

## Az Egyesült Államok Külügyminisztériumának éves emberi jogi jelentései a Kárpát-medence országaiban (Szlovákia, Ukrajna, Románia és Szerbia) – összehasonlító elemzés a 2011-2015-ös évekre

Az [Amerikai Egyesült Államok Külügyminisztériuma](#) éves rendszerességgel mutat be jelentéseket az emberi jogok állásáról a nagyvilágban. Ezek a jelentések egy általánosan alkalmazott sablonra épülnek, szerkezetük azonos, és ugyanazokat az emberi jogokat vizsgálják – természetesen az adott ország sajátosságainak ismeretében egyik-másik témára kevesebb vagy éppenséggel több figyelmet fordítva. Elemzésünk célja áttekinteni a legnagyobb Kárpát-medencei magyar közösségek országaira vonatkozó jelentéseket, tekintettel azok időbeli alakulására is. Éppen ezért megvizsgáltuk az elmúlt öt esztendő (2011, 2012, 2013, 2014 és 2015) Szlovákiára, Ukrajnára, Romániára és Szerbiára vonatkozó országjelentéseit. A jelentések közös vonása, hogy a legtöbb esetben a magyarságra vonatkozó kitételek a harmadik fejezetben (kisebbségek részvétele a politikai életben), valamint a hatodik fejezetben (etnikai alapú diszkrimináció, kisebbségek helyzete) olvashatók. Egyes országok esetében külön pontként jelenik meg az ingatlan-visszaadás kérdése, ezekről a jelentések első fejezetében olvashatunk.

Az Egyesült Államok Külügyminisztériumának éves emberi jogi jelentéseit áttanulmányozva megállapítható, hogy ezek foglalkoznak a kárpát-medencei magyar közösségek jogainak érvényesülésével, ám az egyes ügyek láthatósága nagyban függ azok közvélemény előtti megjelenítésétől, az amerikai diplomácia tájékozási forrásaitól és a civil szervezetek tevékenységétől. Fontos aláhúzni, hogy az egyes országokban élő magyar közösségek legnagyobb, reprezentatívnak tekintett, parlamenti képvisellel rendelkező érdekvédelmi szervezeteinek állásfoglalásai és tevékenysége jelentik azt a hivatkozási alapot, amelyre ezek a jelentések a leginkább támaszkodnak. Így kijelenthető, hogy mindennél fontosabb az egyes magyar szervezetek aktív külpolitikai tevékenysége, hiszen amennyiben ezek nem vetik fel a gondokat és jogsértéseket, akkor a legtöbb esetben nemzetközi szinten láthatatlanok és értelmezhetetlenek maradnak a közösség életére és jövőjére nagy hatással bíró intézkedések vagy éppen azok elmaradása.

**Szlovákia** tekintetében a politikai képviselőt kapcsán a jelentések visszatérően kizárólag a Most-Híd parlamenti mandátumait említik, arra való hivatkozással, hogy a törvény tiltja az etnikai alapú adatgyűjtést. A 2015-ös jelentés ráadásul már nem is tartalmaz a kisebbségek politikai képviselőjére vonatkozó megállapítást. A Most-Híd szerepét egyébként úgy értékeli, hogy az „közeledést hirdeti a magyar és a szlovák közösségek között”.

A kisebbségek helyzetéről szóló alfejezetben minden évben megjelenik a Malina Hedvig ügy: az Emberi Jogok Európai Bírósága által jóváhagyott megegyezéssel kezdődően, a pszichiátriai vizsgálatokon át a hamis vallomástétel vádjáig és ennek a vádnak az ejtéséig. A jelentések visszatérő megfogalmazása szerint a Malina Hedvig ügy változatlanul a médiafigyelem középpontjában van.

A jelentések visszatérő eleme továbbá az információk kötelező módon szlovák nyelven történő közléséről szóló törvény (szlovák nyelvtörvény), amelynek rendelkezéseivel szembeni magyar tiltakozásokat minden évben megemlíti. A legutóbbi kettő, a 2014-es és a 2015-ös jelentés valamivel bővebben foglalkozik a nyelvhasználat kérdésével, megemlíti, hogy a magyar közösség kifogásolja, hogy akadályozzák a magyar nyelv használatát a hivatalos ügyintézésben és hogy nem engedélyezik a vasútállomások kétnyelvű feliratozását.

