

Addendum

To the

PARALLEL REPORT

**FOR THE ADVISORY COMMITTEE OF EXPERTS
TO THE FRAMEWORK CONVENTION FOR THE PROTECTION OF
NATIONAL MINORITIES**

DEMOCRATIC ALLIANCE OF HUNGARIANS IN ROMANIA



**IN RESPONSE TO THE COUNTRY REPORT SUBMITTED BY ROMANIA
IN 4th MONITORING ROUND IN THE IMPLEMENTATION OF THE
FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL
MINORITIES**

Cluj-Napoca
April, 2017

Contents

I. Introduction

- a. The Hungarian minority in Romania
- b. Szeklerland. A short overview of problems

II. Issues related to the implementation of the Framework Convention for the Protection of National Minorities

- a. Article 3
- b. Article 5
- c. Article 6
- d. Article 10
- e. Article 11
- f. Article 12, 13, 14
- g. Article 15
- h. Article 16

I. Introduction

a. The Hungarian minority in Romania

Hungarians from Romania live in a confined part of the country, i.e. in Transylvania, along the Oradea, Cluj-Napoca, Târgu Mureş, Sfântu Gheorghe axis.

According to 2011 census data the number of Hungarian persons is 1.227.623, which makes up for 6,5% of Romania's population. We would like to mention that due to inaccuracies there is no evidence of the ethnicity/nationality, mother tongue and religion of 1.236 persons. Thus, the estimated number of Hungarians is approximately 1.237.000, i.e. 10.000 more than the official number.

As compared to the 2002 census, by 2011 the population of Romania has decreased by approx. 13%, which can be explained by natural decrease and emigration. As for the rate of decrease, the decrease of the Hungarian minority is in line with the national average.

According to 2011 census data, the number of persons having Hungarian as their mother tongue is 1.259.914, which is approx. 32.000 persons more than those who declare themselves Hungarian.

As for their religious affiliation, 47,1% of Hungarians from Romania are Reformed, 41,2% Roman Catholic, 4,6% Unitarian, 1,4% Greek Catholic, 0,8% Evangelical-Lutheran (according to 1992 census data). It is important to note that Hungarians do not only differ from the Orthodox Romanian majority in respect of their ethnicity, but also in respect of their religion.

Hungarians from Romania account for approx. 19% of Transylvania's population. Their locality structure is the following: 53% of Hungarians from Transylvania, i.e. 650.000 persons live in localities where they form the majority; 24%, i.e. approx. 300.000 persons live in localities where their ethnic proportion is between 20-50%; while in localities where they are below 20%, 110.000 Hungarians live in 5 cities in which their absolute number is above 14.000 persons.

Approx. 47,5% of Hungarians from Romania, i.e. 581.000 persons live in the South-Eastern part of Transylvania. Their proportion in the region comprising Harghita, Covasna and Mures counties is 71,7%. For centuries Szeklerland had been a separate and autonomous administrative unit eliminated only in 1968.

Besides Transylvania, Csangos – who are different from the majority Orthodox population primarily in respect of their affiliation with the Roman Catholic denomination – live in Moldova. Out of the 185.000 Catholics from Moldova 48.000 have Hungarian as their mother tongue. They are the Csango Hungarians of which 43.000 live in their traditional environment, in their villages of birth.

b. Szeklerland, a short overview of problems

Ethnic composition and regional political goals

Szeklerland is a historical region in Romania, that roughly covers the territories of three counties: Harghita, Covasna and Mures. In these counties, the majority population is formed by Hungarians. (Harghita 82.89%, in Covasna 71.59%, Mures 36.46%)

Szeklerland is the sole region in Europe that is inhabited by a compact and numerous ethnic group that has no territorial autonomy, but thrives to have one. This is a very sensitive issue for the Hungarian inhabitants of the region, because at the birth of the modern Romanian state, autonomy was promised to the inhabitants of the region.

Components of the proposed Szekler Autonomy:

- accepting the Hungarian language as the second official language of the region, aside Romanian
- fiscal autonomy
- decentralisation of decision making in local matters

Referendum

In 2013, a referendum was initiated in order for the the three above named counties to form a development region. More than a 100.000 signatures were gathered to support the initiative. However, the referendum was boycotted, administrative reasons were cited. Thus the inhabitants of the region were denied the chance to express their democratic option in regard of establishing the the development region in order to serve te best interest of the region's inhabitants. Aside the political aspect, there is a sound economic logic sustaining the establishment of such development region: the counties lose massive amounts of EU funds at this point due to being paired up with more developed counties.

