

## 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

The Department of State of the United States of America on an annual basis issues reports on the status of Human Rights on a global level. These reports are based on generalized standards, whose structuring is alike in the examination of Human Rights taking into consideration, however, the unique characteristics of each country, devoting more or less attention to particular issues depending on the country's traits. The 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 common trait of these reports is that in most instances the Hungarians are treated in the third chapter under the participation of minorities in the political life of the country. The sixth chapter also deals with them in the context of minority existence and ethnic discrimination. In the case of each country, under a separate section the return of confiscated properties is considered, usually in the first chapter.

Having studied the annual reports of the U.S. State Department about the Hungarian communities in the Carpathian Basin we can conclude that the visibility of particular issues depends on its presentation to the public, the information sources of American diplomats, and the activities of 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 provide the sources for these reports. On this basis we can state that the activity of Hungarian organizations on the international level is very important. If they do not raise the issues of violated rights, then in most instances these will remain invisible and will not have a consequence on the life and future of these communities. Corrective action will not take place.

In the case of **Slovakia** this means that the MOST-HÍD Parliamentary representation provides the focus, with the caveat that the law forbids the collection of ethnicity-based data. Thus, the 2015 report no longer contains information on the

political representation of minorities. Furthermore, the role of MOST-HÍD is presented as a positive development that moves Hungarian and Slovak communities closer to each other.

In the subsection that deals with the minorities, the Malina Hedvig case reappears every year. Beginning with the friendly settlement approved by the European Court of Human Rights, through the psychiatric examinations and the raising of fake charges to their retraction, the reports simply state that the Malina Hedvig case remains in the center of media attention.

A recurring element of these reports are the restrictions on the use of the Hungarian language (the Slovakian State Language Act), against which Hungarian demonstrations take place regularly on an annual basis. The last two reports, those for 2014 and 2015, deal more extensively with language use issues, and mentions that the Hungarian community is objecting to the obstacles to use Hungarian in public affairs and that Hungarian is not allowed in bilingual signs at railroad stations.

The interesting feature of the 2012 annual report is that Prime Minister Robert Fico is introduced as having left behind his earlier nationalist and anti-Hungarian rhetoric. He has toned down his aggressive posturing in his relations with Hungary. It lists as an example, the meeting between Fico and Orbán in Pilisszentkereszt, where they jointly inaugurated Hungary's new Slovak cultural center. It is not surprising that in the reports of the past five years only the report of 2013 discusses the fate of the Hungarians who have had their Slovak citizenship revoked because they acquired Hungarian citizenship. It mentions that the European Court for Human Rights rejected the complaints of two such persons, since they became Hungarian citizens at a time when they were aware that the Slovak citizenship law explicitly states that the acquisition of another state's citizenship leads automatically to the loss of Slovak citizenship. However, here the report is not quite accurate, since the Court had not rejected the appeal, but declared the complaint inadmissible.

In the case of **Ukraine** the US human rights reports for the past five years hardly mention the rights of Hungarians. This is due mainly to the Ukrainian domestic situation, since the report deals with every aspect of human rights from the Timoshenko case to the situation in the Crimea. In fact, beginning with 2014 the US has formulated

parallel requirements and human rights criteria for the Crimea as for the region's other states.

For the Hungarian community's rights only the 2012 report contains a reference, when it mentions that the adopted minority language law of 2012 extends the rights of minorities in those regions where a minority population is at least 10% of the total population.

In the case of **Serbia** the U.S. State Department is much more engaged. With the exception of the 2011 report, on an annual basis the property restitution question gives special attention to the restitution of church properties. In the analysis of these reports we do not encounter significant changes. They simply record that the Restitution Commission needs additional time to consider the restitution demands and that the government constantly accepts requests for delays in monetary payments for restitution.

The political representation of minorities is treated briefly and in formulaic fashion (except for the latest, 2015 report), that among the representatives in Parliament there are minority representatives, including Hungarians, Bosnians, and Albanians, who were elected either on ethnic or mainstream Serb party lists.

