

**ROMANIA SHADOW REPORT ON THE
FRAMEWORK CONVENTION OF
NATIONAL MINORITIES
HUNGARIAN LANGUAGE PERIOD
2012-2022**



**FOUNDATION EUROPEAN LANGUAGE
RIGHTS AMSTERDAM**

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Introduction

This report is a shadow report regarding the compliancy of Romania with regard to the Framework Convention for the Protection of National minorities of Strasbourg of 1.II.1995. This will be further on referred to as the Strasbourg treaty. Our report is based on linguistics human right violations and discrimination of speakers of the Hungarian language in the period from 2012 till 2022 in Romania.

These human rights violations have first been reported in the Dutch press and subsequently been documented in the Report "Verraad aan het Recht". This report has been the cornerstone for our Vote No (*stemtegen.eu*) campaign on the referendum about the association agreement between the Ukraine and the EU. On the 4th of April 2016 61 % of The Dutch population voted NO.

By expressing their democratic will the Dutch people accepted our campaign, in which we argued that full compliancy with the Strasbourg treaty should precede any kind of EU expansion including an association agreement.

The report Verraad aan het Recht had been updated in 2019 and had recently been translated in English to "Treason to Law" In annex 1 you will find a copy of this report. In the period after the referendum from 2016-2022 our foundation did everything, which was legally possible to solve the observed violations of the Strasbourg treaty through legal means. In this shadow report we give an update on the status of the 10 cases. At the end of the report, we present our recommendations and our conclusion.

It is with sadness and deep disappointment that we have written this report. In 2022, 30 years after the first deaths due to ethnic violence in Targu Mures (Hungarian: Marosvásárhely), before the Yugoslav war, basic human rights such as the language rights of ethnic Hungarians and European citizens amongst others should not be an issue at all. The only deviance regarding the Strasbourg treaty should be an improvement of those basic human rights, which are enshrined in the Strasbourg treaty.

We urge you to take all measures needed in order to make the Romanian authorities comply with the Strasbourg treaty. Please note that this is not only about European citizens who are discriminated because their rights as laid down in the Strasbourg Treaty are violated. This is also about the credibility of the basic principles of rule of law. The credibility of the European Council and the European Union in general is at stake

Case 1 Refusing placement of bilingual signs in Cluj-Napoca

Case 1 : Refusing placement bilingual signs Cluj-Napoca

The case is described on pages 14 till 17 on the report Treason to Law.

Summary : *No bilingual administration in Cluj-Napoca (Hungarian: Kolozsvár)*

Action : *Court proceedings, civil actions, publications.*

Status : *Basically, civil society took over this issue after the mayor office of Cluj-Napoca did everything to annul the judgement 4800 of 2014, which ordered bilingual signs. After a long legal battle the court acknowledged the linguistic rights with Judgement 961 of 2017. At present day multilingual signs can be found at the entrance of Cluj. There are no multilingual signs at the mayor's office and it is not possible to use the Hungarian language freely in public administration. Speaking and using the Hungarian language at the police, judiciary, hospital and all institution in Cluj-Napoca is still very problematic. One would expect that when entering a court, a police station, a hospital or any institution where hundreds of people work that it would not be an issue to communicate in the regional language or find someone who speaks the regional language. Even the lowest expectations are not met. We must acknowledge that it is very symbolical step, that multilingual signs can be found at the entry of the city, however besides this symbolic step, no efforts have been made.*

What is violated : *All articles of the Strasbourg treaty in general, Violations of article 2, article 3.1 and 3.2, article 4.1 and 4.2, article 5.2 , article 11.3 amongst others.*

Approximately 17 % of Cluj-Napoca is Hungarian speaking, however while not meeting the 20 % threshold, the authorities basically deny the language rights laid down in the framework convention. This means that a that the Hungarians speaking inhabitant of Cluj-Napoca, a vulnerable historical community of approximately 50 000 persons are denied linguistic rights on paper, for not meeting the 20 % threshold. However, with this approach Romania is violating all articles of the Strasbourg treaty, because it declares them non-applicable. The ethnic threshold should simply be placed to 10 %. Out of the ten reported cases this is the only case where symbolical significant progress has been made.

