H. Res. 191

In the House of Representatives, U.S.,

May 23, 2005.

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

Resolved, That the House of Representatives—

(1) notes with concern the unwillingness of past governments of Romania to recognize the responsibility to provide equitable, prompt, and fair restitution of religious property that was confiscated by the former Communist government of Romania;

(2) calls on the Government of Romania—

(A) to respect the constitutional rights of existence and practice of all religious communities to cel-

ebrate and practice their own religion in respectable locations, the right to propagate the given beliefs, and the right to openly communicate the beliefs and laws of the religion;

(B) to provide fair, prompt, and equitable restitution to all religious communities under Romanian law and in accordance with the Constitution of Romania and all applicable international agreements to which Romania is a party; and

(C) to provide restitution for the property rights of all agricultural and forestry lands belonging to religious communities;

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

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

(A) to amend the law to reflect the principle of ''restitution in integrum'' as urged by Resolution

1123/1997 of the Parliamentary Assembly of the Council of Europe and to restore full ownership of all property and all rights emanating from such ownership;

(B) to amend the law to reduce the five-year period to one year during which public institutions can continue to occupy confiscated religious properties;

(C) to amend the law to include compensation, according to an equitable formula, for demolished religious properties;

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

(E) to eliminate the practice of requiring monetary compensation from religious communities to cover state costs for maintenance and ''improvement'' of the buildings since their confiscation in the 1940s; and

(F) to obligate local government officials, bodies, and agencies to provide all necessary documentation and cooperation to facilitate the implementation of decisions issued by the central government's Special Restitution Committee and to cease

posing court challenges and other obstacles against such implementation.

Attest:

Clerk.