

HUMAN RIGHTS VIOLATIONS AFFECTING THE HUNGARIAN NATIONAL MINORITY IN ROMANIA

A). PRO REGIO SICULORUM ASSOCIATION

1. The Pro Regio Sicularum Association was founded with the purpose of addressing the problems faced by the Hungarian community in Romania. One of the main goals of our organisation is to publish yearly reports and assess the human rights violations affecting the Hungarian national minority, whether it be the violation of their linguistic and other rights, symbolic and physical aggression toward the community, or the various forms of ethnic discrimination.

B). METHODOLOGY AND CONSULTATION PROCESS

2. In preparing our report, and in order to be able to present accurate and reliable information, we have conducted field research at various public institutions, inquiring about the implementation of linguistic rights. We have submitted questionnaires and our volunteers personally gathered data from the staff of the respective institutions. Our organisation has also conducted interviews and collected first-hand accounts from witnesses and affected parties where specific cases of discrimination have been reported. It is our goal to present an accurate image of the situation of the Hungarian community in Romania, in the hope that by doing so we can contribute to an increased improvement of the situation of minority rights in Romania.

C). VIOLATION OF LINGUISTIC RIGHTS

Lack of bilingualism in courts and the public administration

3. In recent years very little progress has been made in Romania concerning the right of minorities to use their mother tongue in public institutions. This despite the fact that Romania ratified the European Charter for Regional or Minority Languages in 2008, and there is also a law passed in 2001 which stipulates that minorities can use their mother tongue in their dealings with the institutions of the public administration, in

the administrative territorial units in which a national minority constitutes at least 20% of the total population. During Romania's revision in the 2nd UPR cycle, the Romanian delegation reiterated the country's commitment to guarantee the use of minority languages in courts and the public administration. However, the implementation of this practice is faulty at best. Our institution found that even in municipalities where the Hungarian population constitutes a majority, not all local council resolutions are translated into Hungarian. Official forms are often not available in Hungarian, thus putting citizens in the position of having to write a petition to either receive one, or to ask for assistance to be able to complete the forms in Romanian.

4. In the 2013-2017 period our organisation led a number of inquiries, which concluded that the lack of bilingualism in the judiciary system is a serious problem that Hungarians face when they need to deal with various legal issues. One of the main problems arises from the fact that in typically Hungarian inhabited areas, judges, public prosecutors and policemen are predominantly Romanian, and their working language is exclusively Romanian. While the law clearly states that minorities have the right to use their mother tongue in proceedings related to police and justice, in practice it becomes extremely difficult. In courts the language of the proceedings is Romanian, even if the parties involved speak no Romanian at all. Translation is often not available, and all documents related to cases are written solely in Romanian. This seriously affects the access of Hungarian-speaking individuals to justice in Romania.
5. The reason why these linguistic rights are not applied in practice, although the obligation is stipulated in the national legislation, is due to the fact that there are currently no mechanisms that ensure their implementation. The law does not provide the possibility to fine non-compliant local administrations and public institutions. Therefore, we propose an amendment to the existing legislation, which would provide for a more transparent implementation, as well as clear mechanisms of verification and sanctions.

Bilingual signs and inscriptions

6. There is a grave and ongoing problem concerning the use of bilingual signs, whether it be local councils, schools or other public institutions. In recent years, we have

witnessed the relentless persecution of bilingual inscriptions by certain local authorities. A situation regarding bilingual street name signs has persisted for years in Tîrgu Mureş, a city with a 43% Hungarian population. Local authorities, in particular the county prefect, the mayor's office and the police department, keep doing everything in their power to hinder the attempts of the Hungarian community to put up bilingual street name signs. They usually enlist a number of alleged legal arguments against translating the names of the streets into Hungarian, some of which verge on the absurd, like affirming that these signs constitute an act of advertising, or that they disturb the traffic.

7. There are numerous ongoing lawsuits against various local councils in Szeklerland (where the Hungarian community constitutes 75% of the total population) for putting up inscriptions that read "Községháza" (meaning "Town hall" in Hungarian). The outcome of these lawsuits always amounts to the same verdict: the court orders the inscriptions to be removed. This veritable campaign is a testament to the relentless and wrongful persecution led by Romanian politicians and activists against Hungarian inscriptions.
8. Sadly, as evidenced by the cases mentioned above, the Romanian judiciary often supports these unjust causes. The legality of such decisions is debatable, given that the Constitution of Romania, as well as various international treaties and agreements ratified by Romania, clearly guarantee the right of minorities to preserve their linguistic identity, such requests being especially justified in Szeklerland.

