

ROMANIA FAILS TO RESPECT BASIC HUMAN RIGHTS

An ecumenical delegation of six Transylvanian church leaders – representing the Hungarian-speaking Lutheran, Roman Catholic, Reformed and Unitarian churches, the Romanian-speaking Greek Catholic Church United with Rome as well as the German-speaking Augustant Confession Lutheran Church – visited the European Parliament on 18 October 2005.

The delegation went to Brussels to denounce the window dressing policy of the Romanian government on the field of Human Rights. They particularly protested that following the period of institutional persecution of their churches during communism, religious freedom is still facing neuralgic problems at the doorstep of Romania's EU integration, as described in the following:

“Romania's failure to restore confiscated church property represents a fourfold breach of international commitments. By failing to undertake timely and necessary restitution measures, the government (1) curtails religious liberties, (2) violates the sanctity of private property, (3) encroaches on the rights of minority communities, and (4) denies the material resources to build civil society. In more than fifteen years since the 1989 fall of communist dictatorship, there has hardly been advance in the settlement of this issue, though the Council of Europe's Recommendation No. 176/1993 as well as Decision No. 1123/1997 compelled Romania for the complete restoration of church properties due to the principle of restitutio in integrum. Though, the Romanian Parliament adopted Law No. 501/2002 on the restitution of properties illegally confiscated from religious denominations under communism but progress in processing has been and continues to be impeded and obstructed. We seek to emphasise that our churches presented reclaims for over 4,000 estates, which are necessary for our religious, charity, educational and social activities. Up to this day our churches still demand 90 % of their confiscated property. We ought to mention that the current government initiated in spring 2005 a law package aiming to amend and fasten the process; the package could not yet been put into practice due to the resistance of local authorities, administrative obstacles and especially by judicial authorities.

Romania still has no **law on religions**, but, besides the "national" Orthodox Church, seventeen other churches have been recognized as "official" religious associations. The introduction, during the Constantinescu administration, of mandatory religious education in primary and secondary schools has not been subject to much debate, and nor has it made much practical difference since compliance is mostly formal. However, recent conflicts indicate that the separation of state and religion is not absolute. Nevertheless, the Romanian Orthodox Church's insistence to be recognized as the privileged denomination has blocked the new law on religions for many years. We applauded that the current government has started to prepare a draft bill on religions in consultation with the recognised denominations, however we were shocked that after agreeing in the text (however without the signature of the Greek Catholics and Baptists), officials of the government made an essential change in the final text. Despite the agreement achieved that denominational education shall be subsidized of the state budget, government officials changed the draft by saying that the State "may" support financially the confessional education in the conditions of the law.

The Romanian **law on education** of 1995 that was amended in 1999 does provide the recognised religions the right to set up and administer forms of confessional education of every degree, profile and specialization. However denominational education is still pushed backwards in comparison of public education, and there was no regulation regarding the state financing of denominational education. Though the Constitution of Romania amended in 2003 is granting equal status for religious education to other forms, the law has not yet been modified in accordance.

Our churches, which have been operating denominational schools for centuries claim state financing on the same footing as public schools (normative subsidy). During the negotiations of the law on religions all churches agreed that the state should finance denominational institutions of education. Our churches also ask for religious charities, health institutions and homes for elderly people to be financed by the state in the same way as similar public institutions. In the lack of regulations by the law the issue of **state subsidization of church activity also causes tensions between churches**. The 1948 law on religious domination remains valid and allows for substantial state control. Indeed, the Orthodox Church has been over-funded by the state since 1989, and while our churches have been trying for many years to regain possession of their confiscated property, the Orthodox Church is receiving considerable estate property by government decrees.”

**ECUMENICAL FELLOWSHIP
OF TRANSYLVANIAN HISTORIC CHURCHES IN ROMANIA
VISITED TO THE EUROPEAN PARLIAMENT**

The delegation visited Brussels to the invitation of the Hungarian Delegation of the EPP-ED Group. After meeting with the Hungarian Delegation they met with Elmar Brok, president of the Foreign Affairs Committee, with European Commission officials and representatives in Brussels of ecumenical church organisations.



Bishop Tőkés talking with MEP József Szájer, leader of the Hungarian Delegation of the EPP-ED Group

The delegation headed by Bishop László Tőkés, president of the Hungarian National Council of Transylvania, who has been playing an important role defending the rights of the citizens in Transylvania from 1989, reported that members of the governing parties in Romania attacked the church property restitution process. Churches who want their properties back are requested to show the property acts that prove it is their property. Unfortunately the government services and administration keeps the property proves behind



Transylvanian Church leaders with the Hungarian Delegation of the EPP-ED Group

closed doors. Forests that are subject to restitution are first deforested and then restituted, causing ecological disasters.

The church leaders declared that their aim is to close the huge gaps in the social security system, working especially for poor people. Nevertheless the Romanian government remains to see the minority churches as a threat. The Government invests a lot in the Orthodox religion creating in a sense, religious tensions between the different churches. A law on religions in Romania is blocked. Parental rights on the choice of religion in schools are disregarded.

The church leaders also met the advisors on religious affairs of the European Commission, then with Nelly Maes, President of the European Free Alliance (EFA) and representatives of the EFA group in the European Parliament on 18 October 2005. President Maes said EFA will introduce related parliamentary questions to the European Commission.

