

PRO REGIO SICULORUM ASSOCIATION

Shadow Report on Romania

International Covenant on Civil and Political Rights

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A. EXECUTIVE SUMMARY

1. In this report, we set out to underline those areas and specific cases, which we feel reflect an ongoing discrimination against the Hungarian community in Romania, in light of the commitments assumed by Romania under the International Covenant on Civil and Political Rights. In recent years, Hungarians in Romania have witnessed an alarming regress in their minority rights, severe discrimination in the educational system, they have seen their right to protest curtailed, and they have watched as their symbols were persecuted and their institutions taken away or re-nationalised.
2. We consider it unacceptable that in a country which is a member of the European Union, and which has ratified various international treaties that guarantee the rights of minorities, including the International Covenant on Civil and Political Rights, an entire ethnic community is still regarded with suspicion and is thus discriminated, simply for being different, for speaking a language other than the state language, for having its own cultural identity and symbols, and for wanting to preserve these. In any modern democratic society diversity should be a virtue, multiculturalism should be an asset, and tolerance towards those who are different than the majority should be self-evident and ensured by law. Until the issues presented in this report are not addressed, we cannot speak of a fair and democratic society in Romania. We believe that it is paramount to speak about these

problems, to bring them to the forefront of the public debate, and to address them in an open-minded and equitable manner, so that the Hungarian community in Romania can feel as an integral part of Romanian society with equal rights.

3. What we see in Romania in recent years is a lamentable regression in terms of minority rights. The Pro Regio Siculorum Association has continuously drawn attention to these problems through its weekly newsletters and its annual reports. Unfortunately, we feel that the issues we discuss in these reports are symptomatic of a larger problem. In the first part of 2017 in particular we have witnessed an escalation in anti-Hungarian sentiment across the entire social spectrum, often generated by the media with the support of many leading Romanian politicians.
4. We can state that very little progress has been made in terms of linguistic rights. Members of the Hungarian community are in most cases unable to use their mother tongue in public institutions. Romanian authorities also continue to strongly oppose bilingual signs and inscriptions. Moreover, in recent years we have seen a surge in lawsuits against local councils for putting up “Községháza” (Town hall) inscriptions. Upon the whole, the linguistic rights of the Hungarian community, far from being enforced, have been severely curtailed, whether we are talking about the use of Hungarian in public institutions, like courts, or basic matters like safety measures and warning signs in Hungarian.
5. The persecution against various Szekler and Hungarian symbols has reached alarming proportions in recent years. There are tens of ongoing lawsuits against local councils for hoisting the Szekler flag on buildings of the local administration or in public squares. These lawsuits are generally lost by the local councils, the official justification being that the use of regional flags is prohibited in Romania. However, Moldova, Bucovina and other regions are permitted to have their own flags, which only stands to show that in this respect, like in many others, a region populated mostly by Hungarians, like Szeklerland, is not allowed the same rights as any other region in the country, and the Szekler community is continuously “punished” for the sole fact of its ethnicity.
6. The ethnic discrimination of the Hungarian community can be felt in various situations of everyday life. From an early age, Hungarian children are confronted with the negative aspects of belonging to a minority, as they are forced to study Romanian as if it was their mother tongue, instead of learning it as a second language. This makes it increasingly difficult for them to acquire proper language skills in Romanian, which in turn results in a huge disadvantage for young Hungarians on the labour market.

7. Sadly, rather than speaking out against misleading rhetorics concerning Hungarians, the mainstream media not only reinforces them, but often tries to incite negative sentiment against the Hungarian community in Romania. Moreover, whether the hate speech is being propagated by the media, by an organisation or by individuals, the competent authorities rarely do anything to punish these. As a consequence, there is a state-sanctioned negative sentiment towards the Hungarian minority, which allows for political leaders to turn Hungarians into scapegoats and thus divert public attention from actual problems and issues that the country faces.
8. Basic rights such as free speech or the right to protest have also suffered severe blows. Authorities in Tîrgu Mureş/ Marosvásárhely have repeatedly denied the Hungarian community the right to organise a march in support of Szeklerland's autonomy, a measure that clearly goes against the values of any functioning democracy, and should be unacceptable under the rule of law. However, leading Romanian politicians and Romanian authorities in general keep doing everything in their power to prevent the Hungarian community from even raising the issue of regional autonomy. What is more, even references to a Szekler cultural identity are often menacing in the eyes of Romanian authorities, as evidenced by the repeated abuses of power committed by the head of the Covasna County Commissariat for Consumer Protection against the Hungarian community.
9. For these and other issues that we have raised in this report, we consider that the rights of the Hungarian minority in Romania have been severely violated in recent years. 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 through laws and international agreements.

