

# Booklet on combating hate speech

Hungarian minority

Project implemented by

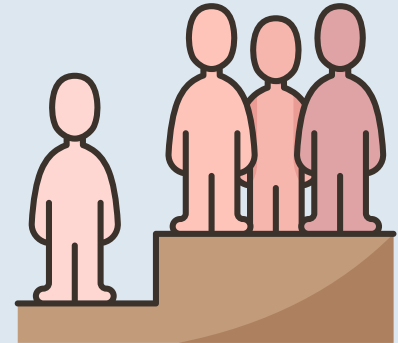


## Introduction

Among the 20 national ethnic minorities recognised in Romania, the ethnic Hungarians (or the Hungarian ethnicity population/ the Hungarian minority) are, without a doubt, if not the largest group, perhaps the most politically active. This might explain why, from a historical point of view, the Romanian state's connection to it was one of the most problematic.

In terms of territory, the ethnic Hungarians are mostly present in Transylvania, a region that only came under Romanian administration in 1920. Several reports show that one of the main characteristics of the Hungarian minority is a strong sense of identity. Having a language with distinct characteristics (it is one of the few Finno-Ugric languages spoken in Europe), the ethnic Hungarians successfully resisted the assimilationist pressures exerted by the Romanian state since 1920, and this was mainly made possible by an extremely good capacity for political mobilization.

By taking into consideration the context and size of this Hungarian minority, many experts believed Romania would adopt the structure of a pluralistic society, a concept that is a taboo within Romanian political life. The idea of ethno-national pluralism was strongly contested as an element of the architecture of the Romanian state, the constitutional tradition of the country supporting the idea of a national state built especially on one ethnicity. This view of the institutional foundations of the Romanian state generated constant tensions with national minorities, a fact visible even after 1989 in terms of the debates around the Hungarian topic.



After 1989, the relationship between the Romanian state and the Hungarian minority became a key theme in the process of democratization. In a study titled “Barometer of interethnic relations[1]”, Mircea Kivu and Gabriel Bădescu noted that a transition to democracy is much more difficult in the case of states where there is a major ethnic divide, and this happens because political actors can shift the focus of public opinion away from the difficulties of the transition and towards the rights of ethnic minorities. Another element that influences the strengthening of democratic institutions is that, in the case of multicultural societies, the negotiation process between different social actors is more difficult, requiring much more fine-tuning.

The transition to democracy was also influenced by the public opinion on minority rights. Monica Robotin noted that **nationalist rhetoric was mostly directed against ethnic Hungarian, Roma and Jewish people.**



Regarding this subject, sociology research shows there can always be a considerable potential for tensions between the majority and minority groups. The aforementioned author wrote ***“according to majority opinion, the presence of minorities in the public sphere is hard to accept, and their statute is strongly contested”***, the only role reserved for them being a cultural one. In this context, projects with clear political implications are denied, for example territorial autonomy, the use of maternal language in public institutions and segregated schools etc.[2]

Romania has signed and ratified three fundamental documents which lay the foundations for ensuring the rights of national minorities: Framework Convention for the protection of national minorities, Recommendation 1201 from the European Council (as an Annex to the Treaty of good relations with Hungary), and the European Charter for Regional or Minority Languages .





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Deconstructing myths

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**Myth:** Ethnic Hungarians are “foreigners”, “outsiders”, “aliens” and shouldn’t be considered Romanians.

**Fact:** According to the Romanian legislature, no citizen born in Romania could be considered a foreigner. The Romanian Constitution forbids retracting someone’s citizenship when it is obtained through birthright.

However, as is the case with Romania’s Hungarian minority, although they possess Romanian citizenship they also have certain ethno-cultural characteristics which differ from the majority, which is why they fit the description of national minorities, as it is stipulated in the European Council’s 1201 Recommendation:

- a) they live on Romanian territory and possess citizenship;
- b) they maintain historic, deep and durable connections with Romania;
- c) they showcase specific ethnic, cultural, religious and linguistic characteristics;
- d) they are sufficiently representative, even though they are less numerous than the majority;
- e) they are driven by the will to preserve a common identity, especially culture, traditions, language and religion. *(more information on the same myth ->)*

**Fact:**

Both the Romanian Constitution and the conventions and specific conventions and treaties signed and ratified by our country contain explicit and extensive guarantees regarding the expression, preservation and development of national identity. These are rights that people belonging to the Hungarian minority in Romania have explicitly, and since they are human rights, they cannot be restricted or withdrawn.



