

# Restitution of Property and Religious Discrimination in Eastern Europe

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## Abstract

*This work centers on the religious liberty situation in Eastern Europe, including countries such as Hungary and Romania. The article discusses disputes over property rights and titles since the fall of communism, focusing on how these have been closely interconnected with the religious background and history of different ethnic groups.*

## Résumé

*Cet ouvrage porte sur l'état des libertés religieuses en Europe de l'est, y compris dans des pays comme la Hongrie et la Roumanie. L'article discute des différends qui ont éclaté autour des droits et des titres de propriété depuis la chute du communisme, et examine de près le fait que ces différends ont été étroitement liés avec le passé historique et religieux des divers groupes ethniques.*

## Introduction

The attempts by Western leaders after World War II to grant ethnic minorities the right of self-determination exacerbated ethnic tensions which had existed for centuries. The carving up of land, which was in many cases arbitrary and granting of ethnic territory to nations with different cultural backgrounds created bitter repercussions. The most serious consequence is ethnic displacement, which is now clearly manifested in Eastern Europe.

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Such ethnic turmoil has produced the subsequent problem of returning that property taken away from churches and religious groups during Nazi and Communist rule. Many Eastern European governments, recent self-styled democracies, are now having a difficult time in returning this communal and private property. The intense oppression of Eastern European peoples under Communist rule, including the cessation of most church activity and liquidation of some religions, have intensified the present heated debate over the return of property, both church-owned and private.

Ethnic differences and religious differences go hand-in-hand in this region and nationally recognized churches are often given preference over minority religious denominations. Much evidence exists that religious groups are being actively discriminated against in Eastern Europe regarding both the restitution of church property and official state registration. This religious discrimination is a clear violation of human rights and reflects the fact that Eastern European governments, though democracies in name, are not actively putting democratic elements into effect.

## Restitution of Property in Hungary, Bulgaria and Czechoslovakia

Certain Eastern European governments have done a great deal to return confiscated property. Hungary, for example, has paved the way in restituting church properties. Several thousand religious community property claims have been settled by negotiation or government decisions and around \$100 millions have been paid in compensation. According to Stuart Eizenstat, Under Secretary of State for International Trade and U.S. Special Envoy on Property Claims in Central and East-

ern Europe, Hungary, was an "early leader" in drafting and passing legislation regarding restitution of private and communal property and compensation.<sup>1</sup> Furthermore, the Hungarian government has no citizenship or residency requirements, which other Eastern European governments require before property can be returned to its former owners. Such requirements make it difficult for those Eastern Europeans who are now U.S. citizens to lodge complaints for restitution or compensation and are thought to be roadblocks placed by the governments to delay the restitution of property to certain groups.

Eastern European governments appear to discriminate against certain religious groups regarding restitution of property. The State Department will not speak to purposeful discrimination, but Under Secretary Eizenstat states that it is a fact that Jewish property is returned at a much slower rate than property belonging to the Catholic, Orthodox, or other churches. In Bulgaria, for example, Jewish properties, as well as Catholic and Orthodox, are still in dispute. A judgment made in 1996 to return half of the Rila Hotel to the Jewish community has not yet been acted upon. Subsequent changes in Bulgarian law and privatization have further delayed such action. Such bureaucratic inefficiencies are prevalent in Eastern European democratic nations and may serve as excuses for failing to return confiscated property to certain religious groups.

The prevalence of religious discrimination in Bulgaria is reinforced by the State Department's Country Report on Human Rights Practices, which states that the Bulgarian government restricts religious freedom in practice. The Constitution holds Eastern Orthodox Christianity to be the "traditional" religion of Bulgaria and the government discriminates against non-tradi-



tional groups. The State Department lists non-traditional groups to be mostly Protestant Christian religion. In 1998, articles appeared in newspapers which were not based on any fact and which therefore misrepresented activities of non-Orthodox groups such as Evangelicals and Jehovah's Witnesses. Many episodes of official harassment by authorities were reported. In the cities of Burgas and Plovdiv local police disregarded the law by arbitrarily denying Mormons the right to proselytize (in Burgas) and to possess a legally registered place of residence (in Burgas and Plovdiv). Such discrimination, including that against groups fully registered with the law, is according to the Country Report, "often cloaked in a veneer of 'patriotism.'"<sup>2</sup> Non-traditional religious groups suffer hostility from the press, public and a number of government officials. Such an environment certainly breeds hostility toward the return of confiscated property.