In the chapter dealing with minority conditions, its subsection registers changes from year to year. Only the 2011 and 2012 reports mention only minority councils and their wide ranging competences in the areas of education, culture, media and language use. The reports of 2013 and 2014 already expand the discussion: they state that to combat the backward condition of the minorities the government and the independent Human Rights and Minorities Office has sponsored as an alternative to religious instruction a civics hour at the high school level. Within the context of the latter instruction extends to the culture of minorities and tolerance among nationalities. The report for 2015 extends to even more areas. With the support of OSCE they instituted a Serb language course that is taught as "Serb as a foreign language." This report also mentions that in spite of the Serbian presidency of OSCE in 2015, an NGO pointed out that the voluntary and free choice of identity has been damaged. Furthermore, that the protection of minority rights is also unsatisfactory, and for these shortcomings the Serb government is responsible.

In the case of **Romania** its minority rights practices have always received close attention in the US Human rights reports. Not only in the thorough presentation of Roma issues, but also as regards anti-Semitism and other basic human rights concerns can be encountered in those reports. In spite of the overwhelming attention paid to Roma issues, it is possible to discern that the problems of the Hungarian community receive more attention. In the 2011 and 2012 reports in the observations concerning the Hungarian community there are no differences. In both of these reports they write that in spite of special consideration for minority organizations in the electoral process, the Hungarian community was able to get parliamentary representation by exceeding the 5% threshold. In the subsection on minority rights both reports reflect on the problems of Hungarian instruction for Moldavia's Csángó community. (The observations concerning the Csángó community reappear in all five examined reports.) The only observation in the 2012 report that does not appear in the earlier report is that in the introduction it observes that property restitution continues only at slow rate.

Regarding the political representation of the minorities for four years the same unchanging situation was reported, while in 2015 the report refers to the new law on political parties and the new electoral law. In this law they point out that while the requirements for establishing a party become much easier (3 individuals can start a political party), as opposed to this the participation of minority organizations continue to be as strict as before.

Beginning with 2013 the status of minority rights has received more attention. One such has been the open attacks by the Prefect of Kovászna/Covasna County against the use of the Székely (Szekler) flag. In reference to this question the report also notes that the Courts have overruled the decisions of Kovászna County regarding the flag decision. The report also refers to an RMDSZ (Democratic Alliance of Hungarians in Romania) report – actually one compiled by the newly formed Mikó Imre Association for the Defense of Rights – which lists the anti-Hungarian rights violations particularly that the Hungarian community has been victimized through attacks on its national symbols, the refusal of allowing the Hungarian language in the judicial system, discrimination faced in health care and in public education. According to the 2014 report the Hungarian community continues to complain that it is the target of discrimination particularly regarding the use of their language in the judicial process, in

lack of bilingual signs and in the official opposition to the use of Székely flag. It also mentions that the Hungarian community considers those court decisions (High Court of Cassation and Justice) to be discriminatory according to which the knowledge of Hungarian language would be a requirement in public administration. They also consider it discriminatory that the financing of solely Hungarian language publications is considered discriminatory for other nationalities. It also notes that the National Council for Combating Discrimination rejected the appeal submitted by RMDSZ in which they challenged the decision of the Higher Education Quality Control Authority (ARACIS) which required medical interns to speak to their patients only in Romanian. The 2015 report again emphasizes that here are serious problems concerning language rights. It mentions the RMDSZ prepared shadow minority report on the implementation or lack thereof of the European Charter on Regional and Minority Languages (not to be confused with the minority report on the implementation of the Framework Convention on the Protection of National Minorities – editor’s comment), in which numerous objections are raised concerning the lack of bilingual signs and that the Hungarian language cannot be used in court proceedings and in public administration. Also referring to the above mentioned shadow minority report, the 2015 report points out that a Hungarian language state university is not yet reality, the limitations on Hungarian language institutions and the limited number of translations of Hungarian language literature. Furthermore, the report deals with the obstruction of the use of minority symbols and points out that the authorities in Marosvásárhely/Târgu Mureș did not allow for the celebration of Székely Freedom Day (1848-1849).

In the reports the property restitution question receives priority consideration. The 2014 report states that since the previous report the commission on church property restitution has only met four times. It has returned nine (9) real estate properties to former owners while at the same time sixty-four (64) restitution requests were rejected. The 2015 annual report draws our attention to the Appeals Court of Ploiesti’s decision which enabled the local government of Sepsiszentgyörgy/Sfântu Gheorghe to reacquire the Székely Mikó College (High School) building which had been taken from the Reformed Church during the Communist era. The Reformed Church appealed to the European Human Rights Court to challenge this “re-nationalization”. However, the report also points out that the restitution process is very slow.

