

# **Shadow Report on the implementation of the Framework Convention for the Protection of National Minorities in Romania**

## **Introduction**

This report has been conceived in order to present the situation of the implementation of the **Framework Convention for the Protection of National Minorities** in Romania and not to contradict the official report of Romania's Government.

The report represents the views of the PRO EUROPA League, one of the first non-governmental organizations in the post communist Romania that organizes programmes based on the promotion of interculturalism, human and minority rights, civic education, and conflict prevention.

In the same time, the consultation of the representatives of the national minorities and independent experts has constituted a priority in the elaboration of the report. For this purpose, we have organized several meetings and debates during 2004 and 2005 in Bucharest and Iași (March 25. 2004, October 8. 2004, December 18. 2004 and February 23. 2005).

The report has been carried out with the support of Minority Rights Group International.

## **The state of ratification of international treaties by Romania**

Romania has ratified several international treaties in the field of minority rights. The treaties that still haven't been ratified and which have special significance are:

- **The European Charter of Minority or Regional Languages;**
- **Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms**

## **The state of implementation of the Framework Convention**

### ***Art. 3.***

The recognition of national minorities is a key element in the implementation of the framework Convention, inasmuch as it defines the subjects to whom it refers. According to this article, *"every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such"*.

### **The present situation:**

In Romania, in the absence of a law on minorities - through political consensus - those communities, which have formed organizations and which - through their participation in the parliamentary elections - have succeeded to obtain a seat in the House of Representatives in compliance with the legal regulations, have been accepted as national minorities. **Law no. 68/1992 regarding the election of the House of Representatives and the Senate** guaranteed the following:

- Free participation in the elections of all the organizations that have defined themselves as belonging to minority communities;

- A seat in the House of Representatives for every minority whose organization obtained "*a number of votes equal to 5% of the average number of valid votes cast in the whole country for the election of a representative*" (art. 4.).

In the case where several organizations of a same minority have taken part in the elections, the seat was given to the organization that has obtained the highest number of votes.

In the parliamentary elections of 2000 there were 36 national minority organizations running, representing 21 communities from which 20 succeeded in being represented (the Hungarian community entered the Parliament obtaining 7% of the votes, more than the parliamentary threshold, the Hutzul community did not enter Parliament, obtaining only 1.225 votes).

The new **Law No. 67/2004 regarding the election of the authorities of local public administrations**, starting from this political consensus, defines minorities in art. 7.1.: "*a national minority is that ethnic group which is represented in the Council of National Minorities*". Minorities have been defined similarly in **Law no. 373/2004 regarding the election of the House of Representatives and of the Senate** (art. 4.1.). The laws regarding the elections have been modified under the pretext of avoiding the abuse of law through the creation of organizations that in fact represent false communities, inexistent in Romania, reasoning that, after the elections of 2000, members of such communities have already become members of the House of Representatives.

The inappropriate definition of national minorities in Romania

- Maintains a momentary situation, accepting the minority community status of those which committed abuse of the law in 2000, but denying this status to other communities which, although existent, have not participated in the elections or have not attained a sufficient number of votes;
- Binds the recognition of a minority to its capacity of member in a consulting body of the Government (**Governmental Decision Nr. 589/2001** defines the Council of National Minorities as a consultant body of the Government).

Consequently, some communities are confronted with the problem of recognition of their status. Among these communities are the Csangos (see **Recommendation no. 1521/2001** of the Parliamentary Assembly of the Council of Europe, **The culture of the Csango minority of Romania**) or the Hutzuls, which - owing to their small number - do not have the possibility of entering the Parliament.

### **Recommendation:**

Elaboration and adoption of a law regarding national minorities that would prescribe, among other criteria, the criteria and recognition procedure of communities as being ethnic minorities is needed.

### **Art. 4. & 6.2.**

Art. 4. guarantees "*the right of equality before the law and of equal protection of the law*", showing that the "*adequate measures in order to promote [...] full and effective equality*" will not be considered as acts of discrimination. Art. 6.2. prescribes that the parties engage themselves "*to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence*".

### **The present situation:**

In order to guarantee equality and to combat discrimination, the National Council for Combating Discrimination was created with the following attributes (in conformity with the **Government's**

**Order no. 137 of August 31. 2000 regarding the prevention and sanctioning of all forms of discrimination**, with the modifications made by the **Law 48. of January 16. 2002 regarding the approval of the Governments' Order no. 137/2000 and the Order no. 77/August 28. 2003** for the modification and the completion of the **Governmental Order nr. 137/2000 regarding the prevention and sanctioning of all forms of discrimination**):

- Investigation and punishment of discriminatory deeds and acts (art. 19);
- Application and control of the observation of the Order's prescriptions (art.19);
- Harmonization of those dispositions of normative or administrative acts that contravene to the principles of non-discrimination (art.19).

Although, art 19 -2 of the Order stipulates that *"in the practice of its attributions, the NCCD runs its activity independently, these activities are not restricted or influenced by other institutions or public authorities"*. In fact, this institution *"is organized and functions as a special body of the central public administration that is a legal entity and is subordinated to the Government"* (**Governmental Decision no. 1194/November 27. 2001., regarding the organization and functioning of the CNCD**). The CNCD was formed of the persons proposed by the Ministry of Public Information, the Ministry of Labour and Social Solidarity, the Ministry of Justice, the Ministry of Health and Family, the Ministry of Public Administration, the Ministry of Education and Research and the Ministry of the Interior; the members of the Board of Directors have been validated (and selected out of three proposals of every ministry) by the Prime Minister and the President of the Board was named by the Prime Minister. The governmental implication is also evident in the fact that in the first two years of its existence, the Government has named three presidents to lead the organization. In the situation where every time the government is changed, the president of the NCCD is changed as well, the function is clearly a political one.

The PRO EUROPA League and other human rights organizations have saluted the formation of the Council, but the latter experiences have shown a series of deficiencies regarding its functioning.

The first official statement of its president, Cristian Jura on racial discrimination (ethnic discrimination) (who later became state secretary in the Department for Interethnic Relations) represented a complete denial of the discrimination phenomenon, considered inexistent in Romania. The same statement was promoted in the interviews accorded to the press in September 2002 as well – just as in his presentation made on the occasion of the round table meeting organized in Bucharest by the European Commission Against Racism and Intolerance in the period of October 15-17 2002.

The solutions regarding the notifications from the domain of racial discrimination show a lack of sensibility of the CNCD towards discrimination of this kind.

