



Erdélyi Magyar  
Nemzeti Tanács  
Hungarian National  
Council of Transylvania  
No 5  
April 2005

# Transylvanian Monitor

minority and human rights watch

## THE GREEK CATHOLICS DEMAND THEIR RIGHTS

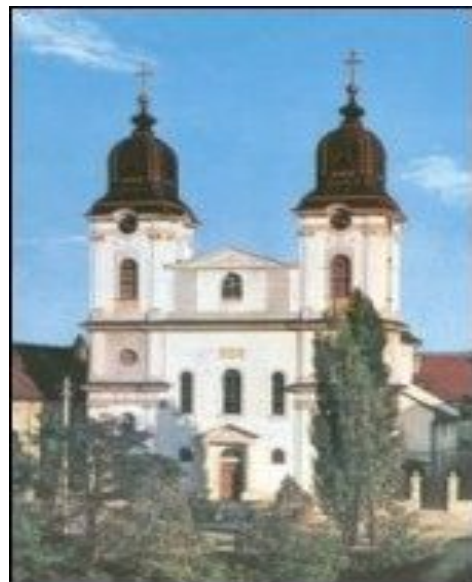
**The Romanian Church United with Rome, the Greek-Catholic Church was abolished in Romania by the communist system in 1948. This abolition was done according to the decree no. 358/1948, which contradicted the Romanian Constitution of 1948 and also to the international laws that only settled the freedom of consciousness and the freedom of practicing the creed. Consequently, all the bishops of the Greek-Catholic Church in Romania were imprisoned, together with a great number of priests, monks, nuns and believers. The schools and the institutions of the Church were abolished in the attempt of destroying this Church. During communism, the Romanian Church United with Rome (Greek Catholic) lost more than 2,030 churches, 1,504 congregational houses and over 2,300 other buildings.**

The Romanian Greek Catholic Church addressed a Memorandum in April 2005 to the chief officials of the state and to a number of eight government offices in which the Church asks the restitution of her confiscated property. The document contains arguments of legal decree, historical-religious and social character. This plea is accompanied by the appreciations of eminent political and cultural personalities regarding the role of the Greek Catholic Church during its national history.

The Memorandum refers to the fact, that at the beginning of 1948, around the period of the confiscation of its inheritance, the Greek Catholic Church possessed more than 2,030 churches and chapels, 6 cathedrals and a vicarial church, 22 monasteries, 1,504 congregational houses, 700 school-buildings, 1,662 other edifices, 4 asylums and orphanages, 31,000 ha of forestry area, 10 large libraries and 5 printing houses. Until now, the Church recovered only 136 churches.

As a consequence the religious services are held in 350 provisional spaces (chapels, garages, dining-halls, etc.). This makes impossible the normal functioning of the Church. Therefore the Romanian state is asked to respect the Romanian laws, which provide that churches citizens may freely practice their own religion in suitable places, and to allow the free growing of confessions of faith. The Memorandum states that the property confiscated by the atheist communist regime should be restituted by the Romanian state, while the Orthodox and Greek Catholic dialogue concerns only specification of practical methods for the restitution of the confiscated properties. The memorandum requests the restitution of the agrarian terrains and forestry areas and the launching of an action of rebuilding the infrastructure of the Greek Catholic Church.

Paraphrasing a famous declaration of Romanian historic figure, Ion Rațiu, the Memorandum concludes: "The existence of a Church is not to be discussed, but it has to be affirmed."



*The Greek Catholic Cathedral  
in Balázsfalva/Blaj*

STATEMENT  
OF THE HUNGARIAN CIVIC ALLIANCE

Regarding the amendment of the  
Romanian Electoral Law

Determining international institutions have graded the Romanian Electoral Law as being discriminatory and undemocratic (*enclosure*: International institutions about the Romanian Electoral Law of 2004).

with respect to the violation of political preconditions (Copenhagen criteria) of integration into the European Union with the electoral law concerning minorities,

whereas Romanian authorities have not started the procedure amending the Electoral Law despite the criticism of international institutions,

whereas pluralism and equal chances to elections are basic principles of democracy,

the Hungarian Civic Alliance proposes that:

- the European Union sets as precondition for Romania's integration the amendment of the discriminatory paragraphs of the Electoral Law;
- the European Union is monitoring the process of amendment of the Electoral Law before Romania's full EU membership.