**Myth:** In Romania, national minorities (especially the ethnic Hungarians) have too many rights, even more than the majority.

**Fact:** People who belong to national minorities do not have more rights than the majority, but they are granted other rights which are not relevant for the majority. These are known as **special rights**.

As a member of the Council of Europe, Romania has adopted and ratified the European Convention on Human Rights, an instrument which, as member state, it is obligated to comply with in rapport to all persons it interacts with (citizens or not). In such, the Convention represents a general human rights document applicable to all.

However, there is a category of citizens that can objectively be considered vulnerable compared to the majority, thus needing additional guarantees to have their rights protected. This is also the case with people belonging to national minorities, who intrinsically require the guarantee of certain rights which aren't relevant for the majority: the right to use their native language both in public and private spaces, the right to study in their native language, the right to practice their religion etc. (*more information on the same myth ->*)



**Fact:**

For example, for a Romanian citizen of Romanian ethnicity, the right to preserve one's identity has no relevance in Romania, because being part of the majority there is no risk of losing said identity. Additionally, the right to use your native language in public spaces does not require extra guarantees, because being a speaker of the official language means one can use it in almost any social context. However, for a Romanian citizen who belongs to the Hungarian minority (or any other minority), additional safeguards are required to ensure the use of a native language in public spaces, because it is not an official language, but a minority one. It's important to note that language is a vital component of one's ethno-cultural identity, and must be preserved.

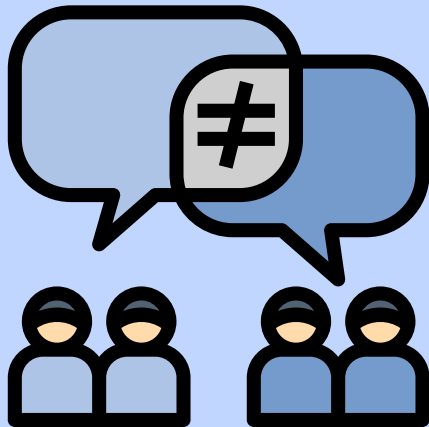
The Framework Convention for the Protection of National Minorities and The European Charter for Regional or Minority Languages are two of the documents signed and ratified by Romania and relevant to the Hungarian minority. By ratifying them, Romania recognises that the rights of those who belong to national minorities are, in fact, human rights which must also be guaranteed for the Hungarian minority. Depriving Hungarians of the rights established through treaties and international conventions is illegal and in flagrant contradiction with the Constitution of Romania.

**Myth:** Romania is a model state in terms of respecting the rights of national minorities, including those of the Hungarian minority.

**Fact:** Romania has indeed come a long way since the 1990s inter-ethnic conflicts and tensions between Romanians and Hungarians, but there are still many shortcomings which must be corrected. Council of Europe Reports[3] show that after 2007, the level of compliance with the Framework Convention for the Protection of National Minorities has also worsened in terms of compliance with the rights of the Hungarian minority. Abuses were found regarding the right to use national symbols, the right to use bilingual signage in Hungarian, etc. *(more information on the same myth ->)*



**Fact:** Several reports from the ActiveWatch organization show violations of the freedom of speech right of the Hungarian minority, especially regarding the use of national symbols and debates related to territorial autonomy. Additionally, reports on hate speech show that the Hungarian minority is a constant target.



Other studies show that Romanian courts systematically disregard the Framework Convention for the Protection of National Minorities and The European Charter for Regional or Minority Languages when dealing with Hungarian language matters[4].

In conclusion, even though Romania has a satisfactory legal framework regarding the rights of national minorities, its implementation is often deficient.

**Myth:** It should be mandatory for Hungarians to learn and use the Romanian language in day-to-day life.

**Fact:** Just like any other citizen of Romania, members of the Hungarian minority are compelled to learn Romanian, simply because it is a mandatory subject in school. In other words, one could assume that any student who graduated high school has a decent grasp of the Romanian language, considering it is also a mandatory subject for the Bacalaureate, where all candidates are given identical exam subjects.

But in reality, **Romanian language teaching programs are not adapted for children who have a different native language**, and who, in everyday life, have few opportunities to use it. This is linked to the political agenda of decision makers. Thus, students who live in monolingual Hungarian areas (especially in the Harghita and Covasna counties) are being discriminated against, since they aren't granted the chance to learn Romanian on the same level with the rest of the population.



