestic and international pressure for being undemocratic and overly restrictive of the freedom of religion. The draft law would have imposed tough conditions on the registration of religious denominations and religious groups (including a membership of 1/2 of 1 percent of the country's population—over 100,000 persons), strengthened the powers of the State Secretary for Religious Denominations, and declared the Orthodox Church to be the national church. Following renewed criticism, the draft law was put on hold. Despite its intentions to redistribute to religious denominations a new draft law at the end of 2002 or the beginning of 2003, after prior consultation with the Council of Europe and other international organizations, the Government failed to do so. According to the State Secretariat for Religious Denominations, the draft law is in a preliminary stage and consultations with foreign experts on this issue will take place this summer. Minority religious groups are not optimistic about the adoption of a law on religious denominations in the near future due to the ongoing Greek Catholic-Orthodox tensions and pressure by the Orthodox Church to be declared the national church.

Minority religious groups assert that they have found central government and parliamentary officials more cooperative than local officials. They specifically reported that relations with the State Secretariat for Religious Denominations and the Ministry of Culture and Religious Denominations have continued to improve.

The State Secretariat for Religious Denominations was moved from the Prime Minister's office to the Ministry of Culture in 2000; independent observers believe the move indicates a reduction in the Secretariat's influence.

Following a 1999 Supreme Court ruling the Ministry of Education no longer requires Adventist students to come to school or take exams on Saturdays. However, according to Adventist reports, this is not observed universally; for example, Adventist students still have been called to exams on Saturdays at the University of the West in Timisoara, Department of Letters, History and Theology.

The Baptist and Roman Catholic Churches raised concerns that the Government wanted to transfer "irrevocably and for good" the church property used to endow private church-run universities to the national education system. In July 2002, the decrees establishing the Catholic and Baptist universities were amended to make it clear that the property would be returned to the churches if the religious universities closed for any reason.

During the period covered by this report, the State Secretariat for Religious Denominations, along with religious denominations and local authorities, sponsored a training course for monastery and church staff (in Durau, Neamt County, in 2002) and a series of symposia with ecumenical participation (in Alba Iulia, Bucharest, Cluj, and Iasi, co-sponsored by the Orthodox Theology Institute, in 2003). In addition, the Minister of Culture played the role of mediator in a long-standing Greek Catholic-Orthodox conflict in Mihalt (Alba County) in June.

In July 2002, the Government established the National Anti-Discrimination Council as an instrument to curb discrimination of any kind (including on religious grounds). Since its establishment, the council has received three complaints of discrimination on religious grounds.

Christmas and the Orthodox Easter are national holidays, but this does not appear to affect any of the other religious groups. Members of the other recognized religions that celebrate Easter are entitled by law to have an additional holiday. Religious leaders occasionally play a role in politics. In particular, many Orthodox leaders make public appearances alongside prominent political figures on various occasions.

Most mainstream politicians have criticized anti-Semitism, racism, and xenophobia publicly. President Ion Iliescu, Prime Minister Adrian Nastase, and several members of the cabinet (the Minister of Foreign Affairs, the Minister of Culture and Religious Denominations, and others) made public statements on various occasions against extremism, anti-Semitism, and xenophobia and criticized attempts to deny the Holocaust in the country. During the period covered by this report, the Government sponsored seminars and symposia on anti-Semitism in Bucharest in June, and the history of the Holocaust was included among subjects to be studied at the National Defense College and in high schools. The Government also funded the publication of several books on anti-Semitism and the Holocaust. In March 2002, the Government issued two decrees aimed at combating anti-Semitism: Decree 31, which bans fascist, racist, or xenophobic organizations and symbols and prohibits fostering the cult of personality of war criminals and Decree 36, which protects Jewish cemeteries and synagogues. In accordance with ordinance 31, three statues of Antonescu located on public land (in Piatra Neamt, Slobozia, and Letcani) were taken down at the end of March and in the first half of April 2002. A Marshal Ion Antonescu square in Piatra Neamt was renamed at the end of April 2002. A total of 10 of the 14 Marshal Antonescu streets existing nationwide were renamed. One of the localities where the street name has not been changed is Cluj, where the mayor, a member of the extremist "Greater Romania" Party, has repeatedly opposed the change. On May 4, the Government inaugurated a memorial of the Holocaust in Targu Mures, a Transylvanian town under Hungarian administration in World War II.