B. PRO REGIO SICULORUM ASSOCIATION

10. 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. The creation of such a legal service is exceptionally important since the number of either direct or indirect offences against the Hungarian community has increased so much in the past years that from the point of view of anti-Hungarian feelings, the current

state of affairs starts to resemble the situation in the nineties, when the deterioration of the interethnic relations in Romania led to street fights. In order to signal the problems that our community is facing, we publish yearly reports and send weekly newsletters to assess the human rights violations affecting the Hungarian national minority. With the compilation of such newsletters and yearly reports we also aim to inform the international community about the discrimination that Hungarians in Romania are confronted with. In order to guarantee harmonious interethnic relations in Romania, we consider that it is important to identify and point out the shortcomings of the system that is supposed to defend minority rights and the kinds of discrimination suffered by the Hungarians. Moreover, in order to prevent the situation from worsening, we deem that it is important to report the aforementioned growing and disquieting trends to the international community.

C. THE HUNGARIAN AUTOCHTHONOUS MINORITY OF ROMANIA

11. The Hungarian minority of Romania is the largest autochthonous minority in Europe living in one country. According to the 2011 census 1,237,746 citizens, meaning roughly 6.5 percent of Romania's population, are of Hungarian ethnicity, the overwhelming majority (99%) of whom live in Transylvania. Hungarians constitute an absolute majority in the historical region known as Szeklerland, the south-eastern part of Transylvania, comprising today's Covasna, Harghita and Mureş counties.
12. Despite the Hungarian community representing a significant portion of Romanian society, it still faces discrimination on many levels, starting with the violation of its linguistic rights, persecution of its national and regional symbols, etc. Although the protection of the rights of national minorities, as well as the protection of human rights in general, are enshrined in the Constitution of Romania, unfortunately, in many cases, these remain mere guidelines, principles to aspire to at best, given that further legislative guarantees are often lacking, are formulated in a way that allows for interpretation, or simply fail to establish clear mechanisms for implementation, follow-up and sanctions.

D. METHODOLOGY AND CONSULTATION PROCESS

13. In our report, we will focus on contrasting the obligations assumed by Romania in the International Covenant on Civil and Political Rights with the Romanian legislation, and will examine how the national laws are implemented in practice. We will examine how and to

what extent the laws are applied in specific cases, especially with regard to the Hungarian minority of Romania, and what are the challenges that arise due to the lack of properly formulated laws or lack thereof, thus giving way to possible discrimination against certain groups.

14. 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.

E. RIGHTS OF PERSONS BELONGING TO MINORITIES

15. Art. 27 of the International Covenant on Civil and Political Rights states that *“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess their own religion, or to use their own language.”*¹ However, the legislative guarantees contained within Romanian laws to this effect are vague and lack sanctioning mechanisms, both in the case of linguistic and cultural rights.

a) The lack of bilingualism in public institutions

16. 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. Furthermore, during the 2nd Universal Periodic Review (UPR) cycle, the Romanian delegation reiterated the country’s commitment to guarantee the use of minority languages in courts and the public administration. However, in practice, the implementation of these principles is faulty at best.

¹ International Covenant on Civil and Political Rights, Art. 27.

