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**REPORT SUBMITTED BY ROMANIA**

**PURSUANT TO ARTICLE 25 PARAGRAPH 1**  
**OF THE FRAMEWORK CONVENTION FOR THE PROTECTION**  
**OF NATIONAL MINORITIES**

(received on 24 June 1999)

**INFORMATION ON THE LEGISLATIVE AND OTHER MEASURES  
TAKEN TO GIVE EFFECT TO THE PRINCIPLES SET OUT  
IN THE FRAMEWORK CONVENTION FOR THE PROTECTION  
OF NATIONAL MINORITIES  
ROMANIA**

**PART I**

1. The Framework Convention for the Protection of National Minorities, which entered into force on 1 February 1998, was ratified by Romania on 11 May 1995.

2. The Government's Programme for 1998-2000, which was accepted by the Romanian Parliament by Decision No. 6 of 15 April 1998 expressing its confidence in the Government, also contains a number of provisions on the Romanian State's policy on the protection of national minorities.

**National minorities**

Principles specific to the protection of national minorities

- the protection of national minorities in order to ensure their continuity and to prevent any action by the public authorities designed to alter the ethnic structure in areas inhabited by national minorities;
- the establishment of the appropriate legal framework to ensure that persons belonging to national minorities have the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity;
- the encouragement of intercultural action and promotion inter-ethnic co-operation.

Institutional and legislative measures

- continuing with the specific actions designed to achieve the criteria for accession to the European Union contained in the National Programme, by, *inter alia*, improving the legislative framework:
- setting up an inter-ministerial working group to deal with the problems of the Romas;
- promoting a legislative measure to establish a "publicly financed" Multidisciplinary Research Institute in the sphere of national minorities;
- drawing up a national strategy for the social integration of Romas;
- allocating financial resources to support the organisations of national minorities, on the basis of projects and programmes.

**3.** The relationship between the international legal regulations to which Romania is a party and domestic law is specified in the Constitution (Articles 11 and 20).

**a.** Article 11 of the Constitution provides as follows:

"1. The Romanian State pledges to fulfil as such and in good faith its obligations as deriving from the treaties to which it is a party.

2. Treaties ratified by Parliament in accordance with the law are part of national law."

This article expresses, first, one of the oldest and most important principles of international law - "pacta sunt servanda" -, which states that compliance with the treaties to which a State is a party is mandatory.

Second, Article 11 establishes relationship between the international legal regulations and Romanian domestic law, more specifically the requirement that international treaties be integrated into Romanian domestic law. The premiss of the integration of international treaties into domestic law is their ratification by the Parliament of Romania.

**b.** The correlation between international legal regulations and Romanian domestic law established in Article 11 finds specific application in the sphere of the rights and fundamental freedoms of citizens in Article 20 of the Constitution. Consequently, Article 20 must be interpreted in conjunction with Article 11 of the Constitution.

Article 20 of the Constitution is worded as follows:

"(1) Constitutional provisions concerning citizens' rights and freedoms shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights and with the covenants and other treaties to which Romania is a party.

(2) Where inconsistencies exist between the covenants and treaties on fundamental human rights to which Romania is a party and internal laws, the international regulations shall take precedence."

The first rule to emerge from Article 20 of the Constitution has the effect that the constitutional provisions on human rights and fundamental freedoms are to be interpreted and enforced in accordance with the provisions of the international treaties to which Romania is a party. The reason for introducing that provision in Article 20 of the Constitution lies in the respect which Romania expressly proclaims for the Universal Declaration of Human Rights, adopted on 10 December 1948, which is the reference document for the proclamation and protection of human rights, and also for the two Covenants - the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (adopted and opened for signature, ratification and accession on 16 December 1966 and ratified by Romania in 1974).

The second rule in Article 20 gives priority to the international regulations laid down in the treaties ratified by Romania in the event of any inconsistency between them and domestic regulations. It must be emphasised that this priority is recognised only to international regulations in the sphere of human rights.

It should be pointed out that the solution adopted in Article 20 concerning the relationship between international regulations and domestic regulations is a modern solution, which expresses not only an attachment to international regulations but also a readiness to embrace their potential dynamism. At the same time, the correlation between international regulations and domestic law does not alter or reduce the major role which national legislation plays in proclaiming and guaranteeing human rights. That is so because the State is and remains the framework within which human rights and fundamental freedoms are realised.

**4. Romania is a unitary and indivisible Nation State (Constitution, Article 1, paragraph (1)).**

The State exists in a single form with a single constitutional system enshrined in the Constitution of Romania. All the central public authorities exercise their authority throughout the territory and over the population, the constituent elements of the State, as a subject of public international law. The territory is organised in territorial administrative units (districts, towns and villages) and the public authorities which administer these different units have equal powers, since they are uniformly subordinate to the central public authorities.

The fact that the Romanian State is defined as a unitary and indivisible Nation State does not represent a threat to the existence and recognition of persons belonging to national minorities, since Romania is "the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language ..." (Constitution, Article 4).

One of the fundamental rights recognised by the Constitution is the right to identity, to the preservation, development and expression of the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities. The Constitution likewise guarantees equality before the law and the public authorities, without privilege and without discrimination.

**5. Brief outline of the history of Romania**

- The Romanians are the descendants of two great peoples of ancient times, the Geto-Dacians and the Romans.

Under the reign of Burebista (82-44 BC) the Kingdom of Dacia extended West as far as Bohemia and the River Tisza, East as far as the River Bug and South as far as the Balkans; its sovereignty was recognised by the Greek towns on the Black Sea. At the time of the Emperor Trajan the Romans, following two wars (101-102 and 105-106 AD), conquered Dacia and transformed it into a Roman province.

Dacia was widely colonised and Latin, in its vulgar form, was imposed throughout its territory.

The Romanisation of the native Geto-Dacian population, characterised essentially by the adoption of Latin as the language of a superior culture and civilisation, was a rapid process.

In 274-275 AD the Roman Emperor Aurelius withdrew the army and the administration from the province of Dacia under pressure from the migrant populations. Following the intensive Romanisation of the territory of Dacia a Daco-Roman population survived, with strong agricultural and pastoral characteristics.

The Daco-Roman population became Christian during the third and fourth centuries AD.

In 602 AD the massive migration of Slavs into the Carpatho-Danubian-Pontic region and the Balkan Peninsula eventually broke up the geographical unity of Eastern Romanism. The Slavs established north of the Danube were assimilated by the native proto-Roman population.

The ethno-cultural symbiosis which led to the formation of the Romanian people continued up to the end of the ninth century AD and the beginning of the tenth century; it is during that period that the formation of the Romanian people may be regarded as having been completed. The name of the Romanian people has been used throughout its existence. It comes from the Latin word "romanus" and attests to awareness of its Latin origin, which was later reaffirmed when the name of the modern Romanian State - Romania - was adopted.

- Between the ninth and the thirteenth centuries the Magyar tribes arrived in Central Europe and established the basis of the Hungarian Kingdom. Transylvania was gradually conquered during the tenth to the thirteenth centuries, from the north-west towards the south-east, following prolonged conflicts with the Romanian political and military forces. Transylvania then became an autonomous principality (voivodat) within the Hungarian Kingdom, until the beginning of the sixteenth century.

A defining feature of the history of the Romanians in the Middle Ages, until modern times, has been the existence of three distinct adjoining political units - Tara Românească (Wallachia), Moldova (Moldavia) and Transilvania (Transylvania).

In order to consolidate their authority in Transylvania and also to defend the frontiers in the South and East of the principality, the Hungarian Kingdom gradually colonised that region during the twelfth and thirteenth centuries with Magyars, Szekels and Germans (Saxons).

As an autonomous principality within the Hungarian Kingdom Transylvania had a distinct socio-political organisation. From the fifteenth century it was organised on the basis of the Pact of the "Union Trium Natorum" (1437), which established the political domination in Transylvania of three minorities - Magyars, Szekels and Saxons - over the Romanian population. For more than four centuries the Romanian population was deprived of its political rights and regarded as "tolerated". The same status was conferred on the Orthodox religion of the Romanians as a result of the "Four Religions Pact", under which the four religions concerned (Roman Catholic, Lutheran, Reformed and Unitarian) were recognised as State religions.

- The end of the fourteenth century witnessed the first confrontations between the Romanian feudal States and the Ottoman Empire. Following major military conflicts during the fifteenth and sixteenth centuries the feudal States (Wallachia and Moldavia) recognised the suzerainty of the Ottoman Empire.

- Following the disappearance of the Hungarian Kingdom (1526) Transylvania became an autonomous principality under the suzerainty of the Ottoman Empire (1541).

- Between 1600 and 1601 the first political union of the territories inhabited by the Romanians (Wallachia, Moldavia and Transylvania) was formed under the sceptre of the Romanian Prince Michael the Brave, who thus organised a strong anti-Ottoman front.

- In the eighteenth century the Romanian principalities were the scene of widespread war between Russia, Austria and Turkey, which led to territorial losses. In 1775 the northern part of Bukovina, belonging to Moldavia, was annexed by the Hapsburg Empire following the Russo-Turkish war of 1768-1774. In 1812, following the Russo-Turkish war of 1806-1812, the Tsarist Empire annexed the territory between the rivers Prut and Nistru (Bessarabia), which also formed part of the autonomous State of Moldavia.

- The eighteenth century also saw the first major political movements among the Romanians of Transylvania, with the aim of securing recognition by the Hapsburg Empire of their political, social and religious rights.

One of the strategies employed by the leaders of the movement for the national and spiritual rebirth of the Romanians of Transylvania to achieve their aims was to agree to the union of part of the Orthodox clergy with the Catholic Church (1699-1701), an event which played a major role in the process of asserting the rights of the Romanians of Transylvania. A political and intellectual elite was thus formed and constantly worked to ensure that Romanians (who represented 60% of the population of Transylvania) enjoyed the same rights as the other nationalities of Transylvania (Magyars, Szekels and Germans).

- The revolutionary year 1848 also involved the three Romanian principalities (Moldavia, Wallachia and Transylvania); the revolutionaries proclaimed modern political, social and national principles, but the revolution was suppressed by the Ottoman, Tsarist and Hapsburg Empires.

- On 24 January 1859 the political union of Wallachia and Moldavia came about when they both elected the same prince, Alexander Ioan Cuza. In 1862 the Romanian Nation State adopted the name Romania. Between 1859 and 1866 the administrative and legislative unification of the new State took place, as well as its organisation according to modern principles.

The modernisation process continued after the arrival, in 1866, of Prince Carol I of Hohenzollern. The first Constitution of Romania, which enshrined the principle of the separation of powers, was adopted in 1866.

In 1877 Romania declared its independence of the Ottoman Empire and took part in the Russo-Turkish war, which ended with the defeat of the Ottoman Empire. The district of Dobroudja, between the Danube and Romania, was returned to Romania (1878).

- In 1881 Romania became a Kingdom, under King Charles I of Hohenzollern.

- In 1867 the Principality of Transylvania lost its autonomy when it was integrated within Hungary in the context of the "dualist" organisation of the Austro-Hungarian Empire.

Romania entered the First World War (1916) on the side of the Allied Powers, which supported the national objectives of the Romanians.

Towards the end of the First World War the general principles on the right of peoples to self-determination launched by the President of the United States of America, Woodrow Wilson, inspired the political movement of the Romanians of Transylvania, of Banat, in the North of Bukovina, and Bessarabia, which were again included in the Austro-Hungarian Empire and the Tsarist Empire respectively. In 1918, by the freely expressed will of the representative assemblies of the Romanians of those territories, the territories were united with Romania. On 27 March 1918, in Chisinau, the Parliament of Bessarabia voted in favour of union with Romania. Bessarabia covered an area of 44,422 km<sup>2</sup> and had a population of 2,631,000 inhabitants, including 1,685,000 Romanians (64.0%), 287,000 Jews (10.2%), 254,000 Ukrainians (9.7%), 147,000 Bulgars (5.6%), 79,000 Germans (3.0%), 75,000 Russians (2.8%), 59,000 Kazakhs (2.2%) and 67,000 others (2.5%). On 28 November 1918, in Cernauti, the General Congress of Bukovina voted for the union of Bukovina with Romania; on 1 December 1918, at Alba Iulia (in Transylvania), in a Grand National Assembly, 1,228 elected delegates with full powers and an assembly of more than 100,000 Romanians from all areas of Transylvania decided in favour of the Union of Transylvania with Romania. The decision on union adopted in Alba Iulia was supported by the Saxons (Medias, 8 January 1919), the Swabians of Banat (Timisoara, 10 August 1919) and the Jewish population. The total population of Transylvania following the Union of 1 December 1918 was 5,545,475 inhabitants, including 3,207,438 Romanians (57.8%), 1,352,753 Magyars (24.4%), 543,767 Germans (9.8%), 178,333 Jews (3.2%) and 263,184 others (4.7%). A significant number of Romanians continued to live on the other side of the border, in Hungary, and also in the Serbo-Croato-Slovenian State.

Thus the unitary Romanian Nation State was formed.

- The peace treaties concluded in 1919-1920 (Trianon, Saint Germain-en-Laye, Neuilly-sur-Seine) established the new political situation in Central Europe, including the formation of the unitary Romanian Nation State.

At the same time as the Treaty of Trianon Romania signed the Treaty on Minorities (Paris, 9 December 1919), whereby it undertook to grant equal treatment, in law and in fact, to Romanian citizens belonging to ethnic, linguistic and religious minorities, who were also granted certain rights to primary education and required to learn Romanian.

Romania has met its obligations under the Treaty on Minorities.

