HHRF
HUNGARIAN HUMAN RIGHTS FOUNDATION

The Forgotten Religious Injustice in Romania

36 Years of Failed Property Restitution

The Legacy of Communist-Era Confiscations

Between 1945 and 1989, Romania's communist **regime illegally confiscated 16,430 properties from the country's religious communities.** These seizures impacted **minority groups** including the four historic Hungarian churches, the Greek Catholics, the Jewish community, and even the Romanian Orthodox Church, the country's dominant religion. The properties seized included churches, synagogues parish buildings, monasteries, and many other buildings and assets.

In the case of the Hungarians, the largest national minority in Romania, the confiscated properties comprised **civic and charitable institutions**, including networks of hospitals, schools, orphanages, and other social institutions, most of which had existed for hundreds of years. These institutions were central to their communities and played vital roles in the lives of minorities, yet, like Greek Catholic churches and Jewish synagogues, they were confiscated from their rightful owners.

A Broken Restitution Process

Governments after 1989 promised to return church property, and a legal framework and Special Restitution Committee (SRC) were established to govern restitution. Yet in the decades since, **an astonishingly low 17.49 percent of properties have been restituted.**

An incredibly high burden of proof is placed on the victims, who do not benefit from the presumption of abusive transfer and must procure documentation of their own eviction—which the state already possesses—to support their claims. Meanwhile, there is very little accountability on the part of the SRC, which has gone years without meeting, will not compensate for properties previously destroyed by the state, grossly undervalues properties by awarding compensation at as little as half of marketvalue, and has not paid any of the compensation it has awarded since fall 2023.

New Obstacles to Justice

While the restitution process has never been fair or effective, recent years have brought new injustices.

The story of Attila Markó is emblematic of the persecution of those who stand up for their rights. Markó, an ethnic Hungarian, member of the Romanian Parliament, and SRC member, was falsely charged with "official abuse of power" for deciding to return the Székely Mikó Protestant High School to the Hungarian Reformed Church in 2000. Twelve years later, he was sentenced, alongside fellow Committee members Tamás Marosán and Silviu Clim, to three years' imprisonment. Markó was forced to resign from Parliament and flee the country alongside Marosán, while Clim's sentence was later suspended. On April 27, 2023, the Romanian Supreme Court cleared Markó of all charges, allowing him to return home.

However, the case established a legal precedent that threatens minorities asserting their rights and civil servants upholding the law. Furthermore, **the Székely Mikó High School was stolen from its rightful owner for the fourth time in 70 years**, exemplifying another injustice of the restitution process: when the SRC rejects a claim, the decision is final, but positive decisions can be challenged in court and restituted properties renationalized.

Shifting legal interpretations have further undermined prospects for justice as the state has narrowed the definition of "former owner" and begun requiring proof of ownership and title deeds from the 19th century for institutions founded long before such documentation was necessary.

The Case for Immediate Action

Although legislation was recently introduced in Romania's Parliament by representatives of the Democratic Alliance of Hungarians in Romania (RMDSZ) and other national minority groups to address legal shortcomings, including the unclear definition of "former owner," meaningful progress has yet to occur.

The political will must be mobilized in both Romania and the United States to make this issue a genuine priority in their bilateral relationship. For decades, successive Romanian governments have disregarded Congressional initiatives, State Department correspondence, and interventions by special envoys. Notably, H.Res. 191—calling for "equitable, prompt, and fair restitution to all religious communities for property confiscated"—was led by Congressman Tom Lantos and adopted in 2005, more than twenty-one years ago.

With each passing year, the prospects for a just resolution diminish. After years of sidelining and a lack of concrete results, **the United States should define a clear, time-bound action plan—with specific benchmarks and deadlines**—pressing the Romanian authorities to:

1. Approve all outstanding claims submitted by victims.
2. Eliminate the onerous evidentiary burdens introduced by the Supreme Court decision.
3. Re-examine previously rejected claims.
4. Restore to their rightful owners' properties that have been renationalized.
5. Put an end to all avenues for subsequent litigation pursued by local authorities and private entities.

Individuals and institutions dedicated to religious freedom and human rights can urge decision makers to ensure this long overlooked and largely ignored injustice is finally resolved.