

Attn.

Her Excellency Ms. Louise ARBOUR,
United Nations High Commissioner for Human Rights

*Office of the United Nations High Commissioner for Human Rights,
UNOG-OHCHR
CH-1211 Geneva 10, Switzerland*

Cluj-Napoca/Kolozsvár, 05 May 2006



Your Excellency,

We, Hungarian university lecturers in Cluj, Romania, hereby protest against the discrimination against ethnic Hungarians in the Romanian education system.

General Presentation

Of Romania's 21 million and Transylvania's 7 million inhabitants 1.5 million are Hungarian, representing 6.6% of Romania's general population and 21% of Transylvania's population. Thus, the Hungarian community is one of the largest traditional national minorities of Europe. However, the Hungarian minority in Romania is denied the minority rights that are granted to almost all of the national minorities in Europe.

The following overview highlights the major areas of discrimination against the Hungarians in the Romanian education system.

1. Higher Education

The Hungarian community is underrepresented in the Romanian higher education system. Although Hungarians represent 6.6% of the general population in Romania, only 4.4% of the students in higher education are ethnic Hungarians, out of which only 1.6% enjoy the opportunity to study in Hungarian.

1.1. Discrimination in access to education

There is no state-financed Hungarian higher education in a series of important fields, such as Engineering Sciences, Arts, Agriculture, Forestry and Veterinary Medicine. The case of the "Partium" Christian University, established in 1999, and that of the "Sapientia" University, established in 2000, which teach in the Hungarian language, are unprecedented. These institutions are financially supported only by the Hungarian state. Due to financial restrictions, however, only a limited range of fields is taught at these institutions. Statistically speaking, Romania supports one state-financed university for each 400,000 inhabitants; therefore, the Hungarian community should have 3-4 state-financed universities.

1.2. Complaints of the Hungarian community at the Babes-Bolyai University

The Babes-Bolyai University was established in 1959, by the coercive merging of the Hungarian-language Bolyai and Romanian-language Babes Universities. This operation, which deeply undermined the interests of the Hungarian community, and led to the suicide of several Hungarian professors, was orchestrated by *Nicolae Ceausescu*, the former Romanian dictator, and *Ion Iliescu*, a recent Romanian President.

The Babes-Bolyai University has approximately 31,000 full-time students, out of which some 6,000 are ethnic Hungarian. The University management claims that the institution is a multicultural one, and creates the false impression of providing the Hungarian community at the institution with autonomy and equal rights. However, the reality is entirely different.

1.2.1. The Hungarian academic community has no autonomy in decision-making

The main problems concerning the decision-making rights of the Hungarian academic community are caused by contradictory laws and regulations found in the University's Charter and other documents. Although section II.3.d. of the University's Charter clearly states that the head and the representatives of the Hungarian lines of studies (the informal structure of Hungarian teaching staff within the faculties) are responsible for the development and human resource policy of the Hungarian academic programs, other sections of the same document (III.1.i, III.1.j) state that Hungarian leaders can only make suggestions on these issues and any proposal of Hungarian leaders needs the approval of the Faculty Academic Council. According to the Charter, administrative and financial decisions can be taken primarily by the head or chair, but all such measures are subject to approval by the faculty dean. (See: <http://www.ubbcluj.ro/www-en/despre/carta-en.pdf>).

University officials consequently take advantage of the contradictory nature of these laws and regulations, presenting to the public only those sections that appear to support the decision-making autonomy of the Hungarian academic community. However, in daily practice, only the sections disabling the decision-making authority of the Hungarian academic leaders are applied. Since decision-making at the university is based on majority vote, Hungarian representatives can always be silenced by this procedure.

In November 2005, 149 Hungarian professors (83% of those involved) initiated the establishment of three faculties with Hungarian teaching language (Natural Sciences, Humanities, and Social Sciences). Their request has been completely ignored. Note that the Romanian Law on Education (no. 84/1995 - modified and republished in 1999, Art. 123) allows the establishment of Hungarian Faculties and Colleges.

In March 2006, Hungarian colleagues at the Computer Science Department wished to establish an independent faculty. Their demand was rejected by the Romanian majority (by 24 to 12).

In several departments, Hungarian colleagues cannot take decisions concerning the subjects they teach in class and / or exam topics. The restriction with the most adverse consequences is that the syllabuses for primary and secondary teacher training depend on the syllabuses elaborated by the Romanian colleagues. It is impossible to take into account the specific issues and problems in Hungarian primary and secondary teacher education, as their syllabuses are direct translations of the corresponding Romanian ones.

In one case the Romanian majority did not accept the representative selected by the

Hungarian teaching staff in the faculty council.

The faculty councils with Romanian majority repeatedly have impeded or postponed the professional promotion of Hungarian staff. Note that the proportion of Hungarian full professors is much lower than that of their Romanian colleagues.

1.2.2. Lack of financial autonomy of the Hungarian academic community

The Hungarian community at the university has no financial autonomy, as only the faculties have autonomy in this field and Hungarian faculties are non-existent (except for two small Theology departments).

