STRUGGLING FOR ETHNIC IDENTITY

Ethnic Hungarians in Post-Ceausescu Romania

Helsinki Watch

Human Rights Watch
New York • Washington • Los Angeles • London

Printed in the United States of America.

ISBN 1-56432-115-0
LCCN: 93-80429

Cover photo: Ethnic Hungarians, carrying books and candles, peacefully demonstrating in the central Transylvanian city of Tîrgu Mureş (Marosvásárhely), February 9-10, 1990. The Hungarian and Romanian legends on the signs they carry read: We're Demonstrating for Our Sweet Mother Tongue! Give back the Bolyai High School, Bolyai University! We Want Hungarian Schools! We Are Not Alone!

HUMAN RIGHTS WATCH

Human Rights Watch conducts regular, systematic investigations of human rights abuses in some sixty countries around the world. It addresses the human rights practices of governments of all political stripes, of all geopolitical alignments, and of all ethnic and religious persuasions. In internal wars it documents violations by both governments and rebel groups. Human Rights Watch defends freedom of thought and expression, due process of law and equal protection of the law; it documents and denounces murders, disappearances, torture, arbitrary imprisonment, exile, censorship and other abuses of internationally recognized human rights.

Human Rights Watch began in 1978 with the founding of Helsinki Watch by a group of publishers, lawyers and other activists and now maintains offices in New York, Washington, D.C., Los Angeles, London, Moscow, Belgrade, Bucharest and Hong Kong. Today, it includes Africa Watch, Americas Watch, Asia Watch, Helsinki Watch, Middle East Watch, and four collaborative projects, the Arms Project, Prison Project, Women's Rights Project, and the Fund for Free Expression. Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations. It accepts no government funds, directly or indirectly.

Addresses for Human Rights Watch

485 Fifth Avenue
New York, NY 10017-6104
Tel: (212) 972-8400
Fax: (212) 972-0905
email: hrwatchnyu@igc.org

1522 K Street, N.W., #910
Washington, DC 20005
Tel: (202) 371-6592
Fax: (202) 371-0124
email: hrwatchdc@igc.org

10951 West Pico Blvd., #203
Los Angeles, CA 90064
Tel: (310) 475-3070
Fax: (310) 475-5613

90 Borough High Street
London, UK SE1 1LL
Tel: (071) 378-8008
Fax: (071) 378-8029

email: hrwatchla@igc.org

email: africawatch@gn.org

TABLE OF CONTENTS

Acknowledgments

This report is based on a series of missions that Helsinki Watch has conducted in Romania since January 1990. It was written by Holly Cartner, Counsel to Helsinki Watch, and was edited by Lois Whitman, Deputy Director of Helsinki Watch.

Helsinki Watch would like to thank all those who assisted in the mission to Romania in November 1992, as well as in follow-up research. Helsinki Watch is very grateful for the invaluable assistance provided by Vera Cîmpeanu and representatives of the Hungarian Human Rights Foundation. Special thanks go to Cătălin Nicolaescu, and Linda Miller for reviewing and translating documents from Romanian.

Other Helsinki Watch reports that include information on the status of the ethnic Hungarian minority, include:

Destroying Ethnic Identity: The Hungarians of Romania, February 1989.

"Elections Report," (newsletter) May 15, 1990.

"Ethnic Conflict in Tirgu Mures," (newsletter) May 1990.

Since the Revolution: Human Rights in Romania, March 1991.

Introduction

On December 17, 1989, ethnic Romanians and ethnic Hungarians[1] in the Transylvanian town of Timişoara (Temesvár) united to oppose the expulsion of the Hungarian Reformed Bishop László Tőkés from his parish. This was the beginning of the Romanian revolution that ultimately resulted in the downfall and execution of the communist dictator, Nicolae Ceauşescu. Immediately following the revolution, Romanians of all ethnic backgrounds hoped for and expected the speedy establishment of a democratic government that would respect human rights for all its citizens.

Although tensions between Romanians and Hungarians had grown during the two decades preceding the revolution due to Ceauşescu's manipulation of ethnic hostilities, all these tensions were temporarily forgotten during the revolution itself. Tensions between Hungary and Romania also decreased as both countries celebrated the fall of communist rule. Hungary responded to the bloody revolution by immediately sending medical aid and food supplies. Mistrust and fear between the two nations seemed to evaporate overnight.[2]

The Hungarian minority expected the fruit of the revolution to be not only an end to the terrible violations of fundamental rights that all Romanian citizens had suffered, but also an end to the specific violations that minorities had suffered under Ceauşescu. What is more, Hungarians were anxious to begin rebuilding their cultural and political structures that had been devastated during the previous decades.

Hungarians were quick to organize politically and to call on the newly

---

[1] For simplicity, the terms ethnic Hungarians, the Hungarian minority, and Hungarians are used interchangeably to refer to Romanian citizens of Hungarian origin. Certain quoted materials also refer to ethnic Hungarians as ethnic "Magyars," which is the name by which Hungarians refer to themselves. Where the term "Hungarians" refers to Hungarian citizens living in Hungary this will be made clear in the text.

[2] See, "Free Hungarians in a Free Romania: Dream or Reality?" *RFE/RL Report on Eastern Europe*, February 23, 1990, p. 19.

formed government to take steps to reinstate Hungarian-language schools and address other minority concerns. However, the government's initial openness to the concerns of minorities quickly gave way to resistance and hostility from some segments of the public. Tensions between Hungarians and Romanians in Transylvania over minority rights began to escalate during the weeks following the revolution, and culminated in the violent confrontation in Tîrgu Mureş (Marosvásárhely) in March of 1990.[3]

After the ethnic violence in Tîrgu Mureş (Marosvásárhely) and the Romanian government's backtracking on promises made to minorities, it became abundantly clear that the hopes and expectations of the Hungarian minority had been premature. Few Hungarians or Romanians had realized the extent to which Ceauşescu's nationalist propaganda had permeated Romanian society, as evidenced by the resurgence of chauvinistic ideologies and rhetoric. Many had also underestimated the level of fear and mistrust among both Romanians and Hungarians, emotions which were to be easily manipulated by nationalist leaders.

The three years since the revolution have witnessed a dramatic increase in xenophobia and racist propaganda in Romania, including an increasingly vocal nationalist and anti-minority press, as well as the emergence of popular right-wing political parties. Demands by minorities that had seemed quite justified in the hours after the revolution were soon viewed with suspicion and resentment. Some Romanians voiced the opinion that Hungarians should wait until the achievements of the revolution had been secured for all Romanians before demanding the rights of minorities.

Throughout eastern Europe, demands for greater minority rights are inevitably viewed through the prism of historical experience. In the case of Transylvania, where most ethnic Hungarians live, centuries of Hungarian influence and control ended in 1918 with the Treaty of Trianon.[4] During the twentieth century, ethnic Romanians and ethnic Hungarians suffered

---

[3] See, "The Events in Tîrgu Mureş - March 1990," in this report.

[4] For additional information see, Barbara Jelavich, *History of the Balkans*, Volume 2, Cambridge University Press, (1983); *Romania's Ethnic Hungarians*, A Minority Rights Group Report, April 1990, pp.8-9.

assimilationist policies and severe abuses as the region shifted back and forth between the control of the Hungarian and the Romanian states. This history affects all inter-ethnic relations in Romania.

Many Romanians continue to believe that a large minority population presents a security risk for the Romanian state, and that greater rights for minorities will result in demands for territorial autonomy and, ultimately, a secessionist movement. These fears have been easily manipulated by nationalist elements in Romania in whose interest it may be to foment ethnic tensions and conflict. Many ethnic Hungarians and Romanians have been especially troubled by what appear to be close ties between Ceauşescu's former secret police, the Securitate, and extreme right-wing elements, who share a common nationalist and anti-minority philosophy. In fact, during the violent clashes in Tîrgu Mureş (Marosvásárhely) in March 1990, there were reports that former Securitate agents were involved in inciting ethnic tensions.[5]

Given this historical context, trust and good-faith dealings are very difficult. Furthermore, inter-ethnic relations in Romania are influenced, not only by the historical experiences of the different parties, but also by Romania's current geopolitical position. Since the revolution, two armed conflicts between or among ethnic groups - in Moldova and in the former Yugoslavia - have flared up on Romania's borders. Regional ethnic conflicts have done little to alleviate fears and suspicions between Romanians and ethnic Hungarians.

Although there have been significant improvements in many areas of concern to the Hungarian minority in Romania, tensions have remained high, resulting in an increasing sense of insecurity among the population.

Helsinki Watch found that the Hungarian minority continues to face obstacles in equal access to education in the mother language, that there are an insufficient number of trained Hungarian-language teachers, and an insufficient number of classes in the Hungarian language compared to the demand for such classes. What is more, Hungarian schools are subjected to harassment by local school inspectors and local government officials who have created a sense of insecurity as to the status of minority-language schools.

---

[5] See, "The Events in Tîrgu Mureş in March 1990," in this report.

The most serious abuses documented by Helsinki Watch were at the local level. These abuses include restrictions on freedom of assembly, association and speech by local officials, especially in Cluj (Kolozsvár) and Baia Mare (Nagybánya), where right-wing nationalists won the mayoralty in the February 1992 local elections.

In addition to the many abuses to which Hungarians are subjected at the local level, the Romanian government has failed to take measures that adequately remedy these abuses. Government officials are rarely disciplined, much less prosecuted, for committing clear violations of Romanian law. Minorities are left to seek a remedy from the justice system, which operates in a highly abusive and discriminatory manner.

Thus, although concentrated at the local level, these abuses cannot be viewed only as isolated incidents. They are not merely evidence of the ease with which local officials can harass and intimidate a minority population. They also demonstrate that the legal mechanisms for holding abusive officials accountable remain weak, and that there are inadequate safeguards to ensure that minorities can obtain a sufficient legal remedy when violations occur.

The treatment of Hungarians in Romania and their quest for greater rights must be viewed in the context of the mistreatment that minorities experienced under Ceauşescu. Helsinki Watch recognizes that all Romanians were victims of the extremely repressive and abusive Ceauşescu regime. However, minorities, and especially the Hungarian minority because of its size and Romania's shared border with Hungary, were victims of a particular plan of assimilation under communist rule. Thus, minorities in Romania have special needs and concerns that are a direct consequence of their mistreatment because of their national or
ethnic origin. Any efforts to adequately address their minority concerns will have to take into consideration the unique experiences of the Hungarian minority under Ceauşescu.

This report documents the treatment of the ethnic Hungarian minority in Romania since the revolution. It is based on a series of missions to Romania beginning in January 1990. Helsinki Watch representatives traveled throughout Romania conducting interviews with ethnic Hungarians and Romanians about the treatment of the Hungarian minority. Helsinki Watch representatives met with

county and city government officials, including the prefects of several counties, local prosecutors, leaders in education, culture, and the media. In addition, Helsinki Watch met with many national government officials in Bucharest, including representatives from the Ministries of Culture, Education, and Foreign Affairs and the parliament. Helsinki Watch also met with the Hungarian Ambassador to Romania to discuss the Hungarian government's position on the treatment of the Hungarian minority.

Background

The largest population of ethnic Hungarians outside Hungary lives in Romania. According to the most recent census of January 1992, there are 1,620,199 ethnic Hungarians, making up 7.1 percent of the Romanian population of 22,760,449.[6] Thus, according to the 1992 census, Hungarians make up the largest minority in Romania.[7] Hungarian organizations argue that Hungarians in Romania make up more than two million[8], and point to a host of census violations as evidence that the census does not accurately reflect the true size of the Hungarian minority.

The majority of ethnic Hungarians in Romania live in Transylvania, a region in the western third of the country that borders Hungary to the west, the former Yugoslavia (Vojvodina) to the southwest, and the Ukraine to the north. The region has a population of approximately seven million, three-fifths of which are ethnic Romanians.[9] The remainder are primarily Hungarian, but numerous other

---

[6] *Population and Housing Census*, Romanian National Commission For Statistics (January 7, 1992), pp. 5-6.

[7] Other minorities include: 409,723 Gypsies (1.8 percent)*, 119,436 Germans (0.5 percent), and 66,833 Ukrainians (0.3 percent). There are other ethnic minorities who make up less than 0.1 percent of the Romanian population.

* Most observers agree that the census figure for Roma (Gypsies) does not accurately reflect the size of the Roma population. It is estimated that there are at least two million Roma in Romania, which if accurate, would make them the country's largest minority. For a discussion of the difficulties in estimating the size of the Roma minority, see *Destroying Ethnic Identity: The Persecution of Gypsies in Romania*, Helsinki Watch, September 1991, p. 5.

[8] Some groups believe that the number is as high as 2.5 million; they base this on comparison of census figures with official data on membership in traditionally Hungarian churches and denominations.

[9] George Schöpflin and Hugh Poulton, *Romania's Ethnic Hungarians*, a report by the Minority Rights Group, April 1990, p. 6.

ethnic groups are also represented, including Germans, Roma, Serbs, and Ukrainians.

There are two counties in Romania, Covasna (Kovászna) and Harghita (Hargita), where ethnic Hungarians make up a large majority of the population. In addition, in counties such as Mureş (Maros) and Satu Mare (Szatmár), Hungarians are approximately half of the total population.

The history of Transylvania is a complex one that has often been manipulated for nationalist purposes. Both Romanians and Hungarians view Transylvania as the cradle of their civilization. These conflicting interpretations of history continue to influence inter-ethnic relations in Transylvania.

> The central problem of the history of Transylvania is that there are separate Romanian and Hungarian histories, both firmly articulated and neither acceptable in its national version to the other. . .
>
> [N]either Romanian nor Hungarian nationalists can accept that Transylvania should be part of the other state's territory and both accept a nationalist imperative that it should belong to them. In this kind of emotionally charged atmosphere, the rights of minorities are easily ignored and, indeed, their articulation may be treated as evidence of irredentism.[10]

Hungarians have lived in the territory of Transylvania since at least the end of the 9th century, after the conquest of the Carpathian Basin. Gradually, the Hungarian Kingdom established administrative control over the region and encouraged two ethnic groups - Szeklers[11] and Germans - to emigrate from the

[10] *Ibid.*, p. 8.

[11] The Szeklers are an "ethnographically distinct," Hungarian-speaking part of the Hungarian minority. "Historically, they were settled in the bend of the Carpathians as guardians of the eastern marches of the Kingdom of Hungary. From the earliest period, they enjoyed a measure of feudal autonomy and were not serfs. Some consciousness of this separate status has existed among the Szeklers and has survived into the present period." See *Romania's Ethnic Hungarians*, p. 7.

west and settle in the region. By 1526, the region had become a semiautonomous principality ruled by Hungarian princes, but still under the control of the Ottomans. Ultimately, in 1867, the Hungarian princes united Transylvania with Hungary.

As a result of the Treaty of Trianon, at the end of World War I, Transylvania became part of Romania. The Minority Rights Group in London has described the history of the Hungarian population in Romania:

> As a result of the disintegration of the old Kingdom of Hungary in 1918-1920, somewhere over three million ethnic Hungarians - Magyars - were assigned to the successor states of Romania, Czechoslovakia and Yugoslavia. The provisions of the Paris Peace Settlement were confirmed by the 1947 Peace Treaties, with the result that these three states plus the USSR, which had annexed Sub-Carpathian Ruthenia from Czechoslovakia and thereby added a small number of Hungarians to the multi-national Soviet empire, retained their sovereignty over about one third of the Hungarian nation . . . [12]

The northern part of the region shifted again to Hungarian control for a short time, from 1940 to 1945, before its status as Romanian territory was confirmed by the peace treaties following World War II.

After the creation of the Romanian People's Republic[13], at the end of 1947, Hungarians were granted a series of concessions such as Hungarian-language schools and a university, and their rights were provided for in the constitution and a series of legislative acts. In addition, the Hungarian Autonomous Region was established encompassing the most densely Hungarian inhabited areas of Mureş (Maros), Covasna (Kovászna) and Harghita (Hargita) counties. However, these concessions by the communist leadership were accompanied by an increasing level of repression and the gradual implementation of a policy of assimilation for

---

[12] *Ibid.*, p. 5.

[13] In 1965, the Romanian People's Republic was renamed the Socialist Republic of Romania. See Article 1 of the August 21, 1965 Constitution of the Socialist Republic of Romania.

all minorities in Romania. The Minority Rights Group described the Romanian government's policy as

> that of accompanying internal repression with external concessions. In retrospect, the statement made by [Gheorghe Gheorghiu-Dej] in January 1953 that the national question had been solved for good in Romania proved to be one of the landmarks in the post-war history of Transylvania. Thereafter, the Romanian authorities used this declaration as a pretext for rejecting any public discussion of the problem on the grounds that to do so would be chauvinism.[14]

Under Ceauşescu, all Romanian citizens suffered from repression and gross violations of human rights. However, minority groups suffered, not only from the government's generally repressive policies, but also from a specific campaign of forced assimilation. Due to its size and strong sense of ethnic identity, the Hungarian minority in Romania was a specific target of this policy. In February 1989, Helsinki Watch issued a report entitled *Destroying Ethnic Identity: The Hungarians of Romania*, which concluded:

> Due to both its size and to its strong ties to Hungarian culture, the Hungarian minority has been a particular victim of "homogenization." It has also been victimized because unlike the German minority, Hungarians have resisted the "solution" of emigration. [notes and citations omitted] They have strong ties to Transylvania, where most of them live, an area that was once part of Hungary. For years, ethnic Hungarians have claimed that the Ceauşescu regime has singled them out for especially harsh treatment. They point to increasing limitations on the use of the Hungarian language and threats to the existence of Hungarian schools, churches, theaters, books, and broadcasting, the cumulative effect of which is robbing them of their cultural identity.[15]

---

[14] *Ibid.*, p. 10.

[15] Statement by Géza Szőcs before the Commission on Security and Cooperation in Europe on May 5, 1987, quoted in *Destroying Ethnic Identity: The Hungarians of Romania*, Helsinki

The process of assimilation described by Helsinki Watch in 1989 was nothing new, but the process had accelerated during the mid-1980s. According to Géza Szőcs, an ethnic Hungarian poet and later a member of parliament for the Hungarian Democratic Alliance of Romania[16], the policy of forced assimilation was manifested in various ways, including:

> 1) the use of population transfers into and out of Hungarian regions in order to change the ethnic composition of Hungarian areas; 2) the "restriction and elimination" of Hungarian-language education; 3) the "banishment" of the Hungarian language from public life; 4) the "liquidation" of cultural institutions and the harassment of minority churches; and 5) a campaign "designed to create in Hungarians a sense of shame toward their own history and to denigrate their feeling of identity."[17]

For a brief moment in December 1989, Hungarians and Romanians were united in their opposition to the severe repression of the Ceauşescu regime. They stood side by side, risking their lives to bring about the fall of the totalitarian communist regime. The euphoria of their success, however, was quickly overshadowed by the growing nationalist sentiment and anti-minority hostility that followed the fall of Nicolae Ceauşescu.

Watch, February 1989, pp. 2-3.

[16] In Romanian "UDMR"; in Hungarian "RMDSz".

[17] *Ibid.*

Prosecutions Related to the 1989 Revolution

The Cases of Dealu (Oroszhegy) and Zetea (Zetelaka)

In December 1989, during the heat of the revolution, angry residents of several villages in the predominantly-Hungarian villages of Dealu (Oroszhegy) and Zetea (Zetelaka) attacked local militia units and the homes of several local militiamen. In the course of the mob violence, several Securitate officers and local militia officers were killed.

On December 22, 1989, the local police chief of Dealu (Oroszhegy) village, Liviu Cheuchişan, was lynched by an angry mob. In early January 1990, police and local prosecutors interrogated 200 men from the village. Four individuals, Pál Ambrus, Imre Nagy, István Nagy, and Előd Vass-Kis, were ultimately tried and convicted of murder, and sentenced to 13 years of imprisonment each. On appeal, their sentences were increased to between 15 and 18 years.

Lawyers for the four reported to Helsinki Watch that their clients had been denied basic due process. For example, István Nagy, who does not understand Romanian, was not provided with a translator for the trial. In addition, the defendants were reportedly beaten during the initial police investigation to obtain confessions. What is more, inconsistent testimony regarding the extent of each defendant's participation in the beating was disregarded by the court. In fact, the victim's wife testified at the trial that István Nagy had been in the crowd, but had not injured her husband.

Similarly, in the town of Zetea (Zetelaka), a non-commissioned militia officer was found dead in his office following a mob attack on the militia headquarters. An autopsy conducted after the violence determined that the victim had committed suicide. This finding was confirmed by the Institute of Forensic Medicine in Tîrgu Mureş (Marosvásárhely). However, a later investigation by the Bucharest Institute of Forensic Medicine concluded that there was not sufficient evidence to determine that the cause of death had been suicide. A request by the "defense attorneys for a forensic examination of the victim's clothing, including the diffusion of gunpowder and other possible evidence for

establishing the shooting distance, was rejected by both the Military Prosecutor and the Bucharest Regional Military Court."[18]

Three defendants were convicted of manslaughter, as well as destruction of public property, and weapons possession, and sentenced to a minimum of 19-20 years each. Seven others were convicted for destruction of property and sentenced to five years each.

* * *

Helsinki Watch is not in a position to evaluate the evidentiary basis for the convictions in these cases. However, Helsinki Watch is troubled by reports that these seven defendants may have been denied basic due process and, therefore, denied a fair trial before an independent tribunal.

These cases also raise concerns about the discriminatory manner in which the Romanian justice system determines who will and will not be prosecuted. Every defendant convicted in these cases was an ethnic Hungarian. According to Helsinki Watch's information, "no ethnic Romanian anywhere in the country was ever charged or as rigorously prosecuted, let alone convicted," for crimes committed against those who were the embodiment of the Ceauşescu dictatorship.[19] In fact, the only individuals who have been convicted of crimes committed during the revolution, other than these ethnic Hungarians, were top Ceauşescu associates and Securitate officers who ordered the shooting of, or shot at, civilians who were demonstrating for the fall of the dictatorship.

The Events in Tîrgu Mureş (Marosvásárhely) in March 1990

---

[18] Report prepared by Imre László, attorney for the defendants, April 5, 1991. Translation by the Hungarian Human Rights Foundation, pp. 2-3.

[19] Letter from László Hámos, President of the Hungarian Human Rights Foundation to His Excellency M. Miguel Angel Martinez, President of the Parliamentary Assembly of the Council of Europe, August 30, 1993, p. 6.

During January and February 1990, ethnic Hungarians in the Transylvanian town of Tîrgu Mureş (Marosvásárhely) sought to restore a high school (the Bolyai Lyceum, founded 400 years ago by Hungarians) to its pre-Ceauşescu status. The effort was opposed by a militant anti-minority organization, Vatra Românească, founded in Tîrgu Mureş (Marosvásárhely) in February. The resulting escalation in tension exploded into violence on March 19-20, 1990. On March 19, ethnic Romanians, including peasants who arrived by bus from neighboring villages of Ibăneşti and Hodac, attacked the headquarters of the Hungarian Democratic Alliance, trapping 60-70 Hungarian Democratic Alliance members in the building. Numerous calls for assistance were made by Hungarian Democratic Alliance leaders to the local police and army, but to no avail. Over four hours after the first calls for assistance were made, and long after the Romanian mob had forced its way into and ransacked the building, soldiers arrived at the scene. However, they failed to secure the building, and many Hungarian Democratic Alliance members were injured when, at the urging of the police and soldiers, they exited.

