

**Analytical Report PHARE RAXEN\_CC  
Minority Education**

**RAXEN\_CC National Focal Point Romania**

Ombudspersons for National Minorities

Report on minority education in Romania

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Vienna, 2004

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# 1. Executive summary

Interethnic relations in Romania concern three main categories: (a) Romanian-Hungarian relations; (b) relations between Romanians and the Roma community; and (c) relations between the Romanian majority and the smaller national minorities. Education plays an essential part in all three cases.

To preserve and develop its identity, the Hungarian minority needs comprehensive education in the mother tongue from kindergarten to the university. The attempt of the Ceausescu regime to assimilate Hungarians (also) by integrating schools caused a veritable trauma to the community. After the 1989 revolution, the return to a separate system of education became the major claim of the Hungarians in Romania. Their effort to separate schools and the resistance of Romanian political leaders led to several major crises. Since then, the separation process has progressed and relations between Romanians and Hungarians have improved. Although many theories stress the importance of an integrated school system, in the Romanian context the separation of Hungarian schools seems to be a necessity.

The system of education in Hungarian is very extensive, covering practically the entire school age population within the Hungarian community. In the 2001-2002 school year, there were 2,384 educational institutions matriculating 187,156 pupils and children, with a teaching staff of 15,537. There were 24,598 undergraduates and graduate students.<sup>1</sup> Between 1990 and 2002, the number of school units increased by 9.86 percent, from 2,145 to 2,384. The number of Hungarian students, 7,091 in 1990, reached 24,598 by 2002.<sup>2</sup> Two exclusively Hungarian private universities were established.

Unlike Hungarians, Roma need integrated schools and classes. This is in fact the basic strategy of the Ministry of Education and Research. But the government's approach is violated in practice at local level. There were several documented cases in which Roma classes were segregated. Most importantly, the hostile or offensive treatment of Roma children is a major cause for concern. For this reason, the current measures taken to fight discrimination in schools are insufficient.

Education for Roma in integrated schools is in most cases provided in Romanian. In the meantime, however, the interest for education in the Romani language has increased. In the 2001-2002 school year, there were 102 schools with 12,650 Roma pupils studying in their mother tongue. They were assisted by 164 teachers with a full teaching load and other 96 part-timers.

Beyond the use of the mother tongue in education, a matter of crucial importance for Roma children is class attendance. Offering a meal between classes for Roma children from poor families turned out to be a useful instrument for the improvement of their attendance record. Extending such measures would however involve the allocation of scarce additional financial resources.

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<sup>1</sup> Ministry of Public Information, Ministry of Education and Research, *The Present Time in the Education of National Minorities in Romania. Achievements in 2001-2002 school year and perspectives*, Ed. Studium, București, 2002, p. 27

<sup>2</sup> *Idem*, p. 28.

There is a generally accepted view that Roma education should be based on the following principles: (a) the educational system must be ensured in preponderance by teachers from among the ranks of ethnic Roma; (b) educational programs for Roma must be launched with the consultation of the beneficiaries; (c) the educational system for Roma must be reconsidered using the contribution demonstrated in schooling projects of Roma and non-Roma NGOs; (d) the education of Roma must be based on the concept of “integration”.

In the case of the smaller ethno-cultural communities education in the mother tongue is provided upon request. Education is an important factor in promoting the identity of these minorities, which are under constant threat of assimilation. Within the smaller communities, education in the mother tongue was provided upon request for the Germans, Serbians, Czechs, Slovaks and Ukrainians. Partial education in the mother tongue is accessible to Croats and Turks (including Tatars). Armenians, Bulgarians, Greeks, Poles and Russian-Lippovans study their respective mother tongue in schools.

Some cases warrant special attention. Until the 2002-2003 school year, Hungarian Changos were denied their right to study Hungarian in school in spite of repeated requests. Tatars preferred to have their children study in Turkish, mainly because this language provided better economic opportunities. German education is special because it has a long tradition and many German schools are attended by Romanian and Hungarian children. The prestige of German language and culture in Romania survived the exodus of German ethnics.

The current legislative framework covers the national minorities’ need to study in their mother tongue. This is due to the tradition of Romanian education, which has always ensured high standards in the field. The first legislative change in education after 1989 however lowered these standards, leading to a major internal crisis. After the Democratic Alliance of Hungarians in Romania (UDMR) became a member in the governing coalition alongside Romanian parties after the 1996 elections, the laws were changed so as to answer Hungarian demands.

The only existing formal legal limitation concerns state universities with tuition in the languages of the national minorities. The law permits the establishment of multicultural universities only. This restriction is exclusively relevant for the Hungarian community. Even in its case, however, it does not have a large practical significance.

It is also worth mentioning that the existing legal system does not provide any assistance to ethno-cultural groups that do not qualify as a national minority.

A more general problem in Romanian education is the inadequate representation in history, civic education and literature textbooks of the national minorities. When they are present, the information provided is often inaccurate or biased by a nationalist logic. The introduction in the recent past of alternative textbooks generated some positive developments. Nevertheless, a multicultural perspective in education to match the ethno-cultural complexity of Romanian society is still a desideratum. Anti-discriminatory education emphasizing respect for diversity remains a major goal to be achieved in the years to come.

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### 3. Introduction

## why education in the mother tongue of ethnic/national minorities is an important issue in interethnic relations

The specificity of Romania's ethno-cultural diversity makes it possible to restrict our analysis of interethnic relations to three categories: (a) the question of Romanian-Hungarian relations; (b) the relation between Romanians and the Roma community; and (c) relations between the Romanian majority and smaller minorities. Due to the history and development of ethno-cultural relations, education has played a considerable part in all of these three respects.

The Hungarian minority sees total education in the mother tongue, from kindergarten to the university, as a condition for its ability to preserve communal solidarity and civilising standards. Hungarians in Romania have always maintained high educational standards, and their cultural development has followed a distinct path from that of Romanian society in general. Since Transylvania's integration into Romania in 1918,<sup>3</sup> the Hungarian school system has been operating separately. In this sense at least, Romanian society is plural. In 1959, as the Ceausescu regime was at great pains to assimilate Hungarians, the Hungarian-language Bolyai University in Cluj was turned into a Romanian-Hungarian institution. To facilitate this assimilationist goal, Hungarian schools were turned into schools with tuition in both Hungarian and Romanian, while Hungarian graduates were assigned positions in exclusively Romanian areas. An increasing number of Hungarian young men and women lost the community's cultural traditions.

This explains why after 1989 the first and most pressing request of the Hungarian community was to return to the separate school system. This process, considered by some analysts to have been carried out too hastily, led to a major crisis and a bloody conflict between Romanians and Hungarian (Târgu Mureş, March 19-21, 1990). The events had dramatic consequences upon the relationship between the two communities. During the term of the nationalist government of 1992-1996, the majority in the parliament voted in favour of a new law of education which eliminated a traditional and fundamentally important right of Hungarian pupils, that of taking admission examinations for the various secondary education cycles in their mother tongue. Education Law 84/1995 led to a new major crisis with echoes abroad.<sup>4</sup> The crisis was eventually overcome after the political change in the 1996 elections. The rapid and positive developments in Romanian-Hungarian relations which followed these elections<sup>5</sup> were possible also because of measures taken in the field of education: the new government adopted Order 36/1997 amending the aforementioned Education Law and answering the main demands of Hungarian representatives.

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<sup>3</sup> Ninety-eight percent of the Hungarians in Romania live in Transylvania.

<sup>4</sup> The position of the authorities in Bucharest was condemned in a resolution of the European Parliament.

<sup>5</sup> For the first time in Romanian history, a representative group of Hungarians (the Democratic Alliance of Hungarians in Romania, UDMR) became a member of the government.

However, frictions between the UDMR and its government partners almost led to a collapse of their partnership in 1998 due to the government's refusal to re-establish the former Bolyai University as a public university with teaching in Hungarian.

In the case of Roma, education is a central point in virtually any strategy aimed at improving the status of this marginalized community. The elimination of discrimination and developments in interethnic relations also depend on the emancipation of the community and therefore on education as the main instrument of this transformation. Education is also the first field in which public authorities have discovered specific means of assistance for the marginalized Roma community: affirmative action measures were taken in Romania for the first time in the 1992-1993 academic year, as Roma high school graduates had access to a number of university places which had been specially set aside.

As for the smaller ethno-cultural communities, they are currently facing a natural pressure for (spontaneous) assimilation. Providing education in the mother tongue upon request remains therefore an important factor in the preservation of the identity of small communities, which indirectly benefit from the high standards provided for education in the mother tongue to answer the needs of the over a million and a half large Hungarian community.

#### **4. Legislative framework: between standards and needs**

Romania has a sturdy tradition in the field of education for the national minorities. A reference document in the field is the 1948 Status of Nationalities, which guaranteed education in the mother tongue for the nationalities at all levels. Students had the right to take examinations in the mother tongue, while departments had sections in the minority language. In Article 20, the Status of Nationalities set forth that: "In all types of examination, including the 'capacity' held in public schools or in sections for languages other than Romanian, as well as in the private denominational schools of the respective nationalities, pupils shall take the examination in the language in which the subjects were taught, except where the pupil himself may wish to take the examination in Romanian". Article 22 of the same Status provides that: "Attached to the Faculty of Law and to the Faculty of Letters and Philosophy with the University of Cluj there will be chairs with Hungarian and German as teaching languages, set up according to the needs and with regard to the number of respective students".<sup>6</sup>

The various post-1948 education laws rehearsed the principles of the Status of Nationalities. In a well-known study, Francesco Capotorti<sup>7</sup> cited several additional provisions of the 1968 Romanian Education Law as a positive example of a strategy for ensuring education in the mother tongue. The 1978 Education Law – the last to be passed under the communist regime

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<sup>6</sup> Gabriel Andreescu, Renate Weber, *Developments in the D.A.H.R. Conception of Hungarian Minority Rights*, Center for Human Rights, Bucharest, 1996, p. 32.

<sup>7</sup> Francesco CAPOTORTI, *Étude des droits des personnes appartenant aux minorités ethniques, religieuses et linguistiques*, Doc. E/CN. 4/Sub. 2/1979/384, Publications des Nations Unies, Genève, 1979,

– continued to provide the most important educational rights, including the right to take examinations in the mother tongue: “On entrance examination organized according to the law, candidates belonging to the co-inhabiting nationalities have a right to take the test in their nationality language, in those subjects they have studied in that language.” (Art. 108).

Obviously, the national-communist regime of Nicolae Ceausescu violated the laws in the field of education just as it did in many other fields. Its openly stated purpose was to homogenize the population, so Hungarian education ended up being a target, as it was considered one of the main obstacles before this goal. The communist regime turned Hungarian schools into mixed ones, gradually reduced the percentage of classes taught in Hungarian, sent graduates to work in Romanian areas, and eliminated Hungarian events from the public space of the school. Hungarian education for the Changos was completely done away with. Yet, formally at least, the standards for education remained high.