In June, on the occasion of the approval of the agreement between the U.S.-based Holocaust Memorial Museum and Romania's National Archives, the Government issued a communique that denied the occurrence of a Holocaust within its borders. Faced with a huge wave of domestic and international criticism, the Government issued a second communique, in which it admitted that the pro-Nazi regime had committed serious war crimes against the Jews and assumed responsibility for the participation of the country's former rulers in the Holocaust.

Restrictions on Religious Freedom

Although protected by law, several minority religious groups, which include both recognized and unrecognized religions, made credible complaints that low-level government officials and Romanian Orthodox clergy impeded their efforts to proselytize, interfered in religious activities, and otherwise discriminated against them during the period covered by this report. Due to its substantial influence, few politicians sponsor bills and measures that would oppose the Orthodox Church. Local officials tend to be tolerant but often are pressured and intimidated by the Orthodox clergy. According to one official of the State Secretariat for Religious Denominations, such cases are caused by personal feuds at the local level and overly aggressive attitudes by minority religious groups toward the Orthodox Church. In some instances, local police and administrative authorities tacitly supported, at times violent, societal campaigns against proselytizing. There is no law against proselytizing, nor is there a clear understanding by the authorities of what activities constitute proselytizing.

Representatives of religious groups that sought recognition after 1990 allege that the registration process was arbitrary and unduly influenced by the Romanian Orthodox Church, and that they did not receive clear instructions concerning the requirements. The Organization

of the Orthodox Believers of Old Rite, the Adventist Movement for Reform, the Baha'i Faith, and the Mormons are some of the religious groups that have tried unsuccessfully to register as religions. The Baha'i Faith stated that it has never received an answer to its repeated requests to be registered as a religious denomination. Although a 2000 court ruling ordered the recognition of the Jehovah's Witnesses as a religion, the Ministry of Culture and Religious Denominations consistently refused to implement it. In May the Ministry eventually issued order number 2657 granting Jehovah's Witnesses all the rights of a religion. Prior to this order, the Ministry had issued another order in October 2002, which, although pretending to enforce the 2000 court ruling, actually declared Jehovah's Witnesses an association. The October order was nullified by the Bucharest Court of Appeal's in February.

One explanation given by the State Secretariat for Religious Denominations for a failure to register new religions was that recognition requires a decree issued by the Presidium of the Grand National Assembly, a Communist-era institution that no longer exists. Since no new legislation has been passed in this regard, the State Secretariat stated that the registration of any new religion is not possible. While this appears to have been overtaken by the Supreme Court's demand that Jehovah's Witnesses be recognized, the confusing set of laws governing recognition appears to have impeded the process.

Unrecognized religions receive no financial support from the State, other than limited tax and import duty exemptions, and are not permitted to engage in profit-making activities.

Religious minorities made credible complaints about irregularities during the 2002 census, including failures by census-takers to ask for religious affiliation; census-takers who did not know or refused to write down the appropriate code for a minority religion, who suggested the answer to the question on religious affiliation, and who tried to influence the answers. The Greek Catholic Church, the Catholic Church, and the Baha'i Faith complained about such irregularities.

In addition, representatives of several minority religious groups complain that allocation of off-budget funds (special funds maintained by the Government for use in cases of emergency) is biased towards the Romanian Orthodox Church. For example, the Government gave the Orthodox Church \$2.75 million (ROL 91 billion) and the Hungarian churches \$103,000 (ROL 3.4 billion). Some minority religious groups also complained that Orthodox churches were built in areas without Orthodox believers. According to the State Secretariat for Religious Denominations, off-budget funds are distributed depending on the needs of the various religious denominations.