On November 27. 2003., a group of students and researchers (participants in the PRO EUROPA League's "Transsylvania Intercultural Academy" educational project) entered a bar in Sibiu, called "Clubul Venetia" . In the group there was a young Roma student, Burcea Ambrus. After he had entered the bar, he was stopped by the guard-personnel of the club and asked to leave the club. The group asked for an explanation, to which the answer was: *"Take your gipsy by the hand and get out"*. The group called the police in order to asses the discrimination and on November 28. 2004, the PRO EUROPA League handed down a notification to the NCCD, together with the declarations of 11 witnesses. The Council had not solved the case (registered with no. 4035/2003) within 6 months (after six months the contravention is prescribed, thus no fine can be given), although the PRO EUROPE League requested this in several documents that were addressed to them. After the expiration of the prescription-term, the NCCD, without ever hearing the witnesses, affirmed that no discrimination was committed in this case; on the contrary, the witnesses have committed a crime by trying to force their way in the bar. The NCCD did not back this statement with proof of any kind. After that the case was presented several times in the press conferences of the PRO EUROPE League, the NCCD made a decision on August 12. 2004, (more than 8 months after the notification and after the prescription of the case). In its Decision no. 239 from August 12. 2004., the NCCD did not take into account the declarations of more than ten witnesses (students and researchers), moreover, these witnesses were not even contacted in the scope of the elucidation of the case. On the other hand, the guard-personnel of the club was asked for written statements. The solution taken in the end was based only on the accused person's declarations. The Police Inspectorate of Sibiu County refused to send the NCCD the written assessment that the agents of the police (called by the group of students to asses the fact that the accession in the bar of their colleague is obstructed) have prepared on the spot. Instead, on July 2, the Police

Inspectorate has written a statement (not the report made up on the spot) in which it is stated that the actions described in the notification are not confirmed.

On February 17. 2004, the PRO EUROPA League sent a notification to the NCCD, showing that, on the occasion of a press-conference, the mayor of Tîrgu Mureş declared: *"I am studying the possibility to evacuate the gypsies from the houses of the central part of Tîrgu Mureş. I believe that a sum of 15 million would be enough for every, criminal, gipsy, and beggar to leave the town"*. The notification was completed with new declarations of the mayor that were published in the national press and that suggested that special rules should be applied against Roma when they are given social houses, because they vandalize them. The notification was based on art. 19. of the **Governmental Order 137/2000** that guarantees the right to dignity. Referring to the first statement, the CNCD has stated that there is no proof regarding its existence. Nevertheless, the journalists that were present at the press conference have affirmed that they were not contacted by the CNCD. Referring to the second statement of the mayor, the CNCD has affirmed that it cannot be considered as discrimination because the beneficiaries of the social houses are not exclusively Roma (the CNCD did not take into account the fact that mayor Dorin Florea used only the word "Roma" and not "beneficiaries of social houses", thus violating the right to one's image). The NCCD has still not made any decision that would solve the first notification. The completion of the notification has had a negative solution. Decision no. 141 from May 19. 2004 of the NCCD stated that no discrimination was found.

On November 13. 2003, the Court of Appeal of Tîrgu Mureş municipality announced a job opportunity in the press for a janitor post, to which the accession criteria was the payment of 500.000 lei (in conditions where the state's financial support for a child was 210.000 lei/month). Considering that the perception of a fee of this kind represents an indirect discrimination against persons belonging to the roma community, who would occupy such a position, but find it impossible to pay the participation tax, the PRO EUROPA League sent a document to the NCCD. Without analysing the basis of the problem (weather the demand of a tax of this kind for a janitor post represents or not an indirect discrimination), the NCCD has closed the file, stating that the legislation (the **Order of the Ministry of Justice no. 2798/2003**) allows the collection of such a tax.

The inefficiency of the NCCD is also evident in its **2004 Activity Report**. In 2004, the CNCD applied 31 sanctions (the institution had a budget of 19.887.003.000 lei - around 500.000 Euros), out of which 11 were for racial discrimination: 6 cases of discrimination against Roma, 3 cases against Romanians (thus, statistically after the Roma, the majority population is the most discriminated), one case each against jews and Hungarians. In ten cases the sanction was a warning, in one case a fine of 6 million lei (around 150 Euros).

The bodies of the penal investigation procedure and the instances do not solve many of the cases of violence that are comitted against Roma.

On May 8. 2002., a Roma woman was hit without any reason by a public guard. The event has happened right in the center of Tîrgu Mureş, at 13 pm. On May 16. 2002, a notification was addressed to the Prosecutor's Office of the Court of Tîrgu-Mureş containing the declarations of three witnesses. The Prosecutor's Office, on July 12. 2002\_has solved the case, deciding not to start the penal procedure (file no. 957/P/2002) reasoning that the facts shown in the notification *"could not be proven"*. The solution was exclusively based on the declaration of the public guard, only some of the witnesses were heard and the accused was not confronted with the witnesses as should have been done according to the Code of penal procedure.

In the events that took place in Hădăreni, on September 20. 1993, there were 3 Romas lynched and 13 Roma families' houses and goods burned. Until today (february 2005) there is still no definitive verdict in the trial filed by the Roma against the perpetrators.

### **Recommendation:**

Instead of the current form of the NCCD, there is a need for a structure that is independent from the government (subordinated to the Parliament, similarly to the institution of the ombudsman), with county branches that guarantee that the notification's solutions operate effectively.

The attitude of judges and prosecutors towards Roma has to be modified through courses that would make them sensitive in issues of racial discrimination.

## **Art.5.**

With the ratification of the **Convention**, Romania committed *"to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage"* and to refrain from *"policies or practices aimed at assimilation"*.

### **The present situation:**

There are no guarantees for the preservation of the cultural patrimony of minority communities.

Sighișoara is the sole inhabited medieval castle of South-Eastern Europe. Its first documentary attestation dates from 1280 (Castrum Sex - the sixth fortified castle). In 1999 it was named world patrimony and has been included on the UNESCO lists.

Through the Governmental Order no. 3/2001, the Government of Romania has approved, without any preliminary consultation of the minority organizations (especially that of the German community) the special tourist development programme of Sighișoara (which was about the construction of a Dracula Park), that would be founded from the Sighișoara Tourist Development Fund S.A. (Information Note: June 2002, Re: Violation article 5, paragraph 1 of FCNM, presented by István Haller & Judit-Andrea Kacsó - Liga Pro Europa).

Under communism, the confiscated cultural patrimony of ethnic and religious communities has reached a condition of degradation. There were funds allocated from the local budget for some of these, but there is differential treatment of the minority communities' patrimonies; the authorities state that minorities should obtain support from the "skin state" for their monuments.

The synagogue of Satu Mare (Hám János street) has been used for several decades as a warehouse for a factory. Although the building has been retroceded, it has reached an advanced state of degradation and the Jewish community from the region does not have the necessary resources for the renovation of the building. The mayor's office considers that there are no funds for the renovation of this building (which is included in the local patrimony). For this reason, the mayor's office is waiting for the further degradation of the synagogue in order to remove it from the list of monuments and to set about its complete demolition.

