

R O M A N I A

SECTION A

Capital

Bucharest 2,080,363 (1994 est.)

Area

237,500 sq km (91,700 sq mi)

Form of government

Republic

GDP—per capita

Purchasing power parity—\$3,900 (1999 est.)

Population

22,49 million (July 1999 est.)

Ethnic composition

Romanian	89.5%
----------	-------

Hungarian	7.1%
-----------	------

Roma	1.8%
------	------

German	0.5%
--------	------

Ukrainian	0.3%
-----------	------

Other	0.8%
-------	------

(Serb, Croat, Russian, Turk, Ruthenian, other)

Official language

Romanian

Minority languages

Hungarian, German, Slovak, Serbian, Bulgarian, Ukrainian, Russian, Turkish, Polish, Croatian, Italian, Czech, Armenian, Greek, Romany

Legislation dealing with the use of languages

The Constitution of Romania, adopted on December 8, 1991

The Law on Local Public Administration (L. 69/1991) contains several articles on the use of language by national minorities in their contacts with administrative authorities:

Article 23

(6): In territorial-administrative units in which national minorities have a significant share, the citizens shall be informed of the agenda in their language, too.

Article 58

(2): Citizens belonging to national minorities, in their relations with the authorities of the local public administration and with their machinery, may address themselves orally or in writing in their mother tongue, too.

(3): Petitions presented in writing shall be accompanied by their translations into Romanian.

(4): In case the representative of the public authority or its employee does not know the language of the respective minority, the services of an interpreter shall be used

The Government's Emergency Decree 22/1997 in principle modified the original law, allowing the use of national minority languages in public administration (for example, the posting of bilingual road signs) in settlements where minorities exceed 20% of the population.

However, the implementation of the government decree was hindered in the process of gaining the full status of a law.

The Law on Education (L. 84/1995) enacted in 1995 aimed exclusively at enforcing the dominance of the majority language and culture by deprivation of rights and by placing restrictions on schooling in the minority mother tongue and on religious education. Contradictions in some articles have created an uncertain legal situation in minority education and enabled the authorities to intervene. *The Government Emergency Decree 36/1997* did remove the anti-minority provisions of

the Education Law, but the new Education Law passed in 1999, based on that decree, again includes restrictions in the sphere of minority-language education. For example, it does not allow for the re-establishment of an independent, state-funded, Hungarian-language university.

Draft Law on National Minorities and Autonomous Communities, proposed by the DAHR (the Democratic Alliance of Hungarians in Romania) in Bucharest on November 18, 1993

Background notes

Although rich in culture and natural resources, Romania has long been one of Europe's poorest and least developed nations. Foreign powers, including the Ottoman and Austro-Hungarian empires, controlled the country for much of its history. In 1948 Communists took control of Romania and modeled the government and economy after those of the Union of Soviet Socialist Republics (USSR).

In the 1960s Romania's Communist leaders began to distance themselves from the USSR and develop their own domestic and foreign policies. Romania's economy grew during the 1960s and 70s. By the 1980s most Romanians were suffering from food shortages and other economic hardships. In 1989 the Romanian people revolted against the repressive dictatorship of Nicolae Ceausescu, the country's President and Communist Party leader. Ceausescu was executed, and a non-Communist government was installed. The first free multiparty elections took place in Romania in 1990.

Independence achieved from Turkey in 1881. Republic proclaimed on December 30, 1947.

SECTION B

Where does one observe language to be a problem in the country?

Until the end of 1996, the so-called minority problem of Hungarians in Romania was more or less the creation of politicians and radical ethnic leaders. Both groups could refer to all kinds of injustice and discrimination in the past, committed over a period of several decades. Such acts led to feelings of superiority, acts of revenge, etc.

Since 1991, Romania's national minorities have been calling for the adoption of a minority law. The political representation of the Hungarian national community, the Democratic Alliance of Hungarians in Romania

(DAHR) submitted the text of a concrete draft in 1993 (Draft Law on National Minorities and Autonomous Communities). The government at that time failed to deal with the proposal. This despite the fact that upon Romania's 1993 admission as a member to the Council of Europe, the Council's Parliamentary Assembly had stipulated such an obligation, which Romania also promised to fulfill.

Since 1990, Romania's fourteen officially recognized Churches have been asking for the drafting of a law on church affairs which would guarantee the right to run a network of religious native-language schools. The lack of such a network is especially disadvantageous from the perspective of the Hungarian population.

The results of the 1996 elections created a new situation for the Hungarian community in Romania. The relationship between Romania and Hungary has improved. The Hungarian General Consulate in Cluj was reopened. The Romanian Parliament ratified the agreement on the mutual recognition of university degrees. A joint inter-governmental committee was established, and several bilateral documents on cooperation at the ministry level were signed.

The participation of the Hungarian minority's political organization, the DAHR, in the government coalition offers new, previously untested opportunities. By coming into a position of political power, the Alliance can participate in the management of the country and attempt to achieve its goals with greater chances of success. The acceptance of the responsibility of coalition governance represents in several respects progress for the Hungarians.

After Victor Ciorbea's resignation in March 1998, the coalition partners were more reluctant to talk about the issue. Still, the DAHR remains a member of the ruling coalition.

A government decree on Hungarian-language minority education permits students in state-funded primary and secondary schools to be taught in their native language. The only exception to this decree is the mandatory teaching of secondary school courses on the history and geography of Romania. The new education law adopted on July 1 of 1999, after three years of delay, only partly satisfies the educational needs of Transylvania's ethnic Hungarians. The law ensures vocational education at all levels and the entrance examinations in the Hungarian language. It makes it possible to study the Romanian language in the framework of a special program in primary schools and with the use of special textbooks in grades five to eight. In regions with small settlements and scattered minorities, the law allows native-language classes below the established minimums. It grants churches not only the right to train the teachers

they need but also the right to provide secular education as well, albeit in the form of private institutions.

The law also allows the establishment of Hungarian-language groups, sections, colleges and faculties in higher education. On the other hand, the law is restrictive with regard to the establishment of higher education institutions with instruction in the native language. Thus it does not allow the setting up of a Hungarian-language state-funded university but allows only for a multicultural university whose language of instruction is regulated by a separate law.

The use of language in everyday life e.g. education, broadcasting and other

Minority languages are taught in such localities where a significant number of pupils belong to national minorities. In 1997, fifteen minority languages were taught at various levels in Romania:

- Hungarians and German at all levels of education (including kindergarten)
- Slovakian, Serbian, Bulgarian, Ukrainian, Russian and Turkish at all levels of education except vocational (including kindergarten)
- Polish, Croatian, Italian at the primary, secondary and university levels (including kindergarten)
- Czech language at primary and university levels (including kindergarten)
- Romany at primary, secondary and teacher training levels
- Armenian and Greek at primary and secondary levels (including kindergarten)

National minorities have access to printed and electronic media in their language. There is television and radio broadcasting in the minority languages mostly in Hungarian and German.

Did the country ratify any international treaty dealing with the protection of minorities?

International and bilateral agreements signed by Romania can only partially substitute for the shortcomings of domestic legislation. Among the Council of Europe's documents on minority protection, The Framework Convention for the Protection National Minorities was signed on February 1, 1995, ratified on May 11, 1995 and enacted on February

1, 1998. Meanwhile, the ratification of the European Charter for Regional or Minority Languages, signed by Romania in the same year (July 17), is still under way. The 1996 Romanian-Hungarian State Treaty lays down the rights needed to protect minority identity and the general principles of related state policies. It also validates additional international documents, such as the 1992 United Nations Declaration on the Rights of National, Ethnic, Religious and Linguistic Minorities, the Copenhagen Document adopted by the Conference on Security and Cooperation in Europe and Recommendation No.1201 (1993) of the Council of Europe's Parliamentary Assembly.

What else can be found about languages and minorities?

In Romania, the governmental institution dealing with minorities is the Department for the Protection of National Minorities. This Department has the responsibility to monitor the problems of persons belonging to ethnic minorities. Specifically, to establish contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities and to investigate complaints.

The DAHR is the only party in the Parliament representing the interests of the Hungarian minority in Romania. In the 1996 parliamentary elections, the DAHR finished in fourth place. With a total of 812,653 votes, it obtained 25 mandates (7.24%) in the 343-seat Chamber of Deputies, and with 836,790 votes, 11 mandates (7.69%) in the 143-seat Senate, respectively. DAHR provides the main platform for the political activities of Romania's ethnic Hungarians. It is not only a political party but also an organization functioning on a national and democratic basis and actively protecting minority rights. The other Hungarian political groups, such as the Hungarian Christian Democratic Movement and the Small Landowners' Party, have a limited following and their membership supports the DAHR during elections.

