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minority and human rights watch

**THE DRAFT BILL
ON NATIONAL MINORITIES IN ROMANIA**
WILL ONLY RESULT THE
POLITICAL MONOPOLIZATION
OF MINORITY REPRESENTATION

Bishop László Tőkés, President of the Hungarian National Council of Transylvania had critical remarks on the Draft Bill on National Minorities in Romania in his letter addressed to the Venice Commission of the Council of Europe. Bishop Tőkés asked the Venice Commission to use their authority to initiate the preparation of a new draft law in accordance with European legal principles and practice, as well as, the requirements of a state of law as accepted by Romania.

**To the Honourable Members
of the Venice Commission**

Your Excellencies,

A debate about the Draft Bill on National Minorities is currently on the agenda of the Romanian Parliament.

Whereas,

- Romania is member of the Council of Europe, and undersigned the European Convention on Human Rights,
- the situation of minorities can only be settled within democratic frames, via democratic tools,
- the situation of minorities can only be achieved within the frames of legal, political and institutional stability,

the Hungarian National Council of Transylvania is kindly requesting the Venice Commission to analyse the text of the Draft Bill on National Minorities in the light of democracy and the principles of constitutionality.

The draft was prepared by the Democratic Alliance of Hungarians in Romania. However, there was no social and professional dialogue including the minorities when drafting the Bill on National Minorities. The Roma Civic Alliance objected this. The Hungarian Historic Churches of Transylvania also recommended that the bill

should be re-discussed. The Alliance of Hungarian Civic Organisations of Transylvania spoke up against the text proposal strained by the Democratic Alliance of Hungarians in Romania. Consequently, the institutions and organisations of the Hungarian community in Romania do not support the draft. There is a strong danger that the bill is supposed to serve party interests rather than community interests.

Neither from a legal, nor from a socio-political point of view can the Draft Bill on National Minorities be accepted.

The Draft Bill on National Minorities violates the Romanian constitution and the basic constitutional principle of equality by law (I.), the requirement of security in law (II.) and the principle of equality in common charges (III.).

- I. The minority law draft is unconstitutional, **according to paragraphs 8 and 40 of the Romanian Constitution**, because it restricts political pluralism within the Romanian society. It does so, for example, because regardless of which Romanian Hungarian organisation submits inclusion conditions as prescribed by law (paragraphs 40 and 49), in accordance with paragraph 73 of the draft, it is still the Democratic Alliance of Hungarians in Romania that is the sole beneficiary of the subsequent further political, legal and financial rights assured by the law. The contents of **paragraph 73** of the draft seriously violate the basic constitutional principle of equality by law, and the principle of legal equality between minority organisations via the fulfilment of like conditions. This also means the creation of minority political monopolies under public law, because it does not provide minority Romanian citizens with what the majority of Romanian citizens have a right to: political pluralism.

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- II. The minority law draft violates security in law, whereby it also extends the authority of the planned Cultural Autonomy Councils to minority organizations with common law status. Hence according to **paragraph 58, point b., c. and g.** of the draft, for example, the Autonomy Council has the possibility for “...the organization, supervision and inspection of mother-tongue tuition in private education institutions...”, “... the organization, supervision and inspection of mother-tongue cultural private institutions...” and “... the appointment of the leadership of private mother-tongue tuition institutions...”. By what right should the Autonomy Council inspect the activities of legally and organizationally independent, self-supporting organisations, or intervene in the appointment of their leaders?

- III. The minority law draft violates the principle of equality in common charges when it empowers the Autonomy Councils to impose a “special tax” for minority Romanian citizens in the aim of ensuring the operation of cultural autonomy (**paragraph 58, point 1**). This means double taxation, because while Romanian citizens who belong to the ethnic majority may take advantage of mother-tongue services provided by cultural and educational institutions etc. – based on the taxes they pay – Romanian citizens who belong to ethnic minorities must pay the same taxes and an additional tax – to the Autonomy Council – so that they too may take advantage of institutional mother-tongue services.

Besides these:

1. The Draft Bill on National Minorities does not provide to the elected bodies decision-making but only consultative tethers.
2. Institutional security is very low. The draft often remains on a declarative level without providing institutional or decision-making guarantees.
3. Minority institutions dispose on undefined financial resources. This even makes the activities of their limited tethers ambiguous.

4. The draft does not define church autonomy. The establishment of church education institutions is not described as

a basic right but assumes it possible “within the frames of the law”. Keeping in mind that the Hungarian churches of Transylvanian have not yet been restituted the 90% of their property confiscated by the state it is feared that a new discriminatory act is prepared to limit the activity of minority churches.

5. The prescriptions regarding the participation of minority organisations at elections are resulting the formation of a political one-party system, the monopolisation of organisations having already representation at the parliament and the institutionalisation of the lack of a democratic control. This is highly relevant to the Democratic Alliance of Hungarians in Romania, which arbitrarily monopolised the representation of Hungarians in Romania with the help of the prevailing Romanian power. As author of the draft, the Democratic Alliance of Hungarians in Romania is actually the only propagator of the bill.

