HHRF
Hungarian Human Rights Foundation

The Forgotten Religious Injustice in Romania

35 Years of Failed Property Restitution

SIX KEY TAKEAWAYS:

- **Abysmal Progress in Property Restitution:** Romania has restituted an astonishingly low 17.49 percent of 16,430 properties illegally confiscated from religious denominations during the communist era (1945–1989). These include buildings originally owned by the historic Hungarian churches, Greek Catholics, the Jewish community, and even the Romanian Orthodox Church.
- **The Disproportionate impact on Minority Groups:** The failure to restore properties disproportionately affects minority religious denominations, particularly the Hungarian minority in Transylvania. This has far-reaching implications for their cultural and social institutions, as well as their ability to fully practice their faith.
- **Flawed Restitution Process:** The process for reversing past injustices is fundamentally flawed and has been going on for decades. Claimants bear the burden of proving their claims, receive no compensation for demolished properties, and current occupants are allowed to remain for an inordinate time period, all impeding the rightful owners' use of their assets.
- **Biased Decision-Making:** The extremely low positive decision rate of 17.49 percent by the Special Restitution Committee (SRC) exposes a clear bias against the victims with deliberate action by the Romanian authorities to deny justice and retain valuable properties.
- **Judicial Overreach and Legal Chaos:** A Romanian Supreme Court Decision (21/2023) from November 2023 has ignited legal and procedural chaos. Unprecedented judicial overreach, deviating from established principles of the rule of law has potential impact of the inviolability of *all* property rights in the country.
- **Urgent Need for Reform:** The text highlights three emblematic cases; the persecution of civil servants applying the law and religious leaders advocating for property restitution. It calls for a proactive approach, urging Romania and the United States to prioritize this issue, establish clear action plans, and work toward a resolution. Furthermore, it calls for a legislative solution to protect the sanctity of private property from the recent Supreme Court Decision.

THE WRONGED COMMUNITIES

Since 1989, Romania has failed to fully restore, to their rightful owners, 16,430 properties illegally confiscated from religious denominations between 1945 and 1989. Who are these groups? What we commonly refer to as the **four historic Hungarian churches** (Roman Catholic, Hungarian Reformed/Protestant, Lutheran and Unitarian), the **Greek Catholics and the Jewish community.** We consider these "minority religious denominations." In the case of the Greek Catholic denomination and the Jewish community, we are also speaking about church/synagogue buildings themselves. Lastly, the total figure includes churches and buildings taken from the majority, **Romanian Orthodox** church as well.

IN THE CASE OF THE HUNGARIAN MINORITY, it is the buildings that comprised their civic and charitable institutions, some maintained for hundreds of years prior, that are at stake. Prior to communism, as part of their missions, these religious denominations operated networks of hospitals, schools, orphanages, and other social institutions, contributing significantly to the fabric and functioning of society. Beginning 1945, the state confiscated these from their rightful owners, usually continuing to operate the same sort of institution in them.

The largest national minority in Romania is the Hungarian, living in the region of Transylvania. In Romania, ethnic and religious affiliation overwhelmingly coincides. Thus, the majority of ethnic Romanians are Romanian Orthodox, and Greek Catholics are by and large ethnic Romanian as well.

Romania's neglect to fully restore these properties to their rightful owners, whether through compensation or restitution, constitutes the country's forgotten religious injustice, one profoundly affecting the lives of millions, including entire generations who have been denied resources for democratic development, civil society, and religious expression. This prolonged injustice encompasses violations of religious, minority, property, and economic rights.

UNRAVELING THE VIOLATION: HOW IT UNFOLDS

Even after 35 years of post-communism, only 17.49 percent of claims for religious denominations have been positively decided by the "Special Restitution Committee" (SRC). The evidence, based on official SRC data, exposes deliberate actions by Romanian authorities to deny justice. Their true agenda isn't fair compensation or property return; instead, they aim to return as few properties as possible, burdening religious groups with a prolonged battle for their rights.

