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## Romania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **International Religious Freedom Report 2010**

**November 17, 2010**

The constitution provides for freedom of religion and other laws contributed to the generally free practice of religion.

The government generally respected religious freedom in practice; however, some restrictions adversely affected the rights of some religious groups. There was no major change in the status of respect for religious freedom by the government during the reporting period. Minority religious groups complained less frequently than in prior years that low-level government officials impeded their efforts at proselytizing and interfered with other religious activities. The government continued to differentiate between recognized and unrecognized religious groups, and registration and recognition requirements continued to pose obstacles to minority religious groups. Restitution of Greek Catholic properties seized by the communist-era government in 1948 and transferred to the Romanian Orthodox Church also remained a problem. The Orthodox Church announced plans to resume a dialogue with the Greek Catholic Church to resolve property and other disputes. The government continued to make progress in recognizing the history of the Holocaust in the country. Some minority religious groups continued to allege that local authorities created delays in granting construction permits based upon religion.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. There were cases in which some Romanian Orthodox clergy showed hostility toward non-Orthodox church members, opposed the burial of believers of other religious groups in confessional or even public cemeteries, and criticized missionary activity. In general the Orthodox Church has been slow to return, and often has refused to return, Greek Catholic churches that it received in 1948.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The embassy continued to raise concerns with officials about the failure of the government to ensure the full restitution of religious properties and strongly encouraged the government's efforts to recognize the history of the Holocaust in the country.

#### Section I. Religious Demography

The country has an area of 91,699 square miles and a population of 21.7 million. According to the 2002 census, Orthodox

believers (including the Orthodox Serb Bishopric of Timisoara) constituted 86.8 percent of the population, Roman Catholics 4.7 percent, and Greek Catholics less than 1 percent. While the government stated that the census results were accurate, the Greek Catholic Church claimed that its church membership was undercounted in the official census and estimated that its adherents constituted 3.6 percent of the population. The following religious groups are also present in the country: Old Rite Russian Christian (Orthodox) Church, Protestant Reformed Church, Christian Evangelical Church, Romanian Evangelical Church, Evangelical Augustinian Church, Lutheran Evangelical Church, Unitarian Church of Romania, Baptist Church, Apostolic Church of God (Pentecostal Church), Seventh-day Adventist Church, Armenian Church, Judaism, Islam, Jehovah's Witnesses, 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, Society for Krishna Consciousness, and Zen Buddhism.

Most religious groups are 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. Most Greek Catholics reside in Transylvania, but there are also Greek Catholics in Bucharest and in the Banat and Crisana regions. Protestant and Catholic believers tend to reside in Transylvania, but many also are located around Bacau. Orthodox and Greek Catholic ethnic Ukrainians live mostly in the northwestern part of the country. Orthodox ethnic Serbs are primarily in Banat. Armenians are concentrated in Moldavia and the south. Members of the Protestant Reformed, Roman Catholic, Unitarian, and Lutheran churches from Transylvania are virtually all ethnic Hungarians. Approximately half of the country's Jewish population lives in Bucharest, while the other half remains scattered across the country.

## Section II. Status of Government Respect for Religious Freedom

### Legal/Policy Framework

The constitution provides for freedom of religion and other laws contributed to the generally free practice of religion. However, the government exercises considerable influence over religious life through laws and decrees. Government registration and recognition requirements continued to pose obstacles to minority religious groups.

There is no law against proselytizing, nor is there a clear definition of what activities constitute proselytizing.

The law entitled religious communities to bury, without restriction, their believers in the cemeteries of other religious groups in localities where they do not have their own cemetery and there are no public cemeteries.

A 2006 law to combat anti-Semitism banned fascist, racist, and xenophobic organizations and included the persecution of Roma in addition to Jews in its definition of the Holocaust. According to local media reports, an individual from Buzau, Marius Zoltan Tranca, served a six-month jail term for dissemination of fascist symbols. This is the only known case of a conviction under the law.

The government continued its efforts to address the recommendations of the International Commission on the Holocaust in Romania (Wiesel Commission) Report and promote Holocaust education in school curricula. During the reporting period, the president dedicated the nation's first Holocaust Memorial in Bucharest.

There are 18 officially recognized religions. Under the provisions of the 2006 religion law, the government implemented a three-tier system of recognition: grupari religioase (which are not legal entities), religious associations, and religions.

Grupari religioase are groups of people who share the same beliefs but do not receive tax exemptions or support from the state.

Religious associations are legal entities that do not receive government funding, must be registered as such in a religious association registry, and receive only limited tax exemptions. This section of the religion law has engendered some confusion, since it confers tax exemptions "according to the Fiscal Code." However, the fiscal code itself does not address the issue of tax exemptions for religious associations. Unrecognized groups were not permitted to engage in profit-making activities. In order to register, religious associations must have 300 citizen members and must submit members' personal data, while the membership requirement for registration of any other type of association is three members. Religious associations were entitled to receive religion status if they have 12 years of continuous religious activity in the country and a minimum membership of 0.1 percent of the population (approximately 22,000 persons).

The 2006 religion law recognizes the same 18 religions that had this status prior to its adoption: the Romanian Orthodox Church, Orthodox Serb Bishopric of Timisoara, Roman Catholic Church, Greek Catholic Church, Old Rite Russian Christian (Orthodox) Church, Reformed (Protestant) Church, Christian Evangelical Church, Romanian Evangelical Church, Evangelical Augustinian Church, Lutheran Evangelical Church, Unitarian Church, Baptist Church, Pentecostal Church, Seventh-day Adventist Church, Armenian Church, Judaism, Islam, and Jehovah's Witnesses. Recognized religious groups were eligible for state support according to their representation in the census. Additionally, they have the right to establish schools, teach religion classes in public schools where they have a sufficient number of adherents, receive government funds to build places of worship, partially pay clergy salaries with state funds, broadcast religious programming on radio and television, apply for broadcasting licenses for denominational frequencies, have cemeteries, and enjoy tax-exempt status.

