

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

Submitted to the Secretary-General of the European Council and the Advisory Committee of Experts pursuant to Section 5.30 of Resolution No. 10 of 1997 of the Committee of Ministers, adopted on September 17, 1997

Cluj-Napoca

2016

Introduction

1. Romania ratified the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”) in April 1995 by Law No. 33/1995 and has reached the 4th Monitoring Round. In 2012, the Executive Committee adopted the Third Opinion on the implementation of the Framework Convention in Romania, followed by the Resolution of the Committee of Ministers in December 2013. Romania should have submitted the Fourth Country Report (hereinafter referred to as “the Report”) by February 2014 according to the Report Drafting Guide adopted by the Committee of Ministers in April 2013. It should be noted that Romania submitted the Country Report for 2010-2013 on February 1, 2016, with considerable delay which has a substantial impact on the effective implementation of the Framework Convention. Therefore, failure to submit the Report in due time renders monitoring of the timely implementation of the Framework Convention impossible, and precludes the correction of the deficiencies identified during the monitoring activity and reflects the minimization of the relevance of the Framework Convention in the protection of national minorities by Romania. The delay in the submission of the Country Report has led us to the presentation of all anti-Hungarian incidents recorded between 2010 and 2016, which constitute a step backwards in the rights of the national minorities.
2. This document aims at presenting the problems in the implementation of the Framework Convention concerning the Hungarian minority in Romania in order to emphasize the deficiencies and shortcomings found in the effective implementation of the provisions of this international instrument. On the basis of the findings, we made a number of requests to the Romanian state concerning the implementation of the Framework Convention.
3. The Report is structured according to the fields of protection regulated by the Framework Convention, based on an analysis of its implementation, on the specific cases where the exercise of rights was restricted, and on the Remarks of the Advisory Committee on the 3rd Monitoring Round of Romania and Country Report submitted on February 1, 2016. This supplementary Report attempts to provide a true and fair view of the interpretation and implementation of the Framework Convention without listing all cases of violations of the abovementioned international instrument.

On the implementing organisation

4. **Democratic Alliance of Hungarians in Romania – DAHR** is a legal entity registered in Romania with its seat in Bucharest (str. dr. Lister nr. 57, Sector 5) and its executive office in Cluj Napoca (str. Republicii nr. 60). The official homepage of the organisation: www.rmdsz.ro / www.udmr.ro / <http://www.dahr.ro/>.

The Democratic Alliance of Hungarians in Romania (hereinafter referred to as “DAHR”) is a non-governmental organisation which aims at representing the interests of the Hungarian community in Romania with the primary purpose of protecting, preserving and developing the identity of the Hungarian minority in Romania. DAHR is the sole organisation representing the Hungarian community in the Romanian Parliament, and has played an important role in the accession of Romania to the European Union and NATO. As a political actor, DAHR supports the adoption and implementation of democratic principles, human rights and national minorities.

Summary of findings

5. Romania made a step backwards in terms of observing the rights of Romanian citizens belonging to the Hungarian minority in the implementation of the Framework Convention for the protection of the national minorities.

It should be noted that Romania submitted the Country Report for 2010-2013 on February 1, 2016, with considerable delay, which has a substantial impact on the effective implementation of the Framework Convention, and without conducting consultations with the legitimate representatives of the Hungarian community in Romania.

6. 11 years after the revision of its Constitution, Romania failed to adopt a law on the status of national minorities that would include effective guarantees for preserving, expressing

and developing the ethnic identity of national minorities according to international standards.

In this respect, we are lobbying for the adoption of an improved version of the draft-law on the status of national minorities according to the proposals made by the DAHR in the Parliament.

7. During this monitoring period, there were a number of incidents in Romania (reported in Section 3(1)), where Romanian citizens of Hungarian origin were sanctioned by the Romanian authorities for asserting their ethnic identity.

8. As regards compliance with Section 3(2), we found a number of systematic and intentional violations of the rights of the Hungarian community in Harghita, Covasna and Mureş counties, which form a geographical region called Szeklerland.

This is a case of direct discrimination on ethnic grounds because in other regions, mainly inhabited by Romanians, the use of the identity elements and the definition of the character of the region where these people live, including in terms of ethnic origin, it is allowed. Thus, there are some counties and localities where local and regional flags have been adopted and which use regional geographic names without being regional administrative units, such as: Bucovina, Country of Stones (Țara Moților), Dobrogea, Oltenia, Banat and Năsăud.

9. In terms of discrimination, Romanian citizens belonging to the Hungarian minority experience discrimination when it comes to areas such as the use of the mother tongue in public services, health services and justice.

10. In terms of learning the Romanian language, this continues to be a discriminatory factor because it is taught as mother tongue everywhere, regardless of the language of teaching and the mother tongue of the student. Although there are legal provisions that allow members of national minorities to study the Romanian language as second language, these provisions are not applied in practice. *Neither handbooks, nor the methodology to apply this law have been developed.*

The Romanian state failed to develop and implement Romanian language and literature tutoring programs for Hungarian students who are Romanian citizens. These programs are implemented in Harghita and Covasna counties by associations and foundations financed by the Government of Hungary.

11. With regard to the progress in the restitution of real estate properties seized under the communist regime, though new rules on the restitution and compensation procedures entered into force in May 2013, the restitution of properties to the churches has been slowed down for two years, even stopped for a period, by inadequate legal provisions.¹ As a result, several restitution requests are still unsolved.

At the same time, the Romanian state has developed a practice to transfer movable and immovable assets into the ownership or under the management of the Romanian Orthodox Church in the regional administrative units inhabited mainly by Hungarians, which gives the impression that some assimilation policies are implemented.

12. Hate speech and discriminatory messages conveyed by politicians, opinion leaders and journalists have been quite frequent 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.

13. At the level of the legislature, legislative initiatives intended to interfere with tolerance and interethnic dialog and the principle of non-discrimination on grounds of ethnic origin, language and religion, have been common, which, by excessive publicity, increase the tensions between Hungarians and Romanians.

¹ Article 42 of Law No. 165/2013 provided that upon the request of the current owners who want to maintain the operating public utility for a period of 10 years for properties notified by churches, the Government will adopt a Decision to establish the properties subject to this Article. This proved to be a cumbersome procedure, and the law has been amended only after two years by returning to the initial procedure through which the Special Commission on Restitution will establish the possibility to maintain the operating public utility of the restituted properties on a case-by-case basis.

14. The freedom of association and peaceful assembly of the members of the Hungarian community have been subject to some restrictions by both the local authorities and other government bodies.
15. The **freedom of expression of the elected representatives** of the Hungarian community has been affected, and there have been cases of intimidation and attempts to restrict this basic right.
Though in Romania both national 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.
16. With regard to the financing of the press written in Hungarian by local public authorities, the courts **impose excessive conditions** and thus generate a distorted interpretation of the relevant standards, which **renders financing and publishing Hungarian newspapers impossible.**
17. Romania has major deficiencies in the use of Hungarian language in public administrative and decentralized units. The case-law of the courts is restrictive and fails to comply with international standards.
18. Though the provisions of the new Law on national education provides for wide rights for higher education in Hungarian language, Romania currently continues to refuse to create a public university with courses in Hungarian which could set the stage for effectively exercising this right in Hungarian language.
19. There are 3 multicultural and multilingual universities in Romania: the “Babeş-Bolyai” University, the University of Arts in Târgu-Mureş and the University of Medicine and Pharmacy in Târgu-Mureş. The two former universities have observed and implemented the provisions of the Law on education to establish departments/units with teaching in Hungarian, in a timely manner. **The University of Medicine and Pharmacy in Târgu-**

Mureş (hereinafter referred to as “UMP Târgu-Mureş”) continues to refuse to meet these legal obligations.

20. 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 (even during the communist regime, when the autonomous Hungarian administrative entity was divided into three counties as an assimilation measure).

21. DAHR asks the Romania state to initiate a dialog with the legitimate representatives of the Hungarian minority in order to find solutions to real problems encountered in the effective application of the Framework Convention in Romania.

Applying the provisions of the Framework Convention on the protection of national minorities

22. Remarks on the legal and institutional framework:

The draft-law on the status of national minorities in Romania has been under debate in the Parliament since 2005. This draft-law includes, among others, the definition of national minorities, methods for registering the organisations of national minorities and a proper framework for the rights of the members of national minorities.

23. The registration of the organisations of national minorities continues to be regulated by Government Ordinance No. 26/2000 on associations and foundations, as amended, and there are no specific registration rules by this date. Thus, Romania has no special procedure or criteria for recognising national minorities. National minorities which fall within the scope of the Framework Convention include communities whose mother tongue is protected by the ratification of the Charter for Regional or Minority Languages, including the Hungarian language, and thus they are only quasi-recognised.

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.

Remarks:

24. According to the most recent census, conducted in 2011, 1,227,623 people have declared themselves Hungarians, which represents 6.5% of Romania's stable population. Compared to the census in 2002, the Hungarian community showed a decrease of 13.5%. The mother tongue of the Hungarian community, which is spoken by 1,259,000 people.

25. With regard to Csángós, the Country Report does not provide statistics on the use of the mother tongue by this community, and wrongly states that there are Csángós who declare themselves Hungarians and Csángós who declare themselves Romanians.

26. **Romania has no special procedure or criteria for recognising national minorities.** National minorities which fall within the scope of the Framework Convention include those communities whose mother tongue is protected by the ratification of the Charter for Regional or Minority Languages, including the Hungarian language, and thus they are only quasi-recognised.

27. Furthermore, the registration of the organisation of national minorities is still regulated by Government Ordinance No. 26/2000 on associations and foundations, as amended, and there are no specific registration rules by this date.
28. In the Romanian legislation, the rights related to the protection of national minorities are individual rights conferred on members of national minorities, which are usually optional and non-mandatory. Furthermore, regardless of the size of the ethnic community to which they belong, the members of national minorities have the same rights. Some rights, conferred on by special laws, may be exercised only if an ethnic community is present in a certain number in an administrative unit, and the Romanian legislation imposes certain limitations on their application. In many cases, there are gaps in the national legislation on the protection of national minorities or the promotion of the mother tongue, though the obligations assumed in relevant conventions are obvious and their application is hindered by the lack of implementing rules.
29. **With regard to Article 3(1)**, there have been a series of incidents where Romanian citizens, members of a national minority, have been sanctioned by the authorities for asserting their ethnic identity. By way of example, we would present the following incidents:
- On February 14, 2012, Ádám Horváth-Kovács, Romanian citizen of Hungarian origin requested the registration of a donation document drafted in Hungarian at the registry of General School No. 2 in Târgu-Mureş, which records the donation of bilingual signs to this school. Codruţa Băciuş headmaster refused to register this document because it was drafted in Hungarian and called the police to remove the parent. The police has removed the parent from the school and fined him RON 500;
 - In January 2013, Sándor Tamás, the Chairman of County Council Covasna, was threatened with death in a message posted on Facebook by a citizen from Iaşi. The Chairman was told that if he does not give up to promote the autonomy of Szeklerland, he might become a victim of a road accident;
 - On October 3, 2013, citizen Tünde Lakó was in 22 December Square in Târgu-Mureş with the intent to distribute, free of charge, Romanian and Hungarian bilingual signs

- with the names of products sold in the market. Her initiative was motivated by the lack of bilingual inscriptions on products, which is a legal obligation of the market's administration, but an obligation which has remained unmet. The Administrator of immovable properties and markets in Târgu-Mureş and the Local Community Police fined her RON 1,500 for distributing leaflets and flyers without an authorization obtained from the local public administration;
- In December 2013, the Local Community Police of Târgu-Mureş imposed the maximum possible amount of fine of RON 30,000 to the Târgu-Mureş branch of the Hungarian People's Party of Transylvania for flying the Szekler flag on the party's headquarters. Community Police Chief Valentin Bretfelean qualified the Szekler flag as "an advertising product used without authorization";
 - On December 24, 2013, Gábor Landman a Dutch citizen of Hungarian origin accompanied a Dutch journalist to the Local Community Police of Târgu-Mureş in order to request information about a highly publicised case. He addressed the person on duty in Hungarian and asked this person to call a superior officer. Communication in Hungarian was refused and then he was taken by force and handcuffed by 3-4 persons who asked him whether "he wants a revolution". Mr. Landman said that he only wants the law which gives him the right to use his mother tongue to be enforced, and at this time, the room was covered in darkness and he was hit. The bag, photo camera and personal items of his interpreter were searched. The victim lodged a criminal complaint in relation with this incident;
 - In December 2014, the Facebook page of the Mayor of Sfântu Gheorghe, Mr Árpád Antal, was invaded by serious anti-Hungarian comments, after which Deputy Bogdan Diaconu with anti-Hungarian views, posted on his Facebook page a photo with the events in Sfântu Gheorghe with the following text: "While Árpád Antal directs Hungarians to sing the Anthem, we will find ourselves that Hungarian extremists obtain Romanian land for Hungary and we do nothing";
 - In April 2015, the Local Police of Târgu-Mureş imposed fines of RON 5,000 on each of the volunteers of the Civic Engagement Movement (CEMO, an organisation which promotes bilingualism in Mureş County) who have posted street names in both languages (Hungarian and Romanian) on buildings with the consent of the owners.