This last aspect is crucial if we are to understand what happened after 1990. The representatives of the Hungarian minority requested a return to the Hungarian school system before the assimilationist strategies of the Ceausescu regime. At the same time, they used as a reference the formally generous framework provided under the communist regime until 1989. The practical requests – such as the separation of schools – were answered with the escalation of nationalist sentiment in post-1989 Romanian political life. Furthermore, the first legislative change in the field of education, the law of 1995, lowered the existing standards in education. Two types of provisions were responsible for such lowering of standards: (a) provisions which pretended to promote the “interests” of the majority, while actually imposing duties that only affect minorities without any benefits for the former; (b) provisions which *per se* are restrictions imposed upon native-language instruction, although the recognition and exercise of such rights is necessary to national minorities – acknowledged under former legislation –, and which do not harm the majority.<sup>8</sup>

The previous excerpts from the Status of Nationalities and the 1978 Romanian Education Law were provided because they refer to rights withheld under the 1995 Education Law. The protests of the Hungarian community were so vehement and the ensuing crisis so profound that the Ministry of Education postponed the application of the 1995 law. With UDMR’s coming to power in 1996 as a member of the victorious electoral coalition, these provisions were changed so as to answer favourably the demands of the Hungarian community.

The constitution adopted in December 1991 provided a positive framework for minority rights. The right to identity was set forth in a generous formulation:

“(1) The State recognizes and guarantees the right of persons belonging to national minorities, to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity” (Art. 6). The right to education enabled ordinary laws to introduce board provisions: “(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” (Art. 32).

Government Order 22/1997 provided for the members of national minorities the opportunity to have a system of education completely in the mother tongue: “The persons belonging to national minorities have the right to study and receive instruction in their mother tongue at all levels and all forms of education, or, as the case may be, to any type of education there is

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<sup>8</sup> Gabriel Andreescu, Renate Weber, *Op.cit.*, p. 29.



a need for, under this law” (Art. 118). The only unfulfilled demand of the Hungarian community was the right to have public universities in Hungarian; only departments and sections are permitted under the law: “In public university education, sections and groups, colleges and faculties with tuition in the mother tongue may be established, upon request and under this law. In such cases, knowledge of Romanian technical terms must be ensured. Multi-cultural universities may be established upon request under other laws. The law establishing these universities shall regulate the teaching language thereof” (Art. 123 (1)). On the other hand, the law does provide for private universities: “The persons belonging to national minorities have the right to establish and organize their own higher education institutions” (Art. 123 (2)).

In 1998, the representatives of the Hungarian community obtained a government decision establishing a multi-cultural, Hungarian-German higher education institution – the Petöfi-Schiller University. Nevertheless, the university has not been established yet and there seems to be no genuine interest in bringing this project to completion.

Naturally, national minority laws in the field of education do not concern Hungarians alone, but rather every national minority. Educational institutions with teaching in the mother tongue are established upon request, in view of the needs of each particular national minority. Certainly, other minorities do not need such an advanced system of education. It would be unnecessary for Ukrainians, Tatars, Turk, Poles or Armenians to request university tuition in their mother language. Since members of all other minorities will most probably pursue an academic career in Romanian, they are likely to seek high school education in the same language. In spite of a very permissive legislative framework, small minorities do not need to make use of all available opportunities.

Even though the Roma community equals in terms of sheer numbers the Hungarian minority, there are plenty of reasons why the former will not avail itself of all the opportunities offered under existing laws. First, it is not clear up to what level is Romani education desirable. There are voices who argue that, starting with lower secondary education, the interests of Roma children are better safeguarded if they study in Romanian. Naturally, considering the relatively small number of Roma finishing high school and the opportunities offered by Romani, university education in this language seems to be devoid of purpose.<sup>9</sup>

## **5. Separate schools: education for Hungarians**

### **5.1. THE SCOPE OF HUNGARIAN EDUCATION**

As noted, Hungarians in Romania have traditionally enjoyed a separate school system which buttressed their cultural identity and its development. The first Hungarian schools were established on the territory of Transylvania hundreds of years ago. To the community, they are more than simply educational premises. They shape a space of community traditions and values which most Hungarians in this country view as essential. When it tried to forcefully assimilate Hungarians, the communist regime targeted precisely this separate institutional system. Hungarian schools were turned into schools with classes in Romanian and

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<sup>9</sup> Standard Romani differs considerably from the many dialects spoken by the various Roma groups.

Hungarian. Gradually, the importance of Romanian language in these institutions increased, while Hungarian education was pushed in the background. Manifestations of Hungarians' specificity were prohibited in schools.

The central demand of the Hungarian community after the revolution concerned a separate school system. Separation was seen as a precondition for the preservation of cultural specificity and as necessary to the cultivation of those traditions which in turn ensure the persistence of civilising values.

This Hungarians' desire to have their own educational system is specific to Romanian society as a *plural society*. Hungarians want to administer their community life by themselves, without interference from the majority. Although the principle of integration is important in any society, the true significance of this request needs to be fully understood. Interethnic peace presupposes a Hungarian school system separate from that of the majority. But the fact that there are Hungarian pupils studying in mixed schools does not threaten the actual system. But where there is sufficient pressure on the part of the community, this desire should be respected.

Today, the education system in Hungarian language is very broad and covers practically the entire Hungarian population at all levels of education. In the 2002-2003 school year, the number of educational units and sections was 2,384; the number of children and pupils in all types of primary and secondary education was 187,156; the number of teaching staff was 15,537; the number of students was 24,598.<sup>10</sup>

With respect to infrastructure and enrolment, there has been a clear positive development between 1990 and 2004. In spite of a decrease in the number of Hungarian children and young persons which mirrors a similar evolution throughout the entire Hungarian population (by about 10 percent), the number of school units increased. In the 1990-1991 school year, the number of reopened secondary school units with tuition in Hungarian reached 28. While in the 1989-1990 school year the number of schools and sections (kindergartens and schools) with tuition in Hungarian was of 2,145, in 2001-2002 it reached 2,384 (increasing by 9.86 percent).<sup>11</sup>

Developments in higher education have been equally visible. In 1989-1990, there were only a few courses in Hungarian on offer in 3 of the country's 44 higher educational institutions. In the 2001-2002 academic year, programs in Hungarian language at the Babes-Bolyai University, the Medical and Pharmaceutical University of Târgu Mureş, and the Szentgyörgy István Academy of Dramatic Art of Târgu Mureş covered 50 specializations.

In the academic year of 1998-1999, university colleges with Hungarian education programs were established in Gheorgheni, Miercurea Ciuc, Târgu Secuiesc, Sfântu Gheorghe and Satu Mare.<sup>12</sup> Private higher education institutions with teaching in Hungarian were established in 1990 in Oradea (Partium Christian University), and in 2001-2002 in Miercurea Ciuc and Târgu Mureş (Sapientia University).

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<sup>10</sup> Ministry of Public Information, Ministry of Education and Research, *The Present Time in the Education of National Minorities in Romania. Achievements in 2001-2002 school year and perspectives*, Ed. Studium, Bucureşti, 2002, p. 27.

<sup>11</sup> *Idem*, p. 28.

<sup>12</sup> *Ibidem*.

The number of ethnic Hungarian students grew from 7,091 in 1989-1990, to 24,598 in the academic year of 2001-2002. This growth matches that of the number of Romanian students.

Starting with 1995, syllabuses and textbooks for Hungarian education have been renewed as part of a co-operation program between the Romanian Government and the World Bank.<sup>13</sup> Information concerning Hungarian culture and civilization provided in the history textbooks used in Romanian education has improved in the past years, though the presence of the Hungarian community in history books has still to reach the adequate standards.

## **5.2. THE QUESTION OF A HUNGARIAN PUBLIC UNIVERSITY**

Perhaps the only demand in the field of education made by the Hungarian community which is still resisted by Romanian authorities is that of returning to the old status of the Bolyai University. In effect, this would involve the creation of a public university with teaching in Hungarian. The governments in power between 1990 and 2003 believe that Hungarians do not have a right to such an university, since such a right would exceed the international standards in the field. But:

- Romania is under an obligation to act in the spirit of the International Covenant on Civil and Political Rights (ratified by this country in 1974), Art. 27 of which states that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.” States which are a party to the Covenant are under an obligation to take realistic and justified steps to meet the aspirations of their minorities.
- Hungarians in Romania are Europe’s largest national minority. Their desire to have their own institutions of higher education has been expressed in an internal referendum and in UDMR’s programs, which had the votes of practically the entire Hungarian population in Romania. Furthermore, Hungarian higher education in Romania has a long historical tradition. As a consequence, statements which denied the very possibility of a Hungarian public university are made in violation of the spirit of the ICCPR.

## **5.3. CASE STUDY: THE BOLYAI FARCAS HIGH SCHOOL**

An example which illustrates the question of the separation of Hungarian schools and its positive solution is offered by the events in Târgu Mureş in 2002 concerning the mixed Bolyai Farcas high school. Turning this school into an institution with tuition exclusively in Hungarian was an important point in the local co-operation protocol concluded between the PSD and the UDMR. The procedures for transferring children studying in Romanian language were to be carried out during the summer holidays so as not to disturb the instruction process.

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<sup>13</sup> *Ibidem.*

Yet on April 9, 2002, a group of Romanian students protested in the school's courtyard against the separation process. The following day, about 200 of the 425 students in the Romanian program wore in school armbands with the colours of the Romanian flag. The national flag was hung on display in the classroom windows, and doors were painted in red, yellow, and blue. These events generated some commotion among politicians, president Ilescu included. On April 23, the latter spoke in favour the right of students who had chosen to attend the Farkas high school to finish it.

UDMR's position stated that at least some schools are not merely locales for instruction, but essentially cultural centres the spirit of which has to be conserved and perpetuated. The Bolyai Farcas high school was said to belong to this last group. It has its origins in 1556, when the Cluj Diet decided to establish a school in Târgu Mureş. The school was established the following year, was affiliated to the City's Reformed Church, and was later moved to its current premises. One of the institution's greatest personalities, Apáczai Csere János taught there starting with 1662. He was the author of a large encyclopaedia and a disciple of Descartes. In 1718, the Târgu Mureş high school was turned into a higher education institution. In 1804, Bolyai Farkas, father of Bolyai János, a mathematician who revolutionized the domain by creating a variant of non-Euclidian geometry, started to teach there.

The school's buildings were expanded in 1908 and starting with 1924 oral examinations for the baccalaureate were held in Romanian. In 1960-1961, the high school was turned into a bilingual language institution as 11 classes with tuition in Romanian were brought from the Papiu Ilarian high school; 26 classes were still taught in Hungarian. In the meantime, the number of Hungarian classes decreased and in the 1980s the use of Hungarian reached an all time low.