Regional reorganization plans

In the past years, there were various government plans for the administrative reorganization of Romania. When it came to the case of Szeklerland, reorganization plans were crafted in such a way, that it would have resulted in a very drastic change of the ethnic composition of the region. If government plans were implemented, Hungarian inhabitants of Szeklerland would have become a minority of roughly 29%, in comparison to the current 80% majority they form in two counties.

Persecution of regional symbols at Szeklerland

The usage of the Szekler flag is one of the most problematic issue, that Covasna, Harghita and Mures counties face. The Szekler flag is a regional symbol, and the Szekler community strongly identifies with it. Lawsuit after lawsuit was started against mayors who used the flag in public places such as parks, squares and the buildings of the local administrations, in total there are more than 50 lawsuits currently related to this flag. All this in spite of the fact, that the Szekler flag is always used alongside the flag of Romania and the European Union. Other regional lags, such as the flag of Moldova can be freely used in Romania.

Double standard: banning the flags of Covasna and Harghita counties

The county flags of Covasna and Harghita counties were also found to be illegal. Therefore, the two counties are the sole counties in Romania that are not allowed to have county flags. While having a local flag is standard practice in every other county of Romania, Covasna and Harghita are the exceptions that make the rule stronger, as a decision of the Brasov County Court ruled both of them to be illegal. (What makes this decision really bizarre is, that in front of the Brasov County Court can be found the county flag of Brasov county.)

Linguistic rights at Szeklerland

Overview

Very little progress has been made in Romania concerning the right of minorities to use their mother tongue in public institutions, even in Szeklerland, a region inhabited by a Hungarian majority. Implementation of linguistic rights is faulty. Even in municipalities where the Hungarian population constitutes a majority, using the Hungarian language in official circumstances is difficult at best. Official forms are 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. While the usage of the Hungarian language possible in oral form, it is nearly impossible in a written form in official circumstances.

Lawsuits regarding Hungarian inscriptions

Instead of implementing and widening linguistic rights, a tendency of curbing these can be observed in the region. The persecution of Hungarian inscriptions at Szeklerland reached quite an absurd level. Currently there are more than 100 lawsuits against local administrations started by the state's local representative, the prefect, in order to eliminate Hungarian inscriptions from historical buildings, administrative buildings, schools and so on. There is a lawsuit that has been recently finalized, that had its subject the trilingual (Romanian, Hungarian, English) letterhead of the County Council of Covasna.

Usage of the Hungarian language in justice

The lack of bilingualism in the judiciary system is a serious problem that Hungarians face when they need to deal with legal issues of all kind. One of the main problems arise from the fact that in Hungarian inhabited areas the judges, public prosecutors and policemen are all Romanians, and their working language is exclusively Romanian. In Covasna county for example, in 2013, from 55 judges only 5 were Hungarian speaking, from 50 public prosecutors only 2 spoke Hungarian, and 95% of the police forces were Romanian speaking only. While the law clearly states that minorities have the right to speak their mother tongue in proceedings related to police and justice, in practice this becomes extremely difficult. In courts the language of the proceedings is Romanian, even if the parties involved speak no Romanian at all. Translation is either available or not, and all documents related to cases are solely in Romanian. In fact all information offered in courts and in the judiciary system is solely in Romanian. It is also important to note, that translation, if available, is not free. This seriously affects Hungarian speaking people's access to justice in Romania.

Usage of the Hungarian language in healthcare

There is a complete lack of Hungarian inscriptions on medication sold to Hungarian patients in Romania. The inscriptions, very often on medication that can cause serious complications or it can put a person's life on risk, are solely in Romanian. Description of the possible side effects and the required dosage is not available in Hungarian at all. Availability of medical advice, medical consulting and medicine safety procedures in Hungarian are available only if there is Hungarian speaking medial personnel. It is very difficult for patients to communicate with Romanian doctors and medical personnel, who don't speak Hungarian.

Linguistic rights of pupils

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. There were reported cases of

mistranslated exam subjects at national level contests, thus proving that even when there is Hungarian translation, little effort is made to ensure intelligibility.