The police, at the request of the Hungarian Democratic Alliance leaders, had provided a truck to evacuate those trapped inside the building. Helsinki Watch reported in 1990 that:

> As they climbed into the truck, the crowd attacked, tearing the canvas cover on the truck and beating those inside. An eyewitness to the attack on the truck, Dr. Petér-Kovács, stated that the truck did not drive off immediately once all the [Hungarian Democratic Alliance] members were inside, but instead waited for about ten minutes before driving away. Many of those in the truck were severely beaten during the intervening time.[20]

András Sütő, an ethnic Hungarian playwright and Hungarian Democratic Alliance leader, was one of those trapped in the building. He described what happened when he exited the building and moved toward the truck:

---

[20] "News From Romania: Ethnic Conflict in Tîrgu Mureş," *News From Helsinki Watch*, May 1990, p.4.

> From behind our backs the entire delirious mob, armed with all manner of bludgeoning and hacking tools, attacked us in the truck. For several minutes they stabbed, flogged and beat everyone they encountered.[21]

Mr. Sütő was severely injured in the attack, being blinded in his left eye from injuries he sustained.

The next morning, approximately 15,000 Hungarians gathered in the city square to protest the events of the previous day. By early afternoon, Romanians had also gathered on one side of the square. Tension escalated as ethnic Hungarians received reports that armed Romanian peasants from neighboring villages were on their way to Tîrgu Mureş (Marosvásárhely). Although local leaders were assured that all roads to the city had been closed, unconfirmed reports indicate that the police roadblocks were at best insufficient and at worst the police actually waved the buses through.

Clearly, the villagers joined the Romanians already in the square long after the roads should have been closed. Together they surged forward, breaking the line of some 50 unarmed and unprotected policemen placed between the two sides, and attacking the ethnic Hungarians. At this point, the police disappeared into the crowd and the Hungarians retreated from the square. After the attack by the Romanians, the Hungarians armed themselves and began a counter attack. From that point forward there was an all-out street battle involving both groups, with atrocities committed by both sides. During the course of the fighting, approximately two hundred Gypsies also arrived in the city to support the Hungarians.

The Investigation by the Local Prosecutor's Office

The Prosecutor's Office in Tîrgu Mureş (Marosvásárhely) conducted an investigation into the events intended less to get at the truth than to make a few individuals scapegoats for the violence. Helsinki Watch interviewed the Chief

---

[21] Interview with András Sütő, March 30, 1990, reported in "Criminal Injustice in Rumania," Hungarian Human Rights Foundation, April 4, 1990; updated on September 30, 1991, p. 6.

Prosecutor for the County of Mureş (Maros) who reported that 31 people were investigated in connection with the events of whom two were ethnic Romanian, five were ethnic Hungarian and 24 were of Hungarian-speaking Gypsies.[22]

In addition to the 31 mentioned above, 14 Gypsies were tried and convicted of various offenses such as possession of weapons and disturbance of the peace. These Gypsies were tried and convicted under Decree 153 which was first published on April 13, 1970, and which was directed against those who were "parasites" of the socialist order (See Appendix A). At the time, Helsinki Watch criticized these trials, stating:

> [T]he procedures used thus far to try and convict them violate due process and Romania's obligations under international human rights agreements.[23]

Many of the Hungarian leaders interviewed by Helsinki Watch expressed concern that, because of their experiences in the months following the revolution, large numbers of ethnic Hungarians, especially young people, have emigrated. They see this as a clear expression that ethnic Hungarians are not confident that they will be treated as equal citizens in Romania. László Szepesy, vice-president of the Hungarian Democratic Alliance for Mureş (Maros) county, told Helsinki Watch:

> [After the events in March 1990], people have no faith in the justice system and, especially, in the police. For that reason, many have left. Many will leave.[24]

The Parliamentary Commission's Investigation

---

[22] For other Helsinki Watch reports that include information on the status of Gypsies in Romania, see, "Elections Report," (newsletter) May 15, 1990; "Ethnic Conflict in Tirgu Mures," (newsletter) May 1990; *Since the Revolution*, April 1991; *Destroying Ethnic Identity: The Persecution of Gypsies in Romania*, September 1991.

[23] "News From Romania: Ethnic Conflict in Tîrgu Mureş," p. 2.

[24] Helsinki Watch interview, Tîrgu Mureş (Marosvásárhely), November 4, 1992.

A parliamentary commission was sent to Tîrgu Mureş (Marosvásárhely) after the violence to investigate the events. A local investigative commission of three Romanians and three Hungarians was also established to work with the parliamentary commission.

The parliamentary commission completed its investigation on April 28, 1990. However, its findings were never officially made public. Helsinki Watch was able to obtain a copy of the report, which failed to address any of the serious questions raised by the events in Tîrgu Mureş (Marosvásárhely) army helped initiate the violence and why local authorities did not respond immediately to calls for help.

A second parliamentary report on Tîrgu Mureş (Marosvásárhely) was issued in January 1991. This report was more conciliatory in tone than the first, and specifically stated that the first report was "false." However, the second report also failed to address the critical, and politically most sensitive, question, namely the role played by the police and the army during the events.

* * *

Five persons[25], ethnic Hungarians and Gypsies, are still being held for crimes which they allegedly committed during March 1990. Their trials were marred by due process violations, as well as by a failure to hear witnesses favorable to the defendants. In addition, there is evidence that some of the judges in these cases, as well as in the cases of many of the others convicted for the March events, are affiliated with the nationalist organization Vatra Românească and may not be objective in cases involving ethnic minorities.

Helsinki Watch remains concerned that those who remain in prison may not have received a fair trial before an independent and unbiased tribunal. Helsinki Watch is also concerned that no measures were ever taken against any police or army officer involved in the events. In fact, in at least two cases, officers involved in the events were promoted in the months immediately following the violence.

---

[25]Pál Cseresznyés, Ferenc Szabadi, Albert Füzesi, Árpád Füzesi, Árpád Papp.

Education

Education in the Hungarian language was one of the most important aspirations of the Hungarian minority immediately after the 1989 revolution. In January 1990, Hungarians began to call for the return of schools and other cultural institutions that had been lost during the communist era. Their demands were opposed by some Romanians who viewed any effort by Hungarians for separate schools as the first step toward secessionist demands. However, there were also Romanians who supported the Hungarian minority's educational goals and even made public appeals on the Hungarians behalf.[26]

During the days following the revolution, the new Romanian government indicated that it intended to restore Hungarian-language schools. After a meeting with the new Romanian government on December 29, 1989, Hungarian Foreign Minister, Gyula Horn, indicated that Hungarian and Romanian government officials had agreed that, among other things, "Hungarian cultural and educational institutions abolished by the Ceauşescu regime would be reinstated and Hungary would help to repair the buildings housing these institutions."[27] After the National Salvation Front ("NSF")[28] announced its decision regarding Hungarian-language education, however, strong protests by Romanians in Cluj (Kolozsvár) and other Transylvanian towns caused the government to retract its decision for the speedy return of the schools.

During January and February 1990, Hungarians and Romanians

---

[26] See, for example, the case of Smaranda Enache, "Electoral Law Violations," in this report.

[27] Judith Pataki, "Free Hungarians in a Free Romania: Dream or Reality?" *RFE/RL Research Report*, February 23, 1990, p. 20-21.

[28] The NSF was founded during the revolution under the leadership of Ion Iliescu and Ptere Roman who became President and Prime Minister respectively after the May 1990 elections. In March 1992, the party slit. The pro-Iliescu faction adopted the name Democratic National Salvation Front ("DNSF"), and the pro-Roman faction kept the name NSF. In July 1993, the DNSF, after merging with two small leftist parties, changed its name to Party of Social Democracy.

participated in demonstrations and counterdemonstrations regarding the school dispute. Escalating tensions culminated in the inter-ethnic violence in the Transylvanian town of Tîrgu Mureş (Marosvásárhely) in March 1990.[29]

Hungarians are bitter about the education policies of the Ceauşescu era. Although the 1965 Romanian Constitution guaranteed "education for the nationalities on all levels in their own languages," minority language education was a special target of the Ceauşescu government in its campaign to assimilate minorities. As Helsinki Watch reported in 1989:

> Hungarian schools have been closed and Hungarian-language sections in elementary and secondary schools have been greatly reduced. Hungarian-language classes are often eliminated simply by replacing Hungarian teachers with Romanians who do not speak Hungarian. No Hungarian universities remain in Romania and, as of 1985, students are no longer permitted to take their university entrance exams in minority languages.[30]

Under the communist government, the assignment of teachers was also used to reduce the number of Hungarian-language classes. During the mid-1980s, a large number of Romanian teachers who had no knowledge of Hungarian were assigned to regions where a significant percentage of the population was Hungarian. Similarly, it became increasingly difficult for ethnic Hungarian graduates to receive teaching positions in Hungarian areas. The result of this intentional governmental policy was a significant decrease in the number of classes that could be taught in Hungarian.

Furthermore, Hungarian-language higher education was virtually destroyed under Ceauşescu. Hungarians have not had their own university since 1959, when the Romanian government forced the Bolyai University to merge with the Romanian Babeş University.

---

[29] See, "Events in Tîrgu Mureş - March 1990," in this report.

[30] *Destroying Ethnic Identity: Hungarians in Romania*, Helsinki Watch, p. 9.

> Throughout the 1960s, opportunities for a university education in Hungarian were further reduced. Limitations were introduced concerning what subjects could be taught in Hungarian, and they generally precluded the applied sciences. In fact, it is often the case that only Hungarian language and literature classes in the universities are still being taught in Hungarian. By narrowing the field of courses available in Hungarian, the government was able either to direct minority students away from studies that would help them advance in an industrialized society, or to pressure them to submit to education in Romanian.[31]

Given this history of forced assimilation and discrimination that is still very fresh in the minds of most ethnic Hungarians, it is not surprising that Hungarian language education was considered of primary importance to the Hungarian minority immediately after the revolution. In fact, many Hungarians considered education in their mother language an essential element in the preservation of their ethnic identity and culture, as well as a natural consequence of the move toward a democratic state. The Hungarian Democratic Alliance leadership of Cluj (Kolozs) county stated:

> [T]he Hungarian residents of our city feel cheated. These schools were founded by Roman Catholic, Reformed and Unitarian churches in the seventeenth century and they were taken away from us during the Communist dictatorship. The reinstatement of justice, the return of the educational institutions to their rightful owners, should be the natural consequence of the democratic process.

Important steps have been taken by the Romanian government during the last three years to legally guarantee minority-language education, and improve its availability. The Romanian Constitution of July 1991 guarantees the right to education in the mother language. Article 32(3) states:

> The right of persons belonging to national minorities to learn their mother tongue and their right to be educated in this

[31] *Ibid*, p. 10.

language are guaranteed; the ways to exercise these rights shall be regulated by law.

In addition, Government Decision 461/25 of July 1991 gave further guarantees regarding education in minority languages for the 1991-92 school year:

> **Article 41** - The children and pupils belonging to the national minorities are secured equal opportunities with those of Romanian nationality to receive general instruction in their mother tongue.
>
> **Article 42** - In the towns and villages also inhabited by persons belonging to national minorities there can be kindergartens, primary and secondary schools, theoretical high schools, teaching schools, classes, groups or sections where teaching is provided in their mother tongue. . . . Romania's history and geography will be taught in Romanian.
>
> **Article 43** - In order to actively participate in the entire economic, social, political and cultural life of Romania, youths who belong to national minorities should know the Romanian language. The necessary conditions to this end shall be laid down. Romanian language and literature are compulsory at the school termination examination.
>
> **Article 44** - Youths belonging to national minorities having chosen to attend Romanian language teaching classes shall be given opportunities, upon request, to learn their mother tongue.
>
> **Article 45** - In the competitions and in the all grade education, the candidates from the rank of national minorities can take the examinations in their mother tongue for the subjects that they studied in this language.

Despite these accomplishments, however, Hungarians continue to face a number of obstacles to equal educational experiences and advancement. Where the government has had the opportunity to institute measures in support of minority language education, it has failed to do so, and a law on education

insuring this right has yet to be passed.

Insufficient Number of Classes in Hungarian

According to information provided by the Romanian government, the status of Hungarian language schools has improved dramatically since the revolution. "Teaching in Hungarian is organized in 2,428 units and sections of preschool, primary, secondary, high school, vocational training and post high school forms, representing 8.5 percent of the total teaching units in Romania (See Appendix B). As compared to the situation before December 1989 the number of units and sections teaching in Hungarian is higher by almost 280 (2,428 as compared to 2,145)."[32]

Nevertheless, many Hungarians who spoke to Helsinki Watch complained that the number of classes in Hungarian is insufficient to meet the needs of the Hungarian population, making it necessary for a large number of pupils to attend Romanian-language schools. For example, Ildikó Fischer, national Hungarian Democratic Alliance vice president responsible for educational matters, and president of the Satu Mare (Szatmár) county Organization of the Alliance of the Hungarian Teachers of Romania ("AHTR") told Helsinki Watch that:

> There are at least 211 ethnic Hungarian children in 13 localities in Satu Mare county who have no possibility to study in Hungarian. In grades 1-4, 21.2 percent of Hungarian students study in Romanian classes, in grades 5-8, 24.6 percent, in grades 9-12, 39.6 percent, and in professional courses, 100 percent.[33]

These Local numbers appear indicative of a nationwide trend. According to a study recently published by two ethnic Hungarian inspectors at the Ministry of

---

[32] The Romanian Ministry for Foreign Affairs, *White Paper on the Rights of Persons Belonging to National, Ethnic, Linguistic or Religious Minorities in Romania* (hereinafter "*White Paper*"), June 1992, p. 22.

[33] Helsinki Watch interview with Ildikó Fischer (hereinafter "Fischer" interview), Satu Mare (Szatmár), November 11, 1992.

Education,[34]of all pupils enrolled in all schools in Rumania during the 1992-93 school year, the percentage studying in Hungarian was 6.5 percent at the Kindergarten level, 5.1 percent at the grade school level and 4.4 percent at the high school level. By contrast, according to the official census taken in January 1991, Hungarians comprised 7.1 percent of the total population.

While it is difficult to determine how many of these children freely chose to study in Romanian-language schools, Ms. Fischer believes that many of the ethnic Hungarians who study in Romanian schools do so because of the limited opportunities for higher education in the Hungarian language.

> Most students want to study in their mother tongue, though some, perhaps twenty percent, go to Romanian schools because they have no opportunity for higher education or professional training in Hungarian. Parents are afraid their children will be at a disadvantage if they have to change the language of education in the course of their studies. We have conducted our own surveys. Of the 1700 ethnic Hungarians interviewed [in Satu Mare county], all but ten wanted to send their children to Hungarian schools.[35]

Inadequate Training and Insufficient Number of Hungarian Teachers

Hungarian educational experts report that the Hungarian teacher population is still suffering from the effects of years of government policies intended to force them to assimilate. Thus, for example, there is a serious shortage of Hungarian teachers in some areas, and positions for Hungarians in pedagogical schools is not enough to speedily remedy the problem. Judith Kiss, a teacher at the Kölcsey Lyceum, told Helsinki Watch that:

> There is a terrible shortage of teachers, in part, because the policies of the previous regime still affect the quantity and

[34]László Murvai and Árpád Debreczi, "Analysis of the 1992-1993 School Year", published in *Romániai Magyar Szó* in three parts: "The Kindergarten System", August 24, 1993; "The Grade School System", August 25, 1993; "The High School System", August 27, 1993.

[35] *Ibid.*

quality of minority language staff.[36]

According to the government:

> In the Hungarian language teaching education there is a staff of 12,714 (2,336 kindergarten educators, 3,415 primary school teachers and 6,963 professors) representing more than 5 percent of the total number of the teaching staff of the country.[37]

But according to the detailed study of the 1992-93 academic year by two ethnic Hungarian school inspectors, of the teachers employed in the schools and classes offering Hungarian language instruction, 46.7 percent lack proper certification at the kindergarten level, and 24 percent at the grade school level.[38]

Hungarian leaders point to the small number of ethnic Hungarians who hold positions within the local school inspection offices as a problem that results in less understanding and support for the educational concerns of ethnic minorities. What is more, they expressed their dismay that Andor Horváth, State Secretary in the Ministry of Education responsible for minority language education, was dismissed in September 1992 without explanation. Mr. Horváth was the only ethnic Hungarian holding a ministerial-level position within the government of Iliescu. Hungarian Democratic Alliance leader Attila Verestóy told Helsinki Watch:

> We believe that, at the moment where there is training in the language of minorities, there needs to be a professional within the Ministry of Education who is responsible for these schools, and can also represent the interests and understand the specific educational concerns of minorities.[39]

---

[36] Helsinki Watch interview with Judith Kiss, Satu Mare (Szatmár), November 11, 1992.

[37] *White Paper*, p. 23.

[38] László Murvai and Árpád Debreczi, "Analysis of the 1992-93 School Year", *Romániai Magyar Szó*, August 24, 25 and 27, 1993.

[39] Helsinki Watch interview with Attila Verestóy (hereinafter "Verestóy" interview), Bucharest, November 2, 1992.

Restrictions on the Courses Taught in Hungarian

Many Hungarians interviewed by Helsinki Watch also complained that students are still required to study technical subjects such as agriculture, light industry, or machine mechanics in Romanian. Furthermore, Law 521/1990 requires all pupils to study Romanian history and geography in Romanian. The Hungarian Democratic Alliance for Cluj (Kolozs) county protested against this provision, stating:

> As the ethnic Hungarian inhabitants of the county also make contributions through the payment of taxes according to their quota, we consider it just and lawful that in these high schools, vocational education be granted in Hungarian language too, for those who wish to study in this language.
>
> We demand that in each Hungarian school or school section all subjects, except for Romanian language and literature, be studied in Hungarian. This ensures a better understanding of the subjects taught and, at the same time, eliminates discrepancies in the grades received compared to those who study [these subjects] in their mother tongue.
>
> We urge that besides the history of Romania - as we are citizens of this country - in secondary and high schools instructing in Hungarian, the history of the Hungarian nation - as we belong to this nation through our culture, language, and ethnic origin - be taught as well.

Hungarians also protest against Romanian history as it is taught today. Ildikó Fischer explained to Helsinki Watch:

> Children do not learn the history of Romania, but the history of Romanians. Minority history is only tangentially included when it involves events affecting Romanian people. What is more, derogatory terms are used by teachers in teaching the subject. The history of Hungary and the Hungarian nation is not a separate subject and the amount of time spent on it has

decreased since the revolution.[40]

Sorin Teodorescu, then director of Education in the language of the national minorities within the of the Ministry of Education, told Helsinki Watch that "there is a project [within the ministry] to prepare courses about Romanian nationalities within the history of Romania. This will take another one or two years. It is still being discussed and we will then have to prepare the textbooks. Perhaps we will have this by 1995."[41] According to Teodorescu, however, teachers in Covasna (Kovászna) and Harghita (Hargita)(the two counties where Hungarians comprise a majority) have been teaching the history of Hungarians in Romania without the permission of the Ministry.

Inadequate Supply of Textbooks in Hungarian

Hungarian teachers also report that they are confronted with obstacles such as a lack of textbooks. For example, Felicia Veres, an English teacher in the Kölcsey Lyceum in Satu Mare (Szatmár), told Helsinki Watch that:

> We are working without materials. The textbooks for English do not have translations into Hungarian. Instead, we often get materials from Hungary at our own expense.[42]

Hungarian Higher Education/The Bolyai University

Hungarians complain bitterly that the Romanian government has refused to reestablish the centuries-old Hungarian Bolyai University in the city of Cluj (Kolozsvár). For many this would be not only a symbolic gesture of the government's good-will toward the Hungarian minority, but a clear break with the bitter memories of the past regime. The absence of a Hungarian university, as often pointed out, works as a disincentive for parents to enroll their children in

---

[40] Fischer interview.

[41] Helsinki Watch interview with Sorin Teodorescu from the Romanian Ministry of Education (hereinafter "Teodorescu" interview), Bucharest, November 16, 1992.

[42] Helsinki Watch interview with Felicia Veres, Satu Mare (Szatmár), November 11, 1992.

Hungarian schools at the lower levels.

Certain subjects at the "Babeş-Bolyai" University may be taught in the Hungarian language. According to the Romanian government, for the academic year 1991-92:

> 1,570 undergraduates of Magyar [Hungarian] ethnic origin attend the courses of the Cluj-Napoca University; 581 of them attend courses taught in their mother tongue upon request (118 are in the Mathematics Faculty, 79 in the Physics Faculty, 133 in the Chemistry and Industrial Chemistry Faculty, 36 in Biology, Geography, Geology Faculties, 54 in History and Philosophy Faculties, and 16 in the Philology Faculty). The number of subject matters studied in Hungarian at these faculties is 197.[43]

In addition, higher education in Hungarian is available at the "Szentgyörgyi Istvan" Theater Institute in Tîrgu Mureş (Marosvásárhely) where all 41 Hungarian undergraduates study all subjects in their mother tongue.

However, ethnic Hungarians view such positive sounding official statistics as a propagandistic device for outside consumption. They point out that even according to the 1991-92 figures cited above, of the 1,570 ethnic Hungarian students at the University in Cluj (Kolozsvár), 989 students, or 63 percent did *not* attend courses taught in their native language. And the decline in opportunities to study in Hungarian is more striking when viewed over time: compared to the 910 students receiving Hungarian-language instruction in 1991-92 (581 at the University in Cluj (Kolozsvár) and 329 at the Tîrgu Mureş medical institute), the same number for the academic year 1956-57 was almost four times greater: 3,437 (2,337 in Cluj (Kolozsvár) and 1,100 at the Tîrgu Mureş medical school).[44]

The Institute of Medicine and Pharmacology in Tîrgu Mureş (Marosvásárhely) has recently undergone a reorganization that has significantly

---

[43] *White Paper*, p. 23.

[44] *Anuarul Statistic al R.P.R. 1957*, pp.201 and 208.

reduced the ability of students to study in Hungarian and has the potential to destroy the historically Hungarian character of the Institute. The Institute was formed in 1948 as part of the Hungarian-language Bolyai University. The founding charter required that courses be taught in Hungarian.[45] However, in 1962 instruction in the Hungarian language was severely restricted, resulting in a significant reduction in the number of ethnic Hungarians in the school. It was possible to begin to rebuild instruction in the Hungarian language only after the revolution in 1989.

According to the government, during the school year 1991-92, 329 of 359 Hungarian undergraduates (92 percent) studied in Hungarian at the medical institute, and the number of subject matters taught in Hungarian was 56.[46] However, as with other data furnished in the White Paper, this number lacks a comparative basis - either the total number of courses, or changes in this number over time - which would give it meaning. Moreover, a reorganization that took place in the spring of 1991 was expected to have serious negative implications for the future of Hungarian language education at the Institute.

The Senate of the Medical School decided on May 15, 1991, that all professors who had reached the age of 65 would have to retire. According to Professor Dr. Károly Bedő:

> At other universities such as Timişoara (Temesvár) and Bucharest, professors our age are continuing to work. The individual can request the right to continue to work until age 70 with the approval of the Senate and the Ministry of Health. We requested this option, but were refused, even though we are all in excellent health and there are many courses where qualified professors have not been found.[47]

---

[45] Government Decree No. 175/1948 designated the institute a "Hungarian-language" medical school of the Bolyai University.