For these reasons, the representatives of the Hungarian community argued, the separation of schools is a process with wider educational and cultural significance. But since political groups proved unable to reach a common solution, the local Pro Europe League issued in a press conference the following statement of principles: (1) the Bolyai Farcas high school is an institution which carries symbolic significance for Hungarians in Romania and which was confiscated by the communist regime; (2) returning it to the Hungarian community is part and parcel of the restitution package; (3) the tensions in Târgu Mureş were masterminded by veteran extremist groups gathered under the protective wing of the PUNR (Party for Romanian National Unity); (4) PSD followed the right path and acted to protect the interests of the larger society; (5) at the same time, a gradual process of change would be preferable, as it would avoid correcting past injustices by present ones; (6) demands made by Romanian students in the Bolyai Farcas high school to finish their studies in the same institution is legitimate; (7) consequently, the process whereby the school is returned to its status as a Hungarian educational institution should be started and guaranteed, but Romanian students should also be enabled to graduate; (8) starting with 2002-2003, the school should only matriculate students in classes with teaching in Hungarian.

The logic behind the solution provided by the Pro Europe League was accepted by the leaders of the PSD and UDMR and the strategy was followed to the detail. As such, the case of the Bolyai Farcas high school constituted an exception which forcefully demonstrated the groundbreaking role of civil society in the resolution of interethnic issues.

## 6. From indifference to affirmative action: education for Roma

### 6.1. THE CONTEXT

The marginal position of the Roma in Romanian society and the magnitude of discrimination directed against this community are aptly synthesized by the following data: in 1997, the poverty rate among the Roma was 79 percent, compared to a national figure of 31 percent;<sup>14</sup> the percentage of illiterate individuals was 44 percent among males and 59 percent among females.<sup>15</sup> As many as 5 percent of Romanian Roma have no birth certificate, while 4 percent lack an ID card.<sup>16</sup> Studies agree on the high level of hostility which Roma commonly face. According to a recent poll conducted in September 2003, 65,9 percent of the total population believes that Roma should not be allowed to travel abroad, while 47,3 percent support setting limits on the community's growth in numbers; 35,8 percent of Romanian believe Roma should live separately from the rest of society.<sup>17</sup>

In the early 1990s, Roma were completely ignored by the various governments of this country. Until after the 1996 elections, when courts decided that persons responsible for the ethnic clashes in Hădăreni should be punished, attacks on Roma communities were carried out with impunity. Roma were a subject for political debate only by virtue of the interest of international bodies (EU, OSCE, Council of Europe). After 1998, Romanian authorities seemed to awaken to the international dimension of the Roma issue. The National Office for Roma was established in 1998, while the „Strategy for the Improvement of the State of Roma” was elaborated starting with the following year. It was adopted only as late as April 2001 through Government Order 430/2001. On July 31, 2002, the government adopted the National Anti-Poverty and Social Inclusion Plan, which acknowledged the social, economic, and educational disparities between various social groups, among which also the Roma, as well as the necessity of making underprivileged groups the subject of governmental affirmative policies.

### 6.2. EDUCATION FOR THE ROMA TODAY

As a rule, Roma children receive instruction in mixed schools and mostly in Romanian. Instruction in the Romani language was provided in 2001-2002 in 102 schools for 12,650 Roma pupils. The teaching staff amounted to 164 full time teachers and another 96 who teach Romani either as primary school teachers or as part time employees.

The chief issues in Roma education are attendance of the mandatory school program, segregated Roma classes, and affirmative action for Roma children.

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<sup>14</sup> Ina Zoon, *La periferia societatii*, Open Society Institute, 2001.

<sup>15</sup> Elena Zamfir, Catalin Zamfir (coord.), *Populatia Roma. Situatia socio-economica si coordonatele unui program de suport (Roma population. Socio-economic situation and co-ordinates of a support program)*, Centrul de Informare si Documentare Economica, Bucuresti, 1993, p. 93

<sup>16</sup> Open Society Institute, Ina Zoon, *op. cit.*

<sup>17</sup> Institutul pentru Politici Publice, *Intoleranta, discriminare, autoritarism in opinia publica*, Bucuresti, 2003, [www.ipp.ro](http://www.ipp.ro).

### 6.3. SEGREGATION IN SCHOOLS

In spite of the policy promoted by the Ministry of Education and Research in the field of education for Roma, there are still separate Roma classes or schools segregated according to ethnic criteria. An urgent problem facing the Ministry of Education and Research is discrimination against Roma children in local educational institutions. The quality of teaching in segregated classes is considerably lower than that of instruction received in mixed classes.

The achievement of Roma children in schools is conditioned by the promotion of an inclusive education. Separating Roma children on ethnic criteria generates an unfavourable state both for Roma children and for the society at large. This is confirmed by statistics indicating that the dropout rate in institutions with Roma children is higher than the rate for the entire system. The largest disparity is recorded in primary schools, where the rate is almost twice as high if all schools with Roma children are considered, and three times as high if only schools in which at least 50 percent of the students are Roma are counted.<sup>18</sup>

According to some researchers, while there is no *de jure* segregation in Romania,<sup>19</sup> there is local *de facto* segregation.<sup>20</sup> *De facto* segregation is the aggregate result of individual or group acts carried out on the basis of ideology or mentalities that result in social separation. At the same time, the main feature of *de facto* segregation is that it does not result from deliberate government policies.

A report on segregation of Roma children in schools was concluded by Romani CRISS for the primary and lower secondary school in Cehei, Salaj county, in March 2003.<sup>21</sup> The report was the subject of a complaint addressed<sup>22</sup> to the National Office for the Fighting of Discrimination (CNCD). Later CNCD decided in Decision 218 of 06.23.2003 that the acts detailed in the report constitute discrimination and the Cehei School received an official warning.

The segregation of children in the Cehei school was the result of the decisions made by the Principal and which received the tacit agreement of the County School Inspectorate. Other cases of segregation were documented by Romani CRISS for 2003 (data available at [www.romanicroiss.org](http://www.romanicroiss.org)). Such acts occur in spite of the Ministry's notification of December 1998, which expressly prohibited ethnic segregation in schools. What the current state of affairs indicates, therefore, is that two processes are of crucial importance in the field of education for Roma: on the one hand, the institutional construction of affirmative measures for the community and, on the other, the part played by local actors in the understanding and

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<sup>18</sup> Ministerul educatiei si Cercetarii, Institutul de Stiinte ale Educatiei, Institutul de Cercetare a Calitatii Vietii, *Participarea la educatie a copiilor romi: probleme, solutii actori*, Bucuresti, 2002, p. 50.

<sup>19</sup> *De jure* segregation is the result or direct consequence of laws/norms issued by the state or a local agency thereof (see Mihai Surdu, *Desegregarea scolilor roma: un exercitiu de policromie*, available at [www.policy.hu](http://www.policy.hu), p. 25).

<sup>20</sup> *Idem*.

<sup>21</sup> For additional details, see the Report by Romani CRISS at [www.romanicroiss.org](http://www.romanicroiss.org), database, CRISS vs. ISJ Salaj.

<sup>22</sup> Romani CRISS filed with the CNCD complaint no. 1704/12.05.03 on the basis of Art.2.1 and 2.2 of Law 48/2002 approving Government Order 137/2000 concerning the prevention and fighting of all forms of discrimination.

implementation of coherent Roma policies elaborated and assumed politically by the central authorities.

#### **6.4. AFFIRMATIVE ACTION IN EDUCATION**

The program of affirmative action for Roma was commenced by the Ministry of National Education in 1992-1993, upon the initiative of the Social Assistance Department at the University of Bucharest, with a number of 10 places set aside for Roma candidates in the Department's social assistance program. Later on, other institutions in Cluj, Iasi or Timisoara adopted similar programs (in 1993-1994). The Ministry's initiatives with respect to education for Roma became more coherent in 1998, when Ministry Order 3577/1998 allocated 149 places for young individuals of Roma origin in 8 university centres. This number later increased to 373 places in 23 higher education institutions in 200-2001, 397 places in 29 universities in 2001-2002, and 422 places allotted in 37 institutions in 2002-2003.<sup>23</sup>

Another goal of affirmative action strategies was to promote open distance learning in higher education institutions for Roma teachers without university studies (with merely a high school diploma), who were to obtain a university degree with double specialization as "teacher – Romani language teacher". The program started in October 2000 and matriculated 159 students in the academic years of 2000-2001, 2001-2002, and 2002-2003.<sup>24</sup> One of the reports on the program noted that some higher education institutions have acknowledged the necessity of affirmative measures for Roma by setting aside their own special places for Roma, independent of the Ministry's decision.<sup>25</sup> This initiative increased the number of places allocated through the orders of the Ministry of National Education by 50 in each of the past two years. The universities' policies implementing affirmative action programs for Roma contributed to the shaping and development of a young Roma elite.

The series of affirmative action measures was extended by the Ministry of Education at the level of high schools and vocational schools. The first steps were taken through Ministry Order 5083 of 11.26.1998 and through later similar orders in 2000-2001 and 2001-2002<sup>26</sup>. The number of Roma students who attended educational institutions (whether pre-school, primary, lower or upper secondary, or vocational) in 2002-2003 was 158,128 in the entire country, amounting to 4.23 percent of the number of students in the Romanian education system. Of them, 15,708 opted in favour of additional Roma curriculum (Romani language and Roma culture and traditions). In 2002-2003, Roma candidates in vocational schools and high schools benefited from 2 subsidized places per specialization per class, irrespective of the institution attended, which resulted in a number of 1,345 young Roma individuals admitted in the 9<sup>th</sup> grade through an affirmative action program.

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<sup>23</sup> Ministry Order 4120 of 06.09.2003, concerning matriculation in public higher education institutions, provided 422 special places to Roma candidates in admission exams in 37 public colleges and universities.

<sup>24</sup> The program started at the initiative of Professor Gheorghe Sarau at the Directorate for Education in Minority Languages (Gheorghe Sarau, *Modelul romanesc. Scurt istoric al initiativelor si al tintelor strategice privind invatamantul pentru romi intreprinse de MECT si de ONG-uri in perioada 1990-2002*, available at [www.edu.ro](http://www.edu.ro)).

<sup>25</sup> Gheorghe Sarau, *op. cit.*, [www.edu.ro](http://www.edu.ro).

