

109TH CONGRESS
1ST SESSION

H. RES. 191

Urging the Government of Romania to recognize its responsibilities to provide equitable, prompt, and fair restitution to all religious communities for property confiscated by the former Communist government in Romania.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2005

Mr. LANTOS (for himself and Mr. TANCREDO) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Urging the Government of Romania to recognize its responsibilities to provide equitable, prompt, and fair restitution to all religious communities for property confiscated by the former Communist government in Romania.

Whereas the establishment of a Communist government in Romania after World War II proved disastrous for established religious institutions;

Whereas a central element of persecution by the Communist government in Romania was the uncompensated confiscation of real and personal property from religious communities and from leaders of religious communities, and the arrest and persecution of religious leaders;

Whereas 2,140 schools, hospitals, orphanages, and other charitable and civic institutions were illegally confiscated

under communism from the four historic Hungarian churches (Roman Catholic, Hungarian Reformed, Evangelical Lutheran, and Unitarian) and actual possession and use of such properties has been denied in all but 30 cases;

Whereas Romania's wartime Fascist government began the process of confiscating Jewish property in September 1940 and its postwar Communist government reaffirmed most of these confiscations;

Whereas only a handful of Jewish communal properties have been restituted, often with government agencies still using the facilities and paying no rent, and over 1,000 communal properties remain in the possession of the Government of Romania;

Whereas some Jewish claims have been willfully ignored for years, such as in the case of agricultural land in Iasi, where municipal authorities continue to sell parcels of this land;

Whereas on January 2, 1990, under terms of Decree-Law 126/1990, the 1948 decree which dissolved the Romanian Greek Catholic Church was abrogated, permitting Greek Catholics again to worship openly, and legal provisions and procedures were established for the return of confiscated properties that before 1948 belonged to the Greek Catholic Church;

Whereas the commission established under Decree-Law 126/1990 composed of representatives of the Romanian Government and Greek Catholic Church has proven ineffective in resolving disputed claims;

Whereas Romanian Law No. 501/2002, providing for the restitution of religious properties, was adopted in June 2002

without consultation with the affected religious communities, does not effectively meet the needs of those communities, contains numerous legal deficiencies, and is delayed in its implementation;

Whereas all of the religious communities have demanded the return of property seized by the Romanian Communist government;

Whereas since 1990, post-Communist countries in Central and Eastern Europe have grappled with the question of how to redress these wrongful confiscations of religious property, but Romania has lagged significantly behind other post-Communist countries;

Whereas since the early 1990s, the United States Commission on Security and Cooperation in Europe has monitored the property restitution and compensation efforts being made by the governments of post-Communist countries in Central and Eastern Europe;

Whereas with respect to the role of the Romanian courts in the restitution process, the Chairman of the United States Commission on Security and Cooperation in Europe observed: “In the mid-1990s . . . hundreds of court decisions in favor of property claimants were reversed by the Supreme Court after they had become final and irrevocable judgments. The European Court of Human Rights has recently ruled that these actions violated the European Convention on Human Rights.”; and

Whereas Article 18 of the Universal Declaration of Human Rights provides that “[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or

private, to manifest his religion or belief in teaching, practice, worship and observance.”: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) notes with concern the unwillingness of past
3 governments of Romania to recognize the responsi-
4 bility to provide equitable, prompt, and fair restitu-
5 tion of religious property that was confiscated by the
6 former Communist government of Romania;

7 (2) calls on the Government of Romania—

8 (A) to respect the constitutional rights of
9 existence and practice of all religious commu-
10 nities to celebrate and practice their own reli-
11 gion in respectable locations, the right to propa-
12 gate the given beliefs, and the right to openly
13 communicate the beliefs and laws of the reli-
14 gion;

15 (B) to provide fair, prompt, and equitable
16 restitution to all religious communities under
17 Romanian law and in accordance with the Con-
18 stitution of Romania and all applicable inter-
19 national agreements to which Romania is a
20 party; and

21 (C) to provide restitution for the property
22 rights of all agricultural and forestry lands be-
23 longing to religious communities;

1 (3) calls upon the Government of Romania to
2 amend Decree-Law 126/1990 to require that claims
3 involving Romanian Greek Catholic properties be
4 heard by an independent, disinterested, nonreligious
5 commission, and calls upon the Government of Ro-
6 mania to prevent the demolition of Greek Catholic
7 churches and to provide immediately for the security
8 of all Greek Catholic churches and other religious
9 buildings dating from the 18th and 19th centuries;
10 and

11 (4) with respect to Romanian Law No. 501/
12 2002, calls upon the Government of Romania—

13 (A) to amend the law to reflect the prin-
14 ciple of “restitution in integrum” as urged by
15 Resolution 1123/1997 of the Parliamentary As-
16 sembly of the Council of Europe and to restore
17 full ownership of all property and all rights
18 emanating from such ownership;

19 (B) to amend the law to reduce the five-
20 year period to one year during which public in-
21 stitutions can continue to occupy confiscated re-
22 ligious properties;

23 (C) to amend the law to include compensa-
24 tion, according to an equitable formula, for de-
25 molished religious properties;

1 (D) to increase to fair market value the
2 amount of rent paid to religious communities
3 for properties of which they cannot immediately
4 regain use under law;

5 (E) to eliminate the practice of requiring
6 monetary compensation from religious commu-
7 nities to cover state costs for maintenance and
8 “improvement” of the buildings since their con-
9 fiscation in the 1940s; and

10 (F) to obligate local government officials,
11 bodies, and agencies to provide all necessary
12 documentation and cooperation to facilitate the
13 implementation of decisions issued by the cen-
14 tral government’s Special Restitution Com-
15 mittee and to cease posing court challenges and
16 other obstacles against such implementation.

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