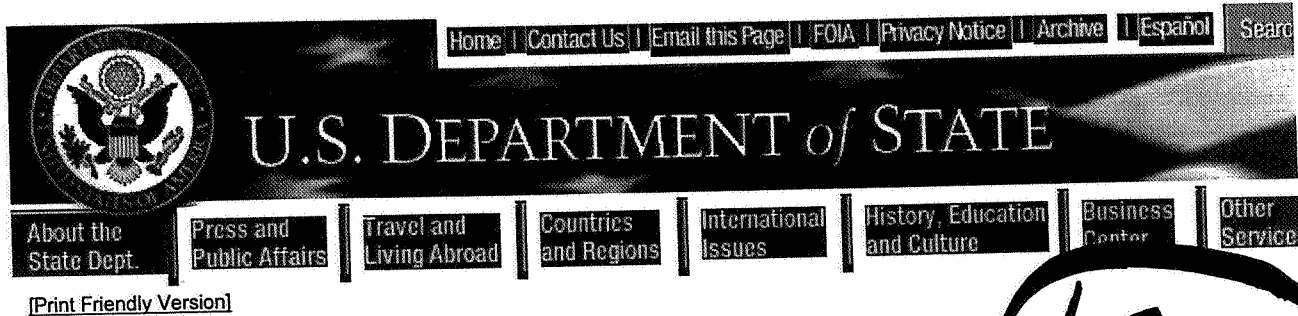




Romania

International Religious Freedom Report 2004

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The Constitution provides for freedom of religion; while the Government generally respects this right in practice, some restrictions adversely affect religious freedom, and several minority religious groups continued to claim credibly that low-level government officials impede their efforts at proselytizing and interfere 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. The Government 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. The Government still has not passed legislation to return to the Greek Catholic community churches and church property transferred by the communists to the Orthodox Church in 1948, nor has it shown any inclination to do so. Following controversial remarks in July 2003 by President Iliescu regarding the Holocaust, an international commission headed by Nobel Prize Laureate Elie Wiesel was set up in October 2003 to study the Holocaust in the country, and in May the Government declared that the Holocaust will be commemorated annually on October 9. In March Parliament passed a law that lays the groundwork to return properties confiscated from the Jewish community by the pro-Nazi government between 1940 and 1945. The process of granting construction permits for places of worship continued, but some minority religions continued to complain of lengthy delays.

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 Greek Catholic churches it 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 as part of its overall policy to promote human rights. The U.S. Embassy raised repeatedly the issue of restitution of religious properties, in particular of Greek Catholic Churches, with government officials. The need to expand Holocaust education was discussed with government officials by the U.S. Embassy and the Special Envoy for Holocaust Issues. The U.S. Embassy continues to encourage government and religious leaders to respect religious freedom fully.

Section I. Religious Demography

The country has a total area of approximately 91,699 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 (Orthodox) 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 (first recognized as a religion in May 2003). Members of other faiths worship freely, but are not afforded various forms of state support.

According to the March 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. (Greek Catholics were former members of the Romanian Orthodox Church who in 1697 accepted principles required for union of the Orthodox Church with the Roman Catholic Church, but continue to maintain many Orthodox observances and traditions).

The Old Rite Christian (Orthodox) 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 had 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 10,200 members. Muslims numbered 67,257. According to the same census, the number of atheists was 8,524, and there were 12,825 persons who did 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 Black Sea coast. Most Greek Catholics are in Transylvania, but there is also a large Greek Catholic community 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 concentrated 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 have active denominations in the country; however, they are not recognized officially. According to a nationwide poll conducted in October 2003, 1 percent of those polled said they go to church on a daily basis; 3 percent said they attend church several times per week; 20 percent stated they go to church once a week; 23 percent claim to go several times per month; 33 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 85 percent of citizens say that church is the institution they trust most.

Section II. Status of Religious Freedom

Legal/Policy Framework

Although the Constitution provides for freedom of religion, 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 and 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. There is no clear procedure for the registration of religious groups as religions. The Government has refused to recognize a number of religious groups since 1990. After a long period of persistent refusal to enforce a Supreme Court ruling in 2000 that ordered that Jehovah's Witnesses be recognized, and after repeated interventions by the U.S. Embassy and others, the Government granted Jehovah's Witnesses the status of a recognized religion in May 2003. Jehovah's Witnesses is the first religious group to gain this status since 1989, with the exception of the Greek Catholic Church, which was reestablished after the fall of communism.

The total number of recognized religions remains low. Under the provisions of Decree 177 of 1948, the Government recognized 14 religions; subsequently, it added the Greek Catholic Church (1989) and Jehovah's Witnesses (2003). The Romanian Evangelical Church and the Christian Evangelical Church were listed originally as one religion but are now considered two separate fully recognized religions, bringing the total to 17. Recognized religions are eligible for State support; they 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.

