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**The Consequences of the anti-Hungarian discourse in the Romanian society.
Institutionalizing the Stigma against the Hungarian community**

When compared to other countries in the region, Romania defines itself as a leading model in integrating its national minorities and creating a diverse society. Nevertheless, it must be said that Romania has started its journey to democracy with violent inter-ethnic clashes. Even before the start of the war in Yugoslavia, in January 1990, Targu Mures/ Marosvásárhely was the scene of a violent conflict between Hungarians and Romanians which brought Romania on a brink of civil war. Several people have died than, and the Romanian authorities are still to investigate what happened in what was called *fekete március* (the black month of March).

The relations between Romanians and Hungarians have steadily improved ever since, especially as Romania was seeking to enter the European Union: the country's aspirations triggered pressures from the European institutions to foster a dialogue between the two communities. Romania was the first country in the region to sign and ratify the Framework Convention of the Protection of National Minorities and, later, the European Charter for Regional or Minority Languages. Some of the provisions of these international instruments were integrated in the national legislation and even in the revised Constitution.

Despite all this undisputable progress, the latest country report on Romania of the European Commission against Racism and Intolerance (ECRI)¹ mentioned for the first time in 2014 the Hungarian community as being vulnerable to hate speech. Other reports issued by different public actors (ActiveWatch Romania, the US State Department, Civic Engagement Movement in Targu

¹ ECRI Report on Romania (fourth monitoring cycle), published on 3 June 2014, Council of Europe, Strassbourg, 2014

Mures and the country report on implementing the European Charter for Regional or Minority Languages²) show that Romania is slowly turning from a successful state in applying the rights of the national minorities, into a state that is itself inconsistent in applying its own legislation in this area. The above-mentioned reports document numerous abuses made by the state authorities that target both political and national interests of the Hungarian community and its linguistic rights. In this context, mainstream politicians and the media are continuously perpetuating anti-Hungarian messages, in particular by presenting the demands of the Hungarian minority as being excessive in relation to the "international standards" related to minority rights.

The legitimacy of the Hungarian presence in Romania (particularly in Transylvania, a region that until 1920 was, for several centuries, part of the Kingdom of Hungary) continues to be strongly challenged publicly. Surveys conducted at various times also show that the public presence of the national minorities continues to be strongly challenged in Romania³. Also the fact that the Romanian state is defined by its Constitution as a "nation state"⁴ usually leads to the idea that the rights of the national minorities are rather concessions, than something granted. In this regard, public discourse, including that of the mainstream politicians, focuses on the national character of the Romanian state when addressing these rights and other controversial political demands of the national minorities.

One of the most controversial and hate speech generating demands of the Hungarian minority, is that related to the autonomy of Szekler Land. The Szekler Land is a compact area in the center of Romania historically inhabited by a large Hungarian majority. Although the territorial autonomy is not an uncommon protection granted to historic national minorities and is recommended to be

² Raportul Freeex – Libertatea presei in Romania 2014-2015, ActiveWatch, Bucuresti, Mai 2015; Raportul Freeex – Libertatea presei in Romania 2015-2016, ActiveWatch, Bucuresti, Mai 2016; Human Rights Practices Report, Country Report on Romania, U.S. Department of State, 2015, (<http://goo.gl/13pbMe>); CEMO árnyékjelentése a nyelvi jogok alkalmazásáról, Civil Elkötelezettség Mozgalom, Marosvasarhely, March 2011; European Charter for Regional or Minority Languages, Application of the Charter in Romania, 1st Monitoring Cycle, Council of Europe, Strassbourg 19 June 2012 (<http://goo.gl/0QCGkG>).

