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LAW
REGARDING THE RELIGIOUS FREEDOM
AND THE GENERAL REGIME OF RELIGIONS

IN THE REPUBLIC OF ROMANIA

Law regarding the Religious Freedom and the General Regime of Religions

CHAPTER I General provisions

Art. 1 – (1) The Romanian State observes and guarantees the fundamental right of freedom of thought, of conscience and faith to any person living on the territory of Romania, according to the Constitution and the international treaties Romania signed to.

(2) No one can be prevented from gaining or exercising rights recognized by law, nor can one be constrained, followed or put into a state of inferiority due to one's faith or affiliation to a group, religious association or religion, for exercising the religious freedom under the conditions provided by law.

Art. 2 – (1) The religious freedom includes the liberty of any person to manifest one's faith individually or collectively, private or in public, by religion, education, religious practices and performance of rites, as well as the liberty of changing one's faith.

(2) The freedom of displaying one's faith cannot be the object of any type of restraints other than those provided by law which constitute as necessary measures in a democratic society for public security, order protection, health, public morality or protection of the rights and fundamental liberties of the human being.

Art. 3 – The parents, tutors or any other legal representatives have exclusive right to opt for the religious education of minor children, according to their own beliefs.

Art. 4 – Any person or religious community has the right to establish and maintain connections with faithful or faithful communities, nationally or internationally.

Art. 5 – (1) Any person has the right to manifest one's faith collectively, according to one's own beliefs and the provisions of the present law, both in religious structures with legal personality, as well as in structures without legal personality.

(2) The religious structures with legal personality regulated by the present law are the religions and religious associations, while the structures without legal personality are the religious groups.

(3) In their activity, the religions, the religious associations and groups have the obligation to observe the Constitution and the laws of the country and not to affect the national security, order, health and public morality, as well as the fundamental human rights and liberties.

(4) The use of data of personal nature connected with religious beliefs is prohibited, except for the case when the person involved firmly expressed their consent to it.

(5) The forcing of people so as to declare their religion, in any relation with the public authorities or legal persons of private law is prohibited.

Art. 6 – (1) The religious group is the form of association without legal personality of some legal persons who adopt and exercise a faith freely and without a previous procedure.

(2) The religious association is the legal person of private right, constituted under the conditions of the present law, which has as main subject of activity the display of a faith.

(3) A religious association can become a religion in the conditions of the present law.

CHAPTER II The Religions

SECTION 1 The relation between State and religions

Art. 7 – (1) The Romanian State acknowledges the spiritual, educational, social-charitable, cultural and social partner role of the religions, as well as their role as factors of the social peace.

(2) The Romanian State acknowledges the important role of the Romanian Orthodox Church and of the other recognised churches and religions in the national history of Romania and in the life of the Romanian society.

Art. 8 – (1) The recognised religions are legal persons of public utility. They organize themselves and function on the basis of the constitutional provisions and those of the present law, autonomously and according to their own statutes or the canonical codes.

(2) The component parts of the religions are also legal persons, as they are mentioned in the statutes or their own canonical codes, if they fulfil the requests provided by them.

(3) The religions function on the observance of the legal provisions and in conformity with their own statutes or canonical codes, whose provisions are applicable to their faithful.

(4) The name of a religion cannot be identical or mistakable for that of another recognised religion in Romania.

Art. 9 – (1) In Romania there is no state religion; the State is neutral towards any faith or atheist ideology.

(2) The religions are equal before the law and the public authorities. The State, by its authorities, is not to promote or favour the granting of privileges or the making of any form of discrimination towards any of the religions.

(3) The Romanian State cooperates with the religions in fields of public interest and supports their activity.

(4) By its certified public authorities, the Romanian State supports abroad the spiritual-cultural activity of the religions recognised in Romania.

(5) The State can sign partnerships with the recognised religions in domains of common interest, as well as agreements for the regulation of the aspects specific to religions traditions, which are submitted for law approval.

Art. 10 – (1) The expenses for the maintenance of the religions and the undergoing of their activities are to be covered, firstly, by their own means, created and administered in accordance with their statutes.