Local Police Chief, Valentin Bretfelean qualified these bilingual signs as advertising materials posted without authorization and declared that he will fine anyone who posts bilingual street names;

- On February 13, 2016, 17 years old Katalin Sükei was taken to the Emergency Room at the Child Emergency Hospital to be treated for injuries suffered as a result of a traffic accident when she tried to regularly cross the street. The surgeon on duty, Ioan Dobrescu scolded the patient because she doesn't speak Romanian well enough and created a hostile, degrading and humiliating atmosphere just because she is Hungarian. Subsequently, the child, who had suffered multiple fractures caused by a vehicle that run over her leg, had to be transferred to another hospital.

30. **With regard to Article 3(2)**, there have been a series of systematic and intentional violations of the rights of the Hungarian community in Harghita, Covasna and Mureş counties, which constitute the geographic region of Szeklerland.

Article 3(2) of the Framework Convention does not recognise collective rights, but enshrines rights and freedoms flowing from the principles, individually or **in community with others**.

Furthermore, the Framework Convention does not recognise the right to autonomy, but recognises the **idea of a minority region**, which allows the consolidation of rights based on a **common territorial space and common cultural and linguistic tradition**. This is enshrined by the recognition both of **“common spaces”** for minorities where they can express their identity and the **definition of the character of the area where they live**. This approach is also reflected by Article 16 of the Framework Convention that prohibits the adoption of territorial administrative reorganisation measures, which can alter the proportions of the population in areas inhabited by persons belonging to national minorities.

31. Szeklerland is a historical and geographic region, which includes Harghita, Covasna and partially Mureş counties, inhabited by Hungarians in a proportion of over 80%. 38% (470,343 people) of the Hungarians live in this region in Romania. Szeklerland is the

only region in Romania, where Hungarians live in a compact group and are in majority, and which survived, with some losses, despite the assimilation policies of the nationalist and communist regime of Ceaușescu.

This community has a historical, cultural and economic tradition in a common geographical space. Through systematic actions, the Romanian authorities **refuse to recognise the right of this compact Hungarian community to express its identity and its right to define the character of this area.**

32. The prohibitions affect, for example, the following identity elements:

- recognising and flying the Szekler flag on public buildings as regional ethnic symbol;
- the right to sing the Szekler Anthem and the Hungarian Anthem in public spaces;
- the right to use regional products and services with the mark “Szeklerland”;
- the right to fly the Hungarian flag;
- the right of association of people and non-governmental organisations to promote the culture and economy of Szeklerland. There are a number of court rulings, which refuses granting legal personality to associations the Statute of which includes the name of Szeklerland;
- the right to finance local newspapers and magazines in Hungarian, without the obligation to translate them into Romanian in full;
- the right to post inscriptions on public buildings, such as city halls, with traditional names, for example “town house” or “village house”.

33. The prefectures of Mureș, Covasna and Harghita counties have initiated waves of court actions against mayors and chairmen of county councils in Covasna and Harghita counties in order to prohibit the use of the abovementioned Hungarian identity elements. The prefects have issued instructions ordering the removal of these identity elements and imposed fines.

Another way to prohibit the expression of identity elements is represented by court actions lodged by extremist people or non-governmental organisations.

The practice of the courts is alarming and violates the right to identity of the Hungarian community living in Szeklerland.

34. We are witnessing direct discrimination on ethnic grounds because in other regions of Romania, inhabited in majority by Romanians, the use of cultural identity and the definition of the character of the area where these people live are allowed, including in terms of nationality. Thus, there are some counties and localities that adopted local and regional flags and use regional geographic names without being territorial administrative units, such as: Bucovina, Country of Stones (Țara Moșilor), Dobrogea, Oltenia, Banat and Năsăud.

The Romanian state applies double standards on ethnic grounds.

35. This situation is also recorded in Sections 168 to 170 of the last Report by ECRI on Romania (4th Monitoring Round) and the International Report on the progress in human rights in Romania of the SUA State Department for 2012, 2013 and 2014.

ECRI recommends the authorities to ensure the enforcement of the principle of equal treatment in displaying and using national and regional symbols and to remedy any infringement thereof.

36. Proposals:

- to develop and adopt the law on the status of national minorities, which would include effective guarantees for preserving, expressing and developing the ethnic identity of national minorities according to international standards. The draft-law pending in the Parliament fails to meet these standards;
- to stop the actions of the public authorities of sanctioning Hungarians who assert their ethnic identity and to sanction the abuses of the representatives of these authorities;
- to end the systematic repression of the use of ethnic and regional symbols of the Hungarian minority in Harghita, Covasna and Mureș counties (Szeklerland);

- to ensure the right of Romanian citizens belonging to the Hungarian community in Harghita, Covasna and Mureş counties (Szeklerland) to express their identity and to define the character of the area where they live.

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Remarks:

37. Though the principle of equality and non-discrimination are guaranteed by the Constitution of Romania and Ordinance No. 137/2000 on the prevention and sanctioning of all forms of discrimination, there are often acts of discrimination on grounds of nationality or language. The statistics on the activity related to non-discrimination are inaccurate because there is no distinction between minority languages and the Romanian language, for example in the cases of discrimination on grounds of language.

38. However, the data presented in the Country Report submitted by Romania do not include the requests related to the University of Medicine and Pharmacy in Târgu-Mureş, the bilingual street signs, the restriction of the use of the community's symbols (such as the Szekler flag), Szeklerland and public statements.

39. Please find below a:

- *In January 2012, Bogdan Diaconu declared in a press statement that displaying the coat of arms of Hungary on the high-schools in Romania is the same as displaying the Nazi swastika. Subsequently, Mr. Diaconu was fined by the National Council for Combating Discrimination (NCCD) for this statement.*
- *In July 2012, after a visit at the construction sites in the city, the mayor of Craiova, Lia Olguța Vasilescu, asked the developer to hire workers from Craiova in a proportion of at least 80% because it is not normal to let the workers speak in Hungarian as long as these Hungarian employees are hired on the money of the people of Craiova. A complaint was lodged at the NCCD against this statement, which is not only discriminatory and breaches the provisions of both Government Ordinance No. OG 137/2000 and the Labour Code on the prohibition of conditioning the access to work by belonging to a certain ethnic minority, but it is also nationalist and chauvinist, inciting to hate.*
- *In July 2013, the Romanian Agency for Quality Assurance in Higher Education (RAQAHE) posted on its webpage the following mandatory provisions: “For programs in the basic domain “Health”, which are held in a language other than Romanian, the activities involving direct interactions between the students and the patients shall be conducted exclusively in Romanian. Consequently, clinical training shall be done exclusively in Romanian.” Later, DAHR lodged a complaint with the NCCD because RAQAHE violates both the provisions of GO No. 137/2000 and Law No. 1/2011 on national education and Law No. 46/2003 on the rights of patients.*
- *With regard to employment, beginning with November 6, 2013, the daily Informația Zilei from Satu Mare County published the following advertisement upon a written request by Mrs. Laura Larisa Nistor: “We hire saleswoman for jewellery, preferably with experience, young woman with pleasant appearance. Applicants of Hungarian nationality are excluded”. Since this advertisement violated the provisions of GO No. 137/2000 on conditioning the occupation of a job through an advertisement or a competitive selection process, launched by the employer or its representative, on the basis of race, nationality or ethnic origin, DAHR referred the matter to the NCCD.*

- *In November 2012, DAHR notified NCCD about the discriminatory behaviour of academician prof. Dinu C. Giurescu who urged the Romanian population to vote in order to exclude the Democratic Alliance of Hungarians in Romania from the Parliament and to „teach them a lesson” in a message using derogatory language to describe the Hungarian community (see a copy of this text in the Annex attached to this Report). The message of Mr. Giurescu was published, among others, by Foaia Transilvană Online and on <http://www.ziare-pe-net.ro> webpage, and was forwarded in e-mail. This nationalist and chauvinist message inciting to hate was distributed by civil servants employed by the institutions of the central administration.*

- *In December 2014, the Mureş County Commission for establishing the right to private property of lands, represented by dr. Vasile-Liviu Oprea, the prefect of Mureş County, requested (on October 25, 2014) the transfer of Case No. 1858/289/2014, before the Court in Reghin to a similar court pursuant to Article 37(2)(1) of the previous Civil Procedure Code “on the grounds that there is a legitimate suspicion determined by the fact that the impartiality of the judges may be affected due to the circumstances of the case, the quality of the parties and the local enmity specific to the Mureş region (and Transylvania in general) where the population obviously includes Hungarians, who, as the descendants of Hungarian counts, have claimed large areas of forests, according to their authors, that is, 9323 ha of forests, along the Upper Valley of the Mureş River, demanded after the Hungarian count Dániel Bánffy.” This violates the provisions of Article 1(2)(a) of the Ordinance, which expressly guarantees the right to equal treatment before the courts or any other competent body.*

- *On July 10, 2013, the National Council for Combating Discrimination fined the Romanian Academy for publishing two studies which contain discriminatory remarks towards the Hungarian minority. Both studies were coordinated by the director of the European Centre for the Study of Ethnic Issues (ECSEI), Radu Baltasiu, and sparked controversy among the researchers. NCCD was notified by researcher Cristian Gojinescu, and the Council decided that the phrase “The Hungarian elites even have a conceptual apparatus, which shows their concern for the organisation and*

influence on demographic processes. Thus, their main concern is to ensure “the reproduction of the Hungarians”. In this respect, mixed families, and especially families where “Hungarian women give birth to Romanian children” are paid particular attention” violates the provisions of the Ordinance on the prevention and sanctioning of all forms of discrimination. Researcher Cristian Gojinescu was later dismissed, and NCCD decided in December that year that the termination of his employment contract as a result of a petition to NCCD can be classified as victimization according to Article 2(7) of GO No. 137/2000.

40. In terms of learning the Romanian language, this continues to be a discriminatory factor because it is taught as mother tongue everywhere, regardless of the language of teaching and the mother tongue of the student. Specifically, this problem is obvious in the case of children raised in an environment where the Hungarian language is almost the only language used during the preschool period (as is the case of Harghita and Covasna counties) and the children have to start learning Romanian as if it is their mother tongue, and in particular that the curriculum includes classical writers and works written in an archaic Romanian language, which is difficult to understand even for native speakers. Although there are legal provisions that allow members of national minorities to study the Romanian language as second language, these provisions are not applied in practice. *Neither handbooks, nor the methodology to apply this law have been developed.*
41. Non-compliance with the legal provisions leads to major difficulties in the study of Romanian language and certainly fails to help improving proficiency and to have a conversation in Romanian. This practice is strongly discriminatory against Hungarian children who are prevented to learn the official language at a young age. Learning and speaking fluent Romanian is in the interest of Hungarian children, and adequate teaching of this language is not ensured, which leads to problems in the long term.
42. *The Romanian state failed to develop and implement Romanian language and literature tutoring programs for Hungarian students who are Romanian citizens. These programs are implemented in Harghita and Covasna counties by associations and foundations financed by the Government of Hungary.* The percentage of Hungarian students who

passed the Romanian language Bacalaureate exam has substantially increased in the group of children who benefited from being provided tutoring.

43. In terms of law enforcement, it should be noted that the Criminal Procedure Code provides for the mandatory translation into a language understood by the parties exclusively of the indictment, the rest of the procedure is to be translated only verbally by an interpreter. In the light of the principle of effectiveness, this violates the right to defence of the suspected or accused person and the right to a fair trial of the other parties. Furthermore, in the justice system, documents used in civil procedures and administrative appeal procedures are registered in Hungarian only if they are accompanied by an authorized translation usually at the expense of the interested parties. By ratifying the Charter of minority and regional languages, Romania has assumed the obligation to allow, free of charge, the use of Hungarian language in civil procedures and administrative appeal procedures, including the registration of documents.
44. According to Article 12 of the Criminal Procedure Code, the use of the mother tongue shall be ensured for the parties before judicial bodies and other people summoned during the trial, while the procedural documents shall be drafted in Romanian.
45. With regard to courts or investigation bodies, the same principle of full and effective equality is ignored; for example, in many cases the Prosecutor's office of the Court in Miercurea-Ciuc has refused to register a denouncement or complaint because it was drafted in Hungarian.
46. The Democratic Alliance of Hungarians in Romania has proposed that the law on the implementation of the Criminal Procedure Code should expressly provide that the members of national minorities the proportion of which, in the jurisdiction of certain courts, tribunals or appeal courts, exceeds 20% of the population, shall have the right to submit requests and records in their mother tongue, to use their mother tongue, upon request, before the courts, and this right should be ensured at the expense of the state. Furthermore, in order to ensure the exercise of this right in practice, these courts should

appoint or hire, as appropriate, magistrates and auxiliary personnel who speak the language in question, as well. These amendments have not been adopted.