<sup>26</sup> Ministry orders 4562 of 09.16.1998, 4542 of 09.18.2000, and 4857 of 11.01.2002; see [www.edu.ro](http://www.edu.ro)

The impact of affirmative policies is reflected in a comparative analysis of statistical data in 1990 and today. Statistics of Roma attendance in 1989-1990 shows that the number of Roma pupils between 6 and 18 who attended school was 109,325 (58,325 boys and 51,000 girls), of which 61,143 spoke Romani.<sup>27</sup> The latest similar statistics available concerns the 2002-2003 school year: of a total of 3,738,175 pupils, 158,128 (4,23 percent) are Roma. The number of Roma children attending school increased by 48,103 in the last 12 years, while the number of Romani-speaking children increased from 61,143 (1990) to 80,293 (2003).<sup>28</sup>

Affirmative action supposes resources: this is one of the reasons which explain the importance of the European Union support for improving the status of Roma.<sup>29</sup> Some of the PHARE projects have as a part of their goal educational measures. The project approved in 2001 “The access at education of the disadvantaged groups, especially Roma” has a budget of 8.330.000 Euro, from which 7.000.000 Euro come through PHARE programme. The objectives of this project are the following: improvement of the quality of education for Roma by measures taken at the pre-school system; opening opportunities for pupils who are not attending the school; editing books dedicated to intercultural education.

## 6.5. EDUCATION IN ROMANI

The study of Romani language is organized within the framework of general educational legislation in Romania and that of education for national minorities.<sup>30</sup> However, there have been initiatives to use Romani in education even before the emergence of specific norms.

Professor Gheorghe Sarau pioneered the trend in 1992-1993 with an elective course in Romani language at the Department of Foreign Languages and Literatures at the University of Bucharest. This initiative provided the basis for the establishment of an Indology chair offering alternating programs in Hindi and Hindi-Romani. A Hindi minor degree was first offered in 1996-1997, and a Hindi-Romani major degree was offered to between 7 and 10 students in the fall of 1997. Also as a part of its affirmative action program, the Ministry of National Education established in 1998 the Romani Language and Literature Section awarding 10 minor degrees to Roma and non-Roma students.<sup>31</sup>

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<sup>27</sup> *Parteneriatul Strategic dintre Ministerul Educatiei, Cercetarii si Tineretului si UNICEF in educatia copiilor romi – Realizari si prespective*, Bucuresti, 2003, p. 72.

<sup>28</sup> *Idem*, p. 73. The data was provided by county school inspectorates between September 2002 and June 2003 2003.

<sup>29</sup> See other European Union support for improving the situation of Roma in Romania: PHARE RO9803.01 for 2000-2002: partnership between local public authorities and Roma communities (900.000 Euro); PHARE RO 0004.02.02 was launched in February 2002: developing civil society with Roma as a special category in need (1.000.000 Euro); PHARE RO 2002/000-586.01.02 was launched in 2003: support for a national strategy on improving the situation of Roma (6.000.000 Euro).

<sup>30</sup> Study in the mother tongue is organized under Education Law 84/1995 and Ministry Order 4646/1998

<sup>31</sup> *Parteneriatul Strategic dintre Ministerul Educatiei, Cercetarii si Tineretului si UNICEF in educatia copiilor romi – Realizari si prespective*, Bucuresti, 2003.



The first three experimental classes were established at secondary level in 1990-1991 in three teachers' schools in Bucharest, Bacău, and Târgu Mureș.<sup>32</sup> Their purpose was to train future Roma instructors. The school curriculum included the study of Romani language and literature (3 classes per week) and teachers' practical activities in the final years of study (the fourth and the fifth) in classes studying Romani language and literature.<sup>33</sup>

## 6.6. CASE STUDY: PRINCIPLES OF EDUCATION IN ROMANI

One important question is whether, considering history and current circumstances, there is a clearly formulated strategy concerning education in the Romani language. In other words, do we have now, in 2004, a clear picture of the path to follow in the field of education for Roma? One of the pioneers of education for Roma, Gheorghe Sarau, synthesized 4 principles for a strategy targeting Roma education:

- An educational system must be ensured in preponderance by teachers promoted and instructed from among the ranks of ethnic Roma.
- Educational programs for Roma must be launched with the prior consultation of the beneficiaries.
- The educational system for Roma must be reconsidered using the contribution demonstrated in schooling projects of Roma and non-Roma NGOs.
- The education of Roma must have at its base the concept of "integration".

Data, good practices and study cases will explain why education is one of the basic instruments for the improvement of the general status of the Roma community.

## 7. Other minorities: issues and developments

Romanian law distinguishes clearly between its 18 national historical minorities and other ethno-cultural groups which have recently entered the country, such as the Somali, Arabs, Kurds, Chinese etc. The entire system of special measures, including opportunities to receive education in or study the mother tongue, is provided for the national minorities only. There are no educational public policies for the other small ethnic groups which reached Romania after 1989. In fact, among them only Kurds demanded schools in which to be able to educate their children in their mother tongue. The Ministry of Education and Research does not provide such education.

The 16 smaller national minorities, which consist of between a few thousands and several tens of thousands of members, benefit from a legislative system that meets very high standards conceived to answer the demands of the much larger Hungarian and Roma communities. It is for this reason that extending education in the mother tongue to small communities was possible depending on the demands made by the latter.

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<sup>32</sup> Upon the initiative of the Inspector for Roma Professor Ioana (Ina) Radu.

<sup>33</sup> Gheorghe Sarau, *Scurt istoric al invatamantului pentru romi*.

For instance, education in Serbian, which has a long tradition, benefits from 33 educational units and sections. A number of 802 children study in pre-school, primary, lower secondary and upper secondary educational institutions.<sup>34</sup> The educational units are established in the southeast part of the country, in the Timiș, Caraș-Severin, Arad, and Mehedinți counties. Serbian is studied as a subject in another 17 Romanian-language schools. The process involves 21 teaching staff and 547 children.

The Slovak minority is concentrated in the counties of Arad, Bihor, Sălaj, and Timiș. Curricula for Slovak language and literature for primary, lower secondary and upper secondary schools are elaborated by ethnic Slovak teachers. There are two types of education for the Slovak minority:

- educational units with tuition in the Slovak language;
- educational units with tuition in Romanian language where native Slovak students study Slavic language as a subject.

The number of kindergartens and schools – including secondary schools – is 22. A staff of 116 teaches 1,241 children. Slovak language is studied as a subject by 89 pupils in 2 schools. Every year, 25 teachers from all educational levels and all specializations have access to professional improvement courses in Slovakia.

Ukrainian children receive instruction in Ukrainian language or tuition in Romanian but study Ukrainian language as the mother tongue. From kindergarten and up to secondary school 663 children are currently studying in Ukrainian under the supervision of 35 teachers in 13 institutions and sections with tuition in Ukrainian. A moment of symbolic significance for the Ukrainian minority was the re-establishment in 1997-1998 of the “Taras Șevcenko” Academic Secondary School in Sighetu Marmației.

Other minorities only use education with partial tuition in their mother tongue. This system, in which minority children study in Romanian but also their mother tongue, involves 49 Croatian children educated by 6 teachers in 1 school; 498 Turkish and Tatar children supervised by a staff of 23 in 3 educational institutions; 40 Armenians scattered in 11 schools and taught by 2 teachers; 511 Bulgarian children in 4 schools with 11 teachers; 160 Greek children in 2 institutions with a staff of 5; and 468 Polish children who study in 10 schools under the supervision of 11 teachers.

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<sup>34</sup> Data for the 2001-2002 schools year (see Ministry of Public Information, Ministry of Education and Research, *The Present Time in the Education of National Minorities in Romania. Achievements in 2001-2002 school year and perspectives*, Ed. Studium, București, 2002)

## **7.1. SPECIAL CASES**

With respect to the issue of education in the mother tongue there are at least three cases which deserve special attention.

### **7.1.1. Changos**

Changos are a catholic community living in the province of Moldova in an exclusively Romanian region. Their Hungarian origin is attested to by their use of a dialect that is close to mediaeval Hungarian. They have been gradually assimilated, so that today Hungarian Changos only live in a few villages.

Some Chango parents have been demanding for years that their children study in schools the Hungarian language one class each week, as provided under Romanian legislation. This right has been denied them even after 1989. The assimilationist pressures of the local and central authorities have been relentless. For years parents were intimidated and NGOs that came to the area to teach Hungarian were harassed. This changed in 2002-2003, when individuals who demanded to study Hungarian were allowed to do so.

### **7.1.2. Tatars**

Of Romania's national minorities, and perhaps except the Changos, Tatars are the only ones who can be said to have suffered a process of (benevolent) denationalization. The very name of their representative association, The Democratic Alliance of Turkish-Muslim Tatars in Romania, refers to the ambiguous identity of "Turkish-Muslim Tatars". Tatar parents demand for their children education in Turkish rather than Tatar (or rather in the Tatar dialect, as some representatives of the community characterize it) so as to provide their children with additional opportunities. The Turkish state sponsors Turkish schools for Tatar children from poor families.

### **7.1.3. Germans**

German education has an old tradition in Romania, dating back from the days when the country was populated by hundreds of thousands of Germans. Today, the community barely numbers 60,000. And yet the system of education in German remains well developed, and benefits additionally from the fact that many Romanian and Hungarian children wish to study in German. This confirms the perception that the prestige of German language and culture has survived the exodus of the German population.

According to recent data, 19,083 pupils study in German in 262 educational units. They are taught by 585 teachers. The number of undergraduates and graduate students studying in German is 2,654. Several university centres either offer major degrees in German language, or offer double specializations (Babeş-Bolyai University and the Technical University in Cluj, the Polytechnic University in Timișoara, the Academy of Economic Studies in Bucharest).

The Protocol of the Ninth Session of the Romanian-German Government Committee for the question of ethnic Germans in Romania and the Sub-Committee of cultural assistance for German minority (March 2002) states: “The German Party considers the Romanian model of education with tuition in German language as a native language, exemplary for East and Central European countries and highly appreciates the support and commitment of the Romanian Government for the Center for Continuous Training in the German Language from Media”.<sup>35</sup>

## 8. Conclusions and critical remarks

In the context of Romania’s ethno-cultural diversity, the national minorities monopolize the interest of the state. Other groups, such as the Kurds, Iraqis, Arabs, Chinese or African refugees who came to Romania after 1990 and who make up communities of hundreds or thousands of individuals do not enjoy the status of a “national minority”. There is no special educational policy for these newcomers.

Because of their historical presence on Romanian territory, traditional minorities are currently enjoying special measures and high standards in the field of education. Nevertheless, among these minorities only a few have a special status from the perspective of educational issues.

One of them is the Hungarian community, which may be described as self-sufficient. Its once dominant position in Transylvania, a province that was incorporated into Romania in 1918, accounts for the existence of a separate system of education and for a highly developed culture to which strong university education is essential. The Hungarian minority has the consciousness of its own identity. To a considerable extent, the Transylvanian cultural environment is engaged in a stronger dialogue with Hungary than with Romania. Educational institutions with longstanding tradition are seen as and, indeed, operate as cultural models. The education provided in these schools amounts to more than the instruction received in class.