[46] *White Paper*, p. 23.

[47] Helsinki Watch interview with Dr. Carol Bedö (hereinafter "Bedö" interview), Tîrgu Mureş (Marosvásárhely), November 5, 1992.

Although all persons age 65 or over were forced by the Medical Institute's Senate to retire, ten of the thirteen who were retired were ethnic Hungarians. According to Dr. Bedő, those who replaced the thirteen professors were all ethnic Romanians. The immediate impact of the Senate's decision was a reduction in the number of subjects taught in the Hungarian language. However, many Hungarians feared that the ultimate effect of the decision would be to reduce the number of Hungarian students actually attending the school.

Those interviewed by Helsinki Watch view this decision as a first step to complete destruction of medical training in Hungarian. Professor Dr. A.L. Dienes told Helsinki Watch that:

> This step is in essence the decapitation of medical courses in the Hungarian language. It is only a matter of time before the number of ethnic Hungarian students begins to shrink and the government will say there is no longer a need for a Hungarian language medical school.[48]

Hungarian leaders are also concerned that the absence of Hungarian higher education contributes to the fact that Hungarians comprise a smaller proportion of the university population than their representation in the population would warrant. For example, in 1992 ethnic Hungarian students comprised approximately 4.5 - 5 percent of the total university student population in Romania. Furthermore, the absence of higher education is viewed as a primary reason why young people choose to leave their homes for Hungary where they can study in Hungarian and feel that they are equals within the university system.

Hungarians interviewed by Helsinki Watch view the reestablishment of the Bolyai University as an important step toward controlling the quality, as well as the quantity, of Hungarian-language teachers. According to one Hungarian leader:

> The Ministry of Education currently determines the number of students who will be admitted into a particular department

---

[48] Helsinki Watch interview with Dr. A. L. Dienes, Tîrgu Mureş (Marosvásárhely), November 5, 1992.

> without consideration for the teaching needs of the Hungarian language school. Our own university would alleviate this problem altogether. In the meantime, we demand that the Ministry of Education take into consideration the number of teachers still needed for Hungarian language schools.[49]

Local Interference with Minority Education

The Hungarian minority's efforts to reestablish their educational institutions have, as mentioned above, met with resistance from the local Romanian population. What is more, local authorities have repeatedly interfered with the implementation of hard won improvements authorized by the national government in Bucharest.

Although the county school inspector may authorize minority-language classes in isolated areas if at least four students request the class, Helsinki Watch received reports that local school officials frequently reject such requests. According to Ildikó Fischer:

> At the beginning of the school year 1991/92, nine small villages requested the reestablishment of Hungarian sections pursuant to the law on education . . . Their request was rejected by the inspector, and there was no response to a communication sent to the Minister [of Education].[50]

On several occasions, local officials tried to prevent Hungarian students from taking their high school admissions exams in Hungarian, even though the law clearly provides for minority-language testing. In Satu Mare (Szatmár) county, for example:

> For admission to school year 1990/91, the inspector did not secure examination in the mother language for all students. For

[49] Helsinki Watch interview, Cluj (Kolozsvár), November 8, 1992.

[50] "Neasigurarea Dreptului de a Invaţa în Limba Materna Pentru Toţi Cetăţenii Aparţinînd Minorităţii Naţionale," prepared by Ildikó Fischer for the Satu Mare (Szatmár) County AHTR, (August 5, 1992), p. 2.

> the summer semester of 1990, Ina Poienaru, Director of the [High School for Medical Personnel] and Dan Maiorescu, General School Inspector, prevented organizing the admissions exam for the Hungarian section as was authorized by the minister.[51]

In several of the Transylvanian towns visited by Helsinki Watch, Hungarian principals and teachers complained that they are in constant conflict with local authorities who try to reintroduce Romanian classes into Hungarian schools. Such a situation creates a sense of insecurity for Hungarian educators who remember only too well that Ceauşescu began the destruction of Hungarian language education by introducing Romanian classes into previously Hungarian schools.

In an open letter to members of the national and local government, Hungarian Democratic Alliance leaders from Cluj (Kolozs) county stated:

> In order to maintain our own identity, to cultivate and to develop without any restraint our traditions and culture, our mother tongue and that peculiarity springing from them concerning our education - we consider indispensable the existence of our separate, independent schools having Hungarian as the language of education. . . . We reject the unfounded accusations concerning the alleged "exclusive" character of these schools; we consider humiliating the permanent state of menace hanging over us, over our high schools teaching in Hungarian, over instruction in the mother tongue. We state precisely that our schools are open to pupils of any nationality, including those Romanian pupils who wish to study in Hungarian.[52]

---

[51] *Ibid.*, p.1.

[52] Open letter to Theodor Stolojan, then-Prime Minister, Mihai Golu, then-Minister of Education, Grigore Zanc, Prefect of Cluj (Kolozs) County, and Gheorghe Funar, Mayor of Cluj (Kolozsvár). Signed by Judith Szőcs, President of Cluj County Organization of the Alliance of Hungarian Teachers of Romania, and Péter Buchwald, President of Cluj (Kolozs) County Hungarian Democratic Alliance, May 25, 1992.

Sorin Teodorescu, from the Ministry of Education, acknowledged that local officials have attempted every year to force Hungarian schools to accept Romanian classes. However, Teodorescu saw no ability for the Ministry of Education to intervene. He stated:

> In the Hungarian high schools in Cluj (Kolozsvár), efforts are made every year to impose Romanian classes. They haven't succeeded yet, but it is true. The local inspector is independent, and the Ministry is not able to impose decisions on the inspector, because of the effort to decentralize.[53]

At times, harassment takes the form of personal attacks on prominent Hungarian leaders. Attila Bálint Kelemen, principal of the Brassai Sámuel Lyceum in Cluj (Kolozsvár), was dismissed by the superintendent of the Cluj (Kolozs) County School Board on June 23, 1992 for, *inter alia*, having conducted a teachers meeting in Hungarian, as opposed to Romanian, and for having held two separate graduations, one for Hungarian pupils and one for Romanian pupils, although this solution had apparently been approved by the teachers and pupils of the school.[54]

Many believe that Mr. Bálint was targeted because of his support after 1989 for the restoration of Hungarian-language schools, as well as his political activities as one of seven Hungarian Democratic Alliance representatives elected to the Cluj City Council in the February 1992 local elections. The school leadership, as well as the Federation of Hungarian Pedagogues in Romania protested the dismissal.

Mr. Bálint believes that he has been made a scapegoat for the education conflicts that the Hungarian minority has with local officials. In a protest letter to the prefect of Cluj (Kolozs) county, he stated:

> My termination as principal is but a part of a campaign of national incitement that is being carried out in Cluj (Kolozsvár)

[53] Teodorescu interview.

[54] Helsinki Watch interview with Attila Bálint Kelemen, Cluj (Kolozsvár), November 8, 1992.

> by the famous mayor of the city, Gheorghe Funar, and his group, who quickly reached European notoriety by creating dangerous ethnic tensions in this city.[55]

One week prior to his dismissal, Mr. Bálint was criticized publicly by Mayor Funar. In an article in the Romanian-language newspaper *Adevărul de Cluj* on June 16, 1992, Funar made numerous allegations against Bálint and then called on the County School Board, local prosecutors and the prefect to: (1) dismiss Bálint as principal, (2) dismiss Bálint from his position as city council member because of his violation of the constitution and other laws, and (3) commence legal proceedings against Bálint.[56]

Although Mr. Bálint was supported by all of the Romanian and Hungarian teachers at the Brassai Sámuel Lyceum, as well as the six Hungarian Democratic Alliance representatives on the City Council, Mr. Bálint was not reinstated.

The Ministry of Education in Bucharest, although stating that the Hungarians' demands were already authorized by law, did nothing to enforce the law, leaving the local authorities free to obstruct national educational policies to the detriment of the Hungarian minority.

The Draft Law on Education

According to representatives of the Hungarian Democratic Alliance, government officials often tell them to wait for passage of the Law on Education when they raise their concerns regarding education in the Hungarian language. However, as one representative stated:

> We have been waiting for three years for a resolution of the serious problem of minority language education. Three years ago, no one would have imagined that we would still not have a law on education. Now I have little faith that this law will deal

---

[55] Protest addressed to the prefect of Cluj (Kolozs) County, Grigore Zanc, by Professor Attila Bálint Kelemen, June 28, 1992, p. 1.

[56] Communique by Mayor Funar, *Adevărul de Cluj*, June 16, 1992.

with our problems in a satisfactory way.[57]

After long delays, a draft law on education was submitted to the parliamentary committee on education in June 1991. Since that time, little progress has been made in adopting the law. In a protest issued on June 8, 1992, the national leadership of the Hungarian Democratic Alliance stated:

> The draft law on education, which was prepared by the Minister of Education and Science, approved by the government of Romania, and which has been debated by the committee on education in the Chamber of Deputies, is -in our opinion - unacceptable not only for Romanian society in general, but for the Hungarian minority especially.
>
> We draw attention to the ultracentralized, anti-democratic and discriminatory character of the draft, which severely diminishes the principle of equal opportunities.

The Hungarian Democratic Alliance is critical of several provisions in Chapter 13 of the draft relating to education in minority languages. For example, the Hungarian Democratic Alliance members of the committee on education within the parliament criticized the draft's requirement that Romanian history, geography and civic education be taught only in Romanian; that vocation schools, vocational high-schools, post-secondary schools and higher education be taught exclusively in Romanian; that there is no guarantee that ethnic minority students can choose the language in which they will take their entrance exams.[58]

* * *

On May 4, 1993, Romulus Pop, Romanian State Secretary for Education, issued directive No. 29633 restricting the right of Romanian citizens employed in

[57] Helsinki Watch interview, Cluj (Kolozsvár), November 8, 1992.

[58] Report issued by the Hungarian Democratic Alliance deputies on the committee on education (Sándor Balázs, László Borbély, Árpád Márton, Benedek Nagy, Zsolt Szilágyi), Bucharest, June 8, 1992.

the educational system to travel abroad. The directive, which was distributed to all country school inspectors, stated that:

> [A]ll persons employed in the field of education, including teaching staff, administrators and supervisory personnel, may travel abroad (for teacher training, to accept an invitation, to participate in professional exchanges of experience, to take an excursion, or for any other purpose) only upon permission of the Ministry of Education.

Although the directive applies to "all Romanian citizens" employed in education, ethnic Hungarians are concerned that the law was intended to restrict contacts between ethnic Hungarian education professionals and their Hungarian counterparts, and that, in any case, the directive will have a disproportionate impact on ethnic minorities.

Sándor Wilhelm, the ethnic Hungarian principal of the Theoretical Lyceum in Sacueni (Székelyhíd), in Bihor (Bihar) County, was fired on June 10 for having travelled to Belgium without the Ministry of Education's approval, even though the directive went into effect after he left the county.[59]

[59] Information provided by the HHRF, June 17, 1993.

Culture

Under Ceauşescu, Hungarian culture was a particular target of the government's assimilationist policies. In 1989, Helsinki Watch reported that:

> The Hungarian culture in Transylvania may not be able to withstand the kind of homogenization that is being instituted by the Ceauşescu regime. Hungarian activists often claim that the Romanian government is carrying out a policy of cultural genocide, [citations omitted] with the Hungarian minority as its principal target. The Hungarian minority's efforts to retain its cultural identity run counter to the regime's campaign to eradicate all independent identities.[60]

Similarly, a report prepared by the U.S. Commission on Security and Cooperation in Europe in 1991 concluded that:

> The post-war Communist leadership, despite its professed commitment to minority rights, systematically carved away at expressions of Hungarian culture. Hungarian-language education opportunities were hampered or removed altogether, Hungarian-language publishing houses saw their budgets sharply reduced, minority theaters, houses of culture, and folklore groups were forced to merge with Romanian organizations.[61]

Since the revolution, Hungarians have worked to reestablish and protect their cultural heritage. Many cities are experiencing a rebirth of minority language cultural programs untainted by state ideology and censorship. The number of state theaters or theater sections in the Hungarian language[62], and the

---

[60] *Destroying Ethnic Identity: The Hungarians of Romania*, p. 27.

[61] U.S. Commission on Security and Cooperation, Mission Report of July 13-18, 1991, p. 11.

[62] There are state theaters or sections in the following cities: Cluj (Kolozsvár), Timişoara (Temesvár), Tîrgu Mureş (Marosvásárhely), Oradea (Nagyvárad), Satu Mare (Szatmár), and

number of books, magazines and newspapers published in the Hungarian language has also increased significantly since 1989.

Nevertheless, Hungarian cultural institutions continue to face many obstacles in preserving and promoting the Hungarian culture. For example, several attempts at the local level to destroy or change historically significant monuments have contributed to a continuing sense that Hungarians' culture is not only not protected by the state, but is threatened by government policies.

On November 25, 1992, in an act clearly intended to provoke the Hungarian minority, the mayor of Cluj (Kolozsvár), Gheorghe Funar, announced that a Romanian nationalist plaque would be mounted on the statue of Hungarian King Mátyás Corvinus, a medieval king of partially-Romanian origin.[63] In addition, it was announced that three flagpoles (each 30 meters tall) with Romanian flags would be placed on each side of the statue. This announcement created an uproar among the Hungarian minority in Cluj (Kolozsvár) who were offended by this manipulation of historical symbols for nationalistic purposes.[64]

Funar's action violated several Romanian laws. Decree 27/1992 of August 26, 1992 requires the National Committee for the Protection of Historical Monuments to authorize all changes to a historical monument. The National Committee was not consulted, however, regarding the changes planned by the local Cluj (Kolozsvár) government. Furthermore, Law 69/1991 requires that the

---

Sfîntul Gheorghe (Sepsiszentgyörgy). In addition, the state subsidizes a theater in Miercurea Ciuc (Csikszereda), and puppet theaters in Tîrgu Mureş (Marosvásárhely), Cluj (Kolozsvár), Oradea (Nagyvárad), and Satu Mare (Szatmár). There is one State Hungarian Opera in Cluj (Kolozsvár), as well as three state subsidized folk ensembles.

[63] Decree 27/1992 requires that changes to a historical monument or archaeological excavations have to be pre-approved by the National Committee for the Protection of Historical Monuments. The law also requires that the City Council, and not the Mayor, decide if, and under which circumstances, a historical monument may be altered.

[64] The new plaque stated "Victorious in wars, but defeated by his own nation at Baia, where he attempted to subjugate the undefeatable Moldavia." This statue, which was erected in the square of Cluj (Kolozsvár) in 1902, is on UNESCO's list of historical monuments, and alterations to it are regulated by Romania's Law on the Protection of Historical Monuments.

City Council determine the future of all buildings and edifices in the public domain. Funar, however, never presented his plans to the City Council.

In a letter to Mayor Funar dated November 30, 1992, the National Committee made clear that the mayor's actions were in violation of the law:

> As regards the Mathias Rex inscription, it represents an era of historical monuments and is registered under No. 13-D-008 of the Historical Monuments Register. Therefore, according to international principles of historical preservation, the inscription must be preserved in its current state. Flagpoles, to be used as part of the commemorations, can be installed in the vicinity of, but apart from, the historical monument.[65]

The central government also confirmed that Funar had violated the law in changing the plaque on the statue. Nevertheless, the central government has taken no action to see that the monument is restored to its original state. Nor has the central government levied a fine against the mayor, although it has that authority pursuant to Decree 27/1992.[66]

The Hungarian Democratic Alliance of Cluj (Kolozs) County was denied permission to organize a demonstration on December 6 to protest the Mayor's decision to alter the statue.[67]

The Hungarian State Theater and the Hungarian Opera in Cluj (Kolozsvár) were prohibited from posting advertisements of upcoming performances, including its 200th anniversary celebration, in the Hungarian language. Mayor

---

[65] Letter from the National Committee for the Protection of Historical Monuments to Mayor Gheorghe Funar of Cluj (Kolozsvár), dated November 30, 1992.

[66] "Decree 27/1992, paragraph 10(c) states that the fine for altering a historical monument without the prior consent of the National Committee for the Protection of Historical Monuments ranges from 500,000 lei to 1,000,000 lei. Determination of a violation and the levying of a fine can be made by either the Ministry of Culture or the professional staff of the respective mayor's office." Information provided by the HHRF.

[67] See, "Harassment and Discriminatory Treatment by Local Authorities," in this report.

Funar relied on his decision of April 10, 1992 (See Appendix C) to prohibit advertisements in any language except the official language, the Romanian language. Efforts to get the Mayor to repeal this decision were in vain.

In a letter sent to the prosecutor for the city of Cluj (Kolozsvár), Péter Buchwald, president of the Hungarian Democratic Alliance in Cluj (Kolozs) County, stated:

> We consider that these applied measures constitute discrimination on the basis of nationality and carry grave consequences for the legal and legitimate interests of the members of the Democratic Union of Hungarians in Romania.[68]

Similarly, in an appeal to the Ministry of Justice in Bucharest, the Hungarian Opera stated:

> We emphasize the fact that not only the leadership of our institution, but also the Hungarian population in Cluj-Napoca did not understand this decision - which creates a problem that was never an issue even during the period of the communist dictator.[69]

The Hungarian Opera also sued Mayor Funar for lost revenues during the month when it could not post posters and advertise its programs. That case is still pending.

While the government appears to have made no attempt to censor cultural activities, some Hungarians complained that the status of their cultural institutions remains uncertain. Csaba Csíky, music director for the Hungarian Theater in Sfîntul Gheorghe (Sepsiszentgyörgy), told Helsinki Watch:

---

[68] Letter addressed to the Prosecutor of the City of Cluj-Napoca (Kolozsvár) from Péter Buchwald, President of the Hungarian Democratic Alliance for Cluj (Kolozs) County, dated May 19, 1992, (Registration number 115/May 20, 1993).

[69] Letter addressed to the Minister of Justice, Mircea Ionescu Quintus, from the Hungarian Opera, dated August 4, 1992.

> Neither the local nor the national government interferes with the types of programs we present or with other artistic decisions. Our greatest problem is the threat that the subsidy for this theater will be done away with. That would be a catastrophe. We are also concerned about various provisions in the draft law on culture which would restrict the types of productions that could be produced by state theaters. That law must be revised. But we do need a law on the rights of minority culture. Until such a law is passed and our specific status is clarified, there will be uncertainty.[70]

However, this appears also to be the case for Romanian cultural institutions.

There have also been several reports that guards at border crossings between Hungary and Romania refused to allow Romanian citizens to bring Hungarian language books into the country and generally harassed ethnic Hungarians. For example, Robert Branea, of the Hungarian Student Union of Kolozsvár, told Helsinki Watch that:

> On April 20, 1991, I was at the border crossing near Oradea at about 5 p.m. As I got closer to the border, I can't say I was afraid, but my stomach got tighter . . . The guard asked what was in the van and I said that it was supplies for the Hungarian Student Union. He said, "Only for Hungarians?" He told me that I should be ashamed for my name, which is a Romanian name after my father, for using a misleading name. Then he said, "You are not worthy of your name and your [Romanian] passport."
>
> On a different occasion, I was on my way to Hungary and had copies of a newspaper that a student group had published. The customs official found the newspaper and began to read. I was forced to leave the train and was told that I could not take out materials written in other than the Romanian language. . . I was also told that I needed permission from the Ministry of Culture to bring in journals from Hungary. Later, when I asked the Ministry of Culture, I was told that I do not need the Ministry's

[70] Helsinki Watch interview with Csaba Csíky, Sfintul Gheorghe, November 14, 1992.

approval to bring in books, but they gave it to me anyway.

Similarly, Imre András, member of parliament for the Hungarian Democratic Alliance, reported to Helsinki Watch that:

> On several occasions, I have had difficulties crossing the border between Hungary and Romania because I had various materials [in Hungarian and English] that were about the treatment of minorities in Romania. In October 1991, I was detained for many hours at the border at Borş and numerous documents were confiscated because they were considered "anti-Romanian" and "against the state." These documents were nothing more than reports by human rights organizations about cases of abuse against the Hungarian minority in Romania. Again, in April 1992, documents that I had from the Official Reporter (Monitorul Oficial) with transcripts of parliamentary debates were confiscated and turned over to the police. This harassment violates Romanian and international laws dealings with the right to have access to information. . . Still, in Romania there are officials who do not understand these rights.[71]

Levente Salat, Executive Director of the Soros Foundation for an Open Society in Cluj (Kolozsvár), also reported problems at the border:

> The Soros Foundation had organized to have books brought into the country from Holland. The [truck] was stopped at the border and told that there had to be a list of all books with permission from the Ministry of Culture. However, this is no longer the law. . . It is also not the law that books in Hungarian have to have permission from the Ministry of Culture, but the customs officials in Cluj still check books to determine if any are in the Hungarian language.[72]

---

[71] Helsinki Watch interview with Imre András, Member of Parliament representing Satu Mare (Szatmár), Bucharest, November 17, 1992.

[72] Helsinki Watch with Levente Salat, Cluj (Kolozsvár), November 9, 1993.

The government's position on minority culture reveals an inconsistent pattern. On the one hand, many cultural initiatives, including those of minority groups, are subsidized by the state. For example, the Romanian government reported in June 1992 that "state expenditures for cultural activities undertaken in the mother tongue of persons belonging to minorities amounted to 114,800,000 lei in 1991,[73] representing 5-6 percent of the Ministry of Culture's overall annual expenditures."[74] The 5-6 percent of total budget stands in contrast to the 10.6 percent which minorities represent in the total population of Romania according to the January 1991 census. In addition, the government reported that approximately 108,000,000 lei were spent by local governments on behalf of ethnic Hungarian culture during 1991.[75] Hungarians point out, however, that the proportion of state funding directed toward minority-language cultural activities is significantly less than their official proportion of the population. Thus, not only do minorities find it difficult to overcome the legacy of the Ceauşescu era, but impossible simply to maintain the status of their culture relative to that of the majority.

There is little or no legal protection for cultural institutions when they come under attack by local authorities. Neither the prosecutor's office, which might enforce applicable provisions of the penal code, nor national government officials, who might exert political pressure on local officials, have taken steps to protect the Hungarian minority.

Hungarians view the numerous local abuses discussed above as familiar government attempts to destroy Hungarian contributions to the culture and history of Transylvania, and thereby to destroy the Hungarian character of

---

[73] Approximately $1,413,610 at the average 1991 exchange rate. It is almost impossible to calculate the amount in dollars, given the dramatic changes in the exchange rate over the course of 1991. The average rate for 1991 was 76.4 lei to the dollar, but the exchange rate fluctuated from 35 lei/$1 to 149.2 lei/$1 during the year. See, *International Financial Statistics Bulletin of the International Monetary Fund.*

[74] *White Paper*, p. 30.

[75] *Ibid.*

many Transylvanian cities and towns. Many Hungarians interviewed by Helsinki Watch expressed the fear that they have been left to the mercy of local authorities who are determined to destroy any remnants of Hungarian culture that survived the communist era. Not surprisingly, therefore, Hungarians living in Transylvania today continue to feel that their way of life and identity as a nationality are in jeopardy.