The International Helsinki Federation for Human Rights' Report to the CSCE (Commission on Security and Cooperation in Europe) Supplementary Human Dimension Meeting on Freedom of Religion, March 22, 1999, also concludes that the Bulgarian government continues to interfere in the internal affairs of the largest religious communities. Several episodes of discrimination and borderline assault of Jehovah's Witnesses occurred in 1998.<sup>3</sup> Such actions run counter to Articles 13 and 37 of the 1991 Bulgarian Constitution, which acknowledge and protect religious freedom. The extreme actions of the Bulgarian authorities and the bureaucratic "delays" suggest active discrimination against religious groups.

Representative Christopher Smith of the CSCE has also referred to the bureaucratic obstacles as being initiated by governments to delay restitution or compensation. He noted the 1994 Czech expansion of its earlier restitution law to allow those whose property was originally taken by the Nazis between 1938 and 1945 to be added to those whose property was taken by Communists in claiming restitution. Though

this expansion appeared to mark a genuine aim of the Czech government to return property, the Czech Ministry of Finance has arbitrarily imposed extra oppressive stipulations for restitution that do not appear in the law and which actually "appear designed to defeat the intent of the law."<sup>4</sup> Thus, the Czech government has displayed an unwillingness to return or compensate for confiscated property. Furthermore, the Czech Republic has witnessed sharp internal conflicts over the restitution of property belonging to the Catholic Church: "The current Czech government is generally opposed to Catholic property restitution."<sup>5</sup> Such opposition constitutes a clear violation of the right to freedom of religion. The Czech government discriminates against the Catholic Church by blocking the restitution of its property.

### Romania

The Romanian government also willfully discriminates against the Catholic Church. In Romania, religious rivalry is heavily based upon ethnic divisiveness. Members of the Romanian Orthodox, Catholic and Protestant Churches are currently struggling for the return of property. As in Russia, the fall of communism and instatement of democracy in Eastern European nations created the need for new democratic governments to instill a sense of nationalism to replace the vacuum left by the destruction of Communism. That upsurge of nationalism includes reinforcing a national religion.

The Romanian Orthodox Church had been the official state church of Romania before Nazi and Communist rule. The Greek Catholic Church, however, numbered 1800 parishes and 1.5 million members before 1948. During that year a Communist decree dissolved the Greek Catholic Church in Romania, imprisoning its bishops and priests. The Communists appropriated the Catholic Church's property and gave its parish property to the Romanian Orthodox Church.<sup>6</sup> The Greek Catholic Church was officially recognized again after 1989, and is now struggling to regain its confiscated

churches and property. But the Romanian government has been painfully slow in returning them. Instead it provided the Orthodox Church with further benefits when it passed the 1995 Education Law. This law in effect legitimizes the confiscation of certain school buildings by the Romanian state, by holding that all those buildings which belong to the Ministry of Education will remain there.<sup>7</sup> Thus, these properties were re-nationalized.

The Romanian government also holds property that had formerly belonged to secular groups and individuals. Ioan Paltineanu, president of Paltin International, Inc. and former State Secretary (1991-2) of the Land Reclamation Department in the Romanian Ministry of Agriculture, claims that the current government illegally continues to hold and use 11.6 million acres of forests that were stolen from private and communal owners, including himself, by the former Communist regime.<sup>8</sup> Mr. Mihai Vinatoru, president of the Committee for Private Property, holds that the failure to restore property rights in Romania is linked to the lack of respect for the rule of law. For example, the CPP has documented 1,732 cases where property was "abusively confiscated" by the Communist government. Of these cases only a few were brought to court, where corrupt judges ruled against the owners based on old Communist ideas against private property instead of the rule of law and those democratic ideas protected by the Romanian Constitution.<sup>9</sup> Clearly the Romanian government has no truthful desire to return the property to its rightful owners.

