

Tuesday 5<sup>th</sup> May, 2020.

**Incitement and language discrimination against the Hungarian national minority in Romania.**

To His Excellency, Mr Klaus Iohannis, President of Romania,

On behalf of the **European Language Equality Network (ELEN)**, the international civil society organisation that works to protect and promote European regional, minority, and endangered languages, we are writing to express our concern regarding the anti-Hungarian assertions made by you last week. The remarks, detailed below, are an act of incitement against the Hungarian national minority and discrimination against their language, which contravenes international human rights treaties ratified by Romania as well as our shared European values.

In a [video statement](#) released by the President's Office, the President accused the ethnic Hungarian national minority in Transylvania, as well as the Social Democratic Party (PSD) and Hungarian Prime Minister Viktor Orbán, of plotting to give Transylvania to Hungary.

Besides using Hungarian in a derogatory manner in addressing the PSD, the President also made comments about the Hungarian language on Monday, May 4th, saying that if the draft law on Transylvanian autonomy was passed Hungarian language use would be obligatory in certain Transylvanian areas.

The context for this is that on April 8<sup>th</sup> the Romanian Senate adopted by tacit approval a draft law which would have granted ethnic Hungarians the right to use their language with official institutions in communities and/or areas where the percentage of the Hungarian population does not reach the current 20% threshold. The draft legislation proposed the imposition of sanctions on public institutions should they fail to observe language rights. In addition, the draft law grants rights regarding the use of Hungarian symbols and extends the right to officially use Hungarian in communications between citizens and county-level police departments.

We would like to emphasise that the use of Hungarian, depicted as something undesirable by the President, is a right granted to the Hungarian national minority by international legal instruments ratified by Romania. The draft law does not bestow additional language rights but aims to 'level-up' Hungarian language provision so as to make it equal with Romanian and to help normalise the language, a standard European best practice.

Considering the above, we wish to remind the President of several points regarding incitement, language discrimination, and the protection and promotion of indigenous minority languages in Romania.

**Incitement**

Firstly, the comment that the Hungarian national minority is plotting to give Transylvania to Hungary is an act of incitement against a national minority. The President will be aware that Article 2 of the Treaty of the European Union states that: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

These values are not only central for any country applying for membership to the EU (Article 49 of the TEU); they are also at the core of continued membership of the Union. This is clearly signalled by the sanctions mechanism included in Article 7 of the TEU. This mechanism enables the EU to react in situations where its values come under serious threat. As the EU Treaties state, the values enshrined in Article 2 have to inform both the internal and external behaviour of the EU.

Furthermore, incitement is dealt with in the Council of Europe’s Convention on Human Rights and European Court of Human Rights case law. Several binding treaties also apply regarding incitement, for example, Article 6 of the Framework Convention for National Minorities (FCNM), a Treaty ratified by Romania.

Incitement is also covered by the UN, for example, the Universal Declaration of Human Rights Article 7, which prohibits incitement from an international law viewpoint. It states: “All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”

Article 20 (2) of the UN International Covenant on Civil and Political Rights, ratified by Romania, prohibits incitement to hatred. It states: “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”.

### **Language discrimination**

Regarding language discrimination it has to be emphasized that the Hungarian national minority have every right to use their language in Hungarian-speaking areas in every aspect of their lives. This is supported by two Council of Europe treaties, the FCNM and the European Charter for Regional or Minority Languages (ECRML), both enthusiastically ratified by Romania, and treaties which form part of the Copenhagen criteria - the human rights standards that must be met by EU accession states.

Of particular note is the ECRML Part 2. Art. 7.2. “Parties [i.e. Romania], shall undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it.”

Furthermore, the FCNM on language states that Art. 10, for example, ‘The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.’

Therefore, to question the use of Hungarian in private and public settings, including its use with local authorities, goes against treaties ratified by Romania and treaties which enabled Romania’s accession to the EU.

Furthermore, we urge Romania to follow European best practices and the 2018 ECRML Committee of Experts Report by adopting substantive language legislation that will meaningfully protect and promote Hungarian, and which in particular removes the outdated 20% threshold which excludes so many Hungarian speakers from public services in areas that fall beneath the threshold.

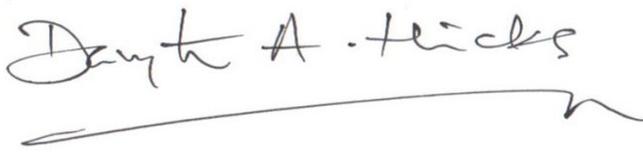
Regarding autonomy, we note that regional autonomy for national minorities is a European best practice that has an excellent track record of effectively maintaining national minority languages as well as acting to stimulate the economy, thus benefitting everyone.

The European Language Equality Network finds the statements of President Iohannis unacceptable and unbecoming of the Office of Romanian President. We call on you as President to retract the statements and issue an official apology to the Hungarian national minority.

We will be sending an official complaint to the Romanian Anti-Discrimination Council.

Furthermore, we urge Romanian politicians to stop the political attacks against the Hungarian national minority and to respect the treaties that Romania ratified when joining the EU, and will call on the relevant European institutions to caution Romania on this issue.

Signed in Brussels

A handwritten signature in black ink that reads "Davyth A. Hicks". The signature is written in a cursive style and is underlined with a long, horizontal stroke.

Davyth Hicks  
ELEN Secretary-General,  
ELEN Brussels Office.  
e-mail [davyth.hicks@eurolang.net](mailto:davyth.hicks@eurolang.net)  
Tel. No. 00 32 473 683 290