



Romania

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2009

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The Constitution and the law provide for freedom of religion. While the Government generally respected this right in practice, some restrictions adversely affected the rights of some religious groups.

There was no change in the status of respect for religious freedom by the Government during the period covered by this report. Minority religious groups continued to claim, credibly, 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. Some international organizations, domestic nongovernmental organizations (NGOs), and minority religious groups criticized a December 2006 religious freedom law (which took effect in January 2007) for institutionalizing discrimination against minority religions and creating impediments for many such groups to obtain official recognition. 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 Greek Catholic Church was the only denomination outlawed under communist rule and whose churches were confiscated and given to another denomination, the Orthodox Church. 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 incidents in which the Romanian Orthodox Church showed hostility toward non-Orthodox churches and criticized proselytizing by Protestant and other religious groups. In general, the Orthodox Church continued to refuse to return the Greek Catholic churches that it received in 1948. The Orthodox Church often used its influence to put pressure on small groups and government officials to its own advantage.

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, including Greek Catholic churches. The Embassy also strongly encouraged the Government's efforts to recognize the history of the Holocaust in the country, including the implementation of the recommendations in the 2004 Wiesel Commission Report, training of teachers to teach the history of the Holocaust in the country, erection of a Holocaust memorial, and commemoration of the country's Holocaust Remembrance Day.

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, Romanian Orthodox believers (including the Orthodox Serb Bishopric of Timisoara) comprised 86.8 percent of the population. Roman Catholics 4.7 percent, and Greek Catholics less than 1 percent. The Greek Catholic Church claimed that their church membership was undercounted in the official census and estimated that its adherents comprise 3.6 percent of the population. The following religious groups comprised less than 2 percent of the population: 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, Hare Krishna, and Zen Buddhism.

Most religious groups 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. Most Greek Catholics reside in Transylvania, but there are also Greek Catholics in Bucharest and the Banat and Crisana regions. Protestant and Catholic believers tend to be 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 31 percent of the population claims to attend religious services several times a month, according to a September 2007 poll.

Section II. Status of Religious Freedom

Legal/Policy Framework

Although the Constitution and the law provide for freedom of religion, 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 understanding by the authorities of what activities constitute proselytizing.

The Government observes Christmas and Orthodox Easter as national holidays. Members of other recognized religious groups that celebrate Easter on a different date are entitled by law to have an additional holiday.

The total number of officially recognized religions remains low. Under the provisions of the 2006 religion law, the Government implemented a three-tier system of recognition: *grup religios* (which are not legal entities), religious associations, and religions. *Grup religios* 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 are 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 3 members. Religious associations are entitled to receive religion status if they have 12 years of continuous religious activity in the country and a 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 are eligible for state support according to their representation in the census. Additionally, they have the right to establish schools, teach religious beliefs in public schools where they have a sufficient number of adherents, receive government funds to build places of worship, 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, have cemeteries, and enjoy tax-exempt status.

The law entitles 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 communal (public) cemeteries.

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

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 provides for up to 5 years of visa extensions. There are penalties for any foreigner who stays without a visa, but such penalties do not appear to be linked to religious activities.

The Government permits, but does not require, religious instruction in public schools. Attendance in religion classes is optional. To opt out of religion classes, students must submit a request in writing. A new draft education law proposing the elimination of religion classes in high schools generated protests by some NGOs, media, and the Orthodox Church, which launched a campaign against the draft law. Only the 18 recognized religious groups are entitled to hold religion classes in public schools, but only if their adherents constitute a certain proportion of the student population. The law permits 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.

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 covers the restitution of farm and forest land and other real estate to ethnic communities and addresses restitution to religious groups.

The 2005 amended law also introduced fines for officials who hinder the restitution process and created a property fund to compensate claimants with shares of stock for properties (farm and forest land included) that cannot be returned in kind. However, the potential \$5 billion (12 billion RON) property fund was not listed on the stock exchange by the end of the reporting period; after repeated postponements, it is expected to be listed in 2009. A June 2007 ordinance provides for cash payments in lieu of restitution of up to approximately \$215,000 (500,000 RON), paid over a 2-year period. Claims over \$215,000 (500,000 RON) are to be additionally paid with stock in the property fund.

Under the amended restitution law, church buildings used by public institutions (such as museums, schools, and

hospitals) are to remain in tenants' hands for a period of 3 or 5 years, depending on the function of the public institutions, during which time they are to pay rent to the churches. The majority of church properties belong in this category. This law does not address the Greek Catholic churches, which were 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 permits the Greek Catholic Church to resort to court action whenever the bilateral dialogue regarding the restitution of churches with the Orthodox Church fails. Prior to that, the courts often refused to rule in cases regarding Greek Catholic churches due to the 1990 decree. While this law enables 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, also amended by the 2005 legislation, provides for 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" would remain in the hands of the present users for either 3 or 5 years, depending on the current use of the structure. At the request of the Jewish community, the law extended the period of the confiscation of properties to include the time period between 1940 and 1944, when the pro-Nazi government seized a large number of Jewish properties.

