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IN THE EYES OF THE BEHOLDER:
ANALYSIS AND IMPRESSIONS
OF U.S. STATE DEPARTMENT HUMAN RIGHTS
AND RELIGIOUS FREEDOM REPORTS
FOR SERBIA, SLOVAKIA, ROMANIA
AND UKRAINE (2016–2020)

Abstract: Each year, the United States Department of State publishes Country Reports on Human Rights Practices, and International Religious Freedom Reports for hundreds of countries throughout the world. The combination of these two reports provides a seemingly comprehensive analysis of a given country's present human rights and religious regulations, laws and present concerns as they impact the population as a whole, specified minority communities residing in each country, and recorded human rights infringements therein. This analysis focuses on the four countries in the Carpathian Basin which are currently home to the largest ethnic, autochthonous Hungarian communities living outside of Hungary, specifically: Romania, Ukraine, Slovakia and Serbia. The Department of State's Country Reports on Human Rights Practices and the International Religious Freedom Reports are evaluated from years 2016 through 2020. The analysis provides a comprehensive summary of the reports and their treatment, inclusion and absence of abuses against historical minority communities, with a particular focus on the local Hungarian communities from a United States based perspective.

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This analysis focuses on the four countries in the Carpathian Basin which are currently home to the largest ethnic, autochthonous Hungarian communities living outside of Hungary, specifically: Romania, Ukraine, Slovakia and Serbia. The Department of State's

Country Reports on Human Rights Practices and the International Religious Freedom Reports are evaluated from years 2016 through 2020.¹

Prior analysis of 2011–2015 Annual Reports

A prior analysis was completed for reports for the years 2011–2015, spanning a similar five-year window of time, published in 2015 by the Nemzetpolitikai Kutatóintézet (NPKI) Research Institute for Hungarians Abroad: The Annual Reports of the United States Department of State for the countries of the Carpathian Basin (Slovakia, Ukraine, Romania and Serbia) Compared and Analyzed for the years 2011–2015, which is briefly summarized herein.²

As is noted in the outset of the article, “[t]he objective of our analysis is to provide an overview of the reports which concern the largest Hungarian communities in the Carpathian Basin, paying attention to the reports of the past five years (2011, 2012, 2013, 2014 and 2015) for Slovakia, Ukraine, Romania and Serbia.” The present analysis is an effective extension of this 2015 article, insofar as reviewing and evaluating the Country Reports on Human Rights Practices, and International Religious Freedom Reports for the next five years, from 2016–2020. As was indicative of the second round of analyzed reports from 2016–2020, it is likewise noted in the prior analysis that there is a generalized approach to every country’s respective reports, with varying focus on specific topics of interest depending on the given country.

The 2011–2015 analysis found that upon review of the annual reports by the U.S. State Department particularized to the Hungarian communities in the Carpathian Basin, “the visibility of particular issues depends on its presentation to the public, the information sources of American diplomats, and the activities of [Non-Governmental Organizations] NGOs. It is important to note that the Hungarian communities in each of these countries and their largest or most representative organizations in Parliament or their interest groups

1 The 2016–2020 Annual Reports on Human Rights Practices can be found at: Country Reports on Human Rights Practices, State Department. <https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/>. Accessed 10 June 2021.

The 2016–2020 Annual Reports on International Religious Freedom can be found at International Religious Freedom Reports - State Department. <https://www.state.gov/international-religious-freedom-reports/>. Accessed 10 June 2021.

Given the voluminous reports referenced, totaling 40 reports, they are not cited individually herein, but are available online by specific country and year at the abovementioned locations as of the writing of this article.

2 The Annual Reports of the United States Department of State for the countries of the Carpathian Basin (Slovakia, Ukraine, Romania and Serbia) Compared and Analyzed for the years 2011–2015 (author: Artilla Markó). NPKI Analyses. (August 15, 2016). https://bgazrt.hu/wp-content/uploads/NPKI_Analyses/Annual%20Reports_US.pdf (downloaded: May 28, 2021).

provide the sources for these reports.” It is unclear whether there is more information known as to the noted sources of information provided, or whether this is general knowledge garnered from the directives of the Universal Declaration of Human Rights, and/or International Religious Freedom Act of 1998, which are addressed below.

The present 2016–2020 analysis similarly concludes that based on the noted sources of information in each report, NGOs and Parliamentary representatives and organizations are the primary, if not sole, basis of information upon which the annual reports are prepared. As the 2011–2015 analysis aptly notes, if violated rights are not raised and presented to the U.S. State Department, “then in most instances these [violations] will remain invisible and will not have a consequence on the life and future of these communities.” Analysis of the 2016–2020 reports and the topics addressed, in conjunction with the equally significant absence of information discussed, support this conclusion, and it remains applicable.

Notable trends in reports spanning throughout the prior and present analysis

Throughout the respective reports on each country addressed in both analyses, there are several continuing trends as relate the ethnic Hungarian minority communities which prevail through all ten years of review.

Namely, as to Slovakia, there is a mention of the Hungarian population numerically, with the primary focus of discussion being the accessibility and ability to use the Hungarian mother tongue, the Hungarian’s involvement and presence in the political sphere, with limited instances of abuses against the ethnic Hungarian community as it related to two ethnic Hungarians that had their Slovakian citizenship revoked upon gaining Hungarian citizenship in the 2013 report. The overall impression spanning the ten years of reports is a positive relationship between the ethnic Hungarian community living in Slovakia.

As to the ten years of reports on Serbia, as the 2011–2015 analysis notes, there is more detailed discussion as to the ethnic Hungarian community and restitution of religious property(s), which is notably addressed in the Religious Freedom Reports. There is a brief inclusion of political representation of minorities communities, including ethnic Hungarians. There is an overall focus on the ability and availability to use minority languages and culture, but as NGOs relate throughout, the protection of minority rights is unsatisfactory. With this being said, however, the overall impression spanning the ten years of reports is a generally positive one for the ethnic Hungarian community living in Serbia.

The reports on Romania spanning both analyses have greater focus and discussion on the rights of ethnic minorities than the reports of Slovakia and Serbia, however, the central focus as noted in the 2011–2015 reports and extended into the 2016–2020 reports, is on the Romani communities and particularized abuses suffered by this community. There is

also more focused discussion of the ethnic Hungarian minority community, which as the 2011–2015 analysis notes, begins in earnest in the 2013 reports and continues through the 2020 reports. The reports address abuses against the Hungarian community at large, individualized instances of egregious conduct, and restitution endeavors of religious property(s), addressed in the Religious Freedom Reports. There is also discussion of the involvement and presence of the Democratic Alliance of Hungarians in Romania (RMDSZ) underscoring the political involvement of the Hungarian community in the political sphere. The overall impression presented throughout the annual reports in the 2011–2015 reports, which is extended to the 2016–2020 reports, is unsatisfactory as to treatment of minority communities, including ethnic Hungarians.

Regarding the reports of Ukraine, as the 2011–2015 analysis notes, the reports begin dual analyses in the Human Rights Practices reports, focusing both on Ukraine as a whole, with a separate analysis on Crimea beginning in 2014, following Russian occupation of that region. This trend continues with all future annual reports, which results in the Hungarian community being addressed rarely, if at all. The ethnic Hungarian community is addressed as to property restitution in the Religious Freedom reports. The overall impression from the reports is a deteriorating relationship with minority communities in Ukraine, especially in the Crimea region, inclusive of the ethnic Hungarian community.

Present analysis of 2016–2020 Annual Reports

To complete the present analysis of The Department of State's Country Reports on Human Rights Practices and the International Religious Freedom Reports, annual reports for the respective countries of Romania, Ukraine, Serbia and Slovakia were analyzed for the years 2016 through 2020, totaling forty reports spanning a period of five years. The prior analysis for years 2011–2015 was also reviewed for its findings, with particularized focus on similarities and differences of the respective reports spanning the duration of both time periods. To better evaluate the context and backdrop of the 2016–2020 annual reports, brief research was completed to more comprehensively analyze the subject reports for the inclusion and potential absence of information.

Bases of Annual Reports

The United States Department of State publishes Country Reports on Human Rights Practices, and International Religious Freedom Reports in accordance with The Foreign

Assistance Act of 1961, as well as the Universal Declaration of Human Rights³ and the International Religious Freedom Act of 1998, respectively.⁴ While the International Religious Freedom Act of 1998 addresses the role of a given Ambassador, their responsibilities in compiling data for the Religious Freedom reports and the means by which information is ascertained, it also similarly addresses the reports on Human Rights. The reports span almost 200 countries and territories throughout the world, including the regions of South and Central Americas, South America, Africa, Western, Central and Eastern Europe, Asia, the Middle East and various other worldwide communities.

As the International Religious Freedom Act of 1998 (“the Act”) finds, “Freedom of religious belief and practice is a universal human right and fundamental freedom articulated in numerous international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, the United Nations Charter, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.” The Act further details the completion of the annual reports, specifying, “The Ambassador at Large shall have the reporting responsibilities” to complete the reports. Additionally, “The Ambassador at Large shall assist the Secretary of State in preparing those portions of the Human Rights Reports that relate to freedom of religion and freedom from discrimination based on religion and those portions of other information provided Congress under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m, 2304) that relate to the right to freedom of religion.” In terms of reporting requirements, the Act specifies, “The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of violations of the internationally recognized right to freedom of religion.” Annual Religious Freedom Reports have been published yearly from 1999 through the present, with prior reporting years accessible and available through the United States Department of State. The annual Human Rights Reports are likewise available, but are not as readily accessible for prior years as are the Religious Freedom Reports.