### **Recommendation:**

There is need for the creation of those structures and legislative mechanisms through which the cultural patrimony of the minority communities can be protected. This patrimony cannot be treated in the future as a "foreign" patrimony.

## **Art. 6.1. & 12.1.**

The provisions of article 6, paragraph 1. stipulate that *"a spirit of tolerance and intercultural dialogue"* has to be encouraged through the promotion of *"mutual respect and understanding and co-operation [...], in particular in the fields of education, culture and the media"*. In the domain of education and research there is a need *"to foster knowledge of the culture, history, language and religion of their national minorities and of the majority"* (art. 12.1).

### **The present situation:**

1. The school curricula on which the coursebooks are elaborated does not prescribe the presentation of minority groups. The problem of discrimination is avoided as well.

The history and traditions of a minority are taught only in the classes with teaching in the respective minority language (classes VI-VII - one hour/week).

On the "Civic culture" subject, taught in classes V-VIII, the school-curricula does not include issues like minorities, minority rights, problems related to discrimination. The curricula of the VIth grade makes mention of discrimination as a principle of the ONU Convention related to children's rights, the curricula of the VIIIth grade refers to the equality of chances but only makes mention of the "problems of poverty and wealth" and does not mention the problem of equality of chances between persons belonging to different ethnic communities.

On the domain of history, the name of the subject is not "History of Romania" but "The History of the Romanians" thus the history of national minorities is excluded from the start. This way, instead of presenting elements of these communities' history, the subject called "History of the Romanians" is based on negative stereotypes against everything that does not belong to the Romanian culture.

School textbooks, pedagogical materials and special work-books, used by students in schools strengthen negative stereotypes about minorities.

Compared to Romanians, who have been living here "for all times", minorities come as nomadic people with an inferior, repulsive culture: "the nomadic populations have found in the Roman Dacia province a population with a superior civilization" ; "uncountable barbarian seeds from the Far East have passed here as waves over a rock of stone. Ostrogoths, Sarmatians, Roxolans, Vizigoths, Avarians, Huns and diverse Asian people left behind sorrow and death"; "the barbarians from the wilderness"<sup>1</sup> ; "the Huns have been nomads that have drawn attention to themselves with the wildness of their lives (...). Deep scars covered their faces, their bodies were deformed from staying on their horses for long times, their food was scanty. They did not feel need for cooked food, they were feeding on the roots of wild plants and half-crude meat that they had previously put on the back of the horses, under the saddles. (...) Their clothes, made out of linen and wild-rat fur, were worn without ever being changed, until they got torn in rags, due to every-day use. (...) They were wandering all over, without ever cultivating the land, without stable places, without laws, without houses, living in wagon-carts. (...) Their greed of gold was immeasurable. Many daco-roman settlements have fallen pray to this greed and to their need for food for themselves and for their horses, the Huns leaving behind themselves pain and death"<sup>2</sup>. In the subject of World History in the chapter about the sedentarization of nomad populations (generally referred to as "barbarians") only the slav populations are presented. Hungarians appear only as the people who have occupied Transylvania. The Romanian history course-books from the VIIIth grade mention the formation of the Hungarian state, the colonization of Szeklers and Saxons. The peasant-revolts, even if they have mainly implied hungarian peasants, are presented as revolts of the hungarians against hungarian nobles (the husit revolt of Bobilna, led by Budai Nagy Antal and the crusade revolt led by Dózsa György<sup>3</sup>). The Gathering of the privileged strata of Transylvania is treated in an ethnic sense, a mentality that is completely foreign to the period: „Created in 1437, during the revolt of Bobilna, the Alliance called Unio Trium Nationum (Union of the Three Nations ) was formed of Hungarians, Saxons and Seklers and had the purpose of mutual support against all those who could have done harm to their political and economic interests (actually against Romanians, the majority population in Transylvania). Practically, with this alliance, the members of the three ethnic communities (their leaders of course) have assured themselves the political monopoly in Transylvania through the exclusion of Romanians”<sup>4</sup>. In general, the medieval history of Transylvania is falsely ethnicized; many phenomenons are not placed in their real historic contexts (for example, the fact that the noble status was dependent on belonging to the catholic church, is presented as an invention of the Hungarian king aimed on the exclusion of the orthodox Romanians from the political life of Transylvania). In the chapter about Modern Age, many of the pedagogical materials do not mention anything about the Holocaust<sup>5</sup>, what is more, Ion Antonescu is presented as a positive personality in Romania's History, a perpetuator of noble ideals: „«Pass the Prut!» Few words, many meanings! They contain all the aspirations for freedom and victory on the enemy, all the hopes of a people to see its land reunited, all the hate against the invaders, all the trust of a leader in the fighting capacity of its army”<sup>6</sup>. Others do mention - very briefly - the negative effects of the antonescian-legionary regime: „the period of the legionary rule has been characterized by anti-semitic (anti-jewish) measures; the limitation and violation of citizens's rights; the use of terror and of political assassinations”<sup>7</sup>.

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<sup>1</sup> Cleopatra Mihăilescu, Tudora Pițilă: *Istorie, suport didactic, clasa a IV-a*; Aramis; 2003.

<sup>2</sup> Maria Ochescu, Sorin Oane: *Istoria românilor, caietul elevului, clasa a IV-a*; Teora; 1998.

<sup>3</sup> The leaders' names are in both cases translated and used in Romanian (Anton cel Mare din Buda and Gheorghe Doja). In the case of the latter, the death sentence is considered a symbol of the Hungarians' cruelty towards Romanians. This symbol would lose its effect if the students found out the historical truth.

<sup>4</sup> Magda Stan, Cristian Vornicu: *Istorie, manual preparator, clasele V-VIII*; Niculescu; 2001.

<sup>5</sup> The term does not appear in the school curricula.

<sup>6</sup> Maria Ochescu, Sorin Oane: *Istoria românilor, caietul elevului, clasa a IV-a*; Teora; 1998.

<sup>7</sup> Magda Stan, Cristian Vornicu: *Istorie, manual preparator, clasele V-VIII*; Niculescu; 2001.

The school curricula, the course books and pedagogical materials do not contain any information regarding Roma, whose presence in Romania makes up 10% of the population of Romania.

The introduction of some optional courses, like „ History of the Jews: the Holocaust” does not change the situation fundamentally, not being part of the common, compulsory curricula and being up to teachers with more liberal views.

The museums, which should reflect the multiculturalism of Romania and educate visitors in this sense, are not preoccupied with the presentation of minority cultures. The studies clearly show this deficiency.