All this explains why immediately after 1990 the Hungarian community considered the separation of Hungarian schools to be its most important goal. The schools had been turned into mixed institutions with teaching in Hungarian and Romanian by the communist regime in an obvious attempt at assimilation. During the past 14 years, the reverse process of separation was completed to a considerable extent. Hungarian higher education benefits from private institutions. Another demand made by the political representatives of the community – and especially by the Democratic Alliance of Hungarians in Romania (UDMR) – concerned the re-establishment of the Bolyai university. This objective has not been achieved in spite of the fact that it is supported by the vast majority of Hungarians in this country. It is however equally true that the practical consequences of separating the existing Babes-Bolyai University (UBB) into two independent higher education institutions could be easily contested.

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<sup>35</sup> See Ministry of Public Information, Ministry of Education and Research, *The Present Time in the Education of National Minorities in Romania. Achievements in 2001-2002 school year and perspectives*, Ed. Studium, București, 2002.

The data above shows why the separate operation of the Hungarian system of education should be considered a positive solution in the Romanian context. The standard approach in ethno-culturally diverse societies is to reach the highest level of integration for the various communities. In this sense, integrated or mixed schools may appear to be a desirable solution. Yet in plural societies such as Romania a community as the Hungarians needs a higher degree of privacy.<sup>36</sup> Respect for this need of the community, among others by preserving a separate school system, contributes to interethnic peace. On the contrary, pressures for integration would generate another Romanian-Hungarian crisis.

With respect to education in the Hungarian language, there is little left unrealized at the level of principle at least, and so little left to recommend. Yet some issues have not been sufficiently debated or clarified. The leaders of the Hungarian community should not turn the question of the separation of educational institutions into an absolute principle. A separate system of education could also benefit from integrated, mixed Romanian-Hungarian schools.

This touches directly upon the question of the Babes-Bolyai University. Romanian authorities have a duty to acknowledge, as a matter of principle, the right of the Hungarian minority to have a state university with tuition in Hungarian. To the same extent, however, the Hungarian community should assess more carefully the feasibility of splitting the UBB in two. This would no longer be a welcome development. On the other hand, a larger measure of independence for the Hungarian section within the UBB would be highly desirable.

Another educational issue which directly involves the Hungarian community is the insufficient presence in history, civic education and literature books of references to the part played by Hungarians in Transylvania. The few references are often inaccurate, mostly following in the steps of Romanian nationalism. There have been efforts in the past years to change the contents of these textbooks by giving them a multi-cultural dimension. The process should be continued until it meets the appropriate standards.

The Roma community also occupies a special position in terms of educational policies. Education for Roma experienced positive developments in the past years, among which primarily the system of affirmative action measures at the level of secondary and tertiary education institutions. Affirmative action has already generated a few hundreds of Roma leaders. Their role in empowering the Roma community has been and will be essential.

Roma education now needs policies aimed at increasing the rate of school attendance for Roma children. Providing a meal between classes has proven a useful solution. This suggests that improving education for Roma will eventually involve the committing of considerable financial resources.

Another principle that should be followed is the exclusion of all tendencies to create special classes for Roma. Such tendencies are especially manifest in local communities. Public opinion but most of all teaching staff should be educated to behave decently to Roma children. The National Council for the Fighting of Discrimination should involve itself more directly in sanctioning hostile or insulting behaviour directed at Roma children. The Ministry of Education and research should create special training programs for teachers in Roma schools. It would certainly be useful to introduce the subject of discrimination (and the fighting of discrimination) in civic education textbooks.

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<sup>36</sup> See the argument for a "right to multicultural privacy" in Gabriel Andreescu, "Multiculturalism in Central Europe: Cultural Integration and Group Privacy", *East European Perspectives*, October 2001

The issue of the use of the Romani language in education has been insufficiently explored. It is possible that in this case the interest in having a greater degree of communal unity may conflict with the interests of Roma children. The Ministry of Education and Research should study the matter with the help of child psychologists and experts of pedagogy. The issue should not be decided exclusively by the promoters of ethnic reconstruction for the Roma community.

Public authorities as well as Roma leaders are responsible for an awareness-raising campaign in traditional Roma communities where marriages between children are a frequent practice. Among other undesirable effects of marriages between minors, a particularly disturbing one is the tendency of the members of such couples to drop out.

As for the smaller national minorities, the system of education in the mother tongue or the study of the mother tongue seem to be solid. Which is not to say that all available resources have been capitalized upon. The Ministry of Education and Research should use the expertise of NGOs who organize camps with children from diverse ethnic communities. The children's, parents' and teachers' interest in such activities shows that bringing a multi-cultural spirit into the education system is not merely a goal among others, but rather an answer to a potential in Romanian society that has been insufficiently utilized.

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## 10. APPENDIX

### 10.1. ETHNO-CULTURAL DIVERSITY IN ROMANIA

Total population<sup>37</sup>: 21,698,181

Ethnic groups: Romanians: 19,409,400 (89.5%); Hungarians: 1,434,377 (6.6%); Roma: 535,250 (2.5%); Germans: 60,088 (0.3%); Ukrainians: 61,091 (0.3%); Serbs: 22,518 (0.1%); Turks: 32,596 (0.2%); Tartars: 24,137 (0.1%); Slovaks: 17,199% (0.1%); Jews: 5,870; Russian-Lipovens: 36,397% (0.2%); Bulgarians: 8,092; Czechs: 3,938; Croats: 6,786; Greeks: 6,513; Polish: 3,671; Armenians: 1,780; Slovenians: 175; Ruthens: 262; Carasoveniens: 207; Chinese: 2,249; Albanians: 520; Gagauz: 45; Slavo-Macedonians: 731; Csangos: 1.370

Religious affiliation: Orthodox: 18,806,428 (86.7%); Romano Catholic: 1,028,401 (4.7%); Greek Catholic: 195,481 (0.9%); Reformed: 698,550 (3.2%); Evangelical Augustan: 11,203 (0.1%); Evangelical Lutheran: 26,194 (0.1%); Unitarian: 66,846 (0.3%); Armenian: 775; Old-Rite Christian: 39,485 (0.2%); Baptist: 129,937 (0.6%); Pentecostal: 330,486 (1.5%); Seventh-Day Adventist: 97,041 (0.4%); Gospel Church: 46,029 (0.2); Evangelicals: 18,758 (0.1%); Muslim: 67,566 (0.3%); Other: 87,225% (0.4%); None: 13,834 (0.1%).

### 10.2. GENERAL INFORMATION ON THE EDUCATIONAL SYSTEM FOR NATIONAL MINORITIES

**Table 1: Pre-university educational system in Romania, by languages of tuition, in 2002/2003 school year**

Languages of tuition	Total units and sections <sup>38</sup>	%	Total number of kindergarten children and pupils	%
<b>Total country</b>	<b>24.178</b>	<b>100</b>	<b>3.972.245</b>	<b>100</b>
Total minorities	<b>2.732</b>	<b>11.29</b>	<b>209.842</b>	<b>5.28</b>
Hungarian	2.384	9.86	187.156	4.71
German	262	1.08	19.803	0.49
Ukrainian	13	0.05	663	0.01
Serbian	33	0.13	802	0.02
Slovak	33	0.13	1.241	0.03
Czech	4	0.01	109	-
Croatian	3	0.01	68	-

<sup>37</sup> 2002 Census.

<sup>38</sup> Sections are specific classes (Romanian-Hungarian; Romanian-German a.s.o.) functioning in mixed units.

**Table 2: Teaching staff on educational levels and languages of tuition, in the pre-university education in the languages of national minorities, in 2001/2002 school year<sup>39</sup>**

Language of tuition	Total out of which	Pre-school teachers	Primary school teachers	Secondary school teachers
<b>Total country</b>	<b>272.434</b>	<b>34.631</b>	<b>58.471</b>	<b>179.332</b>
Total minorities	<b>16.351</b>	<b>2.156</b>	<b>3.596</b>	<b>10.559</b>
Hungarian	15.537	2.009	3.415	10.113
German	585	98	105	382
Ukrainian	35	12	10	13
Serbian	66	19	20	27
Slovak	116	14	38	64
Czech	8	2	6	-
Croatian	4	2	2	-

Number of students enrolled in the academic year 2001/2002<sup>40</sup>

**Table 3: Public institutions of higher education<sup>41</sup>**

Total students	424.864	100%
Total minorities	24.859	5.85%
Hungarians	20.792	4.89%
Germans	1.757	0.41%
Other nationalities	2.310	0.54%

**Table 4: Private institutions of higher education**

Total students	146.749	100%
Total minorities	5.184	3.53%
Hungarians	3.806	2.59%
Germans	897	0.61%
Other nationalities	481	0.32%

**Table 5: Total number of students**

Total number of students enrolled	571.613	100%
Total minorities	30.043	5.25%
Hungarians	24.598	4.30%
Germans	2.654	0.46%
Other nationalities	2.791	0.48%

<sup>39</sup> Ministry of Public Information, Ministry of Education and Research, *he Present Times in the Education of National Minorities in Romania. Achievements in 2001-2002 school year and perspectives*, Ed. Studium, București, 2002, p. 146

<sup>40</sup> *Idem*, P. 144

<sup>41</sup> The figures only refer to higher education.

**Table 6: Account on the number of pupils who study in schools providing education in Romanian language and study, by request, their native language (2001/2002 school year**<sup>42</sup>

Native language	No. of units	Total pupils	Out	of	which	Total teaching staff
			Grades I-IV	Grades V-VIII	Grades IX-XIII	
<b>Total</b>	<b>387</b>	<b>30.964</b>	<b>15.000</b>	<b>15.067</b>	<b>897</b>	<b>812</b>
Hungarian	62	2.906	976	1.445	485	240
Ukrainian	73	7.606	3.629	3.902	75	230
Russian (Lippovan)	20	1.817	754	1.044	19	35
Turkish	66	3.393	2.035	1.331	27	64
Polish	10	468	197	222	49	11
Bulgarian	4	511	158	143	210	11
Serbian	17	547	239	308	-	21
Slovak	2	89	2	49	15	6
Czech	5	175	68	107	-	6
Croatian	9	520	220	300	-	10
Greek	2	160	95	65	-	5
Romany	102	12.650	6.528	6.122	-	164
Armenian	11	40	12	11	17	2
German	4	82	64	18	-	7

<sup>42</sup> Ministry of Public Information, Ministry of Education and Research, *he Present Times in the Education of National Minorities in Romania. Achievements in 2001-2002 school year and perspectives*, Ed. Studium, București, 2002, p. 146

## **10.3. THE LEGISLATIVE FRAMEWORK**

### **10.3.1. THE CONSTITUTION OF ROMANIA**

#### **ARTICLE 4 *Unity of the People and Equality Among Citizens***

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

#### **ARTICLE 6 *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 the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens.

