



Transylvanian Shadow Reports on Human and Minority Rights

At its August 9-10 session, the United Nations (UN) Committee on the Elimination of Racial Discrimination analyzed the status of human and minority rights in Romania. The Committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Racial Discrimination by its State parties.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Convention and then every two years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.

In addition to the reporting procedure, the Convention establishes three other mechanisms through which the Committee performs its monitoring functions: the early-warning procedure, the examination of inter-state complaints and the examination of individual complaints.

The Committee meets in Geneva and normally holds two sessions per year consisting of three weeks each. The Committee also publishes its interpretation of the content of human rights provisions, known as general recommendations (or general comments), on thematic issues and organizes thematic discussions.

The committee received two shadow reports on Romania. One of them was submitted by three Transylvanian Hungarian civil organizations, namely the *Pro Regio Sicularum Association* (PRSA), the *Bolyai Initiative Committee* (BIC), and the *Hungarian National Council of Transylvania* (HNCT). The other document was compiled by the *Romani Criss Organization* (RCO) representing the Roma (Gypsy) community of Romania.

Dr. Péter Hantz and Erika Cunnold-Benkő represented the Transylvanian Hungarian civil organizations at the UN Committee meeting. President of the Romanian Committee against Racial Discrimination (RCARD), ethnic Hungarian Csaba Asztalos led the Romanian body of government delegates. Two additional ethnic Hungarian office-holders, Attila Markó, Under-Secretary on Minority Issues, and Domokos Szőcs, were also present, as specialists.

The UN Committee commenced its schedule with technical counsel. Then, they listened to the reports submitted by the civil organizations. Afterward, members of the UN Committee raised questions addressed to the Romanian delegation, based on the previous state report and pertaining to the issues raised by the civil organizations. The discussion took place on August 10.

In their report, the representatives of the Hungarian civil organizations mentioned the territorial autonomy of the Szekler Land and the Hungarian education situation in Romania. After sharing comparisons of other European minority groups, Erika Cunnold-Benkő delved into the specific problems confronting the Szekler Land.

She argued that although 80% of the indigenous population is Hungarian, the Hungarian language still has no official status. As such, its use is not permitted in formal state communication. Further, in the Szekler Land, nearly all official documents are published in the Romanian language. This miscreant policy creates severe hardship and social disadvantage.

The infrastructure of the Szekler Land suffers due to the inequitable allocation of the state budget. The Szekler Land receives a far smaller proportion of the state budget allocation, which precludes regional investment. In effect, the Szekler Land is gradually being “self-liquidated” by infrastructure “disinvestment” that will eventually leave it wholly dysfunctional, competitively disadvantaged, and ultimately destroyed. Furthermore, the Szekler Land endures a much higher unemployment rate than the rest of Romania.

The PRSA President cited the actions designed to change the ethnical ratio of the Szekler Land. Explicitly, she highlighted three phenomena: militarization, church planting, and refugee relocation. The establishment of military sites adds Romanian-speaking population. The establishment of Orthodox Churches adds Romanian-speaking population. And the planned relocation of the Moldova Republic citizens to the Szekler Land would also “dilute” the indigenous ethnic Hungarian population.

Dr. Péter Hantz reported on “institutional discrimination” within the educational system. First, the proportion of Hungarian students attending and completing high school is far below their Romanian peers. This can be attributed to the fact that Hungarian students may not learn in their mother tongue. Second, Hungarian students must take their standardized tests in the Romanian language, not in their Hungarian mother tongue. Third, the intolerable situation of the Hungarian Csángó community was also discussed.

Fourth, the BIC President addressed “institutional discrimination” at the higher education level. While the ethnic Hungarian population composes 6.6% of Romania’s college-age population, a proportion of only 1.6% of Hungarian college-age students attend universities, where they can learn in their mother tongue. Furthermore, the Romanian university system strictly forbids teaching certain fields of study in Hungarian. These fields include but are not limited to: agriculture, engineering, forestry, and veterinary medicine.

This predicament can be resolved with a simple two-point solution. First, reinstate the Hungarian state university in Romania. Second, equitably allocate and properly distribute financial aid for the Sapientia Hungarian University of Transylvania.

According to Dr. Peter Hantz, the ethnic Hungarian leader of the Romanian delegation, Csaba Asztalos, did not speak about the specific issues of the Hungarian minority in Romania. Dr. Hantz stated that Under-Secretary on Minority Issues, Attila Markó, was interested in avoiding concrete answers in order to refine Romania’s global image.

In conclusion, the BIC President referenced the example of South Tyrol, where local autonomy and self-government were successfully implemented. This was achieved, by South Tyrol requesting intervention through the United Nations and the UN conducting binding mediation talks between Austria and Italy.

Members of the UN Committee posed several questions to the Romanian delegation, pertaining to the Hungarian minority situation. Based on these inquiries and their general posture, the Hungarian civil organization delegates anticipate that some of the issues discussed would become part of the final UN committee report.

The shadow report on the Discrimination Against the Hungarian national minority in Romania - Attempts to Disrupt the Hungarian community in Szekler Land enumerated the following factors which continue to endanger the organic regional development and the specific identity of its inhabitants:

Although legislation in force, governing various areas of the public sphere, allows persons belonging to national minorities to use their first language, the native language of Hungarians representing the majority population in *Szekler Land* is still considered of lesser status than the Romanian language.