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.

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 effect on unrecognized religions with regard to taxes on places of worship; unrecognized religions are now required to pay annual taxes on these buildings. For example, Jehovah's Witnesses, at the time not formally recognized, were asked in several communities to pay retroactive property taxes on places of worship. Jehovah's Witnesses refused to pay the taxes since they had received a court ruling recognizing their religion in 2000 although the Government did not recognize them officially until 2003. During the period covered by this report, there was no resolution of the dispute.

Government Decree 26 of 2000 on associations and foundations abrogated Law 21 of 1924 and eliminated most of the bureaucratic obstacles, including the minimum requirement of members needed to establish religious associations and foundations, in the registration process. In January 2003, the Government reintroduced mandatory approval by the State Secretariat for the registration of religious associations. As a result of these procedures, the State Secretariat issued 35 approvals in 2003 and 30 in the first half of the year. Five associations and foundations notified the State Secretariat in 2003 and the first half of the year of their previous registration. The State Secretariat approved the change of statutes of four religious associations and foundations in 2003 and five in the first half of the year. The applications for 20 other religious groups remained pending on various grounds; however, there were no reports that any applications were denied during the period covered by this report.

The number of adherents of each recognized religion in the 2002 census determines its state provided budget. The Orthodox religion receives the largest share of governmental financial support. In addition Orthodox religious leaders generally preside over state occasions. In 2003 the Government allocated funds amounting to almost \$6.9 million (ROL 228,805 million) to the Orthodox Church, approximately \$400,000 (ROL 13,270 million) to the Roman Catholic Church, close to \$127,000 (ROL 4,210 million) to the Greek Catholic Church, and approximately \$98,000,000 (ROL 3,265 million) to the Reformed Church for the construction and repair of churches.

The law governing the rights of foreigners, revised in 2003, introduced a long-stay visa for religious activities. Visa requirements include approval by the Ministry of Culture and Religious Denominations, evidence that the applicants represent a religious organization legally established in the country, medical insurance, and a criminal record review. To grant this approval, in May the ministry asked religious groups to provide religious workers' professional history, documents to prove their qualifications to develop religious activities and represent a religious group in the country of origin, and reasons for their presence in the country. Some religious groups expressed concern that these requirements would delay issuance of visas and residency permits. The law no longer limits visa extensions to 6 months, a provision considered positive by most religious groups. 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 approximately 950 visas and visa extensions were approved for religious workers in 2003, and 325 were approved in the first 6 months of the year.

In November 2003, the Ministry of Culture and Religious Denominations issued new regulations for the organization and operation of the commission in charge of issuing construction permits for places of worship. The new regulations, like the old legislation, define places of worship as "buildings such as churches, houses of prayer, temples, mosques, synagogues, and houses of assembly, used by religious denominations, religious associations and foundations for their specific religious services." The regulations were modified in December 2003 by the Government to eliminate the representative of the Orthodox Church from the composition of the 11-member commission. Previously, the Orthodox Church was the only religious organization represented on the commission. There were no reports that the commission denied any applications for construction permits; however, there were reports of lengthy delays.

The Government subsequently made no further progress toward adopting a new religion law. Minority religious groups are not optimistic about the adoption of a law on religious denominations in the near future due to ongoing Greek Catholic-Orthodox tensions and pressure by the Orthodox Church to be declared the national church. The State Secretariat for Religious Denominations has suggested that a long-pending draft religion law may be submitted to Parliament in 2005.

Minority religious groups assert that central government and parliamentary officials are more cooperative than local officials. Specifically, relations with the State Secretariat for Religious Denominations and the Ministry of Culture and Religious Denominations have continued to improve.

Following a 1999 Supreme Court ruling, the Ministry of Education no longer requires Adventist students to come to school or take examinations on Saturdays.

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; a series of symposiums with ecumenical participation in Bucharest, Durau (Neamt County), Selimbar (Sibiu County), Sibiu, and Cluj; and a conference in Bucharest on religious freedom and interconfessional relations in light of European integration, cosponsored with the Bern-based International Association for the Defense of Religious Freedom. In order to foster a permanent dialogue in religious life, the State Secretariat for Religious Denominations has meetings with representatives of religious groups on a regular basis and attended the meetings of the leading bodies of some religious denominations, for example, the Holy Synod of the Orthodox Church and the Congress of the Baptist Church.

The National Anti-Discrimination Council, established to curb discrimination of any kind (including on religious grounds), received 12 complaints of discrimination on religious grounds in 2003, and 2 in the first 4 months of this year.