47. Proposals:

- to conduct systematic monitoring both at national and local level of discrimination cases;
- to sanction acts of discrimination;
- to draw up annual reports on the results of the monitoring activities and to record discrimination cases, and to publish these reports;
- to consolidate the position of the National Council for Combating Discrimination and/or establish regional branches/secondary offices;
- to implement public policies to ensure non-discriminatory teaching of the official language for national minority students;
- to ensure effective use of the mother tongue in justice.

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.

Remarks:

48. The provisions of the Framework Convention on the protection and promotion of the culture of national minorities are often violated by the very public institutions that are supposed to guarantee the application of these provisions.

49. *The Szekler flag², a symbol of the Szekler community has been prohibited, at the initiative of the prefecture, by the courts. At present, there are tens of such actions ongoing against some local authorities from this region, almost all of which are initiated by the prefects of Harghita and Covasna counties.*
50. *In December 2013, the National Council of Hungarians from Transylvania, a non-governmental organisation, was given a substantial fine for displaying the Szekler flag on the grounds that it was, according to the Local Police of Târgu-Mureş, an unauthorized advertising flag. Subsequently, this fine was annulled by a competent court.*
51. With regard to the progress of the restitution of real estate properties abusively taken over during the communist regime, though the new restitution and compensation rules entered into force in May 2013, though the new restitution and compensation rules entered into force in May 2013, the restitution of properties to the churches has been slowed down for two years by some inadequate legal provisions.³ As a result, several restitution requests are still unsolved.
52. *The Batthyaneum Library and the Astronomy Institute should be mentioned, for which, although the European Court of Human Rights fined Romania⁴ for unduly delaying the restitution case, this dossier was solved by the Special Commission on Restitution only in 2015 by denying the request of the Church.*
53. *In November 2014, the Mikó College in Sfântu Gheorghe was nationalized again and the three members of the Commission on Restitution were convicted for criminal acts. Through the final and irrevocable sentence of the court, the property restituted in 2003 to the Reformed Church was transferred back into the ownership of the state, while the members of the Commission were convicted for abuse of office, despite the existing*

² The Szeklers are part of the Hungarian community, and live mainly in three counties in the centre of Romania with a majority in Harghita (84.4%) and Covasna (73.6%) and in a very high number in Mureş County.

³ Article 42 of Law No. 165/2013 provides that upon the request of the current owners who want to maintain the operating public utility for a period of 10 years for properties notified by churches, the Government will adopt a Decision to establish the properties subject to this Article. This proved to be a cumbersome procedure, and the law has been amended only after two years by returning to the initial procedure through which the Special Commission on Restitution will establish the possibility to maintain the operating public utility of the restituted properties on a case-by-case basis.

⁴ http://www.echr.coe.int/Documents/CLIN_2012_09_155_ENG.pdf, Page 22

evidence submitted with the case. We consider that this is a clear case of renationalization of a property abusively taken over during the communist period.

- 54. Although almost 10,000 and over 1,300 requests of restitution submitted by churches and ethnic communities, respectively, continue to remain unsolved, the Orthodox Church has been the beneficiary of several Government decisions by which a number of properties in Szeklerland have been put under the administration by the Orthodox Church. By Emergency Government Ordinance No. 114/2003, the Government has given the Bradul Hotel Complex to the Orthodox Church to use free of charge, and the NCCD has been notified by a number of people that, by this Ordinance, the Government has discriminated the Hungarian community on religious grounds. NCCD has deemed this notification as justified.*
- 55. In April 2015, the Prefecture of Covasna County fined the Hungarian Civil Party for singing the Hungarian Anthem in a public space and thus, it violated the freedom of expression of the culture of the Hungarian community.*
- 56. We believe that a key element in preserving the culture of a community is teaching 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.*
- 57. Furthermore, since 2103, the Handbook of Szekler history, developed by the councils of Covasna and Harghita counties with the help of leading historians, was banned in schools, which violates the basic principle of preserving and promoting the culture of any community.*
- 58. 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.

59. *In 2010, the New Right (Noua Dreaptă) group organized a rally in Cluj Napoca where its members chanted hateful slogans and messages offensive to the Hungarian community and displayed banners with Nazi symbols. A complaint was lodged with the Police. In the same year, though the City Hall of Târgu-Mureş withdrew a previously issued authorization, the New Right group rallied with the same offensive slogans, even if the rally was no longer authorized, and the group was not fined by the Gendarmerie on the grounds that public order had not been disrupted. In March 2013, in Arad, on the National Day of All Hungarians, the members of this New Right group tried to burn the Hungarian flag, but due to the weather, their act remained only an attempt.*

60. *The Romanian state has developed a practice to transfer movable and immovable assets into the ownership or under the management of the Romanian Orthodox Church in the regional administrative units inhabited mainly by Hungarians, which gives the impression that some assimilation policies are implemented. Thus, on December 18, 2013, the Romanian Government adopted Emergency Ordinance No. 114 by which it gave the Bradul Hotel Complex in Covasna (Covasna County), owned by the State, into the administration of the Eparchy of the Orthodox Church in Covasna and Harghita counties. In support of EGO No. 114/2013, the Government of Romania states that the Romanian Orthodox Church is a basic institution of the Romanian state, which violates the principle of the separation between the state and churches, and discriminates against the other churches recognised by law. The practice of the Romanian Government to give or to give in administration of the Romanian Orthodox Church is a form of discrimination, as well as a form of promoting ethnic assimilation policies by giving large properties, which are in regions inhabited mainly by Hungarians. In this case, 75% of the population of Covasna is Hungarian.*

61. Proposals:

- to implement public policies to educate the populations to mutually respect each others and to accept ethnic differences;
- to respect by the state authorities the national symbols of the Hungarian minority;

- to refrain from adopting decisions by public authorities, which can result in the assimilation of the Hungarian minority;
- to clarify the legal status of the properties taken over abusively from the churches and educational, social and cultural institutions.

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.

Remarks:

62. 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.

63. For example:

- *during the show “Lumea lui Banciu” (Banciu’s World) broadcast on B1 TV channel on March 12, 2013, the host of the show, Radu Banciu, had a humiliating, derogatory, and nationalist and chauvinist speech against the Hungarian community in Transylvania and Cardinal Péter Erdő, abusively using the “protection” provided by the fact that the show is classified as a pamphlet.⁵*

⁵ Quotes from the show:

21:12 – “they [the Hungarians] are zero from an economic point of view, you know? All these Hungarians who are in power or in the “front”, are mediocre people, they have no solutions”.

22:39 – “so, it will be a nest of thieves”

- *In January 2013, during the show “Sinteza Zilei” (Synthesis of the Day), Mihai Gâdea, the host declared that the webpage of the Harghita County Council has no version in Romanian and used an image processed by his coworkers to support his statement. After this show, Active Watch referred the case to the NAC.*

64. 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.

65. *Examples:*

- *Parliament members Valer Marian and Octavian Petric have announced the initiation of a law entitled “Law on the loyalty to the Romanian language”, 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.*
- *Furthermore, a legislative proposal submitted by Deputy Bogdan Diaconu in February 2016 proposes 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, while the decisional chamber is the Senate. This law would prohibit the use of the mother tongue at the meetings of local or county councils and at any official meeting, and the display of the names of public institutions, localities, streets and public spaces in Romania and of public*

23:30 – “the fact that there will be singing only in Hungarian on the streets and it will not be allowed to sing the Romanian Anthem there”

24:11 – “but you’re not allowed to fly the Romanian flag”

24:48 – “with all respect, I cannot compare the Szeklers with the Corsicans, you know? ‘Cause you don’t have any history, while they really achieved something.”

26:57 – “So, at one point a woman from Ploiești will go to see a Hungarian man, one of them, called István with mustach [...], and well, they [the Hungarians/Szeklers] will beat her ‘cause she’s speaking Romanian.”

28:13 – “Do you see, what short language they have and how rudimentary they are?”

28:16 – “I’ll bet you anything, I’ll bet anyone right now that if a Romanian goes to the mountains in Covasna County, just like that, unobtrusively [...], for a weekend, and this stupid guy doesn’t even know that they speak Hungarian there, and has the Romanian flag somewhere in his car [...], they will force his car, yo. Hey, are you allowed to do something like this? If a Szekler comes to Bucharest in his car, and someone breaks in, all of them get involved, including that Hungarian cardinal – there is one of them, something-something Emre, or whatever the hell his name is. Yo, if that guy becomes Pope, we could leave to another... another continent, another planet. But they say, he has no charisma, lucky for us that he has no charisma, it seems fabulous. Can you imagine that the name of a Pope is István, by the way?”

- information in languages other than Romanian, and would also prohibit making the hiring of civil servants paid from the central budget contingent on their knowledge of the language of a minority. Contrary to all international commitments assumed by Romania in the protection of the rights of ethnic minorities and the Constitution, this legislative proposal is intended to repeal all internal legal provisions, which ensures the exercise of minority rights.*
- *The same Deputy has also proposed in a legislative proposal to declare DAHR as being an illegal, anti-constitutional and anti-state organisation and requested to use the assets of the organisation to organize Romanian language courses for the members of the Hungarian community.*
 - *Other similar legislative proposals were submitted (September 2015) 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.*
 - *The legislative proposals on the possibility to use the mother tongue before some authorities such as the National Council for Combating Discrimination (2015) or on the settlement of complaints (2014), usually receive a negative opinion from the Government, are rejected by the competent committees and are most likely to be rejected by the decisional chamber of the Parliament, as well.*

66. There have been anti-Hungarian statements made by politicians such as:

- On June 4, 2014, Senator (PNL) Cristian Bodea from Bihor made the following anti-Hungarian statement at a press conference: “I don’t understand why Hungarians throw up if they speak Romanian. Instead, I invite those who don’t want to learn or use Romanian to move to Hungary. As for DAHR politicians, I would prescribe two check-ups a year at the psychologist to treat their complexes and/or frustrations they have concerning the Romanian language. DAHR considers that it can afford to violate the Romanian state and to abuse the tolerance of the Romanians”. <http://bihorstiri.ro/smen-udmr-vazut-de-bodea-vor-ca-fiecare-institutie-a-statului-sa-aiba-cel-putin-un-angajat-maghiar/>

67. There have been cases in the **health care system**, although Article 8 of Law No. 46/2003 on patient rights states that, in case they do not speak Romanian, patients have the right to

be informed in their mother tongue or a language they speak, or another form of communication shall be identified, as appropriate. *For example:*

- *Despite the existence of a legal basis, on February 13, 2016, 17 years old Katalin Sükei from Covasna was called to account for not speaking Romanian though she lives in Romania. The physician refused to translate the dialogue with the patient and her parents, and ignored his legal obligations to communicate the diagnosis and the treatment in a language known by the patient.*

68. Anti-Hungarian speech has been present in sport, at football, hockey and basketball matches, for example:

- *In March 2013, at a CFR Cluj vs. Rapid Bucharest football match in the Romanian Premier League, the fans of the visiting team burnt the Hungarian flag in the stadium;*
- *On March 26, 2013, at the Netherlands vs. Romania football match the fans of Romania's team displayed anti-Hungarian messages;*
- *In April 2013, at an HCM Vâlcea (Romania) vs. Győr Audi Eto (Hungary) international women handball match several anti-Hungarian gestures, including by the Romanian Nicoleta Grasu handball player posed in a photo with her feet on the shirt of the Hungarian player Anita Görbicz;*
- *On September 6, 2013, at the Romania vs. Hungary football match during the WC preliminary rounds, the spectators chanted for minutes: "Out, out with the Hungarians from the country!";*
- *On March 16, 2014, at the FCSB Steaua vs. Gaz Metan Mediaş football match in the Romanian Premier League, the fans of the host team chanted during minute 20: "This is Romania, is not your country and we will piss on your Hungary!". In minute 14, they started to chant: "Out, out with the Hungarians from the country!". Furthermore, the fans displayed the following message: "Go to your country, in your dead! We will not give you one bit of land!";*
- *In November 2014, at the FC Petrolul vs. Gaz Metan Mediaş football match in the Romanian Premier League, anti-Hungarian messages were chanted such as: "Out, out with the Hungarians from the country!";*
- *On February 14, 2015, at the Romania vs. Spania international rugby match organized in Cluj-Napoca, the spectators displayed the following message: "The name is Cluj-*

Napoca: you either accept it or leave (the country)!”. This message was a reaction to the ruling of the Cluj-Napoca Court of First Instance, which required the City Hall to display the name of the city in Hungarian, as well;

- *In December 2015, at the FC Dinamo vs. CSMS Iași football match in the Romanian League, the fans of the host team chanted for minutes: “Out, out with the Hungarians from the country!”.*

69. 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.