Education in the languages of the national minorities was introduced within the State education system. Certain of the results of the agrarian reform in 1921 were enjoyed by Romanian peasants and also by Szekels, Magyars, Saxons, Ruthenians etc. Persons belonging to national minorities enjoyed freedom of conscience and the right to freedom of expression, the right to education and the right of association.

- In 1923 the new Constitution of Romania was adopted. This Constitution provided that "in Romania differences of religious belief, religious persuasion, ethnic origin or language shall not constitute an obstacle to the acquisition and exercise of civil rights" (Article 7). The Constitution specified that citizens, "without distinction based on ethnic origin, language or religion, shall enjoy freedom of conscience, freedom of education, the

freedom of the press, freedom of assembly, freedom of association and all freedoms provided for by law" (Article 5).

Persons belonging to minorities took an active part in public and cultural life in Romania between the wars.

- In June 1940, following the Ultimatum delivered by the USSR on the basis of the Ribbentrop-Molotov Pact, Romania ceded Bessarabia and the North of Bukovina, which were occupied by the USSR.

By the so-called "Vienna arbitration" of 30 August 1940, decided by Nazi Germany and Fascist Italy, Romania was required to cede the north-west of Transylvania, where the relative majority of the population were Romanian, to Hungary.

The part given to Hungary by the Diktat covered an area of 43,492 km<sup>2</sup> and had a population of 2,387,778 inhabitants (according to the figures of the 1930 Census), including 1,171,457 Romanians (49.1%), 912,098 Magyars (38.2%), 68,697 Germans (2.9%), 138,917 Jews (5.9%), 24,100 Ukrainians (1.0%), 18,527 Czechoslovaks (0.8%), 46,038 Gypsies (1.9%) and 7,952 inhabitants of other ethnic origins (0.03%).

In the part of Transylvania retained by Romania the total population was 3,162,426 inhabitants, including 2,036,346 Romanians (64.4%), 475,588 Germans (15.0%), 442,584 Magyars (14.0%), 62,118 Gypsies (2.0%), 39,936 Jews (1.3%), 28,559 Czechoslovaks (0.9%), 5,507 Ukrainians (0.2%) and 71,986 inhabitants of other ethnic origins (2.2%).

- In June 1941 Romania entered the war against the USSR.
- In August 1944 Romania joined the Allied Powers against the Axis Powers.
- In March 1945, under Soviet pressure, the first Communist-dominated Romanian Government was imposed, and on 30 December 1947 King Michael I was forced to abdicate. A Republic was proclaimed and a Communist dictatorship established.
- At the end of the Second World War the Treaty of Peace with Romania, signed in Paris on 10 February 1947 between the Allied and Associated Powers and Romania, expressly annulled the Vienna "Diktat" of 30 August 1940 and restored half the territory in the north of Transylvania to Romania.

- Under the Communist regime persons belonging to national minorities enjoyed rights in the sphere of education in their mother tongue and in that of culture and religion; they had representatives in Parliament and in the local organs of the State power, in the Government, Ministries and other institutions and in the governing organs of the Communist Party.

The dramatic restriction of the exercise of civil, political, economic and social rights by Romanian citizens before 1989 affected Romanian citizens belonging to the majority population and Romanian citizens belonging to national minorities to the same extent. Those most affected by the restriction of certain rights in the spheres of education, access to the media etc were persons belonging to the numerically smallest minorities.

- After the December 1989 Revolution the rights of persons belonging to Romania's national minorities were significantly increased with the democratisation of Romanian society.

The new Constitution of Romania was adopted in 1991. It devotes an entire chapter to human rights and fundamental freedoms and contains provisions which guarantee persons belonging to national minorities the right to the preservation, expression and development of their ethnic, linguistic and religious identity. The constitutional provisions were accompanied by legislative and practical measures aimed at constantly furthering the rights of those persons.

- Romania's accession to the Council of Europe in October 1993 led to significant progress in the protection of human rights, including the rights of persons belonging to national minorities.

- On 1 February 1995 the Association Agreement between Romania and the European Union entered into force.

- The parliamentary elections in November 1996 led to the first democratic change of Government in Romania since the war. The coalition Government consisted of the parties which had previously been in opposition: the Democratic Convention, the Social-Democratic Union and the Democratic Union of Magyars of Romania. The candidate of the Democratic Convention, Mr Emil Constantinescu, was elected President of Romania.<sup>6</sup>

According to the population census held on 7 January 1992, Romania has 22,760,449 inhabitants.

The ethnic composition of the population of Romania, based on the free consent of persons to disclose their ethnic origin, is as follows:

<b>Ethnic origin</b>	<b>Number</b>	<b>Percentage</b>
Total	22,760,449	100
Romanian	20,350,980	89.4
Magyar & Szekel	1,620,199	7.1
Gypsy	409,723	1.8
German, Swabian and Saxon	119,436	0.5
Ukrainian	66,833	0.3
Russian - Lipoveni	38,688	0.2
Turkish	29,533	0.1
Serbian	29,080	0.1
Tatar	24,649	0.1
Slovakian	20,672	0.1
Bulgarian	9,935	0.3
Jewish	9,107	
Croatian	4,180	
Czech	5,800	
Polish	4,247	
Greek	3,897	
Armenian	2,023	
Other	8,420	
Not stated	1,047	

In 38 districts the population of Romanian ethnic origin is in the majority.

The distribution of the population throughout Romania according to ethnic origin is shown in the map in the Appendix.

7. In two districts in the centre of Romania, Covasna and Harghita, the population of Magyar ethnic origin is in the majority.

#### District of Covasna

<b>Ethnic origin</b>	<b>Number</b>	<b>Percentage</b>
Total	232,592	100
Romanian	54,517	23.4
Magyar and Szekel	174,968	75.2
Not stated	27	less than 0.1

District of Harghita

<b>Ethnic origin</b>	<b>Number</b>	<b>Percentage</b>
Total	347,637	100
Romanian	48,812	14
Magyar and Szekel	249,269	84.6
Other	4,556	1.3
Not stated	9	less than 0.1

8. The Gross Domestic Product (GNP) per capita was 3,972 US dollars in 1997.

The average net wage in the economy reached approximately 110 US dollars in November 1998.

9. Romania was the first State to sign and notify the Council of Europe Framework Convention for the Protection of National Minorities. That act is in keeping with the legislative and institutional measures adopted by the Romanian authorities in order to provide a framework which allows the preservation, development and expression of the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities, in conditions of equality and non-discrimination in comparison with other Romanian citizens.

The fact that the Romanian State is a party to the Framework Convention for the Protection of National Minorities has been widely popularised and the importance of that international legal instrument and its implementing mechanisms has been constantly affirmed by the Romanian authorities. The Framework Convention for the Protection of National Minorities represents the principle reference point in that regard in bilateral relations between Romania and its neighbours. The basic Political Treaties concluded by Romania with Hungary (1996) and Ukraine (1997), which contain separate articles on the protection of persons belonging to national minorities, provide that the Contracting Parties are required to implement the rules and standards set out in the Council of Europe Framework Convention for the Protection of National Minorities.

In Romania the protection of persons belonging to national minorities is achieved at constitutional, legislative and institutional level, as part of the system for the protection of human rights in general.

The legislation in force on the protection of the rights of persons belonging to national minorities corresponds to the provisions of the Framework Convention. In defining its objectives in the sphere of the protection of national minorities the Government of Romania, which is currently represented by a coalition including the Magyar Democratic Union of Romania, a political group representing the Magyar minority, is guided by the principles laid down in the Council of Europe Framework Convention for the Protection of National Minorities.

## **PART II**

### **ARTICLE 1**

Romania participates in the activities of various international organisations involved in the sphere of human rights, including the protection of persons belonging to national minorities, and has adopted the majority of the relevant international instruments:

#### **A. Council of Europe**

a. The Convention for the Protection of Human Rights and Fundamental Freedoms (20 June 1994),

b. Protocols Nos. 1 to 10 to the Convention for the Protection of Human Rights and Fundamental Freedoms (10 June 1994);

c. Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, on the restructuring of the control mechanism established by the Convention (11 August 1995);

d. The Framework Convention for the Protection of National Minorities (11 May 1995).

Romania is currently a Party to a total of 52 legal instruments of the Council of Europe.

Romania plays an active part in intergovernmental co-operation within the Council of Europe in connection with the rights of persons belonging to national minorities.

Upon acceding to the Council of Europe Romania accepted the jurisdiction of the Commission to receive complaints and also the jurisdiction of the European Court of Human Rights.

There is a Council of Europe Information and Documentation Centre in Bucharest.

#### **B. Organisation for Security and Co-operation in Europe**

Romania is a Contractual Party to all the documents of the OSCE adopted by that organisation since the Helsinki Final Act signed on 1 August 1975.

As a member of the OSCE Romania participates in the mechanisms of the OSCE: the Ministerial Council, the Committee of Senior Officials and the Office for Democratic Institutions and Human Rights.

Romania participates in meetings relating to the humane dimension of the OSCE.

Romania co-operates with the OSCE High Commissioner for National Minorities.

### **C. United Nations Organisation**

Romania is a Party to the principal legal instruments and international documents adopted within the UN relating to human rights, including the rights of persons belonging to national minorities, among which the following may be mentioned:

- a. the Universal Declaration of Human Rights of 10 December 1948;
- b. the International Covenant on Civil and Political Rights of 16 December 1966 (1974);
- c. the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 (1974);
- d. the Convention Against Discrimination in Education of 14 December 1960 (1964);
- e. the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (1970);
- f. the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

Romania participates in the activities of the specialist bodies of the United Nations concerned with human rights, including the rights of persons belonging to national minorities (Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities).

There are offices of the International Labour Organisation, the United Nations Fund for Children (UNICEF), the High Commissioner for Refugees and the International Organisation for Migrations in Bucharest.

## **ARTICLE 2**

In the Constitution (Article 10) Romania proclaims its desire to participate in international life by fostering and developing peaceful relations with all States and good neighbourly relations, based on the principles and other generally recognised provisions of international law.

Romania's foreign policy is essentially aimed at establishing international relations on the basis of the principles and other generally recognised provisions of international law:

A first specific example is the incorporation of one of the oldest and most important principles of international law - "pacta sunt servanda" - in the Constitution of Romania (Article 11, paragraph 1). According to that article, Romania pledges to fulfil its obligations as deriving from the treaties and international conventions to which it is a party.

It follows that the implementation of the Framework Convention for the Protection of National Minorities, in good faith and in conformity with the principles of good neighbourliness, friendship and co-operation between States, is also guaranteed by the Constitution of Romania.

### ARTICLE 3

#### Paragraphs 1 and 2

##### *Narrative*

The Constitution recognises and guarantees the right to preserve, develop and express the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities who live in Romania and have Romanian citizenship.

Any person belonging to a national minority is free to choose whether to be regarded as such or not. The choice expressed by the person concerned, like the exercise of the rights deriving from that status, does not entail any disadvantage.

Furthermore, persons belonging to a national minority may effectively exercise, individually or jointly, the rights and freedoms resulting from the principles set out in the Framework Convention.

In exercising these rights and freedoms persons belonging to national minorities may associate with one another in organisations.

##### *Legal*

##### *Constitution*

#### Article 6 - The right to identity

"(1) The State recognises 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 persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to other Romanian citizens."

Neither the Constitution nor Romanian law in general contains a definition of the concept of national minority. Nor is there any indication of the categories of persons who, by virtue of their ethnic, cultural, linguistic or religious identity, belong to a minority, just as there is no list of minorities.

The Constitution recognises the existence of persons belonging to national minorities and, at the same time, recognises and guarantees the right of those persons to their identity (ethnic, cultural, linguistic and religious). The groups or national minorities are not recognised as such.

### ***State infrastructure***

The National Statistics Commission is responsible for gathering demographic data.

### ***Factual***

The provisions of the Framework Convention apply to all persons who as a result of their freely expressed choice belong to a national minority. Information on the numbers of these persons is found in Part I of the Report and information on the distribution of these persons in various areas of the country is given in the Appendix.

As Romanian citizens, persons belonging to national minorities enjoy the human rights and fundamental freedoms laid down in and guaranteed by the Constitution and laws of Romania and the international instruments to which Romania is a party. These rights and freedoms are exercised both individually and jointly with other Romanian citizens.

## **ARTICLE 4**

### **Paragraphs 1, 2 and 3**

#### ***Narrative***

The principle of equality and non-discrimination which underlies the present universal system of human rights and fundamental freedoms is also set out in the Constitution of Romania.

According to this constitutional principle, Romanian citizens, without any distinction based on race or nationality, may enjoy equally all the principles and freedoms provided for in the Constitution and the law, and may participate to the same extent in political, economic, social and cultural life, without privilege or discrimination, since they are equal before the law and the public authorities.

Equality of rights between all citizens of the country, as specified in the Constitution, in itself represents equality of opportunities granted to all citizens. Consequently, it must be guaranteed for all citizens. For that reason, the Constitution, while it specifies that the State recognises and guarantees the right to identity for persons belonging to ethnic minorities and non-discrimination, provides that the protecting measures which the State adopts in order to preserve, develop and express the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities must take into consideration the principles of equality and non-discrimination in relation to other Romanian citizens.

The law guarantees equal protection for all citizens and penalises discrimination.

Consequently, Romania has a constitutional and legislative framework which guarantees full and effective equality before the law for all citizens of Romania and the participation of persons belonging to national minorities, in conditions of full and effective equality with the majority population, in all areas of economic, social, political and cultural life.

## ***Legal***

### *Constitution*

#### Article 4 - ... equality of citizens

"(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 16 - equality of rights

"(1) Citizens are equal before the law and public authorities, without any privilege or discrimination."

#### Article 6 - the right to identity

"(2) The protecting measures taken by the Romanian State for the preservation, development and expression of identity of persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to other Romanian citizens."