In the same time, the Hungarian Civic Alliance requests:

- the Romanian Parliament to urgently amend both the electoral laws and the party laws, keeping in mind the referring observations;
- the Democratic Alliance of Hungarians in Romania to annul the discriminatory prescriptions of their Draft of Law on Minorities (the same provisions as in the legislation on elections, heavily criticised by several international institutions, see attachment)

2 April 2005

*Zsolt Szilágyi*  
President of the Hungarian Civic Alliance's  
National Council



*Enclosure to Statement*

INTERNATIONAL INSTITUTIONS ABOUT  
THE ROMANIAN ELECTORAL LAW OF 2004

Determining international institutions analyzed the prescriptions and implementations of Romanian Electoral Law of 2004 in their issued country reports.

The country reports alike conclude that the prescriptions of the paragraph regarding the participation of minority organisations at the elections are discriminatory, anxious and restrictive to pluralism.

**I.** The Council of Europe Congress of Local and Regional Authorities report dating 16 July 2004 states:

"In order to qualify, the membership of a party had to amount to at least 15% of the whole minority population, according to the last census. In the case of the Hungarian minority, it meant at least 25,000 persons. This had to be proved by lists, containing full name, date of birth, address, registration number of the identity document and signature of each of the 25,000 persons. In addition, not less than 300 signatures had to be collected in at least 15 different counties of Romania and in the municipality of Bucharest. None of these conditions were applicable to parties already represented in the Parliament.

Improvements and clarification should be made to the electoral law. (...) There should not be new, last minute regulations changing the rules and procedures, as was the case in relation to representation of non-parliamentary parties and groups.

Above all, the case for discriminating in local and regional electoral rights between parliamentary and non parliamentary parties and groups requires further consideration.

Transparent, limpid and responsible elections require transparent and limpid administrative legislation and practice."

**II.** The Council of Europe Venice Commission's opinion No 300/2004 of 6 December 2004 states (fragments from the report):

"1. Article 7, paragraph 1 of the Law contains a special definition of "national minority" for the purpose of the Law: that ethnic group which is represented in the National Minorities Council. (...)

2. This definition makes entitlement to the special rights for national minorities, laid down in the draft, dependent on a condition that may imply certain restrictions.

(continues on page 3)

(continued from page 2)

This may amount to a violation of the obligation of Romania, laid down in Article 4, paragraph 1 of the Framework Convention, to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. It may also block political competition within one and the same national minority, in violation of the principle of pluralistic democracy.

3. (...) The conditions for national minorities, or separate organisations within a national minority, not represented in Parliament to present candidates are so severe, that they may appear to be almost prohibitive. Satisfying the 15% and the distribution criteria can be onerous, as to, in effect, render impossible their admission to the election lists, and individual candidates would have either to brave the election standing as independents, or to throw in the towel. It is doubtful whether this virtual exclusion can be justified in a democratic society. (...)

3. The Venice Committee recommends that Article 7 of the Law be amended to guarantee equal participation of national minorities and of organisations within a national minority in public affairs at local level, in particular equal representation in the elected bodies at local level.

4. However, the law should not require collection of the signatures of more than 1 % of voters in the constituency concerned except perhaps in very small municipalities.

#### Conclusion

However, the provision of Article 7 is problematic. It strongly restricts the possibility of more than one grouping of persons belonging to a national minority to be represented in authorities at local level throughout the country. In practice, this principally affects the Hungarian minority. These restrictions do not appear justified. In particular, they are not justified by the necessity of ensuring unity so as to preserve the electoral weight of a minority, inasmuch as one has to take for granted that electors know how to safeguard their minority interests. It has to be emphasised that these comments only concern local elections."