*„In order to avoid eventual conflicts, there were «omitted» critical domains like interethnic and interconfessional relations. These were only briefly presented or avoided for most of the time, or presented without adding the information sources. Social, economic and political relations between the majority and minority population are other subjects that the organizers of museums avoid, except those that refer to the „ oppression of Romanians by Hungarians, Szeklers and Saxons. [...]If the Hungarian, German and Slovakian communities accidentally find places in museums, the same thing is not valid for other communities like the Jewish or the Roma.”<sup>8</sup>*

Some minority communities operate their own museums, which is an important possibility for the promotion of these communities’ culture, but, this way, the problem of the presentation of intercultural relations is not solved.

3. In public domains, on the occasion of anniversaries and official ceremonies, it is only the majority culture that is present - in a crushing proportion.

#### **Recommendation:**

The compulsory part of the school curricula should also include the culture of ethnic communities of Romania, „History of Romania” should be taught instead of the „History of the Romanians”, which should give up the theory of the majority population’s superiority and should promote mutual respect.

The museums, memorial houses, etc, should be restructured and completed in order to be able to present to the public the opportunity to know the culture and history of the minority communities.

#### **Art. 7-9.**

These articles guarantee the exercise in full equality of the right to associate, the right of expression, of thought, of conscience and religion for the persons belonging to a national minority.

#### **The present situation:**

1. Even if there is no law that would give the Orthodox Church a state-religion status, in practice it is in a privileged situation regarding other religions. Beginning with the investment of the president, a series of public institutions offer exclusivity for the Orthodox Church (religious laboratories in schools, churches in penitentiaries, etc).

During communism, through confiscation, minority churches have lost a series of possessions, among them buildings. The Uniate Church (the Greek-Catholic Church) has been abolished, its possessions taken over by the Orthodox Church. The legislation regarding the return of confiscated

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<sup>8</sup> Laura Ardelean: Simbolistica națională în muzeele ardeleni, in *Alterra 19*; Pro Europa; 2002.

possessions offers the possibility for minority communities as well as for minority churches to regain their rights, but this process is extremely slow (for example, the Jewish community has a list of around 1700 buildings solicited<sup>9</sup>, from which only 1% have been returned), there are many obstacles on the part of the local authorities and the courts; at the same time, the legislation excludes the houses of worship (**Order. 94/2000 regarding the return of some buildings that belonged to the religious cults of Romania**, art 1. ). This has a special impact on the Greek-Catholic Church, which in this way cannot regain its confiscated churches and passed into the property of the Romanian Orthodox Church.

On August 13. 2004, the Government of Romania has issued **Order nr. 64/2004 for the completion of art. 3 of the Decree-Law nr. 126/1990 regarding some measures regarding the Romanian Uniate (Greek-Catholic) Church**, that introduces a new alignment (nr.2) at art. 3. with the following content: "*In the case in which the clerical representatives of the two religious cults cannot reach a common accord in the mixed commission, foreseen in paragraph 1, the interested party can take action in court, according to common law.*"

Until the adoption of this order, the principles stipulated in the **Constitution of Romania** and in the **European Convention of Human Rights** regarding the right to property, have not been applied in Romania, in a non-discriminatory manner and in the favor of the Greek-Catholic Church.

2. Some religious communities are confronted with the absence of cemeteries, what sets limits to the practice of one's religion.

In Bucharest, there is no Muslim cemetery; only one of the Turkish Heroes and that is in the property of the Turkish State.

3. There are situations in which authorities intervene in order to put an end to activities of national minority organizations.

On October 2003 the penal procedure has been started against the members of the National Council of Seklers, an organization that has initiated debates and has forwarded a draft law regarding the autonomy of the Sekler Region. The prime prosecutor of Romania has considered that – since, according to the Constitution, Romania is a unitary state – any action that concerns the autonomy of a region is an action against the constitutional order. The harassment of the members of the National Council of the Seklers has also been manifested in the fact that the Police detained them without explaining the reasons of this detainment. Later, the court decided not to start the penal procedure against them, stating that the constitutional order was not threatened. The new **Penal Code of Romania** that will come into force in June 2005 will sanction only the violent actions and consequently will not allow an abusive interpretation of the crime of "*action against the constitutional order*" (the present code sanctions "any action").

4. Although articles 7-9 do not guarantee expressly the right of minority representative associations to participate in the elections, we believe that this problem should be treated as well<sup>10</sup>, because in Romania this right is guaranteed in the **Constitution of Romania** (art. 62.2: "*Those organizations of the citizens belonging to national minorities, that do not obtain the number of votes that would be sufficient to be represented in the Parliament, have each the right to a seat in the House of Representatives in the conditions of the electoral law. The citizens of a national minority can be represented by only one organization.*")

In the exercise of this right, there were no problems until 2000. After the parliamentary elections of last year, there were discussions concerning two minorities (whether they can be represented in the Parliament or not): the Ruthenes (existent in Romania, but considered by the Ukrainian community as Ukrainians also) and the Slavic Macedonians (inexistent on the territory of Romania according to

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<sup>9</sup> Buildings that belonged to the community but weren't places of worship.

<sup>10</sup> See also the presentation of art. 3.



all the national census data). In order to avoid abuse of law, for the elections of 2004, there were modifications brought to the electoral laws, which, without solving the problem, have introduced an unmotivated discrimination, between the communities represented and those not represented in the Parliament and between the represented and not represented organizations.

According to the two electoral laws (**Law nr. 67/2004 and Law nr. 373/2004**)

- the organizations of citizens belonging to national minorities that are currently represented in the Parliament can pose their candidature without any restriction;
- other, legally established organizations of citizens belonging to national minorities can also pose their candidature, but these organizations have to present to the Central Electoral Office a list of members. The number of members cannot be smaller than 15% of the total number of the citizens, who, during the last census, have declared that they belong to the respective minority. Based on this calculus, if the number of members is bigger than 25.000, the list of members must contain at least 25.000 persons living in at least 15 of the country's counties and in Bucharest, but there must be listed no less than 300 persons from all of these counties and from Bucharest.

These limitations resulted in the exclusion from the electoral process of some organizations that have represented the interests of ethnic communities on the local level. At the same time, the competition has also disappeared and a mono-party system was imposed for minorities. The monopolization of the right to represent a community can lead to a division between organizations and the members of the respective community, because the seat in the House of Representatives is in practice offered by the law and not by the electorate.

The Venice Commission has also considered that these regulations of the electoral legislation have to be repealed (**Opinion no. 300/2004**, pt. 34).

After the local elections of 2000, in the local councils, there were elected the representatives of 4 organizations of the Hungarian community, 4 organizations of the Roma community, 3 organizations of the Bulgarian community, and 2 organizations of the Croat community. At the local elections of 2004 only one organization could participate from every community.

5. National minorities get support for publishing their own publications and there are broadcasts in public television and radio. Nevertheless, there is control of these broadcasts on the part of persons who do not belong to the community and who are responsible to see that debates on "sensible" problems are avoided. This way, the majority of the broadcasts in minority languages do not debate about current problems of the communities and have become plain folklore shows.