**In conclusion** we can say that the U.S. State Department follows the developments of the rights of Hungarian communities in the Carpathian Basin. We can also conclude that the problems are treated in the individual reports dependent on the source of the information and the quantity of the information gathered by American diplomats. It is also dependent on how gravely these problems appear in the lives of the communities and the media coverage they receive, even in European political circles. From all of this we can clearly see that the problem of the Hungarian communities in the Carpathian Basin will only receive attention if these problems are effectively transmitted by well-organized civil and political initiatives backed up by a pro-active commitment. The problems in the minority rights area must be effectively presented to the European and American public opinion markets, through diplomatic circles, with an effectively stressed presence in the media. The Hungarian interest representation must receive a consistent and visible presence in the international setting. From the moment when, for example, the recognized representatives of the Hungarians in Romania, their major interest protecting organization, the RMDSZ, began to reach out to international public opinion and inform the diplomatic community about Romania's violation of rights, and the country's negative minority treatment record, and presented these in its own reports, international attention became focused on these and this issue could no longer be ignored by American diplomacy as well.



## **Annex. Excerpts of the reports related to the Hungarians living in the neighboring states (2011-2015)**

### **SLOVAKIA**

#### **2011**

##### Section 3 (political rights)

Because the law prohibits collecting information on ethnicity, it was not possible to determine the precise number of members of minority groups in government. The party Most-Híd ("bridge"), which promotes greater cooperation between the country's Hungarian minority and ethnic Slovaks, held 14 seats in the National Council, seven of which were occupied by ethnic Hungarians. Some ethnic Romani individuals and parties were successful in gaining representation at the local and regional levels. However, Roma were consistently underrepresented in government service, and no Roma sat on the National Council.

##### Section 6 (discrimination/minorities)

An alleged 2006 attack and subsequent perjury charges against Hedviga Malinova, an ethnic Hungarian university student in Nitra, continued to draw media attention. Two young men allegedly physically assaulted Malinova after hearing her speak Hungarian. The district prosecutor discontinued the investigation after two weeks, concluding that Malinova had lied about the attack. In October 2010 the National Council's Human Rights Committee convened a hearing to question the prosecutor general about delays in the case. In November the ECHR accepted an agreement between Malinova and the government and subsequently dropped the case pending before it. The agreement provided for the government, among others, to express regret over Malinova's case through a press release. As of year's end, the press release had not been published.

The law provides for the imposition of fines on government institutions, civil servants, and legal entities that did not provide information required by law in Slovak. The law authorizes the Ministry of Culture to levy fines of up to 5,000 euros (\$6,500) for noncompliance. Members of the ethnic Hungarian minority criticized the provision as discriminatory and a restriction on their right to free speech.

## 2012

### Section 3

The party Most-Hid (“Bridge”), which promotes greater cooperation between the country’s Hungarian minority and ethnic Slovaks, held 13 seats in parliament, nine of which were occupied by ethnic Hungarians. The March elections also brought in the first Romani Member of Parliament (MP) since the Slovak Republic gained independence. Roma nevertheless continued to be underrepresented in communal and national elective bodies. NGOs expressed concerns over vote buying tactics targeting marginalized Romani communities during the March parliamentary elections, as well as anti-Romani rhetoric by extremist and some mainstream political parties in campaigns.

### Section 6

The law provides for the imposition of fines on government institutions, civil servants, and legal entities that did not provide information required by law in Slovak. The law authorizes the Ministry of Culture to levy fines of up to 5,000 euros (\$6,600) for noncompliance. Members of the ethnic Hungarian minority criticized the provision as discriminatory and a restriction on their right to free speech.

While Prime Minister Fico’s first government, a coalition administration with the nationalist party, in 2006-10 engaged in or at least tolerated anti-Hungarian rhetoric, his current government took a more conciliatory tone with its neighbor. In October, for example, Prime Minister Fico met with Hungarian Prime Minister Victor Orban in the Hungarian town of Pilisszentkereszt, known in Slovak as Mlynky, to open a new cultural center for the local Slovak population there.

