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Type: Bill, legislation, policy or practice

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Consent: Not required

Related mandates

Submitted by

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Type: Group

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Describe the activities of the group/community, civil society or other entity:

The Foundation is monitoring the violations of the rights of the Szekler people (part of the Hungarian nation, living in Szeklerland, a traditional region belonging now to Romania). We run a web-page where we make public our findings, accessible here: <http://szekler-monitor.sic.hu/>

Contact persons of the group/community, civil society or other entity:

Arus Zsolt, president of the Foundation.

Case details

Country where the incident allegedly occurred/is occurring/might occur: Romania

Date(s) as may be relevant:

Romania, as member of the UN, Council of Europe, OSCE, etc. signed and ratified many international documents with respect to the minority rights, but in practice one can observe, that the provisions of these documents are more and more often broken, not only by individuals, but also by the authorities. For instance even the Constitution guarantees (art. 120 and 128) the right of the minorities to use their mother tongue, written and spoken in their relation with the authorities in settlements where they are living in a large number. Another right stipulated in the Constitution (art. 6) is to preserve, develop and express our identity. Consequently these rights are detailed in a number of laws and other legal acts, like Law no. 215/2001 about the local public administration, the Code of Civil Procedures, the Code of Criminal Procedures, Law no. 1/2011 on education, etc.

Szeklerland is a traditional region, situated in the middle of the country, it covers more or less two and a half counties (Harghita, Covasna and part of Mures), with 728.496 inhabitants, 565.901 (70.88%) being Szeklers. Out of 149 municipalities situated in Szeklerland in 144 the Szeklers have a share above 20%, in 76 of them even above 90%.

Please provide a detailed description of the context; summarize the concerned bill, legislation or policy, including their stage of development, or describe the concerned practice:

In contrast with those presented above, there are more and more cases, when different authorities are breaking the rights guaranteed by the legal acts mentioned, or even precise and strict provisions of these acts. Many such cases are presented on our web-page, I will focus here on only two groups of problems: the use of the Hungarian language in public and the use of our national (HU) and regional (Szekler) symbols:

In the last few years on the one hand an association (called in a misleading way Civic Association for Dignity in Europe), and on the other hand the representative of the Romanian government in Covasna county filed tens of complaints in court, asking the removal of Hungarian inscriptions and the above mentioned symbols from various places. It is important to note, that we are not facing some individual cases, but a systematic "war" against the inscriptions and symbols. And although the requests have no legal basis, all the courts involved, without any exception admit them and are obliging their removal. What is even more intolerable is that in a substantial share of the cases the courts motivate their decisions with the international documents mentioned above, giving them a distorted interpretation. For instance stating that the European Charter for Regional or Minority Languages makes possible to display official texts in the language of a minority, but this also means, that it forbids to display unofficial texts in that language. Below I attached a file, containing lists with data about these court cases about flags (tried the same about inscriptions but only 1 file was permitted by the system).

It is also worth to note, that the deterioration of the situation of the Szekler minority is noted also in the last report on Romania issued by ECRI and the Advisory Committee of the Framework Convention for the Protection of National Minorities, while the only reaction of the authorities was negation and insulting the experts on the Council of Europe.

Please describe on whom or which group the bill, legislation, policy or practice has/would have an impact, what rights would allegedly be affected and how:

Obviously this practice affects the whole Szekler community, placing them in the position of second class citizens, who's rights may be abused without any consequence. On the other hand it affects also the ethnic Romanian community of the country, giving them a feeling of superiority, and these together are practically making impossible any kind of dialogue between these two communities, are sustaining continuous inter-ethnic tensions which may degenerate any time.

Taking into consideration that this situation is sustained by the authorities since years, without any sign of improvement (on the contrary), despite of all our efforts to draw the attention of the authorities that they are breaking not only the domestic law, but also the international commitments of the

country, we consider, that external mediation is absolutely necessary. That is why we are addressing this to complaint to the mandate of the UN Special Rapporteur on Minority Issues, as we consider that he could be the appropriate person to carry out such mediation.