II. Issues related to the implementation of the Framework Convention for the Protection of National Minorities

There is a regress in the efforts of authorities in an inclusive approach towards the representatives of national minorities within the Council of National Minorities to present their views to the authorities before the 4th State Report was submitted.

There is a regress also in the concern of authorities in considering the relevance Framework Convention as a major instrument in the evolutions of state-policy for protection of national minorities: (a) two-years delay in submitting of the 4th State Report, (b) deficiencies in translating and disseminating the results of the third cycle of monitoring, and (c) preparing actions for the 4th monitoring cycle acting for corrections based on the former recommendations of the Advisory Committee of experts.

Meanwhile, the number of reported incidents involving ethnic Hungarians from Romania is increasing year by year, part of them being also included in international reports, like Country Report on Human Rights Practices for 2016 in Romania of US Department of States.

a. Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Even if in the last monitoring report of the Advisory Committee the authorities were urged to step up their efforts and take all the necessary measures in order to adopt the draft Law on the Status on National Minorities, and to ensure that all the provisions of the law are fully in line

with international standards, the draft Law on the Status of National Minorities has still not been even discussed in Parliament. Since the first cycle of monitoring, Romania has adopted neither clear criteria nor a specific procedure for the recognition of national minorities.

Against this general climate of tolerance and dialogue prevailing in Romania, it has to be noted that negative attitudes and prejudices against persons belonging to certain national minorities, in particular the Roma, continue to be reported. Statements stereotyping and portraying Roma in a negative light, including by public officials, are not uncommon.

The adoption of the new Law on Education in 2011 has provided Romania with a more detailed legal framework for education and established legal guarantees for persons belonging to national minorities. The law stipulates that persons belonging to national minorities have the right to be educated in their mother tongue at all levels of pre-university education. Schools or classes with education in the minority language can be established upon request of parents or legal guardians, without identifying any minimum threshold of the number of children required. It is of particular importance that the elements of intercultural and multicultural education be included in the curricula for pupils belonging to national minorities and the majority.

Regarding the **Romanian population census** organized in Romania in October 2011, the final results published in 2013 suffered significant changes compared to preliminary data, resulting, for example a 6-7% segment of population at national level without available data about their ethnic linguistic belonging. This unusually high percent restricts in several places the application of linguistic rights, the percent of persons belonging to a certain minority, that must exceed 20% being reported to the the total population. However, DAHR will initiate among others that the percent of persons belonging to a certain minority, to be reported to the number of those who declared their belonging to a certain ethnic group or having a certain mother tongue declared.

b. Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Use of minority symbols continuously banned

Despite the fact that the Constitution of Romania guarantees the right to identity for all citizens, the case of the Szekler flag - regional symbol of ethnic Hungarians' identity, living in the heart of Romania called Szeklerland - has become a rather controversial subject. Due to the lack of specific legislation, and to the attitude of Romanian authorities towards the national and regional symbols of the minorities, Romanian courts ordered the removal of the Szekler flag from the forefront and the chambers of several institutions and other public places of cities with a significant Szekler-Hungarian population. These decisions and actions are inducing increasing interethnic tensions, being perceived as intolerant obstructions and bans, as double standards, since there are numerous emergency services institutions named after historical regions, or even currently used Romanian regional symbols of Țara Bârsei, Crișana, Dobrogea or Bucovina. From this point of view, the justification of Court decision stating that the flag is illegal, because Szeklerland is not a separate administrative entity and the Constitution of Romania does not recognize regions, is not a generally applicable, valid argument.

All this happened in spite of the fact that starting with 2013, even the U.S. State Department's Human Rights Report on Romania continuously mentioned the problematic issue of the Szekler flag and the discriminatory treatment in the use of national and regional symbols, similarly the European Commission against Racism and Intolerance (ECRI) also recommending that the Romanian authorities must ensure that the principle of equal treatment is applied in this issue,

remedying any breach thereof, there are no constructive solutions or even political debate on this subject.

Moreover, the president of the Consumers' Protection Territorial Office created further ethnic tensions in Szeklerland by issuing penalty fees to commercial units that labeled their food products as „Szekler flavored”, and taxies wearing stickers with SIC (Terra Siculorum) inscription.