At the meeting Bishop László Tőkés stated that: "Properties of the churches like buildings, schools, hospitals, farmland, woods... that were confiscated by the communists should be restituted to churches by law. Instead of implementing this law, the Romanian government raises all sorts of juridical and technical obstacles to enable them not to give back the properties. On the contrary, the government sells properties to people who favour them. The government then claims to be no longer in the possibility to retribute the properties to the churches."

Nelly Maes, President of EFA, declared: "It is clear that in many ways Romania is not fulfilling the Copenhagen criteria. If issues of property are unsolved, how can one say that Romania is a functioning market economy? There are obviously multiple discriminations going on too. People who speak Hungarian, who go to the minority churches in Transylvania or children who follow Church organised education are discriminated over and over again. The European Commission can no longer disregard these breaches of human rights in the framework of the accession negotiations."



LETTER TO PRESIDENT BARROSO

On their return from Brussels, the members of the delegation sent a letter to José Manuel Barroso, President of the European Commission, asking that European Institutions monitor the situation of historical churches and national minorities in Romania.



Transylvanian church leaders with Dr Michael Weninger, Policy Advisor to the President of the European Commission, on 18 October

Ecumenical Fellowship of Transylvanian Historic Churches in Romania

European Commission
To the President
His Excellency José Manuel Barroso

20 October 2005

Your Excellency,

The delegation of the undersigned, representatives of the historical churches of Romania, has just returned from Brussels. During our talks with officials of the European Parliament we aimed to draw attention that following the period of institutional persecution of our churches during communism, religious freedom is still facing neuralgic problems at the doorstep of Romania's EU integration.

Romania **failed to restore confiscated church property**. We seek to emphasise that our churches presented reclaims for over 4,000 estates, which are necessary for our religious, charity, educational and social activities. Up to this day our churches still demand 90 % of their confiscated property.

Romania still has **no law on religions**. We applauded that the current government has started to prepare a draft bill on religions in consultation with the recognised denominations, but despite the agreement achieved that denominational education shall be subsidized of the state budget, government officials changed the draft by saying that the State "may" support financially the confessional education in the conditions of the law.

The Romanian **law on education** of 1995 that was amended in 1999 does provide the recognised religions the right to set up and administer forms of confessional education of every degree, profile and specialization.

Though the Constitution of Romania amended in 2003 is granting equal status for religious education to other forms, the law has not yet been modified in accordance.

In the lack of regulations by the law the issue of **state subsidization of church activity also causes tensions between churches**. Indeed, the majority church has been privileged and funded by the state since 1989, and while our churches have been trying for many years to regain possession of their confiscated property, the Orthodox Church is receiving considerable estate property by government decrees.

Keeping all this in mind, we need to say that the principle of equality and religious freedom which is granted by the Constitution of Romania are not mirrored by relevant laws. We are appealing hereby to Your Excellency that European Institutions **monitor** the situation of historical churches and national minorities in Romania. We consider that the upcoming **Country Report on Romania** should also reflect on the discrimination of our churches.

On behalf of the
Lutheran Church

Dezső Adorjáni, Bishop

On behalf of the
Augustan Confession Lutheran Church

Friedrich Gunnesch, General Secretary

On behalf of the
Greek Catholic Church United with Rome

Nicolae Anusca, Councillor of the Archdiocese

On behalf of the
Királyhágómellék Reformed Church District

László Tökés, Bishop

On behalf of the
Unitarian Church

Dr. Árpád Szabó, Bishop

On behalf of the
Roman Catholic Premonstrant Order

Anzelm Rudolf Fejes, Abbot and Provost-prelate

PROTEST-CHAIN FOR THE BOLYAI UNIVERSITY

The restoration of an autonomous, publicly funded Hungarian university in Kolozsvár/Cluj (forcibly merged in 1959 into Babes-Bolyai University) has long been a major aspiration of the Hungarian community. Examples abound in Europe of minority-language universities maintained by majority governments for the purpose of assuring the survival of a minority's language and culture. In spite of repeated pledges to the Romanian government to support this effort, to date there has been no progress on this issue of key importance to the Hungarian community of Transylvania.

On October 17, silent demonstrations were held in four major Transylvanian cities – Sepsiszentgyörgy/Sfantu Gheorghe, Csíkszereda/Miercurea Ciuc, Nagyvárad/Oradea and Kolozsvár/Cluj – protesting that Romania continues to deny the restoration of Bolyai University.

Thousands of people attended the candlelight protests organized by the Hungarian National Council of Transylvania and Transylvanian Hungarian youth organisations.

The demonstrators expressed their deep concern about the alarming increase of anti-Hungarian hostilities in Vojvodina, Serbia and expressed solidarity with the victims of continuous harassment and brutal physical assaults.



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HUNGARIAN NATIONAL COUNCIL OF TRANSYLVANIA
SZÉKELY NEMZETI TANÁCS

The Hungarian National Council of Transylvania is a public organisation, which aims at representing the interests of the indigenous Hungarian community through parliamentary structures and means by preparing, sustaining and proposing for approval legal measures to ensure the forms of autonomy demanded by the community.

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