Ministry of Justice regulations provide for unrestricted access of recognized religions and religious associations to any type of detention facilities, even if their assistance is not specifically requested. The National Administration of Penitentiaries can bar the access of representatives of a religious group only if it can provide solid proof that the presence of the group in question endangers the security of the detention facility. The regulations also forbid any interference by the management of penitentiaries with religious programs and forbid the presence of management representatives at meetings between representatives of any religious group and prisoners. Distribution of religious publications cannot be subjected to any restriction. Prison representatives in charge of religious assistance should not be priests or representatives of any religious group.

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

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

A 2006 law to combat anti-Semitism bans fascist, racist, and xenophobic organizations and includes the persecution of Roma in addition to Jews in its definition of the Holocaust. There have been no convictions under the law.

The International Commission on the Holocaust in Romania (Wiesel Commission) Report (2004) made recommendations aimed at increasing public awareness of events that occurred in the country during the Holocaust. The recommendations included government reversal of the previous rehabilitation of Nazi war criminals, establishment of a national Holocaust Remembrance Day, construction of a national Holocaust memorial and museum in Bucharest, and enforcement of legislation making Holocaust denial a crime. In addition, the Commission recommended the comprehensive inclusion of the accurate history of the Holocaust in school curricula and textbooks.

Restrictions on Religious Freedom

Since 1990 authorities have refused to grant religion status to the Organization of the Orthodox Believers of Old Rite, the Adventist Movement for Reform, the Baha'i Faith, and the Mormons, mostly because of the absence of legislation before the adoption of the 2006 religion law. These groups are instead registered as religious

associations. During the reporting period, no groups currently with *grup religios* status attempted to acquire religion status because of the restrictive legal requirements. Since the religion law became effective, nine religious groups received approval from the State Secretariat for Religious Affairs to register as religious associations; however, the national registry for religious associations had not been established at the end of the reporting period.

All 18 recognized religious groups submitted their statutes in order to reconfirm their religion status as required by the 2006 law. The statutes of 10 were approved, while the approval of the statutes of the other 8 religious groups was pending at the end of the reporting period. The Jehovah's Witnesses complained that, although they made all the changes in the statutes that had been requested by the State Secretariat for Religious Affairs by the end of March 2008, they did not receive an answer from the State Secretariat within the legal 30-day deadline for approving its statutes. The Government eventually approved the statutes of Jehovah's Witnesses in June 2008. The Baha'is criticized the provision requiring 300 members and their personal data for registration as a religious association, arguing that it is not only discriminatory but also against the law, which forbids authorities from asking individuals to declare their religious affiliation.

The Baha'is also expressed concern about the lack of provisions in the religion law regarding the burial of individuals belonging to unrecognized religious groups.

In June 2008 representatives of the Reformed, Lutheran, Unitarian, Greek Catholic, and Hungarian Baptist churches complained to the EU Commission in Brussels, arguing that the religion law discriminates against minority religious groups and, despite the constitutional provision guaranteeing religious freedom, the state unjustly favors the Orthodox Church. The minority religious groups further complained that the Greek Catholic Church has not received back its churches; students belonging to minority religious groups do not have equal access to religious education; the Orthodox Church receives disproportionately large funds and sizeable properties from the state; and the state does not sanction the Orthodox Church's actions that are against the principle of dialogue, i.e., destruction of properties that should be restituted, hate-speech on state television, and discrimination against minority religious groups in public schools and the media.

A survey on the relationship between state and religion, conducted by the Association for the Defense of Human Rights in Romania-the Helsinki Committee (APADOR-CH) between September 2007 and March 2008, criticized the ambiguous provisions of the religion law regarding tax exemption for religious associations and the fact that the Fiscal Code does not make any reference to religious associations, stipulating tax exemption for buildings used for social-humanitarian activities by "associations, foundations, and religions." This leaves room for interpretation by the local authorities, which in some cases decided that buildings belonging to a religious association should not be tax exempt. The Society of New-Apostolic Christians in Romania, a religious association, faced such a case in Sibiu in November 2007. In other localities, the same association was granted tax exemption.

According to the State Secretariat for Religious Affairs, in 2007 recognized religions received approximately \$68 million (162.7 million RON) for the construction and repair of churches in direct proportion to the number of their believers according to the 2002 census, with the Orthodox Church receiving the largest share. During 2008 the Government earmarked \$60 million (142.7 million RON). According to the APADOR-CH survey, the Government lacks a clear and transparent policy for the allocation of funds to the recognized religious groups. In addition to amounts earmarked in the state budget, the Government also allocates funds from its special reserve budget to the recognized religious groups. Minority religious groups continued to complain that the Government delayed disbursement of the granted funds, since they did not have time to spend the funds for their intended purpose by the end of the calendar year, by which time any unspent funds must be returned to the state. According to the APADOR-CH survey, in 2007 the Government supported the overseas spiritual-cultural and social activities only of the Orthodox Church.

Some minority religious groups continued to report that local authorities opposed granting them construction permits for places of worship for unjustified reasons. For example, during the previous reporting period, Jehovah's Witnesses complained that in Sighisoara (Mures County) the authorities illegally conditioned the granting of permits on the requirement that all neighbors in the area agree to the construction. The Jehovah's Witnesses took this case to court and won the lawsuit. The Greek Catholic Church reported a similar case in Sapinta (Maramures County).