While the May 2001 regulations for the permits commission no longer differentiate between recognized religions and unrecognized religions in terms of the types of places of worship that can be built, they include provisions that could make approvals more difficult to obtain. For example, the commission is entitled to decide on the "opportuneness" of building the place of worship. While most minority religions reported that they had received permits to build places of worship without any difficulty, some of them made credible complaints that these regulations generated delays in the process. According to Evangelical Alliance reports, although this Church's requests for permits were approved by central authorities, its intention to build places of prayer have been obstructed at the local level, in particular in localities where the mayor is an Orthodox priest, such as in Baiculesti (Arges County). After the publication of the government list of the then-16 officially recognized religions, Jehovah's Witnesses were denied construction permits in several localities (Barlad, Vaslui County, Bals, Olt County). This situation persisted until its inclusion in this list in May.

In 2002 the Commission approved 246 applications for the construction of places of worship. Of the 246 permits, 128 were granted to the Orthodox Church, 8 to the Catholic Church, 26 to the Greek Catholic Church, 15 to the Reformed Church, 22 to the Baptist Church, 15 to the Pentecostal Church, 8 to the Seventh-day Adventist Church, 5 to Jehovah's Witnesses, and the rest to other religions. In the first 5 months of 2003, the commission issued 79 permits, as follows: 30 to the Orthodox Church, 4 to the Catholic Church, 6 to the Greek Catholic Church, 3 to the Baptist Church, 4 to the Pentecostal Church, 8 to the Seventh-day Adventist Church, and 13 to Jehovah's Witnesses. By the end of the reporting period, 30 applications were pending; the applicants were requested to submit additional data. The law does not prohibit or punish assembly for peaceful religious activities. However, several different minority religious groups complained that on various occasions, local authorities and Orthodox priests prevented religious activities from taking place, even when the groups had been issued permits. The Evangelical

Alliance reported difficulties in getting approvals to use public halls for religious activities following pressure by Orthodox priests. After the publication of the 16-religion list and until it was granted religion status in May, the Jehovah's Witnesses were denied permission to hold religious meetings in their own places of worship in several localities (Saliste, Sibiu County). Since this religious group was not included in the 16-religion list, the local authorities asked Jehovah's Witness to pay taxes for land and places of worship retroactively in over 25 localities (Caracal, Olt County; Cismadie, Sibiu County; Hateg, Hunedoara County; Jimbolia, Timis County; Harlau, Iasi County, and others).

The Government permits, but does not require, religious instruction in public schools. Attendance at the classes is optional. Only the 17 recognized religions are entitled to hold religion classes in public schools. While the law permits instruction according to the faith of students' parents, minority recognized religious groups complain that they have been unable to have classes offered in their faith in public schools. Such cases were reported by the Seventh-day Adventist Church and the Evangelical Alliance. According to minority religious groups, this happens mostly because the local inspectors for religion classes are Orthodox priests who deny accreditation to teachers of other religions. The Seventh-day Adventist Church reported that it has been denied access to teach religion in some schools. Religious teachers are permitted to instruct only students of the same religious faith. However, minority religious groups credibly asserted that there were cases of children pressured to attend classes of Orthodox religion. The Seventh-day Adventist Church reported such cases in Satu Mare (Satu Mare County) and Balta Sarata (Teleorman County). The Jehovah's Witnesses reported that a member teaching English in Cristesti (Iasi County) was accused of proselytizing and threatened with dismissal by the school director and the mayor, pressured by the Orthodox priest. An investigation by the School Inspectorate found the accusations ungrounded.

Only recognized religions are entitled to give religious assistance to prisoners. Minority recognized religious groups complained that Orthodox priests denied them access to some penitentiaries. Before their recognition in May, the Jehovah's Witnesses had also been denied access to some prisons. The regulations on the organization of religious assistance in penitentiaries forbid proselytizing, stipulating that religious assistance in prisons is coordinated by the prison priest (always an Orthodox priest) and that the Religious Assistance Division in the Ministry of Justice will submit an annual report on religious assistance in prisons to the Ministry of Justice and the Orthodox Patriarchate.