70. Proposals:

- to sanction hate speech, especially in the case of opinion leaders and public office-holders or those with public functions;
- to publicly condemn hate speech by opinion leaders and those with public functions;
- to take measures against hate speech in sport;
- to implement campaigns for preventing hate speech.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

71. The freedom of association and peaceful assembly of the citizens belonging to the Hungarian community have suffered a number of limitations both by local authorities and other bodies of the state.

Examples:

- *In 2013, the City Hall of Târgu-Mureș refused to authorize an event intended to promote the culture of the Hungarian community in the town and to facilitate the access of others to the values, traditions and culture of this community, stating that it*

- took this decision because it considers that it is prohibited to organize an exclusively Hungarian event.*
- *In March 2015, mayor Dorin Florea refused to authorize the demonstrations that were to be organized on March 10, 2015, in connection with the “Szeklers’ Freedom Day”;*
 - *In March 2016, the Romanian Gendarmerie imposed over 80 fines on the participants at the march organized in Târgu-Mureş on the “Szeklers’ Freedom Day” on March 10, 2016.*

The state’s authorities exercise double standards on ethnic grounds in the application of laws on the right of assembly. Although there have been some complaints, public authorities in Sfântu Gheorghe (Covasna County) did not imposed any sanctions against the members of the Noua Dreaptă (New Right) group during the rally organized on December 1, 2013 and 2014, despite the fact that they chanted anti-Hungarian slogans, used fascist and legionnaire symbols and did not followed the approved route of the rally.

Furthermore, the authorities in Târgu-Mureş failed to impose any sanction on the members of the Noua Dreaptă group who organized a rally without authorization in the city in 2010, and the Gendarmerie considered that there was no disruption of public order.

72. There have been an increasing number of cases that reflect a tendency of the Romanian authorities **to restrict the freedom of association** of the Hungarian community.

Examples:

- *On February 11, 2016, the Court of Appeal of Mureş County refused to register the Association Pro Turismo Terrae Sicularum and maintained the decision of the Court in First Instance stating that Szeklerland is not a legally recognised administrative unit in Romania.*

This is a case of double standards that lead to discrimination on grounds of presumed nationality because the courts have granted legal personality to many non-governmental organisations in historical regions, inhabited mainly by Romanians,

such as: Bucovina, Banat, Country of Stones (Țara Moșilor) and Country of Hațeg (Țara Hațegului).

73. The **freedom of expression of the elected representatives** of the Hungarian community has been affected as a result of intimidation and attempts to limit this basic right:

- *In January 2013, the Chairman of Covasna County Council, Sándor Tamás was threatened with death in a message posted on Facebook by a citizen from Iași. The Chairman was told that if he does not give up to promote the autonomy of Szeklerland, he might become a victim of a road accident;*
- *In 2013, DARH together with the National Council of Szeklers organized a peaceful march for the autonomy of Szeklerland. Deputy Bogdan Diaconu lodged a complaint with the Police to have the organizers fined because he considered that the March is an attack against the unity of the state and constitutional order.*
- *On December 15, 2014, the Directorate for Investigating Organized Crime and Terrorism (DIOCT) initiated a criminal investigation of its own motion. The DIOCT prosecutors made an ex-officio referral in connection with some declarations made at the Council of DAHR Representatives at a meeting in Târgu-Mureș on 13 December 2014, which could meet the criteria for the criminal offence provided for in Article 206 of the Criminal Code, committed in the conditions specified in Law No. 535/2004 on preventing and combating terrorism, as described in a communication issued by DIOCT. The prosecutors made this referral after the mayor of Sfântu Gheorghe, Árpád Antal declared at the DAHR meeting in Târgu Mureș that if the prim-minister will not instruct the prefect of Covasna County to leave the Hungarians alone, this could lead to a conflict in Szeklerland similar to that took place in March 1990 in Târgu-Mureș, when 5 people died and hundreds were injured.
For his part, DAHR leader Hunor Kelemen made an even more serious declaration in Târgu-Mureș: “We have to keep going on this path to regain our homeland. This Alliance (DAHR) I was founded 25 years ago to work for us and after 25 years this Alliance is still needed”;*
- *In December 2014, the Facebook page of the mayor of Sfântu Gheorghe, Árpád Antal was invaded by serious anti-Hungarian comments after the anti-Hungarian Deputy*

- Bogdan Diaconu posted on his Facebook page a photo with the demonstrations in Sfântu Gheorghe with the following text: “While Árpád Antal directs Hungarians to sing the Anthem, we will find ourselves that Hungarian extremists obtain Romanian land for Hungary and we do nothing”.*
- *In 2015, Deputy Daniel Vasile Oajdea initiated a legislative proposal by which he requested Romanian subtitles for all Hungarian shows, including simultaneous translation for live shows, because he believes that the shows in Hungarian promote anti-European and anti-Romanian cultural values, including the promotion of the autonomy on ethnic grounds.*
 - *On March 3 this year, Romanian President Klaus Iohannis took away the Order of the “Star of Romania” (Steaua României) from László Tőkés, a symbol of the Romanian Revolution for his statement made on July 27, 2013, in which he declared that just as the position of Austria towards the German community in Italy and as Romania, which rightly raises its voice to protect the rights of Romanian communities in Moldova, Ukraine or Serbia, Hungary also has the right (and the constitutional obligation) to protect Hungarian communities living outside its borders.*
 - *On October 22, 2014, during an election show at the TVR1 channel between 9.00 and 10.00 PM, after the representative of the Democratic Alliance of Hungarians in Romania greeted the audience both in Romanian and Hungarian, Gheorghe Funar, one of the candidates for President of Romania, said: „Please tell my colleague from my right that we live in Romania, where the official language is Romanian even in Bucharest, which is the descendant of the primeval language of the planet. Please, no one should speak in the language of horses, not a word, because the official language of Romania is Romanian.”; “We are in Romania. He can speak Hungarian in Budapest, tomorrow is the third national day of Hungary, he can speak Hungarian there, here we speak Romanian. If I will be the President of Romania, I can assure you that no one will speak in Hungarian, not even at the Romanian TV.”*

74. *Sport events are also overshadowed by abuses of the bodies with competencies to keep public order. Examples:*

- *On April 1, 2013, during a CS Universitatea Alba Iulia vs. AIC Sepsi SIC basketball match in the semifinals of the Final Tournament 4 of the Cup of Romania, the gendarmes removed a Sepsi SIC fan because she or he had a Szekler flag. Beside that Szekler flag there was also an American flag in the hall. The gendarmes said that the fan had unruly behaviour, but they could not support this claim with evidence. Considering that this violates the freedom of opinion and expression of the fan, protected by Article 1 and detailed in Article 2 of EGO No. 137/2000, the case was referred to NCCD to give a ruling.*

75. Proposals:

- to ensure the freedom of assembly and association for Romanian citizens who are Hungarian ethnics;
- to sanction the abuses in connection with the freedom of assembly and association;
- to ensure the freedom of expression;
- to train civil servants and magistrates in the rights of national minorities.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Remarks:

76. We want to point out again the issue of the properties taken away from institutions and organisations established by religious associations.

In 2013, DAHR proposed an amendment to the legislation on the restitution of properties formerly owned by churches in Romania in order to recognise the right of these churches to request and get back real estate properties that were abusively taken over from organizations such as educational or charity organizations, founded by these churches according to their Statute or the legislation in force at the date when they were founded,

the legislative proposal was rejected by the Statute and continues to be blocked in the Chamber of Deputies.

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.

Remarks:

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

The conclusions below are generally true for the Hungarian editorial teams both in radio and TV stations:

- The editorial teams of national minorities have no autonomy at all, and administratively they have no own powers or material resources.
- All these aspects depend on the central management in Bucharest, which creates great difficulties for regional stations in carrying out activities in optimal conditions. The best solution would be guaranteeing an independent legal status for these regional editorial teams, allocating a reasonable own budget which takes into account the duration of the broadcasting and the specific needs of each station.
- There is a total lack of specific training in the minority language. Continuous and permanent training in Hungarian is also required.
- There ratings of minority programming are not measured either by the National Radio Society (NRS) and the Romanian Television Society (RTS). There are no relevant surveys in connection with the ratings or preferences concerning the shows broadcast by NRS and RTS in minority languages.
- 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.

78. With regard to the **written press**, the practice of courts violates relevant international standards. For example, in Civil Sentence No. 600 of February 21, 2014, the Court of Appeal of Bucharest establishes the discriminative nature of a measure of the local authority (the City Hall and Local Council of Remetea in Harghita County) to finance and print a local newspaper “Képes Vagyok” (“Yes, I can”) exclusively in Hungarian, and showed that this violates the official language status of the Romanian language. The Court failed to recognise the right of local authorities to finance and print local press product.

The Court imposed the translation of the newspaper printed in Hungarian into the official language of Romania. This obsolete task renders financing and printing of a local

newspaper in Hungarian impossible, which is a serious violation of relevant international treaties.

79. In a similar decision, through Civil Sentence No. 2991 of October 8, 2013, the Court of Appeal of Bucharest required the City Hall of Borsec in Harghita County to translate the local monthly paper “Források” (Springs) printed in Hungarian into the official language of the state. This paper is issued on a monthly basis and is printed by a non-governmental organisation and financed by the City Hall and Local Council of Borsec.

In both cases, the complainant is a Romanian citizen with residence outside the two localities, that is, in Spain.

80. The practice of the courts **imposes excessive conditions** and thus **generates a distorted interpretation of the relevant standards**, which **renders financing and publishing of Hungarian newspapers impossible**.

This was not done even during the communist period when the authorities printed newspapers in Hungarian without requiring their translation into Romanian.

Proposals:

- to ensure the effective exercise of these rights.

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.

Remarks:

81. The Advisory Committee has requested Romania to ensure that the legal provisions on the use of minority languages are correctly implemented. We believe that the details described in the Country Report under this Section are inaccurate and incomplete.

82. *First, although Law No. 215/2001 contains provisions to this end, the right to use the minority language before the authorities of the local public administration is an optional right, which can be used only if the proportion of that minority exceeds 20% of the population in that administrative unit. The Law on local public administration provides for no sanctions in case this right is violated or the local authorities refuse to apply it.*

83. Though makes reference to the fact that there are employees working in prefectures and decentralized institutions who speak Hungarian, the Country Report *contains no data on the effective use of the mother tongue in these institutions. Furthermore, it contains no data on the use of the mother tongue in county councils or city halls.*

84. With regard to the use of the mother tongue in the justice system, the data in the Report are inconclusive *because there is no distinction made between the procedures on the request of Romanian citizens who speak a minority language or foreign citizens. There are no public annual data or reports on the number of cases where the use of Hungarian language was requested in criminal, civil or administrative procedures.*

85. Though in the spirit Framework Convention, the right to use, without interference, the mother tongue both in private and public life is the basic principle of preserving linguistic diversity, and the use of the mother tongue is often restricted.

We should mention here the case of a person from Târgu-Mureş who, in 2013, distributed bilingual labels to domestic producers of agricultural products in order to provide information in the mother tongue, and who was fined by the local Police for an action wrongly classified as advertising activity.

86. Though the national legislation provides for the right to use minority languages before the local authorities, the optional nature of these provisions and the lack of sanctions result in the non-implementation or inadequate implementation of the legal provisions.