(2) The religions can establish contributions from the part of their faithful to support the activities they do. The contributions are deductible from the calculation basis of the salary taxes, in the conditions of the law.

(3) The State promotes the citizens' support given to religions by the deduction from the salary taxes and encourages sponsorships offered to religions, in the conditions of the law.

(4) On request, the State supports with contributions the clergy and the non-clerical personnel belonging to the recognised religions, according to the number of the Romanian citizens' faithful and the real needs for activity and subsistence. The State supports with bigger contributions to the salaries of clerical personnel in the religious units with low income sources, according to the law.

(5) The recognised religions can benefit on request of material support from the State for the expenses concerning the function of the religious units, the repair and new constructions, in relation to the number of their Romanian citizens faithful and their actual needs.

(6) The State supports the activity of the recognised religions as providers of social services.

Art. 11 - The State support also consists of granting fiscal benefits, in the conditions of the law.

Art. 12 – The use of the financial funds received from the state budget or the local budgets, as well as the observance of the destination of the goods received in property or use by the local or central public authorities are subject to the state control.

Art. 13 – (1) The relations between religions develop on the basis of mutual respect and understanding.

(2) In Romania any forms, means, acts or actions of slander and religious feud are prohibited.

(3) The prevention or disturbance of the freedom of exercise of any of the recognised religions is punished according to the legal provisions.

Art. 14 – Every religion has to have a national leadership organ or of representation.

(2) The religious units, including their subsidiaries without legal personality are set up and organized by the religions according to their own statutes, regulation and canonical codes.

(3) The set up of a religious unit has to be notified to the Ministry of Culture and Religious Affairs for record.

(4) The religious units newly set up as legal persons can ask and receive financial support in the limits and conditions provided by the budget law.

Art. 15 – The seals and stamps used by a religion or by a local religious unit have to contain also the official name or its initials by which they were recognised.

Art. 16 – (1) While undergoing their activities, the recognised religions can use any language they see fit.

(2) In the official relations with the state authorities, the recognised religions are to use the official language.

SECTION 2

Recognising a religion

Art. 17 – (1) The quality of recognised religion is acquired by governmental decision, at the proposal of the Ministry of Culture and Religious Affairs, by the religious associations which by activity and number of members offer guarantees of durability, stability and public interest.

(2) By the governmental decision mentioned in paragraph 1, it is also recognised the organization and functioning statute or canonical code of the religion in case.

Art. 18 – The religious association that intends to become a religion is to make a petition in this regard to the Ministry of Culture and Religious Affairs, coupled with the following documentation:

a) the evidence that it is constituted legally and has been functioning uninterruptedly as religious association on the territory of Romania for at least 12 years.

b) the original lists containing the admissions of a number of Romanian citizens members residing in Romania representing at least 0.1% of the population of Romania, according to the last census.

c) their own confession of faith and the organization and functioning statute, containing: the name of the religion, which cannot be identical or similar to that of another already recognised religion; its structure of central and local organization; the mode of rule, administration and control; the mode of set up and cancellation of the local units; the statute of their own personnel; the main activities which the religion cares to undertake with a view to reaching its spiritual goals; other provisions specific to the religion in case.

Art. 19 – (1) In 60 days time since the application of the petition, the Ministry of Culture and Religious Affairs forwards to the Government the documentation for the recognition of the religion, coupled with its notice, made on the basis of the filed documentation.

(2) If the documentation is incomplete or the statutes contain provisions contrary to the law, they are given back for completion or modification and the time for solution is prolonged accordingly.

Art. 20 – (1) In 60 days time since the receipt of the notice, the Government decides on the petition by decision of recognition or motivated rejection.

(2) The governmental decision is published in the Official Gazette of Romania (“*Monitorul Oficial*”), Part I and can be appealed against in court, according to the provisions of the Law of administrative litigation no 554/2004.

(3) In case of rejection, the religious association can resume the procedure of becoming a religion only after a year since the publication date of the governmental decision of rejection or since the date when the decision of the administrative instance became irrevocable.