17. Law No. 215 of 2001 on the Local Public Administration² stipulates that in the administrative territorial units in which a national minority constitutes at least 20% of the total population, the authorities of the local public administration, other public institutions under their jurisdiction, as well as the deconcentrated public services must ensure the right of minorities to use their mother tongue in their dealings with these institutions. Although the respective law guarantees the use of the mother tongue both orally and in writing, our organisation found that, in Covasna County alone, there were severe cases of non-compliance with the legislation at most of the deconcentrated public services, like the Environment Protection Agency, the County Pension House or the Institution of the Covasna County Prefect. Moreover, nowhere at the deconcentrated institutions in Covasna County, for example, are there resolutions and decisions translated into Hungarian, while public information in Hungarian is only available at some of the institutions, even though both of these measures are required by law. Official forms are also often not available in Hungarian, thus putting citizens in the position of either having to write a petition in Romanian to receive one, or to ask for assistance to be able to complete the forms in Romanian, further lengthening the already burdensome bureaucratic procedures. Nota bene, the Hungarian population in this county not only reaches the required minimum of 20%, but well exceeds it, Hungarians representing around 75% of the total population, according to the latest census conducted in 2011.
18. 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.
19. 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

² Legea nr. 215/2001 privind administrația publică locală [Law No. 215/2001 on Local Public Administration]

that ensure their implementation. The aforementioned Law No. 215 of 2001³ 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.

b) Bilingual signs and inscriptions

20. 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/Marosvásárhely, 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.
21. 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 justification presented by authorities in court is that the name "Községháza" was borrowed from Hungary, and it is not legally accurate, because it is not the exact translation of the Romanian "Primărie". However, several Hungarian-Romanian dictionaries, including the most recent one published in 2011 by the Romanian Academy, translate the word "községháza" as "primărie". 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.
22. 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,

³ Id.

clearly guarantee the right of minorities to preserve their linguistic identity, such requests being especially justified in Szeklerland.

c) The persecution of Hungarian symbols

23. 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 debates. 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 widespread public support for it among the community.
24. Both in 2016 and in 2017, 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 claimed that the flag of Transylvania is discriminatory, since it does not represent Romanians.
25. Romanian authorities usually argue that under Law No. 215 of 2001 on the Local Public Administration⁴ regions are not listed among the administrative-territorial units of Romania, meaning that the state does not legally recognise regions. Therefore, only towns, cities and counties are allowed to have their own flags and other symbols, regions are not. However, there are several cases of other Romanian regions, like Bucovina and Moldova, being allowed to publicly use their own regional flags, without any restrictions. This points to a grave discrimination against the Szekler population and the wider Hungarian community in Transylvania, that are the only ones not allowed to publicly display their regional symbols.
26. Such a measure of persecution against the symbols and identity markers of the Hungarian community in Romania is unacceptable, given that in numerous international treaties and agreements, as well as through its own national legislation, Romania has committed to preserving the identity of its national minorities. The symbols of any community are an intrinsic element of its self-determination. We ask that Romania honours its international commitments by adopt relevant laws to this effect, which clearly stipulate the right of minorities to use their national and regional symbols.

⁴ Id.

F. NON-DISCRIMINATION AND EQUALITY BEFORE THE LAW

27. The International Covenant on Civil and Political Rights, under Art. 26 guarantees “*equality before the law*” for all persons, as well as “*equal and effective protection against discrimination on any ground*”.⁵ Despite similar guarantees stipulated in the Constitution of Romania⁶, as well as various laws within the national legislation⁷, the prevention and proper punishment of discriminatory measures often fails in Romania, as shown by the following cases of discrimination against the Hungarian minority.

a) Discriminatory measures within the educational system

a.1. Elementary and secondary education

28. 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 official 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.

29. 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 currently only applies to children at the elementary school level and for 5th grade pupils starting this year, but from the 6th grade upwards, Hungarian children 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. Although this practice is progressively being changed, the process is very slow and it is restricted to small changes

⁵ International Covenant on Civil and Political Rights, Art. 26.

⁶ Constitution of Romania, Art. 6 and Art. 16.

⁷ Among other laws, Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination

in the school curricula. We consider that a more comprehensive approach is required, starting with a differentiated way of training schoolteachers of Romanian language preparing to teach minorities. A completely revised methodology on teaching Romanian for minorities is needed at the national level, as well as teaching methods tailored specifically for local needs and deficiencies, in order to ensure that Hungarian children acquire proper language skills in Romanian, which focus primarily on communication competences, thus preventing later disadvantages for Hungarian youth on the Romanian labour market.