#### **ARTICLE 16 *Equality of Rights***

- (1) Citizens are equal before the law and public authorities, without any privilege or discrimination.
- (2) No one is above the law.
- (3) Access to a public office or dignity, civil or military, is granted to persons whose citizenship is only and exclusively Romanian, and whose domicile is in Romania.

#### **ARTICLE 20 *International Human Rights Treaties***

- (1) Constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, with the covenants and other treaties Romania is a party to.
- (2) Where any inconsistencies exist between the covenants and treaties on fundamental human rights Romania is a party to and internal laws, the international regulations shall take precedence.

#### **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 autonomous from 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 tutors have the right to ensure, in accordance with their own convictions, the education of the minor children whose responsibility devolves on them.

#### 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.

#### ARTICLE 32 *Right to Education*

- (1) The right to education is provided for by the compulsory general education, by education in high schools and vocational schools, by higher education, as well as by other forms of instruction and post-graduate courses for refreshing 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.
- (5) Educational establishments, including private institutions shall be set up and conduct their activity according to the provisions of the law.
- (6) The autonomy of the Universities is guaranteed.
- (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.

#### ARTICLE 37 *Right of Association*

- (1) Citizens may freely associate into 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.

- (3) Judges of the Constitutional Court, the Advocates of the People, magistrates, active members of the Armed Forces, policemen and other categories of civil servants, established by an organic law, may not join political parties.
- (4) Secret associations are prohibited.

#### ARTICLE 59 *Election of the Chambers*

- (1) The Chamber of Deputies and the Senate shall be elected by universal, equal, direct, secret and free suffrage, in accordance with the electoral law.
- (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 each, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organisation only.
- (3) The number of Deputies and Senators shall be established by the electoral law, in proportion to the population of Romania.

### **10.3.2. CRIMINAL CODE (excerpts)**

Adopted in 1968, last amendments: 1 October 2001

#### Art.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.

#### Art.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.

#### Art.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.

### **10.3.3. ON PREVENTING AND SANCTIONING ALL FORMS OF DISCRIMINATION**

ORDINANCE ON PREVENTING AND SANCTIONING ALL FORMS OF DISCRIMINATION (as modified and approved by Law 48/2002) (excerpts)

#### **10.3.3.1. CHAPTER 1- Principles and Definition**

##### ARTICLE 1

- (1) In Romania, as a democratic and social state governed by the rule of law, human rights, citizens' rights and freedoms, free development of human personality represent supreme values and shall be guaranteed.
- (2) The principle of equality among citizens, the elimination of all privilege and discrimination shall be guaranteed, in particular with regard to the exercise of following rights:
  - the right to equal treatment before courts and any other jurisdictional bodies;
  - the right to personal security and the right to be granted state protection against violence and mistreatment perpetrated by any individual, group or institution;
  - political rights, namely electoral rights, the right to take part in public life and the right to access to public positions;
  - other civil rights, in particular:
    - the right to freedom of movement and choosing one's residence;
    - the right to leave and return to one's country;
    - economic, social and cultural rights;
    - The right of access to public places and services.

##### ARTICLE 2

- (1) According to the present ordinance, the term "discrimination" shall comprise any difference, exclusion, restriction or preference based on race, nationality, ethnic belonging, language, religion, social status, beliefs, sex or sexual orientation, belonging to a disadvantaged category or any other criterion, aiming to or resulting in a restriction or preventing of the equal recognition, use of exercise of human rights and fundamental freedoms in the political, economic, social and cultural field or in any other fields of public life.
- (2) Any active or passive behaviour that generates effects liable to favour or disadvantage, in a unjustified manner, a person, a group of persons or a community, or that subjects them to a unjust or degrading treatment, in comparison to other persons, groups of persons or communities, shall trigger contraventional liability, unless it falls under the incidence of criminal code.
- (3) Measures taken by public authorities or legal entities under private law in favour of a person, a group of persons or a community, aiming to ensure their



natural development and the effective achievement of their right to equal opportunities as opposed to other persons, groups of persons or communities, as well as positive measures aiming to protect disadvantage groups, shall not be regarded as discrimination under the present ordinance.

- (4) In accordance with the present ordinance, the elimination of all forms of discrimination shall be achieved by means of:
- special measures for the protection of persons in a minority situation, when they do not enjoy equal opportunities;
  - sanctions instituted against the discriminatory behaviour provided under paragraphs (2) and (3) of the present article.

### ARTICLE 3

The provisions of the present ordinance shall be applicable to all public and private natural or legal entities as well as to public institutions with competencies in the following fields:

- employment conditions, criteria and conditions of recruitment, selection and promotion, access to all forms and levels of professional orientation, professional training, and refresher courses;
- social protection and social security;
- public services of other services, access to goods and facilities;
- the educational system;
- freedom of movement;
- enforcement of public peace and order;
- other fields of social life.

### 10.3.3.2. CHAPTER III- Sanctions

#### ARTICLE 16

- (1) The offences provided under articles 5,8,10,11 paragraphs (1), (2), (3), (6), 12,13 paragraph (1), 14 and 15 of the present ordinance shall be sanctioned with a lei 1,000,000 to lei 10,000,000 fine if the perpetrated against a natural entity or with a lei 2,000,000 to lei 20,000,000 fine if perpetrated against a group of persons.
- (2) The sanctions shall also be applicable to legal entities;
- (3) The offences under Chapter II shall be found and sanctioned by the members of the National Council for the Prevention and Sanctioning of Discrimination.

#### ARTICLE 17

- (1) In all cases of discrimination provided by the present ordinance, the persons discriminated against shall be entitled to claim damages, proportionally with the prejudice, as well as to re-establishment of the situation prior to the

discrimination or the annulment of the situation created by discrimination, in accordance with common law.

- (2) the claim for damages shall be exempted from judicial taxes.

**DECISION NO. 589 ON THE ESTABLISHMENT OF THE NATIONAL MINORITIES COUNCIL (excerpts)**

Government of Romania

Published on the National Gazzete no. 365 on July 6, 2002-09-05

ARTICLE 1

The National Minorities Council is established as a consultative organ of the Government, without juridical personality by the Ministry of Public Information. The National Minorities Council is established with a view to ensure the relations with legal established organizations of the citizens belonging to national minorities.

ARTICLE 2

The National Minorities Council is formed of 3 representatives of each of the organizations of the citizens belonging to the national minorities, represented within the Parliament of Romania.

ARTICLE 3

The National Minorities Council, subsequently named the Council, discharges the following functions:

- coordinating and supporting the activity of the organizations of the citizens belonging to the national minorities;
- submitting to the Ministry of Public Information, with a view to being approved, the repartition of the funds allotted in the state budget for supporting the organizations of the citizens belonging to the national minorities;
- making proposals with a view to improve legislative framework in the national minorities domain;
- submitting to the Ministry of Public Information proposals on adopting certain administrative and financial measures with a view to more efficiently solving, in accordance with the law, the issues concerning the National Minorities Council.

ARTICLE 4

- (1)The Council carries out its activity in plenum as well as organized on specialized Committees.
- (2) The Ministry of Public Information provides the secretariat works of the Council.

ARTICLE 5

- (1) The Council shall gather in plenum, in ordinary meeting, quarterly. The Council shall be convoked in an extraordinary meeting whenever necessary, at the well grounded request of at least a third of the number of the Council members. The Request shall be submitted to the Secretary of State for Interethnic Relations within the Ministry of Public Information, which shall convoke the plenum of the Council.

#### ARTICLE 6

- (1) The Minister of Public Information and the Secretary of State for Interethnic Relations usually participate in the meeting of the plenum of the Council

#### ARTICLE 7

- (1) The specialized Committees of the Council are the following:
- the Committee on Legislation;
  - the Committee on Social and Economic-Financial Issues;
  - the Committee on Culture, Denominations and Mass Media;
  - the Committee usually gather once a month.

### DECISION NO 1194 ON THE ORGANIZATION AND FUNCTIONING OF THE NATIONAL COUNCIL ON FIGHTING DISCRIMINATION (excerpts)

Decision no.1194/2001, adopted by the Government of Romania

#### ARTICLE 1

- (1) The National Council o Fighting Discrimination, subsequently named the Council, established with the provisions of the Government's Ordinance no. 137/2000 on Preventing and Punishing all Forms of Discrimination, is organized and functions as specialized organ of central public administration, benefiting from juridical personality, at the Government's orders.
- (2) The Council's purpose is implementation of the equality among citizens, principle stipulated in the Constitution of Romania, in the internal regulations now in force as well as in the international documents concluded by Romania in the position of a party.
- (3) When exercises its functions, the Council independently carries out its activity. Without any restriction or influence coming from other public institutions or authorities.

## ARTICLE 2

- (1) The Council discharges the following functions with a view to fulfilling the tasks stipulated in Art.1:
  - proposing the establishment, in accordance with the law, of certain actions or special measures of protecting the persons and disabled categories that are either situated in a position of inequality when compared to the majority of the citizens because of their social origin or because of a handicap, or are confronted to a rejecting and marginalizing behaviour when not benefiting from equality of chances.
  - proposing specific legal regulations to the Government;
  - assessing the draft legal regulations on exercising the rights and freedoms on equality and non-discriminative terms;
  - cooperating with the public authorities in charge with this domain, with a view to harmonizing domestic legislation with the international norms or non-discrimination;
  - cooperating with public authorities, legal persons and natural persons with a view to preventing, punishing and eliminating all forms of discrimination;

## ARTICLE 3

- (1) The Council is led by the Director College, which is a deliberative organ
- (2) The Directory College is formed of a president and 6 members.

## ARTICLE 4

- (1) The president is appointed and, respectively, dismissed from his/her position, from the Directory College members, proposed for the mentioned position by the Prime Minister's decision, in accordance with Art.5... The president of the Directory College holds the rank of Secretary of State and he/she is remunerated in accordance with Paragraph 1 of the Annex no. III of Law no.154/1998
- (2) The President represents the Council in the relations with other persons.
- (3) The President of the Directory College is the main credit coordinator.

## ARTICLE 5

The Directory College members are appointed and, respectively, dismissed from their positions by the Prime Minister's decision and they are assimilated, from the perspective of their remuneration, to the General Directors within the ministries.

With a vote of appointing the Director College members, The Ministry of Public Information, the Ministry of Labour, the Ministry of Public Administration, the Ministry of Education and Research, the Ministry of Health and Family and the

Ministry of Interior shall submit to the Prime Minister three proposals each, with the observance of the law.

#### **10.3.4. LAW ON EDUCATION<sup>43</sup> (excerpts)**

##### TITLE I - General provisions

##### ARTICLE 8

- (1) Education at all levels is provided in Romanian language. Classes in Romanian are organised and function in each locality.
- (2) The right of persons belonging to national minorities to learn their mother tongue and the right to receive education in their mother tongue are guaranteed, according to the present law.
- (3) The study and learning of the Romanian language in school, as the official language of the State, are compulsory for all Romanian citizens, irrespective of their nationality.
- (4) In both public and private education, the official school documents shall be indicated in Romanian.