NEGLECT, DELAY AND OBFUSCATION CHARACTERIZE THE SO-CALLED RESTITUTION PROCESS:

1) **Fundamentally flawed legislation** and implementation. Namely:

- The burden of proof and action is on the victim. There is no presumption of abusive transfer. While it is the state in possession of all the confiscation documents, it has forced the churches to file claims and procure the documentation to back-up their claims, which of course it can reject for lack of evidence.
- **There is no compensation** for properties previously demolished by the state.
- Occupants of restituted buildings can legally remain for up to 10 years, often preventing religious denominations from fulfilling their missions, and effectively depriving them of using their assets.
- The claims have been reviewed by the seven-member SRC composed of representatives from different ministries and agencies *[National Authority for Property Restitution (NAPR), Minority Affairs Office (DRI), Finance, Justice, Interior, Regional Development, State Secretary for Religious Affairs]*. In the past, years went by without the Committee convening, deliberately prolonging the process with limited agendas and insufficient resources for prompt processing. The SRC's competence is limited. If it rejects a claim, the decision is final. However, their decisions can be challenged in court and influenced by vested interests, such as local governments.

HOW ELSE HAS THE STATE UNDERMINED PROMPT, FAIR AND FULL RESTITUTION?

- Certain important properties have been *renationalized* after being restituted.
- Civil servants from the Special Restitution Committee who tried upholding the law faced legal persecution and scapegoating. Meanwhile leaders of Hungarian churches endure ongoing official and judicial harassment for asserting their rights.

The scandalous measures have unsurprisingly resulted in fear and silencing, particularly within the Hungarian minority.

THE NUMBERS SPEAK FOR THEMSELVES

Based on official SRC data, the cumulative average of positive decisions for claimants remains at a mere 17.49 percent since its establishment. Over the years, the Committee's actions have been marked by a substantial backlog of claims, a rise in rejections, forced withdrawal of claims, and transfers of competency. Notably, the SRC's track record consistently tilts in favor of the state.

In 2023 the negative trajectory abated, however, according to the data provided by the SRC, between December 15, 2022 and October 13, 2023, the restitution process of Hungarian church properties witnessed a concerning trend. The figures indicate a marked neglect, with merely 17.03 percent of all positive decisions during this period being allocated to Hungarian denominations. Out of the 135 positive decisions, **only 23 were positively decided for Hungarian denominations.**

Examining the 2,559 claims made by the four historic Hungarian churches, 57.48 percent of these properties remain unrestituted by the state. Only 42.13 percent of total claims – **less than half of their claims received restitution in kind, compensation, or a blend of both.** Delving further, only 755 properties have been returned, representing just 29.5 percent of all claims.

The State particularly likes to retain valuable properties, or grossly undervalue ones for which it awards compensation. For example, NAPR awarded half the market value of 26 buildings in Cluj to the Hungarian Reformed Church in 2023 with the church now demanding the difference. The key word here is awarded: **since fall 2023, no compensation has been paid at all to any claimant.**

SHIFTING LEGAL INTERPRETATION

In recent years, the SRC introduced an **additional pretext for claim rejections,** alleging that Hungarian church claimants and the original owner are not the same legal entity, nor legitimate successors.

The state used this argument in 2013 against the Unitarian Church, which filed a restitution claim for the high school in Turda (Torda) in 2003 but was rejected *ten years later* by the SRC. In the intervening decade the institution – founded in the 1560s – was subject to manipulation by local authorities and post-communist unethical sales: sold to a private company in 2004 and leased back to the municipality.

Earlier in 2023, however, the Romanian Supreme Court overruled the SRC's "not a legitimate successor" argument in the cases of the two Hungarian Reformed Church claims, after the Church sued, presumably deterring the SRC from using this tactic again.

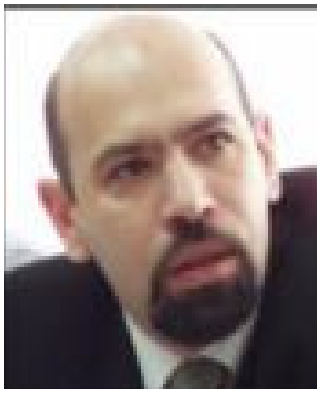
But, as of early 2024, a new Supreme Court decision has caused tremendous legal chaos contradicting prior ruling. Decision 21/2023 of November 13, 2023, has dealt the rule of law a significant blow and further dimmed prospects for religious denominations to get back properties illegally confiscated from them. The decision (*in the case of the Hungarian Reformed Church Transylvanian Diocese on behalf of the Bethlen Gábor College in Aiud/Nagyenyed*) now requires religious denominations to **provide nineteenth-century documents, in addition to title deeds,** to "prove" prior ownership of buildings still not returned by the state. This requirement poses extreme challenges, particularly considering that such documentation was not historically necessary during the founding of denominational institutions centuries ago. The ruling not only seriously calls into question the inviolability of property rights – potentially across the board – in Romania, but also deviates from established principles of the rule of law. The unprecedented judicial overreach of this decision has led to calls for a constitutional challenge; an increased caseload at the European Court of Human Rights is anticipated.