³ Gabriel Badescu, Mircea Kivu, Monica Robotin (editors), Barometrul relatiilor interetnice 1994-2002. O perspectiva a climatului interetnic din Romania, Centrul de Resurse pentru Diversitate Etnoculturala, Cluj 2006, p. 38

⁴ Constitution of Romania, Article 1, Paragraph 1

taken into account in different documents of international organizations, particularly OSCE⁵, these claims have been systematically presented as being against the rule of law and against the Romanian Constitution and, consequently, as being undebatable. This highly institutionalized point of view, has led to numerous abuses of the Romanian authorities against the Hungarian community, such as: banning the use of the term "Szekler Land", attempts to ban the Hungarian anthem in public, banning the hoisting of the Szekler flag, banning the public gatherings that campaign for the autonomy of the Szekler Land. Moreover, other numerous bills, many of them manifestly anti-European and against the Hungarian minority, continued to be promoted in the Romanian Parliament. The authors of these initiatives sometimes claimed that these were the direct result of the public pressure. All these facts made us note not only that there is an increased hate speech against the Hungarian minority in Romania, but also that it produces consequences: Romanian authorities continuously commit abuses against the rights of the Hungarian minorities, while constantly perpetrating messages that place the Hungarian minority amongst the liabilities to the national security.

I. Bills that targeted the Hungarian minority initiated in the Romanian Parliament

Over the past few years, an increased number of bills targeted against the Hungarian community has been noticed. A particular case is that of the MP Bogdan Diaconu, who entered Parliament as a member of the Social Democratic Party, the main parliamentary party. Although the SDP presents itself as being a left wing party, Bogdan Diaconu was still promoted as its candidate even though his public agenda had been well known ever since. Currently an independent deputy, Diaconu has assumed a nationalist and anti-European agenda. He has initiated several laws that, not uncommonly, contained elements of hate speech targeted against the Hungarian community.

a. Bill on combating acts, statements and actions of lese-nation

According to the proposed law, the acts, statements and actions of lese-nation are those that are offensive to the very pillars of the Romanian state: its definition as „nation-state”, its territory, its official language cannot be contested and debated. We consider that the law is targeted against the

⁵ The Lund Recommendations on the Effective Participation of National Minorities in Public Life, Organization for Security and Cooperation in Europe, September 1999; The Ljubljana Guidelines on Integration of Diverse Societies, Organization for Security and Cooperation in Europe, November 2012.

political representatives of the Hungarian minority due to the fact that for several times they contested the fact that Romania is a „nation-state” and demanded that the Hungarian language be the second official state language. However, the initiator does not explain what „offensive” means in this context. This bill was rejected by the Romanian Parliament.

b. Bill on banning the ethnic flags

If it were adopted, this law would ban all the symbols of the national minorities in Romania. Clearly this bill was aimed at the symbols of the Hungarian community in Romania, namely the Szekler flag. Over the time, at the initiative of local authorities, the Szekler flag was hoisted on public buildings across the Szekler Land. The initiator of this law stated in the explanatory memorandum that a solution to "the attempt of the representatives of a certain minority to replace the Romanian flag with ethnic symbols that challenge the Romanian national state" and "to ensure fair representation of the symbols of Romania and to stop the actions that offend, ignore, or marginalize the Romanian flag" is the total banning of any ethnic symbol. This law is on the agenda of the Chamber of Deputies, will enter the debate.

c. Bill on banning territorial autonomy and any form of secessionism

This bill was proposed in the context of discussions and debates on the territorial autonomy of the Szekler Land. This project was initiated by the Democratic Union of Hungarians in Romania and generated overreactions of both public and politicians. The proposed law would ban any initiative (meetings, public events, and debates, political or civic initiatives) that supports any form territorial autonomy. The law would also ban any public display of flags and symbols that support this idea. Any wrong doers would be punishable by 1-5 years of prison, while the legal persons would be automatically dissolved. This law is on the agenda of the Chamber of Deputies, will enter the debate.

d. Bill on declaring the Democratic Union of the Hungarians in Romania (RMDSZ) an illegal, anti-constitutional and anti-state organization

This is probably one of the most outrageous bill and it is seeks to dissolve the main political organization of the Hungarian minority. According to its initiators, this bill followed the attempted

terrorist attack in Targu Secuiesc/ Kézdivásárhely in December 2015. Although the circumstances of this incident are not yet clear, this bill identifies the RMDSZ as an enemy of the Romanian state, and a terrorist organization.