Minority Language Press and Broadcast Media

By 1989, the Hungarian language media had been severely affected by Ceauşescu's policies.

> As was the case in almost every area, the situation of the Hungarian-language media worsened considerably in the year 1985-86: the Hungarian television program was ended; the radio broadcasts from Cluj (Kolozsvár) and Tîrgu Mureş (Marosvásárhely) were stopped; the last Hungarian radio program was reduced from 60 minutes to 30 minutes; and the editors of various Hungarian periodicals were removed.[76]

Not only did the Romanian government reduce the availability of minority language media during the mid-1980s, but it severely censored the Hungarian-language media that did exist. Thus, it was not unusual for Hungarian-language publications to include highly nationalistic, anti-Hungarian statements that had simply been translated from the Romanian language press.

After the revolution, there was a virtual explosion of new, independent publications in Romania. Ethnic Hungarians were able to establish new, independent publications and to revitalize Hungarian language publications in existence before the revolution. A number of publications for minorities receive state funding. According to the Romanian government:

> A significant number of publications in the mother tongue of persons belonging to minorities are subsidized by the Romanian State, through the Ministry of Culture . . . A central daily and several central periodicals, as well as over seventy county, local and professional publications are printed in Hungarian, and many others in other mother tongues.[77]

---

[76] *Destroying Ethnic Identity: The Hungarians of Romania*, p. 24.

[77] *White Paper*, pp. 35-6.

However, another government publication[78] lists only two Hungarian periodicals subsidized by the state, and even those two receive only a portion of their costs.

It is undeniable that the Hungarian language media have experienced positive change over the last three years, not only in the number of publications that are available, but also in the lack of government censorship of the press. However, the government's monopoly over the paper supply and distribution network are frequently used to the detriment of the opposition press. Moreover, during the last three years, the central television and radio administration has repeatedly attempted to restrict the amount of minority language broadcasting, as well as the scope of such broadcasting. What is more, minority language press has been confronted with intentional interference by local officials, especially in such areas as Cluj (Kolozsvár).[79]

On February 3, 1991, then-President of Romanian Television (hereinafter "RTV"), Răzvan Theodorescu, announced that the television program schedule would be reorganized, as a result of which the number of hours of minority programming would be reduced. The Hungarian programming was reduced from three hours and fifty minutes to three hours weekly. More important, however, Theodoerescu announced a decision to transfer half of the Hungarian language programming (90 minutes) from Channel One, with nation-wide reception, to Channel Two, which is not received in the areas where most ethnic Hungarians live.[80]

---

[78] "A Comparative Survey on the Rights of the Persons of Magyar Origin from Romania and of Romanian Origin from Hungary", Delegation of Romania to the [UN] Commission on Human Rights, 49th Session, Geneva, February 1 - March 12, 1993. p. 13.

[79] See discussion of Mayor Funar's efforts to harass Hungarian language journals, below.

[80] Efforts are underway to establish local television and radio stations, including ones that have minority language programming. According to the Romanian government, there is Hungarian language programming at the territorial television station in Cluj (Kolozsvár)(three hours weekly), Timişoara (Temesvár)(20-30 minutes weekly), Arad (20 minutes weekly), Braşov (Brassó)(two hours weekly), and in Oradea (Nagyvárad)(three hours weekly). The national radio (Radio Bucharest) broadcasts in Hungarian one hour daily, except on Sunday. Local radio broadcasting in the Hungarian language can be found

Similarly, according to Directive 132 (See Appendix D), which was announced on January 29, 1993, by the Romanian television leadership, news and current events were to be banned on minority language broadcasts on Channel One. The directive restricted such programming to cultural and "traditional" themes with an "ethnographic or folklore" focus.[81] Furthermore, the directive ordered the producers of minority language broadcasting to submit a program plan for the next three months to be approved by the television leadership.

The producers of the Hungarian and the German programs protested against this effort to restrict the substance of minority language programming. A statement issued on February 1 by the production staff of the two programs concluded:

> The tendency [for abuse] has existed for a while, but this is the first time that such an abuse of freedom of opinion has taken the form of a written order.[82]

Helsinki Watch sent a letter to President Iliescu protesting this directive. The letter stated:

> Helsinki Watch is extremely troubled by recent reports that the state-owned Romanian Television has issued orders prohibiting minority programs in the Hungarian or German language from reporting on political and current events. . . . Helsinki Watch protests this recent order as an effort to restrict the independence of the minority-language press, as well as interference with the right to receive and impart information as guaranteed in international human rights documents.

---

in Cluj (Kolozsvár)(four hours daily), Tîrgu Mureş (Marosvásárhely)(five hours daily, six hours on Sunday), and Timişoara (Temesvár)(one hour daily).

[81] *RFE/RL*, No. 21, February 2, 1993, p. 5.

[82] "Rümanien: Maulkorb Für Fernsehen in Deutsch," *Deutsche Presse Agentur*, February 3, 1993.

> Persistent discrimination and persecution of minorities ultimately threaten the political stability within a country. . . It is imperative that the Romanian government guarantee in practice the rights of ethnic minorities and encourage their full participation in the society. To do otherwise not only violates Romania's obligations under international agreements, but also jeopardizes the political and social peace within the country.

Although Helsinki Watch has received reports that Directive 132 is not applied in every instance, it has not been officially rescinded. The fact that Directive 132 remains in effect leaves the indelible impression that Hungarian-language programming is a specific target of the RTV leadership.

Hungarian journalists and television producers repeatedly told Helsinki Watch that they feel they are under attack. Zoltán Boros, Editor-in-Chief of Hungarian language programming at RTV, told Helsinki Watch that:

> We are currently allowed about one percent of the total air time and we have to fight a daily battle to keep the minimal time we have. We are now required to provide Romanian translations of our work to the director of the television Department on Spiritual Life, Traditions and Nationalities, who is not a Hungarian. According to our collective contract, the television has the right to control quality and, therefore, the right to decide whether or not to broadcast a particular program. This paragraph is often used to censor our program. Efforts are frequently made to force us to include the opinion of the main Romanian political leaders. If we did not fight it, we would broadcast primarily the Romanians' views on important issues to Hungarians such as the [Hungarian Democratic Alliance] declaration for autonomy. . . Similarly, the director refused to broadcast an interview that I did with one of the [Hungarian Democratic Alliance] deputies in parliament regarding the referendum on the constitution. He claimed that the television is not allowed to broadcast political personalities, but that same evening a long interview with political figures from the

governing party was broadcast.[83]

Boros expressed the view shared by many Hungarians with whom Helsinki Watch spoke that their struggle for minority broadcasting is also a struggle for fundamental rights for all Romanians. Mr. Boros explained:

> It is a fight for free expression, not only a fight for the Hungarian minority. Ultimately, it is a fight to have more opinions in Romanian television, and Romanian society. . . If there is only one television, it must be a mirror of the whole life of the country. We have to be allowed to speak about our problems in our own language, not only cultural issues. . . I believe that the Romanian people must know that there are different opinions among the Hungarian minority. Still, we often do not have the most radical Hungarians on our program because we do not want to offend Romanians. We try to respect the sensibility of the Romanian viewers, and we need the same respect from them. . . . While we get many death threats from Romanians who see our program, we also have Romanians who write saying that they like our program because it provides different view points; it provides color to the picture of Romania.[84]

The Audio-Visual Law

The Audio-Visual Law, which was passed by the Romanian parliament on May 19, 1992, has been strongly criticized by the Hungarian minority's leadership. The Hungarian Democratic Alliance representatives in parliament were especially concerned that minorities be represented on the National Audio-Visual Council, the body authorized to grant licenses for new television stations and to assign air-waves to radio stations, and called on the parliament to include a provision requiring that one of the eleven seats on the Council be reserved for a representative of minorities in Romania. This demand was rejected by the parliament on the grounds that all members of the Council would be elected by the parliament in which minorities were represented. However, given that

[83] Helsinki Watch interview with Zoltan Boros, Bucharest, November 3, 1993.

[84] *Ibid.*

minorities hold only a small percentage of the total number of seats in the Chamber of Deputies, it was virtually impossible for them to elect a minority representative to the Council. Ultimately, all members elected to the National Audio-Visual Council were ethnic Romanians.

The Hungarian Democratic Alliance leadership in parliament issued a protest after proportional representation of minorities was rejected by the parliament stating:

> During the debates on the Audio-Visual Law, members of Parliament representing the [Hungarian Democratic Alliance] have insistently requested the introduction of a motion granting one seat for the representation of the national minorities in the National [Audio-Visual] Council. We argued in our request for the necessity of their [the national minorities'] participation in the process of controlling institutions such as the radio and television, which are essential means for fulfilling the constitutional provisions regarding the preservation and development of their [minorities'] cultural identities. The Council is composed of eleven members. Therefore, the request for one seat was totally justified taking into account the fact that in Romania, the national minorities represent over ten percent of the population.
>
> We note with regret that - both in the Senate and in the Chamber of Deputies -the rights of the national minorities regarding access to the decision-making process on subjects of mutual interest have not been respected. Moreover, the political composition of the Parliament has not been adhered to [in appointing members].[85]

The Hungarian Democratic Alliance leadership in parliament was frustrated that their legislative initiatives, which would have guaranteed minority access to decisions about the broadcast media, were rejected. Attila Verestóy,

[85] Statement issued by the parliamentary group of the Hungarian Democratic Alliance in the Senate and Chamber of Deputies, as well as the parliamentary group of minorities other than Hungarians, July 10, 1992.

deputy for the Hungarian Democratic Alliance from Harghita (Hargita) County and former member of the parliamentary committee on culture, told Helsinki Watch:

> We tried to provide a guarantee for Hungarian programming in the [Audio-Visual Law] itself, We tried to provide in the law that the Audio-Visual Council would have one Hungarian, but we did not succeed to include that provision in the law and there is no minority representative on the Council. . . We also suggested that there be a consultative council of ethnic minorities to make proposals regarding minority programming to the Audio-Visual Council, but this was not approved.[86]

The Hungarian minority was also concerned about a provision of the law that prohibits calls for separatism. The law states:

> The law prohibits insulting the country or the nation, instigating to wars of aggression, to national, racial, class or religious hatred, inciting to discrimination, to territorial separatism or public violence.[87]

Hungarian leaders reported that they fear that the vague language of this law could be used to prosecute Hungarian language television programs for broadcasting, for example, programs related to regional or cultural autonomy.

* * *

Many people interviewed by Helsinki Watch were especially concerned with what they view as the government's continuing control over television and its continued tone of aggression toward minorities. Dr. Károly Bedő, former professor of the Tîrgu Mureş (Marosvásárhely) Institute for Medicine and Pharmacology, stated:

---

[86] Verestóy interview.

[87] Audio-Visual Law, Law 48/1992, reported in *Monitorul Oficial*, Nr. 104, Anul IV, May 25, 1992.

> Television is the greatest tool of diversion. Especially the so-called informative news programs do a lot to create ethnic tensions. The television has contributed to a significant drop in levels of tolerance.[88]

A member of the Hungarian Democratic Alliance in Cluj (Kolozsvár) agreed:

> There is so much verbal aggression. The Romanian press is telling the Romanian population that it should be afraid of Hungarians becoming aggressive, because we are extremists and are getting ready for military actions. Such statements are absurd. Hungarians are outnumbered ten to one - ethnic Hungarians are aware that they are a minority in Romania. But, no matter how ridiculous, these statements have an affect on the population. Even the Hungarian Scout Association was portrayed as training for military action.[89]

Similarly, Reverend Dénes Fülöp of the Hungarian Reformed Church in Tîrgu Mureş (Marosvásárhely), stated:

> Although Hungarians are not being beaten today, there is a great sense of insecurity. This comes from the television with its frequent anti-Hungarian expressions. And in parliament, there is often anti-Hungarian sentiment. Yet any statement by Hungarians is characterized as extremist.[90]

Hungarians' fears regarding the nationalist tone of Romanian television were further exacerbated on January 27, 1993, when the Romanian government appointed Paul Everac as the new director of RTV. Everac has been widely criticized for being anti-Semitic and anti-minorities, as indicated in both his

---

[88] Bedő interview.

[89] Helsinki Watch interview, Cluj (Kolozsvár), November 7, 1992.

[90] Helsinki Watch interview with Reverend Dénes Fülöp (hereinafter "Fülöp" interview), Tîrgu Mureş (Marosvásárhely), November 4, 1992.

public statements and writings. His appointment by the Romanian government to head the RTV, especially at a time when xenophobia and inter-ethnic tension are on the rise, is seen by many as an indication of the government's support for the agenda of nationalist parties in Romania.

In addition, many Hungarians expressed concern about the distorted view of ethnic Hungarians, and especially their political leaders, presented in the Romanian language press. Mr. Lajos Molnos, who is editor of Puntea, the Romanian-language newspaper of the Hungarian Democratic Alliance in Cluj (Kolozs) county, described to Helsinki Watch the reason his paper exists:

> Our goal is to publish articles on the [Hungarian Democratic Alliance] political decisions and on Hungarian culture. We will stay with it as long as possible because it is important for Romanians to understand decisions taken by the [Hungarian Democratic Alliance] and to have a more balanced picture of the work of the parliamentary group and their contributions.[91]

Hungarian leaders report that their statements are often misinterpreted and manipulated in the press to damage their public reputations and distort their political message. For example, Reformed Bishop László Tőkés, during a visit to Washington in early February 1993, made reference to an "ethnic cleansing process" against the Hungarian minority in Romania. This statement was later reported in the Romanian media and condemned by virtually every public person. There were calls from the extreme right-wing parties in parliament for Bishop Tőkés to be expelled from Romania and the Hungarian Democratic Alliance banned. Such incidents are a constant source of tension and increase the potential for hostilities in the country.

Bishop Tőkés later stated that the use of the term ethnic cleansing had been "an unfortunate expression because it was too direct an allusion to the current situation in the former Yugoslavia."[92] However, Bishop Tőkés, criticizing the appointment of Paul Everac as president of the Romanian television, stated:

---

[91] Helsinki Watch interview with Lajos Molnos, Cluj (Kolozsvár), November 8, 1992.

[92] "Bishop Tőkés Discusses Statement on `Ethnic Cleansing,'" *FBIS-EEU-93-038*, March 1, 1993, p. 49.

Mr. Everac's appointment to the position indirectly reflects at least the political options of President Ion Iliescu and the parties that support him. This causes profound apprehension in all of us who belong to the Hungarian ethnic minority. Tens of thousands of Hungarians have left Romania after the 1989 December events and even more after the black March of 1990 [Tîrgu Mureş violence]. I am not saying that the cause of all emigration is fear, but the dominant cause is intimidation and psychological uncertainty, mainly produced by the unrestrained extremist nationalism that is promoted even in the Romanian parliament itself.[93]

[93] ***Ibid***, p. 50.

Harassment and Discriminatory Treatment by Local Authorities

Hungarians in Romania have been increasingly subjected to abusive policies initiated by local officials; policies that are clearly intended to harass and provoke. These policies have contributed to a rise in ethnic tensions throughout Romania, as well as a growing sense of insecurity on the part of the Hungarian minority.

Underrepresentation in Local Government

Prior to December 1989, Hungarians were able to hold local government and administrative positions, but were allowed no actual decision-making authority. Furthermore, minority representatives in local and national government bodies were there for cosmetic purposes only. They were not expected or allowed to raise the true concerns of minorities in Romania, but were subordinate to the Romanian state and communist party. Following the revolution, Hungarians began to organize politically in order to obtain greater representation in local and national government. Nevertheless, Hungarians continued to be under-represented in county and city governments (See Appendix E).

On February 9, 1992, Romania held its first local elections in over fifty years. The NSF won 57 percent of the mayoral seats and 40.24 percent of the councilors' seats[94], while the Democratic Convention, an alliance of fourteen opposition parties, won 7.46 and 20.77 percent, and the Hungarian Democratic Alliance won 8.7 and 6.69 percent respectively.

Although the ruling National Salvation Front won a majority of the mayoral seats, opposition parties won several important cities such as Bucharest and Timişoara (Temesvár). However, the extreme right-wing Romanian National Unity Party (PUNR) won the mayoral seats in Cluj (Kolozsvár), which has a large Hungarian minority, as well as in Baia Mare (Nagybánya) and Buzău (Boza). Although the results of the election were viewed as a sign that the NSF's support was weakening and that political pluralism was slowly gaining strength in

[94] By contrast, in the May 1990 elections, the NSF won 66 percent in the parliamentary elections and 80 percent in the presidential elections.

Romania, the results were also seen as an indication of the growing appeal of nationalistic parties.

Despite the gains made by the Hungarian Democratic Alliance in the local elections, several important positions are still centrally appointed. The most important of these is the position of prefect, the highest governmental position at the county level. Prefects are appointed by the Prime Minister and are typically members of the governing political party. Prefects are in a critical position because they are the sole authority able to challenge the legality of a decision issued by local mayors as well as county and city councils. Furthermore, mayors are required by law to consult with the prefect on important matters of state.

After the revolution, two of the forty prefects[95] appointed by the Provisional Council of National Unity were ethnic Hungarians representing the counties of Covasna (Kovászna) and Harghita (Hargita), where Hungarians make up 85 and 90 percent of the population respectively.

On July 18, 1992, then-prime minister Theodor Stolojan dismissed the two ethnic Hungarian prefects, Imre Pataki and Ferenc Fodor, and replaced them with ethnic Romanians. This government decision led to a series of large demonstrations by the Hungarian population in the two counties. After consultations between the prime minister, Hungarian Democratic Alliance leaders, and representatives of the Romanian and Hungarian communities in the two counties, a compromise was reached on August 5, 1992 to appoint two caretaker prefects, one Hungarian and one Romanian, in each county. The compromise was to last until after the national elections in September 1992.

In late March 1993, the Romanian government dismissed the co-prefects that had been appointed after the initial protests, and reappointed ethnic Romanian prefects. These appointments were strongly condemned by the Hungarian Democratic Alliance leadership in a communique issued on March 27, which stated:

> The appointment of Romanian prefects at the head of these two counties furthers the process of ethnic cleansing in

[95] There are forty prefects in Romania, one for each county (judeţ).

> government institutions . . . [T]he government by its decision ignores even the practice adopted over the decades before the fall of communism when tacitly the regime kept up the appearance that the will of the respective communities was taken into consideration. . . [I]nstead of solving the specific problems of ethnic minorities in Romania by taking efficient measures in tune with European standards, the government generates ethnic tensions in contradiction with its declaration of striving for European integration . . .[96]

The Hungarian Democratic Alliance called on ethnic Hungarians to express their anger by participating in demonstrations and acts of "civil disobedience." Thousands of Hungarians demonstrated throughout the two counties during the days immediately following the announcement, protesting in particular the appointment of Adrian Vlad Casuneanu as prefect for Covasna (Kovászna) County. He is viewed by many Hungarians as too closely associated with the former communist regime, as well as with the highly nationalistic Vatra Românească. Local council members and mayors in the two counties also refused to cooperate with the prefects, and threatened to resign.

The Romanian government's decision to appoint ethnic Romanians to the prefect posts in Covasna (Kovászna) and Harghita (Hargita) is seen by many as discrimination against the Hungarian minority and an effort to exert some political control over the two counties where Hungarians comprise a majority of the population. They point to the effect of the government's decision; although there are close to two million ethnic Hungarians in Romania, there is not a single ethnic Hungarian prefect. The Hungarian Democratic Alliance stated:

> The territorial organizations and local administration bodies in the counties of Covasna (Kovászna) and Harghita (Hargita) are unanimous in considering the recent measure by which the Romanian Government appointed Romanian prefects at the head of the two counties inhabited by a majority ethnic

---

[96] Hungarian Democratic Alliance Communique issued from Oradea (Nagyvárad) on March 27, 1993, reported in "UDMR Protests Appointment of Romanian Prefects," *FBIS-EEU-93-059*, March 30, 1993, p. 22.

Hungarian population as a new and grave ethnic discrimination against the ethnic Hungarians in Romania.[97]

The Romanian government has rejected such criticisms, pointing out that Article 122 of the constitution provides that prefects shall be the government's representatives at the local level, and that the government is, therefore, justified in making a nomination based on political, as opposed to ethnic, considerations. Hungarian leaders, however, argue that the top political leadership of the counties should reflect the ethnic composition of the area, but do not insist that possible Hungarian candidates for prefect be members of the Hungarian Democratic Alliance. It appears that the government made no effort to find an acceptable Hungarian candidate, but instead appointed a prefect known for his anti-Hungarian views. This step was seen by many Hungarians as a provocation by the Romanian government.

Some Romanians, however, emphasize that the real problem raised by the prefect controversy is not the government's indifference to the views of the Hungarians living in Covasna (Kovászna) and Harghita (Hargita) counties, but a system where top county officials are appointed instead of elected, thereby preserving a significant degree of centralized control by the national government. Some call for legislative changes that would require that prefects be elected.

Not only are there no Hungarian prefects in Romania, but Hungarians report that they continue to be underrepresented throughout the local administrative hierarchy. For example, in Arad, where Hungarians make up eighteen percent of the population, only five of 110 employees of the Arad City Council are ethnic Hungarians. And of the 66 employees in the mayor's office, only one is ethnic Hungarian.[98]

Even in Covasna (Kovászna) and Harghita (Hargita), where Hungarians comprise the overwhelming majority of the population, ethnic Hungarians reported that Romanians continue to be overrepresented. For example, the Hungarian Democratic Alliance representatives in Harghita (Hargita) county reported that although Hungarians make up approximately 85 percent of the

[97] "UDMR Urges Rallies to Protest Appointments," *FBIS-EEU-93-060*, March 31, 1993, p. 21.

[98] "Total Equality of Rights?" *Új Magyarország*, March 6, 1992.

population, they fill only 45 percent of the local administrative positions. Hungarians reported that they are similarly underrepresented in the economic world. For example, in Harghita (Hargita), Romanians make up approximately forty percent of the directors in large commercial enterprises. In Arad county, there is one ethnic Hungarian director of the approximately 200 state-owned industrial companies.[99]

In addition, Hungarians also complain that virtually all members of the police, army, fire departments, and judiciary are ethnic Romanians. The Hungarian Democratic Alliance for Harghita (Hargita) county reported to Helsinki Watch that:

> The institutions in which the central organs are exclusively ethnic Romania, and the staff are composed of almost all Romanians, are: police, Romanian Information Service, army, gendarmerie, fire departments, military centers, and the judiciary.

In Mureş (Maros) county, for example, "where Hungarians make up fifty percent of the population, only seven out of fifty-one judges and prosecutors are ethnic Hungarian."[100] Similarly, in Arad county, of a total of thirty-four judges, only one is ethnic Hungarian.[101]

Hungarian Democratic Alliance president for Covasna (Kovászna) county told Helsinki Watch:

> In elected offices, Hungarians now hold a number of positions representative of their percentage of the population, but the difficulty is with appointed positions such as police officers, and appointed government officials. It is absurd that in villages

---

[99] *Ibid.*

[100] Letter from the Hungarian Human Rights Foundation to Sam M. Gibbons, Chairman of the Subcommittee on Trade, Committee on Ways and Means, August 18, 1993, p. 3.

[101] *Új Magyarorszag*, March 6, 1992.