The Constitution expressly prohibits any instigation of national, racial, class or religious hatred and any incitement to discrimination, territorial separatism or public violence. It guarantees freedom of religion and conscience (Article 29) and provides that rights and freedoms must be exercised by the citizens of Romania in good faith, without any infringement of the rights and liberties of others (Article 54).

Moreover, the Constitution of Romania guarantees the principle of free access to the courts in Article 21.

"(1) Every person is entitled to bring cases before the courts for the defence of legitimate rights, liberties and interests.

(2) The exercise of this right may not be restricted by any law."

In order to implement the principle of free access to the courts, the Constitution of Romania provides in Article 127 paragraph 2 that:

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

Article 24 of the Constitution guarantees the right to defence and the right to be assisted throughout the trial by a lawyer of their own choosing or appointed *ex officio*.

Court proceedings are public (Article 126 of the Constitution).

### ***Factual***

As regards the exercise of the right of free access to the courts, there have been no cases where the courts have refused to admit, register or pursue complaints on the part of persons belonging to a national minority who have subsequently alleged discrimination because they belonged to a national minority.

There have been no cases where the right of defence has been denied to a Romanian citizen belonging to a national minority, nor any cases where a lawyer has refused to represent his client because of his ethnic origin or his nationality.

The principle that court proceedings are public is applied without discrimination. No evidence is available of any abuse of procedure where the courts have restricted publicity or conducted hearings or trials in private; in doing so they have always acted in accordance with the law.

The duty of the courts to inform persons who have been detained or arrested, "in a language which they understand", of the reasons on which detention or arrest is based, and also the right of every person who does not understand Romanian or Romanian citizens belonging to a national minority to speak before the Court through an interpreter (Constitution, Article 127), are observed.

Upon investigating the situation at local level, the Ministry of Justice reached the conclusion that no judicial complaint has been lodged on behalf of any person (whether witness or party to the proceedings) which would have indicated that an interpreter was not provided or that an incorrect answer had been given to the court because the person concerned misunderstood the question put to him or was unable to express himself adequately in Romanian.

There have been no cases where an action has been brought on the ground that the person concerned did not understand Romanian or had difficulty in expressing himself in that language.

### **Paragraph 2**

#### ***Narrative and legal***

As shown in the first paragraph of this report, Romanian has a constitutional and legislative framework capable of guaranteeing full and effective equality between all citizens, in all areas of economic, social, political and cultural life. Thus, in a series of sector-based provisions, the Constitution guarantees the participation of persons belonging to national minorities in conditions of full and effective equality with Romanian citizens belonging to the majority, in economic, social and cultural life. In that sense, one extremely important provision is Article 59 paragraph 2 on the direct participation of those persons in parliamentary life:

"(2) Organisations of citizens belonging to national minorities which fail to obtain the number of votes for representation in Parliament have the right to one Deputy seat, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organisation only."

While a number of provisions of the Constitution on human rights and fundamental freedoms are aimed at all Romanian citizens, they are of particular interest to persons belonging to national minorities.

Thus Article 25 of the Constitution guarantees that each citizen has the right of free movement within the country and abroad, and also the right to establish his domicile or residence anywhere in the country, to emigrate and to return to his own country.

Article 29, which has already been mentioned in the report, establishes the principles of freedom of conscience, opinion and religion, the independence of religious cults from the State and freedom of opinion in relation to the religious education of children.

Article 32 paragraph 3 of the Constitution also guarantees "the right of persons belonging to national minorities to learn their mother tongue and their right to be educated in this language."

Furthermore, persons belonging to national minorities benefit in full from the provisions of the Constitution on the right of association (Article 37):

"(1) Citizens may freely associate in political parties, trade unions and other forms of association.

(2) Any political parties or organisations which, by their aims or activity, militate against political pluralism, the principles of a State governed by the rule of law, or against the sovereignty, integrity or independence of Romania shall be unconstitutional."

Specific provisions aimed at persons belonging to national minorities are also to be found in Article 127 paragraph 2 of the Constitution, on the right to an interpreter in court proceedings, to which reference has already been made.

The provisions of the Constitution which guarantee that persons belonging to national minorities are able to participate in economic, social, political and cultural life in conditions of full equality with the majority population are also found in a series of laws governing the various sectors of activity. For example, the Law on Education (1995) contains a chapter on education in the languages of persons belonging to national minorities (Title XII). Detailed provisions relating to the participation of persons belonging to national minorities in the electoral process are laid down in the Law on the Election of the Chamber of Deputies and the Senate (Law No. 68 of 15 July 1992), the Law on Local Elections (Law No. 70 of 26 November 1991, as amended in 1996), the Law on Political Parties (Law No. 27 of 1996), the Law on Audiovisual Broadcasting, the Law on the Local Public Administration, etc.

### ***Factual***

Members of organisations of persons belonging to national minorities have stood for election to Parliament in the same conditions as their colleagues belonging to political parties.

Of the current legislature 25 Deputies and 11 Senators were elected on the proposal of the Democratic Union of Magyars of Romania (DUMR). In addition, 15 Deputies were elected, each representing an organisation of persons belonging to national minorities.

Substantial contributions are paid from the State budget to support teaching in the languages of persons belonging to national minorities in order to maintain the cultural and spiritual life of persons belonging to national minorities - by publishing textbooks, books and other publications in the mother tongue and by other types of activities associated with the minority cultural, spiritual and linguistic phenomenon (see, in that regard, the data already presented concerning the application of Articles 5, 7, 8, 9, 12, 13 and 15 of the Framework Convention).

All these measures were adopted in order to promote full and effective equality in relation to the participation of persons belonging to national minorities in economic, social, political and cultural life and are not regarded as discriminatory measures. The implementation of these measures is effected in accordance with the Constitutional requirement that "[t]he 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 other Romanian citizens" (Article 6 paragraph 2).

### *State infrastructure*

Responsibility for the proper implementation of the provisions of Article 4 of the Framework convention for the Protection of National Minorities lies with the competent State institutions, namely: the Ministry of National Education, the Ministry of Culture, the Department of Local Public Administration, the Ministry of Labour and Social Protection, etc. In the context of this institutional system a major role devolves on the Department for the Protection of National Minorities, set up in January 1997 and co-ordinated by a Minister, an *ex officio* member of the Government. Up to now this office has been occupied by a representative of the Democratic Union of Magyars of Romania. The Department is responsible, *inter alia*, for supervising the implementation of the domestic and international regulations on the protection of national minorities and "examining allegations made by citizens and organisations of persons belonging to national minorities concerning the acts of the organs of the public administration".

At the same time, in the general context of improving and developing the system of protection of human rights in Romania, the institution of "People's Advocate" was founded in 1997 for the purpose of protecting the rights and freedoms of citizens in their relations with the public authorities (Article 1 of Law No. 35 of 1997). The People's Advocate exercises his powers *ex officio* or upon application by persons whose rights have been affected. A complaint may be lodged by any natural person, without distinction based on citizenship, age, political adherence or religious convictions (Article 14, paragraphs 1 and 2). Where the People's Advocate finds that there has been a violation of human rights he requests the authorities responsible to revoke the relevant measure and to make good any damage. This mechanism is fully accessible to Romanian citizens belonging to national minorities and provides a means of obtaining redress for any breach of their rights as provided for in domestic law and the international Conventions to which Romania is a party.

**ARTICLE 5****Paragraph 1***Narrative*

The right to identity of persons belonging to national minorities, which is recognised and guaranteed in Article 6 of the Constitution, is set out in greater detail in a number of articles of the Constitution within the framework of a system of guarantees which ensures that it is effective.

In fact the entire system of human rights and fundamental freedoms is in itself also a guarantee of the right to identity.

*Legal*

The legal framework was described in connection with the previous article.

For the purposes of the present article, it should also be observed that in Romania there is no State religion: the Church is separate from the State.

There is no enumeration in the Constitution of religions recognised by the State.

In Romania the official language is Romanian.

*Constitution*Article 13 - Official language

"In Romania, the official language is Romanian."

*State infrastructure*

The information set out in the subsection "State infrastructure" under Article 4 also applies to the present article.

**Paragraph 2**

There is no "general integration policy in Romanian society" or any legislation or government structure responsible for drawing up such a policy. In Romanian persons belonging to national minorities are free to preserve and develop their own identity. There is no policy or trend of forcibly assimilating such persons.

## ARTICLE 6

### Paragraphs 1 and 2

#### *Narrative*

The Romanian authorities constantly work to prevent and combat all forms of racial discrimination, xenophobia and intolerance and to establish the necessary conditions so that democratic values and human rights, and a spirit of tolerance and understanding can become widespread in Romanian society.

#### *Legal*

##### *Constitution*

##### Article 30, paragraph 7

"(7) Any ... instigation to ... national, racial ... or religious hatred, any incitement to discrimination, territorial separatism, or public violence ... shall be prohibited by law."

##### Article 29, paragraph 4

"Any forms, means, acts, or actions of religious enmity shall be prohibited in the relationships among the cults."

#### *Romanian Criminal Code*

##### Article 166

"Propaganda in public in any form whatsoever aimed at establishing a totalitarian State shall be punishable by a term of imprisonment of between 6 months and 5 years and the loss of certain rights ..."

##### Article 317

"Any nationalist chauvinistic propaganda or incitement to racial or national hatred which does not constitute an offence under Article 166 shall be punishable by a term of imprisonment of between 6 months and 5 years."

##### Article 318

"Anyone held guilty of preventing or interfering with the freedom to exercise a religious cult which is organised or functions in accordance with the law shall be liable to a term of imprisonment of between 1 and 6 months or a fine ..."

##### Article 247

"Any public official held guilty of restricting the use or exercise of civil rights or of creating situations in which a citizen is treated as inferior on the ground of nationality, race, sex or religion shall be liable to a term of imprisonment of between 6 months and 5 years."

### ***Structures***

The Romanian National Foundation for the Co-ordination of the Youth Campaign against Racism, anti-Semitism, Xenophobia and Intolerance (RAXI) consists of representatives of the government institutions responsible for combating the various forms of discrimination and intolerance, representatives of the non-governmental organisations concerned and youth organisations, members of political parties, etc.

### ***Policy***

In the education system, specific measures have been taken with a view to training young persons in general, and Government officials responsible for implementing the law in particular, according to the principles and values promoted by the international instruments on human rights to which Romania is a Party, including the International Convention on the Elimination of All Forms of Racial Discrimination.

A far-reaching programme of education in the sphere of human rights has been drawn up and implemented; it is aimed at Government officials, the universities and the general public. In all law faculties "human rights" are studied as a separate discipline and occupy a dominant place in the training of judges, lawyers and officials responsible for implementing the law. Human rights are also studied in the Police Academy and the National Administration School, and also in primary and secondary schools, since the subject forms part of the civics and human rights courses. The study of the history and culture of persons belonging to national minorities has been introduced into history textbooks; special lessons are given on topics related to violence and intolerance; educational programmes of an intercultural nature (festivals, holiday camps for children from various ethnic origins) have been organised; numerous seminars on the rights and fundamental obligations of Romanian citizens, including persons belonging to national minorities, have been held. In addition, at the request of persons belonging to national minorities, teaching is provided on a bilingual basis, as in the case of the Romano-Croat secondary school in Carasova, the Romano-Polish school in Soloneu Nou (classes from the first year to the eighth year) or the Romano-Turkish seminary in Medgidia.

A significant number of exhibitions devoted to the rights of persons belonging to national minorities have been held by the Council for National Minorities (in conjunction with the Council of Europe, the Helsinki Committee, the Project for Ethnic Relations, etc), by the Romanian Human Rights Institution and by the European Centre for Ethnic Studies and the Social Communication of the Romanian Academy. In 1996, for example, the European Centre organised a project financed by the Council of Europe entitled "Culture-Communication-Community", aimed at creating local structures capable of combating xenophobia and intolerance; establishing a mechanism for intercultural communication and dialogue between various occupational groups and the mass media; improving inter-ethnic communication in order to respond to the social problems of persons belonging to ethnic groups; and stimulating increased responsibility and interest on the part of journalists *vis-à-vis* the problems of minorities. These meetings and discussions led to an open approach to inter-ethnic relations and were given wide coverage by local and national radio stations, television and the press.

In 1988 the Romanian Government allocated some 1.55 billion lei (approximately 193,750 US dollars) for joint projects to combat racism and intolerance.

The National Foundation against Racism, Anti-Semitism, Xenophobia and Intolerance has held conferences, colloquia, seminars and round tables on specific themes, such as "Tolerance workshops", Youth and the campaign against racism, anti-Semitism, xenophobia and intolerance", "Tolerance in politics", etc. All these activities have been given wide media coverage in order to make people aware of the campaign against discrimination and intolerance.

In addition, the Romanian Government, in conjunction with the Council of Europe, the OSCE Office for Democratic Institutions and Human Rights and UNESCO, held an International Seminar in Bucharest on the theme of tolerance (23 to 26 May 1996). This meeting provided the framework for open dialogue on the role of education, the mass communications media and local communities in promoting an attitude of tolerance and understanding.

In Romania numerous non-governmental organisations are involved in the protection of human rights and the campaign against intolerance, racial discrimination and xenophobia, and represent active components of civil society.

## ARTICLE 7

### A. Freedom of assembly

#### *Narrative*

Freedom of assembly, a freedom of a social-political nature, may be exercised in a number of ways.

The Constitution of Romania refers to meetings, demonstrations and processions; in doing so it does not restrict the forms in which the freedom of assembly may be exercised, however, since it also refers to "any other assembly" (Article 36).