If the bill were passed, the RMDSZ and its symbols would be banned. As a consequence, all seats of the RMDSZ's elected officials would be canceled, while all the previously elected members of the Union would be prevented from running for any official position in the next ten years.

According to the proposed law, all the buildings and offices of the Union would be used by the Romanian Government "in favor" of the Hungarian community in Romania: classes of Romanian language would be organized in order to ensure a better integration of the Hungarian community.

This bill is currently being debated in the specialized commissions of the Chamber of Deputies.

e. Bill on banning extremist organizations and rallies

Although the title of the bill might be confusing at first time, one can be even more confused when coming across the explanatory memorandum as the initiator has a very original point of view on the term "extremism". Thus, according to the MP, the extremist organization and rallies are only those that put into question the article 1, paragraph 1 of the Romanian Constitution, which states that Romania is a "nation state". This definition was put into discussion several times by the political representatives of the Hungarian minority, as a state that has so many minorities cannot define itself as a nation state. Under the new law any legal entity which puts into discussion Article 1, paragraph 1 of the Constitution of Romania would be automatically dissolved. This bill was rejected by the Romanian Parliament.

f. Bill on complying with use of Romanian language as the official state language of Romania

According to the initiator, this bill came as a response to a photo published on Facebook website that depicting the car of the local police of Hungarian inhabited town in Romania. The car was imprinted in Hungarian language on one side. Immediately, the photo generated several news in the mainstream media, stating through bombastic titles that the use of Hungarian language was illegal.

The explanatory memorandum states that this law aims to respect "the Constitution and to end any attempt to promote other languages at the expense of the Romanian language." Furthermore, the MP states that the use of minority languages "weakens the presence of the Romanian state in some regions and transforms the Romanian ethnics living in that region into a <tolerated population>." The explanatory memorandum also states that the use of the Hungarian language in the local government is against the principles of equality and non-discrimination that are stated in the Romanian Constitution. If it were approved, the law would cancel the right of the national minorities to use their mother tongue in relation with the local authorities. The law would also ban the bilingual street signs, the use of historic place names in other language than Romanian etc.

This law has been adopted by the Chamber of Deputies without debates and will be discussed by the Senate in the future. Currently, the law has not entered into force.

- g. Bill on declaring the 4th of June the Day of Trianon and of fighting against the Hungarian oppression

This bill has a direct impact on the Hungarian minority in Romania while its Explanatory Memorandum contains perhaps the most blatant sample of hate speech against the Hungarian ethnics. The law aims to promote the historic event of the Treaty of Trianon and to bring to light the historical fact that "the Romanians in Transylvania were for many centuries subjected to a foreign rule that was in itself anomalous, odious, and criminal and that had the purpose to exterminate the Romanian population". If the law were approved the Romanian Parliament should hold annual festive meetings of commemorating "the sufferings of the Romanians in Transylvania both during the pre-Trianon period, and during the WW II". Any public action of contesting or commemorating the Treaty of Trianon would be punishable with 1 to 5 years of prison. Denying the history of the Hungarian oppression against the Romanians in Transylvania would also be punishable with prison. This bill is on the agenda of the Chamber of Deputies, will enter the debate.

- h. Bills on amending the law on audiovisual

Other bills that were aimed at the Hungarian community were meant to amend the law on audiovisual. Bogdan Diaconu, and Razvan Tanase, attempted to force all the TV and radio stations to broadcast the Romanian national anthem every day. Such initiatives are recurrent in the

Romanian Parliament, and ActiveWatch considers that “forcing any belief by obliging somebody to sing the national anthem or to hoist the national flag could violate fundamental rights, such the right to free speech, freedom of conscience, and the right to private property”.