Christmas and the Orthodox Easter are national holidays. Members of the other recognized religions that celebrate Easter on a different date are entitled by law to have an additional holiday. Religious leaders occasionally play political roles. In particular many Orthodox leaders make public appearances with prominent political figures, and religious messages often contain political promises or goals.

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) continued to make public statements on various occasions against extremism, anti-Semitism, and xenophobia, and criticize attempts to deny the occurrence of the Holocaust in the country. During the period covered by this report, the Government sponsored several seminars and symposiums on anti-Semitism. Two government-issued decrees aimed at combating anti-Semitism ban fascist, racist, and xenophobic organizations; prohibit the personality cult of war criminals; and protect Jewish cemeteries and synagogues.

In accordance with one of the decrees, three statues of the country's pro-Nazi World War II leader Marshal Ion Antonescu located on public land were taken down and a square was renamed in 2002. Most of the Marshal Antonescu streets 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. A street with this name still exists in Targu Mures. In May 2003, the Government inaugurated a Holocaust memorial in Targu Mures, a Transylvanian town under Hungarian administration in World War II. In October 2003, within the framework of a project on the Cultural Heritage of Jews in Romania, the national Government, the U.S. Embassy, the NGO Civic Education, and the University of Bucharest's Goldstein Goren Center for Hebrew Studies supported an international seminar, organized by the Jewish Communities Federation in Romania and B'nai B'rith International. The seminar also inaugurated the launch of a digital archive of historical Jewish places in the country.

Introduced only recently in some school curriculums and at the National Defense College, education on the country's role in the Holocaust is still limited. There is no unitary approach to teaching the Holocaust. Textbooks used are not consistent in their description of events. However, in October 2003, the Government established an international commission headed by Nobel Prize Laureate Elie Wiesel and consisting of 30 Romanian and foreign historians to study the Holocaust. The findings of the commission, which will have full access to archives and other documents, will be included in the school curriculum. History teachers participated in training courses for the teaching of the Holocaust in Paris (November), Cluj (May-September), and Bucharest in the fall of 2003 and again in May. The Ministry of Education distributed books on the Holocaust in schools throughout the reporting period. Over 50 teachers have graduated from the training program at the Holocaust teaching center in Bacau, which was established with the support of the Ministry of Education in 2002.

On May 20, the Foreign Intelligence Service signed an agreement with the United States Holocaust Memorial Museum to grant access to its archives for research regarding the Holocaust. In June 2003, 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 domestic and international criticism, the Government issued a second communiqué, a few days after the first, admitting 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. In a July 2003 interview with the Israeli newspaper "Ha'aretz," President Ion Iliescu downplayed the Jewish Holocaust in Europe, saying that it "was not unique to the Jews" and other nationalities had also suffered. The President also said that court cases involving restitution of Jewish properties should be either postponed or rejected because the country is too poor to return them or pay compensation. Following vehement domestic and foreign criticism, the President's Executive Office claimed that Iliescu's statements were misinterpreted and became actively involved in the establishment of the Wiesel Commission and the Holocaust Remembrance Day.

The Simon Wiesenthal Center criticized the Government in its annual report for 2003 for its refusal to cancel 1-year-old court rulings pardoning two war criminals that participated in the extermination of Jews in Bessarabia and Bucovina.

In May, following the recommendation of the Wiesel Commission, the Government established a Holocaust Remembrance Day on October 9.

Restrictions on Religious Freedom

There is no law against proselytizing, nor is there a clear understanding by the authorities of what activities constitute proselytizing. 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. Few politicians sponsor bills and measures that would oppose the Orthodox Church due to its substantial influence. Local officials tend to be tolerant, but they often are pressured and intimidated by 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 societal campaigns (some of which were violent) against 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. Local leaders of the Baha'i Faith stated that, during the period covered by the report, they renewed their attempt to seek registration with only negative response. After a prolonged delay, during which the U.S. Embassy made repeated representations, the Ministry of Culture and Religious Denominations enforced a 2000 court ruling ordering recognition of Jehovah's Witnesses as a religion in May 2003.

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 argument appears to have been overtaken by the Supreme Court's demand that Jehovah's Witnesses be recognized, the confusing set of laws governing recognition 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, including the Greek Catholic Church, the Catholic Church, and the Baha'i Faith, made credible allegations of irregularities during the 2002 census. These irregularities included numerous alleged incidents where census takers did not note accurately minority religions on census forms by failing to ask, positively suggesting the dominant faith, or even refusing to mark minority affiliations.