SECTION C

Population

Updated (July 2003)

21,68 million (March 2002)

Source: Romania, Ethnic Minority Briefs No. 61, June 30, 2003, <http://lists.delfi.lv/pipermail/minelres/2003-July/002809.html>

Ethnic composition

Updated (July 2003)

Romanian	89.5%
Hungarian	6.6%
Roma	2.5%
German	0.3%
Ukrainian	0.3%
Other ¹	0.8%

Source: Romania, Ethnic Minority Briefs No. 61, June 30, 2003, <http://lists.delfi.lv/pipermail/minelres/2003-July/002809.html>

Legislation dealing with the use of languages

Updated (January 2001)

In January, the Democratic Alliance of Hungarians in Romania signed a co-operation agreement with the new government. The agreement covers provisions on the use of mother tongue when minority is greater than 20%, institutional and legislative changes and models of intercultural co-operation. Issues relating to education are also covered in that document: developing the teaching of Hungarian at University, equal financing of Hungarian cultural organization, time of television and radio broadcasting and using the mother tongue in public life.

Updated (April 2002)

The Law on Hungarians Living in Neighboring Countries, also known as the Status Law, was passed by Hungarian Parliament in June 2001. It allows ethnic Hungarians living in Romania, Slovakia, Yugoslavia, Croatia, Ukraine and Slovenia to enjoy advantages including an annual three-month work permit in Hungary, medical care and pension benefits on the basis of an identity card issued by Hungarian authorities. According to Hungary the Status Law is aimed at helping ethnic Hungarians in neighboring countries preserve their cultural and national identities and at offering them economic support.

¹ Serb, Croat, Russian, Turk, Ruthenian, other

Romania, which is home to 1.7 million ethnic Hungarians protested mainly over the provision granting working rights for ethnic Hungarians, saying it would discriminate against Romanians seeking employment in Hungary. Bucharest also objected to the stipulation in the law that would have allowed organizations representing ethnic Hungarians in Romania to issue the Hungarian ID cards, saying it would have amounted to a breach of Romania's sovereignty.

The first step to reach consensus was a memorandum signed on December 22, 2001 in Budapest by Romanian Prime Minister Nastase and Hungarian Prime Minister Viktor Orbán, where Hungary agreed to allow all Romanian citizens, regardless of their ethnic origin, to apply for work permits within its territory. In addition, organizations representing the Hungarians will only make "recommendations" to Hungarian authorities, which would issue the cards in Hungary proper. To allay Romanian suspicions, Hungary in the memorandum pledged not to offer any kind of support to Romania's ethnic Hungarian political organizations without prior approval from Romanian authorities.

Romanians married to ethnic Hungarians who were initially supposed to enjoy the same benefits as their spouses will be excluded from the law's provisions, what will cause dissatisfaction among mixed families. Bucharest said the exclusion is necessary to eliminate discrimination between Romanians married to ethnic Hungarians and other Romanians.

Despite obtaining some apparently important concessions from Budapest, Romanian officials still have suspicions regarding the actual implementation of the memorandum. A. Nastase on January 11, 2002 criticized a statement allegedly made by Hungarian Democratic Forum Deputy Zsolt Nemeth who said: "that it is easier for a camel to pass through the eye of a needle than for a Romanian to work in Hungary."

Hungarian government, in response promised to fulfill all obligations assumed in the memorandum; however, on January 15 it limited the number of foreign workers in 2002. A government spokesman said only 81,320 foreign workers will be admitted - a number equal to the job vacancies in 2001.

In the memorandum, Romania and Hungary agreed that Budapest would review the Status Law and initiate the necessary amendments in six months. But to what extent Budapest will be ready to amend the law most likely depended on the outcome of Hungary's general elections.

Source: Eugen Tomiuc, RFE/RL correspondent, RFE/RL NEWSLINE Vol. 6, No. 11, Part II, January 17, 2002

Updated (June 2002)

ROMA

A Law on Public Administration enacted in April 2001 allows for the use of minority languages in public administration, but it is not clear how the law will benefit Roma.

The law stipulates a range of rights applicable in areas where minorities constitute 20 percent of the population, such as the availability of local council agendas and decisions in minority languages. This presents two principal problems for the Roma minority.

First, to count the exact number of Roma in villages, towns and cities is difficult, due to the reluctance of Roma to self-identify. The 1992 census counted less than a third of the estimated number of Roma in Romania. Second, even if correctly counted, the Roma population is unlikely to reach 20 percent in most or all territorial administrative units, and therefore the law will have little if any impact.

The right to use languages other than Romanian in criminal and civil proceedings is constitutionally guaranteed (Article 127) and further specified in the Criminal and Civil Procedure Codes. This Code provides for the right of the defendant to use his or her language during all stages of the criminal proceedings. The Code of Civil Procedure allows for the use of interpreters, with fees to be paid by the losing party.

In practice, however, judges have been known to insist that minority persons with even a rudimentary grasp of the Romanian language use it in official proceedings; even if they cannot fully understand the proceedings. There are few official Romani-speaking interpreters.

EDUCATION

Teaching of the Romani languages in Romanian schools has increased enormously in recent years. According to one report, in the school year 1996/1997, 445 Roma students at eight schools were studying Romani, at the request of their parents.² By the year 2000/2001, according to the Ministry for Education, there were 200 teachers, both Roma and non-Roma, teaching Romani to more than 10,000 students.

The legal framework for teaching minority languages was set forth in the 1995 Law on Education, which established compulsory education in

² These included 410 students in primary school grades I to IV and 35 in high school grades IX and XII. Council of National Minorities, *The Education System in Romania: Tuition in the Languages of National Minorities in the 1996/1997 School Year*, 1998.

Romanian,³ but also allowed the organization of classes in minority languages at both the primary and secondary school levels, upon the written request of parents or guardians. The law also provides for the publication of textbooks in minority languages. Vocational training is provided only in Romanian, although some terminology may be taught in minority languages.

In April 2001, the new government's Ministry of Education and Research introduced two directives, which could have a negative impact on minority education, including Roma. The first gives discretion over the teaching of minority languages to the hands of school directors, thus restricting the rights of Romani parents to choose the language of education for their children. The second reduced the number of school inspectors for minorities to one per county.

While Roma may establish their own schools where funds are available, the state has no legal obligation to establish minority schools or contribute to their maintenance. No schools for Roma have been established to date. In fact, Roma schools are not universally supported by Roma NGOs, some of whom fear they may lead to segregation and low standards.

Although minorities may freely set up private universities, no Roma private university exists so far in Romania.

MEDIA

There are no legal provisions specifically promoting minority language media in Romania. The Roma community publishes its own newspapers and magazines, which generally promote a positive image of Roma and Romani culture. However, these publications have a limited circulation. One Romani activist points out that public support for Romani media is scant: only one of ten existing Roma publications receives financial support from the government ("Aven Amentza"). Currently there are no Romani language programs broadcast on Romanian National Television or on public radio.

Source:

http://www.eumap.org/reports/content/10/642/minority_romania.pdf,
The EU Accession Monitoring Program Report on Minority Protection,
Open Society Institute 2001 on

³ Law 84/1995 Official Gazette 370, amended by law 151/1999 of 3 August republished in the Official Gazette 606 of 12 December 1999. Article 8 states that "education at all levels is in Romanian. In accordance with this law education may also take place in the mother tongue of national minorities and in foreign languages...Learning Romanian as the official language of the state is compulsory for all Romanian citizens."Art.8 (1); (3).

<http://www.eumap.org/reports/content/10>

Updated (November 2002)

THE “PRUTENAU ACT”

On October 6, 2002 the Senate approved the bill (“Prutenau Act”) according to which Romanian commercial companies will have to translate into the Romanian language the terminology used in their business activities. The bill is known under the name of its main promoter, Senator George Prutenau.

The “Prutenau Act” establishes fines up to Lei 50 million (approximately 1,500 Euro) for the companies that do not make such translations.

Senator Prutenau took as a model the French law; however, in France, the debates started about the abrogation of the law because the obligation to translate everything into French has lead to serious problems for Internet users.

Source: Mercator News, October 2002,
<http://www.ciemen.org/mercator/index-gb.htm>

Updated (January 2003)

ROMANIA AND HUNGARY AGREE ON THE STATUS LAW

Romania and Hungary on December 11, 2002 finally agreed on a common standpoint in a much-debated question of the Hungarian Status Law (see Update, April 2002). This law allows ethnic Hungarians living in the neighboring countries to receive basic subsidies within their own country as well as preferential treatment while traveling or working in Hungary.

According to the Hungarian Foreign Minister, the law will be amended to mitigate tensions or misunderstandings between Hungary and its neighbors. The amendments, which are sixfold, are now in line with the EU law prohibiting the countries to have laws that apply abroad.

One of the modifications is the requirement that a neighboring country must agree with support given by Hungary. The modifications will also guarantee Hungarian education for the Hungarian ethnic community but only with the agreement of Romanian authorities.

The amended law will now fit into Romanian legal system and therefore safeguard the identity of ethnic Hungarians living in Romania. Romanian Foreign Minister also welcomed the fact that this issue will no longer

dominate bilateral relations, as has been the case for an excessively long period of time.

Source: Eurolang News, Brussels, December 13, 2002, by Hannah McGlue,
<http://217.136.252.147/webpub/eurolang/pajenn.asp?ID=4009>

Updated (April 2003)

FUTURE CONSTITUTION TO GRANT MORE RIGHTS FOR ETHNIC MINORITIES

The ad hoc parliamentary commission that examined possible constitutional amendments ended its work in February 2003. The amendments include an article allowing the use of mother tongue in contacts with local administrative bodies and in courts in those localities where a minority constitutes “a significant number” of the population. However, the commission has not specified yet what that “significant number” stands for.

