

## APPENDIX

**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Romania**

ECRI wishes to point out that the analysis contained in its third report on Romania, is dated 24 June 2005, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Romania was subject to a confidential dialogue with the Romanian authorities. A number of their comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Romanian authorities requested that the following viewpoints on their part be reproduced as an appendix to ECRI's report.



## **“Contribution of the Department for Interethnic Relations**

23. The draft law was rejected in the Senate in October 2005 and at the moment there are ongoing debates on this issue within the Chamber of Deputies.

24. Regarding point 24, we have to make an observation: the draft law does not propose a special status for the organizations members of the Council of National Minorities. It stipulates that:

*“Art. 47. All the organizations of citizens belonging to national minorities that wish to develop an activity stipulated in this chapter are forced to re-register in compliance to this law, within 6 months from the entry into force of the present law, otherwise they will only have the rights and competences stipulated in the Governmental Ordinance no. 26/2000, with the subsequent modifications and completions”.*

Thus, all these organizations will have the same juridical regime once the draft law is endorsed by the Parliament.

## **Contribution of the Ministry of Justice**

### **International legal instruments**

*5. ECRI again recommends that Romania ratify Protocol No.12 to the European Convention on Human Rights, the European Convention on the Legal Status of Migrant Workers and the European Convention on the Participation of Foreigners in Public Life at Local Level. It likewise recommends that Romania ratify the European Charter for Regional or Minority Languages.*

A draft law for the ratification of the Protocol No.12 to the European Convention on Human Rights and for the amendment of the Government Ordinance no. 137/2000 for prevention and sanctioning of all forms of discrimination aims both to ratify the above mentioned protocol and to adapt existing legislation on discrimination at international instruments.

The draft law defines more accurately discrimination and civil, administrative, and criminal sanctions for discriminative behaviour in politics, economy, society, culture or any field of public life.

The National Council against Discrimination is to be reinforced by setting a clear working procedure and insuring the support of all the other public institutions in dealing with discriminative behaviour.

The following laws currently regulate the activity of the National Council against Discrimination: Government Ordinance no. 137/2000 for the prevention and sanctioning of all forms of discrimination, Government Decision no. 1194/2001 for the organisation and functioning of the National Council against Discrimination and Government Decision no. 1514/2002 for the amendment of the Government Decision no. 1194/2001.

The National Council against Discrimination is an independent institution whose main function is to ensure that the principle of equality between citizens is respected in accordance with Romanian Constitution, internal laws and international treaties signed by Romania.

## **Criminal law provisions**

**28. ECRI urges the Romanian authorities to ensure that the provisions of the Criminal Code governing racist offences are fully applied. It recommends that they continue to provide training courses on these provisions to all the state agencies concerned, and in particular to the judiciary and the police. It also recommends that the Romanian authorities conduct campaigns, in co-operation with NGOs and civil society, to inform the general public about the new provisions of the Criminal Code concerning the fight against racism and intolerance.**

From the beginning of 2005 the National Council against Discrimination has conducted 207 investigations to solve 325 petitions received. 129 petitions were solved by the Council and 32 companies were fined and warned.

The existing Criminal Code incriminates under Article 317 “nationalistic and chauvinistic propaganda, and promoting hate on grounds of race and nationality”.

The proposed amendments to the Criminal Code regard:

- Article 247 that criminalise discriminative behaviour of an official on duty, and
- Article 317 that incriminates the instigation to discrimination on grounds of nationality, ethnic origin, gender, sexual orientation, opinion, political beliefs, health, age, disabilities.

In addition, the above mentioned draft law on the ratification of the Protocol No.12 to the European Convention on Human Rights give courts the competence to order the issuing public institutions to withdraw functioning authorisation for companies that cause a significant damage or repeatedly breach the legal requirements on non-discrimination.

Awareness about discrimination is raised by including specialised modules on discrimination, racism and intolerance in the training curriculum of law professionals.

Also anti-discrimination programs are developed and implemented by authorities in collaboration with NGO's. For example the Romanian Council for Refugees is carrying out a number of thirteen ongoing programs in collaboration with different NGO's.

**31. ECRI again recommends that the Romanian authorities ensure that for sentencing purposes racist motivation is regarded as an aggravating circumstance, as indicated in paragraph 21 of its General Policy Recommendation No. 7. It also recommends that the authorities introduce into the new Criminal Code, which is to be adopted in July 2005, provisions defining ordinary offences with a racist motive as racist offences**

The draft law for the amendment of the existing Criminal Code states that if the offence is committed based on discriminative grounds it will be punished more severely (aggravating circumstance).