87. *We should point out here the case of the mayor of Târgu-Mureş who refused to provide a reply in a minority language, as well, to a Romania citizen who is a member of the Hungarian community, arguing that this person speaks Romanian, the language in which the reply was drafted, so he or she did not suffer any harm. For this reason, the mayor was sanctioned by the National Council for Combating Discrimination by Decision No. 94/02.06.2010. However, the Court of Appeal of Mureş County accepted the justification provided by the mayor and cancelled the NCCD decision establishing an act of discrimination by the mayor by repeatedly refusing to provide a reply in Hungarian, as well, to a Romania citizen who is a member of the Hungarian community. (See Sentence No. 60 of March 1, 2011, of the Court of Appeal of Târgu-Mureş - Department of Administrative Appeals). However, by Decision No. 6048/14.12.2011, the High Court of Cassation and Justice of Romania (HCCJ) cancelled Sentence No. 60/2011 of the Court of Appeal of Târgu-Mureş, arguing that the refusal of the mayor of Târgu-Mureş to provide a reply to a Romanian citizen of Hungarian origin in Hungarian (as well), constitutes a discrimination. Furthermore, HCCJ established finally and irrevocably that a Romanian citizen who is a member of the Hungarian minority has the right to use his or her mother tongue in the local public administration regardless of whether he or she speaks the official language of the state (Romanian).*

88. Law No. 215/2001 ensures the right to use a minority's language at the meetings of the local and county councils if at least 20% of the population of that administrative unit belongs to that national minority. In 2014, there were tensions between the Hungarian council members, on the one hand, and the deputy mayor and some of the Romanian council members in Târgu-Mureş, on the other hand. They expressed their outrage on

several occasions in connection with the use of the Hungarian language during the meeting, arguing that the translation is unnecessary and burdensome, and requested that all participants use the official language of Romania.

89. *Sentence No. 53 of February 5, 2013, of the Court of Appeal of Târgu-Mureş, final and irrevocable, which establishes that imposing that applicants for the job of manager of a county hospital speak Hungarian at conversational level, constitutes an act of discrimination. Furthermore, the Court considered that the condition imposed by the local authority to speak Hungarian at an average level in order to apply for a job of general-secretary of a village hall where 70% of the residents are Romanian citizens of Hungarian origin, is a discriminatory condition – Decision No. 6324/25.09.2013 of the High Court of Cassation and Justice.*

90. With regard to the types of public information that have to be communicated in the minority language, we should point out a misinterpretation in practice that this obligation covers only information of public interest which should be communicated ex officio and are expressly and restrictively specified in Article 5 of No. 554/2001.⁶ It should be noted that the courts have double standards which require that all documents in Hungarian published on the webpage of a local authority be translated. (See Civil Sentence No. 287/2013 of the Court of Appeal of Târgu-Mureş and Civil Sentence No. 600 of February 21, 2014, of the Court of Appeal of Bucharest.)

Contradictory and inconsistent legislation

91. With regard to the application of the legislation on minority rights, there are two major deficiencies:

- On the one hand, in some situations there are a number of apparently contradictory regulatory acts, which usually lead to an unfavourable interpretation and application of minority rights, and
- On the other hand, the state does not monitor the implementation of the rights guaranteed by these acts.

⁶ See the justification provided by the Prefecture of Covasna County on page 2 of Decision No. 58/F/2013

92. As regards the first issue above, as mentioned above, Law No. 215/2001 on public administration provides a minimum limit for these minority rights to be mandatorily applied, that is, that 20% of the population belongs to a national minority. Of course, this Law does not prohibit the application of favourable provisions even where the proportion of a minority reaches this threshold of 20%. Further, the Romanian Government adopted Resolution No. 1206 of November 27, 2001, as a special norm and complementary with Law No. 215. Article 11(1) of this Resolution sets out rules providing that “inscriptions in the mother tongue of the name of localities where the proportion of citizens belonging to a minority exceeds 20% of the population, will be made on the same boards, under the name in Romanian, using the same fonts, in the same size and colour, *as shown in Annex 2* (emphasis added by us)”. Annex 2 of the Resolution lists the localities concerned.

93. One of the most debated cases included in the apparently contradictory provisions of the two legal acts is the case of Cluj-Napoca (Kolozsvár). Though, the proportion of the Hungarian community did not reach the minimum threshold of 20% at the time when this Resolution was issued according to the census in 2002, Cluj-Napoca is included in the list in question with the name to be displayed both in Romania and Hungarian. However, the competent authorities failed to apply the legal provisions relying on the provisions of Law No. 215/2001 on the minimum threshold of 20% and ignoring the provisions of Government Resolution No. 1206/2001, and the name of this city continues to be displayed only in Romanian.

This Resolution, as amended in 2002 and 2011, continues to be in force, including the provisions related to the city of Cluj-Napoca, without, however, being implemented. The local authorities argue that since it is a regulatory act inferior to laws, this Government Resolution cannot amend the law. As mentioned above, we consider that this contradiction is only an apparent contradiction because Law No. 215/2001 provides a minimum threshold for implementing minority rights, without prohibiting optional application under this limit of 20%.

Nothing prohibits the use of bilingual inscriptions in localities where the proportion of Romanian citizens belonging to national minorities does not reach the minimum

threshold of 20% of the total population. Moreover, there is a large Hungarian community of 50,000 people living in Cluj-Napoca.

94. With regard to the second issue, that is, disregarding the minority rights provided for in the legislation, there are some cases where the development of bilingualism has taken a negative turn, for example in the localities of Tigmandru and Tulgheș, where the names have been displayed in Hungarian and then removed later on.
95. Câmpia Turzii is a locality that is in a situation somewhere between these two cases. This is not included in the list (the proportion of the Hungarian minority is below 20%), but the local Council has decided to use trilingual boards (Romanian, Hungarian and German). Their decision was attacked by the prefect of the county, and the court declared this action admissible. After 2013, the name of the locality is displayed only in Romanian.
96. The interpretation used by the courts is restrictive and converges in the direction of not applying the national and international provisions on the use of the mother tongue in local administration and decentralized institutions in practice.

Public institutions which are required to ensure the use of the Hungarian language

97. In practice, it is argued that the law should not be applied for the institutions of the local public administration or decentralized institutions. The institutions of the local public administration or the institutions under the local authorities state that they are not required to ensure the use of the Hungarian language.⁷
98. A further issue relates to the interpretation of the obligations of the institution of the prefect in connection with ensuring the use of the Hungarian language. Thus, at first instance, the Court of Appeal of Oradea, by Sentence No. 294 of October 2, 2012, required the Prefecture to ensure the use of the Hungarian language by translating its own webpage into this language, but at the appeal stage, the High Court of Cassation and

⁷ See Resolution No. 223 of July 11, 2012, of the National Council for Combating Discrimination.

Justice cancelled the Sentence delivered by the court in the first instance by Decision No. 5572/05.06.2013. The Court of Appeal of Braşov required the Prefecture of Covasna to ensure the use of the Hungarian language by translating its own webpage into this language by Resolution No. 58/F/2013.

99. It should be noted with concern the case-law of the courts, which interprets restrictively the group of locale public institutions and decentralized institutions which are required to ensure the use of the Hungarian language. In the case of the **prefect**, we should point out that this office is regulated by the Constitution of Romania in Article 123 on **local public administration**, as the representative of the Government at local level, responsible for **running** the decentralized public services of the ministries and other bodies of the central public administration in the territorial administrative units. So, to the extent to which the prefect is not a functional part of the central public administration, but is the territorial representative of the Government and runs the decentralized public services, and is required to ensure the use of the mother tongue at the level of the local public authorities and decentralized institutions, and therefore, we **consider that it is elementary that the prefects themselves ensure the use of the Hungarian language in their own institution.**

The courts have double standards when they have to rule on the obligation to translate the homepages into Hungarian, as well, the judges argue that the law does not expressly provide for ensuring the communications in the virtual space or homepages in the minority language.

In contrast, when the courts have to rule on the obligation to translate a newspaper printed in Hungarian on the webpage of a city hall, they argue that this obligation is applicable even for virtual communications. (See Civil Sentence No. 287/2013 of the Court of Appeal of Târgu-Mureş and Civil Sentence No. 600 of February 21, 2014, of the Court of Appeal of Bucharest.)

100. The courts use double standards even for classes of information considered to be of public interest. Thus, when it comes to the obligation to publish the webpage of the Prefect of Covasna County, the court has argued that this obligation refers only to

information of public interest, which should be communicated ex officio and not all information that are published in the official language on the webpage.

When it comes to the analysis of the obligation to translate a newspaper in Hungarian posted on the homepage of a city hall, the court has argued all information of public interest have to be translated into the official language of the state. (See Civil Sentence No. 287/2013 of the Court of Appeal of Târgu-Mureş and Civil Sentence No. 600 of February 21, 2014, of the Court of Appeal of Bucharest.)

101. The case-law of the courts fails to comply with relevant international standards. Thus, Civil Sentence No. 287/2013 of the Court of Appeal of Târgu-Mureş states that the prefect of Mureş County is not required to translate the information on the homepage of the institution into Hungarian, as well, and argues that “the information on the homepage of the Prefecture of Mureş County in the official language of the **state are addressed to both Romanians and Hungarians since all citizens are required to know the official language**” – Page 5.

The court makes the right to use the mother tongue (Hungarian) mandatory only in cases where the official language of the state is not known. **This interpretation constitutes an obvious denial of the right to use the Hungarian language and a measure with potential effect of ethnic assimilation of the Romanian citizens belonging to the Hungarian minority.**

102. However, in some circumstances the prefects are just those who prevent the implementation of the minority rights. For example, in Covasna County the prefect has initiated legal actions against some administrative units, but none of these actions refer to any case of violation of the minority rights, but have usually been aimed at restricting these rights.

Allocation of human and financial resources to apply relevant legislation

103. The most common reasons given to support the refusal to apply the legal provisions on the use of the Hungarian language at the level of administrative units are as follows: unfamiliarity with the law and lack of human and financial resources.

In many cases, the state doesn't have the funds necessary to ensure bilingualism in decentralized public institutions, but even where this would be possible free of charge, other obstacles occur. For example, the mayor of Miercurea Ciuc, Róbert Kálmán Ráduly was fined after he imposed the knowledge of the Hungarian language as a condition for occupying a position of chief architect of the city.

For the same reason, the majority of the decentralized public institutions have no homepages in Hungarian.

During the investigation by the National Council for Combating Discrimination, the lack of human resources, the impossibility to hire special staff and lack of funds have been given as reasons.⁸

104. With regard to **human resources**, it should be noted that at this time **there are no databases on the situation of civil servants who are qualified to work in Hungarian**, on the human resources needed and continuing training possibilities. We cannot accept the reasons given by the Romanian authorities that no statistics can be compiled on the base of the knowledge of minority languages without violating the principle of protecting personal data. These databases can be compiled pursuant to Articles 6 and 7 of Directive No. 95/46/CE of the European Parliament and the Council, that is, according to the provisions of Law No. 667/2001 on the protection of individuals with regard to the processing of personal data and the free movement of such data.

105. Case-law does not comply with the relevant international standards and tends to interpret the law in the sense that the hiring of civil servants is mandatory **only in public relations services**, and **not in positions which have duties and contacts with the public**.

⁸ See NCCD Resolution No. 223 of July 11, 2013

106. The courts do not accept the condition related to the knowledge of the Hungarian language for occupying civil servant posts as an authentic and genuine professional requirement, starting from the false assumption that the Hungarian language may be spoken only by Romanian citizens belonging to the Hungarian minority. Therefore, the court considered that the requirement of being familiar with the Hungarian language and culture for occupying the post of manager of the County Library of Covasna County is discriminatory (73% of the population of the County are Hungarians).⁹

For example, the worrying case-law of the courts: Sentence No. 53 of February 5, 2013, of the Court of Appeal of Târgu-Mureș, final and irrevocable, which establishes that requiring oral proficiency in Hungarian language for occupying the post of manager of a county hospital constitutes an act of discrimination. The court makes fundamental errors in the interpretation of the legislation in force when considers the Romanian language as minority language in Harghita and Covasna counties, subject to the protection of the law, stating that imposing the knowledge of the Hungarian language at any level constitutes a violation of the rights of the Romanians to use their mother tongue before the local public administration; see Page 7 of the Sentence.

107. Furthermore, the court considered that the condition imposed by the local authority to speak Hungarian at an average level in order to occupy a job of general-secretary of a village hall where 70% of the residents are Romanian citizens of Hungarian origin, is a discriminatory condition – Decision No. 6324/25.09.2013 of the High Court of Cassation and Justice.

108. The actions of the Prefecture of Covasna County are worrying because the prefect instructed the City Hall in Bățanii Mari (Covasna County) to remove the text in Hungarian from the front of the building, “**Községháza**” that means “Village House”, a term traditionally and historically used in Hungarian communities; this inscription was made as early as 1905. Furthermore, there are actions to remove the Hungarian term “**City House**” or “**County House**”.