> where there are one hundred percent Hungarians, the police are all Romanian and do not speak Hungarian.[102]

Restrictions on the Right to Assemble

Immediately following his electoral victory in February 1992, Gheorghe Funar, Mayor of Cluj (Kolozsvár), began to implement a series of policies targeting the ethnic Hungarian population of the city and intended to "make Romanians `masters in their own house.'"[103]

By Executive Decision No. 293 of April 24, 1992 (See Appendix F), Funar prohibited a conference on local government that had been organized by Dutch and Hungarian organizations, in cooperation with several associations of ethnic Hungarians in Romania. Suspension of the conference, which was scheduled to take place from April 25-26, 1992, and had been announced in the local press, was considered by Funar to be justified by "the provisions of the Romanian constitution that sanction the unitary character of our country," which is infringed by "the subject of this public event."

On April 28, 1992, Funar issued Decision No. 299 (See Appendix G), which provided that:

> **Article 1** - Beginning on April 29, 1992, any conference, symposium or other similar event of a public nature organized in the municipality of Cluj-Napoca must be declared in writing at the city hall.
>
> **Article 2** - The organizers of such public events will submit a written statement at least three days before the event takes place, with a description of the names of the organizers, the goal of the event, its date, hour and duration, as well as a list of the participants.

---

[102] Helsinki Watch interview, Sfîntul Gheorghe (Sepsiszentgyörgy), November 14, 1992.

[103] "Ethnic Tension in Cluj," Tom Gallagher, *RFE/RL Research Report*, Vol. 2, No. 9, February 26, 1993, p. 27.

> **Article 3** - Those public events which aim to propagate certain ideas that are contrary to the principles established by the Romanian constitution are forbidden.

On the basis of this decision, an inter-foundation meeting of the Soros Foundation for an Open Society which was scheduled for April 30 was initially prohibited, and then allowed to proceed only with observers from Funar's office (Appendix H). In a communique from Funar, the mayor stated:

> The representatives of the Cluj-Napoca chapter of the Soros Foundation have been invited to the city hall and have been informed that this meeting may be organized . . . only on the condition that representatives of the city hall, mass media, high and higher education institutions, the "Vatra Românească" Organization, the "Avram Iancu" Organization, and the "Lucian Blaga" Foundation be invited. We note that in case the organizers do not accept the invitation to discuss with the authorities and refuse to accept the participation of the said representatives, the conference will be forbidden.[104]

Levente Salat, Executive Director of the Cluj (Kolozsvár) branch of the Foundation for an Open Society, told Helsinki Watch that:

> During the discussion in Funar's office, he insisted that extreme right-wing organizations such as Vatra Românească be invited because they would be very interested in the work of our foundation. I tried to explain that the meeting was not an open meeting, but was a staff meeting for those who work in the foundation. Finally, we told Funar that we would not invite others to the meeting, but we would not prohibit anyone interested from sitting in. The mayor said he would make the invitation.

Funar has also repeatedly prohibited public demonstrations for which ethnic Hungarians have requested permission in compliance with provisions of

---

[104] Communique from the mayor's office reported in *Adevărul de Cluj*, April 30, 1992.

the law on public gatherings. For example, a demonstration planned by the Hungarian Democratic Alliance on June 11, 1992, to protest the proposed Education Bill was prohibited (See Appendix I). The mayor explained his decision:

> Such demonstrations are totally unjustified since all draft bills are debated by the two chambers of the Romanian Parliament where, by the way of arguments, one can introduce the necessary amendments. Under the conditions of the rule of law, the intention of the [Hungarian Democratic Alliance] to organize public demonstrations with the purpose of pressuring the parliament does not have a legal basis.[105]

Similarly, on December 3, 1992, the Hungarian Democratic Alliance was denied permission to hold a demonstration in the main square of Cluj (Kolozsvár) to protest the alterations to the Mathias Corvinus statue.[106] Funar's reasons for denying the demonstration were, *inter alia*, that "a demonstration on a public square would violate Romanians' basic rights and result in disturbance of the peace, and that "the reason given for the demonstration has no legal basis."[107]

Apparently influenced by Funar's policies in Cluj (Kolozsvár), the newly-elected mayor of Baia Mare (Nagybánya), Gheorghe Brînzei, issued an order on May 21, 1992, requiring permission from the mayor's office prior to holding all public meetings. Funar has called on mayors throughout Romania to follow his lead and implement such ordinances throughout the country.

The policies of Funar and other nationalist local officials have been severely criticized by domestic and international human rights organizations. The Romanian Helsinki Committee and the League for the Defense of Human Rights criticized Funar for disregarding the constitutionally guaranteed right to freely demonstrate and assemble (Article 36), as well as Article 3 of the Law on Public

---

[105] Communique from the mayor's office dated June 10, 1992, reported in *Adevărul de Cluj*, June 11, 1992.

[106] See, "Culture," in this report.

[107] Communique from the mayor's office dated December 4, 1992, reported in *Adevărul de Cluj, December* 5, 1992.

Demonstrations (Law 60/1991), which states that "public meetings . . . which take place . . . inside buildings or the headquarters of juridical persons of public or private interest do not have to be announced prior to the date." [108]

The League for the Defense of Human Rights also called on the Romanian government to use the means available to dismiss Funar under the Local Public Administration Law which allows "for the removal of a mayor whose actions clearly violated the law or damaged the interests of his town."[109]

Unfortunately, however, the Romanian government has taken no initiative to restrain abusive officials such as Funar. Local officials are free to violate the constitution, as well as provisions of national laws, with impunity. Legal mechanisms for holding abusive officials accountable remain weak. The protection of minority rights ultimately depends on an independent local judiciary, as well as the political will of the national government. Thus far, these have been lacking.

Restrictions on Freedom of Expression

In an ordinance issued in March 1992, the mayor of Cluj (Kolozsvár) banned the public display of bilingual signs and posters (See Appendix E). A similar ordinance was issued by the mayor of Baia Mare (Nagybánya) prohibiting bilingual signs. The mayor's resolution granted the state-owned Autonomous Administration of Public Domain the exclusive right to post advertisements in public places, and stated that "communiques, advertisements and any other announcements shall be made exclusively in the Romanian language, the official language of the state."[110]

Helsinki Watch spoke to numerous ethnic Hungarian representatives of institutions who were fined for having bilingual or Hungarian language signs and

---

[108] Article 3 of Law 60/1991 on Public Demonstrations reported in the *Monitorul Oficial al României*, Vol. III, Nr. 192, adopted on September 12, 1991.

[109] "Nationalist Transylvanian Mayor Kindles Romanian-Hungarian Animosity," *RFE/RL Research Bulletin*, Vol. X, Nr. 5, March 2, 1993, p.5.

[110] Communique issued by the mayor's office reported in *Adevărul de Cluj*, April 10, 1992.

posters. For example, pursuant to the new ordinance, the Báthory and Apáczai High Schools, as well as the Hungarian Reformed Church and the store of St. Michael's Roman Catholic Church in Cluj (Kolozsvár) were ordered to remove their bilingual signs within 48 hours.

Institutions that have refused to remove plaques and posters in Hungarian have been fined. For example, in January 1993, 30,000 lei were seized from the bank account of a Hungarian school in Cluj (Kolozsvár) when the school refused to remove its Hungarian-language plaque from the school facade.

In December 1992, Funar prohibited tri-lingual (Romanian, Hungarian and German) posters announcing the 200th year anniversary of the Hungarian-language Opera in Cluj (Kolozsvár) and ordered the posters to be removed from public places. Funar explained that "he did so because the posters are not in Romanian, the country's official language, and they call the city by its Hungarian name, Kolozsvár."[111]

Many of those who received citations for having bilingual signs have succeeded in challenging the fines in court. However, the court's decision does not prevent the mayor's office from issuing additional citations as a form of harassment. Irén Lázár, principal of the Báthory High School, told Helsinki Watch:

> In September 1992, we received the court's decision saying that we do not have to remove the bilingual sign on our school. Since then, we have received two more notices and fines. We haven't paid them. And we received a notice from the mayor saying that his office would remove the sign. This hasn't happened, yet, but we live with constant pressure and insecurity regarding our status.[112]

Challenges by the prefects of Mureş (Maros) county and Maramureş (Máramaros) county to their respective mayor's prohibitions on bilingual signs

---

[111] "Funar Bans Hungarian-Language Placards," *RFE/RL Daily Report*, No. 236, December 9, 1992, p. 5.

[112] Helsinki Watch interview with Irén Lázár, Cluj (Kolozsvár), November 8, 1992.

were not successful. The local courts in both counties upheld the mayors' decrees. Helsinki Watch has no information that these decisions were later appealed by the prefects.

Restrictions on the Right to Associate

Efforts by ethnic Hungarians to form a scouting association for Hungarian-speaking children were blocked by the Ministry of Education for over two years. In June 1990, the Hungarian Scout Association of Romania (hereinafter "HSAR") was given legal status and registered by the local court in Miercurea Ciuc (Csíkszereda). The Prosecutor General for Romania, relying on a 1924 law that had never been repealed but was not published in the official registry of laws, challenged the registration of the HSAR because it had not obtained permission from the Ministry of Education and the Ministry of Sports and Youth.

Ultimately, the Ministry of Sports and Youth agreed to give its permission for the HSAR to be registered. However, the Ministry of Education refused to approve the by-laws of the association. The Ministry stated, *inter alia*, that the by-laws do not respect the fundamental principles of the World Organization of Scouts Movement. Furthermore, the by-laws of the HSAR

> are exclusive and discriminatory, "being open" only to citizens who know the Hungarian language, and they do not exclude from the activities of the union paramilitary activities. . . . The by-laws of the HSAR, not only in defining its scope, but also in the scouts' vows, uses the notion of "patria" without specifying "Romania" or "patria romana." [113]

The Ministry of Education also opposed the HSAR's plan to organize itself along district lines as opposed to organizing itself along the administrative, or county, lines that are established for local governments.

The HSAR sued the Ministry of Education in the Harghita (Hargita) county court. The court, in its decision of February 21, 1992, ordered the Ministry of Education to issue the necessary authorization for the HSAR and to pay 750 lei for

[113] Letter Nr. 771/91 from the Ministry of Education to the Hungarian Scout Association of Romania.

the court costs. This decision by the county court was then appealed by the Ministry of Education to the Supreme Court on June 19, 1992.[114] The Supreme Court upheld the lower court's decision and the Hungarian Scout Association was recognized as a legal entity.

Finally, on October 31, 1992, the HSAR and the Romanian Scouting Association were able to negotiate an agreement in which a liaison committee would be established to coordinate the activities of the Hungarian and Romanian organizations. The decision provides that the HSAR will remain independent and will decide its own program, but will be an integrated part of the Association of Romanian Scouts.[115]

The problems faced during the registration process of the HSAR provide an example of the legal means by which government bodies can interfere in the legitimate activities of civic organizations. The scope of the government's review of the HSAR's goals and organizational structure went well beyond that which could be justified by the state's interest in, for example, preventing fraud, regulating corporate conduct or granting tax-exempt status.

Helsinki Watch urges that the sole purpose of registration should be to accord legal status to a group for the purpose of owning a bank account or obtaining tax benefits. As a general rule, organizations should not be required to have their by-laws or their organizational structure approved by the Romanian government, and groups should be allowed to organize and engage in activities without registering if they so choose. Such registration requirements are often a means of governmental interference with the right to free association.

Mayor Funar passed a resolution in July 1992 prohibiting political activities in churches within the city.[116] This decision was challenged by the prefect of Cluj (Kolozs) county, Grigore Zanc, who succeeded in having the

---

[114] Appeal Nr. 31.967/55/1992.

[115] See the Convention regarding the formation of the Liaison Committee, Bucharest, October 31, 1992.

[116] Resolution Nr. 31, July 23, 1992, reported in *Mesagerul Transilvanei*, October 29, 1992.

decision annulled.[117] The local court's decision was upheld by the Supreme Court.

Electoral Law Violations

In the May 1990 parliamentary elections and the February 1992 local elections, individual candidates who were ethnic Hungarian, or were viewed as pro-Hungarian, were prevented from running in the elections in the Transylvanian town of Tîrgu Mureş (Marosvásárhely).

Smaranda Enache, a Romanian who was director of a puppet theater and active in human rights and minority rights issues, was kicked off the ballot for the May 1990 parliamentary elections on the basis of the Electoral Law. Article 10 of the Electoral Law in effect at the time provided that:

> No persons may be elected who have committed abuses in political, judicial or administrative functions, who have violated fundamental human rights, or who have organized or have been instruments of repression in the security forces, former police or militia.

On January 28, Ms. Enache gave an interview on Romanian television supporting the right of the Hungarians in Transylvania to have separate language schools as of the school year beginning of September 1, 1990. After the interview, Ms. Enache received several death threats in the mail and on the phone.

Ms. Enache, who was running as an independent candidate for the Chamber of Deputies, was challenged by 158 individuals in Tîrgu Mureş (Marosvásárhely) based on Article 10 of the Electoral Law. The court for the county of Mureş (Maros) in Tîrgu Mureş (Marosvásárhely), made up of two judges and a prosecutor, decided on April 30 that the challenge to Ms. Enache's candidacy was valid, and that she should be prevented from running in the election. The court stated in its decision that "Smaranda Enache contributed to the destabilization of education in schools in Tîrgu Mureş (Marosvásárhely) by intervening on television at the beginning of the second trimester of the school year 1989-90, insisting on immediate separation of students on the basis of ethnicity . . . . The adoption of this

[117] Prefect's challenge, Nr. 5978, September 8, 1992.

position caused the protests of the Romanian population."

Előd Kincses, a Hungarian Democratic Alliance of Romania candidate for the Chamber of Deputies in Tîrgu Mureş (Marosvásárhely), was also challenged under Article 10. Similarly, the Tîrgu Mureş (Marosvásárhely) court decided that Mr. Kincses could not participate in the elections.

With regard to the cases against Mr. Kincses and Ms. Enache, Smaranda Enache told Helsinki Watch that:

> [The authorities] made examples of us. If even we could not be protected by the justice system, then no one could count on protection. I think that now the average person would not even try.[118]

István Király, an ethnic Hungarian candidate for mayor in the town of Tîrgu Mureş (Marosvásárhely), was prohibited from running in the local election scheduled for February 9, 1992. According to information received by Helsinki Watch at the time, Mr. Király's candidacy was contested by seven ethnic Romanians who alleged that he had committed a series of acts, some of which are criminal under Romanian law. However, Article 5(c) of the Electoral Law 9 (in effect at the time) required that an individual not only have been accused of having committed an "abuse" or "violated basic human rights", but also have been convicted in a final court decision, before he or she could be prevented from running for political office. The Tîrgu Mureş (Marosvásárhely) court, in its decision of January 23, 1992, did not indicate that Mr. Király had ever been convicted of any of the crimes of which he was accused. In fact, according to Mr. Király, he was not so much as questioned by the police or prosecutor's office, much less charged or convicted for any of the acts identified by the court as the basis for denying his candidacy. Because he had never been convicted, there was no legal basis for the court to prevent Mr. Király from running for office.

The court based its decision, in part, on evidence that a) Mr. Király "began the electoral campaign by attacking rival political formations, by exhibiting an

---

[118] Helsinki Watch interview with Smaranda Enache, Tîrgu Mureş (Marosvásárhely), November 4, 1992.

attitude of partiality toward his ethnic Hungarian colleagues, inciting an anti-Romanian attitude, and thereby proving that he is not a reliable citizen with regard to all segments of the population;" that b) Mr. Király spoke at a session of the Executive Board of the Municipal Council of the National Union of Tîrgu Mureş on April 6, 1990, urging the exclusive use of the Hungarian language in the area, including the use of Hungarian for town names, street signs and store names; and that c) Mr. Király prepared a map of Mureş county with all names in Hungarian and permanently posted the map at the Democratic Union of Hungarians headquarters in Tîrgu Mureş (Marosvásárhely), and that he entered only the Hungarian names of all cities in Mureş into a computer.[119]

Helsinki Watch issued a letter of protest to President Iliescu on February 5, stating:

> Instead of strictly applying the law to this case, the Tîrgu Mureş court appears to have engaged in a review of Mr. Király's opinions and, because of his allegedly pro-Hungarian views, appears to have determined that it did not find him a worthy candidate for public office. According to the court, the evidence "confirms that [Mr. Király] is not a person of integrity, not impartial nor able to represent the interests of the whole community and residents of Tîrgu Mureş . . ." This is not a proper role for the judiciary. It should be left to the electorate to determine whether Mr. Király is worthy of being mayor. That is the essence of the democratic process. Unfortunately, that process has been thwarted in this case.

Abusive House Searches

Many Romanian officials appear to view the Hungarian minority's struggle for minority rights as, in fact, a secessionist struggle for Transylvania. Fears that Hungarians are preparing for an armed struggle against Romania, which are often fostered by unfounded news reports and nationalist propaganda, are used to justify abuses by local authorities, such as unjustified house searches

---

[119] Decision by the Judecatoria Tîrgu Mureş - Judeţul Mureş on January 23, 1992, (Dosar Nr. 955/1992, Şedinţa Civilă Nr. 762), pp. 2 and 4.

for weapons and secessionist propaganda.

The home of the president of the local Hungarian Democratic Alliance in the village of Săvădisla (Tordaszentlászló), Imre Boldizsár Zeyk, was searched by local police on March 19, 1992, for approximately one and a half hours. Although the search warrant[120] did not indicate a reason for the search, the search occurred after there were rumors in the village that Hungarians were receiving arms from Hungary. Mr. Zeyk told Helsinki Watch that:

> I asked one of the officers why they were conducting the search, what were they looking for. He told me that a van with Hungarian license plates had been seen in my yard in 1990 and that a complaint had been made accusing me of stockpiling relief supplies. This was the van of a friend of mine who had visited me after the revolution and brought some gifts for my family. I asked to see the complaint, but he did not have it. However, the police were only interested in three things. They asked me if I had any weapons, drugs, or any Horthy-fascist literature in the house. . .There was no connection between what they told me they were looking for and what they asked me about.[121]

Mr. Zeyk later went to the police and asked to see the complaint made against him. However, he reported that:

> Neither my name nor the pastor's name appeared anywhere in the complaint. It said to go to the principal of the school and do a house search. But I haven't been the principal since 1980.

---

[120] The initial search had been authorized by the county prosecutor's office on March 18, pursuant to search warrant nr. 578/II/7/1992. This warrant, however, did not have the correct name, necessitating a delay of about an hour until the police could obtain a new warrant with Mr. Boldizsár's name.

[121] Helsinki Watch interview with Imre Boldizár Zeyk, Săvădisla (Tordaszentlászló), November 8, 1992.

Mr. Zeyk believes that the search was an attempt to harass him for his activities in the Hungarian Democratic Alliance, as well as his position protesting the placement of Romanian teachers in the Hungarian language schools. Mr. Zeyk's son also believes that the search was intended to intimidate his father because of his political activities. He told Helsinki Watch:

> I had the feeling, a very subtle suspicion, that the police did not really expect to find anything. It was just a gesture. They searched superficially. I smiled and said please look, I have nothing to hide.[122]

Also on March 19, 1992, the Hungarian Reformed Church of Săvădisla (Tordaszentlászló), as well as the pastor's home, was searched by the police. Reverend Zoltán Szőke, pastor of the Reformed Church, reported to Helsinki Watch:

> Deputy Lt. Col. Blaga arrived with another police car at about 9 a.m. He told me that I had received packages from Holland and had not distributed them. At the beginning, he did not show me any identification or a search warrant, but just started to look around in the church. Blaga told the police to rip up floors where the furnace had been. They tore up the floor boards in the church. Later, when they found nothing, he had them nail the boards back down. They went to my home, looked in all the rooms, in my wife's jewelry box, behind my books.[123]

Reverend Szőke told Helsinki Watch that he is convinced that the search was a pretext to intimidate the Hungarian population.

> I said to one of the policemen, "You are not looking for relief supplies in such a small place. . . Admit you were looking for arms." He just shrugged. I never accused him of only targeting Hungarians, but he answered me by saying, "We didn't only

---

[122] Helsinki Watch interview, Săvădisla (Tordaszentlászló), November 8, 1992.

[123] Helsinki Watch interview with Reverend Zoltán Szőke, Săvădisla (Tordaszentlászló), November 8, 1992.

> search the Hungarians. We also searched the Orthodox Church." Later, we went to the Orthodox Church to check this, but the police had not been there to search. It was clear to me that they wanted to cause a circus, a scandal, and that it was against Hungarians. . .The whole process was humiliating, as if I was stripped naked. They found nothing, but it was humiliating.[124]

A series of house searches was also conducted in the Hungarian village of Heveder in Harghita (Hargita) county on March 24, 1992. According to reports, the police did not present search warrants in any of the cases.

The home of Márton and Ida Fülöp was searched by two police officers who were reportedly looking for "illegal and stolen goods and objects." Following the search of the Fülöp home, as well as the homes of several other families in the village, the Hungarian Democratic Alliance chapter issued a protest and petitioned then-Minister of the Interior, Victor Babiuc, to take disciplinary action against the police officers who had conducted the illegal searches. Mrs. Ida Fülöp reported, in a written statement, that:

> On April 3, at approximately 3 p.m., [the police] appeared at our home. . . Captain Costea asked us if the house search had been legal. We responded that it hadn't been, since they did not have search warrants. He then proceeded to read aloud from the constitution and a green book regarding house search procedures. He asked my son, Márton Fülöp, if he had participated in the Gheorgheni meeting held on behalf of native-language education. He noted that the [Hungarian Democratic Alliance] had voted against the constitution, so why were we now referring to the constitutional [protections]. [125]

Other Acts of Harassment and Intimidation

[124] *Ibid.*

[125] Testimony taken from *Romániai Magyar Szó*, April 9, 1992. Translation in "Rumanian Police Conduct Illegal House Searches in Ethnic Hungarian Homes, Hungarian Human Rights Foundation, April 22, 1992.

On November 30, 1992, Funar ordered that all Hungarian street names be changed to Romanian. This order was apparently intended to remove reminders of the Hungarian cultural and historic influence in the city, and to provide an opportunity to honor Romanian nationalists.

> Funar has also attempted to redefine the public identity of the city on nationalist terms by changing street names. Three categories of names were no longer considered acceptable: those indicating a link with the pre-1989 communist regime . . . ; names evoking figures of Russian culture and science . . . ; and names celebrating Hungarians from Transylvania . . .
>
> Streets have been renamed for Romanian martyrs under Hungarian rule. These include . . . controversial figures such as the wartime leader Marshal Ion Antonescu and the writer Ion Lancranjan, who made a career as a chauvinist and anti-Semitic novelist under Ceauşescu.[126]

In many towns in Romania the status of property rights remains unclear. Individuals who have been living in their apartments for decades find themselves being forced to move. Others who moved in to offices or apartments after the revolution may find that the terms of their lease or purchase are under review and subject to change. This is not a situation that affects minorities exclusively. All Romanians are potential victims of the uncertainty regarding applicable laws and regulations. However, Hungarians report that the unclear status of property rights is often used to harass groups and individuals who are not favored by local officials.

In Cluj (Kolozsvár) and Tîrgu Mureş (Marosvásárhely), where Hungarians are already the targets of a persistent policy of harassment by local officials, Hungarians report that they are increasingly threatened with evacuation of apartments or office spaces that are to be assigned to Romanians.