Although the Greek Catholic Church has recovered a number of its former buildings (including churches and the Episcopal seat in Cluj, returned by a court order on March 13, 1998), the Romanian Orthodox Church continues to enjoy a leading national role in the Romanian state, and is supported by the government at the expense of the Greek Catholic Church and other religious groups. The Orthodox Church has attacked the "aggressive proselytism"

of Protestants. Smaller religious groups like the Protestants complain of discrimination and have denounced the State Secretariat for Religious Affairs in Romania for its methods of blocking their registration.<sup>10</sup>

Such religious discrimination is quite subtle but present nonetheless. Religious groups who are not state-recognized are having a difficult time regaining confiscated property and are thus suffering the violation of their human rights by being denied their former property as accorded under the law. This is not, however, the only current method by which Eastern European governments discriminate on religious grounds. As in Western Europe, leaders in Eastern Europe discriminate against non-traditional religious groups, often labeled as "sects." The State Department and International Helsinki Federation have both noted the Bulgarian and Romanian propensities to target non-traditional religious groups as "sects." By labeling them "sects," governments can thus more easily justify discrimination.

### **The Blacklisting of Religious Groups**

Eastern European governments seem to be following the lead of Western European ones regarding the targeting of new religious groups. The actions of nations such as France, Germany and Austria are especially detrimental in that they influence the actions of Eastern European nations who are attempting to gain favour with the European Union.<sup>11</sup> In this manner, similar to the issue of the restitution of property, nations like Romania, Bulgaria and Russia protect and grant benefits to traditional churches at the expense of smaller religious groups.

### **Romania**

The Romanian government and state-recognized Romanian Orthodox Church are extremely wary of non-traditional religious groups such as the Union of Christian Baptist Churches and Unitarian and Lutheran churches. They are therefore reluctant to advance pending legislation

that would replace the current religion law that dates from the Communist period for fear of the proliferation of religious "sects." This fear of such groups was exhibited by the visit of Dr. Gheorghe Anghel, Romania's State Secretary for Religious Affairs, to Belgium during December 7-12, 1998, to meet with Belgian Minister of Justice Tony Van Parys. The two discussed the need to protect traditional religious values and Secretary Anghel collected information about Belgium's policies on cults.<sup>12</sup> Similarly, in early 1998 the Latvian government held a hearing on cults attended by members of the French Observatory on Cults. A few months later a Latvian delegation was sent to France to study how the French dealt with minority religions. These meetings strongly underline the influence of Western European nations upon those in Eastern Europe.

These minority religious groups are often hindered from renting public halls and constructing church buildings. Vernon Brewer, president of missions organization World Help, states that the Emmanuel Baptist Church in Marginea, Romania, has been subjected to legal harassment and false allegations, which have prohibited the congregation from constructing a church for which the land had already been purchased.<sup>13</sup> According to Peter Vidu, the coordinating pastor of the Emmanuel Baptist Church, "One of the biggest dangers today in Romania is intolerance – ethnic, political and religious." Some Orthodox Church priests falsely accuse members of minority religious groups. For example, priest John Druta of the Orthodox Church in Marginea, accused evangelicals of promoting pornography and homosexuality in an article that appeared in the local newspaper *Crisana* on April 16, 1999. According to Vernon Brewer, such accusations are meant to represent evangelicals and other members of minority religions as dangers to the community.

### **Bulgaria**

Like Romania, the Bulgarian government attempts to limit the practices of religious groups and keep such groups under the strict control of the executive. Currently Bulgaria's ruling party, the Union of Democratic Forces, is attempting to pass a new Draft Law on Religious Affairs. According to the independent Bulgarian human rights watchdog the Tolerance Foundation, this proposed law would increase state control over religious groups.