An alleged 2006 attack and subsequent perjury charges against Hedviga Malinova, an ethnic Hungarian (who was a university student in Nitra at the time), continued to draw media attention and raise questions about due process. Two young men allegedly physically assaulted Malinova after she spoke Hungarian. The district prosecutor opened, but then discontinued after two weeks, the investigation into the incident. At that time, perjury charges were brought against Malinova, allegedly for lying about the attack. In November 2011 the ECHR accepted an agreement between Malinova and the government and subsequently dropped the pending case. The agreement obligated the government to express regret over Malinova’s case through a press release, which



former Prime Minister Iveta Radicova did at the beginning of the year. In June Malinova attended a psychiatric examination ordered by the court in order to ascertain whether PTSD could have influenced her testimony shortly after the attack in 2006. Malinova refused to answer the psychiatrist's questions, but stated that she would attend any examination she was ordered to attend. The prosecution then requested that Malinova be examined on an inpatient basis at a psychiatric hospital. In August a Nitra district court rejected this request, and in September the regional court confirmed the verdict but also stated that an inpatient examination could be used as a last resort if she refused to cooperate. NGOs criticized the order, insisting that such an examination would not be appropriate for determining the mental health of a person in 2006, and labeled the threat of being admitted to a psychiatric hospital as harassment.

### **2013**

#### Section 1 (property restitution)

On June 4, the ECHR rejected a complaint filed by two former citizens whom migration authorities stripped of their citizenship by after they acquired Hungarian citizenship. According to the court's ruling, both plaintiffs acquired Hungarian citizenship voluntarily and knew at the time that, in accordance with Slovak law, they would lose their Slovak citizenship by doing so.

#### Section 3

The party Most-Hid (Bridge), which promotes greater cooperation between the country's Hungarian minority and ethnic Slovaks, held 13 seats in parliament. The March 2012 elections also brought in the first Romani member of parliament (MP) since the country gained independence. There were small numbers of Romani mayors and members of local parliaments, but Roma continued to be underrepresented in communal and national elective bodies. NGOs expressed concerns over vote buying tactics targeting marginalized Romani communities during the March 2012 parliamentary elections, as well as anti-Romani rhetoric by extremist and some mainstream political parties.

#### Section 6

The law provides for the imposition of fines on government institutions, civil servants, and legal entities that did not provide information required by law in Slovak. The law

authorizes the Ministry of Culture to levy fines of up to 5,000 euros (\$6,800) 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 the authorities did not always implement provisions that enabled the use of minority languages in official settings. They also took issue with the refusal by the railways to allow for dual-language train-station signs.

In February, Prime Minister Fico drew criticism after remarks he gave at an event organized by the Matica Slovenska cultural institution. He stated that the Slovak state was not created primarily for minorities, but for the Slovak nation, and that minorities tend to place demands without responsibilities for the state.

An alleged 2006 attack and subsequent perjury charges against ethnic Hungarian Hedviga Malinova continued to draw media attention and raise questions about due process. During the year Malinova was again summoned for psychiatric examinations, as authorities continued to contend that post-traumatic stress disorder could have influenced her testimony. NGOs criticized the order, insisting that such an examination would not be appropriate for determining the mental health of a person in 2006. NGOs labeled the threat of being admitted to a psychiatric hospital as harassment.

## **2014**

### Section 3

The party Most-Hid (Bridge), which promoted greater cooperation between the country's Hungarian minority and ethnic Slovaks, held 13 seats in parliament. The 2012 parliamentary elections brought in the first Romani member of parliament since the country gained independence. There were small numbers of Romani mayors and members of local parliaments, but they were severely underrepresented in communal, provincial, and national elective bodies. NGOs expressed concerns over vote-buying tactics targeting marginalized Romani communities during the 2012 parliamentary elections, as well as anti-Romani rhetoric by extremist and some mainstream political parties.

### Section 6

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 (\$6,250) 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.

An alleged 2006 attack and subsequent perjury charges against ethnic Hungarian Hedviga Malinova drew media attention and raised questions about due process. In April the general prosecutor charged Malinova with perjury. Her attorney described the charge as an act of intimidation, noting that authorities did not inform Malinova about how she had supposedly lied. NGOs and human rights groups criticized the re-opening of charges against Malinova. The previous government of Iveta Radicova apologized to Malinova in 2011.