The Constitution of Romanian (Article 36) lays down three rules regarding assembly: (a) freedom of assembly; (b) the peaceful nature of assemblies; and (c) the introduction of arms of any kind whatsoever at assemblies. Other rules are laid down by law, in particular since there is a correlation between Article 36 and Article 49, as freedom of assembly may also be subject to certain restrictions.

#### *Legal*

##### *Constitution*

##### Article 36 - Freedom of assembly

"Public meetings, processions, demonstrations, or any other assembly shall be free and may be organised and held only peacefully, without arms of any kind whatsoever".

Law No. 609 of 23 September 1991 on the organisation and conduct of public assemblies:

"Article 1 - The freedom of citizens to express their political, social or other opinions, to hold meetings, demonstrations, manifestations, processions or any other assembly and to participate in these activities is guaranteed by law. These activities may be only be carried out peacefully and without arms of any kind whatsoever.

Public assemblies - meetings, demonstrations, manifestations, processions and other kinds of assembly - which take place in public places, along public highways or in other open-air places may only be held where prior notice is given as herein provided for."

"Article 3 - It is not necessary to give prior notice of public assemblies whose purpose is cultural-artistic, sporting, religious or commemorative manifestations, those occasioned by official visits or those taking place within the seat or premises of public or private legal persons ..."

"Article 4 - The mayors of cities, towns or villages and the local police shall be required to ensure the necessary conditions for the normal conduct of public assemblies."

## **B. The right of association**

### *Narrative*

As a fundamental human right, the right of association is linked with freedom of opinion and also with freedom of conscience, freedom of expression, etc.

According to the Constitution (Article 37), this right allows Romanian citizens to associate freely into political parties or groups, trade unions or other forms and types of organisations, leagues and unions, in order to participate in political, scientific, social or cultural life, or to realise common legitimate interests. The associations referred to in Article 37 of the Constitution are non-profit-making, since they do not seek to obtain benefits, and must have political, religious, cultural etc benefits which reflect freedom of thought and freedom to express thoughts, opinions and beliefs.

As well as guaranteeing the right to associate freely, the Constitutional provisions also establish the forms of association.

As in other situations, the difficulty in drawing up a complete inventory has made it necessary to employ two procedures, so that parties and trade unions are mentioned by name as forms of association while other forms of organisation are covered by the expression "other forms of association". It was necessary to mention parties and trade unions by name in view of the correlation between Article 37, Article 8 paragraph 2 and Article 9, since all three articles directly concern the aims of those forms of association.

The right of association is not an absolute right. It is natural, therefore, that the provisions of Article 37 should at the same time impose certain limits, having regard to the requirements applicable to the aims which political parties and trade unions are to pursue (the aims set out in Article 8 paragraph 2 and Article 9).

These constitutional limits have three broad aspects:

**a.** Aims and activity

Parties or organisations which militate against political pluralism, the principles of a State governed by the rule of law, or the sovereignty of the country are considered unconstitutional: the aim is to protect the political, legal and State values forming part of the constitutional order, which can be affected by the misuse of the right of association. The Constitutional Court has jurisdiction to determine that an association is unconstitutional and to make the appropriate declaration.

**b.** Members

The limits which the Constitution places on members of associations apply only to political parties, having regard to their role in public life and society. In practice these limits apply only to public officials whose association would present an obstacle to the performance of their duties.

These constitutional provisions are also based on the principle that all citizens are equal before the law and the public authorities, without discrimination or privilege. It follows from this constitutional principle that the public service is equally accessible to all those who show that they have the abilities and aptitudes required by law.

**c.** The character of the association

In the interest of protecting democratic values, secret associations are prohibited.

The Law on Political Parties, (Law No. 27 of 1996) contains a number of provisions on the general principles which define the activities, organisation, registration and association of parties, and also on the financing of political parties.

Law No. 27 of 1996 also defines the political parties which are proscribed, ie those who by virtue of their statutes, programme or propaganda, or as a result of other activities which they organise, infringe Article 30 paragraph 7 or Article 37 paragraph 2 or 4 of the Constitution.

Persons belonging to minorities may join parties or associations formed by members from among the majority population or from other national minorities, or they may set up their own forms of association. In practice both these options are used, although it should be noted that where the latter option has been chosen persons belonging to minorities have organised numerous associations and other forms of organisation.

***Legal***

*Constitution*

Article 37 - Right of association

"(1) Citizens may freely associate into political parties, trade unions, and other forms of association."

Article 8 - Political parties

"(2) Political parties may be constituted and pursue their activities in accordance with the law. They contribute to the definition and expression of the political will of the citizens, while observing national sovereignty, territorial integrity, the legal order, and the principles of democracy."

Article 9 - Unions

"Trade unions may be constituted and pursue their activities in accordance with their own statutes, as provided for by law. They contribute to the defence of the rights and promotion of the professional, economic and social interests of their members."

Article 37 - Right of association

"...

(2) Any political parties or organisations which, by their aims or activity, militate against political pluralism, the principles of a State governed by the rule of law, or against the sovereignty, integrity or independence of Romania shall be unconstitutional.

...

(4) Secret societies are prohibited."

Article 30 - Freedom of expression

"...

(7) Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism or public violence, as well as any obscene conduct contrary to morality, shall be prohibited by law."

Law No. 27 of 26 April 1996 (Law on Political Parties)

Article 1 - "Political parties are associations of Romanian citizens having the right to vote, who participate freely in forming and exercising their political will, thus performing a public task guaranteed by the Constitution. They are legal persons governed by public law."

Article 2 - "The activities of political parties are based on the promotion of national values and interests and also political pluralism; they contribute to the political education of citizens and encourage them to participate in public life, influence the forming of public opinion, help train citizens to assume political responsibilities, participate with their candidates in elections and, where appropriate, in forming the public authorities, in accordance with the law, encourage citizens to vote in the elections and organise the legislative initiative of citizens."

Article 3 - (1) Only associations constituted in accordance with the provisions of this Law whose activities promote respect for national sovereignty, the independence and unity of

the State, territorial integrity, the legal order and the principles of constitutional democracy may function as political parties.

(2) Political parties which by their statutes, programmes, propaganda of ideas or other activities which they organise infringe the provisions of Article 30 paragraph (7) or Article 37 paragraph (2) or (4) are prohibited.

(3) Political parties associated with foreign organisations whose provisions are binding are prohibited.

(4) Political parties are prohibited from organising military or paramilitary activities."

Article 4 - "(1) Judges of the Constitutional Court, People's Advocates, judges and other persons acting in a similar capacity, members of the Court of Audit, military personnel and civilian personnel serving employed within the armed forces or the agencies responsible for maintaining public order and national security, members of the Legislative Council, members of the Board of Directors and specialist staff of the National Radio Company, the National Television Company and the National Press Agency ROMPRES, and other categories of persons who are expressly prohibited by law from associating politically, cannot belong to political parties."

Article 5

"...

(3) Members of organisations of citizens belonging to national minorities which enter their candidates in the elections may belong to a political party.

(4) No one shall be compelled to belong or not to belong to a political party."

### ***Policy***

The Romanian State allocates resources from its budget to support the functioning of organisations or associations of persons belonging to minorities.

In 1998 alone the Romanian Government allocated the sum of 13.7 billion lei (approximately \$1,712,500 US) to the Department for the Protection of National Minorities; this money was shared among 17 organisations of persons belonging to national minorities represented in the Council for National Minorities to carry out individual or joint projects. The amount allocated was distributed as follows: (1) Roma Party: 1,489 billion lei; (2) Democratic Forum of Germans of Romania: 1,282 billion lei; (3) Magyar Culture Society of Transylvania: 1,140 billion lei; (4) Union of Ukrainians of Romania: 1.081 billion lei; (5) Union of Armenians of Romania: 828 million lei; (7) Union of Serbs of Romania: 747 million lei; (8) Democratic Union of Turco-Islamic Tatars of Romanian: 647.5 million lei; (9) Community of Bulgarians of Romanian: 607 million lei; (10) Democratic Union of Slovaks and Czechs of Romania: 598 million lei; (11) Turkish Democratic Union of Romania: 570 million lei; (12) Federation of Jewish Communities of Romania: 570 million lei; (13) Hellenic Union of Romania: 427 million lei; (14) Italian Community of Romania: 427 million lei; (15) Union of Poles of Romania: "Dom Polski": 285 million lei; (16) Union of Croats of Romania: 278.4 million lei.

### ***Factual***

Numerous groups (organisations) formed by persons belonging to minorities participated in the parliamentary and local elections in 1996 and their candidates won seats in the Romanian Parliament. The Democratic Union of Magyars of Romania won 36 seats in the Chamber of Deputies and Senate of the Romanian Parliament (7.62% of the number of seats in Parliament). Fifteen other organisations of persons belonging to national minorities each won one seat in the Chamber of Deputies, on the basis of the relevant provisions of the Constitution and the Law on the Election of the Chamber of Deputies and the Senate (for a description of the application of the relevant principles, see under Article 15 of the Framework Convention).

Persons belonging to national minorities also participated in the local elections in 1992 and 1996, either as independents, on the list of their own organisations or in association with other Romanian political groups (see description under Article 15).

It is thus apparent that persons belonging to national minorities have exercised their right of association and their right to vote and to be elected without discrimination, since they have representatives in Parliament, the local and district councils and in the office of Mayor of cities, towns and villages.

## **ARTICLE 8**

### ***Narrative***

Freedom of conscience, a wide area which also encompasses religious freedom, is one of the foremost freedoms on the list of human rights.

Freedom of conscience is an essential freedom, to which the existence and content of other freedoms, such as freedom of opinion, freedom of the press and freedom of association, are linked, since these freedoms are basically means of expressing thoughts, religion or opinions.

The Constitution of Romania confers the right on every person to have and express a certain idea in private or in public, to share or not to share a religious belief, to belong to or not belong to a religious cult, to perform or not to perform the ritual demanded by that belief.

A religious cult presupposes the external manifestation of a religious belief, which takes the form of the persons having the same belief assembling in a church or religious institution and performing the rituals required by that religious belief, such as processions or religious meetings.

Under the Constitution the organisation of religious cults is free, and is given concrete form by the cult's own statutes. This freedom of organisation is implemented in accordance with the Law on Cults to be adopted in the near future.

By providing that the State is separate from the Church the Constitution guarantees the autonomy of religious cults and requires the State to support cults, including by providing facilities for religious assistance in the army, hospitals, prisons, homes and orphanages.

Relations between religions (cults) are regulated by the Constitution (Article 29), in keeping with the provisions of the relevant international legal instruments.

By guaranteeing freedom of conscience the Constitution provides for the promotion of a climate of tolerance and mutual respect between the faithful of the various religious cults. It prohibits any forms, means, acts or actions of religious enmity in the relationships between cults.

### ***Legal***

#### *Constitution*

#### Article 29 - Freedom of conscience

"(1) Freedom of thought, opinion and religious beliefs may not be restricted in any form whatsoever. No one may be compelled to embrace an opinion or religion contrary to his own convictions.

(2) Freedom of conscience is guaranteed; it must be manifested in a spirit of tolerance and mutual respect.

(3) All religions shall be free and organised in accordance with their own statutes, under the terms laid down by law.

(4) Any forms, means, acts or actions of religious enmity shall be prohibited in the relationships among the cults.

(5) Religious cults shall be independent of the State and shall enjoy support from it, including the facilitation of religious assistance in the army, in hospitals, prisons, homes and orphanages.

(6) Parents or legal guardians have the right to ensure, in accordance with their own convictions, the education of the minor children whose responsibility devolves on them."

### ***State infrastructure***

There is a State Secretariat for Cults, a specialised organ of the central public administration directly responsible to the Government, which supervises relations between the State and all religious cults in Romania.

### ***Factual***

The results of the population census carried out on 7 January 1992 show that the population is predominantly Orthodox: the followers of the Orthodox religion numbered 19,762,135, representing 86.8% of the total population of Romanian.

The population of Romanian by religion according to the census held on 7 January 1992 is as follows:

<b>Religion</b>	<b>Number</b>	<b>Percentage</b>
Total	22,760,449	100
Orthodox	19,762,135	86.8
Roman Catholic	1,144,820	5
Reformed	801,577	3.5
Greek Orthodox	228,377	1
Pentecostal	220,051	1
Baptist	109,677	0.5
Adventist	78,658	0.3
Unitarian	76,333	0.3
Moslem	55,988	0.2
Christian-Evangelical	49,393	0.2
Evangelical C.A.	39,552	0.2
Old-Rite Christian	31,914	0.1
Old-Style Orthodox	23,634	0.1
Synodal Presbyterian Evangelical	21,160	0.1
Other	66,152	0.3
No religion, atheist	36,079	0.2
Not stated	14,949	0.1

All religious cults in Romania, without distinction based on the number or ethnic background of their members, enjoy rights and freedoms enshrined in the Constitution.

All aspects of the activities of religious cults (liturgy, administration of the church, theological education, catechism) take place in the members' mother tongue. Religious cults are provided with the material circumstances necessary for the proper functioning of their activities: churches, church halls, cemeteries, publishing houses, etc).

From the financial aspect, the Romanian State supports the construction or repair of places of worship. Between 1990 and 1996 800 million lei from the State budget were spent on those items. Approximately 100 new places of worship for believers belonging to minority cults are currently under construction.

Religious services are performed by priests and other ministers who are paid an allowance from the State budget equivalent to the minimum economic wage, in the same conditions as ministers of the majority Orthodox Church.

As regards education, religious cults have their own educational establishments in which the subjects studied are taught in their members' mother tongue. After 1990 there was a substantial increase in the number of theological educational establishments and the number of pupils and students. At present minority religious cults have 35 secondary schools (seminaries) and 8 institutions of higher education (compared with 2 institutions of higher education before 1990).