**Fact:**

A 2008[5] survey shows that amongst Hungarian students there is a considerable interest to study the Romanian language: 79% learn it out of necessity; 70% because they need it for exams; 68% because it is the state's language; 56% because they need it for communication; 33% because it is important; 23% for information; 18% because of a teacher; 7% because it interests them. Moreso, over 80% of Hungarians in Romania were in complete agreement or partial agreement with the following statement: "By being Romanian citizens, the Hungarians in Romania should have a good understanding of the Romanian language"[6]. In a focus group conducted during the same period, a Romanian language teacher shared the following: "A child will know the analytic language used to discuss literary works, but won't know how to converse with someone on the street. And they will never know how, if we keep using this programme [for teaching Romanian]". Mutatis mutandi, a Hungarian student will be able to analyze "Miorita"(Romanian folk literature), but won't know how to describe where the train station is.

In conclusion, the stereotype of Hungarian students not being willing to learn Romanian does not check out. In fact, the problem is rather related to the educational policies which propose teaching programmes that are completely inadequate in rapport with their needs.

**Myth:** The Hungarians in Romania are the minority who enjoy the most rights in Europe and there is no other minority in the world with as many rights as the Hungarian minority.

**Fact:** This is a statement that requires many clarifications. First of all, on an international level, the basic standards related to the rights of national minorities are generalized and scarce; they were drafted with the intention to give any national minority, no matter its size, enough guarantees to preserve their identity. For example, international documents do not mention a national minority's right to have a university operating in their native language, since such a standard would be completely inapplicable to smaller minorities. However, the right to access education in one's native language is applicable to any minority.

*(more information on the same myth ->)*

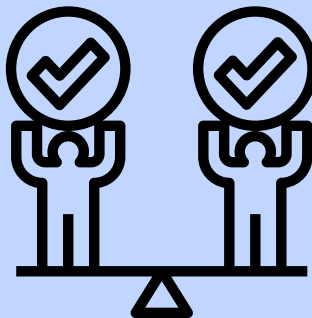


**Fact:**

However, this doesn't mean that basic international standards are sufficient for any national minority, some of them need additional measures and guarantees. Thus, it is perfectly acceptable that a larger minority might benefit from additional measures which ensure its identity's preservation.

Under these circumstances, in order to evaluate if the Hungarian minority in Romania truly has the most rights, it should be compared to other minorities which function in a similar context: living in an established democracy, having a language which differs from the majority, numerically speaking, being of similar proportions.

*(more information on the same myth ->)*



**Fact:**

Therefore, if we were to make a comparison with the rights held by the Swedish-speaking minority of Finland, we can determine that the statement “the Hungarian minority has the most rights” fails to meet the test: they represent about 5% of Finland’s total population, the Swedish language is the second official state language, the Swedish minority has its own state university whose exclusive teaching language is Swedish, and they possess a large territorial autonomy (Aaland Islands), which are all rights that the Hungarian minority in Romania does not possess. Another case is that of the Austrian minority in Italy, who benefits from a large territorial autonomy (Trentino-Alto Adige/South Tirol), an unfulfilled wish for the Hungarian minority in Romania.

In conclusion, the Hungarian minority has fewer rights in Romania compared to other national minorities which live in a similar context in other European states.

**Myth:** Territorial autonomy means secession and is in contradiction with international rules and the European Union's legislation.

**Fact:** Autonomy is a vital topic in the conversation on minority rights, and it is oftentimes politically charged. Autonomy (be it territorial or cultural/ personal) consists of special measures applied in favor of national minorities, so that they may benefit from optimal safeguards meant to protect their identity.



Neither international nor EU norms can impose an obligation towards states to grant national minorities autonomy, and it is unanimously accepted that this prerogative falls exclusively on the states themselves. This does not mean that being granted autonomy (or asking for autonomy) is illegal. On the contrary, the Venice Commission determined that if they wish to, states can offer national minorities such benefits, and in addition, they encouraged states to start a dialogue with the political representatives and civic organizations of national minorities, in order to find optimal solutions for them.

*(more information on the same myth ->)*

**Fact:**

The presumption that having autonomy is banned in the European Union is also false. In reality, the European Union takes no position on this subject, as the decision belongs exclusively to the states. Arrangements and special measures for national minorities exist in different forms, in many member states of the European Union: Finland grants autonomy to Swedish people (Aaland Islands), Italy has three regions with special status (Trentino-Alto Adige, Veneto and Vale d'Aosta), as well as Spain which grants autonomy to Basques, Catalans, Valencians etc. Even France assigns special status to Corsica.