### **Recommendation:**

The elaboration and adoption of a law regarding national minorities is needed, which would prescribe, among other things, the criteria and the procedure of recognition of these communities as being ethnic minorities, in the same time the modality in which the organizations representing minorities can take part in the elections, without discrimination between them.

There has to be a total separation between state and church and all religious cults must benefit from equal treatment.

The right to property of ethnic and religious communities has to be assured through increasing the speed of the possession restoring procedure.

The broadcasts of public television and radio have to offer space for the presentation of real and current problems of ethnic minorities.

## **Art. 10-11**

According to these articles, the persons belonging to a national minority have the right to *"to use freely and without interference"* their language and the parties *"shall endeavor to ensure [...] the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities"*.

### **The present situation:**

Romania has made considerable steps in the implementation of these regulations through the adoption of the **Law regarding local public administration (Law nr. 215/2001)**, which, at article 90 stipulates:

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

*(2) In the territorial administrative units, in which citizens belonging to a national minority represent more than 20% of the number of inhabitants, in their relations with the authorities of local public administration and their specialized bodies, can address them orally or in writing in their mother tongue as well and they will receive answers both in Romanian and in their mother tongue.*

*(3) In the conditions stipulated at paragraph (2), on the public relations posts there will also be employed persons that know the mother tongue of the citizens belonging to the respective minority.*

*(4) The authorities of the local public administrations will assure the inscriptioning in the mother tongue of the citizens belonging to the respective minority, of the names of localities and the public institutions under their authority, as well as the inscriptioning of announcements of public interest, in the conditions stipulated in paragraph (2).*

*(5) The official documents are obligatorily made up in Romanian."*

However, there still are many discrepancies between the stipulations of the **Framework Convention** and the **Law regarding local public administration** and practice.

Paragraph 3. of art. 11 of the **Framework – Convention** refers to *"display traditional local names, street names and other topographical indications intended for the public"*, paragraph 4 of art. 90 of the **Law regarding local public administration** to the names of localities, public institutions and notices of public interest.

The former **Opinion on Romania**, adopted on April 2001 by the Consulting Committee of the Framework-Convention for the protection of national minorities *"welcomes the fact that the Law on local public administration adopted by the Parliament in early 2001 will authorise, inter alia, bilingual street signs in localities where a minority represents over 20% of the population"*. However, the public authorities of Romania do not consider that the names of streets would be an information of public interest, therefore it refuses their bilingual inscription.

The PRO EUROPE League has addressed several letters to the prefect of Mures County and to the Ministry of Public Administration regarding this issue. In their answers, these institutions have considered that the bilingul inscriptioning of the street-names would mean *"exceeding the legal frame"* (**Notice no 9077 of June 24. 2002 to the Prefect of Mures County** and **Notice no. 3592/RDP/562/Dc of July 18. 2002 of the Ministry of Public Administration**). The instances have also given a negative solution<sup>11</sup> to the request regarding the observation of the **Framework-Convention**, of the **Law regarding local administration** and of the **Decision no. 39/2001 of the Tîrgu-Mureş Local Council** (that has expressly stipulated *"the bilingual inscriptioning of the indicator and orientation-boards for streets"*).

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<sup>11</sup> **Decision nr. 93/R/2003** and **490/R/2003** of the Court of Appeal of Tîrgu Mureş.

In general, in Romania, the legal stipulations regarding the display of information of public interest in the language of national minorities, with the exception of the areas in which these minorities represent the majority of the local population.

**Recommendation:**

In order to avoid an interpretation of the legal stipulations that would be contrary to the **Framework – Convention, the Law regarding local public administration**, should expressly specify at art. 90, paragraph 4. the display of the names and other topographic indicators in the languages of national minorities that represent at least 20% of the number of inhabitants.

**Art. 12. & 14.**

The signatories (parts) of the **Framework-Convention** have committed themselves *"to promote equal opportunities for access to education at all levels"*, and, in the same time, to assure the learning of their mother tongue or the education in their mother tongue.

**The present situation:**

The statistical data show deficiencies in the education of persons belonging to national minorities.

Ethnic community	The population aged 10 and above	The level of the graduated educational institution						Without school	Undeclared
		University	Post highschool, industrial crafts school	Highschool	Professional and assistant school	Secondary school	Primary school		
Total <sup>12</sup>	19.434.788 100,000% 100,000%	1.371.108 100,000% 7,055%	576.376 100,000% 2,966%	4.157.718 100,000% 21,393%	2.965.524 100,000% 15,259%	5.367.630 100,000% 27,619%	3.898.996 100,000% 20,062%	1.083.935 100,000% 5,577%	13.501 100,000% 0,069%
Romanians	17.435.353 89,712% 100,000%	1.280.117 93,364% 7,342%	531.520 92,218% 3,049%	3.812.277 91,692% 21,865%	2.686.823 90,602% 15,410%	4.772.179 88,906% 27,371%	3.467.246 88,927% 19,886%	874.938 80,719% 5,018%	10.253 75,943% 0,059%
Hungarians	1.305.699 6,718% 100,000%	64.176 4,681% 4,915%	37.834 6,564% 2,898%	281.552 6,772% 21,563%	230.909 7,786% 17,685%	413.182 7,698% 31,645%	230.123 5,902% 17,625%	47.260 4,360% 3,620%	663 4,911% 0,051%
Roma	408.842 2,104% 100,000%	684 0,050% 0,167%	426 0,074% 0,104%	9.289 0,223% 1,538%	15.216 0,513% 3,722%	94.739 1,765% 23,173%	146.291 3,752% 35,782%	140.220 12,936% 34,297%	1.977 14,643% 0,484%
Ukrainians	53.136 0,273% 100,000%	1.329 0,097% 2,501%	731 0,127% 1,376%	5.344 0,129% 10,057%	6.435 0,217% 12,110%	22.063 0,411% 41,522%	12.141 0,311% 22,849%	5.051 0,466% 9,506%	42 0,311% 0,079%
Germans	56.189 0,289% 100,000%	5.943 0,433% 10,577%	2.140 0,371% 3,809%	12.405 0,298% 22,077%	8.093 0,273% 14,403%	17.312 0,323% 30,810%	8.723 0,224% 15,524%	1.501 0,138% 2,671%	72 0,533% 0,128%
Lipovene-Russians	33.065 0,170% 100,000%	1.500 0,109% 4,537%	513 0,089% 1,551%	5.040 0,121% 15,243%	4.565 0,154% 13,806%	10.899 0,203% 32,962%	7.707 0,198% 23,309%	2.783 0,257% 8,417%	58 0,430% 0,175%
Turks	26.837 0,138% 100,000%	1.108 0,081% 4,128%	268 0,046% 0,999%	3.567 0,086% 13,291%	1.591 0,054% 5,928%	5.981 0,111% 22,286%	6.309 0,162% 23,509%	7.930 0,732% 29,549%	83 0,615% 0,309%
Tatars	22.156 0,114% 100,000%	1.680 0,123% 7,583%	628 0,109% 2,834%	5.644 0,136% 25,474%	2.827 0,095% 12,760%	5.975 0,111% 26,968%	4.368 0,112% 19,715%	1.027 0,095% 4,635%	7 0,052% 0,032%
Serbs	21.147 0,109% 100,000%	1.839 0,134% 8,696%	564 0,098% 2,667%	4.672 0,112% 22,093%	2.783 0,094% 13,160%	6.562 0,122% 31,030%	3.882 0,100% 18,357%	827 0,076% 3,911%	18 0,133% 0,085%
Slovaks	15.619 0,080% 100,000%	524 0,038% 3,355%	260 0,045% 1,665%	2.279 0,055% 14,591%	1.978 0,067% 12,664%	5.775 0,108% 36,974%	4.032 0,103% 25,815%	769 0,071% 4,923%	2 0,015% 0,013%
Bulgarians	7.547 0,039% 100,000%	697 0,051% 9,235%	264 0,046% 3,498%	1.639 0,039% 21,717%	945 0,032% 12,521%	2.109 0,039% 27,945%	1.617 0,041% 21,426%	268 0,025% 3,551%	8 0,059% 0,106%
Croats	6.195 0,032% 100,000%	147 0,011% 2,373%	54 0,009% 0,872%	533 0,013% 8,604%	799 0,027% 12,897%	2.668 0,050% 43,067%	1.783 0,046% 28,781%	207 0,020% 3,341%	4 0,030% 0,065%
Greeks	6.208 0,032% 100,000%	1.251 0,091% 20,151%	242 0,042% 3,898%	2.573 0,062% 41,447%	489 0,016% 7,877%	822 0,015% 13,241%	690 0,018% 11,115%	132 0,012% 2,126%	9 0,067% 0,145%