The Hungarian Democratic Federation of Romania demanded 20 percent to be specified as the criterion for national minority representation. However, the introduction of a subsidization principle and the redefinition of national minorities did not collect the necessary number of votes.

The Greater Romania Party has boycotted the commission’s debate altogether, saying the Constitution does not need to be amended. The commission’s recommendations are to be debated in parliament.

Source: Minelres News, Romania: Ethnic Diversity Briefs, No.45/March 3, 2003, Bucharest, <http://lists.delfi.lv/pipermail/minelres/2003-March/002595.html>

LAW ON EDUCATION

The Education Law of 1995 was controversial particularly due to the Article 120, which restricted minority language education.

Article 120

(2) In primary schools with instruction in the languages of national minorities the subjects “History of the Romanians” and “Geography of Romania” are taught in these languages, according to the same curriculum and textbooks as are used in the classes with instruction in Romanian.

In middle and secondary minority schools the subjects “History of the Romanians” and “Geography of Romania” are taught in Romanian, according to the same curricula and textbooks as are used for the grades with instruction in Romanian.

Examination in “History of the Romanians” and “Geography of Romania” shall be taken in the language in which it was studied.

By law, the content of education does not adapt to minority groups, even in classes where education is provided in a minority language. Specifically, textbooks are to be identical and transliterations of proper nouns are seemingly disallowed.

The subject “History of Romanians” was called “History of Romania” before what encompassed all Romanian citizens regardless of their origin. The recent compromise in this matter brought in the following subsection:

(3) In curricula and textbooks of World History and History of the Romanians also the history and traditions of national minorities living in Romania shall be reflected.

Finally, according to the subsection (4) *members of national minorities may request lessons on their history and culture at secondary level, but the Ministry of Education retains the right to oversee the content of textbooks and all curricula.*

The 1995 Law was drafted under the backdrop of a desire to appease the European Union because it was passed only a month after the government of Romania submitted its application to join the EU. It was accompanied by a glossy pamphlet in English stating that the new Education Law in Romania is one of the most democratic in Europe. The pamphlet compared provisions of the 1995 law with the international standards and with the Hungarian legislation.

The law, as initially passed, caused much controversy among representatives of the Hungarian minority who felt it insufficiently recognized their rights. After the change of governments in November 1996, a process of revision of the law began. The revision of Article 120, by the 1999 ordinance, has significantly increased the chances of Hungarians to education in their language, at least *de jure*.

AMENDED LAW

The 1995 Law on Education amended in 1999 (Law No 151/1999) presents more detailed provisions on both education of national

minorities and education in the mother tongue thus building on Article 32 of the Constitution.

Article 5 (1) of the Law on Education guarantees the right to education to all citizens of Romania. This restriction conflicts with Romania's obligations under the international human rights law, where each child under the jurisdiction of the country has a right to education.

Article 8 (2) of the same act reiterates the right of members of national minorities to mother tongue education.

According to **Article 118** persons belonging to national minorities have the right to study and receive instruction in their mother tongue at all levels and forms of education by an appropriate request.

Article 119 states:

(1) Taking into account local needs, any groups, classes, sections or school units teaching in the languages of national minorities may be established on request and in accordance with the provisions of this law.

(2) Paragraph (1) of this article shall be implemented without prejudice to learning and teaching of the official language.

Some subordinate legislation has been passed in an attempt to transform these changes from "de jure" into "de facto" stage. An example of this trend is the Order No. 3113 of January 31, 2000 when Article 1 states that lessons of the mother tongue for pupils belonging to national minorities who study in schools with tuition in the Romanian language are included compulsorily in the curriculum.

HIGHER EDUCATION

Article 123 of the 1995 Education Law, as amended in 1999, explicitly permits higher education in the mother tongue:

(1) Within higher educational institutions run by the state, groups, sections, colleges and faculties teaching in the mother tongue may be organized, according to the law, at request. In this case, acquiring of the specialized terminology in the Romanian language shall be assured. At request and according to the law, multicultural higher educational institutions can be established. The languages of teaching shall be determined in the foundation law.

(2) Persons belonging to national minorities shall have the right to set up and manage their own private higher educational institutions according to the law.

Thus, the law not only admits the possibility of minority language education in state higher education establishments, but it also (by the subsection 2) explicitly permits the existence of private institutions of higher education run by the members of minority groups.

Currently there is a private Hungarian University in Transylvania (the Sapientia University), which was officially opened in October 2001. Whilst the Hungarian government has reportedly pledged to support this University (and other Hungarian language universities in Romania) to the tune of almost HUF 4 billion (around €16,5 million) annually until 2004, the Romanian Public Information Minister said at the opening of the University that under the current conditions, Romania could not subsidize private universities, regardless of the language of instruction.

The European Commission also noted that the Romanian government has failed to comply with its earlier plans to found a public university teaching in Hungarian, German and Romanian (the Petöfi-Schiller University).

Source: Right to Education, Minority Rights in Education, Lessons for the European Union from Estonia, Latvia, Romania and the former Yugoslav Republic of Macedonia, Duncan Wilson, Printed by Elanders Novum AB, December 2002, http://www.right-to-education.org/content/index_6.html

Updated (June 2003)

NATIONAL MINORITIES WILL BE ALLOWED TO SPEAK THEIR MOTHER TONGUE BEFORE THE COURT

On May 22, 2003 Romania's Chamber of Deputies voted on the draft amendments to the Penal Code reintroducing a provision, which allows members of national minorities to speak their mother tongue freely in judicial proceedings (Article 7). Article 8 says that the courts must guarantee free interpreters for those not speaking Romanian.

Initially this provision had been removed from the proposed amendments by the Judicial Committee; however, pressure from the party representing the Hungarian minority (UDMR)¹, which is in coalition with the ruling party (PSD), made possible its restoration to the agenda. Nevertheless, this compromise was compensated by a countermeasure, according to which official documents for the judicial proceedings are to be issued only in Romanian.

¹ The Democratic Alliance of Hungarians in Romania - a political organization representing Romania's 1.5 to 2 million indigenous ethnic Hungarians (7 percent of the population).

At the beginning the Government initiated this bill with a single reference to language: the language used in courts is Romanian. The UDMR proposed the amendment making possible the usage of minority languages at courts in all those localities where at least 20 percent of the population belong to the ethnic minority. However, this amendment was not approved by the legal committee so Romanian became the sole language of courts in Romania even in the localities with 20 or more percent of the minority population.

There are some places in Romania, like Székelyudvarhely (Odorheiu Secuiesc), Transylvania where almost everybody (e. g. more than 95 percent of the population) speaks Hungarian. If they were allowed to use a free interpreter, the judges, lawyers, prosecutors, clerks, witnesses (in most cases ethnic Hungarians) would probably all prefer to speak Hungarian. To respect the law, everything would have to be translated by an official (and free) interpreter into Romanian. This would double the time of all procedures.

UDMR aims to set up separate language court councils where procedures would be either wholly in Romanian or Hungarian.

Parallel to amending the Penal Procedure Code, the Constitution is also undergoing reform in Parliament.

Before the amendments were approved Romanian had been the only language that could be used in Romanian justice and just foreign citizens who did not speak Romanian were provided with a free interpreter. The amended Constitution guarantees that persons belonging to ethnic minorities in Romania who do not speak Romanian have the right to have an interpreter for free in criminal cases and for payment in civil ones.

Source: Mercator News, June 2003,
<http://www.ciemen.org/mercator/index-gb.htm>

Eurolang News, Cluj, June 17, 2003, by Áron Balló,
<http://217.136.252.147/webpub/eurolang/pajenn.asp?ID=4279>

Where does one observe language to be a problem in the country?

Updated (January 2002)

According to the experts from the Council of Europe Romania needs to take further steps to insure the improvement of the situation of its national minorities, including the Roma minority. The report of the Advisory Committee of the Framework Convention for the Protection of National Minorities, adopted last year, criticizes the unsatisfactory status

of the Romas in education system as well as the persistence of police brutality cases.

To what extent are minority groups in this country disadvantaged by their language?

Updated (July 2003)

A young couple from Kolozsvár/Cluj has had to stay unmarried for more than two years because after the bridegroom said “yes” to the bride in Hungarian, the couple’s mother tongue and only then he said “yes” in Romanian, the state language, the registrar refused to marry them.

Zsolt Herédi and Katalin Füsy were to be wed in Kolozsvár/Cluj on May 31, 2001 but the registrar Vasile Gherman after hearing “igen” (“yes” in Hungarian) walked out of the room, abandoning the wedding ceremony.

They tried to stop him and promised to speak only Romanian but he did not want to continue anyway. Gherman later issued a protocol confirming that he refused due to the fact that Herédi spoke Hungarian during the ceremony.

The Law on Local Administration, issued just a few days before this incident happened, allows wedding ceremonies in the languages of ethnic minorities in those places where a minority constitutes 20 percent of the population. According to the 1992 Census, 22.7 percent of Cluj’s population are ethnic Hungarians.

