

Mandates of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on minority issues

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 34/35 and 34/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **a number of decisions by the Covasna County Tribunal and the Harghita County Tribunal with regard to the use of Hungarian language on the inscriptions in local administration buildings** in areas of significant minority presence.

According to the information received:

Decisions by the Covasna County Tribunal

- Decision of 12 February 2013 (No. 2116/119/2012) obliging the mayor of Moacsa/Maksa to remove the inscription "Városháza", which in Hungarian means "town hall".
- Decision of 3 October 2013 (No. 1706/119/2013) obliging the mayor of Sânzieni/Kézdiszentlélek to remove the inscription "Községháza", which in Hungarian means "village hall".
- Decision of 3 October 2013 (No. 1590/119/2013) obliging the mayor of Baraolt/Barót to remove the inscription "Városháza".
- Decision of 3 October 2013 (No. 1745/119/2013) obliging the mayor of Mereni/Kézdialmás to remove the inscription "Községháza".
- Decision of 17 October 2013 (No. 1756/119/2013) obliging the mayor of Tg-Secuiesc/Kézdivásárhely to remove the inscription "Városháza".
- Decision of 15 November 2013 (No. 1859/119/2013) obliging the President of the Covasna County to remove the inscription "Megyeháza", which in Hungarian means "County Hall", from his office.
- Decision of 9 December 2013 (No. 1758/119/2013) obliging the mayor of Cemat/Csernáton to remove the inscription "Községháza".

- Decision of 13 December 2013 (No. 1746/119/2013) obliging the mayor of Malnas/Málnás to remove the inscription “Községháza”.
- Decision of 21 November 2013 (No. 1757/119/2013) obliging the mayor of Ghidfalău/Gidófalva to remove the inscription “Községháza”.

Decisions by the Harghita County Tribunal

- Decision of 17 February 2016 (No. 1616/96/2015) obliging the mayor of Corund/Korond to remove the inscription “Községháza”.
- Decision of 21 April 2016 (No. 1620/96/2015) obliging the mayor of Miercurea Ciuc/Csíkszereda to remove the inscription “Városháza”.
- Decision of 2 June 2016 (No. 1619/96/2015) obliging the mayor of Dănești/Csíkdanfalva to remove the inscription “Községháza”.
- Decision of 21 February 2017 (No. 1732/96/2015) obliging the mayor of Racu/Csíkrákos to remove the inscription “Községháza”.
- Decision of 22 February 2017 (No. 937/96/2016) obliging the mayor of Cristuru Secuiesc/Székelykeresztúr to remove the inscription “Városháza”.
- Decision of 14 February 2018 (No. 1998/96/2017) obliging the mayor of Băile Tusnad/Tusnádfürdő to remove the inscription “Városháza”.

All of the above-mentioned towns and villages are located in the Harghita and Covasna counties, which have a strong Hungarian minority presence and in some of them the Hungarian minority amounts to more than 90 per cent of the local population.

Without prejudging the accuracy of the information received, we wish to express our concern over the above-mentioned decisions issued by the Covasna and Harghita County Tribunals between 2013 and 2018, leading to the removal of inscriptions in minority Hungarian language, from local administration buildings, in towns and villages with a significant presence of the Hungarian minority.

Such decisions may contravene the international human rights commitments of Romania, in particular with regard to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, enshrined in article 27 of the International Covenant on Civil and Political Rights (ICCPR) and articles 1, 2, and 4 of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The above decisions may also constitute discriminatory practices under article 26 of the ICCPR as well as Article 19 of the ICCPR. Furthermore, it may constitute racial and ethnic discrimination as understood

under the International Convention for the Elimination of all forms of Racial Discrimination (ICERD) and the Durban Declaration and Programme of Action (DDPA) to include national and ethnic origin discrimination.

Article 27 of the ICCPR provides for the right of persons belonging to ethnic, religious or linguistic minorities to enjoy, in community with the other members of their group, their own culture, to profess and practice their own religion, or to use their own language.

Article 1.1 of the UN Declaration requires that States protect the existence and the national or ethnic, linguistic or religious identity of minorities within their respective territories and encourage conditions for the promotion of that identity. Article 2.1, stipulates that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination, and in article 2.2, persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. Moreover, States are required to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (article 4.1) and create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs (article 4.2).

In addition, the Durban Declaration recognized and reiterated that ethnic, cultural, linguistic and religious identity of minorities, where they exist, must be protected and that persons belonging to such minorities should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind (para. 66). The Programme of Action further reiterated that States should “guarantee the rights of persons belonging to national or ethnic, religious and linguistic minorities, individually or in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference, and to participate effectively in the cultural, social, economic and political life of the country in which they live, in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance that they are or may be subjected to” (para. 47).

Furthermore, such decisions contravene the existing national legal framework with the regard to the linguistic rights of minorities in Romania, and in particular the relevant provisions of enacted laws, such as the Law on Public Administration (Law No. 215/2001). In its Section 90, the Law on Public Administration stipulates the following:

“(2) In the territorial-administrative units in which the citizens belonging to national minority hold a share of over 20% of the total number of inhabitants, in their relations with the local public administration authorities and with the own specialty apparatus, they may also address themselves, orally or in writing, in their mother tongue and shall receive the answer both in the Romanian language and in their mother tongue.

...

(4) The local public administration authorities shall ensure that inscribing of the name of the localities and institutions under their authority, as well as the posting up of the announcements of public interest also in the mother tongue of the citizens belonging to the respective minority, under the terms provided in para (2).”

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have with regard to the decisions by the Covasna and Harghita County Tribunals between 2013 and 2018;
2. Please provide updated information on the implementation of these decisions;
3. Please indicate how such decisions are in line with Romania’s international human rights commitment with regard to the protection and promotion of the rights of persons belonging to minorities, as well as with the existing national legal framework in this area;
4. Please provide detailed and updated information on the measures undertaken by the Government of Romania to ensure the effective promotion and protection of the linguistic rights of minorities, and in particular in relation to the use of the Hungarian language in regions of significant minority presence.

We would appreciate receiving a response within 60 days.

In addition, we would like to inform your Excellency’s Government that this communication will be made available to the public and posted on the communications database and, along with any reply received; it will be made available in a report to be presented to the Human Rights Council for its consideration

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

E. Tendayi Achiume

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