Although the construction of a Holocaust memorial should have started during the reporting period, the Bucharest general mayor's office delayed the issuance of the required construction permit. The Minister of Culture and Religious Affairs accused the Bucharest general mayor's office of obstructing the construction of the memorial.

In contrast with previous reporting periods, minority religious groups did not complain about difficulties in obtaining approval to use public halls. However, several minority religious groups complained that local authorities and Orthodox priests prevented some religious activities from taking place, especially in rural areas or small localities.

Few politicians sponsor bills and measures that would displease the Orthodox Church. Because 2008 was an electoral year, parties and politicians rushed to draft laws favoring the Orthodox Church. Some critics charged that this was done in order to win favor with the Church during the electoral period. For example, in March and May 2008, the Government allocated approximately \$200 million (500 million RON) for construction and repair of churches, with most of the funds going to the Orthodox Church. A group of liberal parliamentarians proposed a draft law restituting to monasteries the forests they had received under an inter-war law; the Social Democratic Party also proposed to increase subsidies for the salaries of the clergy and argued that the clergy should not be investigated for possible ties with the secret police of the communist regime.

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 tacitly supported societal campaigns (a few of which involved physical intimidation) against proselytizing by non-Orthodox religious groups or demonstrated a passive attitude towards stopping the harassment of such groups (see Section III).

In Pestana a Greek Catholic community established in 2005 continued to face discrimination and harassment. Tensions also continued because of the Orthodox Church's refusal to comply with a court ruling allowing Greek Catholics to have access to the local cemetery. After year-long opposition, the local authorities issued a construction permit for a Greek Catholic church, and the cornerstone for the new church was consecrated on October 14, 2007.

State authorities did not respond to Greek Catholic complaints regarding restitution of properties or discriminatory attitudes by local officials.

Unlike in previous reporting periods, the Jehovah's Witnesses and the Baptist Church did not experience problems obtaining visas for their missionaries. The Church of Jesus Christ of Latter-day Saints complained about problems they encountered in renewing visas for their missionaries, some of them receiving only 1-year extensions after lengthy and tedious endeavors.

Although proselytizing is not restricted by law, several minority religious groups, including both recognized and unrecognized religious groups, made credible complaints that low-level government officials impeded their efforts to proselytize, interfered in religious activities, and otherwise discriminated against them during the period covered by this report.

Minority recognized religious groups continued to complain that public schools refused to offer classes in their

religious beliefs. Minority religious groups, such as the Jehovah's Witnesses and the Baptist Church, credibly asserted that authorities pressured children of their faith to attend Orthodox religion classes. The Jehovah's Witnesses reported such a case in Oravita, Caras-Severin County, while the Baptist Church reported a similar case in Giurgiu, Giurgiu County. Allegedly some schools purposely scheduled Orthodox religion classes in the middle of the day so that all students were required to attend.

In addition, minority religious groups continued to report that at some festivities in public schools officials required all students to attend Orthodox religious services. Similar official conduct requiring attendance at Orthodox religious services also reportedly occurred within the army.

Some minority religious groups also complained that the authorities generally allowed only the Orthodox Church to have an active role in opening ceremonies in schools and on other occasions.

A 2006 National Anti-Discrimination Council (CNCD) decision that asked the Ministry of Education to remove religious symbols from schools, with the exception of classrooms where religious classes were taught, was not enforced during the reporting period because of several ongoing lawsuits regarding this decision. The Ministry of Education and several NGOs challenged the decision. The Orthodox Church also vehemently opposed the decision, since Orthodox icons, and even chapels, remain the only religious symbols in schools. On June 11, 2008, the High Court of Cassation ruled in favor of the opponents of the decision.

An Orthodox religion textbook published in 2006 by the Ministry of Education with the coordination of then State Secretary for Religious Affairs continued to generate complaints and dissatisfaction among minority religious groups. The book describes the emergence of the Greek Catholic Church in the 18th century as the result of "Catholic proselytizing" and describes the Jehovah's Witnesses, Baha'is, and Mormons as sects "representing a genuine threat to the society." A chapter in the religion textbook alleged that sects proselytize using such means as brainwashing, bribing, blackmailing, and exploiting the poor. On February 12, 2008, the Jehovah's Witnesses complained to the Government Agent Office (within the Ministry of Foreign Affairs), requesting the withdrawal or republishing of the textbook, but they did not receive an answer. In reaction to a complaint by the Baha'i community, on October 2, 2007, the CNCD decided that the manner in which the Baha'i faith was described in the textbook infringed upon the right to dignity of the Baha'i community by generating a hostile atmosphere for the Baha'is. The Baha'is complained that the textbook continued to be used during the 2007-08 school year.

According to a survey on religious education in schools conducted in 2007 by Pro-Europe League (a human rights NGO based in Targu Mures), religion is taught in a discriminatory manner in schools, and Orthodox religion textbooks might develop intolerance in students toward other religious groups.