Érdekessége a 2012-es évi jelentésnek, hogy Robert Fico kormányfőt úgy mutatja be, mint aki szakított a korábbi nacionalista, magyarellenes retorikával, és sokkal békésebb hangnemet üt meg a szomszédsági viszonyban. Erre példát is ad, megemlíti a Fico-Orbán találkozót Pilisszentkereszten, ahol közösen nyitották meg a magyarországi szlovákok új kulturális központját.

Némileg meglepő az is, hogy a legutóbbi öt év szlovákiai jelentései közül mindössze a 2013-as foglalkozik azokkal a szlovák állampolgárságuktól megfosztott magyarokkal, akik megkapták a magyar állampolgárságukat: megemlíti, hogy az Emberi Jogok Európai Bírósága elutasította két ilyen személy panaszát, hiszen amikor ők a magyar állampolgárságot kérvényezték, a szlovák állampolgársági törvény rendelkezéseinek tudatában tették ezt, amely kimondja, hogy egy más állampolgárság megszerzése a szlovák elvesztésével jár. Itt az emberi jogi jelentés is pontatlanságot tartalmaz, mivel a Bíróság nem elutasította a kérelmet, hanem elfogadhatatlannak nyilvánította a panaszt.

**Ukrajna** tekintetében az USA emberi jogi jelentései az elmúlt öt esztendőben alig foglalkoznak a magyarság jogaival. Ez alapvetően az ukrán belpolitikai helyzetnek tudható be, hisz Timosenkotól a Krímig minden emberi jogi szempontból értelmezhető problémával foglalkoznak – sőt 2014-től kezdődően az USA az államokéval azonos formai és szerkezeti követelményeknek megfelelő külön emberi jogi jelentést készít a Krímről.

A magyar közösség jogaira vonatkozóan mindössze a 2012-es évi jelentés tartalmaz egy kitétel, amikor megemlíti, hogy a 2012-ben elfogadott kisebbségi nyelvhasználati törvény kibővíti a jogokat azokban a régiókban, amelyben a kisebbségi lakosság aránya eléri a 10%-ot.

**Szerbia** kisebbségi kérdései ezzel szemben sokkal jobban foglalkoztatják az USA Külügyminisztériumát. A 2011-es év kivételével évről évre visszatérő kérdés itt az

ingatlanrestitúció, külön megemlíti az egyházi javak visszaadásának ügyét is. Ezekben a tartalmakban nincs érdemleges minőségi változás, csupán azt jegyzi meg, hogy a Visszaszolgáltatási Ügynökségnek mennyi időre van még szüksége a döntések elbírálásához, valamint azt, hogy a kormány újabb és újabb halasztásokat fogad el a pénzbenei kártérítések kifizetésére.

A nemzeti kisebbségek politikai képvisellete kapcsán szűkszavúan és változatlan megfogalmazásban annyit jegyez fel évről évre (kivéve a legutolsó, 2015-ös esztendő), hogy a parlamentben kisebbségi képviselők is vannak, köztük magyarok, bosnyákok és albánok, akik etnikai vagy mainstream szerb pártok listáin jutottak mandátumhoz.

A kisebbségek helyzetéről szóló alfejezetben fokozatos változás észlelhető évről évre. A 2011-es és a 2012-es csupán a kisebbségi tanácsokat említi és azok széles kompetenciáit az oktatás, kultúra, média és anyanyelvhasználat terén. A 2013-as és 2014-es ennél többet is megjegyez: megemlíti, hogy a kormány a kisebbségek hátrányos helyzetének leküzdése érdekében a kormány mellett működő önálló Emberi Jogi és Kisebbségi Hivatal a vallásórák alternatívájaként a polgári nevelési órát vezetett be a másodfokú oktatásban, amelynek keretében a kisebbségek kultúráját és a nemzetiségek közötti toleranciát is tanítják. 2015-ben még ennél is többet tartalmaz a jelentés: az EBESZ támogatásával megalkották a szerb nyelv nem anyanyelvként történő oktatásának kereteit. A jelentés megemlíti azt is, hogy Szerbiának a 2015-ös EBESZ-elnöksége kapcsán egy civil szövetség véleménye szerint továbbra is sérül az országban a szabad identitásválasztás joga, és a kisebbségi jogok védelme sem megfelelő, és mindezért a szerb kormány politikája a felelős.