In addition representatives of several minority religious groups complain that allocation of off-budget funds (special funds maintained by the Government, supposedly for emergency use) is biased toward the Romanian Orthodox Church. According to the State Secretariat for Religious Denominations, off-budget funds are distributed depending on the needs of the various religious denominations. Over the years, the Government has constructed a large number of Orthodox churches. Some minority religious groups also continued to complain that Orthodox churches were built with government support in areas without Orthodox believers.

While most minority religions reported that they received permits to build places of worship without any difficulty, some made credible complaints that the regulations generated delays in the process. According to reports by the Jehovah's Witnesses, although their requests for permits were approved by central authorities, their intention to build places of prayer have been obstructed at the local level, such as in Bals (Olt County) and Feldioara (Brasov County), where the mayors refused to issue the construction permits, and Jehovah's Witnesses had to take the issue to court. A decision in the Bals case still was pending at the end of the period covered by this report. Despite a September 2003 court ruling in favor of Jehovah's Witnesses in Feldioara, the mayor continued to refuse to issue the permit. Similar situations occurred in a number of other locations. The Seventh-day Adventist Church in Carlibaba (Suceava County) reported a similar case in which the church was denied a building permit by the mayor on the grounds that the number of believers was too few to warrant a church; the mayor has denied the permit repeatedly since the land purchase in 2000.

In 2003 the Commission approved 197 applications for the construction of places of worship. Of the 197 permits, 102 were granted to the Orthodox Church, 6 to the Catholic Church, 14 to the Greek Catholic Church, 3 to the Reformed Church, 12 to the Baptist Church, 7 to the

Pentecostal Church, 11 to the Seventh-day Adventist Church, 30 to Jehovah's Witnesses, and the rest to other religions. In the first 4 months of the year, the commission issued 50 permits: 31 to the Orthodox Church; 1 to the Catholic Church; 4 to the Greek Catholic Church; 4 to the Baptist Church; 4 to the Pentecostal Church; 2 to the Seventh-day Adventist Church; and 4 to Jehovah's Witnesses. By the end of the period covered by this report, 10 applications were pending submission of additional data.

The law does not prohibit or punish assembly for peaceful religious activities. However, several minority religious groups complained that local authorities and Orthodox priests prevented religious activities from taking place, even when the groups had been issued permits. The Seventh-day Adventist Church reported difficulties in obtaining approvals to use public halls for religious activities following pressure by Orthodox priests. Even when they had rented public halls, on many occasions, local authorities, pressured by Orthodox priests, forced the Seventh-day Adventist Church to discontinue its religious programs, for example, in Dragomiresti (Vaslui County). Although Jehovah's Witnesses were granted religion status, a large number of mayors continued to demand taxes for land and places of worship. Thirteen lawsuits regarding taxes are currently in progress following Jehovah's Witnesses' complaints. In Saliste (Sibiu County), the mayor forbade Jehovah's Witnesses from developing any local activity, accusing them of proselytizing.

The Government permits, but does not require, religious instruction in public schools. Attendance in 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. The Seventh-day Adventist Church, the Greek Catholic Church, the Baptist Church, and Jehovah's Witnesses continued to report such cases. According to minority religious groups, the local inspectors for religion classes are typically Orthodox priests who deny accreditation to teachers of other religions. Religious teachers are permitted to instruct only students of the same religious faith. However, minority religious groups, including the Greek Catholics and Jehovah's Witnesses, credibly asserted that there were cases of children pressured to attend classes of Orthodox religion. The Baptist Church complained that inspectorates hired Baptist theological high school teaching staffs without asking for the prior approval of the church, despite a protocol to this effect signed by the Church and the Ministry of Education in September 2000.

The Religious Assistance Division in the Ministry of Justice submits an annual report on religious assistance in prisons to the Ministry of Justice and the Orthodox Patriarchate. Only recognized religions are entitled to give religious assistance to prisoners, and regulations on the organization of religious assistance in penitentiaries forbid proselytizing. The prison priest (always an Orthodox priest) coordinates religious assistance in prisons. Minority recognized religious groups asserted that Orthodox priests denied them access to some penitentiaries.

The law 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 Evangelical Alliance, the military clergy is comprised only of Orthodox priests.

In June 2002, the Parliament passed legislation restituting religious properties confiscated by the Communist regime. Some religious or communal property already had 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. One of the decrees (94/2000) subsequently became the basis of law 501, following an agreement between the Social Democratic Party (PSD) and the Democratic Union of Hungarians in Romania (UDMR).

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

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 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 those that have been demolished. By the final deadline of March 2, 2002, religious denominations submitted 7,568 applications for restitution, according to Law 501, as follows: Orthodox Church, 770; Romanian Catholic Church, 992; Greek Catholic Church, 2,207; Reformed Church, 899; Mosaic cult, 1,809; Evangelical Church, 690; other denominations, 201. The national commission for Law 501 started its activity in June 2003 and restituted 70 buildings that month. The process continued at more or less regular intervals, and the commission restituted an additional 479 buildings during the reporting period.