According to minority religious groups, the military clergy is comprised only of Orthodox priests, with the exception of one representative of the Roman Catholic Church and one from the Evangelical Alliance (Baptist), a situation perceived as discriminatory by the Reformed and Greek Catholic Churches. The Greek Catholic Church reported that its request to have a representative in the military clergy was rejected by the Ministry of Defense in March 2008.

In contrast with previous reporting periods, there were no reports of discriminatory requests for religious affiliation in identity card application forms.

The Church of Jesus Christ of Latter-day Saints complained that the customs authorities delayed by more than a month the release of a shipment the religious group received in March 2008.

Minority religious groups complained of a lack of provisions to provide for the free access of religious groups to state-owned media.

In many cases, religious minorities have not succeeded in regaining possession of properties that were confiscated under communist rule. Many properties returned to religious denominations contained government offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by current occupants have delayed restitution of the property to rightful owners. Although some progress was made during the period covered by this report, 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 county or municipal governments had an interest and challenged in court the decisions of the Special Restitution Commission, the section within the National Authority for Property Restitution responsible for restituting religious and ethnic communal property. There were many complaints that the local authorities consistently delayed providing information about the claimed properties to the Special Restitution Commission, thereby obstructing the restitution process, despite the fines stipulated by the 2005 legislation for such delays.

Some minority religious groups complained that the Special Restitution Commission delayed the actual issuance of restitution decisions after approving them in principle. There were many complaints that the Property Fund, which should provide compensation in stock, was not listed on the stock exchange and was not expected to be listed before 2009.

The Special Commission for Restitution started its activity in 2003 and by the end of the reporting period had restituted to recognized religious groups 1,232 buildings of a total of 14,716 applications. Another 186 cases were approved to receive compensation and 330 cases were denied.

Since 2003 the Special Restitution Commission returned only 113 of the 6,723 properties other than churches that the Greek Catholic Church claimed under the restitution legislation, and decided to grant compensation in 8 additional cases. The Church has also received 60 to 65 of the 80 properties that were restituted by government decree in 1992, but mostly only on paper. For example, according to Greek Catholic reports, the implementation of the decisions restituting 3 schools in Cluj were obstructed by the mayor's office and other political authorities and the Bucharest general mayor's office consistently blocked the restitution of 1 of the 80 properties.

The Government continued to avoid adoption of legislation regarding the restitution of Greek Catholic churches by the Orthodox Church, which had received them from the communist state in 1948. The Greek Catholic Church has received from the Orthodox Church, either through negotiation or in court, fewer than 200 of the 2,600 churches and monasteries it owned in 1948. During the reporting period, the Greek Catholic Church received only three churches 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 since the number of members of a church is directly linked to the corresponding share of the state budget allocated for 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. For example, in Sisesti, Maramures County, a lawsuit over the former Greek Catholic church has been going on for 16 years. Nevertheless, the Greek Catholic Church received an increased number of favorable court rulings during the reporting period.

Historical Hungarian churches, including Roman Catholic as well as Protestant churches (Reformed, Evangelical, and Unitarian), have received a small number of their confiscated properties from the Government. Approximately 80 percent of the buildings confiscated from Hungarian churches are used as public buildings. Of approximately 3,000 buildings, 33 were restituted by government decrees. Hungarian churches could not take possession of all of them because of lawsuits and the opposition of current occupants. The Roman Catholic Church had not received the Batthyanaeum Library, despite a 2003 court ruling. The Church filed a complaint with the European Court of Human Rights in 2003, and a decision was pending at the end of the reporting period. The Roman Catholic Church and the

Special Commission for Restitution continued discussions to identify potential solutions for the restitution of the building. 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 has not relocated from the palace. Since 2003 the Special Commission for Restitution issued restitution decisions for 728 of the approximately 2,700 buildings claimed by Hungarian churches, rejecting 59 claims. However, Hungarian churches did not regain physical possession of many of these properties. The Unitarian Church won separate lawsuits regarding three buildings in Cluj and took actual possession of two of them. The Cluj mayor's office continued to delay signing the documents for the third building under various pretexts.

The case of a sports playground claimed by the Reformed Church in Oradea and allocated to a local Orthodox parish in 2004 remained unresolved. The Church claimed that it rightfully belonged to a local Reformed high school and continued to sponsor protests repeatedly.

In the 1990s the Government decreed the return of 42 buildings to the Jewish community. The community took partial or full possession of 36. In many cases restitution was delayed by lawsuits. The community was able to reclaim land only in Iasi, where it received 18 plots of land; however, 18 additional land claims of the Jewish community remained unresolved in Iasi, including a 51-hectare plot of land that the prefect divided and distributed to other persons. In this case, the county's land restitution commission decided to give different plots in compensation for the one that was sold, but the National Agency of State Domains challenged this in court. The Jewish community won the lawsuit, but it has received only a plot of approximately 6 hectares so far. Discussions continued with the National Agency of State Domains to identify plots of land to compensate for the ones that are no longer available. The Special Restitution Commission processed 266 of approximately 2,000 claims and approved 108 cases for restitution or compensation. The users of 10 of the buildings challenged the restitution decisions in court, and 4 of the decisions were cancelled by courts. The Jewish community won the other six lawsuits and took over one of the buildings in question. According to the Federation of Jewish Communities, the Jewish community has received fewer than 100 of the approximately 1,900 buildings it claims.