## **2015**

### Section 6

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.

An alleged 2006 attack and subsequent perjury charges against ethnic Hungarian Hedviga Malinova drew media attention and raised questions about due process. The prosecution service continued to seek Malinova's prosecution on perjury charges. In December 2014 the Nitra District Court rejected the charges; however, the prosecution appealed, and in January the Nitra Regional Court overturned the district court's decision. The district court postponed a September hearing in the case because

Malinova, who was residing in Hungary, had recently given birth. Her attorney described the charge against Malinova as an act of intimidation, noting that authorities did not inform Malinova about how she had supposedly lied. NGOs and human rights groups criticized the reopening of charges against Malinova. The previous government of Iveta Radicova apologized to Malinova in 2011.

## **UKRAINE**

**2011**

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**2012**

Section 6

The constitution provides for the free development, use, and protection of Russian and other minority languages. On August 8, a new law came into force that expanded the use of Russian and the languages of other national minorities in regions where they are spoken by at least 10 percent of the population. At least 15 local and regional governments introduced the use of Russian as an official regional language. Hungarian, Moldovan, and Romanian were also introduced as regional languages in at least one region each.

**2013**

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**2014**

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**2015**

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## **SERBIA**

**2011**

### Section 3

The law exempts ethnically based parties from the 5 percent of the vote threshold required for a political party to enter parliament. Seven members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament. There were two Bosniaks in the 21-member cabinet.

### Section 6

Bodies known as national minority councils represented 22 minority communities and had broad competency over education, mass media, culture, and the use of minority languages. Contrary to the December 2010 announcement by the minister for human and minority rights, elections for a Bosniak national minority council were not held during the year, and it remained the only un-constituted national minority council.

## **2012**

### Section 1

The law provides for the restitution of property in-kind or financial compensation in state bonds as an alternative in cases where in-kind restitution is not possible. The Serbian Restitution Agency began accepting claims in March and had received more than 1,500 claims by May. However, the restitution law has not been harmonized with the country's Law on Restitution to Churches and Religious Communities, which permits in-kind property restitution, financial reimbursement, and the substitution of property, thus granting additional means of compensation to registered religious entities. Challenges remained in the handling of restitution cases for all state-owned property seized since 1945 as well as properties seized from Holocaust victims during World War II, especially those cases involving escheated properties. The country's Restitution Law states that a separate law, not yet drafted, will address heirless properties.

### Section 3

Members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament either on minority or national parties' lists. There were two Bosniaks in the 19-member cabinet.

### Section 6

Bodies known as national minority councils represented 22 minority communities and had broad competency over education, mass media, culture, and the use of minority languages. The issue of the nonconstituted Bosniak National Minority Council remained unresolved as no new elections for that entity were held.

## **2013**

### Section 1

The Serbian Restitution Agency provides in-kind restitution for property confiscated by communist authorities following World War II or financial compensation in state bonds up to 500,000 euros (\$675,000) as an alternative in cases where in-kind restitution is not possible. The deadline to file a claim is March 2014. As of June the agency had received approximately 17,000 claims, half the number expected. According to the agency, it has resolved about 20 percent of those claims. The restitution law has not been harmonized with the country's Law on Restitution to Churches and Religious Communities, which permits in-kind property restitution, financial reimbursement, and the substitution of property, thus granting additional means of compensation to registered religious entities. The government has not addressed restitution cases involving property seized after the end of World War II that is now state owned and property seized from Holocaust victims during World War II, especially cases involving escheated properties. The country's restitution law states that a separate law, not yet drafted, will address heirless property.

### Section 3

Members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament either on minority or on national parties' lists. There were two Bosniaks in the 22-member cabinet.

### Section 6

The government took some steps to counter violence and discrimination against minorities. The stand-alone government office for Human and Minority Rights engaged in work with minority communities. Civic education classes, offered by the government as an alternative to religion courses in secondary schools, included information on minority cultures and multi-ethnic tolerance.