However, the couple did not ask for a Hungarian wedding because such a ceremony would be unthinkable in a local authority led by the Chief Secretary of Romania’s most extreme nationalist party, the Greater Romania Party (PRM). In addition, the city authorities stated that they would not apply the law on minority language usage in administration, because they suspected that the proportion of ethnic Hungarians in Kolozsvár/Cluj was less than 20 percent.

The couple sued the registrar for impeding their marriage. After nine hearings the Court of Administration declared Gherman’s protocol invalid and allowed the couple to continue in their wedding ceremony according to the law. The court; however, rejected couple’s request for compensation of their material and moral damages. Both parties appealed against the decision: Herédi maintained his demand for compensation, while Gherman requested to move the case to another city and also to change it from an administrative to a civil one. After half-a-year, Herédi’s lawyer found out that the case had been changed into a civil one but the request for moving it to a different city had been rejected.

The Cluj Court after three hearings, on May 26, 2003, ruled that the couple was right, but no damages would be paid.

Herédi and Fűsy are determined not to stop here. They were ready for a compromise to repeat the whole ceremony only in Romanian, but they were refused. "We want justice and we are prepared to establish the truth at all Romanian court levels and even in Strasbourg, if necessary."

Fűsy and Herédi's case is not unique in Kolozsvár. Other couples face similar intolerance and humiliation at the registrar's office. Some have to repeat the ceremony after they have said "yes" in Hungarian during a Romanian-language ceremony. Others are only warned not to speak their mother tongue.

Ethnic Hungarians in the city are waiting for the next census to see whether they constitute above or below 20 percent.

Source: Eurolang News, Kolozsvár/Cluj, June 27, 2003, by Áron Balló, <http://217.136.252.147/webpub/eurolang/pajenn.asp?ID=4299>

What does it cost in terms of money, time and government resources to police the country's language restrictions?

Updated (November 2002)

MONEY FOR MINORITIES' TEXTBOOKS

The Romanian Ministry of Public Information (MIP) allotted Lei 1 billion (some \$31,000) to finance editing of high school textbooks for pupils who study in their mother tongue. The announcement was made by the Minister Dincu at a session of the Education Board of National Minorities Council.

The representatives of the county inspectorates complained about stiffness of the educational system, reluctant to accept new teaching methods.

Source: Minelres Archive, No. 5; April 29, 2002; Sibiu

DISCRIMINATION OF ETHNIC ROMANIANS IN BULGARIA

The Romanian Public Information Ministry protested against persecution of the members of the Romanian-Vlach minority in Bulgaria, after a priest in a village near Vidin was disciplined by the Bulgarian Orthodox Church for using Romanian in the services. According to the Ministry, the measure is an infringement of the Convention on the Defense of Minority Rights, ratified by the Bulgarian parliament in 1994.

Bucharest said that though the Romanian-Vlach minority is Bulgaria's second largest, it is not recognized by the authorities and represented in the parliament. None of 32 localities where Romanian-Vlachs live has Romanian-language schools.

In contrast, the Bulgarian minority in Romania is represented in the legislature, has four schools teaching in Bulgarian, and the Bulgarian language is also taught at Bucharest University.

The Romanian government finally reminded Sofia that current international treaties on minority rights stipulate reciprocity.

Source: Minelres Archive, September 30, 2002

ETHNIC MINORITIES TO BE GRANTED MORE MONEY FROM THE BUDGET

The Budget, Finance and Banking Commissions within the Romanian Parliament on October 29, passed an initiative to supplement the budget for ethnic minorities with the amount ROL 40 billion (some \$1.2 million). Initially, the Romanian government allotted a different sum, which was reasoned by the need to implement adequately the programs meant to support the language and traditional values of the ethnic minorities.

Last year the ethnic minorities received ROL 54 b. from the state budget.

Source: Minelres Archive, No. 30, November 4, 2002, Bucharest

The use of language in everyday life, education, broadcasting and other

Updated (November 2002)

PRIVATE TV STATION LAUNCHES A REGIONAL PROGRAM IN THE HUNGARIAN LANGUAGE

In Oradea (Nagyvarad), about 38 percent of the population is of Hungarian origin.

Starting mid-March, a local studio of the private TV station "Antena 1" has launched a new weekly program in the Hungarian language, disseminating information about politics and other issues interesting for the Hungarian-speaking community. The show lasts one hour and it is broadcasted every Friday.

Source: Minelres Archive, No. 1; April 1, 2002,
<http://lists.delfi.lv/pipermail/minelres/2002-April/002121.html>

SCHOOL SEPARATION ON ETHNIC BASIS

Some two hundred pupils at the Romanian department of the “Bolyai Farkas” high school in Tirgu Mures (central Romania) protested against local authorities’ decision to separate the school on the ethnic basis. Before this change students could study in both the Hungarian and Romanian language.

Under a protocol signed last year between the Social Democrat Party (PSD) and the Hungarian Democratic Federation of Romania (UDMR), “Bolyai Farkas” should have become a Hungarian language college and all the classes taught in Romanian should have been moved to another college. Transfer was devised to take place during the summer holidays, so that the school year 2002/2003 would not be disturbed.

UDMR President Marko Bela said that the Romanian Ministry of Education agreed with the procedure whereby “Bolyai Farkas” high school will become Hungarian only educational institution.

Romanian Prime Minister Adrian Nastase said the solutions should be carefully correlated with the signals coming from those who live together; even they may speak different languages besides the official one, which is the Romanian language.

Source: Minelres Archive, No. 3; April 15, 2002;
<http://lists.delfi.lv/pipermail/minelres/2002-April/002146.html>

Did the country ratify any international treaty dealing with the protection of minorities?

Updated (June 2002)

The enlargement perspectives of the EU and NATO seem to have a positive effect for the adoption of European standards by the candidate countries. Romania is currently preparing the ratification of the European Charter for Regional or Minority Languages.

The Council of Europe’s Monitoring Committee recently announced that it might put an end to its mission in Romania. Initiated in 1997, according to Resolution 1123, the assistance of the Monitoring Committee was desirable in the fields related to national minorities especially Roma communities, to non-discrimination, as well as all forms of restitution of goods and property.

The European Charter for Regional or Minority Languages was signed by Romania in 1995 and about 20 minority language communities are looking forward to its ratification.

The Romanian internal legislative and administrative framework, which regulates the use of regional or minority languages, already offers a relatively high level of engagement. Therefore, there is a possibility that the Charter will not satisfy the expectations of certain linguistic communities in Romania, for example Hungarians and Germans, who by tradition and thanks to their number have experience and therefore also the demand of much higher standards. On the other hand, the Charter could give a survival chance to certain endangered language communities, such as the Csangos and Ukrainians (Hutulas).

The question remains whether Romania's ratification is a sincere wish to protect the regional or minority languages, or it is a necessary gesture taken to be accepted to the EU and NATO.

Source: Eurolang, <http://www.eurolang.net/>, Brussels, May 27, 2002, by Emese Medgyesi

What else can be found about languages and minorities?

Updated (January 2002)

CZANGO MINORITY

The Csangos are a non-homogeneous group of Roman Catholic people of Hungarian origin. This ethnic group is a relic from the Middle Ages that has survived in the eastern part of the Romanian Carpathians. Csangos are associated with distinct linguistic peculiarities, ancient traditions, and a great diversity of folk art and culture. For centuries, the self-identity of the Csangos was based on the Roman Catholic religion and their own language, a Hungarian dialect, spoken in the family and the village community.

Today only 60,000 – 70,000 persons speak the Csango language.

Background

There is no consensus on who were their ancestors, where they came from, when they settled in Romania or how many they are today. Even the origin of the word “csango” is controversial. The only undisputed feature about the Csangos is their strong Roman Catholic faith. They live Romania, near the eastern slopes of the Carpathians, in villages around the cities of Bacau (southern group) and Roman (northern group), along the rivers Siret, Bistrita, Trotus and Tuzlau, where they preserve traditional European methods of agriculture, body of beliefs, and mythology, as well as the most archaic dialect of the Hungarian language. Their number ranges, depending on the definition, from as many as 260,000.

The Csangos have for centuries been living more or less isolated from other areas where Hungarian is spoken, in an area with a Romanian majority. This resulted in the development of a pocket with an individual, most specific culture, interacting with elements of Romanian culture. This culture is today on the verge of extinction. Assistance on the European level is needed to save their culture. The ethnic conscience of the Csangos is much weaker than that of other Hungarian-speaking ethnic groups. This may have several causes. It may reflect the weakly developed concept of nation among the settlers of the Middle Ages or the fact that their settlements are geographically dispersed, but an important factor has been the self-conscious, policy of assimilation practiced over the centuries by the surrounding society and in particular the Catholic Church.

Language

There is no doubt that the language of the Csangos is a form of Hungarian which belongs to the Finno-Ugrian family. As a result of the isolation from the Hungarian cultural development, their oldest sub-dialect, northern Csango, preserves numerous elements of the Hungarian language of the late middle Ages. It also contains new elements, specific to this language area. Because the Csangos are geographically dispersed, experience shows that the different dialects are mutually intelligible.