Another bill on amending the audiovisual law tried to impose all the radio and TV stations that broadcast in other language than Romanian to provide Romanian subtitles. In the explanatory memorandum, the initiator, Daniel Oajdea states that this law is necessary because there are many stations that broadcast only in Hungarian and they cannot be monitored by National Audiovisual Council because of the lack of Hungarian speaking staff. Therefore, the Hungarian TV stations could be in the position to broadcast programs that incite to hatred, and to discrimination on grounds of religion, nationality, or ethnicity. According to the MP, programs that promote anti-European and anti-Romanian values and that discuss issues relating to the territorial autonomy may also be broadcasted. Given the fact that this bill does not define clearly what "anti-European and anti-Romanian values" mean and that it proposes to ban discussions related to territorial autonomy, we conclude its adoption can create the grounds of abuse of state authorities. Moreover, as radio stations cannot provide subtitling, such a law would, in fact, lead to the banning radio stations that broadcast in Hungarian altogether.

II. Institutionalizing the Stigma against the Hungarian community. Abuses of the State Authorities against the Hungarian Minority

Whether it's about the increased number of abuses of the Romanian authorities against the right to freedom of expression, or against the linguistic rights, in our opinion, these are the direct outcomes of the fact that in the Romanian society, the public presence of the national minorities is strongly contested. Between 2014 and 2016, Active Watch has documented several cases in which the rights of the Hungarian minority rights were clearly violated, and these cases were included in various reports and position papers.

- a. The Szekler flag is considered to be inciting to hatred against Romanians

For several years, in the Hungarian inhabited regions of Romania a “war of flags” is being fought. Numerous incidents and tensions were caused by various attempts of the authorities to ban the use of the Szekler flag. Over time, many mainstream politician (for example Victor Ponta, than prime-minister and Crin Antonescu, than president of the Romanian Senate) questioned the very existence of the historic region of Szekler Land, clearly stating the “it does not exist”.

Therefore, it is no wonder that several justice courts unacceptably restrict the use of the national symbols, despite the recommendations made by the European Commission against Racism and Intolerance in its last country report on Romania. Although the Romanian authorities argue that the use of the Szekler flag is restricted only in public buildings⁶, the reality on the ground looks completely different. In Targu Mures/ Marosvásárhely, a Hungarian party was fined at the end of 2013 with approximately 6,600 euro for the hoisting the Szekler flag on its headquarters. Local authorities argued that it was an unauthorized advertising banner and the fine was issued on the grounds of the law on advertising.

A special case is related to a sentence of Court of Appeal from Targu Mures/ Marosvásárhely, which established that the Szekler Flag discriminates the Romanian community from the Szekler Land. According to this decision, the Szekler flag is considered to be “nationalist-chauvinist propaganda” that offends the Romanian community by creating an “intimidating, hostile, degrading and humiliating climate”.

b. The 2014 Romanian secret service’s report stigmatizes the Hungarian community

At the end of 2015 the Romanian secret service (SRI) sent its 2014 report to the Romanian Parliament. The chapter on risks to the security of Romania, states that “in 2014, the activities associated to the right-wing extremism remained on a diminished trend”. However, according to the report, the risk violent manifestations associated with the nationalist-extremist Hungarian groups remained present”. Moreover, ethnic extremism was associated with directly supporting territorial autonomy, and with “aggressively highlighting the ethno-cultural specificity of the Szeklers”.

⁶ ECRI Report on Romania (fourth monitoring cycle), published on 3 June 2014, Council of Europe, Strassbourg, 2014, p. 79

In other words, a Romanian secret service report lists all the democratic and peaceful actions aimed at achieving territorial autonomy as being inherently “extremist” and “chauvinistic”. It is worth mentioning that the same report does not document any activity of any Romanian extremist groups whatsoever.