In May of 2021, following the new Biden-Harris administration, newly appointed Secretary of State Anthony J. Blinken held a press conference to mark the release of the 2020 Religious Freedom Reports, stating in his remarks, “Religious freedom is co-equal with other human rights because human rights are indivisible. Religious freedom is not

3 UN General Assembly. “Universal Declaration of Human Rights.” United Nations, 217 (III) A, 1948, Paris, art. 1, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>; The Foreign Assistance Act of 1961.

4 “Country Reports on Human Rights Practices - United States Department of State.” U.S. Department of State, U.S. Department of State, 30 Mar. 2021, www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/; “International Religious Freedom Reports - United States Department of State.” U.S. Department of State, U.S. Department of State, 13 May 2021, www.state.gov/international-religious-freedom-reports/.

more or less important than the freedom to speak and assemble, to participate in the political life of one's country, to live free from torture or slavery, or any other human right. Indeed, they're all interdependent. Religious freedom can't be fully realized unless other human rights are respected, and when governments violate their people's right to believe and worship freely, it jeopardizes all the others. And religious freedom is a key element of an open and stable society. Without it, people aren't able to make their fullest contribution to their country's success. And whenever human rights are denied, it ignites tension, it breeds division.⁵” The comments by Secretary Blinken are revealing as to the significance of the Religious Freedom Reports, and by extension, the Human Rights Reports to the U.S. Department of State, and the position of the United States when reviewing the respective reports.

Analysis of individual 2016–2020 Annual Reports

The 2016–2020 Human Rights and Religious Freedom Reports were analyzed with the backdrop of information as noted above, and resultingly it is revealing as to what particular issues are focused upon in the reports for each respective country. There is a unique approach to the reported information for each country, with an appearance of weighted significance applied to data, based on the presentation and topics addressed. Of equal significance is the absence of arguably critical topics, events and implementation of regulations, which will be further addressed in this article. There is a formulaic commonality to the headings and overall matters discussed in the reports as to each country, but a given country may present challenges, advancements and infringements to human and religious freedoms, thereby creating a distinctive reporting focus for each country. It is unknown if the inclusion and exclusion of given information is based on a predetermined list, or if the concerns present themselves each year and the author has independence to decide what information is included. It would seem the latter is the likely scenario given the duties of reporting for the Ambassador as outlined in the International Religious Freedom Act of 1998. The similarity and rather formulaic approach to each report, spanning five years for this subject analysis, would tend to support a more predetermined, methodic approach to the reports, with the addition or expansion of topics added only if there is a remarkable event. This predetermination is important as it begs the question of why information and topics that arguably should be addressed are absent in the reports.

The subject of this article is the analysis of the 2016–2020 Human Rights and Religious Freedom Reports, with a direct focus on the reports themselves. Upon reviewing the reports,

5 “Secretary Antony J. Blinken on Release of the 2020 International Religious Freedom Report - United States Department of State.” U.S. Department of State, U.S. Department of State, 12 May 2021, www.state.gov/secretary-antony-j-blinken-on-release-of-the-2020-international-religious-j-freedom-report/.

however, natural questions arise as to: (1) what are the primary and secondary sources of information provided to the Ambassadors, and by extension, what specific NGOs, parliamentary representatives and human rights activists provided information, given that they are only referred to in the reports in a general sense; (2) what reports, data, findings and information are, in fact, provided to the Ambassadors; (3) how is the information provided weighted and the inclusion or exclusion in a report determined; (4) how does reporting differ between the respective countries; (5) who, in fact, drafts the subject reports; (6) by what method and at what time is the information provided to the Ambassadors; and (7) are there actual or perceived geopolitical implications which result in the inclusion or exclusion of information in each report. These are but a few of the major questions that arise upon review of the annual reports. Another overall inquiry that spans the totality of all reports is the decision to focus on abuses to specific minority communities, while simultaneously effectively disregarding abuses to other minority communities, often with a notable silence as to the historical ethnic communities residing in a host country. All these questions arose from, but were not included, in the subject study. However, they deserve to be evaluated and researched further in separate studies, the results of which would undoubtedly be quite illuminating when reviewed in conjunction with the analysis of the 2010–2015 and 2016–2020 annual reports, especially from the perspective of the historical, autochthonous minority communities.

Discussion of ethnic Hungarian minorities

In reviewing the four named countries, Hungarian ethnic minorities and other indigenous ethnic minority groups are treated differently in each country, therefore data as to each country is quite significant. It is largely accepted that as of 2020 and into 2021, Hungarian minorities living in Serbia enjoy significant human rights protections, and the situation is likewise improving in Slovakia for Hungarian minorities. Indigenous Hungarians living in Ukraine also experienced human rights protections and relative autonomy, until 2017 after which there has been a drastic shift of treatment of ethnic minority groups living in Ukraine a result of the 2017 Education Law and subsequent reforms. Of the four countries, the largest population of ethnic Hungarian minorities lives in Romania, chiefly in Transylvania and principally Székelyföld, which is commonly referred to as Szeklerland in the reports, corresponding to present-day Harghita, Covasna, and parts of Mureş counties in Romania. As noted in the reports, there remain ongoing human and religious rights infringements against ethnic Hungarians in Romania, and the situation has been quite tumultuous for many years.

Serbia

2016–2020 Reports on Human Rights

Throughout the five reports spanning from 2016 through 2020, there is little discussion of Hungarian minorities, and their rights, protections and possible infringements therein. However, as noted above, the relationship between ethnic Hungarians and Serbia as their host country is presently a positive one, as supported by the absence of human rights violations against Hungarian ethnic minorities for the duration of the reports. Minority rights in general are addressed primarily in the following topic headings: (1) Elections and Political Participation, (2) Governmental Attitude Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights, (3) Discrimination, Societal Abuses, and Trafficking in Persons, and (4) National/Racial/Ethnic Minorities.

It is noted in the Executive Summary of each annual report that “the most serious human rights problems during the year included discrimination and societal violence against members of minority groups....” It was also noted that, “[h]uman rights advocates as well as groups and individuals critical of the government were harassed.”

The 2018 report notes that while the “government took steps to prosecute officials who committed human rights abuses,....many observers believed numerous cases of corruption, social and domestic violence and other abuses went unreported and unpublished.”

There was no identification of Hungarian ethnic minorities being included in these overriding findings, but this analysis is significant given ethnic Hungarians’ societal position as minorities.

a. Elections and Political Participation

The reports stress that the Serbian constitution and governing laws provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. No law limits the participation of members of minorities in the political process, and minorities did participate. It is noted that “[m]inority groups need only 1,000 signatures to register political parties compared to 10,000 for nonminority parties.” It is also mentioned in the 2020 report, following an update to the law this year, that “[a] lower electoral threshold also allows them to enter parliament with a lower percentage of the votes than nonminority parties.” There is no mention of ethnic Hungarians specifically, or their representation in elections and/or candidates.

It is mentioned in the 2017–2018 reports that the Serbian police force “included...ethnic Hungarians...and other minorities....” This is a positive indication of the representation of

ethnic Hungarians in law enforcement, which is vitally important in the implementation of regulations and treatment of suspects and/or prisoners.

b. Governmental Attitude Regarding International, Non-Governmental Investigation of Alleged Violations of Human Rights

The report relays that while human rights NGOs are able to generally operate without government restriction on researching and publishing their findings on human rights cases, “the groups were subject to criticism, harassment and threats from non-governmental actors...” This is significant as there is an indication that if there were human rights violations against ethnic Hungarians, it would likely be able to be brought to the attention of the Hungarian government and human rights groups, as well as addressed in the subject report.

The report also indicates, however, that in 2015, a coalition of Serbia NGOs completed an independent “self-evaluation” of Serbia’s implementation of its human rights commitments, and found “the protection of the rights of individuals belonging to minority communities and the principle of voluntary self-identification had not been fully implemented.” The coalition further concluded that “segregation was the de facto result of minority rights policies in the country.” There were no follow-up activities completed by the government related to the self-evaluation findings, per the NGOs. There are no indications of ethnic Hungarian minorities or related NGOs being a target of harassment and/or threats.

c. Discrimination, Societal Abuses, and Trafficking in Persons

The main area of focus as it relates to minorities generally is the finding that education was free of charge for all citizens through the secondary level, and “compulsory only from preschool through age 15.” The report also found that “[e]thnic discrimination...discouraged some children from attending school.” There is no discussion on how this finding affects children that identify as ethnic Hungarians, or to the community at large from an educational perspective.

d. National/ Racial/Ethnic Minorities

The annual reports found that “[n]umerous observers noted the existence of a climate of hostility toward members of national and ethnic minorities.” This extended to discrimination as to employment and occupation. There is a citation to the 2011 census, indicating that national and ethnic minorities comprised seventeen (17) percent of Serbia’s population, “and included, in order of size, ethnic Hungarians...” therein confirming ethnic Hungarians constitute the largest ethnic minority community within the country. According to the census, “21 distinct ethnic groups lived in the country.”