Law 195 of November 2000 entitles recognized religions to have military clergy trained to render religious assistance to conscripts. However, according to minority religions, with the exception of two representatives of the Catholic Church and the Evangelical Alliance, the military clergy is comprised only of Orthodox priests. As a non-recognized religion, ordained ministers of Jehovah's Witnesses were not exempted from alternate military service, as ordained ministers from recognized religions are. Furthermore, according to the group's doctrine, all members are considered to be ordained ministers. Fourteen such ministers have received suspended court sentences in the past. Following an October 2001 Supreme Court ruling declaring that refusal to serve alternate military service is not a crime, the Prosecutor General appealed the sentences by the Military Court of Appeal and the criminal records of the 14 ministers were cleared between November 2002 and May.

The Evangelical Alliance and the Baptist Church have complained that minority religions have limited access to national radio and television in order to broadcast their services and religious messages.

In June 2002, the Parliament passed law 501 restituting religious properties confiscated by the Communist regime. Some religious or communal property had already been returned to former owners as a result of government decrees, or with the agreement of local religious leaders. The center-right government in office between 1996 and 2000 issued 4 decrees and a government decision, which resulted in the restitution of 100 buildings to religious and national minorities. An October 2000 government decree created a commission to consider a list of properties submitted by churches under Decree 94 of 2000. According to this decree, both the Hungarian churches and the Greek Catholic Church would have received buildings. However, following the election of a new Government in 2000, implementation of this decree was halted, and no properties actually have been restituted under the provisions of Decree 94 of 2000. Decree 94/2000 subsequently became the basis of law 501, following the protocol of cooperation between the Social Democratic Party (PSD) and the Democratic Union of Romanian Hungarians (UDMR).

In many cases religious minorities have not succeeded in regaining actual possession of the properties despite restitution by these decrees. Many properties returned by decree house state offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by current possessors have delayed restitution of the property to the rightful owners.

Law 10 of 2001 on nationalized buildings, passed in January 2001, specified that a different law was to address the restitution of communal property. Law 501 should provide for the restitution of all church properties. The buildings used by public institutions (such as museums, schools, and hospitals) are to remain in the tenants' hands for a period of 5 years, during which time they are to pay rent to the churches. The majority of church properties belong to this category. However, this law does not address the distinctive and sensitive issue of the Greek Catholic churches. Some religious denominations criticized the law for failing to include a provision to give other buildings in compensation for the demolished ones. Religious denominations submitted by the final deadline of March 2, 2002, 7,568 applications for restitution, according to Law 501, as follows: Orthodox Church—770; Roman-Catholic Church—992; Greek Catholic Church—2,207; Reformed Church—899; Mosaic cult—1,809; Evangelical Church—690; other denominations—201. However, the restitution process seems rather slow as they must be considered by a national commission, which has held only two meetings. In June the commission decided to restitute 70 buildings. The final decisions have yet to be issued.

In early June 2002, the Pope called for the restitution of the Catholic Church properties during a meeting with the country's Ambassador to the Vatican. The authorities interpreted the appeal as not referring to the Greek Catholic Church. To clarify this issue, on June 14, 2002, the Greek Catholic Archbishop addressed an open letter to the President, emphasizing that the Pope, by mentioning the "joint committee of dialog," had meant the Greek Catholic Church. The letter called for a law to restitute the churches of this denomination.

The Greek Catholic Church was the second largest denomination (approximately 1.5 million adherents out of a population of approximately 15 million) in 1948 when Communist authorities outlawed it and dictated its forced merger with the Romanian Orthodox Church. At the time of its banning, the Greek Catholic Church owned over 2,600 churches, which were confiscated by the State and then given to the Orthodox Church, along with other facilities. Other properties of the Greek Catholic Church, such as buildings and agricultural land, became state property.