D). DISCRIMINATION IN THE EDUCATIONAL SYSTEM

Elementary and secondary education

9. Hungarian pupils continue to be at a disadvantage in comparison to their Romanian colleagues. Some of these disadvantages derive from misapplied legislation or lack thereof, often in cases where the solution requires minimal effort. For instance, exam rules are only available in Romanian, even for small children at the elementary school level. Furthermore, all certificates in the educational system are monolingual, despite the fact that there is a clear wish on the part of the Hungarian community for their

children to receive educational documents, including school record cards, leaving certificates and diplomas, in Hungarian.

10. After years of repeated requests from teachers, parents and educational experts, the national curriculum was modified, and allows for Hungarian children to study Romanian as a foreign language, instead of studying it as their mother tongue, as was the practice until recently. However, this only applies to pupils at the elementary school level, thus from the 5th grade upwards Hungarian pupils are still faced with the challenge of having to study Romanian grammar on the same level as children whose mother tongue is Romanian, not to mention the difficulties that they face when studying literary texts written in archaic Romanian. Moreover, at the start of each school year, Hungarian pupils at the elementary level suffer the consequences of a discriminatory and ill-working educational system: since they now study Romanian according to a modified curriculum, for which the relevant study materials are still in the process of being drafted, pupils and their teachers usually have to wait for months for the Romanian textbooks to be printed.
11. Szekler pupils are prevented from learning about their people's history and cultural heritage, as *The History of the Szeklers* schoolbook was banned in 2013, and its writers were threatened with prosecution. Despite the fact that the book was written by renowned historians and academicians, its contents cannot be taught in schools. The 2013 Summary of the Stakeholders' Submissions to the UPR Romania specifically draws attention to the fact that the history and culture of the Hungarian minority is not taught in schools. A recommendation was formulated to the effect that Romania should integrate the Hungarian culture in the school curricula. However, no efforts as to resolving the matter have been made.
12. Finally, there is a growing general concern that there are fewer and fewer classes of Hungarian students, even in cases where there is no drop in the number of students, thus forcing Hungarian children to enroll in Romanian classes. A recent case clearly shows the unjustness of such measures and the very damaging effect they can have on the life of an entire community. After many years of struggling to regain property of and to re-open a Hungarian school in Tîrgu Mureş, confiscated by the communist regime from the Roman Catholic Church, the Romanian National Anticorruption Directorate (DNA) accused the school's leadership of corruption for allegedly running the school without authorization – even though the Ministry of Education had

previously found everything in order. Currently the situation remains unresolved, the school - as a legal entity - cannot enrol pupils starting next school year, which is an affront to the entire Hungarian community.

13. Having examined the various discriminatory circumstances faced by Hungarian children in the educational system, we propose that at least part of the problem could be solved by giving local administrations and the county inspectorates more autonomy in making decisions regarding the local schools, the number of classes, as well as allowing them the possibility to tailor the school curriculum to the cultural identity of the students.

Higher education

14. Ever since the downfall of the communist regime, there has been a clear desire on the part of the Hungarian community in Romania for a state-funded Hungarian university, a request that the Romanian government continues to ignore. In lieu of such a university, a 2011 law on education stipulates that universities must establish separate and independent faculties or departments for minority students. This provision was especially welcome by the Hungarian professors and students of the University of Medicine and Pharmacy of Tîrgu Mureş, who have been asking for a separate department for years. Nevertheless, article 135 of the respective law left this decision to the authority of the university management. Sadly, the Hungarian professors could not prevail upon the Romanian leadership to formally acknowledge the independent Hungarian faculty. Following this, the Ministry of Education refused to approve the new charta of the university, arguing that according to the previously mentioned law, it was in violation of minority rights. Nonetheless, a court order from May 2012 invalidated this decision, stating that the university has complete autonomy in such matters.

15. Furthermore, leading figures of the Hungarian community, as well as legal and educational experts have repeatedly expressed their concern over the lack of practical courses in Hungarian. They underline that such a measure could ultimately lead to the cessation of medical training in Hungarian. They argue that without practical courses in Hungarian, there is no need for teaching assistants for these courses, and if there

are no Hungarian teaching assistants, there will eventually be no Hungarian professors at the University of Medicine and Pharmacy of Tîrgu Mureş.

16. Regarding this matter, it is imperative that the 2011 Education Law should be unequivocally respected, any clauses that allow for interpretations should be clarified and any regulation that allows the possibility of evading the creation of separate departments for minority students, should be erased.

E). PERSECUTION OF HUNGARIAN SYMBOLS

Persecution of the Szekler flag

17. The persecution led by Romanian political leaders and authorities against the symbols and identity markers of the Hungarian community has caused a series of heated debate. There are tens of ongoing lawsuits led by Romanian authorities and activists against Hungarian mayors and local councils, for putting up the Szekler flag on buildings of the local administration. After several unfavourable court rulings, it is currently forbidden to raise the regional flag of Szeklerland on institutions or anywhere outside, even though there is no law in place that expressly prohibits the use of regional flags, and what is more, the flags of other Romanian regions, like Bucovina for instance, are allowed without any restrictions.