<sup>12</sup> Absolute figure, the percentage share of the community per level of education and the percentage share of the education level per community.

Ethnic community	The population aged 10 and above	The level of the graduated educational institution						Without school	Undeclared
		University	Post highschool, industrial crafts school	Highschool	Professional and assistant school	Secondary school	Primary school		
Jews	5.648 0,029% 100,000%	2.429 0,177% 43,006%	224 0,039% 3,966%	1.663 0,040% 29,444%	254 0,009% 4,497%	639 0,012% 11,314%	375 0,010% 6,640%	57 0,005% 1,010%	7 0,052% 0,124%
Chechs	3.629 0,019% 100,000%	139 0,010% 3,830%	68 0,012% 1,874%	487 0,012% 13,420%	395 0,013% 10,885%	1.434 0,027% 39,515%	960 0,025% 26,454%	115 0,011% 3,169%	31 0,230% 0,854%
Poles	3.145 0,016% 100,000%	279 0,020% 8,871%	79 0,014% 2,512%	522 0,013% 16,598%	406 0,014% 12,909%	1.121 0,021% 35,644%	680 0,017% 21,622%	56 0,005% 1,781%	2 0,015% 0,064%
Italians	3.067 0,016% 100,000%	777 0,057% 25,334%	160 0,028% 5,217%	1.152 0,013% 37,561%	218 0,007% 7,108%	472 0,009% 15,390%	218 0,006% 7,108%	33 0,003% 1,076%	37 0,274% 1,206%
Armenians	1.691 0,009% 100,000%	576 0,042% 34,063%	77 0,013% 4,554%	864 0,021% 51,094%	71 0,002% 4,199%	239 0,004% 14,134%	145 0,004% 8,575%	23 0,002% 1,360%	1 0,007% 0,059%
Csangos	1.127 0,006% 100,000%	24 0,002% 2,130%	17 0,003% 1,508%	559 0,013% 49,601%	206 0,007% 18,279%	419 0,008% 37,178%	239 0,006% 21,207%	103 0,010% 9,139%	0 0,000% 0,000%
Others	14.764 0,076% 100,000%	5.293 0,386% 35,851%	278 0,048% 1,883%	119 0,003% 0,806%	410 0,014% 2,777%	2.063 0,038% 13,973%	1.147 0,029% 7,769%	357 0,033% 2,418%	102 0,780% 0,691%
Non declared	1.586 0,008% 100,000%	291 0,021% 18,348%	20 0,003% 1,261%	442 0,011% 27,869%	91 0,003% 5,738%	264 0,005% 16,646%	151 0,004% 9,521%	219 0,020% 13,808%	108 0,800% 6,810%

***The ethnic communities' share in the different levels of education based on the census of March 18.-27. 2002 (population aged 10 and above)<sup>13</sup>***

We can observe that the percentage share of Romanians within the category of university graduates is of 7,34%, that of the Roma only 0,17%, of the Csangos 2,13%, of the Croats 2,37%, of the Ukrainians 2,50%, of the Slovaks 3,35% of the Chechs 3,83%, of the Turks 4,13%, of the Lipovene-Russians 4,54%, of the Hungarians 4,92%. While the share of Romanians without education is 5,02%, the share of Roma is 34,30%, of the Turks 29,55%, of the Csangos 9,14%, of the Ukrainians 9,51%, of the Lipovene-Russians 8,42%.

In minority language education there is a higher number of unqualified personnel.

In Mureş County, out of the 86 unqualified nursery-school teachers, 62 are teaching in the Hungarian section (72,1%), 3 at the German section; from the 71 unqualified teachers 59 (83,1%) are teaching in the Hungarian section, 5 in the German section. Out of the 32 persons that teach the Romani language only 13 are qualified (40,6%).

The lack of qualified teaching personnel and the lack of course books in minority languages result in weaker grades of the students belonging to these communities.

In Mureş County at the final examination of the primary school<sup>14</sup> the average of students of the classes with Hungarian teaching was 7,39, of the classes with German teaching 7,31, compared to the total average of 7,44. At the high school leaving examinations the average grade of students from classes with Hungarian teaching was 7,82 compared to 7,88 - the general average (nevertheless, the average of the students from classes with Hungarian teaching was higher: 7,92). In Satu Mare County, the situation is similar: at the final exams of secondary school, the general average of students was 7,55, the average of the classes with Hungarian teaching was 7,46, the average of the classes with German teaching was 7,85; at the high school leaving exams, the general average was 7,74 compared to 7,60 (the average of the classes with teaching in Hungarian) respectively 7.61 (the average of the classes with German teaching).