According to the State Secretariat for Religious Denominations, the Greek Catholic Church has received 270 of the churches transferred by the Communists to the Orthodox Church; the Greek Catholics claim that they have received only 146 such properties. The Greek Catholic Church has very few places of worship. Many followers still are compelled to hold services in public places (over 180 cases, according to Greek Catholic reports) or in parks (4 cases, in Baia Mare, Satu Mare, Sisesti, and Rosia Montana, according to the same reports.) In 1992 the Government adopted a decree that listed 80 properties owned by the Greek Catholic Church to be returned. Between 60 and 65 of them had been returned by the end of the period covered by this report. In some cases, Orthodox priests whose families had been Greek Catholics converted back to Greek Catholicism and brought their parishes and churches back with them to the Greek Catholic Church. In several counties, in particular in Transylvania, local Orthodox leaders have given up smaller country churches voluntarily. For example, in the Diocese of Lugoj in the southwestern part of the country, local Orthodox Church representatives have reached agreement on the return of an estimated 160 churches; however, for the most part Orthodox leaders have refused to return to the Greek Catholics those churches that they acquired during the Communist era. Since July 2002, the Greek Catholic Church has recovered only three churches. Orthodox Archbishop of Timisoara, Nicolae Corneanu, was responsible for returning approximately 50 churches, including the cathedral in Lugoj, to the Greek Catholic Church. However, due to his actions, the Orthodox Holy Synod marginalized Archbishop Corneanu, and his fellow clergymen criticized him.

A 1990 government decree called for the creation of a joint Orthodox and Greek Catholic committee at the national level to decide the fate of churches that had belonged to the Greek Catholic Church before 1948. However, the Government has not enforced this decree, and the Orthodox Church consistently has resisted efforts to resolve the issue in that forum. The committee did not meet until 1998, had three meetings in 1999, and has met on an annual basis since 2000. The courts generally refuse to consider Greek Catholic lawsuits seeking restitution, citing the 1990 decree establishing the joint committee to resolve the issue. From the initial property list of 2,600 seized properties, the Greek Catholic Church has reduced the number of churches that it is asking to be returned to fewer than 300. Only eight churches have been

restituted as the result of the joint committee's meetings. Restitution of the existing churches is important to both sides because local residents are likely to attend the church whether it is Greek Catholic or Orthodox. Thus the number of members and share of the state budget allocation for religions is at stake:

At the most recent meeting of the joint committee in Arad on October 1, 2002, the Greek Catholic Church reiterated its core claim: The restitution of its former cathedrals and district churches, and the return of one church in localities where there are two churches and one of them had belonged to the Greek Catholics (or at least to hold the religious service in turns). The Orthodox Church in turn stressed that the will of the majority of believers should be taken into account with regard to restitution and opposed the idea of holding religious services in turns. The next meeting of the national joint committee is scheduled for September. Despite the stated desire for dialog, the Orthodox Church has demolished Greek Catholic churches under various pretexts. For example, Greek Catholic churches (some of them being historical monuments) were demolished in Vadu Izei (Maramures County), Baisoara (Cluj County), Smig (Sibiu County), Trittenii de Jos (Cluj County), and Craiova (Dolj County). Other churches are threatened with demolition in Ungheni (Mures County) and Urca (Cluj County). The church of a famous Greek Catholic Monastery of Nicula (Cluj County) was in a similar situation, but following international and domestic pressure, the Orthodox Church gave up demolishing it. Following increasing tensions in some localities, the Ministry of Culture and Religious Denominations called and mediated a meeting of the two churches on April 5, 2002. The Minister of Culture announced at the meeting the Government's intention to help the Greek Catholic Church build 50 wooden churches, a solution that does not fully satisfy Greek Catholic Church claims. No such church has been built during the period covered by this report.

In its two meetings in June, the national commission for the restitution of religious property according to Law 501/2002 decided to return 4 of the 2,207 reclaimed buildings to the Greek Catholic Church.

In February 2002, the Orthodox Patriarch in a letter to the Minister of Justice described court rulings in favor of the Greek Catholic Church as "illegal" and "abusive" and stated that decisions on such cases should be made only by the joint Orthodox-Greek Catholic committee. The Minister of Justice distributed the letter to all Courts of Appeal and asked for its careful consideration.

