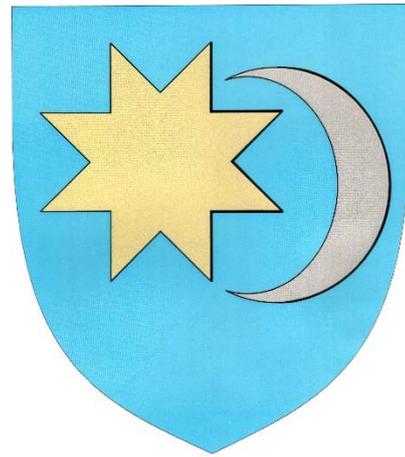




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Consiliul Național Maghiar din Transilvania



Szekler National Council  
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**Shadow Report to the Forth Report Presented to the Secretary  
General of the Council of Europe on the Implementation of the  
Framework Convention for the Protection of National Minorities  
in Romania**  
*- executive summary -*

**Cluj Napoca / Kolozsvár**

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This report was initiated by the Hungarian National Council of Transylvania (HNCT) and is the result of the joint collaboration of HNCT and the Szekler National Council (SZNC), two civic organizations in Romania.

The main objective of the Hungarian National Council of Transylvania (HNCT) is to contribute to the fulfilment of the Transylvanian-Hungarian community's endeavors, to defend the rights and interests of the Hungarian community in Romania, to consolidate civil society, democracy, rule of law and political pluralism in the country, and to support the economic, social, cultural and institutional development of the region.

The Szekler National Council is a civil society based regional movement created to defend and lobby for the rights of the Szeklers, a Hungarian speaking regional community in Romania, which inhabits the Szeklerland – Harghita, Covasna and a part of Mureş counties –, forming a majority of 75% in this region. An important objective of the Council is to promote the rights granted by some documents of the Council of Europe ratified by Romania: the European Charter for Local Self-government (ratified by Law 33/1995), the Framework Convention for the Protection of National Minorities (ratified by Law 199/1997) and the European Charter for Regional or Minority Languages (ratified by law 282/2007), but also by other CE documents, such as Recommendation 1201 (1993).

The shadow report was written by a group of experts in minority rights and public services and it is based on the following data: a nation-wide survey on the usage of minority languages in public administration conducted between June 2014 and February 2015, legal and other case studies, interview and media monitoring related to different Articles of the Framework Convention for the Protection of National Minorities (FCPNM).

## Remarks and conclusions regarding several articles of the FCPNM

Having regard to the Framework Convention for the Protection of National Minorities and the fourth State Report submitted by Romania on 1 February 2016, on the implementation of the Framework Convention, and bearing in mind that specific conclusions and recommendations could help further improve the implementation of the Framework Convention by Romania, we consider that the present concluding remarks could serve as a basis for the opinion of the Advisory Committee intended for the Committee of Ministers, with respect to Romania.

### In respect of Article 5,

we conclude that the provisions of Article 5 of the Convention are ***severely breached, and the situation in this respect worsened since the previous monitoring cycle***. Furthermore, Romania ***disregarded the comments and recommendations*** issued by the ECRI Report, which called the attention of the Romania authorities to apply the principle of equal treatment concerning the usage of state and regional symbols. Having said this we kindly recommend the Advisory Committee to call on Romania

- ***to abandon*** the restrictive strategy applied in the case of national and regional symbol usage by minorities.
- ***to encourage*** Romania to start the implementation of its Strategy on interethnic relations, because that can lead not only to the improvement of the situation of national minorities in the country, but to a more harmonic interethnic relations as well.

### In respect of Article 7,

we consider the practices of both the Mayor's Office, as well as the Gendarmerie of Tîrgu Mureş/Marosvásárhely regarding the DSzF ***as being in breach of Article 7 of the FCPNM***. Consequently, we would respectfully invite the members of the Advisory Committee to recommend to Romania that public authorities (including police forces, local and central governments)

- **stop ethnic profiling** with regards to peaceful assemblies organized by members of the Hungarian community, and to abandon their practice of interpreting fundamental human rights in a malicious, discriminative, and unlawful way.
- **cease with applying double standards regarding Szekler/Hungarians and their political initiatives**, and instead use the case law of the European Court of Human Rights as a guideline to bring about an interpretation and implementation of the fundamental rights to assembly, and free speech that are in line with the provisions of the Framework Convention for the Protection of National Minorities.

