

Parliament – decisions

Parliament – The heirs of the owners of artworks will be able to recover the estate more easily from the state

Budapest, November 11 , 2013, Monday (Hungarian News Agency [MTI]) – On Monday, the Parliament adopted certain legislative amendments under which it would become easier for the heirs of the original owners of artworks which were transferred to the state after the Second World War to recover their estate.

The members of Parliament passed the legislative amendments related to the return of cultural goods held in public collections whose ownership status is contested by a vote of 249 votes in favor, 63 against and nine abstentions. The amendments were proposed by Mr. Zoltán Balog, Minister of Human Resources.

By this decision, the Parliament established a special, simplified non-contentious procedure in which those without a certificate of inheritance or probate order would be able to obtain their heritage by making a prima facie case that the legality of their inheritance was not in serious doubt.

In his proposal, Mr. Zoltán Balog argued that this measure was justified by the fact that it was doubtful whether or not certain artworks which had been incorporated into public collections after the Second World War had been obtained by the state lawfully. According to the minister, because of the “misconceived professional attitude” of public collections, the heirs of former owners have often times been prevented from reclaiming their family’s erstwhile property.

The minister stressed, however, that a democratic state which declared the right to property to be a fundamental right in its constitution could not act like its dictatorial predecessor in treating the property of its citizens arbitrarily. Based on his proposal, in the future, the burden of proof will be on the state to prove without a doubt the legality of its ownership. Under the amendment, if the state cannot meet its burden of proof, then it will be obligated to return the works of art in question to whoever can make a “prima facie case” of his/her ownership.