Case 2 Fining the Hungarian Language in Public

Case 2 : Fining the Hungarian Language in Public

This case is described in detail on page 18 and 19 of the report Treason to law

Summary : *An ethnic Hungarian lady has been punished by the authorities because she handed out bilingual labels at the market of Tirgu Mures (Hungarian: Marosvásárhely).*

Actions : *Civil action by collecting change and paying the fine with coins of 1 bani, also legal representation. We also gave financial aid.*

Status: *To our knowledge these fines has been annulled. However the circumstances and the fact that no financial compensation has been given to the victim shows that **there is a deep disrespect for the Strasbourg treaty.** The officials of the city of Targu Mures, should know the Romanian law and there is no excuse for their actions. It is a shame that such things can occur in an EU member state, which wants to join Schengen and is an EU and NATO member.*

This is a violation of the letter and the spirit of the Strasbourg treaty. It shows again that ethnic Hungarians, can simply be discriminated and that there is no real consequence for the malicious acts and ill will of the authorities. There is no equality and there are no structural and legal safeguards for ethnic discrimination in Romania. On paper there is a law on public administration (both the new one as the old one acknowledge language rights, there is article 120.2 in the constitution, a friendship treaty, the European Charta of Regional languages and the Strasbourg treaty which safeguard the free use of the Hungarian minority language, on top of that there are even historical treaties such as the treaty of Trianon and the Deklaration of Alba Iulia. On top of these treaties there is the principle of European citizenship and the principle of non-discrimination.

The legal framework is crystal clear, however in practice in Romanian it seems that laws are not ruling the country but the ill will of authorities. They simply do what they feel is right even if this includes harassing, discriminating and assimilating. This is not only about the ethnic Hungarians but about the credibility of the European Union. The EU will lose credibility if Rule of law, is treated as something vague and if the EU is not defending these core values. It is absurd that we even have to spend time reporting such an issue.

What is violated : *The Strasbourg Treaty in general, article 5.2 (Assimilation), 4.2 (Promote Equality), Article 6.2 (discrimination), article 10.1 (free us of minority language), 11.2 (display private inscriptions), article 12 (foster knowledge), article 15 (economical life), article 16 (restricting rights)*

Case 3 Police Abuse Due to Use of Hungarian Language

Case 3 : Police Abuse European Translator

This case is described in detail on page 20, 21 and 22 of the report Treason to law.

Summary : *A Dutch sworn interpreter and translator at the court of Amsterdam has been denied language services at the entrance of the local police of Targu Mures. Instead of helping him and allowing him to perform his contractual obligations, he had been handcuffed, and locked up in a blinded room and been beaten in the back. Afterwards the police made up a falsified report to legitimize their actions.*

Actions : *This case has been describe in detail in the following document which has been attached to this shadow report as annex 2.*

Status : *The case simply proves, that the Romanian authorities do not make efforts to ensure these basic human rights. For beating an interpreter and denying language services and making up a falsified report has not been paired with real legal consequences. It took more than 6 years to receive a judgement, which annuls the falsified report and no compensations have been received. The costs for trails, visiting the court, day off, etc. are not compensated at all. Three cases are already submitted to Strasbourg. On top of this the court of Oradea (Hungarian: Nagyvárad) decided that European citizenship rights are not applicable to citizens of the European union. This is a denial of the European citizenship and a violation of the treaty on the European Union. This case had been the cornerstone of our stemtegen.eu campaign and is crystal clear proof, that Romania is not complying with the Strasbourg treaty at all.*

What is violated: *The Strasbourg Treaty in general, article 5.2 (Assimilation), 4.2 (Promote Equality), Article 6.2 (discrimination), article 10.1 (free us of minority language),) article 10.3 (inform about language in mother tongue) article 11.2 (display private inscriptions), article 12 (foster knowledge), article 15 (economical life), article 16 (restricting rights). Article 17 (maintain peaceful economical contacts with EU citizens.)*

Case 4 Communication with the Local Authorities is impossible.