---

[126] "Nationalist Transylvanian Mayor Kindles Romanian-Hungarian Animosity," *RFE/RL Research Bulletin*, Vol. X, Number 5, March 2, 1993, p. 4.

György Frunda, Senator for Mureş (Maros) county, told Helsinki Watch that:

> Where the state enterprises are administering buildings, people are repeatedly ordered to evacuate apartments. Frequently, these are against Hungarians and for the benefit of Romanians. There are several hundred such cases in Tîrgu Mureş (Marosvásárhely) alone.[127]

Péter Eckstein-Kovács, a lawyer and City Councillor in the Cluj (Kolozsvár) City Council, told Helsinki Watch:

> Funar is applying Law 50/1973 which states that each person is allowed ten meters for living space. Thus, the government can forcibly settle other people in apartments if people have more space than the law allows. In Cluj (Kolozsvár), this is being used to harass Hungarians even though the law clearly violates the constitution and should have been repealed.[128]

For example, on May 15, 1992, the Hungarian Democratic Youth Association (hereinafter "HDYA") was ordered to evacuate two of four rooms of its headquarters although it has a valid rental contract. HDYA challenged the mayor's order in court. The case is currently pending.

Lajos Kántor, editor-in-chief of the literary journal "Korunk" told Helsinki Watch that he and his staff have been harassed increasingly since Funar was elected mayor.

> Our main problem is that we cannot get in our offices. They are in the City Hall. The public is not allowed in the building until 12 noon, and now we are treated as the public. So we are not

---

[127] Helsinki Watch interview with György Frunda, Bucharest, November 3, 1992.

[128] Helsinki Watch interview with Petér Eckstein-Kovács, Cluj (Kolozsvár), November 7, 1992.

> allowed into our offices until the afternoon. This is the situation only since the local elections.[129]

Korunk, as well as the Hungarian-language "Helikon" and the Romanian-language "Apostroph", have since been forced to move from their offices.

The Hungarian-language literary journal "Művelődes" was forced to evacuate two of the three rooms of its offices, although it had a valid lease and had paid the specified rent.

Similarly, Zoltán Tibori Szabó, editor-in-chief of Szabadság (Liberty), reported that the newspaper was also a target of pressure by local officials who wanted to force them out of their office space; a building formerly owned by the Communist Party that the newspaper had received in 1990. He told Helsinki Watch:

> The agreement with the local administration [dealing with state property] was that we would not pay rent, but were responsible for fixing the place up and for maintenance. We invested several hundred thousand lei for repairs, in effect paying rent for many years in advance. We were then told that we had to give half of the rooms to the newspaper *Mesagerul Transilvanei*, which was taken over by the mayor's office and is very nationalistic. So far they have not succeeded, but I feel like it is the calm before the storm.[130]

* * *

While many of the abuses discussed above are concentrated in the town of Cluj (Kolozsvár) and are at the initiative of that city's infamous mayor, these abuses cannot be viewed only as isolated incidents. These abuses are not merely evidence of the ease with which local officials can harass and intimidate a minority population, but also demonstrate that the legal mechanisms for holding

---

[129] Helsinki Watch interview with Lajos Kántor, Cluj (Kolozsvár), November 8, 1992.

[130] Helsinki Watch interview with Zoltán Tibori Szabó, Cluj (Kolozsvár), November 8, 1992.

abusive officials accountable remain weak, and that there are inadequate safeguards to ensure that minorities can obtain a sufficient legal remedy when violations occur.

Religious Rights

Since the revolution, ethnic Hungarians, as well as all other ethnic groups in Romania, are free to worship without government interference. Religious holidays that had been treated as work days under the Ceauşescu government are once again officially celebrated. Foreign religious groups are now able to travel and meet with fellow church members without government restrictions.

The Reformed Church with a membership of 801,577, and the Unitarian Church with a membership of 76,333, have exclusively ethnic Hungarian members. In addition, most Roman Catholics in Romania are ethnic Hungarians (800,000 of a total membership of 1,144,320). By contrast, 19,762,235 million Romanians are members of the Romanian Orthodox Church. The Romanian government provides subsidies to all major religious denominations in the form of subsidizing wages for clergy and religious teaching staff, as well as providing church construction and maintenance (See Appendix J). [131]

During the Ceauşescu era, all religious observers faced difficulties and

---

[131] For 1990/1991, the Romanian government subsidized the wages of the clergy, as well as paid the full wages of the teaching staff of theological schools. The state also provided funds for the construction and maintenance of church buildings.

The Romanian government provided subsidies to the predominantly Hungarian religious denominations in the amount of:

Romanian Catholic Church	39,099,720 lei
Unitarian Church	4,375,457 lei
Reformed Church	23,931,820 lei

By comparison, the Romanian government provided 446,929,365 lei to the Orthodox Church, which has a predominantly ethnic Romanian membership. (See Appendix J)

White Paper, p. 59.

harassment. However, there were also particular obstacles for ethnic minorities. For example, Helsinki Watch reported in 1989 that:

> The churches in Romania always had difficulties in obtaining Bibles and in securing permission to conduct religious education. The minority churches have the additional problem of trying to obtain minority-language Bibles and religious literature. Similarly, limitations on the number of ethnic Hungarians permitted to study at the theological faculties serves to limit the number of ethnic Hungarian priests and pastors.[132]

Today, the greatest obstacle confronting Hungarian churches in Transylvania is the failure of the Romanian government to return church property that was confiscated by the communist government in the 1940s. Bishop Lajos Kovács, of the Unitarian Church in Cluj (Kolozsvár), reported to Helsinki Watch that:

> The primary issue affecting all Hungarian churches, and especially the Reformed Church, is the nationalization of all church property. No church has received its property, except the Greek Catholics whose complaints were addressed through special legislation. There has also been no effort to redress damages that occurred during the Ceauşescu years.[133]

Mihály Kolozsvári, of the Archdeaconry of the Roman Catholic Church in Cluj (Kolozsvár), added:

> Although the Romanian constitution guarantees freedom of religion, there can be no true religious freedom without our property which is needed in order for the churches to carry out their mission and social roles.[134]

---

[132] *Destroying Ethnic Identity: Hungarians in Romania*, p. 31.

[133] Helsinki Watch interview with Bishop Lajos Kovács, Cluj (Kolozsvár), November 8, 1992.

[134] Helsinki Watch interview with Mihály Kolozsvári, Cluj (Kolozsvár), November 8, 1992.

For example, Hungarian leaders in the county of Bihor (Bihar) have been engaged in an ongoing dispute with the Romanian government regarding a building formerly owned by the Reformed Church of Oradea (Nagyvárad) which was apparently taken by the state in 1962. Currently, the building is leased by various cultural and religious organizations. However, the Episcopate of the Reformed Church has demanded that the building be returned. Similarly, Reverend Dénes Fülöp, of the Reformed Church in Tîrgu Mureş (Marosvásárhely), told Helsinki Watch that:

> Our religious schools were confiscated and have not been given back. We have had no property returned so far.[135]

In addition, because historically churches administered private schools in Transylvania, legal uncertainties regarding the establishment and regulation of private schools create uncertainty about the appropriate scope of church activities. Reverend Fülöp stated:

> We have been operating a pedagogical school for three years that was organized by our church, but we still have not received permission from the Ministry of Education. We have received no response regarding our application for accreditation.[136]

Helsinki Watch also received several reports of church desecration. For example, vandals damaged the bilingual sign on the Hungarian Reformed Church in Oradea (Nagyvárad) on March 13, 1993. Similarly, on November 21, 1991, the bilingual sign of the Roman Catholic Diocese in Satu Mare (Szatmár) was damaged, and on December 15, 1991, two windows of the bishop's residence were broken.

Hungarian religious leaders also complained about local officials' allegations that relief supplies had not been distributed by the church. They pointed out that the searches in Hungarian churches took place over two years

---

[135] Fülöp interview.

[136] *Ibid.*

after the relief supplies were allegedly received and could only be viewed as an act of intimidation and harassment.[137] Furthermore, they pointed out that the Hungarian churches, as centers of Hungarian language and culture, have been under attack by Mayor Funar of Cluj (Kolozsvár). Specifically, churches have been prohibited from allowing political activities to be held on church premises.

A law on religion has not been adopted by the Romanian parliament. A draft law was agreed to by representatives of all major religious groups, but the government has not submitted this law for consideration to the parliament.[138] Géza Szőcs, then the Hungarian Democratic Alliance deputy for Cluj (Kolozsvár), criticized the government for having failed to adopt the law on religion. He told Helsinki Watch:

> The draft law prepared on religion was agreed to by all the churches, but the government systematically blocked the draft law. The law hasn't even come up for discussion. The law would resolve the question of possession of buildings and resolve problems in religious education. . .No one dreamed that this law would not be passed two and a half years later. When we first discussed the restoration of the Hungarian nature of schools [that had become Romanian schools] we assumed it would only be a matter of months before it would be legally regulated.[139]

---

[137] See, "Other Forms of Harassment," in this report.

[138] See, "Memoriu Privind Proiectul Legii Cultelor şi Libertăţii Religioase şi Proiectul Legii Învăţămîtului," prepared by representatives of the Roman Catholic Churches of Alba Iulia (Gyulafehérvár), Oradea (Nagyvárad), Satu Mare (Szatmár), and Timişoara (Temesvár), the Reformed Churches of Transylvania and Piatra Craiului, the Evangelical Lutheran Church, the Unitarian Church, and the Hungarian Democratic Alliance, January 17, 1992.

[139] Helsinki Watch interview with Géza Szőcs (hereinafter "Szőcs" interview), Cluj (Kolozsvár), November 8, 1992.

The Rise in Nationalism and Anti-Hungarian Propaganda

The establishment of a free press in Romania has been accompanied by the dramatic growth in new publications that are virulently anti-Hungarian and anti-Semitic in tone. Such papers increasingly target ethnic minorities, especially the Hungarian and Gypsy minorities, and often defame minority leaders, as well as Romanian opposition leaders who support minority rights. One of the worst, ***România Mare***, with a circulation of over 600,000, went as far as proclaiming 1991 "the year of international struggle against Hungarian terrorism."[140] The dramatic increase in xenophobic press has contributed greatly to the growing sense of insecurity of the Hungarian minority and contributed to an undercurrent of hostility and mistrust.

The manipulation of nationalist sentiments has long been a tradition in Romania. The 1930s Romanian fascist movement, the Iron Guard, "with its religious pageants and hysterical chauvinism, was denounced as a criminal organization [by the communists]; its values, meanwhile, surreptitiously permeated the ruling ideology. Many former Iron Guardists were actually invited to join the Communist Party (although they were later purged)."[141]

Ceauşescu was successful in combining Romanian nationalism with Marxist-Leninist ideology for a uniquely Romanian version of communism. In part, it was Ceauşescu's nationalist stance vis-à-vis the Soviet Union and the other Warsaw Pact countries that initially earned him some limited support both domestically and abroad.

Under Ceauşescu, the function played by nationalist propaganda was similar to its function today:

> During the 1980s, faced with popular discontent resulting from sharply deteriorating economic conditions, the Ceauşescu regime has intensified appeals to chauvinistic sentiment.

---

[140] See Vladimir Tismaneanu and Mircea Mihaies, "Infamy Restored: Nationalism in Romania," *East European Reporter*, January/February 1992, p. 26.

[141] *Ibid.*, p. 26.

> Instead of instituting long overdue reforms, the government actively propounds the myth of Rumanian cultural, historical and political superiority, hoping in this way to deflect criticism and salvage some measure of national cohesion. Minorities serve as convenient scapegoats for the country's severe economic decline.[142]

In present-day Romania, nationalist hatred and xenophobic pronouncements divert attention from the economic insecurity and social misery in Romania following the revolution. Romanian authorities have had some success in shifting the population's focus from the country's plight, as well as uniting the population against a perceived enemy, by portraying minorities, especially the Hungarian and Gypsy minorities, as the cause of Romania's problems.

The Hungarian minority is increasingly viewed by some Romanians as a dangerous enemy within the Romanian state that poses a security risk for the country. Helsinki Watch received many complaints from ethnic Hungarians that the Romanian press frequently portrays them as arming for a confrontation with Romania. Some Romanians also reported that they believe that Hungarians are, in fact, preparing a secessionist movement. These reports, however, appear to be based on rumors and deep rooted fear (if not paranoia) unrelated to any real evidence of arms stockpiling or other secessionist activities.

The first and largest nationalist organization, Vatra Românească, was organized in early 1990. In part, its formation has been viewed as a sign of fear and mistrust of the speed with which Hungarians set about to organize themselves immediately after the revolution. Vatra Românească, which means Romanian Hearth Union, increased its membership after inter-ethnic violence in Tîrgu Mureş (Marosvásárhely) in March 1990.

> The emergence of Vatra Românească at the beginning of February 1990 was . . . emblematic of the force of Romanian nationalism. Being based on fear, this force is emotional; but at

---

[142] László Hámos, "Persecution of Romania's Hungarian Minority," in *Romania: A Case of "Dynastic" Communism*, pp. 97-98.

> the same time it is based on an ideology that has a powerful capacity to mobilize, since it provides a definition of group identity. Moreover, it offers a ready-made vehicle to populist politicians, who are willing to exploit its ability both to include and exclude people. It was primarily fear that prompted the creation of Vatra Românească . . . Mistrust of Hungarian motives, fear of Hungarian revanchism, concern about an erosion of Romanian dominance in Transylvania, general unease about the future of the economy; all these factors have contributed to the climate of inter-ethnic tension, which is by no means unique to Romania.[143]

With the growth of nationalist sentiments in Romania, extreme nationalist parties began to gain support from the electorate. In 1990, the PUNR, the political party of Vatra Românească, participated in national elections and gained 2.15 percent in the Chambers of Deputies and the Senate. By the time of the local elections in February 1992, nationalist parties had gained in popularity, and were able to win mayoral races in three important cities.

In the parliamentary and presidential elections in September 1992, the PUNR had increased its representation by almost six percent, and the Greater Romania Party (GRP), which had not participated in the 1990 elections, obtained 3.89 percent and 3.85 percent in the Chamber of Deputies and the Senate respectively. Together these two parties hold 46 seats in the Chamber of Deputies, and 20 seats in the Senate. Due to the fact that the DNSF won the 1992 elections with a smaller number of seats, it has been necessary for the DNSF to depend on the votes of the extreme nationalist parties (as well as the Socialist Labor Party, a far left party with strong nationalist sentiments) to form a majority. Following the elections, one political analyst concluded:

> The results of the Romanian parliamentary elections of 27 September were inconclusive, but it is clear that radical nationalists have secured an important bridgehead in the parliament. This will heighten their visibility as well as give

---

[143] "The Role of Vatra Românească in Transylvania," *Report on Eastern Europe*, February 1, 1991, pp.28-29.

them opportunities to influence government policy.[144]

The Romanian government has condemned "manifestations of a chauvinistic or anti-Semitic character in several publications edited in our country."[145] However, it has failed to distance itself adequately from extreme nationalists, and has taken steps that appear to be an endorsement of their goals. For example, *România Mare*, the most notorious of the extremist journals, was awarded a citation for "most objective reporting" by then-Minister of the Interior Doru Viorel Ursu. Similarly, in March 1991, the highly nationalistic weekly publication, *Phoenix*, which frequently includes anti-Hungarian attacks, published on its front page a note from then-Prime Minister Petre Roman which read "To the readers of *Phoenix*, With Love, Petre Roman."

More recently, the Romanian government's decision to appoint Paul Everac as Director of Romanian Television despite his highly publicized anti-Semitic and anti-Hungarian views can only be viewed as further evidence that the Romanian government is unwilling to disassociate itself from right-wing extremists.

What is more, Iliescu only condemned extreme nationalist publications when pressured to do so.

> [O]n several occasions in 1991 and 1992 the president had denounced anti-Semitism in general and [two nationalist publications] . . . in particular. But it is true that he did not do so voluntarily. He acted only as a result of pressure by [Rabbi] Rosen and, what is just as important, when the danger of a deterioration of Romania's image abroad started to loom large.[146]

---

[144] Tom Gallagher, "Electoral Breakthrough for Romanian Nationalists," *RFE/RL Research Report*, Vol. 1, No. 45, November 13, 1992, p. 15.

[145] *Romanian Government statement*, March 25, 1992.

[146] Michael Shafir, "Extreme Nationalist Brinkmanship in Romania," *RFE/RL Research Report*, Vol. 2, No. 21,
May 21, 1993, p. 32.

What is more, when Iliescu became nervous about his possible defeat before the presidential elections in September 1992, he was willing to enter into an "unwritten alliance" with the nationalists.

> When he seemed to be in danger of losing the election to the [Democratic Convention of Romania] candidate, Emil Constantinescu, Iliescu had accepted the endorsement of the GRP and the SLP, claiming that it was "their choice. . . "[147]

[147] *Ibid.*

Political Rights and the Role of the Hungarian Democratic Alliance of Romania

The Hungarian Democratic Alliance of Romania, which represents the overwhelming majority of ethnic Hungarians in the country, was formed during the days immediately following the revolution in December 1989. During the first three years of its existence, it was headed by Géza Domokos, writer and former director of the Kriterion Publishing House, who, although a former member of the Romanian Communist Party, had gained respect for resisting Ceauşescu's efforts to restrict Hungarian-language publications.

After its establishment, the Hungarian Democratic Alliance quickly organized local branches and conducted a very successful membership drive. At their press conference on January 5, 1990, the Hungarian Democratic Alliance leadership reported that between 5,000 and 10,000 ethnic Hungarians were joining the organization each day. As of May 1991, the Hungarian Democratic Alliance reported that it had 533,000 dues-paying members.

The Hungarian Democratic Alliance is an umbrella organization for the Hungarian minority's political parties, as well as a number of political, cultural and civic groups. The Hungarian Democratic Alliance

> [S]eeks to fulfill three distinct but complementary roles. It represents the collective interests of the Hungarian minority in relation to the Romanian state; it serves as a vehicle for the political participation of the minority at the local level; and it provides a framework for the development of Hungarian community life.[148]

After the revolution, the Hungarian leadership quickly set about to formulate an agenda that would address minority rights, as well as their goals for the democratization process in Romania. In an early communique, the Hungarian Democratic Alliance called on all citizens to work for the success of the values of the revolution:

---

[148] "The Hungarian Democratic Federation of Romania: Structure, Agenda, Alliances," *Report on Eastern Europe*, July 19, 1991, p. 29.

> The union pledged to respect the territorial integrity of Romania, but it stressed the right of the minorities to self-determination within Romania and proposed the enactment of a law that would guarantee proportional representation in the legislature as well as equal educational opportunities in the native languages of the minorities.[149]

The Hungarian Democratic Alliance's ability to organize its membership and establish a clear agenda during the confusing weeks following the revolution made it possible for it to achieve relatively substantial gains in the first parliamentary and presidential elections held in May 1990.

> The [Hungarian Democratic Alliance] emerged from the first post-communist multiparty elections, held in May 1990, as by far the largest opposition party in Romania in terms of both membership and parliamentary representation, with 41 seats in the two chambers of the 515-member parliament. Transcending its initial role of only representing Hungarian ethnic interests, the [Hungarian Democratic Alliance] came to define itself as a party in the Romanian political arena and a natural ally of the Romanian democratic opposition.[150]

After the 1992 parliamentary elections, the Hungarian Democratic Alliance had 39 out of 484 seats in the parliament. By comparison, two extreme right-wing political parties, the PUNR and the GRP, won 66 seats in the parliament.

The Hungarian Democratic Alliance has continued to ally itself with the opposition parties in Romania, although there have, at times, been tensions between it and some of the other parties. Tensions were especially evident after the Hungarian Democratic Alliance leadership issued its Cluj Declaration calling for "internal" autonomy in November 1992. Nevertheless, the Hungarian

---

[149] Judith Pataki, "Free Hungarians in a Free Romania: Dream or Reality?" *Report on Eastern Europe*,
February 23, 1990, p. 21.

[150] *Ibid.*, p. 31.

Democratic Alliance and the democratic opposition continue to see themselves as natural political allies.

Romanian nationalists have repeatedly called for the prohibition of parties organized along ethnic lines generally, and of the Hungarian Democratic Alliance specifically. Nevertheless, in contrast to other countries in the region, such a provision was deleted from the final draft of the constitution that was approved in December 1991.[151]

The Hungarian Democratic Alliance's Foreign Relations

To the irritation of nationalists in Romania, the Hungarian Democratic Alliance has developed extensive ties to the Hungarian government and parliament, as well as to the Hungarian minority in neighboring countries such as Slovakia and Serbia, and to the Hungarian diaspora in the West. Hungarian Democratic Alliance leaders meet regularly with representatives in the Hungarian government and parliament, both in Hungary and in Romania. In early 1993, Hungarian Democratic Alliance leaders once again stated their intention to have "permanent and official contacts with . . . the mother country, regarding self-management and autonomy in various spheres and consulting the representatives of the Hungarian minority in Romania on the draft treaty between Romania and Hungary."[152]

The Romanian government has rejected Hungarian Democratic Alliance demands that it "mediate" in bilateral relations between Hungary and Romania. However, the Hungarian Democratic Alliance was consulted by Romania's Foreign Minister, Theodor Melescanu, prior to talks on the friendship treaty with Hungary in February 1993.

---

[151] Helsinki Watch has criticized laws that prohibit the organization of political parties along ethnic, racial or religious lines. For example, Helsinki Watch has criticized such laws in Bulgaria and Albania as a violation of "the right of peaceful association" and "the fundamental political rights of ethnic minorities." Helsinki Watch has called on both governments to repeal these laws.

[152] "Tőkés Accuses Romanians of 'Ethnic Cleansing,'" *FBIS-EEU-93-038*, March 1, 1993, p. 45.

Hungarian Democratic Alliance leaders seek to maintain international relations with a variety of countries and international organizations, and have actively use these international contacts to raise their concerns regarding minority rights in Romania.

Hungarian Democratic Alliance leaders have consulted with United States members of Congress regarding granting of most-favored-nation (MFN) status. In January 1993, the Hungarian Democratic Alliance released a resolution calling for the United States to grant MFN to Romania, but only with strict conditions.

> Aware that the Rumanian government has not even come close to fulfilling the conditions for receiving Most Favored Nation status, we submit this favorable recommendation on behalf of the impoverished and destitute people of our country, and we call upon the government of the United States, in the event MFN is granted, to exercise diligent supervision to insure that this favor is used for the benefit of the people.[153]

In a statement made by Bishop Tőkes, Honorary President of the Hungarian Democratic Alliance, during a visit to Florida in February 1993, he stated, that if the U.S. grants MFN to Romania:

> [I]t would be of utmost importance to secure Rumanian government commitment to well-defined conditions to be fulfilled within a set time period. Unambiguous markers and an effective review mechanism should be established to monitor compliance. Failure to comply would constitute a violation of the trust and confidence advanced to the Rumanian leadership and would result in the suspension of Most Favored Nation status.

Similarly, the Hungarian Democratic Alliance has had regular contact with the Council of Europe regarding Romania's application for full membership.

---

[153] Taken from a statement made by Bishop Tőkes during a visit to Florida in February 1993, as translated by the Hungarian Human Rights Foundation.