Under the Law on Education religious cults have the right to teach religion in public schools.

The relevant data on the situation of religious cults whose members include persons belonging to national minorities are set out below.

**SITUATION OF RELIGIOUS CULTS WHOSE BELIEVERS  
BELONG TO NATIONAL MINORITIES**

Position	Cult	Number of believers	Predominant minority	Number of places of worship	Number of ministers	Educational establishments	
						Pre-University	University
1	Roman Catholic	1,144,820	670,000 Magyar 70,000 German	1000	850	21	6
2	Reformed	801,577	Magyar	1006	664	9	3
3	Evangelical C.A.	39,552	German	200	40	-	1
4	Evangelical S.P.	21,160	Magyar	45	33	-	-
5	Unitarian	76,333	Magyar	138	95	2	-
6	Armenian	2,000	Armenian	16	7	-	-
7	Mosaic	9,000	Jewish	124	2	-	-
8	Moslem	55,988	Turkish-Tatar	77	41	1	-
9	Serbian Orthodox Vicariate	34,000	Serbian	54	38	-	-
10	Ukrainian Orthodox Vicariate	42,000	Ukrainian	21	20	-	-

Believers belonging to the various national minorities have set up religious associations and foundations under the aegis of the cults concerned. There are 45 Roman Catholic associations and foundations, 11 Reformed, 2 Unitarian, etc.

The Magyar Roman Catholic bishops also have a network of religious orders and congregations (the Franciscan Order, Capuchins, Jesuits, etc), which have both a religious and a charitable role.

Romanian religious cults maintain close relations with the international religious organisations (the World Council of Churches, the European Conference of Churches, the Reformed World Alliance, etc) and with similar cults in other countries.

## ARTICLE 9

### Paragraphs 1, 2, 3 and 4

#### *Narrative*

In Romania freedom of expression and the right to receive information are guaranteed by the Constitution to all citizens without distinction based on ethnic origin. Articles 30 and 31 of the Constitution, in conjunction with the principle of non-discrimination, represent the legal basis on which freedom of expression and the right to receive information are also guaranteed to persons belonging to national minorities.

The Constitution defines freedom of expression in relation to means of communication in public.

At the same time, censorship and the suppression of any publication are expressly prohibited, while the freedom to publish material is expressly guaranteed.

Similarly, while citizens are allowed to participate in social and cultural public life by publicly manifesting their thoughts, opinions and beliefs, freedom of expression is not absolute: it is subject to certain limits already laid down at international level. Any person exceeding the limits on freedom of expression laid down in the Constitution and the law incurs legal responsibility.

In ensuring the right to receive information - the right of every person to have access to any information of public interest - the Constitution places a corresponding duty on the public authorities to provide citizens with accurate information on problems relating to public policy and to ensure that the important social and political groups have access to the public radio and television services.

The provisions of the Constitution are set out and developed in a special law - the Law on Radio and Television Broadcasting (Law No. 48 of 27 May 1992).

In practice, the State has adopted a number of specific measures to support the exercise of freedom of expression and the right to receive information by persons belonging to national minorities: it finances the publication of certain newspapers and periodicals in the mother tongue of persons belonging to national minorities, it provides financial support for publishers of books in the mother tongue of persons belonging to national minorities, and it ensures that persons belonging to national minorities are provided with broadcasting time within the framework of national television and radio programmes and district studios.

Organisations of persons belonging to national minorities which have representatives in Parliament are provided with broadcasting time in accordance with the law, free of charge and without any interference.

## *Legal*

### *Constitution*

#### Article 30 - Freedom of expression

"(1) Freedom of expression, of thoughts, opinions or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public are inviolable.

(2) Any censorship shall be prohibited.

(3) Freedom of the press also involves the freedom to establish publications.

(4) No publication may be suppressed.

(5) The law may require the mass media to disclose the sources of their finance.

(6) Freedom of expression shall not be prejudicial to the dignity, honour and privacy of the person or the right to one's own image.

(7) Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism or public violence, as well as any obscene conduct contrary to morality, shall be prohibited by law.

(8) Civil liability for any information or creation made public falls upon the publisher or producer, the author, the producer of the artistic performance, the owner of the copying facilities, radio or television station, under the terms laid down by law. Indictable offences of the press shall be established by law."

#### Article 31 - Right to information

"(1) A person's right of access to any information of public interest cannot be restricted.

(2) The public authorities, according to their competence, shall be bound to provide for correct information of the citizens in public affairs and matters of personal interest.

(3) The right to information shall not be prejudicial to the protection of the young or to national security.

(4) Public and private media shall be bound to provide correct information to public opinion.

(5) Public radio and television services shall be autonomous. They must guarantee for any important social and political group the exercise of the right to be on the air. The organisation of these services and the Parliamentary control of their activity shall be regulated by an organic law."

Law on Radio and Television Broadcasting (Law No. 48 of 21 May 1992)

Article 1

"(1) Freedom to express ideas and opinions and freedom to communicate information by radio and television are guaranteed by law, in keeping with the rights and freedoms enshrined in the Constitution.

(2) The public and private organisations responsible for audio-visual information are required to provide the correct information to public opinion.

(3) Censorship of any kind whatsoever is prohibited.

(4) The selection in good faith of audio-visual information by persons responsible for the content of that information does not constitute censorship and may be exercised as provided for in this Law."

Article 2

"(1) Freedom of expression by audio-visual means shall not adversely affect the dignity, honour or private life of the person or his right to his own image.

(2) Any defamation of the country or the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism or public violence shall be prohibited by law.

(3) Any dissemination of information which according to the law is secret or may damage national security shall be prohibited.

(4) Any programme or broadcast containing obscene conduct contrary to morality shall also be prohibited.

(5) Civil liability for the content of information broadcast by radio or television which has caused material or non-material damage shall lie with the producer, the author, the holder of the broadcasting licence or the owner of the broadcasting station which broadcast the information, as the case may be and in accordance with the law."

***State infrastructure***

Responsibility for ensuring that persons belonging to national minorities enjoy freedom of expression and the right to information in practice lies with a number of Government structures: the Ministry of Culture (Department of Minorities), the Department for the Protection of National Minorities, the National Broadcasting Council, the National Television Company and the National Radio Company.

### ***Policy***

Some of the newspapers and periodicals published in the mother tongue of persons belonging to national minorities are financed by the State via the Council for National Minorities, a consultative organ of the Department for the Protection of National Minorities, or via the Ministry of Culture.

Publishers of books in the mother tongue of persons belonging to national minorities also receive financial support from the State via the Ministry of Culture.

At the same time, a significant number of cultural reviews published in the mother tongue of persons belonging to national minorities are published with financial aid from the State.

The Romanian Broadcasting Company and the public television service provides airtime both at their central studios and in local studios for organisations of citizens belonging to national minorities.

### ***Factual***

The total number of periodicals published in the mother tongue of persons belonging to national minorities is approximately 130 titles.

The publishers "Kriterion" and "Mentor" publish books in the mother tongue of persons belonging to national minorities.

A significant number of cultural reviews are published in the mother tongue of persons belonging to national minorities: 16 in Hungarian, 2 in German, 1 in Ukrainian, 1 in Yiddish, etc.

As regards access by persons belonging to national minorities to national radio and television broadcasts, the following factors are relevant:

The Romania Broadcasting Company produces and broadcasts programmes in the mother tongue of persons belonging to national minorities both in its central studios and in its local studios. Programmes aimed at persons belonging to national minorities are broadcast for 25 hours and 20 minutes each week in Hungarian and 24 hours 40 minutes in German. The producers of the broadcasts in question have complete editorial independence and at the same time are members of certain trade associations (eg the Association of Magyar Journalists of Romania) or certain information networks of persons belonging to minorities.

There are also radio broadcasts aimed at persons belonging to national minorities ("Cultural traditions and values in Romania", "Intercultural almanac", "Traditions") and this aspect will continue to develop.

The Department of District and Local Studios also operates in accordance with the principle that its producers enjoy autonomy and editorial independence. The studios in Cluj-Napoca, Targu Mures, Timisoara and Constanta broadcast in the mother tongue of persons belonging to 10 national minorities. Each week there are 71 hours of broadcasts in Hungarian, 14 in German, 7 in Serbian and 30 minutes each in Slovakian, Czech, Bulgarian, Greek, Turkish, Tatar and Russian. The National Broadcasting Company broadcasts a

weekly programme lasting 60 minutes for Gypsies/Romas in Targu Mures and one lasting 15 minutes in Craiova. The organisations of persons belonging to national minorities which have representatives in Parliament are also provided with separate broadcasting time in accordance with the law, free of charge and without any outside interference.

The producers of radio broadcasts in the mother tongue of persons belonging to national minorities take part in training programmes held in Romania by certain departments or abroad by other domestic or international trade associations.

Television programmes broadcast from the central studios in the mother tongue of persons belonging to national minorities have been a permanent feature between 1993 and 1999: 180 minutes per week are broadcast in Hungarian and 115 minutes per week in German. In addition, programmes are broadcast by the district studios in Cluj-Napoca.

Persons belonging to national minorities other than Magyar and German are catered for by the series of broadcasts entitled "Convietuiri" and also by "The life of Gypsies/Romas", both of which concentrate on aspects linked with the cultural life of Gypsies/Romas, on their social integration and on preventing conflict involving groups of Gypsies/Romas.

## **ARTICLE 10**

### **Paragraph 1**

#### *Narrative*

Every person belonging to a national minority has the right to use freely and without interference his or her mother tongue, in private and in public, orally and in writing.

#### *Legal*

The right of every person belonging to a national minority to use freely and without interference his mother tongue, in private and in public, is impliedly guaranteed by the Constitution in Article 6 on the "Right to identity".

In addition, other constitutional or ordinary legislative provisions guarantee the use of the mother tongue in court proceedings (Article 127 of the Constitution - "Right to an interpreter"), in education (Article 32, paragraph 3) or in relations with the public administration (Law No. 69 of 1991 on the local public administration, as amended and supplemented by Law No. 24 of 1996, Articles 29(4) and 58).

### **Paragraph 2**

#### *Narrative*

In Romania the official language - the language in which the public authorities express themselves orally and in writing - is Romanian.

Persons belonging to national minorities may also address the local public authorities, orally or in writing, in their mother tongue, on certain conditions.

## **Legal**

### *Constitution*

#### Article 13 - Official language

"In Romania, the official language is Romanian."

Law No. 69 of 26 November 1991 on the Local Public Administration was amended and supplemented by Law No. 24 of 12 April 1996.

#### Article 29, paragraph (4)

"In territorial administrative units where national minorities are present in sufficient numbers, decisions of the local council shall also be brought to the notice of citizens in the language of those minorities."

#### Article 58

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

(2) In their relations with the authorities and staff of the local public administration, citizens belonging to national minorities may also communicate with them orally and in writing in their mother tongue.

(3) Applications submitted in writing shall be accompanied by an authenticated Romanian translation.

(4) Where the representative of the public authority or the official does not understand the minority language concerned an interpreter shall be used."

## **Paragraph 3**

### **Narrative**

The guarantees protecting the person where the public authorities take certain measures concerning personal freedom also include the language in which the grounds of detention or arrest are communicated to the person arrested or detained.

The Constitution of Romania has opted for the solution used in international regulations, namely to employ the language spoken by the person implicated.

As regards the court proceedings, which take place in Romanian, persons belonging to national minorities have the right to use their mother tongue when addressing the court, through an interpreter; in criminal cases this right is ensured free of charge.

**Legal***Constitution*Article 23 - Personal liberty

"(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 127 - The right to an interpreter

"(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 cognisance 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 11****Paragraph 1**

This right is recognised in practice in the same way as for all Romanian citizens.

**Paragraph 2**

This right is granted in practice without any impediment.

**Paragraph 3**

A Bill to this effect is before Parliament. It provides for the use of bilingual signs in areas where persons belonging to national minorities represent 20% of the population.

**ARTICLE 12****Paragraph 1**

In Romania persons belonging to national minorities attend either schools where they are taught in Romanian, with the option of studying in their mother tongue as a separate subject, or schools where they are taught in their mother tongue. The Law on Education, Law No. 84 of 1995, provides (Article 120, paragraphs 3 and 4) that textbooks on general history and Romanian history are required to reflect the history and traditions of the national minorities in Romania (in Romanian).

In secondary education, pupils in the lower years are able, if they so request, to study the history and traditions of national minorities, taught in the mother tongue. Pupils belonging to national minorities who attend institutions where teaching is in Romanian are able, if they so request, to study their mother tongue as well as the history and traditions of the minority concerned as a separate subject.

The provisions governing the composition of these textbooks, the content of which will continue to be improved in future, reflect the legislature's desire to ensure an atmosphere of tolerance in which cultural pluralism is promoted and also to preserve the cultural identity of persons belonging to national minorities.

## **Paragraph 2**

The Romanian State ensures that teaching is organised and provided in the language of persons belonging to national minorities. In that context, the teaching plans, syllabuses and textbooks needed to provide teaching in the mother tongue of persons belonging to national minorities are provided by the Ministry of National Education. The costs of publishing textbooks in the language of persons belonging to national minorities are covered by the State. In spite of the financial constraints imposed by the economic transition, these costs have been provided from the State budget and by programmes of financing from international bodies, NGOs etc.

Pupils belonging to national minorities are taught by qualified teachers, who have been trained at middle or higher level (2,807 nursery school teachers, 3,894 primary school teachers and 9,007 secondary school teachers, including heads of departments). The majority of these are trained in institutions and educational departments where teaching is provided in the mother tongue of persons belonging to national minorities or where the relevant mother tongue can be studied as a separate subject.

