

RESUME

BARTIS Előd

National Security vs. Legal Certainty: How Fundamental Human Rights can be Violated in Romania by Invoking the Maintenance of National Security

Present study seeks to examine the issue of national security wiretapping in Romania, and the use of the evidences in criminal proceedings obtained during of it, by reason of that in several cases of corruption, money laundering or official misconduct, the charge was based on the evidence obtained by the Romanian Intelligence Service (*Serviciul Român de Informații*) during of national security wiretapping.

This procedure can be objected in several aspects, mainly, as in criminal proceedings the obtaining of evidence is the responsibility of the prosecutor's office, and the Romanian Intelligence Service often exceeds its powers by requesting national security wiretapping for crimes that do not constitute a national security risk.

It seems to be outlined that only the Constitutional Court (*Curtea Constituțională a României*) can provide a real counterweight to the Romanian Intelligence Service, despite the fact that there is a standing parliamentary committee to oversee the operation of the Romanian Intelligence Service, but this can only influence its activities through law proposals. By contrast, the Constitutional Court, acting much faster than the committee, may declare some provisions unconstitutional that violate fundamental human rights guaranteed by the Constitution.

In addition to a theoretical examination, the study seeks to show through a specific case, how fundamental human rights may be violated through interceptions based on national security.

BRÎNZAN-ANTAL Krisztina
**Linguistic Landscape of Transylvanian Secondary
Schools**

The paper analyses cases reflecting the linguistic landscape of Transylvanian secondary schools. Transylvanian secondary schools operate under very different conditions, depending on the percentage of Hungarians living in the area. The Hungarian communities in Transylvania whose schools I examined can be divided into three categories. In some places, Hungarians are in the majority locally, in which case they constitute a compact ethnic area. In other areas, there is a mixed Romanian and Hungarian population, and each plays an important, and competitive role in the establishment of local public policies. In those cases where Hungarians are geographically dispersed and do not have the demographic share required to have a local representation and, therefore, cannot influence the decisions that concern them directly, then we speak of an internal diaspora.

I examined three secondary schools that work in different linguistic settings (one in each of the 3 categories listed above). The purpose of the research was to evaluate intra-school communication in these different situations.

Hungarians who live in ethnically compact areas of Transylvania are not faced with the issue of assimilation. In the case of competitive local communities, there may already be problems with promoting and preserving Hungarian identity. For those in the third category, who live in internal diasporas, the question of preserving their Hungarian identity is a permanent challenge. While their mother tongue remains a communication-channel used in the family, they can seldom use this language in public life.

GYENEY Laura

Lessons from the CJEU's recent case law on nationality matters, with a view to the Slovakian nationality law

Member States' rules on the acquisition or the loss of nationality are in principle a national competence. Thus, it is the Member States, who through their nationality laws, determine who is to be classed as an EU citizen, and who enjoys a right to move within the European Union. This article explores whether Member State competence to regulate nationality matters has been affected by the introduction of EU citizenship. The recent judgment in Tjebbes was the latest of the CJEU's rare opportunities to rule on this issue, and offers some important clarification of the law. This study also deals with the amendment of the Slovakian Citizenship Act which has been passed as a reaction to the Hungarian resolution amending its own nationality law to allow any ethnic Hungarian living abroad to seek Hungarian citizenship. The present article seeks to evaluate the Slovakian nationality law in question in the light of the lessons learned from the Tjebbes judgment.

SULLER Zénó

**The Absolut Minimum Standard in Minority Protection:
The Need to Criminalize Ethnic Cleansing**

This essay addresses the problematic concept of ethnic cleansing under public international law and minority protection. The author argues that due to the *dolus specialis* of ethnic cleansing, this heinous practice inevitably targets minorities. The aim of ethnic cleansing policies is to create an ethnically homogenous area by forcible means. Therefore, the ethnic, linguistic or religious minorities face a real and direct danger to lose their identity, to be deprived of their collective and individual rights and ultimately to disappear as a distinguishable group from the given area. This study claims that

the only way to prevent or to punish these atrocities is to consider ethnic cleansing as an international crime. After establishing that although there are ways and possibilities to prosecute such policies and practices under contemporary international law – especially under the crime of genocide, deportation or forcible transfer, or persecution – these solutions are not sufficient enough as they cannot grab the special characteristics of ethnic cleansing. As a consequence, the author urges the international community to establish a new crime under international criminal law: the international crime of ethnic cleansing.