Under the religion law, the state-provided budget was determined by the number of adherents of each recognized religious community in the most recent census and "the religion's actual needs" (an ambiguous provision). Some minority religious groups, such as the Greek Catholics, claimed that the census significantly undercounted members of their community.

The government observes the following religious holidays as national holidays: Christmas (December 25) and Orthodox Easter. Members of other recognized religious groups that celebrate Easter on a different date are entitled by law to have an additional holiday.

Local permits are required in order to build places of worship, similar to other types of construction.

Ministry of Justice regulations provided for unrestricted access of recognized religions and religious associations to any type of detention facilities, even if their assistance was not specifically requested. The regulations also forbade any interference by the management of penitentiaries with religious programs and forbade the presence of management representatives at meetings between representatives of any religious group and prisoners. Distribution of religious publications was not subject to any restriction. Prison representatives in charge of religious assistance may not be priests or representatives of any religious community.

The law entitled recognized religious groups to have military clergy trained to render religious assistance to conscripts.

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 Affairs, submission of evidence that the applicants

represent a religious organization legally established in the country, certification of medical insurance, and a criminal record review. The law provided for up to five years of visa extensions. There were penalties for any foreigner who stayed without a visa, but such penalties did not appear to be linked to religious activities.

The government permitted, but does not require, religious instruction in public schools. Attendance in religion classes was optional. To opt out of religion classes, students must submit a request in writing. The 18 recognized religions were entitled to hold religion classes in public schools, but only if their adherents constituted a certain proportion of the student population. The law permitted instruction according to the religious affiliation of students' parents. The constitution and the 2006 religion law allow the establishment of confessional schools subsidized by the state.

The law forbids public authorities from asking individuals to specify their religious affiliation for any reason related to their interactions with the state.

#### Restrictions on Religious Freedom

The government generally respected religious freedom in practice; however, some restrictions adversely affected the rights of some religious groups. Since the 2006 religion law became effective, 14 religious groups received approval from the State Secretariat for Religious Affairs to register as religious associations, four of them during the reporting period.

According to the State Secretariat for Religious Affairs, the state budget for 2010 allocated approximately \$11.6 million (40 million lei) to recognized religions for the construction and repair of churches, as well as for supporting their social assistance activities. The government also granted the State Secretariat for Religious Affairs additional funds amounting to an estimated \$630,000 (2.1 million lei) in March 2010 and approximately \$5.4 million (18 million lei) in April 2010. The funds were distributed in direct proportion to the number of believers in each religion as identified in the 2002 census, with the Orthodox Church receiving the largest share. During the reporting period, minority religious groups complained less than in the past about delayed disbursement of the granted funds.

Some minority religious groups continued to report that local authorities for unjustified reasons opposed granting them construction permits for places of worship. The Greek Catholic Church continued to complain that the local authorities consistently opposed granting them a construction permit for a new church in Sapinta (Maramures County), where the local parish bought land in 2003. The Baptist and Adventist churches reported similar cases in Bucharest and Bursuceni (Suceava County) respectively.

Few politicians sponsored bills and measures that would displease the Orthodox Church. In one instance, a draft education law, submitted to parliament in April 2010, stipulated that school students could take courses in the history of religions, or other subjects of the student's choice, instead of religion classes. In May 2010 following the Orthodox Patriarch's letter to the President of the Chamber of Deputies, which argued that such a provision might generate abuses, the Chamber of Deputies adopted the law without this provision.

Generally, local officials tended to be tolerant toward minority religious groups, but there were incidents in which they were pressured or intimidated by Orthodox clergy. In some instances local police and administrative authorities demonstrated a passive attitude towards stopping the harassment of minority religious groups. Unlike in previous reporting periods Mormons did not report any cases in which the police told them not to do missionary work.

In Pesceana a Greek Catholic community established in 2005 continued to face discrimination and harassment. The

Greek Catholics complained that both the authorities and the Orthodox priests continued to deny them access to the local public cemetery. In February 2009 the Appellate Court in Pitesti ruled that the Greek Catholic priest could celebrate religious services in the cemetery only for those who die as Greek Catholic believers and not for their relatives who died as members of the Orthodox faith. However, the Greek Catholic priest complained that since 2005, he has not been allowed to celebrate religious services for any Greek Catholic deceased and was denied access to the cemetery to visit the tombs of relatives of Greek Catholic families.

The Greek Catholic Church complained that state authorities did not adequately respond to their complaints regarding restitution of properties or about discriminatory attitudes by local officials.

In contrast to previous reporting periods, minority religious groups, including both recognized and unrecognized religious groups, with the exception of the Greek Catholic Church, complained less frequently that low-level government officials impeded their efforts to proselytize, interfered in religious activities, and otherwise discriminated against them. The Greek Catholic Church complained about the hostile attitude of local authorities in several Transylvanian localities and about the pressure placed on their believers to switch to the Orthodox faith.

In January 2010 government intervention prevented Shen Yun Performing Arts from performing at a theater in Bucharest. Shen Yun Performing Arts is an organization that artistically presented Chinese culture through music and dance and references the Chinese government's mistreatment of Falun Gong. The Chinese government-banned Falun Gong in 1999 and has been reportedly pressuring governments in Europe, North America, and Asia to cancel Shen Yun performances. Several Romanian members of the European Parliament unsuccessfully tried to reverse the government's decision. Falun Dafa Romania, which sponsored the shows, alleged that the Chinese Embassy pressured the Ministry of Foreign Affairs (MFA) to forbid the performance. The MFA said the cancellation was due to a contract issue.