Another frequent problem with restitution was a refusal by the occupant to return a property or pay rent for occupancy. The nominal owner can still be held liable for payment of property taxes in such cases.

The Greek Catholic Church also complained that, in many regions where it claimed farm and forest lands now in the hands of the Orthodox Church, local authorities opposed restitution outright or proposed that restitution to all religious denominations be in direct proportion to the number of their believers. The Greek Catholic Church also reported that the Bucharest mayor's office continued to oppose the return of 40,000 square meters 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.

The lawsuit regarding the restitution of 166,813 of the 192,000 hectares of forest land reclaimed by the Romanian Orthodox Church Fund of Bukovina continued and the case remained pending at the end of the reporting period.

In May 2008 in Certeze, Satu Mare County, the Greek Catholic Church received land for the construction of a church. Under the pressure of Orthodox priests, the local authorities for many years had refused to return the property. The Christian Evangelical Church complained about alleged discriminatory attitudes of the local and central public administration and judicial bodies toward some Protestant religious groups.

The Baptist Church complained that the Bucharest city hall allegedly wanted to expropriate a piece of land owned by the Church for the construction of a shopping center.

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

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

Forced Religious Conversion

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

Improvements and Positive Developments in Respect for Religious Freedom

Most mainstream politicians continued to publicly 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 expand public school education on the true history of the Holocaust in the country. It included the Holocaust as a dimension of World War II in compulsory 7th grade history courses; as a full chapter in a 9th grade history course; in connection to 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 is also an optional course on "History of the Jews and Holocaust" for the 12th grade, which 330 12th grade student groups took in the 2007-08 school year. The President formally launched the textbook for this course on the national Holocaust Remembrance Day in October 2007. 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, and others went to Paris and the Holocaust Memorial Museum in Washington, D.C. During the summer of 2007, the Godstein Goren Foundation sponsored, with the support of the Ministry of Education, training courses for teaching about the Holocaust and seminars on the same topic in Targu Mures, Craiova, and Iasi. The Ministry of Education maintained a website that included a guide to assist teachers nationwide who instruct courses on the Holocaust. The Ministry of Education also published and distributed 15,000 copies of the guide in schools, continued to distribute books and supplementary materials to help teach the Holocaust, and continued to sponsor national and international seminars on the Holocaust and the teaching of its history, as well as national contests regarding the Holocaust.

The Ministry of Education, the Wiesel Institute, and the U.S. Holocaust Memorial Museum signed an agreement stipulating Holocaust education for high school teachers, poster exhibitions in high schools, and essay contests for high school students on Holocaust topics.

A December 2006 ruling by the Bucharest Appellate Court, which partially exonerated Marshal Antonescu and some others convicted for war crimes, was overturned on May 6, 2008. Antonescu was responsible for widespread atrocities against the country's Jewish community and Roma during World War II.

In January 2008 government officials and Members of Parliament attended and addressed the commemoration of the 1941 pogrom in Bucharest. In his message on International Holocaust Remembrance Day, the President stated that a democratic Romania reasserts "its respect for the memory of those who suffered and the commitment to rigorously combat, by enforcing the existing laws, racial discrimination, xenophobia, and anti-Semitism." In accordance with recommendations by the Wiesel Commission, the Government continued to commemorate Holocaust Remembrance Day in October 2007 with events in several cities. The events, many organized in local schools, were attended by officials and key dignitaries.

Between September 4 and 9, 2007, Sibiu hosted the third European Ecumenical Assembly, the first one to take place in a country with a majority Orthodox population.

In 2007 the government earmarked approximately \$4 million (9.9 million RON) for construction of a Holocaust Memorial in Bucharest. However, Bucharest city officials held up issuance of construction permits.

A religion law provision, which allows recognized religious groups access to cemeteries belonging to other churches, contributed to a decrease in the number of conflicts over the access of recognized minority religious groups to cemeteries. According to the State Secretariat for Religious Affairs, this institution mediated some of these conflicts during the reporting period.

During the reporting period, the State Secretariat for Religious Affairs, jointly with the Conscience and Liberty Association (an NGO focusing on religious freedom) organized symposia in Targoviste, Dambovita County; Bacau, Bacau County; and Focsani, Vrancea County.

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

Section III. Societal Abuses and Discrimination

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

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. The extreme nationalist press and individuals continued to publish anti-Semitic articles. Some groups held public events or made statements with anti-Semitic themes. According to the NGO Center for Monitoring and Combating Anti-Semitism in Romania, authorities tended to minimize the significance of such incidents of vandalism, usually explaining them as being the actions of children, drunkards, or persons with mental disorders.

On June 29, 2008, unknown perpetrators painted swastikas on railway electric poles in the rail station of Ploiesti. On the night of March 25, 2008, an individual drew swastikas and wrote anti-Semitic graffiti on the walls of the headquarters of the Jewish Community in Cluj. The Federation of Jewish Communities issued a protest, and the police identified the perpetrator, who said that he was drunk when he committed the act; however, the police did not issue an arrest warrant for him. On October 22, 2007, unidentified persons stole two menorahs from the chapel of a Jewish cemetery in Bucharest. On October 15, 2007, the grave of a writer was vandalized in a Jewish cemetery in Bucharest.