⁹ See NCCD Resolution No. 775/2008, which remained final and irrevocable as a result of the Decision of the HCCJ.

109. The lack of or insufficient funds in the budget of the public authorities **does not constitute an adequate argument to support the application of a discriminatory treatment**, in the sense of divestment of the constitutional right to have access to information of public interest in minority languages, including through homepages. The public authorities do not use the option of outsourcing services at all, intended to ensure the use of the Hungarian language in the administrative units.

Monitoring, control and sanctioning failures to implement relevant legislation

110. Romania has no effective procedures to monitor and control the implementation of the law on the use of the Hungarian language in administrative units. Romania failed to publish any regular (annual) report on the implementation of the law on the use of the Hungarian language in administrative units, which includes as follows: the number of cases where the Hungarian language has been used in writing or verbally, the number of civil servants who are qualified to work in Hungarian, the number of translated regulatory acts of local interest, the funds allocated for these activities, an analysis of the quality of services in Hungarian and proposals to improve these services.

111. Though the prefectures have legal powers to control and sanction cases where the law on the use of the Hungarian language in administrative units is not implemented, these institutions fail to verify this aspect, as well. For example, during the settlement of a petition submitted to the National Council for Combating Discrimination in August 2012, aimed at translating the homepages of over 60 local authorities, the Prefecture of Covasna County argued that the aspects related to the failure to display communications and information of public interest in two languages, will be taken into account during future controls.

Implementation in practice

112. The data collected show that Romania fails to ensure the application of Article 10 of the Framework Convention. Thus, according to Resolution No. 223 of July 11,

2012, of the National Council for Combating Discrimination, which analysed the obligation to translate the homepages of over 60 institutions and local authorities (such as publishing the decisions of these public authorities, translation of their forms and printed documents, and communications of public interest) during the settlement of a petition, it was established that all institutions have failed to comply with this legal obligation to ensure equal access to public information in Hungarian for Romanian citizens belonging to the Hungarian minority. The NCCD decided that the lack of a Hungarian translation of the homepages, which contain information of public interest on the activities of the prefects in Mureş, Satu Mare, Bihor and Sălaj counties, the county councils of Satu Mare, Bihor and Sălaj, the local public authorities of Covasna, Hăghig, Topliţa, Gălăuţaş, Tulgheş, Voşlobeni, Luduş, Adămuş, Albeşti, Băgaciu, Band, Breaza, Ceaşu de Câmpie, Cristeşti, Găneşti, Livezeni, Sâncraiu de Mureş, Sânpaul, Sărmaşu, Şincai, Voivodeni, Tăşnad, Ardud, Bogdand, Botiz, Căuaş, Cehal, Craidorolţ, Culciu, Halmeu, Micula, Odoreu, Oraşu Nou, Petreşti, Pir, Săuca, Urziceni, Vama, Viile Satu Mare, Marghita, Abrămuţ, Balc, Borş, Chislaz, Curtuiuşeni, Finiş, Tileagd, Cehu Silvaniei, Şimleu Silvaniei, Almaşu, Benesat, Crasna, Crişeni and Fildu de Jos constitutes an act of discrimination according to Article 2(1) of *GO No. 137/2000*, as revised.

113. In another case NCCD found that 30 local authorities and decentralized institutions have failed to meet their obligation to display on their offices the name of the institutions in Hungarian, as well, and other 23 authorities and public services with offices in Sfântu Gheorghe, do not display the information or communications and/or their office hours or audience schedule in Hungarian, or display communications in two languages only partially, and some of them are displayed only in the official language (Romanian) – see NCCD Decision No. 244 of August 1, 2012.

114. **Proposals:**

- to create a database that includes data such as:
 - the administrative units, which are required, by law, to ensure the use of the Hungarian language;

- locale public and decentralized institutions, which are required to ensure the use of the Hungarian language;
 - the statistic number of civil servants who are proficient in Hungarian / the level of linguistic proficiency; the of requests to use the Hungarian language;
- to draw up and publish a regular (annual) report on the use of the mother tongue in the administrative units;
- to draw up a Guide on the implementation of legal obligations to ensure the use of minority languages/Hungarian language;
- to create a catalogue with the Hungarian translation of forms and other printed documents used in the administrative units;
- to establish a special department within the National Agency of Civil Servants, which is to coordinate all issues related to ensuring human resources at the level of the administrative authorities to implement relevant legislation;
- mandatory introduction of subjects on the legal obligations related to ensuring the use of the mother tongue in the administrative units in the exam curriculum for the exams organized for attaining and advancing in public positions;
- a clear regulation, which provides that **any local public or decentralized institution, with or without legal personality, which exercises its powers exclusively within the field of competencies of territorial administrative units** where, if the proportion of citizens belonging to the Hungarian minority reaches the limit provided for by the law), **should be required to ensure the use the Hungarian language**;
- to reduce the proportion of a national minority of the total population of an administrative unit, required to mandatorily implement the provisions on the use of minority languages, from 20% to 10%;
- to introduce **an alternative threshold**, expressed in the number of people belonging to a national minority that would lead to mandatory display of inscriptions in the minority language and to ensure public services in this minority language. Thus, in localities where the number of citizens belonging to a national minority reaches 5,000, the local and the decentralized authorities should be required to display the name of the localities and the local and decentralized public institutions in two

- languages, and to ensure some minimum administrative services in the minority language.
- to implement a system of sanctions for non-compliance with the relevant legal provisions;

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.**

Remarks:

115. As regards street names, it should be noted that these are not translated by the local public authorities, and there is the case of the City Hall of Oradea, which has authorized changing the name of a street on the request of Romanian citizens just because this street was named after a figure of the Hungarian culture. Furthermore, the City Hall of Oradea changed the historic name of the Olosig/Olaszi Park to a name that is foreign to the history of this city.

The names of streets, markets or alleys are not correctly translated into Hungarian. For example, the centre of Târgu-Mureş is named “**P-ța Trandafirilor tér**”. A correct translation of “*Trandafirilor*” is “*Rózsák*”.

116. A number of city halls in Harghita and Covasna counties have been instructed by the prefect of the county to remove the text in Hungarian from the front of the building, “**Községháza**” that means “Village House”, a term traditionally and historically used in Hungarian communities; this inscription was made as early as 1905 and has mainly a cultural value.

Proposals:

- to monitor the observance of these rights.
- to clarify the legal status of inscriptions other than the name of the institutions, the display of a memorial boards and signs to expressly provide for the right to exclusively use the Hungarian language, even by public institutions, where the information displayed are not of official nature.

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.**

Remarks:

117. The pre-university system includes the primary school, that is, the preparatory year and school years 1 to 4.¹⁰ At this level, students of national minorities are taught in their mother tongue and all subjects are studied in Hungarian (except for the Romanian language) in classes with teaching in this language.¹¹

There are no regular public reports and evaluations on the primary schools with teaching in Hungarian.

There are no data on the possibility to study Hungarian language on request for students who are in classes with teaching in other languages (Romanian or another international language).

118. The secondary educational system includes the inferior secondary (gymnasium, classes 5 to 8) and the superior secondary systems (high school, classes 9 to 12/13), with the following fields: theoretic, vocational and technical.¹² At this level, members of the national minorities have the right to study in their mother tongue and all subjects are studied in Hungarian (except for the Romanian language) in classes with teaching in this language.¹³

There are no data on the possibility to study Hungarian language on request for students who are in classes with teaching in other languages (Romanian or another international language).

119. The pre-university system includes: professional education with a duration of 6 months to 2 years and the tertiary non-university system, which includes post-secondary training.¹⁴ In theory, according to the law, at this level members of national minorities have the right to study all subjects in their mother tongue (except for the Romanian language).¹⁵

In practice, there are not enough teachers to ensure teaching in Hungarian, and the students have to study in the official language of the state. This leads to the approval of

¹⁰ Article 23(1)(b) of Law No. 1/2011 on national education

¹¹ Article 45(1) of Law No. 1/2011 on national education

¹² Article 23(1)(c) of Law No. 1/2011 on national education

¹³ Article 45(1) of Law No. 1/2011 on national education

¹⁴ Article 23(1)(d) and (e) of Law No. 1/2011 on national education

¹⁵ Article 45(1) of Law No. 1/2011 on national education

schooling plans depending on the teaching staff, and not on the educational needs of the students.

There are no regular public reports and evaluations on the technical and vocational training in Hungarian.

There are no courses for adults or of life-long training mainly or fully in Hungarian.

The study of history and culture in the minority language is ensured, however, the methodology, the curriculum and the educational program *are drawn up only in Romanian*. Another worrying aspect in the education of national minorities is the refusal of the state to allow the study of the history of their predecessors. A history handbook of the Szekler people (a Hungarian community with a strong regional identity) has been recently published by the councils of Covasna and Harghita counties. Although this handbook has been written by leading historians and read by academicians, it has been prohibited in schools.

120. There is no system of sanctions and the possibility to obtain effective remedies for violations of the right to use the Hungarian language in the educational system.

There is no database or a system to collect data on the educational system with teaching in Hungarian. There is no system to analyse and publish regular reports on the progress in the educational system in Hungarian.

All official homepages of the educational system (the Ministry of National Education – www.edu.ro or County School Inspectorates) are exclusively in Romanian.

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.**

Remarks:

121. The Romanian state recognises the right of the Hungarian minority to set up and to manage their own educational and training institutions. The Hungarian community has set up and managed a number of educational institutions in all forms of study. There is no financing of the private superior education in Hungarian.

Art. 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.

Remarks:

122. Article 135 of the Law No. 1/2011 on national education provides that:

“(1) Higher education for national minorities is ensured by:

(1) higher education institutions with faculties/lines/study programs with teaching in the minority language; multicultural and multilingual higher education institutions; in this case, there will be departments/lines with teaching in the minority language; within these higher education institutions, there may be groups, departments or lines with teaching in the minority language, in accordance with the law.

(2) The study line within multicultural and multilingual universities is organized in departments. The university teaching staff shall develop and approve its own rules of procedure, which establishes the election procedures and other issues specific to the organizational structures of that study line in accordance with the University Charter within 6 months from the date when this Law enters into force.

(3) The study line is an organizational form in the higher education with teaching in a minority language, which can include institutions both at the level of a university and a faculty, through the department of the section, which includes the related study programs and organizational structures. These sections enjoy university autonomy in the organization of teaching activities.

(4) In the higher education system for national minorities, the first (degree), the second (master degree) and the third cycles (PhD degree), as well as the postgraduate education are ensured in Hungarian.

(5) Their financing is calculated on the basis of an increased coefficient for students who study in a minority language.”

123. Though the provisions of the new Law on national education provides for the most generous rights in higher education in Hungarian, at this time the Romanian state continues to refuse the establishment of a state-financed university with teaching in Hungarian, which could create the conditions to effectively ensure these rights in Hungarian.

At this time, there are universities with teaching in Hungarian, financed by Hungary: “Sapientia” University and “Partium” University.

The Romanian Government has promised that it will ensure the financing of the Hungarian higher education, also financed by Hungary, and conditioned this procedure on obtaining accreditation. Though the abovementioned universities have obtained accreditation, the Romanian state still refuses to co-finance them.

124. There are 3 multicultural and multilingual universities in Romania: “Babeş-Bolyai” University, the University of Arts in Târgu-Mureş and the University of Medicine and Pharmacy in Târgu-Mureş. The two former universities have observed and implemented the provisions of the Law on education in a timely manner, to establish departments/units with teaching in Hungarian. **The University of Medicine and Pharmacy in Târgu-Mureş (hereinafter referred to as “UMP Târgu-Mureş”) continues to refuse to meet these legal obligations.**

125. Thus, Article 39 of the University Charter of the UMP Târgu-Mureş provides for as an organizational form for studying in Hungarian only departments. This structure does not have its own rules of procedure, an independent management level or university autonomy in the organization of teaching activities in Hungarian, as study lines or study sections. The seriousness of this action of the UMP Târgu-Mureş Senate is doubled by

the courts, which required the Ministry of Education and Research to approve this illegality.¹⁶

126. UMP Târgu-Mureş was established by Decree Law No. 402 issued by King Mihai I on May 28, 1946, as a state university with teaching in Hungarian, and was subject to a process of eliminating teaching in Hungarian under the communist regime during the 1960's.

127. Failure to observe the provisions of the Law on national education by the Senate of the UMP Târgu-Mureş in connection to multicultural universities, with regard to studying in Hungarian, seriously affects the right to study medical sciences in Hungarian, which is a traditional field of the Hungarian community, and we believe that it is a measure aimed at assimilating the scientific community in UMP Târgu-Mureş.

