

Restitution claims

For several years now, the Institute for the Protection of Minority Rights (IPMR) has been engaged in advocacy work in relation to provisions of the Slovakian Law on Restitution that violates the legal system of the European Union, by discriminating against members of national minorities, as well as citizens of other member states. The main issue of concern was that Law. nr. 503/2003 excluded all individuals from taking part in the restitution process who were not citizens of Slovakia, and did not have their permanent residence in the country (which was true to the vast majority of the descendants of people who were displaced from Czechoslovakia during the XX. century). In the name of over a thousand applicants who turned to our Institute in relation to this still unresolved issue, IPMR engaged with the European Commission to initiate an infringement procedure, as the above-mentioned law hinders the free movement of capital within the Union in a discriminatory manner. In its response, the Commission did acknowledge that the issue falls within her competencies, and that the said Law of Slovakia indeed had provision that discriminated against EU citizens based on their residence and nationality, however, they argued that they will not initiate an infringement procedure as this violation of Union law does not seriously affect the functioning of the single European Internal Market. Even though IPMR has further substantiated its arguments by turning to the European Ombudsman in this case, the reluctant approach of the Commission prompted the Institute to engage in a petition process in January 2019 ([petition nr. 0041/2019](#)), as well as to prepare grounds for submitting individual restitution cases to the European Court of Justice.

Similar systematic rights violations have been signalled to the Institute by stakeholders in Romania. The difference in comparison with Slovakia, is that in Romania the legal framework is sound, but the implementation thereof raises questions of discrimination targeted against members of the Hungarian minority community. Drawing on the former experiences of the Institute, we started to lay the groundwork for these cases by raising several aspects of the issue in written questions submitted to the European Commission, with the help of MEPs (see: E-001406/2019; E-000699/2018; E-001968/2016; E-001417/2018).

The bulk of the job in these cases is still ahead of the Institute, and its partner organisations.