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 more than 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, after 1989 the Greek Catholic Church regained control over 270 of the churches transferred by the Communists to the Orthodox Church; however, the Greek Catholics claim that they have received only 176 such properties. The Greek Catholic Church has very few places of worship. Many followers still are compelled to hold services in public places (over 353 cases, according to Greek Catholic reports) or in the open. For example, Greek Catholic parishioners continue to worship in a local park in Rosia Montana, where local authorities did not enforce a final court ruling, dating from 2002, returning the Greek Catholic church, parish house, and cemetery. Similar situations were reported in at least two other localities. In 1992 the Government adopted a decree that listed 80 properties (that were not places of worship) owned by the Greek Catholic Church to be returned. After the restitution of 60 to 65 properties, including schools and hospitals (the most important buildings, including three schools in Cluj have not been restituted), no further progress has been made. In some cases, Orthodox priests whose families had been Greek Catholics converted back to Greek Catholicism and brought their parishes and churches 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 reached agreement on the return of an estimated 160 churches; however, for the most part, Orthodox leaders have refused to return churches to the Greek Catholics. Between July 2003 and April, the Greek Catholic Church recovered 30 churches, an improvement over the previous year, but only a small percentage of the approximately 2,000 churches outstanding.

In the early 1990s, the Orthodox Archbishop of Timisoara, Nicolae Corneanu, returned 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. The Government did not enforce the decree until 1998, when the committee met for the first time. It had three meetings in 1999, and it has met annually since 2000, but the Orthodox Church resisted efforts to resolve the problem in this forum. 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 churches, the Greek Catholic Church has reduced the number of its claims to fewer than 300. Only 15 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 Baia Mare on September 23, 2003, 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. The Orthodox Church in turn stressed that the

will of the majority of believers should be taken into account with regard to restitution, and restitution problems should be solved by dialogue. It also called for an end of all ongoing lawsuits and emphasized that the construction of new churches is the only solution to existing conflicts. The next meeting of the national joint committee is scheduled for September 2004.

Despite the stated desire for dialogue, the Orthodox Church has demolished Greek Catholic churches under various pretexts. For example, Greek Catholic churches (some of them historical monuments) were demolished in Vadu Izei (Maramures County), Baisoara (Cluj County), Smig (Sibiu County), Trittenii de Jos (Cluj County), and Craiova (Dolj County). A church in Urca (Cluj County) was demolished in August-September 2003. Another church threatened with demolition is in Ungheni (Mures County). In this instance, the Orthodox Church resumed construction for a new church during the period covered by this report; the new church is being built around the Greek Catholic Church. Despite a court order to halt construction, the Orthodox Church continued work close to the church of a famous Greek Catholic Monastery of Nicula (Cluj County). Moreover, the Government allocated sizeable funds to the Orthodox construction site. Over a number of years, the Orthodox Church has repeatedly rejected the Greek Catholic requests for alternating service in a total of 227 localities. Following increasing tensions in some localities, the Ministry of Culture and Religious Denominations called and mediated a meeting of the two churches in April 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 satisfy fully Greek Catholic Church claims. No churches had been built by the end of the period covered by this report.

The national commission for the restitution of religious property according to Law 501/2002 returned 53 of the 2,207 reclaimed buildings to the Greek Catholic Church to date.

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 throughout 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 under Communist rule. The authorities did not respond to this memorandum.

An earlier appeal by the Pope in June 2002 for the restitution of Catholic properties, as well as a letter sent by the Greek Catholic Archbishop later that month for a restitution law regarding Greek Catholic churches, remain unanswered. Local and state authorities also ignored letters and appeals complaining about discrimination of the Church, sent by Greek Catholic bishops and priests in December 2003 and in January and February. The authorities did not respond to street protests by Greek Catholics in October 2003.

Even when courts accept lawsuits regarding Greek Catholic churches, in many cases restitution was not granted. For example, in March after a 14-year long lawsuit, a Bucharest court of appeal rejected the restitution claim for the most important Greek Catholic Church in Bucharest, despite recognizing that the Greek Catholic Church owned the church.