We also need to mention the high salary difference between full professor and associate professor positions (even 4:1). The average salary of the Hungarian teaching staff is lower than the average salary of the Romanian line of studies (as there are only a few full professors and the Hungarian staff are less involved in management activity).

1.2.3. Discrimination in language usage

There are absolutely no Hungarian signs at the University. Note that the Rector of the University took a decision to change this situation, but the decision has never been carried out in practice.

On the Rector's hallway, only the pictures of the previous Romanian rectors are placed on the wall; the Hungarian Rectors are selectively "forgotten". Although the history of the University traces back to 1581, the first relief represents the rector of 1919, the year when the Romanian army occupied Cluj/Kolozsvár. Among others, Rectors of Bolyai University are simply ignored. Note that the Babes-Bolyai University never had a Hungarian rector.

The great majority, about 90%, of the denominated lecture halls are named after Romanian personalities; several are named after foreign personalities, but only 5 carry the names of Hungarians (Farkas, Zörgő, Kulcsár, Brassai, Ady), and one of these names is spelled in Romanian (Samuil Brassai instead of Brassai Sámuel). Most of the official publications of the University, including the main official periodical, are published only in Romanian.

The official newsletter of the University (Buletinul Informativ) is issued only in Romanian. Note that this periodical often publishes letters and articles glamorizing the University management. Generally, no critical articles are published. However, in recent months, several letters denigrating Hungarian teaching staff fighting for the autonomy of the Hungarian line of studies were published. No opportunity to answer the criticism was provided in these cases.

The Hungarian language cannot be used as a language of formal communication of the University. No application or petition forms can be written in Hungarian, and no official documents (such as University Diplomas) are issued in Hungarian.

Some of these problems may appear to be small-scale or petty shortcomings, but they illustrate and are emblematic of a deeply ingrained, discriminatory institutional culture, which reflects the monopolistic attitudes of the majority towards the minority.

1.3. Complaints of the Hungarian academic community at the Medical and Pharmacy University in Târgu Mureş

Following the change of regime in 1989, the Romanian management of the university refused to allow seminars and practical education to be held in the Hungarian language.

In 1999, 63 Hungarian teaching staff (77% of all teachers) requested that the University management create a proper Hungarian faculty with departments and colleges, so that both the Romanian and the Hungarian faculty would be granted the rights to decide upon the education process and the teaching staff, and that the University Charter be amended accordingly. The University management did not reply to the petition, which was not even forwarded by them to the University Senate as the procedure in such cases requires.

In 2000, the teaching staff of the Faculty of Pharmacy demanded in a petition that Hungarian language pharmacy departments be established and organized. The University management did not reply to the petition.

2. Primary and secondary education

2.1. Discrimination through language exams

The Romanian language as a subject matter is taught in high-schools for minority children not as a second language, but rather as if it were their mother tongue. Tests and graduation exams are designed accordingly. Consequently, Hungarian students fail the exams to a greater extent than their Romanian counterparts, and are presumably disadvantaged with respect to their chances of admission to higher education institutions. In December 2005, a large number of intellectuals demanded the changing of this situation from the National Agency Against Discrimination. The demand was not considered and the deadline for legal action has expired.

2.2. Teaching of history of Romanians and geography of Romania

According to point 2 of paragraph 120 of the law on education in Romania the subjects 'Geography of Romania' and 'History of Romanians' are taught in the Romanian language in grades 5 to 12 of the Hungarian schools as well. The Hungarian community has been requesting for over a decade that these subject matters be taught in Hungarian.

2.3. Blocking of mother-tongue education of the 'Csángó' Community

The 'Csángós' are a Hungarian-speaking Roman Catholic ethnic group that lives in Moldova, Eastern Romania.

In the so-called 'Csángó land' there is no public education institution of any kind teaching subject matters in Hungarian. However, the teaching of the Hungarian language has started from scratch privately. The Hungarian language is taught in 13 villages to around 950 pupils by commuter teachers. The extension of this education is being blocked by the intolerant management of the schools.

The teachers who educate the pupils in Hungarian are being paid part-time, according to the number of hours taught, instead of receiving a monthly salary as is usual in Romania. This situation has several negative consequences that put these teachers at a financial disadvantage compared to their full-time working colleagues.

However, the disadvantages of this situation go beyond salary issues. Their part-time

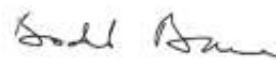
status exclude these teachers from the educational bodies of the schools, a fact that has a number of more serious consequences regarding their status and working situation: they are not viewed as teachers of the local school and full members of the educational body, they do not sign a contract with the school that would state rights and obligations, they are not welcome at teachers' meetings and, as a result, they cannot have a say in the affairs of the school whose pupils they teach.

Nevertheless, Hungarian language teaching could be extended to a further 50 villages and some 10,000 pupils if proper financial support and authority were ensured.

Your Excellency, we request your assistance in order that the above described discrimination be eliminated



Péter HANTZ



Barna BODÓ



Lehel KOVÁCS



Csaba SZÁSZ

Copies of this letter have been sent to:

Ms. Gay McDOUGALL, Independent Expert on Minority Issues,

Mr. Vernon MUNOZ VILLALOBOS, Special Rapporteur on the Right to Education