National minority councils represented Serbia's ethnic minority groups, and according to the report, "had broad competency over education, media, culture, and the use of minority languages." It was also noted that the "government took some steps to counter violence and discrimination against minorities. The stand-alone government Office for Human and Minority Rights supported minority communities." Courses were also found to be offered in secondary schools which "included information on minority cultures and multi-ethnic tolerance."

There is a lengthy discussion on identified discrimination against Albanian and Roma communities, however there is no mention of any direct examples of discriminatory acts against ethnic Hungarians either individually or to the overall community.

The 2017 report finds that the "Human Rights Committee noted in its third periodic report on Serbia its concerns about the low representation of minorities...in government bodies and public administration..." On June 30, 2017, Serbia "launched a campaign called 'Together we are all Serbia' to raise awareness of the country's cultural and linguistic diversity," with videos and clips to be aired on national television network.

As the 2018 report notes, "Amendments to the Law of National Minority Councils and the Law of protection of Rights and Freedoms of National Minorities were adopted on June 20." Later that year, regular elections were held for national minority council seats, "22 of Serbia's 23 recognized national minorities participated in these elections..." The 2018 report also finds that according to the Government Office for Human and Minority Rights, "more than 60,000 minority schoolchildren attended education in their mother tongue." It was likewise noted that "[t]he government made some progress in approving new mother tongue textbooks, although not all the textbooks in minority languages were available" at the beginning of the 2018-2019, 2019-2020 school years.

The 2019 report specifies three government bodies "dedicated to the protection of human rights," which include: The Office of the Ombudsman, Office of the Commissioner for the Protection of equality, and Office of the Commissioner for Information of Public Importance and Person Data Protection. These three bodies were "active during the year and issued reports for parliament's review, but parliament did not review their annual reports in plenary sessions in accordance with the law." The report notes that "[t]he ombudsman facilitated citizen complaints regarding violations of the human rights of members of national minorities..." The 2020 report also noted these groups were active during the ongoing COVID-19 pandemic, and that "[o]n October 25, the government created the Ministry of Human and Minority Rights and Social Dialogue," in an apparent effort to assist human and minority rights during the pandemic.

Following the COVID-19 pandemic, the 2020 report notes: "Under the state of emergency, the government Office for Cooperation with Civil Society discontinued the allocation of grants from the country's budget to organizations granted EU funding under a

2019 call for proposals, including for projects focused on investigation and monitoring of human rights. Requests from civil society groups for waivers to allow them to deliver humanitarian assistance and services to vulnerable categories during the emergency lockdown were ignored, which ultimately resulted in their inability to assist the most vulnerable members of the population.”

There was also concern in the 2020 report that “the Belgrade Bar discriminated against CSOs [Civil Society Organizations] with regard to their ability to provide free legal aid and raised concerns that the association’s actions would limit access to legal aid for vulnerable populations,” which is of particular importance during the ongoing pandemic.

2016–2020 Religious Freedom Reports

The reports find that of a population of 7.1 million Serbians, approximately five (5) percent of the population is Roman Catholic, with Catholics being “predominately ethnic Hungarians and Croats residing in Vojvodina Province.” The law grants “special treatment to seven religious groups defined as ‘traditional’ by the government,” which includes the predominately Hungarian and Croat Roman Catholic Church. There were complaints regarding the basis with which the government applied bias, noting the “the Roman Catholic Church, a traditional church, complained about what it said was preferential treatment of the SOC [Serbian Orthodox Church], another traditional church.”

With regards to restitution, the government continued to provide restitution of religious properties confiscated in 1945 or later. By the end of 2016: “the government had returned agricultural land, forests, and construction land to the Serbian Orthodox, Roman Catholic, Romanian Orthodox, Evangelical Christian, Greek-Catholic, Reformed Christian, and Slovak Evangelical Churches and the Jewish Community. Real estate was also returned to Roman Catholic, Serbian Orthodox and Evangelical Christian Churches and the Jewish Community.”

The 2017 report relays that by the end of 2017, the government estimated it had returned “70 percent of previously confiscated religious properties.”

The US Embassy noted in the reports that “Embassy representatives continued to meet regularly with representatives of the SOC, the Roman Catholic Church, the Jewish Community, the Romanian Orthodox Church, [and] Protestant organizations.” In 2017, the report notes that during a January lunch to honor the National Religious Freedom Day, the Ambassador and members of six religious communities, including Roman Catholic Church,” discussed the status of interfaith cooperation.

The 2017 report noted that: “[s]ome NGOs and religious leaders also continued to advocate the removal of the prohibition on registering new religious groups with names

similar to those of groups previously registered. One church voiced concern that this prohibition forced groups to add an additional nationalistic qualifier to their church names in order to differentiate new groups in the register—creating divisions along nationalist lines within religious groups. Examples of such naming conventions included the Slovak Baptist Union, the Slovak Lutheran Church, and the Hungarian Reformed Church.”

Summary of findings

The overall impression of the relationship between the ethnic Hungarian minority community and Serbia is a positive one. There are no direct abuses against the Hungarian community discussed in the Reports, and there appears to be improvement on providing restitution on religious properties over the past several years. While there is not a great deal of discussion of the Hungarian community specifically, the formal position of Serbia towards the ethnic minority communities at large appears to be improving and optimistic. With Serbia attempting to secure accession to the European Union, it is laudable the country is focusing on improving treatment of the minority communities, one of the criteria for accession to the EU.⁶ It is hopeful this trend will continue into the future.

Slovakia

2016–2020 Reports on Human Rights

Throughout the five reports spanning from 2016 through 2020, there is little discussion of Hungarian minorities, and their rights, protections and possible infringements therein. However, as noted above, the relationship between ethnic Hungarians and Slovakia as their host country is presented as a positive one over recent years, supported by the absence of human rights violations against Hungarian ethnic minorities for the duration of the reports.

6 Emmott, Robin. “Serbia on Course for EU by 2025, Top EU Official Says.” *Reuters*, Thomson Reuters, 19 Jan. 2018, www.reuters.com/article/us-eu-balkans-idUSKBN1F80V8.

Anonymous. “Accession Criteria.” *European Neighbourhood Policy And Enlargement Negotiations – European Commission*, 11 May 2021, ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria_en.

Anonymous. “Accession to the EU.” *European Neighbourhood Policy And Enlargement Negotiations – European Commission*, 6 Dec. 2016, ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-eu_en.

Minority rights in general are addressed throughout the reports under various headings, the most notable and pointed discussion of ethnic minorities under National/Racial/Ethnic Minorities.

a. Overall Report Findings on Minority Rights, Election Participation and Abuses

It is noted in the Executive Summary of each of the annual reports that, “[n]otable human rights problems included official corruption and a judiciary that was inefficient and engendered low public trust...” The reports also note that, “[t]he government investigated reports of abuses by members of the security forces and other government institutions, although some observers questioned the thoroughness of these investigations.” These notations are not directed at a specific minority group or community, but there is a heavier focus on the Romani population. The Hungarian minority community is not addressed with any particularity.

The reports note “[t]here were no government restrictions on academic freedom or cultural events.” There is little discussion on whether there were restrictions in actual practice in the day-to-day life of the ethnic minority communities, nor any discussion on the ethnic Hungarian community living in Slovakia.

As to the elections and political participation, the reports find “[n]o laws limit the participation of...members of minorities in the political process, and they did participate.” There is no discussion as to the participation of the Hungarian community in the political sphere or representation of the community in “the political process.”

The 2019 Report commented on the Hungarian community’s representation in the political arena, stating, “[t]he Hungarian minority, the largest in the country, was proportionately present at the local and regional levels and participated actively in the political process.” The 2020 Report noted that, “[i]n the February parliamentary elections, none of the ethnic-Hungarian parties crossed the threshold to enter parliament for the first time since the country’s independence in 1993.” There is no indication on whether there was a downward trend in representation of the ethnic-Hungarian parties’ representation in local governance, or if this was a singular event.

With regards to the Parliamentary body, it is noted that “Parliament has an 11-member Human Rights and National Minorities Committee that held regular sessions during the year. NGOs criticized it for failing to address serious human rights issues.” While there is a notation as to the NGOs criticizing the failure to address human rights issues, there is little discussion on the particular human rights issues that the unspecified NGOs believe were not properly addressed, and the Hungarian community is likewise not referenced in this discussion. It was also noted, however, in the 2017 Report, that “[a] variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases.”

Of interest, the report found in 2017 that “[t]here were no government restrictions on academic freedom or cultural events.” The Hungarian ethnic community is again not referenced specifically in this observation, but its application to the minority communities as a whole.

b. National/Racial/Ethnic Minorities

There is more detailed analysis and review of the Hungarian minority community under the heading of “National/Racial/Ethnic Minorities” throughout the five reports.

A notation is made each year that, “[a]ccording to the 2011 census, there were approximately 458,000 ethnic Hungarians living in the country.” There is no clarification as to what percentage of the overall Slovak population is comprised of the Hungarian community. Given that the next census will occur in 2021, with the new choice of dual ethnic identity, it will be interesting to analyze the results of the 2021 census in comparison to that of 2011.