There are teachers' training colleges for prospective teachers in schools where pupils are taught in the languages of persons belonging to national minorities. There are special groups where Russian, Slovakian, Ukrainian, Bulgarian and Gypsy/Roma teachers are trained. Those who are to teach in the mother tongue of persons belonging to the German minority are trained at the German-language training college in Sibiu. A number of pupils and students have received bursaries and been given the opportunity to undergo periods of training abroad, offered by various Partner States; this helps train the teachers needed to provide proper teaching in the mother tongue of persons belonging to national minorities.

In the case of persons belonging to the smaller national minorities (Ukrainian, Serbian, Bulgarian, Slovakian, Czech, Croatian, Russian, Turkish, Tatar and Polish), prospective teachers of the mother tongue and literature in schools where pupils are taught in the languages concerned are taught by specialist lecturers at the universities of Bucharest, Timisoara and Sibiu.

As regards persons belonging to the Gypsy minority (the Romas), since 1994 the Didactic and Pedagogic Publishing House has published a textbook in the Gypsy (Roma) language. The teachers' training colleges in Bucharest, Bacau and Târgu Mures have held special classes to train future teachers for Gypsies/Romas.

## **Paragraph 3**

Equal opportunities for access to education are provided at all levels for persons belonging to national minorities in the same way as for all Romanian citizens. State education is free for all Romanian citizens, including those belonging to national minorities

(for the implementation of these principles, see the description of the application of Article 15 of the Framework Convention).

## ARTICLE 13

### Paragraphs 1 and 2

#### *Narrative*

In Romania the national education system includes State and private educational units and establishments.

#### *Legal*

#### *Constitution*

#### Article 32 - The right to education

"...

(5) Educational establishments, including private institutions, shall be set up and conduct their activity according to the provisions of the law."

Law on Education (Law No. 84 of 24 July 1995, as amended and supplemented by Law No. 131 of 29 December 1995).

#### Article 103

"Private education is an alternative to or supplements State education."

#### Article 8

"(4) In both State education and private education official school documents shall be drawn up in Romanian."

The Romanian Parliament is currently considering a Bill aimed at supplementing the Law on Education (Law No. 84 of 1995) in order to clarify the possibilities of setting up and organising private educational establishments where teaching would be provided in the mother tongue of persons belonging to national minorities.

#### *State infrastructure*

An agency has been set up to evaluate and accredit private universities, as has a similar body to accredit private pre-university educational establishments.

## ARTICLE 14

### Paragraphs 1, 2 and 3

#### *Narrative*

In Romania access to teaching is guaranteed and organised in such a way as to ensure that all Romanian citizens, without distinction based on social or material condition, sex, race, nationality or political or religious affiliation, have equal opportunities.

The Romanian State guarantees the right of persons belonging to national minorities to learn their mother tongue and to have the opportunity to be taught in that language.

At the same time, under Romanian law it is compulsory to study and assimilate the Romanian language.

#### *Legal*

##### *Constitution*

#### Article 32 - The right to 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.

(4) Public education shall be free, according to the law.

...

(7) The State shall ensure the freedom of religious education, in accordance with the specific requirements of each religious cult. In public schools, religious education is organised and guaranteed by law."

The Law on Education (Law No. 84 of 24 July 1985) was amended and supplemented by Law No. 131 of 29 December 1995.

#### Article 5

"(1) Romanian citizens have equal rights of access to all levels and forms of education, without distinction based on social or material condition, sex, race, nationality or political or religious affiliation ..."

#### Article 7

"(1) State education shall be free of charge.

(2) State education shall be financed by the State budget and local budgets."

#### Article 8

"(1) Education at all levels shall be provided in Romanian. In each area classes shall be organised and held where teaching shall be provided in Romanian.

(2) The right of persons belonging to national minorities to learn their mother tongue and the right to be taught in that language shall be guaranteed in accordance with this Law.

(3) The study and assimilation of Romanian, as the official State language, at school shall be mandatory for all citizens, without distinction based on their ethnic origin.

(4) Official school documents shall be drawn up in Romanian, both in State education and in private education."

#### Article 9

"(1) Primary, secondary, grammar school and occupational training schemes shall include religion as an academic subject. In primary education religion shall be a compulsory subject, in secondary education it shall be optional and in grammar school and occupational education it shall be discretionary. Pupils, with the consent of their father or legal guardian, shall choose the religion and denomination which they are to study.

(2) Religious cults officially recognised by the State may request the Ministry of Education to organise specific education in accordance with the educational needs of the personnel of the cult, solely for those who have finished secondary school or grammar school, as the case may be. The cults are responsible for drawing up the programmes of study, which are approved by the State Secretariat for Cults and the Ministry of Education."

#### Article 11

"(3) Religious proselytism shall be prohibited in education."

#### Article 12

"(2) The organisation and content of education shall not be structured according to exclusivist and discriminatory criteria of an ideological, political, religious or ethnic nature. Educational units and institutions established for religious or linguistic reasons in which education is provided in accordance with the choice of pupils' parents or legal guardians shall not be regarded as structured according to exclusivist or discriminatory criteria."

### Chapter XII

#### Education for persons belonging to national minorities

Article 118

"Persons belonging to national minorities are entitled to study and to be taught in their mother tongue, at all levels and in all forms of education, in the conditions laid down in this Law."

Article 119

"(1) According to local needs, groups, classes, departments or schools may be organised, upon application and in accordance with the law, in which education is provided in the languages of national minorities.

(2) The provisions of paragraph (1) of this article shall be applied without prejudice to the education provided in that language."

Article 120

"(1) Romanian language and literature shall be taught in primary schools according to syllabuses and textbooks specially prepared for the minority concerned. In secondary education, in both lower and upper years, Romanian language and literature shall be taught using the same syllabuses and textbooks as those used where teaching is provided in Romanian.

(2) In secondary education, in both lower and upper years, the history of the Romanians and the geography of Romania shall be taught in Romanian, using the same syllabuses and textbooks as those used where teaching is provided in Romanian. In these subjects pupils shall be examined in Romanian. In primary education these subjects shall be taught in the pupils' mother tongue.

(3) The syllabuses and textbooks used to teach general history and Romanian history shall reflect the history and traditions of national minorities in Romania.

(4) In secondary education of the first level the history and traditions of national minorities shall be introduced, where it is requested, as a subject for study; it shall be taught in the mother tongue. The analytical syllabuses and textbooks used in teaching this subject shall be approved by the Ministry of Education."

Article 121

"Pupils belonging to national minorities who are taught in units where teaching is provided in Romanian are entitled, where they so request and in the conditions established by law, to study their mother tongue and literature, and also the history and traditions of the minority concerned, as academic subjects."

Article 122

"(1) Students undergoing vocational training in technology, economics, administration, agriculture, forestry or hill farming in the upper years of State secondary schools, and also those studying at post-secondary-school level, shall receive their specialist

training in Romanian, and where possible will also have the opportunity to acquire the specialist terminology in their mother tongue.

(2) Medical students in State universities may, within the framework of the existing departments, continue to receive their specialist training in their mother tongue, provided that they assimilate the specialist terminology in Romanian."

#### Article 123

"State universities may, upon request and in the conditions laid down in this Law, organise groups and departments where teaching is provided in the mother tongue, so that the necessary personnel can be trained to teach their language and artistic culture."

#### Article 124

"Competitions for admission to all levels of education and final examinations shall be in Romanian. Competitions for admission and final examinations may be attempted in the mother tongue in schools, classes and specialist departments where teaching is provided in the mother tongue concerned, in the conditions laid down in this Law."

#### Article 125

"The Ministry of Education shall provide training and further training for the staff teaching a language in which education is provided, and also textbooks and other teaching documents."

#### Article 126

"Teaching units and establishments with groups, classes or departments in which teaching is provided in the languages of national minorities shall be administered in a way which guarantees proportional representation for teachers from national minorities, regard being had to professional competence."

#### ***State infrastructure***

The main responsibility for implementing this right lies with the Ministry of National Education.

#### ***Policy***

As State education is free, the Romanian State bears all the costs associated with learning Romanian or with the provision of State teaching in the mother tongue of persons belonging to national minorities.

The teaching plans, school syllabuses and textbooks necessary for teaching in the mother tongue of persons belonging to national minorities are provided by the Ministry of National Education.

From the aspect of learning the mother tongues of persons belonging to national minorities, and that of teaching in those languages, a distinct advantage is the qualified

teaching staff, the majority of whom are from among persons belonging to the minority concerned.

***Factual***

A breakdown of pre-university education in Romania according to language for the 1997-98 academic year is presented in the following table:

<b>Teaching Language</b>	<b>Total Number</b>			
	<b>Establishments and departments*</b>	<b>Percentage</b>	<b>Children and pupils</b>	<b>Percentage</b>
Total	29,987	100	4,282,761	100
Total minorities	2,908	10	222,337	5.2
Hungarian	2,510	8.7	198,489	4.6
German	286	1	20,342	0.5
Ukrainian	23	-	792	-
Serbian	33	0.1	908	-
Bulgarian	1	-	120	-
Slovakian	44	0.2	1,084	-
Czech	8	-	189	-
Croatian	3	-	113	-

\*including 165 schools for children with learning difficulties

Bilingual units in 1997-98 academic year

<b>Teaching language</b>	<b>Total number of units and departments</b>	<b>Percentage</b>	<b>Total number of pupils</b>	<b>Percentage</b>	<b>Total number of teachers</b>
Turkish-tartar	10	-	271	-	9

**TEACHING STAFF**  
by level and teaching language in pre-university  
education 1997-98

<b>Teaching language</b>	<b>Breakdown:</b>			
	<b>Overall total</b>	<b>Nursery teachers</b>	<b>Primary School teachers</b>	<b>Secondary school teachers (including heads of department)</b>
Total	311,335	36,648	62,858	211,829
Total minorities	15,708	2,807	3,894	9,007
Hungarian	14,186	2,474	3,463	8,249
German	1,212	269	333	610
Ukrainian	57	17	15	25
Serbian	76	11	19	46
Bulgarian	6	6	-	-
Slovakian	139	24	55	60
Czech	17	3	8	6
Croatian	15	3	1	11

**SITUATION**

of pupils belonging to national minorities attending schools  
where teaching is provided in Romanian who also (by request) study their mother tongue  
1997-98 Academic year

<b>Mother tongue</b>	<b>Number of establishments</b>	<b>Pupils</b>	<b>Teachers</b>
Ukrainian	51	7,213	50
Russian (Lipoveni)	18	1,547	13
Turkish	46	2,212	62
Polish	12	398	8
Bulgarian	5	460	5
Serbian	6	251	13
Slovakian	2	37	3
Czech	5	139	6
Croatian	7	557	8
Greek	3	77	3
Gypsy (Roma)	3	159	8
Armenian	2	56	2
Italian	2	43	2
German	2	66	2
Total	164	13,215	185

LIST  
of secondary schools and sections where teaching is provided  
in the mother tongue of persons belonging to national  
minorities - 1997-98 academic year

*HUNGARIAN*

**A. HUNGARIAN-LANGUAGE SECONDARY SCHOOLS**

*District of Alba*

1. "Bethlen Gábor" Secondary School, Aiud
2. Roman Catholic Theological Seminary, Alba Iulia

*District of Arad*

"Csiki Gergely" Industrial School Campus, Arad

*District of Bihor*

1. "Ady Endre" Secondary School, Oradea
2. Reformed Theological Seminary, Oradea
3. Roman Catholic Theological Seminary, Oradea

*Department of Brasov*

1. "Aprily Lajos" Secondary School, Brasov
2. "István Rab" Secondary School, Sacele

*District of Cluj*

1. Unitarian Theological Seminary, Cluj-Napoca
2. Reformed Theological Seminary, Cluj-Napoca
3. Roman Catholic Theological Seminary, Cluj-Napoca
4. Secondary School No. 2, Cluj-Napoca

*District of Covasna*

1. "Székely Mikó" Secondary School, Sfântu Gheorghe
2. "Mikes Kelemen" Secondary School, Sfântu Gheorghe
3. "Bod Péter" Teachers' Training College, Târgu Secuiesc
4. "Nagy Mozes" Secondary School, Târgu Secuiesc

*District of Harghita*

1. "Márton Aaron" Secondary School, Miercurea Ciuc
2. Art School, Miercurea Ciuc
3. Roman Catholic Theological Seminary, Miercurea Ciuc
4. "Tamas Aron" Secondary School, Odorheiu Secuiesc
5. "Palló Imre" Art School, Odorheiu Secuiesc

6. "Bányai János" Industrial School Campus, Odorheiu Secuiesc
7. Industrial School Campus No. 2, Odorheiu Secuiesc
8. Health School Campus, Odorheiu Secuiesc
9. Agricultural School Campus, Odorheiu Secuiesc
10. "Benedek Elek" Teachers' Training College, Odorheiu Secuiesc
11. "Salamon Erno" Secondary School, Gheorghieni
12. "Gábor Aron" Industrial School Campus, Vlahita
13. "Petöfi Sándor" Secondary School, Danesti
14. "Puskds Tivadar" Secondary School, Dibau
15. Agricultural School, Sanmartin
16. Secondary School, Corund
17. Secondary School, Zetea
18. Agricultural School Campus, Joseni
19. Roman Catholic Theological Seminary, Lunca de Sus

*District of Satu Mare*

1. Reformed Theological Seminary, Satu Mare
2. "Ham Janos" Roman Catholic Theological Seminary, Satu Mare
3. Roman Catholic Theological Seminary, Carei
4. "Kölcsey Ferenc" Secondary School, Satu Mare

*District of Salaj*

Reformed Theological Seminary, Zalau

*District of Timis*

1. "Bartók Béla" Secondary School, Timisoara
2. Roman Catholic Seminary, Timisoara