Also, in 2016 and 2017 participants at the March 15th commemoration at Kolozsvár/Cluj-Napoca were asked to withdraw the historical regional flag of Transylvania police officers issued penalty fees for ethnic Hungarians wearing the flag of Transylvania, currently used by Romanians at other occasions without any repression from public order authorities. The authorities restricted members of the Hungarian community in Romania to use their regional symbols and to manifest peacefully.

Restitution of property

We are concerned that twenty-eight years after the collapse of Communism, restitution of Hungarian communal properties, including churches, has been proceeding at a slow pace so that a significant number of the affected properties have yet to be returned to their rightful owners.

According to the currently applicable legislation, there were two cycles (in 2003 and in 2005) when churches of different denominations could hand in their requests for the restitution of their properties. A total of **14.814** of requests were handed in from which only **7712** were solved till March 2017.

The new legal framework did not have a big impact upon the restitution of church/communal properties. Until 2012 – during the first 7 years of implementing the new legal framework – a number of 1050 hungarian church properties were restituted while **since 2013 only a number of 30 properties were restituted, in 25 cases the payment of compensastions was approved and 3000 requests were refused.**

Despite Romania's pledges to its Hungarian minority to respect minority rights and abide by the rule of law when it was accepted into the European Union and NATO, Romania's restitution process has not improved. On the contrary it is in danger of being reversed if not halted altogether and attempts to re-nationalize restituted properties continue. Romania instead of re-dedicating itself to these promises and solemn undertakings till today not only does not facilitate the restitution of certain properties belonging to different churches and organizations but sued for the nullification of the restitution of Székely Mikó Reformed College in Sfântu-Gheorghe creating a dangerous precedent and putting in danger the already fragile system.

The **Székely Mikó Reformed College** was built by contributions and owned and operated since 1859 by the Reformed Church until its seizure. Thereafter it was used by the Romanian state for its own purpose. In addition, the Communist regime 'sold' the flats that are part of the college and formerly used by the teaching faculty. In May 2002, the property was duly restituted to the Reformed Church. Romania thereafter sued for the nullification of the restitution (thereby seeking to re-nationalize it), monetary damages from the Reformed Church and the imposition of severe criminal penalties for the officials who had ruled in favor of the restitution. The evidence appeared to be unassailable that the Székely Mikó College belonged to the Reformed Church in 1948 when it was illegally nationalized. Moreover, the officials of Sfântu-Gheorghe, e.g., members of the city council and mayor, testified in the pending proceeding in support of the legality of the restitution of the college to the Reformed Church.

Nevertheless at the conclusion of the first stage of the proceeding on June 29, 2012, the three individual defendants received three year prison sentences, the Reformed Church was ordered to pay 1M lei, and the property was re-nationalized. The Hungarian community justifiably views this case not only as a property restitution case but also as a proceeding directed against the community and a manifestation of intolerance and discrimination. The Romanian State is now questioning the ownership of all resituated estates since 1990. This act of re-nationalization clearly sends the message worldwide, that in this country anything at any time can be accomplished.

Since the case of the Székely Mikó Reformed College, the practice and the approach of the Special Committee of Restitution was that all the similar requests in which the property belonged to any organization, foundation or educational institution founded and administrated by the church were denied. The DAHR tried to facilitate solving the above mentioned cases through initiating a new legal framework which until today was not approved.

Prompt and fair restitution denied also in the case of **Batthyaneum Library and Astronomical Observatory**. The Restitution Commission operating in subordination of Romania's Government dismissed the restitution of the Batthyaneum Library and Astronomical Observatory in Alba Iulia to the Roman Catholic Archdiocese of Alba Iulia. The request was sent in by the Archdiocese in February 2003, on the basis of the Government Emergency Ordinance No. 94/2000 (subsequently repeatedly completed, then legislated) which stipulated the restitution of movable and immovable confiscated church property. The Commission justified its decision with the allegation that the Roman Catholic Archdiocese of Alba Iulia that made the request is not identical with the Roman Catholic Institute of Astronomy (Csillagda) in the land register. When Bishop Ignác Batthyányi founded his famous library and observatory in 1798, it was registered as a cultural foundation, under the above mentioned name. In 1949, the foundation ceased to exist; its assets were nationalized, so it does not currently exist, because it had no continuity. The Archdiocese could not request the restoration of the building and assets in the name of the foundation.