Case 4: Communication with the local authorities is impossible

This case is described in detail on page 23 of the report Treason to law

Summary: *A Dutch citizen is not able to communication in Hungarian with the authorities of Savadisla (Hungarian : Tordaszentlászló)*

Actions : *A complaint with the anti-discrimination council, court proceedings in which the following was demanded. Complying with language law. Mr. Landman has been standing in front of three judges and the case had basically been transferred from one court to the other. It seemed that the court of Turda (Torda) and Cluj-Napoca (Kolozsvár) simply did not want to understand the legal question and only were interested in prolonging the case. Mr. Landman made it very clear that he wanted a free Course of Romanian, based on the fact that as a speaker of Hungarian, he is excluded from political, social and economic life and he cannot do his work as a sworn translator Dutch-Hungarian or enjoy a family life, since he is treated as a second rang citizen and legally discriminated. Therefore, he demanded compliancy with the Strasbourg treaty amongst others from the court. He asked the court to pay for a free course of Romanian language and compensate him for missed turnover. Since it is clear that with written and oral command of the Romanian language the socials, economic and political consequences of discrimination can be minimized. Not even a symbolical answer has been given, the court seemed only interested in technical competencies.*

Status : *After two unanswered request , letters to the prefect of Cluj and three court cases it has been noted that courts simply do not want to intervene with these issues , they simply deny to make a decision and play as usual the Hungarian card and they simply do not want to understand that Romania is indeed violating the principles of European Citizenship. Since then, the community of Savadisla has become more sensitive to language issues and is answering orally and written in Hungarian if demanded. However, this casus clearly shows that it is not a free choice to be member of the national minority as stated in article 3. The choice for the Hungarian Language instead of the Romanian language in a community, which consists of 52 % Hungarians will be paired with significant disadvantage.*

What is violated : *The Strasbourg Treaty in general, article 3 (Free choice) , article 4 (discrimination) article 5.2 (Assimilation), 4.2 (Promote Equality), Article 6.2 (discrimination), article 10.1 (free us of minority language),) article 12 (foster knowledge), article 15 (economical life) , article 16 (restricting rights) . Article 17 (maintain peaceful economical contacts with EU citizens.*

Case 5 Harassment for Using Hungarian Street Signs

Case 5: Harassment for Using Hungarian Street Signs

This case is described in detail on page 24 and 25 of the report Treason to law

Summary: *In 2016 ethnic Hungarians have been intimidated by the authorities for placing bilingual street names on their own cost on houses of people who volunteered for this*

Actions : *Ethnic Hungarians placed bilinguals street signs at their own cost on their on own houses, After doing this they have been harassed by authorities No one has been fined and the case of bilingual street signs is still pending to our knowledge, although the ethnic atmosphere of Targu Mures - Marosvásárhely had been improved. We have no further comment on this case.*

What is violated : *The Strasbourg Treaty in general, article 3 (Free choice), article 4 (discrimination) article 5.2 (Assimilation), 4.2 (Promote Equality), Article 6.2 (discrimination), article 10.1 (free us of minority language),) article 12 (foster knowledge), article 15 (economical life), article 16 (restricting rights). Article 17 (maintain peaceful economical contacts with EU citizens. It is really ridiculous, that we have to report about such a case in a country which is EU member, NATO member and wants to join the Schengen zone.*

Case 6 Lawlessness Judgements are not Observed

Case 6 Lawlessness Judgements are not Observed

This case is described in detail on page 26 and 27 of the report Treason to law

Summary : *Even cases won on paper, such as decision of the anti-discrimination council, court judgements, Governmental Decrees etc . are simply ignored when it comes to the linguistic rights which are also enshrined in the Strasbourg Treaty.*