128. The second regulation, which seriously affects medical education in Hungarian at the UMP Târgu-Mureş, is a new provision in Article 46 of the University Charter of the institution, which states that **all practical courses, traineeships, seminars, specialty practice and graduation exams shall be held exclusively in Romanian in accordance with the provisions of the Romanian Agency for Quality Assurance in Higher Education (RAQAHE).**

129. In the justification of its decision, the UMP Târgu-Mureş argues that the students learning in Hungarian should be familiar with the medical language in Romanian and refers to a manipulative letter of RAQAHE. Thus, by Letter No. 1982 of April 25, 2013, the Romanian Agency for Quality Assurance in Higher Education states that all practical courses, traineeships, seminars, specialty practice and graduation exams shall be held in Romanian. To justify this decision, RAQAHE cites Article 53 of Directive 2005/36/EC of the European Parliament and of the Council of September 7, 2005, on the recognition of professional qualifications, by referring to linguistic knowledge, with the following

¹⁶ Sentence No. 91 delivered in public hearing on May 11, 2012, of the Court of Appeal of Târgu-Mureş, Department of Administrative Appeals and Sentence No. 84 of May 4, 2012, of the Court of Appeal of Târgu-Mureş, both are maintained in the appeal proceedings

content: “*Persons benefiting from the recognition of professional qualifications shall have a knowledge of languages necessary for practising the profession in the host Member State*” – Romania is not a host Member State for the Romanian citizens belonging to the Hungarian minority, **but the state of origin.**

130. This provision of the Directive shall apply where a Romanian citizen, who graduated a medical school in Romania, **wishes to practise as physician, for example, in France or Germany, in which case he or she has to know the language of the host Member State, that is, French or German.**

131. The second argument of the UMP Târgu-Mureş is also unacceptable, which states that there is no teaching staff for studying in Hungarian and it is impossible to call for applications for positions for teachers where proficiency in Hungarian language is required. The requirement of proficiency in a foreign language does not constitute an act of discrimination if it is an **authentic professional requirement** according to the job description and has a legitimate aim, and it requires the employment of adequate and necessary methods. The requirement of proficiency in Hungarian for teachers, who will teach students registered to courses in Hungarian, is therefore legitimate.

132. We do not deny the importance of being familiar with the medical language in the official language of the state. We consider that imposing this requirement is the responsibility of the UMP Târgu-Mureş, but this aim should be achieved through programs aimed at studying the medical language in the official language during all study years, and not by organizing all practical courses, traineeships, seminars, specialty practice and graduation exams exclusively in Romanian.

133. A non-discriminatory solution is to hold these practical courses, traineeships, seminars, specialty practice and graduation exams **both in Romanian and Hungarian.**

134. This measure violates the right to higher medical education in Hungarian and limits the possibility to implement a human resource strategy aimed at training a

reasonable number of university teaching staff able to teach in Hungarian. At this time, there are **34 vacant teaching positions in Hungarian, and of the 55 subjects 42 (76.3%) are NOT covered by Hungarian teaching staff**, taking into account that there are 200 students, on average, in each year of study, who study in Hungarian.

135. **This situation is a direct consequence of the assimilation and elimination policy in the medical education in Hungarian implemented during the communist period, which is still preserved in a different form and intensity, as well.**

136. Failure to apply the Law on national education by excluding the Hungarian language from the practical training prevents the access of teachers who can teach in Hungarian to meet the criteria required to occupy the positions to be filled.

137. We note with concern that the situation created by the Senate of UMP Târgu-Mureş has not been considered by the National Council for Combating Discrimination as being discriminatory although it violates the principle of equality in the exercise of the right to education (see NCCD Decision of October 16, 2013).

138. The Senate of UMP Târgu-Mureş **keeps the higher medical education in Hungarian trapped and creates a vicious circle for this reason**: as a result of the assimilation and elimination policy in the medical education in Hungarian, the management cannot meet the accreditation criteria for a section with teaching in Hungarian – the regulation for a Hungarian study line with administrative autonomy is denied and the Hungarian language is excluded from practical courses, traineeships, seminars, specialty practice and graduation exams, and the possibility to recruit university assistants who could meet the criteria for filling teaching positions in the medical education units is therefore limited. UMP Târgu-Mureş applies the principle “trust is good, but control is even better”.

139. The official nomenclature of accredited university programs, provided in Government Decision No. 493/2013¹⁷, reveals that the majority of the programs are not ensured in Hungarian, as well.

140. There are no data on the possibility to study Hungarian language on request by students who study in other languages (Romanian or an international language).

There are no courses for adults or of life-long training mainly or fully in Hungarian.

The Romanian state fails to ensure that the Csángó communities in Bacău County can study the Hungarian language.

The Romanian state ensures that the Csángó communities in Bacău County can study the Hungarian language, but there are a number of obstacles that prevents the exercise of this right.

Proposals:

- to create a system to collect data on the condition and needs of the educational institutions with teaching in Hungarian;
- to draw up public annual reports, which include statistics and analyses on the progress and evolution of the education in Hungarian;
- to draw up and implement Guidelines on the legal provisions related to the education in Hungarian;
- to draw up a clear legislation that complies with the obligations specified in the Framework Convention;
- to create an efficient system to control the application of the legal provisions on the education in Hungarian;
- to approve a system of sanctions and to obtain effective remedies for breaches of relevant legal provisions;
- to ensure the teaching staff required at all levels of the education in Hungarian;

¹⁷ *Decision No. 493/2013 on the approval of the Nomenclature of fields and academic programs / specializations, the structure of higher education institutions, the academic fields and programs either accredited or temporarily authorized to operate, the approved geographic locations, the number of transferable credits for each academic program, the form of education and teaching language and the maximum number of students that may be schooled in the academic year 2013-2014.*

- to ensure a number of students according to the number of the children in pre-school, primary and secondary schools, and university students who request to study in Hungarian;
- to ensure the use of Hungarian in educational units with mixed classes (classes with teaching in Romanian and classes with teaching in Hungarian) in the administrative and educational communication other than those during courses;
- to ensure effective communication of the quotes in Hungarian;
- to issue symbolic graduation diplomas (without legal value) in Hungarian;
- to ensure the use of the Hungarian language in County School Inspectorates in the communication with the students and their parents;
- to re-establish state universities with teaching in Hungarian;
- to establish private universities with teaching in Hungarian;
- to implement Law No. 1/2011 on national education in connection to the possibility of studying in Hungarian at the UMP Târgu-Mureş and to ensure that practical courses, traineeships, seminars, specialty practice and graduation exams are held both in Romanian and Hungarian;
- to ensure that the Csángó communities in Bacău County Hungarian language can study the Hungarian language;
- to organize courses for adults or of life-long training mainly or fully in Hungarian;
- to ensure that the children with special needs in the special educational units can study the Hungarian language (for example, signing);
- to conduct promotion campaigns to encourage education in Hungarian.

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.

141. During the analysed period, Romania has failed to conduct effective consultations with the representatives of the Hungarian minority in national development projects, in

the territorial regionalization and administrative reorganization project and the projects related to decentralization. The representation of the Hungarian minority in the central and local public administration and the decentralized authorities has suffered due to the policies of the government.

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.

Remarks:

142. 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.

143. In 2013, the CONREG Consultative Council for Regionalisation within the Ministry of Regional Development and Administration proposed the establishment of 8 regions with legal entity, 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 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 has always been included in a regional administrative entity where it had majority (even during the communist regime, when the autonomous Hungarian administrative entity was divided into three counties as an assimilation measure)

The versions proposed would also affect the counties where the proportion of Hungarians exceeds 20%, without, however, reaching 50% of the total population, so in counties such as Bihor, Satu Mare and Sălaj, the proportion of the Hungarian minority would fall below 20% if the abovementioned version of the administrative reorganization is approved, which could seriously affect the linguistic, cultural and political representation rights of this community.

144. It should be emphasized that 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 Romanian political leaders continue to refuse to recognise that the territorial administrative reorganization versions proposed have a direct impact on the ethnic composition of the administrative units, but these are all unfavourable to the Hungarian minority, and favour the Romanian community.

145. 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.

In this respect, the position of the Romanian state in the Country Report is of great importance, since it draws on the provisions of Article 1(1) of the Constitution of Romania, and considers that the creation of a region where Romanian citizens belonging to the Hungarian community are in majority would constitute a violation of the national, sovereign, independent, unitary and indivisible nature of the Romanian state.

In addition to the revision of the Constitution, the issue of the territorial administrative reorganization has returned to the public agenda for 2016 and is a priority for the next year.

Proposals:

- to consult with the Hungarian minority in the revision of the Constitution and the territorial administrative reorganization of Romania;
- to meet the requirements of the Framework Convention in the territorial administrative reorganization of Romania in connection to the Hungarian minority, so as to avoid solutions, which would be a measure to promote the assimilation and would affect the rights of the Hungarian community in Romania.

Annex 1

Chronology of the anti-Hungarian incidents in Romania between 2010 and 2016

1. In December 2011, the prefect of Harghita instructed in writing the mayor of Mădăraş in Harghita County to remove the Hungarian flag by referring to the provisions of Law No. 75 of 1994;
2. On January 17, 2012, unidentified individuals painted anti-Hungarian messages on the statue of King Matthias Corvin in Cluj-Napoca;
3. On January 19, 2012, anti- Hungarian messages were written on several buildings in Cluj-Napoca: “Out with the Hungarians from the country”, “Romania belongs to the Romanians”. These messages were written on buildings on the Ioan Bob Street;
4. In January 2012, Bogdan Diaconu declared in a press statement that “displaying the coat of arms of Hungary on a school in Romania is the same as displaying the Nazi swastika on a Jewish school”. This statement was made in connection to the renovation of the historical building of the “Márton Áron” High School in Miercurea Ciuc;
5. On February 14, 2012, Ádám Horváth-Kovács, Romanian citizen of Hungarian origin requested the registration of a donation document drafted in Hungarian at the registry of General School No. 2 in Târgu-Mureş, which records the donation of bilingual signs to this school. Codruţa Băciuţ headmaster refused to register this document because it was drafted in Hungarian and called the police to remove the parent. The police has removed the parent from the school and fined him RON 500;
6. In November 2012, in a publication entitled “Manifesto to the Romanians – Go to vote as many as possible”, academician professor Dinu G. Giurescu urged the Romanians to go to vote as many as possible to block the representatives of the Hungarians to get into the Parliament by drawing attention to the “Hungarian threat”. This Manifesto was distributed by employees of the Ministry of Agriculture and the Ministry of Development and Public Finances via e-mail;

7. In November 2012, 24 electoral banners of DAHR, which protects the interests of the Hungarian community in Romania, were destroyed in Mureş County;
8. In January 2013, the Chairman of Covasna County Council, Sándor Tamás was threatened with death in a message posted on Facebook by a citizen from Iaşi. The Chairman was told that if he does not give up to promote the autonomy of Szeklerland, he might become a victim of a road accident;
9. On January 29, 2012, during the show “Sinteza Zilei” (Synthesis of the Day) on TV station Antena 3, manipulated the spectators in live show by presenting a phony picture to support that the homepage of the Covasna County Council has no version in Romanian. By intentionally broadcasting this false message, the producers have instigated the majority population against the Hungarians;
10. On January 21, 2013, the prefect of Covasna County, Codrin Munteanu sent a letter to all mayors in the County instructing them to remove the Szekler flag from the buildings of the city hall;
11. In February 2013, the prefect of Covasna County declared that Szeklerland is a quite abstract and undefined notion – an interview on the Hungarian news site www.transidex.ro ;
12. In February 2013, USL Senator Valer Marian and USL Deputy Octavian Petric have announced the initiation of a law entitled “Law on the loyalty to the Romanian language” to regulate a number of issues: to withdraw the Romanian citizenship of those who applied for Hungarian citizenship (not those who are Hungarians), to fine those who do not speak Romanian with the Romanians in institutions, schools, pharmacies and stores, and to apply criminal sanctions to those who hire employees based on ethnic grounds. At a press conference, the two parliament members who initiated this law, have made a number of anti-Hungarian declarations;
13. during the show “Lumea lui Banciu” (Banciu’s World) broadcast on B1 TV channel on March 12, 2013, the host of the show, Radu Banciu, had a humiliating and propagandistic anti-Hungarian speech through which he launched a harsh and obvious attack against the

Hungarian community in Romania, and instigated the majority population to national hate. This journalist launched false hypotheses; for example, he claimed that if a Romanian would visit Szeklerland, his or her car would be broken, or if the Hungarian Cardinal Péter Erdő would be elected Pope, the Romanian would have to move another continent;