In 2012 the European Court of Human Rights (ECHR) has obliged the Romanian State to pay a compensation of 25,000 euro, as it has not returned the Batthyaneum Library, confiscated during communism, to the Archdiocese. In 1998 the Government restituted the Batthyaneum Library to the Church through an emergency ordinance, but a de facto restitution never happened.

Issues related to culture, and preservation of traditions and cultural heritage

The restoration of historic buildings that are part of the cultural heritage of the Hungarian minority (4500 listed historic buildings from 30.000 in total) is financed by 1-2% from the total funding allocated by the Ministry of Culture on such projects.

Although the Ministerial Decree 2815/2014 states clearly that historic monuments belonging to the cultural heritage of a national minority shall be labelled also in the language of the respective national minority, only 1% of the 4500 listed historic buildings belonging to the Hungarian minorities cultural heritage has been labelled. This is a clear violation of the law, also directed towards the denial of the history and presence of the Hungarian minority.

A key element in preserving the culture of a community is teaching in schools the history and traditions of that community. Though there are legal guarantees in this respect, the curriculum and the methodology related to teaching the history and culture of minorities are drafted in Romanian. The Handbook of Szekler history, published by the councils of Covasna and Harghita counties, written by highly respected historians, was banned in schools, which violates the basic principle of preserving and promoting the culture of any community. On the other hand, Romanian pupils have a very limited knowledge of the history of the Hungarian minority, because although there is in the national curricula the history of the national minorities, it is only an optional subject, and not largely taught in schools.

A common action taken against the history of the Hungarian minority in Romania and trying to generate interethnic tension is vandalizing statues representing historic figures. In January 2012, unidentified individuals vandalized one of the most important historical monuments in Cluj, the statue of King Matthias Corvin, by painting messages on it, which are offensive and insulting to the Hungarian community. Although the case was referred to the Police, the individuals responsible for this act of vandalism were not held accountable. In the same year, the buildings on Ioan Bob Street in Cluj were also vandalized and some messages, offensive to Hungarians, were painted on the walls. This case was also referred to the Police, but the individuals responsible were not held accountable. There are many more examples, throughout Transylvania, where statues have been vandalised, painted over, etc.

The Romanian Ministry of Culture, is not recognising the cultural heritage of the Hungarian community. On 1st December 2016, the Ministry of Culture blocked the admission of the Whitsunday Pilgrimage of Şumuleu Ciuc (Csiksomlyo) to the UNESCO List of Intangible Cultural Heritage. The dossier has been sent to the UNESCO when Mr. Kelemen Hunor was the Minister of Culture, but has been blocked when he was no longer in the office. This would have been the first item on the List of Intangible Cultural Heritage which belongs to the Hungarian community's cultural heritage.

The Ministry of Culture, its county directorates do not accept written communication in Hungarian language even where the Hungarians live in larger numbers, well over the 20% threshold, such as Harghita, Covasna and Mureş counties. No forms and no written information is available in Hungarian.

Intercultural dialogue, translations, promoting the Hungarian culture

For the Romanian State, it is not a priority to present\show\exhibit the Hungarian minority's culture for a broad Romanian audience. The reversed is also true: the Romanian culture, mainly the contemporary is not generally known to the ethnic Hungarians from Romania. It is particularly relevant in the case of translation of literature, where only 5% of contemporary literature is translated from Romanian to Hungarian. The translation from Hungarian to Romanian is almost inexistent. This obstructs the acceptance of each-others culture, and in a wider sense the rejection of the other ethnic group. Also, writers belonging to the Hungarian minority are not promoted at the international fairs, pretending that Hungarian cultural production does not exist in Romania.

The Romanian theatres and opera houses offer no subtitles in Hungarian and other languages, although the Hungarian theatre and opera from Cluj-Napoca/Kolozsvár offers subtitles in English and Romanian. This would contribute to the improvement of the interethnic relations between the majority and the ethnic Hungarians, by understanding each-others culture.

c. Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Hate speech and discriminatory messages conveyed by politicians, opinion leaders and journalists have been quite frequent. In the press, the National Audiovisual Council is the body with competencies to determine and sanction this kind of statements, but the majority of these cases have no legal consequences. Several commercial TV Channels, as for instance, B1, Antena 3 or Realitatea run TV shows, such as "Lumea lui Banciu" (Banciu's World), "Sinteza Zilei" (Synthesis of the Day) or Jocuri de putere (Power games) which consistently infringe the minority rights, as the moderators of the shows convey, incite to or allow humiliating, nationalist and chauvinist speech against the Hungarian community in Transylvania, usually abusively using the "protection" provided by the fact that the show is classified as a pamphlet. Although the National Audiovisual Council has fined them several times, none of the shows has eliminated hate speech.