Historical Hungarian churches, including Roman Catholic as well as Protestant churches (Reformed, Evangelical, and Unitarian), have received a small number of their properties 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 Hungarian churches are used as public facilities (schools, hospitals, or museums). Of the 1,630 buildings confiscated by the communist regime from Hungarian churches, only 33 were restituted by government decrees between 1996 and 2000. Hungarian churches registered 27 of them in the official real estate book. Of these buildings, they could take possession of fewer than 20. 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. Despite a December 2003 court ruling in favor of the Roman Catholic Church, the building has not been restituted. The church filed a complaint early this year. No further progress has been made in the restitution of the Roman Catholic Bishop's Palace in Oradea, which was partially restituted in June 2003, according to a protocol between a local museum, its current user, and the Roman Catholic Bishopric. The Minister of Culture and Religious Denominations stated in 2001 that he is opposed to restitution of these properties, despite the court rulings. To date the national commission for religious property restitution according to Law 501/2002 has restituted 340 of the 1,450 reclaimed buildings to the Hungarian Churches.

The Jewish community has received 42 buildings by government decree. Of these structures, the community has taken actual, partial, or full possession of 29 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. Under Law 501/2002, 38 additional buildings were returned to the Jewish community during the period covered by this report.

At the beginning of March, Parliament adopted a law amending a previous government decree, which restituted a limited number of properties to ethnic communities, including the Jewish community. The new law stipulates the restitution of all buildings that belonged to ethnic communities and were confiscated between September 6, 1940, and December 22, 1989. As in the case of religious properties, buildings used for the "public interest" will remain in the hands of the present users for 5 years. Under the law, claims for restitution may be submitted until September 30. At the request of the Jewish community, the new law extended the period of the confiscation of properties to include the interval between 1940 and 1945, when the pro-Nazi government seized a large number of Jewish properties. As was earlier the case, the new law does not provide compensation for properties that no longer exist.

Another problem with restitution is often a 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 eventually was 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; however, enforcement continues to be slow.

Amendments to the Constitution enacted in October 2003 allow the establishment of confessional schools subsidized by the State.

There were no reports of religious prisoners or detainees.

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.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Improvements and Positive Developments in Respect to Religious Freedom

In October 2003, after a year of controversy over government statements and presidential remarks regarding the Holocaust, the Government established an international commission to study the Romanian Holocaust and make recommendations for expanding Holocaust education.

The commission, which is expected to release its first report in November, is headed by Nobel Prize Laureate Elie Wiesel. In March Parliament adopted a law to restitute communal properties, including those confiscated from members of the Jewish community by the pro-Nazi government between 1940 and 1945. In May the Government established a Holocaust Remembrance Day, to be observed every October 9.

Section III. Societal Attitudes

There are generally amicable relations among the different religious groups. However, the Romanian Orthodox Church repeatedly has criticized strongly the so-called "aggressive proselytizing" of Protestant, neo-Protestant, and other religious groups, which the Church repeatedly has described as "sects." There is no law against proselytizing, or any 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-wing group with nationalistic, xenophobic views) repeatedly harassed verbally and sometimes physically Mormons in several cities around the country. In July 2003, "New Right" members picketed an open house meeting in Bucharest. The police intervened to protect the meeting. 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 remained pending at the end of the period covered by this report.

The centuries-long domination of the Orthodox Church, along with 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 frequently are perceived by the Orthodox Church as attempts to diminish the number of its members. Minority religious groups allege that some members of the Orthodox clergy have provoked isolated mob incidents. The Adventist Church reported an incident at Fetesti (Iasi County) in November 2003, when the Orthodox priest and the mayor incited the population to bury a deceased Adventist following Orthodox rites, acting forcibly against the wishes of the family.

Members of Jehovah's Witnesses continue to allege verbal and physical abuse from persons incited by some Orthodox priests, who often took an active part in these actions. In some instances, the priests reportedly had the support of local authorities and the police, such as in Doftana (Bacau County) in April. In many cases, including Covasna (Covasna County) and Doftana (Bacau County) in April, the police either did not intervene in such incidents or, under the influence of Orthodox priests, reacted negatively to Jehovah's Witnesses' complaints. In Covasna the police reportedly attempted to intimidate Jehovah's Witnesses to stop their activity.

Tensions with the Orthodox Church reportedly increased in Mizil, a village with a small congregation of Jehovah's Witnesses. The congregation was subjected to a persistent discrediting campaign by the local Orthodox Church, which sent a letter to the police in April threatening to take measures to stop Jehovah's Witnesses activity unless the police took action. The police initially refused to register a complaint in May by an ordinate Jehovah's Witnesses minister that an Orthodox priest verbally and physically abused him. Jehovah's Witnesses appealed for help from the State Secretariat for Religious Denominations. The Secretariat urged the prefect's office, in an official letter on May 24, to take all necessary steps to guarantee constitutional provisions and to defuse interconfessional tensions. Reportedly, at the end of June, the Jehovah's Witness ordinate minister was summoned to the police station, verbally abused, and threatened by four Orthodox priests and eight Orthodox believers, in the presence of two police officers. The officers failed to protect the minister or prevent the incident from taking place in a public building. Jehovah's Witnesses subsequently wrote a letter of complaint regarding the incident to the Prahova County Police Inspectorate who responded by suggesting Jehovah's Witnesses should take such incidents to court.