There is specific discussion as to the language rights and dual language laws applying to the use of the Hungarian language in Slovakia, stating in the 2016 report: “Members of the ethnic Hungarian community were concerned over restrictions on the use of the Hungarian language. The law provides for the imposition of fines on government institutions, civil servants, and legal entities that do not provide information required by law in Slovak. The law authorizes the Ministry of Culture to levy fines of up to 5,000 euros (\$5,500) for noncompliance. Members of the ethnic Hungarian minority criticized the provision as discriminatory and a restriction on their right to free speech. Members of the community complained that authorities did not always implement provisions that enabled the use of minority languages in official settings. They also objected to the refusal by the railways to allow for dual-language train station signs.”

It is later noted in the 2017 and 2018 Reports that “[i]n February the Ministry of Transport and Construction started placing dual language signs at train stations serving Hungarian minority populations.”

There is discussion of the case against Hedviga Malinova, described in the 2016 Report as “ethnic Hungarian and Slovak citizen,” wherein following a report that she was “physically attacked while speaking Hungarian on her cell phone in southern Slovakia in 2006,” her case was transferred to authorities in Hungary, where Malinova currently resides.

The 2016 Report notes that: “[o]ver the previous decade, Malinova’s case drew media attention and raised questions about due process in Slovakia. In January 2015 the Slovak prosecution service won a decision at the Nitra Regional Court overturning a lower court’s decision rejecting the perjury charge. Malinova’s attorney described the charge against her as an act of intimidation. NGOs and human rights groups criticized the reopening of charges against Malinova. The government apologized to Malinova in 2011.”

This is the only individualized case of abuse against the Hungarian ethnic community addressed by the reports, therein framing it as a singular event, whether or not this was the actual reality of the Hungarian ethnic community residing in Slovakia.

“NGOs reported racially motivated attacks on minorities throughout the year, but authorities’ investigation of such incidents varied by jurisdiction.” It is also noted in the 2017 report that, “there were reports of violence against members of ethnic minorities during the year.” The reports further note that, “[w]hile the law prohibits defamation of nationalities in public discourse, authorities generally enforced it only when other offenses, such as assault or destruction of property, were also committed.”

There is no discussion of the Hungarian ethnic victims in these attacks, and there is also little discussion of the types of “attacks” that are addressed by this broad section of discussion, whether they be physical, verbal or failure to follow existing laws that are set to protect the minority communities. While the defamation of nationalities is referenced, there is again no specific discussion of the offenses that occurred, and to which national communities.

2016–2020 Religious Freedom Reports

The Hungarian community is addressed at large insofar as the five annual reports noting, “[m]embers of the Reformed Christian Church live primarily in the south, near the border with Hungary, where many ethnic Hungarians live.” There is no further discussion on this area.

As to the overall minority religious communities, the 2019 Report addresses, “[t]he Parliament of the World’s Religions, a local NGO, continued to organize a series of public debates and school lectures with a variety of religious leaders to promote interfaith dialogue and tolerance.” It is also noted in the reports annually that, “[t]he constitution guarantees freedom of religious belief and affiliation, as well as the right to change religious faith or to refrain from religious affiliation.”

The 2019 report focuses on the US Embassy’s involvement in coordinating training on antibias in Budapest, which included religious bias. As the report discusses, “[i]n December the embassy funded the travel of a group of prosecutors and police investigators to Budapest, Hungary for specialized training on countering bias-motivated crimes, including religious bias, at the U.S.-funded International Law Enforcement Academy...The embassy used its social media channels to commemorate Slovak Holocaust Remembrance Day and International Religious Freedom Day.”

Summary of findings

The overall impression of the relationship between the ethnic Hungarian minority community and Slovakia is a neutral to positive one. There are reports of continued abuses against the ability of the Hungarian community to speak, teach and utilize their mother tongue, and the lack of provision and access of Hungarian language documents in the public and governmental sectors. The case against Hedviga Malinova was the only individualized instance of discriminatory conduct noted in the reports against a member of the Hungarian community. There is discussion of the Hungarian community having parliamentary representation, and involvement in politics in the local and national level. Property restitution of religious properties appears to likewise be moving in the right direction. While there is not a great deal of discussion of the Hungarian community specifically, the formal position of Slovakia towards the ethnic minority communities at large appears to be improving and optimistic. It is hopeful this trend will continue and improve into the future.

Romania

2016–2020 Reports on Human Rights

Throughout the five reports spanning from 2016 through 2020, there is notable discussion of Hungarian minorities, and their rights, protections and infringements therein as part of the greater Romanian community. There are specific human rights violations, including those of property restitution, addressed against Hungarian ethnic minorities throughout the reports.

Accordingly, there will be a review of the overall minority rights addressed within the reports under various headings, with the most notable and pointed discussion of ethnic minorities being under National/Racial/Ethnic Minorities, as well as the Hungarian community at large.

a. Property Restitution

The 2016 report discusses the ongoing property restitution challenges of the ethnic Hungarian community residing in Romania, in particular the reclaiming of religious property(s), namely: “In January 2015, following a 2014 ruling by the Ploesti Court of Appeals, the local council of Sfantu Gheorghe took over the Miko School, which the

former communist government had expropriated from the Hungarian Reformed Church. Viewing the move as renationalization, the Reformed Church filed a complaint with the ECHR. It also asked the National Authority for the Restitution of Property for the school's return, but the request was denied in May.”

The 2016 report also addresses properties which were forcibly “donated” during the former governmental regime, and to the restitution of these properties at large: “Amendments to address properties forcibly ‘donated’ during these eras and to grant priority status to Holocaust survivors were adopted in May. Associations of former owners asserted that the points compensation system was ineffective and continued to criticize the restitution law for failing to resolve the problem in a fair manner and generating lengthy delays and corruption. The pace of resolving restitution cases at the administrative level increased. In the case of churches and national minorities, however, the number of properties returned was disproportionately low. Through September, out of 1,278 resolved church cases, 13 properties were returned, compensation was granted in 12 cases, 21 cases were withdrawn, and the remaining 1,232 cases ended with negative decisions. Regarding national minorities, of the 79 cases resolved through September, none resulted in restitution. Many of these decisions have been appealed. As of September 30, there were 7,885 pending requests for restitution from denominations.”

The ethnic-Hungarian region of Szeklerland is also addressed with specificity in the 2016 report. As noted above, the name “Szeklerland” is the historical, Hungarian name for this region, which has been inhabited by ethnic Hungarians for centuries, with the report noting: “In February the Mures Court of Appeals rejected the registration request of an association seeking to promote the historically ethnic-Hungarian region of Szeklerland as a tourist destination and bearing a name that included ‘Szeklerland.’ The court upheld the decision of the lower-level Mures Tribunal on the grounds that Szeklerland was being defined along ethnic lines, which, according to the courts, is not permitted in the country. The court acknowledged that other historic regions of the country could be promoted as tourist destinations because they were not defined along ethnic lines and their existence as tourist areas could be recognized for other reasons.”

There is no further discussion of this matter aside from the 2016 Report, therefore it is unclear from the annual Reports as to whether this matter has since been brought to a higher tribunal or if the matter is still being challenged by the ethnic Hungarian community.

b. National/Racial/Ethnic Minorities

There is significant discussion of the ethnic Hungarian community in the 2016-2020 reports, both in reference to their overall involvement in the country and the political sphere, as well as specific issues and challenges being reported against the ethnic Hungarian community in Romania.

The 2016-2020 reports address that, “[e]thnic Hungarians, represented by the Democratic Union of Hungarians in Romania party, were the sole ethnic minority to gain parliamentary representation by surpassing the 5-percent threshold.”

The 2016 report notes that, “[a]ccording to the 2011 census, the ethnic Hungarian population was approximately 1.2 million. The majority of Hungarians lived in the historical region of Transylvania, and they formed a majority in Harghita and Covasna Counties.” There is no further discussion on this topic.

With regards to ongoing discrimination against the ethnic Hungarian community, the 2016 report does address this matter in greater detail than is seen in the later reports. There is discussion primarily as to discrimination against the use of the Hungarian language: “Ethnic Hungarians continued to report discrimination related mainly to their ability to use the Hungarian language. The law provides that, where a group speaking a minority language is at least 20 percent of the population, they have the right to use their mother tongue in dealings with local government. In August the political umbrella group Democratic Alliance of Hungarians in Romania released a report on the government’s implementation of the European Charter for Regional or Minority Languages. The report asserted that ethnic Hungarians were not permitted to use Hungarian in courts or administrative matters and that many municipalities did not use bilingual signs. The report claimed the government continued to refuse to establish a public Hungarian-language university. The report also noted inadequacies in teaching Romanian to children who are native Hungarian speakers, leading to underperformance on national examinations.”

Furthermore, as the 2016 report addresses: “In the region of Moldavia, the Roman Catholic, Hungarian-speaking Csango minority continued to operate government-funded Hungarian language classes. In some other localities, authorities denied requests for Hungarian-language classes.”

There was also a specific incident of discrimination based on Hungarian ethnicity as discussed in the 2016 report against a minor child: “In February a doctor in Cluj-Napoca children’s hospital refused to give a 17-year-old ethnic Hungarian girl and her parents medical information in Hungarian regarding a foot injury the girl received in a bus accident and also refused to communicate through a translator. According to the law, medical information must be provided to the patient in a language she or he understands. The National Council for Combatting Discrimination issued the minimum fine of 2,000 lei (\$490) to the hospital and 1,000 lei (\$245) to the doctor. The CNCD explained it wanted to signal there is a problem with discrimination but did not want to create financial difficulties for the underfinanced medical sector. The hospital’s appeal of the fine was pending at the end of September.”