While the draft law does include positive measures such as the reinforcement of the rights of citizens to freely choose their religious denominations (Art. 2) and to freely practice their religions alone or with others (Art. 4), these measures are largely ambiguous and ceremonial. The real purpose of the law would be to restrict the activities of religious groups. Article 42 imposes high fines on those who publicly participate in unregistered religions.<sup>14</sup> Article 44 sets fines for those who publicly perform religious rituals or liturgical services that are not specifically listed in their church regulations.

According to Article 10, paragraph 4 of the proposed law, the Religious Directorate has the authority to give permission for the building of new places for worship. The Tolerance Foundation believes this article to be directed towards Muslims, who had until this time been able to build mosques without many problems. Furthermore, despite the Draft's reinforcement of religious equality, Article 8 reinforces the recognition of the Bulgarian Orthodox Church as having special preference. Such measures make it difficult to freely practice one's religion in Bulgaria as protected by the Bulgarian Constitution.<sup>15</sup>

### **Russia**

Russia is also wary of non-mainstream religious groups, a sentiment partly due to the fact that Russia does not follow a tradition of religious freedom from former imperial or communist leaders.<sup>16</sup> After December 1993, when

Russians elected a new Parliament and approved a new Constitution, the Russian Orthodox Church enjoyed a renewed popularity. Under these circumstances it is rational that the Orthodox Church now refuses to sit by and watch non-traditional, often foreign, religious groups gain influence in the nation. Russia's 1997 religion law, "On Freedom of Conscience and Religious Associations," works to the detriment of religious minorities. It recognizes Orthodoxy as having played a "special role . . . in the history of Russia and in the establishment and development of its spirituality and culture." The law requires religious groups to re-register by the December 1999 deadline and sets a 15-year waiting period for those religions deemed "non-traditional." Groups that are unregistered lack complete legal rights and cannot conduct missionary or educational work. Such stipulations appear to be a method of weeding out non-traditional religious groups, since authorities can arbitrarily deny registration to certain groups. The Jesuits, for example, were denied registration by the government though they have been present in Russia since 1772 and are thus a part of Russia's history. Furthermore, Russia's prohibition of the Jesuits from forming communities on its territory affects all Catholic orders and congregations in Russia.<sup>17</sup> Critics of the religion law accuse the Russian Orthodox Church of attempting to monopolize Russia's spiritual life and argue that the law favors the "traditional" religions of Orthodoxy, Buddhism and Judaism. They also claim that the law counters the Russian Constitution, which protects religious freedom.<sup>18</sup>

According to The Keston Institute, local governments and provincial leaders in Russia target Baptists, Jehovah's Witnesses, Jesuits, Word of Faith and Unitarian groups as non-mainstream and thereby mysterious groups. The local government of Kirov, a city north of Georgia in southwestern Russia, has labeled Baptists as a dangerous sect. Articles in the Kirov press appeared frequently during the first

half of 1999 emphasizing the Baptists as an American group. The Russian government frequently views religious groups who have ties to the West, such as Baptists and Evangelicals, with much suspicion. Articles in local papers "Iskra" and "Kirovskaya Pravda" stated that the Baptist community does not have the right to distribute literature since it had only existed in Kirov for seven years; and that Baptists, Pentecostals and Adventists advocate isolating their members from others as well as from the common culture of the people.<sup>19</sup> Protestants in Ekaterinburg have also alleged harassment from local authorities. Orthodox members have been picketing the Protestant New Life Church for the past eight months, though picketing there is illegal. The church has also been the subject of frequent derogatory articles in regional and city newspapers.<sup>20</sup> Such sentiment makes clear that intolerance toward non-traditional religions listed in the 1997 Russian religion law exists throughout Russia.

