



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

Romania's Ethnic-based Religious Restitution Practices

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Outline

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Introduction

- 1945-1989: Romania confiscated 16,430 properties from religious denominations.
- Post-communism: restoration failure → “forgotten religious injustice.”
- The affected minority religious denominations:
 - the four historic Hungarian churches: Roman Catholic, Hungarian Reformed/Protestant, Lutheran, and Unitarian,
 - the Greek Catholics and the Jewish community.
- Focus on:
 - overall religious restitution progress,
 - ethnic-based religious restitution: sabotaging property return to Hungarian-linked churches
 - confiscated buildings housed vital civic institutions for centuries.

The Restitution Process

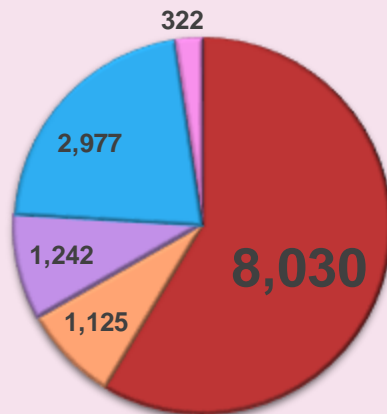
- Restitution Attempts:
 - Various governments made incomplete restitution attempts without implementation.
 - In 2002, a comprehensive law was adopted, marked by inherent flaws.
 - Compliance driven by a desire to avoid negative press after NATO and EU accession.
- Post-Adoption Challenges:
 - After joining NATO and EU, restitution slowed, stopped, and reversed.
 - Renationalization occurred in some cases.
- Claims Process:
 - Decided by the “Special Restitution Committee” (SRC).
 - SRC consists of seven members from various ministries and agencies:
 - National Authority for Property Restitution (NAPR), Minority Affairs Office (DRI), Finance, Justice, Interior, Regional Development, State Secretary for Religious Affairs.
- Two possible ways for Restitution:
 - restoring the property to its original owner – “restitutio integrum” or a
 - „points” system for compensation when original restitution isn't possible.

The Restitution Landscape: Unveiling Trends

- Overall claims between April 29, 2022, to December 15, 2022:
 - SRC's positive decisions grew by 95.
 - Negative decisions increased by 291.
 - Positive decisions grew by 0.58%, negative decisions three times higher at 1.78%.
 - **75.38% of claims decided against religious denominations.**

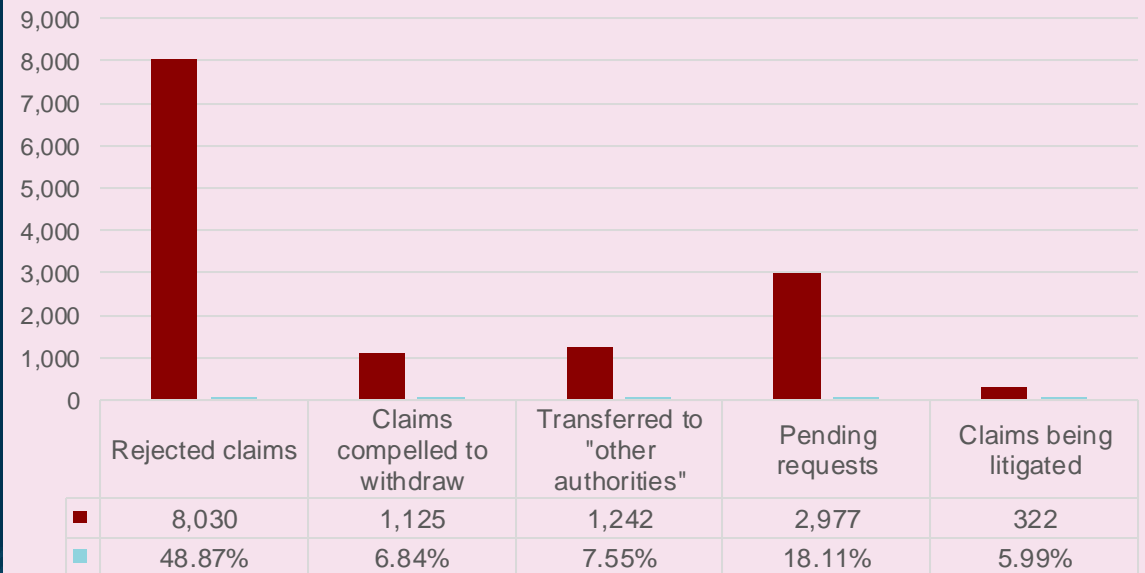
33 years post-communism, only 16.64% of total claims positively decided for religious denominations.