Finally, as the 2016 report discusses, “[e]thnic Hungarians also complained of obstructions and bans against the use of the regional Szekler flag and symbols.”

The 2017 report also discusses abuses and discrimination suffered by the ethnic Hungarian community in Romania. As the report notes, the majority of these abuses stem from the inability to use the Hungarian language, or to celebrate Hungarian and historical customs and cultural symbols, as further discussed below.

As is noted in the 2017 report, “Ethnic Hungarians reported that in March, Targu Mures city authorities did not allow them to organize a march on Szekler Freedom Day (‘Szekler’ refers to ethnic Hungarians in Transylvania). They approved commemorations at the site of the Szekler Martyrs memorial but prohibited a march to take place afterward.”

Another specific abuse against the use of the Hungarian mother tongue was addressed in the 2017 report: “In August the Covasna County prefect objected to the use of bilingual application forms for funding provided by the county council to NGOs, churches, and sports associations.” It was noted that, “[t]he prefect asserted that official forms in Hungarian should be available only for individuals and that the law does not apply to legal entities. There were continued reports that local authorities did not enforce the law, which states that in localities where a minority constitutes at least 20 percent of the population, road signs have to be bilingual.”

The 2018 report discusses specific instances of discrimination against the ethnic Hungarian community as it relates to the abuses against using the Hungarian language and Szekler symbology: “Ethnic Hungarians continued to report discrimination related mainly to the use of the Hungarian language. There were continued reports that local authorities did not enforce the law, which states that in localities where a minority constitutes at least 20 percent of the population, road signs must be bilingual. On January 11, Prime Minister Mihai Tudose stated on national television that if anyone raised the Szekler (Hungarian) flag on a public building, they would “wave beside it themselves” (a phrase in Romanian that implies hanging). The CNCD [Consiliul Național pentru Combaterea Discriminării; National Council for Combating Discrimination] sanctioned Tudose with a warning. In April, during a soccer match in the city of Voluntari between teams from Bucharest and Sfântu Gheorghe, a city inhabited mostly by ethnic Hungarians, a song played through the loudspeakers included xenophobic expressions that incited violence against the Hungarian community. The Romanian Football Federation fined the host team 10,000 lei (\$2,500).”

The 2019 report discusses specific instances of discrimination against the ethnic Hungarian community as it relates to the abuses against using the Hungarian language: “Hungarians continued to report discrimination related mainly to the use of the Hungarian language. There were continued reports that local authorities did not enforce the law, which states that in localities where a minority constitutes at least 20 percent of the population, road signs must be bilingual. According to the Miko Imre Legal Service, during Romania’s qualifying matches for the 2020 European Football Championship in June that took place in Norway and Malta, Romanian fans continuously shouted anti-Hungarian slogans, including, ‘Out with the Hungarians from the country!’”

The 2019 report notes there were “continued reports” that there were abuses against the use of Hungarian language and respective bilingual requirements being enforced, but no specific instances of abuse or discrimination were reported: “Ethnic Hungarians continued to report discrimination related mainly to the use of the Hungarian language. Ethnic Hungarians reported that the government did not enforce the law that states that ethnic minorities are entitled to interact with local governments in their native language in localities where a minority constitutes at least 20 percent of the population. There were continued reports that local authorities did not enforce the law that states that in localities where a minority constitutes at least 20 percent of the population, road signs must be bilingual.”

The 2020 report addresses specific instances of abuse and discrimination against the ethnic Hungarian community: “The Democratic Alliance of Hungarians in Romania reported that in a legal dispute between separated parents over their child’s language of schooling, the Cluj-Napoca Court decided in June that the child, who has a mixed Romanian–Hungarian ethnicity, should be schooled at the kindergarten in Romanian, contrary to the will of the child’s ethnic Hungarian mother. According to the court, an insufficient knowledge of Romanian would damage the child’s ability to perform well once they become a university student considering that most universities in the country offer study programs in Romanian.”

With relation to the COVID-19 global pandemic, the 2020 report noted that: “According to the Department for Interethnic Relations, throughout the March 16-May 14 state of emergency, the government provided Hungarian translations of the state of emergency regulations related to the COVID-19 outbreak with a delay. In several counties with a significant ethnic Hungarian population, government agencies such as public health directorates or police inspectorates did not provide information on COVID-19-related measures and precautions in Hungarian.”

There were continued abuses against ethnic Hungarians also noted as follows: “The Miko Imre Legal Service reported that during a soccer match in March that took place in the city of Ploiesti, supporters of the home team shouted offensive words against the rival team Sepsi OSK, which is based in the ethnic-Hungarian majority city of Sfantu Gheorghe. Supporters chanted ‘Hungarians out of the country!’ and threw objects at some of the Sepsi OSK players, which caused the referee to suspend the match for 10 minutes. In February unknown persons painted the Romanian flag over the Hungarian name of Baia Mare city that was displayed on several welcome signs.”

2016–2020 Religious Freedom Reports

The Hungarian community is addressed at large insofar as the annual Reports noting, “[v]irtually all members of the Protestant Reformed, Roman Catholic, Unitarian, and Lutheran Churches from Transylvania are ethnic Hungarians.”

The 2016 report addresses there are ongoing abuses against practicing ethnic Hungarians, especially with regards to restitution claims, noting: “The ethnically Hungarian churches in Transylvania—the Reformed, Roman Catholic, Unitarian, and Evangelical Lutheran Churches— maintained that authorities failed to take into account the complex organization of these Churches and the community services they provided before communism. They said the government had thus rejected a number of restitution claims because the entities that operated under the Churches and were registered as property owners in the land registries were not the same entities as the contemporary Churches. They said that it was because communism had confiscated and dismantled those former Church entities that they no longer existed as such, but they were in fact owned and operated by the Churches. The ethnically Hungarian Churches said they had 1,611 schools that were nationalized under communism, and thus became state property. The bishop of the Transylvania Reformed Church, the main Hungarian-minority church in the country, reported the restitution of Church properties confiscated in the past had been ‘blocked,’ and the process was too slow.”

The 2016 also notes that, “[t]he Roman Catholic Church contested in court the SRC’s 2015 rejection of a restitution claim for the Batthyaneum Library and an astronomical institute in Alba Iulia. The case was pending at year’s end.”

The 2016 report also particularly discusses the U.S. Government’s policy on the issue of religious freedom of the minority communities in Romania, with emphasis on the lack of restitution of religious properties: “U.S. embassy officials continued to raise concerns with the government, including the president of the property restitution authority and the state secretary in the prime minister’s office, about the slow pace of religious property restitution, particularly properties belonging to...ethnic Hungarian churches. Embassy representatives...continued to discuss with government officials, including ministers, officials in the education ministry, and the heads of the major political parties, the importance of full official recognition of the Holocaust in the country, improvements in and expansion of Holocaust education for both students and civil servants, and complete implementation of the 2004 recommendations of the Wiesel Commission.... Embassy representatives also met with religious leaders of the ethnic Hungarian churches to discuss property restitution issues.”

The 2019 report notes that: “[m]inority religious groups continued to report harassment of their congregations by ROC [Romanian Orthodox Church] priests and

adherents, including verbal harassment, along with the blocking of their access to cemeteries.”

There were continued and specific instances of abuse and discrimination against the ethnic Hungarian communities also discussed in the 2019 report, but in conjunction with the incident, there was a caveat that it was difficult to categorize the abuses as religious versus ethnic discrimination. However, it is of importance to note that these abuses were not addressed in the 2019 Human Rights Report, but solely in the 2019 Religious Freedom Report: “Because religion and ethnicity are closely linked, it was difficult to categorize the following incidents as based solely on religious identity. In May the town of Darmanesti, located in the eastern part of the country, erected a monument and Orthodox-style crosses honoring the country’s WWI soldiers believed to be buried in Valea Uzului war cemetery. The ethnic Hungarian community and officials of the Democratic Alliance of Hungarians in Romania (UDMR) from the neighboring town of Sanmartin, which has a large population of ethnic Hungarians, stated the Darmanesti mayor had “appropriated” the cemetery which, according to UDMR, was under the jurisdiction of Sanmartin. They also said the recently built Orthodox-style monuments honoring Romanian soldiers were placed on top of the graves of predominantly Catholic Hungarian soldiers.”

“On May 16, media outlets posted a video showing a group of Hungarian-speaking persons covering the crosses and monument to Romanian soldiers in black plastic bags. UDMR condemned the covering of crosses and called it a provocation meant to discredit the Hungarian community in Romania. On May 29, the mayor of Sanmartin closed the Valea Uzului military cemetery for 30 days. On June 6, hundreds of persons equipped with loudspeakers, including several ROC priests, arrived at the cemetery to commemorate the Romanian soldiers believed to be buried there. They were met by approximately 200 members of the Gendarmerie, an agency of the Ministry of the Interior in charge of ensuring public order, who positioned themselves between the ethnic Romanians and hundreds of ethnic Hungarians who would not allow the ethnic Romanians to enter the cemetery. Eventually, some ethnic Romanians forced their way into the cemetery, where they held a ceremony commemorating ethnic Romanian soldiers. Several observers reported that the commemoration resembled the ritual performed by members of the outlawed Legionnaire Movement to commemorate their deceased.”