- 14.** On 15 March 2013, the right wing Noua Dreaptă (New Right) group organized an anti-Hungarian demonstration at the Statute of Liberty in Arad, a symbol of the Hungarian flag and tried to burn the Szekler flag;
- 15.** In March 2013, at a CFR Cluj vs. Rapid Bucharest football match in the Romanian Premier League, the fans of the visiting team burnt the Hungarian flag in the stadium;
- 16.** On March 26, 2013, at the Netherlands vs. Romania football match the fans of Romania's team displayed anti-Hungarian messages;
- 17.** In April 2013, at an HCM Vâlcea (Romania) vs. Győr Audi Eto (Hungary) international women handball match several anti-Hungarian gestures, including by the Romanian Nicoleta Grasu handball player posed in a photo with her feet on the shirt of the Hungarian player Anita Görbicz;
- 18.** In April 2013, the Committee for establishing the names in Mureş County voted against renaming School No. 2 in Târgu-Mureş after a former Hungarian mayor of the city, György Bernádi;
- 19.** In July 26, 2013, the mayor of Timișoara ordered the relocation of the "Statue of Loyalty", offered by emperor Franz Joseph in 1853, a group of statues, which represent the Hungarians during the Revolution in 1848, in a humiliating posture;
- 20.** On September 6, 2013, at the Romania vs. Hungary football match during the WC preliminary rounds, the spectators chanted for minutes: "*Out, out with the Hungarians from the country!*";

- 21.** In October 2013, PSD Deputy Bogdan Diaconu lodged a criminal complaint against the organizers of the March of Szeklers, an event of the Hungarian community in Szeklerland;
- 22.** On October 3, 2013, citizen Tünde Lakó was in 22 December Square in Târgu-Mureş with the intent to distribute, free of charge, Romanian and Hungarian bilingual signs with the names of products sold in the market. Her initiative was motivated by the lack of bilingual inscriptions on products, which is a legal obligation of the market's administration, but an obligation which is still unmet. The Administrator of immovable properties and markets in Târgu-Mureş and the Local Community Police have fined her RON 1,500 de for distributing leaflets and flyers without an authorization obtained from the local public administration;
- 23.** In December 2013, the Local Community Police from Târgu-Mureş imposed the maximum possible amount of fine of RON 30,000 to the Târgu-Mureş branch of the Hungarian People's Party of Transylvania for flying the Szekler flag on the party's headquarters. Community Police Chief Valentin Bretfelean qualified the Szekler flag as "an advertising product used without authorization";
- 24.** On December 18, 2013, the Romanian Government adopted Emergency Ordinance No. 114 by which it gave the Bradul Hotel Complex in Covasna (Covasna County), owned by the State, into the administration of the Eparchy of the Orthodox Church in Covasna and Harghita counties. In support of EGO No. 114/2013, the Government of Romania states that the Romanian Orthodox Church is a basic institution of the Romanian state, which violates the principle of the separation between the state and churches, and discriminates against the other churches recognised by law. The practice of the Romanian Government to give or to give in administration of the Romanian Orthodox Church is a form of discrimination, as well as a form of promoting ethnic assimilation policies by giving large properties, which are in regions inhabited mainly by Hungarians. In this case, 75% of the population of Covasna is Hungarian;
- 25.** On December 24, 2013, Gábor Landman with dual citizenships, Romanian and Dutch, accompanied a Dutch journalist to the Local Community Police from Târgu-Mureş in

order to request information about a highly publicised case. He addressed the person on duty in Hungarian and asked this person to call a superior officer. Communication in Hungarian was refused and then he was taken by force and handcuffed by 3-4 persons who asked him whether “he wants a revolution”. Mr. Landman said that he only wants the law which gives him the right to use his mother tongue to be enforced, and at this time, the room was covered in darkness and he was hit. The bag, photo camera and personal items of his interpreter were searched. The victim lodged a criminal complaint in relation with this incident

- 26.** On March 16, 2014, at the FCSB Steaua vs. Gaz Metan Mediaş football match in the Romanian Premier League, the fans of the host team chanted during minute 20: “This is Romania, is not your country and we will piss on your Hungary!”. In minute 14, they started to chant: “Out, out with the Hungarians from the country!”. Furthermore, the fans displayed the following message: “Go to your country, in your dead! We will not give you one bit of land!”;
- 27.** On March 19, 2014, an extremist organization, Vatra Românească, organized a demonstration in Târgu-Mureş, where the participants chanted anti-Hungarian messages;
- 28.** On March 27, 2014, an extremist organization, Noua Dreaptă (New Right) organized a demonstration in Târgu-Mureş, where the participants chanted anti-Hungarian messages: “Harghita and Covasna are Romanian land!”, “Romania belongs to the Romanians!”, “Who doesn’t like Romania, can go abroad”;
- 29.** On May 19, 2014, humiliating anti-Hungarian messages were painted on the statue of Sándor Petőfi in Albeşti, Mureş County;
- 30.** In June 2014, PSD Deputy Bogdan Diaconu initiated a draft-law to prohibit any demonstration or public debated on the subject of autonomy, and prohibits the promotion of autonomy. Any breach of the provisions of this law would have been punishable by one to five years imprisonment;
- 31.** On June 4, 2014, Senator (PNL) Cristian Bodea from Bihor made the following anti-Hungarian statement at a press conference: “I don’t understand why Hungarians throw up

if they speak Romanian. Instead, I invite those who don't want to learn or use Romanian to move to Hungary. As for DAHR politicians, I would prescribe two check-ups a year at the psychologist to treat their complexes and/or frustrations they have concerning the Romanian language. DAHR considers that it can afford to violate the Romanian state and to abuse the tolerance of the Romanians". <http://bihorstiri.ro/smen-udmr-vazut-de-bodea-vor-ca-fiecare-institutie-a-statului-sa-aiba-cel-putin-un-angajat-maghiar/>

- 32.** In August 2014, the Local Community Police in Oradea called MEP László Tőkés to remove from his office the Szekler flag because he displayed an advertisement product without authorization. In November 2015, the Tribunal of Bihor rejected the objection this notice, submitted by the MEP, and considered that the Szekler flag is an advertisement product;
- 33.** In November 2014, at the FC Petrolul vs. Gaz Metan Mediaş football match in the Romanian Premier League, anti-Hungarian messages were chanted such as: “Out, out with the Hungarians from the country!”
- 34.** On October 23, 2014, during an election show at the national radio station (Radio România Actualități), Gheorghe Funar, one of the candidates for President of Romania, said that if he will be the President of Romania, he will ban the use of any language other than the official language at public radio and TV stations.
- 35.** On December 1, 2014, an extremist organization, Noua Dreaptă (New Right) organized a March in Sfântu Gheorghe (with a proportion of the Hungarian population of 75%) and chanted anti-Hungarian slogans and used fascist and legionnaire symbols. The public authorities did not imposed any sanctions and failed to solve any complaint against the participants at the March;
- 36.** In December 2014, Marius Popică, the prefect of Covasna County imposed a fine of RON 5,000 to the Hungarian Civil Party because they sang the Hungarian Anthem at the demonstration held on June 4, 2014;
- 37.** On December 15, 2014, the Directorate for Investigating Organized Crime and Terrorism (DIOCT) initiated a criminal investigation of its own motion. The DIOCT prosecutors

made an ex-officio referral in connection with some declarations made at the Council of DAHR Representatives at a meeting in Târgu-Mureş on 13 December 2014, which could meet the criteria for the criminal offence provided for in Article 206 of the Criminal Code, committed in the conditions specified in Law No. 535/2004 on preventing and combating terrorism, as described in a communication issued by DIOCT. The prosecutors made this referral after the mayor of Sfântu Gheorghe, Árpád Antal declared at the DAHR meeting in Târgu Mureş that if the prim-minister will not instruct the prefect of Covasna County to leave the Hungarians alone, this could lead to a conflict in Szeklerland similar to that took place in March 1990 in Târgu-Mureş, when 5 people died and hundreds were injured.

For his part, DAHR leader Hunor Kelemen made an even more serious declaration in Târgu-Mureş: “We have to keep going on this path to regain our homeland. This Alliance (DAHR) was founded 25 years ago to work for us and after 25 years this Alliance is still needed”;

38. In December 2014, the Facebook page of the mayor of Sfântu Gheorghe, Árpád Antal was invaded by serious anti-Hungarian comments after the anti-Hungarian Deputy Bogdan Diaconu posted on his Facebook page a photo with the demonstrations in Sfântu Gheorghe with the following text: “While Árpád Antal directs Hungarians to sing the Anthem, we will find ourselves that Hungarian extremists obtain Romanian land for Hungary and we do nothing”;

39. On February 14, 2015, at the Romania vs. Spania international rugby match organized in Cluj-Napoca, the spectators displayed the following message: “The name is Cluj-Napoca: you either accept it or leave (the country)!”. This message was a reaction to the ruling of the Cluj-Napoca Court of First Instance, which required the City Hall to display the name of the city in Hungarian, as well;

40. In February 2015, the County Commissariat for Consumer Protection conducted a series of controls in public markets and stores in Covasna County and sanctioned producers for displaying products with the sign “Gust Secuiesc” (Szekler Taste). Mircea Diacon, the head of the Commissariat declared to the press that there is no such thing as Szekler taste,

and the products can be sweet, bitter or sour. “There are an increasing number of places where the name Szekler has been used, sooner or later there will be Szekler cemeteries or toilets”, said Mircea Diaconu;

- 41.** In March 2015, mayor Dorin Florea refused to authorize the demonstrations that were to be organized on March 10, 2015, in connection with the “Szeklers’ Freedom Day”;
- 42.** On March 15, 2015, the Statue of Liberty in Arad was vandalised and anti-Hungarian messages were painted on it;
- 43.** In April 2015, the Local Police of Târgu-Mureş imposed fines of RON 5,000 on each of the volunteers of the Civic Engagement Movement (CEMO, an organisation which promotes bilingualism in Mureş County) who have posted street names in both languages (Hungarian and Romanian) on buildings with the consent of the owners. Local Police Chief, Valentin Bretfelean qualified these bilingual signs as advertising materials posted without authorization and declared that he will fine anyone who posts bilingual street names;
- 44.** In august 2015, the County Commissariat for Consumer Protection conducted a series of controls in the localities of the County and ordered the taxi drivers to remove the stickers with the inscriptions “SIC – Terra Siculorum” (Szeklerland) from their cars, arguing that these are advertisement products displayed without a contract;
- 45.** In October 2015, the Activity Report of the Romanian Intelligence Agency (SRI) for the previous year qualifies the steps taken by the Hungarian community to obtain autonomy a threat to the constitutional order;
- 46.** In November 2015, Deputy Bogdan Diaconu proposed a new draft-law to declare June 4th (Treaty of Trianon) a day of celebration of Trianon, as the day against the Hungarian repression. The Deputy would apply criminal sanctions to any demonstrations that would question the Treaty of Trianon;
- 47.** In December 2015, at the FC Dinamo vs. CSMS Iaşi football match in the Romanian League, the fans of the host team chanted for minutes: “Out, out with the Hungarians from the country!”;

- 48.** On February 11, 2016, the Court of Appeal of Mureş County refused to register the Association Pro Turismo Terrae Siculorum and maintained the decision of the Court in First Instance stating that Szeklerland is not a legally recognised administrative unit in Romania.
- 49.** In February 2016, Deputy Bogdan Diaconu initiated a draft-law to prohibit the use of the languages of national minorities in the local public administration and decentralized institutions;
- 50.** On February 13, 2016, 17 years old Katalin Sükei was taken to the Emergency Room at the Child Emergency Hospital to be treated for injuries suffered as a result of a traffic accident when she tried to regularly cross the street. The surgeon on duty, Ioan Dobrescu scolded the patient because she doesn't speak Romanian well enough and created a hostile, degrading and humiliating atmosphere just because she is Hungarian.
- 51.** In March 2016, the Romanian Gendarmerie imposed over 65 fines to the participants at the march organized in Târgu-Mureş, on March 10, 2016, the "Szeklers' Freedom Day", a large number of participants received fines at their homes; they had to be identified later on, since they were not asked to identify themselves at the march.
- 52.** On March 3 this year, Romanian President Klaus Iohannis took away the Order of the "Star of Romania" (Steaua Romaniei) from László Tőkés, a symbol of the Romanian Revolution for his statement made on July 27, 2013, in which he declared that just as the position of Austria towards the German community in Italy and as Romania, which rightly raises its voice to protect the rights of Romanian communities in Moldova, Ukraine or Serbia, Hungary also has the right (and the constitutional obligation) to protect Hungarian communities living outside its borders.