Patriarch Alexiy II of the Orthodox Church supports this religion law, believing that the Orthodox Church should hold precedence over other Christian religions. Defenders of the Orthodox Church, including government officials, maintain that the law is needed to halt the proliferation of dangerous sects in Russia who want to take advantage of a spiritual vacuum left by the demise of the Soviet Union.<sup>21</sup> While a spiritual vacuum does arguably exist in Russia, more frequently the case is that Russian citizens voluntarily explore non-traditional religions as part of their own spiritual search. No concrete evidence exists as to criminal or moral acts by religious groups. On the contrary, groups such as the Unification Church have absolved themselves in court from wrongdoing. Seven plaintiffs sued the Unification Church in a Moscow City Court, claiming that damages had been caused to them due to their children's membership in the religious group. Both the Kuzminsky District Court, at which the case was originally

tried and the Moscow City Court stated that the plaintiffs lacked evidence to support claims of moral damage. The court was also unconvinced of evidence of psychic violence and brainwashing.<sup>22</sup> A similar case occurred when an anti-cult committee withdrew its suit against CARP, a youth organization comprised of followers of Reverend Sun Myung Moon of the Unification Church. The prosecution's accusations, such as claiming that CARP and the Unification Church were polluting Russia's genetic pool, were also unfounded.<sup>23</sup>

Other religious groups such as the Jehovah's Witnesses have been brought to Russian courts under the 1997 religion law in an attempt on the government's part to liquidate them. The procuracy in Magadan also attempted to close down the Word of Life Pentecostal Church in that town. In the first case, the Moscow city court judge decided that the prosecution against the Jehovah's Witnesses did not have enough evidence to prove that the group was indeed harmful to society. In the second case, the Word of Life church won a civil court case against the procuracy, which had presented inadmissible evidence.<sup>24</sup> Local Russian governments appear to be initiating frivolous lawsuits, in which hard evidence is lacking. Such suits against minority religious groups strongly suggest that those groups are unwelcome and viewed as harmful to Russian society.

A few Russian officials do acknowledge the need to protect religious liberty in the former Communist nation. In June 1999 Prime Minister Sergei Stepashin (who has since been fired by President Yeltsin) called for the upholding of religious tolerance in Russia, stating that the many co-existing religious faiths, including Christianity, Islam, Buddhism and Judaism, are all part of Russia's roots. Stepashin, a high-level security official in 1994 when President Yeltsin sent troops into the mainly Muslim region of Chechnya to quell its bid for independence, stated that if he had been better versed in the Koran and the

Muslim faith, he would have made better decisions in Chechnya.<sup>25</sup> The ignorance of many Russians regarding the practices of minority religious groups contributes to their paranoia and outward intolerance. The fact that religious liberties are protected in the Russian Constitution does not apparently deter them from acts of prejudice.

The Romanian, Bulgarian and Russian Constitutions all contain articles protecting religious liberty, stating that no citizen will suffer discrimination based on his religion. The problem of a lack of respect for the law in these nations contributes to overall discrimination. Those authorities and others that discriminate based on religion are not held accountable to the law. This factor, together with a xenophobic paranoia ingrained in the psyche of nations like Russia,<sup>26</sup> leads to blatant religious intolerance. It would seem that while these nations enact democratic laws to appease Western democracies, in practice they do not wish to grant such rights to their citizens. If these nations truly wish to be democracies, then in order to ameliorate religious intolerance the democratic laws in these nations must be enforced and the prejudicial attitudes of these people must be changed. ■

## NOTES

1. Testimony by Stuart Eizenstat before the Commission on Security and Cooperation in Europe (CSCE) Hearing on Property Restitution in Central and Eastern Europe, March 25, 1999.
2. State Department 1998 Country Report on Human Rights Practices on Bulgaria, pp.8-9, p.13.
3. For example, on April 25, 1998, activists of the nationalist IMRO (Internal Macedonian Revolutionary Organization), which was part of the ruling coalition, surrounded a private home where Jehovah's Witnesses were meeting and publicly burned their literature. See the Report, pp. 7-9 for further activities.

