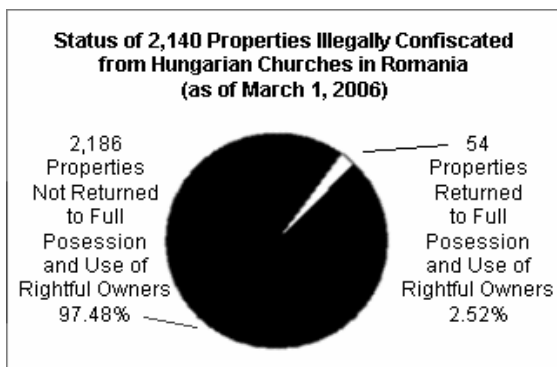


## IMPEDIMENTS to Actual Church Property Restitution in Romania Must Be Eliminated

### General Introduction

Between 1945 and 1989, the former Communist regime illegally confiscated **2,140 properties** were illegally confiscated from the four traditional Hungarian churches (Roman Catholic, Reformed, Unitarian and Lutheran). Despite various government ordinances, two laws (501/2002 and 247/2005) and countless deadlines for implementation, the Hungarian denominations have **regained** possession and usage of **only 54 buildings**, as of March 2006.



*Romania's failure to restore church properties represents a **fourfold breach of international commitments**; by its conduct, the government (1) curtails religious liberties; (2) violates the sanctity of private property; (3) abuses the rights of minority communities; and (4) denies the material resources to build civil society.*

The **international community** has clearly and repeatedly called on Romania to remedy this flagrant **human rights violation**, notably in Opinion No 176 (1993) on the application by Romania for membership of the Council of Europe and Parliamentary Assembly Resolution 1123 (1997) on the honouring of obligations and commitments by Romania. H. Res. 191, unanimously adopted by the United States House of Representatives on 23 May 2005, identified eight specific steps the Romanian government needs to take for genuine restitution to occur.

Most recently, the **European Parliament** emphasized “the **need to speed up implementation of the law on the restitution of property**” (Article 21, European Parliament Resolution on Romania, 15 December 2005). The European Parliament's resolution emphasizes a critical shortcoming of the Romanian judicial system: laws adopted at EU or US pressure are not implemented, or implemented with long delays.

## **Obstruction of Church Property Restitution**

Since 1990, post-communist countries in Central and Eastern Europe have grappled with the question of how to redress these wrongful confiscations of church property – Romania has lagged significantly behind other post-communist countries.

Religious communities in **Romania** are still **denied** their basic right to **religious freedom**.

It is to be mentioned that the current government coalition initiated in spring 2005 a law package aiming to amend and fasten the process of church property restitution.

It is very much confusing however, that **mayors of the current government coalition also attack** the positive **decisions** of the *government's National Restitution Committee* brought in the cases of Hungarian-speaking churches. Churches must spend immense amounts on legal procedures.

1. Romanian authorities should rapidly overcome the extensive delays created by local authorities who refuse to cooperate with the government's Special Restitution Committee by withholding essential documents and attacking the Committee's decisions in courts of law to obstruct implementation.
2. Romanian authorities should modify the present laws in such a manner that the properties returned to the churches be only used by government institutions, not for the current five-year period, but a one-year period.
3. Romanian authorities should provide for reasonable compensation or establish the rental rates for church properties being used by government institutions at fair market value.
4. Romanian authorities should terminate the practice, according to which, properties confiscated after 1940, the churches are required to pay for the value of work performed on those buildings.
5. Romanian authorities should accelerate the restitution of all agricultural and forestry lands belonging to religious communities.
6. Romanian authorities should streamline the procedures under which the National Restitution Committee operates.
7. Romanian authorities should provide for the necessary budget to assure annually the funding needed for the process of restitution, including maintenance costs, the costs of leasing facilities, or building new ones, that will be substituted for the buildings subject to restitution, and other expenses.

## Typical Examples of Obstructing Church Property Restitution

### The Reformed High School in Marosvásárhely/Targu Mures

The school cannot get back to the legal ownership of the Reformed Church in Romania, Transylvanian District – due to the decision of the local court of last year, which annulled the restituting decision of government's Special Restitution Committee.

Mayor Dorin Florea appealed last year on behalf of the City Council against the decision of the Committee. In the same time Mayor Florea started a suit against the government's Special Restitution Committee as well, but that appeal was considered unfounded.



Legal Advisor of the Transylvanian District, Tamás Marosán stated that the court decision was totally unfounded and illegal. The court decision referred to paragraph 116 of the Law on Education, which provides that the expropriation of school goods falls under criminal law (sic!).

The legal procedure continues.

Florea is actually member of the governing Democratic Party (PD).

## The Roman Catholic Batthyaneum Library in Gyulafehérvár/Alba Iulia

The Batthyaneum Library was set up in 1794 by the Roman Catholic Bishop Batthyani. The library has more than 55,000 rare books, 19,000 documents, 1,230 manuscripts, 500 incunabula. Among the manuscripts there is a part of the famous “Codex Aureus” (8th century). It is one of the most valuable libraries of East-Central Europe. A museum and an observatory famous in whole Europe is also part of the facility.

Local authorities attacked the decision of the government's Special Restitution Committee.

Further years of lawsuits are expected.



## The Kálvineum Reformed Education Centre in Zilah/Zalau

Four years and countless lawsuits have passed since Government Decree 83/1999 restored on paper the Kálvineum Protestant Cultural Center to the Reformed Church.

The local authorities attacked the government's decision.

Finally, on 15 January 2003, the town's Reformed Church could sign the protocol with Mayor's Office in harmony with Law 501/2002.

The agreement stated however that the current users – the Municipal Cultural Center and its folk dancing groups – could remain for two more years without a rent fee, and five additional years for a rent fee established by the local authorities (!).



The rent fee established is rather humiliating (0.30 Euro/m<sup>2</sup>), especially when it follows a 60 year period of arbitrary – and free – usage.

## The Lorántffy Zsuzsanna High School in Nagyvárad/Oradea



In 2003, restitution was granted for the Lorántffy Zsuzsanna Reformed High School. The property was returned in a very poor condition. The Reformed Church has been spending huge amounts on renovation. 430 Hungarian-speaking Reformed students attend the Lorántffy High School.

The conflict regarding the sports ground of the Lorántffy Zsuzsanna Reformed High School started in December 2004, when the “Holy Trinity” Romanian Orthodox Parish of Nagyvárad/Oradea smashed the locks and started to liquidate the sports ground affiliated to the High School.

It turned out that the City Council of Oradea did not respect its own decision, No 118/1995, being still in force, which permitted free usage for 25 years of the sports-ground to the “Andrei Saguna” High School, which operated in the Reformed facility before its restitution.

The local government did not provide the usage of the sports-ground to the youth of the Reformed high school due to the agreement between the Reformed church and local authority signed on 23 July 2002 and its addendum No 20593/23 December 2002.

The Mayor of Oradea, Petru Filip – who is actually member of the governing Democratic Party (PD) neglected his own signatures of commitment.

The decision of the local council to confiscate the sports ground of the Reformed school to give it to an Orthodox parish was against the law. The government’s county representative, the prefect has never called the illegal decision into question.

Due to the law on education, schools can only function with appropriate sporting facilities.

The Reformed Church started a lawsuit.



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