In most cases, in Europe, territorial autonomies have contributed to the reduction of social tensions, bringing prosperity to the regions benefiting from them. In addition (especially in the case of Trentino-Alto Adige), they contributed to the dissolution of secessionist movements, which ran out of support from minority populations.

*(more information on the same myth ->)*

**Fact:**

In conclusion, one can observe there is no standard model of autonomy for national minorities, however, as is the case with all the aforementioned examples, an agreement was reached between the minority and the majority, through a dialogue that is to be expected in any democratic society.

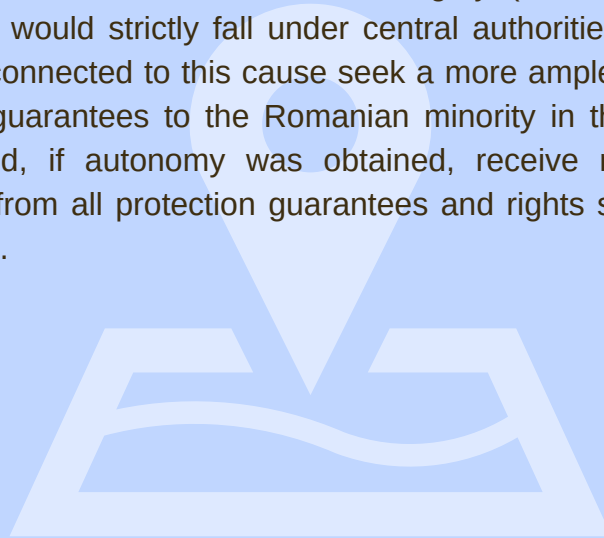
Therefore, the demands for territorial autonomy made by the Hungarian minority are legitimate and acceptable in a democratic state. The fact that they are inconsistent with the Constitution is not an argument, because even constitutions can be changed. Because a constitution that does not meet the aspirations of a substantial proportion of the population is one that clearly does not meet all the conditions to be considered democratic.

*(more information on the same myth ->)*



**Fact:**

Furthermore, none of the civic initiatives seeking autonomy of the Székely Land contain any aspects related to the secession of this region: the Romanian language would remain official along with Hungarian, and all the prerogatives essential for state sovereignty (defense, fiscal policy, foreign affairs etc) would strictly fall under central authorities. All Hungarian political initiatives connected to this cause seek a more ample autonomy of the region and offer guarantees to the Romanian minority in that specific area, as the latter would, if autonomy was obtained, receive national minority status, benefiting from all protection guarantees and rights stipulated in international documents.





**Myth:** Bilingual signage is illegal and useless, given that all citizens should be acquainted with the official language.

**Fact:** Romanian legislation[7] dictates that in towns where the percent of people whose native language is a minority language exceeds 20%, the people in question gain the right to address local authorities in their native language. Additionally, bilingual signs should be placed both at the town's entrance and exit, as well as on public buildings. Undeniably, the Hungarian minority would be the main beneficiary of this measure on a national level.

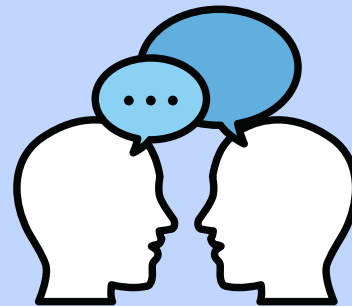


In fact, bilingual signs are not displayed in order to assist citizens unacquainted with the Romanian language, but to highlight that a significant national minority lives in those towns, and that their language and culture are accepted, that the values of diversity are in fact internalized.

*(more information on the same myth ->)*

**Fact:**

Unfortunately, this fundamental right of the Hungarian minority in Romania is also strongly contested. Though the Council of Europe notified Romanian authorities that establishing a 20% threshold as a legislative measure dictating the use of a minority native language is already too high, there are no signs of it being lowered. The rigid application of this threshold has led to over 50.000 Hungarians from Cluj-Napoca (a city that is a significant cultural center for them) not being able to benefit from the effects of this law. It must be noted that in 2018, Romania's President Klaus Iohannis attacked the Constitutional Court's bilingual signage stipulations, which are also included in the Framework Convention for the Protection of National Minorities.