According to 2011 census figures, 13 distinct ethnic groups lived in the country. Nongovernmental estimates were higher. Bodies known as national minority councils represented the country's ethnic minority groups and had broad competency over education, mass media, culture, and the use of minority languages.

## **2014**

### Section 1

The Serbian Restitution Agency provides in-kind restitution for property confiscated by communist authorities following World War II or financial compensation in state bonds up to 500,000 euros (\$625,000) as an alternative in cases where in-kind restitution is not possible. The agency started receiving claims in 2012, and the final deadline to file a claim was March. According to the agency, it has resolved about 20 percent of the approximately 73,000 claims it has received. Based on its estimates, the agency would need two to three years to act on all the restitution claims that requested in-kind property restitution. The financial compensation in bonds would start the following year. A different law permits in-kind property restitution, financial reimbursement, and the substitution of property, thus granting additional means of compensation to registered religious entities. The government has not addressed restitution cases involving property seized after the end of World War II that is now state owned and property seized from Holocaust victims during World War II, especially cases involving escheated properties. The restitution law states that a separate law, not yet drafted, will address heirless property.

### Section 3

Members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament either on minority or on national parties' lists. There was one Bosniak in the 19-member cabinet.

### Section 6

The government took some steps to counter violence and discrimination against minorities. The stand-alone government office for Human and Minority Rights engaged in work with minority communities. Civic education classes, offered by the government as an alternative to religion courses in secondary schools, included information on minority cultures and multi-ethnic tolerance.

According to 2011 census figures, 13 distinct ethnic groups lived in the country. Nongovernmental estimates were higher. Bodies known as national minority councils represented the country's ethnic minority groups and had broad competency over education, mass media, culture, and the use of minority languages.

## **2015**

### Section 1

The Serbian Restitution Agency provided in-kind restitution for property confiscated by communist authorities following World War II. According to the agency, it has resolved about 40 percent of nonagricultural claims and 5 percent of agricultural claims. Based on its estimates, the agency would need two more years to act on all claims for in-kind property restitution and five years to complete compensation claims. Payment of financial compensation was supposed to start in 2014 but has been delayed until 2018. The law permits in-kind property restitution, financial reimbursement, and the substitution of communal religious property. The government has not adopted a law to address restitution of heirless property confiscated as a result of the Holocaust.

### Section 6

Bodies known as national minority councils represented the country's ethnic minority groups and had broad competency over education, media, culture, and the use of minority languages. (...)

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. Civic education classes, offered by the government as an alternative to religion courses in secondary schools, included information on minority cultures and multi-ethnic tolerance.

During the year the Institute for the Improvement of the Quality of Education, with support from the OSCE Mission to Serbia, drafted standards for the mandatory teaching of Serbian as a non-mother tongue in primary and secondary schools. During the year the standards were tested and used to improve further the teaching of Serbian for all minorities in the country. The government, with support from several international organizations, continued efforts to improve the teaching of Serbian as a non-mother tongue in Albanian-language primary schools.

As a part of Serbia's 2015 chairmanship of the OSCE, a coalition of Serbian NGOs conducted an independent self-evaluation of Serbia's implementation of its human rights commitments. The coalition concluded that the protection of the rights of individuals belonging to minority communities and the principle of voluntary self-identification have not been fully implemented. The coalition reported that segregation has been the de facto result of minority rights policies in Serbia.

## **ROMANIA**

**2011**

### Section 3

Under the constitution, each recognized ethnic minority is entitled to have one representative in the Chamber of Deputies even if the minority's organization cannot obtain the 5 percent of the vote needed to elect a deputy outright. However, this entitlement is qualified by the requirement that the organization receives votes equal to 10 percent of the average number of votes nationwide necessary for a deputy to be elected. Organizations representing 18 minority groups received deputies under this provision in the 2008 elections. There were 47 members of minorities in the 471-seat parliament: nine in the Senate and 38 in the Chamber of Deputies. At the end of the year there were four members of minorities (all ethnic Hungarians) in the 17-member cabinet. Ethnicity data was not available for members of the Supreme Court.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania, an umbrella party, were the sole ethnic minority to gain parliamentary representation by passing the 5 percent threshold.

### Section 6

According to the most recent census conducted in 2002, ethnic Hungarians are the country's largest ethnic minority with a population of 1.4 million.