The prevalence of the Romanian national state's interests can be noticed best in the case of appointing the chief executives of de-concentrated institutions. While the proportion of the Hungarian population in the region is 80%, the ratio of appointed Hungarian officials is less than 20%.

The development of *Szekler Land's* infrastructure progresses in a deliberately slow pace or in some cases is neglected altogether. In contrast, other rather backward regions of the country, especially Moldova or the southern part of Romania experience swift development. According to traditional political practice, the transferring of budgetary allocations for infrastructure development should be perceived as a reward for the 'correct' political behavior of local officials, while the withholding of such funds as punishment for 'incorrect' political behavior.

Generally, the exploitation of natural resources in Romania is in the hands of the state, more precisely, is state monopoly. If one took into account the specific situation, he/she could easily realize that in case of *Szekler* strategic reserves - first and foremost salt and mineral water - intervention carried out by the central state administration has ethnic connotations. In addition, state control regarding the exploitation of natural resources also means that licenses and contracts are awarded on a preferential basis, excluding local investors. Moreover, the duties charged for exploitation represent revenues for the central state budget.

Regarding environment protection, *Szekler Land* is defenseless against the state, since environmental protection and the monitoring of potentially hazardous activities is not a competency of local elected bodies, but of ones appointed and controlled by the state. This environmental protection practice, which often goes against regional interests, has a negative impact not only upon the quality of life, but, in the long run, it has a detrimental effect on the main branches of *Szekler Land's* regional economy, namely tourism, logging and wood processing.

Although the Convention for the Protection of National Minorities ratified by Romania prohibits the artificial change of the ethnic composition of regions where minorities live in significant numbers, in the case of *Szekler Land*, this kind of totalitarian practice and policy continues even after two decades from the fall of Communism.

Tensions are further amplified by ethnic violence against Hungarians in Romania. In a succession of violent attacks during the last couple of months, Hungarians were attacked, verbally and physically abused for the sole reason of publicly speaking Hungarian. It is unacceptable for anyone to be subjected to violence for belonging to one ethnic group or another. Unfortunately very often the authorities disregard these cases, or even worse, in some cases they are the aggressors.

The major obstacle to *Szekler Land's* organic development as well as the most important impediment hindering it to experience, enjoy and preserve its own regional and national identity is the historical desire to (over)centralize; a characteristic of the Romanian administration. The solution for the mentioned difficulties is the implementation of the European traditions of subsidiarity and self-government. In other words, one should adopt a special organizational and administrative structure taking into account the region's geographical, historical, economic, social and political characteristics as well as the distinctive cultural and national character of the majority population living in the *Szekler Land*. This means granting territorial autonomy to *Szekler Land*.

The community autonomy of minorities, in general, and the territorial self-government of a historical region constituting the homeland of an indigenous ethnic group living as a minority on the territory of a certain state, but as the regional majority in the respective area, in particular, are solutions that have been implemented as parts of various states' administrative systems in a Europe of states, regions and national communities leading to the normalization of majority-minority relations (see Resolution 1334/2003 based upon the Gross Report compiled by the European Council).

The *Szekler Land* satisfies the criteria to be met by an autonomous administrative region both from an economic perspective and by virtue of its historical-geographical distinctiveness. These traits are complemented by a sense of community awareness, articulated both politically and regionally, which lead *Szeklers* to express their need for community autonomy on several occasions and in several forms.

A state's territorial and administrative organization is a matter of internal affairs. Nevertheless, the observance of individual and collective rights enjoyed by the citizens of the European Union, including the protection of their identity as communities, the right to self-government and internal self-determination, is an issue that concerns the EU from the perspectives of human rights, stability, and security policy.

Szekler Land's citizens claim special legal status - safeguarded by the Constitution and by a special law - for their region. They envisage this region as a territory where decisions concerning the future of the area itself and their everyday existence are passed on the local level by bodies that were freely and democratically elected by the region's inhabitants.

The development regions created in 1998, without taking into consideration the economic, geographical, environmental, cultural and historical features of Romania's traditional regions, secure neither economic and social progress, nor higher employment. Furthermore, they do not promote balanced and sustainable economic growth. Data on the utilization of the pre-accession funds (stemming from the PHARE, SAPARD, and ISPA programs) show that in these artificially created development regions the more developed and populated counties obtain larger subsidies, while the smaller and poorer counties continue to remain in an economically backward position. The operation of regional institutions in charge of elaborating and implementing development policies is heavy-handed and bureaucratic. In fact, these institutions submissively execute orders coming from central state administration. Agency offices embrace neither the idea of partnership, nor the principle of subsidiarity. This is the reason why local governments representing the interests of the primary party (i.e., the local community) seeking development funds become more vulnerable and defenseless. In order to meet the needs of local communities and local governments to apply for and obtain funds it is imperative to rethink, in the near future, the competencies of development agencies on the basis of territorial-geographical considerations.

During the last 20 years, the Hungarian community in *Szekler Land* has repeatedly expressed its resolute claim for obtaining territorial autonomy through the enactment of a law awarding special legal status to the region. In their endeavors, Hungarians have always used only democratic, peaceful, and lawful means, such as political statements, petitions, memoranda and bills.