With regard to the legislative assembly, there have been several legislative initiatives, which negatively affect tolerance and interethnic dialogue and the principle of non-discrimination on grounds of nationality, language and religion, and which, by excessive press coverage, breed tension between Hungarians and Romanians. For example, Parliament members Valer Marian and Octavian Petric initiated a law entitled, which provides for the sanctioning of those whose do not speak Romanian not only in public institutions, but also in pharmacies or stores, despite the obligations assumed by Romania in various international conventions. Another legislative proposal submitted by Deputy Bogdan Diaconu proposed the prohibition of the use of the mother tongue both before public institutions and at the meetings of local or county councils.

This draft-law was tacitly passed through the Chamber of Deputies. This law would have prohibited the use of the mother tongue at the meetings of local or county councils and the display of the names of public institutions, localities, streets and public spaces in Romania and of public information in languages other than Romanian, and would have also prohibited making the hiring of civil servants paid from the central budget contingent on their knowledge of the language of a minority. Other similar legislative proposals were submitted by Deputy Daniel Vasile Ojdea, which impose additional conditions on the TV shows in the minorities' mother tongue by amending the Law on audiovisual media services

Several politicians convey anti-Hungarian speeches. For instance Senator (PNL) Cristian Bodea from Bihor would invite those who don't want to learn or use Romanian to move to Hungary.

Anti-Hungarian speech has been present in sport, at football, hockey and basketball matches, such as burning Hungarian flag in the stadium, displaying and chanting hateful messages on football matches, which usually include "Out, out with the Hungarians from the country!".

The hate speech and the public initiatives to limit the rights of the Hungarian minority have not been condemned by those in public offices or opinion leaders. Thus, Romania infringes its undertakings under **article 6** of the Framework Convention.

d. Article 9

1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

The Hungarian press in Romania faces the following problems:

Hate speech

Romanian language press publish and broadcast hate speech and discriminatory messages conveyed by politicians, opinion leaders and journalists and the majority of these cases have not been sanctioned. There has been no public condemnation of the anti-Hungarian speech by opinion leaders and other public figures. The number of hate speech cases at sport events (such as football, hockey, basketball and handball matches) has also increased, and broadcasted by the television channels and related about in the written press.

The press creating interethnic tensions by misinforming the Romanian community

With reference to the Cluj-Napoca Hungarian Days in 2016 the Romanian public television (TVR) was trying to instigate anti-Hungarian atmosphere with manipulative materials. The media has published tendentious and distorted reports about the concert of Feró Nagy and his band.

Later, the reporter and the Romanian public television was sanctioned, but the damage was already done.

The press is campaigning against Hungarian publications

Several newspapers from Bucharest protested that the Romanian Ministry of Culture financed (among other publications) the Székelyföld (Szeklerland) journal, whose name was identical with Szeklerland populated in majority by Hungarians. (25th of May 2014).

Discrimination of the Hungarian press and lack of informing the Hungarian ethnic minority

In the distribution of announcements and payed advertisements coming from state institutions (Government, Court of Justice, etc.) or state financed institutions (ex. Museums), Hungarian language newspapers are not, or in very rare cases included. The advertisements and announcements are published only in Romanian language newspapers, even in the cases when it is a public information, affecting all citizens.

Underfinancing and lack of administrative autonomy

Though in Romania both public TV and radio stations have several broadcasting channels, high-performance equipment and adequate material and human resources, the Hungarian editorial teams most often receive insufficient support, are disadvantaged and confronted with many difficulties in their daily activities.

Discrimination of the Hungarian minority in accessing the television programmes broadcasted by the public television in Hungarian

The broadcasting times are during worktime, so the majority of the Hungarian public, who is either working or in school cannot benefit from these programmes. The solution would be, as it was achieved in the case of the public radio, to have a channel financed as public television, that would broadcast 24 hours in Hungarian.