Due to the COVID-19 pandemic, strict restrictions on religious gatherings were implemented in Romania. As discussed in the 2020 report, “[o]n April 14, the ROC Patriarch and the Interior Minister signed an agreement to allow Orthodox believers to go to church on April 17 (Orthodox Good Friday) and 18 to receive communion. The agreement also mandated that ROC representatives, police, and military personnel distribute the Holy Light (Orthodox candle-flame-passing ceremony normally conducted in church) to believers at their homes on April 18. Leaders of the Save Romania Union Party said the agreement was detrimental to social distancing efforts. The Chair of the Hungarian Democrat

Union in Romania asked for the repeal of the agreement, citing public health concerns and discrimination against Protestants and Roman Catholics who did not benefit from similar exceptions for their Easter celebrations that took place the previous weekend.” While modifications were made, the minority communities, including the Hungarians, were unable to practice in the same regard as Romanians at large.

In 2020, there was movement on the town of Darmanesti involving the cemetery dispute, “[i]n October, the Targu-Mures Court of Appeal rejected an application by the town of Darmanesti challenging the jurisdiction of Sanmartin, which according to the 2011 census is 99 percent Roman Catholic, over the cemetery, and it settled the property dispute by confirming Sanmartin’s ownership. The cemetery was the site of 2019 protests and tensions between ethnic Hungarians and ethnic Romanians over the construction of a monument and placement of Orthodox-style crosses on the graves of the predominantly Hungarian Catholic World War I soldiers believed to be buried there. On December 10, the Moinesti court repealed a prosecutorial decision to dismiss the inquiry into the cemetery incident and ordered the Moinesti Prosecutor’s Office to resume criminal investigations for property damage, incitement to hatred and discrimination, and breach of public peace.”

Summary of findings

The overall impression of the relationship between the ethnic Hungarian minority community and Romania is a rather negative and deteriorating one. There are numerous reports of continued abuses against the ability of the Hungarian community to speak, teach and utilize their mother tongue, and the provision and access of Hungarian language documents in the public and governmental sectors. There are instances of direct abuses and discriminatory conduct against the Hungarian community, especially in the ethnic-Hungarian region of Szeklerland, where directed attacks against the Hungarian community were vocalized by Romanian government leaders. There are continued restrictions against the ability to fly the Szekler flag and application of the historical name, and physical confrontations came to a head in 2019 with the dispute over the cemetery in Darmanesti. The case addressing this matter was repealed and further criminal investigations were to resume as of December 2020, which remain outstanding. There are also ongoing property disputes as to religious property restitution for property seized under the prior government, which has yet to be returned to the Hungarian community. There does not appear to be any focus or desirability to improve the relationship with the ethnic Hungarian community by any official position or stance of the Romanian government at this time, and the situation sadly does not appear to be improving.

Ukraine

2016–2020 Reports on Human Rights

Throughout the five reports spanning from 2016 through 2020, there is no specific discussion of Hungarian minorities, and their rights, protections and possible infringements therein. There is a great focus on the Romani communities and the abuses being suffered by ethnic Ukrainians following the Russian invasion and control of the Crimean region of Ukraine.

Minority rights in general are addressed throughout the reports under various headings, the most notable and pointed discussion of ethnic minorities occurring under National/Racial/Ethnic Minorities.

a. Overall Report Findings on Minority Rights, Election Participation and Abuses

Pursuant to the 2016-2020 reports, “[t]here are no laws limiting the participation of... members of minorities in the political process and women and minorities did so.” There is, however, no discussion of the representation, if any, of the respective minorities’ communities living in Ukraine in the political process, especially in relation to their overall representation of the Ukrainian community. The Hungarian community is not addressed.

b. National/Racial/Ethnic Minorities

As the annual reports note, “[m]istreatment of minority groups and harassment of foreigners of non-Slavic appearance remained problems.”

While the law itself is noted as imposing increased penalties against hate crimes, the reports discuss how under the prevailing law, it is challenging to prove the intent behind the crime, thereby minimizing the reported and actionable abuses against the minority communities: “The law criminalizes deliberate actions to incite hatred or discrimination based on nationality, race, or religion, including insulting the national honor or dignity of citizens in connection with their religious and political beliefs, race, or skin color. The law imposes increased penalties for hate crimes; premeditated killing on grounds of racial, ethnic, or religious hatred carries a 10- to 15- year prison sentence. Penalties for other hate crimes include fines of 3,400 to 8,500 hryvnias (\$126 to \$315) or imprisonment for up to five years.”

“Human rights organizations stated that the requirement to prove actual intent, including proof of premeditation, to secure a conviction made application of the law difficult.

Authorities did not prosecute any of the criminal proceedings under the laws on racial, national, or religious offenses. Police and prosecutors continued to prosecute racially motivated crimes under laws against hooliganism or related offenses.”

The annual reports also note that, “[t]he labor code prohibits discrimination in the workplace based on...religious and...ethnic...and foreign origin...” As the Reports also note, however, “[t]he government did not effectively enforce the law, and discrimination in employment and occupation reportedly occurred with respect to nationality...[or] minority status...”

There is a great deal of discussion in each report dedicated to Crimea and the ongoing atrocities in this region. There is significant focus on the abuses and discrimination against ethnic Ukrainians living in this region for their inability to use their mother tongue language, participate in cultural and historical representation of their heritage and flying of the Ukrainian flag, with some citizens even disappearing due to such outward representations of their culture and language. Therefore, such rights are clearly defined and dignified by the reports and the U.S. State Department, and the forcible diminishment of the ability to “be” Ukrainian is seen as a notable and significant infringement on human rights, and an unquestionable violation therein.

Interestingly, there is only one sentence dedicated to the passing of an unnamed, ambiguous law in 2017, “[a] law adopted by the parliament on May 23 obligates television channels to broadcast at least 75 percent of their content in the Ukrainian language as of October 13.” The 2017 Education Law was passed in 2017 in Ukraine in direct response to the 2014 Russian invasion and occupation of Crimea. This law drastically impacts the respective minority communities living in Ukraine, and their ability to speak, learn, teach and participate in their mother tongue, including the ethnic Hungarian minority population. Additionally, on 25 April, 2019, the Ukrainian Parliament adopted law #5670-d “on the functioning of the Ukrainian language as a state language,” which greatly expands protections for Ukrainian in Ukraine. This further isolated and discriminates against ethnic minority communities, also including the ethnic Hungarian community. The Reports fail to address the drastically adverse impact these laws have against the ethnic minority communities, which were largely peacefully coexisting with ethnic Ukrainians until the passage of the 2017 law and the ability to speak, teach, learn and participate in their mother tongue.

2016–2020 Religious Freedom Reports

The 2016–2020 reports note that, “[a]ccording to the law, the objective of religious policy is to ‘restore full-fledged dialogue between representatives of various social, ethnic, cultural, and religious groups to foster the creation of a tolerant society and provide for freedom of conscience and worship.’”

The 2016 report also addresses, as seen in other countries’ reports, “Because religion and ethnicity are often closely linked, it was difficult to categorize many incidents as being solely based on religious identity.”

In the 2016–2018 reports, it is noted that “the Ministry of Culture and Ministry of Justice endorsed a ban on UOC-MP [Orthodox Church-Moscow Patriarchate] chaplaincy in National Guard units. Religious leaders continued to call on the government to simplify registration procedures for religious groups.Religious leaders continued to urge the government to establish a transparent legal process to address restitution claims. In different regions of the country, the UOC-KP [Ukrainian Orthodox Church - Kyiv Patriarchate], UOC-MP, UGCC [Ukrainian Greek Catholic Church], RCC [Roman Catholic Church], and other religious groups reported local authorities continued to give preference to the majority religious over the minorities on allocating land for religious buildings.”

In the 2018 report, it was particularly noted that the Ministry of Culture and Ministry of Justice “discussed the importance of fair and transparent treatment of religious groups during the establishment of the new OCU [Orthodox Church of Ukraine], preservation of religious heritage sites, support for religious minorities.”

The position of the US Embassy was also discussed in some length in the 2018–2019 Reports, as well as the actions and proclamations of the U.S. Ambassadors.

It was noted that in 2018, “[t]he embassy issued several public statements condemning religiously motivated acts of violence and calling for tolerance and restraint to ensure a peaceful transition period around autocephaly.The U.S. Ambassador at Large for International Religious Freedom met with government officials, religious leaders, and activists in September to promote religious freedom.”

In 2019, “[t]he Ambassador, embassy officials, and other U.S. government officials continued to meet with officials of the Office of the President, Ministries of Culture, Interior, Justice, and Foreign Affairs, members of parliament, political parties, and local officials to engage on issues of religious freedom. They continued to discuss the importance of fair and transparent treatment of religious groups during the establishment of the new OCU, preservation of religious heritage sites, support for religious minorities, and combating increasing manifestations of anti-Semitism.The Ambassador also urged government officials to increase their efforts to ensure the preservation of historic religious sites.”

Additionally, and of particular importance to the ethnic minority communities, including the ethnic Hungarian community, as the 2019 report notes, “[t]he Ambassador called for the government to protect the right of all religious groups to govern their religion according to their beliefs and practice their faiths freely. The Ambassador met with religious activists and former prisoners of war to discuss religious freedom abuses in the ‘DPR [Donetsk People’s Republic],’ ‘LPR [Luhansk People’s Republic],’ and occupied Crimea.”