Current situation

The Csangos communicate only orally in their language. Education in this language has been systematically refused and even 1989's events did not help.

Some achievements can be notified such as the possibility to receive Duna TV programs (Hungarian television), the setting up of association defending Csango rights, and also the creation of certain private initiatives to provide a network of alternative schools.

According to the country's education legislation, it would be possible to reply favorably to the request of Csango parents to have language lessons in Csango within the official curriculum, by teachers paid professionally for the special work. However, this request has been rejected.

The Csangos do not have any political request. They claim only the recognition of their culture and the right to preserve their identity, including the Csango language. Csango associations have recently brought out a plan of action to safeguard their rights. The Csangos consider the Democratic Alliance of Hungarians in Romania (DAHR) as their legitimate representative. On the other side their associations remain critical of DAHR because of a lack of a more precise support.

The Council of Europe in one of its documents recommends the Committee of Ministers to encourage Romania to ratify and implement the European Charter for Regional or Minority Languages. It also emphasizes that the census in early 2002 will be an important moment for the Csangos to give the current demographic index of the group.

Sources:

1. "Csango minority culture in Romania", Report of the Committee on Culture, Science and Education; Reporter: Mrs. Tytti Isohookana-Asunmaa, Finland, Liberal, Democratic and Reformers' Group; Council of Europe
2. News from web site Eurolang, <http://www.eurolang.net/>

Updated (May 2002)

Starting March 18, 2002 Romania carried out a census of its population. The event was organized under the slogan "Count yourself to be one of us!" The final results of the census are expected in June 2003; however, partial details will be announced in June 2002.

The event, which was organized with reference to United Nations' decisions on universal census projects, was aimed at determination the future of 17 minorities in the country, as well as the future of those communities that are endangered by assimilation. A recent recommendation (1521/2001) of the Parliamentary Assembly of the Council of Europe, contained a considerable set of concrete propositions to stop full assimilation of the Csango minority group.

Article 8 of the governmental decision (680/2001) concerning the organization and development of the census, authorized non-governmental organizations to observe the implementation of the census procedure on different levels.

The census categories, which defined the ethnic belonging, were slightly misleading. For instance, the Hungarian speakers could register themselves as "Magyar, Hungarian or Secler". The German speakers had to face the dilemma of identifying themselves as "German, Neamt, Saxon or Souabes". However, the category concerning the Csangos remained undivided, ignoring earlier recommendations by civil society organizations and the warning of international institutions.

The atmosphere, however, was quite positive because last week a government order allowed minorities in Romania to use openly their symbols, which are the essential attributes of their values.

Source: Brussels March 18, 2002, by Emese Medgyesi, Eurolang

Updated (November 2002)

HUNGARIAN LANGUAGE CLASSES FOR CSANGO PEOPLE

It seems that after many years of outspoken opposition Romanian authorities finally agree with Hungarian classes in some localities of Csango people from Bacau county (Eastern Romania). This decision was made at a meeting between the Hungarian Democratic Federation of Romania (UDMR) leaders and the representatives of the governing party PSD in May 2002.

UDMR's chairman, Marko Bela, stated that the conditions are fulfilled to start some groups even this autumn. The education program will be presented by the county inspectorate to the Ministry of Education in order to get the necessary approvals. The protocol was signed to improve the condition of Hungarian Csango community.

Source: Minelres Archive, No. 6-7, May 12, 2002; Bacau

APPENDIX A

MAP OF ROMANIA



APPENDIX B

ROMANIA - CONSTITUTION

(Adopted on December 8, 1991)

(Document Status on December 8, 1991)

Article 4 (Unity, No Discrimination)

- (1) The State foundation is laid on the unity of the Romanian people.
- (2) Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property, or social origin.

Article 6 (Minorities)

- (1) The State recognizes and guarantees the right of persons belonging to national minorities, to the preservation, development, and expression of their ethnic, cultural, linguistic, and religious identity.
- (2) The protecting measures taken by the Romanian State for the preservation, development, and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens

Article 7 (Romanians Abroad)

The State shall support the strengthening of links with the Romanians living abroad and shall act accordingly for the preservation development and expression of their ethnic, cultural, linguistic, and religious identity under observance of the legislation of the State of which they are citizens.

Article 13 (Language)

In Romania, the official language is Romanian.

Article 23 (Personal Liberty, Arrest)

- (5) Any person detained or arrested shall be promptly informed, in a language he understands, of the grounds for his detention or arrest, and

notified of the charges against him, as soon as practicable; the notification of the charges shall be made only in the presence of a lawyer of his own choosing or appointed ex officio.

Article 32 (Education)

(2) Education of all grades shall be in Romanian. Education may also be conducted in a foreign language of international use, under the terms laid down by law.

(3) The right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language are guaranteed; the ways to exercise these rights shall be regulated by law.

Article 127 (Court Language)

(1) Procedure shall be conducted in Romanian.

(2) Citizens belonging to national minorities, as well as persons who cannot understand or speak Romanian, have the right to take cognizance of all acts and files of the case, to speak before the Court, and formulate conclusions, through an interpreter; in criminal trials, this right shall be ensured free of charge.

Article 148 (Limits to Amendment)

(1) The provisions of this Constitution with regard to the national, independent, unitary, and indivisible character of the Romanian State, the Republican form of government, territorial integrity, independence of the judiciary, political pluralism, and official language shall not be subject to revision

(2) Likewise, no revision shall be made if it results in the suppression of the citizens' fundamental rights and freedoms, or the safeguards thereof

(3) The Constitution shall not be revised during a state of siege or emergency or at wartime

Note: The complete text of the Constitution and further information on the constitutional background of Romania are provided by the International Constitutional Law Project at the University of Wuerzburg.

THE LAW ON NATIONAL MINORITIES AND AUTONOMOUS COMMUNITIES PROPOSED BY THE DEMOCRATIC ALLIANCE OF HUNGARIANS IN ROMANIA (DAHR)

(Bucharest, November 18, 1993)

According to the results of the 1992 Romanian census the various ethnic minorities constitute nearly 12% of the total population of Romania. These national minorities, more than fifteen in number, have very different traditions, past history, relationship to the state, proportion of the population and degree of organization. The Lipovan and Italian minority with only a few thousand members might intend to define its rights in a different way as the German ethnic group, which has fallen from about half a million to only tens of thousands, not to speak about the approximately two million strong Hungarian minority. The Law proposed by the DAHR provides a general legal framework, which could be suitable to settle the legal position of each of the national minorities living in Romania. The Law guarantees all the individual human rights of the persons belonging to national minorities as codified in the various international documents. Moreover the proposal makes it possible for any of the national minorities to declare themselves as autonomous communities. Autonomous communities are those communities, which have the material and spiritual resources needed for their self-organization of a certain degree and for developing a necessary system of institutions. It must be emphasized, that membership of a national minority is a matter of free personal choice, and the declaration of being an autonomous community by a national minority depends on the free decision of the national minority in question.

If a national minority declares itself to be an autonomous community, it is in its right to develop its own system of institutions.

The Law takes into consideration the geographical location of the various national minorities, as whether they are dispersed or live in one or more blocks, and, accordingly, it distinguishes three types of autonomy in its dispositions, namely:

- (a) personal autonomy
- (b) local self-government of special status
- (c) regional autonomy

(a) In the framework of personal autonomy persons belonging to a national minority are entitled to exercise their minority rights and to

develop their institutions irrespective of residence. (For instance, such an institution can be the supreme decision-making body of the given community; in the case of Hungarians in Romania this body is the Council of Representatives. Similarly an independent school-system, cultural institutions are to be developed among other things for each national minority.)

(b) In the framework of the local self-government of special status the national minority, which lives concentrated in one area, is entitled to administrative functions in addition to the right to preserve its ethnic, cultural and religious identity. The dispositions regulating the local self-government of special status are complemented by the relevant provisions of the Law on Local Administration. Therefore, the local self-government of special status is not a parallel administration but a local government which has special decision-making powers in the questions directly affecting the community in question. Among the entitlements following from this special status is, for instance, that in the local self-governments of such special status the language of the national minority which constitutes the majority population in that area has to be used as an official language in addition to the language of the state.

(c) The association of the local self-governments of special status will result in the establishment of the regional autonomies' system of institutions.

The system of institutions as sketched above will enable all the minorities living in Romania, as well as citizens belonging to the majority population living in minority areas, to find the means best suited for preserving their ethnic, cultural and religious identity. Overall, the aim of the DAHR is the strengthening of the different autonomies by the decentralization of central power according to the principle of subsidiary.

DRAFT LAW ON NATIONAL MINORITIES AND AUTONOMOUS COMMUNITIES

(The present draft law was accepted by the Council of Representatives of the Democratic Alliance of Hungarians in Romania in Targu Mures (Marosvásárhely) on November 14, 1993, and was put into final form by the group of entrusted experts.)