(4) The rights and obligations corresponding to the quality of recognised religion can be exercised since the enforcing date of the governmental decision of recognition.

Art. 21 – The Government, by decision, at the request of the Ministry of Culture and Religious Affairs, can withdraw the quality of recognised religion when that religion, by its activity, brings serious harm to the national security, order, health or public morality, or to the fundamental human rights and liberties.

Art. 22 – (1) The modification and completion of the statutes of organization and functioning or the canonical codes of the religions is to be communicated for recognition to the Ministry of Culture and Religious Affairs.

(2) The administrative acts taken according to these provisions, or not taken in the legal term, could be contested in court, according to the law.

SECTION 3

The personnel

Art. 23 – (1) The religions elect, assign, hire or revoke the personnel according to their own statutes, canonical codes or regulations.

(2) The personnel of the religions can be punished disciplinary for the violation of the doctrinal or moral principles of the religion.

(3) The clergy and the personnel assimilated to the recognised religions cannot be forced to reveal the assignments or their knowledge when considering their statute.

Art. 24 – (1) The paid employees and those insured of the religions whose pension houses are integrated in the state system of social security insurances are to be subject to the legislation provisions regarding the state social insurances.

(2) The paid employees and those insured of the religions which have their own pension houses or retirement funds are subject to the regulations adopted by the leadership of the religion, in conformity with their statutes and in agreement with the general principles of the legislation regarding the state social insurances.

Art. 25 – The clergy and the assimilated staff, as well as the monastic personnel belonging to the recognised religions, is exempted from military service

Art. 26 – (1) The religions can have their own organs of religious trial for matters of internal discipline, in accordance with their own statutes and regulations.

(2) In matters of internal discipline there are exclusively applicable the statutory and canonical provisions.

SECTION 4 **The patrimony**

Art. 27 - The recognised religions and the religious units can have or get into property or administration goods and real estate which they can take possession of in conformity with their own statutes.

(2) The sacred goods, namely those directly affected by and exclusively for the religion, settled according to their own statutes in conformity with the tradition and practices of every religion, obtained with title are impossible to be seized on and limitless as time of application and can be alienated only in the statutory conditions specific to every religion.

(3) The provisions of par. 2 do not affect the restitution of the sacred goods confiscated abusively by the state throughout 1940-1989, as well as those seized without a title.

Art. 28 – (1) The local units of the religions can have and support, alone or by association with other religions, confessional cemeteries for their faithful. The confessional cemeteries are organised according to the regulations of the religion they belong to. The confessional identity of historical cemeteries is protected by law.

(2) In the localities where there are no communal cemeteries and some religions do not have their own cemeteries, the deceased belonging to the respective religion are buried according to their own rite, in the existent functioning cemeteries, with the approval of the religion that owns the cemetery.

(3) The authorities of the local public administration have the obligation to set up communal and town cemeteries in every locality.

(4) The communal or town cemeteries are being organized in such a way as to have sectors corresponding to every recognised religion, at the request of the religions functioning in that locality.

Art. 29 – (1) The religions have the exclusive right to produce and capitalize objects and goods necessary to the religious activity, in the conditions of the law.

(2) – The use of music works in the activity of the recognised religions, on the confessional radio and TV stations belonging to them is allowed without remuneration.

Art.30 – The ecclesiastical goods or similar ones from abroad, property of the Romanian state or of the religions from Romania can constitute the object of some bilateral agreements signed by the Romanian state at the request of those interested.

Art. 31 – (1) The goods which are the object of any type of offering – contribution, donation, succession – as well as any other goods entered legally in the patrimony of a religion cannot later on be the object of their claim.

(2) The people who leave an recognised religion cannot make any claims on the patrimony of that religion.

(3) The patrimony disputes between the recognised religions are solved amiably, if not, then according to the common right.

(4) In the case of the suspension of the quality of a religion according to the provisions of the present law or the dissolution of it, the destination of the patrimony is the one settled by its statute.

SECTION 5

The education system organized by religions

Art. 32 – (1) In the state system of education the teaching of Religion is insured by law exclusively for the recognised religions.