4. Hon. Christopher H. Smith, Property Restitution in the Czech Republic, Extension of Remarks, March 15, 1999.
5. Eizenstat, see note 1.
6. "Continuing Conflict Over Return of Romanian Church Property," press release, July 14, 1998, Janice Broun, Keston News Service; and Testimony of Bishop John Michael Botean, CSCE Hearing, March 25, 1999.
7. Communication by The Rutherford Institute Budapest, Hungary branch office to International Headquarters in Virginia, USA, March 22, 1999.
8. Letter from Dr. Paltineanu to Rep. Christopher Smith, Chairman of the CSCE, March 17, 1999, p. 1.
9. Letter from Mr. Vinatoru to Rep. Christopher Smith, March 23, 1999, p. 1.
10. U.S. State Department Country Report on Human Rights Practices on Romania, 6, 1998, p.9.
11. According to Willy Fautré, Director of Human Rights Without Frontiers, actions taken against minority religious groups in France receive worldwide media coverage and gain the attention of Eastern European governments, who see them as an excuse to attempt similar tactics in order to maintain repressive legislation against such groups. See "The Deterioration of Religious Liberty in Europe," the transcript of a briefing held by the Commission on Security and Cooperation in Europe on July 22, 1998.
12. "Romania's Religion Law," press release, Compass Direct, February 19, 1999. Like France, Belgium created a black list of "sects," comprising 189 movements including Youth with a Mission, YWCA, Operation Mobilization, and Full Gospel Businessmen's Fellowship. In late 1998 the Belgian government created an "Advisory and information center on harmful and dangerous sectarian movements," similar to the French Observatory on Cults. Belgium thus seems to be closely following French policy on cults.
13. "Religious Persecution in Romania," Vernon Brewer, June 5, 1999.
14. The fine is 500,000 to 1,000,000 leva and for "corporate legal persons" the fine is 1,000,000 to 5,000,000 leva.
15. Article 13 (1) of the Bulgarian Constitution: There is freedom of religion. Article 37 (1): Freedom of conscience, freedom of thought, and choice of religious or atheistic views are inviolable. The state encourages tolerance and respect among believers of different faiths as well as between believers and nonbelievers. See Constitutions of the Countries of the World. Dobbs Ferry, NY: Oceana Publications, Inc., 1992.
16. See the Handbook on Religious Liberty Around the World, The Rutherford Institute 1996, pp. 181-8.
17. "Russia Might Prohibit Presence of Catholic Orders," press release, Human Rights Without Frontiers, June 9, 1999. Catholics are looked down upon by the Orthodox Church and, as in much of Eastern Europe, have a difficult time regaining their churches, which were confiscated during the 1917 revolution. The Russian government uses tactics to keep the churches (which number around 300) state-owned or privatized for secular use. See "Roman Catholics Struggle to Recover their Church Buildings in Russia," press release, Keston News Service, July 9, 1999.
18. See the 1998 U.S. State Department Country Report on Human Rights Practices on Russia. Critics of the law include the Communist Party of the Russian Federation. See "Communist Party Claims Religion Law Violates Constitution," press release, Nezavisimaa gazeta-religii, July 7, 1999, by Natalia Babasian.
19. "Local Press Targets Kirov's Baptists," press release, Keston News Service, by Roman Lunkin, June 28, 1999.
20. "Protestants Claim Harassment in Ekaterinburg," press release, Human Rights Without Frontiers, July 23, 1999.
21. "Patriarch Defends Religion Law Again," press release, Human Rights Without Frontiers, March 3, 1999.
22. "Unification Church Vindication," press release, Human Rights Without Frontiers, March 26, 1999.
23. "Anti-cult group withdraws suit against Rev. Moon's organization," press release, Konstantin Krylov, July 24, 1999.
24. For more details see "Magadan Pentecostals Still Under Pressure," press release, Keston News Service, June 15, 1999.
25. "Prime Minister Calls for Religious Tolerance," press release, Human Rights Without Frontiers, June 10, 1999.
26. On the Paranoia and Psyche of Russians see George Kennan, Memoirs. □

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