Actions : *We wrote about many cases in which we demanded compliancy with linguistic rights, such as Savadisla, Cluj-Napoca and Targu Mures. We also demonstrated how hard it is to go through the legal process. Linguistic Rights are crystal clear. Article 11.3 of the Strasbourg treaty is crystal clear. Governmental decree 215 of 2001 is still in force. Recently we just noted that bilingual place name signs at Oșorhei and Căpușu Mare dissapeared. The trend is crystal clear, linguistic rights and the Strasbourg treaty is not complied with.*

What is violated : *The Strasbourg Treaty in general, article 3 (Free choice), article 4 (discrimination) article 5.2 (Assimilation), 4.2 (Promote Equality), Article 6.2 (discrimination), 11.3 (Topographical indications)*

Case 7 Double standards and Open Discrimination

Case 7 : Double standards and Open Discrimination

This case is described in detail on page 28 and 29 of the report Treason to law

Summary : *Ethnic Hungarians are openly discriminated.*

Actions: *We have written about this in the Dutch press. It is clear that belonging to minority group means living in fear and being subjected to the hate and the intolerance of the majority, and to be a scapegoat if for any reason someone thinks that the Hungarian card should be played.*

Ethnic Hungarians show mechanisms, which are hard for a person who has been grown up in freedom to understand. The Hungarians community is with more than 1,2 million souls larger, than small nations such as Estonian of the European Union.

The Strasbourg treaty clearly provides a framework for their rights, however these examples simply prove that the EU is not capable to enforce its own Human Rights standards and prevent the fact, that autonomous people are living under tension. The authorities are very reluctant to take proper action in these cases.

What is violated : *The Strasbourg Treaty in general, article 3 (Free choice), article 4 (discrimination) article 5.2 (Assimilation), 4.2 (Promote Equality), Article 6.2 (discrimination), article 10.1 (free us of minority language), article 12 (foster knowledge), article 15 (economical life), article 16 (restricting rights). Article 17 (maintain peaceful economical contacts with EU citizens.*

Case 8 Denied European Citizenship

Case 8 : Double standards and Open Discrimination

This case is described in detail on page 30 and 31 of the report Treason to law

Summary : *European citizenship has been denied. The Romanian Court decided that a Dutch interpreter of the Hungarian language cannot make use of article 120.2 of the Romanian constitution and articles of the law on public administration. These law safeguard the oral and written communication of the Hungarian language and correspond with article 10 of the Strasbourg treaty. Decision 123_CA is a written proof of the fact that Romania is not complying with the Strasbourg Treaty. The European Commission acknowledged this discrimination. This means that there is written proof – see annex 3 – that Romania is not complying with article 17.*

Actions : *In the stemtegen.eu campaign the Ditch people expressed their democratic will by saying NO to further European integration. The E.C. acknowledged the fact that the Romanian authorities are violating the treaty on the European Union.*

What is violated : *The Strasbourg Treaty in general, article 3 (Free choice), article 4 (discrimination) article 5.2 (Assimilation), 4.2 (Promote Equality), Article 6.2 (discrimination), article 10 in particular (free us of minority language),) article 12 (foster knowledge), article 15 (economical life), article 16 (restricting rights). Article 17 (maintain peaceful economical contacts with EU citizens.)*

Case 9 Bilinguals signs at Police / Communication with Police

Case 9 Bilinguals signs at Police / Communication with Police

This case is described in detail on page 32 and 33 of the report Treason to law

Summary : *Bilingual sign disappear from the police, the Police does not answer in Hungarian, and the discrimination council rules, that not answering in Hungarian to a Dutch interpreter is not discrimination since the court of Oradea (Hungarian : Nagyvárad) ruled that linguistic Rights of ethnic Hungarians do not apply to European citizens.*

Actions : **European citizenship has been denied.** *Till present day Romania simply denies the right to other people, This a clear violation of the provisions of the Strasbourg treaty. It is written evidence that Romania is not complying with this treaty.*