*City of Bucharest*

"Ady Endre" Secondary School

**B. SECONDARY SCHOOLS WITH HUNGARIAN-LANGUAGE DEPARTMENTS**

*District of Arad*

"Gheorghe Lazar" Secondary School, Pecica

*District of Bihor*

1. "Mihai Eminescu" Secondary School, Oradea
2. "Petöfi Sandor" Secondary School, Sacuieni
3. "Iosif Vulcan" Teachers' Training College, Oradea
4. Art School, Oradea
5. Oil Industry School Campus, Marghita
6. Industrial School Campus, Salonta
7. Agricultural School Campus, Nalea lui Mihai

8. Agricultural School Campus, Oradea

*District of Bistrita Nasaud*

"Andrei Muresanu" Secondary School, Bistrita

*District of Brasov*

1. "Constantin Brâncoveanu" Industrial School Campus, Brasov
2. Energy School Campus, Brasov
3. "Stefan Octavian Iosif" School Campus, Rupea

*District of Cluj*

1. "Brassai Sámuel" Secondary School, Cluj-Napoca
2. Secondary School No. 3, Cluj Napoca
3. "Andrei Muresanu" Secondary School, Dej
4. "O. Ghibu" Secondary School, Cluj Napoca
5. "Octavian Goga" Secondary School, Huedin
6. "Petru Maior" Secondary School, Gherla
7. "Mihail Viteazul", Turda
8. Music School, Cluj-Napoca
9. Adventist Theological Seminary, Cluj-Napoca
10. Electrotechnical School Campus, Cluj-Napoca

*District of Covasna*

1. Art School, Sfantu Gheorghe
2. "Oltul" Textile Industry School Campus, Sfantu Gheorghe
3. Economic, Administrative and Service School Campus, Sfantu Gheorghe
4. "Puskàs Tivadar" Industrial School Campus, Sfantu Gheorghe
5. Agricultural School Campus, Sfantu Gheorghe
6. "Gábor Aron" Industrial School Campus, Târgu Secuiesc
7. "Korosi Scoma Sandor" School Campus, Covasna
8. "Baroti Szabo David" Industrial School Campus, Baraolt
9. "Apor Péter" Agricultural and Industrial School Campus, Târgu Secuiesc
10. "Perspectiva" Industrial School Campus, Sfantu Gheorghe

*District of Harghita*

1. Timber Industry and Processing School Campus, Miercurea Ciuc
2. Mechanical Construction School Campus, Miercurea Ciuc
3. "Johannes Kájoni" Economic, Administrative and Service School Campus, Miercurea Ciuc
4. Mining Industry School Campus, Balan
5. "Orband Balazs" Secondary School, Cristuru Secuiesc
6. Mechanical Construction Industry School Campus, Gheorghieni
7. Agricultural School Campus, Gheorghieni
8. "O.C. Taslauanu" Secondary School, Toplita
9. Construction School Campus, Miercurea Ciuc

*District of Hunedoara*

1. "Traian" Secondary School, Deva
2. Secondary School, Petrosani

*District of Maramures*

1. "Gheorghe Sincai" Secondary School, Baia Mare
2. "Mihai Eminescu" Secondary School, Baia Mare
3. "Dragos Voda" Secondary School, Sighetu Marmatiei

*District of Mures*

1. "Al. Papiu Ilarian" Secondary School, Târgu Mures
2. "Unirea" Secondary School, Târgu Mures
3. "Bolyai Farkas" Secondary School, Târgu Mures
4. "Mihai Eminescu" Teachers' Training College, Târgu Mures
5. Art School, Târgu Mures
6. "Avram Iancu" Industrial School Campus, Târgu Mures
7. "Gh. Sincai" Industrial School Campus, Târgu Mures
8. "Electromures" Industrial School Campus, Târgu Mures
9. Industrial School Campus No. 1, Târgu Mures
10. Chemical Industrial School Campus, Târgu Mures
11. Forestry School Campus, Târgu Mures
12. Construction and Erection Industry School Campus, Târgu Mures
13. "Mircea Eliade" Secondary School, Sighisoara
14. School Campus, Reghin
15. "Petru Maior" Industrial School Campus, Reghin
16. Forestry School Campus, Sovata
17. Secondary School, Târnaveni
18. Secondary School, Bran
19. Secondary School, Sângiorgiu de Padure
20. Secondary School, Miercurea Nirajului

*District of Satu Mare*

1. Teachers' Training College, Satu Mare
2. Secondary School, Carei
3. Mechanical Construction Industry School Campus No. 3, Satu Mare
4. Industrial School Campus, Tasnad
5. Agricultural School Campus, Carei
6. Agricultural School Campus, Livada
7. Mechanical Construction Industry School Campus, Carei

*District of Salaj*

1. Secondary School, Zalau
2. "Gheorghe Sincai" Teachers' Training College, Zalau
3. "Simon Barnutiu" Secondary School, Simleu Silvaniei

4. Industrial School Campus, Cehu Silvaniei
5. Industrial School Campus, Crasna
6. Industrial School Campus, Sarmasag
7. "Al. Papiu Ilarian" Industrial School Campus, Zalau
8. "Iuliu Maniu" Industrial School Campus, Zalau
9. Agricultural School Campus, Simleu Silvaniei

*District of Sibiu*

1. "Octavian Goga" Secondary School, Sibiu
2. "Axente Sever" Secondary School, Medias

*GERMAN*

**A. GERMAN-LANGUAGE SECONDARY SCHOOLS**

*District of Arad*

German School for General Studies, Arad

*District of Brasov*

"Johannes Honterus" Secondary School, Brasov

*District of Sibiu*

"Brukenthal" Secondary School, Sibiu

*District of Timis*

"N. Lenau" School for General Studies, Timisoara

*City of Bucharest*

"H. Oberth" Secondary School, Bucharest

**B. SECONDARY SCHOOLS WITH GERMAN-LANGUAGE DEPARTMENTS**

*District of Brasov*

Energy Industry School Campus, Brasov

*District of Caras-Severin*

Secondary School No. 4, Resita

*District of Cluj*

"George Cosbuc" Secondary School, Cluj-Napoca

*District of Mures*

"Joseph Haltrich" Secondary School, Sighisoara

*District of Satu Mare*

"Mihai Eminescu" Secondary School, Satu Mare

*District of Sibiu*

1. "A. Saguna" Teachers' Training College, Sibiu
2. "Axente Sever" Secondary School, Medias
3. "St. L. Roth" Secondary School, Medias

*District of Timis*

"C. Brediceanu" Secondary School, Lugoj

*CROATIAN*

*District of Caras-Severin*

Bilingual Secondary School, Crasova

*SLOVAKIAN*

SECONDARY SCHOOLS WITH SLOVAKIAN-LANGUAGE DEPARTMENTS

*District of Arad*

"J. Gregor-Tajovsky" Secondary School, Nadlac

*District of Bihor*

"Josef Kozacek" Secondary School, Budai

*SERBIAN*

**A. SERBIAN-LANGUAGE SECONDARY SCHOOL**

*District of Timis*

"Dositei Obradovici" Secondary School, Timisoara

**B. SECONDARY SCHOOLS WITH SERBIAN-LANGUAGE DEPARTMENTS**

*District of Caras Severin*

Industrial School Campus, Moldova Noua

*TURKISH*

*District of Constanta*

"Kemal Atatürk" Bilingual Islamic Theological Secondary School, Medgidia

*UKRAINIAN*

SECONDARY SCHOOL WITH UKRAINIAN-LANGUAGE DEPARTMENTS

*District of Maramures*

"Taras Sevchenko" Secondary School, Sighetu Marmatiei

As regards higher education in Romanian universities, there are departments specialising in the study of the mother tongues of persons belonging to national minorities.

Furthermore, persons belonging to the Magyar minority have departments specialising in their language in 14 faculties and 3 colleges, consisting of 40 specialist departments, in the "Babes Bolyai" University in Cluj-Napoca. There are also Hungarian-language departments in the Medical and Pharmaceutical University in Targu Mures, the University of Bucharest and the "Zentgyorgy Istvan" Academy of Art in Târgu Mures.

The opportunities described above for persons belonging to national minorities to learn and be taught in their mother tongue do not prejudice learning and teaching in Romanian.

Religious education is provided from primary school (as a compulsory subject for pupils, including those from national minorities, according to the religious cult to which they belong). The study of religion is optional in secondary education.

The personnel of religious cults are taught in theological seminaries belonging to the religious cults.

**ARTICLE 15**

***Narrative***

Like all Romanian citizens, persons belonging to national minorities have the right to vote and be elected in presidential, parliamentary and local elections. They may exercise the right to be elected either in their personal capacity, like every Romanian citizen, or through their own organisations which represent their interests.

Outside the structures of the public authorities to which they are elected, persons belonging to national minorities may also be members of other structures and bodies at national level.

## ***Legal***

### *Constitution*

#### Article 59 - Parliamentary elections

"(2) Organisations of citizens belonging to national minorities which fail to obtain the number of votes for representation in Parliament have the right to one Deputy's seat each, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organisation only."

Law No. 68 of 15 July 1992, Law on Elections to the Chamber of Deputies and the Senate

#### Article 4

"(1) Legally constituted organisations of citizens belonging to national minorities which fail to obtain at least one seat in the Chamber of Deputies or the Senate in the elections shall have the right to one seat in the Chamber of Deputies, in accordance with Article 50 paragraph (2) of the Constitution, provided that their share of the vote is at least 5% of the average number of validly cast votes in the entire country for the election of a Deputy.

(2) Organisations of citizens belonging to national minorities which participate in the elections shall be treated in law as political parties for the purpose of electoral operations.

(3) The provisions of paragraph (1) shall also apply to organisations of citizens belonging to national minorities which have participated in the elections on the joint list of those organisations; in this case, where none of the candidates on the joint list has been elected, all the organisations which proposed the list shall be allocated one Deputy's seat, provided that the conditions set out in paragraph (1) are met.

(4) The provisions of paragraph (3) shall not apply to an organisation of citizens belonging to national minorities which participated in the elections on the joint list with a political party or another political group or on joint lists, in accordance with paragraph (3), as well as on their own lists.

(5) The Deputy's seat allocated in accordance with paragraph (1) or (3) shall be allocated in addition to the total number of Deputies determined by the rules on representation."

#### Article 46

"(1) During the election campaign access to the public radio and television services shall be guaranteed as provided for in this article.

(2) Access to the public radio and television services by parties, political groups and independent candidates with representatives in Parliament shall be subsidised from the State budget. Other parties, political groups and independent candidates shall have access to the services concerned on the basis of contracts concluded between the corresponding institutions

of Romanian Radio-Television and the financial agents who represent them; the tariffs charged per unit of broadcasting time shall be the same in all cases."

Law No. 70 of 26 November 1991 on local elections, as amended and supplemented by Law No. 25 of 12 April 1996.

#### Article 1

"(1) Local commissions, district councils, mayors and the General Council of the City of Bucharest shall be elected by universal, equal, direct, secret and freely expressed ballot. Deputy mayors shall be elected by indirect ballot by local councils.

(2) Local and district councils shall be elected by electoral constituencies by universal suffrage expressed by a list vote.

(3) Mayors of villages and towns shall be elected, by constituencies, by a vote expressed on the basis of a ballot for a single member."

#### Article 2

"Romanian citizens, without distinction based on nationality, race, language, religion, sex, political convictions or occupation, shall exercise their right to vote equally."

#### Article 6

"(1) Candidatures for local and district councils and those for the office of mayor shall be lodged by parties and political groups constituted in accordance with the law. Independent candidatures may also be lodged as provided for in this law.

(2) Electoral alliances may be formed between political parties; this also applies to electoral alliances at district or local level. The political parties in political alliances or electoral alliances may only participate in the elections on the alliances' lists. A political party may only belong to one alliance at a particular level. Electoral alliances shall be registered at the electoral office of the constituency in which the candidatures are lodged.

(3) A person may lodge his candidature for only one local council and for one post as mayor.

(4) A person may lodge his candidature for a councillor's post and also for the office of mayor."

#### Article 57

"(1) Access by parliamentary parties, political and electoral alliances and independent candidates to the public radio and television services, including territorial studios, is free of charge. In the case of non-parliamentary parties, political and electoral alliances, access to the territorial public radio and television services shall be free, provided that they lodge lists of candidates in a minimum of 50% of the constituencies in a district covered by these territorial studios. The airtime allowed in these situations shall be proportionate to the number of lists of candidates for the territory concerned. Political and electoral parties which

lodge complete lists of candidates in a minimum of 50% of the constituencies shall have access to the national public radio and television services.

(2) Organisations of citizens belonging to national minorities shall have access to the territorial and national public radio and television services if they take part in the elections with lists of candidates in the constituencies in the district, in proportion to their numbers in the population of the district or of Romania, as the case may be.

(3) Access by political parties, political and electoral alliances and independent candidates and by organisations of citizens belonging to national minorities to private radio and television stations, including cable television, shall be guaranteed by a contract concluded between their financial agents and the stations concerned. Each station shall apply a single tariff per unit of airtime for all those requesting it, as provided for in this article."

### Article 103

"In accordance with this law, legally constituted organisations of persons belonging to national minorities shall be treated in the same way as political parties and political and electoral alliances."

Government Decree No. 17 of 31 January 1997 on the creation, organisation and functioning of the Department for the Protection of National Minorities, as amended by Government Decree No. 506 of 12 September 1997

### Article 1

"(1) The Department for the Protection of National Minorities shall be set up within the framework of the machinery of the Government of Romania and subordinate to the Prime Minister.