## Footnotes:

[1] Gabriel Bădescu, Mircea Kivu, Monica Robotin, "Ethnic Relations Barometer. 1994-2002. A perspective on the interethnic climate in Romania", Ethnocultural Diversity Resource Centre, Cluj 2005.

[2] Gabriel Bădescu, Mircea Kivu, Monica Robotin, "Ethnic Relations Barometer. 1994-2002. A perspective on the interethnic climate in Romania", Ethnocultural Diversity Resource Centre, Cluj 2005.

[3] For example, see [the 4th Opinion of the Advisory Committee for the Framework Convention for the Protection of National Minorities](http://rm.coe.int), [rm.coe.int](http://rm.coe.int)

[4] Adrian Szelmenczi, "Linguistic rights of the Hungarian minority in Romanian courts", Noua Revistă de Drepturile Omului, no. 3/ 2021

[5] Cf. Tódor Mária "Form and substance of teaching the Romanian language as a non-mother tongue", in Horváth István, Tódor Mária (eds.) "An evaluation of policies aimed at producing bilingualism. Studies based on the presentations given at the conference in Miercurea-Ciuc on 12-13 June 2008, Limes Publishing House 2008.

[6] Cf. Horváth István, "Interculturality. Romanian research and perspectives", Presa Universitară Clujeană 2002.

[7] Romanian Constitution, Article 120, para. 2 and OUG no. 57/ 2019 on the Administrative Code, art. 94.



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Additional resources

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## **Musai-Muszaj**

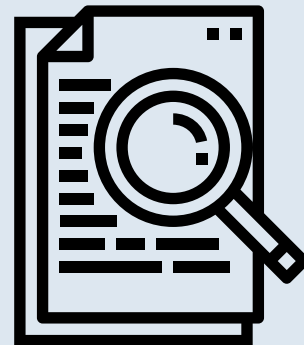
A civic group from Cluj/ Kolozsvár/ Klausenburg which fights for the linguistic rights of the Hungarian minority. Their Facebook page contains lots of information about their activity and about linguistic rights in general.

Link: [facebook.com/musaimuszaj](https://facebook.com/musaimuszaj)

## **Maghiaromânia**

A multi-ethnic community blog about the Hungarian minority, and more. Here you can find details about Hungarian culture, minority rights, inter-ethnic relations, history, and reactions to inter-ethnic controversies featured in mass-media.

Link: [facebook.com/MaghiaRomania](https://facebook.com/MaghiaRomania)



## **Civil Elkötelezettség Mozgalom/ Civic Engagement Movement**

An NGO based in Târgu Mures, dedicated to promoting human rights and democratic values, driven by respect for ethnocultural diversity. Throughout the years the organization has completed several alternative reports on the state of national minority rights in Romania.

Link: [cemo.ro/ro/cemo-ro/](http://cemo.ro/ro/cemo-ro/)

## **Ethnocultural Diversity Resource Center**

BIOrganizație neguvernamentală din Cluj, care își propune să contribuie la ameliorarea climatului interetnic din România și la promovarea principiilor echității etnoculturale. Site-ul găzduiește o foarte interesantă bibliotecă online cu privire la problematica minorităților naționale.

Link: [www.edrc.ro/](http://www.edrc.ro/)



## **Romanian Institute for Research on National Minorities**

A public institution focused on inter- and multidisciplinary studies and research with regard to the preservation, development and expression of ethnic identity, as well as about social, historical, cultural, linguistic, religious or other aspects of national minorities and of other ethnic communities living in Romania. Their site hosts a compelling online library concerning national minority issues.

Link: [ispmn.gov.ro/](http://ispmn.gov.ro/)

## **Council of Europe**

The Council of Europe is an international organization, which Romania is also a member of, engaged in promoting human rights, democracy and the rule of law in Europe. The Council monitors how committed states apply the stipulations of treaties and conventions related to the rights of national minorities. To this end, they also publish regular reports and recommendations.

Reports regarding the Framework Convention for the Protection of National Minorities can be found here: <https://www.coe.int/en/web/minorities/romania>

Reports regarding the European Charter for Regional or Minority Languages can be found here: <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/reports-and-recommendations>



About the author: For more than 15 years, **Adrian Szelmenczi** has been active in promoting minority rights in Romania, with a special focus on the Hungarian minority. In addition to his NGO work, Adrian has also dedicated himself to academic research. He is currently conducting research on Romania's compliance with the Framework Convention for the Protection of National Minorities.



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