## **Civil and administrative law provisions**

**36. ECRI recommends that the Romanian authorities adopt a provision enabling the burden of proof to be shared between a victim of discrimination and the respondent before the courts or any other authority. On this point, it draws the Romanian authorities' attention to its General Policy Recommendation No. 7.**

The draft law for the ratification of the Protocol No.12 to the European Convention on Human Rights and for the amendment of the Government Ordinance no.137/2000 for prevention and sanctioning of all discrimination forms sets the rules regarding the sharing of the burden of proof.

The draft law states that the petitioner has to prove the existence of an activity which induces the presumption of the existence of a direct or indirect discrimination. The defendant has the obligation to prove that his/her actions do not constitute discrimination”.

### **Electoral law**

**42. ECRI urges the Romanian authorities to amend Article 7 of Law No. 67/2004 on Local Elections to enable national minorities to elect their representatives at local level under the same conditions as the majority, in full compliance with the democratic principles of political pluralism and freedom of choice.**

The opportunity to amend the article 7 of Law No.67/2004 on Local Elections is to be assessed and an amendment proposal will be made.

### **Regulations concerning restitution of confiscated or expropriated property**

**46. ECRI urges the Romanian authorities to ensure that the legislation on property confiscated during the communist period is applied fairly. It recommends that they establish a procedure clearly regulating each party's rights and responsibilities.**

Title II of law 247/2005 regarding the reform in the fields of property and justice establishes new conditions for the restitution of confiscated property as follows:

- If confiscated property is designated to a public interest activity in the fields of education or health the new owner has the obligation to maintain the above destination for at least five years. During this period the new owner will receive rent established by the Government.
- The founding principle is the restitution of the property. The value of property that cannot be remitted is established according to the open market for the moment of a judicial decision for restitution.
- The Department for Interethnic Relations is represented in the Special Commission for Restitution.
- The restitution procedure is clearly defined as a competency of the Special Commission for Restitution. Decisions from the Commission can be brought before a Court.
- Properties that form the object of restitution requests cannot be sold, mortgaged or have its destination changed until judicial or administrative procedure is over, under the sanction of absolute nullity.
- The Decision no. 425/2005 of the Prime Minister set up the rules regarding the organisation and functioning of the Central Commission for establishing compensations.

### **Administration of justice**

**53. ECRI recommends that the Romanian authorities continue to provide for training courses on discrimination issues in the curriculum of the National Legal Training Institute. It also recommends that they provide in-service training to members of the judiciary already in post in order to ensure that the legislation on discrimination is fully applied and complied with.**

By the decision of the Superior Council of Magistracy no. 328/2005 was adopted the Code of conduct for judges and prosecutors.

Law no. 303/2004 regarding the statute of judges and prosecutors was amended and completed by Title II of Law no. 247/2005 regarding the reform in the field of property and justice and adjacent measures.

The appointment as a judge or prosecutor and promotion depend on an in-depth knowledge of discrimination case law from European Court for Human Rights as established by the decision of the Superior Council of Magistracy no. 321/2005 regarding the admission into magistracy and the decision of the Superior Council of Magistracy no. 323/2005 regarding the organisation of the promotion exams for judges and prosecutors.

Fight against discrimination in judiciary is the subject of a consistent module covered by initial training for magistrates at the National Institute of Magistracy.

### **Legal aid**

*56. ECRI recommends that the Romanian authorities adopt a simplified legal aid procedure to enable victims of discrimination to gain access to the courts. It recommends in this regard that they modify and clarify the requirements for obtaining legal aid so that victims of discrimination may assert their rights before the courts. The authorities should also ensure that indigent victims can automatically have access to an assigned counsel.*

The draft law for the ratification of the Protocol No.12 to the European Convention on Human Rights and for the amendment of the Government Ordinance no.137/2000 for prevention and sanctioning of all forms of discrimination simplifies the administrative procedure that leads to a court by not making compulsory the notification of the National Council against Discrimination before addressing the court.

Nevertheless the Council will be subpoenaed and will be able to defend victims of discrimination.

### **Contribution of the Ministry of Education and Research**

**81.** Romania initiated through the offices of the Ministry of Education and Research, in partnership with the Centre Education 2000+, the programme “We and our neighbours; Majority and minorities in the history textbooks of Romania, Bulgaria, Hungary. Case study: the Republic of Moldova”.