THE STRUGGLE FOR JUSTICE BY THREE PROMINENT INSTITUTIONS

1. The most emblematic case demonstrating the state's deliberate obstructionism, and likely financial motives, is the fate of the **Batthyáneum Library.**

After a 23-year legislative battle, the Romanian Supreme Court delivered its most lethal blow for religious property restitution in May 2021 rejecting the Alba Iulia (Gyulafehérvár) Roman Catholic Archdiocese's claim for the Library and Astronomical Observatory. The Church's battle is now, for the second time, before the European Court of Human Rights, delaying justice by several more years.

The Batthyáneum Library



2. **The best-known case of persecution is of Attila Markó**, an ethnic Hungarian, former Member of the Romanian Parliament, and SRC member who was falsely charged with "official abuse of power" for deciding to return the **Székely Mikó Protestant High School** in the town of Sfântu Gheorghe (Sepsiszentgyörgy) to the Hungarian Reformed Church.

Confiscated in 1948 and returned in 2000, the building's history took a troubling turn. In June 2012, after a 12-year gap, **the court sentenced Committee members Attila Markó, Tamás Marosán, and Silviu Clim to three years of imprisonment.** Markó was forced to resign from Parliament and fled the country alongside Marosán. Clim's sentence was later suspended. On April 27, 2023, the Romanian Supreme Court cleared Markó of all charges, and he could finally return home.

Székely Mikó High School

The plight of the Székely Mikó High School epitomizes re-nationalization's dark side. Stolen from its rightful owner for the fourth time in 70 years, it establishes a dangerous legal precedent.

3. **The struggle for the Wesselényi Reformed High School in the town of Zalău (Zilah)** has also been going on for 20 years. The case was returned to the Romanian Supreme Court for the second time after the town's mayor, in January 2022, appealed the lower court's decision to restore the property to the church. **In short, the State aggressively pursues legal action until it gets the decision it wants.**

Meanwhile, in August 2021, the regional Prosecutor's **Office initiated criminal proceedings against the two highest ranking leaders** of the affected Church, **Bishops Csűry and Kató**. The prelates firmly reject the allegations of falsifying documents, giving bribes, and misusing a forged document. The underlying message is evident: efforts to reclaim nationalized church properties carries significant risks in Romania.

St. Michael's Cathedral

POLICY RECOMMENDATIONS

This violation embodies the adage "justice delayed is justice denied." In Romania, the pursuit of genuine religious freedom remains elusive as long as religious institutions are hindered from fulfilling their missions due to the confiscation of their assets; and those advocating for their rights face persecution. Despite past efforts, Romanian governments have simply ignored Congressional resolutions, State Department letters and interventions by special envoys. Notably, **H.Res 191** [calling for *"equitable, prompt, and fair restitution to all religious communities for property confiscated"*], spearheaded by **Congressman Tom Lantos**, was adopted in 2005, over 19 years ago. As more time passes, the potential for resolution diminishes. The necessary political will must be found within Romania, and in the U.S., to prioritize the issue in bilateral relations.

In concert with the stakeholders, the U.S. after years of ineffective action and application of H.Res 191, should finally take a stand and establish a clear action plan, with deadlines and targets, whereby the Romanian authorities approve all outstanding claims filed by the victims, eliminate burdensome proof such as posed by the Supreme Court decision, re-examine the claims if rejected, return to the rightful owners the properties they re-nationalized, and terminate all grounds for subsequent litigation by local authorities and private entities.

The Hungarian Human Rights Foundation (HHRF) *is a New York-based, independent, international non-profit which, since 1976, has advocated for the human rights of 2 million ethnic Hungarians who live as minorities in Croatia, Romania, Serbia, Slovakia, Slovenia and Ukraine.*

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