

When flying flags means hanging by the necks

Romanian PM on a minority flag: “if that flag flies up, all those responsible over there will be flying next to it”.

A Romanian approach to minority rights protection - FACT SHEET

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In its national report for the UPR (A/HRC/WG.6/29/ROU/1, distributed on 27 December, 2017), paragraph 120, Romania maintains it attaches particular importance to the preservation of the culture and identity of persons belonging to national minorities and that their rights are constitutionally guaranteed, while their public participation is a reality. What the report fails to mention is that Romanian authorities understand minority rights as only what the ethnic Romanian majority likes and accepts, in a state build along ethnic lines as opposed to civic ones, where ethnic nationalism is always an advantageous card to play and where no minority is ever safe from scapegoating.

On January 8th, 2018, three ethnic Hungarian parties from Romania, one of which is the traditionally elected representative of ethnic Hungarians in the Romanian Parliament (Democratic Alliance of Hungarians in Romania) adopted, as representatives of the minority, a joint resolution on autonomy, without questioning the territorial integrity of the Romanian state. The Hungarian minority is the largest national minority in Romania, comprising of a little more than 1.2 million people, including the Szekler subgroup, who form the majority population in two counties of South Eastern Transylvania. Accusing a policy of assimilation practiced by the majority of Romanian governments in different historical periods, these parties expressed their conviction that only autonomy can help the Hungarians in Romania keep and perpetuate their identity. They went on to say that autonomy is in the interest of the majority also, since a community that feels safe will contribute to the progress of the whole country. Importantly, they clarified that the various autonomy arrangements they are asking for – from cultural autonomy for Hungarian ethnics who are spread among the ethnic Romanian population to territorial autonomy for the Szeklerland - can only be achieved with the support of the majority, to which they proposed a partnership. Finally, as a means of achieving these objectives, they mentioned: proposing bills in the Romanian Parliament and trying to garner the political support to have them passed.¹ To put things in a nutshell, whatever the political debate, all the Hungarian minority’s representatives are asking for is a decision by the constitutionally elected Parliament. This is not helping them too much. Whatever their autonomy proposals, they never reach the threshold of a democratic debate in Parliament, all the less so a final decision. Such proposals are simply dismissed as dangerous to the national, unitary Romanian state.

Asked by media about these autonomy proposals, the Romanian Prime Minister, Mihai Tudose, after belittling the Hungarian parties and the issue as such, declared within a televised show that his attitude towards autonomy will be the same as when they tried to fly the Szekler flag on a specific occasion: **„I sent the message very clearly, that if that flag flies up, all those responsible over there will be flying next to it.”**² The PM did not resign after making such statements. He did not even apologize. On the contrary, to demonstrate his ethnic belonging is what drives the way he fulfils the duties of the office, he posted the next day on his official Facebook page that: **“As a Romanian** and Prime Minister, I refuse any dialogue about the autonomy of a part of Romania. It is in breach of the country’s Constitution which guarantees, right from its first paragraph, the unity and indivisibility of the Romanian state.”³ To clarify the matters further and demonstrate that this is not a personal approach of PM Tudose, but a general state-wide approach towards minorities, the Romanian Ministry of Foreign Affairs, reacting to the Hungarian MFA summoning the Romanian Ambassador to Budapest over the Romanian PM’s declarations, stated that there was no ethnic connotation in the PM’s statements but simply a way to draw the attention of local authorities that they need to follow the law (Our note: and not fly the Szekler flag, which is not recognized officially by the Romanian state.). Using communist era newspeak, the Romanian MFA then went on to complain about the fact that the

¹ Democratic Alliance of Hungarians in Romania, *The common resolution of Hungarian political organizations from Transylvania on aligning autonomy concepts, 25 years from the Cluj-Napoca Declaration*, 8 January, 2018, available at: <http://www.udmr.ro/pressroom/articol/rezoluia-comuna-a-organizailor-politice-maghiare-din-transilvania-privind-alinierea-conceptelor-de-autonomie-la-25-de-ani-de-la-declaratia-de-la-cluj-napoca>

² Realitatea.net, *Prime Minister Tudose puts his foot down on the topic of Hungarian autonomy (Premierul Tudose pune piciorul în prag în subiectul autonomiei maghiarilor)*, 10 January, 2018, available at: https://www.realitatea.net/premierul-tudose-pune-piciorul-in-prag-in-subiectul-autonomiei-maghiarilor_2131317.html. (all links accessed on: 14.01.2018)

³ Mihai Tudose PM Facebook page at: <https://ro-ro.facebook.com/MihaiTudosePM/>, 11 January, 2018.