On January 12, 2010, the European Court of Human Rights (ECHR) ruled that a Greek Catholic parish from Sambata (Bihar County) had suffered discrimination on religious grounds and sentenced the government to pay \$28,900 (22,798 euros) in compensation. The ECHR ruled that the parish had not enjoyed effective access to a court because of its affiliation with the Greek Catholic Church. After the recognition of the Greek Catholic Church in 1990, the law stipulated that the status of former Greek Catholic churches had to be decided by local joint Greek Catholic-Orthodox committees. In Sambata the establishment of such a committee did not occur, and Orthodox Church representatives refused to hold alternate religious services with the Greek Catholics. After a court rejected the Greek Catholic request for alternative services--because of the decree requiring a joint commission to decide on formerly Greek-Catholic properties--the European Court on Human Rights ruled that the Greek Catholic Church did not have effective access to court on the grounds of their religion.

On July 18, 2009, at a fashion show at the beach resort of Mamaia, the mayor of Constanta, Radu Mazare, marched on a public stage dressed as a Nazi officer, accompanied by his 15-year-old son dressed as a Nazi soldier. The Federation of Jewish Communities in Romania, the Simon Wiesenthal Center, MCA Romania, the National Antidiscrimination Council (CNCD), a body established to curb discrimination of any kind (including on religious grounds), and others protested the action. On July 20, 2009, MCA Romania filed a complaint with the Prosecutor General's Office against Mazare, since the public display of Nazi symbols was illegal. On July 22, 2009, Mazare apologized for his action. The Prosecutor General's Office answered MCA's repeated inquiries by saying that the case was in the Prosecutor's Office in Constanta and an investigation was in the preliminary stages. The case was reported closed on January 26, 2010, and Mazare was exonerated from any responsibility. The case was then reopened on February 3, 2010, with no reported result. On May 13, 2010, the Prosecutor's Office to the High Court of Cassation and Justice and the Prosecutor's Office to the Constanta

Court of Appeal answered MCA's inquiries on March 8 and May 7, 2010, by saying that the case was under investigation. On June 11, 2010, the Prosecutor's Office of the Constanta Court of Appeal sent Mazare's case to the Constanta branch of the Division in charge of Organized Crime and Terrorism (a specialized department of the Prosecutor General's Office). No further developments occurred by the end of the reporting period.

Some minority religious groups also complained that authorities generally allowed the Orthodox Church to have an active role in opening ceremonies in schools and on other occasions, but that other religions were underrepresented. Greek Catholic priests from Transylvania complained that they were never invited to local events, not even those commemorating Greek Catholic heroes.

An Orthodox religion textbook published in 2006 by the Ministry of Education with the coordination of the then and present state secretary for religious affairs continued to generate complaints and dissatisfaction among minority religious groups. The book described the emergence of the Greek Catholic Church in the 18th century as the result of "Catholic proselytizing" and described Jehovah's Witnesses, Baha'is, and Mormons as sects "representing a genuine threat to society." A chapter in the religion textbook alleged that sects proselytized using such means as brainwashing, bribery, blackmail, and exploitation of the poor. While the government stated it had withdrawn the textbook, Jehovah's Witnesses and Baha'is reported that it was neither amended nor withdrawn during the reporting period. The CNCD confirmed to the Baha'is that the textbook had never been changed and the Baha'is decided to take legal action against the Ministry of Education and the state secretary in question.

The Seventh-day Adventist Church complained that various school exams were scheduled to take place on Saturdays when Adventist students could not participate. In some cases, after discussions with ministry and university officials, compromises were made to accommodate Adventist students. However, other activities scheduled for Saturdays were not changed, and organizers wrote "Adventist" next to the name of those who did not attend. In one case an Adventist student was able to reschedule his audition for the county instrumental school Olympics on a Friday, but the examiner said that there was no point in promoting the student to the national Olympics given that he belonged to the Adventist faith, and the audition would take place on a Saturday. The student's father and the Conscience and Liberty Association, an NGO fostering religious freedom, filed complaints with the Ministry of Education. The student was allowed to participate in the national Olympics.

In another case the Department of Economic Studies and Business Management of Stefan cel Mare University in Suceava did not approve the rescheduling of a July 25, 2009, (Saturday) graduation exam for an Adventist student, who postponed the exam until winter 2009-10.

According to minority religious groups, military clergy continued to consist of only Orthodox priests, with the exception of one representative from the Roman Catholic Church and one from the Evangelical Alliance (Baptist), a situation the Reformed and Greek Catholic Churches perceived as discriminatory.

Minority religious groups continued to complain of a lack of provisions for the free access of religious groups to state-owned media. The Seventh-day Adventist Church complained that state-owned media ignored events sponsored by minority religious groups and that the allocation of religious programming favored the Orthodox Church and restricted the access of other religious denominations to state-owned media news programs. It also complained that in many cases media outlets mentioned inappropriately the religious affiliation of criminals belonging to minority religions.

In 2005 the government amended legislation governing property restitution with the expressed aim of expediting

restitution, simplifying restitution procedures, and broadening the scope of restitution. This law also covered the restitution of farm and forestland and other real estate to ethnic communities and addressed restitution to religious communities.

The 2005 amended law also introduced fines for officials who hindered the restitution process, and created the Property Fund to compensate claimants with shares of stock for properties (farm and forestland included) that cannot be returned in kind. However, the Property Fund was not listed on the stock exchange by the end of the reporting period. A 2007 ordinance provided for cash payments in lieu of restitution of up to \$215,000 (500,000 lei), paid over a two-year period. On June 30, 2010, the government officially suspended cash payments for a period of two years, although such payments were suspended in 2009.

Under the amended restitution law, church buildings used by public institutions (such as museums, schools, and hospitals) were to remain in tenants' hands for a period of three or five years, depending on the function of the public institution, during which time they were to pay rent to the churches. The majority of church properties belong in this category. This law does not address the Greek Catholic churches confiscated under Communist rule in 1948 and handed over to the Orthodox Church; the 2005 amendments stated that the matter would be addressed in separate legislation, which was not adopted during the reporting period.