It can be concluded that Romania complies only partially and in a formal and superficial manner with the provisions of the European Charter of Regional and Minority Languages, especially in relation to informing the public through the press.

e. Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

According to 2002 census there are 327 public administration units where the percent of ethnic Hungarians is over 20%, covering 74,5% of the total number of ethnic Hungarians from Romania. The law provides that, where an ethnic group speaking a minority language is at least 20 percent of the population, they have the right to use their mother tongue in dealings with local government. This figure decreased according to the census from 2011 to 324 public administration units covering 77,3% of Hungarian population. According to the researches coordinated by Romanian Institute for Research on National Minorities from Cluj in 2008-2009, and other following researches from 2014-2015:

- only 49,8% of all these mayor's offices declared that they had the capacity to answer in a written form the Hungarian Language towards citizens
- 38% of these mayor's offices have only Romanian language websites, 54% of them are publishing in Hungarian language the agenda of Local Council, 40,4% the decisions of Local Council.

According to the Romanian 215/2001 law on public administration bilingual language services are compulsory at every public institution, not just in Mayors' office or Local Council, where at least 20 % of the population was ethnic Hungarian. Still there are several cases where local or national authorities omitted or even refused to apply legal provisions, like in case of "bilingual" schools where despite of petitions signed by parents (e.g. in Marosvásárhely/Tirgu Mures), Hungarian children and parents have to face an utter lack of Hungarian language inside or outside their buildings in what concerns public interest messages, bulletin boards, and in the entire communication of the schools toward the children.

There are also decisions of CNCD stating some of these discriminatory situations: Decision no. 228/2011 regarding the refuse of bilingual signs and communication of Police Office from Tordaszentlászló (Romanian: Săvădisla), having a population of ethnic Hungarians over 50% nevertheless not a single Hungarian word can be found at the police station.

f. Article 11

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Discriminatory incidents regarding cases when ethnic Hungarians were not permitted to use Hungarian in courts or administrative matters are numerous. One example: in 2014 the Police of Târgu Mureş/ Marosvásárhely was demanding the citizens of the city to remove bilingual

street signs placed by the inhabitants themselves on their houses, after several refuses of Mayor's Office to proceed in this sense. The demand and further penalizations were based on the alleged violation of construction regulations.

The far most publicized case of the continuous refusal for 16 years to use bilingual signs and communication is that of the second largest municipality from Romania Cluj-Napoca/Kolozsvár home to the second largest Hungarian minority community in Romania (over 50.000 ethnic Hungarian inhabitants), but public signs being still monolingual.

The case of Cluj-Napoca/Kolozsvár has been largely presented in the DAHR report. The situation has not changed, despite the fact that during the last decade DAHR initiated a petition signed by 13.000 citizens and further two more such demands were formulated by civil activists. Also Local Council decisions were initiated by DAHR. In this case - mentioned also by Minority Rights Group International (MRG) - there are already two Court decisions which obligates the local authorities to install bilingual place names in the city of Cluj-Napoca/Kolozsvár. Although all political parties have shown their support, the Mayor still insists that it is not compulsory to display bilingual place signs because the percentage of Hungarians has fallen under 20% after 2003. However, the law also stipulates that if a local minority population falls below this threshold, they will still continue to enjoy the linguistic rights granted to them.

g. Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

Article 13

- 1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**
- 2. The exercise of this right shall not entail any financial obligation for the Parties.**

Article 14

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**

In Romania, according to the 2011 census data Hungarians account for 6.4% of the country's population – that is about 1.2 million people. Within the school age cluster, Hungarians account for 5,4% in the country. Only about 3,8 percent graduate a Hungarian language school, and only half of them attend a Hungarian language university programs.

The regional (county level) educational authorities (inspectorates) headed by the Romanian majority often overlook the specific tasks related to minority education. In many cases these authorities attempt to save funds simply by not offering specific educational services guaranteed by the law.

The recent law on education introduced a new school funding system based on “per capita quotas” that provides education funds according to group (class) size. The typical class size is of approximately 25 students. Hungarian schools have smaller classes due to the small villages and settlements scattered throughout the region. As a result, Hungarian schools will face dramatic budget cuts effective since 2012. In 11 out of 16 counties of Transylvania the Hungarian

community has only one class of pupils per school (or even per locality) for each of the grades, consisting, on average, of 7-10 children each. The new school funding mechanism will gradually eliminate all these classes.