Most recently, the Hungarian Democratic Alliance addressed a letter to the Council stating:

> The [Hungarian Democratic Alliance] underlines again that the European integration of Romania is in the interest of the Hungarian minority too, from the point of view of the general principle of constitutionality and the preservation of minority rights. Nevertheless, we underline that until changes occur in the Romanian legal system there are no real conditions fulfilled for this integration. In our opinion these changes must be done before the admission of Romania to the Council of Europe.[154]

The Cluj (Kolozsvár) Declaration

On October 25, 1992, the National Council of Delegates of the Hungarian Democratic Alliance issued a controversial statement during a conference in Cluj (Kolozsvár) demanding "internal self-determination" and "community autonomy" for Hungarians in Romania. The declaration also stated:

> Bitter experience and tragic events have made it clear to the Hungarians in Romania and to their legitimate political representatives, the [Hungarian Democratic Alliance], that there is neither the political will nor the political reality to provide us with acceptable solutions. By restating our national identity we do not wish to emigrate, to uproot ourselves, for this is our country too. But we also refuse to be assimilated by the Romanian nation.[155]

What the Hungarian Democratic Alliance actually meant by the term "self-determination" has been widely interpreted, but remains unclear. Apparently there are two possible translations of the term from Hungarian.

The use of this term has given rise to some confusion, however,

---

[154] Letter from Béla Markó, President of the Hungarian Democratic Alliance, to Gunnar Jansson, Rapporteur on Romanian for the Council of Europe, August 24, 1993.

[155] "Chronology," *East European Reporter,* November-December 1992, p. 43.

> since the word for self-determination in Hungarian (belső önrendelkezés) can also be translated as both self-administration and self-government. . .it could mean little more than the self-administration at the local government level provided for in existing Romanian legislation. Self-government, on the other hand, implies a decentralized - possibly even federal - structure that would be very much at odds with the French-style centralized model of state organization provided for by the Romanian Constitution.[156]

The declaration, which is commonly referred to as the Cluj Declaration, was immediately condemned by the leaders of all the main political parties, with the exception of the National Peasant Party and Nicolae Manolescu of the Civic Alliance Party (but not his party). Even independent intellectual groups such as the Group for Social Dialogue expressed doubt about the true meaning of the term "autonomy," as well as concern about the consequences of the declaration.

The Romanian government, as well as many of the nationalist political parties, were quick to interpret the Cluj Declaration as a demand for territorial autonomy. On October 30, the Romanian government condemned the declaration. President Iliescu stated that "demands for territorial autonomy on an ethnic basis are unacceptable."[157] According to press reports, the Party of Romanian National Unity called on Romanian authorities to ban the Hungarian Democratic Alliance prior to its annual congress beginning January 15, 1993. Funar, who is also the chair of the PUNR, accused Hungarian Democratic Alliance members of attempting "to achieve territorial autonomy and tear Romania apart."[158]

After the Cluj Declaration, tensions increased between Hungarians and Romanians, as well as within the Hungarian Democratic Alliance itself. In late

---

[156] Michael Shafir, "The HDFR Congress: Confrontations Postponed," *RFE/RL Research Report*, Vol. 2, No. 9, February 26, 1993, p. 34.

[157] Christina Pîrvulescu, "Iliescu Rejects Hungarian Autonomy Demands," *AP Wires*, October 30, 1992.

[158] *RFE/RL Daily Report*, No. 8, January 14, 1993, p. 4.

December 1992, thirteen Hungarian Democratic Alliance members criticized the leadership in an open letter published in the Hungarian-language press. The letter accused Hungarian Democratic Alliance leaders of "authoritarian methods and . . . a lack of contact with the common Hungarians and the [Hungarian Democratic Alliance] rank and file," as well as "a total lack of dialogue with the Hungarian intellectuals."[159] The open letter also criticized the Hungarian Democratic Alliance's failure to explain the goals of the Cluj Declaration better to the Romanian public, as well as questioned the timing of the declaration.

To the surprise and relief of many observers, the Hungarian Democratic Alliance leadership took a decidedly more moderate course than predicted during its January 1993 congress.

> A statement read by [Hungarian Democratic Alliance] honorary chairman and Reformed Bishop László Tőkés urged Bucharest to help the country's Magyar minority to preserve its identity, culture, language, religion and education. But it dropped the idea of "communitarian autonomy" on ethnic grounds, which had figured high on the agenda of the three-day congress.[160]

Nevertheless, some observers predict that conflicts between radical and moderate elements within the Hungarian Democratic Alliance have not been resolved, but merely postponed for the time being.

> The congress in Brasov did not mark a deradicalization of the [Hungarian Democratic Alliance]. On most issues that had been on the agenda the solutions reached indicated a compromise that put aside both internal conflicts and conflicts with the ethnic Romanian majority without resolving them. . .It should be borne in mind, moreover, that even the most moderate elements in the [Hungarian Democratic Alliance] are not willing to

---

[159] "Bányai Views the `Inner Struggle' Within UDMR," *FBIS-EEU-92-250*, December 29, 1992, p. 35.

[160] "Romanian Hungarian Party Adopts Moderate Line," *RFE/RL Daily Report*, No. 10, (January 18, 1993), p. 5.

renounce the demand for autonomy in one form or another.[161]

The new president of the Hungarian Democratic Alliance, Béla Markó, who was elected at the 1993 Hungarian Democratic Alliance Congress, underscored that autonomy continued to be an important goal of the Hungarian Democratic Alliance. He stated:

> We are, in fact, a national community with very powerful traditions and we believe that, on certain matters, the inner life of this community can be decided by itself. In education, culture, as well as in other domains, our community has the right to organize itself, to direct its institutions the way it wishes.[162]

Many of those interviewed by Helsinki Watch in late 1992 pointed out that the so-called radicalization of some members of the Hungarian Democratic Alliance was the result of their frustration regarding the slow progress in minority rights produced by the Hungarian Democratic Alliance's more moderate policy. As one Hungarian intellectual stated:

> The [Hungarian Democratic Alliance] own policies are part of an interaction with, and response to, political developments in Romania. If Hungarians continue to feel frustrated - to feel that their needs and concerns are not taken seriously - they will push more aggressively for their rights and this will, in turn, be viewed as radicalization.[163]

---

[161] "The HDFR Congress: Confrontations Postponed," p. 39.

[162] "Papers, Political Figures Evaluate UDMR Congress," *FBIS-EEU-93-013*, January 22, 1993, p. 47.

[163] Helsinki Watch interview, Miercurea Ciuc (Csíkszereda), November 13, 1992.

The Position of the Romanian Government

As discussed at length above, the Romanian government's record on minority rights has been inconsistent during the last three and a half years. Immediately following the revolution, on January 5, 1991, the National Salvation Front issued its "Declaration on the Rights of National Minorities" in which it

> [C]londemned Ceauşescu's policy toward ethnic minorities and said that because of the "sad inheritance left behind by the dictatorship" it was necessary "to elaborate constitutional guarantees for the individual and collective rights of ethnic minorities . . ."

The National Salvation Front went on to promise that, among other things, it would formulate a Law on National Minorities, create a framework for the protection of minority rights, including the establishment of a Ministry of Nationalities, and adopt a new constitution that would provide guarantees and protections for the rights of national minorities.

Immediately following the NSF's first pronouncement on the rights of minorities, however, it began to back away from its promises. To date the government has failed to establish a Ministry on Nationalities, failed to formulate a Law on National Minorities, and has failed to push for the adoption of laws on education and religion which are of special importance to minority groups. The government did push forward with a new draft of the constitution, but it has been severely criticized by the Hungarian minority. What is more, the government has taken a series of steps that can be viewed as hostile to the rights of the Hungarian minority.

Perhaps of most importance to the ethnic Hungarians, however, was the dramatic change in the government's tone toward minorities following the January 5th declaration. In the early days after the revolution, the NSF appeared to be a staunch defender of the rights of minorities, taking up their cause voluntarily because it was viewed as the just position to take. Over time, however, the Romanian government's commitment to minority rights appeared to dwindle.

This inconsistent policy toward minorities generally, and Hungarians specifically, can be explained, in part, by political expediency. The NSF began to

back away from its commitment to secure the rights of minorities when it became clear, early in 1990, that this policy would meet with great resistance from some segments of the Romanian population. What is more, as discussed above, due to electoral gains by nationalist parties in the parliamentary elections in 1992, the DNSF must depend on extreme nationalists to form a majority.

While the Romanian government has been inconsistent in its support for minority rights on the domestic front, in international fora, it has often issued positive statements regarding minority rights. However, the Romanian government has also made quite clear that it is opposed to having other states raise the issue of minority rights in Romania. For example, in his statement to the Helsinki Follow-up Meeting of the CSCE in March 1992, then-Minister of Foreign Affairs, Adrian Nastase, stated:

> Until now the approach to minority issues within the CSCE has been in a way a unilateral one. The emphasis was on defining the rights of persons belonging to minorities and the obligations of states on whose territories such minorities live. This approach had a shortcoming in the sense that it did not define the extent of the obligations of other states as well, in particular of those having minorities of the same ethnicity in other states. And, in fact, certain states did not hesitate to take advantage of this shortcoming for political purposes.[164]

It is beyond doubt that Minister Nastase was referring to Hungary in his statement to the Helsinki Follow-up Meeting. In fact, the Hungarian minority in Romania has long been a point of tension between the two governments and relations have been cool since early 1990.

Romania and Hungary have been in the process of negotiating a basic bilateral friendship treaty for the past two years. Yet the treaty has not been completed due to disagreement regarding two key issues. On the one hand, Romania insists that the friendship treaty state unequivocally that Romania and Hungary have no territorial claims against each other. Hungary, however, takes

---

[164] Statement by H.E. Dr. Adrian Nastase, Minister for Foreign Affairs, CSCE Helsinki Follow-up Meeting,
March 25, 1992, p. 9.

the position that it has long since recognized the borders and has stated repeatedly that it has no territorial claims against Romania. Furthermore, it has signed the Helsinki Final Act, as well as other international agreements that prohibit the changing of borders through violent means. On the other hand, Hungary demands that the rights of the Hungarian minority be guaranteed in the bilateral treaty. Romania has taken the position, however, that its own constitution, as well as its accession to a variety of international human rights documents is sufficient evidence of its commitment to the protection of ethnic minorities.

The Romanian government has frequently taken a view regarding the protection of minorities diametrically opposed to that maintained by the Hungarian government. For example, Romania has consistently opposed efforts by Hungary to guarantee the rights of the Hungarian minority living in neighboring states, not only in its negotiations on a Romanian - Hungarian friendship treaty, but in any friendship treaty. For example, Iliescu criticized a joint Russian-Hungarian statement on national minorities issued on November 26, 1992, stating:

> It is very dangerous for Europe if one state pretends it has the right to protect its ethnic minorities living on the territory of another.[165]

The Romanian government has taken several steps over the last year that revealed tensions in its relations with Hungary. The Ministry of Foreign Affairs issued a circular letter to local officials in Romania on October 24, 1992. stating that:

> With regard to problems of foreign relations involving contacts between you and officials of the Republic of Hungary or of other states, at the central, county or local level, permission must by solicited from the Ministry of Foreign Affairs. . . The Ministry of Foreign Affairs has addressed a communique to the Hungarian Embassy in Bucharest requesting that all activities regarding foreign relations with Romania, including any visit of a Hungarian governmental official, should be made only through

[165] "Iliescu Attacks Russian-Hungarian Agreement on Minorities," *RFE/RL Daily Report*, No. 228, November 27, 1992, p. 5.

the Ministry of Foreign Affairs.[166]

The Hungarian Democratic Alliance leadership protested against the Ministry's instruction, stating:

> What is actually intended is to curb our relations with Hungary, in violation of the rights of Romania's ethnic Hungarians to have free relations with the other members of the Hungarian nation.[167]

The Ministry of Foreign Affairs also issued a communique requesting that the Hungarian Embassy in Bucharest:

> [N]otify governmental agencies and the mass media in Hungary that, if official Hungarian documents addressed to the Romanian party will make reference in the future to "Transylvania" as an administrative-territorial unit, those documents will be returned to their senders and will not be given any consideration.[168]

The Romanian government explained its reason for taking this position:

> Essentially, there is an ever more obvious tendency on the part of the authorities of the Republic of Hungary to accredit the idea that Transylvania has a specific identity, apart from Romania, reflecting thus the known revisionist and irredentist thesis of "Transylvania's incorporation into Romania consequent to the Trianon Dictate" and the like, and thus trying to induce in the international public opinion the image of Transylvania and Romania as two distinct entities. . .This is in its essence a measure of protection of the country's territorial integrity in

---

[166] Comunicat de Presa, Ministerul Afacerilor Externa, October 24, 1992.

[167] "Romania's Hungarians Protest Over Minority Rights," *Reuters*, October 29, 1992.

[168] "Official Statement Rejects UDMR Claims," *FBIS-EEU-92-213*, November 3, 1992, p. 22.

> conditions of actuation of the aggressive nationalist extremism, so as not to give the impression that Transylvania has a special identity, different from the rest of the country, that official problems could be discussed separately with Transylvania and with Romania and in order to thus avert any attempt at separating Transylvania from the rest of Romania.[169]

With regard to Hungary specifically, Iliescu has often expressed irritation with Hungary's support for the Hungarian minority in Romania. For example, President Iliescu

> [A]dvised Hungary not to concern itself with the fate of the Magyar minority in his country. . . "Romanian citizens of Hungarian nationality enjoy unlimited, equal rights under the country's constitution and can defend their rights themselves. Consequently, Hungary's concern for them amounts to interference in Romania's internal affairs . . ."[170]

* * *

The Romanian government has come under increasing scrutiny over the last years regarding its human rights record generally, and its minority rights record specifically. International pressure, from the Council of Europe, where Romania has applied for membership, and from the United States Congress, where Romania is being considered for a reinstatement of most favored nation trading status, has contributed to some positive developments regarding minority rights in recent months. However, even during this period of heightened scrutiny of Romania's human rights record, the government has sent contradictory signals, initiating positive steps with regard to minority rights while simultaneously taking steps that increase ethnic tensions and dissatisfaction.

For example, in the spring of 1993, the Romanian government announced the formation of the Council for National Minorities that had long been a demand of ethnic minorities in Romania and was viewed by many as a potentially

---

[169] *Ibid.*, p. 23.

[170] "Romania's President on Hungarian Minority," *RFE/RL*, No. 54, March 16, 1992, p. 5.

significant step toward addressing minority concerns. However, during this same period, the government announced that it was replacing the co-prefects of Covasna (Kovászna) and Harghita (Hargita) counties, where Hungarians make up the large majority of the population, with two Romanians, one of whom is closely associated with the highly nationalistic organization Vatra Românească.[171]

There have, however, been signs in recent months that perhaps relations between the Romanian government and Hungarian Democratic Alliance representatives are improving. For example, in April 1993, the two sides agreed to several specific steps to ease tensions.

> [A] high school in the Transylvanian city of Tîrgu Mureş would be reserved for Hungarian students starting in the 1993-94 academic year. . . In addition to allowing street signs in the Hungarian language, the two participating Romanian officials agreed to prepare a draft law on the status of national minorities in Romania. They also concurred with a Hungarian proposal that quotas be established at universities to assure the training of teachers in Hungarian and other minority languages.[172]

There have been other signs that the Romanian government may be changing its policy toward the Hungarian minority. In preparation for talks with Hungary on the long-delayed friendship treaty, Foreign Minister Theodor Melescanu consulted with representatives of the Hungarian Democratic Alliance. Not only had such consultations long been a demand of the Hungarian Democratic Alliance leadership, but they had been adamantly refused by the government. Some Romanians were optimistic that the government's consultation with the Hungarian Democratic Alliance indicates a shift in the government's position that the problems of the Hungarian minority not be included in the treaty.

Similarly, recent statements by Romanian and Hungarian government

---

[171] See, "Underrepresentation in Local Government" in this report.

[172] David B. Ottaway, "Romania Makes Overtures to Ethnic Hungarian Minority," *Washington Post*, April 3, 1993.

representatives have indicated that both governments are interested in improving bilateral ties and resolving points of ongoing dispute.

The Council of National Minorities

Hungarians had long called for a special ministry to deal with the specific concerns of national minorities in Romania. In fact, this was one of the promises made by the National Salvation Front in January 1990, shortly after the revolution. However, as discussed above, the government was slow to act on this promise. On March 24, 1993, the Romanian government announced its decision (Government Decision No. 137/1993) to establish the Council of National Minorities. It will operate within the government and will, among other things, make proposals regarding laws that affect minorities.

The government announcement was met with suspicion by many because its timing, as well as the organizational structure of the new

Council, appeared to be inconsistent with any sincere effort to respond to the concerns of minorities.

> The timing of the announcement, as well as the proposed structure of the new body and the rules regulating its operation, aroused suspicion that the government of Prime Minister Nicolae Văcăroiu was attempting to manipulate Romania's national minorities as well as international public opinion.[173]

What is more, the government failed to consult with minority representatives prior to the Council's establishment. Its failure to involve minorities in the formulation of the Council was viewed by some as a cynical indication of the government's true intentions.

The government's initial decision was formulated in a manner that would have given the government a primary role in the work of the Council and would have minimized the involvement and effect that minority representatives could

---

[173] Michael Shafir, "Minorities Council Raises Questions," *RFE/RL Research Report*, Vol 2. No. 24, June 11, 1993, p. 35.

have had.

> [T]he text of the original decision of 24 March said that the Council for National Minorities "ratifies" government decisions concerning the problems of the national minorities, which placed a large question mark on the council's own contribution to the discussion and solution of the problems it was supposed to tackle. Indeed, this formulation seemed to relegate the council to the status of a rubber stamp.[174]

While the Hungarian Democratic Alliance welcomed the government's announcement that it would establish the Council, it stated:

> The manner in which the Council was structured, as well as the principles which were the basis for its establishment, are not acceptable. Therefore, the [Hungarian Democratic Alliance] will not, at present, appoint representatives to the Council.[175]

The Hungarian Democratic Alliance criticized the Council because of the government's failure to specify how decisions in the Council were to be reached, whether by consensus or majority vote. The Hungarian Democratic Alliance also criticized the plan that all minorities were to have the same representation in the Council regardless of their representation in the population.

Due to the criticisms of the Council from minority representatives, the government modified its initial proposal, taking into account these concerns. As a consequence, the procedural rules governing the Council were significantly improved and the Hungarian Democratic Alliance decided to participate in the Council's work.

> Whatever the government's original motivation for setting up the Council for National Minorities (and there are serious grounds for suspecting it of pursuing propagandistic goals),

---

[174] "Minorities Council Raises Questions," p. 39.

[175] Statement by the Executive leadership of the Hungarian Democratic Alliance reported in *Szabadság*, April 23, 1993.

> subsequent developments have demonstrated that [the Council's] capacity for political manipulation has been substantially reduced by the changing domestic and international environment.[176]

Although the Council began work on a draft law that would allow bilingual signs in minority areas, and appeared to be taking other steps to address problems of concern to minorities, tension rose again in early September. On September 2, 1993, the Hungarian Democratic Alliance issued a statement that it had decided to withdraw from the Council because of "the government's lack of `political will' to implement Council recommendations that had been adopted in accordance with federation recommendations."[177] Other Hungarian Democratic Alliance leaders were reported as saying that the Council had been set up as "`an instrument of propaganda for the West' and the government has no intention to address the Hungarian minority's problems."[178]

---

[176] "Minorities Council Raises Questions," p. 40.

[177] "Magyars Pull Out of Romania's Minorities' Council," *RFE/RL Daily Report*, September 3, 1993, p. 7.

[178] *Ibid.*

The Position of the Hungarian Government

As a result of the Trianon Treaty, Hungary lost approximately one-third of its ethnic Hungarian population to neighboring countries. The treatment of Hungarians outside Hungary, therefore, plays an important role in influencing Hungary's relations with its neighbors. The Hungarian government has long viewed itself as the legitimate defender of the Hungarian minority outside its borders. The government has insisted that:

> [I]t had a special responsibility and obligation to help the Magyar minorities survive as cultural and ethnic communities and serve as bridges between neighboring countries. Budapest says its main objective is to promote human rights, both individual and collective, including the right to cultural and other forms of self-rule and autonomy.[179]

Hungary has raised its concerns regarding the treatment of ethnic Hungarians in its bilateral meetings with Romania and its other neighbors, as well as in a variety of multinational and international fora. As discussed above, Hungary and Romania have made little progress in finalizing a bilateral treaty because Hungary insists that minority rights be included in the treaty, and Romania insists that Hungary state clearly in the treaty that it has no territorial claims on Romania. The Hungarian government has stated that:

> In the past two and a half years, the freely elected Hungarian Parliament and the government have made several statements making it clear that Hungary respects all international documents, including the peace treaty and the Helsinki Final Act. However, it has to be seen that the issue of the borders has been pushed into the foreground by Romania rather than by Hungary . . . Neither in Romania nor anywhere else in the world can sensible people think that a Hungary with 10 million people can endanger the sovereignty of a Romania with 23 million, and

---

[179] Alfred A. Reisch, "Hungary's Foreign Policy toward the East," *RFE/RL Research Report*, Vol. 2, No. 15,
April 9, 1993, p. 42.

> the military conditions only confirm that it is not realistic to talk about any kind of threat. However, unfortunately, all the Hungarians of Transylvania feel threatened - not without reason - and it is not only [Cluj Mayor] Funar's extremists who are to blame for this.[180]

Ernő Rudas, Hungarian Ambassador to Romania, believes that, at least for the time being, Hungary's reassurances regarding Transylvania will have little effect because political leaders in Romania need a certain level of ethnic tension. Ambassador Rudas argued that the ethnic tensions in Romania are artificially created to divert attention from the serious economic crisis in the country. Ambassador Rudas told Helsinki Watch that:

> I have told Iliescu clearly that Hungary represents no threat to Romania. We have no territorial claims. . . But, at the moment, there is still the need to use this image of the enemy for political gains. This dynamic has three dimensions: 1) the Hungarian minority is viewed as an internal danger, a long-arm of Budapest, that represents a potential danger, 2) Hungary is believed to be irredentist and to want back Transylvania, and 3) ethnic Hungarian emigration from Romania is viewed as very dangerous because they are likely to campaign against Romania.[181]

It is in Hungary's best interest, according to Ambassador Rudas, for Romania to achieve economic and political stability. Ambassador Rudas stated:

> In contrast to other countries in the region, Hungary and Romania are an island of stability at the moment. People speak of civil war, but Hungary is interested in a stable Romania, developed and prosperous economically. Otherwise, any

---

[180] "Foreign Minister Views Relations With Neighbors," *FBIS-EEU-93-026*, February 10, 1993, p. 16.

[181] Helsinki Watch interview with Hungarian Ambassador to Romania Ernő Rudas, Bucharest, November 16, 1993.

> problems in Romania carry over to Hungary. The destabilization of Romania would mean a total disaster for Hungary.