A national joint Orthodox and Greek Catholic committee, set up by government decree in 1990 to resolve the situation of former Greek Catholic churches, proved ineffective, and this effort effectively ended in 2004. A 2005 law permitted the Greek Catholic Church to resort to court action whenever the bilateral dialogue regarding the restitution of churches with the Orthodox Church failed. While this law enabled the many restitution lawsuits to proceed, the law itself does not reconstitute properties to the Greek Catholic Church, and effective implementation of court decisions remained problematic.

A 2004 law, as amended by the 2005 legislation, provided for the restitution of all buildings that belonged to ethnic communities and that were confiscated between September 6, 1940, and December 22, 1989, including the period between 1940 and 1944, when the pro-Nazi government seized a large number of Jewish properties. As in the case of religious properties, buildings used for the "public interest" would remain in the hands of the present users for either three or five years, depending on the current use of the structure.

In many cases religious minorities have not succeeded in regaining possession of properties confiscated under communist rule. Many properties returned to religious denominations contained government offices, schools, hospitals, or cultural institutions that require relocation, and lawsuits and protests by current occupants have delayed restitution of the property to the rightful owners. Although some progress was made during the reporting period, the pace of restitution was extremely slow, and the large majority of religious property restitution cases remained unresolved. In many cases local authorities refused to turn over restituted properties in which they had a financial interest and challenged in court the decisions of the Special Restitution Commission (SRC), the section within the National Authority for Property Restitution responsible for restituting religious and ethnic communal property. There were complaints that local authorities consistently delayed providing the SRC with information about the claimed properties, thereby obstructing the restitution process, despite fines for such delays stipulated in the 2005 legislation. The Property Fund, which should provide compensation in stock, was not listed on the stock exchange.

The SRC started its activity in 2003 and by the end of the reporting period had restituted to recognized religious groups 461 buildings of a total of 14,716 applications. Another 1,460 cases were approved to receive compensation, and 413 cases were denied.

Since 2003 the SRC returned only 130 of the 6,723 properties other than churches that the Greek Catholic Church claimed under the restitution legislation, and decided to grant compensation in 41 additional cases. The church also received approximately 65 of the 80 properties that were restituted by government decree in 1992, but many of them only on paper. In Bucharest during the reporting period, the Greek Catholic Church succeeded in obtaining partial possession of one of these properties. According to Greek Catholic reports, in Cluj two cases were close to being resolved that would allow the church to reprocess two of its schools, while in a third case, a lawsuit was still in progress at the end of the reporting period.

The government continued to avoid passing legislation regarding the restitution of Greek Catholic churches by the Orthodox Church, which received them from the communist state in 1948. During the reporting period, Greek Catholics received only one church from the Orthodox Church. Restitution of existing churches was an important matter to both denominations because residents were likely to attend the local church regardless of whether it was Greek Catholic or Orthodox. This had financial consequences because the number of members of a church was directly linked to the corresponding share of the state budget allocated for recognized religious groups.

Courts delayed hearings on many lawsuits filed by the Greek Catholic Church, and the lawsuits were often impeded by appeals by the Orthodox Church, as well as by the transfer of the cases to different courts. In Sisesti (Maramures County)-where a lawsuit over the former Greek Catholic church has lasted over 16 years--the High Court of Cassation and Justice returned the case to the lower court. The lawsuit was in progress at the end of the reporting period, with the Orthodox Church asking for compensation if the court decided to return the church to the Greek Catholic Church. Meanwhile, the Greek Catholic congregation continued to hold religious services in the open air, since the Orthodox Church refused the Greek Catholic proposal to hold an alternate service. Similarly lengthy lawsuits continued to be in progress for churches in other counties.

The Roman Catholic Church and the SRC remained unable to identify a solution for the restitution of the Battyanaeum Library, despite a 2003 court ruling. Full restitution of the Roman Catholic Bishop's palace in Oradea remained impeded by the slow pace of repair and construction work at the new location of the Tarii Crisurilor Museum, which had relocated only partially from the palace. From 2003 until the end of the reporting period, the SRC issued restitution decisions for 913 of the approximately 2,700 buildings claimed by Hungarian churches, rejecting 76 claims; however, Hungarian churches did not regain physical possession of many of these approved properties. The Unitarian Church won separate lawsuits regarding three buildings in Cluj and took possession of two of them. In December 2009 the Unitarian Church began the process of registering the third building as its property, but had not taken possession of it by the end of the reporting period.

Of the 42 buildings returned to the Jewish community by government decrees in the 1990s, the community took partial or full possession of 41, with only one case still pending. In Iasi 18 land claims of the Jewish community remained unresolved, and the situation of a 51-hectare plot of land that the prefect divided and distributed to other persons was not resolved during the reporting period. After having received only a six-hectare plot in compensation for the land in question during previous reporting periods, the Jewish community continued discussions with the National Agency of State Domains to identify plots of land to compensate for the ones that were no longer available. By the end of the reporting period, the Special Restitution Commission processed 615 of the 1,980 claims and approved 56 cases for restitution and 160 cases for compensation. The Jewish community had not received any financial compensation by the end of the reporting period. A total of 257 claims were rejected. Of the 10 lawsuits challenging the restitution of various buildings, the Jewish community won seven and lost one. Two others were in progress at the end of the reporting period. The Jewish community continued to complain about flaws in the legislative process and difficulties in obtaining documents from the archives as well as the length of the compensation procedures.