(2) The Department shall be co-ordinated by the Minister delegated by the Prime Minister for national minorities, who has the status of a member of the Government."

### Article 2

"The Department for the Protection of National Minorities shall carry out the following tasks: it shall

(a) make proposals for the drafting of certain Bills and other legislative measures within its sphere of activity;

(b) provide its opinion on bills and other legislative measures relating to the rights and duties of persons belonging to national minorities, with the recommendation of the Council for National Minorities;

(c) monitor the application of national and international legislative measures concerning the protection of national minorities;

(d) on a proposal from the Council of National minorities, grant financial assistance to organisations of citizens belonging to national minorities by adopting decrees in accordance with Law No. 72/1996 on public finance and with the annual budget laws;

(e) liaise with the Council for National Minorities as regards the powers of the Department;

(f) ensure that the statutory provisions on the protection of national minorities are implemented uniformly by local authorities;

(g) request the public authorities to provide it with the necessary data and information to carry out its own activities;

(h) accept and examine claims and applications from institutions, organisations and natural persons concerning the acts of the organs of the public administration which do not observe the rights of persons belonging to national minorities and inform them of the legal position;

(i) establish and maintain relations with government organisations in Romania or abroad and with international organisations empowered to resolve problems associated with the protection of the rights of persons belonging to national minorities;

(j) promote and organise programmes for the preservation, expression and development of the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities;

(k) maintain permanent relations with and collaborate with the authorities of the public local administration, by means of agents with territorial powers, appointed by order of the Minister for National Minorities, delegated by the Prime Minister, in order to identify specific problems and ensure that they are resolved;

(l) assist scientific research in the inter-ethnic sphere by maintaining contact with persons in that sphere;

(m) have other powers established by the Government or duties outlined by the Prime Minister."

#### Article 8

"(1) Within the Department for the Protection of National Minorities there shall be constituted a National Office for Romas responsible for maintaining and establishing relations with organisations of Romas in order to resolve their specific problems and assist their social integration."

#### Article 9

"(1) Within the Department for the Protection of National Minorities there shall function, as a consultative body, the Council for National Minorities.

(2) The Council for National Minorities shall be composed of three representatives of each organisation of citizens belonging to national minorities, members of the Council of National Minorities, provided that it is represented in the Parliament of Romania. Organisations of citizens belonging to national minorities formed before the date of the general elections of 27 September 1992 which, despite being the sole representatives of those minorities, did not participate in the elections or participated but failed to win the number of votes entitling them to a seat may also be members of the Council for National Minorities."

Article 10 - The powers of the Council for National Minorities are as follows:

"(a) maintaining the activity of organisations belonging to national minorities;

(b) maintaining contacts with the representatives of the Department for the Protection of National Minorities;

(c) proposing, for approval by the Minister for National Minorities appointed by the Prime Minister, the allocation of funds awarded from the State budget for organisations for citizens belonging to national minorities;

(d) informing the Department of the problems discussed in the Council;

(e) making proposals for the drafting of certain Bills and Government decisions within its remit;

(f) accepting, examining and proposing to the Department in order to receive the opinion of its specialist committees, Bills and other draft legislative measures with an impact on the rights and duties of persons belonging to national minorities;

(g) submitting proposals to the Department regarding the adoption of administrative measures to find the most effective solutions, in accordance with the law, for the problems within its competence;

(h) establishing and maintaining relations with non-governmental organisations in Romania and abroad."

### ***State infrastructure***

In the Romanian Parliament, both in the Chamber of Deputies and in the Senate, there is a parliamentary political group of the Democratic Union of Magyars of Romania (DUMR).

Similarly, in the Chamber of Deputies there is a parliamentary political group of Deputies of organisations of persons belonging to national minorities other than the DUMR.

The Deputies representing organisations of persons belonging to national minorities participate in the Committee for Human Rights, Religious Cults and Problems of National Minorities and also in other working committees of the Chamber of Deputies, in the same way as other Deputies belonging to the majority population.

As a member of the majority political coalition, the Democratic Union of Magyars of Romania has two posts as Minister in the Government of Romania. It also has eight posts as State Secretary, two posts as Prefect and eight posts as Sub-Prefect. One of the ministerial

posts is that of Minister of Health and the other is that of Minister Delegated to the Prime Minister with responsibility for National Minorities. This Delegated Minister heads the Department for the Protection of National Minorities (DPNM), which has been set up and functions within the Government apparatus, subordinate to the Prime Minister.

At present the post of State Secretary in the DPNM is held by a representative of the Democratic Forum of Germans of Romania.

Within the Department for the Protection of National Minorities the Council for National Minorities has an advisory role; it is composed of representatives of organisations of citizens belonging to national minorities which are represented in the Romanian Parliament and representatives of organisations of citizens belonging to national minorities which are not represented in Parliament.

Within the Department for the Protection of National Minorities the National Office for Romas has been set up in order to resolve the specific problems of that minority.

The Ministry of Culture includes, in addition to the Directorate for National Minorities, a number of other departments which support the cultural activities of persons belonging to national minorities, namely: Written Culture; Institutions and Displays; Historic Monuments; Cultural Programmes; Museums and Art Collections; and International Cultural Relations.

### *Policy*

In 1998 the Government of Romania allocated the sum of 13.7 billion lei from the State budget to the protection of persons belonging to national minorities; this sum is shared among the 17 associations of national minorities. In addition, the sum of 1.55 billion lei was allocated to joint projects and to finance the National Campaign against Racism and Intolerance.

Although the resources allocated by the Romanian State cannot resolve all the financial problems of those organisations, they reflect the fact that the Romanian authorities are constantly concerned to ensure that the necessary conditions exist to preserve the ethnic, linguistic and cultural identity of persons belonging to national minorities in the present climate of economic austerity.

In the sphere of the participation of persons belonging to national minorities in cultural life, the Ministry of Culture provides financial support for programmes (the majority of which are initiated by organisations of persons belonging to national minorities) aimed at promoting inter-ethnic tolerance and preserving cultural identity.

The funds made available for that purpose by the Ministry of Culture in 1997 represented an increase of 250% compared with 1996. Between 1992 and 1996 the Ministry of Culture financed approximately 200 cultural activities by persons belonging to national minorities.

In 1997 87 activities were supported, the total sum involved being 600 million lei: shows, theatre and documentary film festivals, ethnographic and historical exhibitions, craft

fairs, book fairs, including some abroad, with works published in the mother tongue of persons belonging to national minorities.

In the same year the Ministry of Culture set up a programme of financing cultural reviews from its budget, by selling at public auction, thus providing 20-50% of the cost of publishing four reviews in Hungarian and two in German.

The books published by the publishers "Kriterion" and "Mentor", which are supported by the State, are primarily concerned with contemporary literature and to a certain extent with general classical literature.

State subsidies have likewise been granted for the restoration and consolidation of 54 buildings forming part of the cultural heritage of persons belonging to national minorities.

### ***Factual***

Persons belonging to national minorities took part in the parliamentary elections held in 1996 to elect a new Chamber of Deputies and a new Senate; they stood either on behalf of their organisations, on the lists of other political groups or as independent candidates.

The DUMR won 25 seats in the Chamber of Deputies and 11 seats in the Senate on the basis of the votes received, while 15 other organisations of persons belonging to national minorities other than the Magyar majority which participated in the elections each won one seat in the Chamber of Deputies, in accordance with the provisions referred to above.

1. Cultural Union of Albanians of Romania - 1 seat in the Chamber of Deputies
2. Union of Armenians of Romania - 1 seat in the Chamber of Deputies
3. "Bratsvo" Community of Bulgarians of Romania - 1 seat in the Chamber of Deputies
4. Hellenic Union of Romania - 1 seat in the Chamber of Deputies
5. Federation of Jewish Communities of Romania - 1 seat in the Chamber of Deputies
6. Democratic Forum of Germans of Romania - 1 seat in the Chamber of Deputies
7. Community of Italians of Romania - 1 seat in the Chamber of Deputies
8. Union of Poles of Romania "Dom Polski" - 1 seat in the Chamber of Deputies
9. Party of Romas of Romania - 1 seat in the Chamber of Deputies
10. Community of Russians - *Lipoveni* of Romania - 1 seat in the Chamber of Deputies
11. Democratic Union of Serbs of Romania - 1 seat in the Chamber of Deputies

12. Democratic Union of Slovaks and Czechs of Romania - 1 seat in the Chamber of Deputies
13. Democratic Union of Turco-Moslem Tatars of Romania - 1 seat in the Chamber of Deputies
14. Democratic Union of Turks of Romania - 1 seat in the Chamber of Deputies
15. Union of Ukrainians of Romania - 1 seat in the Chamber of Deputies

Other persons belonging to national minorities were elected to Parliament on the lists of other political parties. These persons were elected as members of those parties, and therefore according to political criteria, notwithstanding their ethnic origin, which did not prove an obstacle to their election.

In the presidential elections held at the same time as the parliamentary elections, the Democratic Union of Magyars of Romania presented its own candidate, who obtained 7% of the votes validly cast in the first round. The fact that a Romanian citizen belonging to the Magyar minority in should stand in the presidential elections, his programme and the quality of his public contribution to the election campaign, which included appearing in televised debates, were received with interest by the majority population. Far from being regarded as an eccentricity, this candidature was seen as a normal choice by the DUMR and a sign of normality in Romanian society. The DUMR candidate is currently a member of the Senate and a member of Romania's delegation to the Parliamentary Assembly of the Council of Europe.

The programme of the Government of Romania, which is made up of a coalition (the Democratic Convention, the Social-Democratic Union and the Union of Magyars of Romania (DUMR), included the political objectives of the DUMR, a political group which defines itself as representing the interests of persons belonging to the Magyar minority of Romania. This programme includes a number of principles concerned with the protection of persons belonging to national minorities, and legislative and institutional measures designed to achieve the proposed objectives. The activities of the Government, which includes representatives of the Magyar minority of Romania, include working to ensure that the international legal rules relating to human rights, including the rights of persons belonging to national minorities, are observed and applied in good faith.

In the elections held in June 1996 persons belonging to national minorities were elected as mayors or councillors, by standing either on the lists of their own organisations, on the lists of other political groups or as independent candidates, as follows:

**Mayors** (villages, towns, cities):

- Democratic Union of Magyars of Romania - 139 posts
- Democratic Forum of Germans of Romania - 5 posts
- Democratic Union of Slovaks and Czechs of Romania - 2 posts
- Union of Croats of Romania - 2 posts
- Party of Romas of Romania - 1 post
- Community of Russians - *Lipoveni* of Romania - 1 post

- Democratic Union of Serbs of Romania - 1 post

**Councillors** (villages, towns, cities, districts)

-	Magyars	2,582 seats
-	Romas/Gypsies	173 seats
-	Germans	94 seats
-	Russians - <i>Lipoveni</i>	38 seats
-	Czechs and Slovaks	27 seats
-	Ukrainians	23 seats
-	Serbs and <i>Carasoveni</i>	22 seats
-	Croats	11 seats
-	Tatars	11 seats
-	Bulgars	6 seats
-	Poles	4 seats
-	Turks	2 seats
-	Jews	1 seat
-	Greeks	1 seat

**ARTICLE 16**

No other measures have been adopted.

**ARTICLE 17**

**Paragraphs 1 and 2**

*Narrative*

The right of free movement as set out in the Constitution of Romania (1991) is taken from the International Covenant on Civil and Political Rights and establishes a new fundamental right which ensures freedom of movement for each citizen.

*Legal*

*Constitution*

Article 25 - Free movement

"(1) The right of free movement within the national territory and abroad is guaranteed. ...

(2) Every citizen is guaranteed the right to establish his domicile or residence anywhere in the country, to emigrate and to return to his country."

Government Decree No. 65 of 28 August 1997 on the passport system in Romania, approved by Law No. 216 of 17 November 1998:

Article 8

"Ordinary passports shall be issued by the Ministry of the Interior through the Passports Directorate or the subordinate territorial services and shall be kept by their holders ..."

*Factual*

In Romania the right of persons belonging to national minorities freely and peaceably to establish and maintain contacts abroad, primarily by free movement but also by participating in the works of non-governmental organisations at national and international level, is fully observed. Persons belonging to national minorities freely exercise the right to establish and maintain contacts with persons in other countries which have the same ethnic, cultural, linguistic and religious origin or the same cultural heritage. This right is promoted by Romania in its bilateral relations with its neighbours and expressly stipulated in the political Treaties between Romania and Ukraine and between Romania and Hungary. Similarly, Romania has ratified the European Framework Convention on Transborder Co-operation between Local Communities or Authorities.

**ARTICLE 18**

Romania has not concluded special bilateral or multilateral agreements with other States designed to ensure the protection of persons belonging to national minorities.

However, provisions on the protection of the rights of persons belonging to national minorities are found in a number of political treaties concluded, in particular, with neighbouring States, which include direct references to or wording taken from the Framework Convention (for example, the Treaty on Understanding, Co-operation and Good Neighbourliness between Romania and the Hungarian Republic signed on 16 September 1996; or the Treaty on Good Neighbour Relations and Co-operation between Romania and Ukraine signed on 2 June 1997).

**ARTICLE 19**

Romania has not had recourse to the limitations, restrictions or derogations provided for in international legal instruments in the sphere of human rights; therefore no such limitations, restrictions or derogations apply to the rights and freedoms flowing from the Framework Convention.

**ARTICLE 20**

In the exercise of the rights and freedoms provided for in the Framework Convention, persons belonging to national minorities respect the national legislation and the rights of persons belonging to the majority population and the rights of other national minorities.

Certain problems which are apparent in areas where the majority population of the country is in the minority will be resolved in accordance with national legislation and the decisions of the courts.