Following the meetings with specialists from the four countries, various materials were developed and published in a volume in the English language together with a CD, including: an analysis of history teaching in those countries, lesson plans, historical sources, discussions regarding controversial and sensitive issues in history and the elimination of stereotypes. The textbooks and the CD were distributed in the schools of Romania. With the publication of the new curricula and the new textbooks, stereotypes and prejudice concerning minority groups will be removed following the evaluations by a special commission.

Regarding the naming of the subject as “The History of Romanians” and not “The History of Romania”, we point out that this name was adopted immediately after 1989 and took into account certain particularities of national history (the name of the state as Romania appeared in the second half of the 19th Century, therefore “The History of Romania” would cover only one and a half centuries). However, taking on board the recommendations of the Council of Europe, Romania has introduced, in the 2004-2005 school syllabus, courses of integrated history designated as “History”. Once the new curricula for the 8th and 12th forms are in place, the syntagma “The History of Romanians” will disappear over the next few years. The new syllabus will include new themes regarding the history of minorities in Romania and that of the Romanian minorities living in the neighbouring countries.

**84.** Concerning the recommendation to develop a special independent school curriculum to reflect the cultural diversity in Romania and therefore the introduction of a new subject, compulsory at all level of education, we consider it to be an unrealistic solution given the present educational policy aimed at reducing the number of hours of study per week. Consequently, our point of view is that we should aim to achieve an appropriate reflection of the cultural diversity in Romania within the existing school curricula, using the framework of the already existing compulsory subjects with the development of new types of activities and programmes, including extracurricular ones designed to reflect this diversity in an adequate manner.

Beginning with the 2005-2006 school year, the history syllabus for the 10th and 11th forms complementary year includes among its content the issue of the Holocaust, including reference to Romania. Moreover, we point out that the number of Romanian schools which decided to offer as optional courses the History of the Jews and the Holocaust stands at 340, compared to 200 for the 2004-2005 school year. We add that the textbook for the above-mentioned course has been approved this year.

**90.** Concerning the observation that children and adult refugees have no access to free Romanian language classes, we mention that since the school year 2004-2005 free Romanian language classes have been organised at the School for forms 1-8, no. 145, sector 2, Bucharest, through the Romanian education system (and not by NGOs), and beginning with school year 2005-2006, the refugees who attend these classes will be given free textbooks. Moreover, contrary to the statements in point 91, the financial support for organising these classes is ensured by the Ministry of Education and Research.

**Concerning the issues of refugees** from the perspective of ensuring the right to education and awareness and observance of the rights of refugee, we are listing below some updated information concerning programmes, documents and educational activities aimed at refugees and developed by the Ministry of Education and Research:

1- Based on the Memorandum of Understanding, concluded on 10 April 2002, training seminars for Social Science teachers in secondary schools and high schools on the theme "Human and refugee rights" were organised by the Ministry of Education and Research in partnership with the Representative for Romania of the United Nations High Commissioner for Refugees (UNHCR). The seminars took place in the municipality of Bucharest and the counties of Arad, Suceava and Constanța.

2 - In 2004 a new Memorandum of Understanding between the Representative for Romania of the UNHCR and the Ministry of Education and Research (MER no 34088/12.07.2004) was concluded. The UNHCR representatives visited, in the same year, several schools in the towns of Arad, Constanța, Suceava and Bucharest in order to meet the teachers who participated in the training seminars and to discuss with the students matters relating to human and refugee rights. New training seminars in the counties of Timiș, Brasov and Galați were organised.

3 - The Ministry of Education and Research issued the Ordinance no. 3709/02.04.2003 for the approval of Methodology norms regarding the schooling of the children of foreigners who have acquired refugee status in Romania or that of unaccompanied minors.

4 - The Romanian Language Syllabus - a beginner's course for the children of foreigners who have been granted refugee status in Romania and for the refugee unaccompanied minors, as well as the Romanian Language Syllabus - a beginner's course for the adult foreigners who have been granted a form of protection in Romania were developed and approved by the Ordinance no. 4041/16.06.2004, respectively 5335/18.11.2004 (the syllabi can be accessed on the Ministry of Education and Research website at: [www.edu.ro](http://www.edu.ro)).

The handbooks have been produced and distributed free of charge in September 2005 and are being used by students.