#### **In respect of Article 10,**

we conclude that despite the adopted legislation **institution leaders apply the provisions of the law only in an ad-hoc manner, and they are not urged by state authorities to implement minority language usage**. Therefore, we would respectfully ask the members of the Advisory Committee

- **to invite** the State Party to ensure that public administration institutions do not hinder the use of Hungarian language, but rather they take proactive steps to encourage the use of minority languages.
- **to recommend** Romania the implementation of a structured approach regarding Article 10 of the FCPNM, with the following key elements:
  1. the introduction of a national and regional strategy of implementation that would regulate the usage of Hungarian language on every level of the administration;
  2. clear procedural norms of application and an active involvement of the prefects in supervising the implementation on local and county level, and sanctioning when the implementation is not met;
  3. publicly accepted and released time-frame of implementation with clear deadlines and obligations;
  4. state financed budgetary funds for public service institutions, county councils and mayor's offices for the implementation of the provisions of Article 10 of the Language Charter and the provisions of the laws regarding minority language usage.

#### **In respect of Article 12,**

we conclude that in many instances Hungarian language children are discriminated. In the case of textbook publishing, minority language education is not treated differently, and when it is, extra-costs and work are involved, which tends to discourage publishing houses and textbook writers to apply for financial support. Furthermore, in many cases the right of Hungarian language children to equal access to education is undermined: without the travel support prescribed by the law their option for the Hungarian language school is hardened or even made impossible. Also, in the case of exams and competition Hungarian language children are clearly discriminated, as their results are directly influenced by the quality of the translated exam-items. Based on these conclusions we would like to respectfully ask the Advisory Committee

- **to draw the attention** of Romanian authorities that the lack of equal opportunities in this matter is not in line with the provisions of the FCPNM.
- **to urge** the Romanian authorities to treat separately the minority language education from the majoritarian in the case of textbook publishing.
- **to pay more attention** to the specific problems of minority language education enumerated above.

#### **In respect of Article 14,**

we conclude that despite the positive aspects of the Law on education there are several problems in its implementation, which show **the systemic problems of minority education**. In many cases authorities tend to neglect to enforce the law, while in other cases it is enforced in a bad spirit. Furthermore, the law does not grant any decision-making powers for institutions focusing on minority education, which hinders the

efficiency and quality of minority education. Based on these conclusions, we would like to ask the Advisory Committee **to urge the creation of an independent decision-making structure within the Ministry of Education**, which would deal with the problems of the Hungarian language education. This newly created institution should have all the competences and the financial resources needed in order to assure education in mother tongue at all levels and in all specializations.

**In respect of Article 15,**

we conclude that the Romanian authorities not only did not create conditions for free and fair competition in the electoral process between different organizations representing national minorities, but **it made quasi impossible for other minority organizations** than the ones in parliament **to participate at elections**, both on local and national level. Therefore, we respectfully ask the Advisory Committee

- **to recommend** Romania to change the criticized provisions of law 208/2015 and Law 115/2015 and stop discriminating non-parliamentary minority organizations regarding their participation at elections.
- **to urge** Romania to revise law 208/2015 and Law 115/2015, in line with the recommendations of the Committee of Ministers of the Council of Europe and the Venice Commission.

**In respect of Article 16,**

we conclude that Romanian authorities are not interested in initiating dialog with national minorities regarding territorial reorganization, and **systematically disregard, obstruct or even repress** claims formulated by representatives of the Hungarian community in this matter, acting against the spirit of the provisions of Article 16 of the FCPNM. Therefore, we would kindly ask the Advisory Committee to remind Romania to manage its territorial reorganization in the spirit of FCPNM, and **involve the representatives of minorities in any decision regarding the issue**.

All told, we consider that since the closure of the Third State Report submitted by Romania the general situation of national minorities, the implementation of minority rights, the Romanian state's attitudes toward minorities and majority-minority relations have worsened in Romania, as **a decline can be observed in almost all levels of minority protection**. Furthermore, we consider **that these are not isolated incidents, but rather systemic problems, and they reflect the attitude of Romanian authorities in the matter**. Having said this, we would respectfully ask the Advisory Committee to recommend Romania

- **to revise** its state politics toward national minorities
- **to draw more attention** to the implementation of minority rights and the provisions of the Framework Convention for the Protection of National Minorities.