Banning the flag of Transylvania

18. Both in 2015 and in 2016, during the festivities organised on the National Day of Hungarians on the 15th of March in Cluj-Napoca/Kolozsvár, a few participants carrying the flag of Transylvania were pulled aside by police officers disguised as civilians, and were threatened with a fine if they refuse to roll up the flags. The police argued that the flag of Transylvania is discriminatory, since it does not represent Romanians.
19. Such a measure of persecution against the symbols and identity markers of the Hungarian community in Romania is unacceptable, given that by ratifying the Framework Convention for the Protection of National Minorities, Romania has

committed to preserving the cultural identity of its national minorities. We recommend that these commitments be honoured, and for the Romanian state to adopt relevant laws to this effect, which clearly stipulate the right of minorities to use their national and regional symbols.

F). RESTITUTION OF CHURCH PROPERTY

20. Despite the international commitments and the national legislation passed, Romania continues to be in debt regarding the restitution of church property confiscated during the communist regime from the Greek Catholic Church and the mostly Hungarian churches (Roman Catholic, Reformed, Unitarian and Lutheran). The summary of the stakeholders' submissions to Romania's 2008 UPR also draws attention to this particular issue, and yet, the restitution process in Romania has been stagnating for years. What is more, many previously restituted properties are now being renationalised, usually on grounds of procedural exceptions. Such is the case of the Székely Mikó High School in Sfântu Gheorghe, formerly returned to the Reformed Church, only to be renationalised in 2014, despite documentary evidence from the communist period, which makes it clear that the school had been confiscated from the said church.
21. The issue of the stagnating and often reversed restitution processes in Romania is an affront to human rights and an open discriminatory campaign against certain religions, especially those of the minorities.

G). THE RIGHT TO ASSEMBLY

22. Szeklers annually commemorate Szekler Freedom Day on the 10th of March in Tîrgu Mureş. In 2015 the organisers of the event (the Szekler National Council) submitted a petition to the local authorities, in which they asked for the approval of a march in support of the region's autonomy to be held within this commemorative celebration. The mayor of Tîrgu Mureş denied this request, disregarding the people's right to protest, which is unacceptable in any democratic society. The mayor is generally aided

in such measures by the local police, who on this particular occasion appeared in great numbers to “safeguard” the public order, even though there was no marching, only the planned commemoration.

23. During the 2016 Szekler Freedom Day march 84 participants were fined, mostly for carrying the Szekler flag, which the police said could be used as a weapon. As in 2015, the mayor and the police used every tool at their disposal to discourage the Szekler community from marching for autonomy on Szekler Freedom Day, ranging from verbal intimidation to legal action.
24. The freedom of peaceful assembly and the freedom of expression is a right that Romania has committed to guarantee not only for national minorities, but for all its citizens in equal measure, through the Constitution, as well as various international human rights agreements. As we have witnessed however, in practice these freedoms are not applied equally for the Hungarian community, which is in clear violation of the above-mentioned commitments.

H). HATE SPEECH AND ANTI-HUNGARIAN DISCOURSE IN THE MEDIA

25. Provocative media campaigns directed against the Hungarian community periodically appear in the Romanian media. These very often misrepresent facts in order to incite negative public opinion, which in turn aids Romanian political parties in promoting their nationalist agenda.
26. Anti-Hungarian sentiment and hate speech have risen to alarming proportions in Romania recently, as social media and news channels have been flooded with nationalistic messages directed against the Hungarian community by Romanian politicians, journalists, social media influencers and opinion-makers. In the midst of a political crisis, the Romanian political elite, with considerable boost from the media, once again tried to turn the public opinion against the Hungarian community in Romania. Instead of focusing on the issues at hand, namely an internal crisis within the largest political formation in Parliament - with the potential of turning into a veritable governmental crisis -, the media quickly managed to divert the public's attention by launching a tirade of lies and openly xenophobic comments against the Hungarian community. This heightened anti-Hungarian atmosphere eventually

resulted in stopping the adoption of several pieces of legislation were meant to broaden the rights of the traditional national minorities.

CONCLUSION

27. For these issues that we have raised in this report, we consider that the rights of the Hungarian national minority in Romania have been severely violated in recent years. There is a palpable regression in this sense, to which our organisation has continuously drawn attention through our weekly newsletters and annual reports. Rather than extending the rights of Hungarians, so that they may feel as equal citizens, there is an alarming setback in implementing and respecting minority rights in Romania, in spite of the fact that these rights are guaranteed in the national legislation and in numerous international agreements. We ask that Romania honours the commitments it has taken towards its national minorities through the various international treaties and hope that this Universal Periodic Review will be to the benefit of the Hungarian community of Romania.