5 - For properly implementing the Government Ordinance No. 44/2004 (regarding the social integration of foreigners who have granted a form of protection in Romania), a Ministry of Education and Research representative was designated to attend all coordination meetings organised by the National Office for Refugees. In the same time, contact persons for refugees' issues were designed in every county and in Bucharest schools' inspectorates.

The National Office for Refugees within the Ministry of Administration and Internal Affairs developed the Guide: "Integration of Refugees in Romanian Society" which will be sent free of charge to the schools' inspectorates of Bucharest and the counties. The Guide features two chapters dedicated to the access to education of children and adult refugees as well as aspects of inter-cultural communication.

In the Note no. 42797/10.10.2005, the Ministry of Education and Research requires the schools' inspectorates in the counties and in Bucharest to supply to different categories of staff within the education system involved with refugees (inspectors, teachers and other types of staff within the educational system dealing with refugees) the guide "Integration of Refugees in Romanian Society".

**Concerning the issue of Roma education** (articles 128-135), we have the following observations:

**132.** *With reference to the recommendation in article 132, we specify as follows:*

Following training with the teams within the schools' inspectorates in order to revise or develop strategies to improve the access to education of disadvantaged groups, each inspectorate developed, during December 2004 - February 2005, a plan of de-segregation.

In the revised plan of the Decade of Roma Inclusion (June 2005), the Ministry of Education and Research aims to eliminate segregated classes and schools by 2008.

**133.** *With reference to the recommendation in article 133, we specify as follows:*

1. As part of the PHARE 2001 project "Access to Education of Disadvantaged Groups with focus on Roma" the Ministry of Education and Research developed a programme of training in the field of inter-cultural education of school mediators as well as a training programme for teaching staff. We can mention, among other, the following achievements:

- developing the curriculum for the training of school mediators with the support of the "Gh.Lazăr" teaching college in Cluj;
- training 67 school mediators in the 10 counties taking part in the project (Arad, Bucharest, Buzău, Cluj, Călărași, Dâmbovița, Galați, Gorj, Hunedoara, Vaslui). At the end of training, 65 course attendants graduated and became professionally accredited school mediators; In the PHARE 2003 project, a further 80 mediators will attend specific training.
- local partners of the schools' inspectorates who took part in the PHARE 2001 project hired school mediators in the selected schools and committed themselves to bear the cost of the mediator's activity for that school year and also for the 2004-2005 school year. In the 2004-2005 school year, it was not possible at local level to comply fully with the commitment; therefore, only 70% of the school mediators are now operational;
- further training was organised both at national and local level (in schools involved in local projects) in the field of inter-cultural education. The results of the project in the field of inter-cultural education: 80 trainers and 1700 teachers trained, as well as the creation of a guide for inclusive education;



2. The Ministry for Education and Research continued the National Programme for training non-Roma teaching staff working with Roma Children in cooperation with its partners: UNICEF, Save the Children, PER, Intercultural Institute of Timisoara, Department for Interethnic Relations - Government, Romani CRISS etc.

3. As there has not been a great deal of positive feed-back regarding the activity of the school mediator, the Ministry of Education and Research intends, through the proposals already made to amend Law 28/1997, as well as through the proposals of a Ministerial Ordinance, that the school mediator be assimilated in the category of auxiliary teaching staff and that a school mediator should be hired not just in the case of the Roma ethnic group but also in all situations when such intervention is needed in schools or the community.

4. The Ministry of Education and Research initiated at the level of University education a distance learning training programme for Roma primary school teachers during the period 2000 - 2005. Around 400 places annually were earmarked for Roma for admissions to University. Apart from these, 80 further places were allocated to Roma students for the section of Open distance learning CREDIS - University of Bucharest for the section "primary teachers - Romani language" where they have been supported with grants to cover the fees by UNICEF and through the PHARE Programme of the Ministry of Education and Research.

As part of the PHARE 2001 programme "Access to Education of Disadvantaged Groups with focus on Roma", 55 Roma young people were trained through Distance Open Learning. As part of the PHARE 2003 programme, the training of primary school teachers through distance learning or other types of programmes (reduced attendance or evening classes) continues.

As of September 2005, there will be a new Open Distance Learning specialisation (University of Bucharest - CREDIS), "Romani language - Romanian language", with support from The Faculty of Foreign Languages and Literatures and of the Faculty of Letters.

*134. With reference to the recommendation in article 134, we note the following:*

1. The Ministry of Education and Research took steps to introduce themes relating to preventing and combating discrimination at the common core of the school curriculum. Therefore, in certain chapters, certain revised school syllabi recommend the cultivation of inter-ethnic and inter-cultural exchange.