The Federation of Jewish Communities took legal action in February 2008, requesting damage compensation, against an individual who desecrated several tombstones in a Jewish cemetery in Resita, and the court decided in July 2007 to fine and not prosecute him. The Federation also sued the mothers of two minors who desecrated tombstones in the Jewish cemeteries in Tulcea twice in January 2007 but were not prosecuted, requesting compensation for damages. There have been approximately a dozen reported anti-Semitic incidents involving property destruction and vandalism during each of the recent reporting periods, ranging from painting swastikas on buildings, to desecrating graves and cemeteries, to vandalizing synagogues, Jewish-owned buildings, and, in one case, a Torah scroll. Police sometimes identified perpetrators, but most of them were not prosecuted.

On February 26, 2008, a 20-year-old drew swastikas, wrote "Heil Hitler" on the windows, and destroyed three mirrors of a trolleybus in Bucharest. However, the prosecutor's office charged him only with destruction of public property.

In February 2008 the prosecutor's office of Bucharest Sector 3 decided not to prosecute a professor who consistently denied the occurrence of the Holocaust in the country in the media and his books. The Federation of Jewish Communities and a Jewish NGO filed a criminal complaint against him in January 2007.

The Legionnaires (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. Authorities occasionally investigated and prosecuted offenders, but all court cases resulted in acquittals.

During the reporting period, anti-Semitic views and attitudes were expressed during talk shows broadcast by private television stations, which failed to respond to complaints made by Jewish organizations.

Extremist organizations occasionally held high-profile public events with anti-Semitic themes. The New Right Organization continued to sponsor marches, followed by religious services, to commemorate Corneliu Zelea Codreanu, the founder of the Legionnaire Movement. During the reporting period, commemorations of Codreanu and the Legionnaire movement took place on November 24, 2007 in the vicinity of Bucharest, on September 22, 2007 in Predeal, and on September 13, 2007 in Galati. However, there was not a broad participation in such events. The New Right continued to foster the ideals 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 Corneliu Vadim Tudor, continued to carry statements and articles containing strong anti-Semitic attacks. In April 2008 the authorities did not react to the publication of a reversed swastika on the front page of the PRM's weekly, *Romania Mare* (Greater Romania).

Although in May 2007 the President signed a decree withdrawing the Star of Romania medal from PRM leader Corneliu Vadim Tudor, known for making numerous xenophobic and anti-Semitic comments, Tudor challenged the decision in court and the court suspended the enforcement of the decree until it rules on this case. The lawsuit was ongoing at the end of the reporting period.

The Romanian Orthodox Church exercises substantial influence in its dominant role among a majority of the population and policymakers, and Orthodox religious leaders almost exclusively preside over state occasions. In particular, many Orthodox leaders make public appearances with prominent political figures, and religious messages often contain political promises or goals, as well as support for particular political positions.

Romanian Orthodox Church authorities were often intolerant of other religious groups and repeatedly criticized the "aggressive proselytizing" of Protestant, neo-Protestant (Baptist, Pentecostal, Adventist, Romanian Evangelical, and Christian Evangelical churches), and other religious groups, which the Church repeatedly described as "sects." This led to physical and verbal conflicts in some cases. Some high-ranking Orthodox clergy criticized the "heresies" committed by Orthodox Metropolitan Nicolae Corneanu of Timis, who received the Eucharist together with Greek Catholics in May 2008, and Bishop Sofronie Drincec of Oradea, who blessed the water at Epiphany along with a Greek Catholic Bishop in January 2008. In January 2008 Orthodox Metropolitan Bartolomeu Anania of Cluj, Alba, Crisana, and Maramures told journalists that the major threat for the Orthodox Church is represented by "neo-Protestant sects" that buy believers. The Metropolitan also described their proselytizing as "spiritual corruption."

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 press also continued to report several cases in which adherents of minority religious groups were prevented by others from practicing their religious beliefs and local law enforcement authorities did not protect them.

The CNCD, established to curb discrimination of any kind (including on religious grounds), received 12 complaints of discrimination on religious grounds during 2007 and 6 such complaints through June 30, 2008.

The Jehovah's Witnesses continued to allege verbal and physical abuse, in particular by some Orthodox priests, and indifference from some police; in some instances, the priests reportedly had the support of local authorities and the police. Many complaints regarding assault remained unresolved, and aggressors often were not punished.

The Jehovah's Witnesses did not receive any answer to a letter sent to the Ministry of Culture and Religious Affairs, in which they complained that in April 2007 in Barlad, Vaslui County, an Orthodox priest and his deputy verbally and physically abused two female Jehovah's Witnesses in the presence of a minor. Complaints filed by the Jehovah's Witnesses with the local and county police remained unanswered for several months. In answer to a letter sent by Jehovah's Witnesses on October 10, 2007, to ask about the progress of the investigations, the Vaslui County Police Inspectorate stated that the case had been solved on June 16, 2007. At the end of the reporting period the Jehovah's Witnesses had not discovered the manner in which this case was solved.