In October 2002, Greek Catholic believers from the country and all over the world addressed a Memorandum to the President, Premier and other state authorities, complaining about discrimination against their Church and calling for the restitution of the Greek Catholic churches and other assets confiscated by the Communist rule. The authorities did not react in any way to this Memorandum.

The historical Hungarian churches, including the Roman Catholic as well as the Protestant churches (Reformed, Evangelical, and Unitarian), have received a small number of their properties back from the Government. Churches from these denominations were closed but not seized by the Communist regimes. However, the Communist regime confiscated many of these groups' secular properties, which still are used for public schools, museums, libraries, post offices, and student dormitories.

Approximately 80 percent of the buildings confiscated from the Hungarian churches are used "in public interest." Of the 1,630 buildings confiscated by the Communist regime from the Hungarian churches, only 33 were restituted by government decrees between 1996 and 2000. The Hungarian Churches registered 27 of them in the official real estate book. Of these, they could get actual possession of less than 20 buildings. Restitution of the remainder has been delayed due to lawsuits or opposition from current possessors. For example, restitution under Decree 13 of 1998 of the Batthyanaeum Library (which had belonged to the Roman Catholic Church) has been delayed by lawsuits. The situation of the Roman-Catholic Bishop's Palace in Oradea was similar until June when—according to a protocol between the Museum, its current user, and the Roman-Catholic Bishopric—it was partially restituted to its rightful owner. The Minister of Culture and Religious Denominations has stated that he is opposed to their restitution, irrespective of the court rulings on these lawsuits. The national commission for religious property restitution according to Law 501/2002 decided in June to reconstitute 43 of the 1,450 reclaimed buildings to the Hungarian Churches.

The Jewish community has received 42 buildings by government decree. Of these the community has taken actual partial or full possession of 27 buildings. The community has been able to reclaim land only in Iasi, where it received 15 pieces of land (of former synagogues and schools) between 1999 and 2000.

Another problem with restitution is often a simple refusal by the occupant to return a property or pay rent for occupancy. The nominal owner still can be held liable for payment of property taxes in such cases. The Reformed College in Cluj, returned to the Reformed Church by government decree in 1999, had to pay property taxes without receiving any rent from its user, Gheorghe Sincai High School. The building was eventually partially returned to the Reformed Church in December 2002.

According to Law 1 of 2000, religious denominations are entitled to claim between 25 to 250 acres of farmland (depending on the type of religious unit—parish, eparchy, bishopric), and up to 75 acres of forestland from properties seized by the Communists. This is the first law that establishes a systematic procedure for churches to claim land. The enforcement of this law has been slow, largely due to Government desires to further amend the law. This process was completed in 2002 and the amendments do not affect restitution to religious denominations.

The Hungarian churches repeatedly have expressed dissatisfaction with the Government's failure to allow by law the establishment of confessional schools subsidized by the State.

There were no reports of religious detainees or prisoners.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Improvements and Positive Developments in Respect to Religious Freedom

In May the Government granted religion status to a religious group, Jehovah's Witnesses for the first time after the fall of Communism, following international, in particular U.S. pressure in this regard. Although a major breakthrough, this particular case does not solve the general problem of recognition, since there is not a clear procedure in this respect.

Section III. Societal Attitudes

There are generally amicable relations among the different religious groups. The Orthodox Patriarch Teoctist visited the Vatican in October 2002.