The Seventh-day Adventist Church reported similar incidents with Orthodox priests in several localities, including Anghelesti (Vrancea County) in February and Danciulesti in March (Gorj County). In April in Cervenia and Licurici (Teleorman County), Orthodox priests verbally abused school children participating in the Biblical School courses of the Seventh-day Adventist Church. Mormons reported that two church missionaries were harassed by an Orthodox priest in

Bucharest in October 2003. This religious group encountered similar problems in Iasi and Pitesti between October 2003 and February. In addition the Seventh-day Adventist Church reported that an Orthodox priest beat a Seventh-day Adventist student during the religion class in Jorasti (Galati County) in March. The school principal refused to discuss the issue with the Adventist priest; reportedly no legal action was taken against the Orthodox priest for the assault.

In January and February, unidentified persons damaged the facade of a new Adventist Church in Girov (Neamt County), and the local police refused to receive the Adventist Church's written complaint. A complaint was filed at the end of February with the county police, but the perpetrators were unidentified at the end of the reporting period.

In June 2003, an Orthodox priest assaulted a Presbyterian priest with a metal cross in Bucecea (Botosani County). The population and the police took action in favor of the Presbyterian priest; however, the incident was closed without legal action against the Orthodox priest.

During the period covered by this report, Orthodox priests denied the Seventh-day Adventist Church access to bury its deceased members in the cemeteries of Vizantea (Vrancea County), Mihaileni (Botosani County), Vaslui (Vaslui County), Jabenta and Chiherul (Mures County), Horezu (Valcea County), and Cervenia (Teleorman County). In Mihaileni and Jabenta, following pressure by the local authorities, the burials eventually were 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 encounters, the Adventist Church asked the mayors' offices for land for cemeteries, but during the period covered by this report received positive answers to only 4 of its 500 requests. Orthodox priests also obstructed the burial of Greek Catholic believers in Garbau (Cluj County), Ileanda (Salaj County), Rosia (Sibiu County), Magina (Alba County) and Salistea de Sus (Maramures 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.

Dialogue 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.

Disputes between Greek Catholics and Orthodox believers over church possession increased in number during the period covered by this report. Greek Catholic communities have decided, in many cases, to build new churches due to lack of progress in restituting their properties either through dialogue with the Orthodox Church or in court; however, their efforts have been obstructed by the Orthodox Church, sometimes with the support of local authorities. For example, in Sapinta, the Greek Catholic Church chose not to reclaim its former church and cemetery but rather to construct a new church. In September 2003, the Orthodox priest reportedly prompted the population to stop a meeting of the local council, which should have approved the construction plans of the new Greek Catholic Church. There were similar tensions in Certeze (Satu Mare County), where the Greek Catholic Church was not permitted to build a new church on its land due to obstructions and harassment by the Orthodox Church and local authorities. Tensions continued in localities where the Orthodox Church refused to enforce a court ruling ordering the restitution of churches to the Greek Catholic Church, for example, Tigvaniu Mare (Caras Severin County), Rosia Montana (Alba County), and Racovita.

In Prunis (Cluj County), where most of the residents belong to the Greek Catholic Church, tensions continue due to a long-standing lawsuit. The Minister of Culture and Religious Denominations mediated an agreement in June 2003, designed to defuse tensions between the Orthodox and the Uniate Churches in Mihalt (Alba County), according to which the Greek Catholic Church should have received government funding to build a new cemetery. However, discord continued in the region, following the Government's allocation in December 2003 of approximately \$150,000 (ROL 5 billion) to the Orthodox Church instead of the Greek Catholic Church. In the time that it took to correct the misallocation, approximately 3 months, the Orthodox Church purchased the piece of land the Greek Catholics intended to buy.

In Ardud the Greek Catholic Church, which previously had owned the only church in the locality, built a new church to put an end to the long-standing conflict. However, the Orthodox Church

took legal action and evicted the Greek Catholic priest (who had been an Orthodox priest) from the parish house in December 2003 in the presence of numerous gendarmes and police. The Orthodox Church refused the Greek Catholics' proposal to help buy a new house for the Orthodox priest.

In most localities with two churches (one of which had belonged to the Greek Catholic Church) and only one Orthodox priest, priests frequently do one of three things: hold religious services in turns in both locations; keep the Orthodox Church locked and hold the services in the former Greek Catholic Churches; or establish a second Orthodox parish in the locality. Such cases are reported in Pintic, Letca, Boereni, Sanpaul, Lupsa, Singiorzul Nou, and Suciul de Jos. However, 50 Greek Orthodox churches still are closed.