What is Violated : *The Strasbourg Treaty in general, article 3 (Free choice), article 4 (discrimination) article 5.2 (Assimilation), 4.2 (Promote Equality), Article 6.2 (discrimination), article 10 in particular (free us of minority language),) article 12 (foster knowledge), article 15 (economical life), article 16 (restricting rights). Article 17 (maintain peaceful economical contacts with EU citizens.*

Case 10 Media Manipulation and Incitement against Speakers of Hungarian

Case 9 Media Manipulation and Incitement against Speakers of Hungarian

This case is described in detail on page 34 and 35 of the report *Treason to law*

Summary : *Incitement against speakers of the Hungarian language*

Actions : *The foundation supported the advocacy cost for lodging criminal charges for incitement according to article 369, which punishes public incitement to discriminate or to hate a category of person with 6 months to 3 years. After pressing charges nothing really happened. It is great that Romania has laws which prevent incitement.*

However in practice after pressing criminal charges, nothing happened. The police and the judiciary system is almost only consisting of ethnic Romanians and although there is no written law, which stipulates that ethnic Hungarians are legally inferior, it is crystal clear that the Romanian judiciary system is not capable to be 100 % neutral. Since proceeding with these charges would take a long time and be expensive no further action has been deployed.

What is violated: *The Strasbourg Treaty in general, article 3 (Free choice), article 4 (discrimination) article 5.2 (Assimilation), 4.2 (Promote Equality), **Article 6.2 (hostility discrimination)**, article 10 in particular (free us of minority language),) article 12 (foster knowledge), article 15 (economical life), article 16 (restricting rights).*

CONCLUSION AND GENERAL RECOMMENDATIONS

The Strasbourg treaty is vital for stability, democratic security and peace in this continent. Romania was the first country to ratify this treaty. The treaty was initiated in 1995, Romania is an EU and NATO member and wants to be part of the Schengen zone.

The cases prove that it is difficult to enforce compliance with the Strasbourg Treaty and other codified laws regarding linguistic rights. However every Ethnic Hungarian simply knows how sensible these cases are and are well aware of the fact that winning means “losing”, since asking for compliance with the Strasbourg treaty is an uneven legal fight, since the emotional, financial and human resources of a person are limited, in contrast to the resources of the Romanian state.

Regarding the use of Hungarian in Public administration, after more than three cases and after thousands of euros of legal fees the courts basically have refused to acknowledge a causal relationship. The message is clear you can fight as long as you want for your rights. No one denies their existence on paper, however using them in practice proves the structural breach of Romania with these laws.

The last but not the least is the case of the denied European Citizenship. The European Commission is still investigating these issues and although it acknowledges that basic Rights are at stake, nothing happens. This foundation therefore asks the European Council to address the finding in this report in the most urgent way and demand full compliance with the Strasbourg treaty by the Romanian authorities.

It is unacceptable, that the Romanian authorities intervene with the right of person belonging to national minorities, to establish peaceful contacts, by denying European citizenship with those European Citizens, with whom they share a linguistic identity.

It goes without saying that we are willing to submit additional proof and show you the original testimonies upon request in person in Amsterdam, Budapest, Strasbourg, Kolozsvár or Ljouwert. We recommend the following recommendations to be implemented immediately, The ethnic threshold should be limited to 10 % immediately or 1000 persons. Ethnic representation should be implemented, Legal Discrimination, such as denying European Citizenship rights to European who speak Hungarian should be stopped. The recommendations set in the report Treason to law should be respected. Please take in mind that This is not only about the rights of European citizens, who are discriminated and second rank citizens because of speaking a minority language, it is also about the credibility of the European Union. The future of the European project is at stake.

Annexes

ANNEX 1 Report Treason to Law; 46 pages.

Online : https://www.language-rights.eu/TREASON_TO_LAW.pdf

ANNEX 2 A detailed summary of the Targu Mures Case; 16 pages .

Online https://www.language-rights.eu/CASUS_TIRGUMURES_MAROSVASARHELY.pdf

ANNEX 3 Letter of the European Commission; 2 pages.

Online https://language-rights.eu/BRUSSEL_GB.pdf