

Translation of:

http://www.alfa.lt/straipsnis/10432988/?Komitetas.pritare.kompensacijos.uz.zydu.nekilnojamo.turta.istatymo.projektui=2010-12-22_16-51

Committee Approves Legislation for Compensating Jewish Real Estate

22 Dec 2010

On Wednesday [22 December 2010] the Human Rights Committee concluded its consideration of draft legislation on compensating Jewish religious communities for real estate.

The committee approved the legislation in essence, but suggested that the main committee improve the legislation by establishing a more transparent control mechanism for paying out compensation and making sure it is spent appropriately. The committee suggested indicating in law that monetary compensation be paid from the state budget to a fund created by the Lithuanian government, that the government confirm the fund's operating rules [articles of incorporation] defining the fund's status, functions, organization of activity, accountability and liquidation. The committee suggests establishing articles allowing for monies in the fund to be used for the wider circle [community] of Lithuanian Jews, to avoid transfer of funds exclusively to “special” [chosen, select] communities. The committee therefore suggests that fund’s administrative organs be comprised of representatives from not less than one third Lithuanian Jewish religious organizations; one third Lithuanian Jewish community representatives; and one third representatives delegated by the Government. The number of representatives of Lithuanian Jewish religious communities and Lithuanian Jewish community representatives would be proportional to the number of members they have.

The goal of the draft legislation on restitution for Jewish religious community real estate is, having assessed the history of the Lithuanian Jewish community and aspects of the nationalization of property and seizure, to compensate real estate (excluding land) formerly owned by Jewish religious communities which was nationalized or otherwise illegally seized by the Nazi and Soviet totalitarian regimes.

Under current laws Jewish religious communities have only received houses of prayer —synagogues, and only those that had a clear inheritor [successor organization]. Restitution for other Jewish religious community real estate, based on the regulations of the law on the procedure for restoring the rights of religious communities to surviving real estate, cannot be effected because, due to historical circumstances (the Jewish communities that until the Holocaust had existed and had been active participants in the economy and business of independent Lithuania in different Lithuanian cities were practically exterminated), there is no direct successor for assuming the [property] rights of these subjects. Further, the laws in force do not take into consideration the specific features of the use of real estate controlled by the Judaic religion, traditions and Jewish religious communities prior to nationalization.

The committee considered the position of the Republic of Lithuania on the European Commission's suggestion regarding the checking of the regulations of the European Parliament and Council of Europe to see how the creation of the mechanism for assessing the Schengen acquis is being applied [?]. As explained in an explanatory note provided by the Commission, the suggestion is an attempt to establish legal bases for an appropriate assessment of the application of the Schengen acquis, and thus to dismiss the discussion in 1999 between the Commission and member states on a correct assessment of the application of the Schengen acquis after border control is abolished, during which the major problems with the current mechanism have been established. The committee in essence approved the position prepared by the Interior Ministry.