Art and music or similar special classes are considered to be too costly, and there is a recurrent attempt to reduce the number of classes for Hungarian special education. In Mureş county the classes of music or fine arts were halved since 2011, and in Cluj county the single high school class of art was closed.

Teaching Romanian language for Hungarian children continues to be discriminatory because it is taught as a mother tongue even to pupils whose mother tongue is different from Romanian. Although there are legal provisions that allow members of national minorities to study Romanian as second language, the implementation of these provisions is delayed.

The University of Medicine and Pharmacy of Târgu-Mureş/Marosvásárhely is a multicultural and multilingual university in Romanian and Hungarian (Art. 363 of the Education Law). According to Art. 135/1/b, multilingual universities must be organized in distinct lingual departments. This article is not implemented yet due the opposition of the Romanian majority in the university senate.

In 2014, a new Hungarian high school was established by the Roman-Catholic Church in Târgu-Mureş/Marosvásárhely. After two years the authorities suspended the activity of this school. Enrollment of new students is blocked, the status of existing ones is uncertain.

h. Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Labor laws and regulations prohibit discrimination with respect to employment and occupation because of race, sex, gender, age, religion, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. Even Though, the government did not enforce these laws effectively, and only reacted to claims of discrimination and did not adequately engage in programs to prevent discrimination.

There are figures showing that the problem of underrepresentation of Hungarians in public administration which has occurred during the past two decades by a gradual exclusion of Hungarian employees from the public sphere is not yet eliminated or overturned: while according to 1992 census data on sectoral employment 90,8% of the active population was Romanian and 6,8% Hungarian, in the local and central public administration 94,8% of the employees were Romanian and only 3,8% were Hungarian. The situation has not improved during the past 20 years, on the contrary, it has become worse: while in 2011 the proportion of Romanian and Hungarian persons employed was 85,53% and 5,74%, respectively, in public administration, in the social security sector and in the army the proportion of Romanians was 90,13%, while the proportion of Hungarians remained only 3,36%.

The question of minority language use in public administration therefore is not only indispensable for the Hungarian minority as a linguistic or language right, but also as a public policy measure intended to compensate its underrepresentation in public administration.

The task of the administrative apparatus is to signal and document problems affecting different communities, to prepare political decisions of different levels, to elaborate regulations within its own authority, to interpret and execute legal provisions, to administer different material and information resources. In other words, public administration is not exclusively a tool for the execution of political decisions and will, but an administrative structure with a relatively significant autonomy. And an „apparatus” in which minority persons, in our case Hungarians

are underrepresented is less sensitive and receptive to recognising, undertaking and enforcing specific community issues (including the linguistic ones). Therefore, it is not exaggerated to assert that the asymmetries in the ethnic composition of the staff employed in public administration on one hand reflect and on the other hand institutionally reproduce the more general structural or power asymmetries between minority and majority.

i. Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

In 2012 and 2013, the territorial administrative reorganization of Romania was initiated through the abolition of the counties and the organization of administrative regions. The legitimate representatives of the Hungarian community in Romania have not been involved in this planning process.

In 2013, CONREG Consultative Council for Regionalisation within the Ministry of Regional Development and Administration proposed the establishment of 8 regions with legal personality, which would replace the existing counties. According to this version, the redefinition of the administrative boundaries would lead to the disappearance of the two counties where the Hungarian population is in majority. The data from the most recent census show that the proportion of the Hungarian population in Harghita and Covasna counties is 84.6% and 73.8%, respectively.

The proportion of Hungarians in the newly established county, which includes the current administrative units Harghita and Covasna, would be only 29.9%. This measure would seriously deteriorate the political representation of the Hungarian community in Romania, which had always been included in a regional administrative entity where it had majority.

Both the Romanian political leaders and the opinion leaders have been against the territorial administrative reorganization of Romania in a manner that would result in a region where

Romanian citizens belonging to the Hungarian community are in majority. Both the Romanian political leaders and the opinion leaders have argued that territorial administrative reorganization on ethnic grounds is prohibited.

The territorial administrative reorganization of Romania without taking into account the provisions of **Article 16** of the Framework Convention would be a measure to promote the assimilation of the Hungarian community in Romania leading to the direct infringement of the provisions of the article.