During the period covered by this report, 17 final restitution court rulings in favor of the Greek Catholic Church could not be enforced because of local authorities' lack of cooperation. Moreover, in many cases during the reporting period, local authorities, for example, local police and prefects in Maramures, Satu Mare, Alba, and other counties, repeatedly supported the Orthodox Church in opposing enforcement of such court rulings. The Ministry of Culture and Religious Denominations granted museum status to churches in Sieu and Bogdan Voda (Maramures County) instead of supporting the enforcement of final court rulings restituting the former Greek Catholic churches.

In Racovita the local Orthodox priest and the mayor continued to refuse to implement Orthodox Archbishop Corneanu's decision to restitute a church to the Greek Catholics.

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 opposition from the local Orthodox clergy. Local authorities have not supported enforcement of the Government's decision.

In Dumbraveni the Orthodox Church continued 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 expected 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 and Iron Guard magazines. A new Iron Guard monthly, "Obiectiv Legionar" (Legionnaire Focus), carrying mostly old legionnaire literature, began publication in July 2003 and is distributed in several of the largest cities, including Bucharest. A contributor to one of these magazines, the Timisoara-based "Gazeta de Vest," was sentenced in July 2003 to 30 months' imprisonment for dissemination of nationalist-chauvinistic propaganda and fascist symbols. The "New Right" organization (also with legionnaire orientation) continued to sponsor marches to commemorate Corneliu Zelea Codreanu, the founder of the Legionnaire Movement, for example, a march in November 2003. Religious services to commemorate legionnaire leaders continue to be held in Orthodox churches, such as the services commemorating Corneliu Zelea Codreanu in November 2003. In March a private television station, National TV, broadcast a talk show on "Gypsies, Jews, and Legionnaires," which voiced xenophobic, anti-Semitic, and racist opinions. One of the participants, the leader of an extremist organization, wore the legionnaire uniform. National TV did not react to a protest sent by the Jewish Communities Federation in Romania regarding this show.

Unidentified persons broke into a synagogue in Bacau and broke its windows in March. The perpetrators could not be identified, but are believed to have been local youths; rather than members of an organized anti-Semitic movement. Non-Jewish cemeteries in Bucharest were vandalized in a similar manner. Anti-Semitic graffiti was written on the walls of 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. Five Jewish cemeteries were desecrated in 2003. Perpetrators have not been identified in these cases.

Section IV. U.S. Government Policy

The U.S. Government actively discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The Embassy also maintains close contact with a broad range of religious groups in the country. Embassy staff, including the Ambassador, Deputy Chief of Mission, political section chief, human rights officer, and USAID and Public Diplomacy officers, regularly met with religious leaders and government officials who work on religious affairs in Bucharest and in other cities.

In July 2003, the Embassy financed the travel of four high school teachers to a course in the United States for teaching the Holocaust and provided books on the Holocaust to the Ministry of Education to use to develop a text and teachers' manual.

In a series of meetings during the period covered by this report, the Ambassador discussed with the Prime Minister, Minister of Education, and Minister of Culture and Religious Affairs the need to ensure that specific, widespread teaching of the Holocaust takes place within the national educational system. The Ambassador offered technical and material assistance to support further development of the curriculum. During a visit to Bucharest in November 2003, the Special Envoy for Holocaust Issues, Ambassador Edward O'Donnell, discussed with government officials expanding Holocaust education and ensuring access to archival materials on the Holocaust for historians and other researchers.

On repeated occasions, the Ambassador raised the issue of restitution of religious properties, in particular of Greek Catholic churches, with government officials, including the President and Prime Minister. In August 2003, members of the Embassy's Office in Cluj discussed the problems encountered by the Greek Catholic Church in restitution of its churches in some specific cases at a panel on the U.S. and Europe in Tusnad. The Embassy's Office in Cluj focused on similar restitution topics at a conference on the Greek Catholic Church at the Babes-Bolyai University in November 2003, at an ecumenical conference in Cluj in March, and in numerous speeches in schools and universities.

Through SEED funding, and at the Ambassador's direction, USAID cosponsored a project on the Cultural Heritage of Jews in Romania, which included an international seminar in October 2003 and the development of the "Jewish Heritage Trail" computer archive of historic Jewish sites in the country.

In addition Embassy staff members were in frequent contact with numerous nongovernmental organizations 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 nondiscriminatory treatment of all religious groups. The Embassy has worked on the development of interconfessional understanding and broader religious tolerance.

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