The Parliament of Romania

acknowledging, that the national, ethnic, and linguistic minorities, to which Romanian citizens belong, and are in numeric minority on the

territory of Romania have their independent historical traditions as well as ethnic, cultural, religious and linguistic characteristics;

recognizing, that the existence of these communities is conditioned by the preservation of their own traditions and characteristics;

acknowledging, that these national minorities and autonomous communities contribute in a significant measure to the cultural diversity among the European nations;

proclaiming the commitment to the ideas of democracy and humanism as well as the intention of mutual understanding and friendly cooperation among peoples and nations;

considering that solving the problems of national minorities and autonomous communities is a fundamental factor of democracy, justice, stability and peace;

being convinced, that the harmonious cohabitation of national minorities and autonomous communities together with the majority nation is the fundamental element of the internal and international stability;

knowing, that to protect the rights of the national minorities and autonomous communities and of the persons belonging to them is the fundamental element of the international protection of human rights and as such is an international area of cooperation;

confirming, that the individual rights of persons belonging to national minorities, as well as their right to their collective identity shall be respected as a constituent part of universally acknowledged human rights, and the effective exercise of their individual and collective rights shall be guaranteed;

accepting, that all national minorities, which declare themselves autonomous communities are entitled to internal self-determination and the right to have their own system of institutions;

aiming at the establishment of a democracy comprising the entire society and at the building of a state based on the rule of law on the basis of the principle of subsidiary;

undertaking the commitments formulated in: the Proclamation of Alba Iulia (Gyulafehérvár) issued on the 1st December 1918, law 86/1945 on the Statutes of National Minorities, United Nations' Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Charter of Paris, the European Convention of Human Rights, the European Charter for Local Self-Governments, the

Helsinki Final Act of the European Conference on Security and Cooperation, as well as the documents of Copenhagen and Geneva, the European Charter for Regional or Minority Languages and Recommendations 1134. (1990), 1177. (1992) and 1201. (1993), as well as Resolutions 232. (1992), 273. (1993) of the Council of Europe and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities issued in December 1992;

declares, that the special individual and collective rights of national minorities and autonomous communities are fundamental rights of freedom, fully respects them and, to ensure their recognition as well as to regulate their realization, it enacts the following law:

CHAPTER I.

GENERAL DISPOSITIONS

Article 1

This law regulates the special rights of the national, ethnic or linguistic minorities which live on the territory of Romania as well as the special rights of those Romanian citizens, who belong to such minorities.

According to the present law autonomous community is that national minority, which defines itself as such and exercises its rights according to the principles of self-determination.

Article 2

The national identity is a fundamental human right and both individuals and communities are equally entitled to it.

It is the inalienable right of each national minority, to define itself as an autonomous community.

The national minorities and autonomous communities together with the Romanian nation are political subjects and state-forming communities.

The internal self-determination is the inalienable right of autonomous communities, and it manifests itself in various forms of autonomy.

National minorities, which define themselves as autonomous communities, shall have the right to personal autonomy based on the minority rights of persons belonging to them, as well as to local self-government and regional autonomy.

Article 3

The state recognizes and guarantees complete and inviolable equal rights for all the national minorities and autonomous communities, for each ethnicity and their members, as well as the right to promote free expression of their national or ethnic identity in all areas of political, social, cultural and economic life.

Article 4

The national minorities and autonomous communities, their ethnics and persons belonging to them shall have the right to live freely and undisturbed in their homeland, ensure their livelihood there, to maintain the historically developed patterns of their settlements and their ethnic conditions, use freely their mother tongue and practice freely their religion.

Article 5

The national minorities are entitled to be represented in public offices and in the judiciary.

The communities, which have personal autonomy shall have the right to self-government and, in this sphere, they have the right of determination and execution in the field of education, culture, public life, social activity and information.

Article 6

In those units of public administration, in which persons belonging to a national minority or to an autonomous community constitute the majority, they may exercise local self-government and, collectively, they shall have regional autonomy.

In the cases specified in the preceding paragraph that minority shall use its mother tongue as an official language.

Article 7

In defining the areas of administrative units and electoral constituencies, as well as in proposing and adopting plans of local and economic development, environmental protection account must be taken of settlement relations, links, economic interests, just as the developed traditions of the national minorities and autonomous communities.

Article 8

In those units of public administration, in which the national minorities or autonomous communities live in numeric inferiority as compared to the total number of the population, the national minorities and autonomous communities have limited right to veto in questions affecting their self identity.

Article 9

The state shall support the promotion of contacts of national minorities and autonomous communities and that of persons belonging to them with citizens of other states, with whom they share ethnic, linguistic, cultural or religious ties.

Article 10

The law will punish any libel, negative discrimination or incitement to hatred against national minorities and autonomous communities or persons belonging to them.

The forced assimilation of persons belonging to national minorities or autonomous communities by political, cultural, linguistic, social or economic means is forbidden. Rendering more difficult their circumstances of life and conditions of existence is forbidden, just as any negative discrimination against them at their place of work or in any other respect, as well as the expression of any such intentions.

It is forbidden to alter the ethnic distribution of the population in the detriment of the minorities on the territories inhabited by the national minorities or autonomous communities, as well as to modify the administrative borders or the conditions of the settlements without the consent of the involved communities. It is forbidden to resettle the members of national minorities or autonomous communities by force.

In case the above are not observed, the national minorities and autonomous communities as well as persons belonging to them have the right to use any legal means to preserve their individual and communal existence.

It is forbidden to damage, destroy or demolish the cultural objects, historical monuments, memorials and traditional architectural monuments of a national minority or autonomous community by any means; the same is applied to the depravation of their national character.

Article 11

The state will financially support those minority institutions which have legal personality in public law.

The financial sources of the minority institutions and organizations are:

- a. state budget;
- b. their own income;
- c. support from foundations;
- d. support received from domestic and foreign organizations;
- e. donations;
- f. other sources not forbidden by law.

Article 12

The minority institutions and organizations may receive financial support from foreign organizations, foundations and private persons.

Non-profit donations are duty-free.

CHAPTER II.

UNIVERSAL RIGHTS OF NATIONAL MINORITIES AND AUTONOMOUS COMMUNITIES

INDIVIDUAL RIGHTS OF MINORITIES

Article 13

The individual has the right to freely adhere to a national minority.

The right to a national identity, the acceptance of such an adherence and its declaration does not exclude their double or multiple ethnic attachments.

No disadvantage may arise for them on account of the exercise or non-exercise of their rights as members of such a minority.

Article 14

It is the right of any person belonging to a national minority to declare secretly his or her adherence to a national minority on the occasion of a nation wide population census.

Article 15

Persons belonging to a national minority shall have the right to express, preserve and develop their ethnic, linguistic, cultural and religious identity, and may not be subject to any attempt of assimilation against their will.

Article 16

It is forbidden to question the belonging of any person to a national minority by the etymological analysis of his or her name or by any other means; it is forbidden to influence any change of his or her freely chosen affiliation.

Article 17

Every person belonging to a national minority shall be equal before the law, shall have the right to equal treatment in politics, economy, culture and social life as well as in any other fields of public life.

Article 18

It is the right of any person belonging to a national minority:

- a. to use freely his or her mother tongue in private and in public, in administration and in court;
- b. to set up and manage their own societies, organizations, scientific, cultural and religious institutions and political parties;
- c. to participate in their own educational system;
- d. to set up educational institutions at any level of instruction in their mother tongue;
- e. to learn, foster, develop and to pass on, his or her mother tongue, history, culture and traditions;
- f. to practice his or her religion including the acquisition, possession and use of religious materials and to carry out religious educational activities in his or her native language in denominational schools;

- g. to express his or her opinion freely, to inquire, exchange and obtain information in his or her mother tongue;
- h. to set up societies, participate in the activity of international non-governmental organizations;
- i. to have equal opportunity in obtaining public employment;
- j. to have his or her personal data relating to his or her minority status protected.

Article 19

Any person belonging to a national minority shall have the right to enter upon the register his or her surname and first names according to the rules of his or her mother tongue and spelled accordingly in any public document as well as to choose freely his or her children's first names.

Article 20

Any person belonging to a national minority shall have the right to display any signboard, inscription or information made public in his or her mother tongue.

Article 21

Any person belonging to a national minority shall have the right to foster his or her family's ethnic traditions and family relationships, to celebrate family occasions and to conduct any church and civil ceremonies connected with these family occasions in their mother tongue.

COMMUNITY RIGHTS

Article 22

To preserve, foster, develop and perpetuate the identity of a national minority is an inalienable community rights.

The law acknowledges and protects the historical, territorial, settlement, cultural, linguistic, religious, and ethnic traditions of national minorities and autonomous communities as political entities.

Article 23

National minorities and autonomous communities shall have the right:

- a. to practice, develop and to preserve their traditions, as well as to define their cultural, linguistic and religious identity;

- b. to declare themselves as independent judicial and political subjects;
- c. to internal self-determination;
- d. to freely express their identity through the practice of autonomies in accordance with their historical and territorial characteristics and traditions;
- e. to display the names of localities, streets, squares, institutions and of the public bodies in their mother tongue, anywhere where the minority constitutes at least 10% of the population;
- f. to establish and maintain unhindered contacts with those States with which they have ethnic, linguistic, cultural or religious relations, without infringing the principle of the state's territorial integrity;
- g. to ensure the regular preparation and broadcast of programs for national minorities on the national radio and television network;
- h. to appeal for legal redress to the state organs or to international organizations and institutions in case communal rights are violated.