2. In the revised plan (June 2005) of the Decade of Roma Inclusion, the Ministry of Education and Research puts forward proposals for the conservation of the Roma cultural heritage through:

- the development of the study of Romani language and literature, of Roma history and tradition for all the children who take up this option;
- the creation of opportunities for teaching in the Romani language in the pre-school and primary years;
- introducing elements regarding the history and culture of minorities, inclusive of Roma, in the mainstream curricula.

3. In the PHARE 2003 project, educational, socio-economic and cultural indicators have been developed in order to identify the target group, thus replacing the practice of self-identification of Roma children, a practice which in many cases could be hurtful and lead to loss of self-esteem.

**135.** *With reference to the recommendation in article 135, we note the following:*

1. The Ministry of Education and Research developed a programme to motivate school attendance and reduce drop-out rates especially among the poor section of the Roma population. The results of this programme can be quantified as follows:

- During the period September 2002 – October 2005, the Ministry of Education and Research implemented the PHARE 2001 programme “Access to Education of Disadvantaged Groups with focus on Roma” in 10 counties (Arad, Bucharest, Buzău, Cluj, Călărași, Dâmbovița, Galați, Gorj, Hunedoara, Vaslui), aiming to fight marginalisation and social exclusion by improving the access to education of the disadvantaged groups with a focus on Roma;
- The Ministry of Education and Research developed a new PHARE Programme “The Access to Education of Disadvantaged Groups”, approved in the Memorandum of Financing in December 2003. This continues and expands at national level the activities initiated by the PHARE 2001 programme in the ten counties, with the programme being extended to another 12-15 counties. As new elements, the programme aims to:
  - expand the activities launched by the PHARE 2001 Programme with the identification of the target groups (Roma children, children with special educational needs, children from areas that are socially and economically disadvantaged) in the Educational Intervention Priority Zones according to specific indicators: educational, cultural and socio-economic indicators;
  - launching the programme “A second chance” in primary schools (curriculum development);
  - a special emphasis on school desegregation (training and educational materials);
  - setting up a Resource Centre for Inclusive Education in the selected counties (approximately 15).

The Ministry of Education and Research continues and expands at national level the activities started by the PHARE programmes to improve the access to education of disadvantaged groups, through a PHARE multi-annual programme starting in December 2004.

The Ministry of Education and Research conceived and implemented programmes to encourage Roma parents to participate in educational processes within and outside schools. Therefore, in the Phare 2001 Programme, but also at local level (following initiatives of teaching staff and directors) efforts were made to attract the interest of Roma parents in the school and involve them in activities with children.

The Ministry of Education and Research, with support from the Government, adopted various items of legislation in support of the Roma, aimed at providing them with various educational facilities and also from the perspective of employing Roma in positions of school administration (school directors and school inspectors).

We can list the following results:

- giving social grants and other forms of support to pupils of the pre-university state education system who come from families that are socially and economically disadvantaged, from disadvantaged areas or affected by unemployment;
- providing school materials for pupils from low-income families;

- subsidising the transport of pupils going to school in another locality who come from families with a precarious material situation;
- a free daily meal/snack for primary school pupils (Law No 16/2003 for the approval of the Emergency Government Ordinance No 96/2002 regarding dairy and bread products for the pupils of grades 1 to 4 and, subsequently for the pupils in the pre-school system);
- steps aimed to make more flexible the structure of the school year according to local climatic conditions, geographical conditions and the characteristics of the occupations in the area and also steps to organise the process of education through education with reduced attendance, catching-up classes, summer schools, etc.
- appointing Roma school inspectors in all the schools' inspectorates.

### **Contribution of the Secretariat of State for Religious Affairs**

With reference to the observations and recommendations set out in the project and mentioned in the chapter *Legislation concerning religious organisations (points 13-22)*, we note the following:

The main issue indicated (points 13, 14, 18, 20, 21, 22) refers to the lack of a law concerning religious organisations, as well as the lack of a procedure for acknowledging new faiths and denominations. Aware of this, the new Government in 2005 vigorously took steps to develop "Laws concerning religious freedom and the regime of religions", a draft adopted by the Government which has been sent to Parliament for approval and which is being at this moment debated in the Senate, which is the first chamber involved.