In contrast with previous reports, during the reporting period the Church of Jesus Christ of Latter-day Saints stated that the number of cases of harassment and discrimination against its members, or of incidents with Orthodox priests, decreased. In Galati a group of teenagers occasionally harassed the missionaries, and unidentified individuals broke into the apartment of two female missionaries in Bucharest.

There were several instances of priests confiscating religious publications of Jehovah's Witnesses. On September 15, 2007, several Jehovah's Witnesses from Ramnicu Valcea went on a ministry activity to the commune of Pausesti-Otasau, Valcea County, and reported to the police precinct to notify them of their presence in the locality. The police conditioned their activity on obtaining licenses both from the mayor's office and the Orthodox Bishopric. Later, three Orthodox priests disrupted the Jehovah's Witnesses activity, and, in the presence of the police, assaulted them, confiscated and tore up their Bibles and religious leaflets, and threatened to beat them unless they left the locality. On September 27, 2007, the Jehovah's Witnesses complained to Horezu police, which has jurisdiction over Pausesti-Otasau. On October 29, 2007, the Valcea County Police Inspectorate answered that the case was under investigation but that the police in Pausesti-Otasau did not commit any acts of indiscipline.

The Greek Catholic Church, Baptist Church, and Baha'i Faith continued to complain 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. Such incidents, though in smaller numbers, continued during the reporting period, although the 2006 religion law allows religious groups access to cemeteries belonging to other churches. Most of the Adventist Church's requests from previous years for land for cemeteries in the localities where it had congregations remained unanswered. Media reported a case in Sibot, Alba County, where in February 2008 the local Orthodox priest opposed the burial of a Greek Catholic believer in the village cemetery. The dispute was eventually settled by the Orthodox Archbishop of Alba Iulia, and the believer was buried according to her own rites. The Baptist Church also complained that in January 2008 in Potcoava, Olt County, it faced the opposition of the Orthodox priest, who did not allow the burial of a Baptist believer with Baptist religious service, although the cemetery was a public one. The Orthodox priest allowed the Baptist burial only after the Baptist Church complained to the mayor's office and the police. After this incident, in line with the 2006 religion law, the Baptist Church requested a plot in the cemetery in Potcoava but had not received an answer by the end of the reporting period.

The Baptist Church also reported that its attempts to receive land from city halls for cemeteries in some localities were unsuccessful. It cited a situation in Piatra Neamt, Neamt County, where Baptist believers are buried in the same part of the cemetery as individuals who commit suicide. Orthodox priests also denied access for Greek

Catholics to many cemeteries, including in Pesteană, Valcea County; Damuc, Neamț County; Ungheni, Mureș County; Vintu de Jos, Alba County; Magina, Alba County; Radesti, Alba County; Telec-Bicaz, Neamț County; and Bicaz-Chei, Neamț County.

The Baptist Church also complained that the building of *Credinta* (the faith) Baptist Church in Piatra Neamț was repeatedly subject to acts of vandalism, the most recent being the demolition of its fence by an unidentified truck driver and a window broken by an unidentified perpetrator.

Relations between the Greek Catholic Church and the Orthodox Archbishopric of Timisoara continued to be amicable and cooperative. The Orthodox Bishoprics of Caransebes and Oradea also continued to have similar positive dialogues with the Greek Catholic Church regarding the restitution of some churches. For the most part, however, Orthodox leaders opposed and delayed returning churches to the Greek Catholics. The Greek Catholic Church of the eparchy of Lugoj complained that the Orthodox Bishopric of Arad, Ienopole, and Halmagiu, which was using more than 90 Greek Catholic churches, continued to refuse to reconstitute them and to hold alternate religious services.

The Greek Catholic Church did not receive a major cathedral in Gherla, Cluj County, which the late Orthodox Patriarch promised to reconstitute in 2005.

Despite the stated desire for dialogue, the Orthodox Church continued to demolish Greek Catholic churches--some of which had been declared historical monuments--in at least ten localities, half of which were in Cluj County. Authorities did not react to Greek Catholic complaints about the illegal demolition of Greek Catholic churches in Taga, Cluj County, in 2006 and an 18th-century Greek Catholic Church in Badon, Salaj County, in April 2007. On May 8, 2008, the Orthodox Church began the demolition of another 18th-century Greek Catholic church in Ungheni, Mureș County, where the Orthodox Church began by constructing a new church around the Greek Catholic church, entirely surrounding the historic Greek Catholic church building. In Salonta, Bihor County, the Orthodox Church was also building a new church around the old Greek Catholic church, which it refused to reconstitute. A lawsuit, which the Greek Catholic Church won in the first-level court, was in progress following the appeal and requests by the Orthodox Church to transfer the case to other localities. The Orthodox Church in Salonta also opposed the allocation by the local authorities of a piece of land to the Greek Catholic Church for the construction of a new church.