However, the Romanian Orthodox Church repeatedly has criticized strongly the "aggressive proselytizing" of Protestant, neo-Protestant, and other religious groups, which the Church has repeatedly described as "sects." There is no law against proselytizing, or clear understanding of what activities constitute proselytizing. Proselytizing that involves denigrating established churches is perceived as provocative. This has led to conflicts in some cases. The press reported several cases in which adherents of minority religions were prevented by others from practicing their faith, and local law enforcement authorities did not protect them. The "New Right" (Noua Dreapta) organization (a small, right-extreme group with nationalistic, xenophobic views) has repeatedly harassed verbally and sometimes physically the Mormons in several cities around the country. In May two individuals verbally attacked two Mormon missionaries in Bucharest, shouting Noua Dreapta slogans and apparently trying to instigate a physical fight. Noua Dreapta protests against Mormons repeatedly occurred in Iasi. In 2001 Jehovah's Witnesses filed a complaint with the European Court of Human Rights (ECHR) regarding the sentencing of six of its members from Mizil to pay fines on charges of insult and assault in a trial initiated by persons linked with the Orthodox Church in 2000. The ECHR's decision was pending at the end of the period covered by this report.

The centuries-long domination of the Orthodox Church, and its status as the majority religion, has resulted in the Orthodox Church's reluctance (in particular at the local level and with the support of low-level officials) to accept the existence of other religions. Consequently, actions by

other religious groups to attract members are perceived by the Orthodox Church as attempts to diminish the number of its members. Due to its substantial influence, few politicians dare to sponsor bills and measures that would oppose the Orthodox Church. According to minority religious groups, the population is receptive to minority Christian confessions, and local officials in many cases tend to be tolerant but often are pressured and intimidated by the Orthodox clergy. Minority religious groups allege that the Orthodox clergy have provoked isolated mob incidents. The Adventist Church reported such incidents in Jelna (Botosani County) and Breb (Maramures County).

Members of Jehovah's Witnesses complain that the number of cases in which their ministers have been abused verbally and physically by persons incited by Orthodox priests (who often took an active part in these actions) increased over the period covered by the report. Such cases were reported in Clinceni (Ilfov County), Popesti-Leodeni (Ilfov County), Sebes (Alba County), and Stolniceni-Prajescu (Iasi County). The police were cooperative in Deveselu (Olt County) and protected the Jehovah's Witness during possible incidents in Pielesti (Dolj County). In Targusoru (Constanta County), Budesti (Bistrita-Nasaud County), Slanic (Prahova County), and Slatioara (Olt County), the police either did not intervene in Orthodox priests-Jehovah's Witnesses incidents or, under the influence of Orthodox priests, had a negative reaction to Jehovah's Witnesses complaints. In Zarnesti (Brasov County), the Orthodox Parish asked Jehovah's Witnesses to stop activity in the locality. Similar incidents with Orthodox priests were reported by the Seventh-day Adventist Church in Hlipiceni (Botosani County), Sarata (Olt County), Chirnogeni (Constanta County), and Fieni (Dambovita County).

An Orthodox priest assaulted a Presbyterian priest with a metal cross in Bucecea (Botosani County) in June. The population and the police took action in favor of the Presbyterian priest

The Christian Evangelical Church was denied access by the Orthodox priest to bury several deceased members in the cemetery of Mehedinti (Prahova County). The Seventh-day Adventist Church had similar complaints, Orthodox priests forbidding Adventist burials in Cosoveni (Dolj County), and Poieni (Prahova County). In Cretesti (Vaslui County) and Calinesti-Vasilache (Suceava County), following pressure by the local authorities or Orthodox hierarchies, the burials were eventually allowed. In all of these cases, it is not clear whether public or church cemeteries were the subject of the disputes. In order to avoid such situations, the Adventist Church asked the mayors' offices for land for cemeteries and received positive answers in some cases (Decebal and Dumbrava (Satu Mare County). Orthodox priests and believers obstructed the burial of Greek Catholic believers in Zabrani (Arad County, Bucova, Lupeni, Uricani (Hunedoara County).

Representatives of minority religions credibly complain that only Orthodox priests grant religious assistance in hospitals, children's homes, and shelters for the elderly. Charitable activities carried out by other churches in children's homes and shelters often have been interpreted as proselytizing.

In addition, the dialog between the Orthodox and the Greek Catholic churches has not eliminated disputes at the local level and has led to little real progress in solving the problem of the restitution of the Greek Catholic assets.