In the Moldavia region the Roman Catholic, Hungarian-speaking Csango minority continued to operate government-funded Hungarian-language classes. According to the Association of Csango Hungarians in Romania (AMCM), 1,011 students in 17 schools received Hungarian-language classes during the 2011-2012 academic year. In 25

localities the AMCM sponsored daily educational activities in the Hungarian language. In some other localities, such as Pargaresti, Luizi Calugara, and Tuta, requests for Hungarian language classes were denied. The AMCM continued to complain that there was no Hungarian-speaking school inspector at the School Inspectorate of Bacau County.

## **2012**

### Executive Summary

Property restitution remained extremely slow, and the government extended compensation for another year.

### Section 3

Under the constitution each recognized ethnic minority is entitled to have one representative in the Chamber of Deputies, even if the minority's organization cannot obtain the 5 percent of the vote needed to elect a deputy outright. However, this entitlement is qualified by the requirement that the organization receive votes equal to 10 percent of the nationwide average number of votes necessary for a deputy to be elected. Organizations representing 18 minority groups received deputies under this provision in the 2012 elections. There were 45 minority members in the 588-seat parliament, nine in the Senate and 36 in the Chamber of Deputies.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania umbrella party, were the sole ethnic minority to gain parliamentary representation by passing the 5-percent threshold.

### Section 6

According to the preliminary results of the most recent census conducted in 2011, ethnic Hungarians are the country's largest ethnic minority with a population of approximately 1.25 million.

In the region of Moldavia, the Roman Catholic, Hungarian-speaking Csango minority continued to operate government-funded Hungarian-language classes. According to the Association of Csango Hungarians in Romania (AMCM), 1,011 students in 17 schools received Hungarian-language classes during the 2011-12 academic year. In 25 localities

the AMCM sponsored daily educational activities in the Hungarian language. In some other localities, requests for Hungarian-language classes were denied.

## **2013**

### Section 3

Under the constitution each recognized ethnic minority is entitled to have one representative in the Chamber of Deputies, even if the minority's organization cannot obtain the 5 percent of the vote needed to elect a deputy outright. This entitlement is qualified, however, by the requirement that the organization receive votes equal to 10 percent of the nationwide average number of votes necessary for a deputy to be elected. Organizations representing 18 minority groups received deputies under this provision in the 2012 elections. There were 45 minority members in parliament, nine in the Senate and 36 in the Chamber of Deputies.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania umbrella party, were the sole ethnic minority to gain parliamentary representation by passing the 5-percent threshold.

### Section 6

According to the most recent census conducted in 2011, ethnic Hungarians were the country's largest ethnic minority with a population of approximately 1.227 million.

At the beginning of the year, the prefect of Covasna County (a county approximately 75 percent ethnically Hungarian) asked ethnic Hungarian mayors in the county to remove from state institutions the regional Szekler flag, which the county council had adopted as the county's flag in 2009. Street protests followed the prefect's request. In June the Court of Appeals in Brasov annulled the county council's 2009 adoption of the Szekler flag, rendering the use of the regional flag illegal. The decision is not subject to appeal.

According to a preliminary report about the situation of ethnic Hungarian rights in Covasna County made public by the Democratic Union of Hungarians in Romania (UDMR) in June, ethnic Hungarians faced significant discrimination, despite protective provisions of the law. The types of discrimination cited by the UDMR included: not being permitted to use Hungarian in courts and other state institutions; inability to access medicinal drug information in Hungarian; discrimination in education with respect to

lingual and cultural curriculum; all personal documents, IDs, and official mail provided only in the Romanian language; anti-Hungarian media campaigns; and legal attacks against the free display of community symbols.

In July the UDMR filed a complaint with the CNCD against the Romanian Agency to Ensure the Quality of Higher Education, which distributed a letter stating that resident doctors have to speak only Romanian with their patients. The UDMR stated that the requirement negatively affected quality of care for ethnic Hungarian patients and inhibited practical training of ethnic Hungarian students.

In the region of Moldavia, the Roman Catholic, Hungarian-speaking Csango minority continued to operate government-funded Hungarian-language classes. The Association of Csango Hungarians in Romania sponsored daily educational activities in the Hungarian language in 25 localities. In some other localities, authorities denied requests for Hungarian-language classes.