Hungary has also raised its concerns about the treatment of ethnic Hungarians in Romania (and Slovakia) in various international fora. The Hungarian government has maintained the position that it does not oppose the Romanian government's efforts to gain admission to various international bodies, such as the Council of Europe. However, it has consistently linked any discussion of increased international involvement to Romania's record on minority rights. In April 1993, Prime Minister Józef Antall stated:

> In all international fora, Hungary means to support Romania's integration in Europe on the condition that the Bucharest authorities should observe the world norms of human rights and national minorities' protections."[182]

As this report went to press, Hungary had not yet made clear how it would vote on Romania's admission to the Council of Europe, which was to come up for a vote by the Parliamentary Assembly at the end of September or beginning of October. Theodor Melescanu, Romanian Minister for Foreign Affairs, stated on September 4, 1993 that Hungary's vote on membership would "provide a genuine test [of Hungary's] sincerity" in acquiring "normal relations of collaboration."[183]

More generally, Hungary has been very active in efforts to codify minority rights, as in the final document signed at the Conference on Security and Cooperation in Europe meeting in Copenhagen in June 1990. That document and a 1991 elaboration in Geneva, as well as several Council of Europe initiatives, have attempted to establish a framework, both institutional and legal, for the protection of minorities in Europe.

While undoubtedly the Hungarian government is deeply concerned about the treatment of ethnic Hungarian minorities, it may also be motivated, at times, by growing nationalist pressures in Hungary, and the political benefits of

---

[182] "UDMR Delegation Visits Budapest," *FBIS-EEU-93-076*, April 22, 1993, p. 24.

[183] "Romania, the Council of Europe, and the Magyar Minority," *RFE/RL Daily Report*, September 6, 1993, p. 6.

exploiting nationalist sentiments regarding the treatment of ethnic Hungarians in neighboring countries. From time to time, the Hungarian government, in response to such nationalist pressures at home, has made controversial remarks that are viewed with deep suspicion by the Romanian authorities. For example, in August 1990, Prime Minister József Antall asserted that, in spirit, he was the Prime Minister of fifteen million Hungarians, although only 10.5 million Hungarians live in Hungary. This statement incensed Romanians, as well as Slovaks and others, who viewed Antall's assertion as only a step away from territorial claims.

Such statements reverberate throughout the region and are often exploited by nationalists in countries where the Hungarian minority lives to further their own agenda. For example, in September 1992, the Hungarian Minister of Defense, Lajos Für, commented in an interview that:

> [H]is country's security policies took into account Hungarians living outside its borders. The comment was seized upon by Gheorghe Funar, a stridently anti-Hungarian politician in Romania, who used it to win his electoral campaign for the mayoralty of the ethnically mixed city of Cluj.[184]

[184] Stephen Engelberg and Judith Ingram, "Now Hungary Adds its Voice to the Ethnic Tumult," *New York Times*, January 25, 1993.

International Legal Standards

International law protects the right of individuals to belong to an ethnic or national minority, and to express, preserve, and develop their cultural traditions:

> To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice. Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), Paragraph 32.)

> In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language. (International Covenant on Civil and Political Rights (1976), Article 27.)

> The participating States...reaffirm that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 30.)

International law prohibits states from discriminating on the basis of ethnic or national identity, and requires states to take positive measures to prevent discrimination on these grounds:

> All are equal before the law and are entitled without any discrimination to equal protection of the law. (Universal Declaration of Human Rights (1948), Article 7.)

> All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law

shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (International Covenant on Civil and Political Rights, Article 26.)

The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 31.)

The participating States...commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property.... (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 40.2.)

International law protects freedom of association, including political association:

Everyone has the right to freedom of peaceful assembly and association. (Universal Declaration of Human Rights, Article 20.)

[T]he participating States will...respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities.... (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 7.6.)

The participating States reaffirm that...the right of association will be guaranteed....[This right] will exclude any prior control. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 9.3.)

> Every citizen shall have the right and the opportunity [without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status]...and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives.... (International Covenant on Civil and Political Rights, Article 25.)

International law allows parents the right to choose the kind of education that shall be given to their children:

> Everyone has the right to education....Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit....Parents have a prior right to choose the kind of education that shall be given to their children. (Universal Declaration of Human Rights, Article 26.)

By signing these international agreements, Romania has committed itself to ensure that minorities have adequate opportunities for instruction in their mother tongue:

> The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 33.)

> The participating States will endeavor to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 34.)

Romania also committed itself to take account of the history and culture of national minorities when preparing curriculums, and to take other measures to promote racial and ethnic tolerance through education:

> In the context of the teaching of history and culture in educational establishments, [the participating States] will...take account of the history and culture of national minorities. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 34.)
>
> The participating States [will]...endeavor to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures.... (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 40.4.)
>
> Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (Universal Declaration of Human Rights, Article 26.)

Romania has agreed to take additional measures to promote mutual understanding and tolerance:

> Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 36.)
>
> The participating States [will]...take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information.... (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 40.3.)

International law allows states to take special measures (i.e., "affirmative action"), for a limited period of time, to ensure members of all ethnic

groups the equal enjoyment and exercise of human rights and fundamental freedoms:

> Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved. (International Convention on the Elimination of All Forms of Racial Discrimination (1969), Article 1.)

Conclusions

The Hungarian minority's status in Romania has improved greatly since the fall of Ceauşescu in December 1989. Ethnic Hungarians have achieved greater rights in a variety of areas, including in education, culture and the basic rights of free speech and assembly. Furthermore, the Hungarian minority is now able to organize itself politically and to demand its rights from the Romanian government, without fear of serious reprisals. Despite these accomplishments, however, serious human rights violations have occurred during the last three and a half years, and many of the most serious abuses have gone unpunished and without a remedy for the victims.

Helsinki Watch is concerned, not only that individuals' rights continue to be violated, but that the Romanian government fails to take the measures necessary to remedy these violations. Even during this period of heightened scrutiny of Romania's human rights record by the Council of Europe, as well as by the U.S. Congress in its Most-Favored Nation review, Romanian government officials remain unwilling to take concrete action to guarantee respect for the rights of Romania's minority groups. Furthermore, the Romanian government has often sent contradictory signals, initiating positive steps with regard to minority rights while simultaneously taking steps that increase ethnic tensions and dissatisfaction.

The concerns outlined above present an inconsistent picture of the status of ethnic Hungarians in Romania. On the one hand, important improvements have been made. On the other hand, the Hungarian minority continues to be the victim of harassment by local officials, and those who become victims of such harassment are often unable to obtain a just and speedy remedy.

What is perhaps most disturbing, government officials are rarely disciplined, much less prosecuted, for clear violations of Romanian law and Romania's international human rights obligations. Furthermore, the criminal justice system continues to operate in a highly abusive and discriminatory manner, often targeting unpopular groups such as the Hungarian minority.

A series of events throughout the last three years have functioned to maintain a high level of tension between Hungarians and Romanians. The violent

events in Tîrgu Mureş (Marosvásárhely), and the ensuing prosecution of almost exclusively Hungarians and Hungarian-speaking Gypsies, created inter-ethnic tensions that have been hard to overcome. Furthermore, the electoral victories of nationalist candidates in the local elections in Cluj (Kolozsvár) and Baia Mare (Nagybánya) in 1992 resulted in increasing harassment of the Hungarian minority in these cities.

The government's willingness, on occasion, to manipulate ethnic tensions for political gain has done little to reassure Hungarians about the government's sincere commitment to the protection of minority rights. Inconsistent policies toward minorities, as well as positive statements accompanied by little or no specific action, have increased suspicion that the Romanian government is more concerned about its international reputation than addressing concerns of minorities.

While many of the abuses described above do not occur consistently throughout Romania, but occur instead in certain local regions, the fact that such abuses continue largely unimpaired, indicates the inability or unwillingness of the national government to obligate local authorities to respect the rights of minorities as guaranteed in the Romanian constitution and statutory law.

Many of the problems addressed above are the result of the weakness of legal and institutional protections for the rights of minorities specifically, and the weakness of democratic institutions and the rule of law generally. Géza Szőcs, one of the Hungarian Democratic Alliance members of parliament, told Helsinki Watch:

> Issues such as the lack of an independent television affect minorities greatly because a free television is the only way people will be able to get to real news and not only propaganda. But [such issues] also imply the development of democracy. These are not just nationality problems, but a democracy problem, and these problems will continue until there is rule of law and until democracy is established. Once established, the nationality question will be minor.[185]

---

[185] Szöcs interview, November 8, 1992.

The Hungarian minority in Romania will not feel secure until there are strong state institutions that function adequately to provide protection for minorities, and to provide remedies for abuses when they do occur. The sense that local officials can violate constitutionally guaranteed rights with impunity does little to convey a sense that democratic values and the rule of law are becoming entrenched in Romania.

Much depends upon the tone set by the Romanian government. It is incumbent upon the government to create an atmosphere of respect, in which the minorities can sit down and talk openly about their problems. It is irresponsible for the Romanian government to repeatedly raise the issue of Hungary's territorial claims, given that the Hungarian government has repeatedly made it clear that it has no such claims on Romanian territory, and that ethnic Hungarians in Romania have repeatedly stated that they have no territorial ambitions. What is more, the demands of extremists, whether ethnic Hungarian or Romanian, should not be used to vilify the whole Hungarian population or to justify discriminatory policies or government harassment.

The Romanian government has nothing to fear from creating a country in which the Hungarian minority feels secure. However, the denial of basic rights creates bitterness and tensions that can ultimately threaten the very security that the Romanian government wants to protect at all costs. As Helsinki Watch stated in a letter to President Iliescu in March 1993:

> Persistent discrimination and persecution of minorities ultimately threaten the political stability within a country. The war in the former Yugoslavia is a sad reminder of the terrible consequences to which ethnic discrimination and tensions can lead. It is imperative that the Romanian government guarantee in practice the rights of ethnic minorities and encourage their full participation in the society. To do otherwise not only violates Romania's obligations under international agreements, but also jeopardizes the political and social peace within the country.

Recommendations

Helsinki Watch recommends that the Romanian government:

Abide by its obligations under international and national law to protect the Hungarian minority's human rights: specifically, to:

* Distance itself from extremist views, whether they be nationalistic, xenophobic, anti-Hungarian or anti-Semitic;

* Respect the Hungarian minority's constitutionally guaranteed right to "the conservation, development and expression" of its linguistic identity. The government should be particularly sensitive to the need for education in the mother-tongue, an adequate number of classes and properly-trained teachers, and the need for an appropriate curriculum and textbooks to ensure this fulfillment of this constitutional right;

* Establish a commission to revise the curricula and educational materials used in classrooms to include minority culture and history;

* Accord the Hungarian minority freedom of expression, including access to radio, television and publications without discrimination on the basis of ethnic origin;

* Prosecute abuses by government officials who have committed abuses against minorities, including victims of ethnic discrimination;

* Take additional steps to guarantee that an independent judiciary is established;

* Establish an independent commission to review the investigations and trials of all those currently in prison for crimes they allegedly committed during the Tîrgu Mureş (Marosvásárhely) events, as well as those tried for crimes committed during the revolution in the county of Harghita (Hargita). If there is evidence that the defendants were denied due process, that decisions related to the prosecution, trial and sentencing were motivated by bias, the individuals should be exonerated or new trials should be held;

* Work with parliamentary representatives, including those representing minorities, to adopt legislation on education and religion;

* Adopt an affirmative plan to recruit more minorities into government positions - especially the ministries of Education and Culture;

* Establish a special program to enlist police from among the ethnic minorities in Romania, including the Hungarian minority;

* Strengthen legal mechanisms for protecting rights, including making amendments to existing laws, where necessary, to give individuals greater access to courts to challenge the legality of government, including local government, decisions;

* Guarantee that the newly-established Council for National Minorities address the problems of national minorities in good faith;

* Return all property confiscated from religious groups in an expedited manner;

* Take affirmative action to improve inter-ethnic relations and reduce tensions between minorities and the Romanian majority. Efforts should be made to introduce educational programs on minority rights, minority history and culture, as well as human rights, in all Romanian schools. Human rights training programs should also be provided for police, government officials and teachers;

* Introduce amendments to laws regulating public demonstrations and meetings to limit the authority of mayors and local officials to restrict meetings. Restrictions should be allowed only if the local authorities have clear evidence that a meeting is likely to disrupt public order. Any limitations which are placed on meetings should be narrowly tailored and proportionate to the need to maintain public order. In general, they should restrict only the time, place, or manner of the meeting, and not the ability to hold meetings;

Helsinki Watch is concerned by increasing demands that punitive action be taken against Hungarians, both individually and as a collective, because they may have demanded autonomy, which is interpreted as a territorial claim against Romania. Regardless of the validity of this interpretation, Helsinki Watch urges

that the Romanian government:

* Guarantee the right of all citizens to freedom of expression, including the right to advocate any type of autonomy for ethnic or national minorities (whether it is territorial, cultural or administrative), as long as violence is not used to achieve their purposes.

APPENDIX A

List of persons arrested and convicted for crimes that occurred during the events of March, 1990:

1) József Sütő	Sentenced to 1 year, 4 months, served at workplace.
2) József Szilágyi	Id.
3) Szilveszter Kiss Peteridem	Id.
4) Árpád Tóth	Pre-trial detention for 9 months, died of heart attack after release.
5) Béla Puczi	Sentenced to 1 year and 4 months, served at workplace.
6) József Lőrincz	Sentenced to 1 year and 8 months in prison.
7) Bálint Hanzi	Sentenced to 3 years in prison.
8) Domokos Vajda	Sentenced to 1 year and six months, served at workplace.
9) Ferenc Szabadi	Sentenced to 5 months in prison.
10) Béla Grecuj	Id.
11) István Horváth	Sentenced to 5 years in prison.
12) Géza Kalló	Sentenced to 3 months, served at workplace.
13) György Karkulea	Sentenced to 4 months in prison.
14) Géza Puczi Kozák	Id.
15) Ernő Puczi Kozák	Sentenced to 3 months in prison.
16) Sándor Puczi Kozák	Id.
17) János Kalányos	Sentenced to 6 months in prison.
18) Elek Kurkuly	Id.
19) Dénes Voica	Id.
20) Sándor Csiki	Id.
21) Ioan Kalányos	Id.
22) Albert Kalányos	Sentenced to 6 months, served at workplace.
23) István Grecuj	Sentenced to 6 months of prison.
24) László Révai	Id.
25) Győző Majlát	Sentenced to 6 months, served at workplace.

26) Andrei Kraicsevics	Sentenced to 3 months.
27) István Doczi	Id.
28) László Kalányos	Id.
29) Ferenc Szabó	Id.
30) Jenő Farkas	Id.
31) Ioan Stoika	Id.
32) József Galaczi	Sentenced to 3 years in prison.
33) Vencel Koszta	Sentenced to 6 months in prison.
34) Áron Kakucs	Id.
35) Sámuel Nagy	Sentenced to 3 years, 6 months in prison.
36) Árpád Papp	Sentenced to 4 years in prison.
37) Albert Füzesi	Id.
38) András Füzesi	Id.
39) Pál Cseresznyés	Sentenced to 10 years in prison.
40) Árpád Nagy	Sentenced to 3 months in prison.
41) László-Előd Fekete	Sentenced to 2 months in prison.
42) István Papp	Sentenced to 1 year, 6 months, served at workplace.
43) Károly Hajdú	Sentenced to 1 year, 6 months, served at workplace.
44) Kálmán Puczi	Sentenced to 1 year, 6 months, served at workplace.
45) András Papp	Sentenced to 1 year, 6 months, served at workplace.
46) Lajos Máthé	Sentenced to 1 year, 6 months, served at workplace.

APPENDIX B

STATISTICAL DATA

on the Education Provided in the Mother Tongues of the Persons Belonging to Minorities - School Year 1991-1992

I. Schools

Education level	Total number of units	out of which units and sections with the following teaching languages								
		Magyar	German	Serb	Ukrainian	Slovak	Czech	Bulgarian	Turkish	
TOTAL	2,831	2,428	303	42	11	38	5	2	2	
Pre-school education	1,285	1,085	161	16	7	10	2	2	2	
Primary and secondary education	1,322	1,139	127	24	3	26	3	-	-	
High school education	153	135	14	1	1	2	-	-	-	
Vocational education	58	57	-	1	-	-	-	-	-	
Post-high school education	13	12	1	-	-	-	-	-	-	

See *White Paper on the Rights of Persons belonging to National Ethic, Linguistic ro Religious Minorities in Romania*, Ministry of Foreign Affairs, Romania. June 1992. pp. 28-29.

II. Training by level and teaching language

Education level	Total children or pupils	of which								
		Magyar				German	Serb	Ukrainian	Slovac	Czech	Bulgarian	Turkish
TOTAL	245,507	222,826	18,711	1,535	542	1,409	217	186	81			
Pre-school	55,827	47,530	6,847	476	310	325	72	186	81			
Primary and secondary	146,431	134,486	10,167	575	140	918	145	-	-			
High school	35,547	33,409	1,605	275	92	166	-	-	-			
Vocational education	6,589	6,380	-	209	-	-	-	-	-			
Post-high school	1,113	1,021	92	-	-	-	-	-	-			

III. Teaching staff, by level of education and teaching language

Education level	Total teaching staff	of which								
		Magyar				German	Serb	Ukrainian	Slovac	Czech	Bulgarian	Turkish

TOTAL	13,974	12,714	1,041	88	25	85	11	7	3
Educators	2,695	2,336	298	23	13	13	2	7	3
School masters	3,818	3,415	319	34	5	36	9	-	-
Teachers	7,461	6,963	424	31	7	36	-	-	-

APPENDIX C

Resolution[1]

Regarding the organization of advertising activities on posters in the municipality of Cluj-Napoca

The mayor of the municipality of Cluj-Napoca,

in order to organize the activity of public advertising,

in order to maintain a corresponding cityscape and to assure public order, in this respect,

and according to the provisions of Article 43, Paragraphs(j), as well as Article 45 of the Law on Local Administration (69/1991),

Resolves that

Art.1. - Beginning on April 13, 1992, advertising on posters will be entirely fulfilled by fulfilled by the Autonomous Administration of Public Domain, having its headquarters in no.23, Mărăşti Square.

Physical and legal persons - who desire to make public certain announces and advertisement, etc. - will address the said administration, which will carry them out after receiving the due legal taxes.

Art.2. - The advertising on posters shall be made only in the specially designed places.

Art.3. - Communiques, advertisements and any other announcements shall be made exclusively in Romanian language, the official language of the state.

Gheorghe Funar
Mayor

---

[1]Adevărul de Cluj, April 30,1992.

APPENDIX F

Resolution[1]

Regarding the suspension of the Conference on Local Government

The mayor of the municipality of Cluj-Napoca,

bearing in mind the communique published in the local newspaper "Adevărul de Cluj" (Nr.612/April 24, 1992) entitled "Conference on Local Government", in which the Pro-Minority Foundation FIDESZ[2] from Budapest, through the MADISZ[3] office from Cluj-Napoca, the Dutch "Deitmeijerstichting" Foundation for tolerant societies in Eastern Europe, the Federation of Hungarian Youth Organizations in Romania, the Foundation for a Democratic Political Culture and the Liberal Circle of the Democratic Alliance of Hungarians in Romania will organize a conference in the municipality of Cluj-Napoca between 25-26 April, 1992,

bearing in mind the provisions of the Romanian constitution that sanction the unitary character of our country,

finding that by its said subject this public event infringes upon law,

according to the provisions of Article 32, Paragraphs (a) and (m), as well as Article 45 of the Law on Local Government(69/1991),

Resolves that

Unique Article. - The Conference on Local Government programmed for April 25-26, 1992 - is suspended.

---

[1]Adevărul de Cluj, April 30, 1992.

[2]Fiatal DemokratákSzövetsége - The Alliance of Young Democrats

[3]MADISZ - Magyar Demokratikus Ifjak Szövetsége (The Alliance of Young Hungarian Democrats in Romania)

Gheorghe Funar, Mayor

APPENDIX G

Resolution

Regarding the Organization of Public Events in the Municipality of Cluj-Napoca

The mayor of the municipality of Cluj-Napoca,

bearing in mind the wide-range of conferences, symposiums and other similar events of a public nature which are organized in the municipality of Cluj-Napoca,

in order to ensure their better organization and execution,

in order to prevent certain public events which infringe upon law and order or offend public morality,

bearing in mind the Rumanian constitution,

and according to the provisions of Article 43, Paragraphs (a) and (m), as well as Article 45 of the Law on Local Administration(69/1991),

Resolves that

Art. 1. -Beginning on April 29, 1992, all conferences, symposiums and other similar events of a public nature organized in the municipality of Cluj-Napoca shall be declared in writing at the city hall of the municipality.

Art. 2. -The organizers of said public events will submit a written statement at least three days prior, specifying the name of the organizer; the aim of the event; its date, hour and duration; and the participants.

Art. 3. -Those public events which aim to propagate certain ideas that are contrary to the principles established by the Rumanian constitution are forbidden.

Art. 4. -Organizers will be notified in writing of the banning or suspension of such public events named in Article 1 within

48 hours of submission of their written request. The reasons for banning or suspension will be specified.

Nr. 229 - April 28, 1992.

Gheorghe Funar
Mayor

APPENDIX H

Communique[1]

The city hall of the municipality of Cluj-Napoca informs the citizens that, on April 30, 1992, from 10:00 a.m. to 14:00 p.m., the Cluj-Napoca chapter of the *Soros Foundation for an Open Society* - intends to organize an inter-foundation conference with the participation of representatives from Bucharest, Budapest, Chişinău, Iaşi, New York, Timişoara and Cluj-Napoca at the Transilvania Hotel of Cluj-Napoca.

The representatives of the Cluj-Napoca chapter of the Soros Foundation have been invited to the city hall and have been informed that this meeting may be organized - according to Resolution Nr.299/April 28, 1992, of the mayor of the municipality of Cluj-Napoca - only on the condition that representatives of the city hall, mass media, high and higher education institutions, the "*Vatra Românească*" Organization, the "*Avram Iancu*" Organization, the "*Lucian Blaga*" Foundation be invited.

We note that in case the organizers do not accept the invitation to discuss with the authorities and refuse to accept the participation of the said representatives, the conference will be forbidden.

We hope that the Soros Foundation-pronouncing itself for an open society-will make use of this occasion to co-operate with Romanian institutions and associations.

Gheorghe Funar
Mayor

---

[1] Adevărul de Cluj, April 30, 1992.

APPENDIX I

Communique[1]

As the Romanian National Television has also announced at its evening newsreel of June 11, 1992, the Democratic Alliance of Hungarians in Romania (DAHR) intends to organize, on June 11, public events in order to protest against the draft Education Law.

Such events are completely unfounded as all draft laws are discussed in both Chambers of the parliament, where the necessary amendments are brought.

Under the conditions of the rule of law, the intention of the DAHR to organize public events aiming at exerting pressure on the parliament has no legal foundation. Events infringing upon the law that the DAHR plans to organize all over the country are void, the real aim of these illegal events is to test the response of the local administration authorities.

In the municipality of Cluj-Napoca such an illegal event is forbidden, as the organizers disregarded the resolutions of Article 6 and 7 of Law no. 60/1991 regarding the organization and unfolding of public meetings and Resolution no. 299/1992 of the mayor of the municipality of Cluj-Napoca - which oblige the organizers to submit a written statement at least three days prior - facts ignored by the DAHR.

The DAHR forgets that besides rights and freedoms they must be loyal to the Romanian state, and citizens have fundamental obligation.

According to the resolutions of Article 51 of the Romanian constitution, the observance of the constitution and the Romanian legislation are compulsory.

Gheorghe Funar
Mayor

---

[1] Adevărul de Cluj, April 30, 1992.