- c. The Targu Mures/ Marosvásárhely gendarmerie fines 90 Hungarian ethnics for attending a public gathering for the autonomy of the Szekler Land

Every year, on March 10, Hungarians living in eastern Transylvania celebrate the Szeklers’ Freedom Day. Traditionally, the events take place at the Szekler Martyrs’ Monument in Targu Mures/ Marosvásárhely and are followed by peaceful rallies in which participants call the Romanian authorities to grant autonomy to the Szekler Land. However, the local authorities, including the representative of the government in the Mures/ Maros county, usually try to ban the rally altogether, even though the organizers take all the legal steps in order to notify them about the actions. In 2016, the prefect of the Mures/ Maros county tried to intimidate the participants at the event by saying that every public rally that said any march that would take place in the city will be “unauthorized”. Despite the opposition of local authorities, the public rally took place, and, according to the spokesperson of the Gendarmerie, Ciprian Călușeru⁷, no incidents were reported. However, despite these facts, for the first time, the Gendarmerie decided to fine a large number of participants: 90 fines totaling approximately EUR 15700 were issued.

Some of the fined participants decided to contest the fines in the court.

- d. In Targu Mures/ Marosvásárhely, the Hungarian public signs “are a threat to the harmony and peace between the citizens”⁸.

For many years, Targu Mures/ Marosvásárhely has turned into a battleground regarding the presence of the Hungarian language in public. A town where the Hungarians and Romanians share almost equal proportions, Targu Mures/ Marosvásárhely was the scene of an ethnic conflict in

⁷ „84 személyt bírságolt meg a csendőrség a székely szabadság napján”, Transindex.ro, 17 March 2016. <http://itthon.transindex.ro/?hir=42169>

⁸ According to the Notice No 39986/ 16.07.2015 issued by the Mayorhouse of Targu Mures to several schools in the town

March 1990. Since then, the two communities seem to be in a permanent tension, a conflict which is inflamed by the attitude of the local authorities towards the demands of the Hungarian minority.

Many tensions have arisen in the last few years due to the refusal of the local authorities to install bilingual street signs. Although this right is guaranteed by several international conventions signed and ratified by Romania⁹, and even though the National Council for Combating Discrimination stated that the rights of the Hungarian minority are not fully respected, the local authorities seem to be unwilling to correct this situation.

In 2014, Civil Elkötelezettség Mozgalom / Civic Engagement Movement (CEMO), a local NGO, initiated a series of actions through which demanded the local authorities to install bilingual street signs. As the local authorities failed to do so, in March 2015, CEMO initiated a civic action by which volunteers installed bilingual street signs on several buildings in the city. The Local Police of Targu Mures reacted immediately and fined the volunteers with approximately 1200 EUR and threatened the owners of the buildings who accepted the bilingual signs with fines reaching up to approximately 11 000 EURO should they fail to remove them in 48 hours. According to Valentin Bretfelean, the chief of the local police the initiators of this campaign sought to create an ethnic conflict in the city by their actions.

- e. Romanian President, Klaus Iohannis, withdrew a decoration from László Tőkés, following a mistranslated political statement of the latter

In a move that was seen by many political commentators as having strong ethnic reason, in March 2016 President Klaus Iohannis has decided to withdraw the Steaua României decoration from László Tőkés. László Tőkés had received this order in 2009, as a recognition of the role that he played in the Romanian Revolution of 1989. President Iohannis motivated his decision by stating that: "The recipient [of the decoration] must accept and recognize Romania and the Romanian Constitution. Considering all these I decided to withdraw the Steaua României decoration from Mr. László Tőkés."