Finally, the 2019 report addresses the U.S. Government’s official position on the matter of religious freedom in Ukraine, noting that “[t]he U.S. government supports all Ukrainians’ ability to worship as they choose. Tolerance and restraint are key principles for people with different religious affiliations to be able to live together and prosper.’ The embassy also used social media to reiterate U.S. government support for religious freedom, including the rights of religious minorities. During a March 14 meeting with Rabbi Mordechai Shlomo Bald, the Ambassador reiterated U.S. strong support for religious freedom, tolerance, and respect. On October 23, the Secretary of State met with OCU Metropolitan Epiphany and affirmed U.S. support for Ukrainians’ right to worship in accordance with their faith, free from external interference.”

Summary of findings

The overall impression of the relationship between the ethnic Hungarian minority community and Ukraine is a rather negative and deteriorating one. While there is no direct discussion of the ethnic Hungarian community, there are numerous reports of continued abuses against the ability of minority communities to engage and practice their respective culture and language. This is in relation to the reports on Ukraine as a whole, not the findings as to the Crimea region. While the atrocities against minority groups is discussed in detail as far as Crimea, this conduct is being compelled and largely enacted by occupying Russia, and therefore is not a direct reflection of the treatment of ethnic minority communities by the Ukrainian government directly. There was extensive involvement of the US Embassies in 2019 to promote the freedom to practice religion and religious and fundamental human rights in Ukraine, but there was little follow up on the success and impact of these efforts addressed in the 2020 reports. It is unclear from the reports if there are property disputes as to religious property restitution for property seized under the prior government, which has yet to be returned to the Hungarian community. There does not appear to be any focus or desirability to improve the relationship with the ethnic Hungarian community by any official position or stance of the Ukrainian government at this time, and the situation sadly appears to be worsening.

Analysis of Human Rights and Religious Freedom Reports

What is most striking in reviewing and analyzing the respective 2016–2020 Human Rights Reports and Religious Freedom Reports (hereinafter collectively “reports”), is the focus on given minority communities and instances of discriminatory and abusive conduct engaged in by the respective countries. In analyzing the reports as to their discussion of ethnic minority communities, including the ethnic autochthonous Hungarian communities, there is not as comprehensive of a discussion as other minority communities, namely the LGBTQI+, migrating and Romani minority communities, all of which are addressed significantly in terms of their overall footprint within the reports. This prompts one to ask why this the case, given there are presently an estimated 50 million ethnic, national minorities living in a host country or state throughout Europe.⁷ Why are their voices and ongoing abuses not heard as loudly as their population size alone warrants and supports?

West and East multiculturalism

As noted above, upon review of the reports, it was immediately apparent that there was particularized focus on specific minority communities, while largely if indeed not entirely, ignoring sizable minority communities. This leads to the natural inquiry as to why this is the case, and if the exclusion is intentional, willful, inadvertent or if the omitted communities are even known to be victims of abuses to the Ambassadors and their operation.

Pointed and extensive analysis has been completed on the topic of ethnocultural diversity, notably by Mr. Will Kymlicka, who specifically addressed the difference in western and eastern trends on ethnocultural diversity, and their respective impact on interactions in this field.⁸ Arguably an oversimplification, but in the most fundamental of terms, the United States does not have a large indigenous ethnic minority community due to the redrawing of country borders following numerous wars and post-war occupations over the past century, whereas this is the present reality throughout much of Central and Eastern Europe, the focused region in the present analysis.

As Kymlicka aptly addresses, there is a unique Western perspective on establishing standards for multiculturalism and minority rights. Where a collective group of multicultural practices has attempted to be codified, namely the 1992 Declaration of the United

7 *Minority SafePack – One Million Signatures for Diversity in Europe*, www.minority-safepack.eu/.

8 Kymlicka, Will. “Multiculturalism and Minority Rights: West and East.” *Journal on Ethnopolitics and Minority Issues in Europe*, 4/2002.

Kymlicka, Will. “Federalism and Secession: East and West.” *Democracy, Nationalism and Multiculturalism*, pp. 108–126., doi:10.4324/9780203313923_chapter_7.

Nations, the 1992 European Charter for Regional or Minority Languages Charter and the 1995 Framework Convention of the Council of Europe, there is, in fact, no overarching set of red-line laws or regulations that determine minority rights throughout Western, Central and Eastern Europe, even for those countries that had to meet the required standards on minority treatment for accession to the EU. This creates a paradoxical reality, wherein the 50 million historical ethnic minorities living in Europe today have no overarching, definitive rights as minorities to which their host countries must adhere and abide by, despite these communities comprising sizeable portions of their respective countries.

Interestingly, as Kymlicka notes, there is a major shift and “dramatic reversal” in the manner in which countries deal with substate, or national minorities over the past 30–40 years. There is a major trend from the former suppression of substate nationalism to accommodation of the minority communities through regional autonomy and official language rights. This further concentrates light on the question as to why historical ethnic minorities are largely absent in the reports as a focus, when the Western trend is to embrace and further autonomize and honor the mother tongue language rights of the substate minority communities. Does this Western trend extend to the United States? If one were to seek an answer based solely on review of the reports, given their lack of concentration on such communities, one could arguably conclude the answer is no.

This disparity is prudent to address in this present analysis as it provides a possible backdrop for better understanding why certain minority communities are effectively given precedence in reporting and thereby attention, above others. This is not in any way to say one group is more deserving of consideration than another, but it would seem prudent to treat all minority groups with equal weight and validity, especially in light of the purpose and mission of the reports. The fact that, as noted above, the United States has a vastly different focus, and potentially perception, on minority communities than Central and Eastern Europe, is evident in the reports.

Minority SafePack Initiative

Upon review of the 2011–2015 analysis and in analyzing the 2016–2020 reports, there is no mention of the Minority SafePack Initiative (MSPI). This is a notable absence in the reports in consideration of the fact that the MSPI is an initiative that was focused solely on promoting the most fundamental linguistic and cultural rights of ethnic minority communities, garnered over 1.2 million signatures across numerous countries of the European Union (EU) and had the support of significant political bodies and parties. The MSPI was a multi-year endeavor, with the requisite signatures secured by 2018, and was only rejected at the last and final hurdle to becoming a governing initiative of the EU in January 2021. The MSPI was set to positively impact ethnic minorities throughout the totality of

the countries comprising the EU, therefore this was a significant, widespread and almost Herculean movement by any estimation to promote and protect minority rights.

A recent article noted comprehensively and astutely,⁹ “on 14 January 2021, the European Commission decided to ignore the voice of more than one million EU citizens and that of the European Parliament. The Commission will not initiate legal acts for the protection of national and linguistic minorities under the Minority SafePack European Citizens’ Initiative. With its decision, the European Commission has turned its back on national and linguistic minorities, signatory citizens, the call of the European Parliament to ‘propose legal acts’ as well as a large number of supporting national and regional governments and legislative bodies from all across Europe.”

“The Commission rejected the request of those for whom preserving Europe’s linguistic and cultural heritage is not merely a good-sounding slogan, but a daily challenge. The position of the Commission is nothing more than a patronizing pat on our shoulders, while 1,123,422 signatories were waiting for concrete measures and actions. The Commission has now let down the approximately 50 million citizens of the Union who belong to national and linguistic minorities. Millions of them live in a situation of inequality in their own country already, now the European Commission, which is supposed to be the guardian of democracy, the rule of law, dignity and justice, is also turning its back on them[,]’ commented FÜEN President and Member of the European Parliament Loránt Vincze.”

As the article further notes: “The initiators and signatories of the Minority SafePack Initiative have previously gathered an unprecedented number of supporters in Europe around the issue of national minorities. Behind it there are two ground breaking CJEU court cases, a successful pan-European signature collection campaign, the support of the European Parliament expressed in a resolution with over 75% of the votes cast, as well as a great number of national and regional endorsements expressed in unanimously or nearly unanimously adopted resolutions, including the Bundestag of Germany, the Second Chamber of The Netherlands, the Parliament of Hungary, the Landtag of Schleswig-Holstein, Lower Saxony and Brandenburg, the Landtag of the Autonomous Province of Bolzano-South Tyrol and the Frisian Parliament.”

The total absence of the MSPI is therefore notable insofar as it directly falls under the auspices of both the Human Rights and Freedom of Religion Reports. The basis for the reasonableness of inclusion of this movement is that the reports often note positive trends, inclusive measures taken by states for the minority communities, and application of regulations in favor of the minority communities, therefore this initiative would naturally fall within this category. One can only speculate as to why the MSPI was negated from the reports over the past several years, and again leads one to inquire as to whether the 50 million

9 Fuen.org. “Minority SafePack: The European Commission Turned Its Back on National Minorities.” <https://www.fuen.org/>, 14 Jan. 2021, www.fuen.org/en/article/Minority-SafePack-The-European-Commission-turned-its-back-on-national-minorities (accessed: June 4, 2021).

ethnic minorities in their respective host states are viewed by the United States Department of State as a significant minority community, or if more awareness of their ongoing plights is necessary to be brought forward by the respective minority communities.