30. Moreover, at the start of each school year, Hungarian pupils suffer the consequences of a discriminatory and ill-working educational system: since some of them 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 new Romanian textbooks to be printed. Also, since other textbooks for children studying in Hungarian are typically translated from Romanian and then need to be approved, these study materials are often not available, as is the case this year, with Hungarian students at the 5th grade starting the school year with materials printed for only 4 subjects, and it is still uncertain when the other textbooks will be ready.
31. 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 Romania⁸ 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, the issue of Szekler history and culture is a particularly problematic one, since the Romanian Constitution and various legislative frameworks guarantee the right of national minorities to preserve their identity and culture, which in a strict reading of the law includes Hungarians, but not Szeklers, who nonetheless define themselves as a subgroup of the larger Hungarian nation. It is our view that cultural identity is a matter of self-definition, and should not be imposed and regulated on a national level, but should rather be left to the competence of regional and local authorities. Szekler children should be allowed to learn about the history of the Szekler people, alongside Hungarian history.

⁸ Summary of the Stakeholders' Submissions to the UPR Romania, January-February 2013, page 9, par. 54.

32. Furthermore, 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/Marosvásárhely, 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. The local council issued a resolution in June, stating that the school can continue to function, not as a separate legal entity, but as a subsidiary institution of another school. Nevertheless, the Ministry of Education and the Institution of the Mureş County Prefect both objected to this decision, which means that currently the situation remains unresolved. A few days before the start of the school year, the fate of 300 students and their teachers was still uncertain, despite the fact that there is a clear wish on the part of parents and students alike to keep the school functioning, which is why a mass protest was held on the 6th of September, attended by pupils, parents, teachers and representatives of the church, as well as members of the Hungarian community from all over Transylvania.
33. Our organisation calls upon Romanian authorities to desist with this unjust and discriminatory persecution against this institution, and ensure Hungarian children's right to choose the educational institution they wish to attend, as well as their right to choose denominational education, as guaranteed by the national legislation.

a.2. Higher education

34. 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, Law No. 1 of 2011⁹ 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/Marosvásárhely, who have been asking for a separate department for years.

⁹ Legea educației naționale 1/2011 [Law on National Education 1/2011]

Nevertheless, Art. 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 it was in violation of the previously mentioned law. Nonetheless, a court order from May 2012 invalidated this decision, stating that the university has complete autonomy in such matters.

35. 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.
36. Regarding this matter, it is imperative that Law No. 1 of 2011¹⁰ on Education 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.

b) Abuses of power committed against the Hungarian community

37. In 2015, the deputy chief commissioner of the Covasna County Commissariat for Consumer Protection committed severe abuses of power against the Szekler community. His relentless persecutions started when he fined a local company selling meat products, because on the packaging there was a label that read “Szekler flavours”, purely for marketing reasons. When justifying the fine, the deputy chief commissioner generally spoke in a manner that was both hateful and discriminatory. He said, among other things, that there is no such thing as “Szekler flavour”, adding that the only flavours he knows are sweet, sour and bitter. On one occasion, he maliciously said to a reporter who was questioning him on the issue: “*I presume you have tasted a Szekler, and know what a Szekler flavour is*”. Aside from being hurtful, such remarks and measures are a poignant discrimination. Reporters have since

¹⁰ Id.

pointed out that there is a brand of dairy products with the label “Romanian flavours” on it, which no-one thought to fine and is perfectly acceptable in the eyes of the authorities.

38. During the summer of 2015, the deputy chief commissioner conducted a veritable campaign: he appeared at several camps attended by Hungarian children, and proceeded to fine the organisers for all kinds of perceived “illegalities”. Perhaps the most shocking example of such an inspection was at a camp organised by the Unitarian Church, where the commissioner appeared in the company of several police officers. It should be mentioned here that according to the law, consumer protection agents have no right to inspect non-commercial entities. The organisers reported that they had fulfilled all the obligatory safety and health measures, and all their permits were in order. Nevertheless, the chief commissioner objected to the sleeping conditions and the lack of camp regulations written in Romanian, even though there were no Romanian children attending the camp.
39. Following these repeated abuses, our organisation addressed a letter of complaint to the Prime Minister’s Cabinet and to the National Commissariat for Consumer Protection, asking for the deputy chief commissioner of the Covasna County Commissariat for Consumer Protection to be removed from his office. This however, did not happen, despite the fact that the actions undertaken by the said commissioner clearly show that he continually abuses his power as a high-ranking county official, discriminating against the Hungarian minority, a behaviour that is reprehensible according to international treaties and Romanian legislation alike.