⁹ European Charter for Regional or Minority Languages; Framework Convention for the Protection of National Minorities

The initiative of withdrawing Tőkés's decoration dates back in 2013, when the MEP Corina Cretu cited „acts disgraceful and contrary to Article 1 of the Romanian Constitution”. According to the initiator, in July 2013, László Tőkés asked the Hungarian prime-minister to provide a "protectorate" to Transylvania in order to protect the rights of the Hungarian minority in Romania. However, according to Professor Sandor N. Silagyi, head of the general linguistics department of the Babes-Bolyai University from Cluj Tőkés's statement was not translated accurately: the Hungarian expression „védhatalmi státusz” that was translated in Romanian as „protectorate” is not itself a concept in international politics. If one wanted use the equivalent of „protectorate” in Hungarian, he or she should use either „protektorátus”, or „védnökség”¹⁰, concepts that Tőkés did not use. Therefore, his speech was focused strictly on the rights of the Hungarian minority in Transylvania and it is in the limits of the freedom of expression.

It is worth mentioning that other personalities who were convicted for corruption, such as the ex prime minister Adrian Nastase and the ex minister of justice Rodica Stanoiu, still hold the decoration that was withdrawn from László Tőkés.

Anti-Hungarian Discourse in the Media

ActiveWatch, as a human rights organization has documented in the past several cases of discriminatory discourse/ hate speech in the Romanian media. At the end of 2015, there was one important event that triggered extremist speech in the mainstream media: the terrorist attack attempt in Targu Secuiesc/ Kézdivásárhely, Covasna/ Kovászna County. On December 1, the national day of Romania (when the union of Transylvania with Romania is celebrated), two Hungarian ethnic locals were preparing a terrorist attack on the demonstrators that were celebrating on the streets. Immediately, Radu Banciu, a Romanian journalist who hosts a show on a national TV station commented the event: „The Hungarian is extremist in his entire being. One cannot say that a Hungarian does not have this in his genes. If these genes are activated, the Hungarian becomes extremist”. In other shows, that took place in 2014, the same journalist stated that in the Szekler Land a genocide against the Romanians would take place if the autonomy was granted. All these shows were fined by the National Audiovisual Council of Romania. The National Council for

¹⁰ „Lost in Translation: cazul lui László Tőkés”, Szilagyi N. Sandor, Contributors.ro, 5 March 2016

Combating Discrimination rejected the complaint against the show that took place in 2014 on the grounds that the penal law should be applied.

Other media campaigns target the use of national symbols and the use of the Hungarian language in public space. The Romanian media systematically presents the use of Hungarian and/ or Szekler symbols as being offensive against the Romanians and/ or against the Romanian state. For example, in September 2015, a media campaign against the Szekler anthem was hosted by the most widely read Romanian sports newspaper, Gazeta Sporturilor: according to the newspaper's editors, the fact that the Szekler anthem was sung before or during sport events was a scandalous affront against the Romanians and the Romanian values and call the authorities to apply the laws more strictly in that region and to put an end to the dissolution of the state's sovereignty in the region.

Conclusions

Although Romania does not have a strong extreme right party, extremist/ populist discourse is present throughout all the mainstream parties. While it is still too early to speak about a systematic abuse against the Hungarian community, in the last years, especially after Romania's accession to the European Union, attempts to restrict its rights were noticeable. This makes the Hungarian community in Romania not only vulnerable to hate speech and intolerance, but also vulnerable to the discriminative actions of the state authorities, actions that emerge from the very climate of intolerance that was fostered in the past years. As the state institutions, and the Romanian media overreact when political demands of the Hungarian minority are put into debate, the Hungarian minority cannot be a full part of the political decision making process. Moreover, the Romanian legislation is unclear and continues to leave room for abuse and discrimination against the national minorities. These shortcomings were clearly noted in the European Commission against Racism and Intolerance Report on Romania, where recommendations to improve the legislation were made. However, the Romanian authorities have yet to put into practice the recommendations of the Council of Europe. Therefore, we can conclude that Romania is no longer an example of good practices in creating a diverse society, but a state which constantly infringes the rights of its historic minorities.