**III.** The country report of the **European Commission** states (at page 25 B. Criteria for membership/ 1.2 Human rights and the protection of minorities / civil and political rights)

"With regard to freedom of association, legislation was adopted on the organisation of local elections in March 2004 that placed considerable administrative obstacles on the registration of alternative political

organisations of the national minorities for the elections. As a consequence, the Hungarian Civic Alliance was unable to participate in the elections. When taken together with the 2002 Law on Political Parties, which set very high thresholds for the registration of political parties, it is becoming increasingly difficult for new or regionally based parties to participate in the political process. The role of NGOs in public life remains weak."

**IV. The Organisation for Security and Cooperation in Europe** proposed in its report issued on 14 February 2005 that:

"The legal framework governing the participation of national minorities in Parliament is ambiguous and even contradictory in some areas. (...) chairman expressed his concern over what he considered a deliberate attempt to exclude his community from the electoral process, but it was not clear if the case was made the subject of a formal complaint. Consideration should be given to removing provisions which set different requirements for national minority organizations already represented in parliament and for extraparlimentary organizations."

**V. The US State Department** Country Reports on Human Rights Practices – 2004 (released on 28 February, 2005), states:

"In March, Parliament passed a law on local elections that potentially discriminated against some minority organizations by defining "national minorities" as only the ethnic groups represented in the Council of National Minorities and requiring that these organizations meet more stringent requirements to participate in local government compared to minority groups that were already represented in Parliament. For example, an organization of ethnic Hungarians, the Civic Union Of Hungarians, had to provide lists of at least 25,000 members from at least 15 counties and Bucharest, with at least 300 members in each county, in order to run candidates in the local elections, despite the fact that the UDMR is already in Parliament and allowed to run without providing proof of membership. The Law on General elections, adopted in September, included a similar provision. "

**VI.** The **European People's Party** set up a special commission to analyse on spot the prescriptions and implementations of the Romanian Electoral Law. The commission's critical report was drafted in January 2005.

## RETURN OF PROPERTY

Romania will speed up efforts to return property seized from Jewish and Hungarian communities by the country's past fascist and communist regimes – AP reports. The government released new guidelines aimed at accelerating the return of real estate, schools, hospitals and other property taken from Romania's Jewish community, ethnic Hungarians, and other minorities between 1940 and the fall of communism in 1989. In cases where property cannot be returned, the government said it will pay compensation. Restitution authorities aim to return property within 60 days of the date applications are filed under the new guidelines. After communism collapsed in 1989, Romania has struggled to balance international pressures to return property and the economic costs of restitution. The previous left-wing administration passed legislation in 2001 to return most property, but community property was exempted and the restitution process was slowed by complicated procedures and insufficient resources. The new legal guidelines are expected to speed up the process. Four years since the legislation was passed, only a few buildings have been returned to their former owners.

**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 40 cases until now.**



*One of the confiscated Roman Catholic schools  
(Csíkșegreda/Miercurea Ciuc)*



*The Roman Catholic Church of Nagyvárád/Oradea could not yet  
taken actual possession of the Bishop's Palace*

---

*Transylvanian Monitor is available here:*

[www.emnt.org](http://www.emnt.org)

[www.emnt.org](http://www.emnt.org)  
**HUNGARIAN NATIONAL COUNCIL OF  
TRANSYLVANIA**  
SZÉKELY NEMZETI TANÁCS

*The Hungarian National Council of Transylvania is a public organisation, which aims at representing the interests of the indigenous Hungarian community through parliamentary structures and means by preparing, sustaining and proposing for approval legal measures to ensure the forms of autonomy demanded by the community.*

> hu | ro | de | ru

---

Edited by the Hungarian National Council of Transylvania; drafted by János Antal and Zsolt Szilágyi  
RO-410095-Oradea, str. J. Calvin 1; fax: +40 259 432837; email: [antaljanos@partium.ro](mailto:antaljanos@partium.ro)  
ISSN 1841-0634