e) The restitution of private property confiscated during the communist regime

40. 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, especially the ones appropriated 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 UPR¹¹ 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 re-nationalised, usually on grounds of procedural exceptions, and mostly involving estates of the Hungarian churches.

¹¹ Summary of the Stakeholders’ Submissions to the UPR Romania, May 2008, page 10, par. 42.

41. Such is the case of the Székely Mikó High School in Sfântu Gheorghe/Sepsiszentgyörgy, formerly returned to the Reformed Church, only to be re-nationalised in 2014, despite documentary evidence from the communist period, which makes it clear that the school had been confiscated from the said church. A similar case concerns the Batthyaneum Library in Alba Iulia/Gyulafehérvár, one of the oldest libraries in Transylvania. A 1999 government decision states that the library should be returned to its rightful owner, the Roman Catholic Church. In 2012 the European Court of Human Rights fined Romania for not settling this case within a reasonable amount of time.¹²
42. 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. Although Romania has slowly been returning confiscated private properties for years, it has not done so in equal measure, as the Hungarian churches are clearly being discriminated against.

G. INCITEMENT TO NATIONAL HATRED

a) Anti-Hungarian sentiment propagated by the mainstream media

43. Article 20, paragraph 2 of the International Covenant on Civil and Political Rights clearly stipulates that *“Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”*¹³ In spite of this, 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 some Romanian political parties in promoting their nationalistic agenda.
44. In November 2015, the Directorate for Investigating Organised Crime and Terrorism (DIICOT) arrested István BEKE, the leader of the Sixty-Four Counties Youth Movement in Târgu Secuiesc/Kézdivásárhely, under the charges of “terrorism”. He was accused of planning to set off a “bomb made of petards” during the 1st of December festivities celebrating the National Day of Romania. Later in December authorities also arrested Zoltán SZŐCS, the president of the organisation for allegedly taking part in planning the attack. The two remained in custody and were later held under house arrest until November

¹² Judgement on *Arhiepiscopia Romano-Catolică Alba Iulia vs. Romania*, no. 33003/03, § 44 par. 2, ECHR 25 September 2012

¹³ International Covenant on Civil and Political Rights, Art. 20, par. 2.

2016, despite the fact that there was no hard evidence to support the charges against them. The case was based on items found during the home search - petards, dazzle lights for cakes and tools used at a sport called airsoft -, and recorded phone conversations in which authorities claimed that they had been planning the attacks.

45. At the time of the arrest and in the following months Romanian journalists and politicians openly accused the two suspects of “terrorist acts”, with no regard for the presumption of innocence. They were wrongly labelled “the Szekler terrorists” and numerous media outlets conducted a veritable campaign not only against the two alleged suspects, but against the entire Szekler community, which they accused of separatism. The two were eventually set free after the state dropped all charges against them. Nevertheless, in a political and social climate that is increasingly hostile to the Hungarian minority, with online, written and audiovisual media often contributing to the creation and the reinforcement of a negative image of Hungarians in Romania, while also presenting the legitimate claims of the Hungarian community as “preposterous” and “exaggerated”, the way the media handled the case of the so-called “Szekler terrorists” sadly set the scene for the very damaging, xenophobic media campaigns of the past two years.
46. In June 2017, anti-Hungarian sentiment and hate speech rose to alarming proportions in Romania, as social media and news channels were 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.
47. It all started when the leader of the Social-Democratic Party (PSD) announced that they will propose a vote of no confidence in Parliament against the prime minister and his cabinet for not fulfilling the promises made during the campaign. In preparing the motion, the social-democrats had conversations with several members of Parliament, including the Democratic Alliance of Hungarians in Romania (UDMR/RMDSZ), who were prepared to back the motion, on condition that the PSD-ALDE coalition supports a law aiming to extend the linguistic rights of the Hungarian community in Romania, as well as allow the use of their regional symbols, among other things. As soon as news of this reached the media, news

outlets generated a nationalistic hysteria within hours, raising false alarms that the Hungarians were planning to “*take Transylvania from the Romanians*”.