Article 24

The state budget shall ensure the financial conditions required to set up and manage the educational, cultural and scientific institutional network of the national minorities and autonomous communities, and to maintain and preserve their monuments in their original condition.

Article 25

The national minorities and autonomous communities shall have the right to keep their gatherings and feasts, to maintain, cultivate and pass on their architectural, cultural monuments and traditions, and use their national symbols.

The national minorities and autonomous communities shall have the right to choose the dates of their religious feasts, which count as official holidays according to the traditions of their own religion.

USE OF LANGUAGE

(1) In education

Article 26

Persons belonging to a national minority or autonomous community shall have the right to be educated in their mother tongue, to receive

education and instruction in native-language state owned educational and training institutions at every level of instruction. Natural persons, churches, organizations and societies shall have the right to establish and to maintain denominational and private educational institutions.

Article 27

The state shall guarantee:

- a. education in their mother tongue in kindergartens, as required, either in separate kindergartens or in separate groups therein;
- b. education in their mother tongue in primary schools, as required, either in separate elementary schools, or in separate classes or groups;
- c. education in their mother tongue in secondary schools (in grammar schools), as required, either in separate schools, classes or groups;
- d. education in their mother tongue in vocational schools, as required, either in separate schools, classes, or groups;
- e. education in their mother tongue at universities, colleges, faculties and other institutions of higher education, as required, either in separate universities, colleges, faculties or other institutions of higher education or in separate faculties, sections or groups for the students;
- f. education in their mother tongue at postgraduate level;
- g. the possibility to obtain academic degrees and various scientific honors and titles in their mother tongue.

Article 28

If the number of minority pupils is not large enough to start a separate class or group in a particular locality, as required by the law on education, the same procedure will be applied as in the case of the Romanian pupils in localities inhabited by national minorities. This minimum number cannot be larger than 4 in elementary schools and 7 in secondary schools or institutions of higher education.

Article 29

Native-language state and denominational education is financed by the state and proportionally by the authorities of the local administration, which will also support the private educational institutions.

Article 30

- a. In those administrative units, in which a national minority represents at least 30% of the population, the state shall guarantee that the members of the national majority have the possibility to learn the language and the culture of the national minority and autonomous community;
- b. Teaching of the ethnography, history of the national minorities, autonomous communities and their mother nations, their cultural traditions and values will be guaranteed in native-language educational and training institutions.

Article 31

The state will guarantee the financial means and infrastructure for the training of teachers needed in the native- language educational network of the national minorities and autonomous communities.

Article 32

The state will support the employment of visiting-teachers and visiting-professors who come to Romania and undertake the education of persons belonging to national minorities and autonomous communities.

The state acknowledges the diplomas and degrees taken abroad by persons belonging to national minorities and autonomous communities in institutions of higher education according to the procedure established jointly by the legitimate representatives of national minorities and autonomous communities and the Ministry of Education.

Native-language educational institutions shall ensure the conditions to master the Romanian language.

Article 33

Minority school inspectorates, respectively minority directorates within the school inspectorates maintained by the state and local administrative authorities have to be established in order to control and supervise the educational institutions of the national minorities and autonomous communities; if the size of the network requires, autonomous departments or secretariats of state within the Ministry of Education shall be established for the same purpose.

(2) In Culture

Article 34

The state shall support:

- a. the use of the mother tongue of national minorities and autonomous communities in culture;
- b. the creation of works of art in the language of national minorities, literary criticism, as well as research and specialized literature and access to these works;
- c. the access to the works created in other languages through translations, dubbing or subtitles in the minorities' mother tongue;
- d. the knowledge and the propagation of the languages as well as the culture of the national minorities and autonomous communities;
- e. if in areas inhabited by national minorities and autonomous communities there is no possibility to establish independent institutions for them, persons to foster the culture of national minorities in their mother tongue shall be employed;
- f. the propagation of technical knowledge in the languages of the minorities;
- g. the provision with native language literature and the establishment of a network of libraries for national minorities and autonomous communities.

Article 35

The minority organizations shall conduct scientific and cultural activities as well; for this purpose they shall establish institutions, which may have international contacts.

Article 36

The state shall support:

- a. the collection of ethnographic artifacts belonging to the cultural heritage of national minorities; the establishment, managing and development of collections in public hand;
- b. publication of books, periodical for national minorities and autonomous communities;

c. the maintenance of their theaters and other cultural institutions.

The state shall guarantee the publication of information of public interest in the languages of the national minorities and autonomous communities.

(3) In the Parliament and in the Public Administration.

Article 37

On special occasions, the members of parliament, who belong to a national minority or autonomous community, may use their mother tongue. The parliament shall be notified about the intention to deliver such a speech in order to provide translation.

Article 38

Those local units of public administration are bilingual or multilingual, in which persons belonging to a national minority or autonomous community constitute at least 10% of the population; in these units persons belonging to the national minorities and autonomous communities in question are entitled to use their mother tongue both in oral and in writing.

In the local councils of bilingual or multilingual units of public administration the councilors shall use their mother tongue; in such instances the Romanian translation of those speeches must be attached to the minutes.

In order to secure the free use of the mother tongue of national minorities and autonomous communities in local and regional public administration, persons, who know these languages or who belong to these minorities and communities, shall be appointed or employed.

In bilingual and multilingual units of public administration, the local authority of public administration as required by the representatives of these communities shall:

- a. display the names of localities, streets and squares in the languages of the national minorities or autonomous communities as well;
- b. publish its orders and communications in the languages of the national minorities and autonomous communities as well;
- c. publish the forms and blueprints used in the administrative procedure in the language of the national minorities and autonomous communities as well.

In bilingual and multilingual units of public administration the competent authorities shall display the names of institutions belonging to national minorities and autonomous communities in their native language as required by their representatives.

The competent authorities bear the expenses involved.

Article 39

Persons belonging to a national minority or autonomous community shall have the right to be employed on equal terms in public offices and civil service.

Article 40

In the bilingual and multilingual units of public administration:

- a. the authorities of public administration shall also use the language of the national minorities and autonomous communities;
- b. the documents of public administration shall be distributed in the language of the national minorities and autonomous communities or alternatively in bilingual and respectively multilingual publications;
- c. the authorities of public administration shall also issue legal documents in the languages of the national minorities and autonomous communities.

Article 41

In those units of public administration, where the persons belonging to a national minority or autonomous community constitute the simple majority of the population, the use of their mother tongue shall be prescribed by law as an official language:

- a. in the work of the regional and local authorities;
- b. both in oral and in written contact with the local authority;
- c. for the drafting as well as for the publication of official communications issued by the regional and local authorities.

(4) In the Armed Forces

Article 42

Persons belonging to national minorities or autonomous communities who serve in the armed forces are entitled to use freely their mother

tongue in their private conversations and in their private correspondence.

(5) In the Administration of Justice

Article 43

Persons belonging to national minorities and autonomous communities shall have the right to use their mother tongue before any organ of justice.

Article 44

The state shall create proper conditions for the use of the mother tongue of national minorities and autonomous communities in the administration of justice.

Persons belonging to the national minorities and autonomous communities shall have the right to use freely their mother tongue in criminal proceedings, in civil actions and proceedings with the public administration.

Persons belonging to the national minorities and autonomous communities shall have the right:

- a. to use and have accepted as official documents with full values by the authorities the documents produced in their mother tongue during the proceedings;
- b. to get acquainted with all the documents connected with the proceedings in their mother tongue;
- c. to dispose of an interpreter during the proceedings.

The expenses due to the interpreters as well as the expenses of the translations are covered by the state.

The proceeding must be conducted in the language of the national minorities and autonomous communities provided that:

- a. it is requested by the defendant in criminal proceedings;
- b. it is requested either by the plaintiff or the defendant in a civil action;
- c. it is requested by either party in proceedings with the public administration.

All the documents of the proceedings must be produced in the Romanian language and in the mother tongue of the person concerned in the proceedings.

Article 45

The state undertakes that, on request, laws, governmental decisions and orders shall be published in the mother tongue of the national minorities and autonomous communities.

(6) In Medical Services

Article 46

The members of the national minorities and autonomous communities living in bilingual or multilingual units of local public administration shall have the right to medical services in their mother tongue.

In clinics, hospitals, old people's homes, social institutions of bilingual or multilingual units of local public administration the medical authorities in charge shall employ a due number of doctors and nurses who know or speak the languages of the national minorities and autonomous communities or belong to them.

If the medical authorities in charge decide or the conditions concerning the personnel are given without this decision, the provisions of paragraphs 1 and 2 shall be applied in administrative units in which the percentage of persons belonging to national minorities and autonomous communities is below 10%.

The provisions specified in the previous two paragraphs can be applied even in those local administrative units, in which the members of a national minority or autonomous community living there does not reach 10 percent of the population, if the organs of the health administration decide likewise, or if there is enough personnel already present.

(7) In Media

Article 47

The administrative authorities in charge, respecting the independence of the media:

- a. shall make possible maintenance of a proportional broadcasting time on the national television and radio for minorities;

b. shall promote the establishment and functioning of local radio and television channels for minorities;

c. shall support the preparation of audiovisual programs for minorities.