(2) The didactic staff teaching Religion in state schools is assigned with the approval of the represented religion, in the conditions of the law.

(3) In the case when a teacher commits severe infringements of the doctrine or morale of the religion, the religion can retract the agreement with him or her for teaching Religion, which leads to the individual being sacked.

Art.33 – (1) The religions have the right to set up and administer educational units for the training of the clergy, the Religion teachers, as well as other specialists necessary to the religious activity of every religion.

(2) Every religion is free to settle their form, degree, number and the school curriculum for their own institution of education, in the conditions of the law.

Art. 34 – (1) The religions draw up the plans and school curriculum for the primary and secondary theological school studies and the programs for teaching Religion. These are sanctioned by the Ministry of Culture and Religious Affairs and approved of by the Ministry of Education and Research.

(2) For the higher education, the plans and school curriculum are drawn up by the education institutions with the agreement of the religion in case and approved of by the university senates.

Art. 35 – (1) The teaching staff of the theological educational units integrated in the state educational system is recognised by the Ministry of Education and Research, in the conditions provided by law, with the previous agreement of the statutory organs of the religions in case.

(2) The teaching staff of the educational units not integrated in the state educational system is assigned by the statutory organs of the religions in conformity with their statutes. The teachers are to have the necessary qualification according to the legal norms in force for the state educational system of corresponding degree.

Art. 36 – (1) In placement centres organized by the public authorities, the private ones or those of religions, the religious education of the children is to be done according to their own religious affiliation.

(2) In placement centres organized by religions, the minors whose religion is not known are to be educated according to the doctrine of the organizing religion.

(3) In placement centres financed by the public authorities, their leading councils and the local authority for the protection of the child decide on the religion in which the minors whose religion is not known are to be educated.

Art. 37 – The paying of the salaries of the didactic and administrative staff from the theological educational units non-integrated in the state educational system is ensured by the religions. At the request of the religions, the State, by the Ministry of Culture and Religious Affairs can ensure a contribution to the salary on observance of the principle of proportionality, in the conditions provided by law.

Art. 38 – The equivalence and recognition of the diplomas and the theological degrees obtained abroad are to be done in the conditions provided by law.

Art. 39 – (1) The recognised religions have the right to set up and administer forms of confessional education of every degree, profile and specialization.

(2) The State may support financially the confessional education in the conditions of the law.

(3) The confessional educational units enjoy organizational and functional autonomy according to their own statutes and canons, in accordance with the legal provisions of the national system of education.

(4) In the confessional educational units, the pupils or students can register regardless of religion or confession, their religious education liberty being granted corresponding to their own religion or confession.

CHAPTER III

The religious associations

Art. 40 – (1) The religious freedom can also be exercised within the religious associations, which are legal persons made up of at least 300 people, Romanian citizens residing in Romania and associating with a view to display a faith.

(2) The religious association gains legal personality by the registration in the Religious Associations Registry located at the court clerk's office of the courtroom in whose territorial jurisdiction it has the headquarters.

Art. 41 – (1) Any of the associates, on the basis of the proxy granted by the others, can express a request of registration in the Religious Associations Registry located at the court clerk's office of the courtroom in whose territorial jurisdiction it has the headquarters.

(2) The registration request is to be coupled with the following documentation:

a) The constitutive act in authentic form which needs to specify the name of the religious association, which cannot be identical or similar to that of another religion or religious association, the identity data and the signatures of the associates, the headquarters, the initial patrimony of at least two gross minimal incomes of our economy, the leadership;

b) their own confession of faith and the statute of the religious association which needs to contain: its structure of central and local organization; the mode of rule, administration and control; the mode of set up and cancellation of the local units; the rights and obligations of the members; the main activities which the religious association cares to undertake with a view to reaching its spiritual goals; other provisions specific to the religious association in case.

c) evidence documents of the headquarters and the initial patrimony;

d) the consultative notice of the Ministry of Culture and Religious Affairs;

e) evidence concerning the availability of the name issued by the Ministry of Justice;

Art. 42 – (1) In 3 days time since the filing of the registration request and of the documents mentioned in par. 2, the judged appointed by the president of the instance checks their legality and rules in conclusion the registration of the association in the Religious Association Registry.