The acceptance of the content of the draft form of the Romanian Minority Law will not result minority autonomy, but rather in the political monopolization of minority representation.

The restriction of political pluralism within national minorities – like, for example, in the case of the near two million Hungarians in Romania – could cause tension, and will finally lead to ethnic destabilization of incalculable consequences.

In the event that the actual Draft Bill on National Minorities is accepted by the parliament and becomes law, the organisations representing the largest Romanian national minority, the Hungarian community, will protest against the severe breaches of law with legal and civil disobedience means in every Romanian and international forums.

Your Excellencies,

We ask you to use your authority to initiate the (1) suspension of the parliamentary debate about the proposed minority law, (2) the withdrawal of the current text version, (3) the execution of meaningful professional and community debate with the inclusion of national minority organisations, and (4) the preparation of a new draft law in accordance with European legal principles and practice as well as the requirements of a state of law as accepted by Romania.

COMMUNIQUÉ

REGARDING THE SPORTS-GROUND OF THE LORÁNTFFY
ZSUZSANNA REFORMED HIGH SCHOOL

15 September 2005

At the opening of a new school year, the Directory Council of the Királyhágómellék Reformed Church District is thankful to God that fifteen years ago, after the fall of the communist regime, the reopening of denominational schools became a possibility. However, it is of utmost importance that the **Law on Education** is amended in harmony with the Romanian Constitution so to reinstate the full rights of denominational education. This overdue amendment has been delayed for long years. But without this amendment religious freedom is a mere illusion in Romania.

Now, at the opening of the 2005/2006 school year, we are also disappointed about the confiscated **sports ground** of the Lorántffy Zsuzsanna Reformed High School.



Shortly before the beginning of the school year, the local media communicated misdirecting news entitled: “The sports ground conflict has been settled”. In fact, we cannot speak about “a settlement” yet. We may only say that the issue moved out from the dead point.

Thanks to God, the struggle for rights of long months has not been useless: the arbitrary expropriation process of the sports ground was cancelled. **We would hereby like to thank all those who locally and internationally supported our case.**

We are pleased that the Hungarian faction of the local council – after their unfortunate support to the decision of depriving our school of its sports ground – assumed the representation of our just demands.

We consider that the recent local council decision brought on the sports ground in the favour of the **Mecénás Foundation** indicates a solution.

It is promising that the **Sfanta Treime** (Holy Trinity) **parish** would like to act “in the spirit of good Christian relationship between Romanians and Hungarians”. Our Church has otherwise acted in this spirit when protecting the rights of children when these words of Christ have been increasingly valid: “Let the children come to me, and do not prevent them; for the kingdom of heaven belongs to such as these.” (Matthew 19:14)



However, the **new decision** of the local council was – unusually – drafted by using conditional sentences, and it did not actually heal the deprivation of rights of our school and of Hungarian Reformed children.

It was shocking that the local mayor and some council members declaimed about the avoidance of “inter-church and interethnic conflicts” and about “traditional Romanian tolerance” (sic!), while they were directly responsible that ethnic and religious conflicts were brought by their former discriminative decision.

Keeping all this in mind – adhering to the truth and to justice – the Királyhágómellék Reformed Church District will continue the **legal procedure** to regain the sports ground appropriated from the Lorántffy High School. Trusting in the results of this process, we do not exclude in the same time the possibility of any other agreement for a solution.

*The Directory Council
of the Királyhágómellék Reformed Church District*

POLICE BRUTALITY

Amnesty International called on the European Union to keep up pressure on Romania on some crucial outstanding human rights concerns. There have been countless police abuses against the ethnic Hungarian minority in Romania.

A pensioner was severely beaten up by the two policemen in Sikszentgyörgy village of Harghita/Harghita county on 5 September 2005, reported Hargita Népe daily newspaper. Ethnic Hungarian aged man, Elemér János received the citation because he had been in conflict about a pasture with his neighbour. He went to the police station, and when he asked for translation because he did not speak proper Romanian, policeman Vlad Urzica hit him several times, and when the victim fell down, another policeman assisted the aggressor in kicking him on the floor.

The victim succeeded to escape from the station, and he cried for help.

Urzica ran after him, knocked the pensioner down and pulled him back to the police-station the two continued to beat him and kick him, insulting the victim, outraging his mother, cursing Hungarians and the Hungarian language.



Some villagers heard the desperate cries for help of the defenceless aged person, but no one dared to intervene. Witness Imre Halmágyi declared: "I passed by the police station, and I saw Elemér coming out and shouting 'Help me, please. They are killing me.' Vlad Urzica came out and he knocked Elemér down and took him back. I was afraid to get inside the station... I am old, and Urzica is a savage policeman. He had beaten up many villagers before."

The victim has been medically registered with his heart disease in 1978.

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