The existence of education in minority languages is threatened by financial measures as well, because, most of the time, the number of students in classes with teaching in minority languages is smaller than the number of students of the classes with Romanian teaching.

<sup>13</sup> National Statistical Institute: *The census of the population and of the homes, March 18.-27. 2002, Ethnic and confessional structure.*

<sup>14</sup> At this examination session, out of the four exams that are mandatory for students who study in a language other than Romanian, two are in this language; the subject Romanian Language and Literature (taught at the same level for Hungarian and German students like for Romanian ones) and one of the following optional subjects –History of the Romanians and Geography of Romania.

These deficiencies that exist in the education in minority languages discourages parents who send their children to classes with Romanian teaching.

The way authorities relate towards minorities also influences the parents' decision.

According to the **Law regarding education**, parents need to write a special request if they want their children to be taught in their mother tongues. As a result of the pressure of the School Inspectorate of Bacău County, from fear of reprisals, the parents of Hungarian Csango children have withdrawn these requests. The problem was solved only in 2002, as a result of **Recommendation 1521/2001** of the Parliamentary Assembly of the Council of Europe.

The education for Roma is in a special situation. There are positive measures, there are special places in highschoools and faculties, but the majority of the Roma children already fail primary school. There are several phenomena that lead to failure to register in schools, to abandon or to the flunking the elementary classes: poverty, the low level of education of the parents (the educational system in Romania is still based on learning outside school, with the help of the parents ), the traumas due to discrimination and, not least, some traditions and mentalities existent in Roma communities (the marriage of children, disdain of education).

The percentage of the Roma students is especially high (90% or even higher) in special schools destined for mentally disabled children, which is a result of the discrimination applied to this community.

#### **Recommendation:**

There is a need for the continuation and the enlargement of special measures for the forming of intellectuals, especially of the teaching staff within national minorities. These measures have to be applied without interruption.<sup>15</sup>

At all levels and forms of education where there is education in languages other than Romanian, the course books in these languages have to be assured as well.

The curricula for the preparation of teaching staff (through pedagogical highschoools and faculties with pedagogical profile) has to include the element of the Roma culture, the same way the pedagogical practice also needs to be exercised in schools and classes that have a significant number of Roma students. Only through a good professional training of the teaching staff can we combat the forming of stereotypes and racial attitudes in the educational domain (manifested by some students, parents or teaching staff).

The education in Romania should be based mainly on the formation of the aptitudes and knowledge in schools and not only on the parents' after-school activity. This way, the educational success of students would no longer be determined by the level of the parents' education but by the aptitude of the students.

If the quality of the education in rural and hardly accesible areas would become a priority in the educational reform, this would also have a positive effect on those ehnic communities that are mostly living in such areas (i.e. the Russian-Lipovans).

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<sup>15</sup> At the Mihai Eminescu Pedagogical high school of Tîrgu Mureş, from 1990 until 2004 there were started two half-classes in which Romani language was taught. This measure has disfavoured those young Roma who have finished secondary school in years other than when these classes were started.

## Art. 15.

According to this article *"the Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them"*.

### The present situation:

If we look at the statistical data regarding the participation of persons belonging to an ethnic minority in the cultural, social and economic life, we can observe major deficiencies.

The percentage of persons belonging to national minorities is considerably smaller in "strategic" branches like electric and thermal energy, transports, storage, post and telecommunications, financial activities, real-estate transactions, public administration. The percentage of Roma is very low in well-paid branches<sup>16</sup>. Similarly, in different occupational groups the situation is unbalanced, the minorities being in an unfavorable situation in the domain of "top" (better paid) occupations that need a higher qualification.

Economic Branch	Romanians (%)	Hungarians (%)	Roma (%)	Ukrainians (%)	Germans (%)	Russ.-Lip. (%)
Total population	89,48	6,60	2,47	0,28	0,28	0,17
Total employed population	91,37	6,17	1,12	0,30	0,22	0,14
Agriculture	92,40	3,97	2,17	0,64	0,13	0,16
Silviculture, Forrest – exploitations and Hunting economy	89,99	6,71	0,77	1,86	0,16	0,08
Fishing and fish-breeding	85,68	2,64	0,45	0,82	0,09	9,72
Extraction industry	92,51	6,03	0,31	0,15	0,17	0,07
Processing industry	89,14	9,09	0,75	0,16	0,27	0,09
Electric and thermal energy, Gases and water	93,27	5,46	0,36	0,09	0,21	0,09
Constructions	90,73	6,88	1,11	0,24	0,21	0,33
Commerce, repair and maintainance of automobiles, motorcycles, personal and household goods	89,79	7,39	0,87	0,11	0,25	0,11
Hotels and Restaurants	90,85	7,46	0,37	0,12	0,21	0,11
Transports and depositing	93,47	4,69	0,43	0,18	0,20	0,16
Post and telecommunications	93,30	5,51	0,15	0,14	0,22	0,09
Financial, banking and assurance activities	94,05	4,77	0,04	0,04	0,25	0,09
Real-estate transactions, renting and services (mainly industrial)	94,27	4,21	0,32	0,04	0,32	0,06
Public administration	94,83	3,42	0,93	0,12	0,15	0,12
Education	91,47	6,96	0,13	0,25	0,41	0,11
Healthcare and social assistance	91,90	6,46	0,30	0,15	0,32	0,10
Other activities of collective, social and personal services	87,73	7,63	2,76	0,15	0,42	0,15
Activities of the personnel working in personal farms	92,50	4,16	2,09	0,33	0,16	0,34
<b>Groups of Occupation</b>						
Legislators, members of the executive, leaders of public administrations and of the economic, political and social units	90,50	5,44	0,39	0,12	0,40	0,10
Specialists with intellectual and scientific occupations	94,02	4,53	0,04	0,10	0,39	0,08
Technicians, craftsman and the like	92,50	6,24	0,12	0,13	0,30	0,10
Administrative functionaries	92,82	6,08	0,11	0,11	0,25	0,10
Operative workers in services, commerce and the like	91,06	7,23	0,51	0,14	0,21	0,12
Farmers and qualified workers in agriculture, silviculture and fishing	93,01	3,66	1,84	0,69	0,11	0,18
Craftsmen and qualified workers	89,52	8,57	0,87	0,19	0,24	0,16
Installations and engine operators, car, equipment and goods assemblers	90,49	7,98	0,50	0,18	0,20	0,12
Unqualified workers	86,78	7,01	4,87	0,29	0,21	0,16
Armed forces	90,91	7,34	0,68	0,29	0,16	0,19

### *The occupied population (six ethnic communities) per branches and per occupation groups in 2002<sup>17</sup>*

<sup>16</sup> Even the percentage of Roma working in education (0,13%) is higher than of those working in the financial, banking and assurance activity domains, which shows that besides adequate education, there function other selection criteria as well.