##### ARTICLE 9

- (1) The curricula of primary, middle-school, secondary, and vocational education include religion as a school subject. Religion is a compulsory subject in primary school, it is elective in middle school, and optional in secondary and vocational school. The pupil chooses the church and denomination, subject to his parents or legally appointed guardian s consent.
- (2) Such religious denominations as are officially recognised by the State may apply to the Ministry of Education for permission to run specific education programs, only for middle-school or secondary school graduates, as the case may be, to meet their own requirements for training religious servants. They are to make the study programs, which shall be approved by the State Secretariat for Religious Affairs and by the Ministry of Education.

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<sup>43</sup> Law no.84/July 24, 1995 published in „Monitorul Oficial al României” (Official Gazette of Romania) no. 167/July 31, 1995 and republished with modifications in „Monitorul Oficial al României” (Official Gazette of Romania) no. 606/December 10, 1999.

#### ARTICLE 10

- (1) The public education institution and unit network is organised and approved by the Ministry of Education, in respect of population dynamics, and of the present and future requirements for professional training.
- (2) Local authorities and economic agents may establish and finance school units in conformity with the law.
- (3) The Ministry of Education may authorise the establishment of education units and institutions that give tuition in languages of international circulation, subject to the provisions of the present law. In such schools, Romanian Language and Literature, Romanian History, and Geography of Romania shall be taught and examined in Romanian.

#### ARTICLE 12

- (1) The Ministry of Education, in consultation with other institutions and ministries concerned, plans, substantiates, and implements the general education strategy, and sets the objectives of the education system in general, and of each separate level and field of education.
- (2) Education cannot be organised or its contents structured on such exclusive and discriminatory criteria of ideological, political, religious, or ethnic nature. There are not deemed to be structured on exclusive and discriminatory criteria the educational units and institutions established for religious or linguistic reasons, in which the teaching keeps with the options made by the pupil's parents or legal guardians.
- (3) The Ministry of Education, in consultation with those interested in developing specific forms and kinds of education, is in charge of study plans, curricula, and textbooks for pre-university education. As far as higher education is concerned, academic plans and curricula are made in conformity with university autonomy and national standard.

#### **10.3.4.1. CHAPTER XII - Education for persons belonging to national minorities**

#### ARTICLE 118

The persons belonging to national minorities have the right to study and receive instruction in their mother tongue, at all levels and forms of education, according to the present law.

#### ARTICLE 119

- (1) Taking into account local needs, groups, classes, sections, or school teaching in the language of national minorities may be established, upon demand and in conformity with the law.
- (2) Paragraph (1) of this Article shall be implemented without prejudicing the learning of the official language and the teaching in that language.

#### ARTICLE 120

- (1) Romanian Language and Literature are taught in primary schools according to curricula and from textbooks specially conceived for the respective minority. In middle schools and in secondary schools, Romanian Language and Literature curricula and textbooks are the same as for the classes where tuition is offered in Romanian.
- (2) In middle schools and in secondary schools, Romanian History and Geography of Romania are taught in Romanian, on the basis of the same curricula and from the same textbooks as for the classes where tuition is offered in Romanian. Examination in these subjects is taken in Romanian. In primary schools, these subjects are taught in the mother tongue.
- (3) In the curricula and textbooks on Universal History and Romanian History there shall be reflected the history and traditions of the national minorities of Romania.
- (4) In middle-school education, there shall be provided, upon request, as a subject of study, History and Traditions of National Minorities, taught in the mother tongue. The analytical curricula and the textbooks for this subject are approved by the Ministry of Education.

#### ARTICLE 121

Pupils belonging to national minorities that attend schools providing tuition in Romanian shall be guaranteed, upon request and according to the legal provisions, the mother tongue and literature, as well as the history and traditions of the respective national minority, as a subject of study.

#### ARTICLE 122

- (1) In vocational, technical, economic, administrative, agricultural, forestry, mountain-agricultural public education, as well as in post-secondary education, specialist training is provided in Romanian, assuring also, as far as possible, the learning of the specialised terminology in the mother tongue.
- (2) In public university medical education, within the existing sections, specialist training may continue to be provided in the mother tongue, with the mandatory learning of the specialised terminology in Romanian.

#### ARTICLE 123

In public university education, sections and groups with tuition in the mother tongue may be established, upon request and according to the present law, in order to train the necessary staff for reaching and cultural-artistic activities.

ARTICLE 124

In the education at all levels, entrance and graduation examinations are taken in Romanian. Entrance and graduation examinations may be taken in the mother tongue for schools, classes, and specialisation forms in which teaching is provided in the respective mother tongue, in accordance with the present law.

ARTICLE 125

The Ministry of Education provides training and advanced training for teaching staff, in their teaching language, as well as textbooks and other didactic material.

ARTICLE 126

In keeping with professional competence, there is ensured a proportional representation of teaching staff belonging to national minorities in the executive boards of educational units and institutions with classes, sections, and groups providing tuition in the languages of national minorities.

**Comparative study of the parts concerning the education of minorities in the Law on Education No. 84/1995 and the Law on Education adopted in 1999<sup>44</sup>**

Law No. 84/1995	The Law adopted on July 1 <sup>st</sup> , 1999
<p>8.1. Education at all levels is provided in Romanian. Classes in Romanian are organized and function in each locality.</p> <p>8.2. The right of persons belonging to national minorities to learn their mother tongue and the right to receive education in their mother tongue are guaranteed according to this law.</p> <p>8.3. The study and learning of the Romanian language in schools and its knowledge as the official language of the State are compulsory for all Romanian citizens irrespective of their nationality.</p>	<p>8.1. Education at all levels is provided in Romanian. <u>Education in the mother tongue of national minorities, or languages of international use is provided according to this law.</u></p> <p>8.2. Classes in Romanian or, <u>as the case may be, in the mother tongue of minorities</u>, are organized and function in each locality, or education is assured in the mother tongue of minorities in the nearest locality.</p> <p>8.3. The <u>study and learning</u> of the Romanian language in schools as the official language of the State are compulsory for all Romanian citizens irrespective of their nationality. The curricula must include sufficient classes to allow Romanian to be acknowledged.</p> <p>8.4. In both public and private education, official school and university documents named by Ministerial Decree shall be issued in Romanian. <u>Other documents may be issued in the teaching language.</u></p> <p>8.5. Educational units and institutions <u>may translate and issue these documents or other school or university scripts in other languages, at request.</u></p>
9.2. Such religious denominations as are officially	9.2. Such religious denominations as are officially

<sup>44</sup> This was a major change in the field of education which have been demanded for years by the Hungarian community in Romania, and as such, in the field of the Hungarian-Romanian relations.



<p>recognized by the state may apply to the Ministry of Education for permission to run specific education programs, only for lower secondary or secondary school graduates, as the case may be, to meet their own requirements for trained religious servants.</p>	<p>recognized by the state may apply to the Ministry of Education for permission to run specific education programs, (...), to meet their own requirements for trained religious servants and social assistance and missionary workers.</p> <p><b>9.4. Such religious denominations as are officially recognized by the state may establish and organize private educational institutions.</b></p>
<p>118. The persons belonging to national minorities have the right to study and receive instruction in their mother tongue at all levels and all forms of education according to the present law.</p>	<p><b>118. The persons belonging to national minorities have the right to study and receive instruction in their mother tongue at all levels and all forms of education, or, as the case may be, <u>to any type of education there is a need for, according to the present law.</u></b></p>
<p>120.1. (...) In lower secondary schools and in secondary schools, the Romanian language and literature curricula and textbooks are the same as for the classes where tuition is given in Romanian.</p>	<p><b>120.1. (...) In lower secondary schools and in secondary schools, the Romanian language and literature curricula are the same as for the classes where tuition is given in Romanian, but the textbooks are different.</b></p>
<p>122. In the vocational public secondary education, as well as the post-secondary education, specialist training is provided in Romanian, assuring as far as possible, the learning of the technical terminology also in the mother tongue.</p>	<p><b>122. In the vocational public secondary education, as well as the post-secondary education, where -upon request- specialist training is provided in the mother tongue, knowledge of Romanian technical terminology is compulsory.</b></p>
<p>123. In public university education, sections and groups with tuition in the mother tongue may be established, upon request and according to the present law, in order to train the necessary staff for teaching and cultural-artistic activities.</p>	<p><b>123.1. In public university education, sections and groups, colleges and faculties with tuition in the mother tongue may be established, upon request and according to the present law. In this case knowledge of Romanian technical terminology must be assured. <u>Multi-cultural universities</u> may be established upon request, according to a different law. The law establishing these universities shall regulate the teaching language of these universities.</b></p> <p><b>123.2. The persons belonging to national minorities have the right to establish and organize their own higher educational institutions.</b></p>
<p>124. In the education at all levels admission and graduation examinations are taken in Romanian. Admission and graduation examinations may be taken in the mother tongue for schools, classes and specialization forms in which teaching is provided in the respective mother tongue, according to the present law.</p>	<p><b>124. Admission and graduation examinations may be taken in <u>the language the subject was taught</u>, at all levels of education, according to this law.</b></p>

## **10.3.5. LAW ON THE ELECTION TO THE CHAMBER OF DEPUTIES AND THE SENATE<sup>45</sup> (excerpts)**

### **10.3.5.1. CHAPTER I - General provisions**

#### **ARTICLE 4**

- (1) Legally constituted organisation of citizens belonging to a national minority, which in the elections have not obtained at least one Deputy or Senator mandate shall the right, together, according to Article 59, paragraph (2) of the Constitution, to a Deputy mandate, if they have obtained throughout the country at least five per cent of the average number of validly expressed votes throughout the country for the election of one Deputy.
- (2) The organisations of citizens belonging to national minorities participating in the elections shall be, as far as electoral operations are concerned, juridical equivalent to political parties.
- (3) Organisations citizens belonging to national minorities which have participated in the elections on the common list of these organisations shall also benefit by the provisions under paragraph (1); in this case, if no candidate from the common list has been elected, a Deputy mandate shall be assigned for all the organisations which have proposed the list, under the observance of the provisions under paragraph (1).
- (4) The provisions under paragraph (3) shall not apply to an organisation of citizens belonging to a national minority which has participated in the elections on the common list with a party or another political formation, or both on common lists, according to paragraph (3), and on their own separate lists.
- (5) The Deputy mandate assigned, according to paragraph (1) or paragraph (3), shall be, above total numbers of Deputy, which have resulted from the representative quota.

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<sup>45</sup> Law no.68/July 15,1992 published in „Monitorul Oficial al României” (Official Gazette of Romania) no. 164/July 16, 1992.