In Nicula, Cluj County, the Orthodox Church continued construction which encroached upon the old Greek Catholic church of the historic Monastery of Nicula despite a court order to halt any construction. A decision in a slow-moving lawsuit over the ownership of the monastery remained pending. Similar cases were reportedly developing in Orastie, Hunedoara County, and Iara, Cluj County, where the Orthodox Church continued construction of buildings close to the former Greek Catholic churches, presumably with the intention of subsequently demolishing them. Over the years the Orthodox Church has repeatedly rejected Greek Catholic requests for alternating services in more than 230 localities.

Longstanding tensions persisted between the Orthodox and Greek Catholic Churches in many localities where large numbers of the Orthodox congregation switched to the Greek Catholic Church. An example is in Stei, Hunedoara County, where the Orthodox Church continued to deny the Greek Catholics access to their former church and lawsuits are in progress both for the church and the rectory, reconstituted in 2004 by a decision of the Special Restitution Commission, which was appealed by the Orthodox Church. Similar disputes occurred in Valea de Jos, Bihor County, and in Chet, Bihor County.

Representatives of minority religious groups credibly complained that Orthodox priests give out most of the religious assistance in the country, partly because the Orthodox Church prevents minority religious groups from granting humanitarian or religious assistance to hospitals, children's homes, and shelters for the elderly. Charitable activities carried out by other churches in children's homes and shelters were often negatively interpreted as

proselytizing.

After the dialogue between the Greek Catholic and Orthodox Churches came to a halt in 2004, disputes between the two religious groups over church property increased in 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, their efforts were hampered by the Orthodox Church, sometimes with the support of local authorities. Tensions continued in many localities where the Orthodox Church refused to comply with court rulings that ordered restitution of churches to the Greek Catholic Church, such as in Simand, Arad County; Bogdan Voda, Maramures County; Valanii de Beius, Bihor County; Lupsa, Alba County; and in localities where the Greek Catholic Church began lawsuits for restitution, such as Prunis, Cluj County; Stei, Hunedoara County; Camarzana, Satu Mare County; Viile Satu Mare, Satu Mare County; and Negru, Vintere, Holod, Sanlazar and Bocsa (all in Bihor County). In Valanii de Beius, Bihor County, after refusing for more than a year to comply with a final court ruling restituting a Greek Catholic church, the Orthodox Church eventually handed the church over to the Greek Catholics on April 2, 2008. Before reaching this agreement, tensions had increased dramatically and violent incidents were prevented only by the presence of gendarmes. The two Churches signed a protocol to hold alternate religious services until the Orthodox Church builds a new church. A similar protocol was signed in Prisaca, Bihor County, in April 2008. In Simand, Arad County, the local Orthodox priest refused, for a lengthy period, to hand over the church restituted by court ruling to the Greek Catholics in 2007. At the end of June 2008, the Orthodox parish in Simand agreed, after many rounds of negotiations, to restitute the church to the Greek Catholics. Tensions continued in Taga, where the Orthodox Church demolished the old Greek Catholic church in 2006, as well as in Salva, Bistrita-Nasaud County, and Sinca Veche, Brasov County, where the Orthodox priests refused to hand over the rectories, despite decisions restituting them to the Greek Catholic Church.

During the reporting period, the Orthodox Church increased pressure on Parliamentarians to support a draft law stipulating that the restitution of land and other properties should be in direct proportion to the number of believers--a law which would, in effect, legitimize to a great extent the Communists' decision to give the Greek Catholic properties to the Orthodox Church. The draft law remained under debate in Parliament.

In most localities with two churches (one of which had belonged to the Greek Catholic Church) and only one Orthodox priest, the Orthodox Church frequently does one of three things: alternates religious services between the two locations; keeps the Orthodox church locked and holds their services in the former Greek Catholic church; or establishes a second Orthodox parish in the locality, either a new parish or by splitting an Orthodox parish into two parishes. During the reporting period, more than 20 former Greek Catholic churches remained closed, while Greek Catholics held religious services in more than 150 unofficial places (e.g. believers' homes, houses of culture, etc.).

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 it completed the construction of a new Orthodox church, it continued to refuse to do so after the construction was complete.

A Roman Catholic Csango community, an ethnic 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.

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 work on religious affairs.

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 implementation of the 2004 recommendations of the Wiesel Commission. The Embassy supported visiting delegations focusing on matters related to the Holocaust, including the Wiesel Commission members. Embassy personnel and visiting U.S. officials repeatedly discussed the Holocaust in the country with local and international members of the Wiesel Commission and supported its work. Among many other events, embassy officials participated in the commemoration of National Holocaust Day in October 2007. The Embassy also supported the activities of the U.S. Holocaust Memorial Museum and urged Bucharest authorities to approve construction of a Holocaust memorial in the city. The Embassy sponsored the project on Combating Discrimination and Promoting Mutual Respect and Understanding Through Knowing the 20th Century Tragedies, Holocaust and Communism; New Education of the 21st Century to develop a train-the-trainer course for history teachers to increase the number of high schools in the country in which students will have a better understanding of the Holocaust and the history of Jews. The project extends from September 1, 2007 to September 15, 2008.

The Ambassador 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. U.S. officials continued to advocate in government circles for fair 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 structure in Ungheni.