<sup>17</sup> The National Statistic Institute: *The census of the population and of the houses, March 18.-27. 2002, Ethnic and confessional structure.*

The subrepresentation of minorities in the public sector is a general phenomenon.

The percentage of Hungarians among public functionaries in Mureș County is of 20%. The Hungarian community represents 40% of the county's population. At the Mayor's Office in Satu Mare, the percentage of Hungarian functionaries is even lower (10%).

According to unofficial data<sup>18</sup>, in Mureș County, the percentage of public prosecutors of the Hungarian ethnic community is 2%, that of the judges 10%, of the lawyers 25%. In Satu Mare County, these percentages are of 20%, 5% and 15%, respectively.

One of the conditions imposed on the candidates to jobs within the police or the penitentiary is to come from an "organized" domestic environment. Because this notion can be subjectively interpreted, there is a danger of an indirect discrimination against Roma.

There are also other criteria through which indirect discrimination can be applied, like the high taxes for the inscriptions to the competition. For example, the Court of Appeal of Tîrgu Mureș, has announced a competition for a janitor post, to which the participation tax was fixed at 500.000 lei. The financial situation of the Roma does not allow them to be a candidate for this post.

In the educational institutions, even if the education takes place in more languages, in Romanian language sections and in minority-language sections, usually the directors are Romanians, the sub-director post being "reserved" for minority representatives.

Beginning with the school year of 2004-2005, there is not a single Hungarian principle in the secondary schools of Tîrgu Mureș, the last one, from the Secondary school nr. 7, has been changed by the Education Inspectorate of Mureș County on the basis of "reorganization". Later, Ștefan Someșan, general school inspector has declared that the problem of discrimination does not exist, because „, a big boss from the UDMR has been named vice principal<sup>19</sup>).

Unemployment is especially high in Roma communities.

According to the statistical data of 2002, in the Roma community, the proportion between the occupied population and unemployed is 2,5 (in the case of Romanians 7,7; in the case of Hungarians 7,9).

The questionnaires applied in the Roma communities and the interviews made with Roma leaders from Tîrgu-Mureș show that over 90% of the adult Roma population from the town is not employed. Those who are working, are mainly employed in domains where the salaries are small and where other persons would refuse the work-conditions (for example in refuse collection). Some of the Roma have lost their jobs after 1990, others after 2000 (when traditional jobs in the canning factory and in the brick factory disappeared and when the town made a contract for the sanitation of the town with the penitentiary of Tîrgu-Mureș). For example, in the Valea Rece community, the percentage of those who have lost their jobs in the last 15 years, after which they could not find any other occupation, is 65%.

A specific problem is the effective participation of the persons belonging to national minorities in the *"public affairs, especially in those that directly concern them"*.

**The Constitution of Romania and the Law regarding the election of the House of the Representatives and of the Senate** foresee special measures in order to guarantee the parliamentary representation of national minorities. Although the law is favorable, the legal practice shows that the participation is not an effective one, the legislative initiatives of national minorities (others than the Hungarian one, whose parliamentary representation is not a result of this special measure) in general are not taken into consideration.

By 1997, there were elaborated 7 laws regarding national minorities, two by the Council for National Minorities, one by the parliamentary group of national minorities, one by the parliamentary group of the UDMR from the House of the

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<sup>18</sup> The authorities claim that there are no statistical data based on the ethnic belonging of the employees of courts (parchete) or instances.

<sup>19</sup> Adriana Cercei: Directorii maghiari acuză ISJ Mureș de discriminare, România Liberă, October 4. 2004.

Representatives, one by the Democratic Forum of the Germans of Romania. None of these projects have been debated in the Parliament.

The activity (and consequently the efficiency) of the members of the Parliament can be observed in the House of the representatives, where, there is a Parliamentary group of the Minorities.

	Legislative proposals/initiatives			Speeches	Interpellations	Motions
	adopted	rejected	The proportion of adopted/rejected proposals			
PSD	3,4	2,5	1,35	27,6	5,4	0,4
PNL	3,0	6,3	0,48	42,0	23,0	10,8
UDMR	3,3	4,8	0,69	28,0	8,0	0,0
Minorities	0,7	4,4	0,16	11,7	8,1	0,0

***The activity of some parliamentary groups in the House of the Representatives in the 2000-2004 legislature (until July 2004)<sup>20</sup>***

We can observe that, for example, the ratio of adopted and rejected proposals is smaller in the case of the parliamentary group of the minorities than in the case of the National Liberal Party in opposition, what shows that the possibilities of persons that represent minorities in the Parliament to influence the legislative body are very small.

Among the legislative proposals of the minorities' representatives (others than the Hungarian minority) rejected by the Parliament there are proposals regarding local elections (that would have guaranteed the representation of minority communities in the local decisional structures), the education for minorities, the improvement of the social conditions (on the part of the Roma Party).

There are important decisions on the local level, but the organizations of national minorities do not benefit by a special treatment that would guarantee their implication in the decisions that concern them.

**Recommendation:**

Policies have to be elaborated for the application of some special measures that would reduce structural discrimination, guaranteeing the effective participation of the persons belonging to national minorities in the cultural, social and economic life.

In order to involve the representative organizations of national minorities in the solving of public affairs that regard them, viable solutions have to be found, like the application of special measures that would guarantee their presence in the local decisional structures (local councils, county councils).

For a better implication of the national minorities in the legislative process, the approval of the Council for National Minorities is needed regarding those laws that regulate the situation of national minorities.

***Art. 17***

This article guarantees the development and the maintaining of free and peaceful contacts over frontiers.

<sup>20</sup> The figures represent action/representative. PSD – the governing party; PNL – opposition party; UDMR – the representative organization of the Hungarian community, in a partnership relation with the governing party.



**The present situation:**

Currently, according to legal provisions, at the border, the citizens of Romania have to show, among other documents, medical assurance, and round-trip tickets, a sum of 50 Euro for every day of their declared stay, but a minimum of 250 Euro for Turkey and the ex-socialist states; 100 Euro per day, but a minimum of 500 Euro for the states of the European Union and other countries for which visas are not required)<sup>21</sup>.

The lack of these documents or the insufficiency of the money allows Romanian authorities to forbid the exit of Romanian citizens, contrary to the stipulations of art. 2. of the **Protocol No. 4. to the Convention for the Protection of Human Rights and Fundamental Freedoms**, that prescribes: “every person is free to leave any country”.

**Recommendation:**

The law that restricts the right of Romanian citizens to leave the country has to be repealed, leaving it up to the destination countries to demand the documents or the amount of money to present, the Romanian authorities having only the obligation to inform its citizens on the entry-restrictions in different countries.

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<sup>21</sup> According to the web page of the Ministry of Foreign Affairs, [www.mae.ro](http://www.mae.ro).