## **2014**

### Section 1

By mid-September the special commission in charge of restituting religious and ethnic communal property met four times, restituted nine buildings to their former owners, and rejected 64 claims.

### Section 3

Under the constitution each recognized ethnic minority is entitled to have one representative in the Chamber of Deputies, even if the minority's organization cannot obtain the 5 percent of the vote needed to elect a deputy outright. A limitation to this entitlement is the requirement that the organization receive votes equal to 10 percent of the nationwide average number of votes necessary for a deputy to be elected. Organizations representing 18 minority groups received deputies under this provision in the 2012 elections. There were 45 members representing ethnic minorities in parliament, eight in the Senate and 35 in the Chamber of Deputies.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania umbrella party, were the sole ethnic minority to gain parliamentary representation by passing the 5-percent threshold.



## Section 6

According to the most recent census, conducted in 2011, ethnic Hungarians were the country's largest ethnic minority with a population of approximately 1.2 million.

Ethnic Hungarians continued to report that they faced discrimination. They stated that they were not permitted use their maternal language in courts, that many municipalities did not use bilingual signs, and that there were obstructions and bans against the use of the Szekler flag. The High Court of Cassation and Justice ruled that the local authorities' requirement for public servants to speak the Hungarian language in areas with a majority ethnic Hungarian population was discriminatory against other ethnic groups. Additional court and CNCD rulings stated that funding publications only in the Hungarian language discriminated against other ethnic groups. Ethnic Hungarians called these decisions discriminatory.

The CNCD rejected a July 2013 complaint filed by the Democratic Union of Hungarians in Romania (UDMR) against the Romanian Agency to Ensure the Quality of Higher Education, which distributed a letter stating that resident doctors have to speak only Romanian with their patients. The UDMR's complaint stated that the requirement negatively affected quality of care for ethnic Hungarian patients and inhibited practical training of ethnic Hungarian students.

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.

## **2015**

### Section 1

In January, following a 2014 ruling of 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 Reformed Church. Viewing the move as renationalization, the Reformed Church filed a complaint with the ECHR. There were also complaints that restitution of communal and individual property confiscated during World War II and the communist years proceeded too slowly.

### Section 3

Organizations representing ethnic minorities may also field candidates in elections provided the minorities in question are “national minorities,” defined as ethnic groups represented in the Council of National Minorities. These organizations must meet requirements similar to those for political parties. The law sets more stringent requirements for organizations representing minorities without a presence in parliament than it does for those with a presence. To participate in elections, the former must provide the Central Electoral Bureau a list of members equal to at least 15 percent of the total number of persons belonging to that ethnic group, as determined by the most recent census. If this number amounts to more than 20,000 persons, the organization must submit a list with at least 20,000 names distributed among a minimum of 15 counties plus the city of Bucharest, with no fewer than 300 persons from each county.(...)

Under the constitution each recognized ethnic minority is entitled to a representative in the Chamber of Deputies, even if the minority’s organization cannot obtain the five percent of the vote needed to elect a deputy outright. An organization is required, however, to receive votes equal to 10 percent of the nationwide average number of votes necessary for a deputy to be elected. Organizations representing 18 minority groups received deputies under this provision in the 2012 elections. There were 42 members representing ethnic minorities in parliament: eight in the Senate and 34 in the Chamber of Deputies.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania umbrella party, were the sole ethnic minority to gain parliamentary representation by passing the 5-percent threshold.

#### Section 6

According to the 2011 census, the ethnic Hungarian population was approximately 1.2 million.

Ethnic Hungarians continued to report discrimination related to their ability to use the Hungarian language. In August the political umbrella group Democratic Union 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 that courts obstructed the financing of Hungarian-language newspapers by local authorities and that the government continued to refuse to establish a public Hungarian-language university. The report also noted there were insufficient Hungarian-language cultural institutions and translations of Hungarian-language literature in the country.

Ethnic Hungarians also complained of obstructions and bans against the use of the regional Szekler flag and symbols. In March local authorities in Targu Mures rejected the National Szekler Council's request to hold a march to celebrate the Szeklers' Freedom Day on March 10 and commemorate five Szekler martyrs.

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.