The Greek Catholic Church also complained that, in many regions where it claimed farm and forestlands, local authorities, influenced by the Orthodox Church, opposed restitution outright, proposed that restitution to all religious denominations be in direct proportion to the number of their believers, or gave land reclaimed by the Greek Catholic Church directly to the Orthodox Church. The Greek Catholic Church also reported that the Bucharest mayor's office continued to oppose the return of 430,560 square feet of land in Bucharest. In Cluj County the authorities delayed the restitution of land to the Greek Catholic Church in the localities of Feleacu and Morlaca; meanwhile, local authorities gave the former Greek Catholic land to other individuals or companies. According to Greek Catholic sources, the Greek Catholic Church continued to reject the proposal of local authorities in Budesti (Maramures County) to receive land that had belonged to Jewish victims of the Nazi era that was offered to them as a replacement for farm and forestland. Local authorities failed to reconstitute former Greek Catholic forest or farm land in 27 localities across Maramures, Salaj, Bihor, Satu-Mare, and Hunedoara counties.

On December 14, 2009, the Timisoara Court of Appeals ruled in favor of the Romanian Orthodox Church Fund of Bukovina Foundation in the lawsuit regarding the restitution of 166,813 of the 192,000 hectares of forestland reclaimed by the foundation. The state delayed the actual restitution of the land.

The Seventh-day Adventist Church complained that lawsuits involving religious issues usually lasted for long periods. They cited a 2003 lawsuit, filed against the city hall of Scobinti (Iasi County) where the mayor and the local Orthodox priest prevented the burial of an Adventist believer in the Adventist rite that was closed only in 2009, when the court ruled in favor of the Adventist Church.

The Adventist Church reported that in the summer of 2009, it, along with other recognized religious denominations and journalists, noticed that the site of the government's e-governance project allocated much more space to the Orthodox Church, in comparison to the other 17 recognized religious denominations, which were very briefly described. The Adventist Church sent a memorandum requesting an objective, nondiscriminatory presentation of all recognized religious denominations, as well as that such presentations should be drafted by the religious denomination in question. In spring the government decided that the requests were valid and included them in the final form of the project.

The Baptist Church continued to allege that the Bucharest city hall wanted to expropriate a piece of land owned by the church for the construction of a shopping center. The Bucharest city hall repeatedly refused the Baptist Church's request for a construction permit for a place of worship on the land.

The local Muslim community continued to face problems with the burial of its members. Despite repeated promises by the Bucharest mayor's office, during the reporting period, the community did not receive land for the establishment of a Muslim cemetery and for the construction of a mosque.

According to Roman Catholic authorities and media reports, the issue of the 19-story building to be constructed within the protection zone around the Roman Catholic Saint Joseph Cathedral in Bucharest, a designated historical monument, remained unresolved. The church argued that construction of the building might damage the foundations of the cathedral. In 2007 a court in Dolj County suspended the construction, but on June 25, 2009, a court of appeals in Ploiesti ruled in favor of the developer, thereby allowing the construction to continue. In July 2009 the church filed a request at the High Court of Cassation and Justice (ICCJ) to review the case. The ICCJ initially sent it to the Ploiesti Court of Appeal and later, in February 2010, approved the Roman Catholic Church's request to transfer it to the Suceava Court of Appeal. In October 2009 the Mayor-General of Bucharest urged the developer to stop construction and filed a complaint with the Bucharest

court, challenging the legality of the concession contracts for the land on which the 19-story building was erected. Both courts had not ruled on these cases by end of the reporting period.

A similar situation existed in Constanta where a developer started the construction of an office building several feet from a mosque built in 1869 and believed to be one of the nation's oldest. The mufti's office filed two complaints in court in 2008, asking for the cancellation of the construction permit issued by the Constanta city hall and for suspension of work. By the end of the reporting period, the lawsuit was still in progress, and the building was near completion.

In December 2009 responsibility for oversight of the Religious Affairs Department was shifted from the Ministry of Culture to the Prime Minister's Office. Media alleged that the move was the result of the Orthodox Patriarch's direct intervention, following the appointment of an ethnic Hungarian with a different religious affiliation to head the Ministry of Culture. The Orthodox Church denied the assertions.

There were no reports of religious prisoners or detainees in the country.

#### Forced Religious Conversion

There were no reports of forced religious conversion.

#### Improvements and Positive Developments in Respect for Religious Freedom

Most mainstream politicians continued publicly to denounce anti-Semitism, racism, xenophobia, and attempts to deny the occurrence of the Holocaust in the country.

The government continued to make progress in its efforts to teach the true history of the Holocaust in the country. Compulsory seventh-grade history courses included the Holocaust as a dimension of World War II, and a ninth-grade history course had a full chapter on the Holocaust. The Holocaust was taught in connection with World War II in 10th-grade; as a specific theme in 11th-grade; and in the chapter on national minorities in the 12th-grade curriculum. There was also an optional course on "History of the Jews and Holocaust" for the 12th-grade. The government continued to train teachers in Bacau, Cluj, Bucharest, Iasi, and Craiova to teach about the Holocaust. In addition the teachers received training for programs offered jointly by the Ministry of Education and the Yad Vashem Institute. In 2009 30 history teachers received training at Yad Vashem and at the Shoah Memorial in Paris. The Ministry of Education maintained a Web site that included a guide to assist teachers nationwide who instructed courses on the Holocaust. The Ministry of Education also continued to distribute books and supplementary materials to help teach the Holocaust and continued to sponsor national and international seminars on the Holocaust, the teaching of its history, the combating of anti-Semitism, and national contests regarding the Holocaust.

On May 7, 2010, on the occasion of a visit from the Holy See, the Orthodox Patriarch released a statement declaring that the Orthodox Church wished to resume the dialogue with the Greek Catholic Church to jointly identify solutions to resolve outstanding disputes, which include the restitution of churches and church property; the implementation of court decisions on the property disputes; the issuance of construction permits for new churches; the provision of access to local cemeteries in accordance with the law; and the resolution of lawsuits currently before the court. The dialogue had not yet started by the end of the reporting period.

In April 2010 parliament adopted a law stipulating that Muslims may take their deceased family members from a hospital in less than 24 hours after the death occurred. Previously, 24 hours was the minimum.