48. At the forefront of the nationalistic hysteria were some of the most popular news channels. where politicians, political commentators and journalists displayed a particularly xenophobic rhetoric targeting the entire Hungarian community of Romania. Talk-shows were fuelled by purposely incorrect interpretations of the law proposed by UDMR/RMDSZ, with the purpose of shocking viewers, with some TV presenters ranting about a “*separate state in the middle of Transylvania*”, while others threatened the Hungarian community with a veritable uprising of the Romanian majority, if they refuse to give up their requests. What is more, blatantly false captions were often displayed during the TV show, with the sole purpose of inflaming the spirits and capturing the attention of the viewers with their sensationalistic content: “*The Szekler flag becomes mandatory in Transylvania*”, “*Region with Kosovo-type special status in Transylvania*” etc.
49. This heightened anti-Hungarian atmosphere eventually resulted in stopping the adoption of several pieces of legislation which were meant to broaden the rights of the autochthonous minorities in Romania. Our organisation submitted complaints to the National Council for Anti-Discrimination (CNCD) against politicians, journalists, social media influencers and all those who publicly voiced anti-Hungarian messages and thus contributed to propagating false, misleading and xenophobic content in the media about the Hungarian minority, thus hurting the dignity of an entire community.
50. It is not uncommon in Romania that persons openly inciting to national, ethnic or religious hatred against minorities suffer no legal consequences for these, but are even promoted. The chief editor of a news website, who often expresses extremist, discriminatory views regarding minorities in Romania, recently became the head of the Education, Culture, Religion, Sport and Social Office of the Local Council of Cluj-Napoca/Kolozsvár, a city with a vast multicultural heritage. He is known for being an admirer of marshal Antonescu and a supporter of the values professed by the Iron Guard, a far-right, ultra-nationalist movement that operated in Romania before and during the Second World War. We find it unacceptable and hurtful for a leadership position to be held by a journalist and civil servant, who thus far in his career has manifested nothing but xenophobic, anti-Semitic, offensive or outright instigatory behaviour toward any ethnic or religious minority. Several organisations and leading figures of the Hungarian community have raised their voices against this promotion. Nevertheless, no action has been taken against the said journalist,

who continues in his position as head of the education and culture office of the largest city in Transylvania.

b) Hate speech in sports

51. Unfortunately, hate speech targeting Hungarians is not uncommon in Romania during sport events. If one of the teams playing comes from a city or region where the majority or a significant portion of the population is Hungarian, conflicts between teams and especially between supporters often transcend the usual rivalry among sport fans.
52. *“Out with the Hungarians from the country!”* - was shouted earlier this year at a stadium in Bucharest, where two football teams were playing in the Second Division. Needless to say, one of the teams was Sepsi OSK - Sfântu Gheorghe/Sepsiszentgyörgy from Szeklerland, a team with a strong Hungarian background.
53. The Romanian First Division 2017-2018 football season has barely begun, but the newly promoted team from Sfântu Gheorghe/Sepsiszentgyörgy, Sepsi OSK, once again had to endure xenophobic slurs from nationalist supporters of other teams. Sepsi OSK played against Dinamo București in the capital city. The game had not even started, when the supporters of the host team started shouting the sadly familiar slogan *“Out with the Hungarians from the country!”* Unfortunately, such incidents are so common during sport matches that neither the referee, nor the Football Federation thought to take any necessary measures against the chanting fans.
54. These recent events are only a few examples in a long line of threatening and verbally violent discourses. Making everything worse is the fact that the Romanian legislation, while it does contain specific laws dealing with hate speech, is rather permissive when it comes to sanctioning the persons responsible, allowing for only a small monetary fine, an amount that is not enough to deter such behaviour. What is worse, among the protagonists of the recent incidents were small children, proving that the Romanian educational system is facing serious challenges, since it fails to educate the young generations about the importance of tolerance and how to peacefully coexist with other ethnicities.
55. Finally, it is first and foremost the duty of the Romanian Football Federation and the various Romanian sports federations to investigate the cases of hate speech during sport events and to ensure that similar incidents will not happen in the future. We strongly feel that such behaviour should not be tolerated under any circumstances, and certainly not in sports, which is supposed to be based on fair play and tolerance.