The disputes between Greek Catholics and Orthodox believers over church possession have decreased in number during the period covered by this report. In many cases the Greek Catholics decided to build new churches, following lack of progress in obtaining their properties either by dialog with the Orthodox Church or in court. However, tensions continue to exist in localities where the Orthodox Church refused to enforce court rulings ordering alternate service in former Greek Catholic churches (for example, Simand, Siria, Arad County) or restitution of churches to the Greek Catholic Church (Tigvaniul Mare, Caras Severin County), Arad, Arad County. In mid-March 2002, in Ocna Mures (Alba County), the Orthodox priest along with a group of believers occupied by force, at night, with the help of the police, a church restituted by court ruling to the Greek Catholic Church. In December 2002, the Greek Catholic Church took possession of the church in Mihalt, according to a final court ruling. In Prunis (Cluj County), where most of the residents belong to the Greek Catholic Church, tensions continue due to a longstanding lawsuit. The Greek Catholic priest and the believers from Mihalt (Alba County) sponsored a series of protests in Alba Iulia and Bucharest following the Orthodox Church's refusal to return their church and the priest's house. At the Orthodox Church's request, the Greek Catholic Church previously had dropped the lawsuits in this locality. From May to June, the Minister of Culture and Religious Denominations mediated an agreement between the

Orthodox and the Uniate Churches in Mihalt, according to which the Orthodox Church will return the land of the former Uniate parish house and the Greek Catholic Church will build a new church with government funding.

In Decea (Alba County), tensions increased in 2001 when the Orthodox priest locked the church so that the Greek Catholics could not use it. In April 2002, the Orthodox Church agreed to give its old church to the Greek Catholics and to use the Greek Catholic one itself. In localities with two churches (one of which had belonged to the Greek Catholic Church) and only one Orthodox priest, priests no longer keep churches locked but hold religious services in turns in both. Such cases are reported in Chinteni, Vima Mare, Singiorzul Nou, Letea, Suci de Jos).

Between February and April 2002, in Racovita, the local Orthodox priest's refusal to implement Orthodox Archbishop Corneanu's decision to restore a church to the Greek Catholics led to tension. The church has yet to be restored during the period covered by the report.

In Bicsad (Satu Mare County), where the Greek Catholics obtained a government decision restituting a former Greek Catholic monastery, the Greek Catholic Church still could not take possession of the monastery because of the opposition of the local Orthodox clergy. Local authorities have not supported the enforcement of the Government's decision.

In Dumbraveni the Orthodox Church continues to refuse to enforce a previous court ruling to share a local church with the Greek Catholic Church. Short-term prospects for the return of the Greek Catholic church are dim, since restitution is contingent on construction of a new Orthodox church, which is scheduled to take many years.

The fringe press continued to publish anti-Semitic articles. The Legionnaires (also called the Iron Guard, an extreme nationalist, anti-Semitic, pro-Nazi group that existed in the country in the inter-war period) continued to publish books from the inter-war period. Religious services to commemorate legionnaire leaders continue to be held in Orthodox churches.

Anti-Semitic graffiti were written on the walls the Jewish Theater in Bucharest and on downtown buildings in Cluj in October 2002. Perpetrators have not been identified in either case. Thieves broke into the Jewish temple in Vatra Dornei in July 2002. The synagogue in Focsani was desecrated in July 2002. In May one Jewish cemetery was desecrated in Arad. The perpetrators could not be identified, but are believed to have been local youths, rather than members of an organized anti-Semitic movement.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. The Embassy also maintains close contact with a broad range of religious groups in the country. Embassy staff, including the human rights officer, political counselor, and the Ambassador, met with religious leaders and government officials who work on religious affairs in Bucharest and in other cities.

In addition, embassy staff members are in frequent contact with numerous NGOs that monitor developments in the country's religious life. U.S. officials have lobbied consistently in government circles for fair treatment on property restitution issues, including religious and communal properties and for non-discriminatory treatment of all religious groups. The Embassy has worked on the development of inter-confessional understanding and broader religious tolerance.

Released on December 18, 2003

[International Religious Freedom Report Home Page](#)