Hungarian minority in Romania, in spite of allegedly benefitting from highest standards of minority protection (Our note: Romania constantly presents the minimum threshold set in the Council of Europe Framework Convention for the Protection of National Minorities as “highest standards”), keeps asking for autonomy lately, and then called such requests made by those who are otherwise Romanian citizens of Hungarian ethnicity “challenges” (Our note: in the Romanian version of the statement, the MFA used the word “provocations”) in the year when Romania celebrates the Centennial.⁴ (Our note: the Centennial refers to 100 years since Transylvania and today’s Republic of Moldova became part of 1918 Romania.). This is a story of oblivion, since, surprisingly enough, the very celebration of the Centennial points to the historical moment of December 1st, 1918, when Romanians of Transylvania, upon deciding the union with the then Kingdom of Romania, they also promised autonomy to all Transylvanian minorities.⁵ It is very difficult to claim that Romania of today respects, or even has a clue about minority rights, when requests to discuss, in Parliament, self-governance arrangements, are met with threats of hanging made by the country’s PM.

It is important to mention here that during communism, the Hungarian minority was submitted to a strong process of de-nationalization, and the state-sponsored narrative painted this minority as the enemy within the country. There was never an assumed process to challenge and change this narrative after 1989, which is why stirring anger against ethnic Hungarians in Romania is always a good populist card to play. A national 2017 opinion poll commissioned by the “Elie Wiesel” Institute for the Study of the Holocaust in Romania, showed that, when it comes to the Hungarian minority in Romania, 12% consider Hungarians to be a threat to Romania, 21% see them as a problem, but not a threat, 47% consider they are not a problem, but neither an advantage, 14% consider they have a useful contribution in certain regions and professions and only 5% (as opposed to 10% in 2015) see them as a valuable resource for Romania (2% did not reply).⁶

It is also worth noting that, on the same day, the same Prime Minister, Mihai Tudose, declared, on a different televised show, discussing a paedophile case widely presented in the Romanian media, that: “I’m going to be non-European-like (...) and what I’m about to say is probably going to cost me very much, but I assume this. I believe that even the death penalty is little for certain crimes”. He went on to say: “put yourself in the case where something like this happens to someone in your family, don’t you start looking for the hatchet and go searching to find him before (...)”⁷ Aside from opinions on the death-penalty and statements condoning personal blood revenge, this is a Prime Minister of a country which claims to be defending the rule of law, yet he appears to have no awareness of the fact that the death penalty is not a matter of taste or trend, but that it is banned by human rights treaties Romania has ratified (European Convention on Human Rights and its optional protocols), and cannot be discussed in such terms also because its banning is a matter of respecting the rule of law by Romania.

Summing up the latest public endeavours by the Romanian PM, we can conclude with bewilderment that what we initially qualified as “fake it instead of make it” attitude of Romania when it comes to human rights⁸, seems to have turned into something like governing by “hatchet and noose”, something we can hardly call an improvement.

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The Foundation Centre for Legal Resources (CLR) is a non-governmental, non-profit organization, established in 1998 in Bucharest by the Open Society Foundation Romania. It has ECOSOC accreditation since 2016. CLR actively advocates for the establishment and operation of a legal and institutional framework that safeguards the observance of human rights and equal opportunities, free access to fair justice and which contributes to the capitalization of its legal expertise for the general public interest.

⁴ Romanian Ministry of Foreign Affairs, *Press releases regarding the convocation of the Romanian ambassador to Budapest at the Ministry of Foreign Affairs and Foreign Trade*, 12 January, 2018, available at: <http://mae.ro/en/node/44645>.

⁵ Resolution of the National Assembly from Alba Iulia (18 November/1 December 1918), Title III „(...) as fundamental principles in designing the new state, the National Assembly proclaims the following: 1. Full national liberty for all co-living peoples. Each people will teach itself, administer and judge in its own language through individuals from within itself and each people will get right of representation in the legislative bodies and the country’s governance proportionally with the number of its individuals.” (our translation).

⁶ Kantar TNS, INSHR-EW, *Opinion poll on the Holocaust in Romania and the perception of inter-ethnic relations*, October, 2017, available at: http://www.inshr-ew.ro/ro/files/Kantar_TNS_Raport_INSHR_2017.pdf.

⁷ Gandul.Info, *Tudose: Even the death penalty is little for certain crimes. If something like this happens to someone in your family, don’t you start looking for the hatchet? (Tudose: Și pedeapsa cu moartea pentru anumite infracțiuni este puțin. Dacă cineva din familia ta pățește așa ceva, păi nu te uiti după topor?)*, 11 January, 2017, available at: <http://www.gandul.info/stiri/tudose-si-pedeapsa-cu-moartea-pentru-anumite-infracțiuni-este-putin-dacă-cineva-din-familia-ta-pătește-asa-ceva-pai-nu-te-uiti-dupa-topor-16923566>.

⁸ Centre for Legal Resources UPR Statement at the UPR-Info pre-session, *FAKE IT INSTEAD of MAKE IT. A Romanian approach to human rights protection*, 14.12.2017, available at: <http://www.crj.ro/wp-content/uploads/2017/12/CLR-statement-Geneva-dec.pdf>, and <http://www.crj.ro/en/fake-it-instead-of-make-it-clr-criticizes-before-the-un-romanas-approach-on-human-rights-issues/>.