**Románia** kisebbségi jogi gyakorlata mindig is kiemelt figyelmet élvezett az USA emberi jogi jelentéseiben. Ez nemcsak a roma kérdés részletes taglalásából, de az antiszemitizmusra vonatkozó kitételekből és a más alapvető emberi jogok érvényesülésére vonatkozó megállapításokból is kiolvasható. Annak ellenére, hogy a jelentések túlnyomó részben a roma-üggyel foglalkoznak, érezhető az is, hogy fokozatosan teret nyernek a magyar közösség gondjai is. A 2011-es és a 2012-es évre szóló jelentésekben a magyar közösségre vonatkozó megállapítások között nincs különbség. Mindkettőben arról írnak, hogy a kisebbségi szervezetekre vonatkozó különleges választási szabályoktól eltérően a magyar közösség parlamenti képvisellete az 5%-os küszöb elérésével valósul meg. A kisebbségi jogok alfejezetben mindkét jelentés a moldvai csángó közösségek magyar oktatására vonatkozó gondjaira hívja fel a figyelmet (a moldvai csángókra vonatkozó megállapításokat mind az öt vizsgált jelentésben megtaláljuk). Egyetlen pont van a 2012-es jelentésben, ami nincs a korábbiakban: a bevezetőben megjegyzi, hogy továbbra is lassú az ingatlan-visszaszolgáltatási folyamat.



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A kisebbségek politikai képviseletéről szóló rész egyébként négy éven át ugyanazt a tényt állapítja meg, 2015-ben viszont már utal az új párttörvényre és választási törvényre. Ebben azt kifogásolja, hogy miközben a pártalapítási feltételek jelentősen enyhültek (3 fő alapíthat pártot), ezzel szemben a választásokon részt venni kívánó kisebbségi szervezetek regisztrációs feltételei ugyanolyan szigorúak maradtak.

A kisebbségi jogok helyzetéről szóló részek egyre terjedelmesebbek a 2013-as évvel kezdődően. A 2013-as jelentés már két igen jelentős jogsértésről számol be. Az egyik a Kovászna megyei prefektus által indított hadjárat a székely zászló ellen. Ebben az ügyben megemlíti azt is, hogy a bíróság jogerősen megsemmisítette a Kovászna megyei zászlóra vonatkozó határozatot. A jelentés kitér továbbá az RMDSZ – valójában azonban a frissen megalakult Mikó Imre Jogvédelmi Szolgálat háromszéki csoportja által kidolgozott – magyarellenességről szóló jelentésére is, kiemelve, hogy a magyar közösséget számos jogsértés éri az igazságszolgáltatási anyanyelvhasználatól a szimbólumok elleni hadjáratig, az egészségügyben tapasztalható diszkriminációtól az oktatási gondokig. A 2014-es országjelentés szerint a magyar közösség továbbra is diszkriminációra panaszkodik, kiemelve az igazságszolgáltatási anyanyelvhasználat, a kétnyelvű feliratok hiányát és a székely zászló elleni hatósági fellépést. Megemlíti továbbá, hogy a magyar közösség diszkriminatívnak tartja azokat a bírósági döntéseket, amelyek szerint nem lehet a magyar nyelv ismeretét feltételként szabni a közszférában történő alkalmazásoknál, valamint azt, hogy a csak magyar nyelvű kiadványok finanszírozását a hatóságok a más nemzetiségűekkel szembeni diszkriminációnak minősítik. Kitér a jelentés arra is, hogy a Diszkriminációellenes Tanács elutasította az RMDSZ beadványát, melyben a Felsőoktatás Minőségét Ellenőrző Hatóságot (ARACIS) panaszolta be, mert egy levelében azt kéri, hogy a gyakornok orvosok a betegekkel csak románul beszéljenek. A 2015-ös jelentés ismételt kiemeli, hogy továbbra is komoly gondok vannak az anyanyelvhasználat terén. Megemlíti az RMDSZ által előkészített árnyékjelentést a Regionális vagy Kisebbségi Nyelvek Európai Kartájának alkalmazásáról (*nem összetévesztendő a Kisebbségvédelmi Keretegyezményhez kapcsolódó, nemrég bemutatott árnyékjelentéssel – szerző megj.*), amelyben számos kétnyelvű felirat hiányát kifogásolja, valamint azt, hogy nem lehet használni a magyar nyelvet a bíróságokon és a közigazgatásban. Ugyancsak az árnyékjelentésre hivatkozva jelzi a megoldatlan magyar nyelvű állami egyetem kérdését, a magyar nyelvű kulturális intézmények és magyar nyelvű irodalmi alkotások kellő mennyiségű fordítását is. A jelentés továbbá kitér a szimbólumok használatának akadályozására és kiemeli, hogy a marosvásárhelyi hatóságok megakadályozták a Székely Szabadság Napjának megszervezését.

