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31 YEARS OF FAILED PROPERTY RESTITUTION: THE FORGOTTEN RELIGIOUS INJUSTICE IN ROMANIA

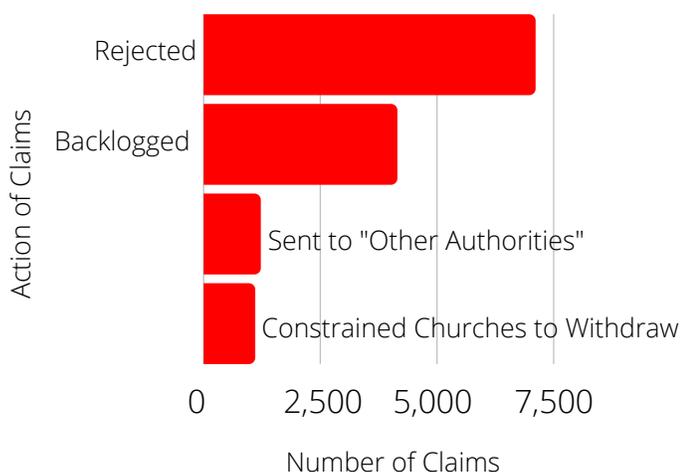
INTRODUCTION

The single most important religious freedom issue haunting Romania since the fall of communism (1989) is the obstruction of religious, civic, educational, property and minority rights for minority religious denominations. For an unconscionable three decades, the Romanian authorities have failed to restore – whether in integrum or through restitution – **but a fraction (15.52 percent) of the 16,424 religious properties illegally confiscated by the State** from their rightful owners between 1945 and 1989.

THE NUMBERS SPEAK FOR THEMSELVES

According to first-hand data obtained July 8, 2021 by the Hungarian Human Rights Foundation, the official Romanian restitution body (referred to as NAPR, National Authority for Property Restitution), it has rejected 7,099 claims (43%), constrained the churches to withdraw 1,093 (6.65%) claims, sent 1,212 claims (7.73%) to “other authorities” for resolution, and has 4,138 (25.1%) claims on backlog. **In sum, 59.3 percent of claims have been decided against minority religious denominations.**

- 2,554 of these buildings (housing schools, hospitals, orphanages and other social institutions) alone were taken from the four historic Hungarian churches – Roman Catholic, Hungarian Reformed (Protestant), Lutheran and Unitarian.
- For the past 31 years, 65.20 percent of these Hungarian minority properties are still not fully restituted by the state.



HOSTILE ACTIONS AGAINST MINORITY RELIGIOUS INSTITUTIONS

The evidence clearly shows a track record of deliberate and cynical actions by the Romanian authorities to violate the rights of the four historic Hungarian churches, the Greek Catholic and Jewish communities. This is done by not only through neglect, but inadequate legislation and implementation, renationalizing certain properties after restituting them and, most significantly, legally persecuting and scapegoating civil servants who try to implement the rule of law in regards property restitution. Fear and silencing are the impact of these scandalous measures, especially on the Hungarian minority, which is the victim of simultaneous ethnic and religious discrimination in Romania.

1. The failure to give back these buildings and institutions to their rightful owners is not an abstract injustice but a severe, continuous and complex rights' violation affecting the daily lives of millions of people. An entire generation of ethnic Hungarians, Greek Catholics and Jewish youth has grown up since 1989 denied the full means and resources to build a democracy and civil society.

2. The National Authority for Property Restitution's (NAPR) mandate is not justice. It is to decide for the State and in actuality not “relinquish” valuable properties. For the past few years, NAPR has a newer pretext for rejecting claims: alleging that Hungarian church claimants and the original owner are not the same legal entity, nor legitimate successors.

3. U.S. governmental action? Successive Romanian governments simply ignore Congressional resolutions, State Department letters, and intervention by the special envoys. Spearheaded by Congressman Tom Lantos, H.Res 191 was already unanimously adopted in 2005, 16 years ago, calling on the Romanian government to provide “equitable, prompt, and fair restitution to all religious communities for property confiscated.” Its clauses are still in effect today!

THE PERSECUTION OF CIVIL SERVANTS CARRYING OUT THEIR DUTIES

Attila Markó, an ethnic Hungarian and former Member of the Romanian Parliament, was falsely charged with “official abuse of power” for deciding to return the Székely Mikó Protestant High School in Sfântu Gheorghe to its rightful owner, the Hungarian Reformed Church. The building had been confiscated from the Church in 1948 and the decision to return it was straight-forward. Nevertheless, in **June 2012, the court sentenced three members of the restitution committee involved in the decision** – Attila Markó, Tamás Marosán and Silviu Clim – to three years of imprisonment. Several Members of Congress wrote to Secretary Kerry on their behalf at the time to no avail.

Mr. Markó was forced to resign from the Romanian Parliament.



FOLLOW THE MONEY:

THE MOST EMBLEMATIC AND EGREGIOUS CASES

SZÉKELY MIKÓ HIGH SCHOOL

On November 22, 2018 the Romanian Supreme Court ruled for the state and renationalized the Hungarian Protestant High School in the town of Sfântu Gheorghe, leaving the European Court of Human Rights as the only recourse for justice. **For the fourth time in 70 years, this property has been stolen from its rightful owner, setting a dangerous and chilling legal precedent in the country:**

First nationalized in 1948, the NAPR restored the property in 2000 to the Church. Nationalized again in 2012 after the State began criminal proceedings, the courts took the school away from the Church, and sentence the 3 members of the NAPR for their decision 12 years prior. In 2016, it was nationalized for the third time. In 2018, the Romanian Supreme Court denied the rightful owner’s appeal, thus nationalizing the institution for the fourth time.

Székely Mikó High School



THE BATTHYÁNEUM LIBRARY

After a 22-year legislative battle, the Romanian Supreme Court delivered its most lethal blow for religious property restitution in May 2021 when it ruled against the Alba Iulia Roman Catholic Archdiocese’s claim for the Batthyáneum Library and Astronomical Observatory. By far the most significant and valuable property, the Library’s collection of 65,000 volumes holds 1,650 incunabula (printed books before 1501) counting for three quarters of all such books in the country. The most valuable piece in the collection is reportedly worth 10 billion USD. In 2012 the European Court of Human Rights (ECHR) in Strasbourg found for the Church (ECHR Decision 33003/03), stating that Romania had violated Protocol No. 1 of the European Convention on Human Rights by delaying the restitution of the building for 14 years. Cynically, the state paid the 25,000 euro fine in 2015, but never returned the property, continuing to aggressively pursue its interests and force the rightful owner into decades of futile litigation.

The Batthyáneum Library



SUMMARY

WHAT NEEDS TO BE DONE TO ACHIEVE GENUINE RELIGIOUS FREEDOM IN ROMANIA

After 31 years of delays and obfuscation, apathy and fatigue in achieving complete, fair and equitable religious property restitution is understandable. Yet, it is not enough for U.S. Embassy and State Department officials to simply “continue(d) to advocate for improved property restitution processes,” as the 2020 International Religious Freedom Report on Romania states. As an ally and strategic defense partner of the United States, this entrenched human rights violation must be elevated to the highest level, placed front and center of bilateral relations. Establishing a clear-cut action plan with a firm timetable is a reasonable expectation, and a reachable goal, if the political resolve exists.

Hungarian Human Rights Foundation

Monitoring the human rights conditions of 2.5 million ethnic Hungarians living as minorities in Croatia, Romania, Serbia, Slovakia, Slovenia, and Ukraine since 1976