## 10.4. INTERNATIONAL TREATIES

### **The Treaty on the Understanding, co-operation and Good-neighbourhood between Romania and the Republic of Hungary<sup>47</sup>**

#### ARTICLE 14

The Contracting Parties shall encourage a tolerance and agreement climate, between their citizens who have ethnic origins or different religions, cultures or languages. They condemn any manifestation of xenophobia, hatred, discrimination or racial, ethnic or religious prejudices, and shall take the efficient measures to prevent and such manifestations.

#### ARTICLE 15

- (1)
  - a) The Contracting Parties commit themselves to accomplish the Convention-frame of European Council concerning the national minorities in regulation of the rights and duties belonging to the national minorities, who living on their territory, if in their order of the domestic law there is not a regulation more favourable concerning the rights of the persons belonging to the minorities.
  - b) The Contracting Parties, without bringing any touch of the above paragraph, for the purpose of the protection and promotion of the ethnic, cultural, linguistic and religious identity for the Romanian minority in Hungary and for the Hungarian minority in Romania, shall apply the provisions which define the rights of these persons, as they are incorporated in the pertinent documents of the UN, European Organisation for Co-operation and Security (EOCS), and of the Council of Europe, which are mentioned in the annex to the present treaty, as juridical obligation.
- (2) Therefore, Contracting - Parties reaffirm that persons at the preceding paragraph is referring have the right to be exercised individually or together with other members of their group, to free expression, preservation and development of cultural, linguistic and religious identity. Adequately, they have the right to establish and to mention their own educative, cultural and religious institutions, organisations or associations, who may appeal to voluntary financial contributions and to other contributions as well as to public support, in accordance with the internal law.
- (3) Contracting Parties shall respect the rights of the persons belonging to the Romanian minority in Hungary and of the persons belonging to Hungarian

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<sup>47</sup> Law no.113/October 10, 1996 on the ratification of the Treaty on the understanding, co-operation and good-neighbourhood between Romania and the Republic of Hungary, signed in Timisoara, on September 16, 1996, published in „Monitorul Oficial al României” (Official Gazette of Romania) no. 250/October 16, 1996.

minority in Romania to freely use their mother tongue, in private and in public, oral and in writing. They shall take necessary measures that persons may learn their mother tongue and to have adequately possibilities to be educated in this language within the framework of state education system, to all grades and forms of education, according to their needs. Contracting Parties shall secure the conditions, which will make possible the utilisation as well as of the mother tongue in relations with local administrative and judiciary authorities, according to their internal law as with the international obligations accepted by the two parties. These persons have the right to make use of their name and their first name in the mater tongue and shall enjoy in official recognition. In the area inhabited by a substantial number of persons belonging to the respective minorities, each contracting Parties shall permit to be put out, also in the language of the minority, local traditional denomination, denomination of streets, and others topographical inscriptions destined to public.

- (4) Contracting Parties shall respect the rights of persons belonging to national minorities to have access in mother tongue, to mass information by to electronic and writing means and media in masses, as well as, freely exchange and to diffuse information. They shall give those persons the possibility within domestic legal framework to setting up and to administer proper means of mass communications.
- (5) Contracting Parties shall ensure the exercise by the persons belonging to these minorities of the right to participate effectively, individually, or by their parties or organisations, to the political, economic, social and cultural life and to solving the problems of local and central interest, by their effected representatives in central and local public authorities bodies. Each Contracting Parties, in taking the decisions over the problems concerning the protection and promotion of national identity of their persons, shall consult their organisations, political parties or associations, according to the law concerning the democratic procedures to take these decisions.
- (6) Contracting Parties respect the cultural and historic patrimony of national minorities, support their effort for the protection of the historical monuments and sites which keep the cultural and history of minorities and take adequate measures in order for the citizens to know Romanian cultural values, respectively Hungarian, in areas with inhabitants.
- (7) Contracting Parties shall respect the rights of the persons belonging to these minorities to maintain free contacts between they and abroad frontiers with the citizens of others states, as well as the right to participate to the activities of the governmental, national and international.
- (8) Contracting Parties recognise that in the exercise of the rights to which this article refers, any persons belonging to a minority shall respect, in the same manner as any citizen of the respective state, the national legislation and the rights of others. That persons enjoy the same rights and here the some civic duties as well as others citizens of the country in which they live.
- (9) Contracting Parties, without bringing the touch to measures taken in the frame of their general polities of integration, they shall abstain from any politics or practices having for object the assimilation, against their will, of the persons belonging to the national minorities and shall protect that persons against any action aiming such assimilation. They also shall abstain from the measures which change the proportion of inhabitant in area lived by the persons belonging to the national minorities, are directed against the rights and freedoms

contained in international standards and rules specified in paragraph (1) of this article.

- (10) Contracting Parties shall support each other in pursue the way to put into operations the provisions of this article. With the purpose, as part of periodical consultation specified to the article 5 of the present treaty, Contracting Parties shall also examine matters of mutual co-operation regarding the national minorities, to follow from the application of the present treaty and shall establish up an intergovernmental committee consisting of experts. They shall co-operate in corresponding in carrying on of the procedures of (EOCS) and of the Council of Europe, which verify the fulfilment of commitments concerning the protection of the national minorities, contained in the documents of these organisations, to which the Contracting Parties have subscribed.
- (11) Contracting Parties shall co-operate to develop the international juridical framework for the protection of national minorities. They agree to put into operation, as side of the present treaty, the provision of international documents, by virtue of which they shall agree other commitments concerning the promotion of the right of the persons belonging to the national minorities.
- (12) None of the commitments contained in these article cannot be interpreted as implying any right to undertake any activity or to undertake any actions against the purposes and the principles of UN Charter, others commitments following the international law or provisions of Final Document of Helsinki and of the Charter of Paris for a new Europe of EOCS, including the principles of territorial integrity of the states.

## **The Treaty on good–neighborHOOD and cooperation between Romania and Ukraina<sup>48</sup>**

### ARTICLE 13

- (1) With the purpose of the protection of the ethnic, cultural, linguistic, and religious identity for the Romanian minority in Ukraine and for the Ukrainian minority in Romania, Contracting Parties shall apply the international rules and standards by who are established the rights of the persons belonging to the national minorities and namely these rules and standards which are incorporated in Convention – framework of the Council of Europe concerning the protection of the national minorities as well as in:

The Document of meeting in Copenhagen of the Conference an human dimension of the Organisations for Security and Co-operation in Europe on June 29, 1990, General Assembly Declaration of the UN on the rights of the persons belonging to the national minorities or ethnic, religious and linguistic (Resolution no. 47/135), on December, 18, 1992 and Recommendation no. 1201/1993 of the Parliamentary Assembly of the Council of Europe regarding on additional protocol to the European Convention on Human Rights, concerning the rights of the national minorities, with understanding that Recommendation does not refer to the collective rights and does not compel the

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<sup>48</sup> Law no.129/July 14, 1997 on the ratification of the Treaty on good - neighbourliness and co-operation between Romania and Ukraine, signed in Constanța, on July 2<sup>nd</sup>, 1997, published in „Monitorul Oficial al României” (Official Gazette of Romania) no. 157/July 16, 1997.

Contracting Parties grant to the respective persons the right to a special statute of the territorial autonomy founded on ethnic criterion.

- (2) The Romanian minority in Ukraine include the Ukrainian citizens, without take into account the regions in which they live, and which, according to their free option, belong that minority by virtue their ethnic origin and their language, culture or religion. The Ukrainian minority in Romania include the Romanian citizens, without take into account the regions in which they live, and which, according to their free option, belong that minority by virtue their ethnic origin and their language, culture or religion.
- (3) Contracting Parties commit themselves to take adequate measures, if shall be necessarily, with a view to promotion the full and real equality between the persons belonging to the national minorities and those belonging to majority of inhabitants, in all the economic, social, political and cultural fields. In this respect, they shall take into account according to the concrete conditions in which are the persons belonging to the national minorities.
- (4) Contracting Parties reaffirm that persons at which this article is referring, have especially the rights, to be exercised individually or together with other members of their group, to free expression, preservation and development of their ethnic cultural, linguistic and religious identity, the right to maintain and development their proper culture, protected against any attempt for the assimilation against their will. They have the right to exercise fully and really one's human rights and fundamental freedoms, without any discrimination and in circumstances of fully equality before the law. The persons belonging to these minorities have really the right to participate to public affairs, inclusively, by elected representatives according to the law, as well as to the cultural, social and economic life.
- (5) Contracting Parties shall create the same condition to study their mothers tongue for the persons belonging to Romanian minority in Ukraine and for the persons belonging to Ukrainian minority in Romania. Contracting Parties reaffirm that persons the before-said have the right to be educated in their mother tongue, in a necessary number of the state schools and institution for education and specialisation, placed taking into consideration geographical extent of respective minority. They have, also, the right to utilise the mother tongue in relations with public authority, according to their national legislation and with international commitment of Contracting Parties.
- (6) Contracting Parties recognise that in the exercise of the right of association, the persons belonging to these national minorities can establish and mention within, domestic, legal framework, own organisations, associations as well as cultural, religious and for education institutions or establishments.
- (7) Contracting Parties shall respect the rights of the persons belonging to the national minorities to have access in mother tongue to mass information and to media, as well as freely exchange and to diffuse information. They shall not create the obstacle regarding to setting up and utilisation by these persons within domestic legal framework of each Contracting Party, own means of mass information. The persons to refer to this article have the right to maintain the contacts between them and abroad with the citizens of other states, and to participate to the activities of non-governmental organisations so much at national level, as well as at international level.
- (8) Contracting Parties shall abstain to take the measures which, changing the proportion of inhabitants in areas lived by the persons belonging to the national

minorities, aim at limitation of the rights and freedoms of these person, contained in international standards and rules specified in paragraph (1) of this article.

- (9) Any person belonging to a national minority, who considers that the rights protected by this article have been violated, that person has the right to address a petition to competent state authorities, utilising available legal proceedings.
- (10) Contracting Parties recognise the duties of the persons to which this article refers, to be loyally to the state whose citizenship they are, to observe national legislation, as well as to observe the rights of others persons, especially of the persons belonging of a majority inhabitants or others national minority.
- (11) None of the provisions contained in this article shall not interpreted as limiting or denying human rights, which are recognised in accordance with laws of Contracting Parties or with the agreements concluded between them.
- (12) None of the provisions contained in this article cannot to be interpreted as implying any the rights to undertake any activity or to undertake any actions against the purpose and the principles of the UN Charter, other commitments following the international law or provisions of final Document of Helsinki and of the Charter of Paris for a New Europe of EOSC, including the principles of territorial integrity of the states.
- (13) Contracting Parties, with the purpose to co-operate in pursuing the fulfilment of the commitments according to the provisions of this article, shall establish on intergovernmental joint committee, which shall be assembled more annually.