Külön kiemelve jelennek meg a restitúciós kérdések. A 2014-es jelentés megállapítja, hogy az előző jelentés óta az egyházi restitúciós bizottság mindössze négy alkalommal ülésezett, visszaadott 9 ingatlant a volt tulajdonosoknak, ugyanakkor 64



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kérelmet elutasított. A 2015-ös évi jelentés felhívja a figyelmet, hogy a ploiesti-i Táblabíróság döntése nyomán a sepsiszentgyörgyi helyi önkormányzat visszavette a Székely Mikó Kollégium épületét, melyet a kommunista rendszer a református egyháztól vett el. A visszaállamosítást követően a református egyház az Európai Emberi Jogi Bírósághoz fordult. A jelentés ugyanakkor ismételten megjegyzi, hogy a visszaszolgáltatási folyamat nagyon lassú.

**Összefoglalva** mindezeket megállapítható, hogy az Egyesült Államok Külügyminisztériuma kellő figyelemmel követi a kárpát-medencei magyar közösségek jogainak állását. Az is megállapítható, hogy az egyes jelentésekben a problémák megjelenítése nagymértékben függ attól, hogy egyrészt milyen forrásból és milyen mennyiségű információt gyűjt össze az amerikai diplomácia, másrészt attól, hogy a jelzett problémák mennyire erőteljesen jelennek meg a közösségek életében, a médiában, független jelentésekben, esetleg európai politikai körökben. Ebből egyértelműen következik az, hogy a kárpát-medencei magyar közösségek valós gondjaira való figyelemfelkeltéshez szükségesek az erőteljes civil és politikai kezdeményezések és proaktív hozzáállás, a gondokat meg kell ismertetni az európai és amerikai közvéleménnyel, valamint a diplomáciai körökkel, hangsúlyosan meg kell jeleníteni a médiában, illetve a magyar érdekvédelmi politikának kellő hangerővel és következetességgel kell azokat felmutatnia. A roma közösség intenzív lobbija ezért vált sikeressé, és ezért sikerül nekik évről évre kitölteni a jelentések kisebbségi fejezeteinek nagy részét. Abban a pillanatban tehát, hogy például a romániai magyarság külföldön is reprezentatívnek tekintett érdekvédelmi szervezete, az RMDSZ elkezdett komolyabban foglalkozni azzal, hogy a nemzetközi közvéleményt, a diplomáciai testületeket tájékoztassa a romániai jogsértésekről, a romániai kisebbségpolitika visszaeséséről, és ezekről elkészítse saját jelentéseit is, a nemzetközi figyelem is élénkebb lett – és a témát nem tudja már megkerülni az amerikai diplomácia sem.



## **Melléklet – a jelentések magyar vonatkozású részletei az elmúlt öt évben (2011-2015)**

### **SZLOVÁKIA**

#### **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-Hid ("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-Híd (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.

## **UKRAJNA**

### **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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**SZERBIA**

**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.

## **ROMÁNIA**

### **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.