2017 Ukraine Education Law and State Language Law of 2019

Similar to the MSPI, there is an absence of discussion on the 2017 Ukraine Education Law (“Education Law”). The Education Law was passed following the Russian occupation of Crimea, which in significance for this analysis, was a means by which to preserve the Ukrainian language in education. The consequence of this law, however, directly and adversely affected the ethnic minority communities living in Ukraine, including the 150,000 ethnic Hungarians. The result was to disallow minorities the ability to learn, access and utilize their mother tongues, and further increased discriminatory conduct against ethnic minority communities by ostracizing the communities.¹⁰ This was broadened by a 2019 proposal, the State Language Law of 2019, further advancing the predominance of the Ukrainian language on radio and public, thereby increasing the limitations of ethnic minorities to speak and learn in their native language, while also increasing anti-minority rhetoric and conduct by advancing the supremacy of the Ukrainian language and culture.¹¹ Neither the 2017 Education Law or the expansion through the State Language Law of 2019 were addressed beyond a single, cursory line in the reports.

In early 2018, the office of the Cultural Alliance of Hungarians in Subcarpathia, Ukraine was set on fire. In October 2018, a number of billboards appeared in Subcarpathia calling to “stop the separatists” with photos of the leaders of the Hungarian community. In October 2018, the Mirotvorets internet database started listing individuals who “pose a threat to the country’s security,” listing names of Hungarian public figures and members of local councils in Subcarpathia. Most recently, the Mirotvorets expanded its database with the names of top Hungarian politicians, listing them as the “enemies of Ukraine,” including László Brenzovics, the president of the Hungarian Cultural Association in Subcarpathia, MEP Andrea Bocskor, an ethnic Hungarian from Subcarpathia and also

10 Shandra, Alya. “Ukraine’s New Education Law Unleashes International Storm over Minority Language Status.” *Euromaidan Press*, 19 Sept. 2017, euromaidanpress.com/2017/09/19/ukraines-new-education-law-causes-international-storm-over-minority-language-status/.

“Закон Про Мову Ухвалили. Як Тепер Розмовлятимемо?” *BBC News Україна*, BBC, www.bbc.com/ukrainian/news-47403589.

Vasilyeva, Nataliya. “Ukraine’s President Signs Controversial Education Law.” *AP NEWS*, Associated Press, 26 Sept. 2017, apnews.com/article/hungary-education-petro-poroshenko-international-news-moldova-8de699d3efde4297a1db9bec5ef124e5.

11 Shandra, Alya. “Ukraine Adopts Law Expanding Scope of Ukrainian Language.” *Euromaidan Press*, 26 Apr. 2019, euromaidanpress.com/2019/04/25/ukraine-adopts-law-expanding-scope-of-ukrainian-language/.

the representative of Hungary in the European Parliament, and even Olivér Várhelyi, Hungary's EU Commissioner for Neighborhood and Enlargement. Moreover, at the end of last year, the Ukrainian security service armed commandos raided several Hungarian institutions on false charges in Subcarpathia.¹² These are notable abuses and are not listed or addressed in any capacity in the Ukraine Human Rights reports.

Interestingly, as noted above, the reports address the human rights violations of Ukrainians in occupied Crimea for their inability to speak and learn in their mother tongue or practice their culture in their historical homeland, yet this same treatment to ethnic minority communities in Ukraine following the passage of the Education Law is not even addressed, let alone detailed in any specificity. It is also significant because up until the passage of the Education Law, the minority communities enjoyed relative freedom to engage in their mother tongue and motherland customs, which were directly and adversely impacted by the law, not only affecting the language of minorities, but their place as part of the fabric of the overall Ukrainian community at large, none of which is addressed in the reports.

Unreported abuses and applications of laws and regulations

As noted above, there are absences of abusive treatment of historical ethnic minority communities, with notable focus on the Hungarians minorities communities, in the subject four countries. This is not limited to the examples addressed above as to Ukraine or the Minority SafePack Initiative, but is also seen in the lack of incidences addressed in the Slovakian Reports. Of particular note to the Hungarian minority community living in Slovakia, is the May 2020 judgement of the European Court on Human Rights (ECHR), wherein it was decided to continue the application of the controversial Beneš Decrees, therein establishing its active application today, contravening the notion that it is a theoretical relic of the past.

Significant to the Hungarian community, there was a direct application of the law in 2020 which was omitted from the 2020 Slovakian Human Rights and Religious Freedom Reports. As was concluded by the application of the Beneš Decrees: “the Slovak state wants to confiscate plots under the D4 highway, worth millions of Euros, on the basis of the Beneš Decrees. In both cases, the legal basis for the confiscation of property is that the ancestors of the land owners were Hungarians. These cases made it clear that Slovakia still applies the principle of collective guilt, not only humiliating the Hungarian community living in Slovakia but also finding an easier way to obtain valuable lands without paying for

12 Interviews with Dr. Tárnok Balázs, MPK, Fall 2020 and Summer 2021; *European Commission: Ukraine Must Respect the Rights of National ...* <https://eustrat.uni-nke.hu/hirek/2021/03/22/european-commission-ukraine-must-respect-the-rights-of-national-minorities>. Accessed 13 June 2021.

them. It is going to be one of the biggest challenges of the Matovič government to address this issue and get back Slovakia on the track of European values.”¹³ The absence of such an egregious application of antiquated law inherently raises questions as to why this information was omitted from the 2020 reports. This also continues a trend seen by the Hungarian community, wherein “[t]he Constitutional Court rejected a legal action by a Hungarian religious order to claim ownership of the building under Slovakia’s post-communist property restitution laws.”¹⁴ These are not isolated incidents.

There remain ongoing issues of the application, use and accessibility of historical minority communities being able to use their mother tongue in their host countries, bilingual signage, restitution of religious properties, and sporting matches creating a platform of abuses against the Hungarian minority communities. The latter mistreatments pertaining to football, or soccer, matches were addressed in the Romanian reports as discussed above, but the same conduct was not addressed in the Slovakian reports, wherein abuses took place in Slovakia against the local ethnically Hungarian Dunaszerdahely (DAC) football team.

From the analysis of the four countries, Serbia appears to have the most positive trends in minority treatment of ethnic minorities and an actual lack of abuses against such communities. As to the historical ethnic Hungarians and their relationship with Serbia as their host country, a 2017 article noted, “[t]he good relations seem to be long-lasting because, of the two countries’ political stability, which may also pave the way for more deeply rooted relations between Serbia and the other Visegrád Four countries as well.”¹⁵ As noted above, it is unsurprising that Serbia is actualizing positive relations and treatment of the ethnic minority communities due to their ongoing pursuit for accession into the EU. One hopes this trend continues well into the future.

In refocusing on the absence of reported abuses as mentioned above, these continuing and increasing mistreatments are not addressed in the subject 2016–2020 annual reports. The absence of the abuses creates an impression that such harm is not ongoing, therein creating an illusion of cohesion of the state and minority communities, when the reality speaks otherwise. It is arguably dangerous to omit such information on abuses, as without them being addressed, it ignores the continual plight of historical minority communities, inclusive of the Hungarian communities, where issues still persist. The de facto conclusion

13 *Slovakia Still Applying the Beneš Decrees – Principle of Collective ...* <https://eustrat.uni-nke.hu/hirek/2020/07/15/slovakia-still-applying-the-benes-decrees-principle-of-collective-guilt-in-the-european-union>. Accessed 12 June 2021. The specific case, *Case of Bosits v. Slovakia* (Application no. 75041/17) case can be found at: <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%7B%22Bosits%22%2C%22itemid%22:%7B%22001-202463%22%7D%7D>.

14 *Rusovce Castle to Remain in state’s Hands - spectator.sme.sk*. <https://spectator.sme.sk/c/20031280/rusovce-castle-to-remain-in-states-hands.html>. Accessed 12 June 2021.

15 *A New Dawn? The Impact of the Aleksandar Vučić Era on the...* <https://hungarytoday.hu/new-dawn-impact-aleksandar-vucic-era-hungarian-community-serbia-90198/>. Accessed 12 June 2021.

upon reading the reports without outside data is that the relationship of historical minority communities, inclusive of the Hungarian communities, is an overwhelmingly positive and inclusive one with their respective host country. Without disregarding the affirmative steps taken by host countries to the historical ethnic minorities, it is not by any means a resolved, harmonious or supportive relationship.

Final impressions

The reports for the years 2016–2020 span over 1,600 pages, with individual annual reports often exceeding 150 pages. Therefore, it is no small feat to prepare the subject reports, and while there is indeed a formulaic approach to completing the reports, each country does offer its own variant and it is not a simple “copy and paste” exercise for the Ambassador of a given country and their team. What can be deduced from the reports as to the respective ethnic Hungarian communities is that the compilation and presentation of abuses against the minority communities is paramount to their discussion in the Human Rights and Freedom of Religion Reports. It is unclear whether detailed information was provided from parliamentary figures and/or NGOs representing the ethnic Hungarians in Slovakia, Serbia and Ukraine due to the limited, and in the case of Ukraine, wholly absent, discussion of the Hungarian community, but it seems evident such a compilation of offenses was provided by those in Romania given the more robust discussion of the Hungarian community in the Romanian reports. This may be a strategic approach in moving forward in how to present information to the Ambassadors and what information to provide in future years to ensure the ethnic Hungarian communities have a stronger opportunity to be heard by the Secretary of State and indeed, a global audience.