Art. 43 – The religious associations can set up subsidiaries with legal personality, in conformity with their statutes, according to the procedure provided by the art. 42 and 43.

Art. 44 – (1) The religious associations enjoy the fiscal benefits in their religious activities, according to the Fiscal Code, no 571/2003, with the later modifications and completions.

(2) The religious associations are also applied the provisions of the art 10, par (2), art 15, art 16 and art 29 accordingly.

Art. 45 – The dissolution of a religious association is declared by a competent instance only when by its activity the religious association brings serious harm to the national security, order, health or public morality, to the human fundamental rights and liberties or when the religious association follows a different goal from the one which it was constituted for.

Art. 46 – The provisions of the present chapter are completed by the orders of the Governmental Ordinance no 26/2000 concerning the associations and foundations, with the later modifications and completions.

Art. 47 – (1) The existent associations, constituted in conformity with the legal provisions regarding the associations and foundations, which have as main object of activity the exercising of a faith and which want to acquire the statute of religious association should file a petition of transformation of the association and its cross off from the Registry of Associations and Foundations and of registration in the Registry of Religious Associations kept at the court clerk's office in the courtroom of the same territorial jurisdiction, coupled with the documentation mentioned in art 42.

(2) The petition is to be signed by the statutory leadership of the association, deliberately showing the transformation desire of the initial association into religious association.

(3) The assigned judge is to decide on the transformation of the association, as well as on the registration of the religious association, establishing the duration throughout which the association had as object of activity the exercise of a faith.

(4) The duration established by the instance is to be taken into consideration and added to the functioning period of the religious association, with a view to acquiring the quality of recognised religion.

Art. 48 – (1) In all the petitions and court actions regarding the acquisition or loss of the quality of religious association it is mandatory the presence of the prosecutor and of the representative of the Ministry of Culture and Religious Affairs.

(2) The conclusions or verdicts given by the instance in the cases concerning the religious associations can be appealed against in 15 days since passing in court.

CHAPTER V

Transitory and final provisions

Art. 49 – (1) At the date when the present law comes into force, in Romania there are 18 recognised religions functioning, according to the annexe of the present law document.

(2) In 12 months time since the coming into force of the present law, the religions from Romania mentioned in the annexe are to present statutes and canonical codes to the Ministry of Culture and Religious Affairs for their recognising.

(3) The recognising of the statutes and canonical codes is granted on condition that they do not affect by their content the national security, order, health and public morality or the human fundamental rights and liberties.

(4) The recognising is done by order of the Ministry of Culture and Religious Affairs, published in the Official Gazette of Romania (“*Monitorul Oficial*”), Part I, and can be appealed against in the administrative litigation court.

Art. 50 – Any modification or completion of the present law is made in previous consultation with the recognised religions.

Art. 51 – On the date of coming into force of the present law, it is abrogated the Decree no 177/1948 for the general regime of religions, published in Official Gazette (“*Monitorul Oficial*”) no 178 from August 4th 1948, with the later modifications and completions, as well as any other contrary provisions.

ANNEX

List of the recognised religions in Romania

No	The name of the religion
1.	Romanian Orthodox Church
2.	Serbian Orthodox Bishopric of Timișoara
3.	Roman-Catholic Church
4.	Romanian Church United with Rome, Greek-Catholic
5.	Armenian Church Archbishopric
6.	Russian Christian Church of Old Rite from Romania
7.	Reformed Church from Romania
8.	Evangelical Church CA from Romania
9.	Evangelical Lutheran Church from Romania
10.	Unitarian Church from Transylvania
11.	Union of Christian Baptist Churches from Romania
12.	Christian Evangelical Church from Romania - Union of Christian Evangelical Churches from Romania
13.	Romanian Evangelical Church
14.	Pentecostal Union – Apostolic Church of God from Romania
15.	Seventh Day Christian Adventist Church from Romania
16.	Federation of Jewish Communities from Romania
17.	Muslim Religion
18.	Religious Organization of Jehovah's Witnesses