In order to prepare this text, various meetings were held from March 2005 with representatives of faiths and denominations; and during the months April-May 2005 four rounds of debates took place with representatives of recognised faiths and denominations. Representatives of 16 faiths and denominations signed, on 31 May of this year, together with representatives of the Ministry of Culture and Religious Affairs, a draft text, which was made public during the period 1 June - 1 July of this year, in accordance with Law no 52/2003 regarding decision transparency in public administration. In spite of the publication of this text signed by representatives of faiths on the date when the ECRI report was written, the content of the report does not seem to have taken this document into consideration.

Subsequent to the period included in the ECRI report (12-13 September 2005), with the express purpose of publicising internally and internationally the draft of the new law, the Secretariat of State for Religious Affairs organised the international symposium "Religious freedom in Romanian and European context" attended by representatives of international bodies such as the European Commission for Democracy through Law (The Venice Commission), OSCE, as well as distinguished specialists from Europe and the United States and also from organisations and institutions in Romania.

Regarding the recommendations set out, we point out a series of Romanian realities which were not taken into consideration by the authors of the ECRI report as well as errors that found their way into its contents.

**17.** Regarding the existence of two-tier treatment on behalf of the state towards religious organisations, this system, in various forms, is present throughout all countries in Europe (denominations who have agreements with the state, state faiths, public corporations, etc). Moreover, it is a question of tradition of the legislative system in Romania.

The support of the state for the Church in Romania was regulated following a take-over by the state in the middle of the 19th century (1863) of important estates that had been in the property of the Orthodox Church in Moldova and Walachia. In the period between the

wars, after the achievement of the national unity of Romania (1918), this support was maintained and expanded as a legal obligation of the state towards all the officially-recognised faiths and denominations. Even during the communist period the state made a contribution to the wages of the clergy.

We should point out that no religious organisation lacks the defining elements of religious freedom as it appears in international documents.

The draft for “Law regarding Religious Freedom and the Regime of Religions”, although it preserves the two levels of official recognition, considerably narrows the gap between the regime of religious associations and that of officially recognised faiths and denominations. In fact, this piece of legislation defines for the first time religious associations as associative structures not subject to the general regime of associations and foundations but with a special status, close to that of officially recognised faiths and denominations.

At point 17, reference is made to the principle of the separation of the Church from the State, as included in the Constitution. The exact phrase in the Constitution (article 29 para. 5) is: “Religious faiths and denominations are autonomous as regards to the state but they enjoy its support”.

**18.** Faced with the legislative void in the issue of official recognition for religious associations, the draft for “Law regarding Religious Freedom and the Regime of Religions” sets out clear and transparent criteria, centred on durability, stability and public utility to allow a religious association to become an officially recognised faith or denomination.

**19.** The Ministry of Culture and Religious Affairs - The State Secretariat for Religious Affairs diligently fulfilled its role of mediator, organising multilateral meetings aimed at solving all major problems in the activity of faiths and denominations.

In 2005, representatives of faiths involved in the discussions on drafting the “Law regarding Religious Freedom and the Regime of Religions” came together as a true ecumenical forum which, under the aegis of the Ministry of Culture and Religious Affairs, has set out the main directions their development will take while also drawing attention to the problems they face.

Further meetings with representatives of faiths and denominations were organised by competent authorities to try to find solutions to the problem of the restitution of goods taken by the communist regime, setting out clear and transparent guidelines for the financial support of faiths and denominations, for the analysis of various issues confronting religious education and the development of alternative textbooks, etc.

In the rare situations of inter-faith conflict, the state authorities went to the scene of the conflict and mediated between parties, helping to draw up protocols and agreements detailing concrete ways of solving the disputes.

**22.** As shown above, the Government of Romania developed in consultation with the recognised religions a draft law that was subsequently submitted for public debate and observations were received from a small number of religious associations and some of these observations were included in the final text that was sent for adoption to Parliament.

Regarding the two aspects mentioned at point 16, concerning the harassment of certain Greek Catholic worshippers by members of the Romanian Orthodox Church with the complicity of authorities, and the obligation of children to attend religious education despite their parents’ wish, we point out that the Ministry of Culture and Religious Affairs has not received any complaints from the concerned parties.

Our last observation concerns the statement at footnote 7, that the Ministry of Culture and Religious Affairs recognised the religious organisation “Jehovah’s Witnesses” as a religion following a Court ruling of 9th April 1990, when it established itself as a religious organisation. We consider this statement to be wrong, Ordinance No. 2657/2003 of the Ministry of Culture and Religious Affairs having been passed to implement Decision no. 769/2000 of the Supreme Court of Justice.”