In January 2010 government officials and members of parliament attended and addressed a series of events commemorating the 1941 pogrom in Bucharest in which 125 Jews were killed by the Iron Guard, (also known as Legionnaires), a pro-Nazi, anti-Semitic organization.

On October 8, 2009, National Holocaust Remembrance Day, the president dedicated a Holocaust memorial in Bucharest. A large number of government and foreign officials attended the ceremony. On the same day parliament held a solemn special joint session at which Holocaust survivors and other officials spoke. Several other events took place elsewhere in the country.

The president also awarded the Order of Merit to the Romanian members of the Wiesel Commission and various other medals to rabbis, international and Romanian researchers, and public personalities active in the research and teaching of the Holocaust.

Several religious groups, including Jehovah's Witnesses, the Greek Catholic Church, and the Seventh-day Adventist Church, reported that they enjoyed free access to detention facilities.

The Seventh-day Adventist Church noted that both the authorities and the population at large have improved attitudes toward this denomination and its social activities. During the reporting period the written media covered Adventist social, educational, humanitarian, and health care projects with greater frequency than in the past.

### Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

During the reporting period, anti-Semitic views and attitudes were expressed by participants during talk show broadcasts by private television stations and in discussion forums on the Internet.

The modern incarnation of the Legionnaires (the Legion of the Archangel Michael, also called the Iron Guard, an extreme nationalist, anti-Semitic, pro-Nazi group that existed in the country in the interwar period) continued to republish inflammatory books from the interwar period and to publish magazines such as *Cuvintul Legionar* (Legionnaire Word) carrying anti-Semitic articles. Some groups held public events or made statements with anti-Semitic themes.

Acts of anti-Semitism, including desecration and vandalism of Jewish sites, continued during the reporting period with no appreciable change in frequency compared to previous reporting periods. According to the NGO Center for Monitoring and Combating Anti-Semitism (MCA) in the country, authorities tended to rule out any anti-Semitic motivation behind these acts of vandalism, blaming them on children, drunkards, or persons with mental disorders. MCA noted that Jewish establishments appeared to be targets of choice for the "vandals," and expressed the belief that the investigations were not thoroughly conducted, adding that the recurrence of such acts was encouraged by the lack of prosecutions under the law.

During the night of May 3, 2010, a group of youths threw stones at the house of the guard of the Jewish cemetery in Craiova. The Jewish community called the police, which took steps to restore order in the area.

On April 16, 2010, unidentified individuals broke into the chapel of the stone carving workshop of a Jewish cemetery in

Bucharest. On April 13, 2010, unidentified individuals stole some assets from the administrative building of a Jewish cemetery in Bucharest. In both cases the Jewish Communities Federation filed complaints with the relevant authorities.

In April 2010 local media reported that unidentified individuals drew swastikas on the walls of several buildings and on a memorial in Galati and noted that the relevant authorities thought the perpetrators were rebellious teen-agers, not pro-Nazi individuals. In December 2009 a swastika also was painted on the walls of a building in Bucharest. The relevant authorities stated the action was merely the result of "youthful bravado."

During the night of July 7, 2009, unidentified individuals destroyed five tombstones in the Jewish cemetery in Ploiesti. The Jewish Communities Federation urged the relevant authorities to identify the perpetrators.

Extremist organizations occasionally held high-profile public events with anti-Semitic themes. The New Right Organization, Professor George Manu Foundation, and the Party for the Nation continued to sponsor events commemorating legionnaire leaders, including holding religious services, symposia, and marches. Such events took place in Sibiu on May 25 and January 13, 2010, in Tancabesti Forest on November 28 and 30, 2009; in Predeal on September 20, 2009; in Iasi on September 13, 2009; and in Timisoara on July 16, 2009. Participation in these events was usually limited to small numbers of people. These organizations also continued to promote the ideas of the Iron Guard in the media and on the Internet.

During the reporting period, the publications of the extreme nationalist Greater Romania Party (PRM), headed by MEP Corneliu Vadim Tudor, continued to carry statements and articles containing strong anti-Semitic remarks.

On June 15, 2010, the 121st anniversary of national poet Mihai Eminescu's death, PRM Secretary General Gheorghe Funar stated that Eminescu was killed by Jews who did not like his political writing and poems. He added that a Jewish doctor poisoned the poet with mercury. The Executive Director of the Wiesel Institute labeled the statement anti-Semitic and underscored that Funar did not offer any evidence in its support.

On May 13, 2010, a memorial cross commemorating heroes of both world wars and anti-communist fighters, most of them pro-Nazi and anti-Semitic Legionnaires, was dedicated by four Greek Catholic priests in Dragomiresti, Maramures County. The family of an anti-communist fighter erected the cross.

Following an appeal filed by the president, on November 18, 2009, the High Court of Cassation and Justice returned to the Bucharest Court of Appeal for a new trial the case regarding the withdrawal of the Star of Romania medal from PRM leader Corneliu Vadim Tudor. The lawsuit began in 2007 after the president withdrew the medal because of Tudor's numerous xenophobic and anti-Semitic comments. Tudor challenged the legality of the president's decree, and the Bucharest Court of Appeals ruled in Tudor's favor in April 2009. The High Court had not issued a final ruling by the end of the reporting period.

Minority religious groups alleged that some members of the Orthodox clergy provoked isolated incidents of organized group intimidation, impeded their efforts to proselytize, and interfered in religious activities.

The CNCD received five complaints of discrimination on religious grounds from July 1, 2009, through June 1, 2010. During that period the CNCD started investigations of these five complaints and, in addition, 26 incidents of possible discrimination in which no complaint was received.

The Seventh-day Adventist Church complained that Orthodox, Roman-Catholic, and Greek Catholic priests in some cases

pressured authorities not to rent cultural houses or public halls for public events sponsored by the Adventist Church and attempted to discourage believers from attending.