Article 48

The state promotes the direct reception of the radio and television programs of those countries, which broadcast in the languages of the national minorities; it also promotes the functioning of those audiovisual stations, which broadcast toward regions where the same language is spoken.

(8) In Economic and Social Life

Article 49

The law guarantees:

a. the undisturbed use of the mother tongue of national minorities and autonomous communities in the economic and social life;

b. the use of the languages of the national minorities in documents related to economic and social life, especially in labor contracts and in technical documents, which contain instructions concerning the use of certain products or establishments.

Article 50

In bilingual or multilingual administrative units of public administration, the state shall guarantee that organs controlling the economic and social life, during their control, shall use the mother tongue of national minorities and autonomous communities.

PERSONAL AUTONOMY

Article 51

National minorities, which declare themselves as autonomous communities shall have the right to personal autonomy.

Article 52

Within the framework of personal autonomy the community shall have self-governing and executive rights in the fields of education, culture, social activity and information.

An autonomous community shall elect its bodies and officials in free and periodical elections.

Article 53

The autonomous community, having personal autonomy, shall elaborate its own statute concerning the local self- administration.

LOCAL SELF-GOVERNMENTS OF SPECIAL STATUS

Article 54

Those units of public administration, in which national minorities or autonomous communities constitute the numerical majority of the inhabitants, shall have a special status on the basis of local self-governing autonomy according to law. The mother tongue of the national minorities and autonomous communities shall be used as an official language.

Article 55

In local self-administrations with special status, persons belonging to the Romanian nation or other national minorities shall participate in the activity of the administrative units.

Article 56

The competence of self-governments of special status is directed by the dispositions of the European Charter for Local Self-Governments.

REGIONAL AUTONOMY

Article 57

The association of self-governments with special status is guaranteed on the basis of the autonomy of local self- governments.

Article 58

In the associations of self-governments established on the basis of regional autonomy the autonomous community shall use its mother tongue as an official language.

Article 59

The autonomous community, which exercises regional autonomy, shall establish its own statute concerning the organization and functioning of its self-administration.

CHAPTER III.

CONCLUDING DISPOSITIONS

Article 60

Real estates, art treasures, libraries, archives and other properties which had belonged to the institutions, organizations, associations of the national minorities who live on the territory of Romania or to their predecessors as well as to their religious denominations and had been taken into state ownership or cooperative property through laws violating the private property or illegally by force shall be returned to their rightful owners or their successors in their original form or, if this is not possible, their proper value shall be returned in money.

Article 61

The laws and statutes in force shall be modified to conform to the provisions of the present law within a year.

Article 62

The state shall guarantee that those laws and statutes, which contain disadvantageous provisions for the minorities be modified or abrogated.

Article 63

By the enactment of this law any contrary regulation is repealed

Béla Markó; President

CsabaTakács, Executive President

Note: We acknowledge with thanks data from the Hungarian Human Rights Foundation for the Democratic Alliance of Hungarians in Romania

Copyright © RMDSZ/DAHR - 1995-1998

LAW NO. 215 ON LOCAL PUBLIC ADMINISTRATION (EXCERPTS)

23 April 2001

Art. 43

.....

(3) The works of the meetings are conducted in Romanian, the official language of the state. In the local councils where the councillors belonging to a national minority represent at least one third of the total number, their mother tongue may also be used at the council meetings. In these cases, the mayor shall see to it that a Romanian translation is provided. In all cases, the documents of the council meetings shall be drafted in Romanian.

.....

Art. 51

In the administrative-territorial units where the proportion of the citizens belonging to a national minority is above 20% of the population, the normative decisions shall also be brought to the notice of citizens in the language of those minorities, while the individual ones are communicated, to request, in the mother tongue as well.

.....

Art. 90

(1) In relations between citizens and the authorities of the local public administration the language used shall be Romanian.

(2) In the administrative territorial units where the proportion of the citizens belonging to a national minority is above 20% of the population, in their relations with the authorities and staff of the local public administration citizens belonging to national minorities may also communicate, orally or in writing, in their mother tongue and they shall be answered both in Romanian and in the mother tongue.

(3) Under the provisions of paragraph (2), persons who know the mother tongue of the citizens belonging to the respective minority shall be employed for duties involving public relations.

(4) The authorities of the local public administration shall ensure the displaying of the names of localities and public institutions within their authority, as well as the posting up of notices of public interest in the mother tongue of the citizens belonging to the respective minority, under the provisions of paragraph (2).

(5) Official documents are required to be drafted in Romanian.

Note: We acknowledge with thanks data from the MINERLES (Minority electronic Resources), <http://www.riga.lv/minelres/>; Source: Official Gazette of Romania, No. 204, April 23, 2001; unofficial translation.

CENTRAL ELECTORAL OFFICE DECISION ON ACCESS OF THE ORGANIZATIONS OF PERSONS BELONGING TO NATIONAL MINORITIES TO BROADCASTING TIME

Central Electoral Office, Decision No. 18/ 1996

May 20, 1996

To bypass the different interpretations of the provisions of Article 57 paragraph 2 from Law no. 70/1991 concerning the right of the organizations of persons belonging to national minorities to broadcasting time

The Central Electoral Office decides:

1. The right of the organizations of persons belonging to national minorities to have access to the territorial and national public radio and television broadcasting services is calculated by means of comparing the number of the lodged lists of candidates with the number of constituencies in the districts; the criterion of admissibility being that the proportion of the lists of candidates must be at least equal to the proportion of the respective minority in the total population of the district or of Romania, as the case may be.

2. The broadcasting time for a national minority shall be calculated by means of ensuring a maximum proportion from the total available broadcasting time equal to the proportion of the respective minority in the total population of the respective administrative-territorial unit or in Romania, as the case may be.

From the above-mentioned proportion the different organizations of the national minorities shall be allowed an equal proportion to the number of the lodged lists of candidates.

3. The Central Electoral Office shall make the necessary documentation available for the Romanian Television Society and the Romanian Radio Broadcasting Society as far as the number of the lists of candidates and the number of the constituencies in the districts are concerned, while the National Committee for Statistics as regards the proportion of the national minority in the total population of the district or of Romania respectively.

Source: Unofficial Translation, Official Gazette, No. 103, May 22, 1996

DECISION NO. 14/1999 CONCERNING THE TRANSLATION INTO ROMANIAN OF SOME PROGRAMS BROADCAST IN OTHER LANGUAGES

National Council for Audiovisual Broadcasting

February 18, 1999

Art. 1

The programs broadcast within the territory of Romania in other languages than Romanian, via radio waves or satellite, based on a licence issued by the National Council for Audio-Visual Broadcasting, and the programs broadcast in other languages than Romanian within the framework of the services mentioned under art. 21 point b) and c) of Law No. 48/1992 shall be subtitled or translated into Romanian.

Art. 2

Artistic films and television series shall be subtitled or synchronized in Romanian.

Art. 3

Documentaries (scientific, educational, arts), programs for children and other programs recorded through different means can be translated by means of either subtitles or voice off.

Art. 4

As regarding the interviews, talk-shows and other programs broadcast live in other languages, their translation into Romanian shall be pronounced entirely between sentences, groups of sentences or speeches, as the case may be.

Art. 5

Videoclips and those parts of the foreign language courses which due to the conception of the lessons do not need to be translated are excepted from the provisions of art. 3.

Art. 6

News broadcast within the framework of programs addressed to national minorities, scheduled in the particulars, integral part of the broadcasting license, are excepted from the provisions of art. 4.

Source: Unofficial Translation Official Gazette of Romania, No. 88, 2 March 1999

References

CIA –The World Factbook 1999

Microsoft® Encarta® Encyclopedia 2000

Encyclopedia Britannica, © 1999-2000 Britannica.com Inc.

International Constitutional Law (ICL), 1994 - 13 April 2000, University of Wuerzburg

<http://www.uni-wuerzburg.de/law/info.html>

Website “Határon Túli Magyarok Hivatala” (Government Office for Hungarian Minorities Abroad) “The Hungarian national minority in Rumania-1997”, <http://www.htmh.hu/english.htm>

Website of the Hungarian Human Rights Foundation, “THE LAW ON NATIONAL MINORITIES AND AUTONOMOUS COMMUNITIES PROPOSED BY THE DEMOCRATIC ALLIANCE OF HUNGARIANS IN ROMANIA”, <http://www.hhrf.org/>

Website “Hungary network”, Documented Facts, <http://www.hungary.com/>

International Helsinki Federation for Human Rights, Annual Report 1999 on Romania, <http://www.ihf-hr.org/>

Website of the Council of Europe, Council of Europe's European Treaties, <http://www.coe.fr/eng/legaltxt/treaties.htm>

High Commissioner on National minorities, Report on the Linguistic Rights of Persons Belonging to National Minorities in the OSCE Area, Replies from OSCE participating states (February, 1997)

Website of Perry-Castañeda Library, Map Collection, The University of Texas at Austin
http://www.lib.utexas.edu/Libs/PCL/Map_collection/Map_collection.html