H. FREEDOM OF OPINION AND THE RIGHT TO PEACEFUL ASSEMBLY

56. Szeklers annually commemorate Szekler Freedom Day on the 10th of March in Tîrgu Mureş/Marosvásárhely. In 2015 the organisers of the event 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/Marosvásárhely 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.
57. During the 2016 Szekler Freedom Day march 84 participants were fined, mostly for carrying the Szekler flag, because the police claimed that the rods on which the flags had been put could be used as a weapon. This is of course a malicious and discriminatory interpretation of the Constitution, which stipulates that people are not allowed to carry weapons at demonstrations.¹⁴ Moreover, 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.
58. Similarly, in 2017 the Local Council of Tîrgu Mureş/Marosvásárhely only approved the commemorations at the site of the Szekler Martyrs memorial, but prohibited the march intended to take place afterwards. This despite the fact that, as the legal representative of the organisers pointed out, the 2016 and 2017 Szekler Freedom Day marches had been announced as early as the beginning of 2015, an announcement that the mayor's office chose to ignore, even though a court ruling had deemed it legal. Under the law, the mayor could have forbidden the event in the first 48 hours following the announcement, which they failed to do, however. The mayor's last-minute attempt to prohibit the march in support of Szeklerland's autonomy is all the more outrageous and insulting because they did not formally notify the organisers of their decision, but chose to deliver their message through a press release.
59. The right to peaceful assembly and the freedom of opinion are principles 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

¹⁴ Constitution of Romania, Art. 39.

agreements, including the International Covenant on Civil and Political Rights, which in Art. 19, paragraph 2 states that *“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds”*.¹⁵ As we have witnessed however, in practice these freedoms are not applied equally for the Hungarian community, which is in clear violation of these principles.

I. FREEDOM OF ASSOCIATION

60. Article 22 of the International Covenant on Civil and Political Rights guarantees the right to freedom of association.¹⁶ However, a case from 2015 demonstrates that this principle is not applied equally for all citizens in the country. The Romanian authorities refused to register the Pro Turismo Terrae Siculorum Association, an organisation meant to promote tourism in Szeklerland. The request for registration was declined first due to the name of the association, the Court asking for the reference to “Szeklerland” to be removed from the name, claiming that it is unconstitutional, since Szeklerland is not a separate administrative entity and thus cannot be a tourist destination. This refusal of registration comes in spite of the fact that similar associations have been operating for some time in other Romanian regions, for example the tourism associations of Oltenia, Țara Moșilor and Bucovina, and legally none of these constitute administrative-territorial units.
61. As a result, the initiators changed the name of the association to “Szekler Tourist Destinations”, but their request was declined the second time around as well, sustaining the initial decision with the explanation that in Romania there are no regions as administrative units, only counties, cities and villages.
62. The declared aim of the association would have been to carve out a regional concept for tourism that would result in a strong brand, develop and promote sustainable regional tourism, enhance the compatibility of tourist operators in the region, bringing many tourists to the lovely sites of Szeklerland. Previously, tourism operators confronted numerous problems because there was no unity in the tourism concept of various counties in the region.

¹⁵ International Covenant on Civil and Political Rights, Art. 19, par. 2.

¹⁶ International Covenant on Civil and Political Rights, Art. 22.

63. The decision is hard to comprehend, especially because similar associations have been around for years, fulfilling their goals with great success, and they were also named after historical regions that do not exist today as administrative units in Romania. Bucovinaturism.ro, affiliated with the Suceava County Chamber of Commerce, for example, exists since 2001, Bucovina being a historical region that well extends the boundaries of today's Suceava county. The rejected registration of a similar association promoting the tourism of Szeklerland is therefore a clear double standard towards the 600.000 Hungarian Szeklers living in Romania.

Date:

11th September 2017



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Pro Regio Siculorum Association

President