The Seventh-day Adventist Church reported several conflicts with Orthodox priests. On May 23, 2010, in Cosereni (Ialomita County) a group of Adventist believers was distributing books when two local Orthodox priests verbally and physically abused four Adventists. The police allegedly stated that the Adventists' claims were accurate, but did not take any measures against the Orthodox priests. A similar case occurred in Barcanesti, Prahova County, where Adventist believers were assaulted by an Orthodox priest, who snatched the books they were distributing and tore them up.

In Persinari (Dambovita County) an Orthodox priest disrupted an Adventist Bible-study meeting that took place in the house of an Adventist believer and tried to intimidate the participants, according to the Adventist Church. A police officer and the mayor allegedly arrived on the scene, declared the meeting to be illegal and threatened to fine the Adventists if they held such meetings again. The Adventist minister explained the legal framework to the authorities, who relented. Subsequent meetings continued to take place.

Mormons continued to report isolated incidents of harassment of missionaries by residents in several locations and complained that apartment managers frequently barred missionaries from accessing apartment houses, although they observed appropriate hours and behavior.

The Greek Catholic Church reported that in many localities its believers were subjected to harassment and intimidation by Orthodox priests and sometimes by local officials.

The Greek Catholic, Adventist, and Baptist churches continued to report that Orthodox priests allowed the burial of non-Orthodox believers in confessional or even public cemeteries (often treated as confessional by Orthodox priests in rural areas) only when certain conditions were met; they allowed burials only in isolated sections of the cemetery if non-Orthodox religious services were not used. Although the 2006 religion law allows religious groups access to cemeteries belonging to other churches, such incidents continued during the reporting period, albeit less frequently. The Adventist Church reported that in some cases--for example, in Alunis, Salaj County--the local Orthodox priest allowed the burial of an Adventist believer in the Adventist rite only after the intervention of the mayor's office and high-ranking Orthodox clergy, and then only at the margin of the public cemetery. In February and January 2010, in Persani, Brasov County, an Orthodox priest reportedly did not allow an Adventist minister to use the Adventist rite to bury two deceased Adventist believers. In one of the cases, the Adventist minister was allowed to speak and pray for 15 minutes, while in the other case, the Orthodox priest buried the believer in the Orthodox rite. In a village in Vaslui County, the Adventist church encountered a similar situation. In Galati the Adventist Church reported several instances in which it could place its deceased believers in the chapel of a public cemetery only after the intervention of the Orthodox Bishopric of Galati.

According to the Adventist Church, the authorities failed to implement a provision of the religion law requiring them to allocate burial land to all religious groups. The Baptist Church reported that, although it received land for a cemetery in Starchiojd, Prahova County, the local Orthodox parish occupied approximately one third of the land. In Potcoava, Olt County, the Baptist Church filed a lawsuit against the Orthodox Church because an Orthodox priest did not allow the burial of Baptist believers in a public cemetery. It also asked the mayor's office to allocate land in the cemetery for the burial of Baptist believers. The lawsuit was in progress at the end of the reporting period. In May 2010 the Orthodox priest in Potcoava, supported by his bishop, did not allow the burial of a Baptist believer on the basis that he could not be buried in the same grave with Orthodox believers (the Baptist believer's parents belonged to the Orthodox faith). A similar case was reported by the Baptist Church in Milailesti, Giurgiu County, where in December 2009 the Baptist congregation had to end

the religious service for a deceased believer at the gate of the cemetery because the Orthodox priest denied them access to the cemetery. Over the years Orthodox priests have denied the Baptist Church access to the public cemeteries in Tufeni, Bacea, and Movileni (Olt County).

Orthodox priests also denied Greek Catholics access to many cemeteries in various locations including Pesceana (Valcea County), Damuc (Neamt County), Ungheni (Mures County), Vintu de Jos (Alba County), Magina (Alba County), Radesti (Alba County), Telec-Bicaz (Neamt County), Bicaz-Chei (Neamt County), Targu Lapus (Maramures County), and Desesti (Mures County). In Budesti (Maramures County) the Greek Catholic Church still did not have access to a cemetery even after a favorable court ruling. The Greek Catholic Church complained that in Urisiu de Jos (Sanmihaiu de Padure) and Chiheru de Jos (Mures County), the Orthodox priests pressured the relatives of Greek Catholic deceased to bury them according to the Orthodox rite.

Relations between the Greek Catholic Church and the Orthodox Archbishopric of Timisoara continued to be amicable and cooperative, with the latter restituting almost all of the Greek Catholic assets during the post-revolution period. The Orthodox bishopric of Caransebes continued to have similarly positive relations with the Greek Catholic Church.

For the most part, however, Orthodox leaders opposed and delayed returning churches to the Greek Catholics, taking the view that places of worship belonged to the congregations and not to the religious denomination. In this view the same religious communities that were Greek Catholic before 1948 and are presently Orthodox are using the churches. The Greek Catholic Church of the eparchy of Lugoj continued to report that the Orthodox bishopric of Arad, Ienopole, and Halmagiu was still using more than 90 Greek Catholic churches and refusing to restitute them or hold alternate religious services.

In Zalau (Salaj County) after the Orthodox Bishopric of Salaj refused to hold alternate services with the Greek Catholic Church in the chapel of a hospital for more than a year, the hospital manager offered a separate room for Greek Catholic use beginning in October 2009.

In several localities with two churches (one of which had belonged to the Greek Catholic Church) and only one Orthodox priest, the Orthodox Church has alternated religious services between the two locations, either locking the Orthodox church and holding services in the former Greek Catholic church or establishing a second Orthodox parish at the former Greek Catholic church. In one town Tautii de Sus in Maramures County, to avoid restituting a church to the Greek Catholic Church, the Orthodox Church uses the Greek Catholic church as a mortuary chapel. During the reporting period, the Orthodox Church continued to keep more than 15 former Greek Catholic churches closed. Meanwhile, Greek Catholics held religious services in more than 130 unofficial locations, such as in believers' homes and houses of culture.

