



Unrepresented Nations and Peoples Organization (UNPO) Communication Universal Periodic Review: Romania

Hungarian Minority in Romania

The Hungarians in Romania make up one of the largest national minorities in Europe and is the largest ethnic minority in Romania, consisting of approximately 1.4 million people and making up roughly 6.6% of the total population of Romania, according to the 2002 Romanian census. For historic reasons, most Hungarians in Romania live in what is today known as Transylvania, where they make up about 20% of the population. In Szeklerland (Harghita and Covasna Counties) they form the majority.

The grievances of the Hungarian minority have been focused on several issues: restitution of church property confiscated by the communist regime; the right to use their mother tongue in their public administration and tribunals; the right to have instruction at all levels of education in their mother tongue; and limited local autonomy in the regions where they form the majority. Having been a member of the EU since 1 January 2007, UNPO expected Romania to increase its attempts to address human rights issues both before and after the accession; however human rights abuses continue to occur. Only parts of the above mentioned demands of the Hungarian minority have been addressed by the Romanian government, at times under the pressure of regional bodies and the Democratic Alliance of Hungarians in Romania (DAHR).

Restitution of Property

The 'restitution of property' law passed in July 2005 permits religious denominations to reclaim previously nationalized properties. While the government made some improvements, it failed to return property to numerous religious denominations. In many cases religious minorities have not succeeded in regaining possession of properties that were confiscated under Communist rule. Many properties meant for return to religious denominations contain government offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by current possessors have delayed restitution of the property to rightful owners. Although some progress has been made, for example the legislation has been modified to streamline the regime of establishment and payments of compensations, the pace of restitution has been extremely slow and the large majority of religious property restitution cases remain unresolved. Between 2003 and 2006 the Special Commission for Restitution restituted 599 of the approximately 2,700 claimed buildings. UNPO therefore urges all parties involved to significantly increase the pace of property restitution in order to fully comply with the implementation of the restitution of property law.

Public Administration Reform

One of the most important changes of the last decade was the constitutional referendum held in Romania on 18-19 October 2003, in order to pass several constitutional amendments perceived as necessary for EU accession. While Article 119 of the new Constitution, which took effect on 29 October 2003, ensures the use of native languages of national minorities in the public administration, Article 124 paragraph 2 ensures the use of native language of national minorities within the administration of justice. The regulation refers both to civic and criminal proceedings and cannot create additional costs for the ones concerned. In other words, national minorities should have the right to use their native language in dealing with government administration and the courts. However, according to the EU Agency for Fundamental Rights (FRA), in charge of monitoring the human rights situation in EU candidate countries before and after accession, the amendments improve the Constitution, yet further steps are required. Romania needs to ensure the sustainability of the public administration reform. Hence, UNPO calls upon the government of Romania to fully meet the linguistic terms set out in the constitutional amendments.

Law on Education

Article 14 paragraph 2 of the Framework Convention for the Protection of National Minorities which Romania signed and ratified in 1995, states that *“in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the parties shall endeavor to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.”* In areas of significant populations of the Hungarian minority, for example in Transylvania and Szeklerland, there exists sufficient demand for educational instruction in Hungarian. As such, this Convention should guarantee them instruction at all levels of education in their mother tongue. Nevertheless, these goals have not yet been fully implemented by Romanian authorities. The Romanian Law on Education, adopted in 1999, set the grounds for education in languages of national minorities, however, limits this right by specifying that the geography and history of Romania should be taught only in Romanian language. This law clearly contradicts Romania’s previous commitment to the Framework Convention. UNPO therefore calls for a modification of the Law on Education, giving national minorities the right to be taught the geography and history of Romania in their native languages. Additionally, Romanian authorities should consider amending the Law on Education to allow for all children of national minorities access to classes in learning Romanian as a foreign language.

Recent Ratification of the European Charter for Regional or Minority Languages

With the publication of the Law on the Ratification of the European Charter for Regional or Minority Languages (ECRML), Romania became the 23rd Member State of the Council of Europe to ratify this convention on 29 January 2008. The Charter will enter into force on 1 May 2008. The law on the ratification states that the provisions of the Charter will apply to ten minority languages used in Romania, including Hungarian. The Charter is intended to ensure, as far as is reasonably possible, that regional or minority languages are used in education and in the media, to permit and encourage their use in legal and administrative contexts, in economic and social life, for cultural activities and in transfrontier exchanges.

A Member of the Romanian Parliament, Mr. Árpád Márton, stated that as far as the opportunities to use the Hungarian language are concerned, the ratification will not significantly change the existing situation, but it can contribute to the adoption of new, improved legislation in the area of education and minority protection in general. UNPO hopes that new, improved legislation in the area of education and minority protection will follow and authorities will fully comply with Charter standards.

Draft Law on the Statute of National Minorities

One of the main DAHR achievements in the period of 2004-2007 is the elaboration of the Draft Law on the Statute of National Minorities living in Romania. Unfortunately the main political parties in Romania have lately turned their back on the draft law which is still being discussed in Parliament. According to the EU Agency for Fundamental Rights (FRA), this legislative process needs to be followed closely. UNPO urges the main political parties concerned to adequately address the Draft Law on the Statute of National Minorities, taking the measures required to facilitate its prompt adoption.

While Romania certainly seems to have stepped up its efforts to ensure minority rights within the country, certain concerns persist. Despite improvements, ethnic rights of the Hungarian minority have so far not reached the level desired by this community.

UNPO therefore urges the UNHRC to make sure that the Romanian authorities increase the pace of property restitution to the Hungarian minority, ensure the sustainability of the public administration reform, modify the Law on Education, promptly adopt the Draft Law on the Statute of National Minorities and fully comply with both the Framework Convention for the Protection of National Minorities as well as the European Charter for Regional or Minority Languages.