SZABADI ERNŐ – Loránd

The Evolution of the Place-names of Csík Seat in the Perspective of Various Administrative Reorganizations and Cultural Cleavages, from its Origins to Present Days

The study provides an historical overview about various changes in the names of the settlements of *Csíkszék*. As one of the most markedly Hungarian part of historical Szeklerland, this area has been subject to multiple shifts in border lines and power structures, each of, which left its respective mark on the names of cities and village located here. The study analyses the impact of these developments from a historical perspective, providing a glimpse into inter-ethnic relations, cultural struggles, and sometimes even politically motivated attempts to alter the linguistic landscape of a predominantly Szekler area.

SZOMOLAI Csilla

Linguistic Rights in Slovakian Criminal Proceedings

Due to the inadequate level of knowledge of the state language and violation of the right for an interpreter/translator, parties of the Slovak court proceeding in many cases are forced to apply either to The Supreme Court of Slovakia, the Constitutional Court, or to the European Court of Human Rights, arguing that the Slovak Republic has violated their right to a fair trial. Linguistic rights are guaranteed by the Constitution of Slovakia, according to which a person who claims not to know the language used in the court proceedings shall have the right to an interpreter. The Constitutional Court has ruled that if a person involved in a criminal proceeding understands the language of thereof, the state is not obliged to ensure the presence of an interpreter.

In relation to the above we shall present that the linguistic rules of criminal proceeding in Slovakia are much more restrictive than those of Hungary, since the Hungarian Criminal Procedure Act clearly states that everyone is entitled to use his/her mother tongue in such cases. Despite the fact that Hungarian legal order grants wider linguistic right than its Slovakian counterpart, the Slovak law is also in line with Article 6 (3) of the European Convention on Human Rights.

In one criminal proceeding the District Court of Košice has already ruled that the accused has a right to an interpreter/translator not only in the case, if he/she does not speak the language of the proceedings at all, but also in the case, if his/her language proficiency does not reach a sufficiently high level.

On the basis of the aforementioned facts we conclude that there is a necessity of the amendment of the Slovak Penal Code, according to which (similarly to the Hungarian law) the linguistic rights of the accused person shall not be guaranteed only in those case where the person concerned has expressly waived this right.

TÁRNOK Balázs
**The Role of Civil Society Organizations in European
Citizens' Initiatives with Special Regard to Initiatives on
the Protection and Promotion of the Rights and Interests
of National Minorities**

The aim of this paper is to examine the role of civil society organizations (CSO) in the European Citizens' Initiative (ECI) with an emphasis on ECIs pertaining to the protection and promotion of the rights and interests of national minorities, the Minority Safe-Pack Initiative and the ECI on National Regions (Cohesion Policy Initiative). Although inviting the Commission to submit a proposal for a legal act of the Union through ECIs is an individual right of EU citizens, in practice this instrument requires the contribution of different organizations both at European and national level. In recent years CSOs have become indispensable actors of the EU decision-making process as they provide a direct link between EU citizens and institutions as a means to channel the views of these citizens into the decision-making mechanism of the Union. In this paper I come to the conclusion that those ECIs are capable of collecting the required one-million signatures from seven different Member States which are, on the one hand, backed by large organizations with a European network, and, on the other hand, organize nationally focused campaigns centred in at least one or two Member States. In addition, the initiative must be adequately funded, as European signature collection is a costly undertaking. These findings are also confirmed by the two minority-related ECIs examined in detail.

TÖRÖK Ákos
**What is a Hungarian Citizen Worth? Decree nr. 1/2015
of the Internal Ministry of Slovakia and the Question of
Dual Citizenship**

According to the Slovak citizenship act the acquisition of a foreign citizenship is sanctioned by the deprivation of the Slovak citizenship. This strict regulation has been holding back many from applying for another state's citizenship, although due to decree nr. 1/2015 the deprivation of one's Slovak citizenship can now be resolved by simplified naturalization, or at least this is the case for the privileged. This study revolves around the regulation of naturalization and dual citizenship in Slovakia, more specifically decree nr. 1/2015 adopted by the Slovak Ministry of Internal Affairs. First, the paper presents the controversial conditions concerning simplified naturalization as set out by the mentioned decree, while emphasising their inconsistency with both the international and Slovak citizenship law. By means of comparison the paper then portrays how the decree puts members of the Hungarian minority into a significant disadvantage compared to others. Thus, there is a serious concern that Slovakia infringes article 4 of the European Convention on Nationality. Moreover, the study also concludes that due to the inaccessibility of simplified naturalization members of the Hungarian minority are not only less likely to reobtain their former Slovak citizenship, but – due to the unfavourable consequences – they also tend to act rather reluctantly when applying for the citizenship of Hungary.



MEGVALÓSULT A MAGYAR KORMÁNY
TÁMOGATÁSÁVAL



MINISZTERELNÖKSÉG
NEMZETPOLITIKAI ÁLLAMTITKÁRSÁG



BETHLEN GÁBOR
Alap