In Salonta (Bihar County) the Orthodox Church continued to build a new church next to the old Greek Catholic church, which was partially demolished despite a four-year ongoing lawsuit for its restitution. After the Greek Catholic Church won the lawsuit, the High Court of Cassation and Justice returned the case to the Timisoara Court of Appeal for retrial with the Orthodox Church demanding a list of names of the Greek Catholic believers. The Orthodox Church in Salonta also opposed the allocation by the local authorities of land to the Greek Catholic Church for the construction of a new church.

In April 2009 in Sapanta (Maramures County) under the pretext of renovating the local church (which was Greek Catholic before 1948), the Orthodox Church demolished its steeple, announcing its intention to rebuild it in a different style. The renovation works were partially funded by the Ministry of Culture. Greek Catholic sources suspected the Orthodox Church had objected to the Catholic neo-Gothic style of the steeple. The Greek Catholic Church held property deeds for both the

church and its cemetery and obtained a court injunction to suspend the demolition and construction works, which the Orthodox Church observed for a short time after completing demolition of the steeple. In July 2009 the Maramures County tribunal rejected the injunction, giving the Orthodox Church clearance to continue construction. Greek Catholic appeals to the local and national government remained unanswered according to Greek Catholic sources, but the lawsuit initiated by the Greek Catholic Church for the restitution of the church was still ongoing at the end of the reporting period. The Orthodox Church rebutted Greek Catholic statements, asserting that the church is the property of the local (now Orthodox) community and not of the Greek Catholic Church. The Orthodox Church had begun extensive restoration, rehabilitation, and consolidation work on the church in 2007. It further accused the local Greek Catholic parish of holding religious services in an unauthorized place of worship for over eight years. According to the Orthodox Church, the Greek Catholic believers in Sapanta number only 10 people, while the Orthodox believers are 3,300 and the Greek Catholic Church reclaimed the church, the cemetery, land, and other properties "without complying with the proportionality principle and the wish of the 3,300 Orthodox believers."

On May 18 and 19, 2010, unidentified persons broke into two churches (one Greek Catholic and one Reformed), vandalized them, and stole valuable items.

On April 23, 2010, unidentified individuals set fire to a Greek Catholic church in Timisoara.

On October 3, 2009, an Orthodox priest set fire to an historic formerly Greek Catholic wooden church built in 1777, in Soconzel (Satu Mare County). Reports said that the priest accidentally threw a cigarette butt in the dry grass in the churchyard.

Representatives of minority religious groups complained that charitable activities carried out by their groups in children's homes and shelters often were negatively interpreted as proselytizing, adding that Orthodox priests engaging in such work faced no such perceptions.

After the dialogue between the Greek Catholic and Orthodox Churches halted in 2004, disputes between the two religious groups over church property increased in number and intensity. Greek Catholic communities decided in many cases to build new churches because of the lack of progress in restituting their properties either through dialogue with the Orthodox Church or in court. However, in some cases the Orthodox Church and the local authorities hampered their efforts. Tensions continued in at least 21 localities where the Orthodox Church refused to comply with court rulings ordering restitution or where the Greek Catholic Church had initiated lawsuits for restitution.

In Dumbraveni (Sibiu County) the Orthodox Church continued to refuse to enforce a previous court ruling to share a local church with the Greek Catholic Church. Although the Orthodox Church had signed a protocol promising to return the Greek Catholic church after construction of a new Orthodox church, it continued to refuse to do so after the construction was complete.

A Roman Catholic Csango community, a group that speaks a Hungarian dialect, continued to complain that they were unable to hold religious services in their mother tongue because of opposition by the Roman Catholic Bishopric of Iasi. On October 17, 2009, however, there was progress in addressing these complaints when a service was held in Romanian, Hungarian, and Latin in the village of Vladnic (Bacau County).

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

The U.S. government maintained active public outreach on religious freedom. The embassy maintained close contact with a broad range of religious groups and NGOs in the country, including Muslim groups and other minority religious groups, to monitor and discuss religious freedom. The ambassador and other embassy representatives regularly met and raised religious freedom concerns with religious leaders and government officials who worked on religious affairs.

The ambassador hosted a meal to break the fast following the Jewish holiday of Yom Kippur and an iftar dinner following the Muslim holiday of Ramadan. In addition the ambassador, deputy chief of mission and other embassy officials attended various events celebrating the different religions practiced in the country.

The ambassador, chargé d'affaires, and other embassy officials repeatedly raised concerns about the slow restitution of religious properties, particularly of Greek Catholic churches, with government officials, including the president, prime minister, and the minister of culture and religious affairs. The embassy also encouraged the Romanian Orthodox and Greek Catholic Churches to resume dialogue aimed at reconciliation and the resolution of outstanding property disputes.

U.S. officials continued to advocate in government circles for fair and equal treatment on property restitution matters, including religious and communal properties, and for nondiscriminatory treatment of all religious groups. The embassy also specifically raised its concerns with government authorities and with the Orthodox Church over the continuing destruction of the historic Greek Catholic church structures in Ungheni and Sapanta. The embassy encouraged a renewal of dialogue between the Orthodox and Greek Catholic Churches.

Throughout the reporting period, embassy representatives and other U.S. government officials discussed with government officials at multiple levels the importance of full official recognition of the Holocaust in the country, improvements in Holocaust education in school curricula, and full implementation of the 2004 recommendations of the Wiesel Commission. The embassy supported visiting delegations focusing on matters related to the Holocaust. Embassy personnel and visiting U.S. officials repeatedly discussed the Holocaust in the country with local and international members of the Wiesel Institute and supported its work. Among many other events, embassy officials participated in the commemoration of National Holocaust Day in October 2009 and the dedication of the Holocaust Memorial. The embassy supported the activities of the U.S. Holocaust Memorial Museum and its efforts to further Holocaust education in the country.

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