

Institute on Religion and Public Policy Report: Religious Freedom in Romania

Executive Summary

(1). Religious freedom in Romania is at risk. Legislation passed at the end of 2006 endangers the ability of many religious minorities to function as a religious organization and carry out many of the tasks necessary to fulfill the religious needs of their adherents. The Romanian government fails to protect religious minorities, both through a lack of legislation and judicial will, and in many cases where this does exist; local authorities lack the necessary will to enforce these laws and rulings. Further, a lack of restitution of religious property confiscated by the previous Communist regime hampers the functionality of several religious minorities.

Institute on Religion and Public Policy

(2). Nominated for the 2007 Nobel Prize in Peace, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally with government policymakers, religious leaders, business executives, academics, international and regional organizations, non-governmental organizations and others in order to develop, protect, and promote fundamental rights - especially the right of religious freedom - and contribute to the intellectual and moral foundation of the fundamental right of religious freedom. The Institute encourages and assists in the effective and cooperative advancement of religious freedom and democracy throughout the world.

Introduction to the Legal Situation

(3). The legal situation of religious freedom in Romania is poor. On 13 December 2006, the Parliament of Romania rushed the passage of a restrictive and discriminatory law on religion. Despite overwhelming domestic and international opposition to the law, President Traian Basescu promulgated the notorious law on 27 December 2006 in time for Romania's accession to the European Union on 1 January 2007.

(4). The law creates the most burdensome registration system in all of Europe. The law's three-tier system of state recognition is completely inconsistent with fundamental rights as it contravenes the principles of equality and non-discrimination. Enjoying the greatest rights under the new law are the "recognized religious denominations," a category that is almost impossible for some faiths to join: applicant religious communities for the most preferential status must wait 12 years and show their membership exceeds 0.1% of the population of Romania, or 23,000 adult citizens, as members. Of the 18 currently registered religious groups, approximately one-fourth would fail to meet the proposed numerical threshold.

(5). Religious communities new to Romania with less than 300 members will be deprived of the right to purchase property, to build houses of worship, to protect their rights in legal proceedings, to own assets or to have paid staff or clergy. History is replete with examples of laws which constrain individual religious practice by denying legal entity status and recognition to certain religious organizations.

(6). In addition to the egregious human rights defects in the legislation, the method and manner in which the law was passed by the legislature raises serious questions of constitutionality. This is especially appropriate as human rights and interfaith groups have reported that passage of the law broke parliamentary procedures. Members of the Chamber of Deputies were not given the five days that Romanian law requires for them to consider the draft. Article 69 paragraph 2 of the procedures of the Chamber says that "the report will be printed and distributed to the deputies at least three days before the day that was established for the debate on the draft law within the plenary session of the Chamber". In addition, when the Chamber has the final decision on a law - as was the case with the Religion Law, which had already been approved in the Senate - the time between the distribution of the committees' report and the debate within the plenary session has to be at least five days. However, the committees' report with the text of the draft law had reached the deputies only a few hours before the final vote. The draft law was rushed through Parliament with such great speed that it did not receive thoughtful consideration, the opportunity for amendments, and debate on its merits.

(7). The promulgation of this law by President Basescu is a blatant attack on religious freedom and fundamental rights and demonstrates little if any move away from the previous Communist regimes which he had promised to move Romania during his campaign. President Basescu and the Romanian parliament have now gained for Romania the moniker of worst religion law in Europe.

Official Instances of Discrimination and Harassment

(8). The Government of Romania has failed to live up to its obligations to protect minority religious communities from both harassment and intimidation from the country's majority population. In numerous reported incidents, the government failed to prevent harassment of minority religious groups, notably Jehovah's Witnesses, Seventh Day Adventists, and members of the Church of Jesus Christ of Latter-day Saints. In several instances Jehovah's Witnesses were harassed and physically intimidated during their religious activities. While several of these incidents were prosecuted and investigated by authorities, many were not.

(9). In the case of the Church of Jesus Christ of Latter-day Saints, there were numerous reported incidents involving teachers openly harassing and mocking their students for their religious beliefs. Members of the Church of Jesus Christ of Latter-day Saints were often harassed in the work-place or threatened with a loss of employment due their religious beliefs.

(10). The Romanian Government failed to protect the rights of the country's minority Greek Catholic population in several notable instances as well. The Romanian Orthodox Church illegally demolished a Greek Catholic Church in Taga, Cluj County in May 2006. Other churches were demolished or defaced in Ungheni, Mures County and Badon, Salaj County. The authorities failed to react to the unauthorized demolitions of the Greek Catholic churches, which were often historic landmarks.

(11). Dozens of Romanian Orthodox clergy and laity interfered with and prevented the enforcement of a court ruling which would have returned an Orthodox church to the country's Greek Catholic community. In Dumbraveni, an Orthodox Church refused to follow a court order to share a church with the Greek Catholics. In both of these cases, despite legal orders that in essence protect the religious freedom of the Greek Catholic populations in these locations, the lack of willingness by the local authorities to enforce these decisions and orders in effect denies the Greek Catholic population their religious freedom.

(12). The Romanian Government has failed to ensure the full restitution of religious properties, including Greek Catholic churches, since the fall of the Ceaușescu regime. In 2003, President Iliescu commented that the state "cannot interfere in restituting churches" and explained that it was a "complicated" matter because the government cannot involve itself in "the church hierarchy," defying any reasonable approach of a governing authority in a democratic country. Properties of Roman and Greek Catholic and other religious communities had been confiscated by agents of a previous Communist Government. As a legal successor, the Government of Romania today is fully responsible for rectifying the errors committed in the past.

(13). In 2005 the Government amended the property restitution legislation, including law 501/2002, which provides for the restitution of religious property. However, 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 issue would be addressed in separate legislation.

(14). A 2004 law now permits the Greek Catholic Church to use the court system to seek restitution, but the Government of President Basescu has remained inactive on non-judicial restitution of any religious property.

Conclusion

(15). The Government of Romania needs to repeal legislation that restricts the ability of smaller religious communities to fulfill the needs of their religious adherents. Government authorities must also do more to ensure protection of religious minorities within the country. School teachers and government authorities need to be trained and instructed not to harass religious minorities. Police and investigatory agencies need to do more to investigate claims of harassment and intimidation of the country's religious

minorities. Local authorities must do more to intervene to protect the legal rights of religious minorities that already exist and have been protected by court order.