



ROMANIA - BIG LIES, SMALL ACHIEVEMENTS

22. January 2013

In paragraphs 125-127 of **Romania's national report** submitted under the UPR for the Working Group on the UPR fifteenth session, the state speaks of and details the path of dialogue to solve the property dispute between the Greek-Catholic Church and the Romanian Orthodox Church.

In 1948, the **Romanian state** under the communist regime, through *Decree 358/1948* dismantled the Greek-Catholic Church ruling that it "ceases to exist". Through this Decree, the State confiscated the properties of the Greek-Catholic Church. Later, it gave the churches and parish houses to the Orthodox Church. After 1989, the Romanian State abrogated *Decree 358/1948* and passed the *Decree Law 126/1990 on certain measures regarding the Romanian Church United with Rome (Greek-Catholic)* which provides for a Greek-Catholic-Orthodox commission to decide on the situation of the confiscated worship places "taking into account the desires of the believers from the communities which own these goods". In 2000, the Government passed the *Government Emergency Ordinance 94/2000 on the retrocession of buildings which belonged to religious denominations in Romania*. Under Article 1, paragraph 2, the Ordinance states that the legal status of buildings used as worship places will be established through a special law. No such law has been drafted, directly affecting the Greek-Catholic Church.

From the State's point of view, as can be clearly seen from the report also, aside from usually lengthy court trials, the Greek-Catholics have the option of the mix Greek-Catholic – Orthodox commission supposed to decide on the situation of worship places: "taking into account the desires of the believers from the communities which own these goods". Such a setup, where the parties are not equal and one depends on the good will of the other with regards to the matter at hand, is not only inadequate, and illegal (**since it was the state who confiscated in the first place and the state cannot renounce its duties to vague communities which would "own" goods**) but also perpetuates the 1948 injustice.

Against the background of the resistance of the Romanian Orthodox Church to return worship places, the state refuses to remedy the situation and, furthermore contributes to and fosters a discriminatory climate and a state of impunity. Many situations of discrimination occur at local level and hurdles in accessing justice, as reported on yearly by the US Department of State International Religious Freedom Reports on Romania. These include: lack of access to cemeteries for the burial of believers in their own rite, harassment and intimidation, reconsecration of former Greek-Catholic Churches, delays of restitution trials, non-implementation of court restitution decisions, etc...

The Romanian state falsely presents the situation as a mere dispute between the Greek-Catholic Church and the Romanian Orthodox Church. It is the Romanian state that holds the primary responsibility, since it was the state that confiscated, and it is now the state that refuses to recognize its responsibility in returning what it has taken, and also in putting an end to religious discrimination.

Question:

Can the Romanian state explain why it has not adopted pending legislation on the worship places restitution? When will such legislation, establishing adequate restitution procedures, be adopted?