Negative or unresolved claims



- Rejected claims
- Claims compelled to withdraw
- Transferred to "other authorities"
- Pending requests
- Claims being litigated

Negative or unresolved claims

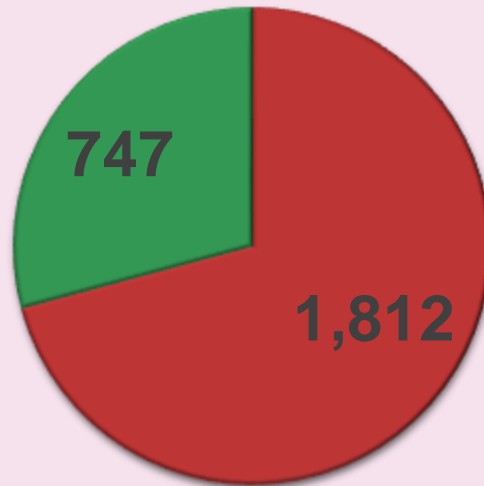


The Restitution Landscape: Unveiling Trends

- **Claims by the Historic Hungarian Churches:**
 - 2,559 confiscated buildings.
 - 58.78% of properties not fully restituted.
 - Only 29.19% of overall claims resulted in actual returns (747 properties).

33 years post-communism, only 29.19% of claims positively decided for the Hungarian religious denominations.

Claims by the Historic Hungarian Churches



■ Properties not fully restituted ■ Properties restituted

Two Prominent Examples

Batthyáneum Library

- 1950: Confiscation by the communist regime.
- 1998: Emergency Government Ordinance orders that the library be returned → restitution never happens
- 2012: European Court of Human Rights Ruling in Favor of the Church
 - State's Payment of 25,000 Euro Fine
 - Strategic Move to Avoid Returning the Property
 - Decades of Futile Litigation for the Rightful Owner
- 2021: Romanian Supreme Court Rejects Church's Claim
- Ongoing Struggle in the Second Round at the European Court of Human Rights.
- Significance of the Library's Collection: 65,000 Volumes, including a Priceless Charlemagne-period Bible.



Székely Mikó Protestant High School

- 1948: Confiscation by the Communist Regime
- 2000: Restitution by SRC
- 2012: Three SRC members, including Attila Markó, sentenced for their 2000 decision
- Attila Markó: Falsely charged, effective leadership silenced, forced resignation, and exile
 - Romanian Supreme Court cleared Markó on April 27, 2023.
- 2012: School renationalized
- 2018: Denial of rightful owner's appeal by the Romanian Supreme Court
- Last recourse: Appeal to the European Court of Human Rights



Unraveling the violation: how it unfolds

- Fundamentally flawed legislation and implementation
- Lengthy Delays in Processing Claims
- Victims bear the burden of proof
- No presumption of abusive transfer
- Lack of Compensation
- Costly Legal Battles
- Irregular SRC Convening
- Ineffectiveness of Points System
- Cases of renationalization
- Legal persecution of civil servants and church leaders
- Measures contribute to fear and silencing, particularly within the Hungarian minority.
- Pretext for Rejections: SRC introduces pretexts, claiming that Hungarian church claimants and the original owner are not the same legal entity.

“The government did not take effective action to return churches confiscated by the post-World War II communist government.” *(State Department’s 2022 Country Report on Human Rights Practices)*

Actions and Prospects

- **US Special Envoys:** Addressing broader religious/minority property restitution.
- **Property Restitution Working Group:** Formed in the 2000s initiated by HHRF.
- **Rep. Tom Lantos's Impact:** Spearheading HRES 191 (2005) after the failings of the 2002 Romanian law.
- **Congressional Advocacy:** Congresspersons Andy Harris and Marcy Kaptur continue efforts.
- The Office for International Religious Freedom now handles the issue, with the annual Country Practices Report acknowledging slow progress.
- **HHRF's 33-Year Advocacy:** Pioneering efforts to end the prolonged human rights violation.
 - For more information visit HHRF's website: <https://hhrf.org/on-our-radar/property-restitution-in-romania/>

Conclusion

- Romanian authorities consistently violate the rights of historic Hungarian churches and minority communities through neglect, flawed legislation, and unjust practices.
- Renationalization of properties, persecution of civil servants, and silencing tactics exacerbate the impact, especially on the Hungarian minority.
- "Justice Delayed is Justice Denied": The prolonged injustice diminishes the potential for resolution.
- Urgent call for U.S. Action: Elevate the issue in bilateral relations, establish clear action plans including stakeholders, and actively work toward a resolution to compel Romania into action.



**Thank You For Your
Attention!**

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